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09/06/2025

MRS Kirsteen Moss
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Belrose NSW 2085
[REDACTED]

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

I am writing as a local resident to formally object to the proposed amendment to the current development application for the shop top housing project at 28 Lockwood Avenue, Belrose (MOD2025/0228), which seeks to add a third storey comprising five additional 3-bedroom apartments.

This amendment raises serious concerns for the surrounding community and, in my view, should be rejected for the following reasons:

1. Significant Increase in Scale - Not Substantially the Same Development

The amendment seeks to increase the approved development from two to three storeys - a significant expansion in built form and overall bulk. This represents a major departure from the development originally approved and is therefore not "substantially the same" as the existing consent under Section 4.55 of the Environmental Planning and Assessment Act. The proposed third storey represents an almost 50% increase in building height along the Lockwood Avenue frontage compared to the original two-storey design. This is not a minor modification but a substantial intensification of the development's scale and visual impact.

The original approval was only granted after the number of apartments was reduced in response to community and planning concerns. This amendment seeks to reverse that outcome, undermining the legitimacy and intent of the previous planning process.

Furthermore, the current building already exceeds the height restrictions in the local planning controls. Adding another level would worsen this non-compliance, compounding rather than correcting an existing issue and sets a troubling precedent for future developments.

2. Lack of Demand for This Type of Housing in This Location

Despite various sales incentives, a number of the currently constructed ~25 apartments remain unsold, including seven 3 bedroom apartments. This suggests a lack of market demand for this style of medium-density housing in what has historically been a quiet, family-oriented suburb characterised by free-standing homes.

If the existing stock is struggling to sell, what justification is there for expanding the development further? It appears the proposed additional apartments serve the developer's interest rather than any demonstrated community need.

3. Inadequate Parking Provision and Spillover Impacts

No additional parking is proposed for the new apartments. This is inadequate and inconsistent with Council's own planning guidelines. As a result, parking overflow will be pushed into nearby residential streets - including mine, a quiet cul-de-sac that currently provides a safe environment for my young children.

This street is currently safe for young children, including my own, to walk and play in due to minimal traffic. It has already been impacted by construction workers using it for parking. The prospect of ongoing and increased parking pressure permanently degrading the safety and character of our street is deeply concerning.

Importantly, the Council's own Traffic Engineer Referral Response (dated 23 May 2025) confirms a shortfall of 10 residential parking spaces in the modified development. The report states:

"The modified development will therefore be 10 spaces short of the DCP requirement for residential parking... No justification is provided for the shortfall and it is not accepted that there is adequate parking for the additional residences now proposed for the site."

This expert opinion underscores what local residents already know: the area cannot absorb the overflow of vehicles from the development. The Council's own traffic engineers have clearly stated the proposal does not meet statutory requirements and have advised that the modification is not able to be supported.

4. Extended Construction Timeframe and Community Disruption

Residents have already endured years of disruption due to ongoing construction. Approving a further level at this stage would significantly extend the build time, creating more noise, dust, and disturbance. As a community, we have been patient - but this proposal feels like a step too far. Enough is enough.

5. Loss of Residential Amenity

Increasing the building height will negatively impact nearby homes through greater overshadowing and reduced privacy, further eroding the liveability of the area. These amenity impacts, combined with traffic and noise concerns, are simply not acceptable for existing residents.

6. Transparency for Existing Purchasers

It is unclear whether existing purchasers - particularly those who have bought top-floor apartments - have been informed of this proposed amendment. One would expect that purchasers of what were marketed as top-floor residences were led to believe they would benefit from permanent privacy, outlook, and natural light.

If this amendment proceeds, it fundamentally alters the value proposition of those units. Not only will these residents lose those benefits, but they will also be subject to further construction above their homes. I would hope they have been given the opportunity to raise concerns, otherwise it raises serious concerns about transparency, fairness, and disclosure obligations by the developer.

7. Ongoing Safety and Site Maintenance Concerns

As a local resident, I am already experiencing the impacts of poor site maintenance. I walk my two very young children past the development daily to attend daycare, using the pedestrian

crossing located directly adjacent to the site. The development boundary is built right up to the footpath, and the condition of the pavement in this area is poor - with cracked and uneven concrete, including raised trip hazards that are dangerous for pedestrians, particularly children and elderly residents.

I have low confidence that the developer will maintain adequate safety and cleanliness standards throughout what will now become a further prolonged construction period if this amendment is approved.

8. Building Compliance Not Met - Unsupported by Council's Own Assessment

In addition to traffic and parking issues, the proposed modification fails to meet the required building compliance standards. Council's own Building Assessment Referral Response, dated 22 May 2025, clearly states that the proposal is "unsupported" because the most recent BCA (Building Code of Australia) report dated 11 March 2025 was not provided.

This is a critical omission. It suggests that the developer has not demonstrated how the expanded development complies with essential construction and safety regulations. This aligns with broader concerns regarding poor site management and a lack of accountability already observed throughout the construction process. It adds further weight to the argument that this amendment is not ready for approval and should be rejected.

Conclusion

This amendment is not a minor change. It seeks to significantly intensify the scale and impact of a development that already exceeds planning controls, disrupts daily life, and undermines the expectations of both the local community and existing purchasers.

The amendment lacks sufficient justification, demonstrates poor alignment with neighbourhood character, and fails to provide the necessary infrastructure to support the additional density. The developer has shown inadequate attention to safety, maintenance, and community impact throughout the current build, which further erodes confidence in their ability to responsibly manage a prolonged or expanded development.

For these reasons, I respectfully urge Council to reject this proposal in full and uphold both the integrity of the planning process and the amenity of the local area.

Thank you for your time and consideration.

Yours sincerely,
Kirsteen Moss