

**STATEMENT OF ENVIRONMENTAL EFFECTS**  
**FOR**  
**ALTERATIONS TO UNIT 7, 69 EVANS STREET FRESHWATER**  
**Submitted to**  
**NORTHERN BEACHES COUNCIL**  
**By**  
**MRS S CAMPBELL-TOZER**  
**MAY 2025**

## **1.0 INTRODUCTION**

This report is submitted to Northern Beaches Council in support of a Development Application for alterations to a single unit (Unit 7) within the existing Residential Flat Building known as 'Freshwater Towers' at 69 Evans Street Freshwater.

This submission has been prepared by Mr S Tozer on behalf of Mrs S Campbell-Tozer.

## **2.0 DESCRIPTION OF PROPOSAL**

The proposal is to amend the official use of one of the car spaces and amend the location of front door to the unit. As described below, however, this does not change the existing floor area of the Unit.

### ***2.1 EXISTING BUILDING***

Freshwater Towers (69 Evans Street) was designed and approved in 1968 and it consists of two distinct parts; known as the "tower block" and the "beach block". The building is 11 storeys tall, but the entry (street) level is on the 5th floor. The "tower block" (Level 6 – Level 11) consists of the part of the building above the Entry level and the "beach block" (Level 1 – Level 5) is for the Entry level and all the parts of the building that are below street level, which also includes all the parking spaces and garages for the building. Unit 7 is on the 4th floor and part of the "beach block". For the beach block, the units contain a split-level between the entry/garages and the main units.

While the site is (currently) zoned R2 Low density residential, 69 Evans Street is one of a number of residential flat buildings constructed along Evans Street. There is also the Harbord Diggers site directly behind the site on the other side of Evans Street which underwent a substantial redevelopment several years ago. Very little complies with current planning regulations.

A driveway extends all along the Eastern side of the building, providing access to 6 car parks level 4 which are used by Unit 7 and five other units. There is also parking on the

Entry level and others below that are only accessed off another driveway along the West side. On the 4th floor, there is a secure entry to both the common lift and the entry to Unit 7.

The existing building has had documented history in relation to utilisation of garage spaces as internal habitable spaces. This is the situation with Unit 7, where the current owners purchased the unit in 2021 and were not involved with the previous history of the building.

The current situation for Unit 7, however, is that it has a front door and a masonry fire rated wall in the location where there would previously have been a garage door. Access to the unit was originally through the garage space, but over time this unit, like a few others, have been converted into habitable area. The Applicant is not sure when exactly the garage space was converted to an internal area, but from past documentation it would seem it was undertaken to the end of the construction period in 1971.

In the sales brochure from that time it notes that some of the Beach units have a “large Rumpus cum Utility area of three squares and more.” It is likely that these enclosures may have occurred around this time.

At some later date, the issue of fire-protection was raised and a review of fire-upgrades was undertaken.

In terms of fire-separation and safety, previous BCA and essential services reviews determined a strategy where a fire-door has been constructed *within* the unit at the top of the internal steps, separating the Living areas from the previous garage space. A second set of (external) steps from the long side balconies also allows egress directly onto the driveway.

In a Fire Inspection report undertaken by Complete Fire Certification (May 2016) and review of the building’s Essential Services Schedule noted that “there is no evidence that either the number or location of the fire doors has been altered since installation. Therefore the original installation certificate of compliance would remain applicable for these doors.”

While the addition of a front door and a masonry fire rated wall to create a rumpus cum utility room improved the fire-safety of the unit, the change in location of the fire door has not been noted on the certified plans. This is an issue the Applicant wishes to solve via this application.

It is noted that while the garage space has been converted into living area, Unit 7 has another car-space on title. A copy of the strata title drawing is included in the submission. Therefore on title they own 2 “spaces” even though only one is available to be used as car parking.

## **2.2 PROPOSED WORKS**

The proposed works include the following:

- Formal conversion of the garage space into a lounge room and entry, moving the front door officially to the location where the front door and masonry fire-rated wall currently exist.

## **3.0 STATEMENT OF ENVIRONMENTAL EFFECTS**

### **3.1 STATUTORY CONTROLS**

Zoning: R2 Existing Non-compliance

The existing building does not comply with the current R2 zoning, however it was approved and constructed prior to this zoning change. The works proposed however do not extend or change the non-compliance and therefore this noncompliance can be disregarded.

### **3.2 AMENDMENT OF BUILDING AREA USE**

As noted above, Unit 7, like many of the existing units, has had the garage space unofficially “enclosed”. This has been done in such a way that it would be impossible to convert back to a garage space.

In any event, no-one uses this space as garage area. This application is seeking formal recognition of this space as internal, relocating the front door to the current location as a complying fire-door. This therefore changes the strata-title use of the space.

Warringah Council’s statutory controls do not include an FSR control. Therefore the minor increase in floor area from changing it officially from garage to internal space does not represent an LEP non-compliance for require a Clause 4.6 variation.

### **3.3 CARPARKING**

One of critical aspects in regard to this DA is the official removal of what was originally strata titled as “garage space”. It is important to review the existing condition of the whole building as well as understand the history of the building since construction in 1969.

It would appear, from a brief documentation of the history of the building by one of the long-term residents, that the original development of the building was in some way “stretched” in terms of its formal approval. The original approval was for “21 units with 25 garages and car spaces, all correctly allocated with at least one garage/space to each flat as part lots of flats” (A.G. Russell, Shire Health Surveyor and Principal Building Inspector 16th February 1971). This complied with Council’s car parking policy of the time, which stated “one paved car parking space to be provided for each lot”.

As noted above, Unit 7 has on title 2 existing car spaces. So with removal of one space, the existing parking regulation of one space per unit minimum is retained.

### **3.4 BCA COMPLIANCE**

Confirmation of BCA compliance is not usually a DA issue but is something covered at CC stage. While this report does not represent a full BCA compliance review of the unit, it is proposed that the works improve the fire-safety for Unit 7. The front door has been constructed as a complying fire-door in a steel frame and the wall between the common area lift lobby and the Utility room has been constructed as a fire-rated wall in masonry and full-height to the underside of the slab over.

### **4.0 CONCLUSION**

This application seeks approval for the official conversion of the garage space (by strata title) and relocation of the front door. This is effectively an application to ratify formally the existing condition. The proposal complies with the aims and objectives of the LEP and DCP.

It is submitted that this will not set a precedent for garage space enclosures, as it will be a requirement for all applications to demonstrate that enclosure of the garage and removal of said car-parking space will not create a non-compliance with the car parking requirement. As noted above, in this instance the car parking requirement for unit 7 is retained.

It is requested that approval for these works be granted.