

**STATEMENT OF ENVIRONMENTAL EFFECTS FOR DEVELOPMENT APPLICATION**

FOR

**Proposed Alterations and Additions at**

**No 26 Lewis St,  
Balgowlah.**

Prepared by

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June 2017 *(AMENDED August 2020. Amendments highlighted)*

## **1. Introduction**

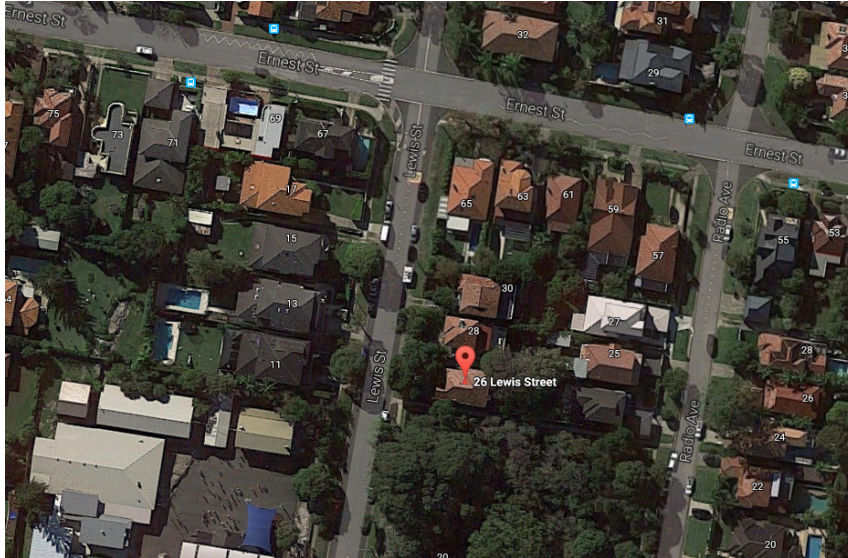
This Statement of Environmental Effects is submitted to Northern Beaches Council as part of a Development Application for proposed alterations and additions to the existing freestanding house at No 26 Lewis St, Balgowlah (Lot 13, DP 115193)

This statement should be read in conjunction with drawings 327/DA00 - 327/DA17 prepared by Stephen Grech + Associates Architects and site survey prepared by CMS Surveyors

This statement has been amended to update the amendments being sought as part of the Section 4.55 (2) Application. Amendments to this statement are highlighted.

## **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.



**Figure 2 – Existing building as viewed from Lewis Street**  
Source: Domain Website



**Figure 2 – Existing building as viewed from Lewis Street**  
Source: Domain Website



**Figure 3 –View looking east along southern boundary of site showing public walkway.**  
Source: Author



**Figure 4 – View looking west along southern boundary of site.**  
Source: Author

### **3. The context**

Lewis Street is a residential street comprising a mix of traditional and contemporary residences. To the western, (high) side of Lewis Street are a number of three storey homes orientated to take advantage of the easterly ocean views



**Figure 5 – Existing buildings on opposite (high) side of Lewis Street**

Source: Domain Website

The property immediately to the north of the subject site is a two storey residence currently undergoing renovation. The renovations include converting an existing garage adjacent to the common boundary into a habitable room and provision of a new semi detached open carport at the street boundary



**Figure 6 – Property under renovation at No 28 Lewis Street. New carport facing the street – the original garage adjacent to the northern boundary has been converted to a habitable space.**

Source Author



**Figure 7 – Property under renovation at No 28 Lewis Street.  
Open carport as viewed from front door of subject site**  
Source: Author

#### **4. The existing building**

The site contains an existing free standing rendered brick dwelling with tiled roof. The building presents to the street as a single storey structure with a narrow driveway along the northern side. It is “Spanish Mission” style with white painted textured render and red terracotta tile roof and was probably constructed in the 1940s.

The small front garden area is below street level and is overgrown and overshadowed. There is an existing failing brick fence acting as a retaining wall against the street boundary. Facing onto this front garden is an enclosed veranda with 3 arched bays now containing fixed glazing windows. There is no direct access from the existing Living Room to the front garden area.

The front door is located to the middle of the north side of the house and is accessed via the driveway. This driveway continues to the rear garden area and provides access to a basement garage under the north-east corner of the building. There is a concrete turning area in the rear garden which provides vehicular access to the garage however the turning area reduces the amenity of the rear garden.

The basement level also accommodates a study/gym and a basic laundry. There is no internal access between ground and basement levels with an open external stair providing the only access.

The ground floor contains 3 bedrooms, one bathroom and a small eat in kitchen to the rear. The Living Room and enclosed sunroom face the front garden area.

Aside from some cosmetic improvements the house is basically unchanged and although in reasonable condition, is in need of general maintenance and upgrading.



**Figure 8 - View of northern side of site showing driveway access to steps and front door.**  
Source: Author



**Figure 9 —Rear of the house viewed from backyard including concrete vehicle turning area and rear steps providing access to garden**  
Source: Author



**Figure 10 -Enclosed front verandah with fixed glazing preventing access to front garden.**  
Source: Author



**Figure 11—Front fence/retaining wall showing signs of failure.**  
Source: Author



**Figure 12 -Basement level laundry.**  
Source: Author



**Figure 13—Existing kitchen**  
Source: Author

## **5. The proposal**

The house is now owned by a young family who wish to renovate it to meet their growing needs. The proposal is therefore to carry out the following works:

- a) Provide level undercover offstreet parking.
- b) Improve street presentation and amenity to front of house
- c) Improve access and presentation to front door
- d) Improve access between Living space and existing outdoor space
- e) Improve amenity of existing front garden area
- ~~f) Provide internal access to basement level~~
- ~~g) Refurbish existing basement level to create guest bedroom, bathroom and laundry~~
- h) Convert existing garage space into storage area
- i) Refurbish existing kitchen
- j) Convert existing bedroom into family space adjacent to kitchen area
- k) Provide external entertaining area (deck) opening off family kitchen area
- l) Refurbish existing bathroom
- m) Provide additional upstairs parents suite including Study/spare bedroom, bathroom, Main Bedroom, ensuite and dressing room

Subsequent to the submission of the DA and receiving approval the owner has commenced the building works and carried out much of the approved works to the existing Ground level. During construction the the existing lower ground area originally proposed for the Guest Room and Ensuite has been investigated and it has been discovered that there is inadequate headroom for the space to be considered habitable. Further, the existing site conditions effectively prohibit this space from being converted to habitable. It is for this reason that the owners are looking to accommodate the additional floor space in the upper level rather than at the basement.

## **6. 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.

An exception to the Development standard in accordance with Clause 4.6 of the EPA Act 1979 is therefore provided to accompany this application to demonstrate that the development meets the objectives of the LEP.

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

Due to the existing ceiling heights being too low to be considered as habitable space, the only part of the existing Lower Ground Floor that should be included in the Gross Floor Area calculations is the existing laundry. This existing building has a gross floor area of 113.1sqm which includes the basement level laundry excludes the existing garage and adjacent storage areas. The revised proposal incorporates additional floor space to the upper level of 74.1sqm which is all contained within the existing footprint. The proposal involves converting the existing garage to storage space which is therefore excluded from the total GFA calculation.

The total Gross Floor Area is  $113.1 + 74.1 = 187.2\text{sqm}$ , which translates to an FSR of 0.45:1 and is permissible FSR within the LEP.

Clause 6.1 Acid Sulphate Soils- the site is identified as Class 5 Acid Sulphate soil. The LEP describes works that require an acid sulphate management plan. The proposed works are relatively minor and should not impact the soil or water table of any adjoining properties.

Clause 6.4 Stormwater Management – The Proposed development does not add to the existing roof area and does not impact on the existing stormwater management.

## **b) Manly DCP**

### Part 2 – Process

This details the submission requirements for a Development Application. The relevant sections are:

#### 2.1 Submission Requirements

2.1.1 Statutory Requirements – The submission includes the statutory requirements

2.1.2 Context and Site Analysis – A site analysis drawing is included with this submission

2.1.3 Landscaping Plan – Although the proposal does not change the existing building footprint, there are changes to the external works namely removal of sections of the existing concrete driveway and addition of carport. A landscape concept plan is included with this submission.

2.1.4 Shadow diagrams – Revised shadow diagrams included with this submission.

2.1.6 Building materials and Finishes – The proposed materials have been nominated on the drawings with the submission..

2.1.7 Sustainability Report – A Basix Certificate accompanies the submission

2.1.12 Waste Management – 2.1.12.1 notes that Council may request lodgement of the Waste Management Plan where

i) development is located in the Manly Town Centre

ii) development includes more than 40 dwellings or where

iii) the property does not have reasonable access to Council's usual garbage and recycling collection point.

None of these three points are applicable, hence it is assumed Waste Management Plan will be required at Construction Certificate stage

#### 2.2 Notification – Notification plans accompany this submission

### Part 3 – General Principals

The proposed development does not alter existing setbacks, alter the existing overall height, reduce the landscape area or impact the streetscape. The relevant sections of the DCP are listed below:

3.1 Streetscape – the proposal involves the provision of a caport to the north western corner of the site adjacent to the neighbours carport currently under construction. In addition the provision of a new timber fence is considered appropriate in scale and design and will contribute positively to the streetscape. All other proposed structural changes will be setback behind the building line and have no adverse impact.

3.2 Heritage Considerations – The proposal is not within a heritage area or within the vicinity of a heritage item.

#### 3.4 Amenity -

3.4.1 Sunlight Access and Overshadowing – An initial assessment of potential impact of the proposed works on overshadowing in mid-winter indicates that the majority of shadowing will fall onto the public walkway or to the bush reserve beyond. There will be no adverse overshadowing impact on adjoining residential properties

3.4.2 Privacy and Security – the proposal includes an entertaining balcony to the ground floor level and a small balcony to the first floor. The proposed ground floor balcony is in a similar location to an existing balcony on the adjoining property to the north. This balcony is screened by existing vegetation (refer Photo 14)



**Figure 14–View towards neighbours balcony**

Source: Author

To the upper level is a small balcony with enclosed sides accessible only from the main bedroom. It is not anticipated that this will adversely impact neighbouring properties.

3.4.3 Views- The properties to the west side of Lewis street have enjoy distant views adjacent to and over the subject site. The proposal does not alter the existing building footprint and the proposed overall height increase of 1.5m will not impact the distant view.

3.5 Sustainability –the proposal has been designed to capitalise on natural light and ventilation as well as providing shading devices to control the morning sun. A Basix certificate is submitted with the application

3.7 Stormwater Management – the proposal does not add to the existing roof area and does not impact on the existing stormwater management plan

3.8 Waste Management – the property is currently being used as a sole occupancy residence and this is unaltered under this proposal. The existing waste management principles will be retained

3.10 Safety and Security – there are no aspects to this proposal that will change the existing safety and security of the property or immediate surrounds

## Part 4 – General Principals

### 4.1 Residential Development Controls

4.1.2 Height of Buildings – This control duplicates the control listed in the LEP and refers to the Height of Buildings Map in the LEP. The site has a height control of 8.5m and the highest point of the structure under this proposal is 8.94m measured from natural ground level to the proposed roof ridge. The proposal exceeds this by a minor amount however the objectives of the LEP are met.

4.1.2.1 Wall height. The site has a slope of approximately 1 in 11.5 over the length of the building. Using Figure 28 in the DCP, this translates to a maximum allowable wall height of 7m. At the western (street) elevation, the proposal meets the wall height control however due to the fall of the land, the eastern wall (and the eastern ends of the north and south walls) exceed the allowable height limit.

The DCP lists the objectives as being consistent with the height control objectives listed in the LEP, which are:

- (a) *to provide for building heights and roof forms that are consistent with the topographic landscape, prevailing building height and desired future streetscape character in the locality,*
- (b) *to control the bulk and scale of buildings,*
- (c) *to minimise disruption to the following:*
  - (i) *views to nearby residential development from public spaces (including the harbour and foreshores),*
  - (ii) *views from nearby residential development to public spaces (including the harbour and foreshores),*
  - (iii) *views between public spaces (including the harbour and foreshores),*
- (d) *to provide solar access to public and private open spaces and maintain adequate sunlight access to private open spaces and to habitable rooms of adjacent dwellings,*
- (e) *to ensure the height and bulk of any proposed building or structure in a recreation or environmental protection zone has regard to existing vegetation and topography and any other aspect that might conflict with bushland and surrounding land uses.*

Although the wall height exceeds the permissible it is noted that the proposal meets the above listed objectives as listed:

- a) The west elevation is within the permissible wall height limit and the proposed roof form is consistent with the prevailing building height and streetscape.
- b) The bulk and scale of the building is consistent with the surrounding properties
- c) There are no views from public spaces that will be impacted by the development
- d) Solar access is maintained as is demonstrated with the shadow diagrams
- e) Not applicable

It is noted that if the proposed addition were moved to the west, it would be compliant with the wall height control however may impact the streetscape appearance.

4.1.2.2 Number of stories. The DCP states that the maximum permissible number of stories is 2 although does make provision for the allowance of an “understorey” consistent with the definition of basement included in the LEP which is:

*“**basement** means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing)”.*

The existing building has a basement level that currently contains a garage, laundry and existing **storage space**. This proposal is to retain these existing areas and refurbish the laundry facilities. ~~and generally improve the amenity by including new internal access and additional bathroom facilities.~~ All proposed floor space is located within the existing building footprint. The existing floor level above this space is at RL 81.17 which is approximately the same RL as the footpath on

Lewis Street. In other words the basement level will not be at all visible from the public domain and therefore can be considered to be “below ground level” as defined in the LEP.

4.1.2.3 Roof height. – The DCP requires roofs to not exceed 2.5m in height. This proposal includes a roof of approximately 1.4m which complies with the control. **The proposed amendment does not increase the overall height of the building.**

4.1.3 Floor Space Ratio – As described in the LEP, the maximum permissible FSR is 0.45:1. The proposal includes the conversion of the existing garage space into a store room which is excluded from FSR calculations under the definition in the LEP. The proposal includes a proposed FSR of 0.45:1 and is permissible within the LEP and DCP.

4.1.4.1 Setbacks - The DCP defines setbacks from front, rear and side boundaries. The proposal meets front, back and side setback.

a) Front setback: the DCP states:

*“Street Front setbacks must relate to the front building line of neighbouring properties and the prevailing building lines in the immediate vicinity.”*

The proposal involves the provision of a second storey **the majority of which** is setback 6m behind the existing front wall of the building. This new work is set back **8.3m** overall from the street and is appropriate for a second storey setback and **consistent with the immediate context**

The proposed carport is located within the front setback area and is setback approximately 700mm from the street boundary. This is immediately adjacent to, and consistent with, the recently completed carport to the property at No 28 Lewis Street.

b) Side setbacks – the DCP requires the side setback to be not less than 1/3 of the wall height adjacent to the boundary. The proposed wall heights vary between 7m and 7.8m which would require setbacks between 2.3m and 2.6m to the side boundaries. The proposed northern side setback is in excess of 2.3m and is fundamentally compliant however the proposed southern wall is setback 1500 from the side boundary. Although this southern setback is non compliant, it is noted that the house adjoins a public accessway therefore the objectives of the control relating to separation between buildings etc are met. It is also noted that the existing southern wall is just over 5m high and setback 900 from the boundary. The proposed upper addition is setback an additional 600mm although it is noted that elsewhere in the DCP (4.1.7.1) reference is made to first floor additions following the existing wall patterns.

c) Rear setback. The existing rear setback of 12.8m is compliant and the proposed upper level building sits within this footprint. The proposed rear deck is 9.9m from the rear boundary which is also compliant with the DCP

4.1.5 Open Space– the DCP identifies the site as part of area OS3 which requires 55% of the site to be open space and 35% of the Open Space to be landscaped area. The definitions for the measurement of Open space included in the DCP indicate that an area must have a minimum of 3m width to be considered as Open Space. As demonstrated in the submitted drawings the proposal meets the requirements for open space and landscaping

4.1.6 Parking – the proposal includes the addition of a carport for one car. The proposed carport is open on all sides and meets the numerical requirements of the DCP in relation to width and percentage of street frontage. The carport is proposed immediately adjacent to a neighbours carport which is an appropriate location and will have minimal impact on the streetscape.

4.1.7 First Floor and Roof Additions. – the proposal complements the architectural style of the existing building and retains part of the existing roof. The proposal meets the requirement of this clause as it is of a scale and character appropriate to the street.

4.1.10 Front fences -the proposal includes the provision of a 1m high painted timber front fence which complies with the requirements of the DCP.

## **7.0 Conclusion**

The proposed works will significantly improve the functionality and amenity of the existing home without having any detrimental impact to neighbours or the public domain and is worthy of Council's favourable consideration.