



**ANGEL PLACE
LEVEL 8, 123 PITT STREET
SYDNEY NSW 2000**

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12 May 2023

Maxwell Duncan
Northern Beaches Council
Po Box 82
Manly NSW 1655

Dear Maxwell,

SECTION 4.55(1A) APPLICATION TO AMEND DA2022/1822 | 145 OLD PITTWATER ROAD – WARRINGAH MALL

This Statement of Modification has been prepared by Urbis Pty Ltd on behalf of Scentre Group (the applicant) to modify the approved DA DA2022/1822 for minor alterations and additions to the existing Warringah Mall Shopping Centre. The application is 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, a new canopy structure is proposed covering part of the Little Street thoroughfare and the bridge link from the southern carpark, removing the need for the bridge link roof as approved under DA2022/1822. The modification also seeks to increase the roof height by 0.5 metres and parapet height by 0.15 metres.

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:

- Amended Architectural Plans prepared by Scentre Group
- Fire Engineer Report prepared by Fire Engineering Professionals Pty Ltd
- 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



Source: Urbis

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.

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

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.

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. 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.

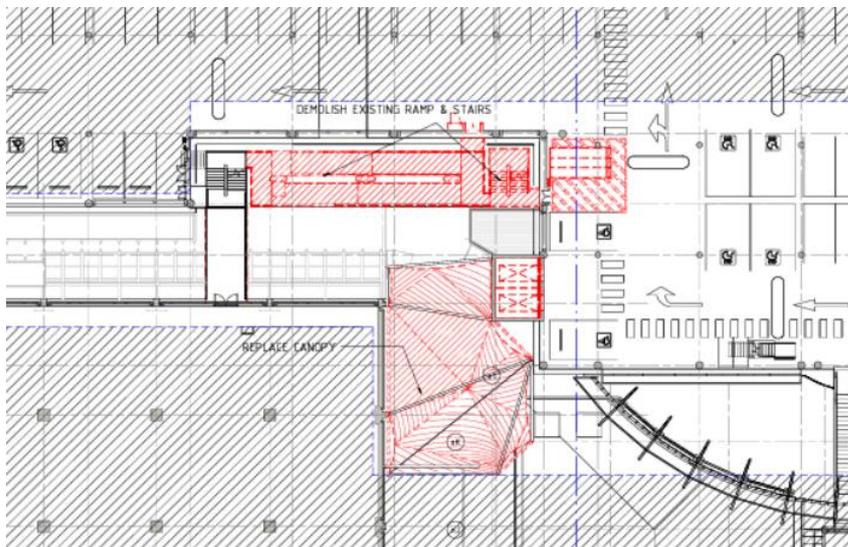
DA2018/1514 was approved on 10 December 2019. Given the implications of COVID and other factors, the works have not commenced. The works proposed in this application will be undertaken in advance to satisfy immediate tenant needs.

2.2. DA2021/2226

This 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.

A canopy is also approved to be removed as part of this DA which relates to the replacement canopy as proposed as part of this modification. The replacement canopy is to be slightly higher than the existing canopy approved to be removed under this DA.

Figure 3 Demolition Plan DA2021/2226



Source: Scentre Group

2.3. DA2022/1822 – THE RELEVANT APPROVAL

The relevant Development Application was approved on 5th April 2023 by Northern Beaches Council for alterations and additions to Warringah Mall including the downsizing of the David Jones Tenancy to accommodate a new gym and co-working space and ancillary alterations.

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

This S4.55(1A) application seeks to modify the development consent issued on the 5th of April 2023 for DA 2022/1822 by:

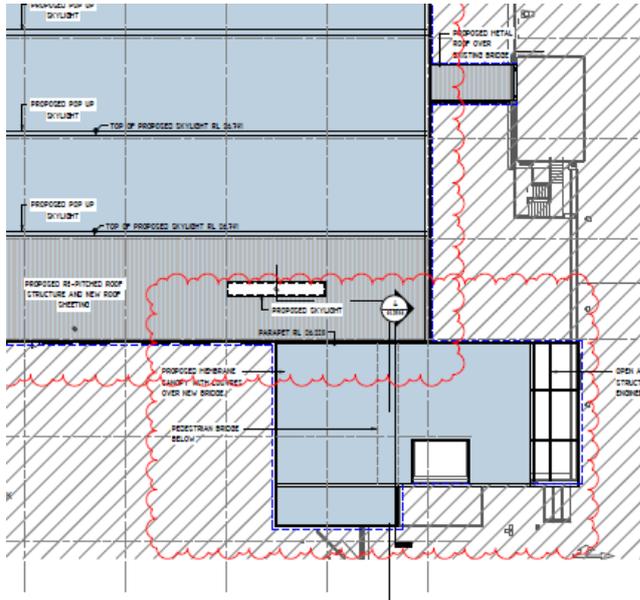
- Adding a new canopy structure to cover the new bridge link from the southern carpark, in lieu of the approved roof. The canopy will cover part of the Little Street pedestrian thoroughfare at ground floor to improve the customer experience. The canopy replaces an existing canvas canopy, which is approved to be removed under DA2022/0219.
- Increasing the roof height by 0.5 metres and parapet by 0.15 metres.

Figure 4 Revised Canopy Design



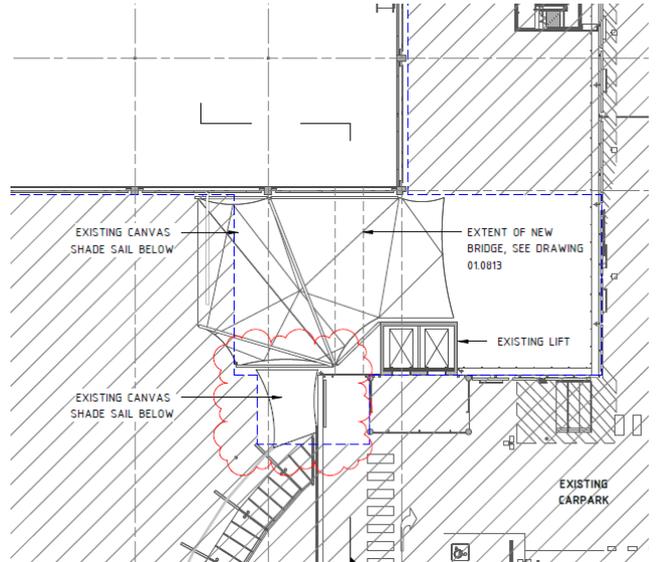
Source: Scentre Group

Figure 5 Location of Revised Canopy Design



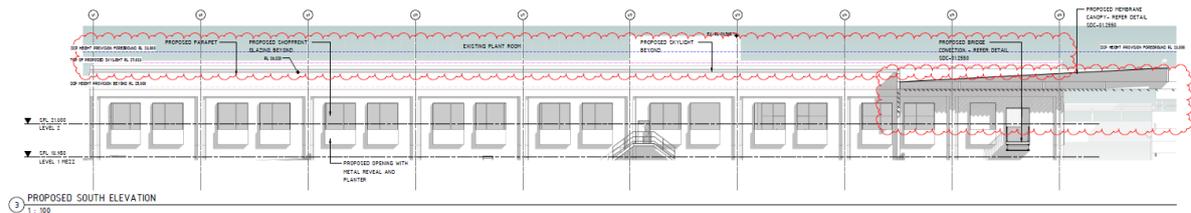
Picture 1 Extent of Proposed Canopy

Source: Scentre Group



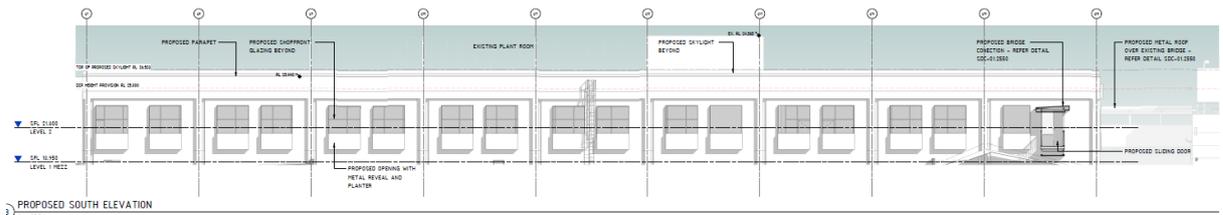
Picture 2 Existing canopy proposed to be removed under DA2021/2226.

Figure 6 Proposed roof height increase - South Elevation



Source: Scentre Group

Figure 7 Approved roof - South Elevation



Source: Scentre Group



3.1. 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.

3.1.1. 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
SDC-01.0012/ Revision A	16 December 2022	Scentre Group
SDC-01.0014/ Revision A	16 December 2022	Scentre Group
SDC-01.0015/ Revision A B	16 December 2022 28 April 2023	Scentre Group
SDC – 01.0413/ Revision B	28 April 2023	Scentre Group
SDC-01.0511/ Revision A	16 December 2022	Scentre Group
SDC-01.0513/ Revision A B	16 December 2022 28 April 2023	Scentre Group
SDC-01.0514/ Revision A	16 December 2022	Scentre Group
SDC-01.0811/ Revision A	16 December 2022	Scentre Group
SDC-01.0812/ Revision A	16 December 2022	Scentre Group
SDC-01.0813/ Revision A B	16 December 2022 28 April 2023	Scentre Group
SDC-01.0814/ Revision A B	16 December 2022 28 April 2023	Scentre Group
SDC-01.2010/ Revision A B	16 December 2022	Scentre Group

Architectural Plans – Endorsed with Council’s stamp		
	28 April 2023	
SDC-01.2011/ Revision A B	46 December 2022 28 April 2023	Scentre Group
SDC-01.2012/ Revision A B	46 December 2022 28 April 2023	Scentre Group
SDC-01.2013 / Revision A	16 December 2022	Scentre Group
SDC-01.2510/ Revision A B	46 December 2022 28 April 2023	Scentre Group
SDC-01.2511/ Revision A B	46 December 2022 28 April 2023	Scentre Group
SDC-01.2550/ Revision A B	46 December 2022 28 April 2023	Scentre Group
SDC-01.3010/ Revision A B	46 December 2022 28 April 2023	Scentre Group

3.2. REASON FOR MODIFICATION

The purpose of the canopy is to provide an improved customer journey both on ground floor between the Little Street awning and the covered areas of the mall along Little Street, and from the southern carpark to the new tenancy areas on Level 2. The need for the canopy is a result of design development which seeks to maximise solar access and improve weather protection to patrons.

The height increase to the roof and the parapet is to maintain the existing beams which support a new roof, without reducing the extent of the clearstory glazing. This will ensure the quality of natural light to the gym/ co working space is maintained.

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:

- The proposed canopy design is entirely internal to the existing shopping centre and will not be visible to the street or public domain.
- 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.
- DA 2022/1822 approved a roof structured that protrudes 1.5 metres over the DCP height plane. The modification to increase the height of the roof by 0.5m and parapet by 0.15m is negligible and will continue to result in negligible overshadowing impacts to surrounding land uses, with any shadow falling on the existing built form of the centre including its existing shadow.
- The winter shadow diagrams in the Architectural Plans, demonstrate that the proposed roof structure will continue to not cause any further overshadowing impacts from what was already existing on the site and approved as part of the existing DA. The increase in height does not cast additional shadow onto any outdoor spaces of the Mall, maintaining the shopping centre's amenity.
- The proposed design changes will ensure compliance with the relevant fire safety standards and requirements to the shopping centre and car park as demonstrates in the Fire Hazard Assessment.

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 2022/1822 for the following reasons:

- The proposed design amendments do not result in a significant departure from the approved plans.
- The proposed height increase of the roof and parapet is negligible and will not cause any further overshadowing impacts to surrounding land uses beyond what was assessed as part of DA 2022/1822.
- 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 amendments 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

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 2022/1822) 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..*

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.

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 elements that optimise the use of natural light and the ambient environment to the pedestrian malls within the centre	The proposed canopy is intended to maximise solar access and improve weather protection and enhance the overall ambience and user experience.	Yes
	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	N/A	N/A
	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	A range of high-quality materials and finishes will be utilised as part of the design modifications as demonstrated in the Architectural Plans at Appendix A.	Yes

Clause	Provision	Proposed	Complies
	façade and roof of Warringah Mall.		
	9. The roof is to be designed so that the visual impact of the roof form is minimised.	<p>The modification seeks to increase the roof height by 0.5m and the parapet by 0.15m beyond what was approved for DA 2022/1822.</p> <p>The increase in height is negligible and will not cause any further overshadowing impacts to surrounding land uses, as shown in the shadow diagrams in the Architectural Plans.</p> <p>The roof will continue to protrude slightly above the DCP height access plane, which was previously considered acceptable by Council and does not bring rise to any additional shadowing or perceptible bulk as viewed from the public domain.</p>	Yes
	10. Rooftop plant and equipment are to be integrated into the building/roof forms or screened in a manner compatible with the building design to minimise visual and	The proposal does not seek changes to the existing rooftop plant equipment.	Yes

Clause	Provision	Proposed	Complies
	acoustic impacts on the surrounding properties, including elevated properties which have views over the centre.		
Building Height	17. New development is to comply with the maximum building heights as shown at Figure 2 except where provided for in the following requirement.	The proposal will result in the roof parapet protruding slightly above the height access plane 0.69 metres and the skylights will protrude by 2 metres.	Yes
Floor space	19. The existing centre currently provides 127,878m ² of Gross Leasable Floor Area (GLFA). The existing shopping centre may be expanded by 35,000m ² GLFA subject to compliance with all other relevant planning objectives and requirements	The proposal does not change the existing GFA as approved.	Yes
Environmental Sustainability	66. Shading devices are to be incorporated where practical, to reduce solar energy loads.	The canopy design will provide greater solar access whilst providing weather protection to shoppers crossing the L2 bridge and on ground floor.	Yes
	67. Buildings are to be designed and oriented to maximise the use of daylight and solar	The design of the canopy will increase solar access to the ground floor whilst still	Yes

Clause	Provision	Proposed	Complies
	energy for illumination. This may be achieved through the provision of light wells, skylights and voids.	<p>providing weather protection.</p> <p>The minor increase in height to the roof and parapet above the existing David Jones will ultimately ensure solar access is provided to the future co-working tenancy on Level 2</p>	

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. DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

No draft environmental planning instruments are relevant to this proposal.

5.5. PLANNING AGREEMENT

No planning agreements are relevant to this proposal.

5.6. REGULATIONS

The application has been prepared in accordance with the relevant provisions of the *Environmental Planning and Assessment Regulation 2021*.

5.7. 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 mostly 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 canopy structure is the result of design development of Warringah Mall and will result in an improved built form outcome through maximising solar access whilst providing weather protection to patrons.

The minor increase in height to the roof and parapet above the existing David Jones will ultimately ensure solar access to the future co-working tenancy on Level 2. The roof will continue to be above the DCP height plane but is considered acceptable have no built form impacts.

- **Social and Economic:** The social impact 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 still allowing for ample solar access.

5.8. 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 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.

5.9. SUBMISSIONS

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

5.10. 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 still allowing for ample solar access along the pedestrian thoroughfare.

6. CONCLUSION

The proposed modifications have been assessed in accordance with section 4.55(1) 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 modification is 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,

A handwritten signature in cursive script that reads "Kate Riley".

Kate Riley
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