



Westfield Warringah Mall

Section 96 Modification to DA2008/1741

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Introduction

This report has been prepared by Urbis on behalf of Westfield Limited to accompany an application pursuant to Section 96(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

This application seeks to modify DA2008/1741 in respect of the Deferred Commencement Approval for *'the partial demolition of existing buildings, and construction of new retail floorspace and a multi-level car park at Warringah Mall'*.

DA2008/1741 was approved by the Warringah Council on 28 April 2010, and documentation to comply with the deferred commencement conditions has been submitted to Council for consideration in satisfaction of the deferred commencement conditions for an operational consent to be issued by Council.

The key outcomes of the proposed Section 96(1A) are:

- Reconfiguration of the approved retail expansion area, remaining consistent with the volume of additional floorspace approved under the original application.
- Alterations to the design of the 'Palm Tree car park' including changes to the layout, vehicle circulation, external elevations and landscaping.
- Alterations to the 'Starfish car park' including reconfiguration of access driveway at the south-western corner of the site.

The result of these changes is modifications to the approved plans and the following conditions of consent:

- Condition 2 – Approved Plans and Supporting Documentation.
- Condition 7 – External Colours and Materials.
- Condition 9 – Location of Plant.
- Condition 23 – Flood Wall Barrier System.
- Condition 30 – Tree Protection.

Other conditions may require modification to ensure consistency with the approved development.

This report provides:

- A description of the proposed modifications.
- Consideration of the proposed changes against the provisions of Section 96(1A) of the EP&A Act.
- An assessment of the proposed modification against the matters for consideration pursuant to Section 79C of the EP&A Act.

It is noted that the assessment of the application outlined in this report clearly demonstrates the proposed modifications will result in substantially the same development as was originally approved.

The application is supported by the following documentation:

- Amended Architectural Plans and Design Statement prepared by Westfield Design and Construction (**Appendix A**).
- Revised Landscape Plans and Design Statement prepared by DEM (**Appendix B**).
- Amended Stormwater Plans prepared by Cardno (**Appendix C**).

- Revised Traffic Statement prepared by GTA Consultants (**Appendix D**).
- Tree Report prepared by TreeScan (**Appendix E**).
- Access Report prepared by Access Australia (**Appendix F**).
- Revised Fire Safety Engineering Report prepared by Defire (**Appendix G**).
- Revised BCA Compliance Statement prepared by McKenzie Group (**Appendix H**).
- Revised Sustainability Management Statement prepared by ARUP (**Appendix I**).
- *Warringah Development Control Plan 2011* Compliance Table (**Appendix J**).

1 Approved Development

1.1 DEVELOPMENT CONSENT

Development Application DA2008/1741 was submitted to Warringah Council on 18 December 2008, concurrently with two other applications:

- Warringah Mall Shopping Centre Development Control Plan Application; and
- DA2008/1742 for stormwater drainage works through the Warringah Mall site.

Development applications DA2008/1741 and DA2008/1742 have both been determined, and the Warringah Mall DCP has been adopted by Council and forms Part G4 of the *Warringah Development Control Plan 2011*.

DA2008/1741 obtained consent for the expansion of the retail offer in Warringah Mall and the associated new multi-level car park. These works are referred to as the 'Stage 1 Retail Expansion'.

A Deferred Commencement consent was issued by Council on 28 April 2010, with the deferred commencement condition relating to stormwater management for the approved works. Documentation was submitted to Council for consideration in satisfaction of this deferred commencement condition, and a letter advising that the Deferred Commencement conditions had been satisfied and the consent activated was issued by Council in August 2013.

1.2 APPROVED WORKS

The works approved under DA2008/1741 are for the partial demolition of existing buildings and construction of an extension to the existing Warringah Mall Shopping Centre buildings. These works also included redevelopment of the Palm Tree car park and modification to the Starfish car park.

The scope of the approved works are outlined in below:

- Reconfiguration of the existing shopping mall buildings, resulting in approximately an additional 8,000m² of gross lettable floor area and new mall connecting with David Jones;
- Redesign of Myer tenancy;
- Redevelopment of the 'Palm Tree' car park to accommodate a new multi-deck car park;
- Reconfiguration of the existing 'Starfish' car park to accommodate the new shopping mall expansion, and addition of new express ramps within car park;
- Creation of new rooftop car park above new retail floorspace;
- New landscaping along the Cross Street and Green Street frontages;
- Stormwater works associated with the approved development, including a twin barrelled culvert adjacent to Cross Street and Green Street;
- New external signage for future tenants and building identification signage; and
- Associated traffic management works.

2 Proposed Modifications

2.1 SUMMARY OF PROPOSED MODIFICATIONS

This Section 96(1A) modification seeks to amend the works approved under DA2008/1741. The application specifically seeks to make the following modifications to the approved development:

- Reconfiguration of the approved retail expansion area but with no increase in the volume of additional floorspace approved under the original application.
- Reconfiguration of the Myer store to create a smaller Myer tenancy and additional specialty tenancies.
- Alterations to the design of the 'Palm Tree car park' including changes to the layout, vehicle circulation external elevations and landscaping.
- Alterations to the 'Starfish car park' including reconfiguration of access driveway at the south-western corner of the site.

Each of these modifications is discussed in detail below.

2.2 RECONFIGURATION OF RETAIL EXPANSION AREA

This Section 96(1A) application seeks to reconfigure the new retail expansion area adjacent to the Starfish car park. The revised proposal will result in the approved 8,000m² of Gross Lettable Area (GLA) being redistributed throughout the new 'parallel' fashion mall at the ground floor and first floor. The reconfigured malls will comprise of:

- The new ground level 'parallel' fashion mall adjacent to the Starfish car park will comprise:
 - Reconfiguration of the Myer store to reduce the overall size of the tenancy.
 - 3 new mini-major tenancies.
 - Approximately 31 new specialty tenancies.
 - Approximately 15 new kiosks, food stores and restaurants.
- The reconfiguration of the first floor connecting to the Starfish car park and Palm Tree car park will comprise:
 - Reconfiguration of the Myer store to reduce the overall size of the tenancy.
 - 7 new mini-major tenancies.
 - Approximately 33 new specialty tenancies.
 - Approximately 6 new kiosks and restaurants.

The revised design of the parallel mall incorporates a revised skylight design which will improve natural ventilation and daylight into this space.

Due to the location of the new retail mall adjacent to the existing retail mall adjoining to the David Jones tenancy and the existing Starfish car park, part of the Starfish car park will be demolished and reconfigured. This is discussed in more detail below in **Section 2.4**.

It is noted that the proposed modification results in generally the same volume of GLA as was approved under the original application, with the new parallel mall situated in the same location as previously approved.

2.3 ALTERATIONS TO PALM TREE CAR PARK

Internal Layout

The proposed modification seeks to reconfigure the Palm Tree car park to improve parking efficiencies within the new multi-deck structure, and introduce express ramps for cars to access higher levels of the car park.

The redesign of the Palm Tree car park will leave the approved entry and exit points unchanged, however the inclusion of new express ramps will improve internal circulation within the car park, reducing any potential queuing at entries.

External Design and Landscaping

The car park redesign has included the removal of the external circulation ramps along Green Street resulting in a reduction in bulk along the eastern elevation. New circulation ramps, including the express ramps are proposed along the northern elevation adjacent to Cross Street, however the redesign of the Cross Street elevation of the car park includes a new façade treatment which comprising a mix of landscaping and batten panels which will largely screen these elements.

Incorporated in the revised Palm Tree car park is a redesigned 'centre identity treatment' which will punctuate the Green Street 'Gateway' entry into the centre. The redesign incorporates high-quality materials and modern lines to provide a contemporary architectural entry feature.

2.4 ALTERATIONS TO STARFISH CAR PARK

The proposed modifications seek to reconfigure the internal layout of the Starfish car park to accommodate the new retail expansion area. This will result in part of the eastern portion of the existing Starfish car parking being demolished to accommodate the new location and layout of the parallel mall.

Further, to improve efficiencies in vehicles entering and circulating through the car park, a new entry configuration is proposed to support the introduction of express ramps for cars to access higher levels of the car park. The revised car park design relocates the circulation ramps to the exterior side of the car park along the western elevation. This redesign increases the area within the car park to accommodate parking spaces reallocated from the parallel mall redesign. Due to existing development to the west of the Warringah Mall site, the new location of the car park ramps will have limited visual impact from surrounding sites or public spaces.

2.5 SIGNAGE

Consistent with the original application submitted for the Stage 1 works, signage zones have been indicated on the plans to provide guidance of the location and scale of signage on the new Palm Tree car park and northern elevation of the Warringah Mall site. Details of this strategy are illustrated on the architectural plans (DA01.5302) prepared by Westfield Design and Construction attached in **Appendix A**.

It is noted that Condition 4 of the Deferred Commencement consent requires a separate application for signage, and this modification application does not seek to alter this requirement.

3 Section 96(1A) Assessment

The proposed modification to the existing development consent is sought under Section 96(1A) of the *Environmental Planning and Assessment Act 1979*, which will have minimal environmental impacts as demonstrated through the assessment undertaken below.

Under s.96(1A) the consent authority may approve an application to modify a development consent where it is satisfied that the proposed modification will satisfy the four elements of s.96(1A), which the proposed modifications are assessed against below.

3.1 MINIMAL ENVIRONMENTAL IMPACTS

The proposed modifications to the approved Stage 1 expansion of Warringah Mall have been designed to improve the retail offer within the new parallel mall to meet contemporary retailing demands. The design integrates the following key improvements to the operations of the Mall:

- Reconfigure tenancy layout and size in new parallel mall to meet current retailing trends.
- Redesigned skylight in the new parallel mall which will improve access to natural light and ventilation.
- Express circulation ramps in the Palm Tree and Starfish car parks, which will improve efficiencies for vehicles to access higher parking levels.
- Modified landscaping treatment along the entry-way to the Starfish car park, which will replace the existing landscaping bays with larger landscaping verges planted with species suitable for the conditions of this location.
- Revised northern and eastern elevation of the Palm Tree car park which introduces new design elements and minimises visual clutter at this northern entry point.

Accordingly, as the proposal seeks to improve the retail offer and car park efficiencies without increasing the overall size of the Stage 1 mall expansion, it will have minimal environmental impacts beyond those of the original approved works.

3.2 SUBSTANTIALLY THE SAME DEVELOPMENT

The proposed modifications result in the overall scale of the Stage 1 development remaining unchanged. The modification will still deliver a new parallel mall with approximately 8,000sq.m of GLA and proposed the same number of parking spaces (however reconfigured) to be delivered in stages as approved under the original Stage 1 DA.

The changes to the Palm Tree car park façade will provide a modern streetscape presentation of the new car park structure which incorporates contemporary materials and landscaping treatments. However these changes will result in the car park envelope remaining unchanged.

Accordingly, while the proposed modification provide a more contemporary retail offer and built form design, the changes to the overall development outcomes are minor in nature, and will result in the delivery of substantially the same development as originally approved.

3.3 NOTIFICATION PROCESS

Under Part A.7 of the *Warringah DCP 2011*, Section 96(1A) applications do not require notification, However it is noted that Council have the discretion to notify any application it sees fit. The Applicant does not object to the notification of this Section 96(1A) application.

3.4 CONSIDERATION OF SUBMISSIONS

If the application is notified and submissions are received, these acknowledge that Council will consider the issues raised in the submissions as part of the assessment process.

4 Policy Assessment

4.1 POLICY OVERVIEW

The relevant planning policies applicable to the proposed modification are:

- *Warringah Local Environmental Plan 2011.*
- *Warringah Development Control Plan 2011.*

A summary of the assessment against each of these policies is outlined below.

4.2 WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011

The *Warringah Local Environmental Plan 2011* (WLEP 2011) was gazetted on 9 December 2011. Accordingly the WLEP 2011 was not in force at the time of the original consent for the Stage 1 DA.

Under the WLEP 2011, the Warringah Mall site is zoned B3 Commercial Core, which includes the following as one of the four zone objectives:

- *To recognise and support the role of Warringah Mall as a retail centre of sub-regional significance.*

The proposed modifications seek to promote the status of Warringah Mall as a retail centre of sub-regional significance through improving the design of the centre to respond to more contemporary retailing trends. The redesigned Palm Tree car park façade provides a prominent gateway statement to the northern entry into Warringah Mall, incorporating contemporary materials and innovative design elements which will enhance the visual presentation of the shopping centre.

The components of the modification have already been approved, however it is noted that under the B3 Commercial Core zone, 'Commercial Premises' which is the group definition including 'retail premises' is expressly permissible, while 'car parks' are also permissible within the B3 zone.

While the Warringah Mall site is identified as containing acid sulphate soils, these are not identified as affecting the part of the site where works are proposed.

4.3 WARRINGAH DEVELOPMENT CONTROL PLAN 2011

The *Warringah Development Control Plan 2011* (WDCP 2011) was adopted by Council in 2011 concurrently with the gazettal of the WLEP 2011.

An assessment of the proposed amendments has been undertaken against the relevant *WDCP 2011* controls and is contained in **Appendix J**. The assessment indicates that the proposed amendments are consistent with the objectives of the *WDCP 2011* controls.

5 Key Considerations

5.1 BUILT FORM AND URBAN DESIGN

A detailed architectural statement has been prepared by Westfield Design and Construction (**Appendix A**) which outlines the key design elements and rationale for the revised proposal.

The key changes to the built form and urban design proposed relate to the design of the Palm Tree car park. The proposed modifications do not alter the overall footprint of the Palm Tree car park, but rather reconfigure the parking spaces within the car park, and rationalise and relocate the circulation ramps from the eastern façade of the car park to the northern façade.

The northern façade treatment has been redesigned to incorporate a new façade treatment to 'wrap around' the ramps and car park structure to conceal the ramps which sit on the outside of the car park structure. The new façade treatment integrates a mix of both materials and landscape elements to provide a more dynamic façade than previously approved.

The façade treatment has been augmented to relate to the revised ramp layout and provided integrated screening to the substation. The new façade treatment utilised a composition and layering of 'porous veils' which capture and imply movement across and throughout the façade. This new design will create a dramatic moving façade to define the Cross Street and Green Street corner.

The façade treatment includes a 'green wall' growing in the landscape setback area, and being trained to grow up the external wall of the circulation ramp using tension cables. Details of the landscaping treatment of the Palm Tree car park façade are included in the landscape plans prepared by DEM Landscape Architects attached in **Appendix B**.

The new façade treatment provides a strong 'gateway' presentation for the Cross Street and Green Street entry into Warringah Mall. Accordingly, the built form and urban design of the proposed modifications are considered suitable for the site and generally consistent with the approved scheme.

5.2 TRAFFIC AND PARKING

Traffic experts, GTA Consultants have reviewed the revised plans and provided advice on the traffic and car parking implications of the modified design (attached in **Appendix D**). The key findings of the traffic review have been extracted below:

- *The current scheme is not proposing to alter the previously approved floor space area i.e. 8,000m² gross leasable floor area.*
- *The expected development traffic arising from the current Stage 1 scheme would be consistent with the previously approved development. As such, the surrounding road network would continue to operate well as originally planned.*
- *No change to the number of car parking spaces or staged delivery of the car parking spaces.*
- *The proposed modifications to access arrangements at the "Palm Tree" and "Starfish" car parks are considered to be acceptable.*
- *The proposed access arrangement is consistent with that shown in the Warringah DCP.*
- *All new parking spaces and associated car park elements are proposed to be designed in accordance with the requirements set out in the Australian Standard for car parking facilities.*

Overall, the traffic and parking effects of the proposed modifications to the approved Stage 1 would be satisfactory.

Based on the expert advice received it is considered that the proposed modifications to the car parking and access arrangements are satisfactory.

5.3 LANDSCAPING AND TREE MANAGEMENT

Proposed Landscaping

The revised landscape treatment for the Stage 1 development has been designed by DEM Landscape Architects. The landscape plans and design statement are attached in **Appendix B**. The aim of the proposed landscaping is to provide a suitable landscape treatment to address the local environment while also remaining in-keeping with the surrounding light industrial uses.

The landscaping along Cross Street is a combination of street trees, ground cover and plants to create the 'Green Wall' on the external ramps. The design of the landscaping along Cross Street has been design to provide a vegetated streetscape at pedestrian level, while also screening the external ramps proposed along this frontage.

The landscaping for the Palm Tree car park is proposed along Cross Street and Green Street. The landscaping along Green Street comprises drought-tolerant groundcovers and shrubs in mounded soil. All existing trees along Green Street within the verge will be retained, while the existing palm trees at the corner of Green and Cross Streets will be transplanted into the Green Street verge.

Overall, the proposal will enhance the landscaping along these street frontages and provide a more defined streetscape for both Cross and Green Streets and provides a positive contribution to the northern 'gateway' into Warringah Mall.

The changes to the landscaping along the existing driveway into the Starfish car park will replace the existing trees with more suitable species that can survive in the harsh conditions of this roadway. The proposed species are low water tolerant natives suitable for low-light conditions.

Proposed Tree removal

To accommodate the proposed changes to the roadway to the Starfish car park, 12 existing trees within the roadway are proposed to be removed. A Tree Report has been prepared by TreeScan (**Appendix E**) which assesses the health and anticipated life-span for each of the 42 trees within this roadway.

The report concludes:

The removal of ten trees would be necessary to enable the construction of the new roadway and access ramp. Most of these trees are of diminished value due to their confined locations within planter beds in the centre of the roadway.

Trees proposed for retention would require protection, depending on their proximity to disturbance as the result of construction nearby. In most cases the protection of the site fencing along the edges of the roadway would be sufficient, but some trees may also require trunk armouring to protect trunks and lower branches from accidental contact with machinery.

The trees proposed to be removed will be replaced with new small to medium size trees, native shrubs and ground covers in larger garden beds. Accordingly, while trees are proposed to be removed from within this part of the site, they are of low value due to their poor health and will be replaced by more suitable landscaping which considers the locational characteristics of the Starfish roadway.

5.4 PLANT ROOMS

The revised architectural plans prepared by Westfield Design and Construction (**Appendix A**) indicate three roof plant locations which have been identified through the design development process. Accordingly, it is requested that Condition 9 be deleted or modified to permit these structures.

It is noted that the plant room locations are substantially setback from the site boundaries, and will generally be screened from views off-site by the existing and proposed building structures on the Warringah Mall site. However, any plant structures protruding above the roof will be suitably screened to integrate with the building structure. Accordingly, the deletion or modification of Condition 9 will not result in any perceivable adverse impacts and is considered satisfactory.

5.5 STORMWATER AND FLOOD MANAGEMENT

Revised stormwater drainage plans have been prepared by Cardno and are attached in **Appendix C**. The stormwater works proposes some on-site regrading of roadways to minimise pooling of stormwater on these surfaces.

The stormwater design includes new flood barriers to limit the extent of flooding of habitable parts of the site. These works include flood protection for the ground floor car park areas, and have been designed in accordance with the flood management works submitted to Council in satisfaction of the deferred commencement condition.

5.6 SUSTAINABILITY

A review of the Sustainability Management Plan has been undertaken by Arup and is attached in **Appendix I**. The review identifies minor amendments to the Sustainability Management Plan, however the Arup review concludes that the overall sustainability outcomes of the development have minimal difference to the originally approved development, *'if not improved based on the current design development'*.

5.7 ACCESSIBILITY

An Access Report has been prepared by Access Australia and is attached at **Appendix F**. The report makes a series of recommendations to ensure compliance with the relevant access standards. As part of this Section 96(1A) application, Westfield is committed to adopting these recommendations and meeting the relevant access standards.

6 Conclusions

Based on the assessment outlined above and the support documentation attached in **Appendix A to J**, it is concluded that the proposal to modify Conditions 1, 7 and 9 of Deferred Commencement Consent DA2008/1741 may be approved under the provisions of section 96(1A) of the *Environmental Planning and Assessment Act 1979*.

In summary, we submit that the proposed amendment involves a revised built form design for the new parallel mall and Palm Tree car park as a consequence of detailed design development. These changes are entirely positive will not introduce any adverse social, economic or environmental impacts.

The amended design will enhance the quality and amenity of retail offer and provide improved car park circulation within the site. The redesign of the Palm Tree car park façade will provide a 'gateway' northern entry into Warringah Mall, which will improve and enhance the Green Street and Cross Street streetscapes.

Accordingly, the proposed modification is reasonable and will result in substantially the same development as originally approved. Therefore this request to modify the deferred commencement consent should be supported and approved by Warringah Council.

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