

STATEMENT OF ENVIRONMENTAL EFFECTS FOR DEVELOPMENT APPLICATION

FOR

Proposed Change of Use for Areas at

**No 26 Lewis St,
Balgowlah.**

Prepared by

stephen grech and associates, architects

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1. Introduction

This Statement of Environmental Effects is submitted to Northern Beaches Council as part of a Development Application for proposed change of use for part of the existing subfloor areas at No 26 Lewis St, Balgowlah (Lot 13, DP 115193)

This statement should be read in conjunction with drawings 406/02, 406/05-07, 406/09-11, and 406/13 prepared by Stephen Grech + Associates Architects.

2. The site

The site is located on the East side of Lewis Street, south of the intersection with Ernest Street.

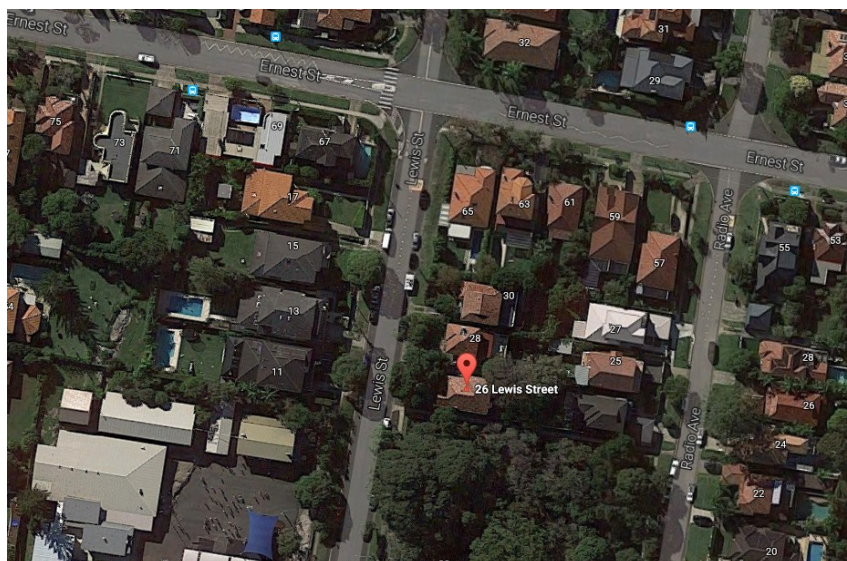


Figure 1 – Location Plan
Source: Google Maps

The site is rectangular. The western boundary adjoins Lewis Street while the eastern boundary (rear) is common to the property at No 23 Radio Avenue. Both these boundaries are 12.19m in length. The northern boundary is common to the property at No 28 Lewis Street and is 34.29m in length. The Southern boundary adjoins a public walkway connecting Lewis and Radio Street. The site slightly slopes from down from east to west and the total site area is 418.1sqm as per Survey.

3. The existing building

The site contains an existing free standing sole occupancy rendered brick dwelling which consists of 3 levels:

- a) Basement Level – containing Laundry/Bathroom (and area formerly referred to as Office and Garage.)
- b) Ground Level- containing Bedroom, Kitchen and Living Areas
- c) First Floor containing bedrooms and Ensuite.

4. Relevant history

The property was purchased by the current owners in 2016.



Figure 2 – 2016 Marketing Floor Plan

Shortly after purchasing the property, the current owners obtained Development Consent (DA 163/2017) which included the following works:

- 1) Internal Stair access to Basement level
- 2) Reconfiguration and refurbishment of existing laundry to include Bathroom facilities
- 3) Refurbishment of existing Study/Studio space
- 4) Refurbishment of existing Garage/Storage space (to address water ingress)
- 5) Alterations to Ground Floor Level
- 6) Addition of First floor Level

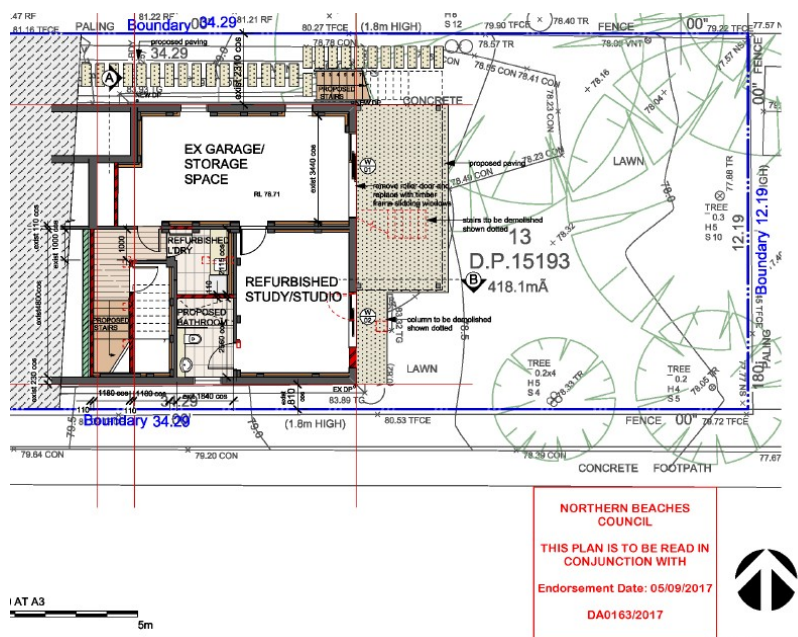


Figure 3 – Approved Basement Plan - 2017

The majority of the approved building work to the Ground floor level and some works to the Basement Level were carried out in 2018 however during this time the extent and frequency of water ingress to the Basement became apparent. For this reason, the owners sought a Clause 4.55(2) modification to the approved DA which included additional floorspace (labelled as an additional bedroom) to the approved First Floor.

Due to the water ingress issues, the Basement level was referred to as “storage” instead of the previously labelled Study and Studio.

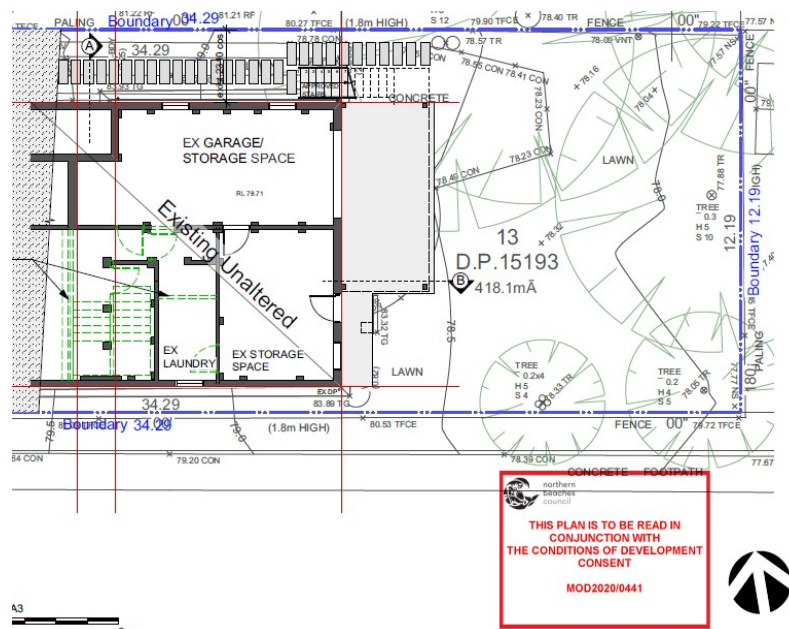


Figure 4 – Approved Basement Plan – 2020

Subsequently, in 2024 a Complying Development Certificate for a Swimming Pool was obtained. The owners decided then to address the water ingress issues to the Basement level and undertook additional works to the Basement area. These works included some work that is the subject of a Building Information Certificate (BIC) application lodged in 2025.

As part of the BIC assessment, Council have advised that it will be required to obtain Development Consent for a Change of use for the areas formerly referred to as Garage and Studio/Study space.

5. Relevant Planning Considerations:

This proposal has been prepared with reference to the following Council Controls:

Manly Local Environment Plan 2013
Manly Development Control Plan 2013:

a) Manly LEP 2013

5.01 Zoning

The LEP defines the zoning and what development is permitted. The site is zoned R2 – Low Density Residential. The proposed use is permissible within this zoning.

5.02 Principal Development Standards

The relevant provisions of the LEP are:

Clause 4.3 Height of buildings. For the subject site, the maximum allowable height is 8.5m. The existing building is generally 7.4m in height. Due to the slope of the site, the proposed addition is 8.94m at its highest point thus creating a non-compliance. This height was approved in Development Consent 2020/0441.

Notwithstanding, this proposal does not seek to alter the height of the existing building.

Clause 4.4 Floor Space Ratio. The site is located in Area “C” which has a maximum permissible FSR of 0.45:1.

Floor Space Ratio is defined as the Gross Floor Area divided by the Site Area.

Gross Floor Area is defined within the LEP as:

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—

- (a) the area of a mezzanine, and
- (b) **habitable rooms in a basement** or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,

but **excludes—**

- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) **any basement—**
 - (i) **storage**, and
 - (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
 - (i) terraces and balconies with outer walls less than 1.4 metres high, and
 - (j) voids above a floor at the level of a storey or storey above.

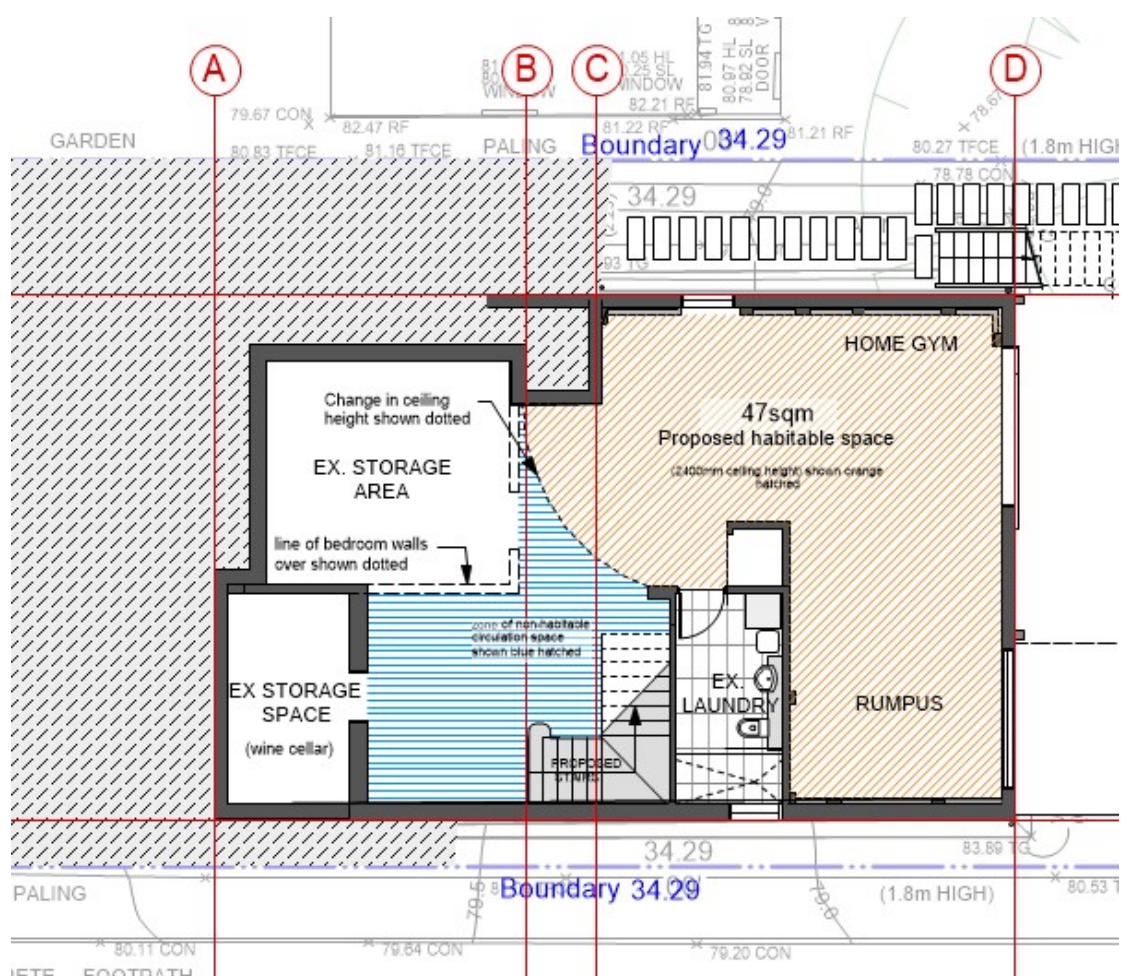
The LEP does not include a definition of “habitable” however the National Construction Code includes the below definition in the Housing Provisions:

www.ncc.abcb.gov.au/system/files/ncc/ncc2022-abcb-housing-provisions.pdf

Habitable room: A room used for normal domestic activities, and—

- (a) includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room, home theatre and sunroom; but
- (b) excludes a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods.

Using the definition above, this proposal seeks a change of use for an area equal to 47sqm (as shown on the drawings)



The areas to the western side of the basement (shown in white) can only be used for storage as they are still vulnerable to ground water ingress after heavy rains. The owner had initially hoped to make some of this space habitable however acknowledges this cannot be achieved and all furniture and appliances will be removed from this area.

The area shown with a blue hatch has as a ceiling height of less than 2400 and can only be categorized as hallway access from the existing stairs to Laundry, Home Gym etc. This area is therefore excluded from Gross Floor Area calculations.

The Gross Floor Area of the existing Ground and First floor levels is 177.4sqm. With the proposed change of use for existing east side of Basement level to habitable area, the proposed Gross Floor Area would be increased to 224.4sqm.

As the site area is 418.1sqm, this results in an FSR of 0.537:1 which is in excess of the permissible FSR.

A Clause 4.6 variation to a development standard is submitted with the application.

The application is simply to change use from an existing subfloor areas formerly referred to as Home Office and Garage to become habitable space (to be used as Home Gym and children's rumpus room).

Despite the numerical non compliance with FSR, there are no changes to the existing building size or height.

As there are no external changes proposed, the proposal will not alter the exiting bulk, scale or density and therefore meets the objectives listed in the LEP:

- (a) to ensure the bulk and scale of development is consistent with the existing and desired streetscape character,*
- (b) to control building density and bulk in relation to a site area to ensure that development does not obscure important landscape and townscape features,*
- (c) to maintain an appropriate visual relationship between new development and the existing character and landscape of the area,*
- (d) to minimise adverse environmental impacts on the use or enjoyment of adjoining land and the public domain,*

7.0 Conclusion

The application has been prepared in response to Council's requests following the submission of a Building Information Certificate for unauthorized works to the Basement Level. Consent for change of use will not have any adverse effects and warrants Council approval.