# Site Strategy and Urban Design Protocol

The former Mullumbimby Hospital site





# **Contents**

Introduction and Background	3
Purpose	3
The Site	4
Site Characteristics	6
Site History	10
Project Reference Group	13
Legal Considerations	13
Vision and Goals	14
Development Vision	14
Project Goals	16
Site Strategy	17
Desired Outcomes	17
Urban Design Protocol	19
Urban Design Principles	19
Desired Outcomes	21
Appendices	23
Appendix A: Project Reference Group Recommendations	23
Appendix B: Legal Considerations	26
Appendix C: Site Constraint Plans	27
Appendix D: Planning Proposal Overview	33

#### **Document Register**

Recommended Version: Dated 15 December 2022 (E2022/113329)

Exhibition Version: Dated 27 October 2022 (E2022/104888)

Document Authors: Byron Shire Council: Andrew FitzGibbon (Place Planning Coordinator), Kristie

Hughes (Planning Projects Officer) and Isabelle Hawton (Place Liaison Officer)

# **Introduction and Background**

# **Purpose**

The Site Strategy and Urban Design Protocol for the former Mullumbimby Hospital site describes the history, vision, objectives, and urban design principles for the site.

The purpose of the document is to:

- confirm the vision and objectives for the development of the site;
- outline the design aspirations for the site;
- inform the scope of a Planning Proposal over the site, and;
- provide a basis for a staging and delivery plan.

This document relies heavily on the work and process previously undertaken by the Mullumbimby Hospital Project Reference Group.

It also takes into account the latest information regarding the site remediation works following the demolition of the old hospital buildings.

This community consultation of this document was endorsed by Council at its meeting on 27 October 2022. The final version of the document was recommended to Council at its meeting on 15 December 2022.



Figure 1: Context Plan

#### The Site

The former Mullumbimby Hospital site is situated in the town of Mullumbimby within the Byron Shire, on the Far North Coast of New South Wales.

It is located on land next to the Brunswick River on Bundjalung Country. The Brunswick River is an important traditional boundary area between the Arakwal and Minjungbal tribal groups within the Byron Shire.

The site is currently wholly owned by Council and classified as 'operational land' (as per the Local Government Act 1993).

The following points describe the site context as illustrated in Figure 1.

- The site is located in the south-west of Mullumbimby, approximately one kilometre from the town centre.
- The site has close proximity to community and recreation facilities, including the swimming pool, bowling club, Drill Hall Theatre and gallery, the Mullumbimby High School, Shearwater Primary and Secondary Steiner School, open space, sports fields, a skate park and community gardens.
- The site has access to a network of footpaths and cycle paths that encourage active transport between the site and town.
- The intersection of Azalea Avenue and Left Bank Road is a gateway to Tallowood, Mullumbimby's newest residential subdivision.

The Azalea Street Neighbourhood consists of three land parcels as described below and illustrated in Figure 2 and Figure 3.

Lot Description	Area
Lot 188 DP 728535	40,947m <sup>2</sup>
Lot 1 DP 1159861	1,331m <sup>2</sup>
Lot 138 DP 755722	1,819m <sup>2</sup>
Total	44,097m <sup>2</sup>

The total area of the site is 4.4 hectares (10.9 acres).

However, there is a now a Development Application approved over Lot 188 to subdivide off the existing aged care facility 'Coolamon Villas' (refer to Figure 4).

The aged care site is proposed to be 8,967m<sup>2</sup>. This will leave an area of approximately 35,120m<sup>2</sup> remaining on Lot 188 and approximately 38,270m<sup>2</sup> overall.

It is this remaining vacant land which is the focus of this document.

Figure 2: Existing Site Plan

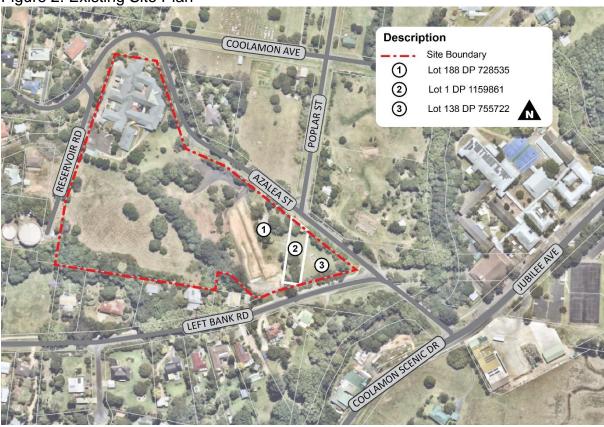
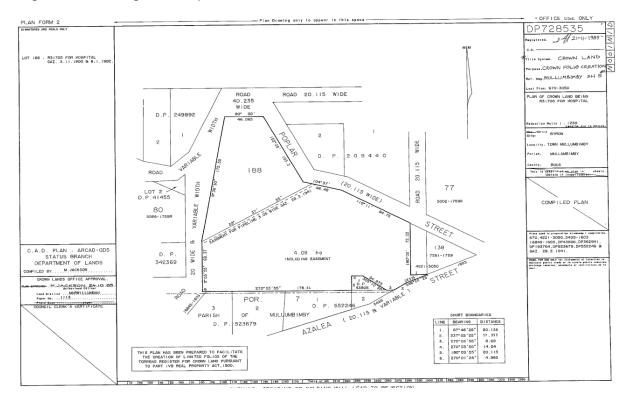


Figure 3: Existing Site Deposited Plan



#### **Site Characteristics**

The following points describe the site characteristics as illustrated in Figure 5.

- The terrain of the site is varied. The top of the site known as the 'horse paddock', sits adjacent to the water towers with views of Mount Chincogan and the surrounding landscape. Steeper slopes extend from the north-west corner towards the south of the site, whilst the area directly adjacent to Azalea Street has a more gentle slope.
- The previous location of the former Mullumbimby Hospital was on the lower, flatter portion of the site, bounded by Azalea Street on the north and Left Bank Road to the south. This area is flatter and with less established vegetation.
- An existing aged care facility 'Coolamon Villas' in the northern section of the site.
   There is a Development Approval to subdivide off this section of the site (refer to proposed Lot 50 on Figure 4).
- A major water pipeline is running through the site that cannot be built over, (refer Figure 4, Easement B). However, Council is looking at the relocation of this pipeline – if this progresses, planning for the site should reflect this reduced constraint.
- Identified High Environmental Value vegetation runs along the south-west corner
  of the site which adjoins the public recreation zoned land that accommodates the
  water towers.
- At the south-east corner of the site the intersection of Azalea Street and Left Bank Road is the gateway to newer residential development in the south-west of Mullumbimby (Tallowood Ridge Estate).
- Site remediation works have been required as described in more detail below.

A site characteristics plan is provided at Figure 5. A detailed constraint mapping is provided in Appendix C.

Figure 4: Approved Plan to subdivide off the aged care facility

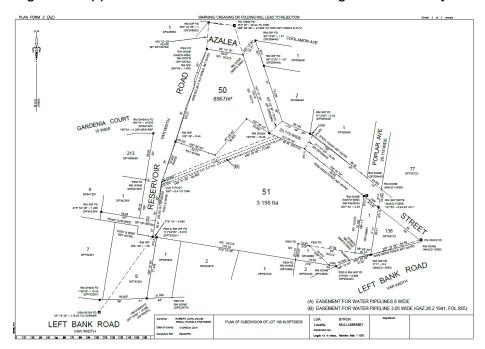
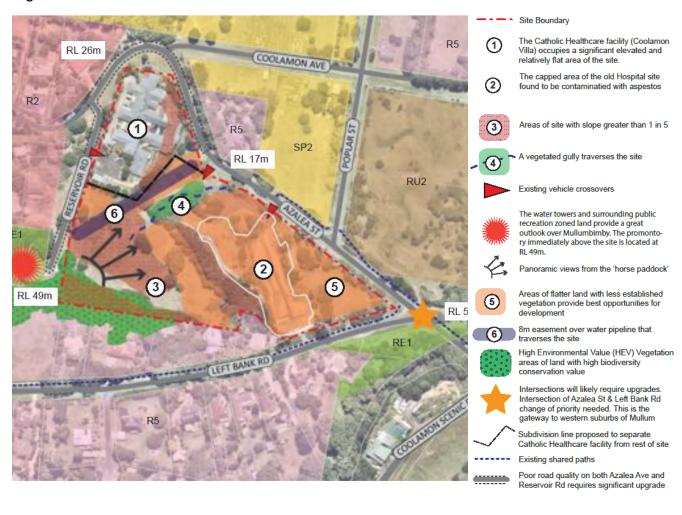


Figure 5: Site Characteristics Plan



#### Contamination Remediation

Site remediation works have been ongoing following the demolition and removal of the asbestos contaminated hospital buildings, and discovery of additional contamination areas on the site. The primary feature of the site Remediation Action Plan (RAP) is the capping of an area of the property primarily where the former hospital buildings were located.

Although the RAP works have now been completed - it is important to note that this is not the end of the remediation process which is directed and ultimately concluded by the Auditor.

The validation of the RAP will comprise a site survey to confirm compliance with the technical specifications of the capping containment structure. The outcomes of RAP process will be addressed in an Environmental Management Plan (EMP) for the future management of the site.

The EMP will ensure the integrity of the encapsulation of the underlying asbestos contamination. Following endorsement of the EMP, the auditor concludes the remediation process with a formal Site Audit Statement.

This auditing and reporting process is expected to be completed by the end of 2022.

Note that the cost of the remediation works has been substantial (approximately \$4.7 million). Project goals noted later in the document relating to cost recovery will need to be a pragmatic consideration for the future planning and development of the site.

#### Implications for future use

A planning proposal process will not be able to proceed until the auditor concludes the remediation process with a formal Site Audit Statement.

Note that an interim site audit advice (21 Oct 2021) has indicated that residential use of the capped area will be possible in a managed form that does not allow any possibility of private excavation. However, to minimise risk, Council will be looking for the final Site Audit Statement to provide clear and definitive advice on appropriate land uses on the site.

Photo: Drone photo of the site looking from the south-east corner



Photo: Drone photo of the site looking from the south-west corner



## **Site History**

The site is located on land next to the Brunswick River on Bundjalung Country. The Brunswick River is an important traditional boundary area between the Arakwal and Minjungbal tribal groups within the Byron Shire.

First nations people have long inhabited the area, with traditional connections to the Brunswick River, surrounding rainforests and mountains to the north and west.

Further consultation with Tweed Byron Local Aboriginal Land Council and Arakwal Corporation will help to inform the history and cultural knowledge and traditions connected to the site.

The former Mullumbimby Hospital site has been part of the history of Mullumbimby since 1900 when an area of 13 acres (5.26 hectares) was set apart, by the NSW State Government, as Crown Reserve for Public Purpose. The site was then designated, by the State Government as 'Mullumbimby Hospital Reserve' in 1902 when the first trustees were appointed to manage the site.

This arrangement continued for the next 115 years with Trustees drawn from the local community. The last Board of Trustees was appointed in 2008, by the State Government, and dissolved by it in 2010. The Mullumbimby & District War Memorial Hospital officially opened its doors on Hospital Hill in 1968 and served the community until 2016, when the Byron Central Hospital opened.

It is important to note that Mullumbimby operated as a separate Municipality, 1908-1980, when forced to amalgamate with Byron Shire. Byron Shire council offices relocated to Mullumbimby in 1990's.

Over the years development of the hospital site has always been heavily reliant on funding raised by the community. For example it took 50 years before enough funding was secured to build the hospital and nurses home which opened in 1968. The aged care facility, built by St Vincent De Paul (NSW) and leased on a 33 years contract, recently renewed, was built in 1982, and, later, training rooms were made available for young adults with disabilities.

The Birthing Centre was constructed in 1993.

The former Mullumbimby & District War Memorial Hospital site is of sentimental value to the wider community and holds many special memories. A place where many babies were born, and locals dearly cared for through all stages of life. It was the original home of the local Meals on Wheels program, providing meals for residents who were unable to cook for themselves.

The hospital grounds also saw the initiation of a horticulture nursery, employing local people with disabilities. This successful venture eventually moved to a larger site in Byron and is now known as Byron Bay Herb Nursery.

The site sold to Byron Shire Council for \$1 from the State Government in 2018. The demolition of the hospital buildings and associated site remediation works began in 2019.

The local community desired that the hospital site be a place that continues to serve the community. A Project Reference Group (PRG), made up of local community groups and stakeholders met regularly for 12 months during 2018.

The group worked hard to develop a shared vision and consulted with hundreds of locals in person, online and at community events and meetings. The group used a participatory planning process based on national and international best practice to reach consensus, knowing that it would be impossible to please everybody but that it was possible to create shared agreement about important local priorities.

Photo: Local Scouts and Nurses at the opening of the hospital in 1968 (Source: Brunswick Valley Historical Society archives)

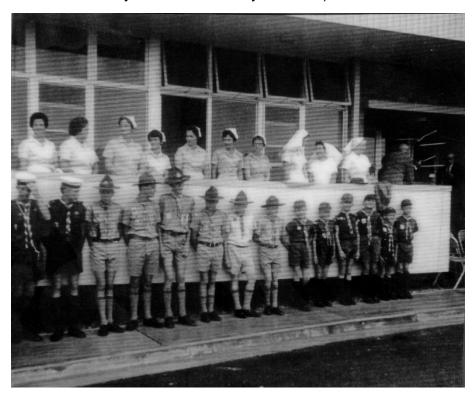


Photo: The first patient arriving at the new Mullumbimby & District War Memorial Hospital (Source: Brunswick Valley Historical Society archives)



## **Project Reference Group**

The Mullumbimby Hospital Site Project Reference Group (PRG) was established to provide recommendations to Council on the best use of the site.

The PRG consisted of twenty-one community representatives and Councillors who undertook a 12-month participatory planning process in 2017-2018.

The PRG recommendations relating to uses for the site, design, and governance are included at Appendix A (as per Council Meeting Minutes from 22 November 2018 – resolution 18-721).

A summary of the objectives recommended by the PRG is provided below.

- **Uses of the site:** In broad terms, a mix of uses is proposed at a neighbourhood scale that does not compete with the town centre but creates synergy given the site's strategic location, its topography and its neighbours.
- **Design:** The development of the site should align with, and acknowledge, the interrelatedness of social and cultural, environmental, economic and civic guiding principles outlined by the local community.
- Governance: To deliver and effectively manage ongoing outcomes on the site, development and governance mechanisms that allow Council and community to do this are needed.

# **Legal Considerations**

The contract for the purchase of the Mullumbimby Hospital Site from the NSW Government included provisions relating to how Council can use the site.

These details are included at Appendix B (as per the Council report from 22 November 2018).

# **Vision and Goals**

# **Development Vision**

A vibrant mixed-use neighbourhood located just 15-minutes' walk to the centre of town and close to regional schools and services.

A living village, home to a diverse, creative and inclusive community – especially those who have been priced out of other areas of Byron Shire. This has been made possible by the provision of a range dwelling types, including affordable, attainable and accessible housing.

Community facilities and public spaces provide a place where the local community comes to meet, create, reflect and celebrate together. Facilities support local initiatives, art and culture, work and education needs through a variety of flexible spaces and options.

A beautiful, green neighbourhood with a rich character that draws inspiration from the local Mullumbimby culture and the special history of the site. It expresses the sustainability and resilience principles that are central values to the Byron Shire community.

The precinct is well connected by bus, bicycle routes and walking paths to the centre of town, nearby schools, recreation spaces and community facilities.

Figure 6: Concept Structure Plan



- Mix of community uses, open space, non-residential and residential (vertical and horizontal mix)
- Residential diversity mix of dwelling types and densities
- Aged care (no change)
- Vegetation landscapes
- Internal access and high quality public realm
- Pedestrian paths
- Remediation cap area
- Watermain (pending relocation)
- Intersection upgrade potential

Note that this is a conceptual structure plan that provides an example of how the site could be composed. Land use and infrastructure location and quantity will be analysed and tested in the next stage of planning studies, concept masterplanning and feasibility assessment.

## **Project Goals**

The following project goals are defined for development of the site. These have been drawn from the Project Reference Group recommendations and informed by the environmental and financial implications from the remediation of the land.

- 1. The development vision is achieved especially the provision of ongoing diverse, affordable and attainable housing, and the provision of social and community infrastructure.
- 2. Debt associated with site remediation and other development costs are repaid.
- 3. Council undertakes a development strategy that meets point one while also maximising long term financial benefit and return for the community.
- 4. Development stages generally adhere to the Site Strategy and Urban Design Protocol and meet site-specific statutory planning controls.
- 5. Remediated land is developed safely in accordance with the Environmental Management Plan for the site.
- 6. Community-led governance methods and/or substantial community engagement is employed at appropriate planning stages.

# **Site Strategy**

The Site Strategy outlines the key desired outcomes for land use, finance, social impacts, and governance.

#### **Desired Outcomes**

#### Land Use

- In broad terms, a mix of uses is proposed at a neighbourhood scale that does not compete with the town centre but creates synergy given the site's strategic location, its topography and its neighbours.
- The substantial proportion (60% or more) should be residential development.
- Within the residential development, an integrated mix of types and tenures provides, and continues to provide, in perpetuity:
  - housing that is affordable, accessible and appropriate for older people across a range of household income levels; and
  - housing that is affordable, accessible and appropriate for households with very low, low and moderate income in response to Brunswick Valley community needs.
- The housing is supported by and supports an innovative neighbourhood scale
  multipurpose facility that is designed to allow multiple uses, for people of all ages
  and income levels.
- Community facilities, public spaces and other uses include flexible space(s) for uses such as arts and culture, consultation, work, education, gathering, recreation, café, shopping, remembrance – all intended to support residents and community, encourage social contact and develop new relationships and opportunities.
- The site is nested in the broader Mullumbimby Master Plan to contribute to an integrated approach to local development.
- Short term residential accommodation is not supported and should be excluded.
- Housing affordability should be ongoing.

#### Finance

- Generate no or very limited current or future cost to local people and Council.
- Repay debt associated with remediation works (approximately \$4.7 million) and other development costs.
- Provide an ongoing revenue stream to support initiatives on the site or other projects.
- Retain long term Council land ownership wherever possible.

#### Social

- Enhance the social vitality, social capital and community wellbeing, and, specifically:
  - meet community responsibility to provide benefit to vulnerable people
  - support healing and health
  - support inclusion and participation from people of all ages
  - incorporate purposeful creativity, art and culture
  - provide education/training and pathways to volunteering/employment for local people
  - support innovation and social enterprise
  - support local business in line with local values
  - prioritise ethical investment and procurement
- Be mindful of the wide diversity of people and opinions in the Brunswick Valley community.
- Be consistent with principles of Crime Prevention Through Environmental Design.
- Provide housing and services to meet current and future needs particularly seniors, key workers, people living with a disability, local indigenous communities, young people entering the housing market and those on low to middle incomes.

#### Governance

- Deliver and effectively manage ongoing outcomes on the site, development and governance are needed. Further details regarding points from the Project Reference Group regarding governance are provided at Appendix A.
- Be staged in a way that is integrated at each phase to create a coherent sense of place.
- Community-led governance and/or substantial engagement methods are used at appropriate development stages.
- Community feedback provided to date is considered at appropriate planning and development stages.

# **Urban Design Protocol**

The Urban Design Protocol outlines the principles and key desired outcomes for the urban design elements of neighbourhood structure, movement and connection through the site and to surrounding areas, natural systems, public space, and built form.

# **Urban Design Principles**

#### Listen to, design with and care for Country



Consider Country at all stages of the project. Engage with and be guided by Elders and knowledge holders to consciously embed first nations viewpoints and culture into the process, recognising the importance of place and the relationships between the natural environment, built environment and humans.

#### Permeable and connected



Design the site with connectivity in mind. Consider the Mullumbimby township holistically, ensuring connectivity physically, through the provision of walking and cycling paths, and in a design sense promoting an aesthetic and materiality that aligns with the broader Mullumbimby character. Ensure that the site is permeable and walkable, and buildings on site value articulation and creatively address scale.

#### **Neighbourhood Scaled**



Acknowledge the pivotal role of the site in the wider Mullumbimby context – ensuring that it complements rather than competes with the existing town centre. Ensure that development on site is integrated, both vertically and horizontally, to create a distinct neighbourhood that is designed at a human scale.

#### **Environmentally sensitive and responsive**



Informed by First Nations knowledge of Country, respond to and integrate existing and continuing environmental values. Design is shaped by respecting, recognising and creating natural connections for flora, fauna, water and soils on the site.

#### Sustainable



Ensure building design not only incorporates sustainable materials, but promotes passive solar design and environmentally responsive architecture to enhance the experience of place and reduce emissions long term. Developments use resources efficiently, are adaptable for future uses, reduce embodied emissions, and consider onsite energy production.

#### Well designed – with architectural merit front of mind



Strive for best practice design outcomes for the site, ensuring quality design is at the forefront of each stage of the project and ensuring the long-term success of the site. Consider the integration of each urban design principle in the building and landscape design for the site.

#### Creatively use limited land



Think outside the box to make the most of this rare flood free piece of Council owned land and maximise potential community benefit whilst ensuring that design outcomes are not compromised.

#### **Desired Outcomes**

#### **Neighbourhood Structure**

- Projects starts with Country, nature, culture and public space.
- District and local routes provide transport choice and accessibility.
- The neighbourhood is compact and diverse, connecting to good amenity.
- Place-based risks are mitigated and ecological values sustained to ensure resilient communities.

#### **Movement and Connection**

- Encourage pedestrian movement within and around the site.
- The site is a walkable neighbourhood that is vibrant and productive.
- Building patterns and fine-grain street networks define a legible, permeable neighbourhood.
- Walking and cycling is prioritised, safe and comfortable for people of all abilities.
- Parking is minimised, adaptable and integrated.
- Pedestrian and cycle networks to and through the site are provided in alignment with the Byron Shire Pedestrian Access and Movement Plan and Byron Shire Bike Plan.
- Bus stops on Left Bank Road are reinforced.
- Necessary intersection upgrades at Azalea Street and Left Bank Road, and Azalea Street and Coolamon Scenic Drive are as recommended by a traffic assessment.
- Adequate parking is provided that does not dominate the public realm.
- On-street parking over remediated land may be considered.

#### **Natural System**

- Achieve high levels of environmental sustainability, including:
  - preservation/enhancement of natural environment and local ecosystems (e.g. waterways, biodiversity, etc.)
  - striving towards zero emissions
  - strengthening community resilience and climate change precautions
  - establishing green space (gardens and shade throughout) for people to interact in/with
- Landscape features and microclimates enhance human health and biodiversity on site.
- Tree canopy supports a sustainable, liveable and cool neighbourhood.
- Water is retained on site and water quality improved through the use of water sensitive urban design.
- Best practice water sensitive urban design principles embedded
- Remediated land area is developed in accordance with Environmental Management Plan.
- High value vegetation in the south-west corner of the site is protected.

#### **Built Form**

- Architecture, landscape and urban design demonstrate exemplary, high-quality design.
- Articulate, respect and celebrate the indigenous and non-indigenous history of the site.
- Connects strongly with the natural landscape and landform.
- Ensure aesthetic values are consistent with the local area.
- Be adaptable, where possible, to accommodate change for future uses that may not yet be anticipated or known.
- The lot layout supports green neighbourhoods and a diversity of built form and uses.
- There is a strong sense of place structured around connection to Country, heritage and culture.
- Scale and massing of built form responds to desired local character.
- Built form enlivens the ground plane, activating and framing public spaces.
- Development up to three stories high is supported with potential variations to this to be examined.
- Residential development densities should be maximised to deliver the maximum amount of diverse and affordable dwellings.
- Any development at the corner of Azalea Street and Left Bank Road is to provide a landmark built form that is also locally responsive. This corner could also include the provision of a public art piece or small public space.
- Any development near the southern boundary should limit/mitigate amenity impacts on the adjoining existing residential lots.

#### **Public Space**

- Public open space on site is high-quality, varied and adaptable.
- Streets through the site are safe, active and attractive spaces for people.
- Public facilities are located in key public places, supporting community and contributing to place identity.
- An appropriately sized public space is to be provided in conjunction with the community facility that supports local social interaction and engagement.
- The internal road and walkways are to be treated as important public spaces for the neighbourhood and have high level of place value.

#### Remembrance

• Integrate art and historical interpretative storytelling into the design of new facilities, public space and housing on this site.

# **Appendices**

# **Appendix A: Project Reference Group Recommendations**

The Mullumbimby Hospital Site Project Reference Group (PRG) was established to provide recommendations to Council on the best use of the site.

The PRG consisted of twenty-one community representatives and Councillors who undertook a 12-month participatory planning process in 2017-2018.

The PRG recommendations relating to uses for the site, design, and governance are provided below (as per Council Meeting Minutes from 22 November 2018 – resolution 18-721).

#### Uses of the site

In broad terms, a mix of uses is proposed at a neighbourhood scale that does not compete with the town centre but creates synergy given the site's strategic location, its topography and its neighbours.

With that objective:

- The substantial proportion (60% or more) should be residential development.
- Within the residential development, an integrated mix of types and tenures provides, and continues to provide, in perpetuity:
  - housing that is affordable, accessible and appropriate for older people across a range of household income levels; and
  - housing that is affordable, accessible and appropriate for households with very low, low and moderate income in response to Brunswick Valley community needs.
- The housing is supported by and supports an innovative neighbourhood scale multipurpose facility that is designed to allow multiple uses, for people of all ages and income levels.
- The multipurpose facility includes space(s) for consultation and may potentially include spaces for work, education, gathering, recreation, and a café, all intended to support residents and community, encourage social contact and develop with neighbours new relationships and opportunities.

#### Design

The development of the site should align with, and acknowledge, the interrelatedness of social and cultural, environmental, economic and civic guiding principles outlined by the local community.

Development should therefore:

 be of exemplary, high quality design, especially architectural, landscape and urban design

- achieve high levels of environmental sustainability, including:
  - preservation/enhancement of natural environment and local ecology (e.g. waterways, biodiversity, etc.)
  - striving towards zero emissions
  - strengthening community resilience and climate change precautions
  - establishing green space (gardens and shade throughout) for people to interact in/with
- articulate, respect and celebrate the indigenous and non-indigenous history of the site
- connect strongly with the natural landscape and land form
- ensure aesthetic values are consistent with the local area
- be staged in a way that is integrated at each phase to create a coherent sense of place and encourage pedestrian movement within and around the site
- be consistent with principles of Crime Prevention Through Environmental Design (CPTED)
- enhance the social vitality, social capital and community wellbeing, and, specifically:
  - meet community responsibility to provide benefit to vulnerable people
  - support healing and health
  - support inclusion and participation from people of all ages
  - incorporate purposeful creativity, art and culture
  - provide education/training and pathways to volunteering/employment for local people
  - support innovation and social enterprise
  - support local business in line with local values
  - prioritise ethical investment and procurement
- be mindful of the wide diversity of people and opinions in the Brunswick Valley community
- be adaptable, where possible, to accommodate change that may not yet be anticipated or known
- be nested in the broader Mullumbimby Master Plan to contribute to an integrated approach to local development
- generate no or very limited current or future cost to local people and Council

#### Governance

To deliver and effectively manage ongoing outcomes on the site, development and governance mechanisms that allow Council and community to do this are needed.

#### Therefore:

- A range of best practice community-led governance mechanism needs to be reviewed, both for the project development stages and for the ongoing governance of the new site developments.
- Appropriate community-led governance opportunities continue to inform project stages until the long-term, ongoing community-led governance mechanism is fully operational.

- Should some of the chosen forms of development involve the sale of parts of the site and/or private-led marketplace activities, any profits achieved through sale or other activities should be reinvested back into achieving social and cultural, environmental or civic outcomes on the site.
- That the "horse paddock" site be considered for development and sale.
- Part of the site should be identified and made available to a community housing provider, or equivalent entity, for the provision of housing that is affordable, accessible and appropriate.
- Short term holiday letting and its impact should be considered in light of the best interests of the site residents and local community.
- Council, or another entity, should continue consulting with providers including local high schools, Mullumbimby District Neighbourhood Centre, TAFE, Byron Youth Service, Southern Cross University, The Buttery and other relevant stakeholders in relation to possible uses of the multi-purpose facility on the site and, therefore, possible involvement in development and management matters.
- Council should identify any opportunities to facilitate partnerships and collaboration that contribute to achieving the best outcome for the site.
- Council should seek to identify any relevant grant funding/philanthropic opportunities in relation to the development of the site.
- Catholic Health Care (CHC) continues their existing use of the site and a marketbased purchase of the current land is appropriate. Should CHC seek to expand their facilities or establish further facilities elsewhere on the overall site, their proposals must be considered equally alongside other proposals for the site from other parties.

## **Appendix B: Legal Considerations**

The contract for the purchase of the Mullumbimby Hospital Site from the NSW Government included the following provisions relating to how Council can use the site.

The following advice has been provided by Council's Legal Services team as per the Council report from 22 November 2018.

#### Use of the site

The contract for the purchase of the site provides that:

- 5.1 The Purchaser will only use the property for any of the purposes in clause 5.1C ("Allowed Purpose").
- 5.1A In using the property for an Allowed Purpose, the Purchaser can:
  - a) earn income from the property to pay for the property's remediation;
  - b) earn any other income from the property, provided this income is reinvested into the property; or
  - c) sell or lease some or all of the property.
- 5.1B The Purchaser's right under clause 5.1A(c) is subject to the Purchaser contracting with a future purchaser or lessee that the property will only be used for an Allowed Purpose.
- 5.1C Under clause 5.1, the Allowed Purposes are:
  - affordable housing
  - centre-based child care facilities
  - commercial premises
  - community facilities
  - early education and care facilities
  - educational establishments
  - environmental facilities
  - function centres
  - group homes
  - information and education facilities
  - markets

- mixed use development
- public land
- recreation areas
- recreation facilities
- residential care facilities
- respite day care centres
- schools
- school-based child care
- seniors housing; and/or
- any other use which, in the Purchaser's reasonable opinion, has similar characteristics to the above uses.

Each Allowed Purpose has the meaning given in the Byron Local Environmental Plan ]2014, as amended from time to time.

# **Appendix C: Site Constraint Plans**



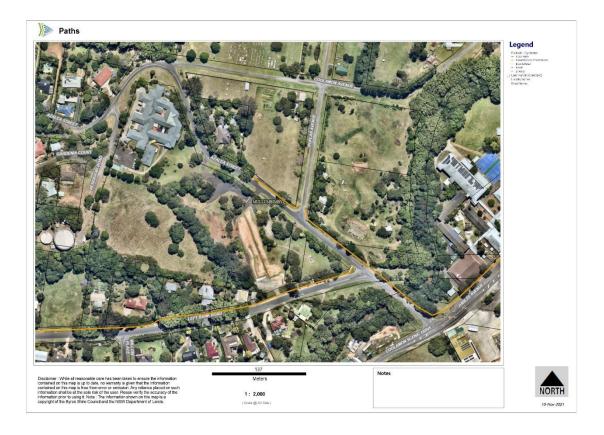


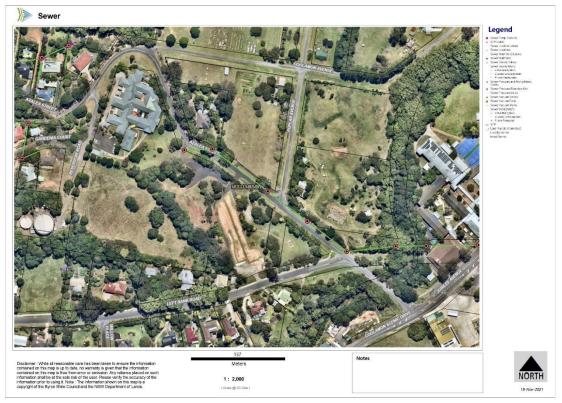




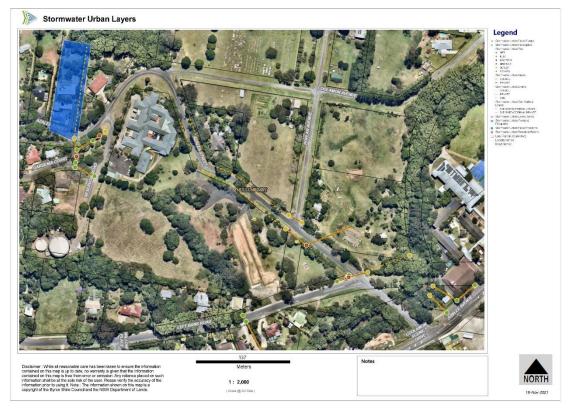














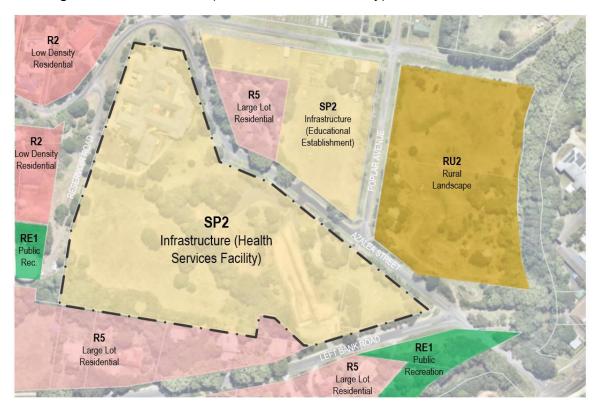
# **Appendix D: Planning Proposal Overview**

A Planning Proposal to amend the Byron Shire Local Environmental Plan 2014 is required to reflect the vision and objectives of the Site Strategy and Urban Design Protocol.

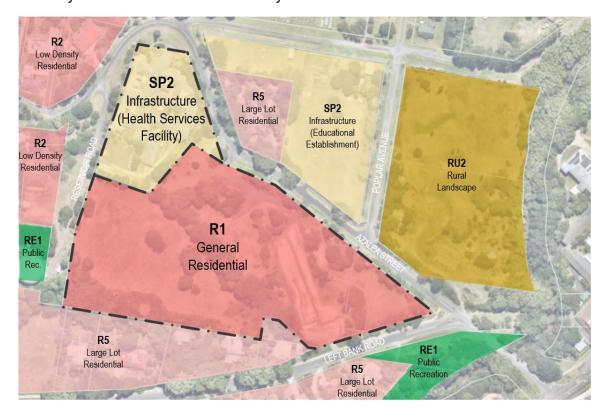
The following information provides an overview of the potential zoning and development standard amendments that could be sought.

#### **Zoning**

Existing: SP2 Infrastructure (Health Services Facility)



Proposed: SP2 Infrastructure (Health Services Facility) over aged care site and R1 General Residential over the remainder of the site. R1 zoning will allow for the diversity of residential and community uses desired for the site.



Page 34 of the Site Strategy and Urban Design Protocol – Former Mullumbimby Hospital Site

# **Height of Buildings**

Existing: 8.5m allowed



Proposed: 11.5m



Page 35 of the Site Strategy and Urban Design Protocol – Former Mullumbimby Hospital Site

### Floor Space Ratio

Existing: no provision over the site

Proposed: no change

#### **Minimum Lot Size**

Existing: no provision over the site

Proposed: no change