



# Visual Amenity Statement

**29 Shirely Street & 2-4 Milton Street, Byron Bay**

## **29 Shirley Street**

Level 10, 458 Brunswick Street, Fortitude Valley

Prepared by:

**SLR Consulting Australia**

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## Revision Record

Revision	Date	Prepared By	Checked By	Authorised By
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## Basis of Report

This report has been prepared by SLR Consulting Australia (SLR) with all reasonable skill, care and diligence, and taking account of the timescale and resources allocated to it by agreement with 29 Shirley Street (the **Client**). Information reported herein is based on the interpretation of data collected, which has been accepted in good faith as being accurate and valid.

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## 1.0 Introduction

SLR Consulting (**SLR**) have been commissioned by 29 Shirley Street (the **Applicant**) to provide a Visual Amenity Statement (the statement) of the potential visual effects of changes to the approved residential development (the **Development Approval**) at 29 Shirley Street and 2-4 Milton Street Byron Bay (**the subject site**) as part of a Section 4.55 Modification to the Development Approval (the **variation application**).

## 2.0 Background

The report has been prepared by Dean Butcher who is a Technical Director of Landscape Architecture and Urban Design at SLR Consulting. Dean is a Registered Landscape Architect and has been practicing as a landscape architect and urban designer for 33 years. His relevant experience includes both local and international projects including Landscape and Visual Impact Assessment and Visual Amenity Reports for a range of proposed developments.

Dean currently acts as an Expert Witness with the Planning and Environment Court of Queensland in the areas of Visual Amenity and Landscape Architecture. Dean has also acted as an Expert Witness in the NSW Landscape and Environment Court.

## 3.0 Intent of this statement

The purpose of this statement is to provide a high-level review on the likely visual impacts arising from the changes to the Development Approval as part of the variation application. The statement will compare the changes proposed in the variation application against those of the Development Approval by means of updated photomontage imagery and commentary from the Visual Amenity Report (the **previous report**) prepared for the development application in March 2023.

This statement relies on the information within the previous report having regard to:

- a) The site and visual context (Section 6 of the previous report);
- b) Relevant Planning Framework (Section 7 of the previous report);
- c) General description of the approved development (previously proposed) around general location, bulk, scale form and appearance; and
- d) Assessment of visual impacts including methodology, assessment from public viewpoints

The previous report assessed the likely visual impacts of the development (prior to approval) and whether it created adverse visual amenity impacts on its surrounding visual environment from 6 public viewpoints where the proposed development could potentially be seen. The building height, bulk scale and appearance were assessed with regard to:

- a) the degree of visual change within the surrounding visual environment;
- b) whether this change has an adverse impact on the character of the area within the immediate local context of the site; and



- c) whether this change is deemed as acceptable for the location.

This statement will not undertake a full reassessment from each viewpoint, rather, by way of comparison between images from the Development Approval (where available) and the current proposal, the likely change will be assessed.

## 4.0 Documents Relied On

The following documents have been relied upon for this statement:

- a) Architectural Drawing Package (the **Change Drawings**) - Hayball, 6 September 2024; and
- b) Updated Photomontage Images (Hayball, 20 September 2024)

## 5.0 Summary of Changes Relevant to Visual Amenity

The changes relevant to this visual amenity statement and in particular relating to the height is the lift shaft extended up to roof to provide access to Apartment 201 roof garden. This includes a canopy provided over lift doors.

The change in the height of this area from Development Approval is 2.41m from RL15.70 (approved) to RL18.11 (proposed). Figures 1 – 4 demonstrate these changes.

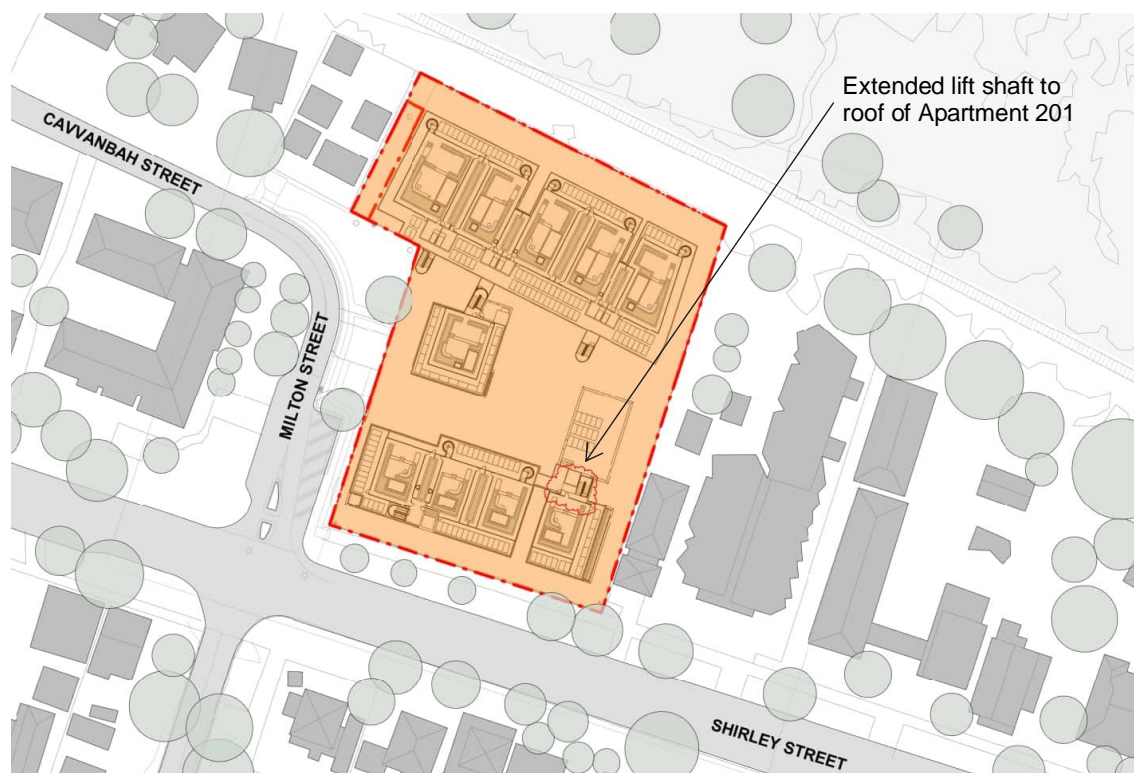
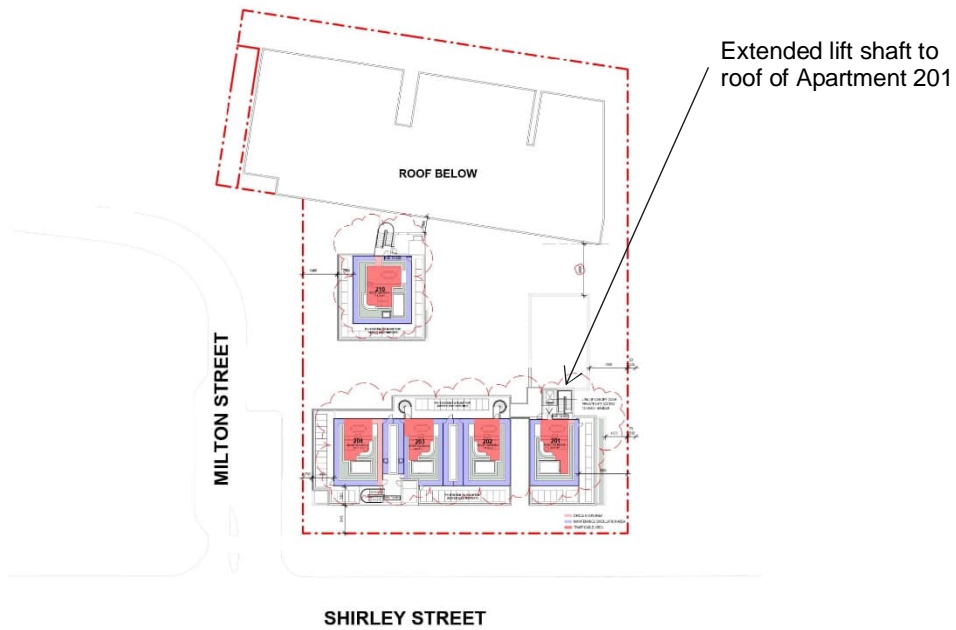
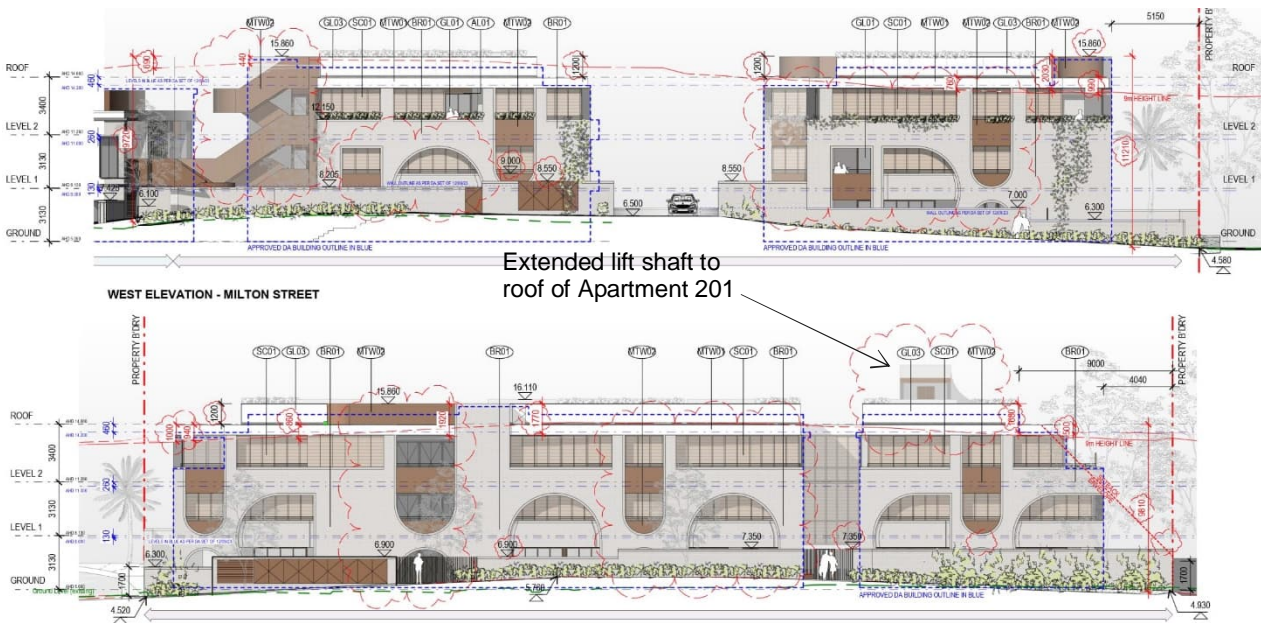


Figure 1 Change Drawings - Site Plan (Hayball Architects)





**Figure 2** Change Drawings – Roof Plan (Hayball Architects)



**Figure 3** Change Drawings – West and South Elevation (Hayball Architects)



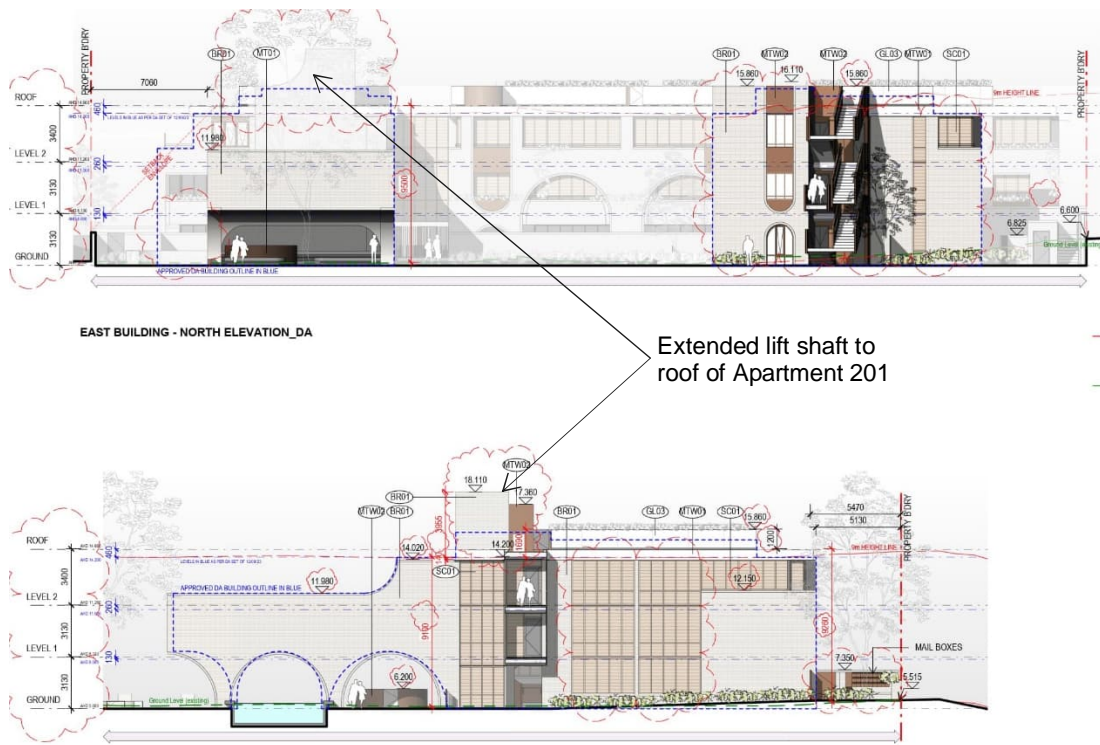


Figure 4 Change Drawings – East Building, north & west elevation (Hayball Architects)



## 6.0 Assessment of Visual Changes

The following photomontage images represent the change between the Development Approval and the proposed variation.

Changes are identified on each of the new photomontage images where applicable and commentary of the changes and impacts provided below each view.

### 6.1 Viewpoints



Figure 5 Viewpoint Locations from the previous report



## 6.2 Viewpoints

### 6.2.1 Viewpoint 1



**Figure 6** Viewpoint 1 – Outline of the Development Approval (Hayball Architects)



**Figure 7** Viewpoint 1 – Outline of the proposed development (Hayball Architects)

#### Commentary

The building remains hidden from view, obscured by the dunes along Belongil Beach. Therefore, there will be no visual impacts as a result of the proposed building changes.



## 6.2.2 Viewpoint 2



**Figure 8** Viewpoint 2 – Outline of the Development Approval (Hayball Architects)



**Figure 9** Viewpoint 2 – Outline of the proposed development changes (Hayball Architects)

### Commentary

The building remains hidden from view, obscured by the dunes along Belongil Beach. Therefore, there will be no visual impacts as a result of the proposed building changes.



### 6.2.3 Viewpoint 3



**Figure 10** Viewpoint 3 – Photomontage of the proposed development changes (Hayball Architects)

#### Commentary

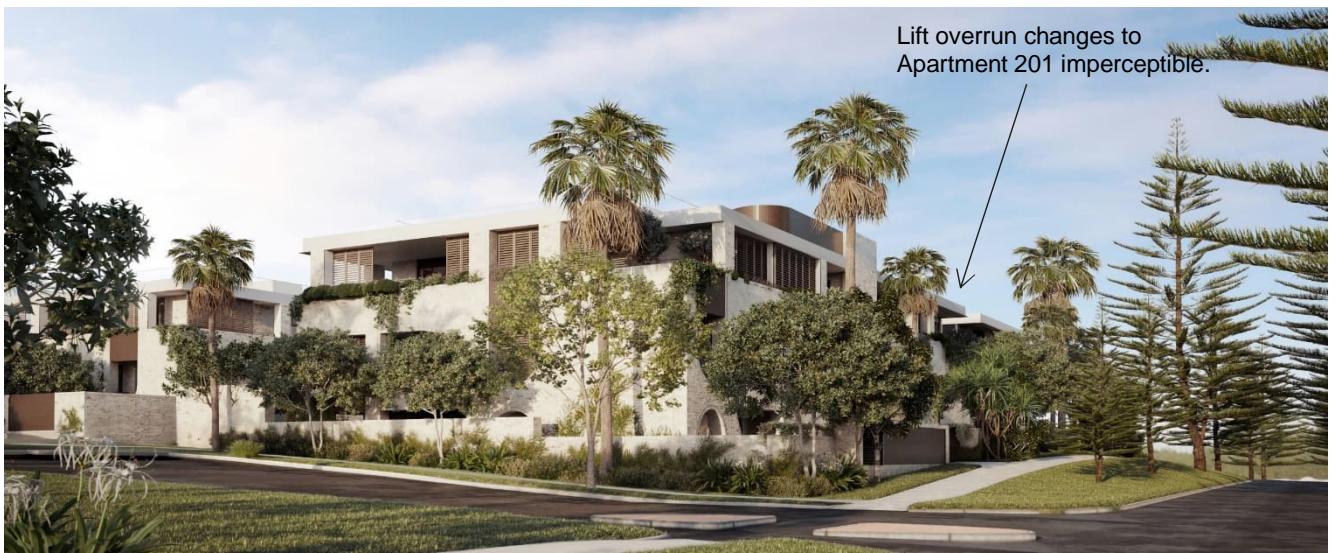
From Milton Street, changes to the height of the lift shaft to Apartment 201 on the southeastern corner of the development are not visible and therefore do not result in any visual impacts from this location.



## 6.2.4 Viewpoint 4



**Figure 11** Viewpoint 4 – Photomontage of the Development Approval (Hayball Architects)



**Figure 12** Viewpoint 4 – Photomontage of the proposed development changes (Hayball Architects)

### Commentary

From viewpoint 4 at the corner of Milton Street and Shirley Street, changes to the height of the lift shaft to Apartment 201 on the southeastern corner of the development are not visible and therefore do not result in any visual impacts from this location.



## 6.2.5 Viewpoint 5



**Figure 13** Viewpoint 5 – Photomontage of the Development Approval (Hayball Architects)



**Figure 14** Viewpoint 5 – Photomontage of the proposed development changes (Hayball Architects)

### Commentary

From viewpoint 5 along Shirley Street to the south of the Approved Development, the changes to the height of the lift shaft to Apartment 201 are barely perceptible above the 3 storey built form. From this location the proposed changes do not result in any substantial visual impacts.



## 6.2.6 Viewpoint 6



**Figure 15** Viewpoint 6 – Photomontage of the proposed development changes (Hayball Architects)

### Commentary

From viewpoint 6 to the east of the development along Shirley Street, the changes to the height of the lift shaft to Apartment 201 are visible above the 3 storey built form but not prominent. From this location the proposed changes above the predominant 3 storey building form do not result in any substantial difference to the Development Approval nor does it create any additional visual impacts.

## 6.2.7 Summary

Overall, the proposed changes to the Development Approval as demonstrated in the comparison of photomontages in Section 6.2:

- a) are minimal in the context of the overall Development Approval;
- b) would not materially change the height, bulk, scale and form of the Development Approval; and
- c) would not result in any substantial additional visual impacts on its surrounding context.



## 7.0 Updated response to relevant planning scheme provisions

The *Section 4.55 Modification ((2) Other modifications)* states:

*2(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all).*

This is demonstrated in the response to the following relevant Planning Scheme provisions having regard to the change in height of the proposed development changes.

### 7.1 Clause 64A Variation Request Response

*to ensure that the height and scale of development is appropriate to its location, surrounding development and the environmental characteristics of the land.*

I consider that the height of the proposed development changes satisfy and uphold the Clause 64A variation as it is still appropriate to:

- a) surrounding developments; and
- b) environmental characteristics of the land.

### 7.2 Clause 4.6 Variation Request Response

I consider that the height the proposed development changes still satisfy the Clause 4.6 variation as:

- a) its height as a result of the proposed development changes complements the streetscape and character of the area by:
  - i. limiting the building height (anticipated within the R3 zone) to ensure that its change in height as a result of the lift shaft to Apartment 201:
    - A. have a low level of visibility when viewed from adjoining public areas; and
    - B. do not significantly alter the appearance of the built form and do not contribute to it being dominant within the surrounding visual environment.
  - ii. Maintaining a similar built form and scale to those of surrounding medium density residential multiple dwellings such as those along Shirley Street, and Milton Street;
- b) The proposed development changes:
  - i. minimise visual impacts to existing development by:
    - A. providing a generous subtropical landscape that moderates and softens the built form;
  - ii. minimise the disruption of views by typically keeping within the required height limits and building setbacks. Any exceedance of the height limits as a result of the lift shaft to Apartment 201:
    - A. is minor within the scope of the entire Development Approval;
    - B. does not disrupt views over that of the Development Approval;
    - C. is set back from Shirley Street and Milton Street, therefore limiting its visibility from public realm areas; and
    - D. to the extent that the proposed development changes can be seen to the east of the subject site along Shirley Street, they are not



- prominent, nor do they substantially alter its overall height, bulk, scale, form and appearance;
- iii. minimises the loss of solar access to existing development as:
    - A. the position and scale of the proposed development changes as a result of the lift shaft to Apartment 201, would not substantially increase the impacts of overshadowing on adjoining properties to the south east as outlined in the amended Shadow Analysis drawing DA 9.11 Rev 2 (Hayball).

## 8.0 Conclusion

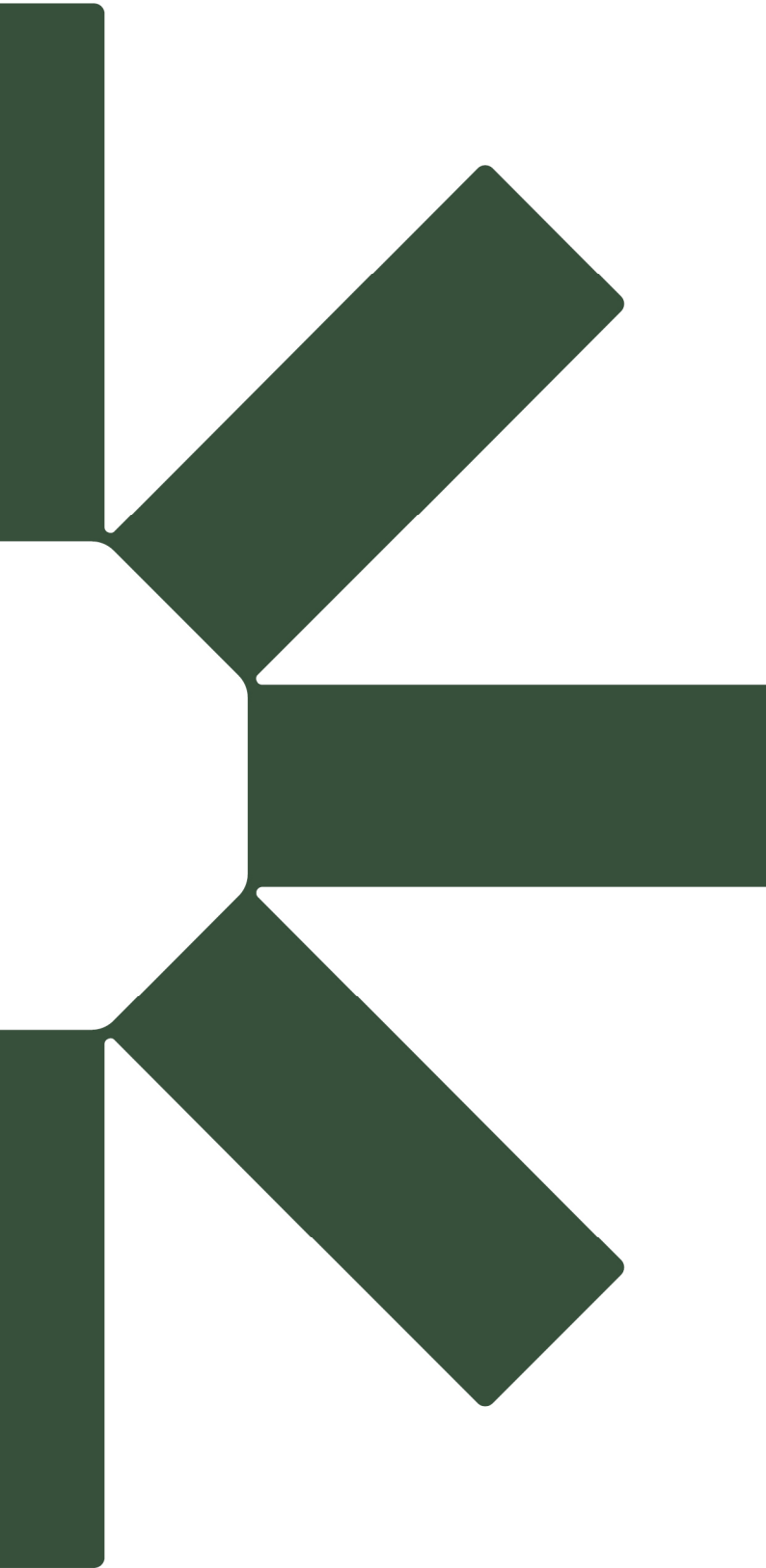
The proposed changes to the Development Approval is identified as the lift shaft extending up to roof to provide access to Apartment 201 roof garden.

As outlined in the comparative analysis of changes between the photomontages for the Development Approval and those for the proposed development changes (**Figures 6-15**);

- a) are minimal in the context of the overall Development Approval;
- b) would not materially change the height, bulk, scale, form and appearance of the Development Approval; and
- c) would not result in any substantial additional visual impacts on its surrounding context.

Further, having regard to the Section 4.55 Modification ((2) Other modifications), the proposed development changes result in a development that is substantially the same as the Development Approval and before that consent as originally granted was modified.





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