

STATEMENT OF ENVIRONMENTAL EFFECTS

FOR

ALTERATIONS & ADDITIONS AT 34 PAVILION STREET QUEENSCLIFF

Section 4.55 July 2025

C V M A A R C H I T E C T S

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**Development application no: DA2024/0284
PAN-420430**

Description of the development: Alterations and additions to a dwelling house

Date of determination: 10/05/2024

We, herewith, submit the following Section 4.55 documentation for Council Approval:

- ARCHITECTURAL DRAWINGS
- BASIX CERTIFICATE

We would like to call attention to the fact that it is very common practice to make some variations to the design and construction of a building during the course of preparing a Construction Certificate and throughout the construction period, as typically some changes are necessary in order to better address the existing condition of a building and site to improve the efficiency and functionality of the site and building.

In the current Section 4.55 application, we've included the following modifications:

☐ **Backyard store**

- Increased side setback to accommodate the proposed rainwater tank.
- Concrete plinth added for tank placement.
- Floor level lowered slightly to provide additional headroom.
- Overall floor area marginally enlarged.

☐ **Site levels and landscaping**

- Backyard re-graded to create functional private open space and increase total landscaped area to 50.39 m².
- Existing retaining wall lowered to suit the new levels; new steps introduced for safer access to the flattened yard.

☐ **External openings**

- South (rear) elevation – first-floor doors: to be replaced and raised slightly; pergola roof adjusted to align with new door height.
- North (street) elevation – first-floor balcony doors: to be replaced like-for-like.
- Ground-floor main entry door and adjacent window: to be replaced.
- Entry hall (north-facing) sidelight: deleted and infilled with matching wall construction.

☐ **Roof and attic**

- Attic bay window geometry and box gutter revised to improve buildability and drainage.

□ **Wall cladding**

- Existing deteriorated cladding to be removed and replaced with new fibre-cement (CFC) cladding.

□ **Drainage improvements**

- Linear grated drains added to all south-facing balconies.

All modifications occur within the existing building footprint and roof envelope, so the overall streetscape presentation remains unchanged. External materials and colours will match the approved palette, ensuring the dwelling reads the same from public vantage points. The re-graded backyard provides safer, more useable private open space and increases permeable landscaped area, contributing to stormwater infiltration and urban-heat mitigation. Moving the backyard store further off the side boundary increases, rather than reduces, the compliant setback distance and improves amenity for the adjoining neighbour. Replacing degraded cladding and introducing grated balcony drains will extend the building's service life and reduce maintenance, aligning with NCC durability provisions while remaining visually consistent.

Together, these points demonstrate that the revisions are minor, performance-driven tweaks that respect all statutory controls on appearance, FSR and height.

1. PURPOSE OF THE REPORT

This document is a Statement of Environmental Effects to accompany the Development Application for the proposed alterations and additions to the existing residential dwelling at No.34 Pavilion Street Queenscliff. The land is administered by the Northern Beaches Council.

This report aims to:

- Provide the context for the proposal's planning assessment by describing the existing site/local environment and outlining the relevant planning controls;
- Describe the proposed development, and
- Assess all relevant environmental and planning issues under Section 79C (1) of the Environmental Planning and Assessment (Amendment) Act 1997. The Northern Beaches Council is the consent authority. Previous amalgamation of Pittwater, Warringah and Manly Council's is noted with a transition currently being implemented and the site still subject to the detailed planning provisions of the former Warringah Council.

Should be read in conjunction with plans by CVMA Architects:

- a) Architectural plans 2313 A1.01 –A10.03 dated 04 March 2024 inclusive.

Description of the development:

The proposed changes involve alterations and additions to the dwelling, including extensions to the ground and first floors, as well as the addition of a new attic level. These modifications also entail the removal of all previously approved alterations to the subfloor level.

We, herewith, submit the following the DA documentation for Council Approval:

- ARCHITECTURAL DRAWINGS
- STATEMENT OF ENVIRONMENTAL EFFECTS
- BASIX CERTIFICATE
- STORMWATER ENGINEER DRAWINGS

We would like to call attention to the fact that it is very common practice to make some variations to the design and construction of a building during the course of preparing a Construction Certificate and throughout the construction period, as typically some changes are necessary in order to better address the existing condition of a building and site in order to improve the efficiency and functionality of the site and building.

The approved DA included significant excavation to the lower subfloor level to convert it to a workshop, bathroom, and laundry. This excavation is very difficult and expensive and can compromise building stability. Instead of converting the subfloor area, an attic level was added. These modifications fall outside the scope of a Section 4.55 application, so we are proceeding with a new DA application.

The proposed modifications are as follows:

Sub Floor Level

The approved workshop, bathroom and laundry have been removed, along with all proposed alterations.

Ground Floor Level

The approved master bedroom, ensuite, and laundry, along with the new balcony, have been reconfigured with a larger rear setback for the master bedroom. Additionally, one bathroom has been removed. The new design aims to reduce the extent of proposed ground floor alterations and demolition. Modifications have also been made to the study doors.

First Floor Level

No major changes have been made to the first-floor level. The shape of the front balcony has been altered, and a new stair to the attic level has been added. The rear balcony extension has been reduced from 3.5m to 3.06m, and minor modifications have been made to the proposed rear balcony privacy screens, balustrades, roof and vergola.

New Attic Level added

The proposed attic level, comprising an attic bedroom and ensuite with a street-facing balcony, is situated within the newly proposed roof space and does not include any dormers. This level is visually integrated seamlessly into the metal roof form.

2. SITE ANALYSIS

The subject allotment is described as 34 Pavilion Street, Queenscliff with a site area of 159.40sqm.

- The property is zoned R2 Low Density Residential zoning.
- It is located in 'Area B' identified in the Warringah LEP Landslip Risk Area Map - geo tech assessment was attached to the original DA.
- NOT listed as a heritage item or being in a heritage conservation area by Warringah LEP.
- NOT identified as being at risk by Council's Flood Hazard Map.
- NOT in a bushfire prone area as per Council's Bushfire Prone Land Map.
- NOT identified as affected on the Warringah LEP Acid Sulphate Soils Map.
- The site is currently developed with a 2-storey rendered and clad dwelling house with a metal roof.
- Vegetation consists of mixed shrubs and plants to the front and back of the site.
- Vehicle access is provided via an existing vehicular crossover off Pavilion Street and to a single attached carport within the house.
- The site falls from the Northern boundary down towards the Southern rear boundary approximately 3m.

3. LOCAL AND REGIONAL CONTEXT

The site is situated within the suburb of Queenscliff, in an area with predominantly mixed developments comprising of two and in some instances, three level detached dwellings and apartment buildings. Design, form and finishes are varied.



Figure 1: View of existing dwelling from the front boundary



Figure 2: Streetscape view subject site is highlighted.



Figure 3: Streetscape view subject site is highlighted.

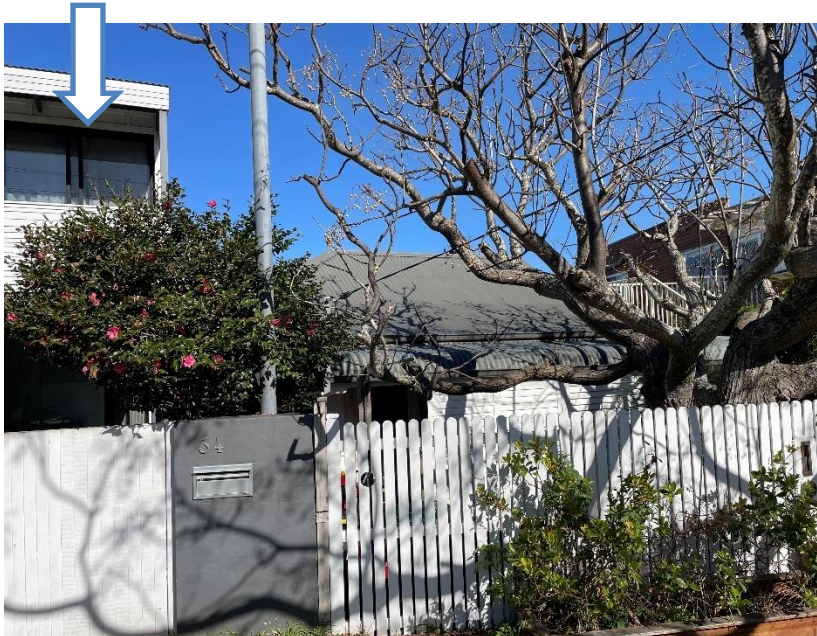


Figure 4: The view from the first-floor balcony facing the street includes a clear vista across the road.



Figure 5: Front elevation.



Figure 6: View from the rear balcony looking SE towards No32



Figure 7: View from the rear balcony



Figure 8 & 9: View of existing rear yard looking west.



Figure 9: EXAMPLE OF OTHER DWELLING IN THE STREETScape (NO.22) LARGE TERRACE DECK ABOVE GARAGES WHICH ABUTS THE FRONT BOUNDARY



Figure 10: STRETScape VIEW LOOKING AT NO. 32 PAVILLION ST DWELLING. FRONT BUILDING SETBACK VARIES BETWEEN 3M – 5M



2. DETAILS OF PROPOSAL.

2.1 Introduction.

As detailed in the accompanying architectural plans, the proposal includes alterations and additions to an existing dwelling house.

Overall, the current dwelling offers only limited amenity to the occupants. The main objective of the proposed alterations is to convert the existing building into a residence with a new suitable living space which will respond to the needs of the residents.

The development provides good internal amenity and outlook compatible with that surrounding and is a considered response and consistent with the height, bulk and scale of the existing street development and with the character and scale of the locality in general.

The design is satisfactory and will respond to the existing character of the area and deliver dwellings of a good standard for comfortable living.

The current use on the site is residential, and this will remain unchanged by the development.

The proposed development has been designed to achieve a high architectural and aesthetic standard, whilst remaining suitable to its context.

The proposed addition will be in keeping with the existing dwelling, as well as surrounding development, thus maintaining the high quality visual character of the surrounding area. Thus the proposed works will have a negligible impact on the existing streetscape character, as well as surrounding properties.

3. RELEVANT DEVELOPMENT STANDARDS & CONTROLS

This provides an assessment of the proposed development under Section 79C of the Environmental Planning and Assessment Act 1979. The following planning instruments are relevant to the proposal:

- Warringah Local Environmental Plan 2011
- Warringah Development Control Plan 2011

3.1 Warringah Local Environmental Plan 2011

The following table summarizes the Warringah Local Environment Plan 2012 (WLEP 2011) controls related to the site:

The site is zoned R2 – Low Density Residential under the Local Environmental Plan 2011. Residential dwelling houses are permissible with the consent of Council in this zone.

- The following table provides an assessment under the relevant development standards and provisions contained within the Warringah Local Environmental Plan 2011.

Clause / Section Description	Permitted	Proposed
Clause 2.2 Zoning	Dwelling houses and secondary dwellings are permissible within the R2 zone applying to the land.	Complies
Clause 4.3 Height of Buildings	8.5m	Proposed: 8.5 m max Complies

Zone Objectives

The objectives of the R2 Low Density Residential zone are as follows:-

- To provide for the housing needs of the community within a low density residential environment.
 - To enable other land uses that provide facilities or services to meet the day to day needs of residents.
 - To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.
- The proposal is consistent with the zone objectives for the reasons that the new principal and secondary dwellings will contribute to the housing needs of the community in a low density environment and the resultant landscaped setting will be in harmony with the natural environment. Development of housing on bushland slopes is a characteristic of the local environment.

Compliance

The proposed development accords with the aims of the LEP as it represents the orderly and economic development of the land and protects the environmental qualities of the area. The objectives of the zone have been taken into account. The proposed building is as consistent with the zone objectives as can be reasonably expected.

3.2 Warringah Development Control Plan 2011

Compliance Development Standards

	Clause / Section Description	Proposed
	B1 Wall Heights Walls are not to exceed 7.2m from ground level to the underside of the ceiling on the uppermost	As expected on a sloping site, the existing dwelling exceeds the wall height control on the western and eastern elevations. However the new walls height

	floor of the building.	not exceeds the wall height control (eastern-varies 6.4m to 6.88m. and western-varies 6.46m to 6.31m). The proposed new rear roof and adjustable vergola and privacy screen will exceed the max. wall height (7.74m), given that the proposal will be lower than the current existing wall height of the dwelling, it is requested that this noncompliance be supported as it will not affect adjoining dwelling in view loss, privacy loss or view sharing loss. Further, the walls are not readily discernible as they are broken and recessed. The intent of the control is to avoid large expanses of unbroken wall plane and this objective is achieved.
	B2 Number of Storeys Site not identified on Number of Storeys Map.	The proposed development is two storey building with an attic level.
	B3 Side Boundary Envelope	Although the dwelling complies with the numeric setback specified by the DCP small components of both the northern and southern walls breach the 45-degree envelope as demonstrated on elevations drawings. Although non-complaint, the dwelling does not impeded on the neighbouring properties amenity. As sunlight is maintained to No32 and No36 private open spaces. We also acknowledge that the encroachment only affects a portion of the roof of the building. Additionally, it's worth noting that the existing rear section of the dwelling is already non-compliant, but efforts have been made to articulate the design to minimize its impact. Building height and wall height is compliant with WLEP with setbacks also comparable, thus no visual dominance results. Further, no unreasonable or adverse impacts upon amenity are foreseen noting detailed discussion provided in this SEE. It is requested that this slight non compliance be supported as it will not affect adjoining properties in view loss, privacy loss or view sharing. Pavilion Reserve, situated across the road from the site, ensures that no views are impacted from the

		opposite side of the road Accordingly, on merit the proposed development is considered acceptable. Complies with intent of control
	B4 Site Coverage Site not identified on Site Coverage Map.	Not applicable
	B5 Side Setbacks 900mm from side boundary.	No new dwelling walls are proposed to be less than 900mm from the side boundaries. Ground floor level: Eastern Boundary: 0.96m (to match the existing setback) Western Boundary: 0.98m (to match the existing setback) Complies First floor level: Rear balcony west side setback – 1.1m East side setback – 0.96m Complies Attic Level: West side setback – 0.9m East side setback – 0.96m Complies
	B6 Merit Assessment of Side Setbacks 900mm from the side boundary.	Not applicable.
	B7 Front Boundary Setbacks 6.5m from the front boundary.	The new front setback to front balcony extension varies to 3.09m to 2.68m The front setback area does retain a landscaped setting.
	B8 Merit Assessment of front Boundary 6.5m from the front boundary	It is requested that this non compliance be supported as it follows established front setback of adjoining properties. Majority of all properties along this stretch of Pavilion street have a front setback that is closer than 6.5m. The proposed deck and roof extension to the existing deck and roof will improve the front façade and allow for better building articulation to the

		streetscape. Given that this is an open structure the bulk and size has been reduced and will not dominate the streetscape.
	B9 Rear Boundary Setbacks 6m	Adjoining and surrounding properties have a reduced rear setback. Proposed rear setback reduced to 2.41m-3.64m. (approved 2.373m-3.577m) It is requested that this slight non compliance be supported as it will not affect adjoining properties in view loss, privacy loss or view sharing.
	C3 Parking Facilities Garage doors and carports are to be integrated into the house design and to not dominate the façade. Where garages and carports face the street, ensure that the garage or carport opening does not exceed 6m or 50% of the building width, whichever is the lesser. Two parking spaces are to be provided for residential dwellings	There will be no changes to the existing access to the site There will be no changes to the existing parking on the site .

	C4 Stormwater Stormwater runoff must not cause downstream flooding and must have minimal environmental impact on any receiving stormwater infrastructure, watercourse, stream, lagoon, lake and waterway or the like.	Revised Stormwater plans have been prepared and are submitted with the application.
	C5 Erosion and Sedimentation Erosion and sedimentation prevention measures must be installed on all sites where some degree of soil erosion and sedimentation is likely to occur. Any erosion and sedimentation is to be managed at the source.	Sedimentation and erosion control plan is submitted with DA application.
	C7 Excavation and Landfill Excavation and landfill works must not result in any adverse impact on adjoining land	No excavation proposed. No impacts will result on adjoining land.
	C8 Demolition and Construction Section 1 of the Waste Management Plan must be satisfactorily completed and submitted. An area must be allocated for the sorting and storage of materials for use, recycling and disposal.	A Waste Management Plan was submitted with the DA application.
	C9 Waste Management Each dwelling must include a designated area to accommodate Council's allocated number of waste/recycling containers for residential premises.	A Waste Management Plan was submitted with the DA application.
	D1 Landscape Open Space and Bush land Setting Minimum 40% of the site is to be landscaped open	The minimum landscaped open space required is 40% of the site area. (areas more than 2.0m in any direction)

	space.	Site area of this allotment is 159.40m² 40% control MIN 63.76m² Existing landscaped open space area 45.70 m² 28.60% New landscaped open space area 45.70 m² 28.60% * NO CHANGES TO THE LANDSCAPED OPEN SPACE AREA
	D2 Private Open Space Requirement is a total of 35sqm with a minimum dimension of 3m.	The rear yard area / POS is existing Due to the design of the 2 existing 2 storey dwelling with all living areas located on the top floor and only 2 very small balconies off each end of the main living areas. The current private open space area does not comply. The total area of the 2 small decks is 10.56sqm and less than 3.0m in any direction. The proposal is to increase the rear deck to 3.06m x 5.31m = 16.24sqm and increase the front balcony slightly so that the space is more usable even though it will have dimensions less than 3m (7sqm) EXISTING PRIVATE OPEN - 10.56 sqm PROPOSED PRIVATE OPEN SPACE AREA – 34.66sqm The proposed new extension to the existing decks will now allow the areas to be better utilised and more functional Privacy screens have been provided to the sides of the deck additions to allow privacy between neighbours and overlooking from their main indoor area.
	D3 Noise Ensure that noise emissions do not unreasonably diminish the amenity of the area or result in noise intrusion which would be unreasonable for occupants, users or visitors	Visual privacy has been considered carefully through the care taken in avoiding the placement of windows on parts of the house that will adversely affect the privacy of the neighbours. The privacy screens to the proposed first and ground floor rear balconies will reduce any overlooking to adjoining residences. Any noise generated by the proposed development will be of a domestic nature only, and is not expected to be a problem. The proposed development is designed to provide a reasonable acoustic environment within a development site and minimise the possibility of noise to occupants of residential dwellings. The proposed building will be insulated at roof level and in the walls to control thermal comfort and reduce noise. No unusual acoustic impacts are anticipated as a result of the proposal. Complies

	D4 Electromagnetic Radiation	Not applicable to subject land.
	D5 Orientation and Energy Efficiency Buildings should minimise reliance on artificial heating, lighting and cooling by designing high use areas in association with 'Energy Smart' principles identified by the Department of Energy, Utilities and Sustainability. Openings on the west elevations should be minimised to avoid the extremes of solar access. These openings should be higher on the wall (therefore more protected by the eaves) and shaded by devices or trees.	The application is supported by a BASIX Certificate and the development will comply with its requirements. Complies
	D6 Access to Sunlight At least 50% of the required area of POS of each dwelling and at least 50% of the required area of POS of adjoining dwellings are to receive a minimum of 3hr of sunlight between 9am and 3pm on June 21. Windows to the principal living area of each dwelling and the principal living area of each adjoining dwelling (i.e. at least 50% of the glazed area of those windows) are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21.	The proposal complies with overshadowing controls - Minimal impact to the adjoining properties. The proposal complies with respect to solar access. The site benefits from a north -south orientation which ensures that there will not be any adverse overshadowing impacts as a result of the proposal. CVMA Architects has prepared conventional shadow diagrams in plan as required .The diagrams show the extent of shadow that would fall on a nominal ground plane consequent on the proposed development and surrounding areas as modelled with survey information provided by surveyors. True North is taken from the survey Complies
	D7 Views Development shall provide reasonable sharing of views.	The proposed works associated with this Development Application will have no any major impact on view sharing. The adjacent dwelling houses are situated such that they will incur no view loss from the proposed development. No further analysis of views is considered to be required. Refer to Site Analysis plan. Complies
	D8 Privacy Orientate living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking. The effective location of doors, windows and balconies to avoid overlooking is preferred to the use of screening devices, high sills or obscured glass. The windows of one dwelling are to be located so they do not provide direct or close views into the windows of other dwellings.	Visual privacy has been considered carefully through the care taken in avoiding the placement of windows on parts of the house that will adversely affect the privacy of the neighbours. The privacy screens to the proposed balconies will reduce any overlooking to adjoining residences. Complies
	D9 Building Bulk Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief. Orientate development to address the street. Use colour, materials and surface treatment to reduce	The proposal does not include large areas of continuous wall planes. The facades will be broken up by recessed walls, balconies, and sufficient wall articulation. The development orientated to address the street. Colours will be neutral or recessive. Please refer to the schedule of external finishes

	building bulk.	
	D10 Building Colours and Materials A schedule of colours and materials is to be submitted with all development applications.	Please refer to the schedule of external finishes at Sheet A5.01 of the architectural plan set. Complies

SITE FACILITIES AND WASTE MANAGEMENT

A Waste Management Plan has been prepared and submitted as part of the DA Application. During the course of excavation and demolition, all hazardous materials encountered shall be removed and disposed of in accordance to the requirements of Local Authorities i.e. WorkCover, etc.

Demolition will be undertaken in strict accordance with AS 2601-1991.

Any hazardous waste to be removed shall be in accordance with the requirements of the OHS 2000 Regulations.

All demolished materials such as paving, timber, concrete slabs, etc. which can be recycled will be recycled. All other material that cannot be recycled shall be disposed of through licensed tips.

Proposed building and demolition works will be carried out in accordance with Council's conditions and policies for such works, including acceptable hours of work.

The operation of plant and equipment will be to the EPA guidelines and will not give rise to an "offensive noise" as defined in the *Noise Control Act 1975*.

Construction Management

Please refer to the drawings, Erosion and Sediment Control Plan in the DA set of plans.

Objectives:

- To minimise soil erosion and water pollution by minimising land disturbance.
- To implement 'best management practices' to control stormwater runoff, control soil erosion and avoid contaminated (silt laden) water leaving the site.

Measures:

The following measures will be implemented to achieve the above objectives:

- Install and maintain sediment fences to all low sides of the site.
- Install protection measures to existing grated inlet pits.
- Minimise the area of site disturbance via fill and cut.

All disturbed areas will be rehabilitated and/or stabilised by new impervious material or landscaping works.

All erosion control devices will be installed in accordance with the following details promulgated by the *NSW Environmental Protection Authority* and the *NSW Department of Land and Water Conservation*.

S.79C 1(b)

THE LIKELY IMPACTS OF THE PROPOSAL

Construction works will be undertaken in accordance with prescribed times. It is intended that any noise generated from the site will comply with the relevant provisions of the Protection of Environment Operations Act and the NSW EPA Environmental Noise Manual for the control of construction noise. Approved silencing devices will be provided and maintained on all power operated machinery, where required.

Construction works will be carried out in accordance with the Building Code of Australia.

Appropriate sediment and erosion control measures will be adopted during site works and the existing Stormwater system will be protected during works

The above analysis demonstrates that the proposals will have no adverse Environmental Impact and therefore satisfies this section of the Act.

S.79C 1(e)

THE PUBLIC INTEREST – CONCLUSION

As reflected in this Statement of Environmental Effects, the proposal is unlikely to result in any significant adverse impacts on the environment. The proposed development is generally consistent with all relevant statutory planning requirements and is permissible with the consent of the Consent Authority.

The proposed development will be compatible with the scale and character of the surrounding area. It capitalises on the attributes of the existing fabric and topographical features of the site without negative impact on the amenity of surrounding residences, the streetscape.

The proposal is consistent with the aims and objectives of Councils planning framework and does not result in any significant adverse impacts.

For all of the above reasons, in our opinion, the proposal is an appropriate development for the subject site and is in the public interest.

For and on behalf of
CVMA Architects
Alexander Chougam RAIA.
Principal Architect
Registration No7196

