

**SYDNEY NORTH PLANNING PANEL
COUNCIL ASSESSMENT REPORT**

Panel Reference	2018SNH052
DA Number	DA2018/1514
LGA	Northern Beaches Council
Proposed Development	Major additions to the Warringah Mall Shopping Centre, including new retail premises, food premises, kiosks, department stores and a new cinema complex with associated car parking and landscaping
Street Address	Lot 100, DP 1015283, No. 145 Old Pittwater Road, Brookvale
Applicant	Scentre Management Ltd
Owner	AMP Warringah Mall Pty Ltd Scentre Management Ltd
Date of DA lodgement	12 September 2018
Number of Submissions	Two (2) submissions received in opposition to the proposal
Recommendation	APPROVAL (subject to conditions)
Regional Development Criteria (Schedule 7 of the SEPP) State and Regional Development) 2011	Development with a Capital Investment Value (CIV) of more than \$30 million Total Cost of the Development is \$226,459,908
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979 • Environmental Planning and Assessment Regulation 2000 • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy – Infrastructure 2011 • Warringah Local Environmental Plan 2011 (WLEP 2011) • Warringah Development Control Plan 2011 (WDCP)
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Attachment 1 –Architectural Plans (as amended) • Attachment 2 – Pre-Lodgement Notes • Attachment 3 – Draft Conditions of Consent
Report By	Louise Kerr – Director Planning & Place
Responsible Officer	Lashta Haidari - Principal Planner
Report Date	27 November 2019

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)?

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

**Not
Applicable**

Conditions

Have draft conditions been provided to the applicant for comment?

Yes

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

Executive Summary

The proposal seeks consent for the partial redevelopment and expansion of the existing shopping centre (known as Warringah Mall Shopping Centre). The proposed development is Stage 2 of the staged redevelopment of the site and includes; demolition works and a major addition to the existing facility in the form of an additional 9,847m² of floorspace, which includes a new cinema complex, with associated car parking and landscape works.

The proposal also includes major reconfigurations in relation to the vehicular and pedestrian access to the site, as well tree removal and landscape works.

The total site has an 170,600m² site 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.

The application is referred to the Sydney North Planning Panel (SNPP) for determination pursuant to State Environmental Planning Policy (State and Regional Development) 2011 and Section 2.15 (a) and Section 4.5 (b) of the Environmental Planning and Assessment Act, 1979, as the development has a Capital Investment Value in excess of \$30 million (Application states \$226 Million). Whilst Council is responsible for the assessment of the DA, the SNPP is the consent authority.

The subject application, as amended, was conceived through a series of consultations with Council. The development is permissible with consent under the provisions of WLEP 2011 and is assessed in accordance with the various planning controls applying to the site. In this regard, the application requests a significant variation to the Height of Building built form control, which applies under WDCP 2011, not the WLEP 2011.

The issue of building height and its placement on the site has been one of the critical issues with this proposal and was raised with the applicant in the pre-lodgement meetings and during the assessment of this application. In response, the applicant has amended the plans to reduce the overall height and step the design away from its southern edge with Old Pittwater Road.

The final design has demonstrated that the streetscape and broader visual impact of the development is acceptable in the context of the site and its surroundings, notwithstanding the height and scaled has been concentrated on that southern edge of the subject site.

The assessment has found that the non-compliance with the building height requirements contained in the WDCP is not determinative. This is because the resultant built form has been revised and improved, in response to several meetings and feedback provided by Council, and is now satisfactory in terms of its urban design qualities, including; the manipulation of form, massing and scale (visual bulk), high quality external finishes and suitable landscape treatment of front setbacks, such that the development will have a high

degree of architectural merit and not be overbearing on adjoining and nearby residential properties.

The assessment reveals that there will be a reasonable outcome in terms of the impacts on adjoining residential properties in respect to overshadowing and visual impact. The external appearance of the building will provide a modern and contemporary commercial façade treatment that contains some innovative techniques to relieve the bulk. The proposed height of the building will not have any impact on views from adjoining properties given the nature of such views over the site.

The variation to the front setback requirements under the WDCP, as it relates to Condamine Street, does not raise any issues of concern, hence it is supported.

The proposal was notified on two separate occasions to adjoining property owners and two (2) submissions were received. In broad terms, the issues raised relate to flooding impact and the current access arrangements for the Aldi Store on the adjoining site to the north. The concerns have been addressed within the report and do not warrant refusal of the application.

The development will result in a significant economic and social benefit to the area and will create a significant number of new jobs. It will also provide for a significant improvement in character and design merit of buildings in this part of the shopping centre and provide new and attractive public domain.

The traffic and flooding impacts of the proposed development have been considered and will be appropriately managed. There will be improved access to the parking areas and the use of a parking assist system will allow customers to identify the location of available car spaces when entering the centre.

Based on a detailed assessment of the proposal against the applicable planning controls, it is considered that the proposal, as amended, is an appropriate development for the site and the locality and will allow the shopping centre to continue to provide an important retail and entertainment destination for the community, in better planned facilities, with superior amenity and a more positive contribution of modern architecture to local streetscapes.

The proposal is worthy of support and accordingly, it is recommended that the SNPP, as the consent authority, approve the proposal subject to deferred commencement and general conditions as contained within Attachment 1.

DEVELOPMENT APPLICATION ASSESSMENT REPORT

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the EP&A Act 1979 (as amended) 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 EP&A Act 1979, and the associated regulations;

- Site inspections were 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 provided by relevant Council / Government / Authority Officers on the proposal.

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.



Figure 1 – Site Map

Surrounding land uses comprise a diverse mix of commercial, industrial, residential, recreational and education uses.

RELEVANT HISTORY and BACKGROUND

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.

Pre-Lodgement Meeting

A pre-lodgement meeting was held with Council on 15 December 2016 regarding the proposed development. At the meeting, Council raised concerns with the proposal in terms of non-compliances with the provisions contained within the site specific WDCP.

It is noted that the proposal that is the subject of the current DA occupies a smaller area than the area that was the subject of the pre-lodgement meeting.

A copy of the PLM Notes is attached to this report (refer to Attachment 2).

History of the Current Development Application

The current application was lodged with Council on 12 September 2018. The assessment of the proposal found that the application was deficient and unsupportable for a number of planning, engineering, traffic and flooding reasons.

An opportunity was presented to the applicant to withdraw the application by letter dated 21 January 2019. The applicant was advised in that letter that failure to withdraw the application would result in Council reporting the application to the SNPP based upon the information provided at lodgement.

The applicant chose to respond to Council's letter by lodging additional information, despite the request for withdrawal. Notwithstanding, all the information that was lodged by the applicant has been considered as part of the assessment of this application.

In addition, the applicant had a number of meetings with Council management to facilitate a forward path. Following on from the main meeting held on 30 April 2019, the applicant lodged amended plans and information on 11 June 2019, which included the following amendments to the proposal:

- Rearrangement of the cinema modules to internalise the highest format cinema screen (and in turn reduce the bulk and mass when viewed from the south);
- Reduction in the height and massing of the buildings and an increase in the degree of modulation on the southern elevation/façade which presents to Old Pittwater Road by:

- Reducing the height of the building as it addresses Old Pittwater Road from RL45.30 to RL40.50 (a reduction of 4.8 metres),
- Relocating the Extreme Screen Box centrally to the site and reducing the height to RL42.50, and;
- Relocating the building further to the east from RL41.30 to a modulated building height between RL34.50 and RL40.50.

Other associated changes were:

- Improvements in the materiality and treatment of the southern elevation facades
- Increased landscape treatments on the southern elevation
- Increased pedestrian permeability and connectivity through the site
- Consideration of the integration of the future gateway building on the southern corner
- Amended access on Condamine Street and Cross Street, comprising entry only (i.e. removing the proposed exits)

In addition to the above, the applicant has provided additional information to address the concern raised by the RMS and other relevant experts in Council.

The amended plans were re-notified from 24 June 2019 to 12 July 2019. One (1) additional submission was received.

This assessment report is based on the amended plans.

PROPOSED DEVELOPMENT IN DETAIL

The application seeks consent for major additions to the Warringah Mall Shopping Centre, referred as a “Stage 2” works, which will be situated in the south-eastern corner of the subject site (adjoining Condamine Street and Old Pittwater Road) and generally on eastern side of the existing Warringah Mall complex. The works includes retail premises, food premises, kiosks, department stores and a new cinema complex, with associated car parking and landscaping.

Specifically, the proposed development comprises the following:

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



Figure 2 – Showing the footprint of the proposed development within the Warringah Mall site – proposal shown in yellow (Source: Scentre Design and Construction Pty Ltd)



Figure 3 – Proposed development as viewed from the west in Old Pittwater Road (Source: Scentre Design and Construction Pty Ltd)



Figure 4 – Proposed development as viewed from the north-east in Condamine Street/Pittwater Road (Source: Scentre Design and Construction Pty Ltd)

The following amendments are proposed to the vehicular access arrangements for the site:

- Existing vehicle access off Condamine Street will be maintained as one-way and no egress on Condamine Street is proposed
- Provide a direct exit to Condamine Street and Pittwater Road at the William Street signalised intersection including a third northbound traffic lane to facilitate the efficient operation of the intersection
- Convert Dale Street to permit two-way traffic flows

In terms of pedestrian access to the site, the following works are proposed:

- **Condamine Street entrance:** The existing at-grade pedestrian entrance associated with Coles will be reconfigured and improved to create a forecourt with architectural treatment and landscaping.
- **Condamine Street escalators & lift:** Escalators and a lift are also proposed at this location to provide access to expanded food court at Level 1, and subsequently to the restaurant precinct at Level 2.
- **Pittwater Street entrance:** The pedestrian entry at ground level adjacent to the bus layoff will be retained and legibility improved by way of footpath upgrades creating an improved connection between Pittwater Road and the centre.

Internal Bus Interchange & Taxi Rank

A bus interchange will continue to be provided within the Centre and will be relocated slightly to the north of the current location near the eastern boundary of the site and beneath the Target car park.

Landscaping and Tree Removal

- 56 trees are proposed to be removed as result of the proposed development.

- Brush Box and Weeping Lilly Pilly are proposed along the street frontage being along the northern portion of the development close to the Pittwater Road bus interchange.
- The main entry nodes fronting Pittwater Road/Condamine Street are to be planted with Cabbage Tree and Kentia Palms.
- Landscape planting (including more street trees, hedges and planter boxes and climbing plants to the car park edge) to enhance the pedestrian experience of the footpath along Old Pittwater Road;
- A widened footpath, new seating nook, and improved path gradient, lighting and line marking to enhance the southern pedestrian entry to the shopping centre from Old Pittwater Road at the eastern end of the carpark structure.

Hours of operation

There is no change proposed to the existing operating hours.

STATUTORY CONTROLS

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No.64 – Advertising and Signage
- State Environmental Planning Policy (Infrastructure) 2007
- Warringah Local Environment Plan 2011
- Warringah Development Control Plan 2011

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

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	None Applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan 2011 is applicable to this application.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None Applicable
Section 4.15 (1) (a)(iv) – Provisions of the regulations	In accordance with Clause 92 of the <i>Environmental Planning and Assessment Regulation 2000</i> (EP&A Regulation) for the purposes of section 4.15(1)(a)(iv) of the Act, the provisions of <i>AS2601-1991: The Demolition of Structures</i> is a prescribed matter which is to be taken into consideration by a consent authority. In this regard a condition has been could be included in the consent, should the application be worthy of approval to require demolition to be carried out in accordance with AS2601-1991.

Section 4.15 'Matters for Consideration'	Comments
	<p>Clause 94 of the EP&A Regulation requires the consent authority to consider the fire safety upgrade of the building. Council's Building certification section has reviewed the development application and raised no objections to the proposal subject to a number of conditions which could be included in the consent, should the application be worthy of approval.</p> <p>A condition could be included in the consent, should the application be worthy of approval to require compliance with the Building Code of Australia in accordance with Clause 98 of the <i>Environmental Planning and Assessment Regulation 2000</i> (EP&A Regulation).</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) The environmental impacts of the proposed development on the natural and built environment are addressed in detail under Warringah Development Control Plan –G4 Warringah Mall Shopping Centre' in this report and are found to be acceptable in relation to the proposed development.</p> <p>In summary, the development involves a significant change to the built form and character of the existing shopping centre. It will be a more visually dominant building due to its height, bulk, scale, mass and setbacks. However, it is considered appropriate and suitable for the site and locality having regard to the context of its setting within the zone and surroundings.</p> <p>The development has the potential to impact on the natural and built environment during construction and operation. A number of conditions of consent are proposed to manage and mitigate these impacts.</p> <p>(i) The proposed development will have a positive social impact in the locality and for the community, considering the improved facilities it will provide in terms of retail shopping and cinema entertainment on this regionally significant shopping centre site.</p> <p>(ii) The Warringah Mall Development Control Plan permits up to 35,000m² GLFA. The economic impact of the additional floor area was considered in detail in the assessment under the DCP prior to its adoption. The assessment found that there is sufficient and increasing demand in the area to support the proposed expansion of Warringah Mall over the period to 2021 and the growth of other competing retail centres. Accordingly, the proposed development is not considered to</p>

Section 4.15 'Matters for Consideration'	Comments
	<p>result in an adverse economic impact in the locality.</p>
<p>Section 4.15 (1) (c) – the suitability of the site for the development</p>	<p>The site is considered to be suitable for the proposed development based on the existing use of the site as a regional shopping centre, it has a good level of pedestrian/vehicular access and easy access to public transport (B-Line) and taxi services.</p> <p>The on-going and expanded use of the site as retail and entertainment precinct will allow it to continue to serve the needs of the local and broader community.</p> <p>Further, the site is relatively unconstrained in terms of topography and other natural features, with the main constraint being flooding due to its low-lying location relative to the piped watercourse running through the site.</p> <p>The development has incorporated into its design, measures to address flooding and remediation works. However, while indicative measures have been provided to address potential flooding impacts, further information is required to ensure there is no flooding impact on neighbouring properties.</p> <p>In this regard, deferred commencement conditions have been imposed in the draft set of conditions requiring further information to be submitted for assessment in relation to flooding.</p> <p>Subject to satisfying the deferred commencement conditions and other conditions included in the recommendation of this report, the site is considered to be 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>Two (2) written submissions were received.</p> <p>The issues raised in the submission are addressed later in this report.</p>
<p>Section 4.15 (1) (e) – the public interest</p>	<p>The public interest test primarily concerns whether the proposal achieves the desired future character and other environmental planning outcomes applicable under the WLEP and WDCP.</p> <p>The application is considered to have satisfactorily addressed Council's requirements and those of the relevant agencies and would provide a development outcome that, on balance, would result in a positive impact for the site and the locality, subject to the applicable conditions of consent.</p> <p>The continuation of retail premises and the entertainment facility (cinemas) on the subject site serves the wider public interest and it will attract a wide variety of persons and will improve the locality's access to a wide range of goods and services.</p> <p>The character and architecture of the proposed development, as amended, will complement and</p>

Section 4.15 'Matters for Consideration'	Comments
	<p>positively contribute to the upgrading of the visual qualities of the broader Brookvale Town Centre area, and will complement the new works by the RMS and the NSW Health, being the new bus interchange, pedestrian footbridge and Health Services Facility to the north and east of the proposed works.</p> <p>Accordingly, it is considered that the proposed development does not present any issues that are contrary to the public interest.</p>

EXISTING USE RIGHTS

Existing Use Rights do not apply to this application.

NOTIFICATION & SUBMISSIONS RECEIVED

The Development Application has been publically exhibited on two (2) occasions in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and Warringah Development Control Plan 2011.

As a result of the two (2) exhibitions, two (2) written submission were received, each objecting to the proposal,

The issues raised in the submissions are addressed as follows:

1. Potential Flooding Impacts

Submissions have been received from Addisons Lawyers, acting on behalf of Harrisons Investments Pty Ltd, who are the owners of 75 Old Pittwater Road, which is the large site that adjoins the western side of Brookvale Creek, between Warringah Mall and Old Pittwater Road. The lawyer's submissions are in relation to flooding.

In response to the initial notification of the DA, the first submission questioned the flooding information submitted with the application. The submission requested that Council should obtain an independent peer review due to the history of flooding issues, the methodology and assumptions of the submitted flood model and that a peer review be undertaken to ensure consistency with previous analysis, modelling and approvals on the site.

A re-notification of the application took place due to additional flooding information that was submitted and a further submission was made by Addisons Lawyers raising additional concerns that the flooding information submitted did not address their matters raised in the first submission, nor did it satisfy the issues raised in Council's Natural Environment Flooding Referral Response and the Engineering Referral Response (see "**Internal Referrals**"), both of which contained recommendations that the DA was not supported and should be refused.

Comment:

Following the lodgement of the DA, the applicant prepared additional documentation in an attempt to resolve the issues raised by Harrison Investments and by Council's internal referral experts (Flooding Officers and Development Engineers).

Based on Council's review of the flooding information submitted since the lodgement of the DA, Council's Flood Officers are now satisfied that the previous work undertaken in relation to DA2008/1741 and DA2008/1742 has resulted in significant improvements in flood risk to life and property, both within the site and on neighbouring properties. Based on this, an independent peer review of the applicants flooding analysis was not considered to be necessary for this development.

However, Council's Flood Officer has identified some remaining flooding matters that will require some additional modelling before a final "green light" can be given on the flooding aspects of the proposed development. This involves confirmation that the increase in peak water levels on the upstream private properties is no greater than 2.0cm in the case of a blockage of the system.

Council's Flood Officer advises that it is entirely appropriate for this information to be provided as a Deferred Commencement Condition.

A suitable Deferred Commencement Conditions has been included in the recommendation of this report.

Access arrangement for the Aldi Store (3-5 Cross Street, Brookvale)

A submission has been received from the Aldi Store owners, raising concern about the access arrangements for the proposed development. The submission has requested that any approval be conditioned to ensure that all ingress and egress pathways to the Aldi store are maintained at all times during the construction phase.

Comment:

The applicant has submitted a detailed Construction Management Plan (CMP), which indicates that there will be no impacts to the Aldi entry/exit configuration from the public road network. Notwithstanding, a separate condition has been included in the consent to ensure that access arrangements to the Aldi store are not impacted by the proposed development.

Accordingly, this issue is appropriately addressed by way of condition.

MEDIATION

No mediation has been requested by the objectors.

INTERNAL REFERRALS

Internal Referral Body	Recommendation/ Comments
Building Assessment - Fire and Disability upgrades	<p>Approval (Subject to conditions)</p> <p>Warringah Mall is subject to an existing detailed "Alternate Solution" applied under the provisions of the Building Code of Australia (BCA).</p> <p>Some aspects of the proposed development are to be addressed by way of a further fire engineered Alternative Solution to meet the relevant Performance requirements of the BCA.</p> <p>These items will need to be addressed by an Accredited C10</p>

Internal Referral Body	Recommendation/ Comments
	<p>Fire Engineer and verified by the Certifying Authority prior to the issue of a Construction Certificate.</p> <p>Accordingly, the proposal is capable of compliance with the National Construction Code via an 'Alternate Solution' and is acceptable with standard condition/s.</p>
Environmental Health (Industrial and Food Premises)	<p>Approval (Subject to conditions)</p> <p>No objection subject to conditions.</p>
Landscape Officer	<p>Approval (subject to conditions)</p> <p>Amended Landscape Plans submitted by the applicant are noted.</p> <p>The plans have addressed written comments and issues raised during discussions with the applicant. As a result, the plans are considered acceptable with regards to the Stage 2 Development proposal and in consideration of potential future development stages over the site.</p> <p>Issues regarding building bulk and DCP non-compliances are left to Urban Design for comment, however it is noted that the photomontages provided in the Visual Impact Report - Views 8, 9 and 10 in pages 32 - 37 of the report include existing mature trees that are required to be removed to accommodate the new slip lane off Condamine Street/Pittwater Road into the site. This would expose more of the building in the short to medium term as proposed tree planting would take some years to mature.</p> <p>Recommended conditions have been included if the proposal is to be approved. It is also recommended that if approved, the Landscape Plans provided be included in consent documentation.</p>
Development Engineers	<p>Approval (subject to conditions)</p> <p>The applicant has stated that the twin 1350mm stormwater lines located partly within the new building works will be maintained by the owner which is agreed, however the Cardno response dated 7/1/19 fails to provide detail on the access manholes and their location in regard to the building works.</p> <p>They need to be able to be accessed readily by maintenance crews within a short time and be free of obstructions in a common area within the mall.</p> <p>Council also requires a CCTV review of the 1350mm twin lines and condition report by a suitably qualified engineer to determine the current state /life expectancy of the line.</p> <p>In addition, it is noted that the applicant has provided WAX drawing for the stage two augmentation culvert works however it cannot be determined the difference in the design levels compared to as constructed levels. Also certification is required from Cardno stating that the stage 2 Augmentation works have been constructed in accordance with Condition</p>

Internal Referral Body	Recommendation/ Comments
	<p>60 and the approved Construction Certificate design (DA 2018/1742) and is to include certification that the mixing chambers have been constructed in accordance with the MHL physical model and approved plans.</p> <p>Suitable conditions have been included in relation to the above matters.</p>
<p>Natural Environment Climate Change Stormwater and Floodplain Engineering – Flood risk</p>	<p>Approval (subject to deferred commencement condition)</p> <p>The deferred commencement condition has not been satisfied so is recommended to be remain as a condition of consent.</p> <p>The Letter Report by Cardno dated 28 September 2019 has been reviewed. The 50% blockage that was recommended in the Letter Report is not deemed to be appropriate. 25% barrel blockage is considered appropriate as per ARR2019. Council’s interpretation of S6.4.4.11 of ARR2019 is that sensitivity analysis of “all clear” and twice the calculated guideline blockage level is recommended to be analysed and compared to the guideline blockage level. However, it is sensitivity analysis and 25% blockage scenario is the guideline blockage level. Therefore to satisfy the deferred commencement condition, the 25% blockage scenario must be modelled and shown that the development will not cause an increase in peak water levels of more than 2cm on upstream private lots in the design 1% flood.</p> <p>Subject to conditions (including the deferred commencement condition), the proposed development complies with flood prone land development controls and flood planning objectives. Development on the site during the previous decade has resulted in significant improvements in flood risk to life and property, both within the site and on neighbouring properties.</p>
<p>Natural Environment Climate Change (Riparian Lands and Creeks)</p>	<p>Approval (subject to conditions)</p> <p>No objection subject to conditions</p>
<p>Natural Environment Climate Change (Water Management)</p>	<p>Approval (subject to conditions)</p> <p>The MUSIC Model results show that Total Phosphorous is approx. 5% below the required target. However, it is considered the targets can be achieved through a minor amendment via conditions of consent.</p> <p>No objection to the proposed development subject to conditions.</p>
<p>Road Reserve</p>	<p>Approval (subject to conditions)</p> <p>The impact on existing road assets are minimal and can be dealt with conditions by Development Engineers.</p>
<p>Strategic and Place Planning</p>	<p>Approval</p> <p>Response based on revised plans and reports received June 2019</p> <p>The proposal is considered acceptable in terms of Council's</p>

Internal Referral Body	Recommendation/ Comments
	<p>Strategic Planning, subject to suitable resolution of the matters discussed below.</p> <p>1. Building Height / DCP Controls The revised plans achieve a reduction in building height of 4.8m in the tallest cinema module adjacent to Old Pittwater Road, and a reduction in height of between 0.8-7.8m along with a more articulated form in the south elevation of the cinema that will be visible from Condamine Street.</p> <p>Details have been submitted which indicate façade treatment and landscaping designed to soften the perceived building bulk. The reduced height still exceeds the DCP height limit adjacent to Old Pittwater Road by up to 15.5m.</p> <p>Nevertheless, as discussed at the last meeting with the applicant, the DCP height limit is not a statutory control and non-compliance may be acceptable provided impacts are not unreasonable.</p> <p>From discussions with Council's Urban Designer, it is considered that the revised plans demonstrate an acceptable visual and streetscape impact. However, questions still remain with regards to overshadowing. Council's Urban Designer has requested further details to demonstrate that the properties to the south (on the opposite side of Old Pittwater Road from the proposed cinema) will retain adequate solar access. Note: Shadow Diagrams for Proposed at 10.00am and 12.00pm appear to be identical (seek clarification).</p> <p>No submissions have been received from the owners/occupiers of the properties to the south.</p> <p>The proposed development will enhance the shopping centre's function and amenity, with a focus on creating a contemporary lifestyle precinct founded on food and entertainment. It represents a revitalisation that will support the centre's ongoing viability as a key component of the Brookvale-Dee Why Strategic Centre, with far reaching benefits for the community in terms of access to goods and services, recreation opportunities, and employment. It will contribute to the night-time economy. Notwithstanding that there may be overshadowing impacts to two residential properties to the south, the benefits to the broader community are greater on balance and are reasonable grounds on which to vary the DCP height control. The proposal is well within the DCP floor space controls.</p> <p>It is anticipated that the DCP will be reviewed at some stage in the foreseeable future, in conjunction with master planning for the site, as further development proposals arise.</p> <p>2. Masterplan / Vision for Corner 'Gateway' Site The applicant has been asked to articulate a future intention for the 'Gateway' site at the corner of Old Pittwater Road and Condamine Street and how this might integrate with the proposed development. Drawing 01.5663 provides a very</p>

Internal Referral Body	Recommendation/ Comments
	<p>basic conceptual outline for this part of the site in the form of a circle denoting a future gateway building and a rectangle denoting a potential podium connection/interface to upper levels of mall. This extremely limited information is a reflection of the fact that Scentre Group's consideration of options for this part of the site is in its infancy and it will be some time before any more advanced concepts will be pursued. It is not reasonable to seek any further detail at this stage for the purposes of this application.</p> <p>Drawing 01.5663 Pedestrian Movement Diagram and Future Opportunity should not form part of the stamped plans in any approval.</p> <p>Demolition of the existing cinema building in this location is not proposed as part of this application and it is accepted that this building will remain, allowing the opportunity for interim uses before it is ultimately redeveloped.</p> <p>3. Pedestrian Connectivity The revised plans incorporate the following improvements to pedestrian movement and access from the south:</p> <ul style="list-style-type: none"> • landscape planting (including more street trees, hedges and planter boxes and climbing plants to the car park edge) to enhance the pedestrian experience of the footpath along Old Pittwater Road; • A widened footpath, new seating nook, and improved path gradient, lighting and line marking to enhance the southern pedestrian entry to the shopping centre from Old Pittwater Road at the eastern end of the carpark structure. <p>These improvements will enhance the legibility and amenity of pedestrian connections to the shopping centre from the TAFE and other areas to the south of the site.</p> <p>Deletion of the proposed vehicle egress driveway from the site to Condamine Street will improve safety and ease of movement for pedestrians along the Condamine Street frontage of the site.</p> <p>The only remaining issue for pedestrian connectivity is weather protection for pedestrians moving along the main pathway between Condamine Street (north of the B-line bus stop) and the major shopping centre entrance opposite the end of Green Street. The existing walkway between the Condamine Street bus stops and shopping centre entrance have a shade structure for most of the distance. The same level of weather protection should be provided for this connection in its proposed relocated position. This could be sought by a condition of approval.</p> <p>4. Bus Stop, Taxi/Ride Share, Passenger Set-down/Pickup It is assumed that there is agreement on the sizing of the proposed relocated bus stop within the site.</p>

Internal Referral Body	Recommendation/ Comments
	<p>There still does not appear to be a dedicated taxi/ride share and passenger set-down/pickup area in the vicinity of the relocated bus stop and adjacent mall entry. This could be sought by a condition of approval.</p> <p>5. Vehicle Access Condamine St and Cross St/Dale St It is assumed that written evidence of RMS' in principle support for the revised vehicle access arrangements will be supplied prior to any approval being issued.</p> <p>Conclusion These comments are provided in relation to the strategic planning framework for Brookvale. The proposal, as revised, is considered acceptable.</p>
<p>Strategic Planning - Urban Design</p>	<p>Approval</p> <p>The proposal can be supported as the following issues have been satisfactorily resolved.</p> <ol style="list-style-type: none"> 1. Considerations have been given to future stages of development as the applicant has submitted a Pedestrian Movement Diagram & Future Opportunity Drawing. 2. In accordance with the WDCP control, the maximum height of the cinema boxes area are RL 25 and 28 (excluding architectural roof features and plant and equipment). The proposed new cinema boxes will be at maximum height of RL 40.50 and 42.50 respectively i.e. non-compliance of 15.5m and 14.5m respectively. The applicant has redesigned the cinema boxes with a height reduction of 4.8m and relocation of the taller areas further away from the southern boundary resulting in acceptable shadow impacts. Additional façade articulation to break up the massing of the cinema built form were also introduced to improve the buildings presentation to Old Pittwater Road. The proposed building envelope can now be supported on merit terms. 3. The traffic circulation has now been resolved with RMS resulting in a safe pedestrian environment. 4. The proposal has defined a safe and accessible pedestrian access point with improved landscaping along the route and entry point area at the eastern end of the carpark along Old Pittwater Road. The proposed solution will now enhance the legibility and desirability of the access. 5. The applicant has now submitted a resolved and comprehensive plan for the Stage 2 development of Warringah Mall with the intention of enhancing and transforming the centre into a new and exciting destination place for retail, food and entertainment.
<p>Traffic Engineer</p>	<p>Approval (Subject to conditions)</p> <p>The Centre has an approved masterplan permitting it to be expanded with an additional 35,000m² of additional gross</p>

Internal Referral Body	Recommendation/ Comments
	<p>leasable floor area (GLFA). Parking will be provided at rate of 4.1 car parking spaces per 100m2 GLFA.</p> <p>Stage 1 development was completed in November 2016 which added an additional 8,000m2 of GLFA and 330 net additional car parking spaces.</p> <p>Consistent with the approved masterplan, Stage 2 proposed expansion of the Centre (the subject matter of this DA) would provide an additional 9,847m2 GLFA with a net additional 418 car parking spaces.</p> <p>With concurrence from RMS as per their response received as part of the document referenced SYD18/01522/08 (A28958570), the applicant has satisfactorily addressed the entry treatment type. Full design will be required and conditioned as part of the consent.</p> <p>The applicant will also be required to satisfy all conditions outlined in the above document prior to Council releasing any Construction Certificate. This will be conditioned also.</p> <p>With the inclusion of the pedestrian bridge, being undertaken by Transport NSW, and the upgrade to the entry intersection, the applicant is deemed to have provided all necessary infrastructure upgrades as identified in the Master Plan for Stage 2.</p> <p>Regarding the request for the applicant to review the pedestrian entrance, as per the meeting minutes dated 25 July 2019, Council will require a detailed design prior to Construction commencing. This will be required as a condition of consent.</p>

EXTERNAL REFERRALS

External Referral Body	Comments
NSW Natural Resources Access Regulator - (formerly the Department of Industry - Water)	<p>The application was referred to Natural Resources Access Regulator (NRAR) as Integrated Development requiring a controlled activity approval under Water Management Act 2000 (WM Act).</p> <p>NRAR by letter dated 22 October 2018, advised that a controlled activity approval is not required for the proposed development and therefore no requirement or conditions are imposed by this Department.</p>
Ausgrid: (SEPP Infra.)	<p>Approval (subject to conditions)</p> <p>The proposal was referred to Ausgrid. Ausgrid by letter dated 24 October 2019 raised no objection to the proposal subject conditions, which are to be included in the consent should be application be worthy of approval</p>
Concurrence - NSW Roads and Maritime Services (RMS) - (SEPP	<p>Approval (subject to conditions)</p>

External Referral Body	Comments
Infrastructure. Traffic generating development)	<p>The application was referred to the RMS in accordance with Clauses 101 and 104(4) and Schedule 3 of <i>State Environmental Planning Policy (Infrastructure) 2007</i>.</p> <p>Initially, the RMS identified a number of issues in relation to the traffic modelling and insufficient information in relation to egress and swept paths that was submitted in support of the application. The Applicant modified the model and submitted additional information to address the issues raised by the RMS.</p> <p>The RMS issued its concurrence under Section 138 of Roads Act 1993.</p> <p>RMS listed a number conditions and advisory matters for Council's consideration in the assessment of the application. Where appropriate, the advisory matters have been included as conditions in the draft consent.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, EPIs (State Environmental Planning Policies (SEPPs), Regional Environment Plans (REPs) and Local Environment Plans (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 EPIs (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 Policy (State and Regional Development) 2011

Pursuant to Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011, the proposed development constitutes regionally significant development as it has a capital investment value of greater than \$30,000,000 (\$226,459,908).

The proposal is required to be assessed and determined by the Sydney North Planning Panel (SNPP) pursuant to s.2.15 (a) and s.4.5 (b) of the Environmental Planning and Assessment Act, 1979.

State Environmental Planning Policy 55 - Remediation of Land (SEPP 55)

SEPP No. 55 – Remediation of Contaminated Lands establishes State-wide provisions to promote the remediation of contaminated land.

The SEPP states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all

remediation proposals. The Managing Land Contamination: Planning Guidelines were prepared to assist councils and developers in determining when land has been at risk.

Clause 7 of the SEPP requires that a consent authority must not grant consent to a development if it has considered whether a site is contaminated, and if it is, that it is satisfied that the land is suitable (or will be after undergoing remediation) for the proposed use.

In response to these requirements, the applicant has submitted a Phase 2 'Contamination Assessment Report' prepared by Douglas Partners, dated August 2018. The report concludes that the site subject of this application (referred to as Stage 2 investigation area) can be made suitable for the development provided recommendations of the report are implemented.

The application was referred to Council's Environmental Health Officer who raised no objection to the proposal subject to conditions. Accordingly, based on the information submitted, the requirements of SEPP have been satisfied and the land can be made suitable for the purpose for which the development is proposed to be carried out and the recommendations included in the investigation report can be included conditions, if the application was recommended for approval.

State Environmental Planning Policy (Infrastructure)

Clause 45 – Requirements to Consider

Clause 45 of the SEPP requires the Consent Authority to consider any DA (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 5m 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 5m of an overhead electricity power line.

The proposal was referred to Ausgrid. Ausgrid by letter dated 24 October 2019 raised no objection to the proposal subject conditions, which are to be included in the consent should be application be worthy of approval.

Clause 101 - Development with frontage to classified road

Clause 101 – Development with frontage to classified road Development of land with a frontage to a classified road should avoid vehicular access to the land from the classified road, should ensure the safety, efficiency and ongoing operation of the classified road should not be adversely affected by the development and the development should be of a type that is not sensitive to traffic noise or vehicle emissions.

The proposal involves alterations and additions to an existing regional shopping centre in which the existing vehicular access arrangements are being reconfigured. Pittwater Road and Condamine Street are classified roads and therefore referral to and concurrence of the RMS is required for the proposed development.

The application was referred to the RMS for concurrence as required by Clauses 101 of the SEPP

The RMS has provided their concurrence on 3 September 2019, which advises that RMS raised no objection to the proposed development subject to a number of requirements and advisory notes to be included as conditions of consent.

Clause 104 - Traffic Generating Development

Developments listed in the Schedule 3 of the SEPP are to be referred to RMS. Schedule 3 lists categories and sizes or capacity of developments which both have site access to a classified road (or within 90m) and access to any road. Certain characteristics of the development proposal trigger referral to the RMS for comment, such as:

- Commercial premises with floor space of more than 2,500m² ;
- Parking for 50 or more motor vehicles; and
- Shops of 500m² or more.

Given the volume of the proposed commercial (retail) floor space and the number of parking spaces proposed, the proposal was referred to the RMS for comment.

The RMS responded on 3 September 2019. RMS have raised no objection to the proposal and have provided detailed requirements, which are to be included as conditions of consent, should the application be worthy of approval.

State Environmental Planning Policy 64 (Advertising and Signage)

The controls within State Environmental Planning Policy 64 (Advertising and Signage) or SEPP 64, aim to facilitate signage which both serves the intended purpose while maintaining the desired amenity and visual character of the surrounding area.

The plans submitted with the application shows a number of signage zones to demonstrate the overall advertising strategy for the proposed development. The applicant has advised that details of signage will be subject to a further approval process.

Overall, the proposed signage zones in themselves do not raise any significant concerns, given the locations and types of signage provided around the existing shopping centre. It is considered appropriate to impose Council's standard conditions on any consent dealing with the future signage.

STATE REGIONAL ENVIRONMENTAL PLANS

There are no SREPs applicable to the site.

LOCAL ENVIRONMENTAL PLANS

WARRINGAH LOCAL ENVIRONMENT PLAN 2011

The Warringah Local Environmental Plan 2011 is applicable to the development.

Is the development permissible with consent?	Land Use Definition:	Permitted or Prohibited
	Commercial premises (retail shops, food premises and kiosks)	Permitted with Consent

	Entertainment Facilities (cinemas)	Permitted with Consent
After consideration of the merits of the proposal, is the development consistent with:		
Aims of the LEP?	Yes	
Zone objectives of the LEP?	Yes	

Principal Development Standards

There are no development standards applicable to the subject site. The building height controls are contained in WDCP 2011 and expressed as maximum RLs.

Compliance Assessment Summary

Relevant Clauses	Compliance with Requirements
Part 1 Preliminary	
1.2 Aims of the Plan	Yes
Part 2 Permitted or prohibited development	
2.1 Land Use Zones	Yes
2.6 Subdivision –Consent requirements	N/A
2.7 Demolition requires consent	Yes
Part 4 Principal development standards	
4.1 Minimum subdivision lot size	N/A
4.3 Height of buildings	N/A
4.6 Exceptions to development standards	N/A
Part 5 Miscellaneous Provisions	
5.9 Preservation of trees or vegetation	Yes

Zoning and Permissibility

The site is zoned B3 Commercial Core and **commercial premises and entertainment facilities** are permissible uses with development consent. Accordingly, the proposed development is permissible with consent.

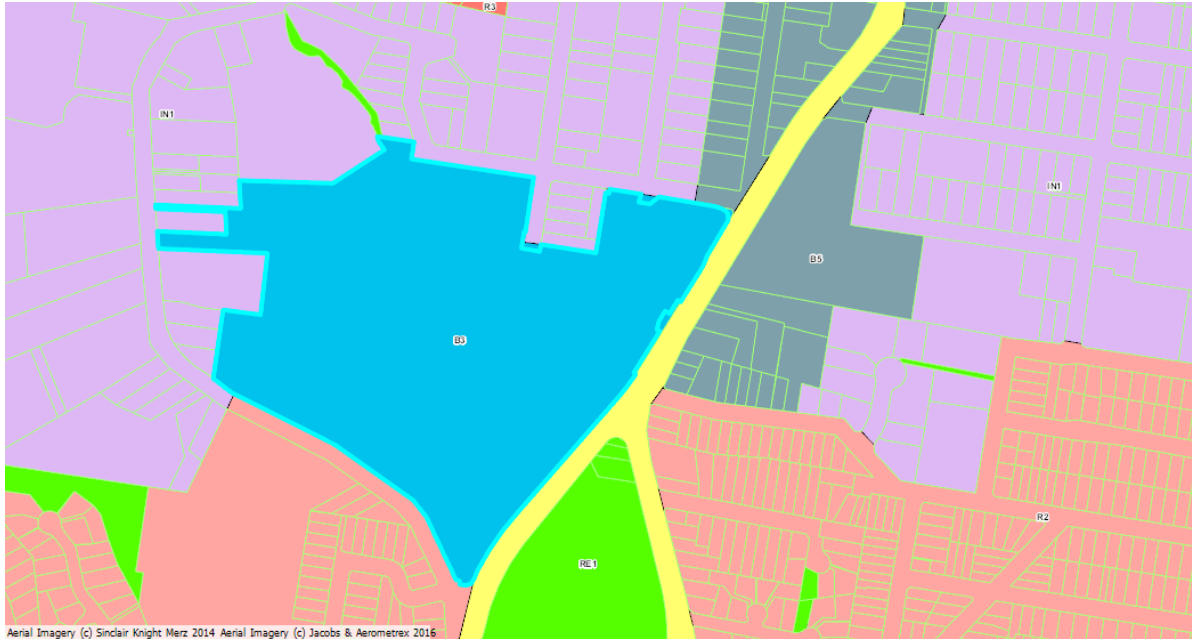


Figure 5 - Site zoning under WLEP 2011 (note: Warringah Mall Site is B3 which is shown in blue)

Zone objectives

Clause 2.3(2) of the WLEP 2011 requires the consent authority to have regard to the zone objectives when determining a DA. The underlying objectives of the B3 zone and how it relates to the proposed development is addressed as follows:

The objectives of the B3 zone are:

- *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.*

Comment:

The proposal is considered to be consistent with the B3 zone objectives given the proposed development will allow for the provision of a greater range of retail and business uses that serves both the local and regional populations. The proposed addition will also increase employment opportunities on the site.

The economic analysis undertaken as part of the site specific DCP outlines that there is significant market share remaining for various other retail outlets within the site to ensure that a wide range of services are provided throughout the region and the existing and planned centres will remain viable.

Other relevant provisions of WLEP 2011

Considerations of the other provisions of the WLEP 2011 which are relevant to this application are addressed in the following table:

Clause	Comment	Complies
Clause 2.7 – Demolition	Demolition works are included as part of this application. Appropriate conditions are recommended to ensure the demolition works carried out in a manner that is safe and consistent with the requirement of this Clause.	Yes (subject to condition)
Clause 5.10 Heritage	Warringah Mall or any part of the site is not heritage listed under WLEP 2011. There are no heritage items in the vicinity, nor know Aboriginal Site within the site area subject of this application.	N/A
Clause 6.1 Acid sulphate soils	<p>The site is identified as being partly affected by acid sulfate soils class 4 and class 5.</p> <p>An Acid Sulfate Soil report prepared by Douglas Partners has been submitted with the application. The report concludes that an Acid Sulphate Soil Management Plan will need to be prepared if the construction approach will disturb ASS or lower the groundwater table through dewatering. The plan will also need to account for treatment of acid sulphate soils designated for offsite disposal.</p> <p>Accordingly, based on the information submitted, the recommendation of the report can be included conditions, if the application was recommended for approval.</p>	Yes (subject to conditions)
Clause 6.2 Earthworks	<p>This clause requires consent for earthworks and specifies the matters to be taken into consideration when granting consent.</p> <p>The geotechnical and contamination assessments have been submitted with the current application to ensure all relevant matters relating to the potential impact of the proposed earthworks on including surrounding development, contaminated soils, drainage and soil stability, etc. are addressed.</p> <p>Subject to the imposition of relevant conditions of consent to implement the recommendation of the report, it is considered that the proposed earthworks will not result in any unacceptable impacts.</p>	Yes (Subject to conditions)
Clause 6.3 Flood Planning	<p>The subject site is identified as Flood Prone Land, being affected by the Probable Maximum Flood levels (PMF).</p> <p>As detailed within the 'Referrals' section of this report, there is currently some additional flood modelling required by Council's Flooding Team to confirm that the potential flood effect on the upstream properties to the north-west is acceptable (less than 2.0cm) in the design 1% AEP Flood event.</p> <p>These requirements are appropriately dealt with in the form of a Deferred Commencement condition. The effect of this condition is that the</p>	Yes (subject to Deferred Commencement conditions)

	applicant will be required to provide further details on the flooding implications of the development and in doing so demonstrate that the proposal will have no adverse impact on flooding for neighbouring properties before the activation of any development consent.	
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Clause 3.42 Environmental Planning and Assessment Act, 1979 - Purpose and Status of Development Control Plans

Clause 3.42 of the Environmental Planning and Assessment Act, 1979 states that a DCP provision will have no effect if it prevents or unreasonably restricts development that is otherwise permitted and complies with the development standards in relevant Local Environmental Plans and State Environmental Planning Policies.

The principal purpose of a development control plan is to provide guidance on the aims of any environmental planning instrument that applies to the development, facilitate development that is permissible under any such instrument, and achieve the objectives of land zones.

The provisions contained in a DCP are not statutory requirements and are for guidance purposes only. Consent authorities have flexibility to consider innovative solutions when assessing development proposals, to assist in achieving good planning outcomes.

DEVELOPMENT CONTROL PLANS

Warringah Development Control Plan 2011 (WDCP 2011)

The proposal has been considered against the provisions of the WDCP 2011. The table below is an assessment of the proposed development against the relevant provisions of the WDCP 2011.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
Part A Introduction		
A.5 Objectives	Yes	Yes
Part C Siting Factors		
C3(A) Bicycle Parking and End of Trip Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	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
C9 Waste Management	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
Part D Design		
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	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
Part E The Natural Environment		
E1 Private Property Tree Management	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E10 Landslip Risk	Yes	Yes
E1 Private Property Tree Management	Yes	Yes
Part G4 – Warringah Mall		
G4 – Warringah Mall	No	Yes (refer to discussion below)

Detailed Assessment

Part G4 of the WDCP 2011 contains the site specific development controls for Warringah Mall. The proposed development's consistency with the objectives and requirements of the site specific control is considered in detail below:

Built Form

Design Quality and Excellence		
Objectives	Comments	Complies

Design Quality and Excellence		
<ul style="list-style-type: none"> • To ensure that new development makes a positive contribution to the streetscape and public domain. • To ensure a high standard of architectural design. • To achieve high quality urban design internally and externally and high levels of pedestrian comfort in the public spaces of the centre. • To emphasise key nodes and entry points to create a sense of arrival. • To encourage the use of high quality, durable and robust materials. • To ensure the design response reflects the Northern Beaches vernacular/lifestyle. 	<p>Council's Urban Designer has reviewed the proposal and supports the design of the proposed development from an urban design prospective.</p>	<p>Yes</p>
Requirements	Comments	
<p>1. Future development on or adjacent to the perimeter of the site must be designed to positively address the street, relate to the natural environment and create a clear distinction between the public and the private domain.</p>	<p>The proposed development does alter the site in relation to its eastern frontage, with exception of an upgraded pedestrian routes to the centre entry will be provided.</p> <p>The proposed development is therefore consistent with this requirement.</p>	<p>Yes</p>
<p>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.</p>	<p>Void and open air elements have been incorporated into the design of the extension of the Mall to optimise the use of natural light and thermal comfort.</p>	<p>Yes</p>
<p>3. New development along the southern edge of the site must not result in any unreasonable impacts on the amenity of residential properties in Old Pittwater Road and Smith Avenue.</p>	<p>The proposed extension to the Mall includes a new cinema complex, which is located at the southern end of the site. The issue relating to solar access impact on the residential development is addressed in detail below in this report.</p> <p>In summary, the submitted shadow diagrams indicate that a number of properties on the southern side of Old Pittwater road and in Smith Ave will be affected by additional overshadowing as a result of the proposed building and its associated height and setbacks.</p>	<p>Yes (refer to discussion below)</p>

Design Quality and Excellence		
	Overshadowing will occur between 9.00am – 10.00am during mid-winter, after which time all of the affected properties will be afforded a minimum of 3 hours solar access, which exceeds the accepted standard of a minimum of 3 hours as per WDCP for residential properties.	
4. New development along the eastern frontage to Pittwater Road/Condamine Street must incorporate a legible pedestrian connection from the street into the centre that is conveniently located in relation to existing bus stops.	The proposed development included an upgraded pedestrian path to the centre entry consistent with the requirements of this Clause	Yes
5. All future development must be designed to strongly and positively reinforce the corners of the site and street alignment and frame the street. Incorporating landmark or distinctive building elements on “Gateway” street corners is encouraged.	<p>There is no new built form proposed immediately at the corner, the <i>Mall Music</i> building and the existing <i>Events Cinema</i> building will remain unchanged under the current proposal, the applicant has indicated that this will be subject to future proposals.</p> <p>The proposal includes additional landscape treatment at the corner to improve the current existing planting. The proposed addition can be viewed beyond the existing built form along Pittwater Road and approaching Old Pittwater Road. The proposed new section of the Mall will improve way-finding to Warringah Mall, reinforcing its sub- regional significance.</p>	Yes
6. Long continuous walls are to incorporate design treatments to reduce their visual mass and bulk. Such design treatments may include the use of architectural treatments or elements that serve to provide building articulation and modulation and the use of a variety of high quality external colours and materials.	The development provides visual interest along a long continuous wall of the external facades, and it will incorporate appropriate design treatments and finishes to mitigate visual bulk and promote visual interest.	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.	Views to the exiting ground level of the car park on the eastern side will be largely retained and upgraded with landscaping to screen the development.	Yes
8. High quality, attractive and durable materials are to be used. The selection of colours is to respond to	A schedule of external colours and materials was submitted with the application. Several	Yes

Design Quality and Excellence		
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.	perspective drawings have also been submitted. The information submitted adequately addresses this requirement.	
9. The roof is to be designed so that the visual impact of the roof form is minimised.	The proposed development incorporates parapet (flat) and convex curved roof forms, which is not a prominent feature and considered to be appropriate in terms of visual impact.	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 acoustic impacts on the surrounding properties, including elevated properties which have views over the centre.	No rooftop plant and equipment is shown on the plans. Accordingly, a condition shall be included to ensure that no rooftop plant and equipment is attached to the roof.	Yes (subject to conditions)

Building Setbacks and Street Frontages		
Objectives	Comments	Consistent
<ul style="list-style-type: none"> To protect and enhance the visual quality of streetscapes and public domain spaces. To ensure an appropriate interface with adjoining and surrounding land uses and streets is provided. To allow for the existing site landscaping to be retained and enhanced. 	<p>The setbacks proposed define the alignment of the development and allow for the provision of landscaping which includes a mix of shrubs, trees and groundcovers which are capable of softening the visual impact of the proposed building.</p> <p>The proposed setbacks are found to be acceptable on merit,</p>	Yes
Requirements	Comments	Complies
11. Setbacks are to be consistent with those shown in Figure 2.	<p>Figure 2 in the DCP specifies a 10.0m setback to Condamine Street and 5.0m setback to Old Pittwater Road.</p> <p>The proposed development complies with the setback requirement to Old Pittwater Road being the required 5.0m. However, the proposed development as it relates to Level 1 and 2 encroaches into the 10m setback to Condamine Street. The variation is considered in detail below and found to be acceptable on its merits.</p>	No (refer to discussion below)

Building Setbacks and Street Frontages		
12. In the event that there is a change to the current title boundary, the setback as nominated in Figure 2 is to be measured from the new boundary alignment.	Not applicable.	N/A
<p>13. <i>Corner of Condamine Street and Old Pittwater Road</i></p> <ul style="list-style-type: none"> • Future development at the corner of Condamine Street and Old Pittwater Road is to create a defined built edge to address the street. • The existing mature trees along the eastern boundary of the site adjoining Condamine Street are to be retained. • Any future development at the corner of Condamine Street and Old Pittwater Road is to be designed to strongly define the corner and reinforce the prominence of this “Gateway” site arrival point. 	<p>A new cinema complex will be constructed over the existing carparking to the north and northwest of the existing cinema building. The visual impact of this structure is discussed within the urban design comments in the referral section of this report and is found to be acceptable.</p> <p>A number of trees along the eastern boundary are proposed to be removed to accommodate a new vehicular access way. Tree removal is discussed in detail within the Landscape referral section of this report and found to be acceptable given</p>	Yes
<p>14. Junction of Condamine Street and Pittwater Road</p> <ul style="list-style-type: none"> • A distinctive entry node is to be provided at the junction of Condamine Street and Pittwater Road which incorporates a high quality public space flanked by buildings, landscaping in scale with the building form and public art. The entry node will be the primary pedestrian entrance to the shopping centre. 	Not applicable (as previously noted).	N/A
<p>15. Pittwater Road</p> <ul style="list-style-type: none"> • Future development along Pittwater Road is to create a defined built form edge to address the street. • The built form is to be setback from the street to allow for the provision of a soft landscaped strip to soften and screen non-active building facades. • Any future development at the corner of Pittwater Road and Cross Street is to be designed 	<p>The proposed development includes works in the eastern portion of the site and have a frontage to Pittwater Road being generally limited to car park and entry upgrades and consists of at-grade facilities.</p> <p>The proposed works are generally found to be consistent with the requirement of this Clause.</p>	Yes

Building Setbacks and Street Frontages		
to strongly define and reinforce the prominence of this "Gateway" site arrival point.		
<p>16. Corner of Cross Street and Green Street</p> <ul style="list-style-type: none"> Future development at the corner of Cross Street and Green Street is to be designed to strongly and positively identify this location as a key "Gateway" entry to the centre. 	The proposed development does not alter the existing multi-level car park at the corner of Cross and Green Streets.	N/A

Building Height		
Objectives	Comments	Consistent
<ul style="list-style-type: none"> To provide street edge definition along the main eastern frontage of the site. To provide street edges which reinforce, improve or support the hierarchy and character of streets. To achieve comfortable street environments for pedestrians in terms of daylight, human scale, sense of enclosure and wind mitigation as well as a healthy and sustainable environment for street trees. To ensure solar access to residential properties and public spaces is protected 	<p>The proposed height of the building is measured at 22.0 metres above footpath level and setback approximately 5.0 metres from the site boundary on Old Pittwater Road.</p> <p>The proposed development does not comply with the numerical height control for this site as stipulated within the WDCP. This non-compliance is discussed in detail below in this report.</p> <p>Despite the non-compliance, it is considered that the proposed development is consistent with the objectives of the control, as the built form has been carefully designed and broken into 3 horizontal modules, and the two level (existing car park) which is proposed to be treated with landscaping to enhance its appearance.</p> <p>The impact in relation to solar access is also discussed in detail and found to be acceptable.</p>	Yes (refer to discussion below)
Requirements	Comments	Complies
17. New development is to comply with the maximum building heights as shown at Figure 2 except where provided for in sub-section (2) below.	In accordance with Figure 2 in this report, the maximum height for development at the southern corner of the site is RL30 and a maximum for development along a portion the Old Pittwater Road frontage is RL25.	No (Refer to discussion below)

Building Height		
	<p>The proposed Stage 2 works include construction of a cinema at roof top level and this structure will project beyond the building height limit, being a maximum height as follows:</p> <p>Proposed Heights (RL's)</p> <ul style="list-style-type: none"> • Maximum RL40.50 on the section as it addresses Old Pittwater Road; • Maximum RL42.50 at centre of the proposed cinema complex; and • The eastern section of the proposed building has a maximum RL34.50 and RL40.50. <p>The breach to the height requirement is measured to be 15.5m and 14.5m respectively.</p>	
<p>18. Development may exceed the maximum height controls shown at Figure 2 only in the following circumstances:</p> <p>a) Architectural roof features</p> <p>Architectural roof features may exceed the height controls but only if the consent authority is satisfied that the architectural roof feature:</p> <ul style="list-style-type: none"> • satisfies the objectives of the height control, and • comprises a decorative element on the uppermost portion of a building, and • does not include floor space area and is not reasonably capable of modification to include floor space area, and • does not provide access for recreational purposes, and • is not a structure designed specifically for signage or advertising, and • is an integral part of the design of the building in its context, and 	<p>The development exceeds the maximum height controls shown at Figure 2, as discussed below.</p>	<p>No (Refer to discussion below)</p>

Building Height		
<ul style="list-style-type: none"> will have minimal overshadowing impact, and does not add to the visual bulk of the building. 		
<p>b) Plant and equipment</p> <p>Any ancillary plant, equipment or access point may exceed the height controls but only if the consent authority is satisfied that:</p> <ul style="list-style-type: none"> The height of plant, equipment or access point does not exceed 3.0m. The total area of the equipment does not exceed 10% of the roof area. The plant, equipment and access point is integrated with the architectural design of the building/roof. The plant or access point is centrally located within the roof area to minimize the visibility of these structures when viewed from surrounding properties and the public domain. 	No plant or equipment is shown on the plans.	Yes (subject to special condition)

Floor Space		
Objectives	Comments	Consistent
<ul style="list-style-type: none"> To facilitate the provision of a wide range of retail, business, office, entertainment, community and other suitable land uses that service the needs of the local and wider community and a growing workforce and population. To facilitate the future growth of the shopping centre to support the role of Warringah Mall as a retail centre of sub-regional significance. 	<p>An additional 9,847m² GLFA is proposed to enable the provision of a greater variety of goods and services. The additional floor area will ensure that Warringah Mall continues to operate as a retail centre of sub-regional significance.</p>	Yes
Requirements	Comments	Complies
<p>The existing centre currently provides 127,878m² of Gross Leasable Floor Area (GLFA). The existing shopping centre may be expanded by 35,000m² GLFA subject to compliance with all other relevant planning objectives and requirements.</p>	<p>The proposed development seeks approval for 9,847m² GLFA.</p> <p>The proposed floor space, combined with the additional GLFA approved since the Warringah Mall DCP was adopted, is below the maximum of 35,000m².</p>	Yes

AMENITY

Landscaping		
Objectives	Comments	Consistent
<ul style="list-style-type: none"> To allow for existing landscaping to be retained and enhanced. To create landscaping zones along the eastern boundary of the site adjoining Pittwater Road and Condamine Street to soften views to the site. To ensure landscaping is integrated into the design of development. To ensure landscaping is in scale with and provides for the softening and screening of the building form. To ensure landscaping provides a high quality aesthetic. 	<p>The proposed development is limited in its ability to provide significant areas of landscaping on its southern boundary, given the location of the existing car parking structure, however the development does include the following landscape improvements to the site:</p> <ul style="list-style-type: none"> Replanting of the hedge adjacent to the footpath to establish a 2.0 metre-high landscaping edge and interface for pedestrians. The construction of planter boxes attached to the car park structure that will support vegetation on the southern parking façade, with trellis to be installed to support the growth on this façade. The planting of additional street trees. <p>The additional landscaping is appropriate given the context of the site and the need to provide landscaping which maximises the safety and security of pedestrians and customers of the shopping centre.</p> <p>For these reasons, the proposed landscaping is consistent with the objectives of this clause and is considered to be an improvement of this site.</p>	Yes
Requirements	Comments	Complies
20. Landscaping is to be retained and enhanced and provided generally in the zones shown in Figure 8.	<p>The proposed development will result in the removal of some of the trees for the proposed new vehicular access and egress improvements near the junction of Condamine Street and Pittwater Road.</p> <p>The proposed development includes additional landscaping to enhance the appearance of the development.</p>	Yes

Landscaping		
	Council's Landscape Officer has reviewed the landscape plans and tree removals and supports the proposal.	
21. The existing mature landscaping at the junction of Pittwater Road/Condamine Street is to be retained where practical and functional for the future design of this precinct. An illustrative example of possible future development outcomes at this location is shown at Figure 9.	As discussed above, the development will remove some trees and this is discussed in detail in Council's Landscape Officers referral comments earlier in this report.	No (refer to discussion below)
22. New development along Condamine Street and Pittwater Road is to incorporate landscaping that screens or softens non-active facades or building elements.	Perimeter landscaping will be provided to enhance the existing and proposed facades of the building. In addition, perimeter planters are proposed along the upper levels of the new building to provide cascading climbers and trailing plants.	Yes
23. Landscaping treatments are to be integrated into the design of new entries to the centre.	The landscape design will improve the entry point of the site. Density of planting and integrated seating is provided at the entry point.	Yes
24. Recycled water or harvested rainwater is to be used, where possible, to irrigate new landscaped areas.	All planting will be irrigated via a sub-surface drip system. Rainwater will be collected from roof areas and directed to concealed rainwater storage tanks to supply irrigation system.	Yes
25. Water efficient plants and/or, locally indigenous vegetation should be used to minimise water consumption.	The Sustainability Management Plan indicate that plants with low water consumption will be selected for landscaping. A condition has been included in the draft consent requiring compliance with the recommendations of the Sustainability Management Plan.	Yes (subject to condition)

Amenity of Surrounding Residential Properties		
Objective	Comments	Consistent
<ul style="list-style-type: none"> To protect the amenity of surrounding properties. To ensure that development will not result in light overspill or glare from artificial illumination. 	<p>The new shopping mall is located within the site and is surrounded by existing structures.</p> <p>No additional roof top plant or equipment are proposed and therefore the acoustic impacts of</p>	Yes (subject to conditions)

Amenity of Surrounding Residential Properties		
	<p>the new development have been minimised.</p> <p>Conditions could be recommended, if the application was worthy of approval to ensure that the development will not result in light overspill or glare from artificial illumination.</p> <p>Accordingly, it is considered that the proposed development is consistent with the objectives of this clause.</p>	
Requirements	Comments	Complies
<p>26. The overspill from artificial illumination or sun reflection is to be minimised. A 'Lighting Strategy' is to be submitted with any development application incorporating new or modified roof top parking or for new development which is adjacent to existing residential areas. The 'Lighting Strategy' is to demonstrate that the development will not result in lighting glare or overspill from artificial illumination.</p>	<p>A Lighting Strategy (Memorandum) dated 6 June 2018 has been submitted with the application, which describes the lighting strategy for the proposed development.</p> <p>The memorandum confirms that the lighting for the proposed development will be designed in accordance with relevant standards to control the obtrusive effects of outdoor lighting.</p> <p>A condition of consent recommends that external lighting shall comply with the relevant Australian standards to avoid light spill on to the adjoining properties</p>	<p>Yes (Subject to conditions)</p>
<p>27. The development is to be designed and managed so that it does not result in an unreasonable adverse acoustic impact on surrounding and nearby residential properties.</p>	<p>An Acoustic Assessment which considers both internal and external noise sources; including surrounding traffic noise and noise emissions associated with traffic generated by activities on site. The acoustic assessment found that noise generated by the development will comply with all relevant standards.</p> <p>No rooftop plant or equipment is proposed. Conditions have been imposed to restrict delivery and waste collection hours and to ensure that the noise from any mechanical plant and equipment does not exceed the ambient background noise level by 5dB(A).</p>	<p>Yes (Subject to conditions)</p>

Public Art		
Objectives	Comments	Consistent
<ul style="list-style-type: none"> To encourage the use of quality public art to identify and highlight key site entrances. To integrate public art in the new developments on the site to enliven the public domain. To ensure public art is relevant to the site and the locality and draws upon the cultural, heritage and lifestyle themes in Warringah. 	The area adjacent to the intersection of Pittwater and Condamine Road has been identified as a location for public artwork installation.	Yes
Requirements	Comments	Complies
28. Public art is to be integrated into the design of the primary pedestrian entry adjacent to the intersection of Pittwater Road and Condamine Street.	A Public Art Plan has been submitted as part of the application. The Plan refers to case studies, including Stage 1 Warringah Mall works, and identifies potential type of artworks envisaged including murals, sculptures and dynamic facades.	Yes
29. Public art is to be incorporated into new development where appropriate. It could include murals to blank walls, freestanding sculpture, pavement art and the like.	<p>The Public Art Plan submitted with the application indicates that the public art locations will focus on nodal points, entry points and key façade applications.</p> <p>There are limited other opportunities for the provision of public art given the location of the additional retail floor area within the footprint of the existing centre.</p>	Yes
30. A 'Public Art Plan' is to be submitted with all future development applications which involve the creation of new public spaces at the interface of the shopping centre and the public domain. The plan is to identify opportunities for the integration of public art in the publicly accessible areas of Warringah Mall, themes for public art, relevance to the local area, durability, robustness and longevity. The public art concepts shall be prepared by a person with demonstrated expertise in public art.	A Public Art Plan has been submitted with the application and considered to be satisfactory.	Yes

Advertising and Signage

No signage is proposed as part of this development application.

The development will require additional signage in the future, and this will be subject to future development applications.

Safety and Security

Objectives	Comments	Consistent
<ul style="list-style-type: none"> To provide a safe environment for users of Warringah Mall. To minimise opportunities for crime. To encourage the consideration and application of crime prevention through environmental design (CPTED) principles when designing and siting buildings and surrounding spaces and access ways. 	<p>The design of the proposed development minimises the opportunities for crime.</p> <p>A Security Management Plan (SMP), dated June 2018 and Crime Prevention Through Environmental Design (CPTED) assessment has been submitted with the application.</p> <p>The CPTED outlines a range of crime prevention measures that are consistent with CPTED principles. Subject to conditions ensuring compliance with the applicant's CPTED assessment, the application is considered to be satisfactory in this respect.</p>	<p>Yes (subject to conditions)</p>
Requirements	Comments	Complies
<p>33. Development is to be designed to incorporate and/or enhance opportunities for effective natural surveillance by providing clear sight lines between public and private places, installation of effective lighting particularly in public spaces and car parks, and the appropriate landscaping of public areas.</p>	<p>Clear sightlines have been provided through the car parks to the entries of the Mall. Lighting within the development, will need comply with the relevant Australian Standards. In some areas, a higher luminance will be required to accommodate CCTV needs.</p>	<p>Yes</p>
<p>34. The need for technical surveillance which is achieved through mechanical/electronic measures such as the provision of closed circuit television (CCTV), help points and mirrored building panels, is to be addressed in future developments.</p>	<p>The SMP advises that there are currently a number of CCTV cameras located throughout the centre. The cameras are located within common Mall areas, entry and exit points (including car park entry and exit points), within Back of House areas and along the external building perimeters. It is proposed to expand the current system to cover the proposed development.</p>	<p>Yes</p>
<p>35. New development is to be designed to remove any opportunities for the concealment of crime.</p>	<p>The development has been designed to avoid concealed areas given layout and access of Mall entries and car parks.</p>	<p>Yes</p>

Safety and Security		
36. The incorporation of crime prevention measures in the design of buildings and spaces is not to detract from the quality of the urban design of the development and the streetscape.	The design of the development and surrounding landscaping incorporates crime prevention measures yet the visual quality of the development has not been compromised.	Yes
37. The development is to be consistent with CPTED principles. A report providing an assessment of the proposal against CPTED principles is to be submitted with all development applications for additions to Warringah Mall.	A condition has been imposed to ensure that the detailed design of the development is consistent with the advice of the applicant's CPTED and SMP.	Yes (subject to conditions)
38. A draft Operational Plan of Management that outlines the potential measures to be implemented to ensure the safety and security of the public is to be submitted with any development application involving a major expansion of Warringah Mall.	The CPTED assessment provided by the applicant outline measures proposed to be implemented to ensure security and safety of the public, including CCTV, security staff, lighting strategy and so on. A condition could be recommended to ensure that the detailed design of the development is consistent with the recommendation of this plan.	Yes (subject to conditions)

Social Impacts		
Objectives	Comments	Consistent
<ul style="list-style-type: none"> To ensure that any potential social impacts resulting from the expansion of Warringah Mall are appropriately managed or mitigated. 	The proposal to provide an expansion to existing shopping mall will not result in any significant social impacts that have not already been addressed in the assessment of this application such as accessibility and the operation of public transport.	Yes
Requirements	Comments	Complies
39. A Social Impact Assessment (SIA) is to be submitted with a development application where there is the likelihood that the proposed development may significantly impact on the following matters: <ul style="list-style-type: none"> Public Transport Child care Accessibility Health facilities Young people 	A Social Impact Assessment has been submitted with the application. The Assessment considers the social impacts of the proposed development and concludes that the development will generally have a positive social impact.	Yes


Social Impacts		
<ul style="list-style-type: none"> Facilities for children <p>Where an SIA is required, a targeted 'Community Stakeholder and Consultation Plan' is to be developed and undertaken. The SIA is to identify opportunities to enhance existing community services or provide additional services to meet the community's needs.</p>		

ACCESS AND MOVEMENT

Road Infrastructure		
Objectives	Comments	Consistent
<ul style="list-style-type: none"> To ensure that the growth of Warringah Mall does not adversely impact on the performance of the surrounding road network. To identify the need for potential traffic infrastructure works and management measures necessary to facilitate the growth of Warringah Mall. 	<p>Traffic modelling has been submitted to demonstrate that the proposed development will not result in an adverse impact on the performance of the surrounding road network.</p> <p>The RMS have reviewed the traffic model (as amended by the Applicant). The RMS advised that the amended modelling is satisfactory. Based on the advice of the RMS and Council's Traffic Engineer, the proposed additional floor area and associated increase in car parking spaces will not adversely impact on the performance of the surrounding road network.</p> <p>For the reasons given, the proposed development is considered to be consistent with the objectives of this Clause.</p>	Yes
Requirements	Comments	Complies
40. Significant additions to the floor area on the site will only be supported if traffic modeling is submitted with the development application which demonstrates that the surrounding road network can accommodate the additional traffic generated and that the network can continue to operate at a satisfactory level as determined by Council and the Roads and Traffic Authority.	Council's Traffic Engineer and RMS has reviewed the proposal and the traffic modelling and have raised no objection regarding the impact of the development on the major intersections of the site.	Yes
41. New Development Applications for the significant expansion of Warringah Mall are to identify road upgrades and traffic management works in areas adjoining and nearby to the site to adequately accommodate growth in vehicle movements to and from the site.	The Traffic and Parking Impact Assessment Report describes the future transport infrastructure upgrades proposed adjacent and nearby the site, including the "B-Line" bus service and associated Brookvale interchange proposed adjacent to the site on Pittwater Road.	Yes
42. Future development is to incorporate measures to improve vehicle circulation within the site, where relevant.	The proposed development connects several carparking areas within the site to provide improved circulation within the site.	Yes

Road Infrastructure		
43. Vehicle access points from surrounding roads shall be provided in accordance with Figure 10.	Vehicle access points are consistent with those identified in Figure 10.	Yes
44. No additional vehicular entries are permitted from Pittwater Road or Condamine Street excluding any future access or egress arrangements for buses associated with the proposed new bus interchange.	The existing access off Condamine Street will remain unchanged and has been approved by the RMS.	Yes

Pedestrian Access		
Objectives	Comments	Consistent
<ul style="list-style-type: none"> To improve pedestrian access to and from the centre through enhancing existing links and / or creating new links as redevelopment occurs. To enhance pedestrian connections to Warringah Mall from public transport. To provide clearly identifiable and safe pedestrian access. To ensure that any new development is designed to provide safe and equitable access to all, including older people, people with a disability and people with prams. To ensure that people who visit the centre are able to access and use all spaces, services and facilities through the creation of a barrier-free environment in all public spaces, premises and associated areas. 	<p>Safe pedestrian access will be provided for the development.</p> <p>Access for people with a disability can be achieved. A condition has been included to ensure compliance with all relevant Australian Standards in this regard.</p>	Yes (subject to conditions)
Requirements	Comments	Complies
45. Main building entry points are to be clearly visible from primary street frontages and enhanced as appropriate with awnings, building signage or high quality architectural features that improve the clarity of a building's address and contribute to visitor and occupant safety and amenity.	<p>The new/modified pedestrian entries will be prominent and easily accessible to all users.</p> <p>Clear lines of travel within the new car parking areas will ensure that the existing entrances are easily identifiable.</p>	Yes
46. New development is to ensure that existing pedestrian links from the surrounding area into the site are strengthened in the locations shown in Figure 11.	The proposed pedestrian connections are consistent with those identified in Figure 11 of the DCP.	Yes

Pedestrian Access		
47. New development shall incorporate measures to achieve safe and continuous paths of travel from existing or proposed bus stops to the Shopping Centre and throughout Warringah Mall.	The proposed development does not alter the existing access from the bus stops to the entry of Warringah Mall.	Yes
48. New development along the Cross Street / Green Street frontage shall incorporate enhanced pedestrian link(s) through to the existing centre.	No new development is proposed at the Cross Street and Green Street frontages.	Yes
49. Safe pedestrian access is to be provided through the car parks.	Safe pedestrian access will be provided for the proposed development. Lighting will be provided throughout the car parks which complies with relevant Australian Standards. The entries into the shopping centre will be clearly identifiable. .	Yes
50. Where new development is proposed along the Old Pittwater Road frontage of the site, an improved pedestrian link is to be provided from the TAFE site to the pedestrian entrance of the centre.	<p>The cinema complex, being above the existing car parking on Old Pittwater Road, limits the opportunity to improve pedestrian links along that frontage. However, the applicant, as part of the amended scheme, has provided the following improvements to the design to improve the access at the eastern end of the car park as shown in Figure 6 below:</p> <ul style="list-style-type: none"> • Improved landscaping and legibility within the public realm. • Improve the gradient of the pathway to make accessible. • Improved lighting, line-marking and treatment within the carpark structure itself in order to provide an attractive connection into the centre for pedestrians.  <p>Figure 6 - Proposed Pedestrian Access Treatment from Old Pittwater Road (Source: architectural plans)</p>	Yes

Pedestrian Access		
	prepared by Scentre Design and Construction Pty Ltd)	

Public Transport		
Objectives	Comments	Consistent
<ul style="list-style-type: none"> To encourage public transport use by improving / enhancing public transport support infrastructure. 	<p>The redevelopment of the bus stop is not part of the proposed works covered under this DA.</p> <p>The applicant has advised that the reason for this is due to the NSW Government's "B-Line" project. As part of the B-Line project, the bus stop and associated land will be acquired by the government for construction of the required infrastructure.</p> <p><i>Transport for NSW</i> are responsible for the construction of all off-road infrastructure improvements for the B-Line, including the new B-Line bus stop at this location.</p>	N/A
Requirements	Comments	Complies
51. A single integrated bus interchange for the site is to be provided. The interchange is to be located on the eastern side of the site, generally north of the intersection of Pittwater Road and Condamine Street. The interchange is to be capable of accommodating both the existing local and commuter bus networks and growth in the number of bus services to the Mall. The indicative integrated bus interchange zone is illustrated in Figure 11.	No development is proposed along the eastern side of the site where the existing bus interchange is located. Accordingly, this section of the DCP is not relevant to the subject application.	N/A

Parking Facilities		
Objectives	Comments	Consistent
<ul style="list-style-type: none"> To provide adequate parking facilities for staff and visitors to Warringah Mall. To provide adequate space for parking and manoeuvring of vehicles. To encourage the use of bicycles and motor bikes by people who work at Warringah Mall and visitors to Warringah Mall as an alternative mode of transport. To ensure bicycle parking and storage facilities and motor bike parking are designed and located to 	Sufficient car, motorcycle and bicycle parking has been provided for staff and visitors to Warringah Mall. Adequate space will be provided for parking and the manoeuvring of vehicles. End of trip shower and locker facilities have been provided for employees of Warringah Mall.	Yes

Parking Facilities		
<p>provide easy, convenient and safe access to Warringah Mall.</p> <ul style="list-style-type: none"> To ensure adequate provision of end of trip shower and locker facilities for employees of Warringah Mall. 		
Requirements	Comments	Complies
52. Car parking is to be provided at the rate of 4.1 spaces per 100 square metres of Gross Leaseable Floor Area unless it can be demonstrated that a lesser rate can still achieve sufficient parking provision to meet the needs of the shopping centre.	Based on the proposed additional floor area of 9,847m ² , a total of 406 additional car parking spaces are required. The proposed development proposes an additional 418 car parking spaces, which exceeds the requirement of this Clause.	Yes
53. Provision is to be made for the parking of motorcycles in easy to access and clearly visible locations.	The car park has capacity to accommodate requisite motorcycle parking, noting a surplus of car parking spaces.	Yes
54. Car and motorcycle parking space dimensions must comply with the relevant Australian Standard. Note. <i>AS/NZS 2890.1:2004 Parking Facilities - Off-street car parking</i> applied at the time this DCP was adopted.	A condition of consent has been imposed to ensure the car and motorcycle space dimensions comply with the relevant Australian Standard.	Yes (subject to conditions)
<p>55. Bicycle parking and storage facilities shall be provided for any additional floor area proposed to allow parking or storage of a minimum number of bicycles, in accordance with the following table;</p> <ul style="list-style-type: none"> Bicycle storage facility – 1 per 300m² Bicycle parking facility – 1 per 500m² <p>This required provision may be reduced having regard to:</p> <ol style="list-style-type: none"> The expected number of employees, and their likely or desired use of bicycles for travel to and from work. The expected number of visitors, and their likely or desired use of bicycles to visit the development. 	<p>Based on an additional GLFA of 9,847m², an additional 33 bicycle storage spaces and 20 bicycle parking spaces are required</p> <p>The proposed provision for bicycles exceeds the minimum required for the development.</p>	Yes
56. Bicycle parking and storage facilities shall be designed in	A condition has been imposed to ensure the bicycle parking and storage facilities are	Yes

Parking Facilities		
accordance with the relevant Australian Standard. Note. <i>AS2890.3 - 1993 Parking facilities – Bicycle parking facilities</i> applied at the time this DCP was adopted.	designed in accordance with the relevant Australian Standard.	(subject to conditions)
57. Adequate shower and change room facilities for staff shall be located close to secure bicycle storage facilities.	The applicant has advised that upgraded amenities that are provided will be for staff as part of the proposed development. This requirement will be included as a condition of consent, should the application be approved.	Yes (subject to conditions)

PART 6 ENVIRONMENTAL MANAGEMENT

Stormwater Management		
Objectives	Comments	Consistent
<ul style="list-style-type: none"> To ensure that future development on the site conforms with the principles for the development of flood prone land set out in the NSW Government's <i>Floodplain Development Manual, 2005</i>. To safeguard the environment through the improvement of water quality and the control of overland flow through the site. To provide for the safe conveyance of overland flows through the site without unacceptable risk to human safety and property for floods up to the 100 year Average Recurrence Interval (ARI). The impacts of climate change are to be considered when determining the average recurrence intervals. 	<p>A review of drainage and flood related information submitted by the Applicant in support of application was carried by Councils Engineering Team.</p> <p>The assessment concluded that the proposed development can be supported subject to conditions including a Deferred Commencement Condition.</p>	Yes (subject to conditions)
Requirements	Comments	Complies
58. Water quality control measures are to be provided in accordance with the adopted Northern Beaches Stormwater Management Plan and Council's draft policy STR-PL820: <i>Water Sensitive Urban Design</i> .	Council's Development Engineer has assessed the stormwater proposal submitted with the application and found that the proposed stormwater management system is acceptable in its current form. Accordingly, Council's Development Engineer has raised no objection subject to conditions to ensure the design of the stormwater management system is satisfactory.	Yes (subject to conditions)
59. Ground level development is to be avoided in the locations of the proposed concept drainage augmentation system as conceptually illustrated in Figure 12 and in accordance with Council policy PAS – PL 130: <i>Building Over or Adjacent to Constructed</i>	The proposed development does not include any work to the ground level, other than a modification to the existing car parking.	Yes

Stormwater Management		
<i>Council Drainage System and Easements.</i>		
60. Ensure that all new development on the site does not adversely impact upon the stormwater drainage system and any overland flow path through the site	Council's Development Engineer has confirmed that the development will not adversely impact upon the stormwater drainage system and any overland flow path through the site.	Yes (subject to conditions)
61. Ensure that all new development on the site does not adversely affect flooding conditions in existing development located both internal and external to the site.	A Deferred Commencement Condition has been imposed to ensure that the site does not adversely affect the flooding conditions on upstream properties.	Yes (subject to condition)
62. New buildings or extensions involving habitable areas are to be designed to prevent the entry of stormwater for floods up to 100 year ARI and all new habitable floor levels are to have a 500mm freeboard to the 100 year ARI flood.	A Deferred Commencement Condition has been imposed to ensure compliance with this requirement is achieved.	Yes (subject to condition)
63. Structural measures are to be implemented on the site as part of any significant alterations to existing buildings that will ensure affected habitable floor levels have a 300mm freeboard to the 100 year ARI flood.	The necessary structural works to achieve the freeboard has been assessed by Council's Flood Engineer to ensure compliance is achieved.	Yes
64. Structural measures are to be implemented on the site that ensure that overland flows are conveyed through the site in a low hazard nature for floods up to 100 year ARI. All new structural measures are to be confined, as far as is deemed practicable, to the site.	A condition has been imposed to satisfy this requirement.	Yes (subject to conditions)

Environmental Sustainability		
Objectives	Comments	Consistent
<ul style="list-style-type: none"> To achieve Australian 'Best Practice' in environmentally sustainable design and construction. To minimise energy consumption in the construction and use of buildings To minimise water use and encourage water re-use. To minimise the need for the mechanical heating and cooling of spaces. 	Design measures will be detailed prior to the issue of the Construction Certificate to demonstrate that the proposed development will achieve Australian 'Best Practice' in environmentally sustainable design and construction for retail centres. To achieve 'Best Practice' energy and water use must be minimised.	Yes (subject to conditions)
Requirements	Comments	Complies

Environmental Sustainability		
65. Development involving an increase in floor space is to achieve a 'Green Star' rating (or equivalent) reflecting Australian 'Best Practice' in environmentally sustainable design and construction for retail centres.	An Ecologically Sustainable Development Report has been submitted with the application. The report confirms the environmental commitments proposed to achieve a 4-star Green Star Design . Subject to compliance with the recommendations in the applicant's report, the development will comply with this requirement.	Yes (subject to conditions)
66. Shading devices are to be incorporated where practical, to reduce solar energy loads.	A condition has been included to ensure compliance with this requirement.	Yes (subject to conditions)
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 design of the development includes voids to maximise daylight within the centre.	Yes
68. The thermal performance of buildings is to be optimised by using efficient methods of heating and cooling such as insulation and passive solar access.	The Sustainability Management Plan indicates that thermal comfort will be optimised through the integration of mixed mode cooling strategies. These strategies will be finalised during the detailed design phase of the development.	Yes
69. The following water saving measures are to be incorporated into all development: (a) Water fixtures (low flow shower heads and taps, dual flush toilets, low flush/waterless urinals, etc.) are to be 3 stars (WELS Scheme) or better rated. (b) Stormwater capture and reuse, including water quality management to be in accordance with Council's Policy <i>Water Sensitive Urban Design</i> . (c) Select water efficient plants and / or locally indigenous vegetation. (d) Use recycled or harvested rainwater for watering new gardens and landscape features.	Stormwater capture and reuse will be undertaken in accordance with Council's Water Sensitive Urban Design Policy. A condition has been imposed in this regard.	Yes (subject to conditions)

Detailed Assessment

Building Setbacks (Condamine Street)

Part G4 “Warringah Mall” of the Warringah DCP 2011 contains controls relating to building setbacks and street frontages. The controls require that development be setback a distance of 10.0m from Condamine Street. A portion of the proposed development as it relates to Level 1 and Level 2 will extend to within 3.785m of the Condamine Street property boundary and therefore is numerically non-compliant with the control.

The non-compliant element relates to a projecting portion of the building adjacent to the southern pedestrian entrance. The extent of non-compliance is shown in Figure 7 as it relates to non-compliance on Level 1 and Figure 8 as it relates to Level 2 below:

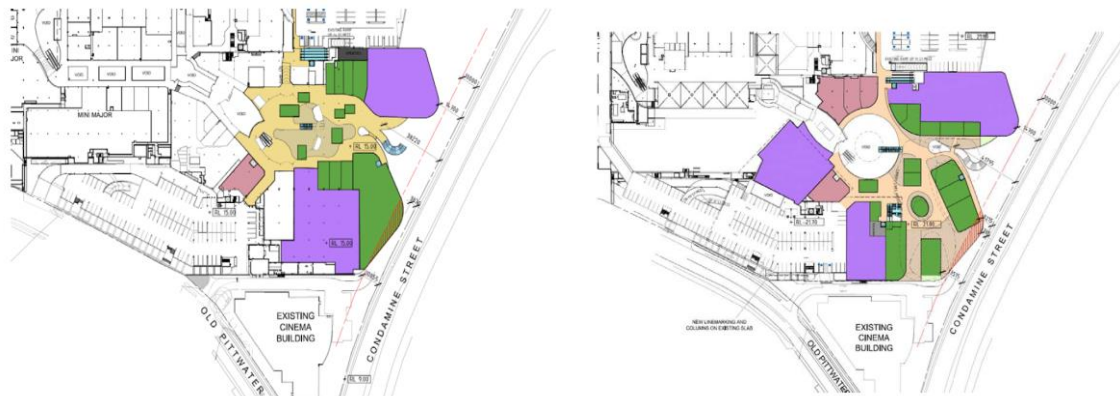


Figure 7 – Setback non-compliance on Level 1 **Figure 8 – Setback non-compliance on Level 2**
(Area of non-compliance is hatched in red, source from Statement of Environmental Effects, papered by Urbis).

The applicant has submitted the following as justification:

- *The extent of non-compliance is contained to a relatively small portion of the east facing elevation and the building envelope is otherwise comfortably compliant with the setback requirements prescribed in WDCP 2011. The non-compliant element relates to a projecting portion of the building adjacent to the remodelled southern pedestrian entrance. The average setback of the building to Condamine Street is significantly greater than the required 10m.*
- *This portion of the building is situated in what could be described as a “gateway” location and for this reason a prominent and architecturally bold structure is considered to be visually appropriate. The projecting façade has superior architectural qualities in terms of its curvilinear arrangement and custom external finishes and will positively contribute to the streetscape, despite numeric non-compliance.*
- *The reduced setback does not preclude the planting of trees and vegetation. Substantial tree planting is provided within the setback area and considerable integrated landscaping is proposed in the form of raised planters which will cater for wall climbers and hanging species. Landscaping will serve to ameliorate the visual bulk of the structure.*
- *The projecting element of the building provides an appropriate interface with the street and with neighbouring properties in the sense that it does not contribute unduly to overshadowing. Shadow cast by the proposed development will extend over the*

edges of the adjacent golf course in the afternoon, however is not substantially greater than a shadow cast by a compliant development.

In summary, notwithstanding numeric non-compliance with the building setback controls, the proposed development achieves the underlying objectives of the controls and is acceptable on this basis. Specifically, the development will contribute positively to the streetscape in a "gateway" location and provides for a suitable degree of landscaping.

Comment:

The proposed setback to Condamine Street is considered satisfactory given that the use is a large scale regional shopping centre, which is bounded by a main road (Condamine Street) and is opposite open space (Warringah Golf Course) and has minimal impact on adjoining lands. In this respect, the site is in a self-contained location where any impacts arising are not material and do not need mitigation measures.

The proposed works include various finishes and materials to provide visual and streetscape interest and allows for appropriate landscape works to be undertaken both within the site and within the road reserve. The proposed setbacks will have a negligible impact on adjoining properties in respect to shadow impact, amenity or privacy and are appropriate to the scale of the development.

Accordingly, the proposed setbacks are considered to be satisfactory when taking into consideration the scale and design of the building and are considered to be appropriate in this instance.

Building Height

Part G4 Warringah Mall of Warringah DCP 2011 contains controls relating to building height. The controls stipulate maximum building heights across the site by way of a building envelope plan. The building envelope plan shows a maximum of RL30 for development in the southern corner of the site and a maximum of RL25 for development along a portion of the Old Pittwater Road frontage.

The proposed development includes the construction of a cinema complex at roof top level and this structure will project beyond the building height with a maximum of RL42.50. The variation to the DCP control relates to the following sections of the development:

- Maximum RL40.50 as it addresses Old Pittwater Road
- Maximum RL42.50 at the centre of the proposed cinema complex
- Maximum RL34.50 and RL40.50 at the east of the proposed building

The breach to the height is calculated to be 15.5m and 14.5m respectively.

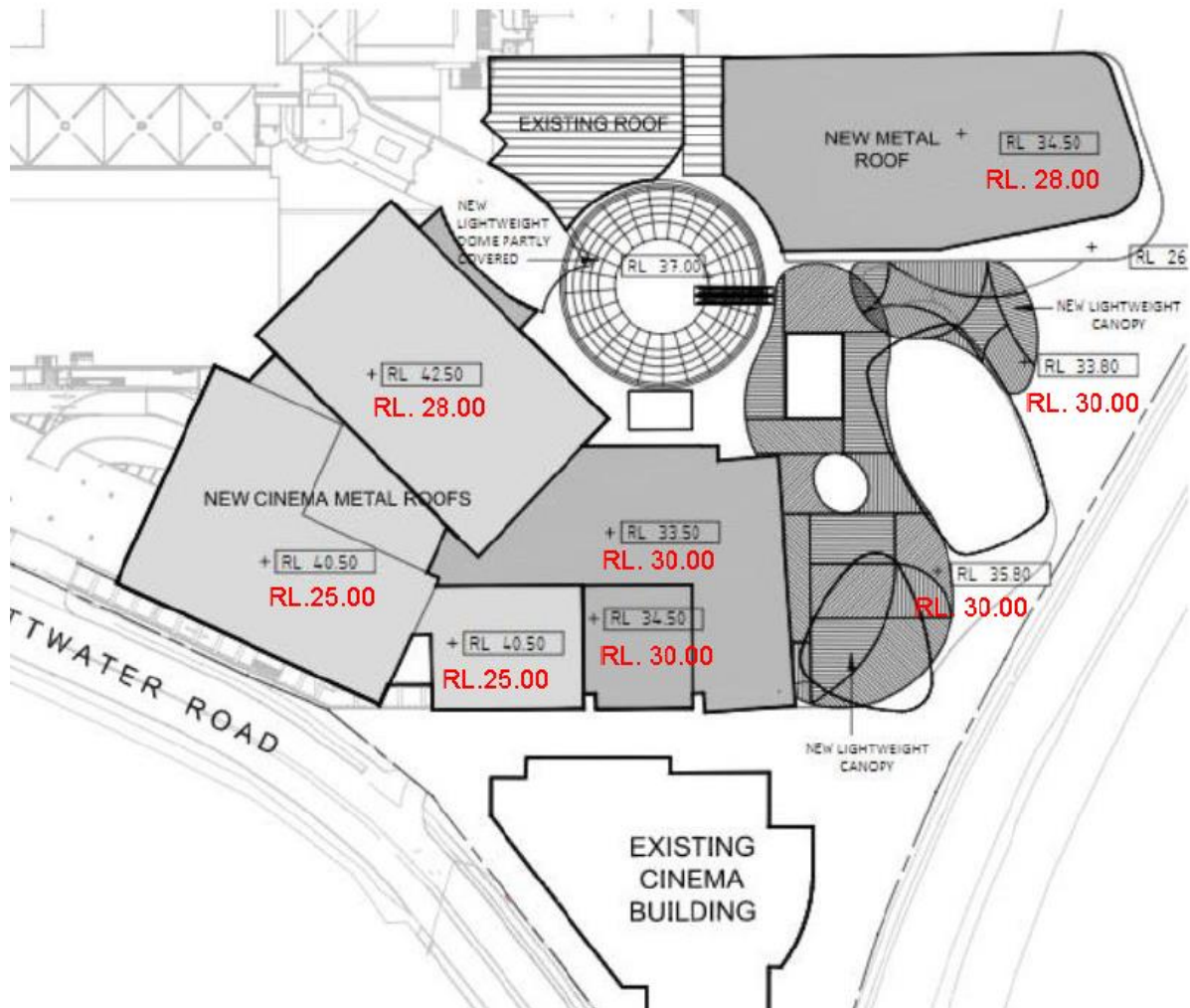


Figure 9 – Proposed Roof Plan (with RL's showing the proposed RL's in black and the required DCP RL's in red) (Source: Scentre Design and Construction Pty Ltd)

The applicant has requested a variation to the DCP control and has submitted a detailed justification which concluded as follows:

Despite numeric non-compliance with building height controls, the proposal is considered to achieve the intent of underlying objectives. In particular, the proposal achieves a suitable street edge definition along the Condamine Road and Old Pittwater Road street frontages in the sense that the additional building height in these locations are compatible with the character of adjoining development and is a suitable response to the 'gateway' status of the southern end of the site. Further, the proposal is of a high architectural standard and makes a positive contribution to streetscape character, despite additional building height.

The proposed development (as amended) has been designed to address the Condamine Street streetscape by breaking the original singular building mass into 3 distinct modules, which incorporate significant physical breaks. This is coupled with a major upgrade of the streetscape presentation of the existing multi-storey carparking structure.

The non-compliance with building height is found to be acceptable for the following reasons:

- The additional height can be accommodated in this portion of the site without there being any significant overshadowing of the private open space areas on the adjoining properties on the southern side of Old Pittwater Road. In this regard, the adjoining

properties will continue to receive at least 3 hours of sunlight to 50% of their private open space areas.

- The additional height (based on the amended design) will not have a significant overbearing effect on the adjoining properties on the southern side of Old Pittwater Road, as the physical separation between those dwellings and proposal is approximately 25 to 30 metres.
- The additional height is offset by the significant levels of articulation, whereby the southern elevation is broken down into distinct modules of 53m, 27.6m, 19.6m and 18.3m over its 130m length.
- The area of the Warringah Mall site where the additional height is proposed accounts for a relatively small and discreet amount of the view from elevated properties to the west. Hence, the visual impact from more distant properties is not significant.
- The additional height introduces a modern and contemporary element to the existing visual quality of the Mall site and this part of Brookvale. The design has architectural merit and affords visual interest to the relatively uniform and uninteresting roofscape of the site and the valley and low-lying areas.
- The provision of landscaping at the car parking levels and variable setback elements provide architectural interest which contributes towards the visual quality of the lower “human scale” streetscape.

Therefore, having regard to the above planning and urban design considerations, it is considered that the proposed development is consistent with the relevant objectives of WDCP 2011. Accordingly, this assessment finds that the variations to the Building Height control is supported.

Traffic Generation, Car Parking and Vehicular access

Traffic Generation

The applicant submitted a Traffic Impact Assessment and additional traffic related information, which assessed the likely traffic impacts of the proposal on the adjacent road network due to additional traffic and parking demand generated by the development.

The report concludes that the proposed vehicular ingress and egress arrangements will result in critical intersections operating more efficiently and that SIDRA modelling confirms that all assessed intersections will continue to operate satisfactorily following the completion of the Stage 2 development.

This assessment is considered reasonable and adequate and Council’s Traffic Section and the RMS raises no concerns in relation to the proposed development on traffic grounds, recognising that the proposal will continue to rely on existing access arrangements and that egress off Condamine Street and Dale Street will be maintained as one-way.

Overall, the increase in traffic generation (together with the additional 418 parking spaces), associated with the proposed development, is not considered to have a significant traffic impact on the adjacent road network and intersections nor on the amenity of adjoining and surrounding sites.

Car parking

The proposed Stage 2 works involve a total of 418 car parking spaces.

Part G4 Warringah Mall control sets out the following parking control relevant to the site:

- *Car parking is to be provided at a rate of 4.1 spaces per 100m² GFLA*

The proposed Stage 2 expansion provides for 9,847m² GFLA, which will would require an additional 404 car parking spaces.

Therefore, the proposal complies with the DCP control by 14 spaces and is satisfactory.

Other Relevant Provisions of WDCP 2011

Clause D6 Access to Sunlight

A Shadow Impact Study has been conducted by Scentre Group as a part of the DA submission. The analysis indicates that the majority of the shadow cast from the proposed development would not affect the existing residences on Old Pittwater Road/Smith Street on the south of the proposed development.

The shadow diagrams confirm that there will be no additional impact as result of the proposed development between 11.00am and 3.00pm however, at 9.00am the private open space of these dwellings would be shadowed as result of the proposed development. Despite the additional shadow impact, the dwellings will continue to receive in excess solar access in accordance with the WDCP.

Accordingly, it is considered that the development, as proposed, satisfies the requirements of this clause.

Clause D9 Building Bulk

Clause D9 seeks to minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.

The proposed additions to the Mall will be integrated into the existing buildings to ensure a cohesive and compatible development is achieved along the Old Pittwater frontage. The design of the additions have been broken down in their length with significant recesses (as previously described) such that the 4 modules (presenting to Old Pittwater Road) will positively constitute to the streetscape as the built form is designed to respect the setback along that facade.

The additions as they present to Condamine Street are highly articulated and satisfactory,

Accordingly, it is considered that the development, as proposed, satisfies the requirements of this clause.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

This section requires a range of matters to be taken into account in deciding whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats.

The proposed development will necessitate the removal of a 56 trees as result of the development, the impact of the tree removals have been considered in detail in Council's Landscape referral comments and found to be acceptable given that the proposed development will result in replacement planting on site.

It is therefore considered that the proposal will not result in any impact on threatened species, populations or ecological communities or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

A CPTED assessment has been undertaken for the proposed development. The assessment concludes that the overall development will improve surveillance of surrounding public areas by introducing new sources of natural surveillance. The CPTED assessment includes a number of recommendations and where appropriate, these may be adopted as conditions of consent.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2019

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2019.

A monetary contribution of \$2,264,599 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$226,459,908.

CONCLUSION

This report provides a comprehensive assessment of the DA for the partial redevelopment of the Warringah Mall shopping centre. The site has been inspected and the application assessed having regard to the provisions of Section 4.15 of the EP&A Act 1979, the provisions of relevant EPIs, including SEPP 55, SEPP (HSPD) 2004, SEPP Infrastructure, WLEP 2011, the relevant codes and policies of Council, the relevant provisions of the WDCP 2011.

The proposal is permissible with consent under WLEP 2011 and is found to be consistent with the objectives of the B3 zone.

The development is considered to be satisfactory in regard to height, bulk and scale, setbacks and streetscape. The proposal has a high degree of architectural merit and landscape treatment. Accordingly, the variations to the height and setback controls are supported for the reasons provided in this report.

The visual impact of the proposed development has been assessed in detail and found to be acceptable. The proposed development incorporates high levels of articulation and façade manipulation and uses a broad palette of high quality materials and finishes.

The proposed development is found to be acceptable with regards to traffic impacts and satisfies the carparking requirements.

The public submissions made in relation to the proposal do not warrant refusal or redesign of the application. The main concern is the potential flooding effect of the proposal on upstream properties, which has been the subject of detailed analysis and subject to confirmation of the flood water depths on those adjoining properties to the west, the proposal

is satisfactory. However, this does necessitate some additional work which has been imposed as a deferred commencement condition.

Accordingly, the application is recommended for approval.

RECOMMENDATION (Deferred Commencement Approval)

That the Sydney North Planning Panel (SNPP) as the consent authority pursuant to Clause 4.16(1) (a) of the EP&A Act 1979 (as amended) grant a Deferred Commencement Consent to Development Application No DA2018/1514 for Major additions to Warringah Mall Shopping Centre including retail premises, food premises, kiosks, department stores, and a new cinema complex with associated car parking and landscaping at Lot 100 DP 1015283, 145 Old Pittwater Road, Brookvale and subject to conditions as contained in Attachment 1.