

<b>DATE OF DETERMINATION</b>	10 December 2019
<b>PANEL MEMBERS</b>	Peter Debnam (Chair), Sue Francis, John Roseth, Annelise Tuor, Steve Kennedy
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically between 6 December 2019 and 10 December 2019.

#### **MATTER DETERMINED**

2018SNH052 – Northern Beaches – DA2018/1514 at 145 Old Pittwater Road Brookvale for additions to Warringah Mall Shopping Centre (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 observed at site inspections listed at item 8 in Schedule 1.

#### **Development application**

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### **REASONS FOR THE DECISION**

1. The proposal will create an improvement in the design and character of the Warringah Mall shopping centre and result in social and economic benefit to the area.
2. The proposal's impact on surrounding residential buildings is reasonable.
3. While the proposal exceeds the heights specified in the Warringah DCP 2011, the visual impact of the proposed buildings on the streetscape is acceptable, with the taller buildings located towards the centre of the site. The Panel accepts the opinion expressed in the assessment report that there are good reasons to vary the height guidelines in the DCP.
4. The variation of the setback guidelines in the DCP is minor and has no adverse impact.
5. The traffic impacts of the proposal will be acceptably managed.
6. The Panel accepts the conclusions of the supplementary report that it may be satisfied, pursuant to clause 6.3(3)(a) to (e) of the Warringah LEP 2011, and specifically that the flood impact of the proposal on other private land will either improve or remain the same.
7. The Panel accepts the supplementary report's assurance that the conditions imposed on the 2008 consent relating to the shopping centre are consistent with the conditions of this consent.

#### **CONDITIONS**






The development application was approved subject to the conditions in the council supplementary assessment report.

#### **CONSIDERATION OF COMMUNITY VIEWS**

In coming to its decision, the Panel considered two written submissions made in response to the second public exhibition of the proposal. One submission was concerned with continued access to adjoining commercial premises during construction. This is now ensured by a condition of consent.

The second objection dealt with flooding impact. The concern was reinforced by two objectors who spoke at the public meeting on 27 November 2019. In order to respond to their objection, the Panel deferred its

decision at that meeting in order to seek a supplementary report that would assure it that it could be satisfied, pursuant to clause 6.3(3)(a) to (e) of the Warringah LEP 2011, that the flooding impact was acceptable and specifically that its impact on other private land will either improve or remain the same. It is on the receipt of this supplementary report, referred to above under Reasons for Decision, that the Panel resolved to approve the application.

PANEL MEMBERS	
 Peter Debnam (Chair)	 John Roseth
 Sue Francis	 Annelise Tuor
 Steve Kennedy	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SNH052 – Northern Beaches – DA2018/1514
2	PROPOSED DEVELOPMENT	Major additions to the Warringah Mall Shopping Centre, including new retail premises, food premises, kiosks, department stores and a new cinema complex with associated car parking and landscaping.
3	STREET ADDRESS	145 Old Pittwater Road, Brookvale
4	APPLICANT OWNER	Scentre Management Ltd AMP Warringah Mall Pty Ltd Scentre Management Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>○ State Environmental Planning Policy – Infrastructure 2011</li> <li>○ Warringah Local Environmental Plan 2011 (WLEP 2011)</li> <li>○ Warringah Local Environmental Plan 2011</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Warringah Development Control Plan 2011</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>• Coastal zone management plan: 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	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report: 12 November 2019</li> <li>• Council supplementary report: 6 December 2019</li> <li>• Written submissions during public exhibition: 2</li> <li>• Verbal submissions at the public meeting 27 November 2019: <ul style="list-style-type: none"> <li>○ In objection – Penny Muarry, Mark Tooker</li> <li>○ Council assessment officer – Lashta Haidari</li> <li>○ On behalf of the applicant – Tim Blythe, Brett Phillip, Anthony Lannuzzi</li> </ul> </li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing: 18 December 2018 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Peter Debnam (Chair), Sue Francis, John Roseth, Annelise Tuor, Steve Kennedy</li> <li>○ <u>Council assessment staff</u>: Rebecca Euglund, Matthew Edmonds, Adam Mitchell</li> </ul> </li> <li>• Site inspection: 18 December 2018 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Peter Debnam (Chair), Sue Francis, John Roseth, Annelise Tuor, Steve Kennedy</li> <li>○ <u>Council assessment staff</u>: Rebecca Euglund, Matthew Edmonds, Adam Mitchell</li> </ul> </li> <li>• Final briefing to discuss council’s recommendation, 27 November 2019 at 12pm. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Peter Debnam (Chair), Sue Francis, John Roseth, Annelise Tuor, Steve Kennedy</li> </ul> </li> </ul>

		<ul style="list-style-type: none"><li>○ <u>Council assessment staff</u>: Lashta Haidari, Steve Findlay, Louise Kerr, Patrick Stewart</li></ul>
<b>9</b>	<b>COUNCIL RECOMMENDATION</b>	Approval
<b>10</b>	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report