

**SYDNEY NORTH PLANNING PANEL
SUPPLEMENTARY 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
Date of DA lodgement	12 September 2018
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 4A of the EP&A Act)	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 s79C(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 (State and Regional Development) 2011 • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy – Infrastructure 2011 • Warringah Local Environmental Plan 2011 • Warringah Development Control Plan 2011
List all documents submitted with this report for the Panel’s consideration	Attachment 1: Revised Conditions of Consent
Report by	Louise Kerr – Director Planning and Place
Report date	6 December 2019

Executive Summary

On 27 November 2019, the Sydney North Planning Panel (SNPP) considered an Assessment Report relating to Development Application No. DA2018/1514 for partial redevelopment and expansion of the existing shopping centre (known as Warringah Mall Shopping Centre) and draft conditions of development consent.

The Panel deferred the determination of the application to allow the following to be provided as a supplement to the original assessment report:

- *A report specifically addressing Clause 6.3 (a) –(e) of Warringah LEP 2011;*
- *Consideration of the conditions attached to the previous DA2008/1741 and DA2008/1742 as they relate to the issue of flooding. Consider whether any of these conditions or new conditions should be added to the subject proposal to ensure a consolidated and integrated solution to flooding on the site and surrounding area.*

The Panel also requested as follows:

1. *That the draft conditions of consent be amended to not require compliance with reports that accompany the application. Rather these should be attached as reference documents and any elements of these reports that should be the subject of a condition be drafted and attached independently to ensure they are clean and certain.*

This supplementary report provides an assessment of the development application against the provisions of Clause 6.3 of WLEP 2011 in detail. This report is to be read in conjunction with the original assessment report.

Draft conditions of consent are included in Attachment 1 and have been revised having regard to the specific requirements of the Sydney North Planning Panel.

Clause 6.3 - Flood Planning of WLEP 2011

The subject site is identified as Flood Prone Land, being affected by the Probable Maximum Flood levels (PMF). Clause 6.3(3) requires that development consent must not be granted to development on land to which the clause applies unless the consent authority is satisfied that the development:

- (a) is compatible with the flood hazard of the land, and
- (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
- (c) incorporates appropriate measures to manage risk to life from flood, and
- (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

Council's Flood Engineer has provided the following additional assessment comments in relation to the matters to be taken into consideration under clause 6.3(3) of WLEP 2011:

(a) The development is compatible with the flood hazard of the land.

Comment: The floor levels of the new buildings are above the Flood Planning Level. There are no enclosed or undercover carparks below the Flood Planning Level. The first stages of the Site Masterplan as part of an earlier approved DA, involved capturing the flows from the upstream creek and containing them to a new system of large culverts under the site. This was been constructed and has greatly reduced the flood risk because the significant overland flow path from the upstream creek that passed through the Mall site, is now piped below the site.

(b) The development is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties.

Comment: As part of DA2018/1514, new site drainage is proposed to service the new building and car parking configuration. The majority of the works are outside the 100 year flood area as the 100 year flows from Brookvale Creek are now piped below ground. Flood modelling and impact assessment has been completed by a suitably qualified engineering consultancy, Cardno.

The modelling showed that the development would not adversely affect flood behaviour for other development or properties. This includes the properties immediately upstream of the site, where the 100 year design flood level was found to be lower as a result of the

development. Therefore, the development is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties.

(c) The development incorporates appropriate measures to manage risk to life from flood.

Comment: The ground floor levels of the proposed development are above the Flood Planning Levels and the 1st Floor Levels offer shelter in place above the Probable Maximum Flood Level, with multiple access points. A flood warning system was a condition of consent of the previous DA at the site and is operational.

Therefore, the development incorporates appropriate measures to manage risk to life from flood.

(d) The development is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

Comment: Brookvale Creek is fully piped through the site and there are no proposed works offsite to the banks or riparian zone of Brookvale Creek or any other watercourse. Upstream, the 100 year flood level is being reduced and the creek is a concrete lined channel, so the likelihood of the development causing significant adverse effects to the creek/channel is nil to extremely low. Downstream, in the channel through the Council-owned golf course, there are very minor water level increases in the 100 year flood event of up to 4cm. This level change is insignificant in terms of the potential risk to the creek/channel environment, including the creek banks and riparian vegetation. There is also no increased risk of siltation as the site (existing and proposed) is fully piped and erosion risk is not changing.

(e) The development is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

Comment: Overall, the flood hazard is not being adversely affected by this DA. Based on this and the assessment under (a) to (d) above, the development is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding and is expected to reduce the risk of flooding to the community.

Accordingly, it is considered that the development, as proposed, satisfies the requirements of clause 6.3 of WLEP 2011.

Conditions of Consent

The Panel requested the following matters to be addressed in relation to the draft conditions consent:

- 1. Consideration of the conditions attached to the previous DA2008/1741 and DA2008/1742 as they relate to the issue of flooding. Consider whether any of these conditions or new conditions should be added to the subject proposal to ensure a consolidated and integrated solution to flooding on the site and surrounding area.***

Comment: Council's Flood Engineer and Development Engineer has confirmed that the draft conditions imposed for the application do not contradict the previous conditions as imposed by Development Consent No. DA2008/174, and there is no

need for any additional conditions to link the two consents or modify the existing development consent.

- 2. That the draft conditions of consent be amended to not require compliance with reports that accompany the application. Rather these be attached as reference documents and any elements of these reports that should be the subject of a condition be drafted and attached independently to ensure they are clean and certain.**

Comment: The conditions of consent have been amended to adopt the technical reports that contain recommendations as separate conditions to ensure they are clear and certain, as per the Panel's recommendation.

CONCLUSION

This application has been assessed having regard to the Heads of Consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 and specifically reviewed in relation to the provisions of Clause 6.3 – Flooding Planning of WLEP 2011.

The proposed development is consistent with the planning provisions that apply to site. The proposal is considered to be consistent with the requirement of Clause 6.3.of WLEP 2011.

This report addresses the matters as raised in the deferral of the application by the Sydney North Planning Panel on 27 November 2019 and it is recommended that the application be granted consent subject to the revised conditions contained in Attachment 1.