

Statement of Environmental Effects

Proposed Section 4.56 Modification to Approved Mixed Use Development at 28 Lockwood Avenue, Belrose

March 2025

This report has been prepared and reviewed in accordance with our quality control system.

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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 4.56 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 to the residential units. 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
- BCA Report prepared by Northwest Code Consulting

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)

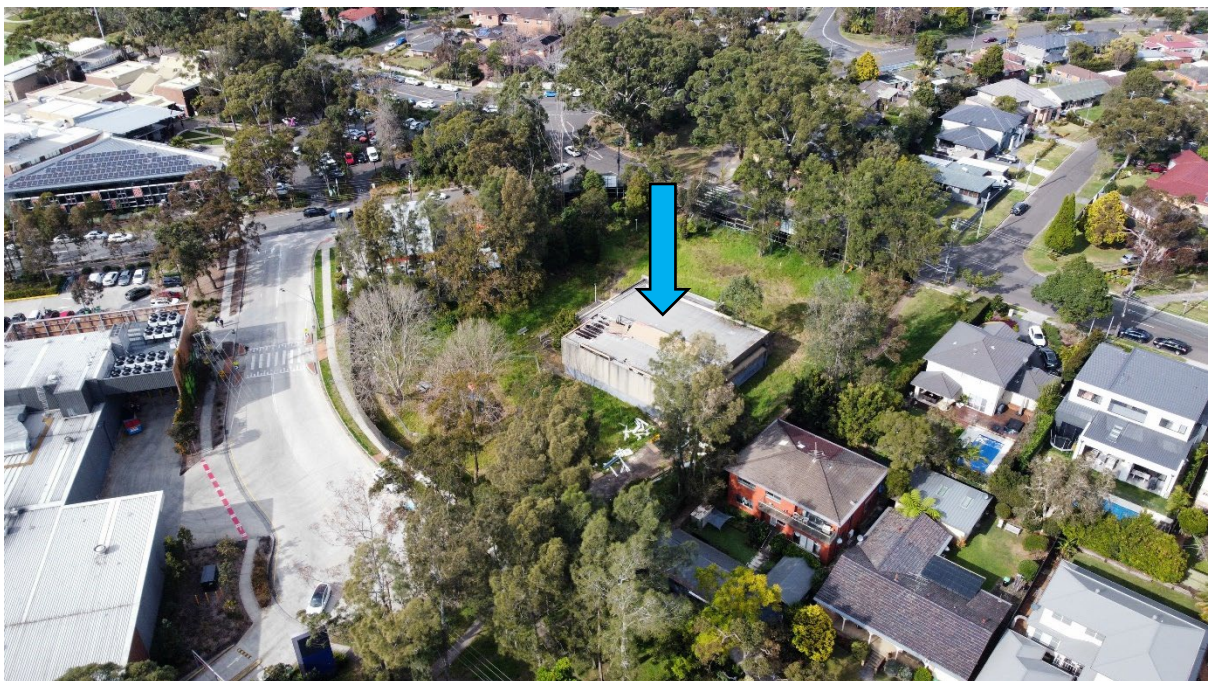


Figure 3: The site looking to the south-west (Prior to demolition)



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).
- On 13 March 2025 the NSW Land and Environment Court approved a Section 4.55 (8) for various minor internal and external modifications (Mod2024/0473).

The Proposal

This Section 4.56 Modification seeks various changes to the approved mixed use development at 28 Lockwood Avenue, Belrose (DA2020/0393). The primary reason for the proposed changes is to integrate the retail car park with the retail service area, ensuring a safer and more efficient journey, and improving overall accessibility. Relying solely on the retail lift for vertical circulation creates delays and inefficiencies for customers and staff. This integration is a strategic investment by the developer to enhance connectivity, which is essential for the long-term viability of the retail spaces. Moreover, this proposal is comparable with the successful approach already implemented in the neighbouring Glenrose Village shopping centre.

The modifications sought under this application are summarised below:

Basement 4

- Relocating the residential car parking to be on B04 and the retail car parking to be on B03.
- Relocating some of the storage cages and bicycle spaces
- All residential lifts to have door openings on B04 and doors deleted on B03.
- Minor adjustments.

Basement 3

- Proposed escalator off the piazza to retail carpark on B03 with an enclosed lobby and new retail toilets for men, female, disability and a parent room. A trolley storage is proposed with some adjustments to car spaces and storages.
- Bicycle residential storage relocated on the same level B03.
- Relocating the residential car parking to be on B04 and the retail car parking to be on B03. Reduction of one visitor's car space.

Basement 2

- Glass encloser for the escalator on B02.
- Replacement for all the fixed glazing retail shopfronts around the piazza with sliding folding doors.
- The relocation of the mailbox room and parcel storage.
- Splitting retail 09 into three retails: 09, 9A and 9B.
- Minor adjustments to the planter boxes to work with the proposed escalators with no reduction to its surface area.

Ground Floor

- Retail 03 has been split into 3 and 3a with a new ramp to 3a. Reduced area for retail 04.

No other changes are proposed to the approved DA and refer to the submitted plans prepared by Urbana Corp for further details.

Assessment of Planning Controls

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

Section 4.56 Modification by Consent Authorities of Consents Granted by the Court

This application is made under Section 4.56 of the Environmental Planning and Assessment Act 1979 which allows Council to modify a development consent issued by the NSW Land and Environment Court if the following conditions have been satisfied:

(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and

Comment: This application seeks to modify the approved mixed use development at 28 Lockwood Avenue DA2020/0393 by various minor internal and external alterations within the existing building envelope.

(b) it has notified the application in accordance with:

- (i) the regulations, if the regulations so require, and*
- (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

Comment: It is Council's responsibility to notify this application to the neighbours and it is expected that this is undertaken in accordance with their relevant procedures.

(c) it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person, and

Comment: It is expected that reasonable attempts are made by Council.

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Comment: Council will need to consider any submissions as part of their assessment of this application.

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 originally approved 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 originally 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. Refer to the landscape plans for further analysis.

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. Due to the minor modifications proposed a full assessment against the Apartment Design Guide (ADG) is not considered to be necessary.

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
B2 Local Centre	The proposed modifications are permissible within the E1 zone.	Yes
4.3 Height of buildings Max height of buildings 8.5m	The proposed modifications do not seek to increase the approved height.	Yes
4.4 Floor Space Ratio	While there is no maximum FSR applicable to the site, there is no additional GFA proposed.	N/A
5.10 Heritage conservation	The site is not heritage listed or located within a heritage conservation area.	Yes
6.4 Development on sloping land	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
Part C		
C2 Traffic, Access, and Safety Vehicular Access	The changes proposed to the approved basement levels are very minor and fully comply. Refer to the Traffic Report prepared by McLaren for further details.	Yes

Control	Proposal	Complies
C3 Parking Facilities	There are no changes to approved car spaces except reduction of one visitor's car space. Refer to the Traffic Report prepared by McLaren for further details.	Yes
C3 (A) Bicycle Parking and End of Trip Facilities	There is no changed to the number of approved bicycle spaces.	Yes
C4 Stormwater	No change.	Yes
C7 Excavation and Landfill	No change.	Yes
C9 Waste Management	No change.	Yes
D10 Building Colours and Materials	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 confined to the approved building envelope and do not require any changes to the approved building height or setbacks. 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 4.56 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 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.