



## **Statement of Environmental Effects**

### **Proposed Section 4.55 (8) Modification to Approved Mixed Use Development at 28 Lockwood Avenue, Belrose**

**August 2024**

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## Disclaimer

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## Introduction

This report has been prepared by Navon Planning on behalf of Platinum Property Advisors No 1 c/- Momentum Project Group Pty Ltd in relation to the proposed Section 4.55 (8) modification to the approved mixed use development at 28 Lockwood Avenue, Belrose. On 8 November 2021 the NSW Land and Environment Court upheld the decision to approve the DA for the demolition of existing structures and construction of a mixed use development comprising of retail uses and shoptop housing containing 49 dwellings, basement car parking for 238 vehicle spaces, landscaping, and a central public square (DA2020/0393).

As the building is currently under construction and the project evolves, further modifications to the building are now being sought to improve the internal layouts of various retail shops and residential units, and other minor changes. There are no changes proposed to the approved building height, setbacks or landscaped area. As such, the proposed modifications sought under this application primarily relate to various minor internal and external changes. The proposal has been assessed against relevant State and Council planning controls and is considered satisfactory and worthy of Council approval.

This application is supported by the following documents:

- Architectural Plans prepared by Urbanacorp
- Statement of Environmental Effects prepared by Navon Planning
- Traffic Report prepared by McLaren Traffic Engineering
- Landscape plan prepared by Paul Scrivener Landscape
- BASIX Certificate prepared by EcoPlus Consultants

## The Site and Surrounding Area

The subject site known as 28 Lockwood Avenue, Belrose and is legally identified as Lot 1 in DP 1199795. It is located at the intersection of Lockwood Avenue and Glen Street, with Glenrose Place adjoining the site to the east. The site has an irregular shape with a total site area of 5,322sqm. The site slopes from south to north by approximately 3.8m. Construction of the approved development is currently in progress on the site.

Adjoining the site to the south-east is a petrol station, across the road to the south are residential dwellings, to the west are also dwellings with a pedestrian walkway in between, to the north are also dwellings and towards the east is the Glenrose Village shopping centre.



Figure 1: The site and surrounding area (Prior to demolition)



Figure 2: The site looking to the north-east (Prior to demolition)



Figure 3: The site looking to the south-west (Prior to demolition)



Figure 4: View of the site from Lockwood Avenue (Prior to demolition)



Figure 5: Building from Lockwood Avenue side (Prior to demolition)



Figure 6: Dwellings to the west on Lockwood Avenue



Figure 7: View of the site from the walkway (Prior to demolition)



Figure 8: Child care centre and walkway to the west



Figure 9: The site from Glenrose Place (Prior to demolition)



Figure 10: Car park entrance to Glenrose Village



Figure 11: Glenrose Village further east from the site



Figure 12: Petrol station adjoining the site to the east



## Background

The site has been subject to various approvals over the years, summarised below.

- On 8 November 2021 the NSW Land and Environment Court upheld the decision to approve the DA for the demolition of existing structures and construction of a mixed use development comprising of retail uses and shoptop housing containing 49 dwellings, basement car parking for 238 vehicle spaces, landscaping, and a central public square (DA2020/0393).
- On 3 March 2023 Northern Beaches Council approved a Section 4.56 seeking various internal and external changes to improve the internal layout and to comply with the NCC (Mod2022/0559).
- On 29 July 2024 Northern Beaches Council approved a Section 4.56 Modification for various minor internal and external changes to improve the layout (Mod2024/0079)

## The Proposal

This Section 4.55 (8) Modification seeks various changes to the approved mixed use development at 28 Lockwood Avenue, Belrose (DA2020/0393). The key changes associated with this application relate to improving the retail shops by splitting some and removing internal ramps, enhancing the central piazza and combining 2 x 2 bedroom units (LG 17 and G.14) and 2 x 1 bedroom units (LG18 and G.15) to create 2 x 3 bedroom + study units (LG17 and G.14), thereby reducing the overall number of units from 49 to 47. No other changes are proposed to the approved DA and refer to the submitted plans prepared by Urbana Corp for further details. The modifications sought under this application are summarised below:

### Basement 2

- Redesign of the piazza levels and planter boxes, and additional two pedestrian ramps and stairs
- Ramps are removed in Retail 06, 6A, 10, and 11.
- Modify size of lift 1 to be a stretcher lift.
- Retail 07 has been split into 2 retail shops, to be known as 7 and 7A. A separate entry ramp is provided for 7A. GFA has been adjusted to 109.8sqm and 156.6sqm.
- The stairs in Retail 07 have been deleted.
- Retail 09 has been split into 2 shops, to be known as 9 and 9A. The ramp has been deleted. GFA has been adjusted to 109.3sqm and 89.8sqm.
- A mailbox room for the whole building has been added next to Retail 9A.
- The loading dock has been reduced to accommodate one vehicle instead of three.
- The external RL of Retail 08 has been reduced by 150mm after a review of the survey plan and the ramp has been adjusted and a stair is proposed.
- Retail 06 has been split into 2 shops, to be known as 6 and 6A. A separate entry ramp to Retail 6A is proposed. GFA has been adjusted to 120sqm and 188.5sqm

### Basements 3 and 4

- Modify size of lift 1 to be a stretcher lift.

### Lower Ground Floor

- Unit LG17: Layout reconfigured. The GFA has been increased by 60sqm by combining two units (LG17 & LG18) of the previous layout and it is a 3 bedroom apartment with a study. Previously this was a 2 bed apartment & 1 bedroom apartment.
- LG 18 & G15: Layout reconfigured. The GFA of this unit has been increased by 36sqm and it is now a 3 bedroom apartment with study. Previously it was a 2 bed apartment.

- Unit LG10: A courtyard has been added to the balcony and a planter box to act as a privacy screen for this unit, given it is located just above the natural ground level.
- Unit LG11: The balustrading on the balcony has been replaced by a glass wall of 3 panel sliding window and fixed glass to 1m height.
- Unit LG07: The GFA has been increased by 91.3sqm by shifting the communal room to gain more area within the unit and by reducing Retail 03 by 91.3sqm.
- Retail 03 has been split into 3 retails across the three levels: Retail 03 on ground floor, Retail 12 on lower ground floor and Retail 10 on basement 02 floor. Retail 05 has also been split into 3 retails across the three levels: Retail 05 on ground floor, Retail 13 on lower ground floor and Retail 11 on basement 02 floor.
- Modify size of lift 1 to be a stretcher lift.
- Unit LG01: The GFA has been increased by 71.5sqm by reducing the size of Retail 13.

### **Ground Floor**

- Unit G14: Layout reconfigured. The GFA has been increased by 60sqm by combining two units (G14 & G15) of the previous layout and it is a 3 bedroom apartment with a study. Previously this was a 2 bed apartment & 1 bedroom apartment.
- The void space adjacent to Retail 03 on ground floor level has been proposed again.
- Modify size of lift 1 to be a stretcher lift.
- The entry pedestrian ramp in Retail 04 on ground floor has been shifted from the middle of the shop to the corner.
- A second electrical substation is proposed as requested by the electrical consultant.
- All glazing to be deleted within 6m from the proposed second substation.

### **Level 1 Plan**

- Non trafficable roof added over unit G15.
- The corner of Level 01 terrace has been extended over the balcony of unit G14 to act as a cover.
- Unit 1.04: Layout reconfigured. The GFA of this unit has been increased by 24sqm and it is now a 3 bedroom apartment with study. Previously it was a 2 bed apartment.
- Amendments to configuration of unit 1.11 due to the lift 01 overrun encroachment.

### **Roof Plan**

- Extension of roof over unit 1.12

- Deletion of DA Condition 93 and provision of plant equipment on the roof. It is recognised in the previous modification that Council approved, the privacy screens were around the area of the plant equipment, however this condition was not deleted. Condition 93 reads as follows:

***93. Plant Equipment***

*Air-conditioning units and other plant equipment shall not be located on roof forms or in any location that will be visible from the public domain.*

## Assessment of Planning Controls

Below is an assessment of the relevant State and Council planning controls applicable to the site and proposal.

### Section 4.55 (8) Modifications by the Court

This application is made under Section 4.55 (8) of the Environmental Planning and Assessment Act 1979 which allows Council to modify a development consent issued by the NSW Land and Environment Court:

*(8) Modifications by the Court* The provisions of this section extend, subject to the regulations, to enable the Court to modify a consent granted by it but, in the extension of those provisions, the functions imposed on a consent authority under subsection (1A)(c) or subsection (2)(b) and (c) are to be exercised by the relevant consent authority and not the Court.

Comment: This application seeks to modify the approved mixed use development (DA2020/0393) issued by the NSW Land and Environment Court by way of various internal and external improvements.

### Draft Instruments

There are no relevant draft instruments associated with the proposal.

### State Environmental Planning Policy (Resilience and Hazards) 2021

The site has been zoned for commercial uses for many years and is unlikely to have been affected by contamination. Notwithstanding this, the previous DA was approved via the LEC and therefore satisfied this SEPP. As such, there are no additional impacts expected as a result of the proposed modifications.

### State Environmental Planning Policy (Biodiversity and Conservation) 2021

The removal of on-site trees and impact upon street trees was considered as part of the previously approved DA. There are no additional changes to approved trees and therefore the proposed modifications comply with this SEPP. It is also recognised the proposal modifies approved landscaping in the piazza area located on basement 02 and increases planter boxes to Unit LG10 on the lower ground level.

## State Environmental Planning Policy (Sustainable Buildings) 2022

The application is accompanied by a BASIX Certificate which satisfies the required environmental outcomes.

## State Environmental Planning Policy (Housing) 2021

This SEPP applies to buildings which comprise three or more storeys and four or more self-contained dwellings, and therefore this application is required to be assessed under this policy. An assessment against the Apartment Design Guide (ADG) required under the Housing SEPP is provided in the table below. Only the relevant sections have been assessed given the proposed changes are relatively minor and only relate to four units. The modifications maintain compliance with all other requirements under the ADG.

Requirement	Proposed	Complies										
<b>PART 04: DESIGNING THE BUILDING</b>												
<b><i>4D Apartment Size and Layout*</i></b>												
<p><u>Objective 4D-1: Design Criteria 1.</u> Apartments are required to have the following minimum internal areas:</p> <table border="1"> <thead> <tr> <th>Apartment type</th> <th>Minimum internal area</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>35m<sup>2</sup></td> </tr> <tr> <td>1 bedroom</td> <td>50m<sup>2</sup></td> </tr> <tr> <td>2 bedroom</td> <td>70m<sup>2</sup></td> </tr> <tr> <td>3 bedroom</td> <td>90m<sup>2</sup></td> </tr> </tbody> </table> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m<sup>2</sup> each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m<sup>2</sup> each.</p>	Apartment type	Minimum internal area	Studio	35m <sup>2</sup>	1 bedroom	50m <sup>2</sup>	2 bedroom	70m <sup>2</sup>	3 bedroom	90m <sup>2</sup>	<p>The following unit sizes are proposed for the modified units:</p> <p>LG.17 (3 bed + study)- 147.4sqm LG.18 (3 bed + study)- 128.6sqm G.14 (3 bed + study)- 147.4sqm G15 (3 bed + study)- 127sqm</p>	Yes
Apartment type	Minimum internal area											
Studio	35m <sup>2</sup>											
1 bedroom	50m <sup>2</sup>											
2 bedroom	70m <sup>2</sup>											
3 bedroom	90m <sup>2</sup>											
<b><i>4E Private Open Space and Balconies*</i></b>												

Requirement	Proposed	Complies															
<p><b>Objective 4E-1: Design Criteria 1</b> All apartments are required to have primary balconies as follows:</p> <table border="1" data-bbox="201 432 732 689"> <thead> <tr> <th>Dwelling type</th> <th>Minimum area</th> <th>Minimum depth</th> </tr> </thead> <tbody> <tr> <td>Studio apartments</td> <td>4m<sup>2</sup></td> <td>-</td> </tr> <tr> <td>1 bedroom apartments</td> <td>8m<sup>2</sup></td> <td>2m</td> </tr> <tr> <td>2 bedroom apartments</td> <td>10m<sup>2</sup></td> <td>2m</td> </tr> <tr> <td>3+ bedroom apartments</td> <td>12m<sup>2</sup></td> <td>2.4m</td> </tr> </tbody> </table> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m.</p>	Dwelling type	Minimum area	Minimum depth	Studio apartments	4m <sup>2</sup>	-	1 bedroom apartments	8m <sup>2</sup>	2m	2 bedroom apartments	10m <sup>2</sup>	2m	3+ bedroom apartments	12m <sup>2</sup>	2.4m	<p>LG.10 (2 bed)- 58.39sqm LG.17 (3 bed + study)- 24.23sqm LG.18 (3 bed + study)- 26.59sqm G.14 (3 bed + study)- 24.03sqm G15 (3 bed + study)- 26.59sqm</p>	<p>Yes</p>
Dwelling type	Minimum area	Minimum depth															
Studio apartments	4m <sup>2</sup>	-															
1 bedroom apartments	8m <sup>2</sup>	2m															
2 bedroom apartments	10m <sup>2</sup>	2m															
3+ bedroom apartments	12m <sup>2</sup>	2.4m															

### Warringah Local Environmental Plan 2011

The site is zoned E1 Local Centre under the Warringah LEP 2011. The proposed modifications are permitted, subject to Council approval. The table below summarised how the proposal complies with the relevant LEP provisions.

Control	Proposal	Complies
<b>B2 Local Centre</b>	The proposed modifications are permissible within the E1 zone.	Yes
<p><b>4.3 Height of buildings</b>  Max height of buildings 8.5m</p>	The proposed modifications do not seek to increase the approved height.	Yes
<b>4.4 Floor Space Ratio</b>	While there is no maximum FSR applicable to the site, the proposal seeks an increase to GFA by only 27sqm, from 19,047sqm to 19,074sqm.	N/A
<b>5.10 Heritage conservation</b>	The site is not heritage listed or located within a heritage conservation area.	Yes

Control	Proposal	Complies
<b>6.4 Development on sloping land</b>	The impact of the development on landslip and the implications of the development on adjoining land were fully considered as part of the original DA. As such, the proposed modifications do not impact this Clause.	Yes

### Warringah Development Control Plan 2011

An assessment of the relevant DCP provisions in relation to the proposed modifications appears below.

Control	Proposal	Complies
<b>Part C</b>		
<b>C2 Traffic, Access, and Safety Vehicular Access</b>	There are only minor changes to the approved basement level 2 to remove 3 loading docks to provide only one. Refer to the Traffic Report prepared by McLaren for further details.	Yes
<b>C3 Parking Facilities</b> 4. Carparking is to be provided in accordance with Appendix 1 which details the rate of car parking for various land uses.  Shop top housing  1 space per 1 bedroom dwelling 1.2 spaces per 2 bedroom dwelling 1.5 spaces per 3 bedroom dwelling 1 visitor space per 5 units or part of dwellings	The proposal maintains compliance with Council's car parking requirements as a total of 238 car spaces are required, and 240 are proposed. Refer to the Traffic Report prepared by McLaren for further details.	Yes
<b>C4 Stormwater</b>	No change.	Yes



Control	Proposal	Complies
<b>C7 Excavation and Landfill</b>	No change.	Yes
<b>C9 Waste Management</b>	No change.	Yes
<b>D10 Building Colours and Materials</b>	No change.	Yes

## **Section 4.15 Considerations**

### **Natural Environment**

The proposal is in an established mixed use environment. The modifications are very minor in nature and do not result in any additional adverse impacts to the site or surrounding area. The proposal will therefore not impact the general natural environment of Belrose.

### **Built Environment**

The scale of the proposed modifications area consistent with the built form and streetscape of the surrounding area. The modifications are generally confined to the approved building envelope and do not require any changes to the approved building height or setbacks. An increase to GFA is proposed, although this is generally contained to the approved building envelope. Potential impacts of the proposal have been considered in accordance with the relevant planning controls and the proposed external changes are very minor in relation to the overall approved DA.

### **Social and Economic Impacts**

There are no social or economic impacts as a result of the proposed modifications.

### **Suitability of the site**

The site is considered suitable for the proposed modifications.

### **Public Interest**

The proposal is in the public interest.

## Conclusion

This Section 4.55 (8) modification to the approved mixed use development at 28 Lockwood Avenue, Belrose has been assessed against the relevant State and Council planning controls and complies. The proposed modifications are generally confined to the approved building envelope and are intended improve the internal amenity and function for future users. The changes are substantially the same as the approved DA and they will provide an enhancement to the originally approved design. There are no additional amenity or other impacts upon the amenity of adjoining or properties. As such, the proposal is considered to be worthy of development consent.