

Community Consultation Report



Consultation Report

# Habitat

Stage 5

Part Lot 1 & Part Lot 10 DP 271119  
being the 2 Community Title Blocks bounded  
by Wallum Place, Gallagher Street, Easy Street  
and the walkway at the rear of 2-20 Porter  
Street and Penny Lane, Byron Bay  
**PLANNERS NORTH**, February, 2020



## COMPLIANCE AND USAGE STATEMENT

This Consultation Report has been prepared and submitted under Byron Shire Council Development Control Plan Part A Clause A13.4:

### Preparation

Name: Stephen Connelly  
 Company: PLANNERS NORTH  
 Address: 6 Porter Street, Byron Bay, NSW, 2481  
 Postal Address: P.O. Box 538, Lennox Head NSW 2478  
 In respect of: Stage 5 at HABITAT

### Application

Proponent: Bayshore Development Pty Ltd  
 Address: C/- PLANNERS NORTH  
 P.O. Box 538, Lennox Head NSW 2478  
 Land to be developed: Part Lot 1 & Part Lot 10 DP 271119, Byron Bay  
 Proposed development: Stage 5 at HABITAT, entailing a mixed use development with a basement car park and three levels above over 2 Habitat Community Title blocks and part of Penny Lane. The mixed use entails commercial premises, hotel or motel accommodation, serviced apartment, high technology industry, function centre, information and education facility, medical centre, recreation facility (indoor), and food and drink premises. Consent is sought to run the food and drink premises associated with the accommodation as a Licensed Restaurant.  
 Environmental Assessment: Consultation Report

### Statutory Declaration

I, **Stephen John Connelly**, do solemnly and sincerely declare that I have prepared this community consultation report and undertaken the community consultation activities in accordance with the Byron Shire Development Control Plan 2014 Part A, Clause A13.4.

I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1990*.

Declared at: Byron Bay on

17 February 2020

[date]

[signature of declarant]

in the presence of an authorised witness, who states:

I, Mark Goodhead, a Justice of the Peace R/No. 153757 certify the following matters

[name of authorised witness]

[qualification of authorised witness]

concerning the making of this statutory declaration by the person who made it:

1. I saw the face of the person, and
2. I have confirmed the person's identity using an identification document and the document I relied on was a Driver's License.

[signature of authorised witness]

[date]

### Notice

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For abundant disclosure, we advise that superannuation funds associated with the Partnership Principals of PLANNERS NORTH hold property at 6 Porter Street HABITAT, Byron Bay. PLANNERS NORTH declares that it does not have, nor expects to have, a beneficial interest in the subject project. Nor does it have any reportable political donations within the meaning of Section 10.4 of the Act to declare.

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## EXECUTIVE SUMMARY

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PLANNERS NORTH has been engaged by Bayshore Development Pty Ltd to provide Town Planning advice with respect to the preparation and lodgement of a Development Application, Statement of Environmental Effects and Development Control Plan Modification Request with Byron Shire Council in regard to land described as Part Lot 1 & Part Lot 10 DP 271119, Byron Bay.

This Development Application relates to “Stage 5” of the HABITAT development. It entails a mixed use development with a basement car park and three levels above over 2 Habitat Community Title blocks and part of Penny Lane. The mixed use entails commercial premises, hotel or motel accommodation, serviced apartment, high technology industry, function centre, information and education facility, medical centre, recreation facility (indoor), and food and drink premises. Consent is sought to run the food and drink premises associated with the accommodation as a Licensed Restaurant.



*Artist's renders of the development*

Formal consultation within the meaning of Byron Shire Development Control Plan 2014 Part A, Clause A13.4 and Part B, Clause B12 was undertaken with the distribution of flyers to premises within 500m of the subject site on 27<sup>th</sup> January 2020; and the publication of a public notice in the Echo Newspaper and the erection of signs on the site, both which occurred on the 29<sup>th</sup> January 2020. Further, the establishment of a consultation website link was established on the 28<sup>th</sup> January 2020.

The community consultation flyers, public notices and signs on the site and website notified about a community consultation session carried out on the evening of the 7<sup>th</sup> of February 2020. That session was attended by 24 persons. The consultation session and one on one discussions completed by members of the project team have generally been positive and supportive. Suggestions received by way of oral presentation on the evening and feedback form responses have been considered by the project design team. None of the matters raised at the community consultation session have caused the consultant team to recommend to the proponent any material alterations to the concepts published on the website and presented at the community consultation session. The design team will follow up with persons who submitted feedback forms raising issues in relation to the restaurant pool service corridor and the like, with a view to providing a more detailed explanation of these matters to those submitters.

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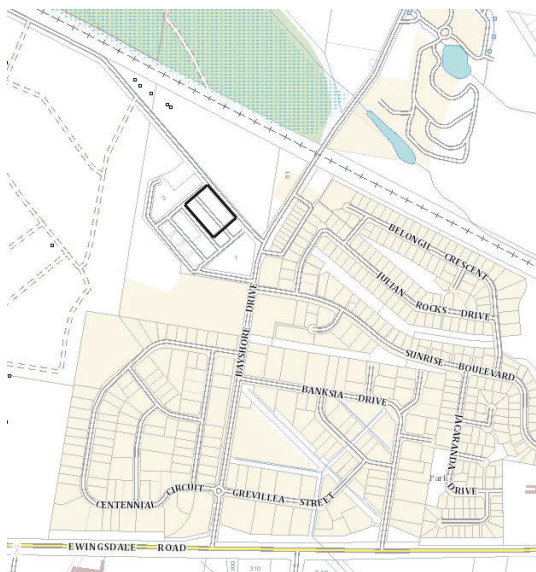
## 1. INTRODUCTION

*This section of the consultation report identifies the nature of client instructions, relevant background information and the structure of the report.*

### 1.1 BACKGROUND

PLANNERS NORTH has been engaged by Bayshore Development Pty Ltd to provide Town Planning advice with respect to the preparation and lodgement of a Development Application, Statement of Environmental Effects and Development Control Plan Modification Request with Byron Shire Council in regard to land described as Part Lot 1 & Part Lot 10 DP 271119, Byron Bay. This Consultation Report supports the Development Application for Stage 5.

The below graphic illustrates a locality plan generally identifying Stage 5.



Site Locality Plan

### 1.2 STRUCTURE OF REPORT AND ITS SCOPE

This report has been prepared to address 2 requirements of Byron DCP 2014. Those requirements are:

- Part A, Clause A13.4 which requires development for a *community significant project* to hold a pre-DA lodgment community consultation; and
- Part B, Clause B12. Because the proposal includes a new restaurant facility, which is proposed to be licensed, Social Impact Assessment (SIA) community consultation must be carried out.

Section 2 of this report sets out the consultation measures utilised for the purposes of the Stage 5 engagement program. Feedback in relation to the community consultation is described in Section 3. That section also includes a summary of the responses that were received. Section 4 provides an overall summary and discussion in relation to the effectiveness and outcome of the pre-consultation program.



Render illustrating view of Stage 5 from Gallagher Street.

### 1.3 FURTHER INFORMATION

Should Council require any additional information, or wish to clarify any matter raised by this Consultation Report, Council is requested to consult with **Steve Connelly**.



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## 2. ENGAGEMENT MEASURES

*This section of the report identifies the Council requirements and the consultation activities undertaken on behalf of the proponent.*

### 2.1 COUNCIL REQUIREMENTS

Pursuant to the provisions of Council's Development Control Plan requirements for pre-lodgement community consultation are as follows:

#### **"A13.4 Community Consultation Prior to Development Application Lodgement"**

*For all developments considered to be **community significant development**, consultation with the community is required prior to the lodgement of the development application. Development applications for **community significant development** must meet the minimum requirements for pre-lodgement community consultation.*

##### **A13.4.1 Minimum Requirements for pre-lodgement community consultation**

*Pre-consultation with communities likely to be affected by **community significant development** will assist with identifying issues of concern and enable the development design to respond at an early stage. Pre-consultation can reduce costs, time and quantities of submissions.*

*Well considered community consultation has the ability to address issues and inform the community with background information to assist in understanding the proposed development. It also allows the community more involvement in the design of development in the Shire.*

*The following Pre-lodgement community consultation must always be carried out as a minimum:*

1. *A facilitated community meeting or workshop.*

*The following advertisements must always be undertaken as a minimum prior to the consultation period, giving at least 10 days notice of the above meeting or workshop:*

1. *Advertisement in a weekly Shire wide newspaper,*
2. *Site notice,*

3. *Letter to any known community groups and/or landowners within 500m of the proposed development,*

4. *Use of social media platform*

*The following must always be included in the above advertisements as a minimum:*

1. *An explanation of the proposed application, noting that it has not yet been lodged with Council,*
2. *Details of where further information can be found,*
3. *Information, including the date and time, on the arranged community meeting or workshop,*
4. *Alternative avenues for feedback to be shared – email, telephone etc.*
5. *Final date feedback will be received and considered.*

*It is the responsibility of the applicant to collect and collate the submissions and/or feedback received.*

##### **A13.4.2 Minimum Documentation Required upon Lodging the Development Application**

*In addition to requirements of a development application as per A13 of the Byron DCP 2014, the following documents are required where a development requires pre-lodgement consultation with the community. A development application for **community significant development** that is lodged without the following information will be deemed as incomplete and therefore unlikely to be accepted.*

*The developer must submit a report to Council as part of the development application at the time of lodgement.*

*At a minimum, submitted information must include:*

- *a statutory declaration that consultation was undertaken in accordance with this DCP*

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- *accurate details of the nature and extent of the consultation*
- *copies of what the community was shown during the consultation process*
- *copies of all submissions and/or written feedback received*
- *a summary of how the community responded to the proposal and the main comments received*
- *an outline on how the submitted application has responded to the community's concerns with meaningful changes highlighted. If the application being submitted is substantially different to what the community was shown during the consultation period detailed reasons are to be given for how and why the proposal is different. Where there are significant changes that do not respond to community feedback, further pre-consultation may be required.*

*This report will be made publicly available through the statutory notification period for the development application.*

#### **A13.4.3 Timing of Pre-lodgement community consultation**

*It is recommended that community consultation is designed, prepared for and executed as early as possible. This is to allow the community enough time to genuinely engage and provide feedback and to ensure that the development application can have time to respond and potentially adapt prior to lodgement.*

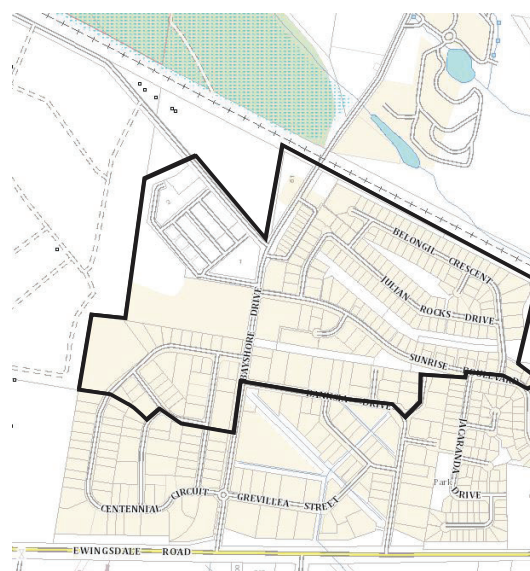
*The developer must ensure that the community has adequate time to consider and comment on a proposal depending on its complexity and the issues involved.*

*The period between 20 December and 10 January (inclusive) is excluded from the calculation of a period of public exhibition as per schedule 1 of the Environmental Planning and Assessment Act 1979 (The Act).*

*Development applications advertised during periods of public holiday will have their exhibition period extended by a minimum of the holiday period."*

## **2.1 LETTERBOX DROP**

A letterbox drop to premises within a 500m radius of the HABITAT Stage 5 site was undertaken on 27 January 2020. The graphic below illustrates the extent of the letterbox drop undertaken.



*Extent of Community Consultation letterbox drop.*

**Appendix A** contains a copy of the letterbox flyer utilised.

## **2.2 HABITAT CONTACT**

In addition to the general letterbox drop, the proponent requested that the HABITAT Marketing Manager notify all owners within the HABITAT Community Title Scheme in relation to the consultation program. That notice was also sent to tenants and the businesses / managers in Habitat generally. This communication used the same flyer that was utilised for the letterbox drop.

## **2.3 PUBLIC NOTICE**

The public notice indicating the consultation program was published on Page 5 of the Echo newspaper on the 29<sup>th</sup> January 2020. Below is a graphic illustrating that notice.

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**PUBLIC NOTICE**  
**HABITAT STAGE 5**  
**COMMUNITY CONSULTATION SESSION**

Bayshore Development Pty Ltd will shortly submit to Byron Shire Council a Development Application for the last stage of Habitat – Stage 5 at 1 Porter Street, Byron Bay NSW 2481. To ensure people in the neighbourhood have a full understanding of the proposal before it's lodged with Council a Community Consultation Session is being conducted.

Stage 5 relates to a Mixed Use development, with a basement carpark and three levels above, over two Habitat Community Title blocks and part of Penny Lane. The proposal entails:

- Retail premises and businesses including retail premises designed to retail locally but market internationally
- A special function centre for projects requiring specialised photography, audio and multimedia activities including science and technology-related equipment plus a facility capable of use to launch products or conduct TED-type conference sessions
- Serviced apartments and hotel accommodation with Licensed Restaurant to service the needs of the hotel accommodation, but also available to the general public.
- Wellness Centre (co-working for allied health and wellness practitioners)
- Networking spaces, shared meeting rooms and the like
- Studio Space (yoga pilates and the like, with evening classes focussed on health and wellness)
- A bicycle shop

At the Community Consultation Session, the proposal will be explained in detail. The Community Consultation Session will take place between 5.30pm and 7pm on Friday 7th February 2020 at The Large Meeting Room in HABITAT Building T2. Personnel associated with the preparation of the application will be on hand to answer any questions and hear any concerns. To ensure we have satisfactorily catered for those wishing to attend, please confirm your attendance to this event via [www.eventbrite.com.au/e/community-consultation-session-habitat-stage-5-tickets-90904001315](http://www.eventbrite.com.au/e/community-consultation-session-habitat-stage-5-tickets-90904001315)

You may review some of the proposed plans on the website - [www.habitatbyronbay.com.au/community-consultation](http://www.habitatbyronbay.com.au/community-consultation). We need to receive any comments or suggestions you have no later than 5pm on 12th February.

Authorised by: Steve Connelly, Partnership Principal, PLANNERS NORTH

[www.echo.net.au/byron-echo](http://www.echo.net.au/byron-echo) Byron Shire Echo archives

Extract from Page 5 of the Echo newspaper of the 29th January 2020

## 2.4 WEBSITE

A dedicated section of the Habitat website was provided for community consultation. At **Appendix B**, I have included a copy of the material and plans published on the website.

## 2.5 PERSONAL CONTACT

In the months leading up to the formal community consultation, project team members, particularly the Project Manager (Abel East) and project architect (Fraser Williams-Martin) met with a range of people including representatives from the various strata plans in the Habitat development, as well as people in the Habitat community generally as well as in the wider Byron Shire locality. Following are a selection of testimonials provided to the project architect.



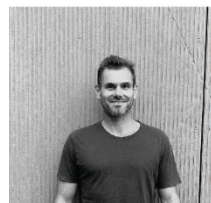
"We're most excited about the hotel and accommodation element of Stage 5, because it'll help stop Air BnB destroying the whole town."

James Galloway  
Resident - Owner  
Business - Parkes Av Dispensary



"I like the work that Fraser and DFJ Architects do. It's always very considered. I especially like how their thinking has evolved over time for Stage 5. I think the proposed uses are all great and I'm looking forward to the people and businesses it'll attract."

Nathan Pollock  
Resident - Owner  
Business - Katapult



"Habitat has already established something genuine and distinctly Byron, with so many businesses, large and small, calling the place home, alongside residents. What excites me about Stage 5 is the expansion of this and the continued growth in the arts and industry estate in a sustainable fashion."

Duncan Band  
Resident - Owner  
Business - KOHO / Collective



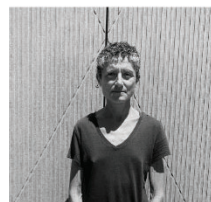
"I see Stage 5 as fostering more connection for the local business community. A lot of people in Byron work from home or work alone out of a shared space. Working without a team around them in a regional area creates isolation. That's a real problem. Through the conference space and events, I see Stage 5 helping to solve this."

Katie Graham  
Resident - Tenant  
Business - Brand Growth Consultant



"It might sound boring, but the carpark in Stage 5 is a bonus for us. Our customers really value the existing carpark at Habitat, because it's so convenient and safe compared to the rest of the industrial estate. Outside of Habitat, I think Stage 5 will benefit every business in the industrial estate, because of the people it will attract and because it'll offer facilities for brands to run events and provide a place for customers to stay. We think it's a fantastic concept."

Dan Wyllie  
Tenant - Owner/Manager  
Business - Barrio

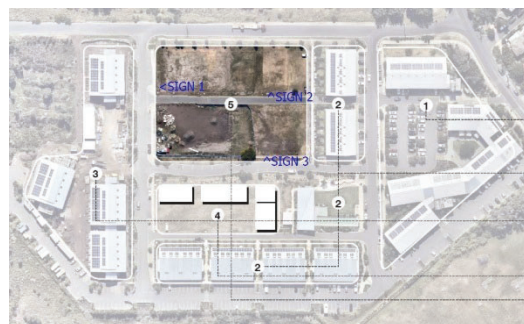


"I see Stage 5 is an extension of Habitat's original vision, but also a practical response to the growing creative community it has fostered. Over the couple of years it's been in existence, Habitat has become a by-word in Byron for a cutting-edge live-work environment that takes the best of urban culture and work habits and successfully transfers them to Byron's eco-focused lifestyle and concerns."

Alex Mango  
Resident - Owner

## 2.6 SITE SIGNAGE

Three signs were erected on the land on the 29<sup>th</sup> January 2020. The graphic below illustrates the location of the sign and photographs of each of the three signs are set out below.



Graphic illustrating locations of the three signs erected on the site.



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*Photograph of sign 1*



*Photograph of sign 2*



*Photograph of sign 3*

## 2.7 COMMUNITY CONSULTATION SESSIONS

The community consultation session took place between 5:30 and 7:00pm on Friday the 7<sup>th</sup> of February 2020 in the large meeting room at Habitat Building T2. The flyer, newspaper public notice and notification to owners and operators within Habitat required people to register for the event via the Event Brite website ([www.eventbrite.com.au](http://www.eventbrite.com.au)).

A total of 24 persons registered for the event. The writer acted as MC for the event and the project architect and Mr. Fraser Williams-Martin provided a presentation to those in attendance. The extracts from that presentation are attached as **Appendix C** to this report.

After the presentation was concluded, a question and answer session ensued. The participants conducted themselves in an exemplary manner. An open and affable dialogue took place between representatives of the proponent and between various of those attending took place. The session closed at about 7:00pm.

Those in attendance were encouraged to make a written submission if they thought it desirable. Copies of those submissions received are set out at **Appendix D**.

At Section 3 we have provided observations in relation to each of the issues raised.



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### 3. FEEDBACK

*This section of the report describes feedback received in relation to the community consultation.*

#### 3.1 PERSONAL CONTACT

Personal contact feedback received during the pre-formal consultation activity has been positive and encouraging. That feedback has assisted in the refinement of the scheme to ensure positive outcomes from the Development Application.

The letterbox drop flyer particularly encouraged personal contact in the event that people who were not able to attend the community consultation session.

#### 3.2 IMMEDIATE AND ADJOINING NEIGHBOURS

Of those attending the community consultation, I estimate that about 90% were from Habitat or the immediate vicinity of Habitat. Those in attendance provided generally positive responses to the proposals laid out on the evening.

#### 3.3 OTHER IDENTIFIED STAKEHOLDERS

No special interest groups were identified as being overly relevant to the subject proposal.

#### 3.4 GENERAL PUBLIC

Comments received from people in the general public (mainly residents of Sunrise Beach) at the community consultation session were, again, positive. One of the only negative issue raised at the consultation session was elicited from two Sunrise Beach residents and related to the introduction of a transient population to the Habitat precinct. It is Issue #1 in the summary of responses **Table 3.1**.

#### 3.5 SUMMARY OF RESPONSES

The summary of responses that have been received are tabled below. Please note this table does not incorporate positive feedback received, only suggestions for improvements or issues.

**TABLE 3.1 SUMMARY OF RESPONSES**

| # | Issue                                                                                                                                      | Frequency | Feedback Mechanism                          | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|---|--------------------------------------------------------------------------------------------------------------------------------------------|-----------|---------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | The introduction of transient accommodation in the form of hotel / motel aspect is inconsistent with the "live / work" land use of Habitat | 1 time    | Oral representation at consultation session | <p>The persons who raised this concern indicated that Byron already had sufficient "tourist accommodation" and that Habitat should stick to the "live – work" principles which have underpinned its planning to date.</p> <p>A number of persons who were at the consultation session railed against this observation. They indicated that there was a need for their clients and workers to be able to come to site from time to time and not be subject to expensive accommodation (e.g. Elements) or unlawful accommodation (e.g. Air BnB). Many in the session indicated support for the hotel accommodation.</p> |

#### Proponent response

Research by the proponent suggests that hotel is a legitimate land use need for HABITAT. The inclusion of the hotel accommodation in Stage 5 has occurred as a direct result of requests and suggestions by existing operators within Habitat and the business community. The proponent is concerned with the rise of Air BnB and its "anti-community" impact by removing a significant quantum of general residential accommodation from the Byron Bay area. The accommodation proposed will provide for business persons attending firms at Habitat; family visiting occupants at Habitat; and provide a facility for persons

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attending the proposed wellness centre to obtain treatments over a number of days in proximity to the wellness practitioners.

| # | Issue                          | Frequency | Feedback Mechanism | Comments                                                                                                                                  |
|---|--------------------------------|-----------|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| 2 | Moving the pool and restaurant | 2         | Feedback form      | The submitters of this issue is concerned about the noise and smells that will come with the development of a "pool/ bar and restaurant". |

**Proponent response**

The buildings and uses have been designed specifically to minimise impact to the owners / tenants of Stage 2 (Commercial Terraces). The hotel rooms have been located away from the Terraces to prevent overlooking issues raised by the residents. The Back of House (BOH) areas are located toward the Terraces as they require little / no natural light and therefore no windows / openings along the SE elevation (minimising overlooking and noise spill). The blank wall of the South Eastern elevation has been deliberately designed to provide acoustic separation to ensure minimal / no noise impact to the Terraces.

The restaurant needs to be connected to the BOH areas. The restaurant has been orientated such that the kitchen is towards the Terraces, which acts as a buffer to the noise of the patrons. The seating area has been designed to be fully internal / enclosed to ensure any noise is contained. Again, this has been located as far as practical from the Terraces. When open (during the day), noise from patrons would be directed towards the reception area void / central courtyard.

The pool will have restrictions in terms of hours of operation. The cabanas to the south east of the pool will provide acoustic separation from the pool to the Terraces. Further, the outlook / orientation of the pool is generally towards the central courtyard, focussing any noise in this direction.

The cabanas are also able to be lower in height than a typical habitable internal 'room' and have been located where they are because of this in order to reduce overshadowing of the Terraces.

The 'health and wellness' / 'business hotel; nature of the hotel ensures this is not a Gold Coast 'theme park' pool - it is typically for the quiet enjoyment of guests and tenants of Stage 5.

| # | Issue                                    | Frequency | Feedback Mechanism | Comments                                                                                                                |
|---|------------------------------------------|-----------|--------------------|-------------------------------------------------------------------------------------------------------------------------|
| 3 | Details on the proposed service corridor | 2         | Feedback form      | The submitters is concerned about "how goods intend to be delivered from the loading bay to the pool/ bar/ restaurant". |

**Proponent response**

A service corridor has been proposed on Level 00 and Level 01 along the south east wall. The corridor is 2.4m in width and be for pedestrian use only (no vehicles). Commercial bins and the like would not typically (if ever) be wheeled up and down this corridor.

The purpose of the corridor is primarily to connect the commercial kitchen and restaurant to the loading bay for food deliveries. Deliveries would take place within the loading bay, via Wallum Place. The loading bay is fully internal, isolating any noise from loading / unloading / bins etc. Access to the restaurant would via the corridor and use of the goods lift. It also allows staff access to / connectivity between the various BOH rooms - important functionally but not noisy.

Construction of the corridor would be a concrete slab, blockwork walls. No openings are proposed within the corridor. A benefit of the corridor is that it will also act as an additional acoustic 'buffer' between the Commercial Terraces and the Special Function Centre. This is the least 'noise producing' use within Stage 5 and should not be cause for concern.

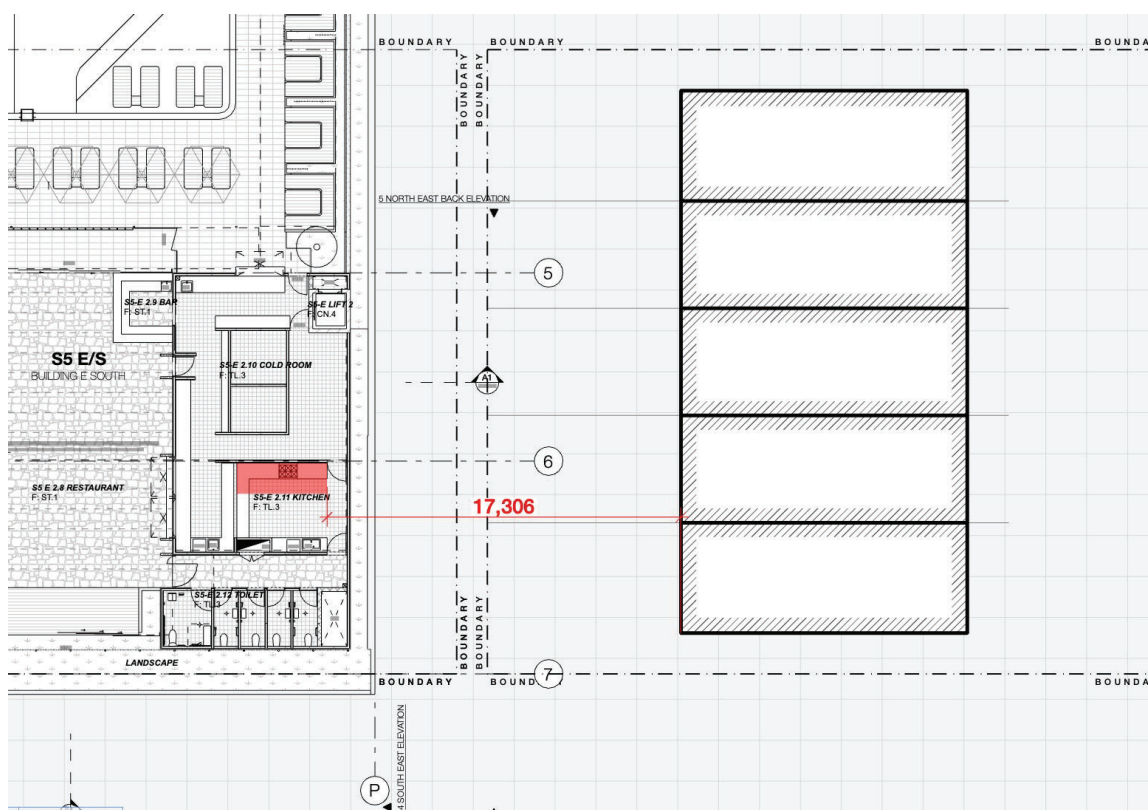
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| # | Issue                    | Frequency | Feedback Mechanism | Comments                                                                                                                                                                |
|---|--------------------------|-----------|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4 | Restaurant design issues | 2         | Feedback form      | The submitter is concerned that the exhaust from the restaurant will be located in close proximity to the residences therefore blowing smoke and smells into the homes. |

**Proponent response**

The kitchen design has not been fully resolved to Construction Certificate standard at this time and is likely to vary to some degree based on the needs of the operator and style of food on offer. However, it would be reasonable to assume that the kitchen and therefore extraction would be somewhere in the location nominated on the below graphic.



Graphic illustrating the likely extraction location.

The closest point of extraction would be in excess of 17m from the nearest receiver and well in excess of above the required 6m minimum distance. A vertical extraction system would be utilised in combination with the parapet wall to further minimise impact.

Any system installed would be fully compliant with AS 1668 part 2 - which is the relevant standard applicable to this.

It would be possible to eliminate all noise and smells emanating from the system through use of a combination of dampers for noise and one of the following for smells: 1) ozone treatment 2) electrostatic filters 3) uv filters / treatment. The car park extraction is also located in this area and the plant room and risers have been adequately sized for a noise cancelling / fume mitigating system.

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| # | Issue                    | Frequency | Feedback Mechanism | Comments                                                                                                                                           |
|---|--------------------------|-----------|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| 5 | Pool filtration concerns | 2         | Feedback form      | The submitters are concerned about the noise coming from the filter and whether they will be able to hear it from their premises on Porter Street. |

**Proponent response**

The pool pump system is located within the depths of the BOH area - on Level 01, above the carpark entrance. It is encased within a concrete / blockwork box. Any ventilation required within this room would be extracted horizontally towards Wallum Place, away from the Commercial Terraces.

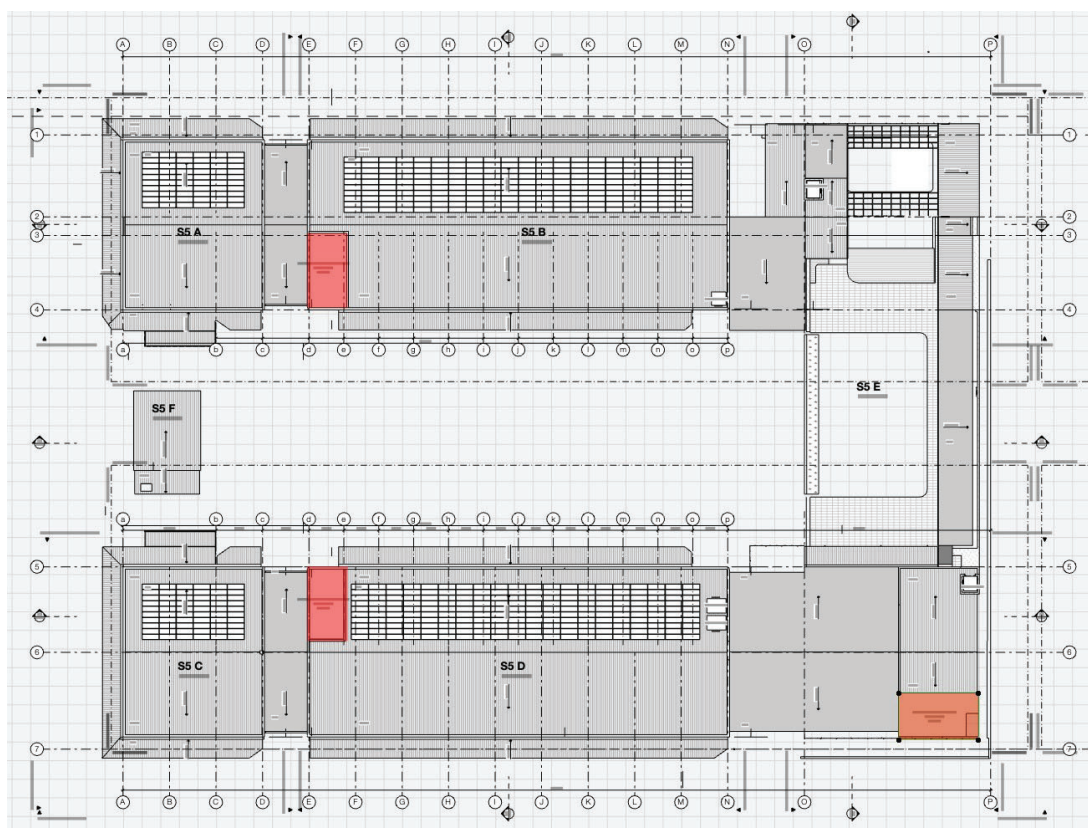
| # | Issue                                                    | Frequency | Feedback Mechanism | Comments                                                                                                                                    |
|---|----------------------------------------------------------|-----------|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| 6 | Other plant equipment and refrigeration systems concerns | 2         | Feedback form      | The submitters are worried that the noise from the refrigeration and/ or other commercial equipment will impact the homes on Porter Street. |

**Proponent response**

This aspect has not been resolved to Construction Certificate standard. However, care has been taken to ensure these spaces are typically:

- Buried within the BOH areas;
- Have extraction (where required) away from the Terraces or extraction out towards Wallum place; and
- Have the ability to have acoustic dampers fitted where required.

The majority of the AC plant is located on the roof of the hotel rooms, away from the Terraces. There will be a small plant platform above the restaurant but again - measures will be put in place to mitigate concerns regarding noise.



Graphic illustrating airconditioning units on roof.



## HABITAT • STAGE 5 • CONSULTATION REPORT

10

#### 4. DISCUSSION

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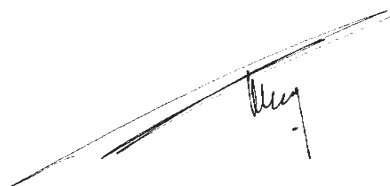
*This section provides a brief overview of the consultation carried out and the nature of responses received.*

Formal consultation within the meaning of Byron Shire Development Control Plan 2014 Part A, Clause A13.4 and Part B, Clause B12 was undertaken with the distribution of flyers to premises within 500m of the subject site on 27<sup>th</sup> January 2020, the publication of a public notice in the Echo Newspaper, the erection of signs on the site, both which occurred on the 29<sup>th</sup> of January 2020. Further, a website link was provided on the HABITAT website which permitted persons to download plans and information about the proposed building.

The community consultation flyers, public notices and signs on the site and website notified about a community consultation session carried out on the evening of the 7<sup>th</sup> of February 2020. That session was attended by 24 persons. The consultation session and one on one discussions completed by members of the project team have generally been positive and supportive.

None of the issues at the community consultation session have caused the consultant team to recommend to the proponent any material alterations to the concepts published on the website and presented at the community consultation session.

With respect to submissions 2-6, the explanation of the plans provided at the Community Consultation session and in earlier briefings were not satisfactorily detailed enough to give adjoining residents comfort about the practical implementation of the scheme. To remedy this, members of the project team seek to hold further discussions with the residents with a view to elaying their concerns.



**Stephen Connelly RPIA (Fellow)**  
**Partnership Principal**  
**PLANNERS NORTH**

## APPENDICES

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### **APPENDIX A**

Letter Box Drop Flyer

# COMMUNITY CONSULTATION SESSION

The diagram below shows the location of the community consultation session.



In the event that you are not able to come along to the Consultation Session, please feel free to telephone us and make an appointment for a one-on-one session to review the proposal and provide your comments. Please email [EA@plannersnorth.com.au](mailto:EA@plannersnorth.com.au) or telephone 1300 66 00 87 to arrange an appointment. Alternatively, you may review the proposed plans and background information on the **website** - [www.habitatbyronbay.com.au/community-consultation](http://www.habitatbyronbay.com.au/community-consultation). We need to receive any comments or suggestions you have **before 5pm on 12th February**.

**Steve Connelly** PLANNERS NORTH

# COMMUNITY CONSULTATION SESSION

Hi,

I write because PLANNERS NORTH has been engaged by Bayshore Development Pty Ltd to prepare a Development Application for submission to Byron Shire Council for the last stage of Habitat – Stage 5. This application will be lodged shortly. The location of Stage 5 is shown in the plan over the page.

In a nutshell, Stage 5 relates to a Mixed Use development, with a basement carpark and three levels above, over two Habitat Community Title blocks and part of Penny Lane. The proposal entails:

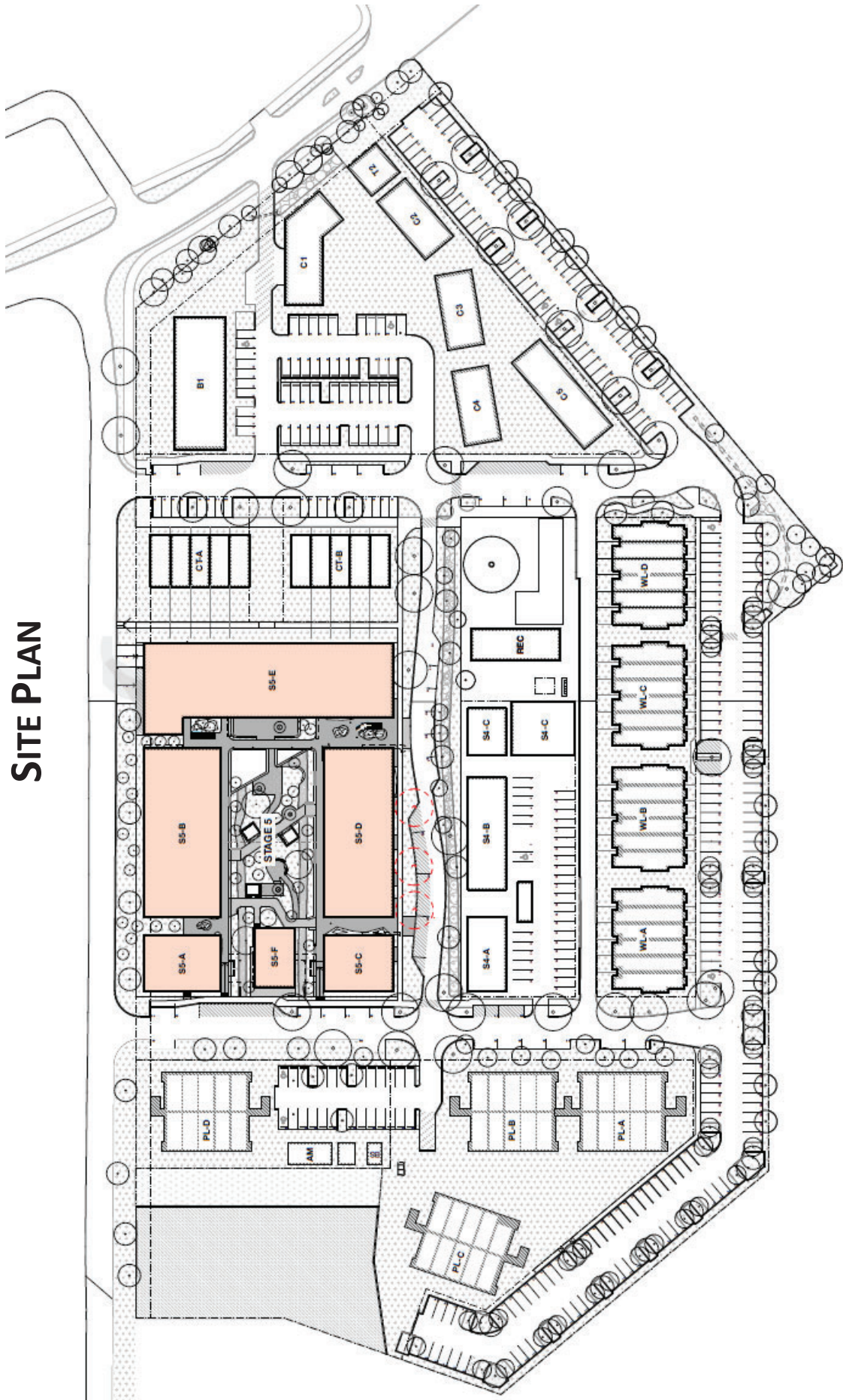
- Retail premises and business including retail premises designed to retail locally but market internationally (778m<sup>2</sup>)
- A special function centre for projects requiring specialised photography, sound and multimedia activities including science/ technology-related equipment as well as a facility capable of use to launch products or conduct TED type conference sessions (369m<sup>2</sup>)
- Serviced apartments (12no.) and hotel accommodation (94no.) with Licensed Restaurant (311m<sup>2</sup>) to service the needs of the hotel accommodation, but also available for the general public.
- Wellness Centre (co-working for allied health and wellness practitioners) (344m<sup>2</sup>)
- Networking spaces, shared meeting rooms and the like (290m<sup>2</sup>)
- Studio Space (yoga pilates and the like, with evening classes focussed on health and wellness) (134m<sup>2</sup>)
- A bike shop (256m<sup>2</sup>)

To ensure that people in the neighbourhood have a full understanding of the proposal before we lodge it with Council, we are conducting a Community Consultation Session. At the Community Consultation Session, the proposal will be explained in detail. The session will take place between **5:30 and 7pm on Friday 7th February 2020** at **The Large Meeting Room in HABITAT Building T2**. Personnel associated with the preparation of the application will be on hand to answer any questions and hear any concerns. To ensure we have satisfactorily catered for those wishing to attend, **please confirm your attendance to this event via <https://www.eventbrite.com.au/e/community-consultation-session-habitat-stage-5-tickets-90904001315>**

You may review some of the proposed plans on the **website** - [www.habitatbyronbay.com.au/community-consultation](http://www.habitatbyronbay.com.au/community-consultation). We need to receive any comments or suggestions you have no later **5pm on 12th February**.

HABITAT STAGE 5

SITE PLAN





## APPENDICES

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### **APPENDIX B**

Website



# PUBLIC NOTICE

## HABITAT STAGE 5 COMMUNITY CONSULTATION SESSION

Bayshore Development Pty Ltd will shortly submit to Byron Shire Council a Development Application for the last stage of Habitat – Stage 5. To ensure that people in the neighbourhood have a full understanding of the proposal before it is lodged it with the Council a Community Consultation Session is being conducted.

Stage 5 relates to a Mixed Use development, with a basement carpark and three levels above, over two Habitat Community Title blocks and part of Penny Lane.

The proposal entails:

- Retail premises and business including retail premises designed to retail locally but market internationally
- A special function centre for projects requiring specialised photography, sound and multimedia activities including science/ technology-related equipment as well as a facility capable of use to launch products or conduct TED type conference sessions
- Serviced apartments and hotel accommodation with Licensed Restaurant to service the needs of



- Wellness Centre (co-working for allied health and wellness practitioners)
- Networking spaces, shared meeting rooms and the like
- Studio Space (yoga pilates and the like, with evening classes focussed on health and wellness)
- A bike shop

At the Community Consultation Session, the proposal will be explained in detail.

You may review some of the proposed plans here:

PROPOSED PLANS

We need to receive any comments or suggestions you have **no later than 5pm on 12th February**.

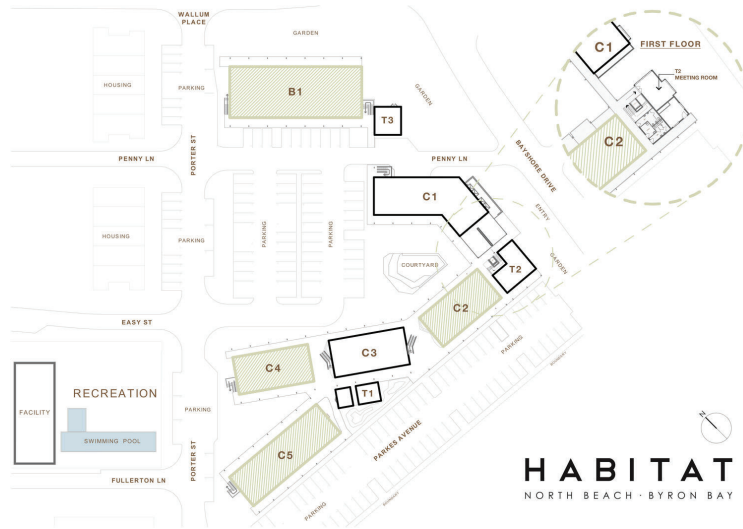
The community consultation session will take place between **5:30 and 7pm on Friday 7th February 2020** at The **Large Meeting Room** in **HABITAT Building T2**.

Personnel associated with the preparation of the application will be on hand to answer any questions and hear any concerns. To ensure we have satisfactorily catered for those wishing to attend, **please confirm your attendance to this event via** [www.eventbrite.com.au/e/community-consultation-session-habitat-stage-5-tickets-90904001315](https://www.eventbrite.com.au/e/community-consultation-session-habitat-stage-5-tickets-90904001315)

You can also send us your feedback, comments or suggestions by emailing us at



**HABITAT**  
NORTH BEACH · BYRON BAY



Authorised by:

Steve Connelly

Partnership Principal

PLANNERS NORTH

Please note that the information and plans on this website have not yet been lodged to Council.

# SUBSCRIBE

Stay in the loop with the latest  
promotions, events and stories every  
month.



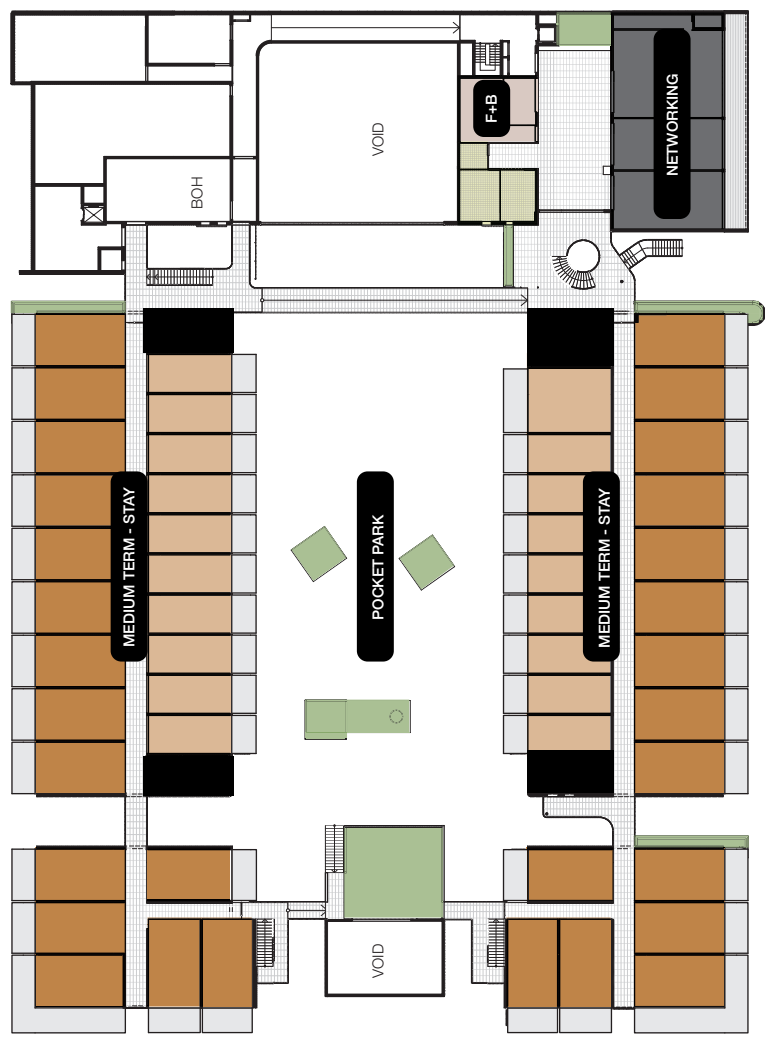
SITE



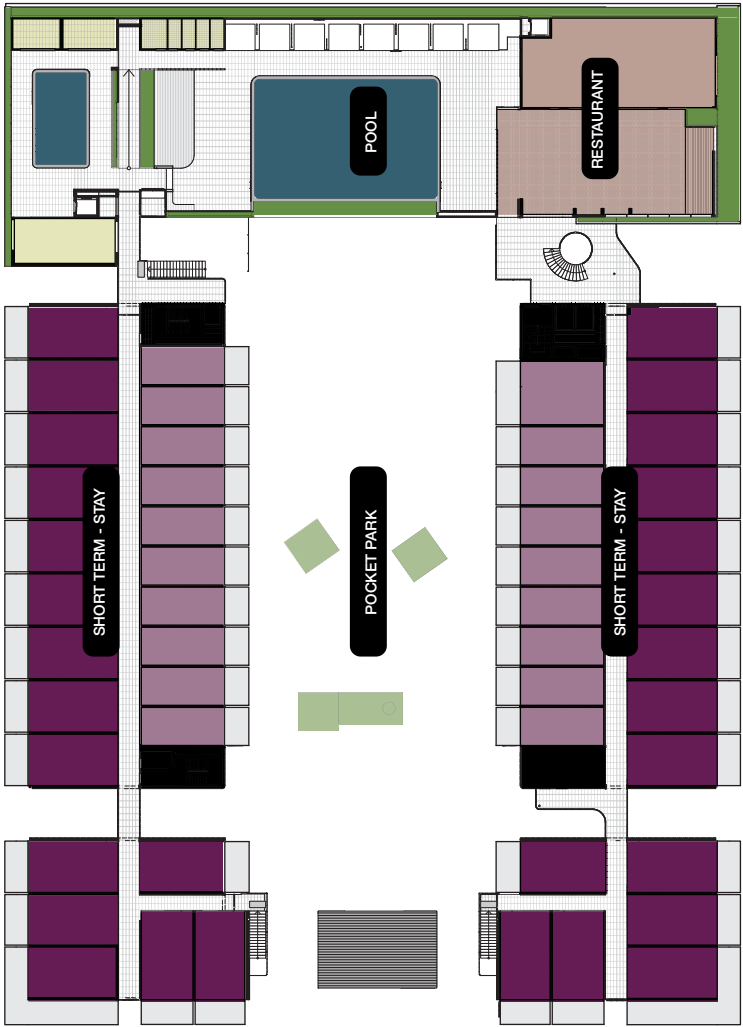
**LEVEL 00**



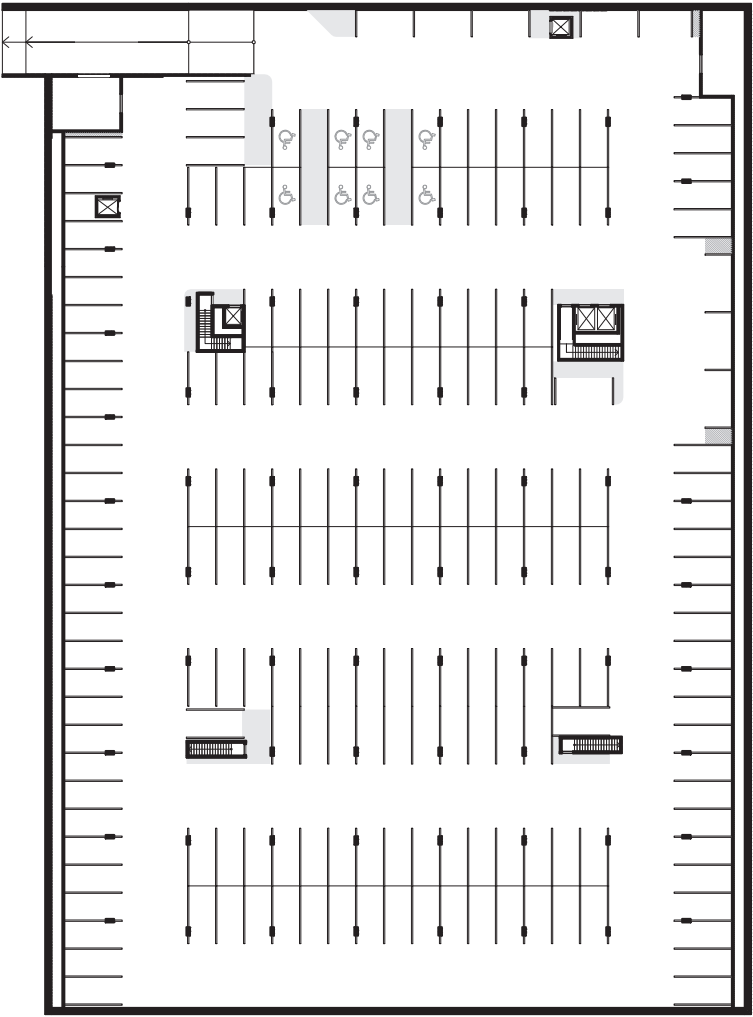
**LEVEL 01**



LEVEL 02



**BASEMENT**





## APPENDICES

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### **APPENDIX C**

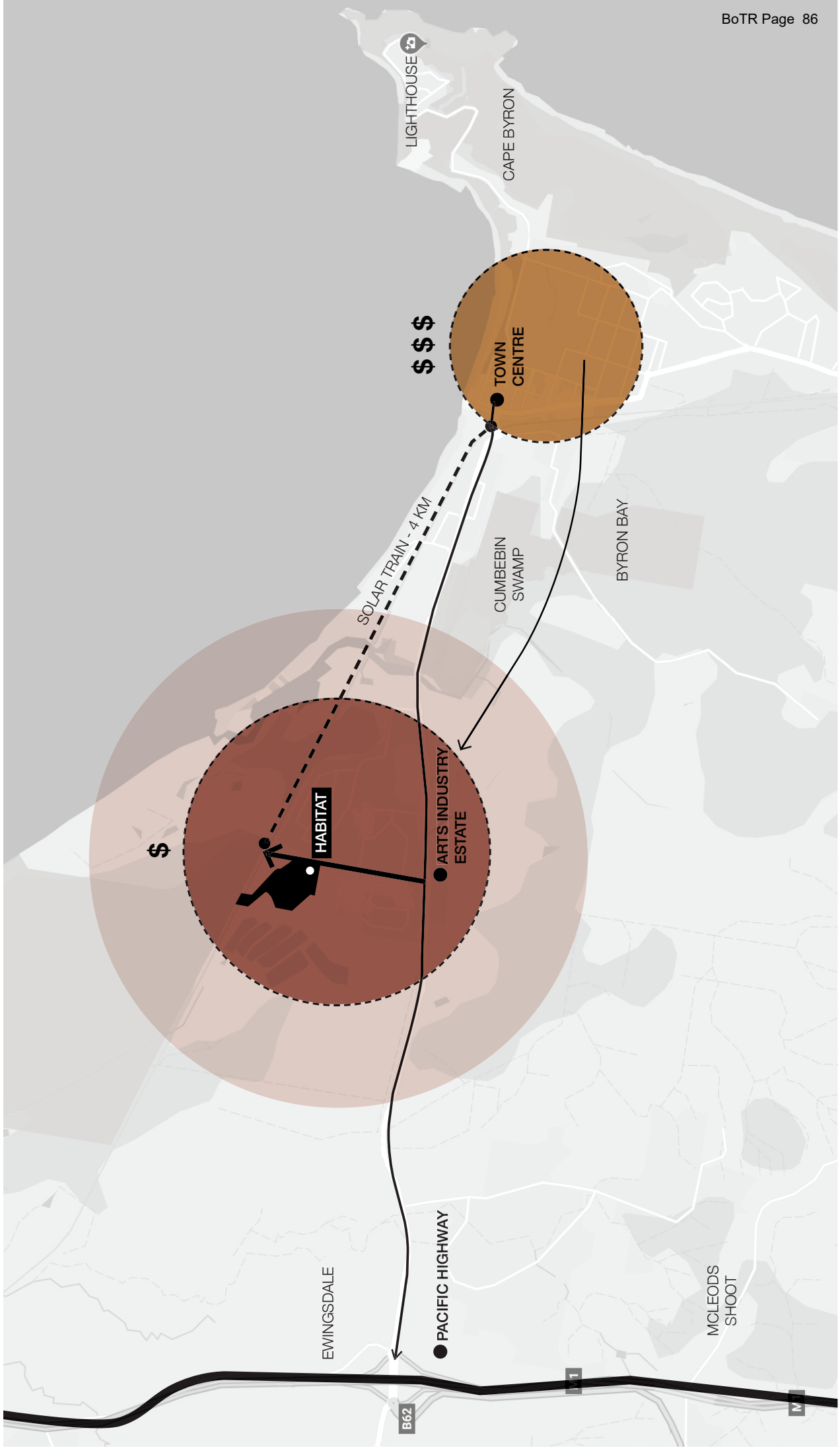
Extracts from Community Presentation

# STAGE 05

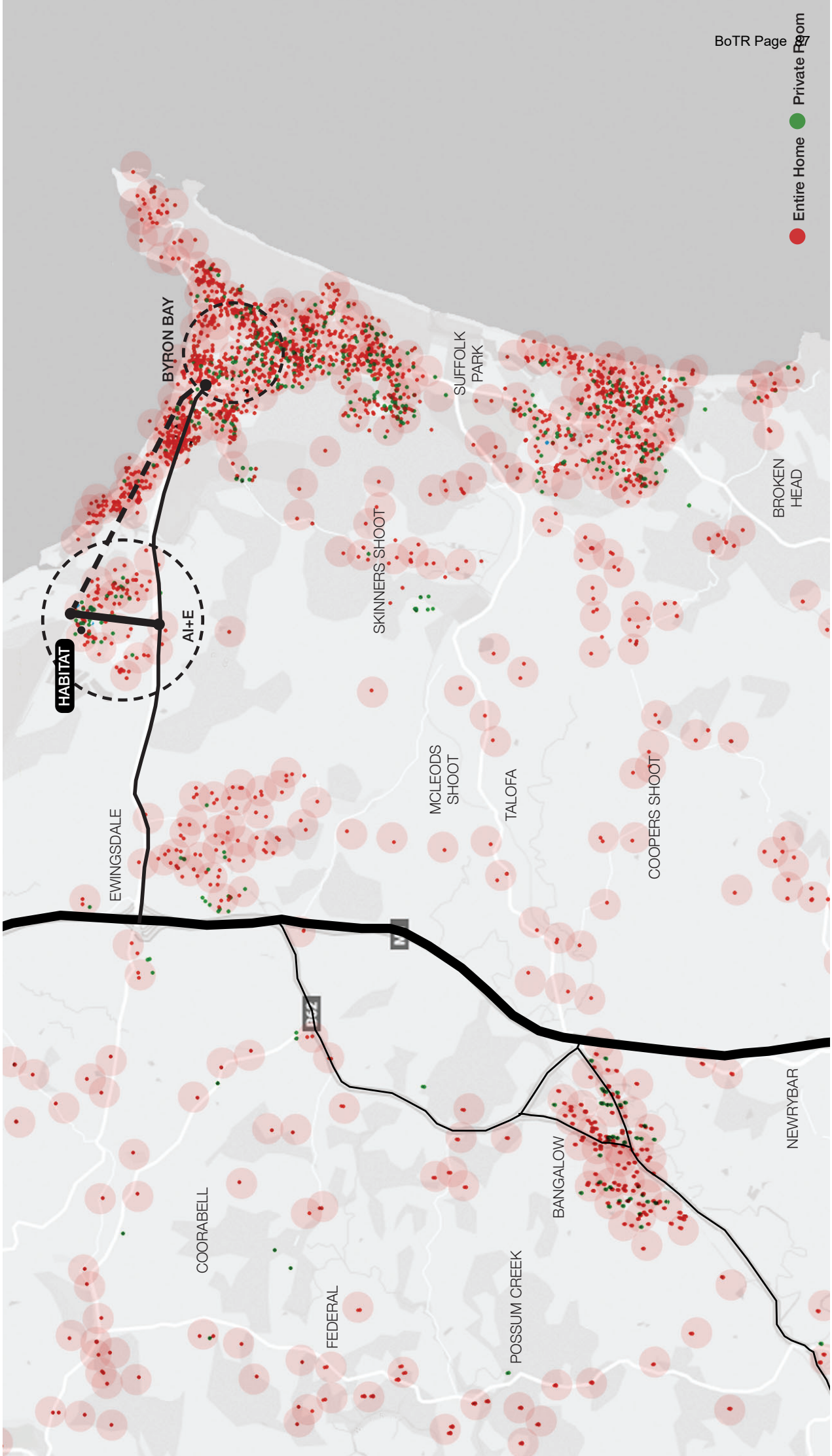
HABITAT

NORTH BEACH · BYRON BAY











# PRECINCT PLAN

## BYRON ARTS & INDUSTRY ESTATE



+



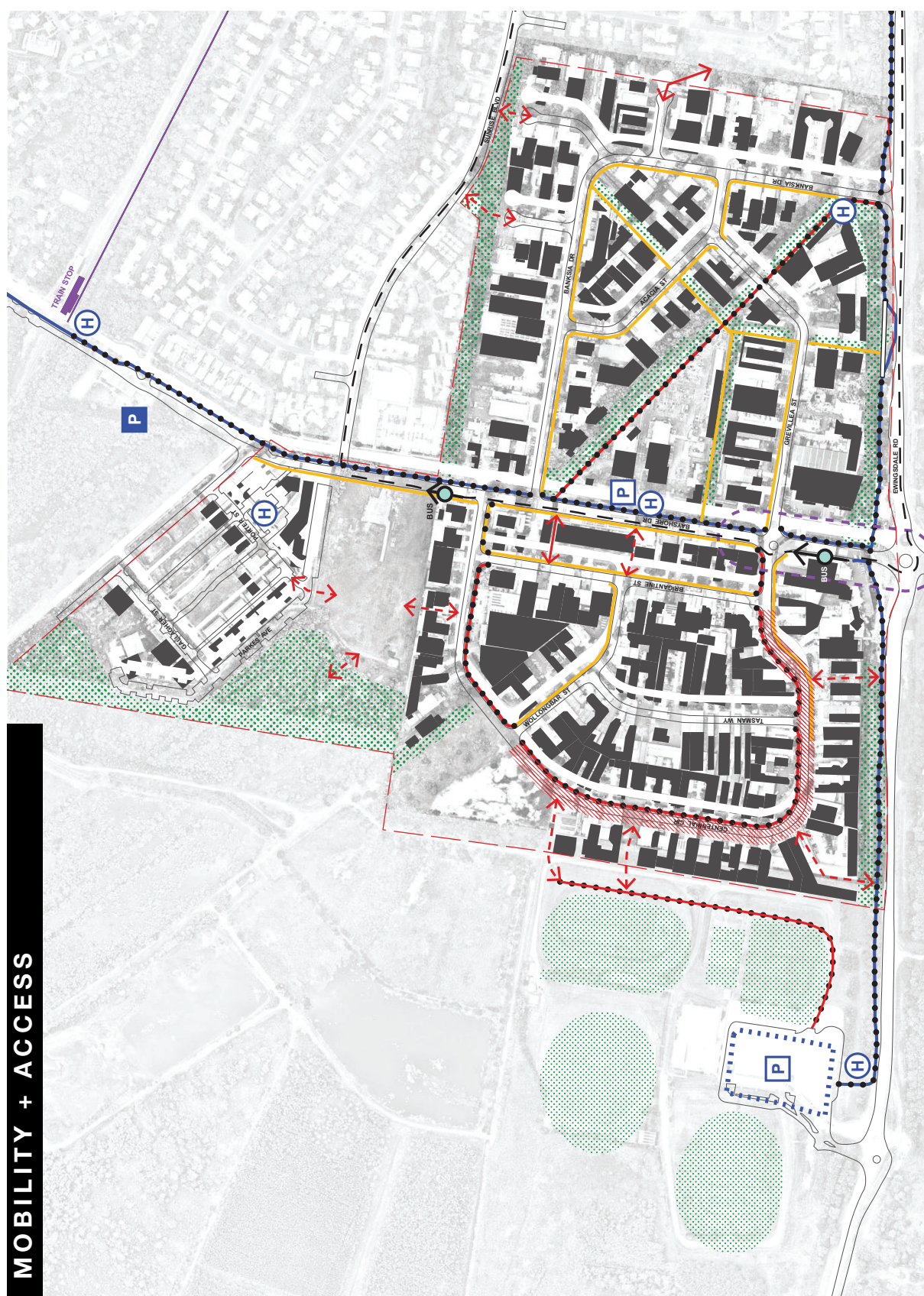
+

neighbourlytics

+

Tract

















COMMERCIAL

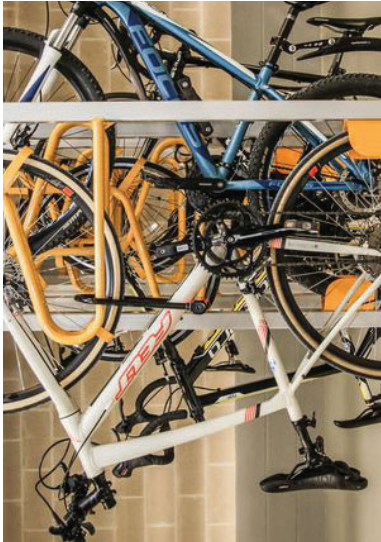










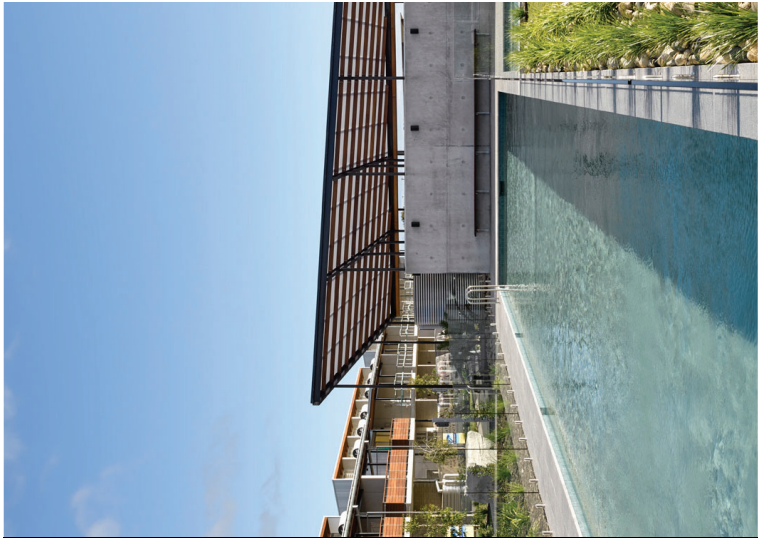
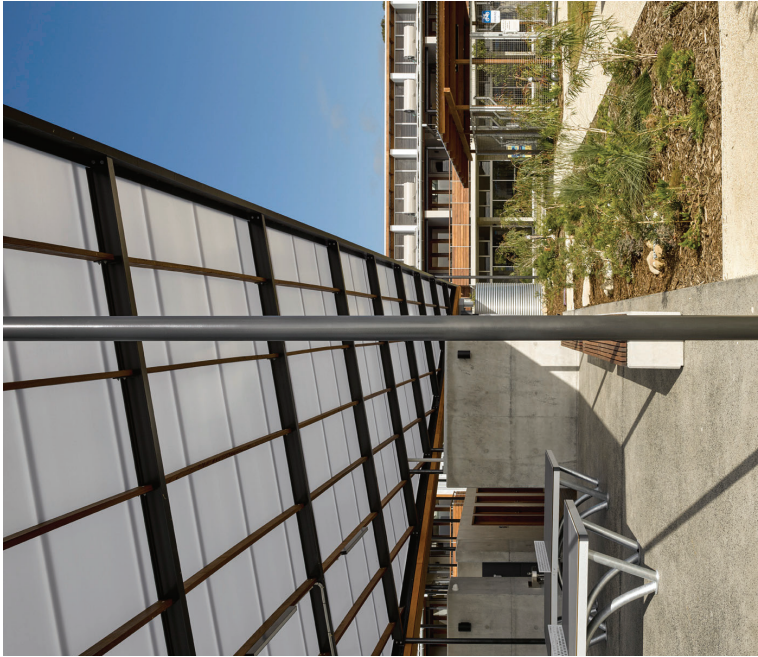
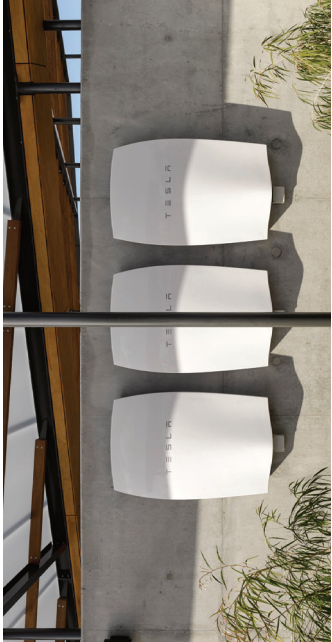
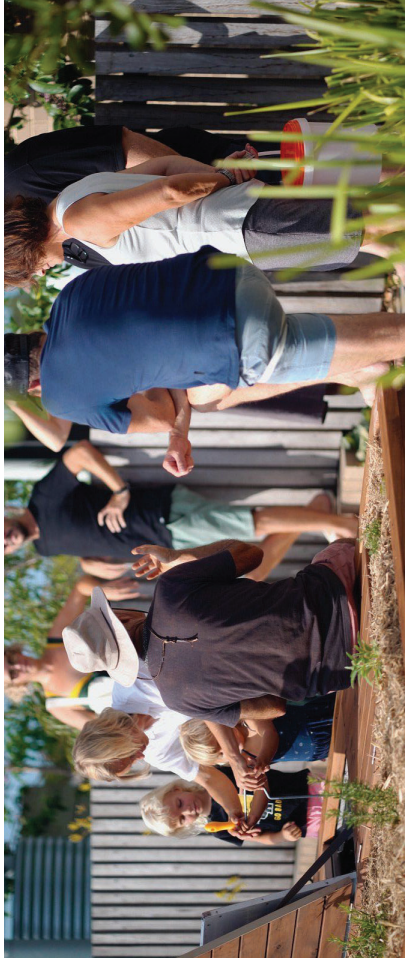


EASY STREET LIVING - FACILITIES





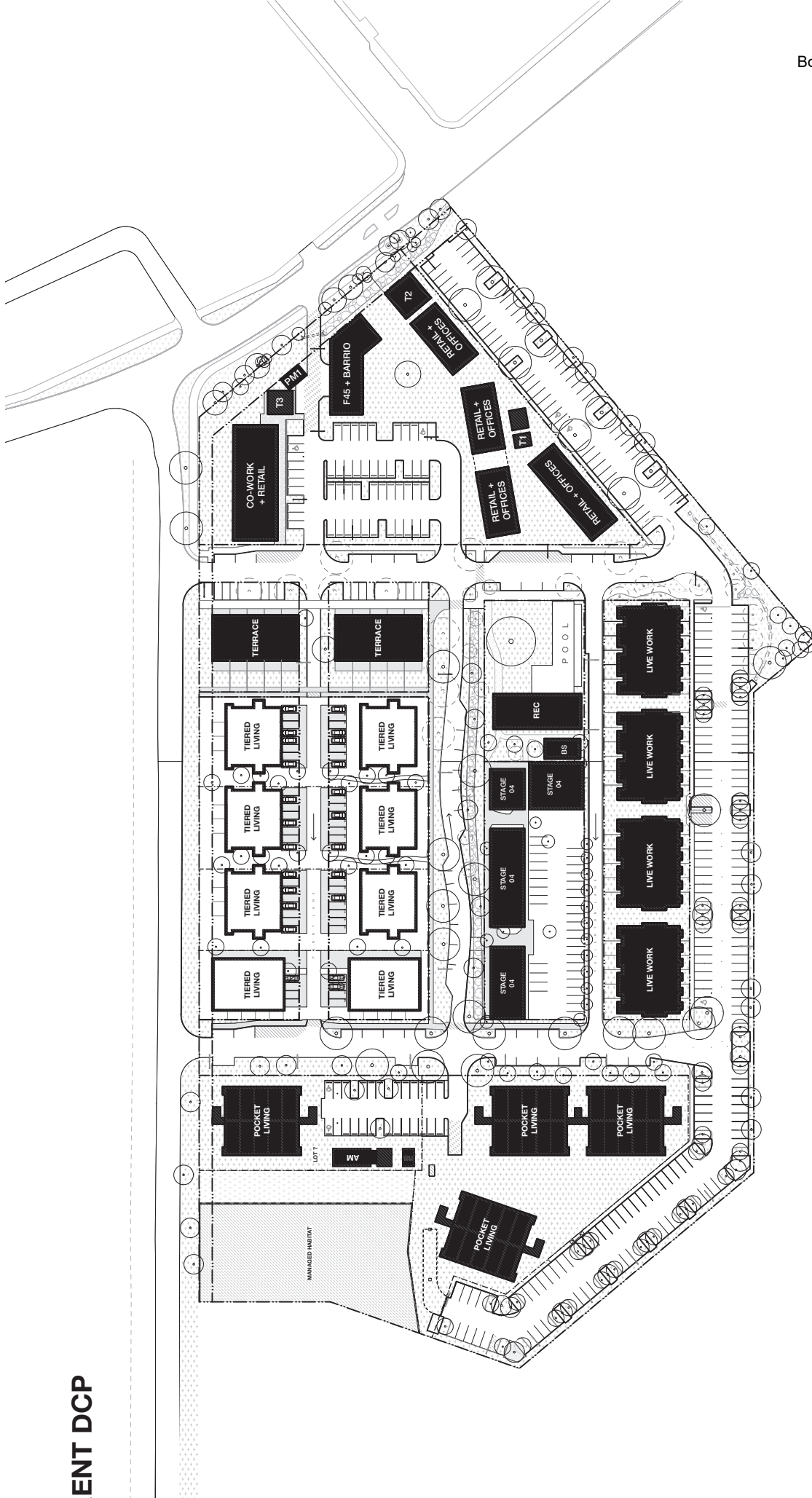








**CURRENT DCP**





# HABITAT CREATIVE QUARTER

a home for the new economies

**STAY**  
SHORT-MEDIUM-LONG TERM





## EAT + MEET + DO BUSINESS





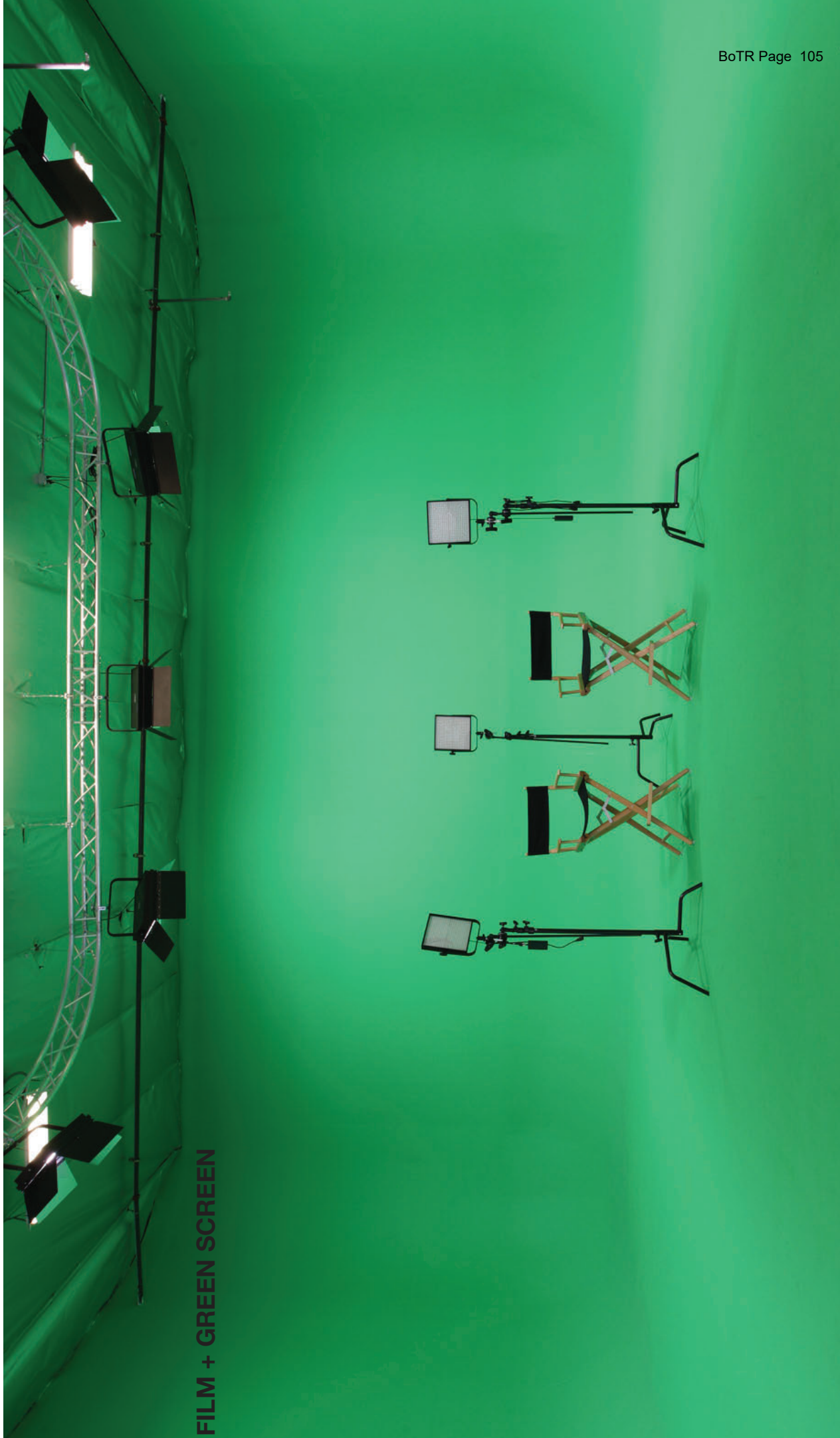






CATALOGUE SHOOTS

## FILM + GREEN SCREEN



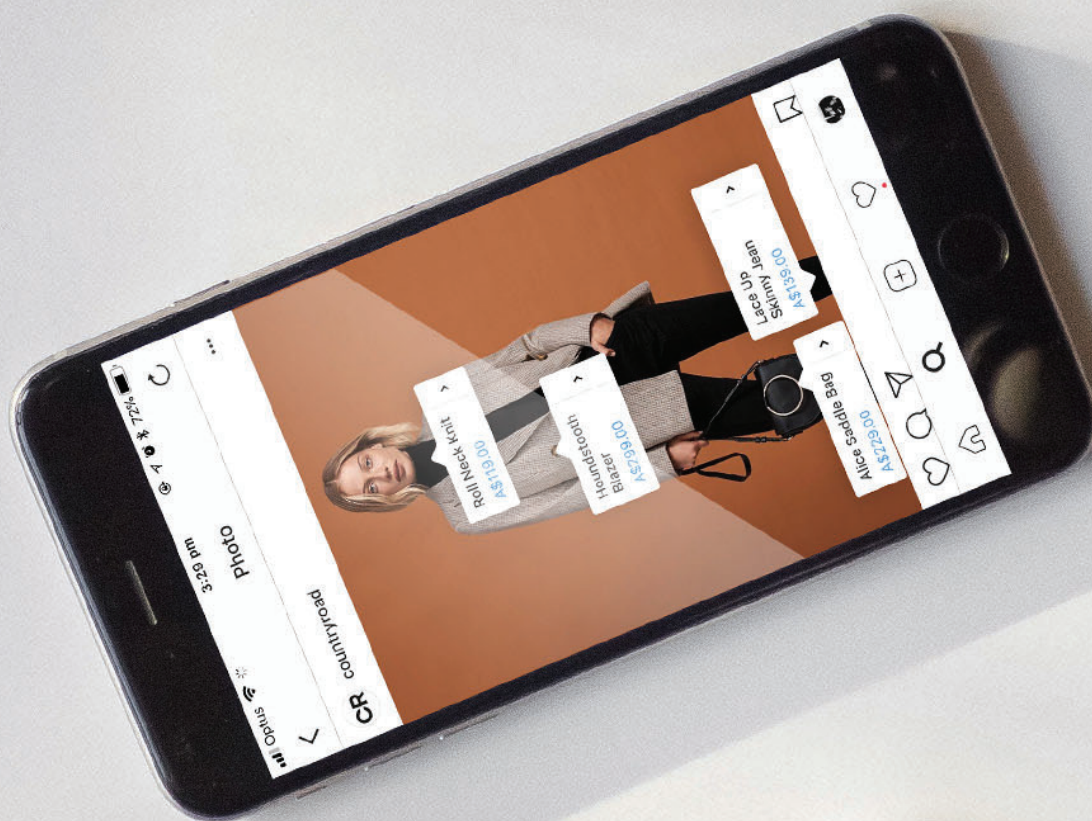


**LIFE-LONG LEARNING**  
**'TED TALKS'**





## 'NEW RETAIL'





## TREATMENT ROOMS





**WELLNESS PROGRAMS**  
ATTEND A TALK ON GUT HEALTH  
VISIT A NATUROPATH  
MASSAGE  
TAKE TIME OUT





**PROVIDING ALTERNATIVES  
ACCESS TO E-BIKES**





## CARSHARE





## SOLAR TRAIN





## ELECTRIC CAR CHARGING



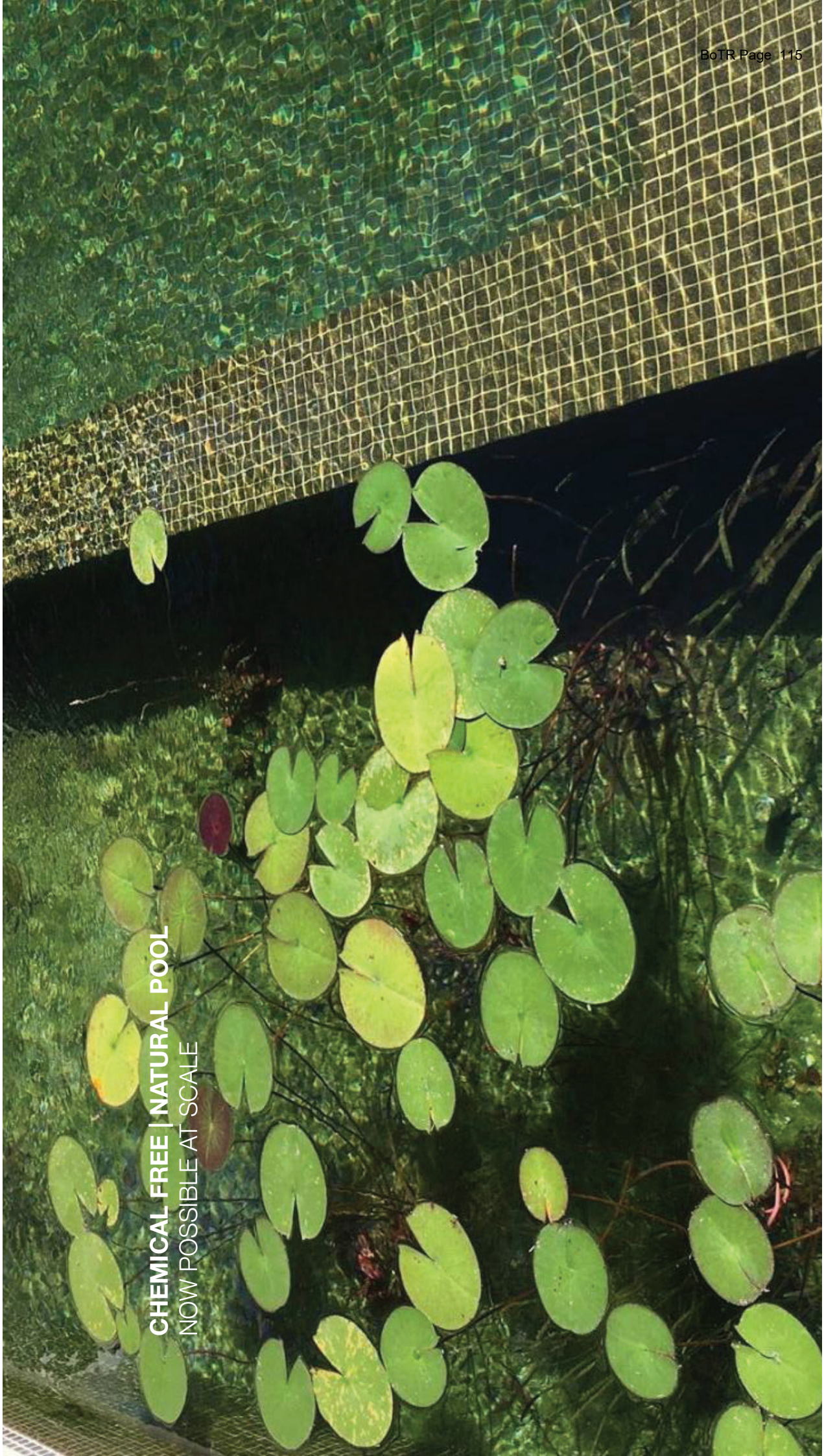


**POCKET PARK**  
RAINWATER HARVESTING





**CHEMICAL FREE | NATURAL POOL**  
NOW POSSIBLE AT SCALE





## RESPONSIBLE DESIGN

REDUCE  
RE-USE  
RECYCLE





**PUBLIC ART**  
AGGREGATING DA







0. Pocket Park



3. Co-retail



6. Business + Networking



9. Bike Shop



1. Accommodation



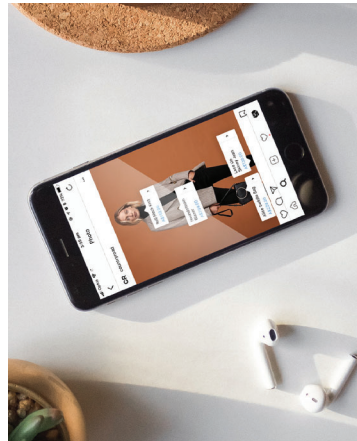
4. Wellness Centre



7. Special Function Centre



10. Shared Facilities



2. New Retail



5. Studio Space

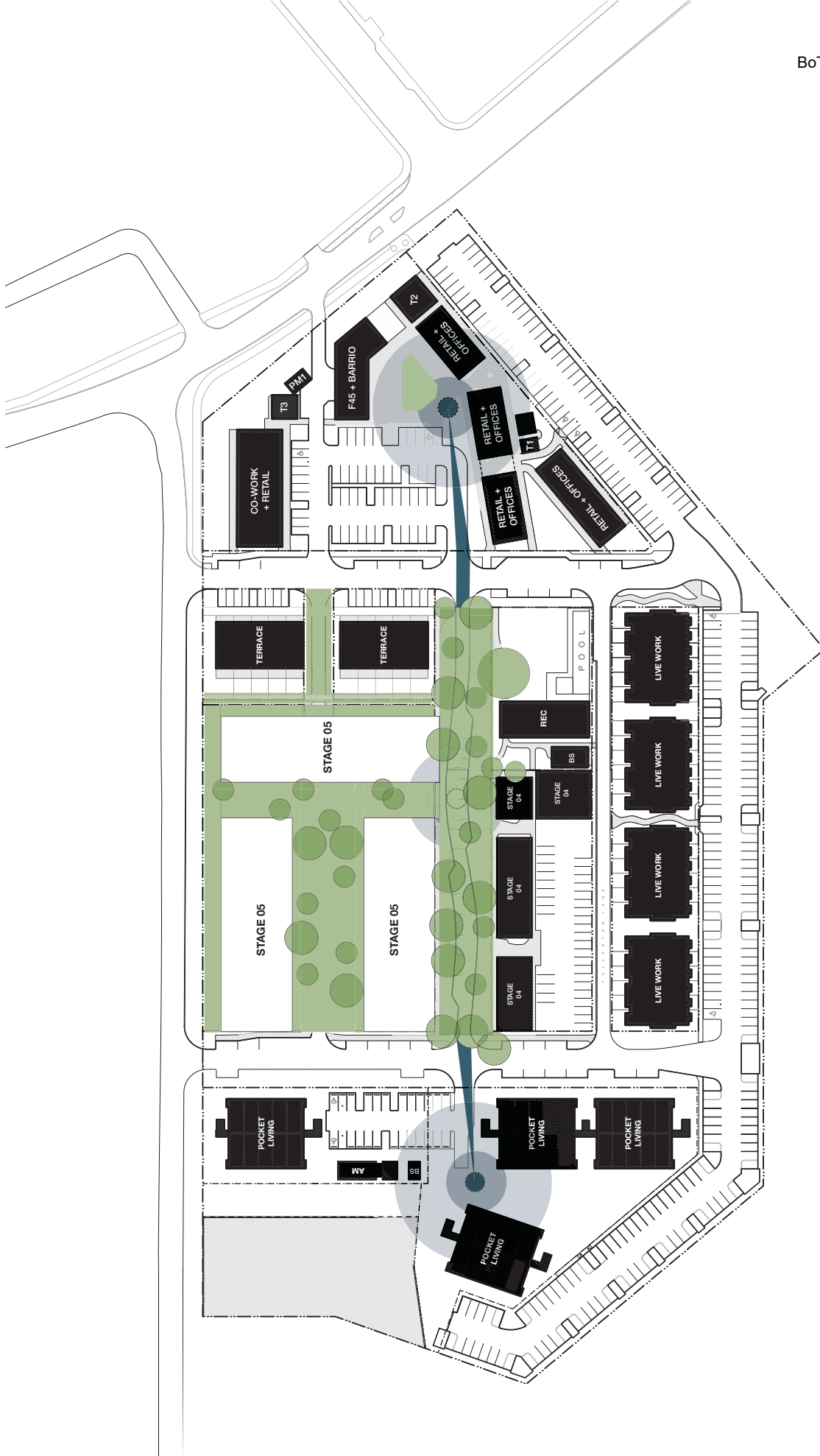


8. Restaurant



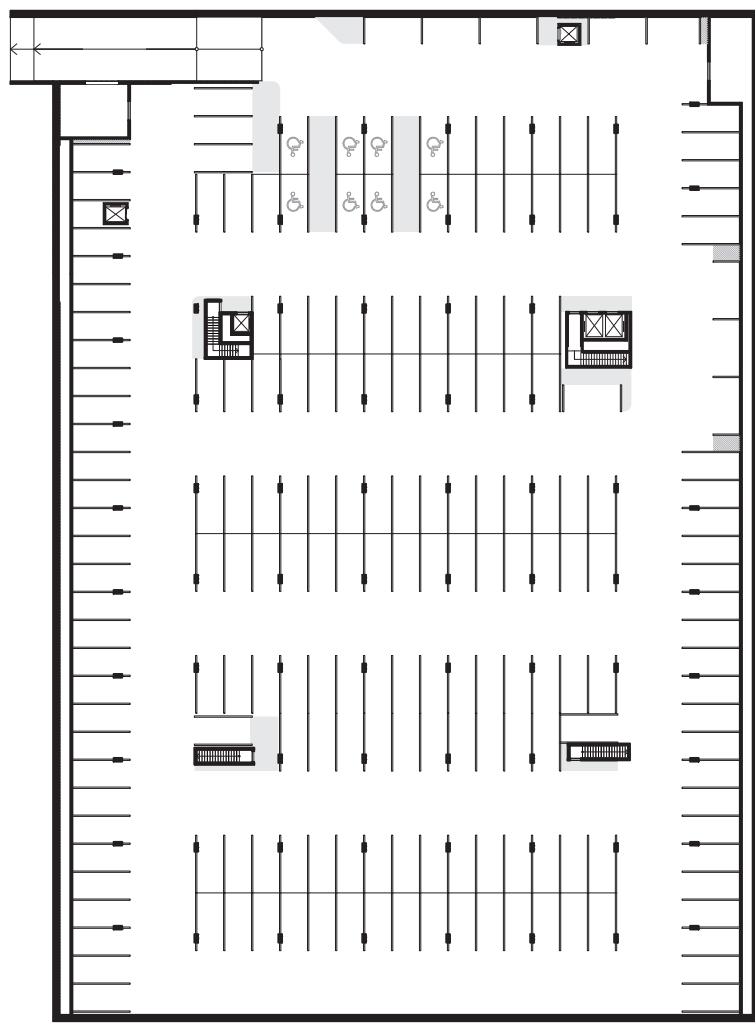
11. Public Art

**SITE**





**BASEMENT**

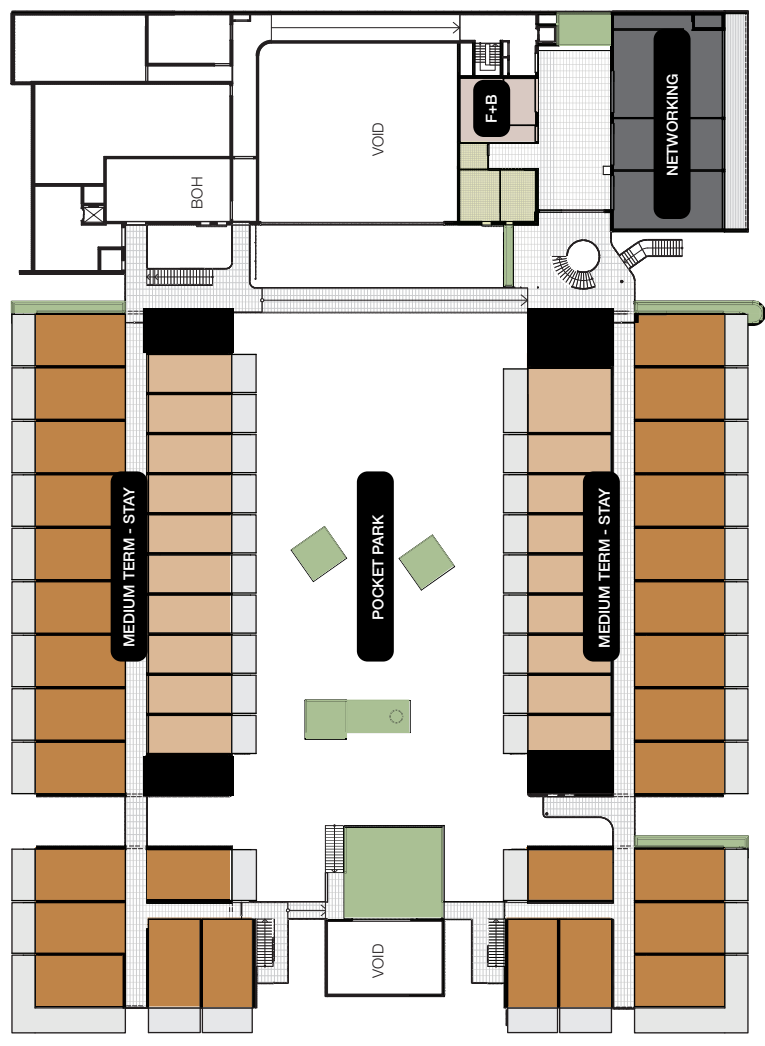


**LEVEL 00**

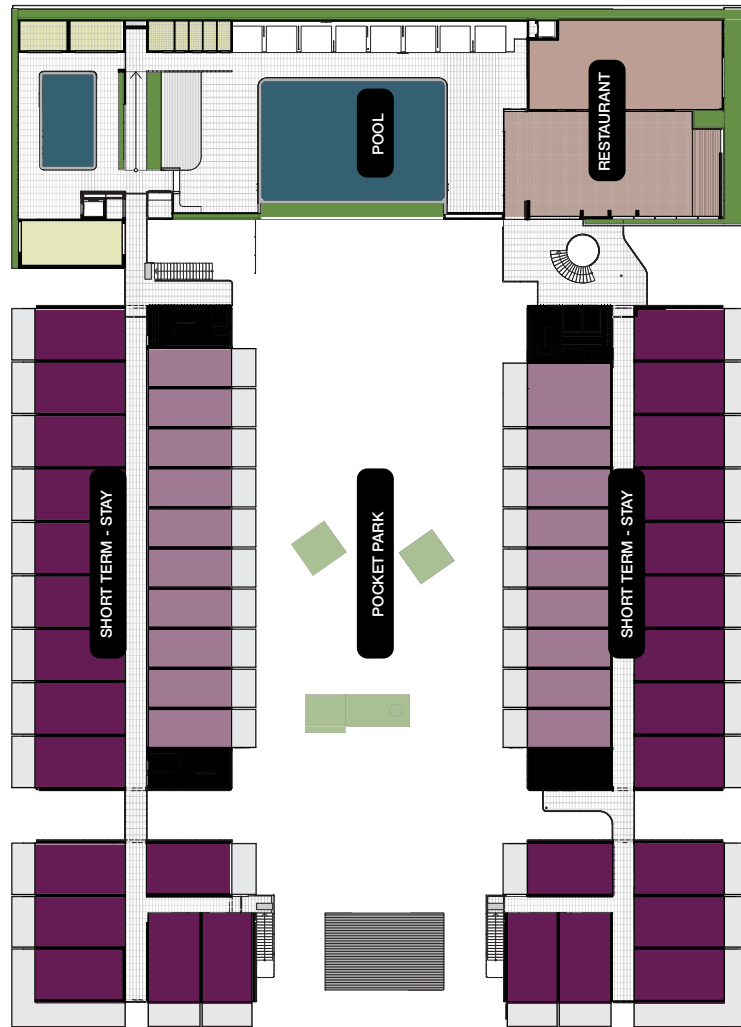




**LEVEL 01**



LEVEL 02









STAY

CO-WORK FOR HEALTH + WELLNESS

LANDSCAPE

HEALTH + WELLNESS







MEETING ROOM

LANDSCAPE

STAY









MEDIUM TERM - STAY

SHORT TERM - STAY

NEW RETAIL





"We're most excited about the hotel and accommodation element of Stage 5, because it'll help stop Air BnB destroying the whole town."

James Galloway  
**Resident - Owner**  
**Business - Parkes Av Dispensary**



"I like the work that Fraser and DFJ Architects do. It's always very considered. I especially like how their thinking has evolved over time for Stage 5. I think the proposed uses are all great and I'm looking forward to the people and businesses it'll attract."

Nathan Pollock  
**Resident - Owner**  
**Business - Katapult**





"It might sound boring, but the carpark in Stage 5 is a bonus for us. Our customers really value the existing carpark at Habitat, because it's so convenient and safe compared to the rest of the industrial estate. Outside of Habitat, I think Stage 5 will benefit every business in the industrial estate, because of the people it will attract and because it'll offer facilities for brands to run events and provide a place for customers to stay. We think it's a fantastic concept."

Dan Wyllie  
**Tenant - Owner/Manager**  
**Business - Barrio**



"Habitat has already established something genuine and distinctly Byron, with so many businesses, large and small, calling the place home, alongside residents. What excites me about Stage 5 is the expansion of this and the continued growth in the arts and industry estate in a sustainable fashion."

Duncan Band  
**Resident - Owner**  
**Business - KOHO / Collective**



"I see Stage 5 is an extension of Habitat's original vision, but also a practical response to the growing creative community it has fostered. Over the couple of years it's been in existence, Habitat has become a by-word in Byron for a cutting-edge live-work environment that takes the best of urban culture and work habits and successfully transfers them to Byron's eco-focused lifestyle and concerns."

Alex Mango  
**Resident - Owner**



"I see Stage 5 as fostering more connection for the local business community. A lot of people in Byron work from home or work alone out of a shared space. Working without a team around them in a regional area creates isolation. That's a real problem. Through the conference space and events, I see Stage 5 helping to solve this."

Katie Graham  
**Resident - Tenant**  
**Business - Brand Growth Consultant**

## APPENDICES

### **APPENDIX D**

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#### Feedback forms from Community Consultation Sessions



## HABITAT Stage 5

Date: 11.02.2020 1 OF 2  
 First Name: MANDY and JOHN  
 Surname: HENDERSON  
 Phone: 0411 478828 / 0412 478858  
 Post Code: 2481  
 email address: mandyhenderson1111@gmail.com  
 john.henderson1111@gmail.com  
 If you would prefer your comments to be anonymous please tick this box ☐

What comments do you have for the HABITAT Stage 5 team regarding the proposal?

BASED ON WHAT I'VE BEEN TOLD and SEEN IN REGARD TO THE PROPOSED STAGE 5 DEVELOPMENT, WE ARE CONCERNED ABOUT NOISE and FOOD SMELLS RELATED TO THE PROPOSED POOL / BAR and RESTAURANT.

1. CAN WE SUGGEST THAT THE POOL, THE BAR and THE RESTAURANT BE BUILT <sup>FURTHER</sup> AWAY FROM THE TEN EXISTING TOWNHOUSE RESIDENTS ON PORTER STREET? PERHAPS THEY COULD BE ~~BUILT~~ BUILT CLOSER TO WALLUM ST OR EASY STREET AWAY FROM REDUCES HOMES.

2. PLEASE PROVIDE THE DETAILS OF THE PROPOSED SERVICE CORRIDOR. PERHAPS ~~BE~~ THE EXPLANATION COULD BE GIVEN BY DESCRIBING HOW GOODS INTEND TO BE DELIVERED FROM THE LOADING BAY TO THE POOL / BAR / RESTAURANT.

3. PLEASE DESCRIBE EXACTLY WHERE THE EXTRACTION FANS FOR THE RESTAURANT WILL BE LOCATED and WHETHER THERE IS ANY POSSIBILITY THAT THE SMOKE / SMELLS..

## HABITAT Stage 5

2 OF 2.

Date: 11.02.2020  
 First Name: MANDY and JOHN  
 Surname: HENDERSON  
 Phone: 0411478828 / 0412 478858  
 Post Code: 2481  
 email address: mandyhenderson1111@gmail.com  
 john.henderson1111@gmail.com

If you would prefer your comments to be anonymous please tick this box

☐

What comments do you have for the HABITAT Stage 5 team regarding the proposal?

WILL BE BLOWN INTO OUR HOMES.

4. PLEASE DESCRIBE EXACTLY WHERE THE POOL ~~FILTE~~ FILTRATION SYSTEM WILL BE LOCATED. and WHETHER THE NOISE OF THE FILTER WILL BE HEARD FROM OUR HOMES.

5. PLEASE DESCRIBE THE EXACT LOCATION OF ANY REFRIDGERATION and/or OTHER INDUSTRIAL EQUIPMENT WILL BE LOCATED. and WHETHER THE NOISE OF THOSE MACHINES WILL BE HEARD BY THE PORTER STREET RESIDENTS.

WE'RE FULLY ONBOARD WITH THE DEVELOPMENT BUT WE DO NOT WANT A REPEAT OF BAY LAKE NEXT TO OUR HOMES.

PLEASE FURTHER CONSIDER EXISTING PORTER STREET HOME OWNERS.

WE ARE ~~THE~~ NOT CONFIDENT A HIGH WALL WILL BE SUFFICIENTLY ADDRESS OUR CONCERNS.

KIND REGARDS JOHN and MANDY  
 HENDERSON  
 OWNERS 112 PORTER STREET



## HABITAT Stage 5

Date: 13/02/2020  
First Name: George Ali  
Surname: Nemodovsky  
Phone: \_\_\_\_\_  
Post Code: \_\_\_\_\_  
email address: \_\_\_\_\_

If you would prefer your comments to be anonymous please tick this box

☐

What comments do you have for the HABITAT Stage 5 team regarding the proposal?

See attached

**HABITAT Stage 5**

13th February 2020

Geroge & Ali Neradovsky

G - 0416 217699 A - 0417 924154

2481

[geogyp63@gmail.com](mailto:geogyp63@gmail.com)

[lovinlifeco1@gmail.com](mailto:lovinlifeco1@gmail.com)

**COMMENTS FOR STAGE 5 TEAM**

Firstly we make it clear we are in total support of Stage 5 and the whole Habitat Precinct Development.

Our concerns with the DA is how it will affect us as full time residents on Porter Street. While we are aware this is a Commercial/Residential/Retail Precinct, we are concerned about the noise levels that will be generated by particularly Building S5E.

We have lived here for 2 years and constantly have our ground floor living room windows and upstairs bedroom doors and windows open almost 24/7 (obviously not having air conditioning this is pretty much necessary).

The fact that Building S5E is proposed to be home to a Restaurant running 7 days a week from morning and licensed until 12 midnight is a concern, regarding operational noise.

As is the pool area which will also be operating 7 days a week (not sure of these hours but am guessing somewhere around 10pm like the existing Habitat Pool).

Obviously daily operating noise such as the service corridor from the loading area to the restaurant and exhaust fans and the shut down/clean up process at the end of each day would extend after the closing time of 12 midnight. Bearing in mind our bedrooms are situated opposite the restaurant and pool areas.

We were hoping consideration could be given to perhaps relocating Building S5E to the Northern End of Stage 5 - currently where buildings S5A, S5F & S5C are proposed. Our thoughts are that there is a larger buffer zone with the Road and half of the space being residents and the other half being carpark, might be less impact on the residents currently residing in Porter Street.

From memory from the presentation evening, buildings S5A and S5C were to be the serviced apartments upstairs which we feel would be far less of a concern being opposite our back door.



Another consideration would be to have the Restaurant and Pool areas on Wallum or Easy Street..?

We personally feel this will impact our daily life here (which we love) and we do not expect total peace and quiet, however, there will be potentially hundreds of people passing through this part of the development day and night .

We are quite sure you will do your due diligence and have done already where this is concerned, however, we wanted to provide our feedback.

Thankyou for the opportunity to be heard.

George & Ali Neradovsky  
12 Porter Street