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Statement of Environmental Effects

Use of Mural and Advertising Signage on a
Heritage Building.

144 Jonson St, Byron Bay

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Table of Contents

<u>1. INTRODUCTION</u>	<u>3</u>
<u>2. DESCRIPTION OF THE LAND</u>	<u>4</u>
THE LOCALITY	4
SITE ANALYSIS	4
LAND ZONING	5
EXISTING USE	5
FLOODING	6
BUSHFIRE	6
ACID SULFATE SOILS	6
VISUAL CHARACTER	6
<u>3. GENERAL DESCRIPTION OF PROPOSED DEVELOPMENT</u>	<u>7</u>
PROPOSED WORKS	7
PROPOSED SERVICES	7
<u>4. STATUTORY ASSESSMENT</u>	<u>7</u>
STATE ENVIRONMENTAL PLANNING POLICIES (SEPP)	8
BYRON LOCAL ENVIRONMENTAL PLAN 2014	11
THE PROVISIONS OF ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT	12
BYRON DEVELOPMENT CONTROL PLAN 2014	12
THE LIKELY IMPACTS OF THE PROPOSED DEVELOPMENT	13
<u>5. CONCLUSION</u>	<u>13</u>
 <u>APPENDIX 1: PLANS OF THE DEVELOPMENT</u>	
<u>APPENDIX 2: HERITAGE IMPACT STATEMENT</u>	

1. Introduction

This Statement of Environmental Effects is intended to accompany the Development Application prepared by Matt Walker for and on behalf of the owner of the subject land. The purpose of this report is to describe the site, its existing and proposed uses and to address any issues relevant to the application's assessment and approval.

Structure of Report and Scope

This report is broken down in to the following sections:

Section 2 – Describes the physical characteristics of the subject land.

Section 3 – Describes the proposed development for which this application is seeking planning consent.

Section 4 – Provides a statutory assessment of the proposal against the provisions of relevant planning policies and legislation and environmental impacts.

Section 5 – Conclusion.

All supporting plans, documents and any reports required to accompany this statement have been included in the Appendices to assist in the assessment of the proposal.

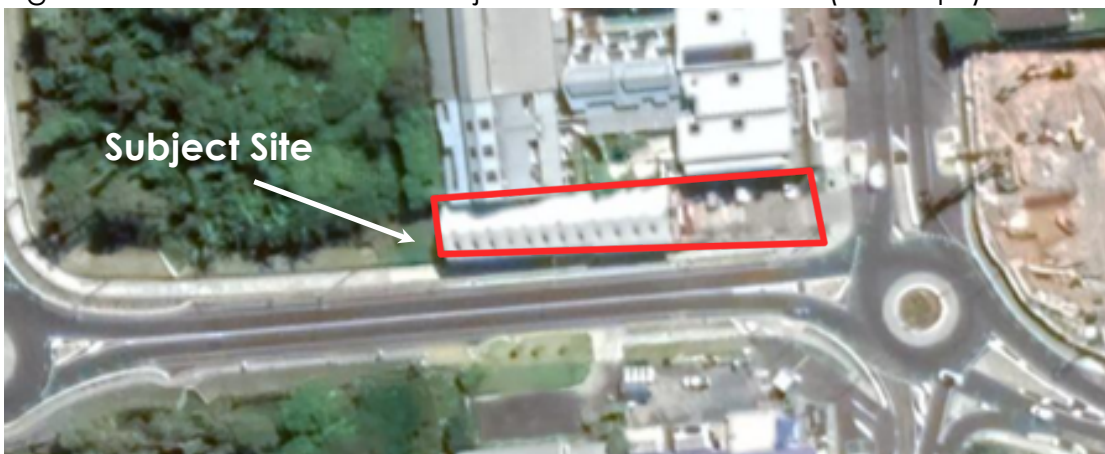
2. Description of the land

The Locality

Figure 1: Locality of the subject land (Six Maps).



Figure 2: Aerial view of the subject site and surrounds (Six Maps).



Site Analysis

The subject site is located at number 144 Jonson Street, Byron Bay which is situated at the southern end of Jonson Street on the western side which contains a former Norco building listed as a Heritage Item. The land is legally described as Lot 6 DP 258071 and is a rectangular shaped lot which is occupied by a number of tenancies on the ground and first floor. This application specifically relates to the tenancy on the upper floor occupied by Space Yoga.

The former Norco building is listed on the Byron Shire Council LEP as an item of local environmental heritage as the 'Norco Butter Factory'. In 2005 the building was assessed as having historic, social and scientific (or archaeological) heritage values. This building was constructed in 1929 to accommodate Norco's Bacon and Small Goods department – which it operated in conjunction with its butter making enterprise; it was never used

for butter production. The site is free of any significant environmental constraints.

Land Zoning

The subject site is zoned B2 – Local Centre under the Byron Local Environmental Plan 2014. All adjoining land is within the same Zone aside from the land to the west which is zoned SP2 - Infrastructure.

Figure 3: Land Zoning (Planning Portal).



Existing use

The subject site contains a 2 storey building with a number of tenancies on the ground and upper floor, ground floor being Byron Music and the upper floor Space Yoga. The upper floor has been used as a yoga studio for many years with the current tenants Space Yoga taking over recently and subsequently painting over the graffiti at the rear of the building (see below) and installing some signage. These works were undertaken without approval hence the need for this retrospective application.

Figure 4: Graffiti on wall prior to mural



Flooding

The subject land is only partially mapped as being flood liable on the north western corner (see below).



Bushfire

The subject land is mapped as being within the buffer to bushfire prone land as evidenced below (Figure 4). The mapped threat is classed as Vegetation Buffer. The proposed works do not trigger the need for a Bushfire Assessment given the application is for use of a mural and lighting on the rear façade.

Figure 5: Bushfire Mapping (Planning Portal).



Acid sulfate soils

The subject site is mapped as containing Class 3 and Class 5 Potential Acid Sulfate Soils.

Visual character

The subject site is not identified as being within the Heritage Precinct but the site and the adjoining buildings to the north are listed as a Heritage Item being the former Norco Building as highlighted below:

Figure 6: Heritage Item mapping



A Heritage Impact Statement has been included in the Appendices to this report highlighting how the mural meets the objectives and provisions of the Heritage Item guidelines.

3. General description of proposed development

Proposed works

This application seeks approval for the use of a mural painted on the rear façade of the building as well as an advertising sign 'Space Yoga' fixed to the wall with associated lighting. The mural was designed by an artist at the request of the tenant with the intention of covering up the graffiti which had tainted the wall for many years.

The mural was designed to represent the essence of contemporary Byron Bay lifestyle, the divine feminine, the colours of Byron, the lighthouse, diversity and flora and fauna. The mural is obviously a subjective piece but it is considered to be a well thought out design which does not detract from the Heritage significance of the building and is a marked improvement from the random graffiti which has defaced the building for years.

The advertising signage is approx. 5m long, 600mm high with a total area of approx. 3m² which is deemed minor considering the façade is approx. 70m² in total area. The signage sits in the lower right hand portion of the wall and is illuminated with some additional down lights under the eaves to illuminate the mural at night. No other works are proposed as part of this application.

Proposed Services

The property has existing wired service connections, water and sewer and stormwater is already directed to the street. No additional services are required.

4. Statutory Assessment

Section 4 documents the range of planning controls applicable in the subject case pursuant to Section 4.15 of the Act and facilitates the effect of these instruments in the circumstances of the development.

State Environmental Planning Policies (SEPP)

State Environmental Planning Policy No 64—Advertising and Signage

Clause 22 Wall advertisements

SEPP requirement	Comment
(1) Only one wall advertisement may be displayed per building elevation.	Complies
(2) The consent authority may grant consent to a wall advertisement only if— a) the consent authority is satisfied that the advertisement is integrated with the design of the building on which it is to be displayed, and	The advertisement is integrated with the mural and the façade, it does not overbear the building occupying a small percentage of the wall space.
(b) for a building having— (i) an above ground elevation of 200 square metres or more—the advertisement does not exceed 10% of the above ground elevation, and (ii) an above ground elevation of more than 100 square metres but less than 200 square metres—the advertisement does not exceed 20 square metres, and (iii) an above ground elevation of 100 square metres or less—the advertisement does not exceed 20% of the above ground elevation, and	The wall is less than 100m ² and the advertisement occupies approx. 5% of the above ground elevation well below the 20% limit.
(c) the advertisement does not protrude more than 300 millimetres from the wall, unless occupational health and safety standards require a greater protrusion, and	The signage only protrudes approx. 120mm from the wall.
(d) the advertisement does not protrude above the parapet or eaves, and	The signage is well below the eaves
(e) the advertisement does not extend over a window or other opening, and	Complies
(f) the advertisement does not obscure significant architectural elements of the building, and	Complies – the signage is on a flat rendered part of the wall.
(g) a building identification sign or business identification sign is not displayed on the building elevation.	Complies
(2A) In the case of the display of a wall advertisement on transport corridor land, subclause (2) does not apply and the consent authority may grant consent only if satisfied that the advertisement is consistent with the Guidelines.	n/a

Assessment criteria

<p>1 Character of the area</p> <ul style="list-style-type: none"> Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? 	<p>Yes, the signage fronts onto a parcel of land dedicated to Infrastructure and then onto bushland.</p>
<ul style="list-style-type: none"> Is the proposal consistent with a particular theme for outdoor advertising in the area or locality? 	<p>The proposal is a simple design in keeping with the locality which is lit at night.</p>
<p>2 Special areas</p> <ul style="list-style-type: none"> Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas? 	<p>As detailed in the attached Heritage Impact Statement the proposed signage is a small part of the overall mural painted on the wall and does not detract from the Heritage building.</p>
<p>3 Views and vistas</p> <ul style="list-style-type: none"> Does the proposal obscure or compromise important views? 	<p>No</p>
<ul style="list-style-type: none"> Does the proposal dominate the skyline and reduce the quality of vistas? 	<p>No</p>
<ul style="list-style-type: none"> Does the proposal respect the viewing rights of other advertisers? 	<p>Yes</p>
<p>4 Streetscape, setting or landscape</p> <ul style="list-style-type: none"> Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? 	<p>Yes, the scale and proportion of the signage is approx. 5% of the elevation and blends with the mural.</p>
<ul style="list-style-type: none"> Does the proposal contribute to the visual interest of the streetscape, setting or landscape? 	<p>Yes – the mural and signage visually contributes to the aesthetic of the locality.</p>
<ul style="list-style-type: none"> Does the proposal reduce clutter by rationalising and simplifying existing advertising? 	<p>It replaces graffiti which had a cluttered and messy look on the façade with a uniform mural and simple signage.</p>
<ul style="list-style-type: none"> Does the proposal screen unsightliness? 	<p>It replaces the unsightly graffiti.</p>
<ul style="list-style-type: none"> Does the proposal protrude above buildings, structures or tree canopies in the area or locality? 	<p>No</p>
<ul style="list-style-type: none"> Does the proposal require ongoing vegetation management? 	<p>No</p>

<p>5 Site and building</p> <ul style="list-style-type: none"> Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? 	<p>Yes, the signage is less than 5% of the façade and is an appropriate scale and proportion.</p>
<ul style="list-style-type: none"> Does the proposal respect important features of the site or building, or both? 	<p>Yes, the signage has been placed on a blank part of the wall and does not detract from any important features of the building.</p>
<ul style="list-style-type: none"> Does the proposal show innovation and imagination in its relationship to the site or building, or both? 	<p>It is deemed that the signage and mural are both innovative and show imagination from the designer to incorporate many different themes that are iconic to Byron Bay.</p>
<p>6 Associated devices and logos with advertisements and advertising structures</p> <ul style="list-style-type: none"> Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? 	<p>n/a</p>
<p>7 Illumination</p> <ul style="list-style-type: none"> Would illumination result in unacceptable glare? 	<p>No, the signage although partly illuminated does not cause glare to neighbours.</p>
<ul style="list-style-type: none"> Would illumination affect safety for pedestrians, vehicles or aircraft? No 	<p>No, the illumination does not cause issues for pedestrians or motorists.</p>
<ul style="list-style-type: none"> Would illumination detract from the amenity of any residence or other form of accommodation? 	<p>No, the illumination faces out on to bushland.</p>
<ul style="list-style-type: none"> Can the intensity of the illumination be adjusted, if necessary? 	<p>It could be reduced if necessary.</p>
<ul style="list-style-type: none"> Is the illumination subject to a curfew? 	<p>No.</p>
<p>8 Safety</p> <ul style="list-style-type: none"> Would the proposal reduce the safety for any public road? No 	<p>No.</p>
<ul style="list-style-type: none"> Would the proposal reduce the safety for pedestrians or bicyclists? 	<p>No.</p>
<ul style="list-style-type: none"> Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? No 	<p>No.</p>

SEPP - Coastal Management 2018

There is no impact onto existing or future access to the coastal foreshore as the land is privately owned and well separated from beach areas. The proposed development does not overshadow the beach, cause loss of views

or have an adverse impact on the scenic qualities of beach areas. The land has no known archaeological value or contains coastal wetlands or littoral rainforest. The proposed use is consistent with use of adjoining lands. The proposal complies with the requirements of the SEPP and an EIS is not required.

Byron Local Environmental Plan 2014

The land is zoned B2 – Local Centre under the Byron Local Environmental Plan 2014 (BLEP 2014). The following clauses in BLEP 2014 apply to the development proposed by this application:

B2 Local Centre Zone

The objectives of this zone include:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.'*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To encourage vibrant centres by allowing residential and tourist and visitor accommodation above commercial premises.*

The proposed signage meets all of the objectives of the zone.

Clause 4.3 – Height of Buildings

The height of the building has not been increased by this proposal

Clauses 4.4 & 4.5 – Floor space ratio

The Floor Space Ratio (FSR) is not increased by the proposal.

Clause 5.9 – Preservation of trees

No vegetation is required to be removed as part of this application.

Clause 5.10 – Heritage conservation

The subject site is not located within the Heritage Precinct however the building is listed as a Heritage Item being the former Norco Building. Potential impacts on the Heritage Item have been dealt with in the Heritage Impact Assessment which has been included in the Appendices to this report.

Clause 6.1 – Acid sulphate soils

The subject site is mapped as containing Class 3 and Class 5 Potential Acid Sulfate Soils. No PASS have been disturbed as part of this development.

Clause 6.2 – Earthworks

No earthworks are required for this application.

Clause 6.3 - Flood planning

The proposal does not impact on the flood liability of the lot.

Clause 6.5 - Drinking water catchments

The proposed development is not located within the Drinking water catchment.

Clause 6.6 – Essential services

All essential services are already available to the site and no other works are proposed.

The provisions of any draft Environmental Planning Instrument

There are no draft Environmental Planning Instruments currently applicable to the site.

Byron Development Control Plan 2014

Part B Controls Applying Generally to Development Applications

Chapter B2 – Preservation of trees and other vegetation

As detailed in clause 5.9 above, no vegetation is required to be removed as part of this application.

Chapter B3 – Services

All services required for the development are already connected to the property.

Clause B3.2.4 Stormwater management

Stormwater is already connected to the street.

Chapter B4 – Traffic planning, vehicle parking circulation and access

No changes to the parking demand for the units.

Chapter B10 – Signage

The signage has been designed to comply with all the requirements of this chapter especially with respect to Heritage Items as detailed in the Heritage Impact Assessment. The use of materials, lighting and positioning of the signage has been done to minimise impacts on the streetscape as well as form a part of the mural rather than dominate the façade.

The signage reflects the function of the premises and is located on the building it relates to, is simple, clear and concise in design, durable and waterproof. There is only one wall advertisement on the rear elevation and the size and scale of the signage complies with all the provisions relating to Wall Advertisements as detailed under SEPP 64 previously in this report.

Chapter B14 – Excavation and fill

No earthworks are proposed.

Part C Further Controls, Specific Constraints & Environmental Characteristics

Chapter C1 – Non-Indigenous Heritage

The proposed development is not within a heritage conservation area however as stated previously the building is identified as a Heritage Item under the LEP 2014. A Heritage Impact Assessment has been included in the

Appendices to address the requirements of this chapter and ultimately find that the mural and associated signage does not detract from the Heritage significance of the building.

Chapter D4 Commercial and Retail Development

The proposal complies with all of the relevant clauses within this chapter.

The likely impacts of the proposed development

Social and Economic Impacts

The proposal for use of the mural painted on a building and an advertising sign (Space Yoga) is within an existing commercial zone and is socially compatible with the surrounding land uses. The proposal is deemed to be minor in nature and does not cause any social or economic impacts as highlighted in this report.

Impacts on the Built Environment

The proposal seeks approval to use a mural painted on a building and an advertising sign (Space Yoga). Any potential impacts on the built environment are deemed to be negligible.

Impacts on the Natural Environment

The development is existing and does not require any removal of vegetation nor does it impact on the natural environment. Subsequently it is deemed that any impacts on the natural environment will be negligible.

Suitability of the site for the Proposed Development

The proposal is within the B2 Local Centre Zone where signage is permissible with consent and complies with the objectives and requirements for this zone and the related SEPP. The development does not increase floor space ratios or have any amenity impacts on adjoining properties nor on the fabric of the Heritage Item. The works have not had any detrimental impacts on the streetscape or to motorists and comply with the requirements for signage. It is deemed that the subject site is suitable for the use of the mural and signage on the building.

5. Conclusion

This Statement of Environmental Effects, when read in conjunction with the accompanying design plans and Heritage Impact Statement successfully addresses the issues relevant to Council's assessment of this application for the use of a mural painted on a Heritage building and an advertising sign (Space Yoga). In consideration of the issues and information provided,

approval of the Development Application is requested in the manner prepared, subject to the imposition of reasonable and relevant conditions of consent.

The proposal is deemed to be a respectful and contemporary design approach to the site characteristics and adjoining development in the locality whilst complying with the relevant State and Local planning policies and guidelines. It is believed the development has been carried out on the subject site with minimal impact on the commercial, natural and built environments whilst making a positive improvement to the rear façade which was previously tarnished with graffiti. The art and signage is deemed to respect the heritage features of the building whilst providing an aesthetically pleasing mural for people to observe and at the same time informing them of the business operation.

Should you have any issues or require any additional information for this application please contact me at 0488 422 500 or email mattwalkertownplanning@gmail.com,

Kind regards,



MATT WALKER
T O W N P L A N N I N G
