

<b>DATE OF DETERMINATION</b>	03 March 2023
<b>DATE OF PANEL DECISION</b>	03 March 2023
<b>DATE OF PANEL MEETING</b>	01 March 2023
<b>PANEL MEMBERS</b>	Brian Kirk (Acting Chair), Nicole Gurran, Susan Budd, Marcus Sainsbury
<b>APOLOGIES</b>	Peter Biscoe, Graham Brown
<b>DECLARATIONS OF INTEREST</b>	Peter Debnam and Annelise Tuor withdrew from the briefing (14 December 2022) noting involvement in the determination of the original application that recommended refusal.

Papers circulated electronically on 22 February 2023.

#### **MATTER DETERMINED**

PPSSNH-344 - MOD2022/0559 – Lot 1 DP 1199795, Northern Beaches, 28 Lockwood Avenue, Belrose, modification of development consent DA2020/0393 granted for Demolition works and construction of a shop top housing development comprising retail premises, 49 dwellings, basement carparking and landscaping (as described in Schedule 1).

#### **PANEL CONSIDERATION AND DECISION**

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters listed at item 8 in Schedule 1. The Panel had the benefit of the decision of the Land and Environment Court [*Platinum Property Advisors No 1 Pty Ltd ATF The Trustee for Platinum Property Advisors No 1 Trust v Northern Beaches Council [2021] NSWLEC 1675*] granting consent, subject to conditions, to the original DA.

#### **Development application**

The Panel determined to approve the modification application pursuant to section 4.56 of the *Environmental Planning and Assessment Act 1979*.

The Panel's decision was unanimous.

#### **REASONS FOR DECISION**

This modification application is the first modification of the original consent. The modifications as proposed are predominately internal and within the approved building envelope. There is no proposed change to the overall approved height, footprint, density, building envelope, or car parking numbers. The Panel is satisfied that the proposed modifications will maintain substantially the same development as the development for which the consent was originally granted.

The Panel agrees with the council's assessment that the modifications sought are on balance to be minimal; being largely non-discernible from the public and private domain and do not result in any additional material environmental impacts above the approved development.

The Panel is satisfied that the development to which the consent as modified relates remains satisfactory when assessed against the matters referred to in section 4.15(1) of the Act, the provisions of all relevant environmental planning instruments and policies.

The Panel is satisfied that all processes and assessments have been adequately addressed.

The Panel had regard to the reasons given by the consent authority for the grant of the consent that is sought to be modified.





### CONDITIONS

The modification application was approved subject to the conditions in Council Assessment Report with one amendment by Council. The draft amended Condition 10 in the report is to be included as additional Condition 10A and the original Condition 10 is to remain in force. The applicant notified the Panel by email on 1 March 2023, that this change is accepted.

### CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered 5 written submissions made during the public exhibition of the proposal. Issues raised included Objection to the approval of the parent Development Application, Building height and increased excavation, noise from delivery dock and delivery vehicles.

The Panel considers concerns raised in submissions have been adequately addressed in the Assessment Report.

PANEL MEMBERS	
 Brian Kirk (Chair)	 Nicole Gurran
 Marcus Sainsbury	 Susan Budd

SCHEDULE 1		
1	<b>PANEL REF – LGA – DA NO.</b>	PPSSNH-344 - MOD2022/0559 – Northern Beaches,
2	<b>PROPOSED DEVELOPMENT</b>	Modification of development consent DA2020/0393 granted for Demolition works and construction of a shop top housing development comprising retail premises, 49 dwellings, basement carparking and landscaping
3	<b>STREET ADDRESS</b>	Lot 1 DP 1199795, 28 Lockwood Avenue, Belrose
4	<b>APPLICANT/OWNER</b>	Krikor Simonian Platinum Property Advisors No 1 Pty Ltd
5	<b>TYPE OF REGIONAL DEVELOPMENT</b>	S4.56 to general development exceeding \$30,000,000.00
6	<b>RELEVANT MANDATORY CONSIDERATIONS</b>	<ul style="list-style-type: none"> <li>• Environmental planning instruments:               <ul style="list-style-type: none"> <li>• SEPP 65 - Design Quality of Residential Apartment Development</li> <li>• SEPP (Building Sustainability Index: BASIX) 2004</li> <li>• SEPP (Resilience and Hazards) 2021</li> <li>• Warringah Local Environmental Plan 2011</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: Warringah Development Control Plan</li> <li>• Planning agreements: Northern Beaches Section 7.12 Contributions Plan</li> </ul>

		<p>2022 Section 7.12 contributions were levied on the Development Application.</p> <ul style="list-style-type: none"> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>:</li> <li>• Coastal zone management plan: Nil</li> <li>• Other relevant plans: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council assessment report with draft conditions of consent.</li> <li>• Written submissions during public exhibition: 5</li> </ul>
8	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• 14 December 2022 - Briefing</li> <li>• 01 March 2023 - Final briefing to discuss council's recommendation: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Brian Kirk (Chair), Nicole Gurran, Susan Budd and Marcus Sainsbury</li> <li>○ <u>Council assessment staff</u>: Adam Susko</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Attached to the Council Assessment Report