



Manentia
Ubicumque

BYRON BAY PLANNING & PROPERTY CONSULTANTS

Chris Lonergan – BA Town Planning, Design, BASIX, Landscaping, Ecology, Bushfire Assessment.

Email – chris@byronbayplanning.com.au

Sumarah Ramsay – Masters Urban & Regional Planning, Urban Design, DA & CC Preparation

Email – Sumarah@byronbayplanning.com.au

5/130 Jonson St. Byron Bay P.O. Box 2585 Byron Bay NSW 2481 Bundjalung Country

www.byronbayplanning.com.au

Ph. (02)66809255

Special Fire Protection Development Bushfire Assessment

**Change of use of Two (2) existing Units (Dual
Occupancy), to include “Serviced Apartment”.**

Lots 1 & 2 SP 37976 No 40 Lawson Street Byron Bay



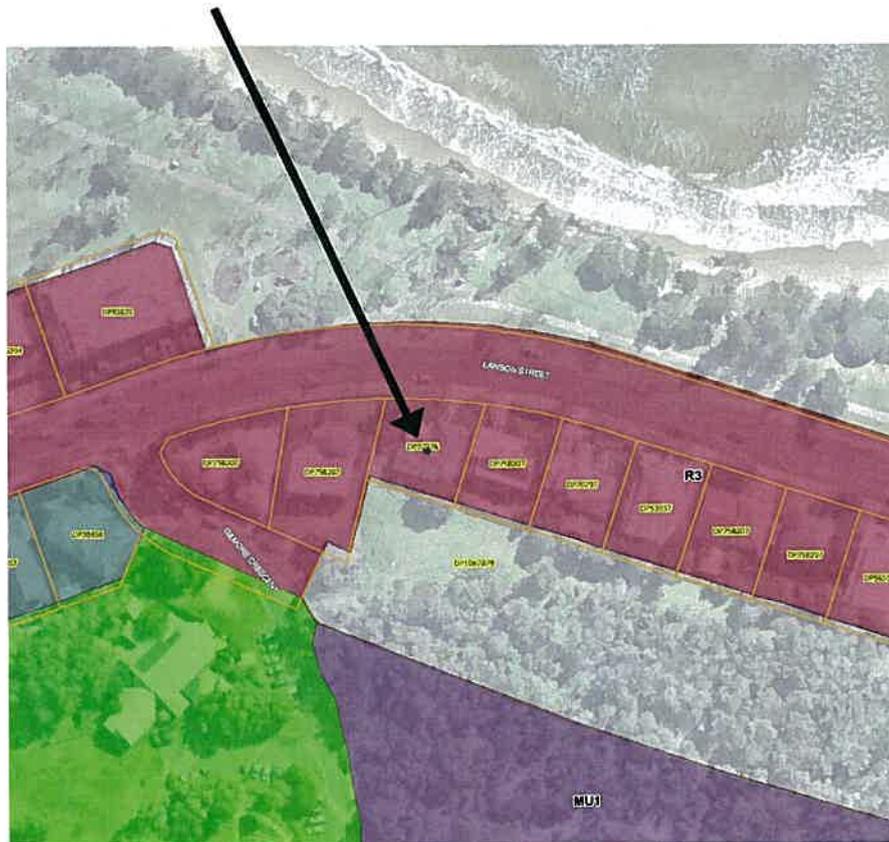
ZONING & LOCALITY PLAN.....	2
1 INTRODUCTION.....	3
2.0 PLANNING CONSIDERATIONS SECTION 79C(1) (E.P.A. ACT).....	3
2.1 SEC. 4.15(1)(A) ZONING OF LAND.....	3
2.2 PLANNING FOR BUSHFIRE 2019.....	4
2.3 EVACUATION PLAN – COMMERCIAL DEVELOPMENT.....	8
3. MERIT CONSIDERATIONS.....	10

ANNEXURES

Site and Floor Plans – Proposed Serviced Apartment

ZONING & LOCALITY PLAN

Change of use of Two (2) existing Units (Dual Occupancy), to include “Serviced Apartment”.
Lots 1 & 2 SP 37976 No 40 Lawson Street Byron Bay



Change of use of Two (2) existing Units (Dual Occupancy), to include “Serviced Apartment”.
Lots 1 & 2 SP 37976 No 40 Lawson Street Byron Bay



1 INTRODUCTION

This report is to accompany a Development Application for the proposed Change of use of Two (2) existing Units (Dual Occupancy), to include the land use “Serviced Apartment”. The allotments are Lots 1 & 2 SP 37976 No 40 Lawson Street Byron Bay.

History

The subject Residential Development has the following development history :-

BA 190/76 - Two Storey Dwelling.

DA 89/264 dated 28/7/1989 – Convert Dwelling to Dual Occupancy.

BA 628/89 dated 4/9/1989 – Works to Convert Dwelling to Dual Occupancy.

DA 90/159 dated 28/06/1999 – 2 Lot Strata Subdivision.

This application proposes a “Conceptual” change of each of the two Dual Occupancy Dwellings on site, to include within their long term residential land use, the ability to be used on a short term basis as “Serviced Apartment”s. This conceptual change does not change the external appearance or internal layout of the building within which the two Dwellings sit.

As such this conceptual change will have no adverse environmental impact, or detract from, the built form or character of the site, or local area.

As no increase in previously approved Dwelling floor area or bedroom numbers results :-

Ground Floor Dwelling (ex. Garage) 134m². Three Bedroom.

First Floor Dwelling (ex. Stairs and Patios) 160m². Three Bedroom.

As no increase in the number of dwellings, floor area or approved bedroom numbers results, then no additional parking is required in relation to this proposed “Conceptual” change of each dwelling to include “Serviced Apartment”, particularly as it does not change the internal layout of the building within which it sits, and the original consent allocated a Garage Space for each dwelling, and these are retained, with incidental parking available between the garages and the northern Lawson Street boundary.

The development at 7.3m in height, sits below Councils maximum 9m height limit, and the maintenance of the approved floor areas of the two residences, ensures that the proposal does not exceed the 0.8 : 1 floor space ratio for this 656m² site.

The proposal thus maintains the floor areas previously approved by Council, and the inclusion of “Serviced Apartment” is permitted within this R3 Medium Density Residential Zone under Byron LEP 2014.

2.0 PLANNING CONSIDERATIONS SECTION 79C(1) (E.P.A. ACT)

2.1 Sec. 4.15(1)(a) ZONING OF LAND

The property is located within a R3 Medium Density Residential Zone under the new Byron LEP 2014.

The proposed “Conceptual” changes of each Residences to **include** a “Serviced Apartment”, is permissible with the Consent of Council under the provisions of the R3 Zone within Byron LEP 2014.

PERMISSIBLE LANDUSE

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Business identification signs; Centre-based child care facilities; Community facilities; Group homes; Home industries; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship;

Change of use of Two (2) existing Units (Dual Occupancy), to include “Serviced Apartment”.
Lots 1 & 2 SP 37976 No 40 Lawson Street Byron Bay



Respite day care centres; Roads; Seniors housing; **Serviced apartments**; Tank-based aquaculture; Any other development not specified in item 2 or 4

- **serviced apartment** means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

The proposed apartments are self contained, they are to be used to provide accommodation to tourists or visitors on a commercial basis, and they are to be regularly serviced and cleaned by the owner or manager of the building.

On this basis the proposal totally satisfies the Statutory Requirements of this LEP landuse definition, and can be approved by Council.

The proposal to include "Serviced Apartment" within the existing Dwelling Landuse, is permissible with the consent of Council pursuant to the provisions of the R3 Landuse Table, Part 2 Byron Shire Local Environmental Plan 2014.

2.2 Planning for Bushfire 2019.

The property is zoned R3.

The proposal to Change of use of Two (2) existing Units (Dual Occupancy), to include "Serviced Apartment" on Lots 1 & 2 SP 37976 No 40 Lawson Street Byron Bay, is unlikely to come under severe bush fire risk due to the cleared and mostly managed nature of the surrounding lands, however, the allotment is located within a bushfire buffer zone, and is generally flat land with a constructed road reserve to the north, and a totally cleared Council maintained Bushfire APZ and access track to the south, between it and the Coastal Forest, across flat ground covered in gravel 26m, to the south.

The structures are to be elevated above the ground, with a metal roof.

The Dwellings are located within an FDI 80 Fire Area.

On this basis the proposal is assessed under Table A1.12.6 of the Planning for Bushfire Protection Regulations. (See Following Air Photo).

Change of Two (2) existing Units (Dual Occupancy), to include "Serviced Apartment".



**Change of use of Two (2) existing Units (Dual Occupancy), to include "Serviced Apartment".
Lots 1 & 2 SP 37976 No 40 Lawson Street Byron Bay**



Vegetation.

The vegetation has been assessed over a distance of 140m from the Dwelling sites, back to existing bush vegetation both on and off site, in accordance with *Planning for Bushfire Protection 2019*.

The site and surrounding lands are generally flat, with Managed Urban Lands to the North, West and East, and Coastal Forest 26m at its closest point to the south.

Change of use of Two (2) existing Units (Dual Occupancy), to include “Serviced Apartment”. Brick Veneer with a Metal Roof.

Lots 1 and 2 SP 37976 No 40 Lawson Street Byron Bay



Existing minimum 26m Gravel APZ between Dwellings and Coastal Forest to the South East (26m at its closest point).

Slope. Based on the site inspection, the slope of the land over a distance of 140m from the indicative building in all directions has been assessed. In accordance with *Planning for Bushfire Protection*, the slope has been assessed based on the gradient that will most significantly influence the fire behaviour of the site. The site is generally located with Flat land surrounding the site in all directions.

**Change of use of Two (2) existing Units (Dual Occupancy), to include “Serviced Apartment”.
Lots 1 & 2 SP 37976 No 40 Lawson Street Byron Bay**



Asset Protection Zone. The Asset Protection Zone (APZ) acts as a buffer zone between the development and the hazard. The primary purpose of an APZ is to ensure that a progressive reduction of bushfire fuels occurs between the bushfire hazard and any habitable structures. The APZ consists of an Inner Protection Area (IPA) and an Outer Protection Area (OPA).

Table A1.12.6, within *Planning for Bushfire Protection 2019*, specifies the minimum APZ required in bushfire-prone areas as the proposal comprises a dwelling within FDI 80.

Ground Floor Dwelling

Development Aspect	Hazard/ Vegetation within 140m of Development	Predominant Vegetation Class FDI 80	Average Slope of Land	Recommended Width of Asset Protection Zone table A1.12.6
North	Managed land	Managed Land	Across Slope	No APZ is required. BAL Zero.
South	Managed land 26m then Coastal Forest	Coastal Forest	Across Slope	20m APZ is required. 26m provided. BAL 29
East	Managed land	Managed Land	Across Slope	No APZ is required. BAL Zero
West	Managed Land.	Managed Land	Across Slope	No APZ is required. BAL Zero

First Floor Dwelling

Development Aspect	Hazard/ Vegetation within 140m of Development	Predominant Vegetation Class FDI 80	Average Slope of Land	Recommended Width of Asset Protection Zone table A1.12.6
North	Managed land	Managed Land	Across Slope	No APZ is required. BAL Zero.
South	Managed land 26m then Coastal Forest	Coastal Forest	Across Slope	20m APZ is required. 26m provided. BAL 29
East	Managed land	Managed Land	Across Slope	No APZ is required. BAL Zero
West	Managed Land.	Managed Land	Across Slope	No APZ is required. BAL Zero

Based upon **Sec 7.4 of PBP2019 "Infill Development"** the subject dwellings, being constructed in 1976, predates PBP2006 and PBP 2019.

To this end the conceptual changes to include "Serviced Apartments" into the use of these two dwellings, meets the requirements of this section of PBP2019 as follows :

- 1) **Bushfire Risk is not increased.** The dwellings are located 26m at their closest point across slope to the Coastal Forest to the south. The intervening area is cleared gravel based APZ which comprises the western entry point to an APZ / Fire Trail which runs on the southern side of all properties facing Lawson Street to the east.
- 2) The space between the dwellings and the Coastal Forest permits fire access, and the Dwellings have a non combustible roof of Colorbond, and Brick external walls.

Change of use of Two (2) existing Units (Dual Occupancy), to include "Serviced Apartment".
Lots 1 & 2 SP 37976 No 40 Lawson Street Byron Bay



- 3) Better fire protection will result with Aluminium screens to be installed to windows on the dwellings.
- 4) No increase in bushfire management results, and
- 6) The colourblind roof design, with metal screens to windows as now proposed, optimises “the chances of occupant and building survival”.

On this basis development meets the “Infill Development” provisions of PBP2019.

Level of Construction Appendix 3, of *Planning for Bushfire Protection 2019* allow the determination of the relevant level of construction in accordance with AS 3959-1999: *Construction of Buildings in Bushfire-Prone Areas*.

Based on a BAL 29 Assessment level, and the relevant “Infill” provisions under Sec 7.4 which relate to these proposed Dwellings additional use, then the building will need to be upgraded to include Aluminium Screens to windows.

Public Road Access - Access is provided to the Site via sealed public road, and a Driveway Crossing in Lawson Street, and via the southern Fire Break, maintained by Council and accessed off Gilmore Cres. Via a concrete driveway, which is capable of supporting fully loaded fire fighting vehicles.

Property Access - Property Access will be from Lawson Street, and via the southern Fire Break, maintained by Council and accessed off Gilmore Cres. Via a concrete driveway, which is capable of supporting fully loaded fire fighting vehicles. This access road complies with the requirements of Property Access Roads of *Planning for Bushfire Protection 2019*.

Electricity Supply - Is already connected via underground transmission lines.

Gas - Reticulated or bottled gas shall be installed and maintained in accordance with AS/NZS 1596-2002: *Storage and Handling of LP Gas* and the requirements of the relevant authorities. If gas cylinders are to be kept close to buildings, the release valve must be directed away from the building and away from any hazardous materials such as firewood, so that it does not act as a catalyst to combustion.

Water Supply – Town Water supply.

Recommendations

Based on my site inspection and assessment, the following recommendations would be required for the inclusion of “Serviced Apartments” in the approval of the Two (2) Existing Dwellings.

If any trees are to be located within the envisaged APZs, this is considered acceptable, providing the following conditions are met:

- Vegetation is not to touch or overhang building (canopy vegetation must not be within 2 metres of any building);
- Vegetation is located far enough away from buildings so that it will not ignite the building by direct flame contact or radiant heat emission.

Woodpiles, combustible material storage sheds, large areas/quantities of garden mulch and stacked flammable building materials should not be located within IPA of the building;

- As a minimum, it is recommended that the design comply with the following levels of construction.

Based on the relevant “Infill” provisions under Sec 7.4 which relate to these proposed Dwellings additional use, then the building will need to be upgraded to include Aluminium Screens to windows.

Reticulated or bottled gas shall be installed and maintained in accordance with AS/NZS 1596-2002: *Storage and Handling of LP Gas* and the requirements of the relevant authorities.

Summary: Viewed in total, the inclusion of “Serviced Apartments” in the approval of the Two (2) Existing Dwellings will in no way prejudice the proper future planning of the area, or the development of adjoining land, as it accords with Bush Fire Regulations, and Zoning Requirements.



2.3 EVACUATION PLAN – COMMERCIAL DEVELOPMENT

Readers of this Plan must be aware that the measures recommended in this Plan may not completely remove the risk to people or buildings due to the unpredictability of bushfires. Advice should always be sought from the local emergency services in the event of bushfire.

INTRODUCTION

This plan is for the use of Two (2) existing Units (Dual Occupancy), to include "Serviced Apartment", on Lots 1 & 2 SP 37976 No 40 Lawson Street Byron Bay.

This Evacuation Plan has been designed to assist management to protect life and property in the event of a bushfire.

The aim of this plan is to pre-plan for an evacuation of the site where there is a need to relocate people from within the Serviced Apartments to facilitate the protection of the operators and staff.

Name of Premises:
Address: Lots 1 & 2 SP 37976 No 40 Lawson Street Byron Bay
Contact person: Site Manager
Date of Plan: 5th. March. 2024
Date of review: 6th March. 2025
Type of facility: "Serviced Apartments".

BACKGROUND INFORMATION ON PREMISES

This Evacuation Plan forms part of the Conditions of Consent by Byron Shire Council and in particular the legislative need for a Bush Fire Evacuation Plan.

Number of Employees: 1
Number of Employees with 'special needs': Unknown
Number of buildings: 1 Number of Units: 2

ROLES & RESPONSIBILITIES

Due to the Serviced Apartments nature of the Building the Manager will act as the Chief Warden.

Location of Manager: Belle Escapes
Contact : Kim Komesarock
Mobile phone number: 0493 299 690

Role of the Manager:

Oversee any evacuation; Account for all persons at the Serviced Apartment.
Make contact with emergency services as required; Maintain a calm atmosphere among the occupants; and Provide transport if required.

CONSULTATION WITH EMERGENCY SERVICES

This plan is to be approved by the NSW Rural Fire Service.

EVACUATION 'TRIGGER'

The effect of smoke on persons with asthma or other breathing difficulties.
Bushfire is approaching the development.
Persons unable to defend the property for themselves and feel unsafe to stay.
Directed by Police, Fire or other Emergency Services Personnel.

WHEN TO EVACUATE:

It is not a good idea to wait until told to evacuate by Police or fire authority.
It is advisable to evacuate at least one (1) hour prior to the possibility of a bushfire impacting upon the development.
Evacuation may only be possible when a bushfire is approaching from the opposite direction that evacuation would be made.

Change of use of Two (2) existing Units (Dual Occupancy), to include "Serviced Apartment".
Lots 1 & 2 SP 37976 No 40 Lawson Street Byron Bay



When there is so much smoke that it may cause medical problems for residents and it is safe to evacuate and not expose residents to more intense smoke by evacuation.

DESIGNATED ASSEMBLY POINT The designated Assembly Point will be the driveway adjacent to the NE corner of the Serviced Apartments, within the Carpark.

TRANSPORT: Transport will be by private transport, either by the workers own vehicles or by the managers vehicle.

EVACUATION LOCATIONS:

During a major bushfire which may require evacuation the Authority (Police or Fire Service) when ordering the evacuation will nominate a suitable location for staff and residents in the local area. In the event that early evacuation is determined by the manager as appropriate for any reason contact should be made with the local authorities to determine a suitable location to evacuate staff and management too.

In determining suitable evacuation locations the following considerations should be taken into account:

How many persons are within the premises and is the venue able to accommodate that number. Is the venue in an area that is away from the threat of bushfire.

Do you have people with special needs that require special facilities.

Consider such venues as community centres, schools etc the venue must have general amenities. Is the route to the venue such that it does not require transporting through bush fire affected areas or areas that may be affected by an incoming bushfire.

Is it necessary to consider pre-arrangements for transport to any medical or other health care premises.

Maps of the local area should be available for workers showing possible venues for evacuation. For these reasons it may be necessary to have a number of venues potentially available.

ACCOUNT FOR ALL PERSONS

Management and Staff of the Serviced Apartments are requested to notify the manager of their whereabouts and contact details should they leave the site on days of Total Fire Bans for the area.

There should be a list of all visitors to the facility to include:

Name

Proposed Location within the site.

Consideration of any special needs of the person during an evacuation.

CONTACT DETAILS

Name of Organisation	Name of Contact	Phone Number
NSW Rural Fire Service	XXXXX	000
NSW Fire Brigade	XXXXXX	000
NSW Police Service	XXXXX	000
Department of Communities and Justice	XXXXX	02 66861999
Byron Shire Council	XXXXX	66267000
State Emergency Service	XXXXX	132500
NSW Ambulance Service	XXXXX	000
Local Hospital	XXXXX	02 66 399400

REPORT ALL FIRES TO 000 (Triple Zero)

SECURITY AFTER EVACUATION

Change of use of Two (2) existing Units (Dual Occupancy), to include "Serviced Apartment".
Lots 1 & 2 SP 37976 No 40 Lawson Street Byron Bay



As part of any evacuation measures should be taken to ensure as far as is safe and practical that buildings are locked and secure. This not only helps in the safety of the building contents but also can assist in preventing embers and the like entering the building and starting a fire in the building. If it is safe to do so the manager or designated staff member may remain to monitor the facility.

SITE PLANS

A site layout showing the assembly point (driveway adjacent to NE Corner of Serviced Apartment) is required with this plan.

A site layout plan should be A4 size, laminated and placed in every exit point from the building. There is to be a note on the bottom of the plan stating that a copy of the full Evacuation Plan is available in the office.

STATEMENT OF ACTION IN EVENT OF BUSHFIRE

Pre-emptive actions: By the Manager

Ensure that the staff is prepared in accordance with this plan.

Advise the local emergency services that the facility is operating, and that you will need to be advised early in the event of an evacuation being necessary.

Ensure the manager has a mobile phone.

Ensure that workers are provided with a copy of the procedure "What to do if the Serviced Apartment is evacuated" upon arrival at the site office.

Keep children inside, doors and windows closed.

Remain calm and explain to occupants what is happening.

AT the time of evacuation;

In the event of a bushfire threatening and it has been decided an evacuation will take place, the occupants of the premises shall follow the procedure outlined below;

Close ALL windows and doors.

Proceed to the assembly area (driveway adjacent to NE corner of the Serviced Apartment) and await further instructions.

The Manager will take control of the situation from there.

In the event of a bushfire threatening and it has been decided an evacuation will take place the Manager shall follow the procedure outlined below;

Ensure all persons are accounted for.

Ensure that all persons are informed of the evacuation process.

The Manager will advise the local emergency service that the facility is being evacuated (include how many people and where they are going and by what means)

All contact details to be collected before leaving.

Returning to Premises: No person should re-enter any evacuated building until advised by the Officer in Charge of the emergency service.

3. MERIT CONSIDERATIONS

It is considered that the proposed proposed "Conceptual" change of use of existing approved Dual Occupancy Building, to include "Serviced Apartment", does not change the external appearance or internal layout of the building within which it sits, retains the character of the site, is in keeping with the character of the area, and in particular, the streetscape is maintained.

This blending development therefore meets all L.E.P. and D.C.P. Requirements.

The proposed inclusion of "Serviced Apartment" into the existing land use, is designed to have minimal impact upon the environment of the area, and environmental impact is to be minimised as a result of the careful design and planning of this development.

Change of use of Two (2) existing Units (Dual Occupancy), to include "Serviced Apartment".
Lots 1 & 2 SP 37976 No 40 Lawson Street Byron Bay



In general, the compatible change of use proposed will assist in the further broadening and strengthening of the towns social and economic base.

Yours Sincerely

CHRIS LONERGAN. B.A. (Town Planning UNE).
(UTS Planning for Bushfire Prone Areas SC)

A handwritten signature in blue ink, appearing to be 'C. Lonergan', written in a cursive style.

13th. March 2024.

