



DATE OF DETERMINATION	29 July 2024
DATE OF PANEL DECISION	26 July 2024
PANEL MEMBERS	Brian Kirk (Chair), Susan Budd, Sue Francis, Graham Brown and Annelise Tuor
APOLOGIES	Nicole Gurran and Peter Debnam
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 12 July 2024.

MATTER DETERMINED

PPSSNH-503 - Mod2024/0079 – 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 listed at item 8 in Schedule 1.

Application for modification of consent

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

The decision was unanimous.

REASONS FOR THE DECISION

The initial development application was refused by the Sydney North Planning Panel but subsequently approved by the NSW Land and Environment Court on 8 November 2021 (*Platinum Property Advisors No 1 Pty Ltd ATF The Trustee for Platinum Property Advisors No 1 Trust v Northern Beaches Council [2020] LEC No. 2020/283826*)

This is the second modification application that has been submitted. The Panel is satisfied that the proposed development as modified will remain substantially the same as the development for which the consent was originally granted; and has determined to approve this application for the reasons outlined in the Council Assessment Report.

The design changes proposed in this modification application include minor internal and external changes to the building. The extent of changes is listed in the Council's Assessment Report. The Panel concurs with Council that the modifications are generally a refinement of the approved development and will not result in additional adverse visual, amenity or environmental impacts.

The proposal involves a minor breach of the building height development standard under WLEP 2011 to accommodate a new louvre screen located centrally within the roof form. The Panel is satisfied that this building element will not result in any unreasonable adverse visual impact, loss of views, or overshadowing.

Council's Assessment Report considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed. The Panel determined to approve the application for the reasons outlined in the Council Assessment Report.

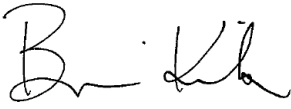
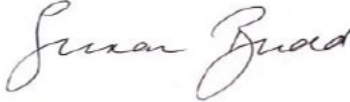
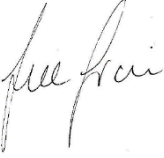

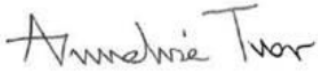
CONDITIONS

The Application was approved subject to the conditions in the Council Assessment Report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered the two written submissions made during public exhibition. The Panel notes that issues of concern relate to the proposed height increase and the impact of the proposed highlight windows at the western elevation of Retail 03.

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report.

PANEL MEMBERS	
 Brian Kirk (Chair)	 Susan Budd
 Sue Francis	 Graham Brown
 Annelise Tuor	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-503 – Northern Beaches - Mod2024/0079
2	PROPOSED DEVELOPMENT	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	STREET ADDRESS	28 Lockwood Avenue, BELROSE
4	APPLICANT/OWNER	Mario Mourad PLATINUM PROPERTY ADVISORS NO. 1 PTY LTD
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.56 Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Building Sustainability Index: BASIX) ○ State Environmental Planning Policy (Housing) 2021 ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ Warringah Local Environmental Plan 2011 (WLEP 2011) • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Warringah Development Control Plan 2011 • Planning agreements: Nil • Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council Assessment Report: 11 July 2024 • Written submissions during public exhibition: two
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 19 June 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Nicole Gurrán and Brian Kirk ○ <u>Council assessment staff</u>: Adam Croft ○ <u>Applicant representatives</u>: Eli Gescheit, Eli's OtterPilot, Kathy and Maxine ○ <u>Department staff</u>: George Dojas, Adam Iskander and Suzie Jattan • Determination Briefing: 24 July 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Brian Kirk (Acting Chair), Susan Budd, Sue Francis, Graham Brown and Annelise Tuor ○ <u>Council assessment staff</u>: Adam Croft ○ <u>Department staff</u>: George Dojas, Adam Iskander and Lisa Foley
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report

