

**WARRINGAH DEVELOPMENT ASSESSMENT PANEL MEETING**

<b>3.4</b>	<b>145 Old Pittwater Road, Brookvale (Warringah Mall Shopping Centre) - Partial Demolition of Existing Buildings and Construction of an Extension to the Warringah Mall Shopping Centre Including Two Levels of Retail Floorspace and a Multi-level Carpark</b>
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**Panel Member**

**Mary-Lynne Taylor**, Chair (Environmental Law)

**Brett Newbold**, Urban Design Expert

**Marcus Sainsbury**, Environmental Expert

**Melissa Chapman**, Community Representative

**DA 2008/1741**

**Application Details**

Partial demolition of existing buildings, construction of an extension to the Warringah Mall Shopping Centre including two levels of retail floorspace, a multi-level car park and associated stormwater works.

**Site Description**

Lot 100, DP 1015283, No. 145 Old Pittwater Road, Brookvale (Warringah Mall Shopping Centre)

**Site Visit**

An inspection of the site was undertaken by the Panel and staff members prior to the WDAP Meeting. A copy of all the objection letters was provided to the Panel who considered the objections on the site visit.

**Proceedings in Brief**

The WDAP meeting was addressed by 2 people who had written letters of objections. In one case, it was environmental matters and optimal outcomes that the resident believed had not been achieved, a belief that the character of the locality had not been met and that there was insufficient landscaping opportunities throughout the site. The lack of designated bicycle paths and link up was noted. The resident spoke of poor pedestrian connection with the street and links to bus stops, believed the car park facing the public street was a poor urban design solution, did not find the landscape proposal as amended satisfactory and believed this was an opportunity to obtain additional community services. Both of the speakers expressed a belief that unsatisfactory traffic congestion would continue to occur and could worsen.

The second speaker was concerned about the impact of noise because of the placement of the shopping centre in a valley surrounded by a cliff face which she believed exacerbated the noise. She had been in the area since prior to the building of the Mall and found that in the last ten years that had been increase in noise impact for residents. She expressed concerned that the traffic would be highly unsatisfactory as it is presently causing dangerous situations for people particularly those who have to drive in peak hour times. This speaker was concerned that there

would be insufficient monitoring of the conditions of consent and appeared to base this concern because of what she believed was inadequate monitoring of the Mall in the past. She is affected also by glare from the lighting presently of the site and expressed a hope that the new lighting if it met the Australian Standards would be a better outcome and felt that because of her lack of knowledge of the Australian Standards, she was unaware of what the impact would be. She also complained that there was unsatisfactory noise impact from a siren and a loud speaker at various hours from the present operation.

A representative of the owners and a Town Planner addressed the Panel on behalf of the applicant. It was explained that full details of augmentation of culverts was the subject of a separate development application already lodged with Council DA2008/1742, and this would deal with all aspects of hydrology and deal with the water received from other sites and passing through the Mall site. It was also explained that the matter of cycle-ways had been discussed with Council but Council had no plans for a cycle way link to the Mall as it would be of no use to provide a cycle way in the Mall. Nevertheless, the Mall provided opportunities for the cyclist to enter the Mall from other entrances and already provided storage for bicycles and shower rooms for cyclist whether they were shoppers, visitors or staff.

The Panel agrees with the assessment report that the application complies with the DCP and notes the manner in which traffic is to be addressed and the references to the State Transit Authority, RTA, Police and response from the Private Bus Company. The Panel notes that Council's Development Engineers are satisfied with the proposed stormwater works and have raised no objections and have imposed a condition regarding flood affected land. The Panel notes a Deferred Commencement Condition has been imposed by Council in relation to stormwater works. In relation to concerns about noise, there is a condition of compliance with the usual Acoustic Standard. In relation to glare there is a condition regarding materials and the need for them to meet a reflectivity test. Landscaping has been found satisfactory by the Council in the manner in which it is to be presented, in view of the fact that the site must accommodate a culvert and all the usual services will be placed in the street.

The applicant sought to change Condition 9 (roof top plant) to allow an acknowledgement that it was entitled to lodge amended plans seeking approval, some time in the future, perhaps for plant or machinery located on the roof. The Panel notes the present plans show no plant or machinery on the roof and the Panel does not believe it is necessary to put into this condition a statement of the law as it allows an applicant to make an application to change in the future. Nevertheless the Panel would be prepared to amend the reason to read as follows: *"as no roof top plans or machinery has been shown on the plans and to ensure consistency with the approved development"*.

The Panel agrees with the recommendation in the assessment report for a Deferred Commencement Approval subject to the amendment of Conditions No 9.

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## DECISION OF WARRINGAH DEVELOPMENT ASSESSMENT PANEL

That the recommendation of the Director Planning and Development Services for approval be adopted including an amendment to Condition 9 as follows:

### 9. Location of Plant

No plant or machinery (including but not limited to air conditioning equipment) is to be located on the roof of the development.

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Minutes of Warringah Development Assessment Panel Meeting held on 28 April 2010

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**Reason:** No roof top plant or machinery has been shown on the plans and to ensure consistency with the approved development. **(DACGClp)**

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**Voting 4/0**