

STATEMENT OF ENVIRONMENTAL EFFECTS

136 PACIFIC ROAD, PALM BEACH

**PROPOSED ALTERATIONS AND ADDITIONS TO AN
EXISTING DWELLING, NEW SWIMMING POOL AND
CABANA**

**PREPARED ON BEHALF OF
Mr Ben May**

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1. INTRODUCTION

This application seeks approval for the construction of alterations and additions to an existing dwelling and construction of a new swimming pool and cabana upon land at Lot 12B in DP 13374 which is known as **136 Pacific Road, Palm Beach**.

In preparation of this development application consideration has been given to the following:

- Environmental Planning & Assessment Act, 1979.
- Pittwater Local Environmental Plan 2014.
- Pittwater Development Control Plan 2014.

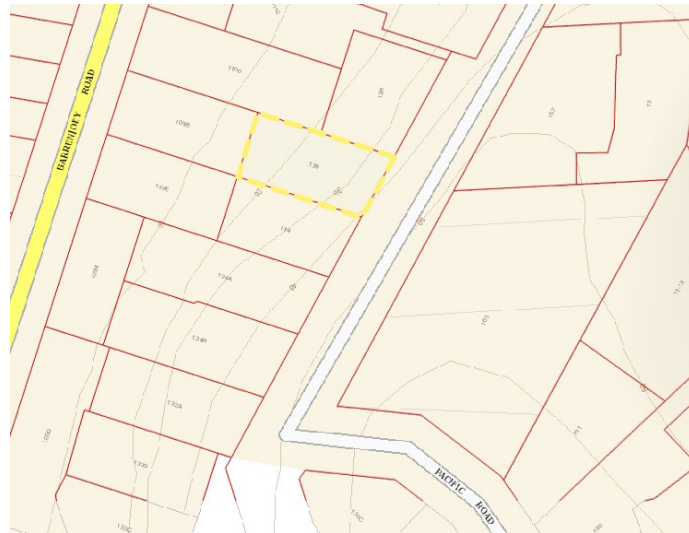
The following details and documents have been relied upon in the preparation of this document:

- Survey Plan prepared by Sydney Surveyors, Ref No. 19140_1A and dated 21/05/2024.
- Architectural Plans prepared by Interlock, Drawing Issue DA01 and dated 15/08/2025.
- Geotechnical Investigation prepared by White Geotechnical Group, Ref No. J5706 and dated 27 September 2024.
- BASIX Certificate.
- Bushfire Risk Assessment prepared by Bush Fire Planning Services, Reference No. 4794 and dated 16/09/2024.
- Arboricultural Impact Assessment prepared by Tree Management Strategies and dated 25/06/2025.

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. It provides an assessment of the proposed development against the heads of consideration as set out in Section 4.15 of the Environmental Planning and Assessment Act 1979. As a result of that assessment it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

2. SITE DESCRIPTION AND LOCALITY

The site is identified as Lot 12B in DP 13374 which is known as 136 Pacific Road, Palm Beach. The site has an area of 822m² which is generally a rectangular shaped allotment located on the western side of Pacific Road. The sites eastern boundary has frontage to Careel Bay. The site has a frontage of 20.47m to Pacific Road with a maximum depth of 42.94m. The locality is depicted in the following map:



Site Location Map

The site is steeply sloping from the southwest corner (RL 47.83) towards the rear boundary (RL 28.09). There are a number of retaining walls that dissect the site. The site currently comprises a multi level rendered and stone clad dwelling with tiled roof. The dwelling is located towards the front eastern portion of the site. A stone paved and concrete driveway provides vehicular access to the site. The driveway extends within the road reserve, forward of No. 138 Pacific Road where it connects to Pacific Road.

Consistent with the fall of the land, it is anticipated that collected stormwater is dispersed on site. The proposal does not seek to alter this arrangement.

The site is depicted in the following photographs:



Rear View of Existing Dwelling

The existing surrounding development comprises predominantly multi storey dwellings which are designed to be orientated towards and maximise views over Pittwater. The significant slope of the subject and surrounding sites has resulted in dwellings stepping down the site with large numbers of highly elevated decks and outdoor living areas. The sites relationship with the surrounding properties is depicted in the following aerial photograph:



Aerial Photograph of the Subject Site

3. THE DEVELOPMENT PROPOSAL

This proposal seeks approval for the construction of alterations and additions to an existing dwelling, new swimming pool and cabana.

The proposed additions/alterations are described below:

Dwelling Additions/Alterations

Sauna / Steam Room Floor

- Provide gym, sauna, steam room and bathroom accessed externally and to serve the new pool and cabana area.

Studio Floor

- Demolish existing western wall, internal doors and walls and external stair.
- Provide new bedroom living room and bathroom with balcony on rear western elevation.

Lower Ground Floor

- Provide new internal stair in similar location to existing stair.
- Provide internal wall to create an ensuite within the existing bedroom.
- Relocate internal stair to accommodate new stair.
- Addition to rear over existing hard surface area.

Ground Floor

- Demolish existing bathroom to accommodate new lift and WC.

There are no changes to the mezzanine or first floor plan.

The proposal provides for a new lift attached to the rear southwest corner of the dwelling and services the ground floor, lower ground level, studio floor and sauna/steam room and rear yard.

Swimming Pool/Cabana

A new swimming pool and cabana are proposed in the rear yard. The pool and cabana area are provided with a setback of at least 6.5m to the rear boundary. Setbacks of 1.0m and 2.5m are generally provided to the northern and southern boundaries, respectively.

The proposal results in the following development indices

Site Area: 822m²
Existing Landscaped Area: 470m² or 57.17%
Proposed Landscaped Area: 370m² or 45.01%

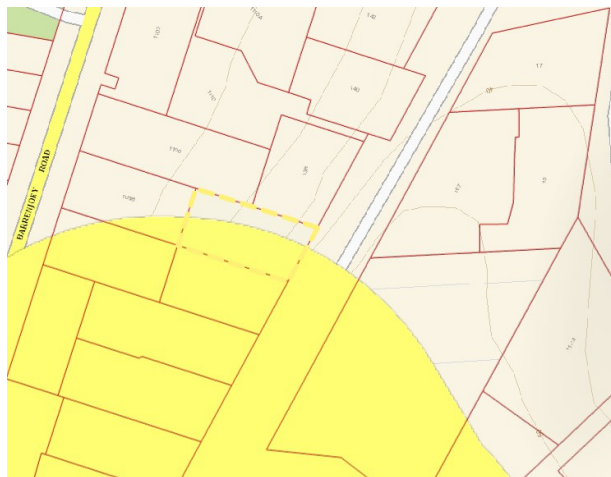
4. ZONING & DEVELOPMENT CONTROLS

The proposed development is identified as development requiring the consent of the Council under the provisions of the Environmental Planning and Assessment Act 1979, as amended. The following is an assessment of the proposal against the relevant provisions of the Act and all of the relevant planning instruments and policies of Pittwater Council.

4.1 Planning for Bushfire Protection

The subject site is partially identified as bushfire prone land and therefore the provisions of Planning for Bushfire Protection does apply. A Bushfire Risk Assessment has been prepared by Bushfire Planning Services which in summary provides:

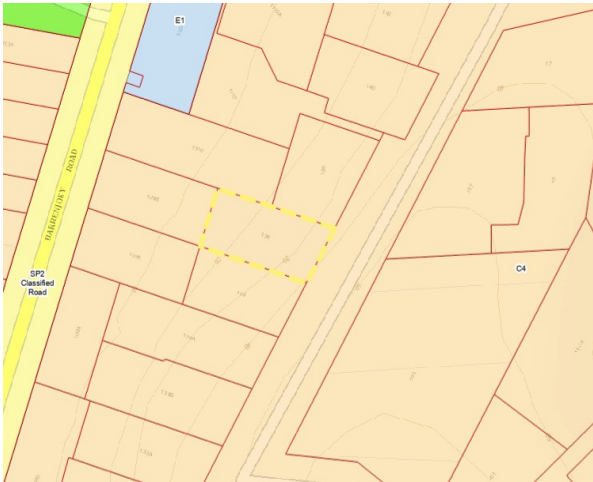
Based on the above report and with the implementation of the recommendation contained within this report the consent authority should determine that this development can comply with the requirements of AS 3959-2018 and 'Planning for Bushfire Protection' guidelines.



Extract of Bushfire Map

4.2 Pittwater Local Environmental Plan 2014

The site is zoned C4 Environmental Living under the provisions of the PLEP 2014. Development for the purposes of alterations and additions to an existing dwelling house and ancillary works are permissible with the consent of Council within the C4 zone.



Extract of Zoning Map

The relevant provisions of the PLEP which relate to the proposed development are detailed in the attached table:

Clause	Development Standard	Proposal	Compliance
Clause 4.3 (2D) Height of Buildings	10 metres	9.350	Yes

The following clause also applies:

Clause 7.1 Acid Sulfate Soils

The site is identified as 5 on Council’s Acid Sulfate Soil map. The proposal does not result in any significant excavation. No further information is required in this regard.

Clause 7.6 Biodiversity

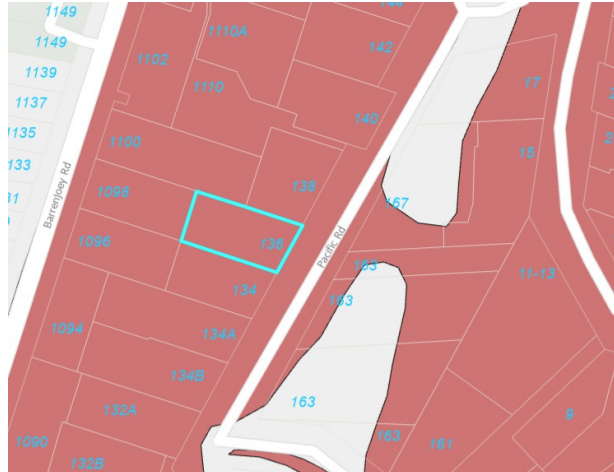


Extract of Biodiversity Map

The site is not identified on the NSW BDAR map (purple) however it is identified on Council’s Biodiversity Map (green).

The proposal does not require the removal of any protected vegetation. An Arborist Report has been submitted in support of the proposal. There is no further information required in this regard.

Clause 7.7 Geotechnical Hazards



Extract of Geotechnical Hazards Map

A Geotechnical Investigation has been prepared by White Geotechnical Group which in summary provides:

No geotechnical hazards were observed beside the property. The steeply graded slope that falls across the property and continues above and below is a potential hazard (Hazard One). The vibrations from the proposed excavation are a potential hazard (Hazard Two). A loose boulder, wedge, or similar geological defect toppling onto the work site during the excavation process is a potential hazard (Hazard Three). The proposed excavation undercutting the footings for the stairs is a potential hazard (Hazard Four).

The proposed development is suitable for the site. No geotechnical hazards will be created by the completion of the proposed development provided it is carried out in accordance with the requirements of this report and good engineering and building practice.

There are no specific other provisions of the LEP that apply to the proposed development.

4.2 Pittwater Development Control Plan 2014

Council's Pittwater DCP 2014 Part B (General Controls), Part C (Design Criteria) and Part D1 Avalon Beach Locality Statement provides a range of outcomes and controls which form the primary criteria for the control for development within the subject locality.

4.2.1 Section A Introduction

A4.12 Palm Beach Locality

The Palm Beach locality will remain primarily a low-density residential area with dwelling houses in maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape. Secondary dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations.

Any dual occupancy dwellings will be located on the lowlands and lower slopes that have less tree canopy coverage, species and habitat diversity and fewer other constraints to development. Any medium density housing will be located within and around commercial centres, public transport and community facilities. Retail, community and recreational facilities will serve the community.

Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport.

Future development will maintain a building height limit below the tree canopy and minimise bulk and scale whilst ensuring that future development respects the horizontal massing of the existing built form. Existing and new native vegetation, including canopy trees, will be integrated with the development. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards.

The design, scale and treatment of future development within the commercial centres will reflect a 'seaside-village' character through building design, signage and landscaping, and will reflect principles of good urban design. Landscaping will be incorporated into building design. Outdoor cafe seating will be encouraged.

A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, to provide feed trees and undergrowth for koalas and other animals, and to enhance wildlife corridors.

It is considered that the proposal is consistent with the desired character of the locality. The proposal provides for alterations and additions to the rear of the existing dwelling and will not be visible from the street. The proposal does not require the removal of any protected vegetation and as such will not impact on the landscaped character of the locality. The development will not be visible from the nearby waterway. The proposed works do not have any detrimental impact on the amenity of the surrounding properties.

4.2.2 Part B General Controls

The General Controls applicable to the proposed dwelling are summarised as:

B3.1 Landslip Hazard

A Geotechnical Investigation has been submitted with the application to address this clause. The proposal complies with the objectives of this clause.

B3.2 Bushfire Hazard

A Bushfire Risk Assessment has been submitted with the application to address this clause. The proposal meets the objectives of this clause.

B4.7 Pittwater Spotted Gum Forest – Endangered Ecological Community

The proposed development does not require the removal of any existing vegetation. An Arboricultural Impact Assessment has been submitted with the application to support the proposal.

B5.15 Stormwater

All collected stormwater will continue to drain to the existing stormwater system. The proposal is in accordance with the controls of this clause.

B8.1 Construction & demolition – excavation and landfill

The controls seek to achieve the outcomes:

Site disturbance is minimised.

Excavation and construction not to have an adverse impact.

Excavation operations not to cause damage on the development or adjoining property.

The proposal does not result in any significant excavation or fill. Appropriate sedimentation and erosion measures will be implemented prior to works commencing on site.

B8.2 Construction & Demolition – Erosion and Sediment Management

The controls seek to achieve the outcomes:

Waterways, coastal areas, watercourses, drainage systems and the public domain are protected from the transportation of sedimentation from development sites. (En)

Reduction of waste throughout all phases of development. (En)

Public safety is ensured. (S)

Protection of the public domain. (S, En)

Erosion and Sediment controls, as depicted in the architectural plans, will be implemented prior to works commencing on site.

4.2.3 Part C Design Criteria

The Design Criteria applicable to the proposed development and are summarised as:

C1.1 Landscaping

The controls seek to achieve the outcome:

*A built form dominated and complemented by landscaping.
Landscaping that reflects the scale and form of development.
Retention of canopy trees by encouraging the use of pier and beam footings.
Development does not result in significant loss of the urban forest.
Reduced risk of landslip.*

The proposal does not require the removal of any vegetation and is supported by an Arboricultural Impact Assessment.

C1.2 Safety and Security

The controls seek to achieve the outcomes:

*On-going safety and security of the Pittwater community.
Opportunities for vandalism are minimised.*

The additions are to the rear of the existing dwelling. The dwelling will continue to provide good surveillance of the site and the dwelling approach. The existing entry and windows to habitable areas are located on the front elevation. The proposal complies with this clause.

C1.3 View Sharing

The controls seek to achieve the outcomes:

*A reasonable sharing of views amongst dwellings.
Views and vistas from roads and public places to water, headland, beach and/or bush views are to be protected, maintained and where possible, enhanced.
Canopy trees take priority over views.*

The subject and adjoining properties currently enjoy direct views to the west over Pittwater and surrounds. The additions do not encroach the foreshore building line and are generally setback in line with the adjoining properties. The proposed additions do not extend above the height of the existing dwelling on site. The proposed additions will not obstruct existing views. In relation to the adjoining southern property, No. 134 Pacific Road, the main use living areas are well elevated and views from these areas will not be affected by the proposal. The area of non-compliance is well separated from the adjoining northern property, No. 138 Pacific Road, and as such views from this property will not be impacted. The proposal does not result in any view loss.

C1.4 Solar Access

The controls seek to achieve the outcomes:

Residential development is sited and designed to maximise solar access during mid-winter.

A reasonable level of solar access is maintained to existing residential properties, unhindered by adjoining development.

Minimal need for artificial lighting.

The required controls to achieve the outcomes are to ensure that private open spaces of the subject and adjoining dwellings maintain a minimum of 3 hours of solar access in mid winter.

Shadow diagrams have been submitted with the application which depict shadows from both the existing and proposed development.

The proposal results in some additional overshadowing to the adjoining southern property, however this property continues to receive in excess of 3 hours of solar access to private open space on the winter solstice in accordance with this clause.

The proposal complies with the requirements of this clause.

C1.5 Visual Privacy

The controls seek to achieve the outcomes:

Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design.

A sense of territory and safety is provided for residents.

The required controls to achieve the outcomes are to ensure that the private open space, recreation areas and living rooms within 9m of a development are suitably protected to limit the effects of direct overlooking.

The proposed additions/alterations do not provide for any new window or door openings on the side elevations. The pool area is well separated from the private open space and habitable areas of the adjoining properties and orientated to benefit from the views towards Pittwater.

The proposal complies with this clause.

C1.6 Acoustic Privacy

The controls seek to achieve the outcomes:

Noise is substantially contained within each dwelling and noise from any communal or recreation areas are limited.

The required controls to achieve the outcomes are to ensure that noise sensitive living areas and bedrooms are located away from major noise sources.

The proposed development will not have any impact on existing acoustic privacy to surrounding properties.

C1.7 Open Space

The controls seek to achieve the outcomes:

Dwellings are provided with a private, usable and well-located area of private open space for the use and enjoyment of the occupants.

Private open space is integrated with, and directly accessible from, the living areas of dwellings.

Private open space receives sufficient solar access and privacy.

The required controls to achieve the outcomes are to ensure that dwellings are provided with suitable private open space with an area and at a grade which will facilitate outdoor private recreation.

The development improves access to and useability of the rear yard. Currently the rear is inaccessible and not useable for recreation. This application provides for a pool and cabana to utilise this area. The proposal complies with this clause.

C1.9 Adaptable Housing and Accessibility

The controls seek to achieve the outcomes:

The community's lifecycle housing needs are met within Pittwater through well designed adaptable housing.

All members of the community enjoy equitable access to buildings to which the general public have access.

Housing for older people and people with a disability are accessible, adaptable and safe. (S)

Equitable access in the public domain.

Single dwellings and associated structures are not required to provide access in accordance with AS4299-1995.

4.2.4 Part D Design Criteria

A summary of the DCP controls for the **D12 Palm Beach Locality** is provided below:

D12.1 Character as Viewed from a Public Place

The additions to the dwelling are at the rear of the dwelling and not visible from Pacific Road. The proposed additions do not extend above the ridge line of the existing dwelling. The additions are well setback from Pittwater foreshore will not result in additional bulk when viewed from waterway. The resultant dwelling is of a compatible bulk and scale with the existing surrounding development and desired future character of the locality. The proposal does not require the removal of any vegetation. The proposal complies with this clause.

D12.3 Building Colours and Materials

The proposal incorporates natural tones which are recessive and will harmonise with the existing dwelling the natural environment and complement the surrounding development.

D12.5 Front Building Lines

The controls seek to achieve the outcomes:

*To achieve the desired future character of the Locality.
The amenity of residential development adjoining a main road is maintained.
Vegetation is retained and enhanced to visually reduce the built form.
Vehicle manoeuvring in a forward direction is facilitated.
To encourage attractive street frontages and improve pedestrian amenity.
To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.*

This clause requires a minimum setback of 6.5m or the established building to the primary street frontage.

The proposed additions are confined to the rear of the existing dwelling which complies with the numerical requirements and achieve the objectives of this clause.

D12.6 Side and Rear Building Lines

The controls seek to achieve the outcomes:

*Achieve the desired future character of the Locality.
The bulk and scale of the built form is minimised.
Equitable preservation of views and vistas to and/or from public/private places.
To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.
To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties.
Substantial landscaping, a mature tree canopy and an attractive streetscape.
Flexibility in the siting of buildings and access.
Vegetation is retained and enhanced to visually reduce the built form.
A landscaped buffer between commercial and residential zones is achieved.*

The numerical requirements of this clause require a setback of 2.5m to one boundary and 1.0m to the other boundary. A rear setback of 6.5m is also specified.

The proposal generally complies with this requirement, with the exception of the existing non-complying components which are being rebuilt and the stair to access to the lower yard from the cabana. The non-compliances are very minimal and do not result in any detrimental impact.

The proposal complies with the rear setback provisions.

D12.8 Building Envelope

The controls seek to achieve the outcomes:

To achieve the desired future character of the Locality.

To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.

To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.

The bulk and scale of the built form is minimised.

Equitable preservation of views and vistas to and/or from public/private places.

To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to neighbouring properties.

Vegetation is retained and enhanced to visually reduce the built form.

The required controls to achieve the outcomes are to maintain the development within a height envelope which provides for a height of 3.5m with an angle projected at 45°. The proposed works are contained within the existing building envelope with the exception of the very top portion of the new lift.

This element does not have any detrimental impact in terms of privacy, shadowing or bulk. The proposal achieves the objectives of this clause.

D12.10 Landscaped Area – Environmentally Sensitive Land

The controls seek to achieve the outcomes:

Achieve the desired future character of the Locality.

The bulk and scale of the built form is minimised.

A reasonable level of amenity and solar access is provided and maintained.

Vegetation is retained and enhanced to visually reduce the built form.

Conservation of natural vegetation and biodiversity.

Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.

To preserve and enhance the rural and bushland character of the area.

This clause requires a landscaped area of 60% of the site. The proposal provides for the following:

Existing Landscaped Area: 470m² or 87.17%

Proposed Landscaped Area: 410m² or 49.8% (including impervious landscape treatments)

Whilst the proposal does not strictly comply with the numerical requirements of this clause, it is considered that the proposal achieves the objectives of this clause and should be supported for the following reasons:

- The proposed development is located in the rear yard and is not visible from Pacific Road. The setback and topography of the site and surrounds ensure that the works will not be visible from Pittwater or its foreshore. There will be no impact on the character of the locality.
- As the works are located at the rear of the dwelling and the loss of landscaping is a result of the pool/cabana area, the non-compliance does not result in additional bulk or scale.
- The proposal maintains a reasonable level of solar access to the adjoining properties as required by the DCP and as discuss previously.
- The proposal does not require the removal of any protected vegetation and an Arboricultural Impact Assessment has been submitted in accordance in support of the proposal.
- All collected stormwater will be discharged to the existing stormwater system and will not result in additional runoff to the adjoining properties.
- The proposal will not have any impact to the bushland character of the area.

The proposal achieves the objectives of this clause.

There are no other provisions of the DCP that are relevant to the proposed development.

5. EP & A ACT - SECTION 4.15

The Provisions of any Environmental Planning Instruments

The proposal is subject to the provisions of the Pittwater Local Environmental Plan 2014 and Pittwater Development Control Plan 2014. It is considered that the provisions of these documents have been satisfactorily addressed within this report.

There are no other environmental planning instruments applying to the site.

The Likely Impacts of the Development

It is considered that the development provides for the construction of alterations and additions to an existing dwelling without detrimentally impacting on the character of the area. The proposal has been designed to retain privacy and amenity to the adjoining properties through considered orientation and location of windows. The proposal does not result unreasonable overshadowing. The proposal does not require the removal of any protected tree.

The Suitability of the Site for the Development

The subject site is zoned C4 Environmental Living and the construction of alterations and additions to an existing dwelling and associated works in this zone are permissible with the consent of Council. The resultant development is of a bulk and scale that is consistent with the existing surrounding development.

For these reasons it is considered that the site is suitable for the proposed development.

The Public Interest

It is considered that the proposal is in the public interest in that it will provide for the construction of alterations and additions to an existing dwelling that is consistent with other development in this locality without impacting the amenity of the adjoining properties or the public domain.

6. CONCLUSION

This application seeks approval for the construction of alterations and additions to an existing dwelling and associated work as demonstrated in this report the proposal is consistent with the aims and provisions of the Pittwater LEP 2014 and Pittwater DCP 2014. The proposed development does not have any detrimental impact on the amenity of the adjoining properties or the character of the locality.

It is therefore considered that the proposed construction alterations and additions to an existing dwelling and associated works upon land at **No. 136 Pacific Road, Palm Beach** is worthy of the consent of Council.

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