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**From:** DYPXCPWEB@northernbeaches.nsw.gov.au  
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**To:** DA Submission Mailbox  
**Subject:** Online Submission

09/06/2025

MR Patrick Neary  
3 Ashworth AVE  
Belrose NSW 2085  
[REDACTED]

**RE: Mod2025/0228 - 28 Lockwood Avenue BELROSE NSW 2085**

Dear Sir / Madam

I am making this submission in response to one of the latest modification requests, namely 2025/0228, made by the Applicant over the last few years.

In simple terms, please record my objection to the proposal.

For completeness, please also note that I have a dual interest in the development, one being as a long-term existing resident living nearby the development site, and the other being, upon completion, as a new resident within the development itself.

I believe the decision body, whether that is Northern Beaches Council and/or the NSW Government Planning Panel (who both rejected DA2020/0393 as submitted) and/or the Land and Environment Court of NSW (who, after appeal, eventually approved an amended version of the Application), should reject the modifications in their entirety.

At the core of the successful amendment was a reduction in floor area of approximately 1,600m<sup>2</sup>. This modification attempts to undo that.

I understand there is appetite, both at a community level and a political level, to encourage the provision of more housing; but I also believe communities and politicians expect the housing to be considered and appropriate. What the Applicant is seeking to achieve with this modification is, in my humble opinion, motivated by greed rather than anything else. If the Applicant had been interested in a larger development that was fit for purpose, they would have made prior representations to purchase the additional land on which the service station is located. This modification application is a back door request that should be refused.

I believe that there are several reasons to support my view: -

1. The proposed new height exceeds the maximum height allowed in this area, and was reject by all decisioning bodies including the LEC on 8 November 2021. Nothing of any significance has changed since that date. I believe that the development, as currently approved, is already stretching towards being classified as an overdevelopment of the site - this because there is no setback to Lockwood Avenue, no setback to Glen Street, no setback to Glenrose Place, the height restrictions of the area have been exceeded, and bulk and scale is very evident. The Statement of Environmental Effects from the latest Town Planner to submit a report (14th

April 2025) suggests that the proposed modifications, whilst non-compliant from a height perspective, do not compromise the overall design quality of the development, and suggest that the modified development will be substantially the same as the currently approved development. I fear that they may have a good set of arguments, in favour of any proposal, and can easily use the copy and paste function to merely place words on a document. Just because one expert has a view doesn't mean that all experts will share that view. The copy and paste is clearly evident at the top of their page 3 when they refer to the proposed new units on the so-called Level 02 as having living areas that are orientated to south-east balcony and then also stating that the living areas are orientated to the north/ north-west.

2. The proposed additional units will consume 2 parking spaces each, reducing the number of available general retail use parking spaces by 12. This in addition to the loss of one space due to a design change for a lift shaft. Total reduction therefore being 13 parking spaces. Page 12 of the Statement of Environmental Effects from the latest Town Planner's report states that, amongst other things, the modifications do not alter the previously approved off-street parking. I find this statement ignores the reality that off-street parking will reduce by 13. In simple terms, that is an alteration. Given that the Developers have sold their 2 Bed units and their 3 Bed units with 2 car spaces each, we should not be looking at theoretical hypothesis (based on guides like a 1 Bed requires 0.6 spaces, a 1 Bed requires 0.9 spaces a 3 Bed requires 1.4 spaces), which might be important for an initial Development Application, but should have no bearing on a modification this late in the day.

3. Loss of Amenity for the residents who have already purchased a unit on the Lockwood Avenue side of the so-called Level 01, and who will now lose their skylight, lose a material portion of natural sunlight, and will no longer be positioned on the top floor of the building. This because of the proposal to build 5 additional 3 Bed units on a new floor above them. I urge the body responsible for the final decision on this modification proposal to not only consider the question of whether they have the authority to exercise discretion to approve such a modification, but more importantly, whether they should exercise discretion. When dealing with a person's residential home, their long-term wellbeing and health are important, as are those of the general community and environment around them; therefore, the question to be answered is not "can we?" but rather "should we?".

4. Loss of Amenity for the residents who have already purchased a unit anywhere in the building, who will now see the communal open space, being the Rooftop and BBQ on the so-called Level 01, being reduced from 624 m<sup>2</sup> to 363.4 m<sup>2</sup>, which is nearly a 42% reduction in size, which is significant by any measure. This because of the proposal to build an additional 3-Bed unit in a large section of what had been allocated to the communal open space. The Application that was accepted and approved by the LEC on 8 November 2021 was accompanied by an Architect who set out, on page 20 of their report dated 2nd September 2021, that the requirement, in terms of NSW Planning's Apartment Design Guide, to have 25% of the site area devoted to communal open space was being met by the so-called Basement 2 courtyard, as well as the Rooftop and BBQ on the so-called Level 1. The basement 2 courtyard is, of course, the open space within the 'U-shape' of the building, surrounded by retail shops and workplaces, with only a portion of this area being accessible as an amenity to be enjoyed by the residents. It would be readily apparent that the residents would instead be using the Rooftop and BBQ area, now proposed to be materially reduced. Not only would this diminish resident wellbeing and health, but it will also decrease the number of trees and plants. As we would be aware, prior to the development, the Arborist's initial report noted 77 trees in the area, of all sizes and conditions, a handful of which are to be retained, with the proposal that additional trees and plants would be established by the

Developer. Approved plans included a detailed plating schedule drawn up by Paul Scrivener Landscape, some of which were to be within the Rooftop and BBQ area. I believe that you will also see that the requirement for a minimum of 25% of site area to be communal open space will be breached. Therefore, the construction of this unit should be rejected.

5. The question relating to structural safety needs to be properly addressed. I am not qualified in this area, but I don't have any expectations that when the foundations were being laid, no consideration was given to the construction of an extra 6 units.

6. Residents have already been compromised, when measured against the requirement of NSW Planning's Apartment Design Guide, on visual privacy because of some of the other already approved modifications, where the Developer sought to increase the number of 3 Bed units by reducing the number of 1 Bed and 2 Bed units, hence has made amendments to the size and layout of some units. The requirement of 6m between habitable rooms / balconies no longer exists in all areas. There has therefore already been a degradation in the aesthetics of the originally approved design, these two new amendments to build 6 new units, will seriously worsen the position for existing residents. There is no public interest in the proposed modifications, indeed it is clearly against the general interests of the public who have taken the opportunity to submit their objections, I have not seen any submission in favour of the modifications. I would also suggest that some people have not made a submission, on this occasion, as they have been worn down by attrition. It is clear to me that the modifications will only suit one entity, being the Applicant, and I urge you to carefully weigh all the factors, and reject the modifications in full, as that is the right thing to do to serve the public interest.

Thank you for your time.

Rgds  
Patrick