



# Warringah Mall

Section 96(2) Modification to DA2008/1741

October 2014

**URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:**

Director	Tim Blythe
Senior Consultant	Sarah Houston
Job Code	SA5066
Report Number	Final

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ABN 50 105 256 228

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# 1 Introduction

This report has been prepared by Urbis on behalf of *Scentre Pty Ltd* to accompany an application pursuant to Section 96(2) of the *Environmental Planning and Assessment Act 1979* (the Act).

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

- Revised façade treatment of the Palm Tree car park at the corner of Cross and Green Streets with improved landscaping treatment.
- Removal of the Star Fish car park express ramp.
- Modifications to Centre Court including the construction of a shade sail, relocation of access stairs and minor changes to shopfronts.

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

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

- Condition 2 – Approved Plans and Supporting Documentation.
- Condition 7 – External Colours and Materials.

Other conditions may require modification to ensure consistency with the approved development.

This report provides:

- A description of the approved development.
- A description of the proposed modifications.
- Consideration of the proposed changes against the provisions of Section 96(2) of the Act.
- An assessment of the proposed modification against the matters for consideration pursuant to Section 79C of the Act.

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

The application is supported by the following documentation:

- Amended Architectural Plans and Design Statement prepared by Scentre Design and Construction Pty Ltd (**Appendix A**).
- Revised Landscape Plans and Design Statement prepared by DEM (**Appendix B**).
- Revised Fire Safety Engineering Report prepared by Defire (**Appendix C**).
- Revised BCA Compliance Statement prepared by McKenzie Group (**Appendix D**).
- Warringah Development Control Plan 2011 Compliance Table (**Appendix E**).

## 2 Approved Development

### 2.1 DEVELOPMENT CONSENT

Development Application DA2008/1741 was submitted to Warringah Council on 18 December 2008, concurrently with two other applications:

- Warringah Mall Shopping Centre Development Control Plan Application; and
- DA2008/1742 for stormwater drainage works through the Warringah Mall site.

Development applications DA2008/1741 and DA2008/1742 have both been determined, and the Warringah Mall DCP has been adopted by Council and forms Part G4 of the *Warringah Development Control Plan 2011*.

DA2008/1741 obtained consent for the expansion of the retail offer in Warringah Mall and the associated new multi-level car park. These works are referred to as the 'Stage 1 Retail Expansion'.

Deferred commencement consent was issued by Council on 28 April 2010, with the deferred commencement condition relating to stormwater management for the approved works. Documentation was submitted to Council for consideration in satisfaction of this deferred commencement condition in August 2013. On 26 August 2013, Council advised by letter that the information submitted satisfied the requirements of the deferred commencement condition and that the consent for DA2008/1741 is now operational.

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

### 2.2 APPROVED WORKS

The works approved under DA2008/1741 are for the partial demolition of existing buildings and construction of an extension to the existing Warringah Mall Shopping Centre buildings. These works also included redevelopment of the Palm Tree car park and modification to the Starfish car park.

The scope of the approved works is outlined below:

- Reconfiguration of the existing shopping mall buildings, resulting in approximately an additional 8,000m<sup>2</sup> of gross lettable floor area and new mall connecting with David Jones.
- Redesign of Myer façade.
- Redevelopment of the 'Palm Tree' car park to accommodate a new multi-deck car park.
- Reconfiguration of the existing 'Starfish' car park to accommodate the new shopping mall expansion, and addition of new express ramps within car park.
- Creation of new rooftop car park above new retail floorspace.
- New landscaping along the Cross Street and Green Street frontages.
- Stormwater works associated with the approved development, including a twin barrelled culvert adjacent to Cross Street and Green Street.
- New external signage for future tenants and building identification signage.
- Associated traffic management works.

## 3 Proposed Modifications

### 3.1 SUMMARY OF PROPOSED MODIFICATIONS

This Section 96(2) modification seeks to amend the works approved under DA2008/1741. The application specifically seeks to make the following modifications to the approved development:

- Revised façade treatment of the Palm Tree car park at the corner of Cross and Green Streets to increase the soft landscaping associated with the green façade.
- Removal of Star Fish car park express ramp, the access driveway at the south-western corner of the site.
- Internal retail mall amendments to Centre Court including:
  - Construction of a shade sail.
  - Reconfigured layout to facilitate functions and events including relocation existing dolphin structure, relocation of access stairs and new and relocated kiosks.
  - Replacement of the existing canopy associated with Myer North.
  - Minor increase to ground level shop fronts to the void edge.

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

### 3.2 REVISED FAÇADE TREATMENTS

In September 2014, a Section 96(2) was approved which included redesign of the northern façade treatment to incorporate a new green façade treatment to 'wrap around' the ramps and car park structure concealing the ramps which sit on the outside of the car parking structure.

This Section 96(2) application seeks to make further minor landscape amendments to increase the soft vertical planting associated with the green facade. The proposed modification revises the defining 'corner drum' element by continuing the Cross Street green façade which comprises of climbing plants on a tensioned cable substrate across the lower half of the 'corner drum'. This wraps around to the Green Street façade.

The extent of the proposed work is shown on the Landscaping Plans provided in Appendix B.

### 3.3 REMOVAL OF THE STAR FISH CAR PARK RAMP

In the Section 96(2) application approved in September 2014, a reconfigured the internal layout of the Star Fish car park was approved including express ramps for cars to access higher levels of the car park. This relocated the circulation ramps to the exterior side of the car park along the western elevation.

Following further detailed design of these ramps and a review of the functionality of access arrangements, it is now proposed to delete the separate access speed ramps and retain the existing shared entry ramp as originally approved. The associated civil and landscaping works will also be modified with integration of the proposed car access lanes to largely reflect that originally approved.

### 3.4 INTERNAL MALL MODIFICATIONS

The proposed modification to Centre Court includes a coordinated design response which includes:

- The construction of an open air shade sail designed with open sides and a clerestory highlight along the structural spine.



- Amendments to the layout of Centre Court through a reconfigured layout to facilitate functions and events including:
  - Addition of three kiosks and minor relocation of two existing kiosks.
  - Demolition and relocation of existing access staircase.
  - Creation of event space with reconfiguration of internal treatments including the existing dolphin structure.
  - A digital screen connected to the canopy.

The proposal also includes replacement of the existing canopy associated with Myer North with a wide span open air “garden trellis” glazed canopy. A minor increase to ground level shop fronts is also proposed to align with the void edge. This results in a minor increase in GLA (along with minor additional GLA associated with additional kiosks) however a decrease in GLA associated with the mini major has been incorporated to result in a GLA neutral scheme.

**Figure 1** and **Figure 2** show the proposed modifications to Centre Court.

FIGURE 1 – CENTRE COURT: SECTION LOOKING SOUTH WEST





FIGURE 2 – CENTRE COURT: SECTION LOOKING NORTH WEST



## 4 Section 96(2) Assessment

The proposed modification to the existing development consent is sought under s.96(2) of the *Environmental Planning and Assessment Act 1979*. Under s.96(2) the consent authority may approve an application to modify a development consent where it is satisfied that the proposed modification will satisfy the four elements of s.96(2), which the proposed modifications are assessed against below.

### 4.1 SUBSTANTIALLY THE SAME DEVELOPMENT

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

- The proposed modifications result in the overall scale of the Stage 1 development remaining unchanged.
- The proposal does not increase the GLA of the centre or result in any amendments to stormwater augmentation or car parking spaces.
- The modifications relating to the Star Fish car park express ramp seek only to return the façade and access arrangements to that which was originally approved.
- While the proposed modification provide a more contemporary retail offer and built form design through the inclusion of the shade sail and entertainment space, the changes to the overall development outcomes are generally minor in nature.
- The proposal includes a coordinated access and landscaping response which retains the necessary structures and access arrangements in Centre Court albeit in a more appropriate location to respond to the design modifications.

### 4.2 CONSULTATION WITH THE RELEVANT MINISTER, PUBLIC AUTHORITY OR APPROVAL BODY

Initial consultation with Council was undertaken through a meeting on 3 October 2014 regarding the suitable pathway for the modification.

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

### 4.3 NOTIFICATION PROCESS

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

### 4.4 CONSIDERATION OF SUBMISSIONS

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

## 5 Section 79C Assessment

### 5.1 ENVIRONMENTAL PLANNING INSTRUMENT

The *Warringah Local Environmental Plan 2011* (WLEP 2011) was gazetted on 9 December 2011. Accordingly the WLEP 2011 was not in force at the time of the original consent for the Stage 1 DA.

Under the WLEP 2011, the Warringah Mall site is zoned B3 Commercial Core, which includes the following as two of the four zone objectives:

- *To recognise and support the role of Warringah Mall as a retail centre of sub-regional significance.*
- *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.*

The proposed modifications will promote the status of Warringah Mall as a retail centre of sub-regional significance by improving the design of the centre to respond to more contemporary retailing trends including weather protection and provision of entertainment spaces. The amendments to Centre Court will provide for a functional space at the heart of the mall and enhance its status as a destination for a range of retail offerings and entertainment.

The façade design amendments will incorporate contemporary materials and innovative design elements which will enhance the visual presentation of the shopping centre.

The components of the modification have already been approved, however it is noted that under the B3 Commercial Core zone, 'Commercial Premises' which is the group definition including 'retail premises' is expressly permissible.

### 5.2 DEVELOPMENT CONTROL PLAN

The *Warringah Development Control Plan 2011* (WDCP 2011) was adopted by Council in 2011 concurrently with the gazettal of the WLEP 2011.

An assessment of the proposed amendments has been undertaken against the relevant *WDCP 2011* controls and is contained in **Appendix E**. The assessment indicates that the proposed amendments are largely consistent with the objectives and the intent of the WDCP 2011 provisions.

A proposed variation from WDCP 2011 provision relates to the provision of a shade sail over Centre Court which is currently shown in the 'Future Development Envelope Plan' as a void. The purpose of the Future Development Envelope Plan is mainly to guide development setbacks to the street and heights.

The proposed shade sail over Centre Court represents a variation from the DCP envelope plan. The proposed height of the shade sail is approximately 20m from Ground Level. While the proposed shade sail was not envisaged when the Warringah Mall DCP was prepared, it represents a high level of consistency with the aims and provisions of the DCP including:

- A high standard of architectural design excellence through quality, durable and robust materials with a contemporary design.
- High levels of pedestrian comfort in a significant public space of the centre through:
  - Protecting the space from adverse weather to increase amenity and functionality all year round. The shade sail has open sides and a clerestory highlight along the structural spine that allows natural light to fill Centre Court.
  - Increased activation of Centre Court through associated revisions to the layout including entertainment area and digital screen allowing for a wide range of functions and events.
  - Enhances the visual quality of the public domain spaces.

- The shade sail reflects the Northern Beaches lifestyle vernacular through provision of weather protection whilst being providing a sense of open air with natural light and ventilation.

The canopy will result in an improved environment for customers of the centre and improve the design of a significant public area of the mall. This is consistent with the evolving role of shopping centres as a destination for retail offerings alongside leisure and entertainment. The proposed shade sail is consistent with the WLEP 2011 aims to promote Warringah Mall as a retail centre of sub-regional significance in the Warringah LGA.

## 5.3 LIKELY IMPACTS

### 5.3.1 BUILT FORM AND URBAN DESIGN

A detailed architectural statement has been prepared by Scentre Design and Construction Pty Ltd (**Appendix A**) which outlines the key design elements and rationale for the revised proposal. The key changes proposed to the built form and urban design is discussed below.

The proposed modifications of Centre Court will provide:

- An attractive shade sail design which enhances the unique character of Warringah Mall. The shade sail will allow a high level of transparency to provide natural light and the open edge nature of the canopy allows air circulation.
- Appropriate year round weather protection creating enhanced opportunities to provide entertainment areas and activate Centre Court.
- Coordinated access and landscaping response which retains the dolphin structure and access stairs in a more appropriate location. The design review of Centre Court has allowed for the provision of additional amenities for customers through a digital screen with relevant mall details.
- Allow for increased functionality of the Mall and utilisation of the Centre Court. The common mall layout of level one is also to be reconfigured to allow occupants opportunities to view events and enjoy the Centre Court space.
- Heightened connection between Myer and Centre Court by replacing the existing canopy with a wide span open air “garden trellis” glazed canopy, and by moving the ground level shopfronts to the void edge, so the occupants are always walking within natural light, as they would a high street experience.

The existing Star Fish car park performs adequately with a shared access speed ramp. It is considered that the provision of separated entry and exit speed ramps would be excessive and as such retaining the existing shared access speed ramp would be more than adequate. The proposed removal of the Star Fish car park access ramp results in the same access, landscaping and civil arrangements as that which was previously approved. Accordingly, there are no impacts associated with the removal of the ramp which have not previously been considered and accepted.

### 5.3.2 LANDSCAPING

Landscape Plans and a Landscape Statement has been prepared by DEM and provided in Appendix B. In summary, the proposed façade revision provides for greater soft landscaping to Cross Street than the approval, and heighten the visual relationship between Cross and Green Street.

The façade treatment continues to integrate a mix of materials and landscape elements to provide a more dynamic façade than previously approved. The façade treatment will provide a strong ‘gateway’ presentation for the Cross Street and Green Street entry into Warringah Mall.

The proposed façade retains the ‘green wall’ growing in the landscape setback area, and being trained to grow up the external wall of the circulation ramp using tension cables.

### 5.3.3 ACCESS

The proposal includes the relocation of access stairs at Centre Court. The stairs are to be relocated to the north of Centre Court and remain in close proximity to this public domain area of the centre. This facilitates increased functionality of Centre Court without impacting on accessibility.

### 5.3.4 BCA AND FIRE SAFETY

The following has been prepared for the proposed modification:

- An updated Fire Safety Statement prepared by Defire (Appendix C).
- An updated BCA statement prepared by McKenzie Group (Appendix D).

In summary, appropriate BCA and fire safety arrangements are maintained and there are no additional impacts associated with this application.

### 5.3.5 SUITABILITY OF THE SITE

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

### 5.3.6 PUBLIC INTEREST

The proposed modification is consistent with the approved development and allows for the design of the centre to respond to more contemporary retailing trends consistent with its status as a retail centre of sub-regional significance. The proposed design modifications provide a more functional Centre Court with increased amenity, a refined façade and a more efficient car parking structure.

## 6 Conclusions

Based on the assessment outlined above and the support documentation attached in **Appendix A to E**, it is concluded that the proposal to modify Conditions 2 and 7 of DA2008/1741 may be approved under the provisions of section 96(2) of the *Environmental Planning and Assessment Act 1979*.

The amended design will enhance the quality, functionality and amenity of Centre Court through the introduction of a shade sail for weather protection and minor amendments to the layout to facilitate entertainment and events. The modifications relating to the Star Fish car park express ramp seek only to return the façade and access arrangements to that which was originally approved. The proposed façade revision provides for greater soft landscaping to Cross Street than the approval, and heighten the visual relationship between Cross and Green street.

These changes are entirely positive will not introduce any adverse social, economic or environmental impacts. Accordingly, the proposed modification is reasonable and will result in substantially the same development as originally approved. Therefore this request to modify the deferred commencement consent should be supported and approved by Warringah Council.

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## Appendix A

## Amended Architectural Plans and Design Statement

Appendix B

Revised Landscape Plans and  
Design Statement

## Appendix C

## Fire Safety Engineering Report

Appendix D

Revised BCA Compliance Statement

## Appendix E

## Warringah Development Control Plan 2011 Compliance Table

**Sydney**

Tower 2, Level 23, Darling Park  
201 Sussex Street Sydney, NSW 2000  
t +02 8233 9900  
f +02 8233 9966

**Melbourne**

Level 12, 120 Collins Street  
Melbourne, VIC 3000  
t +03 8663 4888  
f +03 8663 4999

**Brisbane**

Level 7, 123 Albert Street  
Brisbane, QLD 4000  
t +07 3007 3800  
f +07 3007 3811

**Perth**

Level 1, 55 St Georges Terrace  
Perth, WA 6000  
t +08 9346 0500  
f +08 9221 1779

Australia • Asia • Middle East  
w [urbis.com.au](http://urbis.com.au) e [info@urbis.com.au](mailto:info@urbis.com.au)