



*statement of environmental effects*



## ALTERATIONS & ADDITIONS TO AN EXISTING DWELLING

85 WOODLAND STREET  
BALGOWLAH HEIGHTS NSW 2093

October 2025

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## *introduction*

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This statement of environmental effects has been prepared by Northern Beaches Planning on behalf of Matt Donnelly to accompany the lodgement of a development application for alterations and additions to an existing dwelling at 85 Woodland Street, Balgowlah Heights (**site**).

This statement is informed and accompanied by the following documentation:

- Detail and Boundary Survey by CMS Surveyors
- Architectural Plans by Action Plans
- Stormwater Management Plans by 5S Projects Consulting Engineers
- BASIX Certificate by Action Plans
- Waste Management Plan
- Request to Vary a Development Standard by Northern Beaches Planning

## *site details*

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The site is legally identified as Lot 7 in Deposited Plan 5840 and is commonly referred to as 85 Woodland Street, Balgowlah Heights. The site is located on the western side of Woodland Street, between New Street (north) and Hilder Road (south). The site is rectangular in shape, with a 12.19m wide frontage to Woodland Street, a maximum depth of 46.94m and a total area of 572.3m<sup>2</sup>.

An existing two storey dwelling is located centrally on the site, with a detached single garage forward of the dwelling and an inground swimming pool to the rear. Vehicular and pedestrian access to/from the site is gained via an existing driveway to Woodland Street. The site falls from the rear boundary towards the street, with a maximum RL of 70.66m AHD at the rear boundary and a minimum RL of 63.06m AHD on the existing driveway along the front boundary. An existing mature canopy tree is located in the front yard of the site, with a street tree within the adjacent road reserve. Another existing mature canopy tree is located in the rear yard, adjacent to the rear boundary.

The site is surrounded by residential development of varying age, architectural style and character. Woodland Street is a two-lane local road, with double white line and no parking on both sides of the street. Overhead powerlines traverse the road verge adjacent to the front boundary, with individual connections extending across the roadway to properties on the low side of the street. A footpath runs along the road verge on the opposite side of the street.

Aerial images of the site and its surrounds are provided in Figures 1 and 2 on the following page. Images of the site and the streetscape are also provided (Figure 3-4).



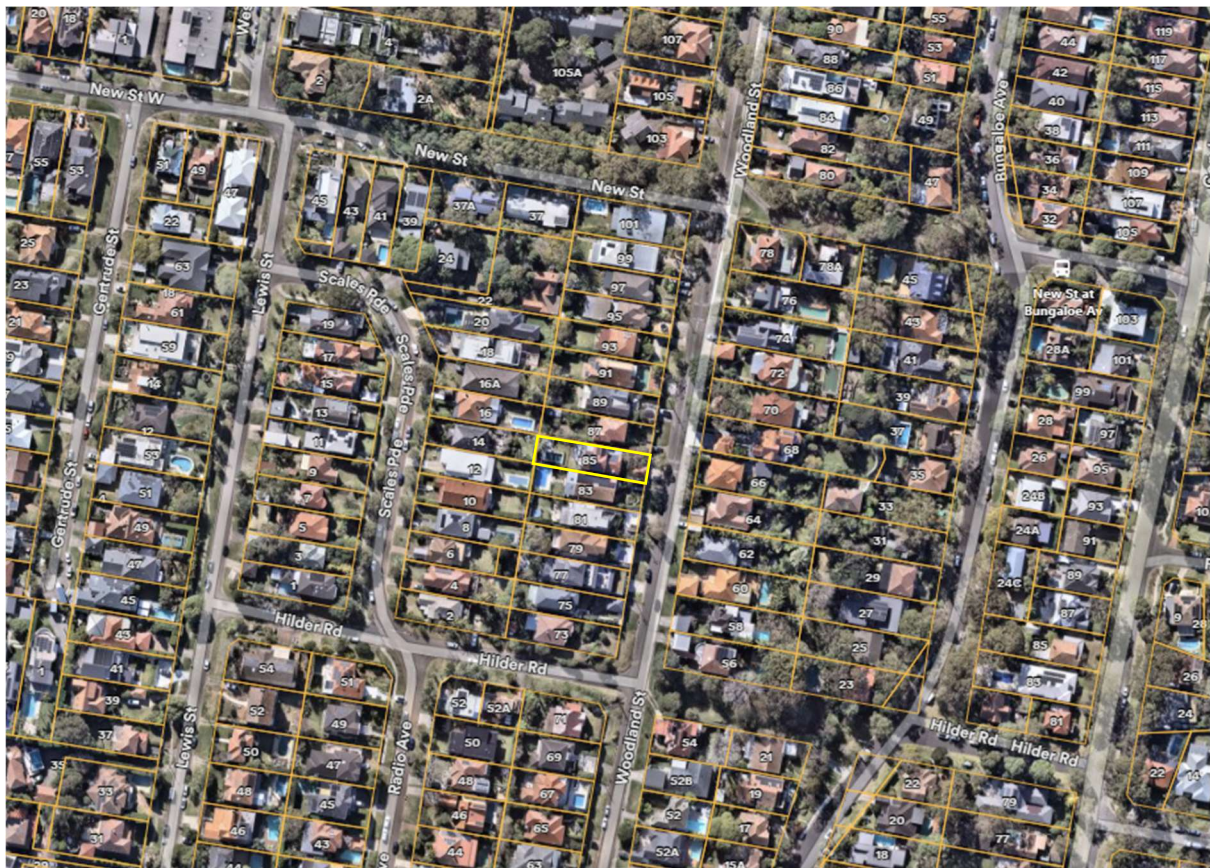


Figure 1 – Aerial image with site bordered in yellow  
Source: Nearmap

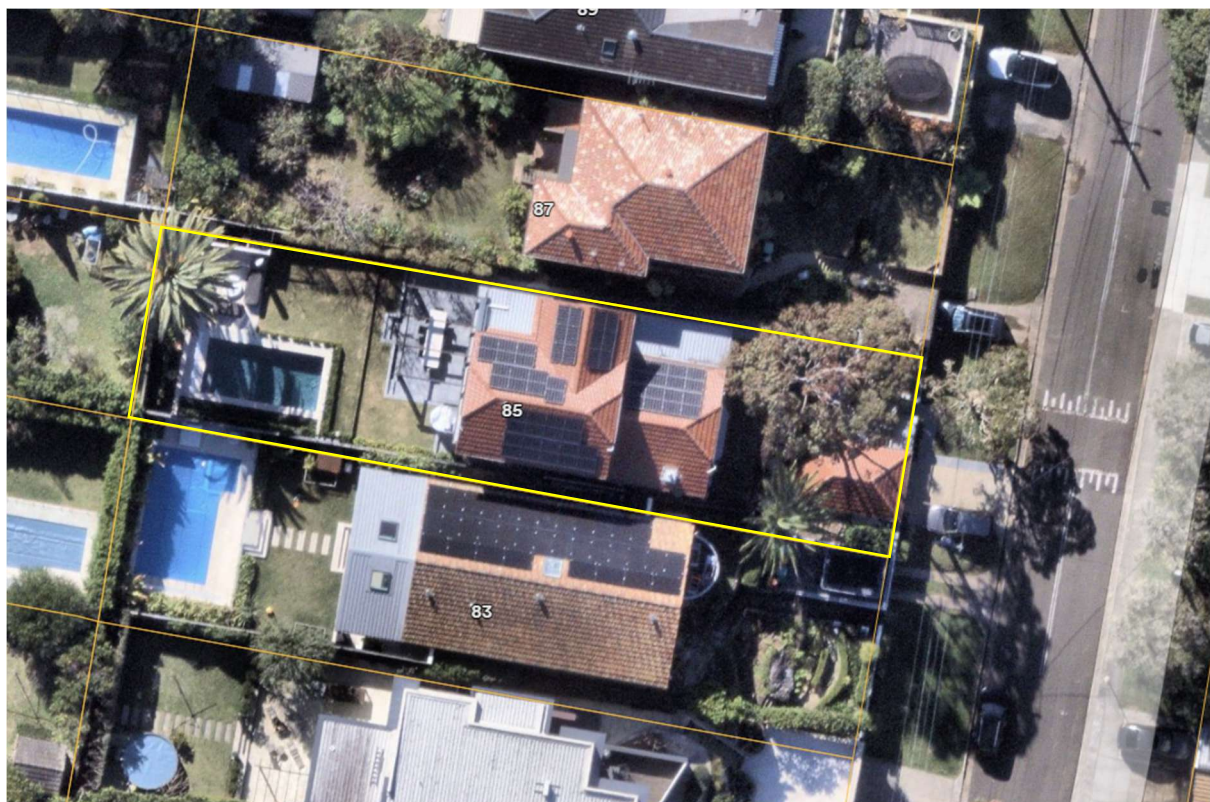


Figure 2 – Aerial image (zoom) with site bordered in yellow  
Source: Nearmap





**Figure 3 – The site as seen from Woodland Street to the east**  
Source: NBP



**Figure 4 – The site as seen from Woodland Street tot the north-east**  
Source: NBP

## *proposed development*

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The application seeks consent for alterations and additions to the existing dwelling, as depicted in the architectural plans prepared by Action Plans that accompany this application.

Specifically, the works include:

- Alterations and additions to the existing Ground Floor to facilitate a formal entry, living room, office, bathroom, laundry and open plan kitchen/living/dining area, and
- Alterations and additions to the existing First Floor to facilitate four bedrooms (one with an ensuite and WIR), bathroom and linen cupboard.

## *legislation, plans and policies*

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The following relevant state and local policies are applicable to the proposed development:

- Environmental Planning and Assessment Act (**EP&A Act**)
- Environmental Planning and Assessment Regulation 2021 (**EP&A Regulation**)
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2022
- Manly Local Environmental Plan 2013 (**MLEP 2013**):
  - Lot Size Map: 500m<sup>2</sup>
  - Land Zoning Map: R2 Low Density Residential
  - Height of Buildings Map: 8.5m
  - Floor Space Ratio Map: 0.45:1
  - Acid Sulfate Soils Map: Class 5
- Manly Development Control Plan 2013 (**MDCP 2013**)
  - Open Space Area: Area OS3
  - Potential Geotechnical Landslip Hazard Areas: Area G4

## *environmental planning and assessment act*

The matters prescribed by section 4.15(1) of the EP&A Act are considered, as follows:

Clause	Provision	Comment
(a)	<p><i>the provisions of—</i></p> <ul style="list-style-type: none"> <li><i>i. any environmental planning instrument, and</i></li> <li><i>ii. any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</i></li> <li><i>iii. any development control plan, and</i></li> <li><i>iv. any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and</i></li> <li><i>v. the regulations (to the extent that they prescribe matters for the purposes of this paragraph),</i></li> </ul> <p><i>that apply to the land to which the development application relates,</i></p>	<p>The relevant provisions of MLEP 2013, all relevant SEPPs, and MDCP 2013 have been considered and addressed in this statement.</p> <p>A LEP Planning Proposal for the new comprehensive Northern Beaches Local Environmental Plan has been submitted for Gateway Determination.</p> <p>The draft instrument has not been the subject of public consultation and is not required to be considered in this development application.</p>
(b)	<i>the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i>	The likely impacts of the proposed development have been addressed with respect to relevant plans and policies in this statement. The proposed development will not result in any unacceptable impacts upon the natural or built environment, or any social or economic impacts in the locality.
(c)	<i>the suitability of the site for the development,</i>	The subject site is suitable for the proposed development.
(d)	<i>any submissions made in accordance with this Act or the regulations,</i>	The application will be notified to all neighbouring properties, with any submissions received to be considered by Council.
(e)	<i>the public interest.</i>	The proposed development is in the public interest, in so far as it is consistent with the objectives and outcomes of MLEP 2013 and MDCP 2013.

*state environmental planning policy  
(biodiversity and conservation)*

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**Vegetation in Non-Rural Areas**

The provisions of Chapter 2 of this policy are applicable to all non-rural land across the state and aim to protect the biodiversity values of trees and other vegetation in non-rural areas and to preserve the amenity of non-rural areas through the preservation of trees and other vegetation. The application does not propose the removal of any trees and will not result in any adverse impacts upon nearby trees. The proposed development is considered to be consistent with the requirements and objectives of SEPP (Biodiversity and Conservation).

*state environmental planning policy  
(sustainable buildings)*

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The proposed works constitute 'BASIX affected development', as defined by the EP&A Regulation. The application is accompanied by a BASIX Certificate demonstrating that the proposed development can meet relevant performance criteria.

*state environmental planning policy  
(resilience and hazards)*

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**Remediation of Land**

Chapter 4 of SEPP (Resilience and Hazards) applies to all land and aims to provide for a state-wide planning approach to the remediation of contaminated land. Clause 4.6(1)(a) of this policy requires the consent authority to consider whether land is contaminated. The site has been used for residential purposes for an extended period of time, with no known prior land uses. The site is not identified on the public register of contaminated sites and is not located in the vicinity of any. Council can be reasonably satisfied that there is no contamination risk.



The site is identified on the Land Application Map of MLEP 2013 and the provisions of this policy are applicable in relation to the site and the proposed development. The relevant provisions of MLEP 2013 are considered, as follows:

Clause	Standard	Proposal	Compliance
Clause 2.3 Zone objectives and Land Use table			Yes
Clause 2.7 Demolition requires development consent			Yes
Zone R2 Low Density Residential			Yes See discussion
4.3 Height of buildings	8.5m	9.2m	<b>No</b> See discussion
4.4 Floor space ratio	0.45:1	0.36:1	Yes
4.6 Exceptions to development standards			Yes
6.2 Earthworks			Yes
6.4 Stormwater management			Yes
6.12 Essential services			Yes

### Zone R2 Low Density Residential

The site is zoned R2 Low Density Residential under the provision of MLEP 2013. Pursuant to the land use table in Part 2 of this instrument, dwelling houses (and alterations and additions thereto) are permissible with consent. In accordance with clause 2.3 of MLEP 2013, the consent authority must have regard for the objectives of the zone for which the development is to occur. Council can be satisfied that the proposed development is consistent with the objectives of the R2 Low Density Residential Zone, as follows:

- To provide for the housing needs of the community within a low density residential environment*  
Comment: The proposed development seeks to provide for the changing needs of the owners of the dwelling house.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents*  
Comment: Not applicable.

### Clause 4.3 Height of buildings

The proposed works reach a maximum height of 9.2m, resulting in a 0.7m or 8% variation of the 8.5m maximum building height development standard prescribed by clause 4.3 of MLEP 2013. Clause 4.6 of MLEP 2013 provides the mechanism to vary the maximum height development standard. A request made pursuant to clause 4.6 of MLEP 2013 accompanies this application.

## *development control plan*

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MDCP 2013 is applicable to the site and the proposed development. The relevant provisions of MDCP 2013 are considered, as follows:

Clause	Control	Proposal	Compliance
3.1.1.1 Complementary Design and Visual Improvement	Development in the streetscape should be designed to complement the predominant building form, distinct building character, building material and finishes and architectural style in the locality. The use of plantation and/or recycled timber in construction and finishes is encouraged.	There is no predominant building form in the locality.  The proposal has a well-articulated and high-quality presentation to Woodland Street that will positively contribute to the character of the street.	Yes
3.2 Heritage considerations	The impact on the setting of a heritage item or conservation area is to be minimised		N/A
3.3.1 Landscaping Design	The design, quantity and quality of open space should respond to the character of the area.	No change.	Yes
3.3.2 Preservation of Trees or Bushland Vegetation	Authority to clear a tree or other vegetation, is regulated in this plan in accordance with SEPP (Biodiversity and Conservation).	No tree removal is proposed.	N/A
3.4.1.1 Overshadowing Adjoining Open Space	New development (including alterations and additions) must not eliminate more than one third of the existing sunlight accessing the private open space of adjacent properties from 9am to 3pm at the winter solstice (21 June).	As demonstrated by the accompanying Shadow Diagrams, the proposal does not result in unreasonable additional overshadowing of the neighbour's rear yard in midwinter.	Yes
3.4.1.2 Maintaining Solar access into Living	The level of solar access presently enjoyed must be	The living rooms of the property to the south at 83	Yes

Clause	Control	Proposal	Compliance
Rooms of Adjacent Properties	maintained to windows or glazed doors of living rooms for a period of at least 2 hours from 9am to 3pm on the winter solstice (21 June).	Woodland Street are located along the southern side of the dwelling, with windows oriented to the east, west and south.  As such, the proposal will not have any unreasonable impacts upon solar access to these windows.	
3.4.2.2 Balconies and Terraces	Architectural or landscape screens must be provided to balconies and terraces to limit overlooking nearby properties. Architectural screens must be fixed in position and suitably angled to protect visual privacy.		N/A
3.4.3 Maintenance of Views	The design of any development, including the footprint and form of the roof is to minimise the loss of views from neighbouring and nearby dwellings and from public spaces.	The proposed additions will not result in any adverse impacts upon views.	Yes
3.5 Sustainability	To ensure the principles of ecologically sustainable development are taken into consideration within a consistent and integrated planning framework that achieves environmental, economic and social sustainability in the short, medium and long term.		Yes
3.7 Stormwater Management	All developments must comply with Northern Beaches Council's 'Water Management for Development Policy'.	The application is supported by Stormwater Management Plans by 5S Projects Consulting Engineers demonstrating a suitable stormwater management solution for the site.	Yes
3.8 Waste Management	All development must comply with the appropriate sections of the Waste Management Guidelines and all relevant	The application is supported by a Waste Management Plan.	Yes



Clause	Control	Proposal	Compliance
	Development Applications must be accompanied by a Waste Management Plan.		
3.10 Safety and Security	The principle of 'safety in design' is to be considered for all development in relation to the design and assessment of DAs to ensure developments are safe and secure for residents, all other occupants and visitors.	The proposed development has been designed with appropriate regard for the CPTED principles.	Yes
4.1.2.1 Wall Height	North: 6.8m South: 6.8m	North: 6.6m South: 6.6m	Yes
4.1.2.2 Number of Storeys	Buildings must not exceed 2 storeys.	2 storeys	Yes
4.1.2.3 Roof Height	Pitched roof structures must be no more than 2.5m above the actual wall height.	2.4m	Yes
4.1.4.1 Street Frontage Setbacks	Street front setbacks must relate to the front building line of neighbouring properties and the prevailing building lines in the immediate vicinity.  Where the street front building lines of neighbouring properties are variable and there is no prevailing building line in the immediate vicinity i.e. where building lines are neither consistent nor established, a minimum 6m front setback generally applies.	No change.	Yes
4.1.4.2 Side Setbacks and Secondary Street Frontages	North: 1/3 of average wall height (6.6m) = 2.2m  South: 1/3 of average wall height (5.6m) = 2.2m	North: 4.3m South: <b>1.3m</b>	<b>No</b> See discussion
4.1.4.4 Rear Setbacks	8.0m	No change.	Yes
4.1.5.1 Minimum Residential Total Open Space Requirements	Total Open Space: 55% (314.8m <sup>2</sup> )	Proposed: 60.2% (344.5m <sup>2</sup> )	Yes
4.1.5.2 Landscape Area	Landscaped Area: 35% of actual TOS (110.2m <sup>2</sup> )	Proposed: 240.2m <sup>2</sup> or 69.7%	Yes

Clause	Control	Proposal	Compliance
4.1.5.3 Private Open Space	Minimum area: 18m <sup>2</sup>	No change.	Yes
4.1.6.1 Parking Design and Location of Garages, Carports or Hardstand Areas	<p>The design and location of all garages, carports or hardstand areas must minimise their visual impact on the streetscape and neighbouring properties and maintain the desired character of the locality.</p> <p>The maximum width of any garage, carport or hardstand area is not to exceed a width equal to 50 percent of the frontage, up to a maximum width of 6.2m.</p> <p>2 spaces (minimum).</p>	No change.	N/A
4.1.7 First Floor and Roof Additions	First floor additions must complement the architectural style of the ground floor and where possible retain existing roof forms. Notwithstanding setback provisions, the addition may follow the existing ground floor wall setbacks providing adjoining properties are not adversely impacted by overshadowing, view loss or privacy issues.	The proposed additions sympathetically respond to the architectural style of the existing building.	Yes
4.1.8 Development on Sloping Sites	<p>Area G4</p> <p>Residential footings are to be in accordance with AS2870.</p>		Yes
4.1.9 Swimming Pools, Spas and Water Features		No change to existing pool.	N/A
4.1.10 Fencing	In relation to open/ transparent fences, height may be increased up to 1.5m where at least 30 percent of the fence is open/ transparent for at least that part of the fence higher than 1m.	No change.	N/A

#### **Clause 4.1.4.2 Side Setbacks and Secondary Street Frontages**

Required: 2.2m

Proposed: 1.3m

With a proposed setback of 1.3m, the southern side setback of the master bedroom is inconsistent with the 2.2m minimum side setback prescribed by clause 4.1.4.2 of MDCP 2013. However, clause 4.1.7.1 of MDCP 2013 provides that the setback of additions may follow the existing ground floor wall setbacks providing adjoining properties are not adversely impacted by overshadowing, view loss or privacy issues. The proposed setback of the additions does not result in any unreasonable impacts upon solar access to the neighbouring property at 83 Woodland Street, nor any impacts upon views enjoyed by nearby properties. Further, the number of windows along the southern side of the dwelling has been minimised and are limited to those associated with bedrooms or non-habitable rooms, ensuring that acceptable levels of visual privacy is maintained.

Further, it is relevant to highlight that the designer has employed different techniques to give the impression of an increased side setback by:

- utilising a timber frame wall structure, allowing a slightly larger setback than that of the existing double brick walls of the remainder of the dwelling, and
- partial retention of the ground floor roof form along the southern side elevation, to break down the scale and perceived height of the new additions.

As such, the variation anticipated by clause 4.1.7.1 of MDCP 2013 is warranted.



## *conclusion*

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The proposal is a well resolved and considered design solution for the site. The proposal will not result in any unreasonable impacts upon adjoining properties or the surrounding natural environment and appropriately reflects the desired character of the residential locality.

The relevant provisions of MLEP 2013, all relevant SEPPs, and MDCP 2013 have been considered and addressed in this statement.

The proposal involves a minor variation to the building height development standard of clause 4.3 of MLEP 2013. However, as detailed in the accompanying Request to Vary a Development Standard, compliance with the standard is both unreasonable and unnecessary, and there are sufficient environmental planning grounds to justify the proposed contravention.

Whilst the proposed upper floor additions are inconsistent with the side setback prescribed by clause 4.1.4.2 of MDCP 2013, they are consistent with the variations for first floor additions prescribed by clause 4.1.7.1 of MDCP 2013. Further, the side setback control is a DCP provision that, consistent with the provisions of 4.15(3A)(b) of the EP&A Act, is to be applied flexibly in circumstances where the outcomes of the control are nonetheless achieved.

The proposal will positively contribute to the character of the existing streetscape, with a high-quality presentation to Woodland Street. As such, the application warrants Council's support in this regard.



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