

15 March 2016

Adam Mitchell
Planner – Development & Compliance
Warringah Council
725 Pittwater Road
DEE WHY NSW 2099

Dear Adam,

Section 96(1) Modification to DA2008/1741 - Condition 63B

1 Introduction

This report has been prepared by Urbis on behalf of Scentre Pty Ltd to accompany an application pursuant to Section 96(1) of the *Environmental Planning and Assessment Act 1979* (the Act).

The application seeks to modify DA2008/1741, which approved 'the partial demolition of existing buildings, and construction of new retail floorspace and a multi-level car park at Warringah Mall' (as modified by MOD2014/0079, MOD 2014/0200, MOD2014/0230, MOD2015/0190, MOD2015/0191, and MOD2015/0246).

The modification seeks to amend the wording of Condition 63B which was recently included by Council as part of MOD2015/0246 (see attached Notice of Determination at **Appendix 1**). The intention of the proposed modification is to clarify the wording of this condition to allow for the staged occupation of the Level 2 tenancy, Level 01 car wash bay and associated office spaces, and reconfigured tenancies within the North Court at Warringah Mall, whilst providing Council with comfort that the approved Gross Leasable Floor Area (GLA) on site will not be exceeded.

2 Proposed Modification

Condition 63B reads as follows:

The Level 02 tenancy, car wash bay and associated office and reconfigured tenancies within the North Court which are the subject of this application and as shown on the approved plans, are not to be occupied until such time as the HCF/Godfathers building and Bing Lee buildings are demolished or are no longer occupied/trading.

Condition 63B only allows for the occupation of the Level 2 tenancy, car wash bay and associated office and reconfigured tenancies after both the HCF/Godfathers building and Bing Lee building are demolished or no longer occupied/trading.

Scentre Group requires the sequencing of the Warringah Mall refurbishment to allow for the reconfigured tenancies within the North Court and the car wash bay and associated office to be made available for occupation prior to the demolition or cessation of occupation/trading of the HCF/Godfathers buildings.

As such, this proposal seeks to reword the condition so that the occupation of the reconfigured tenancies within the North Court and the car wash bay and associated office is coupled with demolition or cessation of occupation/trading of the Bing Lee building. While the occupation of the Level 2 tenancy is coupled with demolition or cessation of occupation/trading of the HCF/Godfathers building.

Table 1 provides the relevant GLA totals for the building components related to this modification.

TABLE 1 – GLA BREAKDOWN

BUILDING COMPONENT	BUILDING	GLA	TOTAL
Existing tenancies to be demolished as part of MOD2014/0825 to DA2008/1742	HCF/Godfathers building	Ground: 607sqm Mezzanine: 1,037sqm	-2,634sqm
	Bing Lee building	990sqm	
Proposed expansion of tenancy GLA on Level 2 (previously approved centre management space which was not counted as GLA).		1,106sqm	+1,106sqm
Proposed retail office space associated with car wash bay		29sqm + 37sqm	+66sqm
North Court retail configuration		103sqm	+103sqm
Excess GLA yet to be allocated			- 1,359 m²

2.1 AMENDMENTS TO CONDITIONS OF CONSENT

It is proposed to modify Condition 63B of DA2008/1741 (as modified) as follows:

63B. Occupation of Level 02 tenancy, car wash bay and associated office and reconfiguration of tenancies within the North Court

~~The Level 02 tenancy, car wash bay and associated office and reconfigured tenancies within the North Court which are the subject of this application and as shown on the approved plans, are not to be occupied until such time as the HCF/Godfathers building and Bing Lee buildings are demolished or are no longer occupied/trading.~~

The car wash bay and associated office spaces in the Level 01 car park, and reconfigured tenancies within the North Court, which are the subject of this application and as shown on the approved plans, are not to be occupied until such time as the Bing Lee building is demolished or no longer occupied/trading.

The Level 02 tenancy, which is the subject of this application and as shown on the approved plans, is not to be occupied until such time as the HCF/Godfathers building is demolished or is no longer occupied/trading.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To ensure consistency with development consents applying to the site.

The proposed rewording should provide Council with comfort that the total allowable GLA on site will not be exceeded.

3 Conclusion

This modification seeks to amend the wording of Condition 63B of DA2008/1741 (as modified) to allow for the staged occupation of the Level 02 tenancy, Level 01 car wash bay and associated office spaces, and reconfigured tenancies within the North Court, whilst providing Council with comfort that the approved GLA at Warringah Mall will not be exceeded.

Should you wish to discuss this application please contact the undersigned on 02 8233 9940.

Yours sincerely,



Vijay Prabhu
Consultant

Appendix 1 – Notice of Determination for MOD 2015/0246 to DA 2008/1741

Appendix 1 – Notice of Determination for MOD
2015/0246 to DA 2008/1741

16 February 2016



Scentre Group Ltd
C/- Urbis Level 23, Tower 2 201 Sussex Street
SYDNEY NSW 2000

Dear Sir/Madam

Application Number: Mod2015/0246
Address: Lot 100 DP 1015283 , 145 Old Pittwater Road, BROOKVALE NSW 2100
Proposed Development: Modification of Consent DA2008/1741 granted for Partial demolition of existing buildings, construction of an extension to the Warringah Mall including two levels of retail floorspace, a multi-level car park and associated stormwater works.

Please find attached the Notice of Determination for the above mentioned Application.

Please be advised that a copy of the Assessment Report associated with the application is available on Council's eServices website at www.warringah.nsw.gov.au

Please read your Notice of Determination carefully and the assessment report in the first instance.

If you have any further questions regarding this matter please contact the undersigned on (02) 9942 2111 or via email quoting the application number, address and description of works to council@warringah.nsw.gov.au

Regards,

A handwritten signature in black ink, appearing to read 'Luke Perry', written in a cursive style.

Luke Perry
Planner

NOTICE OF DETERMINATION

Application Number:	Mod2015/0246
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	Scentre Group Ltd
Land to be developed (Address):	Lot 100 DP 1015283 , 145 Old Pittwater Road BROOKVALE NSW 2100
Proposed Development:	Modification of Consent DA2008/1741 granted for Partial demolition of existing buildings, construction of an extension to the Warringah Mall including two levels of retail floorspace, a multi-level car park and associated stormwater works.

DETERMINATION - APPROVED

Made on (Date)	16/02/2016
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The request to modify the above-mentioned Development Consent has been approved as follows:

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

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

a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA 01.5201 Rev F	29/10/2015	Scentre Group
DA 01.5202 Rev F	29/10/2015	Scentre Group
DA 01.5203 Rev F	29/10/2015	Scentre Group
DA 01.5205 Rev F	29/10/2015	Scentre Group
DA 01.5206 Rev F	30/10/2015	Scentre Group
DA 01.5251 Rev F	22/10/2015	Scentre Group
DA 01.5252 Rev F	22/10/2015	Scentre Group
DA 01.5303 Rev F	30/10/2015	Scentre Group

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

B. Add Condition No. 63B Occupation of Level 02 tenancy, car wash bay and associated office and reconfiguration of tenancies within the North Court to read as follows:

63B. Occupation of Level 02 tenancy, car wash bay and associated office and reconfiguration of tenancies within the North Court

The Level 02 tenancy, car wash bay and associated office and reconfigured tenancies within the North Court which are the subject of this application and as shown on the approved plans, are not to be occupied until such time as the HCF/Godfathers building and Bing Lee buildings are demolished or are no longer occupied/trading.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To ensure consistency with development consents applying to the site.

Important Information

This letter should therefore be read in conjunction with DA2008/1741 dated 28 April 2010, MOD2014/0079 dated 15 September 2014, MOD2014/0230 dated 17 December 2014 and MOD2015/0191 dated 2 September 2015.

Please note that on site works cannot proceed unless a Construction Certificate application for the modified proposal has been lodged with and approved by Council or an accredited certifier, and relevant conditions of the Development Application have been carried out.


Section 97AA of the Environmental Planning and Assessment Act confers on an applicant who is not satisfied with the determination of the Consent Authority a right of appeal to the Land and Environment Court within 6 months of determination.

Right to Review by the Council

You may request the Council to review the determination of the application under Section 96AB of the Environmental Planning and Assessment Act 1979. Any request to review the application must be lodged and determined within 28 days after the date of the determination shown on this notice.

NOTE: A fee will apply for any request to review the determination.

Signed On behalf of the Consent Authority

Signature 



Name Luke Perry, Planner

Date 16/02/2016