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SYDNEY NSW 2000**

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ABN 50 105 256 228

25 May 2022

Mr Ray Brownlee  
General Manager  
Northern Beaches Council  
PO Box 82  
Manly NSW 1655  
Attention: Planning Department

Dear Sir/Madam,

## **S4.55(1A) APPLICATION TO AMEND DA2021/2226 | 145 OLD PITTWATER ROAD - WARRINGAH MALL**

This Statement of Modification has been prepared by Urbis Pty Ltd and is submitted to Northern Beaches Council (Council) on behalf of Scentre Group (the applicant) to modify the approved DA 2021/2226 for the existing Warringah Mall Shopping Centre located at the corner of Old Pittwater Road and Condamine St, Brookvale, pursuant of section 4.55 (1A) of the *Environmental Planning and Assessment Act 1979*.

The application seeks to modify the DA to facilitate design amendments to the approved scheme. Specifically, the design of the Little Street Pedestrian Link canopy cover is to be modified to allow for greater solar access, a better design outcome and an improved user experience. The eastern car park façade is also to be modified to remove the existing and outdated car park screens and include new tension mesh car park screens.

Additionally, this modification application seeks a house keeping amendment to replace the Architectural Plans as approved under *Condition 1 – Approved Plans and Supporting Documentation*. The architectural plans submitted at lodgement of the original DA (2021/2226) incorrectly referenced the wrong revision number which has resulted in out-of-date plans being stamped and approved under this consent. The intent was to clearly indicate the CDC vs DA work, but this element was omitted. As such, this modification does not require the consent authority to assess the application beyond the design changes that are proposed.

The application has been prepared in accordance with the Environmental Planning and Assessment Act 1979 (EP&A Act) and Environmental Planning and Assessment Regulations 2000 (the Regulations).

This letter describes the site, outlines the consent history, describes the proposed modifications and provides a statutory planning assessment against the relevant matters for consideration in accordance with Section 4.55(1A) of the EP&A Act. The application is accompanied by:

- **Appendix A** - Amended Architectural Plans prepared by Scentre Group
- **Appendix B** - Fire Engineering Statement prepared by Fire Engineering Professional Pty Ltd

S4.55(1A) - Canopy and Car Park Facade mod - Warringah Mall

- Owners Consent

## 1. SITE CONTEXT

### 1.1. LOCALITY

The site is located in the suburb of Brookvale in the Northern Beaches Local Government Area (LGA). Brookvale approximately 18kms from the Sydney CBD and is identified in the North District Plan as a Strategic Centre.

The site is situated at the junction of several land use zones and therefore land use in the locality is varied. Along Pittwater Road land use is characterised by low scale commercial development. Beyond the subject site to the north, to the west and to the east, land use is characterised by industrial development. Low density residential development interspersed by public and private reserves is located at the perimeter of the above described commercial and industrial lands.

A locality diagram indicating the location of the site relative to Sydney CBD is provided at **Figure 1**.

**Figure 1- Locality Diagram**



Source: Urbis

## 1.2. SUBJECT SITE

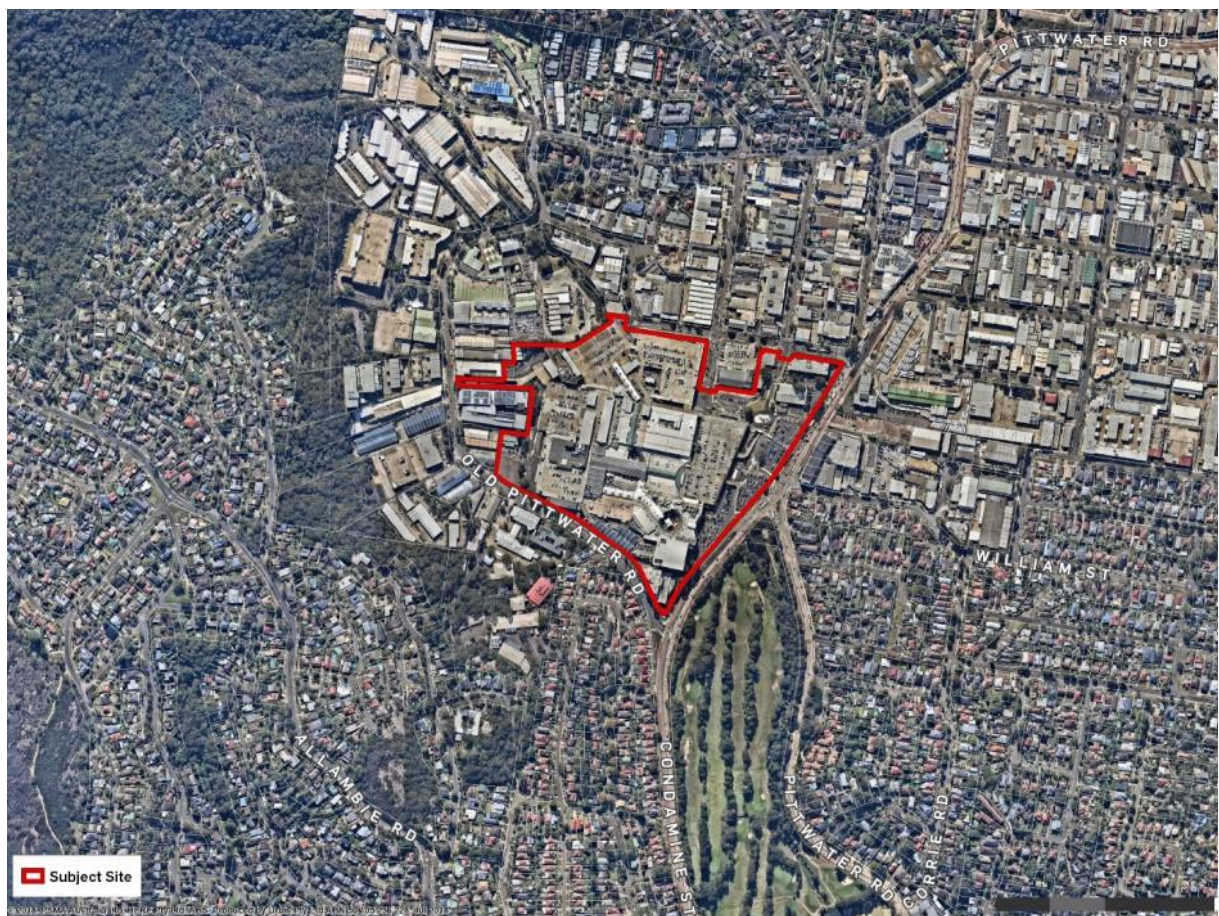
### 1.2.1. Site Description

The site is situated on a large irregularly shaped parcel of land known as 145 Old Pittwater Road, Brookvale with a legal description of Lot 100 in DP 1015283. The site is bound to the north by Cross Street and adjacent industrial lands, to the south by Old Pittwater Road and to the east by Condamine Street and Pittwater Road. The site area is approximately 170,600sq.m.

The site has a gradual natural slope that falls from the northwest to the southeast of the site and contains limited vegetation, with the only notable planting located along the street frontages of the site and within the open-air car parking areas. Vehicle access to the site is currently available at several locations along the Old Pittwater Road, Pittwater Road and Cross Street frontages of the site.

An aerial image of the site is provided at **Figure 2**.

**Figure 2** – Aerial Image



### **1.2.2. Existing Development**

The site accommodates Warringah Mall which is a partially enclosed centre with provision of open-air and undercover multi-storey car parking. Development including the Mall itself and associated decked parking is generally positioned on the central and western thirds of the site. The eastern third contains at grade parking and vehicular access ramps to upper-level car parking.

The Stage 1 retail expansion approved as part of D/2008/1741 included extensive refurbishing and improvement of existing circulation spaces such as Centre Court, ground floor and first floor extensions comprising the parallel mall, restructuring and refurbishing the Myer tenancy, the construction of a new multideck car parking facility, and various other ancillary works including signage, landscape and traffic management works.

The Stage 2 development works (2018SNH052) comprised major additions to the existing centre including new retail premises, food premises, kiosks, department stores and a new cinema complex along with associated car parking and landscaping. The stage 2 redevelopment works include an addition of 9,847sqm of GLA and 418 additional car parking spaces.

Photographs of the existing development are provided at

#### **Figure 3.**

**Figure 3-** Site Photographs



Picture 1- Southern pedestrian to Warringah Mall

Source: Urbis



Picture 2- View of car park from Old Pittwater Road

Source: Urbis



Picture 3 – Looking south along Green Street

Source: Urbis



Picture 4- Existing bus stop and collection zone

Source: Urbis



Picture 5- Existing at grade car park from Condamine

Source: Urbis



Picture 6- Looking north from junction of Condamine Street and Old Pittwater Road

Source: Urbis

### 1.3. SURROUNDING CONTEXT

The surrounding land use context is characterised by a diverse mix of commercial, industrial, residential, recreational and education uses.

A piped drainage system carries water through the site from the northwest to the southwest and generally follows the alignment of what was once a natural watercourse, Brookvale Creek.

The Beach School, Brookvale Public School and St Augustines College are located within a 1 kilometre radius of the site.

Allenby Park and Manly Dam Reserve are situated to the northwest and southwest of the site. Adjacent and adjoining land uses are described as follows.

- **North:** To the north of the site is a large industrial area. Super Cheap Auto and Bunnings Warehouse is located within the site boundaries on the northern portion of the site. Freestanding retail and non-retail shopfronts as well as the Brookvale Hotel are located along the eastern and western sides of Pittwater Road to the north of the site i.e. from Orchard Road in the south to Winbourne Road in the north

- **East:** Warringah Golf Course is located on the eastern side of Condamine Road and is bound to the east by Pittwater Road and Brookvale Creek.

The Brookvale bus depot is located on the eastern side of Pittwater Road, opposite the Cross Street intersection, and the recently constructed Brookvale Community Health Centre is situated on the eastern side of Pittwater Road opposite the B-Line Bus Stop.

- **South:** The Northern Beaches TAFE is located on the southern side of Old Pittwater Road, as well as a series of detached dwelling houses.
- **West:** To the west of the site along Old Pittwater Road are several industrial and office premises uses characterised by larger scale, multi-story buildings.

## **1.4. TRANSPORT NETWORK**

### **1.4.1. Pedestrian Access**

Existing pedestrian access is provided at the following locations via marked pedestrian crossings and footpaths:

- Off Condamine Street at the southern portion of the site.
- Off Cross Street, via Green Street
- Off Old Pittwater Road, via the multi-deck car parking at this location

The subject site is bounded by pedestrian footpaths along the edges of the major roadways, however pedestrian access into the shopping centre site is adequately provided into the site. As described in Section 4, the proposed development seeks to improve some of the pedestrian access points to the subject site.

### **1.4.2. Vehicular Access and Parking**

The surrounding road network provides good access to Warringah Mall for residents of the surrounding area with Pittwater Road/Condamine Street/Spit Road being the major north-south carriageway. This provides direct access to the centre for residents from Mosman in the south through to Mona Vale in the north. Warringah Road provides access to the centre from the west for residents of Forestville, Glenrose and Frenchs Forest.

Existing and operating vehicular access into the site is provided at various locations along Old Pittwater Road, Pittwater Road, Condamine Street, and off Cross Street. Vehicular access to the site off Pittwater Road and Condamine Street is currently not available due to the stormwater augmentation works that are being undertaken on the site.

### **1.4.3. Public Transport Access**

Public Transport access to the site is provided by way of bus stops along Pittwater Road, including a B-Line stop, and an internal bus stop within the Warringah Mall site, serving local bus routes.

Public transport accessibility to the centre is relatively good at a local level, with many bus routes leading to Warringah Mall.

The site is integrated with the B-Line bus interchange on Pittwater Road.

## **2. BACKGROUND**

### **2.1. DA2008/1741 – STAGE 1 EXPANSION**

DA2008/1741 sought development consent for major alterations and additions to the western part of the existing shopping centre and the construction of a new multi-deck car park in the northern part of the site. These works comprised the first major expansion of the shopping centre and is known as the Stage 1 retail expansion.

DA2008/1741 was approved on 24 April 2010 and Stage 1 was opened in November 2016.

A Masterplan 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).

## **2.2. 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. Given the implications of COVID and other factors, the works have not commenced. The works proposed in this application will be undertaken in advance to satisfy immediate tenant needs.

## **2.3. 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.

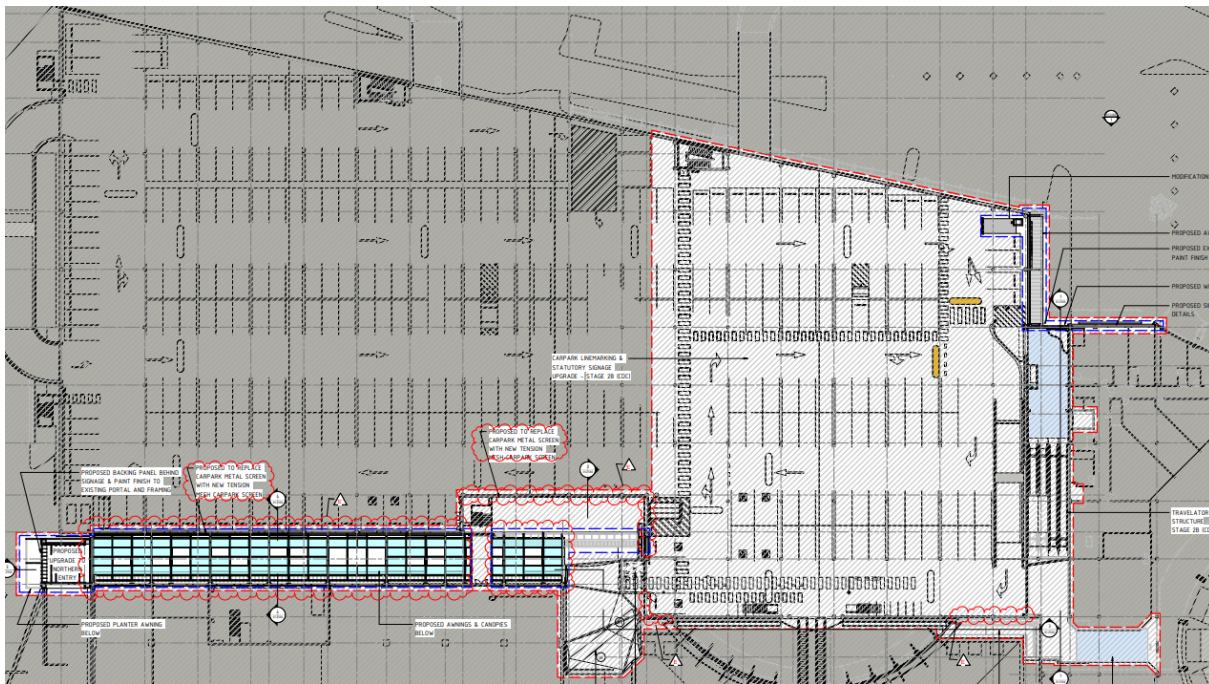
# **3. PROPOSED MODIFICATION**

## **3.1. OVERVIEW**

This S4.55(1A) application seeks to modify the development consent issued on the 30 March 2022 for DA 2021/2226 by:

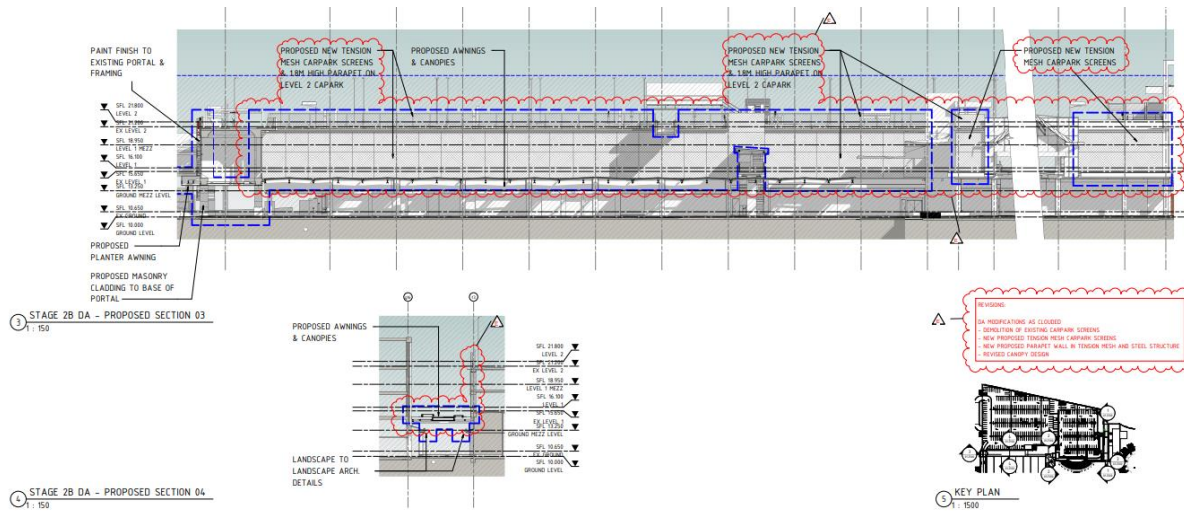
- Amending the approved Architectural Plans to facilitate the revised Little Street pedestrian link canopy cover design
- Amending the approved Architectural Plans to remove the existing car park screens along the western façade and include new tension mesh car park screens and include new parapet wall in tension mesh and steel structure.

**Figure 4** Level 1 Mezzanine showing revised canopy design



Source: Scentre Group

**Figure 5-** Proposed sections showing car park screening



Source: Scentre Group

### 3.2. AMENDED CONDITIONS

It is proposed that Condition 1 is amended to reflect the proposed modifications. Details to be removed from the Condition will be initiated through a ~~strike through~~ and additions will be indicated in red.

### 3.2.1. Condition 1

*Condition 1 – Approved Plans and Supporting Documentation*

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

*a) Approved Plans*

Architectural Plans – Endorsed with Council's stamp			
Drawing No.	Dated	Prepared By	Proposed change
01.0001 Cover Sheet	<del>23/04/2021</del> <del>Revision C</del> 23/05/2022 Revision D	Scentre Group	Revision change
01.0001 Site context analysis	23/4/2022 <del>Revision B</del> 23/05/2022 Revision C	Scentre Group	Revision change
01.0004 Site Plan	<del>12/05/2021</del> <del>Revision C</del> 23/05/2022 Revision D	Scentre Group	Revision change
01/0401 Existing Plan – Ground	<del>12/05/2021</del> <del>Revision C</del> 23/05/2022 Revision D	Scentre Group	Revision change
01.0402 Existing Plan – Ground Mezz	<del>23/04/2021</del> <del>Revision B</del> 23/05/2022 Revision C	Scentre Group	Revision change

Architectural Plans – Endorsed with Council's stamp			
01.0403 Existing Plan – Level 1	<del>23/04/2021</del> <del>Revision B</del> 23/05/2022 Revision C	Scentre Group	Revision change
01.0404 Existing Plan – Level 1 Mezz	<del>23/04/2021</del> <del>Revision B</del> 23/05/2022 Revision C	Scentre Group	Revision change
01.0405 Existing Plan – Level 2	<del>23/04/2021</del> <del>Revision B</del> 23/05/2022 Revision C	Scentre Group	Revision change
01.0408 Existing Plan – Roof	<del>23/04/2021</del> <del>Revision B</del> 23/05/2022 Revision C	Scentre Group	Revision change
01.0501 Demolition Plan – Ground	<del>23/04/2021</del> <del>Revision B</del> 23/05/2022 Revision C	Scentre Group	Revision change
01.0502 Demolition Plan – Ground Mezz	<del>23/04/2021</del> <del>Revision B</del> 23/05/2022 Revision C	Scentre Group	Design amendment

Architectural Plans – Endorsed with Council’s stamp			
01.0503 Demolition Plan – Level 1	<del>23/04/2021</del> <del>Revision B</del> 23/05/2022 Revision C	Scentre Group	Design amendment
01.0504 Demolition Plan – Level 1 Mezz	<del>23/04/2021</del> <del>Revision B</del> 23/05/2022 Revision C	Scentre Group	Design amendment
01.0505 Demolition Plan – Level 2	<del>23/04/2021</del> <del>Revision B</del> 23/05/2022 Revision C	Scentre Group	Design amendment
01.0508 Demolition Plan – Roof	<del>23/04/2021</del> <del>Revision B</del> 23/05/2022 Revision C	Scentre Group	Revision amendment
01.0801 Proposed Plan – Ground	<del>12/05/2021</del> <del>Revision C</del> 23/05/2022 Revision D	Scentre Group	Revision amendment
01.0802 Proposed Plan – Ground Mezz	<del>12/05/2021</del> <del>Revision C</del> 23/05/2022 Revision D	Scentre Group	Design amendment

Architectural Plans – Endorsed with Council’s stamp			
01.0803 Proposed Plan – Level 1	<del>1/11/2021</del> <del>Revision D</del> 23/05/2022 Revision E	Scentre Group	Revision amendment
01.0804 Proposed Plan – Level 1 Mezz	<del>05/08/2021</del> <del>Revision D</del> 23/05/2022 Revision E	Scentre Group	Design amendment
01.0805 Propose Plan – Level 2	<del>05/08/2021</del> <del>Revision D</del> 23/05/2022 Revision E	Scentre Group	Design amendment
01.0808 Proposed Plan – Roof	<del>12/05/2021</del> <del>Revision C</del> 23/05/2022 Revision D	Scentre Group	Design amendment
01.2000 North Elevations Travelators Stack	6/7/2021 Revision D	No change	No change
01.2001 East Elevations	6/07/2021 Revision D	No change	No change
01.2002 South Elevations	<del>23/04/2021</del> <del>Revision B</del> 23/05/2022 Revision C	Scentre Group	Revision amendment

Architectural Plans – Endorsed with Council's stamp			
01.2003 North Elevations Green St Entry	<del>23/04/2021</del> <del>Revision B</del> 04/08/2021 Revision C	Scentre Group	Revision amendment
01.2500 Proposed Sections	<del>13/05/2021</del> <del>Revision C</del> 23/05/2022 Revision D	Scentre Group	Design amendment
01.3001 Perspective 01	23/04/2021 Revision B	Scentre Group	No change
01.3002 Perspective 02	12/05/2021 Revision C	Scentre Group	No change
01.3003 Perspective 03	Revision B – 23/04/2021	Scentre Group	No change
01.4000 Proposed Shadow Diagrams – Summer	<del>24/04/2021</del> <del>Revision B</del> 23/05/2022 Revision C	Scentre Group	Revision amendment
01.4001 Proposed Shadow Diagrams – Winter	<del>23/04/2021</del> <del>Revision B</del> 23/05/2022 Revision C	Scentre Group	Revision amendment

### 3.3. REASON FOR MODIFICATION

#### 3.3.1. Design Amendments

The proposed design amendments to the pedestrian canopy and car park screening are detailed in the following plans:

- 01.0502 Demolition Plan – Ground Mezz
- 01.0503 Demolition Plan – Level 1
- 01.0504 Demolition Plan – Level 1 Mezz
- 01.0505 Demolition Plan – Level 2
- 01.0802 Proposed Plan – Ground Mezz
- 01.0804 Proposed Plan – Level 1 Mezz
- 01.0805 Propose Plan – Level 2
- 01.0808 Proposed Plan – Roof
- 01.2500 Proposed Sections

The reasoning for the proposed design modifications 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 as shown in **Figure 6**. 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 as shown in **Figure 7**. Note: no landscaping is proposed as part of this modification.

**Figure 6** – Revised Canopy Design



Picture 7 – Existing Canopy

Source: Scentre Group



Picture 8 – Proposed Canopy

**Figure 7 - Revised car park façade**



Picture 9 – Existing car park screening



Picture 10 – Proposed new mesh

Source: Scentre Group

### 3.3.2. Architectural plan revision number amendment

The remaining plans are amended as part of a house keeping amendment to correctly reference the correct set of architectural plans. The reasoning for this is detailed below.

The architectural plans submitted at lodgement of the original DA (2021/2226) incorrectly referenced the wrong revision number which has resulted in out-of-date plans being stamped and approved under this consent. The intent was to clearly indicate the CDC vs DA work, but this element was omitted.

This modification application seeks a house keeping amendment to replace the Architectural Plans as identified in **Section 3.2.1** to ensure the consent accurately references the most up to date plan revisions and is integral to the securing of a final Occupation Certificate in the future.

The main differentiation between the stamped architectural plans and replacement architectural plans is the distinction between CDC and Development Application works. As such, this modification does not require the consent authority to assess the application beyond the design changes that are proposed in this Modification. This is demonstrated in Council's Assessment Report of DA2021/226, whereby the nature of the approval does not change as a result of updating the Architectural Plans to the most up to date revision.

The timeline is as follows:

- Incorrect drawings submitted at lodgement on **30/11/2021**. The lodged plans do not indicate the CDC vs DA work.
- Revised 'Proposed Plan – Level 1 Mezz' and 'Proposed Plan – Level 2' submitted to respond to Traffic RFI on **8/02/2022**.
- Notice of Determination issued on **30/3/2022** referencing incorrect revised drawings that were submitted as part of Traffic RFI (at the fault of Council)/
- S4.55(1) approved by Council to amend the incorrect revisions for Proposed Plan – Level 1 Mezz' and 'Proposed Plan – 2' on the **11/05/2022**.
- The subject modification is to amend the incorrect drawings lodged on **30/11/2021**.

## 4. SECTION 4.55 ASSESSMENT

The proposed modifications have been assessed in accordance with section 4.55(1A) of the EP&A Act in the following sections of this correspondence

### 4.1. MINIMAL ENVIRONMENTAL IMPACT

The proposed modifications will have minimal environmental impact for the reasons listed below:

#### Design amendments

- 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.
- The proposed design changes will ensure compliance with relevant fire safety standards and requirements to the shopping centre and car park as demonstrated in the Fire Hazard Assessment at **Appendix B**.

#### Architectural plan revision number amendment

- The proposed housekeeping amendments to update the architectural plan revision numbers will not alter the nature of the existing approval, as demonstrated in the Assessment Report (DA/2021/226). The development application as assessed by Council remains current and in line with what is approved.

Based on the above, the proposed modifications can be assessed in accordance with section 4.55(1A) of the EP&A Act.

## **4.2. SUBSTANTIALLY THE SAME DEVELOPMENT**

The proposed modifications will result in substantially the same development approved under DA 2021/226 for the following reasons:

- The proposed design amendments do not result in a significant departure from the approved plans.
- As demonstrated in Council's Assessment Report for DA 2021, the nature of the approval does not change as a result of updating the Architectural Plans to the most up to date revision. The main differentiation between the stamped architectural plans and replacement architectural plans is the distinction between CDC and Development Application works.
- The proposed modifications do not impact or alter the following approved building elements as identified within Council's Assessment Report:
  - 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

Accordingly, the proposed modifications can be assessed in accordance as a modification to the original development in accordance with section 4.55 of the EP&A Act.

## **4.3. PUBLIC NOTIFICATION AND SUBMISSIONS**

It is acknowledged that any submissions arising from the public notification of this application will need to be assessed by Council.

## **5. SECTION 4.15 ASSESSMENT**

The application has been assessed in accordance with the relevant matters for consideration listed in Section 4.15 of the EP&A Act.

### **5.1. ENVIRONMENTAL PLANNING INSTRUMENTS**

The proposed modifications have been assessed in accordance with the relevant State and local environmental planning instruments.

#### **5.1.1. State Environmental Planning Policy (Transport and Infrastructure) 2021**

State Environmental Planning Policy (Transport and Infrastructure) 2021 (TISEPP) sets out requirements for various infrastructure works throughout the State. In addition, it requires the referral

of certain development applications to Transport for NSW (formerly Roads and Maritime Services (RMS)) during the DA assessment process.

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.

### 5.1.2. Warringah Local Environmental Plan 2011

The original Development Application (DA 2021/226) assessed the proposed development against all relevant requirements of the Warringah Local Environmental Plan 2011. WLEP 2011 was comprehensively considered, and the proposed amendments do not bring rise to any new considerations and the proposal remains compliant with the relevant provisions.

The site is zoned B3 Commercial Core in accordance with the LEP. The existing development is consistent with the zone objectives as outlined below:

- To provide a wide range of retail, business, office, entertainment, community, and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To recognise and support the role of Warringah Mall as a retail centre of sub-regional significance. The proposed consent conditions will not result in any new works to the site. The modification seeks to amend the consent in relation to design amendments and plan inconsistency as outlined in Section 3.

Therefore, this modification remains consistent with the zoning objectives for the site and the relevant planning instrument is WLEP 2000.

### 5.1.3. Warringah Development Control Plan 2011

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 assessed against the relevant provisions of Part G4 in Table 3. It is considered that the proposal complies with the relevant provisions within the DCP.

The proposed housekeeping amendments to update the architectural plan revision numbers will not alter the nature of the existing approval, as demonstrated in the Council Assessment Report (DA/2021/226). The development application as assessed by Council remains current and in line with what is approved and therefore is not assessed against the DCP.

**Table 1** – DCP Compliance table

Clause	Provision	Proposed	Complies
Part G4 Warringah Mall			
Design quality and excellence	2. Future development on the site is to incorporate design	The proposed design changes to the Little Street canopy is	Yes

Clause	Provision	Proposed	Complies
	elements that optimise the use of natural light and the ambient environment to the pedestrian malls within the centre	intended to maximise solar access and improve weather protection and improve the overall ambience and user experience.	
	7. Views of the ground level car parking areas must be suitably screened from the street by either landscaping or an appropriate architectural building facade treatment	The proposed new tension mesh car park screening along the eastern façade will allow for an improved, aesthetically pleasing interface to Little Street and replacement of existing materials that were outdated.	Yes
	8. High quality, attractive and durable materials are to be used. The selection of colours is to respond to the natural landscape. A detailed schedule of external colours and finishes, a sample board and photomontages are to be submitted with any application to alter or extend the external façade and roof of Warringah Mall.	A range of high-quality materials and finishes will be utilised as part of the design modifications as demonstrated in the Architectural Plans at <b>Appendix A.</b>	Yes
Floor space	19. The existing centre currently provides 127,878m <sup>2</sup> of Gross Leasable Floor Area	The proposal does not change the existing GFA as approved.	Yes

Clause	Provision	Proposed	Complies
	(GLFA). The existing shopping centre may be expanded by 35,000m2 GLFA subject to compliance with all other relevant planning objectives and requirements		
Environmental Sustainability	66. Shading devices are to be incorporated where practical, to reduce solar energy loads.	The proposed modification incorporates design improvements to the canopy over the Little Street thoroughfare which will provide greater solar access whilst providing weather protection to shoppers.	Yes
	67. Buildings are to be designed and oriented to maximise the use of daylight and solar energy for illumination. This may be achieved through the provision of light wells, skylights and voids.	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.	Yes

## 5.2. DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

No draft environmental planning instruments are relevant to this proposal.

## 5.3. PLANNING AGREEMENT

No planning agreements are relevant to this proposal.

## 5.4. REGULATIONS

The application has been prepared in accordance with the relevant provisions of the *Environmental Planning and Assessment Regulation 2000*.

## 5.5. LIKELY IMPACTS OF THE PROPOSAL

The proposed modifications have been assessed considering the potential environmental, economic and social impacts as outlined below:

- **Natural and Built Environment:** The proposed modification is minor in nature and works are internal to the existing mall. The modification will not affect the approved land uses, total GFA, external layout of the existing development or the key fundamentals of the consent, nor will it cause any parking or traffic impacts. Therefore, the proposal is not considered to have an adverse impact on the natural and built environment.

The proposed design amendments to the Little Street canopy are a result of design development of the structure and will result in an improved built form outcome through maximising solar access whilst providing weather protection to patrons. The car park screening will allow for greater ventilation in the car park and an improved, aesthetically pleasing interface to Little Street.

- **Social and Economic:** The social impacts of the proposed modification is positive with respect to strengthening the function of Warringah Mall a sub-regional centre with improved patron amenity. The internal design amendments seek to improve the user experience and will result in greater weather protection for customers, whilst increasing solar access along the pedestrian thoroughfare.

## 5.6. SUITABILITY OF THE SITE

The site is considered highly suitable for the development as modified for the following reasons:

- The subject site is zoned B3 Commercial Core. Ancillary works are permissible with consent in this zone. The modification is wholly consistent with this zoning and approved use.
- The proposal achieves a high level of compliance with the relevant State and local environmental planning instruments.
- The proposed housekeeping amendments to update the architectural plan revision numbers will not alter the nature of the existing approval, as demonstrated in Council's Assessment Report (DA/2021/226). The development application as assessed by Council remains current and in line with what is approved.
- The proposed internal amendments aim to improve the built form perspective and design of the existing centre whilst remaining consistent with the overall character of the area.

## 5.7. SUBMISSIONS

It is acknowledged that submissions arising from the public notification of this application will need to be assessed by Council.

## 5.8. PUBLIC INTEREST

The modified proposal is considered in the public interest for the following reasons:

- The proposed modification constitutes the continued permissible form of development in the locality and therefore meets the intent for development. It is a form of development that meets what the community could reasonably expect as an outcome to modernise the design of the centre and improve the customer experience.
- The proposal is consistent with relevant State and local strategic plans and substantially complies with the relevant State and local planning controls.
- No adverse environmental, social or economic impacts will result from the proposal
- The design changes to the Little Street canopy cover seek to improve the user experience and will result in greater weather protection for patrons, whilst increasing solar access along the pedestrian thoroughfare.

## **6. CONCLUSION**

The proposed s4.55(1A) has been assessed in accordance with section 4.55(1A) and section 4.15 of the EP&A Act and are considered appropriate as summarised below:

- The proposal is of minimal environmental impact
- The proposal is substantially the same development
- The proposal satisfies the applicable planning controls and policies
- The social and economic impacts are acceptable
- The proposal remains suitable for the site
- The proposal is in the public interest: the proposal is in the public interest

Having considered all relevant matters, we conclude that the proposed internal design amendment and Architectural Plan house keep amendments are appropriate for the site and approval is recommended, subject to appropriate conditions of consent.

Please do not hesitate to contact me should you wish to discuss our application in greater detail.

Kind regards,



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