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11 June 2024  
Our Ref: K\_1885.4706

The General Manager  
Byron Shire Council  
PO Box 219  
MULLUMBIMBY NSW 2482

Dear Sir

**RE: Development Application and Statement of Environmental Effects – Alterations to existing Hotel comprising reconfiguration of existing internal area to increase size of bottle shop, relocate cool room and relocate indoor and outdoor gaming area at 2-4 Mullumbimbi Street, Lot 1 DP1137515 Brunswick Heads**

PLANNERS NORTH has been engaged by Brunswick Hotel TT Pty Ltd, the owners of the abovementioned land, to provide Town Planning advice with respect to the preparation and lodgement of a Development Application with Byron Shire Council in regard to land described as 2-4 Mullumbimbi Street, Lot 1 DP1137515 Brunswick Heads.

This Statement of Environmental Effects is accompanied by a Statement of Heritage Impact prepared by Kate Gahan and plans of the proposed works prepared by Luis Cristia Designs.

**THE SITE**

The subject site is described in Real Property terms as Lot 1 DP 1137515. The site has an area of approximately 3,383m<sup>2</sup> and is generally rectangular in shape. The site is located within the Brunswick Heads Town Centre. The site has frontage to Mullumbimbi Street to the north and is located opposite Brunswick River Reserve. Existing surrounding development consists of commercial and tourist development.

**SITE HISTORY**

Numerous applications have been submitted in relation to the hotel since the early 1970's, the most recent development applications include:.

|               |                         |            |  |
|---------------|-------------------------|------------|--|
| 10.2020.135.1 | Development Application | 20/03/2020 | 2-4 Mullumbimbi St, Brunswick Heads 2483 NSW<br><b>Stage 1: Temporary Change of Use of First Floor to Office, Storage and Staff Facilities, Stage 2: convert First Floor Use back to Accommodation</b> |
| 10.2020.134.1 | Development Application | 20/03/2020 | 2-4 Mullumbimbi St, Brunswick Heads 2483 NSW<br><b>Alterations and Additions to Existing Pub (Pavilion and Storage Areas)</b>  |
| 10.2017.535.1 | Development Application | 29/09/2017 | 2-4 Mullumbimbi St, Brunswick Heads 2483 NSW<br><b>Alterations to a Hotel Comprising of a New Preparation Kitchen, CoolRoom, cold Store and Cool Store</b>   |
| 10.2017.260.1 | Development Application | 25/05/2017 | 2-4 Mullumbimbi St, Brunswick Heads 2483 NSW<br><b>Alterations and Additions to the Brunswick Heads Hotel</b>  |
| 10.2016.568.1 | Development Application | 24/08/2016 | 2-4 Mullumbimbi St, Brunswick Heads 2483 NSW<br><b>Marquee, Ancillary to Existing Hotel</b>  |

# HOTEL BRUNSWICK – INTERNAL RECONFIGURATION

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|               |                         |            |  |
|---------------|-------------------------|------------|--|
| 10.2009.228.1 | Development Application | 28/05/2009 | 2-4 Mullumbimbi St, Brunswick Heads 2483 NSW<br><b>Erection of Shade Structures to the existing Brunswick Heads Hotel</b>        |
| 10.2009.176.1 | Development Application | 27/04/2009 | 2-4 Mullumbimbi St, Brunswick Heads 2483 NSW<br><b>Alterations/Additions to existing Dwelling</b>                                |
| 10.2008.393.1 | Development Application | 25/06/2008 | 2-4 Mullumbimbi St, Brunswick Heads 2483 NSW<br><b>Alterations &amp; Additions to the Brunswick Hotel including tree removal</b> |
| 10.2003.430.1 | Development Application | 15/09/2003 | 2-4 Mullumbimbi St, Brunswick Heads 2483 NSW<br><b>Alterations and additions to a single storey dwelling house</b>               |
| 10.2002.595.1 | Development Application | 15/10/2002 | 2-4 Mullumbimbi St, Brunswick Heads 2483 NSW<br><b>Alterations and/or Additions to existing Hotel - Brunswick Hotel</b>          |
| 10.2001.749.1 | Development Application | 20/12/2001 | 2-4 Mullumbimbi St, Brunswick Heads 2483 NSW<br><b>Alterations and/or Additions to existing Hotel</b>                            |
| 10.2001.84.1  | Development Application | 21/02/2001 | 2-4 Mullumbimbi St, Brunswick Heads 2483 NSW<br><b>Commercial Development - Additions to Hotel</b>                               |

A number of Construction Certificates and Occupation Certificates in relation to the above development approvals have been issued.

## THE PROPOSAL

The proposed development provides for alterations to the existing building to reconfigure the ground floor layout to provide for an increased area dedicated for takeaway sales, relocate an existing cool room and relocate the existing indoor and outdoor gaming areas. The proposal does not result in any increase in the gross floor area of the existing premises. The reconfiguration will provide for greater efficiency in terms of existing operations. At present, bottle shop sales are undertaken from the main bar in a small area which has a very low profile and the provision of a designated bottle shop area and cool room will improve the efficiency of the operation, particularly during peak times. The relocation of the indoor and outdoor gaming area also locates these areas in a more appropriate location.

The proposal will involve the removal of an existing masonry block wall and the provision of louvres to this elevation to the existing beer garden. It is noted that the masonry wall is not an original feature. An existing roller door will also be replaced with louvres to match existing. A new glass wall is also proposed between the newly consolidated indoor and outdoor gaming areas and the rear of the 'back bar'. The internal fitout of the space will also include carpet, painted walls downlights and a new ceiling.

The estimated cost of works is \$167,992.

## 5.4.15 EVALUATION

### SECTION 4.15(1)(A) STATUTORY CONSIDERATIONS

Pursuant to Section 4.15(1)(a) of the Environmental Planning & Assessment Act, 1979, a number of statutes are potentially applicable to any single development proposal. This section reviews the range of instruments and notes their application in terms of the subject development application proposal.

### DEEMED ENVIRONMENTAL PLANNING INSTRUMENTS

No deemed environmental planning instruments apply to the subject land.

### LOCAL ENVIRONMENTAL PLANS

Name: Byron Local Environmental Plan, 2014 (BLEP14)

Application In Subject Case:



Existing masonry wall in background to be replaced with louvres

**Zone:**

The land is zoned E1 Local Centre in accordance with the provisions of BLEP14.

**Permissibility:**

The proposed alterations and additions to the existing hotel (“pub”) are permissible with Council's consent.

**Concurrence:**

No concurrence is required for the proposed development.

**Advertising:**

Advertising of this development is not required under BLEP14.

**Special Provisions Applicable:**

The following provisions of BLEP14 are applicable to Council's consideration of the subject proposal:

**Clause 2.3 - Zone Objectives and Land Use Table:** The objectives of the B1 Local Centre Zone and Land Use Table are set out below.

**Zone E1 Local Centre****1 Objectives of zone**

- To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.
- To encourage investment in local commercial development that generates employment opportunities and economic growth.
- To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To maximise public transport patronage and encourage walking and cycling.

**Land Zoning Map****2 Permitted without consent**

Environmental protection works; Home-based child care; Home occupations

**3 Permitted with consent**

Amusement centres; Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Function centres; Home industries; Hostels; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation facilities (indoor); Respite day care centres; Service stations; Shop top housing; Tank-based aquaculture; Veterinary hospitals; Any other development not specified in item 2 or 4

**4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Recreation facilities (major); Research stations; Residential accommodation; Rural industries; Sewerage systems; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

**Comment:**

The proposed development is consistent with the zone objectives and will complement the existing use of the land. The proposed alterations and reconfiguration of the existing internal and external gaming areas, bottle shop and cool room will improve the level of amenity for patrons and provide a more efficient operation particularly during periods of high demand.

**Clause 4.3 Height of buildings**

(1) *The objectives of this clause are as follows:*

- (a) *to achieve building design that does not exceed a specified maximum height from its existing ground level to finished roof or parapet,*
  - (b) *to ensure the height of buildings complements the streetscape and character of the area in which the buildings are located,*
  - (c) *to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development.*
- (2) *The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map Development Control Plans*

**Comment:**

No change to the height of the building is proposed.

**Clause 4.4 Floor space ratio**

(1) *The objectives of this clause are as follows:*

- (a) *to ensure that new buildings are appropriate in relation to the character, amenity and environment of the locality,*
  - (b) *to enable a diversity of housing types by encouraging low scale medium density housing in suitable locations,*
  - (c) *to provide floor space in the business and industrial zones adequate for the foreseeable future,*
  - (d) *to regulate density of development and generation of vehicular and pedestrian traffic,*
  - (e) *to set out maximum floor space ratios for dual occupancy in certain areas.*
- (2) *The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.*

(2A) *Despite subclause (2), the maximum floor space ratio for dual occupancies on land in Zone R2 Low Density Residential is 0.5:1.*



Photograph of existing premises

**Comment:**

The subject site has a maximum FSR of 0.75:1. No increase in FSR results from the proposed development.

**Clause 5.10 Heritage conservation**

**Note.** *Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.*

**(1) Objectives**

*The objectives of this clause are as follows:*

- (a) *to conserve the environmental heritage of Byron,*
- (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) *to conserve archaeological sites,*
- (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*

**(2) Requirement for consent**

Development consent is required for any of the following:

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):
  - (i) a heritage item,
  - (ii) an Aboriginal object,
  - (iii) a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,
- (c) 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,
- (d) disturbing or excavating an Aboriginal place of heritage significance,
- (e) erecting a building on land:
  - (i) on which a heritage item is located or that is within a heritage conservation area, or
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
- (f) subdividing land:
  - (i) on which a heritage item is located or that is within a heritage conservation area, or
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

**(3) When consent not required**

However, development consent under this clause is not required if:

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
  - (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
  - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or
- (b) the development is in a cemetery or burial ground and the proposed development:
  - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
  - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or
- (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
- (d) the development is exempt development.

**(4) Effect of proposed development on heritage significance**

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

**(5) Heritage assessment**

The consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is located, or
- (b) on land that is within a heritage conservation area, or
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

**(6) Heritage conservation management plans**

The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.



Photograph of existing indoor gaming area entrance

**(7) Archaeological sites**

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies):

- (a) notify the Heritage Council of its intention to grant consent, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

**(8) Aboriginal places of heritage significance**

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

**(9) Demolition of nominated State heritage items**

The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:

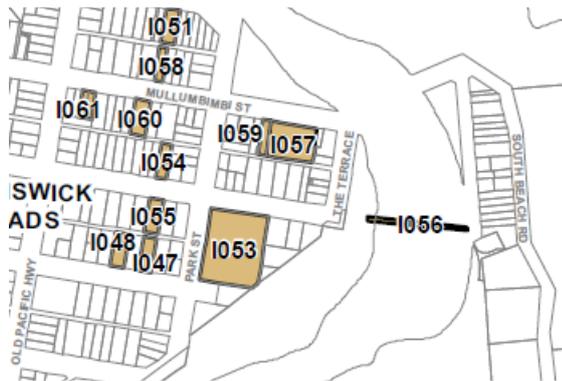
- (a) notify the Heritage Council about the application, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

**(10) Conservation incentives**

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and

(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.



**Comment:**

The subject site is identified as Item 1057 on the BLEP14 Heritage Map. A Statement of Heritage Impact has been prepared by Kate Gahan. That report assesses the context of the proposed alterations, the heritage significance of the Hotel Brunswick building and the impacts of the proposal on the site. The summary of heritage impact contained in the report states that:

*The proposal to make changes to spaces at the rear of the Hotel Brunswick to co-locate indoor and outdoor gaming areas, as well as relocate and upgrade cool room and bottle shop facilities – will have not negative heritage impact on the building – given the following:*

1. *Material or structures proposed for removal or alteration in the building are not significant building fabric, confined to previously altered areas of the Hotel and the rear of the Hotel.*
2. *The proposed new glass and louvre walls used to demarcate indoor and outdoor gaming areas will be sympathetic with the historic fabric of the Hotel.*
3. *Overall, the proposed additions – including new glass and louvre walls – are visually minor in nature, will be internal changes and will not impact on any historic building fabric.*

**Clause 6.6 Essential services**

*Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:*

- (a) *the supply of water,*
- (b) *the supply of electricity,*
- (c) *the disposal and management of sewage,*
- (d) *stormwater drainage or on-site conservation,*
- (e) *suitable vehicular access.*

**Comment:**

The proposed alterations and additions to the existing hotel do not raise any issues in relation to servicing the site.

**DEVELOPMENT CONTROL PLANS**

Name: Byron Shire Development Control Plan 2014 (BDCP14)

The following provisions of BDCP 14 are applicable to the proposed development.

## Chapter C1 Non-Indigenous Heritage

|               | Provisions   | Compliance   |
|---------------|--|--|
| <b>C1.1</b>   | <b>Introduction</b>  |  |
| <b>C1.1.1</b> | <b>Purpose of this Chapter</b>   |  |
|               | <p>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.</p> <p>Any development to or <b>in the vicinity of Heritage items</b> or <b>Heritage Conservation Areas</b> 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.</p> <p>The purpose of this Chapter is to set out controls and guidelines that complement Byron LEP 2014 in relation to development to or <b>in the vicinity of Heritage items</b> and <b>Heritage Conservation Areas</b>.</p> <p>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 <b>Heritage items</b> and <b>Heritage Conservation Areas</b> in the Shire. The LEP contains provisions that regulate development in those areas.</p> |  |
| <b>C1.1.2</b> | <b>Application of this Chapter</b>   | This subject site is identified as item 1057 on the BLEP14 Heritage Map. |
|               | This Chapter applies to applications for development of <b>Heritage items</b> or within <b>Heritage Conservation Areas</b> or to land <b>in the vicinity of a Heritage item</b> or <b>Heritage Conservation Area</b> .   |  |
| <b>C1.1.3</b> | <b>Aims of this Chapter</b>  |  |
|               | <p>The Aims of this Chapter are:</p> <ol style="list-style-type: none"> <li>1. To protect the significance and setting of <b>Heritage items</b> and <b>Heritage Conservation Areas</b> (including archaeology) in Byron Shire by supplementing the heritage conservation provisions contained in Byron LEP 2014.</li> <li>2. To guide development of <b>Heritage items</b>, components of <b>Heritage Conservation Areas</b> and buildings and land <b>in the vicinity of</b> these items and areas.</li> <li>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.</li> <li>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 <b>Heritage items</b> or components of the <b>Heritage Conservation Areas</b>.</li> <li>5. To ensure that new development respects the heritage context and is sympathetic in terms of its form, scale, character, bulk, orientation, <b>setback</b>, fabric, colours and textures so as not to</li> </ol>   |  |



|  | Provisions  | Compliance   |                                   |  |             |  |                   |   |                   |  |             |  |
|--|---|--|-----------------------------------|--|-------------|--|-------------------|---|-------------------|--|-------------|--|
|  | <p>adversely affect the significance of <b>Heritage items</b> and components of <b>Heritage Conservation Areas</b> and their settings.</p> <p>6. To provide controls for development on land <b>in the vicinity of Heritage items</b> or <b>Heritage Conservation Areas</b>.</p>  |  |                                   |  |             |  |                   |   |                   |  |             |  |
| <b>C1.1.4</b>  | <b>How this Chapter Works</b>   |  |                                   |  |             |  |                   |   |                   |  |             |  |
|  | <p>The following Sections should be referred to when preparing a development application to which this Chapter applies.</p> <table border="1"> <thead> <tr> <th>Nature of Development Application</th> <th>Relevant Sections of this Chapter</th> </tr> </thead> <tbody> <tr> <td>Development involving <b>Heritage Item</b></td> <td>C1.1 – C1.4</td> </tr> <tr> <td>Development in <b>Heritage Conservation Area</b></td> <td>C1.1 – C1.4, C1.6</td> </tr> <tr> <td>Development <b>in the vicinity of a Heritage Item</b></td> <td>C1.1 – C1.3, C1.5</td> </tr> <tr> <td>Development <b>in the vicinity of a Heritage Conservation Area</b></td> <td>C1.1 – C1.3</td> </tr> </tbody> </table>   | 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 a Heritage Item</b> | C1.1 – C1.3, C1.5 | Development <b>in the vicinity of a Heritage Conservation Area</b> | C1.1 – C1.3 |  |
| 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 a Heritage Item</b>              | C1.1 – C1.3, C1.5   |  |                                   |  |             |  |                   |   |                   |  |             |  |
| Development <b>in the vicinity of a Heritage Conservation Area</b> | C1.1 – C1.3   |  |                                   |  |             |  |                   |   |                   |  |             |  |
| <b>C1.2</b>  | <b>Development Application Requirements</b>   |  |                                   |  |             |  |                   |   |                   |  |             |  |
| <b>C1.2.1</b>  | <b>What Development Requires Consent?</b>   |  |                                   |  |             |  |                   |   |                   |  |             |  |
|  | <p>Clause 5.10(2) of Byron LEP 2014 specifies that other than for certain exceptions, development consent is required for:</p> <ol style="list-style-type: none"> <li><i>demolishing or moving a <b>Heritage item</b> or a building, work, relic or tree within a <b>Heritage Conservation Area</b>,</i></li> <li><i>altering a <b>Heritage item</b> or a building, work, <b>relic</b>, tree or place within a <b>Heritage Conservation Area</b>, including (in the case of a building) making changes to the detail, fabric, finish or appearance of its exterior,</i></li> <li><i>altering a <b>Heritage item</b> that is a building by making structural changes to its interior,</i></li> <li><i>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 <b>relic</b> being discovered, exposed, moved, damaged or destroyed,</i></li> <li><i>disturbing or excavating a <b>Heritage Conservation Area</b> that is a place of Aboriginal heritage significance,</i></li> <li><i>erecting a building on land on which a <b>Heritage item</b> is located or that is within a <b>Heritage Conservation Area</b>,</i></li> <li><i>subdividing land on which a <b>Heritage item</b> is located or that is within a <b>Heritage Conservation Area</b>.</i></li> </ol> <p>In the above 'structural changes to a building's interior' means all changes to the internal fabric of the building other than applied finishes.</p> <p>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 <b>maintenance</b>; 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.</p> <p><b>Maintenance</b> 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:</p> <ol style="list-style-type: none"> <li>removing leaf litter from gutters to prevent deterioration;</li> <li>tightening screws and bolts to ensure fixtures are securely held in place;</li> <li>re-hinging doors/gates;</li> <li>replacing broken windows, fly screens etc.;</li> <li>sealing gaps; and</li> </ol> | <p>The Development Application is lodged for the proposed works.</p> |                                   |  |             |  |                   |   |                   |  |             |  |



|               | Provisions   | Compliance  |
|---------------|--|---|
|               | <p>6. pest control.</p> <p>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.</p> <p><b>Maintenance</b> 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).</p> <p>Regular and sensible <b>maintenance</b> 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.</p> <p>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 <b>maintenance</b> and requires development consent, unless otherwise specifically exempted by Council.</p> <p><b>Note:</b> The colours specified in Appendix C1.3 are selected from <i>AS2700 – 2011, Colour Standards for General Purposes</i>, 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.</p> |   |
| <b>C1.2.2</b> | <b>Assessment Requirements</b>   |   |
|               | <p>1. <u>General Requirements</u></p> <p>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 <b>Heritage item</b>, component of a <b>Heritage Conservation Area</b> or <b>in the vicinity of a Heritage Conservation Area</b>.</p>  | <p>A Heritage Impact Statement has been prepared by Kate Gahan and accompanies the subject application.</p> |

|  | Provisions   | Compliance   |  |   |                                      |   |  |                                  |  |  |                                  |  |   |   |                   |  |                   |  |
|--|--|--|--|---|--------------------------------------|---|--|----------------------------------|--|--|----------------------------------|--|---|---|-------------------|--|-------------------|--|
|  | <p><b>Table C1.1 – Heritage Assessment Requirements</b></p> <table border="1"> <thead> <tr> <th data-bbox="320 255 472 360">Work</th> <th data-bbox="472 255 644 360">Heritage Conservation Area</th> <th data-bbox="644 255 831 360">Heritage item of State or regional significance</th> <th data-bbox="831 255 1015 360">Heritage items of Local Significance</th> </tr> </thead> <tbody> <tr> <td data-bbox="320 360 472 517">Maintenance or Minor work that requires consent</td> <td data-bbox="472 360 644 517">Consult Council – Statement of Environment Effects may be sufficient; <b>Heritage Impact Statement</b> may be required</td> <td data-bbox="644 360 831 517"><b>Heritage Impact Statement</b></td> <td data-bbox="831 360 1015 517">Consult Council – Statement of Environment Effects may be sufficient; <b>Heritage Impact Statement</b> may be required</td> </tr> <tr> <td data-bbox="320 517 472 712">Other work (including new subdivision). Refer also to specific information requirements for subdivisions below</td> <td data-bbox="472 517 644 712"><b>Heritage Impact Statement</b></td> <td data-bbox="644 517 831 712"><b>Heritage Conservation Management Plan</b></td> <td data-bbox="831 517 1015 712"><b>Heritage Impact Statement or Heritage Conservation Management Plan</b></td> </tr> <tr> <td data-bbox="320 712 472 887">Demolition. refer also to specific information requirements and provisions for demolition below</td> <td data-bbox="472 712 644 887">Demolition Report</td> <td data-bbox="644 712 831 887"><b>Heritage Conservation Management Plan and Demolition Report</b></td> <td data-bbox="831 712 1015 887">Demolition Report</td> </tr> </tbody> </table> <p>A <b>Heritage Impact Statement</b> is generally required for all work on <b>Heritage items</b> and in <b>Heritage Conservation Areas</b>. A <b>Heritage Impact Statement</b> should be prepared by an appropriately qualified heritage practitioner in accordance with the specific requirements in Appendix C1.1 or C1.2.</p> <p>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 <b>heritage significance</b> of the <b>Heritage item or Heritage Conservation Area</b> the <b>Heritage Impact Statement</b> 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 <b>Heritage Impact Statement</b> 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.</p> | Work   | Heritage Conservation Area   | Heritage item of State or regional significance | Heritage items of Local Significance | Maintenance 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 or Heritage Conservation Management Plan</b> | Demolition. refer also to specific information requirements and provisions for demolition below | Demolition Report | <b>Heritage Conservation Management Plan and Demolition Report</b> | Demolition Report |  |
| Work   | Heritage Conservation Area   | Heritage item of State or regional significance                    | Heritage items of Local Significance   |   |                                      |   |  |                                  |  |  |                                  |  |   |   |                   |  |                   |  |
| Maintenance 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 or Heritage Conservation Management Plan</b>  |   |                                      |   |  |                                  |  |  |                                  |  |   |   |                   |  |                   |  |
| Demolition. refer also to specific information requirements and provisions for demolition below                | Demolition Report  | <b>Heritage Conservation Management Plan and Demolition Report</b> | Demolition Report  |   |                                      |   |  |                                  |  |  |                                  |  |   |   |                   |  |                   |  |
|  | <p><b>2. Applications for development in the vicinity of a Heritage Item or Heritage Conservation Area</b></p> <p>Although each case will need to be determined individually generally any proposed development site located within 100 metres of a <b>Heritage item or Heritage Conservation Area</b> must be considered as being <b>in the vicinity of the Heritage item or Heritage Conservation Area</b>. Therefore a <b>heritage management document</b> 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 <b>in the vicinity of a Heritage Item or Heritage Conservation Area</b>.</p> <p>A Heritage Impact Statement for proposed signage <b>in the vicinity of a Heritage item or Heritage conservation area</b> may be required. Refer to Chapter B10 Signage (B10.3.1).</p>   |  |  |   |                                      |   |  |                                  |  |  |                                  |  |   |   |                   |  |                   |  |



|  | Provisions  | Compliance |
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|  | <p><u>3. Demolition</u></p> <p>The demolition of <b>Heritage items</b> and/ or components that contribute to the character of a <b>Heritage Conservation Area</b> is contrary to the intent of the heritage listing and should be treated as a last resort.</p> <p>Where demolition is proposed for a building on the site of a <b>Heritage item</b> or within a <b>Heritage Conservation Area</b>, 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.</p> <p>In assessing an application for the demolition of a <b>Heritage item</b> or a building or component of a <b>Heritage Conservation Area</b>, Council will consider the following:</p> <ul style="list-style-type: none"> <li>a) the <b>heritage significance</b> of the item;</li> <li>b) the structural condition of the item;</li> <li>c) comparative analysis of the item in relation to other items;</li> <li>d) the contribution the item makes to the streetscape or precinct; and</li> <li>e) the design and suitability of the proposed replacement development.</li> </ul> <p>In the case of partial demolition, the proposed development would need to conserve the <b>heritage significance</b> 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.</p> <p>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 <b>Heritage item</b> 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.</p> <p>Where demolition of a <b>Heritage item</b> or building in a <b>Heritage Conservation Area</b> 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.</p> |            |
|  | <p><u>4. Subdivision applications involving a <b>Heritage item</b>, located within a <b>Heritage Conservation Area</b> or in the vicinity of a <b>Heritage item</b> or <b>Heritage Conservation Area</b>.</u></p> <p>Subdivision applications for land on which a <b>Heritage item</b> is situated, or in a <b>Heritage Conservation Area</b>, or <b>in the vicinity of</b> either must be accompanied by adequate graphics and plans, showing the building envelopes, siting and setbacks of the</p>   |            |



|               | <b>Provisions</b>   | <b>Compliance</b> |
|---------------|---|-------------------|
|               | <p>proposed buildings, that demonstrate to Council's satisfaction that the:</p> <ol style="list-style-type: none"> <li>rhythm of buildings in the streetscape of <b>Heritage Conservation Areas</b> is retained;</li> <li>vistas and views to and of <b>Heritage items</b> and significant buildings, especially the principal elevations of buildings, are not interrupted or obscured;</li> <li>landscape quality of the streetscape in <b>Heritage Conservation Areas</b> is retained;</li> <li>setting of the <b>Heritage item</b> and a satisfactory <b>curtilage</b>, including important landscape and garden elements are retained; and</li> <li>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 <b>Heritage Conservation Areas</b> or the principal elevations of <b>Heritage items</b>.</li> </ol> |                   |
| <b>C1.3</b>   | <b>Conservation Guidelines and Requirements - Heritage Items, Heritage Conservation Areas and Development in their Vicinity</b>   |                   |
|               | The following Sections apply to development of <b>Heritage items</b> , in <b>Heritage Conservation Areas</b> or <b>in the vicinity of a Heritage item or Heritage Conservation Area</b> .   |                   |
| <b>C1.3.1</b> | <b>General Streetscape Context</b>  |                   |
|               | <b>Objectives</b>   |                   |
|               | <ol style="list-style-type: none"> <li>To promote development that complements the existing heritage character and amenity of the area and the <b>heritage significance</b> of the <b>Heritage item</b> or <b>Heritage Conservation Area</b>.</li> <li>To maintain and enhance the heritage character of the streetscape <b>in the vicinity of the Heritage item</b> or within the <b>Heritage Conservation Area</b>.</li> <li>To ensure that new development respects the established patterns and visual setting in the streetscape including setbacks, siting, landscape settings, car parking and fencing.</li> <li>To retain and reflect the character of building frontage design in the streetscape.</li> </ol>  |                   |
|               | <b>Performance Criteria</b>   |                   |
|               | 1. The side and front <b>setbacks</b> 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.  |                   |

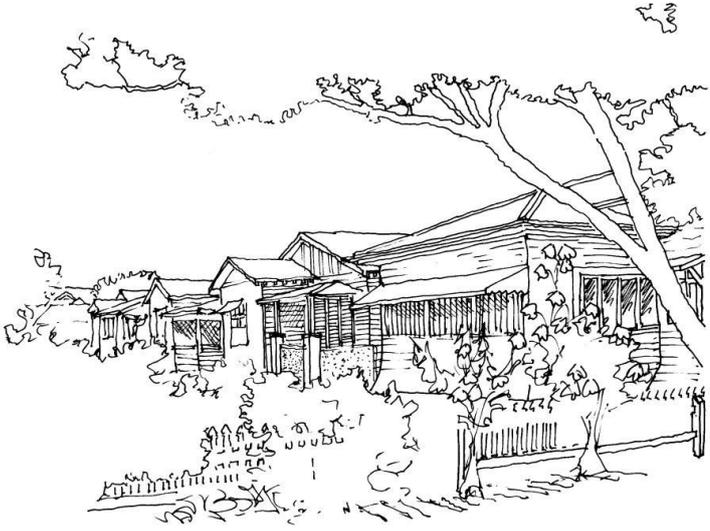
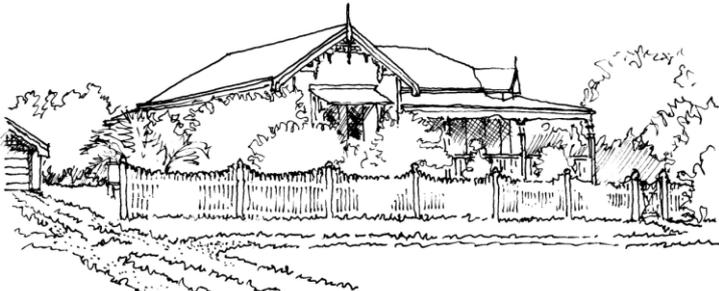
|  | Provisions  | Compliance   |
|--|---|--|
|  | 6. Infill development should sympathetically respond to the character of the streetscape and should remain subservient to any Heritage or character items (especially in relation to height).   |  |
|  | <b>Prescriptive Measures</b>  |  |
|  | 1. The original front facades of buildings should not be altered. Additions may be better sited at the side or rear.  | An existing masonry wall to be removed does not form the original front façade as detailed in the Statement of Heritage Impact. The proposed new louvre walls will be sympathetic with the historic fabric of the hotel. |
|  | 2. Infill development must not make replica copies of existing buildings, but must follow proportions and scale.  | Not applicable   |
|  | 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.   | The proposed internal alterations and reconfiguration of the floor plan is compatible with the heritage context of the building and its function.  |
|  | <p>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:</p> <ul style="list-style-type: none"> <li>a) front <b>setback of dwellings</b></li> <li>b) materials, colours, textures</li> <li>c) roof form and pitch</li> <li>d) scale, height and proportion of buildings</li> <li>e) landscaping and garden treatment</li> <li>f) spaces between buildings</li> <li>g) facade treatment, verandahs and window placement</li> <li>h) floor levels</li> <li>i) height and design of fences</li> <li>j) placement and design of garages and driveways</li> <li>k) existing street trees</li> <li>l) balance between solid walls and openings</li> </ul>  | No adverse impact will result on the existing streetscape or presentation of the heritage item to the street.  |

Figure C1.1 – Streetscape

|               | Provisions  | Compliance   |
|---------------|---|--|
|               | <i>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.</i>  |  |
| <b>C1.3.2</b> | <b>Signage and Advertising</b>  | Not applicable   |
|               | <b>Objectives</b>   |  |
|               | <ol style="list-style-type: none"> <li>1. To ensure that new <b>signage</b> is visually sympathetic and where possible contributes to the heritage character of the streetscape.</li> <li>2. To ensure that inappropriate <b>signage</b> or advertising does not detract from the significance of the <b>Heritage item</b> or <b>Heritage Conservation Area</b> through inappropriate design, location, colour or scale.</li> </ol>   |  |
|               | <b>Performance Criteria</b>   |  |
|               | Refer to Chapter B10 Signage provides details in relation to <b>signage</b> .   |  |
|               | <b>Prescriptive Measures</b>  |  |
|               | There are no Prescriptive Measures.   |  |
| <b>C1.3.3</b> | <b>Gardens and Landscape</b>  | No amendment to the external outdoor area of the site is proposed. |
|               | <b>Objectives</b>   |  |
|               | <ol style="list-style-type: none"> <li>1. To ensure that development retains the traditional character of gardens and landscapes in <b>Heritage Conservation Areas</b> and in <b>Heritage items</b>.</li> </ol>   |  |
|               | <b>Performance Criteria</b>   |  |
|               | <ol style="list-style-type: none"> <li>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.</li> </ol>  |  |
|               | <ol style="list-style-type: none"> <li>2. Applications seeking consent for development on or <b>in the vicinity of Heritage Conservation Areas</b> or <b>Heritage items</b> 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 <b>Heritage Conservation Areas</b> or <b>Heritage item</b> site.</li> </ol> |  |
|               | <b>Prescriptive Measures</b>  |  |
|               | There are no Prescriptive Measures.   |  |
|               | Refer to Chapter B9 Landscaping for other landscaping controls.   |  |
|               |  <p><b>Figure C1.2 – Gardens and Landscape</b></p>  |  |

|               | <b>Provisions</b>   | <b>Compliance</b> |
|---------------|---|-------------------|
|               | <i>The traditional character of gardens should be retained without unnecessary hardening from concrete driveways, solid faces or intrusive modern features.</i>   |                   |
| <b>C1.4</b>   | <b>Conservation Guidelines and Requirements – Heritage Items and Conservation Areas</b>   |                   |
|               | The following Sections apply to development of <b>Heritage items</b> or within <b>Heritage Conservation Areas</b>   |                   |
| <b>C1.4.1</b> | <b>Roof Form and Chimneys</b>   | Not applicable    |
|               | <b>Objectives</b>   |                   |
|               | <ol style="list-style-type: none"> <li>1. To retain the characteristic scale and massing of roof forms of <b>Heritage Items</b> and within <b>Heritage Conservation Areas</b>.</li> <li>2. To ensure that the original chimney elements are retained and any new roof elements relate to the existing heritage fabric of the <b>Heritage item</b> or component of a <b>Heritage Conservation Area</b>.</li> </ol>   |                   |
|               | <b>Performance Criteria</b>   |                   |
|               | 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 <b>Heritage Conservation Areas</b> and on <b>Heritage items</b> . 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.  |                   |
|               | <b>Prescriptive Measures</b>  |                   |
|               | There are no Prescriptive Measures.   |                   |

|               | Provisions   | Compliance             |
|---------------|--|------------------------|
|               |  <p data-bbox="304 763 759 792"><b>Figure C1.3 – Roof replacement - tiling</b></p> <p data-bbox="304 826 1031 1016"><i>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.</i></p> |                        |
| <b>C1.4.2</b> | <b>Verandahs</b>   | No amendment proposed. |
|               | <b>Objectives</b>  |                        |
|               | 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 <b>Heritage item</b> or component of a <b>Heritage Conservation Area</b> .   |                        |
|               | <b>Performance Criteria</b>  |                        |
|               | 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.   |                        |
|               | 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  |                        |

|               | <b>Provisions</b>   | <b>Compliance</b>  |
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|               | 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.  |  |
|               | <b>Prescriptive Measures</b>  |  |
|               | There are no Prescriptive Measures.   |  |
| <b>C1.4.3</b> | <b>Windows and Doors</b>  | The proposal provides for the replacement of an existing block work wall with louvres. No change to the original fabric of the building is proposed. |
|               | <b>Objectives</b>   |  |
|               | 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. |  |
|               | <b>Performance Criteria</b>   |  |
|               | There are no Performance Criteria.  |  |
|               |  <p><b>Figure C1.4 – Original window</b></p> <p><i>Original joinery details are a highly valued feature of the local heritage that must be carefully conserved. These features cannot be removed without consent.</i></p>   |  |
|               | <b>Prescriptive Measures</b>  |  |
|               | 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  |  |

|               | Provisions   | Compliance  |
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|               | 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.  |   |
| <b>C1.4.4</b> | <b>Building Materials</b>  | Proposed finishes are compatible with the heritage context of the building. |
|               | <b>Objectives</b>  |   |
|               | 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.   |   |
|               | <b>Performance Criteria</b>  |   |
|               | 1. Finishes employed in new development must be compatible with the <b>heritage significance</b> and character of the <b>Heritage item</b> they adjoin or of development in the street or <b>Heritage Conservation Area</b> .  |   |
|               | 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 <b>Heritage Conservation Areas</b> . 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 <b>Heritage items</b> and in <b>Heritage Conservation Areas</b> . |   |
|               | 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 <b>Heritage item</b> 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 <b>Heritage item</b> and the area generally.  |   |
|               | 8. New decorative detailing is inappropriate on a <b>Heritage item</b> unless documentary or physical evidence indicates it once existed.  |   |

## HOTEL BRUNSWICK – INTERNAL RECONFIGURATION

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|               | <b>Provisions</b>  | <b>Compliance</b>  |
|---------------|--|--|
|               | 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.  |  |
|               | <b>Prescriptive Measures</b>   |  |
|               | There are no Prescriptive Measures.  |  |
| <b>C1.4.5</b> | <b>Colours</b>   | All proposed finishes will be compatible with the existing built form. |
|               | <b>Objectives</b>  |  |
|               | <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>3. To avoid the use of colours that are inappropriate or incompatible with the heritage character of Heritage items or Heritage Conservation Areas.</li> </ol> |  |
|               | <b>Performance Criteria</b>  |  |
|               | 1. <b>Heritage items</b> 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.   |  |
|               | <b>Prescriptive Measures</b>   |  |

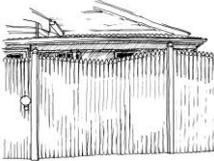


**PLANNERS  
NORTH**

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|               | Provisions   | Compliance  |
|---------------|--|---|
|               | There are no Prescriptive Measures.  |   |
| <b>C1.4.6</b> | <b>Parking, Garages and Carports</b>   | The proposal does not alter existing car parking arrangements |
|               | <b>Objectives</b>  |   |
|               | <ol style="list-style-type: none"> <li>To allow for reasonable on-site car parking while retaining the character and significance of the <b>Heritage item</b> or <b>Heritage Conservation Area</b>.</li> <li>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.</li> </ol>  |   |
|               | <b>Performance Criteria</b>  |   |
|               | <ol style="list-style-type: none"> <li>The introduction of car parking must not interfere with the visual appreciation of the <b>Heritage item</b> or <b>Heritage Conservation Area</b>.</li> <li>Early garages, carports and sheds must be retained wherever possible as they contribute to the character of <b>Heritage items</b> and <b>Heritage Conservation Areas</b>.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>Prefabricated metal sheds with low-pitched roofs should be avoided, as they are incompatible with traditional streetscapes.</li> <li>The location of car parking must respect the existing vegetation and original garden layouts on the site.</li> </ol> |   |
|               | <b>Prescriptive Measures</b>   |   |
|               | There are no Prescriptive Measures.  |   |
| <b>C1.4.7</b> | <b>Fences</b>  | No amendment to fences.                                       |
|               | <b>Objectives</b>  |   |
|               | <ol style="list-style-type: none"> <li>To provide or retain fencing which contributes to the heritage significance of the <b>Heritage item</b> or <b>Heritage Conservation Area</b>, defines public and private spaces and complements the overall character of the streetscape.</li> </ol>  |   |
|               | <b>Performance Criteria</b>  |   |



|  | Provisions  | Compliance |
|--|---|------------|
|  | 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.   |            |
|  | <b>Prescriptive Measures</b>  |            |
|  | There are no Prescriptive Measures.   |            |
|  |  <p><b>Figure C1.5 – New mesh fence</b></p> <p><i>New materials can be compatible with heritage places provided they are well designed and non-intrusive.</i></p>  <p><b>Figure C1.6 – Traditional fence style</b></p> <p><i>Some traditional fencing styles can be replicated in new materials such as PVC coated wire mesh.</i></p>  <p><b>Figure C1.7 – New fence - wrong approach</b></p> <p><i>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</i></p> |            |

|               | Provisions   | Compliance                                |
|---------------|--|---|
|               | <p><i>simply look wrong. Timber picket fences must maintain the correct visual relationship with the buildings they enclose.</i></p>  <p><b>Figure C1.8 – New fence – solid</b></p> <p><i>Masonry fences and solid fences can be used in some situations provided they are designed well to be compatible with the surrounding place.</i></p> |   |
| <b>C1.4.8</b> | <b>Outbuildings and Swimming Pools</b>   | No amendment to any existing outbuilding. |
|               | <b>Objectives</b>  |   |
|               | 1. To ensure that outbuildings and swimming pools do not detract from the <b>heritage significance</b> of the <b>Heritage item</b> or <b>Heritage Conservation Area</b> through inappropriate siting, excessive scale, bulk or visibility.   |   |
|               | <b>Performance Criteria</b>  |   |
|               | 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 <b>Heritage item</b> .  |   |
|               | 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 <b>curtilage</b> must be retained where feasible.   |   |
|               | <b>Prescriptive Measures</b>   |   |
|               | There are no Prescriptive Measures.  |   |
| <b>C1.4.9</b> | <b>Subdivision</b>   | No subdivision proposed.                  |
|               | <b>Objectives</b>  |   |
|               | 1. To retain the development and subdivision pattern of the <b>Heritage Conservation Areas</b> including their characteristic rhythm and spacings of the built form.<br>2. To retain significant <b>curtilages</b> , views and vistas and landscape elements associated with individual <b>Heritage items</b> that may be lost through subdivision.  |   |
|               | <b>Performance Criteria</b>  |   |
|               | 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 <b>Heritage items</b> and <b>Heritage Conservation Areas</b> . In particular the principal elevations of buildings must not be interrupted or obscured.   |   |

|                | Provisions  | Compliance     |
|----------------|---|----------------|
|                | 2. The setting of a <b>Heritage item</b> and a satisfactory <b>curtilage</b> , 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 <b>Heritage item</b> or components of a <b>Heritage Conservation Area</b> .                           |                |
|                | 4. Landscape quality of the streetscape in <b>Heritage Conservation Areas</b> must be retained.   |                |
|                | <b>Prescriptive Measures</b>  |                |
|                | There are no Prescriptive Measures.   |                |
| <b>C1.4.10</b> | <b>Dual Occupancy, Subdivision and Development on Single Lots</b>   | Not applicable |
|                | <b>Objectives</b>   |                |
|                | 1. To retain the traditional relationship between <b>Heritage items</b> or <b>Heritage Conservation Areas</b> and the original subdivision lot pattern and character.<br>2. To ensure that <b>Heritage items</b> are not dwarfed by new additions or new development.                 |                |
|                | <b>Performance Criteria</b>   |                |
|                | 1. <b>Dual Occupancy</b> development on lots that were originally intended to contain a single <b>dwelling house</b> must not create adverse impacts on the traditional relationship between a <b>Heritage item</b> and the original lot boundaries, setbacks and characteristics.    |                |
|                | 2. <b>Dual Occupancy</b> development on lots that were originally intended to contain a single <b>dwelling house</b> must not dwarf a <b>Heritage item</b> , nor compromise its heritage values.  |                |
|                | 3. Applications seeking consent for subdivision of lots on which there is a <b>Heritage item</b> or in a <b>Heritage Conservation Area</b> must include full details of proposed future development on the land, together with an assessment of potential impacts on heritage values. |                |
|                | <b>Prescriptive Measures</b>  |                |
|                | There are no Prescriptive Measures.   |                |

## Chapter E4 Brunswick Heads.

### **E4.3.3 Development Adjoining and Near the Brunswick River Objectives**

1. To ensure that development adjoining and near the river will foster and reinforce the restoration and protection of the riverside environment of Brunswick Heads.

#### **Performance Criteria**

1. Development applications that include land adjoining or near the Brunswick River must demonstrate that the proposed development will not adversely impact, and where feasible will enhance, the recreation, tourism, fisheries, ecological and landscape values of the River and its environs.
2. Buildings are to be suitably set back to ensure the visual amenity of the Brunswick River foreshore is maintained.

#### **Prescriptive Measures**

1. A minimum setback of 10m is required to the rear boundary for any building on land Zoned R2 adjoining the Brunswick River.
2. No stormwater is to be directed to the Brunswick River from buildings or hardstand areas.
3. Landscaping is to be dominated by native species endemic to an estuarine/ coastline environment.

**Comment:**

The subject site is located on the southern side of Mullumbimbi Street, opposite the Brunswick River Reserve. The development will not adversely impact on the landscape values of the river and its environs. The visual amenity of the area is maintained.

**STATE ENVIRONMENTAL PLANNING POLICIES**

A search undertaken on the NSW Planning Portal on 11 June 2024 indicated that the following SEPPs as being applicable to the land.

- SEPP (Biodiversity and Conservation) 2021
- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (Housing) 2021
- SEPP (Industry and Employment) 2021
- SEPP (Planning Systems) 2021
- SEPP (Primary Production) 2021
- SEPP (Resilience and Hazards) 2021
- SEPP (Resources and Energy) 2021
- SEPP (Sustainable Buildings) 2022
- SEPP (Transport and Infrastructure) 2021
- SEPP No 65—Design Quality of Residential Apartment Development

**Title:** State Environmental Planning Policy (Resilience and Hazards) 2021

**Published:** 1 March 2022

**Abstract:**

The aim of this policy is to specify specific arrangements for Coastal management; hazardous and offensive development and remediation of land.

**Chapter 2 Coastal management****Division 3 Coastal environment area****2.10 Development on land within the coastal environment area**

(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—

- (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,
- (b) coastal environmental values and natural coastal processes,
- (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,
- (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,

**Coastal Environment Area Map**

**Legend:** ■

- (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
  - (f) Aboriginal cultural heritage, practices and places,
  - (g) the use of the surf zone.
- (2) Development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied that—
- (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or
  - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
  - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.
- (3) This section does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

**Comment:**

The proposed minor alterations to the existing premises do not raise any issues in relation to the provisions applying to coastal environment areas.

**Division 4 Coastal use area****2.11 Development on land within the coastal use area**

- (1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority—
- (a) has considered whether the proposed development is likely to cause an adverse impact on the following—
    - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
    - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,
    - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,
    - (iv) Aboriginal cultural heritage, practices and places,
    - (v) cultural and built environment heritage, and
  - (b) is satisfied that—
    - (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or
    - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
    - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and
  - (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.
- (2) This section does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

**Coastal Use Area Map**

**Legend:**

**Comment:**

The proposed minor alterations do not raise any issues in relation to the coastal use area identification of the site.

**CERTIFIED DRAFT PLANS**

No Certified Draft Plans are applicable to the proposed development.

**INTEGRATED DEVELOPMENT CONSIDERATIONS**

No integrated approvals within the meaning of Section 4.46 apply to this project.

**SECTION 4.15(1)(b) ENVIRONMENTAL IMPACTS**

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Section 4.15(1)(b) requires that the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality, be considered.

**Comment:**

The proposed development is not likely to result in significant impacts on the existing natural or built environment. As previously noted, a Statement of Heritage Impact has been prepared by Kate Gahan and concludes that the development will not materially impact the original fabric of the hotel.

**SECTION 4.15(1)(c) SUITABILITY**

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Section 4.15(1)(c) requires that the suitability of the site for the development, be considered.

**Comment:**

The proposed development is suitable for the subject site and proposes modest additions to the building to provide for improved patron amenity. No additional demand in terms of car parking, water or sewer will result from the development.

**SECTION 4.15(1)(d) SUBMISSIONS**

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Section 4.15(1)(d) requires that any submissions made in accordance with this Act or the regulations, be considered.

**Comment:**

Any submissions received in relation to the notification of the development application will be considered by the proponent in due course.

**SECTION 4.15(1)(e) PUBLIC INTEREST**

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Section 4.15(1)(e) requires that requires that the public interest be considered.

**Comment:**

The proposal maintains the fabric of the hotel and is considered to be in the public interest.

## CONCLUSION

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The proposal to undertake alterations to the existing hotel and reconfigure part of the ground floor, bottle shop and gaming areas is a product of many factors. Those factors include:

- policies of all levels of government to promote the orderly development and use of land which can be demonstrated to be suitable for commercial purposes;
- strong demand for the existing hotel use; and
- the site planning opportunities presented by the site.

The proposed development application is permissible under the BLEP14 and is consistent with the relevant statutory and policy provisions.

In our opinion the development can be seen to satisfy a legitimate need to provide improved amenity for hotel staff and patrons and is capable of construction and use in a manner which mitigates potential adverse impacts consistent with the zone objectives detailed in Council's LEP. The approval of the development would be in the public interest within the meaning of Section 4.15(1)(e) of the Act.

Should Council require any additional information or wish to clarify any matter raised by this proposal or submissions made to same, Council is requested to consult with the writer prior to determination of this application.

Yours faithfully,

**PLANNERS NORTH**



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