

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2022/0296
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Responsible Officer:	Lashta Haidari
Land to be developed (Address):	Lot 103 DP 1247294, 145 Old Pittwater Road BROOKVALE NSW 2100
Proposed Development:	Modification of Development Consent DA2021/2226 granted for Alterations and additions to Warringah Mall including four (4) new retail premises, reconfiguration of an existing loading dock and car park, landscaping works and signage
Zoning:	Warringah LEP2011 - Land zoned B3 Commercial Core Warringah LEP2011 - Land zoned IN1 General Industrial
Development Permissible:	Yes - Zone B3 Commercial Core Yes - Zone IN1 General Industrial
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Dexus Warringah Mall Pty Ltd Scentre Management Ltd
Applicant:	Jane Macpherson

Application Lodged:	06/06/2022
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Refer to Development Application
Notified:	20/06/2022 to 04/07/2022
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks to Modify Development Consent number DA2021/2226 in the following manner:

- Modify the Little Street pedestrian link canopy cover design; and
- The removal of the remove the existing car park screens along the western façade and include new tension mesh car park screens and include new parapet wall in tension mesh and steel structure.

The reasoning for the proposed modification provided by the applicant is detailed below:

- The revised canopy design along Little Street pedestrian link incorporates glazing to allow for greater solar access, a more efficient passive smoke ventilation solution and an improved user experience for those walking through the canopy. Additionally, the existing canopy cover design didn't provide sufficient weather protection. The revised canopy design allows for users to be protected by the elements, whilst enjoying natural light exposure. Note: no landscaping is proposed as part of this modification.
- The proposed new tension mesh car park screens and 1.8-metre-high parapet on the Level 2 car park will allow for greater ventilation in the car park and an improved, aesthetically pleasing interface to Little Street. The existing mesh was outdated and in need of replacing. Note: no landscaping is proposed as part of this modification.

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - G4 Warringah Mall

SITE DESCRIPTION

Property Description:	Lot 103 DP 1247294 , 145 Old Pittwater Road BROOKVALE NSW 2100
Detailed Site Description:	The site is described as Lot 100, DP 1015283, No. 145 Old Pittwater Road, Brookvale. The site is occupied by the Westfield Warringah Mall Shopping Centre which is commonly known as 'Warringah Mall'.

The site has an area of 170,600m². It is bounded to the north by Cross Street, to the south by Old Pittwater Road and to the East by Condamine Street / Pittwater Road. The principal street frontage is to Condamine/Pittwater Road and secondary street frontages are to Old Pittwater Road and Cross Street.

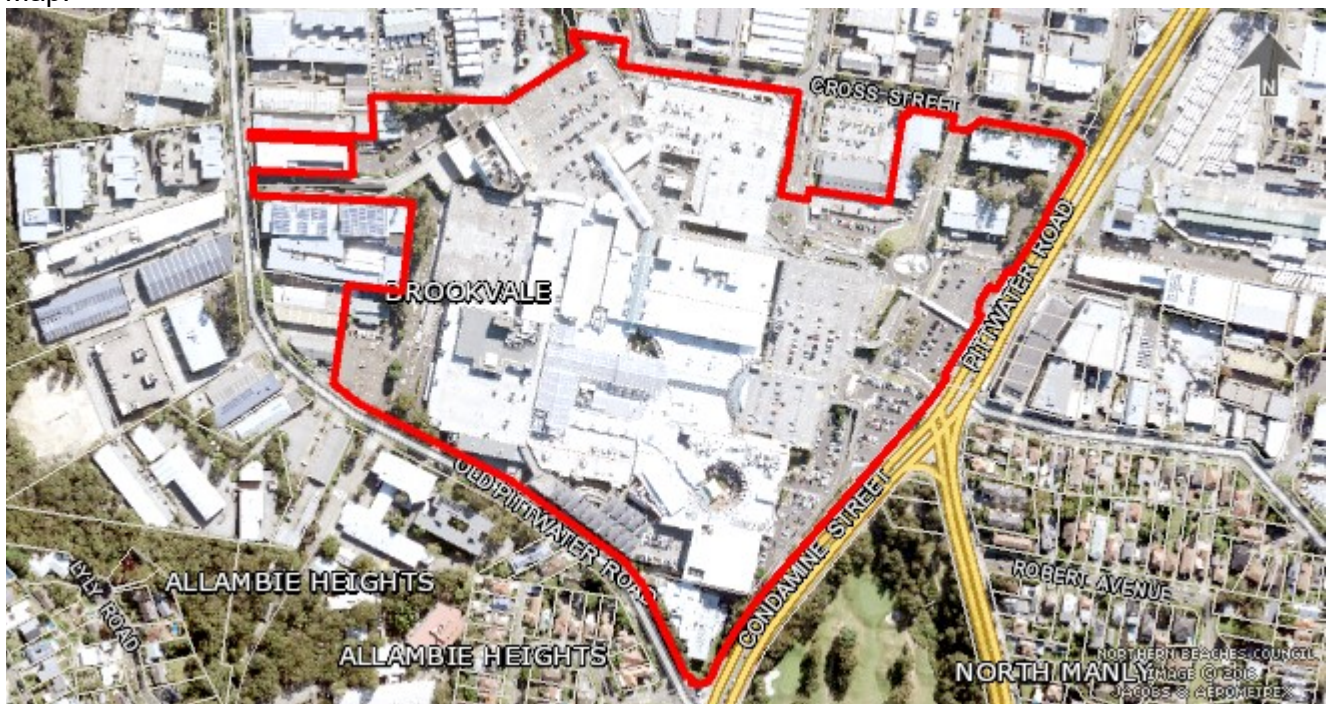
Warringah Mall now has a total floor area of approximately 133,500m² with 4,652 car parking spaces and includes an entertainment precinct incorporating a Hoyts Cinema Complex as well as fitness facilities and some other non-retail facilities.

The site is extensively built upon with bituminised and concrete hard surface areas located around the perimeter of the buildings to facilitate car parking and traffic flow.

Topographically, the site has a gradual natural slope that falls from the north-west to the south-east of the site.

Vehicular access to the site is currently available at various locations along Pittwater Road, Old Pittwater Road, Green Street, Dale Street and Cross Streets. Surrounding land uses comprise a diverse mix of commercial, industrial, residential, recreational and education uses.

Map:



SITE HISTORY

Warringah Mall Shopping Centre Development Control Plan

This DCP caters for the growth of the shopping centre by:

- providing for an increase of approximately 35,000m² GLFA by extending the building towards the eastern boundary;
- providing an associated increase in the number of car parking spaces;
- providing a new multi-level car park at the corner of Cross Street and Green Street;
- creating a new pedestrian entrance or 'arrival point' for the centre at the junction of Pittwater Road and Condamine Street;
- retaining and improving vehicular access to the centre; and
- providing landscaping zones along the street frontages of the site.

This DCP was submitted concurrently with the Stage 1 DA (DA2008/1741) and came into effect on 19 December 2009 and is provided within 'Part G4 Warringah Mall' of the Warringah Development Control Plan 2011 (WDCP 2011).

Development Application No. DA2008/1741 (Stage 1)

Development Application (DA2008/1741) was approved by Council on 16 May 2012. The consent provided for the construction of drainage works through the Warringah Mall site extending under Condamine Street and linking into the existing infrastructure located within the adjoining Warringah Golf Club site to the east. Specifically, the proposal included:

- Alterations to the existing head wall located within the site where Brookvale Creek intersects with the Mall ("the upstream interface");
- The construction of two 3.6m x 1.5m box culverts running underground through the shopping centre site;
- The construction of the box culverts under Condamine Street located immediately north of existing works with the Warringah Golf Club site, to connect into the existing drainage infrastructure located in this area ("the downstream interface");
- Removal of existing landscaping along the frontage to Cross Street.
- Minor demolition works to facilitate the construction of the stormwater drainage system; and
- Drainage works around the western side of the centre including new inlets and pipes.

The works that were approved as part of this DA have now been completed.

Development Application No. DA2008/1742

Development consent (DA2008/1742) was granted by Council on 24 April 2010 specifically for the construction of drainage works through the Warringah Mall site. The proposed drainage works include:

- Alterations to the existing head wall located within the site where Brookvale Creek intersects with the Mall.
- The construction of two 3.6m x 1.5m culverts running underground through the shopping centre site.
- The construction of culverts under Condamine Street and works within the Warringah Mall Golf Club site to connect into the existing drainage infrastructure located in this area.
- Removal of existing landscaping along the frontage to Cross Street
- Minor demolition works to facilitate the construction of the stormwater drainage system.
- Other drainage works around the western side of the centre including new inlets and pipes.

Since the approval, several modification applications have been approved by Council to address changes necessitated by design refinement.

All the works relating to DA2008/1742 have now been completed.

DA2018/1514 – Stage 2 Expansion

DA2018/1514 sought development consent for additions to Warringah Mall Shopping Centre including retail premises, food premises kiosks department stores and cinema complex with associated carparking and landscaping. Key elements of the proposal included:

- 9,847m² additional GLA (net increase), including demolition and additions to the existing facility to enable 15 speciality retail tenancies, 35 food premises, 3 kiosks, 10 mini majors, 1 major tenant and a new upper level cinema complex.
- Modification of existing grade and multi-deck car parking and associated vehicle access to create 418 additional car spaces.
- Associated public malls and amenities.

DA2018/1514 was approved on 10 December 2019. The works associated with with this DA have not commenced.

DA2021/2226

The relevant Development Application was approved on the 30 March 2022 by Northern Beaches Council for alterations and additions to Warringah Mall including 4 new retail premises, reconfiguration of an existing loading dock and car park, Little Street pedestrian canopy, landscaping works and signage.

The subject modification is considered ancillary to the approved use of the site and provides revised consent conditions to meet the requirements of the current consent authority.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared and is attached taking into all relevant provisions of the Environmental Planning and Assessment Act 1979 and associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice given by relevant Council / Government / Authority Officers on the proposal;

In this regard, the consideration of the application adopts the previous assessment detailed in the Assessment Report for DA2021/2226, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979, are:

Section 4.55(1A) - Other Modifications	Comments
<p>A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:</p>	
<p>(a) it is satisfied that the proposed modification is of minimal environmental impact, and</p>	<p>Yes</p> <p>The modification, as proposed in this application, is considered to be of minimal environmental impact for the following reasons:</p> <ul style="list-style-type: none"> • The proposed design modifications to the canopy and car park façade are entirely internal to the existing shopping centre and will not be visible to the street. The proposed modification amends the design of the approved canopy that has occurred through design development. • The proposed modifications will not affect the approved land uses, total GFA, external layout of the existing development or the key fundamentals of the consent.
<p>(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and</p>	<p>The development, as proposed, has been found to be such that Council is satisfied that the proposed works are substantially the same as those already approved under DA2021/2226 for the following reasons:</p> <ul style="list-style-type: none"> • The proposed modifications do not impact or alter the following approved building elements: <ul style="list-style-type: none"> ○ Total FSR ○ Total GFA ○ Total number of parking spaces ○ Total number of bicycle spaces ▪ The proposal does not result in any changes to the approved land-uses on the site. No new land uses are proposed
<p>(c) it has notified the application in accordance with:</p> <p>(i) the regulations, if the regulations so require,</p> <p>or</p> <p>(ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and</p>	<p>The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, and the Northern Beaches Community Participation Plan.</p>

Section 4.55(1A) - Other Modifications	Comments
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	See discussion on “Notification & Submissions Received” in this report.

Section 4.15 Assessment

In accordance with Section 4.55 (3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 4.55 the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application.

The relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider Prescribed conditions of development consent. These matters have been addressed via a condition in the original consent.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition in the original consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition in the original consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition in the original consent/This clause is not relevant to this application.</p>

Section 4.15 'Matters for Consideration'	Comments
	<p>Clause 98 of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition in the original consent.</p>
<p>Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</p>	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
<p>Section 4.15 (1) (c) – the suitability of the site for the development</p>	<p>The site is considered suitable for the proposed development.</p>
<p>Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs</p>	<p>See discussion on “Notification & Submissions Received” in this report.</p>
<p>Section 4.15 (1) (e) – the public interest</p>	<p>No matters have arisen in this assessment that would justify the refusal of the application in the public interest.</p>

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 20/06/2022 to 04/07/2022 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:
Mr Patrick Thomas Lillas	178 Old Pittwater Road BROOKVALE NSW 2100

- **Traffic Impact**

A submission received as raised concern in relation to the ingress and egress from the Mall, principally, the section of Old Pittwater Road from No. 174 Old Pittwater Road to the intersection with Condamine Street, between two sets of traffic lights. The submission has request an urgent traffic review to be conducted within this and any other development occurring at The Mall.

Comment:

The proposed modification is not seeking to alter the existing traffic situation, there is no changes to the existing access points and there no increase in the number of parking spaces. Additionally, this application was referred to Council's Traffic Department with the following response:-

"The proposed changes are not opposed on traffic grounds as they do not appear to have any traffic or parking related impacts."

Accordingly, the concern raised does not warrant the refusal of the application.

REFERRALS

Internal Referral Body	Comments	
Landscape Officer	The modification application proposes minor amendments to some architectural elements that do not alter the landscape outcome of the development.	
Strategic and Place Planning (Heritage Officer)	HERITAGE COMMENTS	
	Discussion of reason for referral	
	This application has been referred as the land is within the vicinity of a number of local heritage items, being: Item I1 - Tramway Staff War Memorial, Pittwater Road (bus depot), Brookvale Item I6 - Palm trees and plaque, Corner Pittwater Road and Cross Street, Brookvale	
	Details of heritage items affected	
	Details of these heritage items in the vicinity, as contained within the Heritage Inventory are: Item I1 - Tramway Staff War Memorial, Pittwater Road (bus depot), Brookvale <u>Statement of Significance</u> A representative example of simple monuments erected between the wars to commemorate those who had given service. Socially the monument is of significance demonstrating the sentiment of Tramways staff in commemorating the historical event which was WW1. Item I6 - Palm trees and plaque, Corner Pittwater Road and Cross Street, Brookvale <u>Statement of Significance</u> A commemorative tree planting of social & historic significance surviving from the 1920's when the site was St Luke's Church.	
	Other relevant heritage listings	
Sydney Regional Environmental Plan (Sydney Harbour	No	Comment if applicable

Internal Referral Body	Comments		
	Catchment) 2005		
	Australian Heritage Register	No	
	NSW State Heritage Register	No	
	National Trust of Aust (NSW) Register	No	
	RAIA Register of 20th Century Buildings of Significance	No	
	Other	No	
Consideration of Application			
<p>This application is for modification of an existing consent for Warringah Mall shopping centre, being consent DA2021/226, approved in March 2022 for alterations and additions including 4 new retail premises, reconfiguration of an existing loading dock and carpark, Little Street pedestrian canopy, landscaping works and signage. These works are generally located in the eastern section of the shopping centre and were intermediate changes being done in advance of the major Stage 2 renovations approved in 2019.</p> <p>All modifications are contained within the south-eastern portion of the shopping centre and wholly contained within the site. The heritage items in the vicinity are over 200 metres away from any works, located outside the centre, on the northern side of Cross Street and eastern side of Pittwater Road (within the bus depot).</p> <p>Therefore, no objections are raised on heritage grounds and no conditions required.</p> <p>Consider against the provisions of CL5.10 of WLEP 2011: Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? N/A Is a Heritage Impact Statement required? No Has a Heritage Impact Statement been provided? N/A</p>			
Further Comments			
<p>COMPLETED BY: Janine Formica, Heritage Planner DATE: 7 June 2022</p>			
Strategic and Place Planning (Urban Design)	<p>This advice is provided as an internal referral from the Urban Design unit to the development assessment officer for consideration and coordination with the overall assessment.</p> <p>Urban Design raises no objection to the proposed modification.</p>		

Internal Referral Body	Comments
Traffic Engineer	The proposed changes are not opposed on traffic grounds as they do not appear to have any traffic or parking related impacts

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP (Transport and Infrastructure) 2021

Ausgrid

Section 2.48 of Chapter 2 requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

Section 2.121 and Schedule 3 of this Policy requires that the following development(s) are referred to the RMS as Traffic Generating Development:

Comment:

Clause 2.118 of the TISEPP requires referral to the RMS in relation to development proposals for land with a frontage to a classified road. Given the minor nature of the proposed modification, no changes to the car park numbers and GFA and no proposed changes to access arrangements to Pittwater Road and Condamine Street (as classified roads), a referral is not deemed required.

Warringah Local Environmental Plan 2011

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
4.6 Exceptions to development standards	N/A
5.3 Development near zone boundaries	Yes
5.4 Controls relating to miscellaneous permissible uses	Yes
5.8 Conversion of fire alarms	Yes
5.21 Flood planning	Yes
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes
6.11 Affordable housing	N/A

Warringah Development Control Plan

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B6 Merit Assessment of Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
B10 Merit assessment of rear boundary setbacks	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C9 Waste Management	Yes	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility and Adaptability	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
D23 Signs	N/A	N/A
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E8 Waterways and Riparian Lands	Yes	Yes
E10 Landslip Risk	Yes	Yes
E11 Flood Prone Land	Yes	Yes
Part G Special Area Controls	Yes	Yes
G4 Warringah Mall	Yes	Yes

Detailed Assessment

G4 Warringah Mall

Part G4 of the Warringah Development Control Plan 2011 (WDCP 2011) contains the site-specific development controls for Warringah Mall. The proposal design changes are minor and remain consistent with the provisions of Part G4 for the following reasons:

- The proposed design changes to the Little Street canopy is intended to maximise solar access and improve weather protection and improve the overall ambience and user experience.
- The proposed new tension mesh car park screening along the eastern façade will allow for an improved interface to Little Street and replacement of existing materials that were outdated.
- The proposal does not change the existing GFA as approved.

- The proposed design improvements to the canopy over the Little Street thoroughfare will feature glazing and sky lights to optimise the use of natural light.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2022

Section 7.12 contributions were levied on the Development Application.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council as the consent authority grant approval to Modification Application No. Mod2022/0296 for Modification of Development Consent DA2021/2226 granted for Alterations and additions to Warringah Mall including four (4) new retail premises, reconfiguration of an existing loading dock and car park, landscaping works and signage on land at Lot 103 DP 1247294, 145 Old Pittwater Road, BROOKVALE, subject to the conditions printed below:

A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting Documentation to read as follows:

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
01.0001 Cover Sheet	23/05/2022 - Revision D	Scentre Group
01.0001 Site context analysis	23/05/2022 - Revision C	Scentre Group
01.0004 Site Plan	23/05/2022 - Revision D	Scentre Group
01/0401 Existing Plan – Ground	23/05/2022 - Revision D	Scentre Group
01.0402 Existing Plan – Ground Mezz	23/05/2022 - Revision C	Scentre Group
01.0403 Existing Plan – Level 1	23/05/2022 - Revision C	Scentre Group
01.0404 Existing Plan – Level 1 Mezz	23/05/2022 - Revision C	Scentre Group
01.0405 Existing Plan – Level 2	23/05/2022 - Revision C	Scentre Group
01.0408 Existing Plan – Roof	23/05/2022 - Revision C	Scentre Group
01.0501 Demolition Plan –Ground	23/05/2022 - Revision C	Scentre Group
01.0502 Demolition Plan – Ground Mezz	23/05/2022 - Revision C	Scentre Group
01.0503 Demolition Plan – Level 1	23/05/2022 - Revision C	Scentre Group
01.0504 Demolition Plan – Level 1 Mezz	23/05/2022 - Revision C	Scentre Group
01.0505 Demolition Plan – Level 2	23/05/2022 - Revision C	Scentre Group
01.0508 Demolition Plan –Roof	23/05/2022 - Revision C	Scentre Group
01.0801 Proposed Plan – Ground	23/05/2022 - Revision D	Scentre Group
01.0802 Proposed Plan – Ground Mezz	23/05/2022 - Revision D	Scentre Group
01.0803 Proposed Plan – Level 1	23/05/2022 - Revision E	Scentre Group
01.0804 Proposed Plan – Level 1 Mezz	23/05/2022 - Revision E	Scentre Group
01.0805 Propose Plan – Level 2	23/05/2022 - Revision E	Scentre Group
01.0808 Proposed Plan – Roof	23/05/2022 - Revision D	Scentre Group
01.2000 North Elevations Travelators Stack	6/07/2021 - Revision D	Scentre Group
01.2001 East Elevations	6/07/2021 - Revision D	Scentre Group
01.2002 South Elevations	23/05/2022 - Revision C	Scentre Group

01.2003 North Elevations Green St Entry	04/08/2021 - Revision C	Scentre Group
01.2500 Proposed Sections	23/05/2022 - Revision D	Scentre Group
01.3001 Perspective 01	23/04/2021 - Revision B	Scentre Group
01.3002 Perspective 02	12/05/2021 - Revision C	Scentre Group
01.3003 Perspective 03	23/05/2022 - Revision C	Scentre Group
01.4001 Proposed Shadow Diagrams – Winter	23/05/2022 - Revision C	Scentre Group

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

B. Modify Condition 2 - Compliance with Other Department, Authority or Service Requirements to read as follows:

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service

Transport for NSW
Ausgrid

EDMS Reference

Response Transport for NSW
Response Ausgrid

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website www.northernbeaches.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

In signing this report, I declare that I do not have a Conflict of Interest.

Signed



Lashta Haidari, Principal Planner

The application is determined on 14/07/2022, under the delegated authority of:



Phil Lane, Acting Development Assessment Manager