



# Byron Shire

# Development Control Plan

# 2014

## Chapter C1

## Non-Indigenous Heritage



TRADITIONAL HOME OF  
THE BUNDJALUNG PEOPLE

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## Document History

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## C1.1 Introduction

### C1.1.1 Purpose of this Chapter

Byron Shire's heritage sites, features and characteristics make an important contribution to its environment and lifestyle. The form of the built environment and its relationship to the natural environment will be crucial factors in determining the future development of the Shire, particularly in ensuring heritage values are protected.

Any development to or **in the vicinity of Heritage items** or **Heritage Conservation Areas** will need to be in harmony with the surroundings, both natural and constructed, and enhance the physical context valued by the community and by the Shire's increasing number of visitors.

The purpose of this Chapter is to set out controls and guidelines that complement Byron LEP 2014 in relation to development to or **in the vicinity of Heritage items** and **Heritage Conservation Areas**.

Important resource information regarding heritage issues and places in Byron Shire is available in the Byron Shire Community-Based Heritage Study, which is accessible on Council's website. Schedule 5 of Byron LEP 2014 defines places and buildings that are formally recognised as **Heritage items** and **Heritage Conservation Areas** in the Shire. The LEP contains provisions that regulate development in those areas.

### C1.1.2 Application of this Chapter

This Chapter applies to applications for development of **Heritage items** or within **Heritage Conservation Areas** or to land **in the vicinity of** a **Heritage item** or **Heritage Conservation Area**.

### C1.1.3 Aims of this Chapter

1. To protect the significance and setting of **Heritage items** and **Heritage Conservation Areas** (including archaeology) in Byron Shire by supplementing the heritage conservation provisions contained in Byron LEP 2014.
2. To guide development of **Heritage items**, components of **Heritage Conservation Areas** and buildings and land **in the vicinity of** these items and areas.
3. To encourage a high standard of well-designed heritage conservation and heritage-related development that is sympathetic to and compatible with the cultural heritage of the Byron Shire.
4. To ensure that alterations and extensions to existing buildings/items respect those buildings/items and do not compromise the significance and character of the individual **Heritage items** or components of the **Heritage Conservation Areas**.
5. To ensure that new development respects the heritage context and is sympathetic in terms of its form, scale, character, bulk, orientation, **setback**, fabric, colours and textures so as not to adversely affect the significance of **Heritage items** and components of **Heritage Conservation Areas** and their settings.

6. To provide controls for development on land **in the vicinity of Heritage items** or **Heritage Conservation Areas**.

## C1.1.4 How this Chapter Works

The following Sections should be referred to when preparing a development application to which this Chapter applies.

Nature of Development Application	Relevant Sections of this Chapter
Development involving <b>Heritage item</b>	C1.1 – C1.4
Development in <b>Heritage Conservation Area</b>	C1.1 – C1.4, C1.6
Development <b>in the vicinity of</b> a <b>Heritage item</b>	C1.1 – C1.3, C1.5
Development <b>in the vicinity of</b> a <b>Heritage Conservation Area</b>	C1.1 – C1.3

## C1.2 Development Application Requirements

### C1.2.1 What Development Requires Consent?

Clause 5.10(2) of Byron LEP 2014 specifies that other than for certain exceptions, development consent is required for:

- a) *demolishing or moving a **Heritage item** or a building, work, relic or tree within a **Heritage Conservation Area**,*
- b) *altering a **Heritage item** or a building, work, **relic**, tree or place within a **Heritage Conservation Area**, including (in the case of a building) making changes to the detail, fabric, finish or appearance of its exterior,*
- c) *altering a **Heritage item** that is a building by making structural changes to its interior,*
- d) *disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a **relic** being discovered, exposed, moved, damaged or destroyed,*
- e) *disturbing or excavating a **Heritage Conservation Area** that is a place of Aboriginal heritage significance,*
- f) *erecting a building on land on which a **Heritage item** is located or that is within a **Heritage Conservation Area**,*
- g) *subdividing land on which a **Heritage item** is located or that is within a **Heritage Conservation Area**.*

In the above 'structural changes to a building's interior' means all changes to the internal fabric of the building other than applied finishes.



The exceptions are specified in Clause 5.10(3) of LEP 2014 which refers to the circumstances for exemptions for works: of a minor nature or for **maintenance**; proposed within a cemetery or burial ground; involving a tree or vegetation that Council is satisfied is a risk to human life or property; or that are exempt.

**Maintenance** is defined in Byron LEP 2014. By way of further clarification it is a process that helps to prevent damage to a property and protect it from the effects of ageing and corrosion and includes works such as:

1. removing leaf litter from gutters to prevent deterioration;
2. tightening screws and bolts to ensure fixtures are securely held in place;
3. re-hinging doors/gates;
4. replacing broken windows, fly screens etc.;
5. sealing gaps; and
6. pest control.

It may include works required because of structural inadequacy or concerns about public safety, but does not extend to major changes to the appearance of the building.

**Maintenance** does not include other works that result in changes to the external appearance of the building or the introduction of new materials, e.g. the replacement of corrugated steel roofing with polymer coated or uncoated zincalume roofing or painting of external surfaces in some circumstances (see below).

Regular and sensible **maintenance** usually does not require development consent from Council. Council is likely to notify proponents pursuant to LEP 2014 Clause 5.10(3)(a) that consent is not required for re-painting surfaces which are already painted, using the same colours, or using colours specified in Appendix C1.3 or using colours established by scraping the building or structure.

Repainting in colours other than those listed in Appendix C1.3 (or using colours established by scraping the building or structure) is not regarded as **maintenance** and requires development consent, unless otherwise specifically exempted by Council.

**Note:** The colours specified in Appendix C1.3 are selected from *AS2700 – 2011, Colour Standards for General Purposes*, a copy of which is available for viewing at Council's Mullumbimby office during business hours. Some popular paint manufacturing companies publish their own guides to AS2700 – 2011; these are readily available on the internet.

## C1.2.2 Assessment Requirements

### 1. General Requirements

Clause 5.10(5) of Byron LEP 2014 relates to heritage assessment. Table C1.1 below and the guidelines following apply when development is proposed to a **Heritage item**,

component of a **Heritage Conservation Area** or **in the vicinity of a Heritage Conservation Area**.

**Table C1.1 – Heritage Assessment Requirements**

<b>Work</b>	<b>Heritage Conservation Area</b>	<b>Heritage item of State or regional significance</b>	<b>Heritage items of Local Significance</b>
<b>Maintenance</b> or Minor work that requires consent	Consult Council – Statement of Environment Effects may be sufficient; <b>Heritage Impact Statement</b> may be required	<b>Heritage Impact Statement</b>	Consult Council – Statement of Environment Effects may be sufficient; <b>Heritage Impact Statement</b> may be required
Other work (including new subdivision). Refer also to specific information requirements for subdivisions below	<b>Heritage Impact Statement</b>	<b>Heritage Conservation Management Plan</b>	<b>Heritage Impact Statement</b> or <b>Heritage Conservation Management Plan</b>
Demolition. refer also to specific information requirements and provisions for demolition below	Demolition Report	<b>Heritage Conservation Management Plan</b> and Demolition Report	Demolition Report

A **Heritage Impact Statement** is generally required for all work on **Heritage items** and in **Heritage Conservation Areas**. A **Heritage Impact Statement** should be prepared by an appropriately qualified heritage practitioner in accordance with the specific requirements in Appendix C1.1 or C1.2.

The amount of information required depends on the nature of work carried out and the significance of the place. If the proposed works will have an impact on the **heritage significance** of the **Heritage item or Heritage Conservation Area** the **Heritage Impact Statement** must provide clear arguments as to why such action is required. The statement should also demonstrate whether other options, which may have less impact, have been considered and why they were considered less viable. Where only minor work is proposed, such as new skylights, windows or work not visible to the public, a less detailed **Heritage Impact Statement** may be required as part of the Statement of Environmental Effects. However it is suggested that you liaise with Council staff as to what the requirements will be in such instances.

2. Applications for development in the vicinity of a Heritage Item or Heritage Conservation Area

Although each case will need to be determined individually generally any proposed development site located within 100 metres of a **Heritage item** or **Heritage Conservation Area** must be considered as being **in the vicinity of** the **Heritage item** or **Heritage Conservation Area**. Therefore a **heritage management document** may be required (refer to Byron LEP 2014 clause 5.10(5)). In some cases proposed development sites located well beyond 100 metres distance will be **in the vicinity of** a **Heritage Item** or **Heritage Conservation Area**.

A Heritage Impact Statement for proposed signage **in the vicinity of** a **Heritage item** or **Heritage conservation area** may be required. Refer to Chapter B10 Signage (B10.3.1).

3. Demolition

The demolition of **Heritage items** and/ or components that contribute to the character of a **Heritage Conservation Area** is contrary to the intent of the heritage listing and should be treated as a last resort.

Where demolition is proposed for a building on the site of a **Heritage item** or within a **Heritage Conservation Area**, Council will require a detailed Heritage Report for Demolition /Archival Recording ('Demolition Report') to be submitted with the development application. A qualified Heritage practitioner should prepare the report in conjunction with any other professional needed to carry out the condition assessment on the building.

In assessing an application for the demolition of a **Heritage item** or a building or component of a **Heritage Conservation Area**, Council will consider the following:

- a) the **heritage significance** of the item;
- b) the structural condition of the item;
- c) comparative analysis of the item in relation to other items;
- d) the contribution the item makes to the streetscape or precinct; and
- e) the design and suitability of the proposed replacement development.

In the case of partial demolition, the proposed development would need to conserve the **heritage significance** of the item, would need to facilitate its continued use or adaptive reuse, and would need to contribute to the ongoing conservation of the item or the affected part of the item that will be retained.

If the structural capability of the building is submitted as a reason for or contributing to the need for demolition, Council may request the submission of a report by an appropriately experienced structural engineer to determine whether the building is, or is not, structurally capable of reasonable and economic use. It should be noted that for demolition of a **Heritage item** to be approved it must be demonstrated that it is unsound, unsafe, or beyond reasonable conservation and is incapable of viable continued use or adaptive reuse.

Where demolition of a **Heritage item** or building in a **Heritage Conservation Area** is approved, it will generally be conditional upon preparation of an archival recording of the building and site. This must be prepared in accordance with guidelines in "How to Prepare

Archival Records of Heritage Items” and “Guidelines for the photographic recording of Heritage Items”, produced by the Department of Planning and Infrastructure and the NSW Heritage Council.

4. Subdivision applications involving a **Heritage item**, located within a **Heritage Conservation Area** or **in the vicinity of** a **Heritage item** or **Heritage Conservation Area**.

Subdivision applications for land on which a **Heritage item** is situated, or in a **Heritage Conservation Area**, or **in the vicinity of** either must be accompanied by adequate graphics and plans, showing the building envelopes, siting and setbacks of the proposed buildings, that demonstrate to Council's satisfaction that the:

- a) rhythm of buildings in the streetscape of **Heritage Conservation Areas** is retained;
- b) vistas and views to and of **Heritage items** and significant buildings, especially the principal elevations of buildings, are not interrupted or obscured;
- c) landscape quality of the streetscape in **Heritage Conservation Areas** is retained;
- d) setting of the **Heritage item** and a satisfactory **curtilage**, including important landscape and garden elements are retained; and
- e) subdivision will not require demolition of existing building stock or re-arranged vehicular access and car parking (on or off the site of the proposal) that would adversely affect the streetscape in the **Heritage Conservation Areas** or the principal elevations of **Heritage items**.

## C1.3 Conservation Guidelines and Requirements – Heritage Items, Heritage Conservation Areas and Development in their Vicinity

The following Sections apply to development of **Heritage items**, in **Heritage Conservation Areas** or **in the vicinity of** a **Heritage item** or **Heritage Conservation Area**.

### C1.3.1 General Streetscape Context

#### Objectives

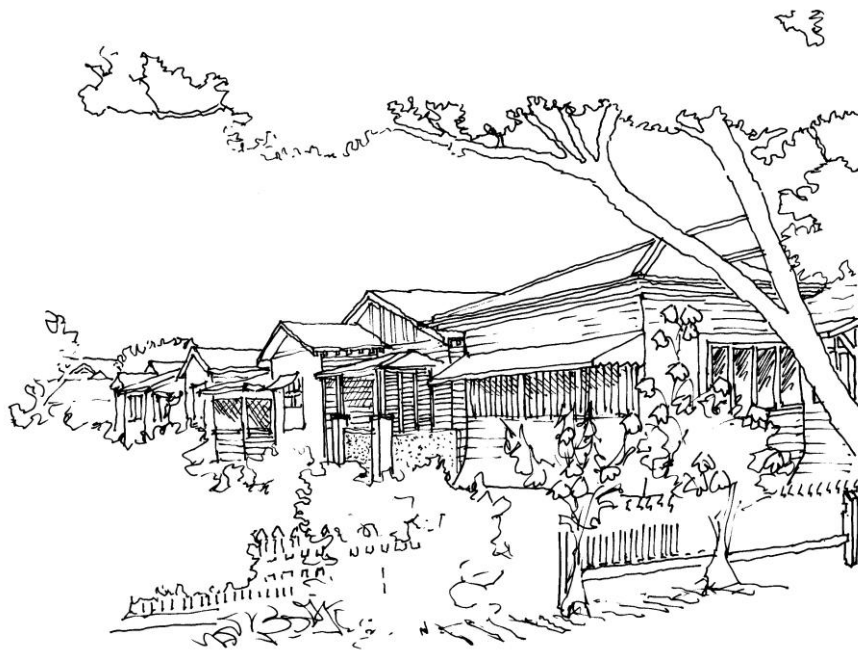
1. To promote development that complements the existing heritage character and amenity of the area and the **heritage significance** of the **Heritage item** or **Heritage Conservation Area**.
2. To maintain and enhance the heritage character of the streetscape **in the vicinity of** the **Heritage item** or within the **Heritage Conservation Area**.
3. To ensure that new development respects the established patterns and visual setting in the streetscape including setbacks, siting, landscape settings, car parking and fencing.
4. To retain and reflect the character of building frontage design in the streetscape.

### Performance Criteria

1. The side and front **setbacks** must be typical of the spacing of existing buildings both from each other and from the street, such that the streetscape is retained.
2. The established landscape character of the locality including height of canopy and density of boundary landscape plantings must be retained in any new development.
3. New developments must respect and complement the existing heritage character of the streetscape by maintaining the general scale, height, articulation, bulk and proportions of traditional and new buildings in the streetscape.
4. Extensions must not overwhelm the original building. It may be preferable to create two separate buildings with a linkage in order to maintain the integrity of the original.
5. Floor levels must be compatible with floor levels of adjoining buildings.
6. Infill development should sympathetically respond to the character of the streetscape and should remain subservient to any Heritage or character items (especially in relation to height).

### Prescriptive Measures

1. The original front facades of buildings should not be altered. Additions may be better sited at the side or rear.
2. Infill development must not make replica copies of existing buildings, but must follow proportions and scale.
3. Developments must not use a mixture of features from different eras, nor add historical features to new buildings that are incompatible with the heritage context.
4. The following components of the streetscape must be illustrated and addressed in detail in a development application, and must demonstrate that the proposed development complements the character and heritage significance of established streetscapes:
  - a) front **setback** of **dwelling**s
  - b) materials, colours, textures
  - c) roof form and pitch
  - d) scale, height and proportion of buildings
  - e) landscaping and garden treatment
  - f) spaces between buildings
  - g) facade treatment, verandahs and window placement
  - h) floor levels
  - i) height and design of fences
  - j) placement and design of garages and driveways
  - k) existing street trees
  - l) balance between solid walls and openings



**Figure C1.1 – Streetscape**

*The traditional buildings of the Byron Shire are diverse in their materials and architectural styles but they are generally consistent in their size and proportions, forming attractive groupings in the towns and villages.*

## C1.3.2 Signage and Advertising

### Objectives

1. To ensure that new **signage** is visually sympathetic and where possible contributes to the heritage character of the streetscape.
2. To ensure that inappropriate **signage** or advertising does not detract from the significance of the **Heritage item** or **Heritage Conservation Area** through inappropriate design, location, colour or scale.

### Performance Criteria

Refer to Chapter B10 Signage provides details in relation to **signage**.

### Prescriptive Measures

There are no Prescriptive Measures.

## C1.3.3 Gardens and Landscape

### Objectives

1. To ensure that development retains the traditional character of gardens and landscapes in **Heritage Conservation Areas** and in **Heritage items**.



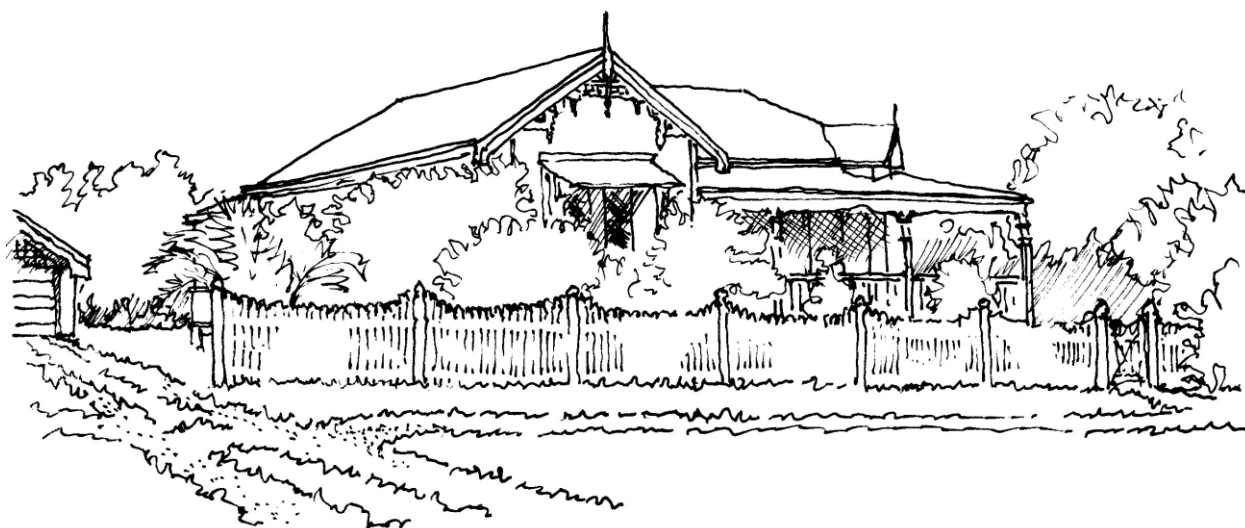
### Performance Criteria

1. The design of gardens and landscaping for development on or **in the vicinity of Heritage Conservation Areas** or **Heritage items** must be compatible with the traditional character, layout and species composition of gardens and landscaping in the **Heritage Conservation Areas** or **Heritage item** site.
2. Applications seeking consent for development on or **in the vicinity of Heritage Conservation Areas** or **Heritage items** must include a landscape plan that identifies the design, layout and species proposed, together with an evaluation of the landscape plan in terms of its compatibility with the traditional character, layout and species composition of gardens and landscaping in the **Heritage Conservation Areas** or **Heritage item** site.

### Prescriptive Measures

There are no Prescriptive Measures.

Refer to Chapter B9 Landscaping for other landscaping controls.



**Figure C1.2 – Gardens and Landscape**

*The traditional character of gardens should be retained without unnecessary hardening from concrete driveways, solid fences or intrusive modern features.*

## C1.4 Conservation Guidelines and Requirements – Heritage Items and Conservation Areas

The following Sections apply to development of **Heritage items** or within **Heritage Conservation Areas**

## C1.4.1 Roof Form and Chimneys

### Objectives

1. To retain the characteristic scale and massing of roof forms of **Heritage Items** and within **Heritage Conservation Areas**.
2. To ensure that the original chimney elements are retained and any new roof elements relate to the existing heritage fabric of the **Heritage item** or component of a **Heritage Conservation Area**.

### Performance Criteria

1. Maintain traditional roof forms and materials. Use terra cotta tiles, uncoloured galvanised steel where possible or reinstate a painted roof where evidence of this exists. If necessary the use of corrugated, galvanized steel in an unpainted finish or dark tones is the preferred roofing material for the replacement of corrugated iron. Modern materials and contemporary colours, e.g. blue roof colours or concrete tile roofing are inappropriate in **Heritage Conservation Areas** and on **Heritage items**. Despite that, Council may consider a development application for replacement of an existing iron roof where the application demonstrates that the replacement will be consistent in colour, design and character with the existing roof.
2. Use appropriate profile gutters in the maintenance of older buildings. Quad, half round and ogee gutters are the most appropriate profiles, depending on original details. Perforated box gutters are not appropriate in a historical context.
3. Roofs of extensions should be carefully related to the existing roof in materials, shape and pitch. Replacement materials must match the existing in colour, materials, finish and details. They must minimise large, blank areas of roofing to reduce the impact on the existing building and adjoining properties.
4. Attic rooms must use compatible roof forms that retain the streetscape appearance of the existing building. Attic rooms are preferred to complete upper floor extensions that alter the overall design of the building.
5. New buildings must have roofs that reflect the orientation, size, shape, pitch, eaves, ridge heights and bulk of existing roofs in the locality, and must be in proportion with the proposed building.
6. Where possible all chimneys must be retained internally and externally and where necessary repaired, even if the fireplace is no longer used. Demolition of chimneys is not favoured unless necessary for structural reasons.

### Prescriptive Measures

There are no Prescriptive Measures.





**Figure C1.3 – Roof replacement – tiling**

*The use of concrete and terra cotta roofing tiles on buildings in place of corrugated steel or AC roof sheeting is usually not appropriate due to the heavy loads imposed on the lightweight roof framing by the tiles. Tiles also look too heavy in most instances when used on weatherboard buildings with lightweight elements such as verandahs and window hoods.*

## C1.4.2 Verandahs

### Objectives

1. To ensure that original verandahs or verandah elements are retained where possible and that any new verandah elements relate to the proportions and scale of the existing heritage fabric of the **Heritage item** or component of a **Heritage Conservation Area**.

### Performance Criteria

1. Removal of verandahs is not favoured and maintenance or reconstruction of original detail is encouraged.
2. New development should include verandahs where consistent with the character of surrounding development. Simple skillion verandahs may be appropriate as this style integrates well with new buildings.
3. In altering existing buildings, original verandahs must be kept where possible, repaired and respected. Additional verandahs must not compete with the importance of the original and should be simple in design.

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4. Enclosed verandahs should be opened up where feasible, and missing details re-instated. However in some cases the verandah infill may itself have heritage or aesthetic value and the removal of the infill may not be appropriate. These cases must be justified in any application.
5. The reconstruction of verandahs which once existed and whose detail is known is also encouraged. Where the form of the verandah survives but the details are missing, these can be reinstated if known from documentary evidence such as photographs or original drawings.
6. Features such as bullnose style, lace ironwork, decorative fretwork or Federation brackets on posts must not be introduced on modern buildings, as these features lack historical context. These features may be reinstated to a heritage building where it can be shown that they existed previously.
7. The infilling of front and side verandahs is generally not encouraged, although infilling verandahs at the rear of houses may be appropriate.

### Prescriptive Measures

There are no Prescriptive Measures.

## C1.4.3 Windows and Doors

### Objectives

1. To ensure that original windows and doors or window and door elements are retained and where new elements occur that the character and patterns of door and window openings and their construction are clearly related to the proportions, placement, character and scale of the existing heritage fabric.

### Performance Criteria

There are no Performance Criteria.



**Figure C1.4 – Original window**

*Original joinery details are a highly valued feature of the local heritage that must be carefully conserved. These features cannot be removed without consent.*

### Prescriptive Measures

1. Where possible original doors and windows must be retained and repaired/restored. Authentic reconstruction of similar material to the original is encouraged where repair of the original doors and windows is not possible.

2. Original leadlight and coloured glass panes must be kept where possible.
3. New doors and window openings must reflect the existing style, size, proportion, position and where possible must match sill and head heights of existing doors and windows. Where possible in new buildings they must be compatible with the proportions, position and size of those typical of the locality. Vertical proportions should be featured in window design.
4. Timber windows should be used for restoration of traditional buildings. Modern aluminium-framed windows are not acceptable.
5. Timber windows without glazing bars should be used for infill development.

## C1.4.4 Building Materials

### Objectives

1. To ensure that the selection of building materials is based on an understanding of the original building finishes and maintains heritage integrity and character.

### Performance Criteria

1. Finishes employed in new development must be compatible with the **heritage significance** and character of the **Heritage item** they adjoin or of development in the street or **Heritage Conservation Area**.
2. It is important to use the right materials to maintain the integrity and character of heritage buildings and streetscapes. Weatherboard cladding and metal roofing are the most commonly used building materials in **Heritage Conservation Areas**. Matching materials must be used where possible. Modern materials that replicate original materials such as polymer-coated claddings replicating weatherboards, reproduction slate roof sheeting and stamped or stencilled concrete do not have the same richness and often give a one-dimensional appearance. These materials are not appropriate on **Heritage items** and in **Heritage Conservation Areas**.
3. For infill development in a frontage dominated by timber buildings lightweight materials such as timber, compressed sheeting or cement profiled weatherboards may be appropriate. Masonry is acceptable only in a mixed street frontage of timber and masonry buildings where less than half the buildings are of timber construction.
4. The form and materials of principal elevations must not be altered. Removal of the external skin or rendering of exterior walls is not favoured unless associated with acceptable reconstruction works.
5. Matching materials must be used in repairing the fabric or external surfaces.
6. Any new development on the site of a **Heritage item** must use materials similar to or compatible with those of the original building or item.
7. Additions must be designed and detailed using materials that complement the character of the existing **Heritage item** and the area generally.
8. New decorative detailing is inappropriate on a **Heritage item** unless documentary or physical evidence indicates it once existed.
9. The colour and texture of bricks, their jointing profile and mortar colour must match the existing building as closely as possible. White, light, multicoloured or double height bricks or imitation sandstone blocks must not be used. In circumstances where existing bricks cannot

be matched compatible contemporary materials may be appropriate, particularly on rear elevations.

10. Textured paint finishes must not be used.

### **Prescriptive Measures**

There are no Prescriptive Measures.

## **C1.4.5 Colours**

### **Objectives**

1. To ensure that the selection of colours for **Heritage items** and components of a **Heritage Conservation Area** is based on an understanding of the original finishes.
2. To ensure that colours employed in new development are compatible with the significance and character of the **Heritage item** they adjoin or of development in the street or **Heritage Conservation Area**.
3. To avoid the use of colours that are inappropriate or incompatible with the heritage character of **Heritage items** or **Heritage Conservation Areas**.

### **Performance Criteria**

1. **Heritage items** may be painted in traditional colour schemes based on photographic, physical or documentary evidence. Where this is not available a colour scheme appropriate to the particular style of the building may be used. Advice on this subject is available from Council, paint companies and numerous books. The information in Appendix C1.3 may also assist with colour selection.
2. Colour schemes must respect and enhance the individual architectural details of the building.
3. Use traditional colour schemes and contrasting tones for alterations and additions. Variations to traditional colour schemes may be appropriate for new development provided the scheme maintains light colours for walls and roof with dark colours for trims and remains harmonious in the heritage landscape of the locality.
4. Face brickwork, stone, tiles or shingles must not be painted or rendered, as this will compromise the original character of the building. It will also create an ongoing maintenance requirement. Existing unpainted brickwork must remain unpainted except if part of an unsympathetic infill or addition.
5. Variations to traditional colours that will be harmonious in the streetscape may be used for new development.
6. Bold primary colours, black, white or textured paint finishes must not be used on external surfaces.
7. Where possible additions and alterations must reinstate traditional colour schemes.

### **Prescriptive Measures**

There are no Prescriptive Measures.

## C1.4.6 Parking, Garages and Carports

### Objectives

1. To allow for reasonable on-site car parking while retaining the character and significance of the **Heritage item** or **Heritage Conservation Area**.
2. To ensure that car parking facilities (such as garages, carports and driveways) are designed to be compatible with the heritage environment, do not have an adverse visual impact on heritage streetscapes and are visually discreet.

### Performance Criteria

1. The introduction of car parking must not interfere with the visual appreciation of the **Heritage item** or **Heritage Conservation Area**.
2. Early garages, carports and sheds must be retained wherever possible as they contribute to the character of **Heritage items** and **Heritage Conservation Areas**.
3. Garages and carports should generally be kept separate from the house. Attachment of garages and carports to the buildings they service is generally not favoured unless the structure is located at the rear of the building and is not visible from the surrounding streets, or it is set well back from the front façade and unobtrusively attached. In those cases a simple carport under a continuation of the roofline may be appropriate.
4. Garages should be located generally towards the rear of allotments. Where this is not achievable they must be set back a minimum of 1 metre from the front of the house.
5. Garages and carports must be of a simple design, must use traditional pitched roof forms and must match the roof pitch, form and materials of the main building as closely as possible. The design must respect vertical proportions. Double width horizontal doors are unacceptable. Garages and carports must not dominate existing buildings on site.
6. Prefabricated metal sheds with low-pitched roofs should be avoided, as they are incompatible with traditional streetscapes.
7. The location of car parking must respect the existing vegetation and original garden layouts on the site.

### Prescriptive Measures

There are no Prescriptive Measures.

## C1.4.7 Fences

### Objectives

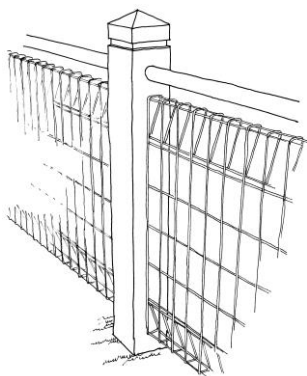
1. To provide or retain fencing which contributes to the heritage significance of the **Heritage item** or **Heritage Conservation Area**, defines public and private spaces and complements the overall character of the streetscape.

### Performance Criteria

1. Original fencing and gates must be retained where possible. If fences and gates are in good condition they can be maintained; if not they can be reconstructed with new, matching elements. Any good sections of the old fence should be integrated where possible.
2. New fencing on heritage properties must be of a traditional design, with modest height and not solid in order to allow views of the garden and front of the building. The design may be based on photographic evidence, or if this is not available, the design must be appropriate to the age and style of the house. New fencing must be consistent with traditional fences in the streetscape. Some examples include picket fences, low post and rail fences and low walls with galvanised pipe common in the 1920s and 1930s.
3. On new developments simple fencing styles that harmonise with the heritage streetscape may be appropriate.
4. New fencing must respect the traditional hierarchy of fences for the front, side and rear boundaries.
5. Fence heights must be consistent with the heights of the predominant fences in the street. Generally height should be 1.2m forward of the front building setback, and 1.8m elsewhere.
6. Metal panel fences, spear tops, and aluminium lace panels are generally inappropriate in the heritage environment.

### Prescriptive Measures

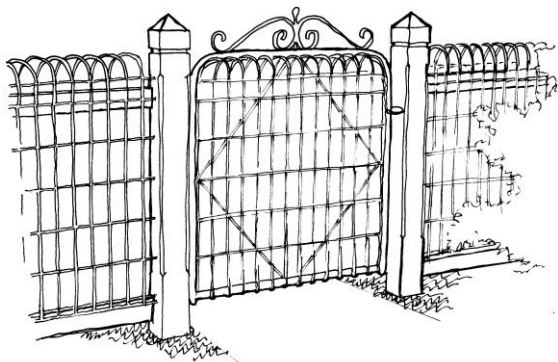
There are no Prescriptive Measures.



**Figure C1.5 – New mesh fence**

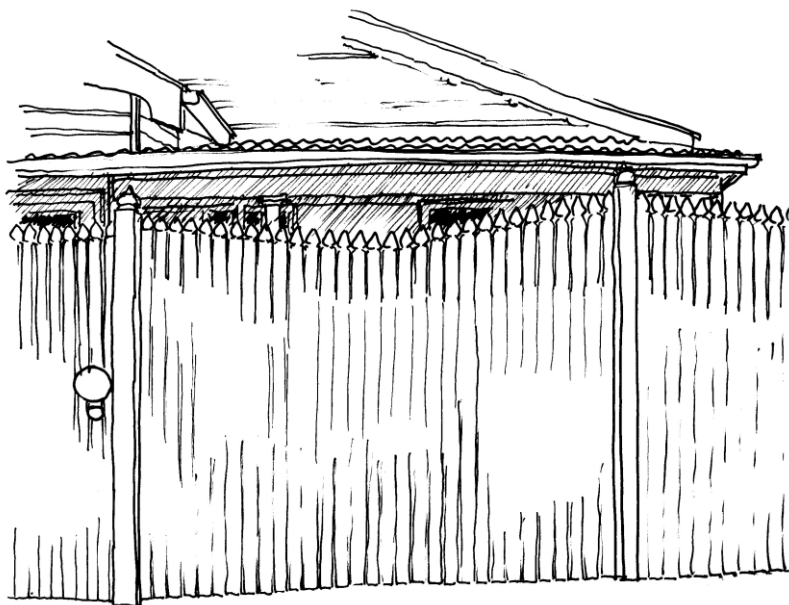
*New materials can be compatible with heritage places provided they are well designed and non-intrusive.*





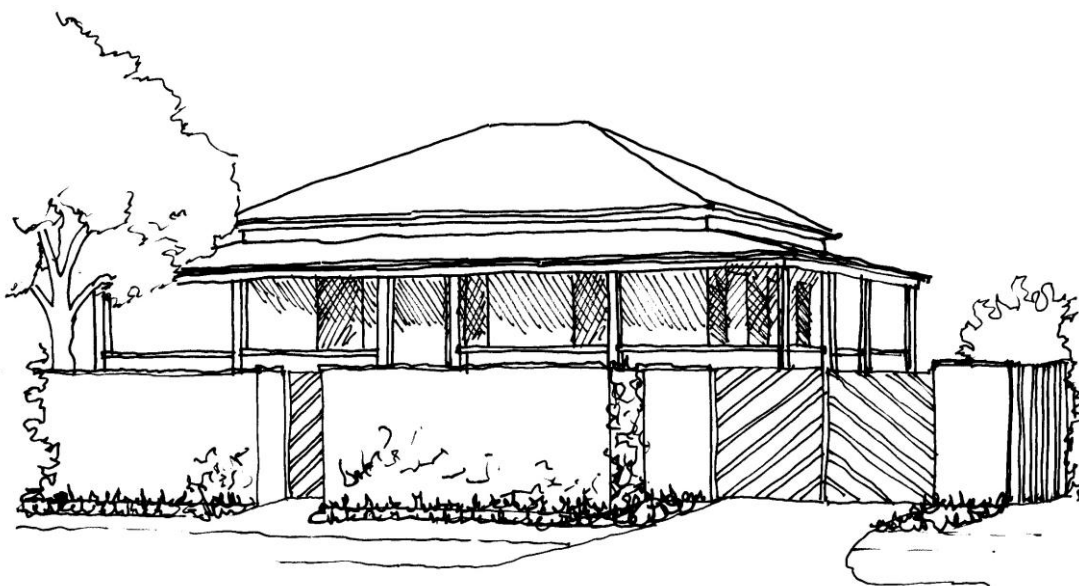
**Figure C1.6 – Traditional fence style**

*Some traditional fencing styles can be replicated in new materials such as PVC coated wire mesh.*



**Figure C1.7 – New fence – wrong approach**

*Traditional fence types should be used only in the traditional manner. The height, spacing of pickets, railings and posts should not be altered in an effort to solve privacy or security concerns. When elements such as timber pickets are close spaced or too tall they simply look wrong. Timber picket fences must maintain the correct visual relationship with the buildings they enclose.*



**Figure C1.8 – New fence – solid**

*Masonry fences and solid fences can be used in some situations provided they are designed well to be compatible with the surrounding place.*

## C1.4.8 Outbuildings and Swimming Pools

### Objectives

1. To ensure that outbuildings and swimming pools do not detract from the **heritage significance** of the **Heritage item** or **Heritage Conservation Area** through inappropriate siting, excessive scale, bulk or visibility.

### Performance Criteria

1. Swimming pools and additional shed space must be positioned to respect the setting and spaces around buildings and the original garden layouts of the **Heritage item** or the components of a **Heritage Conservation Area**. Generally they should be located at the rear of properties.
2. Swimming pool safety fencing must be located where it will be screened from public view. Landscaping must be provided where it is important to soften the impact on a **Heritage item**.
3. The proposed structure must be well integrated with its site and surrounds, and where appropriate the design must include landscaping such as screening or planting of species appropriate to the heritage character of the locality.
4. Significant outbuildings that may form part of a historical **curtilage** must be retained where feasible.

### Prescriptive Measures

There are no Prescriptive Measures.



## C1.4.9 Subdivision

### Objectives

1. To retain the development and subdivision pattern of the **Heritage Conservation Areas** including their characteristic rhythm and spacings of the built form.
2. To retain significant **curtilages**, views and vistas and landscape elements associated with individual **Heritage items** that may be lost through subdivision.

### Performance Criteria

1. The allotment and building spacing, including frontage widths, side and front boundary setbacks must not impact adversely on vistas and views to and of **Heritage items** and **Heritage Conservation Areas**. In particular the principal elevations of buildings must not be interrupted or obscured.
2. The setting of a **Heritage item** and a satisfactory **curtilage**, including important landscape and garden elements, must be retained.
3. The subdivision must not require rearranged vehicular access and car parking (on or off the site of the proposal) that would adversely affect the principal elevation of the **Heritage item** or components of a **Heritage Conservation Area**.
4. Landscape quality of the streetscape in **Heritage Conservation Areas** must be retained.

### Prescriptive Measures

There are no Prescriptive Measures.

## C1.4.10 Dual Occupancy, Subdivision and Development on Single Lots

### Objectives

1. To retain the traditional relationship between **Heritage items** or **Heritage Conservation Areas** and the original subdivision lot pattern and character.
2. To ensure that **Heritage items** are not dwarfed by new additions or new development.

### Performance Criteria

1. **Dual Occupancy** development on lots that were originally intended to contain a single **dwelling house** must not create adverse impacts on the traditional relationship between a **Heritage item** and the original lot boundaries, setbacks and characteristics.
2. **Dual Occupancy** development on lots that were originally intended to contain a single **dwelling house** must not dwarf a **Heritage item**, nor compromise its heritage values.
3. Applications seeking consent for subdivision of lots on which there is a **Heritage item** or in a **Heritage Conservation Area** must include full details of proposed future development on the land, together with an assessment of potential impacts on heritage values.

## Prescriptive Measures

There are no Prescriptive Measures.

# C1.5 Special Guidelines – Development in the Vicinity of a Heritage Item

This Section outlines the additional controls that apply specifically to development **in the vicinity of a Heritage item**.

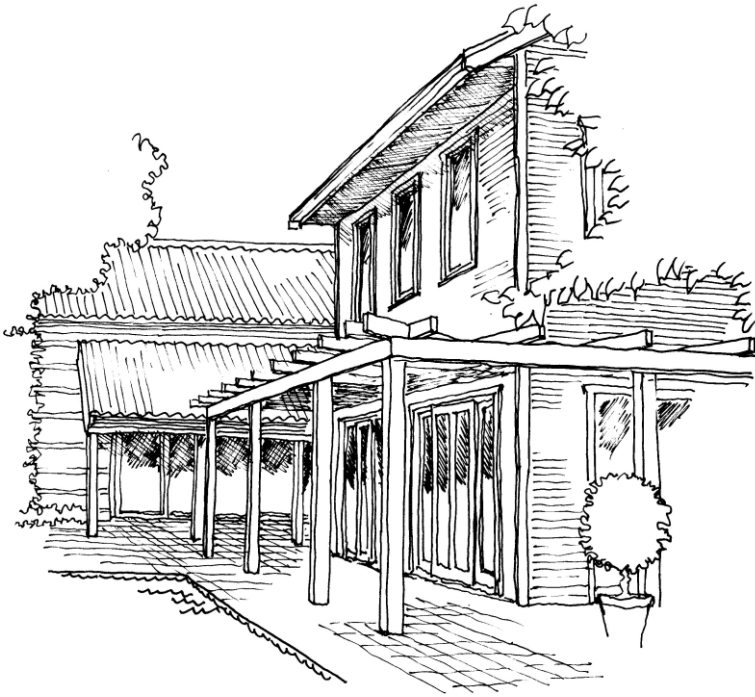
## C1.5.1 New Development in the Vicinity of a Heritage Item

### Objectives

1. To ensure that new development achieves a sympathetic relationship with nearby **Heritage items** in terms of scale, massing, character, setback, orientation, materials and detailing.
2. To ensure that any new development respects the established streetscape, and the patterns of development **in the vicinity of the Heritage item**.
3. To ensure the careful siting of new development retains the integrity and setting of the **Heritage item**.

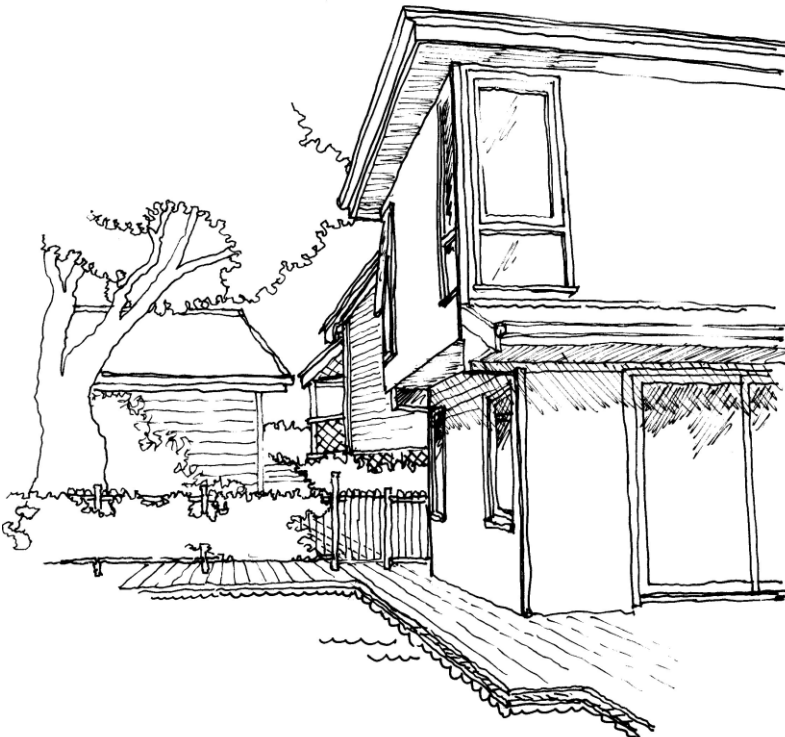
### Performance Criteria

1. New developments must complement, not compete with the elements that contribute to the uniqueness and **heritage significance** of the **Heritage item**.
2. New development must be located so as to not overshadow, nor impede existing views of the **Heritage item** and must not visually dominate, compete with or be incompatible with the form of the **Heritage item**.
3. New development can be contemporary in design, however the scale, form, bulk and detail of the proposal must not detract from the scale, form, unity, cohesion and predominant character of the **Heritage item** in the vicinity. New development must avoid making a replica copy of a **Heritage item**.
4. The design of new development should be kept simple, and must not use a mixture of features from different eras or add heritage features to new buildings. Contemporary kit/project designs which purport to be “heritage homes” are often poorly integrated mixtures of design elements from different eras and do not fulfil the objectives for new development **in the vicinity of Heritage items**.
5. Proposals that include underground car parking must demonstrate that the proposed underground parking arrangements and ancillary facilities such as access and ventilation will be consistent with the Objectives, and will not adversely affect the heritage or pedestrian character of the site or nearby streets.



**Figure C1.9 – New development 1 – good**

*New development can incorporate traditional materials in a modern way, including the use of corrugated steel as a wall cladding.*



**Figure C1.10 – New development 2 – good**

*New development should not copy the form or detailing of **Heritage items**. It should be an expression of today's design value while being also visually compatible.*

### Prescriptive Measures

There are no Prescriptive Measures.

**Note:** Clause 5.10(5) of Byron LEP 2014 provides that Council may require a **heritage management document** prior to granting consent for development **in the vicinity of** a **Heritage item** or **Heritage Conservation Area**.

## C1.6 Special Guidelines – Heritage Conservation Areas

This Section outlines the additional controls that apply specifically to **Heritage Conservation Areas**. The general policy applying to all areas and the special requirements applicable to each **Heritage Conservation Area** are set out below with the associated provisions following.

### C1.6.1 General policy

1. Development must respect the scale, density, form and proportions of existing development, with special attention to the low-set, horizontal emphasis of existing buildings.
2. Generous setbacks and landscaping consistent with the existing pattern of development must be maintained, to conserve the space between buildings that contribute to the character of conservation areas.
3. Development in all areas must remain single **storey** (apart from land zoned B2 in Bangalow Heritage Conservation Area) in height to maintain the visual character and unity of the streetscape.
4. Car parking must not be located in the front setback areas, as it would erode the visual amenity of the streetscape and detract from the setting of the buildings.
5. Front fences if provided must be low (maximum height 1.2 m), consistent with the established pattern of development. Solid fencing to front boundaries will not be permitted as it is out of character in the streetscape, however solid fencing is acceptable on side and rear boundaries. Exceptions are the Railway Precinct and Eureka Conservation Area.

### C1.6.2 Shirley Street, Byron Bay Conservation Area

#### Character and Description

Pattern of settlement of distinctive character, contrasting with modern beach town development nearby. Characteristics include:

1. Single **dwellings** on lots.
2. Traditional materials – weatherboard, original timber stumps, corrugated iron roofs, brick chimneys and fire places.
3. Sharply pitched roofs.

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4. Traditional lot sizes and setbacks, space for gardens and domestic animals.
5. Limited advertising and **signage**.
6. Consistent with the period 1920-1950.

### Statement of Significance

A group of **dwelling**s and public buildings, rear lanes, street trees and landscaping which, taken together, illustrate a pattern of settlement in Byron Bay of distinctive character. The area contrasts strongly with the modern beachside developments on the eastern side of Shirley Street, although the two areas are unified by the striking avenue of mature Norfolk Island pine trees.

### Policy

1. Retain all attributes of the **Heritage Conservation Area** that demonstrate its heritage character and significance including its pattern of subdivision development, boundary setbacks and all original external fabric.
2. Development must respect the low-set horizontal emphasis of existing buildings.

## C1.6.3 Kingsley Street, Byron Bay Conservation Area

### Character and Description

Special coastal town character. Characteristics include:

1. Wide streets, ample verges, buildings set back behind fences.
2. Development respects the subdivision pattern but rises up the slope.
3. Predominantly traditional forms and materials, e.g. weatherboard, pitched roofs etc.
4. Buildings set on ample lots with subtropical vegetation.
5. No obvious kerbs and gutters.

### Statement of Significance

A group of **dwelling**s and other buildings, back lanes, street trees and landscaping, which taken together illustrate an aspect of town development that has a special coastal town character which is highly attractive and of high value in the district.

### Policy

1. Retain all attributes of the **Heritage Conservation Area** that demonstrate its heritage character and significance including its pattern of subdivision development, boundary setbacks and all original external fabric.
2. Development must respect the existing character and integrity of the **Heritage Conservation Area** and must be designed to be compatible with the existing group in terms of its exterior appearances, facades, building heights, building styles, materials, landscaping and lot sizes.

## C1.6.4 Burns Street, Byron Bay Conservation Area

### Character and Description

Uniform scale and open character. Characteristics include:

1. Less dense development.
2. Ample lots with space around buildings.
3. Minimal kerbs and gutters.
4. Wide streets with ample verges.
5. Vegetation in the road reserve (swamp species).

### Statement of Significance

A group of **dwelling**s, back lanes, street trees and landscaping, which taken together, illustrate a pattern of settlement in Byron Bay with a distinctive coastal character defined by uniform scale of buildings and street plantings of coastal wetland species.

### Policy

1. Retain all attributes of the **Heritage Conservation Area** that demonstrate its heritage character and significance including its pattern of subdivision development, boundary setbacks and all original external fabric.
2. Development must respect the existing character and integrity of the **Heritage Conservation Area** and must be designed to be compatible with its particular character including lot sizes, setbacks, roofing pitch, building materials, fenestration, low fences, building scale and bulk.
3. Development must respect the low-set horizontal emphasis of existing buildings.

## C1.6.5 Railway Precinct, Byron Bay Conservation Area

### Character and Description

Group of civic buildings around Railway Park, creating a link to Byron Bay's past history. Characteristics include:

1. Open space at centre.
2. Substantial structures of obvious historical significance.
3. Community hub.

### Statement of Significance

The place is a group of modest civic buildings and landscape elements, which help define both the historical antecedents and the locus of community activity in the township of Byron Bay. Its current elements together form an unbroken link with the first settlement of the township. Although the passage of years has wrought cosmetic changes to the area (such as some kerbing and guttering, road sealing, footpath, public toilet and telephone installations) and renovations to many of the buildings, the character of the location remains intact, despite progressive redevelopment of the remainder of the township. The landscape remains an open area, from the central point of which

all but one element can be seen. An aesthetically pleasing aspect of the landscape is that the area contains only one building of two **storeys**(The Community Centre), on the eastern perimeter.

### Policy

1. Retain all attributes of the **Heritage Conservation Area** that demonstrate its heritage character and significance including: built form; modest height, bulk and scale; focus on the community space and landscape around Railway Park; civic streetscape character; pattern of subdivision development; and all original external fabric.
2. The relationship of former civic structures (railway station, post office and school of arts) should not be diminished by any development that would cause visual dislocation. The open space should be retained.
3. Development must foster integration of the site with the surrounding pedestrian network and open spaces.
4. On-site parking, underground parking and vehicle driveways across the footpath are not compatible in this precinct.

## C1.6.6 Eureka Village Landscape Conservation Area

### Character and Description

Spectacular landscape on the ridge anchored by Church, church hall and polar village developments. Characteristics include:

1. Open vistas.
2. Rural environment.
3. Rural fencing.

### Statement of Significance

The place is a rare group of buildings and landscape elements illustrating the Eureka community's historical antecedents and its continuing cohesion. It is in the hinterland of the shire and although when settled it was considered remote, it came to form part of the pattern of settlement associated with Far North Coast dairying industry. The village represents one of the earliest settlements of the Shire and retains rare integrity.

### Policy

1. Retain all attributes of the **Heritage Conservation Area** that demonstrate its heritage character and significance including its rural character, pattern of subdivision development, generous boundary setbacks, landscape character and all original external fabric.
2. Development must respect the open scale, low-density, rural form of existing development.
3. Fencing must be consistent with the traditional rural and village character of fencing in the locality.
4. The planting of large shade trees should be encouraged.



## C1.6.7 Bangalow Conservation Area

### Character and Description

Bangalow has a distinct village character. It is an historic township nestled in verdant landscape. A mix of commercial, civic and residential uses. It has a distinctive main street with awnings and verandahs. Station Street precinct has a looser grain, containing mostly individual buildings in landscaped setbacks (including a number of Heritage items), which contrasts with the Byron Street's tighter urban fabric of Byron Street.

Characteristics include:

1. Leafy and well vegetated.
2. Sloping sites.
3. Predominantly traditional materials and forms.

### Statement of Significance

A rare, largely intact early 20th century village built in a picturesque setting of green hills and subtropical vegetation with a main street of high-quality public and commercial buildings grouped on both sides and an unusually steep sloping street. The village area has a high concentration of quality dwellings, public buildings, streets, back lanes, street trees and landscaping, which taken together illustrate an identifiable pattern of domestic, industrial and commercial settlement in Bangalow by early pioneering settlers, and a pattern of development of civic infrastructure.

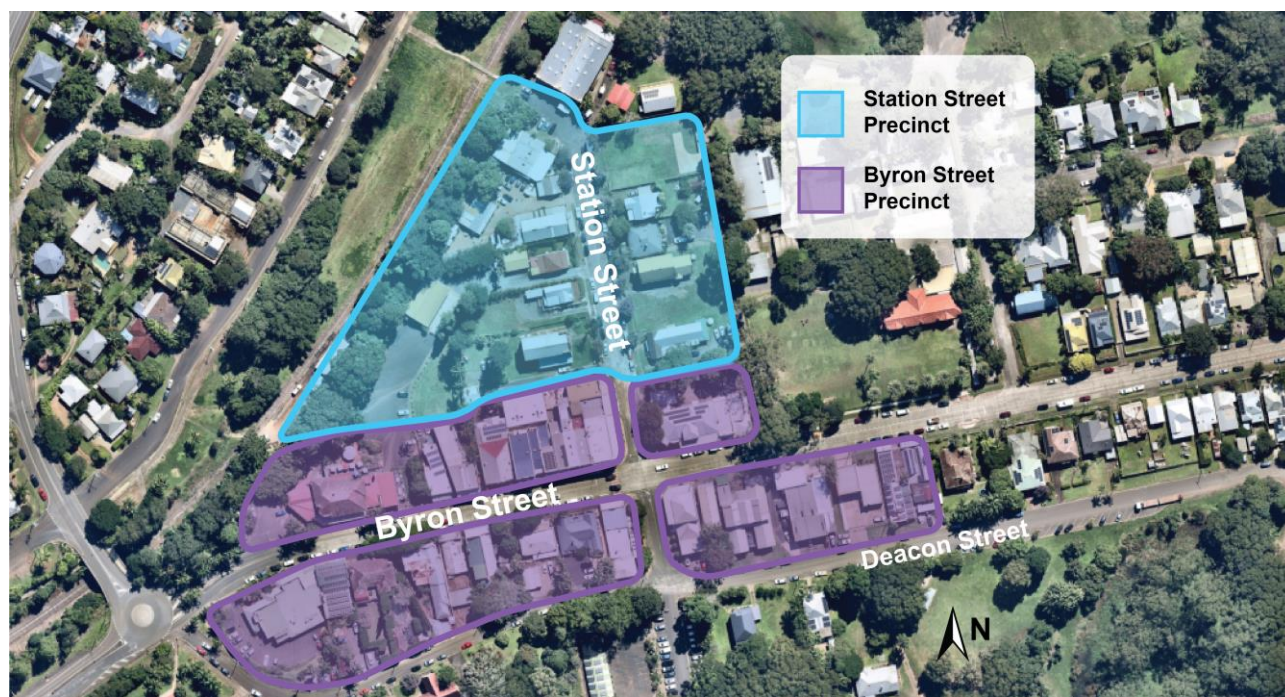
### Form

The majority of houses are single or double fronted with hipped, or hipped and gabled, roofs with front verandahs. New developments should complement these hipped or gabled forms and roof pitches should remain in the 25-35 degree range.

### Materials

1. The predominant materials of existing older buildings are generally light painted weatherboard with galvanised iron roofs. The use of these materials is encouraged.
2. Conservation and replacements with 'like for like' materials is required. 'Like for like' timber and galvanised steel, or brick and tile is required for the conservation of traditional buildings and heritage items as appropriate.
- 2-3. Complementary modern materials such as cement profiled weatherboards and uncoloured metal Galvanised, Zinalume or light to mid grey colorbond roofing is acceptable for new infill.





**Figure C1.11 – Precincts in Bangalow Village Centre**

## Byron Street Precinct

For a small rural village, there is an unusual yet impressive scale to the commercial buildings in the main street. Most of the commercial buildings date from around the First World War, are of solid brick construction and have ornate parapets exhibiting later 'Federation' influences.

There remains a strong sense of originality and compatibility of design, with buildings dominating the street, effectively forming a street wall along the main street within the core area. There remains a pleasing architectural harmony about the buildings in scale, form, materials and colour.

Many original shopfronts remain on the northern side of Byron Street – characterised by expansive floor to ceiling heights, wood clad verandahs and leadlight highlights.

A dominant feature of the commercial buildings is the front parapet concealing the roof. These parapets are ornate, having applied decorative relief to approximately 25% of the face area in the form of mouldings, pilasters or recesses. They are generally in painted rendered brickwork. The tops of the parapets, particularly on the northern side of Byron Street, are well articulated with stepped, sloping or curved motifs. On the southern side, other than for the National Australia Bank, parapet tops are more regular.

The height of Bangalow's commercial buildings is impressive and derives from high floor to ceiling heights internally, the steepness of the hill and the high proportion of parapet area to wall area below.

The diverse collection of heritage buildings combined with a vibrant mix of uses along the narrow shop fronts of Byron Street underpins the character of the precinct. There is a pleasing architectural harmony about the buildings in scale, form, materials and colour which provides a strong definition to the street edge. The verandahs over the footpath and landscape pockets provide for a pleasant pedestrian amenity.

**Table C1.2 – Performance Criteria and Prescriptive Measures for building elements Byron Street Precinct**

<b>Building Element</b>	<b>Performance Criteria</b>	<b>Prescriptive Measures</b>
<b>Parapets</b>	1. Existing parapets remain in place and new buildings avoid long, flat parapets and bland elevations with no relief.	1. The area of parapet face above the upper floor ceiling line is to be approximately 50% of the area of the wall below that line. 2. New development is to have a minimum 3m floor to ceiling height. Low parapets concealing flat roofs are not compatible.
<b>Building Height</b>	1. New development and additions and alterations reflect the general two storey height characteristics of Bangalow	1. Buildings to comply with the prescribed <b>building height</b> limit under Byron LEP 2014 of 9.0m. 2. The existing eave heights are to be maintained throughout the precinct <del>3. Any third storey elements must be set back from the front façade and carefully designed into the roof area as an attic or mezzanine so they are not visible from Byron Street from a pedestrian viewpoint</del>
<b>Verandahs</b>	1. New buildings are to incorporate verandahs, balconies and awnings into their design. 2. Where appropriate, older buildings which have had historical verandahs removed, re-incorporate such structures when carrying out major alterations and additions	1. Awnings and verandahs shall have a maximum width of 3.6m and a minimum of 3m, with a minimum height of 3m above footway allowing for under-awning signs. 2. All structures shall have a minimum clearance of 600mm from the face of kerb and 2m clear walking space at shopfront.
<b>Materials</b>	1. Building materials complement existing materials used on historical buildings in the village centre. 2. Brick or rendered masonry continues to be used, noting that virtually all the face brick buildings are on the southern side of Byron Street and the rendered and painted buildings are on the northern side.	3. Buildings to use either face brick or rendered brick, (Note: Face brick buildings dominate on the southern side of Byron Street and the rendered and painted buildings are on the northern side).

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Building Element	Performance Criteria	Prescriptive Measures
<b>Shop Fronts</b>	<ol style="list-style-type: none"> <li>Existing original shopfronts are retained and <del>refurbished</del> <u>conserved to original details</u>.</li> <li>New buildings incorporate a well-designed shopfront using materials compatible with neighbouring <del>earlier</del> shopfronts, with timber <u>framed windows or bespoke fine metal framing</u> the preferred material.</li> <li>Doors to shops <del>are</del> <u>must be</u> recessed to create interest in the line of shopfronts <u>and retain the existing pattern of built form</u>.</li> </ol>	<ol style="list-style-type: none"> <li>A minimum recessed entrance of 0.9 m to be provided to shopfronts.</li> <li>Entranceways are to be designed to be accessible. <u>This may require input from an access consultant</u>.</li> </ol>
<b>Colours</b>	<ol style="list-style-type: none"> <li>Paint Colour Schemes are compatible with heritage <del>c</del>Colours</li> </ol>	<ol style="list-style-type: none"> <li>Colour Schemes for new and old buildings (including maintenance) to comply with C1.4.5.</li> </ol>
<b>Signage</b>	<ol style="list-style-type: none"> <li>Signage is discrete and traditional in character and does not overpower the building in scale and location.</li> <li>Signage is compatible with historical nature of the building and complements adjoining development and the streetscape.</li> </ol>	<ol style="list-style-type: none"> <li>Any signage to comply with Chapter B10 of DCP 2014 (See Section B10.3.1).</li> <li>The following signage is <del>considered</del> <u>unnot</u> suitable: <ol style="list-style-type: none"> <li>above awning signs unless the style of lettering, the location and size of the sign and the materials and colours <del>to be used</del> are compatible with Bangalow's historical signage character.</li> <li>cantilevered, illuminated signs off the face of the building and signs propped up above the footpath. <del>awning are inappropriate</del>.</li> <li>corporate colour schemes and large scale or illuminated advertising signage. <del>will not be permitted</del>.</li> </ol> </li> </ol>
<b>Access and parking</b>	<ol style="list-style-type: none"> <li>Development fosters the integration of the existing commercial and civic precincts</li> </ol>	<ol style="list-style-type: none"> <li>Vehicle driveways across the footpath are generally not compatible unless existing.</li> </ol>

Building Element	Performance Criteria	Prescriptive Measures
	<p>with the surrounding pedestrian network and open spaces.</p> <p>2. Vehicle access to properties is designed to not conflict with the existing pedestrian networks.</p>	<p>2. Access to be provided to the rear of properties for parking and deliveries</p> <p>3. Where onsite parking cannot be provided, Council will consider contributions.</p>
<b>Shop Top Housing</b>	<p>1. Provides for a diversity of housing opportunities in Bangalow.</p> <p>2. Enables live and work opportunities for residents and workers in Bangalow.</p>	<p>1. Shop top housing should primarily consist of 1 and 2 bedroom units and studio apartments.</p> <p>2. Shop top housing to comply with Chapter D1 of DCP 2014 (See D1.10).</p> <p>3. Dual Key arrangements that provide for larger households will be supported where appropriately designed to demonstrate each dwelling can comply with Chapter D1 of DCP 2012 and adequate car parking is provided on site for residents.</p>
<b>Form</b>	<p>1. Composition of existing buildings along Byron Street is retained and buildings continue to present as individual frontages through the use of appropriate materials, colours and detailing.</p>	There are no Prescriptive Measures.

## Station Street Precinct

On Station Street, buildings are generally of a smaller scale than the commercial zone of Byron Street, and exhibit landscaping and open spaces. There is a mix of residential, commercial and civic uses in the precinct. Two storey Heritage buildings of note include the Masonic Hall, the A & I Hall and the Uniting Church Hall. These are characterised by their extensive curtilage. The A & I Hall is a landmark heritage building which anchors the end of the street. These are characterised by their extensive curtilage.

Street-trees, leafy landscaping and timber and galvanised iron palette create a distinct character different to Byron Street. Notably, there is also space between buildings, and a setback from the street.

Built form is predominantly single storey (original weatherboard and iron) traditional cottages which are contributory to the historic character of the precinct and are interspersed by one and two storey buildings. A domestic scale is retained by the single storey historic cottages in a landscaped setting.

~~Street trees, leafy landscaping and timber and galvanised iron palette create a distinct character, different to Byron Street. Notably, there is also space between buildings, and a setback from the road.~~

This precinct contains the following building types:

1. single **storey** houses in weatherboard and galvanised iron
2. The A & I Hall in decorative metal cladding with galvanised iron roof
3. Larger scale 'civic' buildings
4. Several Heritage Items and contributory items

New development should respect and conserve the transition to these Heritage Items and contributory items, and remain subservient to them. The A & I Hall in particular should remain the focal point of the precinct, and public vistas to it protected.

**Table C1.3 – Performance Criteria and Prescriptive Measures for building elements Station Street Precinct**

Building Element	Performance Criteria	Prescriptive Measures
<b>General</b>	<ol style="list-style-type: none"> <li>1. Development within the Station Street <del>area-precinct</del> <u>must be carefully designed to respect the significance, context, views and settings of existing heritage items and contributory buildings in terms of form, should integrate with existing heritage features in the commercial centre such as light-weight materials, architectural detailing, scale and bulk of buildings.</u></li> <li>2. Development adjacent to or in proximity to Heritage Items should remain subservient to the item.</li> <li>3. New development is to comply with Byron DCP 2014 Chapter C1.5.1.</li> <li>4. Building frontages must be suitably articulated and should visually separate buildings from adjacent neighbours.</li> </ol>	



Building Element	Performance Criteria	Prescriptive Measures
<b>Building Height</b>	<ol style="list-style-type: none"> <li>1. New development and additions and alterations reflect the general two storey height characteristics of Bangalow. <del>Any exceedance of this height will only be considered if it is well set back from existing street and results in additional at-ground public/private space.</del></li> </ol>	<ol style="list-style-type: none"> <li>1. Buildings are to comply with the prescribed <b>building height</b> limit under Byron LEP 2014 of 9.0m.</li> <li>2. Ground floors of all buildings must have a minimum floor to ceiling height of 3.0m in order to provide flexibility for future use.</li> <li>3. Above ground level, residential floors are to have a minimum floor to ceiling height of 2.7m.</li> </ol>
<b>Setbacks</b>	<ol style="list-style-type: none"> <li>1. New development should remain setback from the primary street frontage, and achieve subservience to any surrounding Heritage Items.</li> </ol>	<ol style="list-style-type: none"> <li>1. Buildings are to be setback a minimum of 3.0m from Station Street <u>and incorporate side setbacks where possible.</u></li> <li>2. The front setback should be landscaped to enhance the leafy character of the street.</li> </ol>
<b>Materials</b>	<ol style="list-style-type: none"> <li>1. Building materials compliment existing materials used on historical buildings in Station Street precinct.</li> </ol>	<ol style="list-style-type: none"> <li>1. Development to use a palette of timber and <del>tin</del> <u>iron or masonry</u> in keeping with other buildings in the street.</li> <li>2. Lightweight materials preferred.</li> </ol>
<b>Access and parking</b>	<ol style="list-style-type: none"> <li>1. Development fosters the integration of the existing commercial and civic precincts with the surrounding pedestrian network and open spaces.</li> <li>2. Vehicle access to properties is designed to not conflict with the existing pedestrian networks.</li> <li>3. <u>Parking is not visible from the street.</u></li> </ol>	<ol style="list-style-type: none"> <li>1. Access to be provided to the rear of properties for parking and deliveries.</li> <li>2. Where buildings have rear lane access, pedestrian access must be provided at this frontage.</li> <li>3. Service and access driveways are to occupy no more than 50% of an individual property's frontage to a rear lane.</li> <li>4. Parking areas are provided at the rear of buildings or underground.</li> </ol>
<b>Shop Top Housing</b>	<ol style="list-style-type: none"> <li>1. Provides for a diversity of housing opportunities in Bangalow.</li> <li>2. Enables live and work opportunities for residents and workers in Bangalow.</li> </ol>	<ol style="list-style-type: none"> <li>1. Shop top housing should primarily consist of 1 and 2 bedroom units and studio apartments.</li> <li>2. Shop top housing to comply with Chapter D1 of DCP 2014 (See D1.10).</li> </ol>

Building Element	Performance Criteria	Prescriptive Measures
		3. Dual Key arrangements that provide for larger households will be supported where appropriately designed to demonstrate each dwelling can comply with Chapter D1 of DCP 2012 and adequate car parking is provided on site for residents.
<b>Fencing and Landscaping</b>	<ol style="list-style-type: none"> <li>1. Early photographs indicate a general absence of fencing in the Business area and there is therefore no case for reinstatement.</li> <li>2. Development should be landscaped in a way that enhances Bangalow's green and leafy character, and is sympathetic to the subtropical climate of the area.</li> </ol>	<ol style="list-style-type: none"> <li>1. No fencing is provided in front boundary setback.</li> <li>2. Setback from street is to be suitably landscaped</li> <li>3. Landscaping is to be in ground – planter boxes are not typically characteristic of Bangalow.</li> </ol>

## C1.6.10 Mullumbimby Conservation Area

### Character and Description

'Biggest Little Town' character. Characteristics include:

1. Wide streets, rear lanes, wide verges.
2. No obtrusive kerbs and gutters.
3. Mixed traditional character.

### Statement of Significance

The township of Mullumbimby is unusual in having a uniform scale and character of traditional buildings laid out in an historic grid. The township exists in a very beautiful setting in the lee of the distinctive Mount Chincogan.

### Policy

1. Retain all attributes of the **Heritage Conservation Area** that demonstrate its heritage character and significance including its pattern of subdivision development, boundary setbacks, built form, landscape and vegetation and all original external fabric.
2. Encourage renewal of unsympathetic infill structures in the commercial area with 'heritage-compatible', high quality, sustainable developments that integrate with the traditional design values and character of the town.

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3. In the residential precincts development must give special attention to the low set, horizontal emphasis of existing buildings.
4. Additions and new development must remain compatible in character, height and scale with the existing pattern of development.
5. In the commercial and civic precinct development must foster integration of the site with the surrounding pedestrian network and open spaces. On-site parking, underground parking and vehicle driveways across the footpath are not compatible in this precinct.
6. Two-storey developments outside the commercial zone must be designed sensitively to provide for integration with the surrounding, predominantly single-storey residential development.

## C1.6.11 New Development in Heritage Conservation Areas

### Objectives

1. To ensure that the siting of new development retains the integrity of the **Heritage Conservation Area**.
2. To ensure that any new development achieves a sympathetic relationship within the **Heritage Conservation Area** of which it is a part.
3. To ensure that new development respects the established streetscape, and the patterns of development, including setbacks, siting, landscape settings, car parking, height, dominant ridgelines and building envelopes within the **Heritage Conservation Area**.

### Performance Criteria

1. New development must respect or utilise the topography and existing vegetation within the **Heritage Conservation Area**.
2. New developments must maintain and/or complement, not compete with, the elements that contribute to the setting, uniqueness and **heritage significance** of the **Heritage Conservation Area**.
3. New development must respond to the established development patterns such as subdivision layout, setbacks, and spaces between buildings. The predominant setbacks in the street must be retained to ensure the visual uniformity of the **Heritage Conservation Area** is maintained.
4. New development can be contemporary in design, however the scale, form, bulk and detail of the proposal must not detract from the scale, form, unity, cohesion and predominant character of the **Heritage Conservation Area**. Incorporating basic design elements such as the characteristic roof form and massing, proportions of windows, doors and verandahs is encouraged.
5. The design of new development should be kept simple, and must not use a mixture of features from different eras or add heritage features to new buildings that are incompatible with the heritage context. Contemporary kit/project designs which purport to be “heritage homes” are often poorly integrated mixtures of design elements from different eras and do not fulfil the objectives for new development.
6. Proposals that include underground car parking must demonstrate that the proposed underground parking arrangements and ancillary facilities such as access and ventilation will



be consistent with the Objectives, and will not adversely affect the heritage, aesthetic or pedestrian character of the **Heritage Conservation Area**, the site or nearby streets.

7. New development in **Heritage Conservation Areas** must be consistent with the statements of Character and Description, Statement of Significance and Policies described in the Sections C1.6.1 – C1.6.8 relevant to the particular **Heritage Conservation Area** in which the site is located.
8. Development applications for new development in a **Heritage Conservation Area** must be accompanied by a **Heritage Impact Statement**.
9. New development in the Bangalow Conservation Area must be consistent with Chapter E2 Bangalow.

#### **Prescriptive Measures**

There are no Prescriptive Measures.

## **C1.6.12 Alterations and Additions in Heritage Conservation Areas**

#### **Objectives**

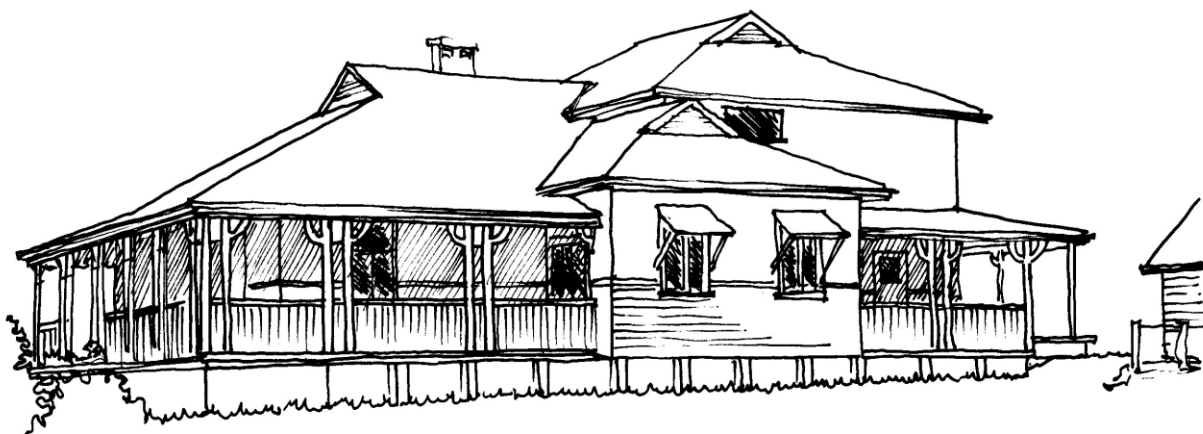
1. To ensure that redevelopment, alterations and additions in **Heritage Conservation Areas** contribute to the conservation and heritage values of those areas and do not detract from those values.

#### **Performance Criteria**

1. Redevelopment, alterations and additions in **Heritage Conservation Areas** must be consistent with the statements of Character and Description, Statement of Significance and Policies described in Sections C1.6.1 – C1.6.8 relevant to the particular **Heritage Conservation Area** in which the site is located.
2. Redevelopment, alterations and additions in the Bangalow Conservation Area must be consistent with Chapter E2 Bangalow.
3. Development applications must be accompanied by a **Heritage Impact Statement** unless Council advises that the proposed development is of minor heritage or conservation significance.

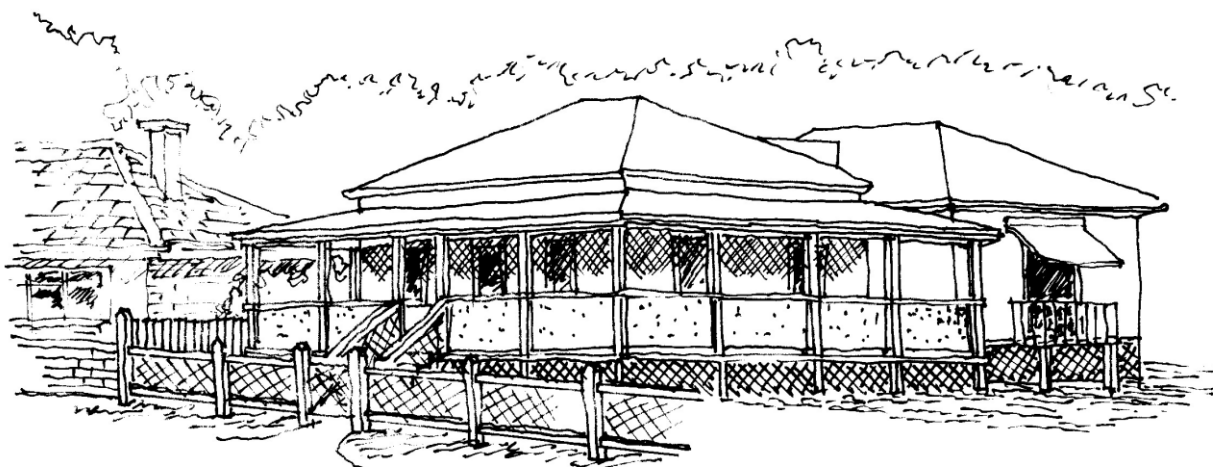
#### **Prescriptive Measures**

There are no Prescriptive Measures.



**Figure C1.12 – Additions and Alterations – wrong approach**

*New additions to traditional buildings should be in scale and visually recessive. In this example an attempt has been made to hide a large extension at the rear, but the excessive size of the extension causes the original structure to appear overburdened and unbalanced.*



**Figure C1.13 – Additions and Alterations – right approach**

*New additions can be respectful and largely out of the public view without compromising the streetscape amenity or the quality of the new accommodation.*

## C1.6.13 Change of Use in Heritage Conservation Areas

### Objectives

1. To recognize that the form and character of **Heritage Conservation Areas** are influenced and affected by the use of individual sites within the **Heritage Conservation Area**.

2. To preserve the form, character and function of **Heritage Conservation Areas**.
3. To ensure that changes of use in **Heritage Conservation Areas** do not create incompatibility or conflicts with their heritage character or values.

#### **Performance Criteria**

1. Proposals seeking consent for change of use within a **Heritage Conservation Area** must demonstrate that the proposed change is not likely to create incompatibility or discordance over time with the heritage character or heritage values of the **Heritage Conservation Area**, or with individual **Heritage items**.
2. The applicant's assessment of compatibility of the proposed development with the **Heritage Conservation Area** must include details of all proposed physical changes to the site and to existing development resulting from the proposed change of use, including but not limited to changes in vegetation, signage, colours, materials and the like.

#### **Prescriptive Measures**

There are no Prescriptive Measures.

## Appendix C1.1 Checklist of Requirements for Heritage Impact Statements for Heritage items

### Checklist of Requirements for Heritage Impact Statements for Heritage Items

The Heritage Impact Statement contains two parts, a Heritage Assessment and a Heritage Impact Assessment of the proposal.

#### Part A - Heritage Assessment

##### 1. Historical Development of the Site

A concise history of the site based upon a full historical Title Search, Sands Directory Search and Council files. It should include:

- a) Development of the site over time, date of construction and additions/alterations.
- b) Original subdivision pattern in street and relationship of the building/item to adjoining and other buildings/items in the street.

##### 2. Site Assessment

- a) Description of the building/item and its setting such as garden, fencing and ancillary buildings.
- b) Measured drawings of the building/item, all floor plans and their condition
- c) An assessment of the architectural integrity of the building/item, extent of original finishes and their condition, and originality of the building/item's setting.
- d) Photographs of external elevations and rooms, where appropriate.

##### 3. Statement of Significance

Criteria for assessing the **heritage significance** of an item is to be in accordance with the guidelines set out in the document entitled Assessing Heritage Significance in the NSW Heritage Manual. A statement of significance is to be prepared with a succinct set of statements that answer the question "Why is this building/item significant?"

##### 4. Conservation Policy

The building/item condition, current zoning and statutory requirements and client requirements are constraints, which need to be considered in determining realistic policies to protect the **heritage significance**.

The policy needs to address the following:

- a) Protection of the existing significant fabric
- b) Appropriate location for alterations or new uses

- c) Appropriate scale for alterations and additions so that they do not detract from the **heritage significance**.

The Conservation Policy must be based on the Conservation Principles of the *Burra Charter*.

## **Part B - Heritage Impact Assessment**

### **1. Description of Scope of Works**

A clear and comprehensive account of the work to be carried out including structural alterations, roof form and shape, changes in finishes, colour schemes, internal subdivision etc.

### **2. Design Options**

Full consideration of viable options and discussion of reasons for selection of desired option.

### **3. Statement of Impact**

A statement of the impact the proposal has on the significance of the heritage item. This is to address:

- a) The interior, exterior and setting of the building/item
- b) How the proposal conforms to the conservation policy outlined in the Heritage Assessment and the conservation principles of the Burra Charter.
- c) The impact on the architectural integrity and originality of the building/item
- d) Measures to be undertaken to minimise any adverse effects from the proposal.

## Appendix C1.2 Checklist of Requirements for Heritage Impact Statements for Places within Heritage Conservation Areas

The Heritage Impact Statement contains two parts, the Heritage Assessment and the Heritage Impact Assessment of the proposal.

### Part A – Heritage Assessment

#### 1. Historical Development of the Site

A concise history of the site based upon full historical Title Search, Sands Directory Search and Council files. It should include:

- a) Development of the site over time, date of construction and additions /alterations.
- b) Original subdivision pattern in street and relationship of the building to adjoining and other buildings/items in the street.

#### 2. Site Assessment

- a) Description of the building/item and its setting such as garden, fencing and ancillary buildings.
- b) Measured drawings of the building/item, all floor plans and their condition
- c) An assessment of the architectural integrity of the building/item, extent of original finishes and their condition, and originality of the building/item's setting.
- d) Photographs of external elevations and rooms, where appropriate.

#### 3. Streetscape Assessment

Assessment of the building/item's streetscape contribution should include:

- a) Building form – height, scale, mass, setback
- b) Character- architectural style and period, details of any existing external modifications
- c) Assessment of contributory and non-contributory buildings/items in the streetscape and whether these contributory and non-contributory features are found in the building/item in question

#### 4. Statement of Significance

A concise statement of significance taking into account the historical development of the site/area, the site assessment and the street assessment.

## **Part B – Heritage Impact Assessment**

### **1. Description of Scope of Works**

A clear and comprehensive account of the work to be carried out including structural alterations, changes in finishes, colour schemes, internal subdivision etc.

### **2. Design Options**

What options were considered and reason for desired option.

### **3. Statement of Impact**

A statement of the impact the proposal has on the building/item (including its architectural integrity and its originality) and on the streetscape / **Heritage Conservation Area**. Measures to be undertaken to minimise any effects from the proposal are also to be indicated.



## Appendix C1.3 Maintenance colours, AS2700-2011

### Notes regarding use of the Table:

1. Heritage colours are the paint colours that were used commonly on traditional buildings prior to the 1950s when there was a substantial shift in taste and manufacturing that created wider availability and use of paint colours including strong new colours.
2. The colours listed in Table 1 are Australian Standard Colours selected from the AS2700—2011 Colour Standards for General Purposes. They include most of the more common traditional paint colours.
3. Group A colours are the wall body colours. They are predominantly natural earth tones (mineral or stone colours) that would be found in nature. On a typical weatherboard cottage these colours would be used on the weatherboards or body of the building.
4. Group B colours are lighter tones of the Group A colours. Group C colours are darker tones of the same. They are used on doors, windows and trim to contrast with the wall body colours. In a typical colour scheme the walls would be painted in a mid tone, the window and door frames would be lighter and the door and sashes darker. Or the frames might be darker and the window sashes lighter.
5. Group D colours are special use colours for elements such as cast iron railings, columns and friezes, which were most commonly painted in dark tones. They might be used also on special elements such as front doors.
6. Group E colours have specific uses. The light green tones are commonly used on the undersides of awnings and verandahs and sometimes on eaves soffits, being cool anti-glare colours. The cream and dark brown colours are used together on the AC sheet and timber battens of gables on buildings of the 1930s to 1950s.
7. Group F colours are high visibility and high contrast colours used for signage. They should not be used on a heritage building except as signage.

**Table 1 – Maintenance Colours, AS2700—2011**

<b>Group A – Wall Body Colours</b>	<b>Group B – Contrasting Trim Colours - Light</b>	<b>Group C – Contrasting Trim Colours - Dark</b>	<b>Group D - Contrasting Colours – Dark Elements</b>	<b>Group E – special use colours</b>	<b>Group F – Signage</b>
Y24 Straw  Y44 Sand	Y24 Straw  Y25 Deep Cream	Y61 Black Olive  Y66 Mudstone	X63 Ironbark  X64 Chocolate	Y25 Deep Cream  X63 Ironbark	Y35 Off White  R13Signal Red

Adopted

Effective

<b>Group A – Wall Body Colours</b>	<b>Group B – Contrasting Trim Colours - Light</b>	<b>Group C – Contrasting Trim Colours - Dark</b>	<b>Group D - Contrasting Colours – Dark Elements</b>	<b>Group E – special use colours</b>	<b>Group F – Signage</b>
Y53 Sandstone	Y34 Cream	X54 Brown	R64 Deep Indian Red	G43 Surf Green	R14 Waratah
Y54 Oatmeal	Y43 Parchment	X61 Wombat	R65 Maroon	G44 Palm Green	R15 Crimson
Y55 Deep Stone	Y44 Sand	X62 Dark Earth	G11 Bottle Green	G55 Lichen	R52 Terra Cotta
Y62 Sugar Cane	Y45 Manilla	X63 Ironbark	G61 Dark Green		R55 Claret
Y63 Khaki	Y52 Chamois	X64 Chocolate	G12 Holly		B12 Royal Blue
X41 Buff	Y53 Sandstone	X65 Dark Brown	G15 Rainforest Green		B21 Ultramarine
X43 Beige	Y54 Oatmeal	R62 Venetian Red	G63 Deep Bronze Green		B51 Periwinkle
X45 Cinnamon	X31 Raffia	R63 Red Oxide	G67 Zucchini		B61 Coral Sea
X51 Tan	X32 Magnolia	R64 Deep Indian Red			B62 Midnight Blue
X52 Coffee	X34 Driftwood	G15 Rainforest Green			G67 Zucchini
X53 Golden Tan	X42 Biscuit	G67 Zucchini			N61 Black
X61 Wombat					