

Westfield Warringah Mall

Section 96(2) Modification to DA2008/1741

August 2014

urbis

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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(2) of the *Environmental Planning and Assessment Act 1979* (the Act).

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

- 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.
- Construction works which are required to be carried out prior to and post retail opening hours of Warringah Mall in order to prevent disturbances with regard to operation of the retail tenancies and allow construction works to be completed in a more timely manner.

DA2008/1741 was approved by Warringah Council with Deferred Commencement Conditions on 28 April 2010. Documentation to comply with the deferred commencement conditions was submitted to Council in August 2013. Council have since confirmed that this information satisfied the requirements of the deferred commencement conditions and that the consent is now operational.

The results of the proposed changes are modifications to the approved plans and the following conditions of consent:

- Condition 2 – Approved Plans and Supporting Documentation.
- Condition 6a – General Requirements.
- 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(2) of the Act.
- An assessment of the proposed modification against the matters for consideration pursuant to Section 79C of the Act.

The assessment of the application outlined in this report clearly demonstrates that the proposed modifications will result in substantially the same development as that which was originally approved and satisfies the requirements of Section 96(2) of the Act.

The application is supported by the following documentation:

- Notice of Determination for DA2008/1741 (**Appendix A**).
- Council's Assessment Report for DA2008/1741 (**Appendix B**).
- Amended Architectural Plans and Design Statement prepared by Westfield Design and Construction (**Appendix C**).
- Revised Landscape Plans and Design Statement prepared by DEM (**Appendix D**).
- Amended Stormwater Plans prepared by Cardno (**Appendix E**).
- Revised Traffic Statement prepared by GTA Consultants (**Appendix F**).
- Tree Report prepared by TreeScan (**Appendix G**).
- Access Report prepared by Access Australia (**Appendix H**).
- Revised Fire Safety Engineering Report prepared by Defire (**Appendix I**).
- Revised BCA Compliance Statement prepared by McKenzie Group (**Appendix J**).
- Revised Sustainability Management Statement prepared by ARUP (**Appendix K**).
- Acoustic Report prepared by Acoustic Logic (**Appendix L**).
- Warringah Development Control Plan 2011 Compliance Table (**Appendix M**).

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'.

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 in August 2013. On 26 August 2013, Council advised by letter that the information submitted satisfied the requirements of the deferred commencement condition and that the consent for DA2008/1741 is now operational.

The consent contains sixty six standard conditions of consent to be satisfied prior to demolition, prior to issuing of a Construction Certificate and Occupation Certificate and during operation. This application seeks to modify six conditions to accommodate the proposed design amendments.

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 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 façade.
- 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.
- Associated traffic management works.

2 Proposed Modifications

2.1 SUMMARY OF PROPOSED MODIFICATIONS

This Section 96(2) 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.
- 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.
- Amendment to the construction hours to permit works prior to and post retail opening hours.

Each of these modifications is discussed in detail in the following sections.

2.2 RECONFIGURATION OF RETAIL EXPANSION AREA

This Section 96(2) application seeks to reconfigure the new retail expansion area adjacent to the Starfish car park. The revised proposal will result in 7,850m² of Gross Lettable Area (GLA), which will comprise of:

- 4,133m² of new GLA at ground level in a new 'parallel' fashion mall adjacent to the Starfish car park. The new ground level GLA will comprise:
 - 2 new mini-major tenancies.
 - Up to 39 new specialty tenancies.
 - 7 new kiosks.
- 3,882m² of new GLA on the first floor connecting to the Starfish car park and Palm Tree car park. The new first floor GLA will comprise:
 - 5 new mini-major tenancies.
 - 29 new specialty tenancies.
 - 7 new kiosks.
- Reduction of the existing major tenancies on the second floor by 165m² to create a new mini-major tenancy.

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 ALTERATION 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. 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 C**.

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

2.6 CONSTRUCTION HOURS

Condition 6(a) of DA2008/1741 provides general requirements for construction work including the approved hours of construction. It is proposed to amend Condition 6(a) to extend the approved construction hours as shown in red below.

6. General Requirements

(a) *Unless authorised by Council:*

Building construction and delivery of material hours are restricted to:
7.00am to ~~5.00pm~~ 7.00pm inclusive Monday to Friday
~~8.00am~~ 7.00am to ~~1.00pm~~ 5.00pm inclusive on Saturday

No work on Sundays and Public Holidays

*Demolition and excavation works are permitted within the above hours ~~restricted to:~~
8.00am to 5.00pm Monday to Friday only.*

*Concrete finishing is permitted outside of these hours and between 7.00am and 12.00am
Monday to Friday.*

*Internal fitout is permitted outside these hours and between 7.00pm and 12.00am
Monday to Friday.*

*(Excavation work includes the use of any excavation machinery and the use of
jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the
activities disturb or alter the natural state of the existing ground stratum or are breaking
up/removing materials from the site).*

The proposed extended hours are considered necessary and appropriate in the circumstances to allow for increased flexibility to undertake development in an operating shopping centre and will:

- Complete all construction activities in a more timely manner than the current restrictions on construction hours allow.
- Reduce the impact to both trading tenancies and customers of Warringah Mall by allowing works to be undertaken immediately adjacent to existing retail activities after trading hours.
- Provide a safer environment within Warringah Mall and the immediate vicinity with no risk to customers and occupiers during trading hours.
- Plan noise generating activities around childcare facilities and associated sleeping periods within Warringah Mall.
- Allowing ceasing of construction materials deliveries after 5.00pm which avoids truck movements beyond this time.

3 Section 96(2) Assessment

The proposed modification to the existing development consent is sought under s.96(2) of the *Environmental Planning and Assessment Act 1979*. Under s.96(2) 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(2), which the proposed modifications are assessed against below.

3.1 SUBSTANTIALLY THE SAME DEVELOPMENT

In accordance with Section 96(2)(a), the proposed development is considered to be substantially the same as that approved with consideration to the following:

- 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 and footprint remaining unchanged.
- While the proposed modification provide a more contemporary retail offer and built form design, the changes to the overall development outcomes are generally minor in nature, and will result in the delivery of substantially the same development as originally approved.
- The modification to extend the construction hours will reduce the overall construction programme for the approved development and will not alter the nature of the approved development or its use.

3.2 CONSULTATION WITH THE RELEVANT MINISTER, PUBLIC AUTHORITY OR APPROVAL BODY

Initial consultation with Council was undertaken through a pre-lodgement meeting in May 2013 and on-going discussion with Council regarding the suitable pathway for the modifications during June and July 2014.

There are no conditions of concurrence included in the development consent for DA2008/1741 and accordingly, consultation with the Minister, public authority or approval body is not required as part of this application.

3.3 NOTIFICATION PROCESS

The application will be notified and advertised in accordance with *Warringah Development Control Plan 2011*.

3.4 CONSIDERATION OF SUBMISSIONS

In accordance with Section 96(2)(d) of the Act, the applicant will consider and respond to any relevant submissions made concerning the proposed modification within the period prescribed by the *Warringah Development Control Plan 2011*.

4 Section 79C Assessment

4.1 ENVIRONMENTAL PLANNING INSTRUMENT

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.

4.2 DEVELOPMENT CONTROL PLAN

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 L**. The assessment indicates that the proposed amendments are consistent with the objectives of the *WDCP 2011* controls.

It should be noted that the WDCP 2011 does not specify required construction hours and therefore, the proposal does not result in any non-compliance with the relevant planning controls.

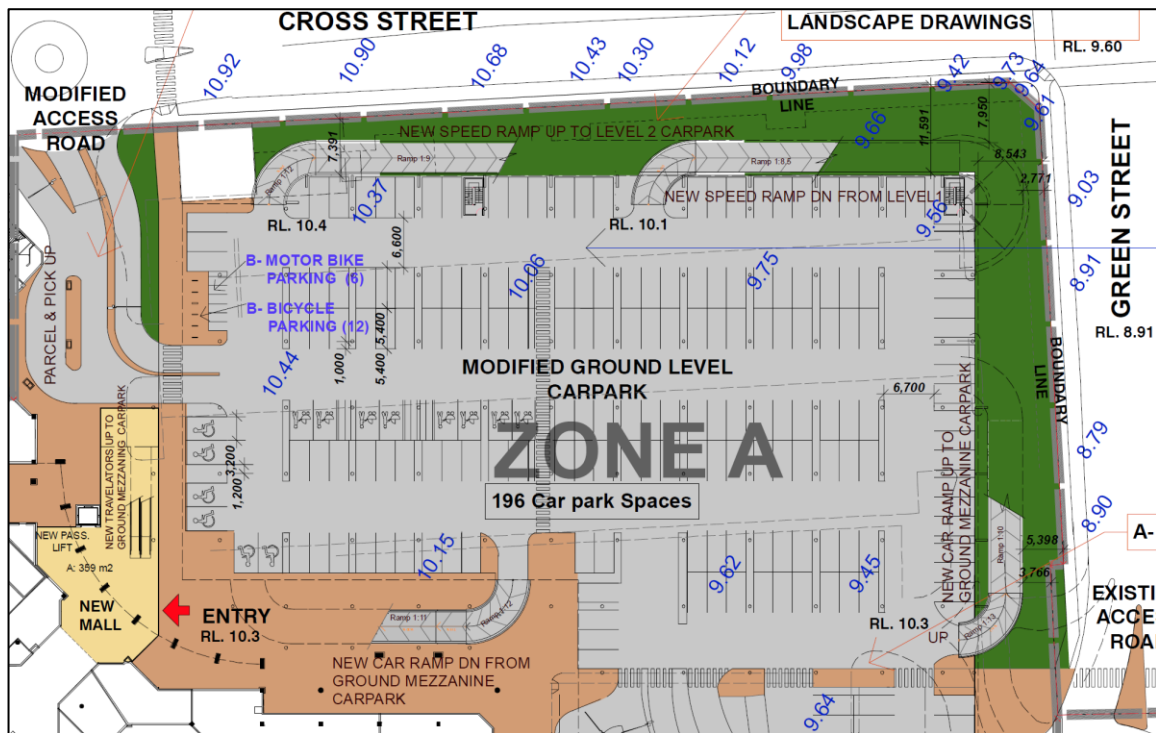
4.3 LIKELY IMPACTS

4.3.1 BUILT FORM AND URBAN DESIGN

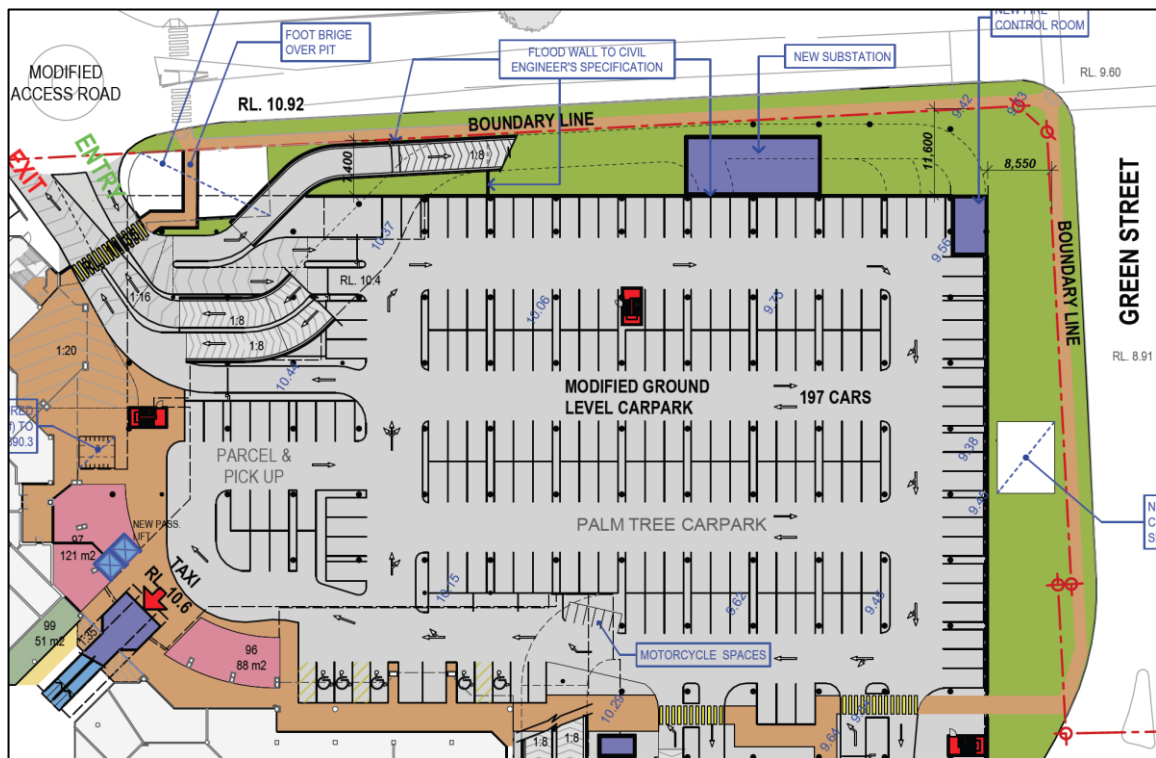
A detailed architectural statement has been prepared by Westfield Design and Construction (**Appendix C**) which outlines the key design elements and rationale for the revised proposal. The key changes proposed to the built form and urban design relate to the design of the Palm Tree car park and modification to the associated access ramps and are discussed below.

Palm Tree Car Park Building Footprint

The location of the Palm Tree car park building footprint remains unchanged from that of the approved development. There is no reduction in the building setback to Cross Street being 7.4 metres at the western corner which complies with the DCP setback control along this elevation as illustrated in the extracts from the approved and proposed plans contained in **Picture 1** and **Picture 2**.



PICTURE 1 – PALM TREE CAR PARK SETBACKS AS APPROVED UNDER DA2008/1741



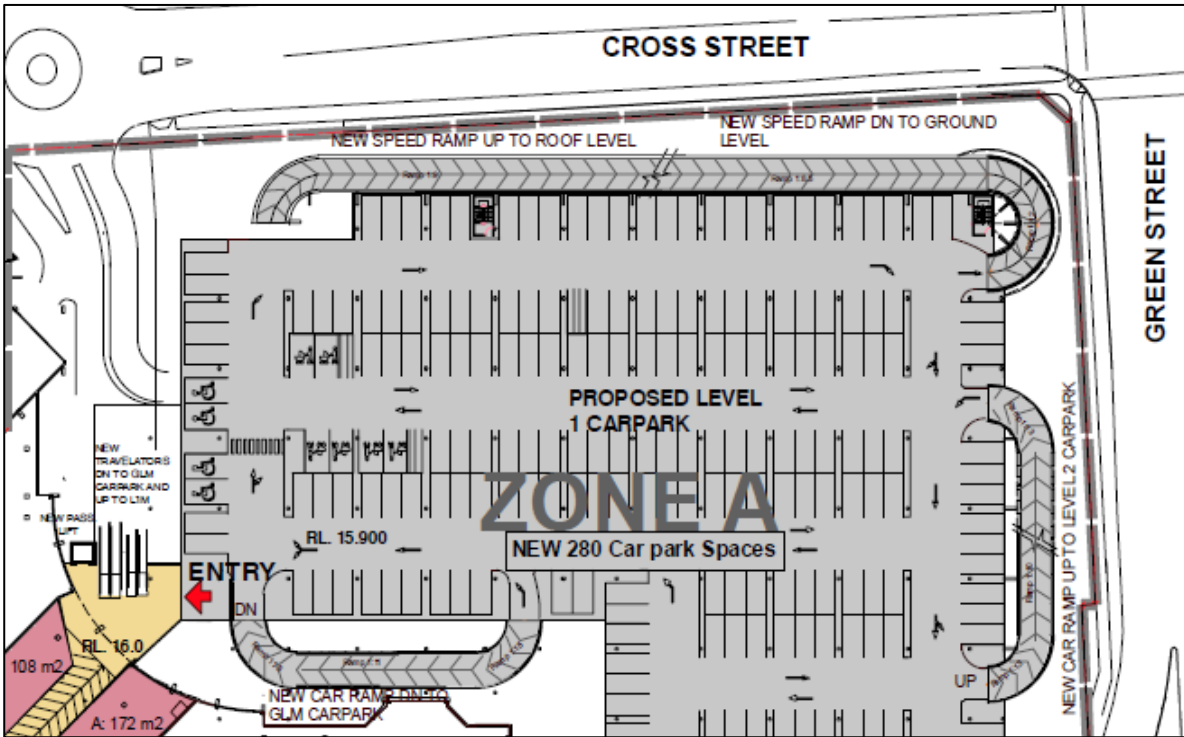
PICTURE 2 – PALM TREE CAR PARK SETBACKS PROPOSED AS PART OF MOD2014/0079

The modification to the north-western corner of the Palm Tree Car Park above the Ground Floor Mezzanine will result in a small variation to the setback of the Car Park structure from Cross Street in this location, as illustrated in **Picture 3** and **Picture 4** below. However, this variance will have a minimal perceivable impact on the Cross Street streetscape, due to:

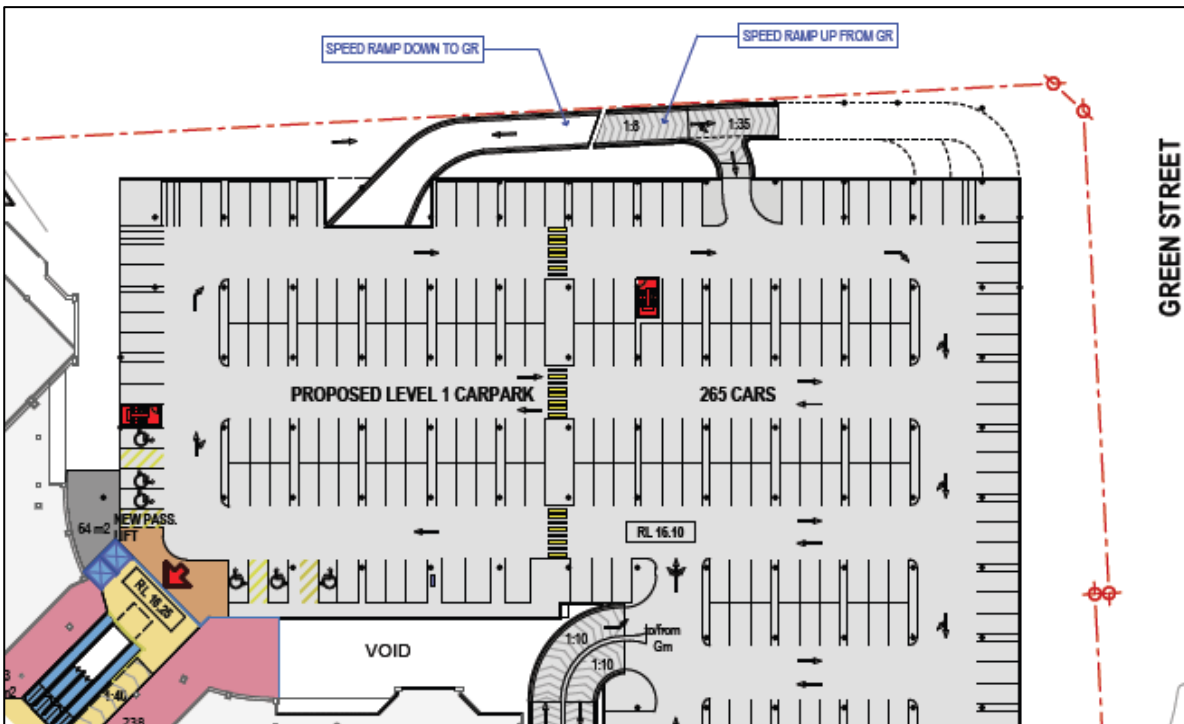
- a) The location of the circulation ramps in the approved concept;
- b) The limited opportunity for this element to be viewed from Cross Street; and

c) The industrial character of the streetscape.

Further, this modification is seen to provide a more consistent Cross Street edge to the Palm Tree Car Park which will streamline the façade treatment and improved landscape opportunities for the streetscape as discussed below.



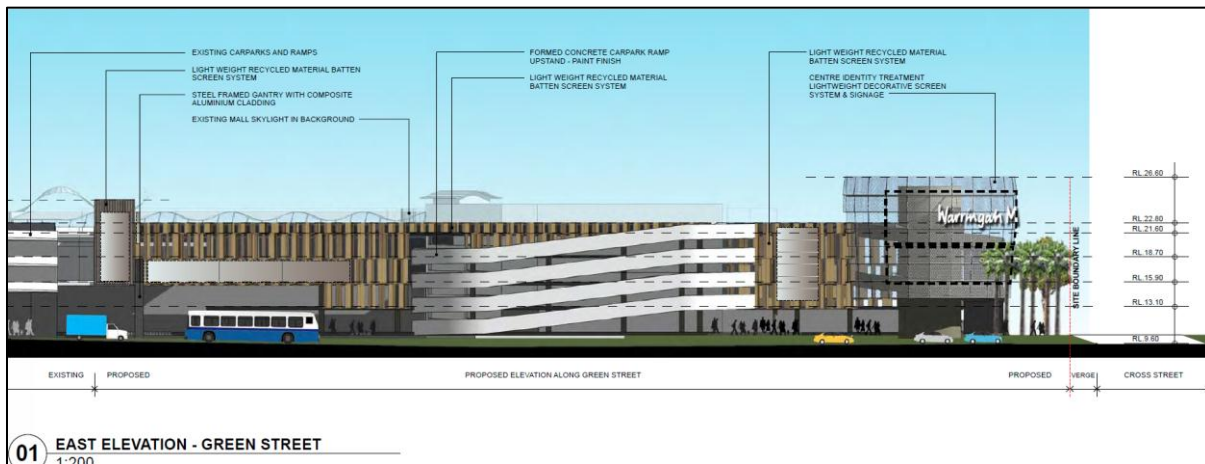
PICTURE 3 – APPROVED PALM TREE CAR PARK FIRST FLOOR PLAN



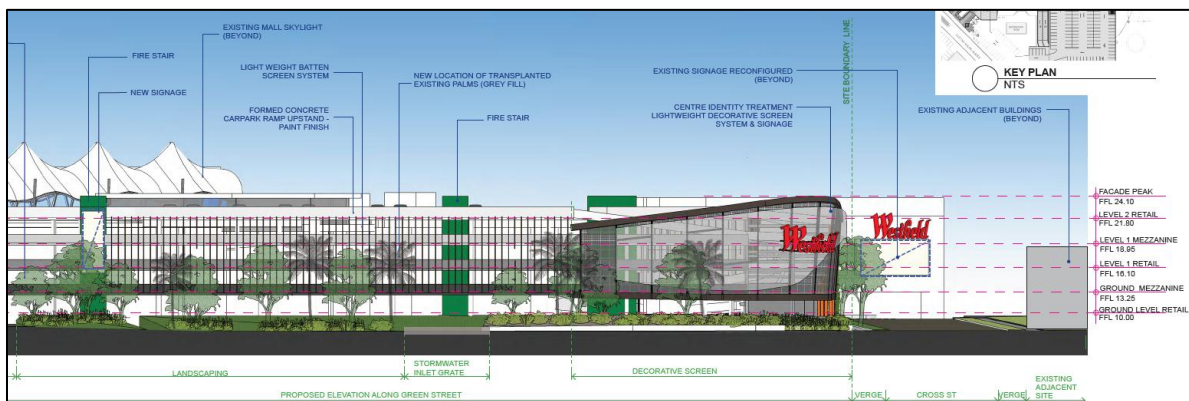
PICTURE 4 – PROPOSED PALM TREE CAR PARK FIRST FLOOR LEVEL

Relocation of Palm Tree Car Park Circulation Ramps

The removal of the Palm Tree Car Park circulation ramps along Green Street will improve the visual presentation of the car park building interface onto the primary northern access road into the centre. A comparison of the approved and proposed modification of the Green Street elevation is provided below in **Picture 5** and **Picture 6**. The modification results in a reduction in the overall height of the corner feature from RL26.60 to RL24.10.



PICTURE 5 – GREEN STREET ELEVATION OF PALM TREE CAR PARK AS APPROVED IN DA2008/1741

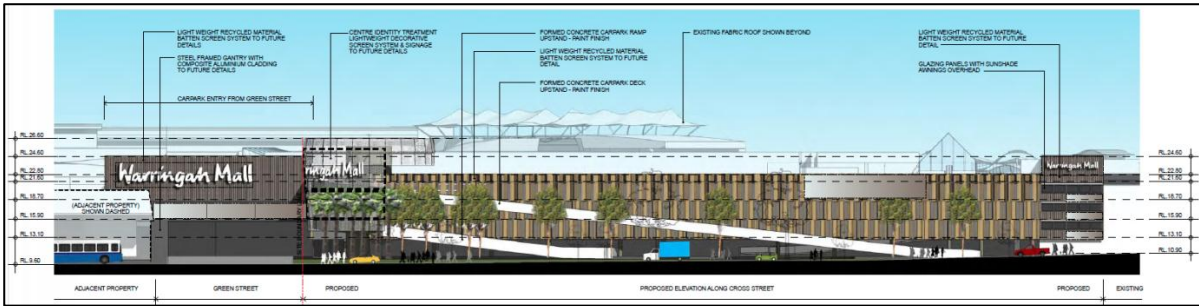


PICTURE 6 – GREEN STREET ELEVATION OF PALM TREE CAR PARK PROPOSED MODIFICATION

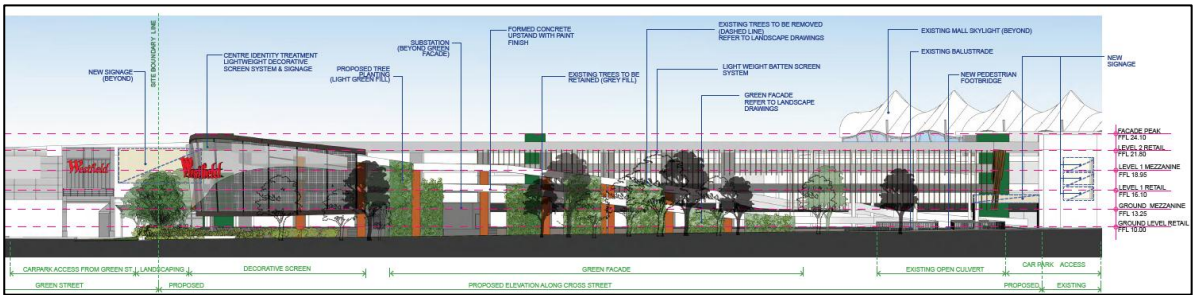
The Palm Tree Car Park circulation ramps along Cross Street will have an improved screening through the redesign of the screening elements and a thorough landscaping strategy which incorporates vertical growing wall as shown in Picture 8 and described in Section 4.3.3.

Palm Tree Car Park Northern Façade Treatment

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 relocation of the circulation ramps to the Cross Street site boundary does not adversely impact the streetscape amenity, as it enables vertical landscaping elements to be introduced on the northern elevation of the Palm Tree Car Park and will enable a more comprehensive landscape strategy to be implemented.



PICTURE 7 – APPROVED PALM TREE CAR PARK ELEVATION TO CROSS STREET



PICTURE 8 – PROPOSED PALM TREE CAR PARK ELEVATION TO CROSS STREET

The new façade treatment integrates a mix of both materials and landscape elements to provide a more dynamic façade than previously approved. In summary, the proposed façade treatment is considered appropriate with consideration of the following:

- The façade treatment will provide a strong ‘gateway’ presentation for the Cross Street and Green Street entry into Warringah Mall.
- The façade design will screen the circulation ramps from view outside the site, and will therefore improve the built form presentation to Cross Street and Green Street.
- The proposed façade includes a ‘kinetic veil’ comprising thousands of small metal ‘leaves’ which are hinged to permit movement in response to breezes. This new design will create a dramatic moving façade which has been successfully installed on several buildings, including the Brisbane Airport Car Park.
- The proposed façade 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 D**.

Accordingly, the built form and urban design of the proposed modifications are considered suitable for the site and generally consistent with the approved scheme.

4.3.2 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 F**). 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.

4.3.3 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 D**. 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.

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.

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.

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 G**) 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.

4.3.4 PLANT ROOMS

The revised architectural plans prepared by Westfield Design and Construction (**Appendix C**) 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.

4.3.5 STORMWATER AND FLOOD MANAGEMENT

Stormwater and flood management measures are proposed to be modified to accommodate the proposed modifications to the built form. Revised stormwater drainage plans have been prepared by Cardno and are attached in **Appendix E**. 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. The stormwater and flood management measures will connect to the originally approved stormwater infrastructure system and do not require any upgrades to this infrastructure. This demonstrates there are no additional environmental impacts generated from stormwater or flood management.

4.3.6 SUSTAINABILITY

A review of the Sustainability Management Plan has been undertaken by Arup and is attached in **Appendix J**. 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'*.

4.3.7 ACCESSIBILITY

An Access Report has been prepared by Access Australia and is attached at **Appendix H**. 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.

4.3.8 NOISE AND AMENITY

An Acoustic Report has been prepared by Acoustic Logic is attached in **Appendix L** which provides an assessment of the potential impact on residential amenity as a result of the proposed modification to the hours of construction. The nearest sensitive receivers are the residential uses located along Old Warringah Road to the south east of the site. Noise monitoring was undertaken from 16 May to 21 May 2014. The assessment identifies likely noise emissions, regulation strategies and measures to minimise impacts to surrounding residential.

The Acoustic Report finds the following in relation to the proposed construction hours:

- Based on the distance of the site from the sensitive receivers, there is no expected vibration impact.
- Internal fitout works and finishes will be contained within the building and will provide a barrier to the direct transmission of noise to sensitive receivers. Based on assessment of the loudest activity in the closest proximity to residences (the worst case scenario), the construction noise will comply with the identified noise criteria.

- There is no excavation involving the removal of rock (which would otherwise include hydraulic hammering, ripping and milling) which is typically the greatest noise producing activity.
- Excavation methodologies have been adopted in conjunction with best practice procedures to mitigate noise impacts to surrounding receivers. In accordance with *Australian Standards 2436-2010 "Guide to Noise Control on Construction Maintenance and Demolition Site"*, if noise levels associated with demolition and excavation exceed the specified noise criteria during the extended hours, noise monitoring will be undertaken and all practical engineering controls will be undertaken to limit the noise emission. Noise limitation methods include:
 - Acoustic barriers;
 - Silencing devices;
 - Establishment of appropriate site practices including a noise plan; and
 - Regular noise checks.

Further, as a result of the proposed extended hours of construction and the works which will be able to be conducted during these times, the required overall period for the construction phase will be reduced. The result of this reduced length of the overall construction period will therefore reduce the overall impact and inconvenience on the surrounding residents.

The Acoustic Report concludes the following:

A noise and vibration management plan has been developed for the Warringah Mall development that will be used to manage impacts from demolition, excavation and construction activities to comply with the broad objectives the Australian Standard 2436-2010" Guide to Noise Control on Construction, Maintenance and Demolition Sites".

The Management Plan proposes controls and safeguards. The objective of these controls is to ensure that all work is carried out in a highly controlled manner that will minimise impacts on the nearby residential and commercial receivers.

Accordingly, given the short term nature of the work and the more efficient manner in which this amendment would allow the construction works to be undertaken, the proposed modifications to the construction hours are considered minor in nature and will have minimal environmental impacts.

4.3.9 SUITABILITY OF THE SITE

The proposed modification does not change the suitability of the site for the approved development. The site remains suitable for the proposed use, inclusive of the modifications sought by this application.

4.3.10 PUBLIC INTEREST

The proposed modification is consistent with the approved development and allows for the design of the centre to respond to more contemporary retailing trends consistent with its status as a retail centre of sub-regional significance. The proposed design modifications provide a prominent gateway statement which will enhance the visual presentation of the shopping centre from the public domain.

The amended construction hours will allow tenancies within the Warringah Mall to continue trading as normal and in a safe environment and reduce the overall construction period for the approved development.

5 Conclusions

Based on the assessment outlined above and the support documentation attached in **Appendix A to M**, it is concluded that the proposal to modify Conditions 1, 6a, 7, 9, 23 and 30 of DA2008/1741 may be approved under the provisions of section 96(2) 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.

The proposed modification to the construction hours will enable the completion of the approved extension of the Warringah Mall with minimal disruption to the retail operation and to residential amenity.

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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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

Appendix A

Notice of Determination for DA2008/1741

Appendix B

Council's Assessment Report for
DA2008/1741

Appendix C

Amended Architectural Plans and Design Statement

Appendix D

Revised Landscape Plans and Design Statement

Appendix E

Amended Stormwater Plans

Appendix F

Revised Traffic Statement

Appendix G

Tree Report

Appendix H

Access Report

Appendix I

Fire Safety Engineering Report

Appendix J

Revised BCA Compliance Statement

Appendix K

Revised Sustainability Management Statement

Appendix L

Acoustic Report

Appendix M

Warringah Development Control Plan 2011 Compliance Table

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