

19 March 2020

File No: NTH20/00058/01

Your Ref: PP26.2019.7.1

The General Manager
Byron Shire Council
PO Box 219
MULLUMBIMBI NSW PCOD

Attention: Sam Tarrant

Dear Sir / Madam,

Re: Planning Proposal 26.2019.7.1 – Schedule 1 Amendment to Byron LEP – Old Byron Hospital Site. Lot 1 DP847910. 10 – 12 Shirley Street, Byron Bay

I refer to your letter dated 19 February 2020 requesting comment from Transport for NSW (TfNSW) in relation to the abovementioned planning proposal.

Roles and Responsibilities

From 1 December 2019, all functions and responsibilities of Roads and Maritime Services will now be vested in an integrated TfNSW. Our key interests are for the safety and efficiency of the transport network, the integrity of State infrastructure and the integration of land use and transport in accordance with *Future Transport Strategy 2056*.

Shirley Street is a classified (Regional) road (MR545). In accordance with Section 7 of the *Roads Act 1993* (the Act) Byron Shire Council is the Roads Authority for this road and all other public roads in the subject area. TfNSW's concurrence is required prior to Council's approval of works on this road under Section 138 of the *Roads Act 1993*.

In accordance with Clause 101 of the *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP) the Consent Authority is to have consideration for the safety, efficiency and ongoing operation of the classified road as the development has frontage to a classified road. TfNSW is given the opportunity under Clause 104 to comment on traffic generating developments listed under Schedule 3.

Transport for NSW Response

TfNSW has reviewed the information provided and raises no objection to the Schedule 1 amendment proposed. The following comments are provided to assist Council in making a decision on the planning proposal, and in respect to future development of the site.

1. It is suggested that the introduction of any significantly different land use (such as an educational establishment, large office complex, etc.) include a Traffic Impact Assessment

(TIA) prepared by a suitably qualified person to identify likely traffic impacts on the classified (Regional) road. This should be referred to TfNSW for review and comment.

The TIA should be prepared in accordance with the current Austroads Guide to Traffic Management Part 12, the complementary TfNSW Supplement and the RTA Guide to Traffic Generating Developments. The TIA should include, but not be limited, to the following;

- The impact of the proposed development on the road network with consideration for a 10 year design horizon.
- The volume and distribution of traffic generated by the proposed development.
- Background traffic data, including current traffic counts and relevant growth rates.
- Sight distance measurements at site access locations and affected intersections.
- Proposed site access arrangements and details of proposed improvements to any affected intersections.
- Details of servicing and parking arrangements, including swept paths for the largest vehicle requiring access to the site.
- Impact on public transport (public and school bus routes).
- Connectivity for active transport modes such as walking and cycling.

Any new access or works proposed on the classified (Regional) road should be designed in accordance with the current Austroads Guidelines, Australian Standards and TfNSW Supplements, to the satisfaction of Council, prior to referral to TfNSW for concurrence under Section 138 of the Roads Act.

2. In respect to future development of the site,
 - a. Council should be satisfied that the impact of through and turning traffic has been adequately addressed. Please refer to *Austroads Guide to Traffic Management Part 6: Intersections, Interchanges and Crossings* and *Australian Standard 2890.1 – Off Street Car Parking*.
 - b. Service vehicles should enter and leave the site in a forward manner. The design should cater for the turning paths of the largest vehicle requiring access to the site. Please refer to *Australian Standard 2890.2 – Off Street Commercial Vehicle Facilities*.
 - c. Regulatory signs and devices will require the endorsement of the Local Traffic Committee prior to Council approval. Please refer to *A guide to the delegation to councils for the regulation of traffic*.
 - d. Consideration should be given to connectivity for public transport facilities and active transport modes such as walking and cycling.

If you have any further enquiries regarding the above comments please do not hesitate to contact Cheryl Sisson, Development Assessment Officer on (02) 6640 1362 or via email at: development.northern@rms.nsw.gov.au

Yours faithfully,



For Kylie-Anne Pont
A/Manager Land Use Assessment, Northern

Our ref: DOC20/134633

Mr Mark Arnold
General Manager
Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2482

Attention: Mr Sam Tarrant, Planner
starrant@byron.nsw.gov.au

Planning Proposal – Additional permitted uses at the Old Byron Hospital site

Dear Mr Arnold

Thank you for the opportunity to provide comment on the planning proposal to amend *Byron Local Environmental Plan 2014* (LEP) to allow for additional permitted uses at the Old Byron Hospital site located at 10-12 Shirley Street, Byron Bay.

The planning proposal aims to allow for the adaptive reuse of the Old Byron Hospital site for community facilities, which will include office premises, a commercial kitchen with a maximum floor space of 100sqm, and a restaurant/café.

We have reviewed our records and note that the proposal will not have a direct physical or visual impact on any items listed on the State Heritage Register. However, we note that the planning proposal is within the Shirley Street Conservation Area (C005), listed under the LEP.

Given the low impact nature of the proposed additional uses, Heritage NSW does not consider that the planning proposal will have a significant heritage impact on the Heritage Conservation Area (HCA). As this HCA is listed under your LEP, Council is the consent authority, and the assessment and consideration of any impacts on this HCA rests with Council. Prior to finalisation of the planning proposal, Council should be satisfied that all necessary due diligence, assessments and notifications have been undertaken.

If you have any questions, please contact James Sellwood, Senior Heritage Programs Officer, Statewide Programs at Heritage NSW, Department of Premier and Cabinet by phone on 02 9274 6354 or via email at james.sellwood@environment.nsw.gov.au.

Yours sincerely



Sonia Limeburner
A/Manager, Statewide Programs
Heritage NSW
20 March 2020



NSW RURAL FIRE SERVICE

Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2482

Your reference: PP_2019_Byron_007_00
Our reference: SPI20200229000029

ATTENTION: Sam Tarrant

Date: Monday 6 April 2020

Dear Sir/Madam,

**Strategic Planning Instrument
LEP Amendment – Planning Proposal**

Amendment of Byron Local Environmental Plan 2014 to introduce office premises, light industry and restaurant or café as additional permitted uses with consent on the old hospital site, Byron Bay

I refer to your correspondence dated 19/02/2020 inviting the NSW Rural Fire Service (NSW RFS) to comment on the above Strategic Planning document.

The NSW RFS has considered the information submitted and provides the following comments.

The NSW RFS has no objection to the planning proposal and recommends that Council, as the new owner of the building and site develop:

- A site vegetation management plan that incorporates bush fire risk and minimises on-site vegetation fuel loads accordingly; and
- Develop a Bush Fire Emergency and Evacuation plan. in-accordance with *Planning for Bush Fire Protection 2019*.

For any queries regarding this correspondence, please contact Alan Bawden on 1300 NSW RFS.

Yours sincerely,

Timothy Carroll
Manager Planning & Environment Services
Planning and Environment Services

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au

From: [REDACTED]
To: [submissions](#)
Cc: [Tarrant, Sam](#)
Subject: Planning proposal to amend Byron LEP 2014 AT 10-12 SHIRLEY STREET BYRON BAY - OLD HOSPITAL SITE
Date: Thursday, 19 March 2020 5:11:56 PM

Attention Sam Tarrant - Planner Byron Shire Council

Planning Proposal - 10-12 shirley street byron bay

Introduction

Response for Planning proposal from [REDACTED] shirley lane byron bay

Our property adjoins the old hospital site and has a common 50m fence line to the eastern side and a 22m frontage onto shirley lane directly adjacent to the hospital on the northern side

Background

By owning property at [REDACTED] shirley lane since 2004, we have been direct neighbours to this old hospital site. During this period, the neighbourhood has experienced disruption, noise, safety issues, odours and traffic episodes by living in the close vicinity of the old hospital.

During this period though we have personally found that the hospital General Manager and staff to be cooperative when concerns were raised with them on addressable issues.

Non the less we have had more than our FAIR SHARE OF THESE TYPES OF DISRUPTIVE ACTIVITIES and ask that the following points be addressed in any new planning proposal

Zoning

We note that the current R2 Low Density Residential Zoning of the old hospital site would prohibit the land uses proposed in this new planning proposal

Concerns with the proposal

That user access to the site (both pedestrian and car) be via shirley street and wordsworth street with shirley lane being used for emergency only. **(i.e. no general access inside the building via shirley lane)**

that smoking and gathering areas be FRONTED to shirley street and wordsworth streets **(i.e. smoking areas not be adjacent to the feneline and or our property as was the case with the old hospital)**

That the old loading dock backing on the shirley lane be decommissioned as such and not

used for regular loading activities

that any new or existing air conditioning, ventilation or exhaust equipment have a sound level that does not affect neighbouring properties

that security, exit, and general lighting along the fence line and shirley lane be shaded to control light break out to neighbouring properties

that the property will have the correct regular maintenance to yard and garden

maintenance required currently

that the shirley lane entry/borders to the site be fenced and OR beautified OR softened OR landscaped

that the timber boundary fence between the old site and 2 shirley lane be replaced as it is in need of urgent maintenance attention

Improvements required

that a pedestrian walkway for the neighbourhood and general public be provided from the end of shirley lane through to shirley street

that the brick shed backing on to shirley lane (old morgue and workshop) be beautified with a mural similar to other laneways in byron bay (and in this regard we would be willing to be involved)

that rubbish bins be place in wordsworth street and along boundary adjacent to cycle path

bushfire protection

the trees lining the common fence on the old hospital site are over grown, crossing our fence line in some areas and too large for domestic situations. They are also a fire hazard and a fire trail from the rear bushland. In addition they have overhanging limbs and in a storm are in danger of large branches collapsing

These trees adjacent to the fence require their canopies reduced and height reduced or full replacement.as they currently hang over the fencline and are a fire hazard and fire trail from the rear bushland

your faithfully

