

**BYRON SHIRE COUNCIL**

**STATEMENT OF ENVIRONMENTAL EFFECTS**

**DEVELOPMENT APPLICATION FOR SIGNAGE**

**PLATYPUS BYRON BAY  
SHOP 2 56 JONSON STREET BYRON BAY NSW 2481**

**Prepared by Platinum Planning Solutions**

**ABN:** 48 623 623 997

**E:** [contact@platinumplanning.com.au](mailto:contact@platinumplanning.com.au)

**W:** [www.platinumplanning.com.au](http://www.platinumplanning.com.au)

*This document remains the property of Platinum Planning Solutions and has been prepared for the sole use of its intended recipient. Unauthorised use or reproduction of this document in any form whatsoever is prohibited. In preparing this document Platinum Planning Solutions has relied on information from external sources and does not take any responsibility for any incorrect or misleading information.*



#### SITE DETAILS

<b>Address</b>	Shop 2 56 Jonson Street Byron Bay NSW 2481
<b>Lot on Plan</b>	B/-/DP158128
<b>Local Authority</b>	Byron Shire Council
<b>Local Environmental Plan</b>	Byron Bay Local Environmental Plan 2014
<b>Development Control Plan</b>	Byron Shire Development Control Plan 2014
<b>Zone</b>	E1 Local Centre and SP2 Infrastructure
<b>Overlays</b>	Local Aboriginal Land Council (Tweed Byron), Regional Plan Boundary (North Coast), Floor Space Ratio Map (1.3:1), Height of Buildings Map (11.5m; 9m), Lot Size Map (200m <sup>2</sup> ), Acid Sulfate Soils Map (Class 3), Additional Permitted Uses Map (Refer to Schedule 1), Local Provisions (Building Height Allowance Map; Design Excellence Map) and Special Provisions (SEPP (Sustainable Buildings) 2022: Water Use Map; Climate Zones for BASIX Buildings Map; Climate Zones for BASIX Alterations Map)

#### DEVELOPMENT PROPOSAL DETAILS

<b>Level of Assessment</b>	Permitted with consent
<b>Proposal Summary</b>	Signage
<b>Assessment Controls</b>	Byron Local Environmental Plan 2014, Byron Shire Development Control Plan 2014
<b>Applicant</b>	Accent Group Ltd

#### REVISION DETAILS

<b>Version</b>	1.0
<b>Prepared by</b>	Logan White (BRTP)
<b>Signed</b>	
<b>Date</b>	2/07/2024
<b>Reviewed by</b>	James Connolly (BUrbanEnvPlan, GCHM, MPIA)
<b>Signed</b>	
<b>Date</b>	2/07/2024

## **2.0 INTRODUCTION**

This Statement of Environmental Effects (SEE) has been prepared by Platinum Planning Solutions on behalf of Accent Group (the applicant) to accompany a development application to Byron Shire Council over land located at Shop 2 56 Jonson Street Byron Bay (the subject site).

The development application seeks development consent for signage. This SEE provides the following:

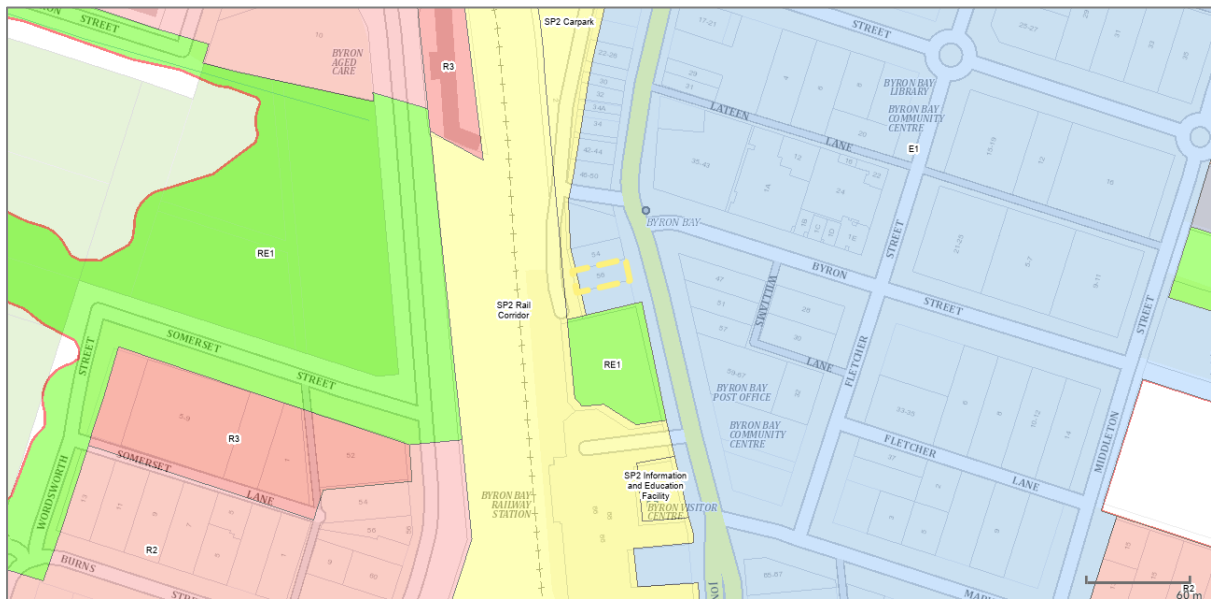
- A description of the subject site and surrounding development;
- Detailed description of the proposed development;
- Assessment of the proposed development in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979;
- Assessment of planning considerations related to the proposed development.

The proposed works are seen to be consistent with the envisioned use of the tenancy as a commercial premises and is seen to be a positive addition to the building and area as a whole. This Statement of Environmental Effects is to be read in conjunction with the attached plans, elevations, and supporting documents.

## **2.0 SITE DESCRIPTION AND CONTEXT**

### **2.1 Subject Site**

The subject site is located at 56 Jonson Street Byron Bay NSW 2481 and is formally described as Lot B on DP158128. The site is improved by a single storey commercial building with multiple tenancies and has a primary frontage to Jonson Street. The subject tenancy, Shop 2, is currently occupied by Platypus operating as a shop. The surrounding land uses consist of a variety of established commercial and residential uses in the surrounding B2 Local Centre zoning. The location of the site and tenancy is indicated below in Figure 1-4.

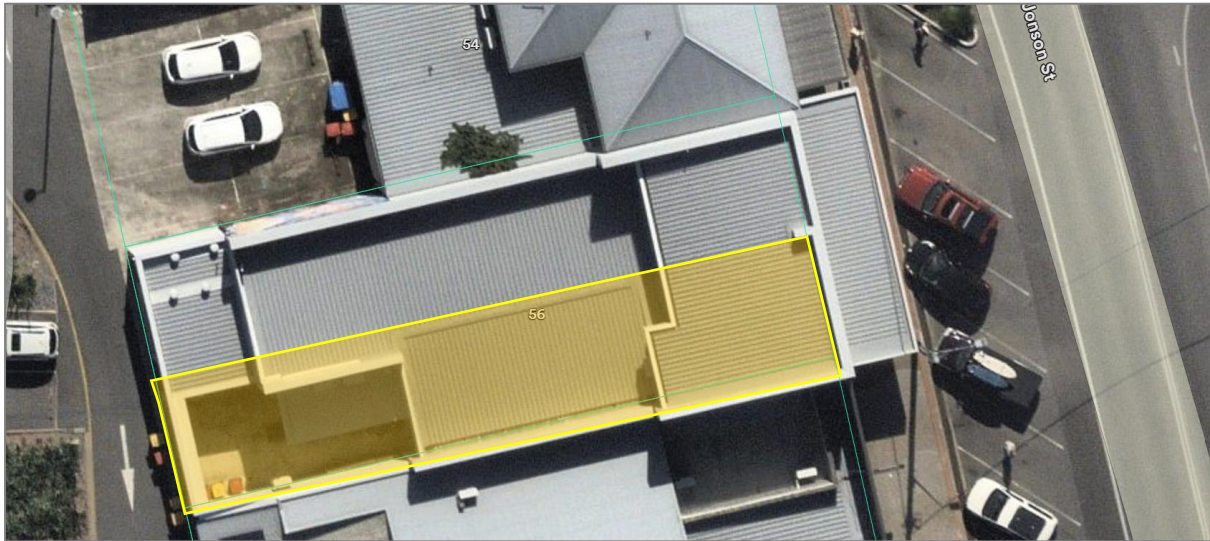


**Figure 1: Subject Site Location**



**Figure 2: Subject Site Aerial Context**





**Figure 3: Subject Tenancy Location**



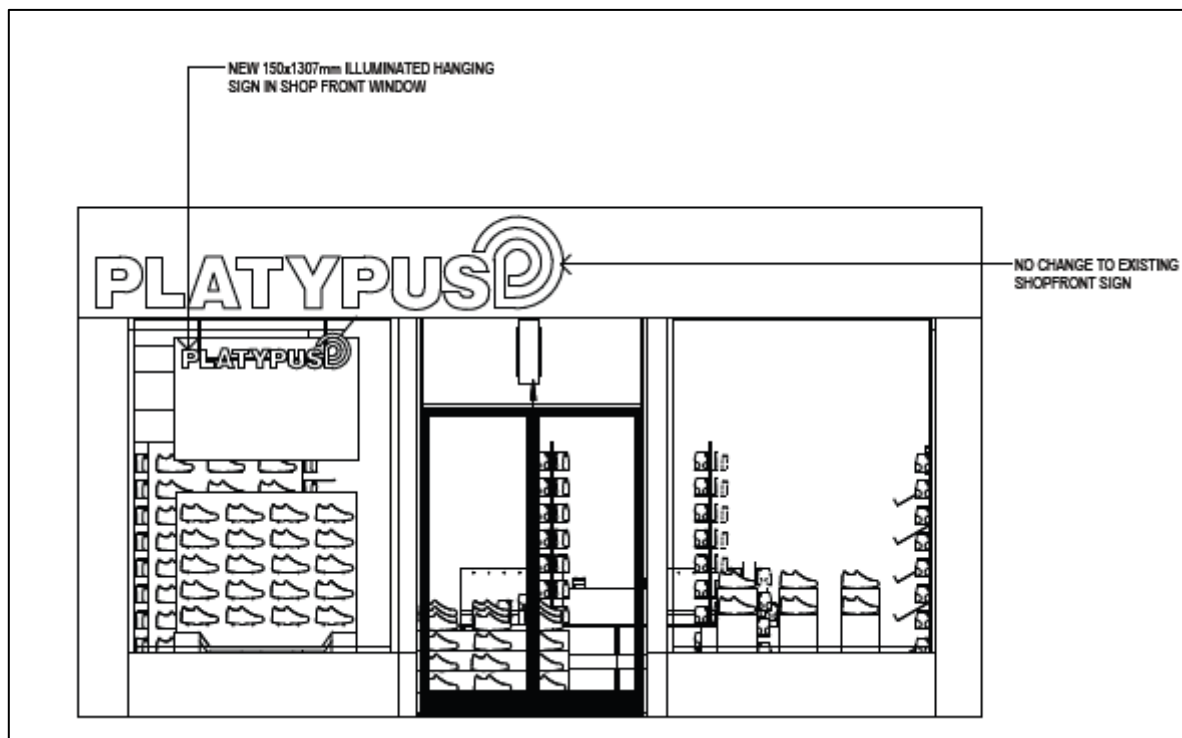
**Figure 4: Subject Tenancy Frontage**

### 3.0 PROPOSED DEVELOPMENT

The aspects of the proposed development are as follows:

Aspect	Details
Signage	<ul style="list-style-type: none"> <li>2600mm (W) x 150mm (H) Illuminated 'Platypus' Business Identification / Hanging Window Sign with 255mm (H) 'P' logo included.</li> </ul>

For further details on the proposed development please refer to the image below, as well as the attached plans and supporting documents.



**Figure 5:** Proposed Shopfront Elevation

## **4.0 TOWN PLANNING ASSESSMENT**

### **4.1 Environmental Planning and Assessment Act 1979**

The Environmental Planning and Assessment Act 1979 (the Act) is the statutory planning instrument in New South Wales in which Council must use to assess development applications. In determining a development application, Council must take into consideration the following matters under Section 4.15 of the Act:

- a. *the provisions of:*
  - i. *any environmental planning instrument, and*
  - ii. *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
  - iii. *any development control plan, and*
  - iv. *any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*
  - v. *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
  - vi. *any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,*
- b. *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- c. *the suitability of the site for the development,*
- d. *any submissions made in accordance with this Act or the regulations,*
- e. *the public interest.*

This Statement of Environmental Effects addresses the relevant provisions of the following planning instruments:

- Byron Local Environmental Plan 2014;
- Byron Shire Development Control Plan 2014;
- State Environmental Planning Policy (Industry and Employment) 2021.

A detailed Section 4.15 assessment is provided as part of this overall Statement of Environmental Effects and in Section 4.5 of this report.

### **4.2 Byron Local Environmental Plan 2014**

The Byron Local Environmental Plan 2014 (LEP) is the principle local planning instrument that applies to the site.

#### **4.2.1 Zoning & Permissibility**

The subject site is zoned E1 Local Centre under and SP2 Infrastructure the LEP. The objectives of E1 Zone the zone are as follows:

- *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 the local commercial development that generates employment 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.

The objectives of SP2 Zone the zone are as follows:

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

The proposed works are permissible with consent in the E1 zone, and no works are proposed in the SP2 Zone. The proposed alterations meet the objectives of the zone as the development contributes to ongoing investment as well as contributing to the retail mix within the area and is compatible with the surrounding land uses. The tenancy will continue to provide a use that services the day to day needs of local residents and visitors in the area. The proposal encourages on-going investment in the area and is seen as a desirable outcome.

#### **4.2.2 Maximum building height (Clause 4.3)**

The proposed alterations to the tenancy will not alter the height of the building, therefore Clause 4.3 of the LEP is not applicable.

#### **4.2.3 Floor space ratio (Clause 4.4)**

The proposed alterations to the tenancy will not alter the floor space of the building, therefore Clause 4.4 of the LEP is not applicable.

#### **4.2.4 Heritage conservation (Clause 5.10)**

The site is not identified as a heritage item and is not part of a heritage conservation area, therefore Clause 5.10 of the LEP is not applicable.

#### **4.2.5 Acid sulfate soils (Clause 6.1)**

The proposed alterations to the tenancy will not involve any ground soil disturbance, therefore Clause 6.1 of the LEP is not applicable.

### **4.3 Byron Shire Development Control Plan 2014**

The Byron Shire Development Control Plan 2014 (DCP) is the planning instrument that provides comprehensive development controls for the local area. The relevant matters to be considered under the DCP for the proposed development are outlined below.

Control / Objective	Compliance	Comments
<i>Part B: Controls Applying Generally to Development Applications</i>		
Chapter B1: Biodiversity	N/A	The subject site is not affected by biodiversity.
Chapter B2: Preservation of Trees and Other Vegetation	Yes	No trees or vegetation will be affected by the proposed works.
Chapter B3: Services	Yes	The subject site has access to the existing essential services.



Control / Objective	Compliance	Comments
Chapter B4: Traffic Planning, Vehicle Parking, Circulation and Access	N/A	There is no proposed alteration to the existing parking or vehicular access to the site.
Chapter B5: Providing for Cycling	N/A	There is no proposed alteration to the existing floor area or cycling amenities to the site.
Chapter B6: Buffers and Minimising Land Use Conflict	N/A	The subject site is located within a zone suitable for the proposed works and there will be no land use conflicts.
Chapter B7: Mosquitoes and Biting Midges	N/A	N/A not applicable for the proposed works.
Chapter B8: Waste Minimisation and Management	Yes	Complies – waste will be managed appropriately and can be conditioned on the DA as considered appropriate to be addressed as part of the Construction Certificate. Refer to attached Waste Management Plan for more details.
Chapter B9: Landscaping	N/A	Noting the existing established setting of the commercial building and on-site constraints, extra landscaping is not considered necessary.
Chapter B10: Signage	Complies with intent	<p><u>Signage in Business and Industrial Zones and on Commercial or Industrial Development in Other Zones:</u></p> <p>The proposed signage consists of one illuminated hanging business identification window sign. The sign will be internally illuminated and fitted with an automatic timer. The tenancy currently contains two signs (an awning fascia sign and an under awning blade sign), with this application proposing two signs, resulting in a total of three signs for the subject tenancy which complies with the maximum number of three signs per commercial premises. The proposed sign will not contribute to visual clutter and are otherwise seen to be in accordance with the DCP. The proposal ensures that the tenancy will have a combination of window signs as well as the existing awning fascia sign and under awning sign which will be retained on the site. The proposed signage is complementary to the existing façade of the building in its proposal for window signage as the adjoining tenancy (within the same building) also displays window signage. The signage is designed to be clear, concise with a simplistic design that uses high quality materials and fixtures that are durable and water proof. The proposed signage utilises a colour scheme with enough contrast and illumination to allow good visibility of all signs on the premises while ensuring that the proposed signage is compatible and complementary with the colour scheme of the premises and surrounding buildings.</p>

Control / Objective	Compliance	Comments
		<p><u><b>Internally Illuminated Signs:</b></u> There is 1 proposed and 1 existing internally illuminated sign. Existing signface area (double sided blade sign) = <math>2 \times 1.2\text{m}^2 = 2.4\text{m}^2</math> Proposed window sign = <math>\sim 0.23\text{m}^2</math> Total sign face area = <math>\sim 2.63\text{m}^2</math> Complies with maximum <math>4\text{m}^2</math> limit</p> <p><u><b>Window Signs</b></u> The proposed sign is a window signs. Total window sign face are = approx. <math>\sim 0.23\text{m}^2</math> Total window area = approx. <math>\sim 11.4\text{m}^2</math> Total % = Approx. <math>\sim 2\%</math> Complies with the 25% limit.</p> <p><u><b>Corporate Colours:</b></u> Platypus' corporate colours are black, white and grey, with the use of cyan on the logo only. The corporate colours of Platypus are considered to be mild and low-impact and is consistent with the colour scheme of the existing building and surrounding development.</p> <p><u><b>Illuminated Signage:</b></u> The proposed illuminated signage restricts illumination to only occur during operating hours of the store and will be turned off via automatic timer at the end of each business day. It is to be noted that the shopfront and signage cannot be seen from residential zoned land.</p> <p><u><b>Wording and Content:</b></u> The proposal includes a logo within its business identification signs (existing and proposed), however there are no standalone logos proposed.</p> <p><u><b>Inappropriate Signs</b></u> The proposal does not include any inappropriate signs.</p>
Chapter B11: Planning for Crime Prevention	Yes	The proposed works provide a high amount of shopfront transparency and is seen to be a desirable outcome to the existing streetscape. The proposed works include a high amount of clear glazing and visual interest and will comply with the appropriate CPTED principles.
Chapter B12: Social Impact Assessment	N/A	N/A not applicable for the proposed works.

Control / Objective	Compliance	Comments
Chapter B13: Access and Mobility	Yes	Complies – appropriate access provisions will be provided and this will be addressed as part of the Construction Certificate.
Chapter B14: Excavation and Fill	N/A	There is no excavation or fill proposed as part of the works.

#### **4.4 State Environmental Planning Policy (Industry and Employment) 2021**

The State Environmental Planning Policy (Industry and Employment) 2021 is the planning instrument that provides additional development controls for signage and advertising devices. The relevant matters to be considered under the SEPP (Industry and Employment) 2021 for the proposed development are outlined below.

##### **4.4.1 Schedule 5 Assessment Criteria**

Schedule 5 aims to ensure that signage is compatible with the desired amenity and visual character of an area and regulates specific signage outcomes. Clause 3.6 of SEPP (Industry and Employment) 2021, states that a consent authority must not grant development consent for signage unless the consent authority is satisfied that the signage satisfies the assessment criteria specified in Schedule 5. An assessment against Schedule 5 – Assessment Criteria of SEPP (Industry and Employment) 2021 is included below:

Control	Assessment
<b>1. Character of the area</b>	
<ul style="list-style-type: none"> <li>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</li> <li>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</li> </ul>	<ul style="list-style-type: none"> <li>Yes, the signage is compatible with signage in the surrounding precinct which contains a number of other commercial premises.</li> </ul>
<b>2. Special areas</b>	
<ul style="list-style-type: none"> <li>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</li> </ul>	<ul style="list-style-type: none"> <li>No, the proposed signage does not detract from the visual amenity or quality of the building or surrounding area.</li> </ul>
<b>3. Views and vistas</b>	
<ul style="list-style-type: none"> <li>Does the proposal obscure or compromise important views?</li> <li>Does the proposal dominate the skyline and reduce the quality of vistas?</li> <li>Does the proposal respect the viewing rights of other advertisers?</li> </ul>	<ul style="list-style-type: none"> <li>The proposed signage does not obscure any important views into the tenancy.</li> <li>The proposal does not dominate the skyline or reduce the quality of vistas.</li> <li>The proposal respects the viewing rights of other advertisers within the surrounding area.</li> </ul>
<b>4. Streetscape, setting or landscape</b>	

Control	Assessment
<ul style="list-style-type: none"> <li>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</li> <li>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</li> <li>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</li> <li>Does the proposal screen unsightliness?</li> <li>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</li> <li>Does the proposal require ongoing vegetation management?</li> </ul>	<ul style="list-style-type: none"> <li>The proposed signage will be consistent with the scale, proportion and form of the area and surrounding future signage.</li> <li>The proposed signage will contribute to visual interest of the tenancy and its setting within the streetscape and landscape.</li> <li>The proposed signage will be minimal, in order to prevent visual clutter, and to keep signage simple and conducive to the requirements of SEPP 64.</li> <li>The proposal does not contribute to any unsightliness. Appropriate screening is given to mechanical plant equipment, air conditioning and the like.</li> <li>The proposed signage is located wholly within the building and does not protrude above anything in the nearby vicinity.</li> <li>The proposal will not require ongoing vegetation management.</li> </ul>
<b>5. Site and building</b>	
<ul style="list-style-type: none"> <li>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</li> <li>Does the proposal respect important features of the site or building, or both?</li> <li>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</li> </ul>	<ul style="list-style-type: none"> <li>The proposed signage is compatible with the existing scale of the building and is considered to be a desirable outcome.</li> </ul>
<b>6. Associated devices and logos with advertisements and advertising structures</b>	
<ul style="list-style-type: none"> <li>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</li> </ul>	<ul style="list-style-type: none"> <li>The proposed signage has been designed as an integral part of the tenancy.</li> </ul>
<b>7. Illumination</b>	
<ul style="list-style-type: none"> <li>Would illumination result in unacceptable glare?</li> <li>Would illumination affect safety for pedestrians, vehicles or aircraft?</li> <li>Would illumination detract from the amenity of any residence or other form of accommodation?</li> <li>Is the illumination subject to a curfew?</li> </ul>	<ul style="list-style-type: none"> <li>No unacceptable glare will occur as a consequence of the illuminated signage</li> <li>The signage will not be the cause of any distraction or visual disturbance (glare, blinding illumination, directed lighting etc.) that could cause safety issues to pedestrians, vehicles or aircraft</li> <li>The proposed illumination will not detract from the amenity of tenancies or residences in the area.</li> </ul>
<b>8. Safety</b>	

Control	Assessment
<ul style="list-style-type: none"> <li>• Would the proposal reduce the safety for any public road?</li> <li>• Would the proposal reduce the safety for pedestrians or cyclists?</li> <li>• Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</li> </ul>	<ul style="list-style-type: none"> <li>• The proposed signage will not reduce safety as sightlines will not be affected and there will be no cause of distraction for drivers.</li> <li>• The proposed signage will not reduce existing safety for pedestrians and cyclists.</li> <li>• The proposed signage does not adversely obscure sightlines from public areas.</li> </ul>

#### **4.5 Section 4.15 Assessment**

In determining a development application, the assessing consent authority must take into consideration a number of matters under Section 4.15 of the Environmental Planning and Assessment Act 1979. This assessment is shown in the below table:

Evaluation	Assessment
<p>In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:</p> <p>a) the provisions of:</p> <ul style="list-style-type: none"> <li>(i) any environmental planning instrument, and</li> <li>(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</li> <li>(iii) any development control plan, and</li> <li>(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and</li> <li>(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and</li> <li>(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,</li> </ul> <p>b) the likely impacts of that development, including environmental impacts on both the</p>	<p>a) The proposed works align with the relative matters of the LEP and DCP as per the compliance assessment in this Statement of Environmental Effects. The proposed works are seen to meet all the relative controls and are seen as a good outcome for the subject site.</p> <p>b) The proposed works will not have any negative impacts on the surrounding land uses considering the commercial setting of</p>

Evaluation	Assessment
<p>natural and built environments, and social and economic impacts in the locality,</p> <p>c) the suitability of the site for the development,</p> <p>d) any submissions made in accordance with this Act or the regulations,</p> <p>e) the public interest.</p>	<p>the site and envisioned use of the tenancy as a commercial premises.</p> <p>c) The tenancy is part of a building which is envisioned for a commercial use of this nature. The proposed development to an existing commercial premises is considered appropriate.</p> <p>d) As per the DCP requirements, the development application may be placed on public exhibition to invite submissions, and if applicable Council will assess these accordingly.</p> <p>e) The proposed works are to an established commercial site and are seen to be in the public's interest through the provision of an envisioned use.</p>



## **5.0 CONCLUSION**

This Statement of Environmental Effects has reviewed the proposed signage addition for Platypus. It is considered that the proposed works, which are permissible with consent, are appropriate for the subject site and will not impact on the amenity of the surrounding area. Ultimately the proposal complies with the intent and design objectives of local planning controls and represents ongoing investment in the area. For these reasons it is seen that the proposed development should receive full development consent subject to reasonable and relevant conditions.