

8.2 DA 2015/204 - Alterations to Existing Residential Units.DOC

DA 2015/204 photos of Units 1 and 2/67 Stewart Street, Lennox Head



Submission to Ballina Shire Council
for the
Construction of Additional Carports
and
Internal Alterations
at
67 Stewart Street, Lennox Head

GM Project Management and Development

April 2015

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1. Introduction

GM Project Development and Management has been engaged to prepare and submit a Development Application for:

- (a) internal alterations to 2/67 Stewart Street, Lennox Head; and
- (b) carports both 1 and 2/67 Stewart Street.

The proposals are located on a lot that is zoned Medium Density Residential within which internal alterations and carports are a use permitted with Council's consent.

This submission describes the subject site and the surrounding development. It is considered that the proposal is most suitable in the location, and is one that will support the continued growth of Lennox Head.

It is concluded that the proposal is worthy of Council's support.

2. Subject Property

The subject properties are known as 1 & 2/67 Stewart Street, Lennox Head. They have Real Property descriptions of Lots 1 & 2 SP 70209.

The properties have a total area of 504m², and are located on the eastern side of Stewart Street just north of Williams Street, as shown in **Figure 1**.

3. Proposed Development

Proposal Components

The proposal comprises:

- o the addition of a carport forward of the building line on each property; and
- o internal alterations to 2/67 Stewart Street increasing the FSR.

Carports

The carports the subject of this application will be typical carports (ie 2.3 to 2.1 (H) x 4.8m (W) and 6m (L));

The carports will be symmetrical to each other, sloping away from the building's centre and will be a 'match' for the roof pitch.

The details of the carports are contained in **Figures 2** and **3**.

Access

The proposal will not impact on the existing access/egress to/from the property onto Stewart Street.

Stormwater

Stormwater will be directed into Council's stormwater system

Internal Alterations

This component of the development only involves Lot 2 SP 70209 and includes:

Increasing the size of the laundry;
Creating a tools/garden 'shed';
An 'open' walkway from the current garage door to the private area; and
Additional Storage area.

A set of plans depicting the internal alterations is at **Figure 4**.

4. Assessment of Statutory Provisions

There are a number of instruments applicable to the proposal, a discussion of which follows.

4.1 Local Environmental Plan 2012

The Ballina Local Environmental Plan is the primary statutory instrument applicable to the proposal.

Clause 2.3 Zone objectives and Land Use Table

This clause requires that *the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.*

Zoning

The subject land is zoned R3 – Medium Density Residential under Council's Local Environmental Plan 2012.

The relevant objectives of the zone are:

- *To provide for the housing needs of the community within a medium density residential environment.*

Comment: Complies – the carports will allow internal space to be used for a variety of uses, enhancing the living environment of the owners.

- *To provide a variety of housing types within a medium density residential environment.*

Comment: Complies – the internal alterations will not impact on the use of the land for medium density residential development.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Comment: Not Applicable

- *To provide development that is compatible with the character and amenity of the surrounding neighbourhood.*

Comment: The proposed internal alterations will not alter the character of the building nor will they impact on the neighbourhood amenity. The carports will not be out of character with the development along Stewart Street that already has carports forward of the building line (see **Figure 5**).

- *To encourage housing and infrastructure that supports the ageing population.*

Comment: Not Applicable

- *To provide for development that meets the social and cultural needs of the community.*

Comment: Not Applicable

- *To encourage development that achieves the efficient use of resources such as energy and water.*

Comment: Not Applicable

Clause 4.4 Floor space ratio

(1) The objectives of this clause are as follows:

(a) to ensure that buildings are compatible with the bulk, scale and character of the locality,

Comment: The proposed internal alterations will not alter the character of the building nor will they impact on the neighbourhood amenity.

(b) to minimise adverse impacts on existing or future amenity of adjoining properties and the scenic or landscape quality of the locality.

Comment: The building's bulk is not changed, as all alterations will be internal and will not give rise to an intensity of use for habitable purposes.

Subclause (2A) requires that a *dwelling house, a dual occupancy, a semi-detached dwelling ... must not exceed a floor space ratio of 0.5:1.*

Comment: The internal alterations to 2/67 Stewart Street will take the FSR over 0.5:1. The justification for the increase is contained in **Attachment 1**.

4.2 DCP 2012 – Chapter 1 – Administration

Section 1.5 of this Chapter states that *where Council is of the opinion that strict compliance with a development standard specified in the DCP is unreasonable or unnecessary, it may permit such variation*

Comment: A variation is being sought to the development standards contained in the DCP 2012 in respect of building line standards.

It is submitted that the reduced setback does not impact upon the streetscape in an adverse manner given the balance of the building, the narrow frontage of the lots and other carports forward of the building line.

4.3 DCP 2012 – Chapter 4 – Residential and Tourist Development

The overarching objectives of this chapter are as follows:

a. Provide for quality residential neighbourhoods and tourist related development;

Comment: The proposed carports will not impact on the neighbourhood.

b. Ensure that development is compatible with local landscape amenity and character; and

Comment: The carports will not be out of character with the development along Stewart Street that already has carports forward of the building line (see **Figure 5**).

c. Ensure the orderly development of land.

Comment: The open-sided nature of the carports will not impose on the visual amenity of the locality.

There are two Elements of this Chapter that relate to the proposed carports ie

Element E - Building Lines
Element H - Vehicular Access and Parking

Element E - Building Lines

Objectives

a. Protect the amenity of the locality in which the dwelling is situated;

Comment: The proposed carports will be designed to complement the existing building as illustrated in **Figure 2**.

b. Ensure new development makes a positive contribution to the local streetscape; and

Comment: Comments as above and as illustrated in **Figure 2**.

c. Setback buildings and garages/carports from the street to provide sufficient space for landscaping, visual and acoustic privacy and vehicle parking, whilst protecting the established character of the neighbourhood.

Comment: The carports will not impact on any landscaping capacity as they will merely provide a roof over the existing driveways.

This Element provides that residential accommodation and ancillary development must be setback behind the building line specified ie 6m. This requirement can be varied where an alternate building line can be established on the basis of the average distance of the building lines of the nearest 2 buildings on the same primary road and located within 40m of the subject lot.

Comment: **Figure 5** illustrates:

- A carport within 40m to the south that is forward of the 6m building line;

- A carport about 60 m to the north that is forward of the 6m building line;
- A carport diagonally across Stewart Street that is forward of the 6m building line; and
- Numerous intrusions into the building line on both sides of Stewart Street.

Where a variation is sought it must be able to be demonstrated that it would not be practical to maintain the nominated building line and that no adverse impacts on surrounding properties and or the streetscape will result.

Comment: Comments as above and as illustrated in **Figure 5**.

The Chapter indicates that open form construction such as car ports are generally viewed more favourably than for enclosed structures.

Comment: The carports are open sided as per **Figure 2** and would not impede visibility any more than the existing vegetation on the subject site (see **Figure 5**).

Element F - Vehicular Access and Parking

Objectives

a. Provide adequate on site car parking for development;

Comment: Complies – the carports will provide 2 spaces per unit.

b. Ensure car parking is designed in accordance with the current Australian Standard 2890 (Parking Facilities).

Comment: More appropriately dealt with at the Construction Certificate stage.

c. Ensure car parking areas include adequate space and provision for vehicles to manoeuvre safely on site;

Comment: The carports will not change car manoeuvring on site.

d. Ensure site accesses have adequate sight distances and are designed to ensure that all vehicles are able to safely enter and exit the site and maintain the safety and integrity of the road network; and

Comment: The carports will not change the existing entry/exit arrangements for cars to and from the site.

e. Ensure streetscape amenity, character and utility is maintained.

Comment: **Figure 5** illustrates numerous intrusions into the building line on both sides of Stewart Street suggesting the proposed carports will not adversely impact the streetscape.

Controls – Car parking

The relevant control is Point *iii. ie Car parking provided in association with the residential accommodation must not be located forward of the building line unless it can be demonstrated that such car parking will be suitably screened along the street frontage.*

Comment: The existing vegetation shown in **Figure 5** demonstrates that the structures will be suitably screened.

Controls – Garages and carports

iv. Carports forward of the setback (ie 6m) will be considered subject to the following criteria:

No other suitable location is available behind the setback specified,

Comment: The existing buildings on the lots and the narrow lot frontages preclude another location for the carports behind the building line.

- *The carport is located a minimum of 900mm from the side boundary,*

Comment: Does not comply but the narrow lot frontages as illustrated in **Figures 2** and **3** make it virtually impossible to comply.

- *The frontage facing the street remains open and is not fitted with a door or enclosing device of any kind,*

Comment: Complies as illustrated in **Figure 2.**

- *Carport posts are setback a minimum of 2.0 metres from the street boundary,*

Comment: Does not comply but a condition of development can be imposed on the development requiring compliance.

- *The carport roof does not significantly impact on the streetscape,*

Comment: The existing vegetation shown in **Figure 5** demonstrates that the structures will be suitably screened.

- *The carport roof is not trafficable,*

Comment: Complies.

- *The carport does not exceed 33% of the width of the allotment frontage or 6m (whichever is lesser), and*

Comment: Does not comply but as the lots are only 7.4 and 8.4m wide a variation is requested.

Any side and/or rear enclosure or screening is to include minimum 50% visual permeability.

Comment: Complies, the carports are open sided, as illustrated in **Figure 2**.

5. Environmental interactions

Section 79C of the Environmental Planning and Assessment Act requires all development applications to be assessed against specified heads of consideration. Such an assessment follows.

Any environmental planning instrument

Ballina Local Environmental Plan 2012 is the relevant LEP. The proposal's compliance with the LEP has been addressed above and the increase in FSR is explained in **Attachment 1**.

Any draft environmental planning instrument that is or has been placed on public exhibition

The Applicant is unaware of any LEP that has been placed on exhibition that will have any impact on the subject Application.

Any development control plan

Chapter 4 of Council's DCP is applicable to the proposal. The relevance of this Chapter to the proposal has been discussed previously.

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

Not applicable

The regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,

Not applicable. This is better dealt with at the Construction Certificate stage

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Context and Setting

This proposal is located within a residential area that has being developed for single and medium density dwellings.

Access

The proposal will have vehicular access from Stewart Street via the existing driveways. The current access/egress arrangements will not change with the approval of this Application.

Traffic

There will be no additional traffic movements per day. In particular Stewart Street sight distance in both directions will not change with this proposal.

Utilities

There will be no need to upgrade any utility services arising from this proposal.

Flora and Fauna

Nil impact – the land that is the subject of this proposal is maintained as a domestic garden.

Noise

The proposed development will not create any noise impacts in excess of what is expected in a residential area.

The suitability of the site for the development

The site is considered to be suitable for the development as it is one that has been created for medium residential purposes. The site has good sight distances up and down Stewart Street, thus not creating any conflicting traffic situation.

Any submissions made in accordance with this Act or the regulations

The proponents have two letters of support from neighbouring properties and these are included in **Attachment 2**.

The public interest

The public interest will be served by this proposal as it will permit internal alterations that do not impinge on the bulk and scale of the building on site, and two carports that will not create any adverse traffic conditions.

6. Conclusion

This proposal has illustrated that the proposal complies with Council's Local Environmental Plan and relevant section of Development Control Plan Chapter 4.

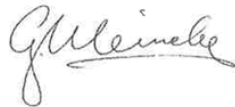
Further, the site is one that has previously been developed for medium density residential purposes. The proposal will complement the existing development on site.

It is submitted that this proposal is well suited to the location, and the site's size and shape confirm the proposed development to be well suited to the site.

It is submitted that:

- the internal alterations and FSR increase will not increase the building's bulk;
- the proposed carports will not be out of character given the existing intrusions into the building line along Stewart Street; and
- the proposals will be compatible with the nature of Stewart Street.

Council is respectfully requested to approve this application.



Graham Meineke MPlA

April 2015

7. Figures and Attachments

Figure 1	Location of Development
Figure 2	Proposed Carport Details
Figure 3	Carports on Site
Figure 4	Internal Alterations
Figure 5	Building Line intrusions in Stewart Street
Attachment 1	Justification for Exceeding FSR
Attachment 2	Letters of Support

Proposed Additional Carports
and Internal Alterations
Stewart Street Lennox Head

Figure 1 Location of Development

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April 2015

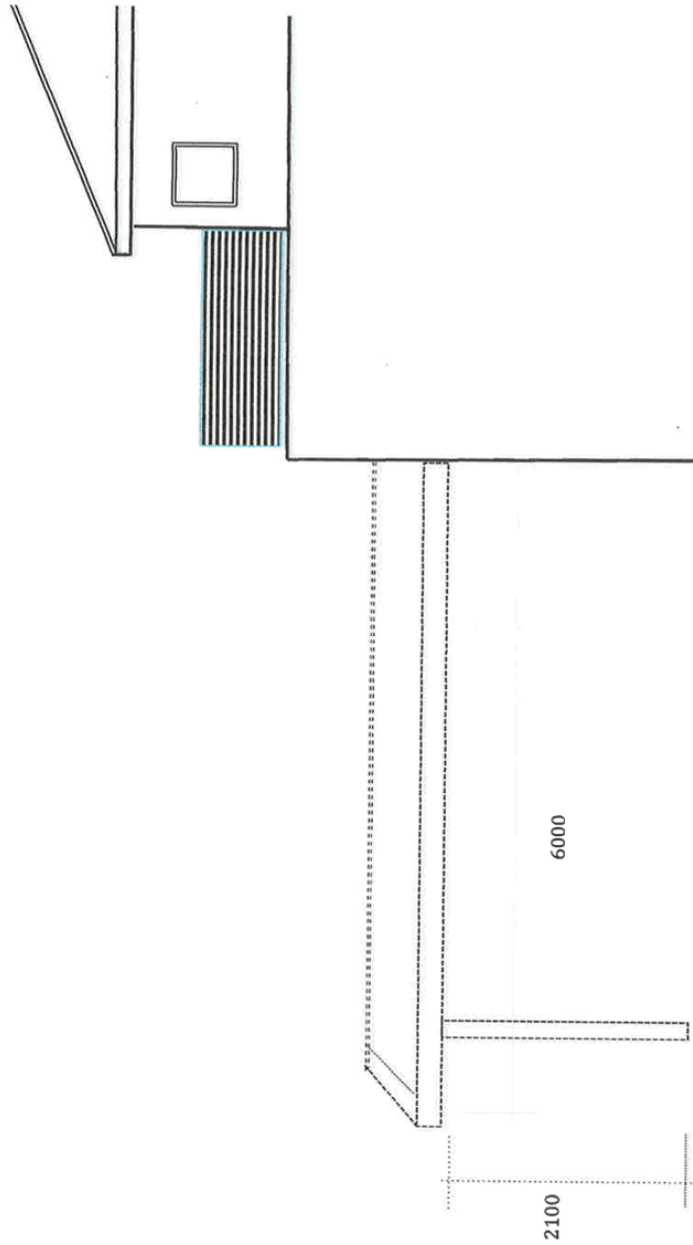
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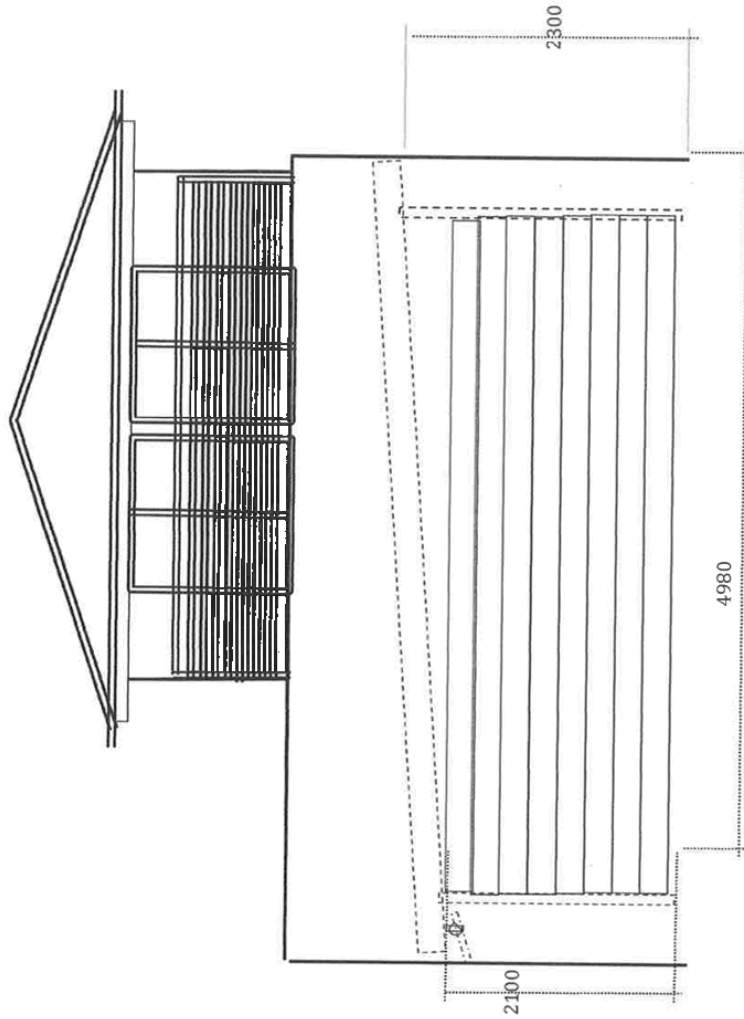
Proposed Additional Carports
and Internal Alterations
Stewart Street Lennox Head

Figure 2 Proposed Carport Details

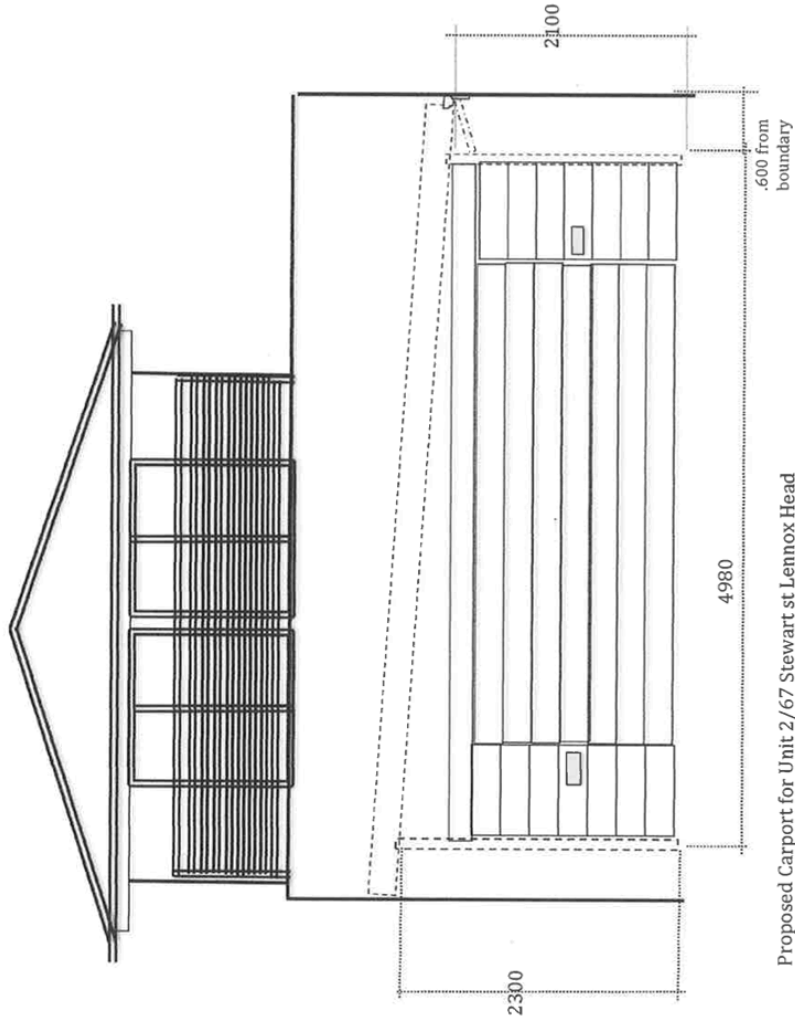
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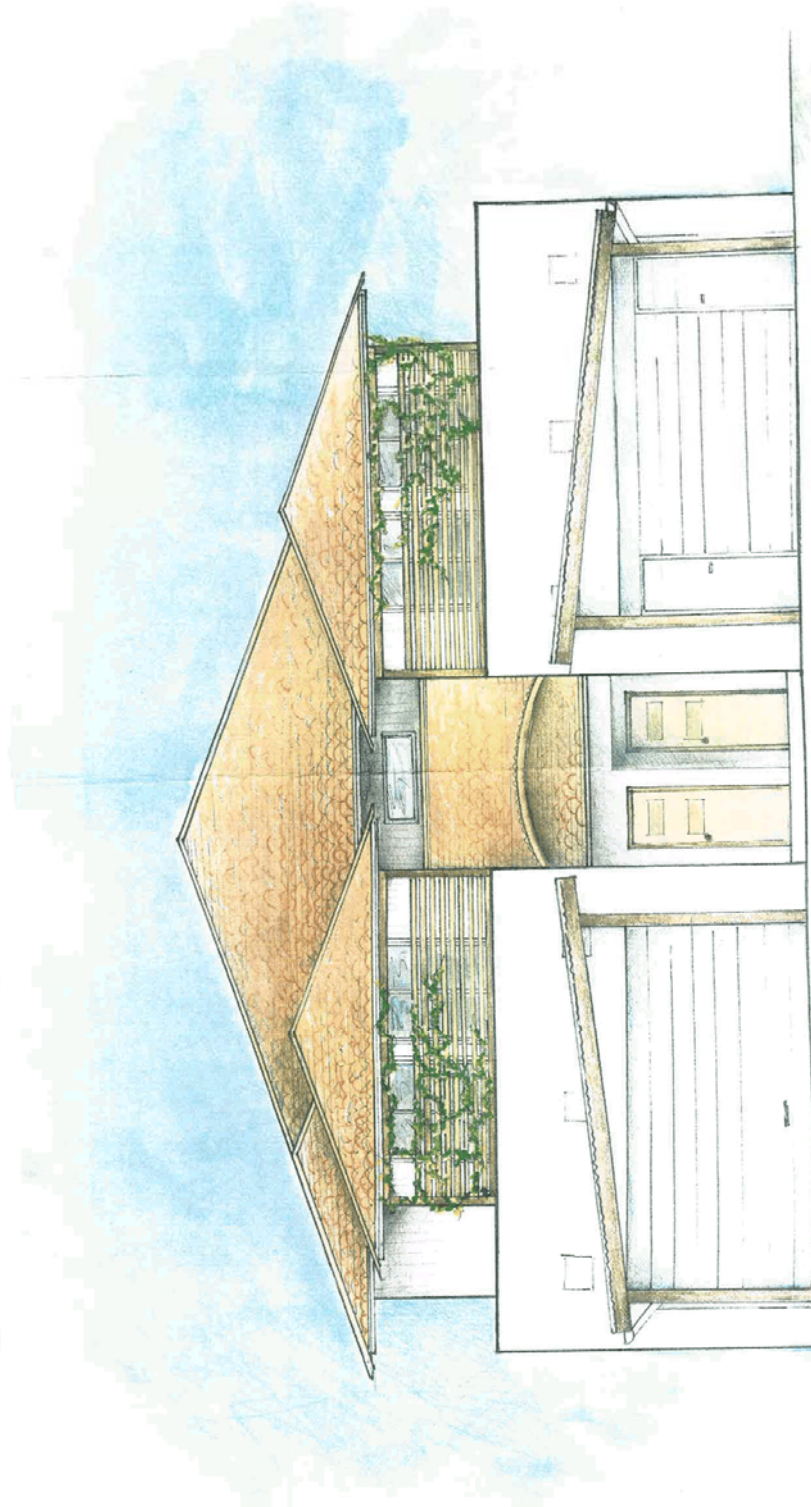
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Proposed Carport for Unit 1/67 Stewart st Lennox Head





Proposed Additional Carports
and Internal Alterations
Stewart Street Lennox Head

Figure 3 Carports on Site

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Sheet No. 2 of 3 Sheets

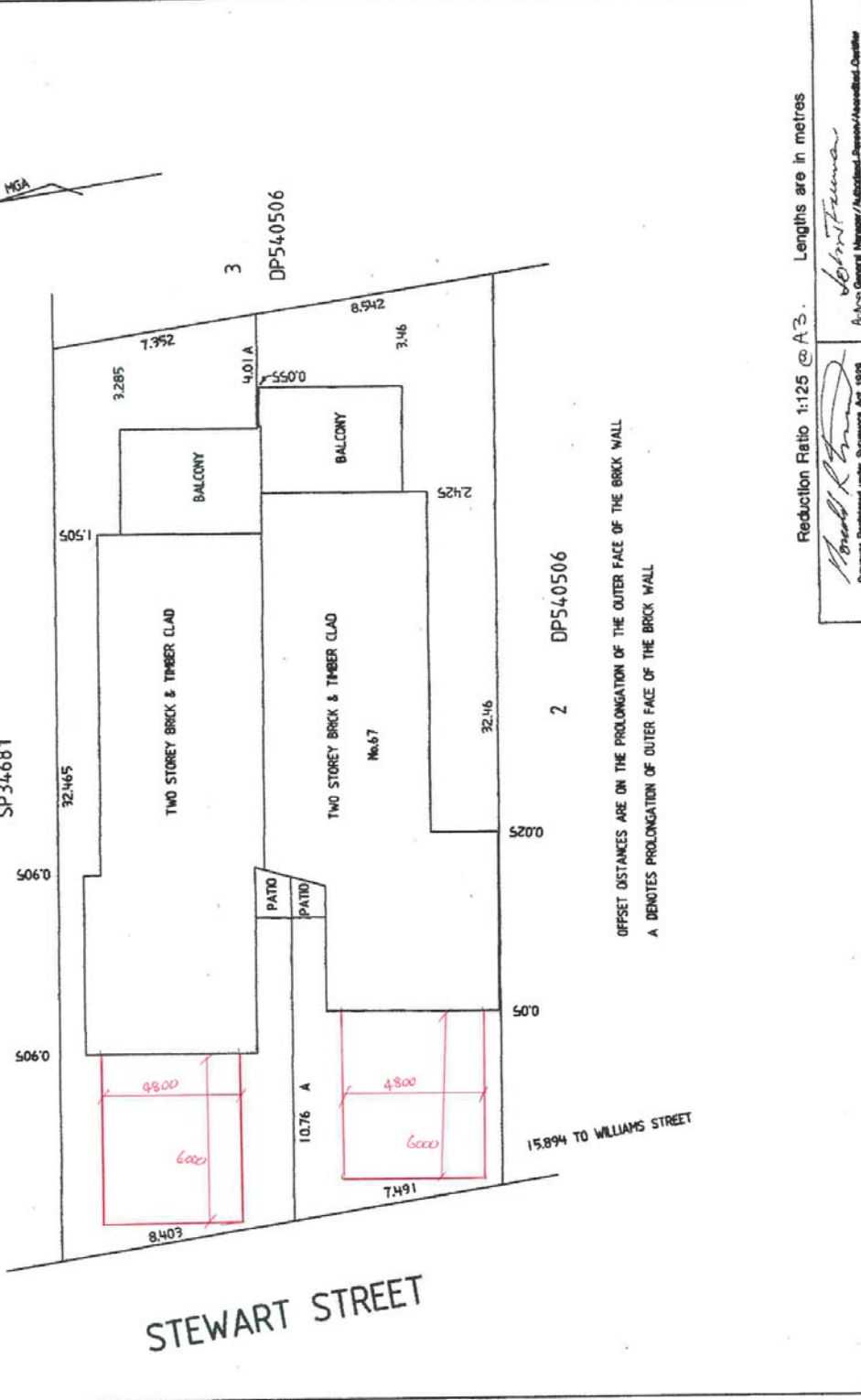
WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

STRATA PLAN FORM 2

LOCATION PLAN

SP70209

SP34681



OFFSET DISTANCES ARE ON THE PROLONGATION OF THE OUTER FACE OF THE BRICK WALL
A DENOTES PROLONGATION OF OUTER FACE OF THE BRICK WALL

Reduction Ratio 1:125 @ A3. Lengths are in metres

Meredith R. ...
Surveyor Registered under Surveyors Act 1999

Robert ...
Acting General Manager / Authorised Person / Assessor / Controller

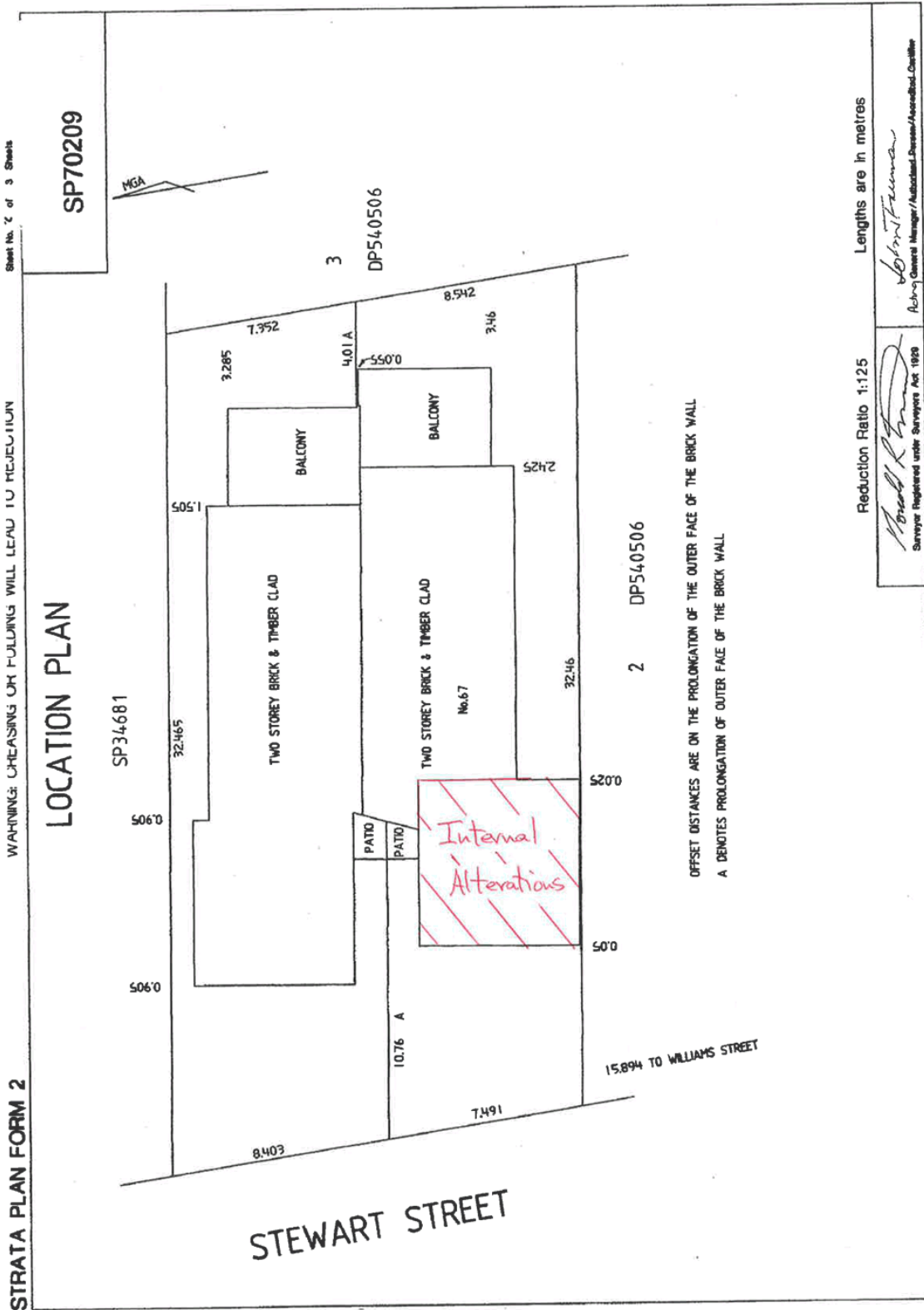
CONTRACT REFERENCE 03/78

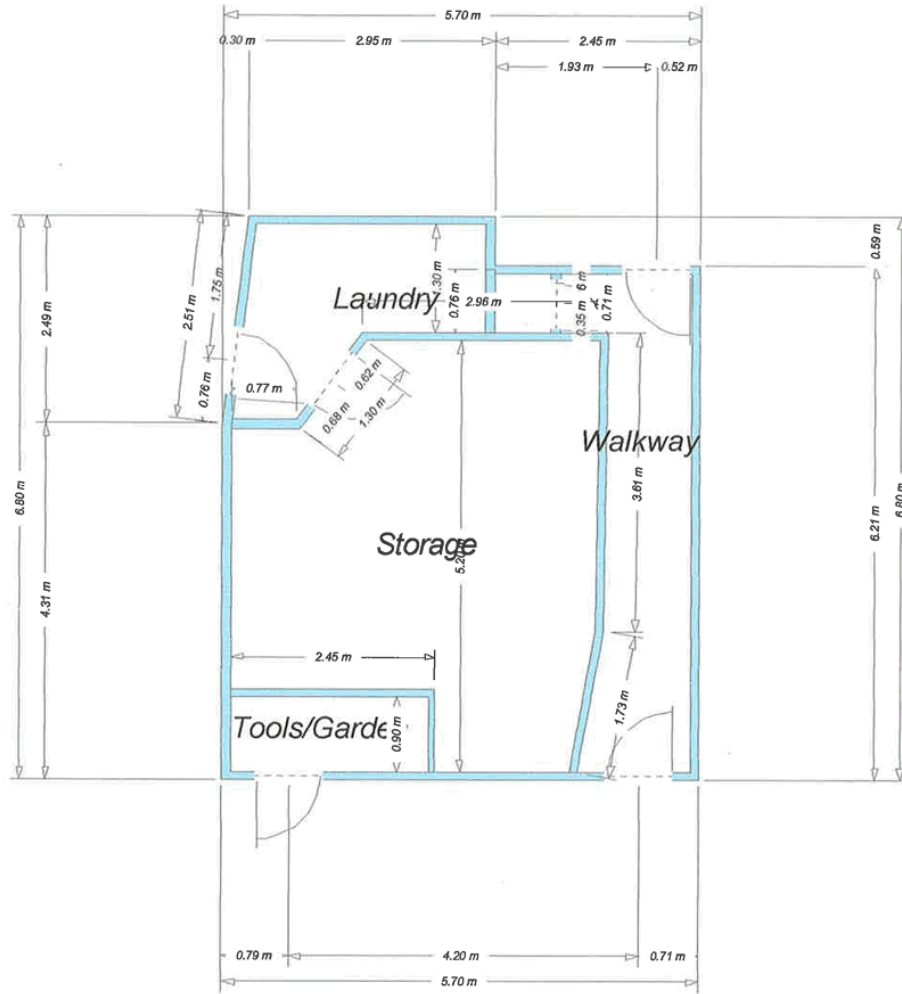
Proposed Additional Carports
and Internal Alterations
Stewart Street Lennox Head

Figure 4 Internal Alterations

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Proposed Additional Carports
and Internal Alterations
Stewart Street Lennox Head

Figure 5 Building Line intrusions in Stewart Street

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Disclaimer:
 This Detail Survey is not a "survey" as defined by the Surveying Act, 2002.
 The Surveyor has exercised due care and skill in the preparation of this plan.
 The Title Boundaries have not been examined as part of this survey.
 If any construction is planned close to the boundaries it would be advisable to carry out further survey work to determine the boundary dimensions and setback distances to proposed structures.
 This plan has not been examined by Land & Property Information. No responsibility can therefore be accepted for any future differences in boundary delineation which may result from an assumption of the "Title Boundaries" have been examined as part of this survey.
 There may be other services on site that have not been located as part of this survey.
 Prior to any demolition, excavation or construction on the site, the relevant authorities should be contacted for possible location of underground services and detailed locations of all services.
 This plan may not be copied unless these notes are included.

A DETAIL SURVEY
 Date: 12.02.15
 Issue: 1 of 1
 Checked By: JGH
 Drawn By: JGH
 Date of Survey: 10.02.2015
 Issue: A

Katrina Beohm
 Plan Showing Setback Distances to Structures from Boundary Line of Stewart Street, for Proposed Carport Design over Part of Lot 2 SP 70209, No. 2/67 Stewart Street, Lennox Head.
 Scale: 1:600 @ A3
 Locality: Lennox Head
 Level Datum: MGA
 Origin: MGA
 Contour File: HM15010.docx

HM SURVEYING
Heath & McPhail
 Heath & McPhail Surveying Pty Ltd
 80 Hillier Avenue
 NSW 2480, Australia
 Office: (02) 86 888181
 Fax: (02) 86 888182
 Client: 0417 877 689 Ian McPhail 0407 286 192
 Sheet No: 1 of 1
 Checked By: JGH
 Date of Survey: 10.02.2015
 Drawn By: JGH
 Issue: A

Attachment 1 Justification for Exceeding FSR

Clause 4.4 of Council's LEP limits the FSR of dwellings to 0.5:1

FSR defined as the ratio of the gross floor area of all buildings within the site to the site area but gross floor area excludes car parking to meet any requirements of the consent authority (including access to that car parking).

Thus current FSR on the subject lot size of 257m² is 0.5:1 where:

- o the floor area of unit is 164 m²; less
- o double garage of 33.28 m²; giving
- o a floor area of 130.72 m²; and thus
- o a FSR of $130.72/257 = 0.5:1$

The reasons for a FSR are found in Council's LEP Clause 4.4, the objectives of which are:

- (a) to ensure that buildings are compatible with the bulk, scale and character of the locality,
- (b) to minimise adverse impacts on existing or future amenity of adjoining properties and the scenic or landscape quality of the locality.

Comment:

The inference is that building bulk should be compatible with surrounding built forms and must minimize adverse affects on bulk on adjoining properties and streetscape.

The proposal is not unreasonable and it is not contrary to the objectives of the FSR as the building's bulk is not changed and it also does not give rise to an intensity of use for habitable purposes.

The applicant would be prepared to accept a condition to the effect that the storage room is not to be used for habitation. It is submitted that the concept of the storage area being used for habitable purposes will not materialise as the requirements of the BCA could not be satisfied by the internal alterations.

Council's Dwelling Density map requires 1dwelling/250m². This will not be exceeded by the internal alterations.

Internal alterations being proposed include walkway, tools/garden 'shed', increased laundry, passage, storage (see **Figure 2**).

Proposed Additional Carports
and Internal Alterations
Stewart Street Lennox Head

Garage being converted is 33.28m² and comprises:
Walkway/breezeway of 6.2 m²
Bin storage of 1.05 m²
Tool/garden Shed of 2.2m²
Laundry and passage 4.88 m²
Storage 18.95 m².

The definition of gross floor area and its exclusions suggests that the FSR increases by less than 20% ie

Gross floor of converted garage		33.28m ²
Less Walkway/breezeway	6.2 m ²	
Bin storage	1.05m ²	
Tool/garden Shed	<u>2.2 m²</u>	
	9.45m ²	
Increase in floor space		23.83m ²
Increase in FSR	23.83/130.72 = 18.22%	

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April 2015

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Proposed Additional Carports
and Internal Alterations
Stewart Street Lennox Head

Attachment 2

Letters of Support

GM Project Development and Management
April 2015

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68 Stewart Street
Lennox Head 2478

The General Manager
Ballina Shire Council
PO Box 450
Ballina 2478

Dear Sir

Proposed Carports Forward of Building Line – 67 Stewart St Lennox Head

Katrina Beohm, the owner of the 2/67 Stewart St has shown me the plans of the carports herself and Naomi Lewis wish to build in front of the building line.

I understand she has to make an application to Council for the carport especially as it is in front of her unit facing Stewart Street.

I advise you that I have no concern with the plans and would not object to Naomi and Katrina building the carports as shown on the plans.

Yours sincerely


.....
GLENDA ROBERTS

Date: 12.04.15

65 Stewart Street
Lennox Head 2478

The General Manager
Ballina Shire Council
PO Box 450
Ballina 2478

Dear Sir

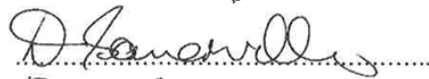
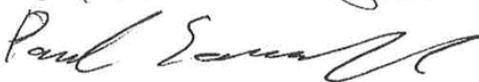
Proposed Carports Forward of Building Line – 67 Stewart St Lennox Head

Katrina Boehm, the owner of the 2/67 Stewart St has shown me the plans of the carports herself and Naomi Lewis wish to build in front of the building line.

I understand she has to make an application to Council for the carport especially as it is in front of her unit facing Stewart Street.

I advise you that I have no concern with the plans and would not object to Naomi and Katrina building the carports as shown on the plans.

Yours sincerely

Date: 1/9/15

Denise Somerville
65 Stewart St
LENNOX HEAD NSW 2478.

Sarah Carden

From: Sandra Bailey <Sandrab@ballina.nsw.gov.au>
Sent: Wednesday, May 13, 2015 3:07 PM
Subject: FW: DA 2015/204

For registering etc.

From: Marelle Lee [<mailto:marellelee@gmail.com>]
Sent: Wednesday, 13 May 2015 3:05 PM
To: Sandra Bailey
Subject: DA 2015/204

SANDRA BAILEY Please ... Could you kindly refer this submission about DA 2015/204 to the relevant department?

I wanted to ask questions rather than object. eg

Do 67 Stewart Street, Lennox Head, units exceed the Council's floor/space ratio? The units buildings go almost to the back fence.

The developer admits the proposed carports exceed 33% of the width lots? An exception is sought.

Developer's claims that Council planning regulations are breached elsewhere does not justify or make desirable further breaches.

The carports are proposed very close to front fenceline and Stewart Street footway. Wouldn't they visually intrude on front yards of neighbours?

I have not had the opportunity to study the proposed DA in detail.

I am not making any political donations or gifts to any Ballina Shire councillors or council employee.

Since the small cottage on 67 Stewart Street was demolished and 2 large 2-storey units built there has been considerable noise pollution, trespass and other misdemeanours from some tenants. I have had to keep my southern side windows permanently closed, depriving me of coastal breezes.

Heat pump HWS noise for 4 years 3 months from outside 1/67 wall caused me severe sleep deprivation and I began to have falls. Then I broke my right arm in a fall and it had to be re-set crookedly. I lost some dexterity and couldn't drive to Lismore for skin cancer check-up for months. A small skin cancer on right side of my nose developed into four galloping basal cell carcinomas. Their removal and subsequent plastic surgery to half my nose, plus two lots of professional noise tests, cost me about \$10,000. Later I became ill with heart problems (atrial defibrillation) then asthma.

Naturally I am concerned that 1/67 and 2/67 noise lessen.

How can internal additions not change the 1/67 and 2/67 units? Possibly more people could be accommodated. At holiday times occupant numbers, and noise, can rise.

2/67 owners told me they want to improve their property. Fine. As long as it is not at neighbours' expenses.

As secretary of Owners Corporation Strata Plan 34681 69 Stewart Street, I am keeping 2/69 co-owners, Graeme and Anna Dicker, informed. The back section of 1/67 is nearer 2/69.

I could write more if time had permitted.

I phoned BSC yesterday and was told Mr Vince Hunt had agreed to extend my submission until Thursday 14/5/2015. I didn't receive letter about DA from Mr Rod Willis until end of April. I went to Ballina Council Chambers last week and was told planning staff only available 8.30am to noon. So I tried to use BSC computer but it only issued a few pages of confusing DA proposals before it locked up. Thank you. MARELLE LEE.

Builder

Stephen Huddy



Ass.Dip.App.Sc.Bld.
Licence # 25104C
ABN 96260295694

66 Stewart St
Lennox Head 2478
Tel: 02 6687 4389
Fax: 02 66875224
Mobile: 0407 895 203

Date: 2nd May

Submission

DA No: 2015/204

Applicant: GM Projects Developments & Management

Property: lot 2 SP: 70209, lot 1 SP: 70209, 2/67 and 1/67 Stewart Street Lennox Head.

Proposal: Internal alterations and change of use of garage to storage area (unit 2) and the construction of carports units 1 & 2 forward of the building line.

Objection:

1. Existing garage

- Existing garage will no longer be able to be used for car parking or car storage. There is no need to seek to "change its use" into "storage area" as it can already be used for this.

2. Visitor parking

- There is no provision for off street visitor parking if the driveway is taken for carport.

3. Carport storage

- If proposed carport is not use for intended car park/ storage e.g. is used for storage of boat or caravan (one of the unit's driveway was used to store a caravan until recently) where is the provision for car parking spaces as per the original DA requirements

4. Off street parking.

- The existing units have no area of street parking as the frontage of the lots are taken by drive way access.
- Offstreet parking is in front of neighbouring properties only.

I do not object to the carport proposals being forward of the building line, however I do strongly object to residents parking in front of neighbouring properties on a regular periods.

There is also a duty of care to be considered when offstreet parking congestion inhibits pedestrian access and line of sight of other road users.

This now occurs regularly along Williams Street and in the lanes adjacent to an approved restaurant and nearby residents; pedestrians require roadway space for egress.

I am concerned the approval of this garage space will set undesirable precedence,

Steve Huddy