

## APPLICATION FOR MODIFICATION ASSESSMENT REPORT

<b>Application Number:</b>	Mod2014/0230
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<b>Responsible Officer:</b>	Luke Perry
<b>Land to be developed (Address):</b>	Lot 100 DP 1015283 , 145 Old Pittwater Road BROOKVALE NSW 2100
<b>Proposed Development:</b>	Modification of Development Consent DA2008/1741 granted for Partial demolition of existing buildings and Construction of an extension to Warringah Mall Shopping Centre, including 2 levels of retail & a multi level carpark
<b>Zoning:</b>	LEP - Land zoned B3 Commercial Core LEP - Land zoned IN1 General Industrial
<b>Development Permissible:</b>	Yes - Zone B3 Commercial Core Yes - Zone IN1 General Industrial
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Warringah Development Assessment Panel (WDAP)
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	AMP Warringah Mall Pty Ltd Westfield Management Ltd
<b>Applicant:</b>	Scentre Group Ltd

<b>Application lodged:</b>	20/10/2014
<b>Application Type:</b>	Local
<b>State Reporting Category:</b>	Other
<b>Notified:</b>	24/10/2014 to 25/11/2014
<b>Advertised:</b>	25/10/2014
<b>Submissions:</b>	0
<b>Recommendation:</b>	Approval

### ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning

and Assessment Act 1979 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 Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was 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 (upto 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.

## SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - D7 Views

Warringah Development Control Plan - G4 Warringah Mall

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 100 DP 1015283 , 145 Old Pittwater Road BROOKVALE NSW 2100
<b>Detailed Site Description:</b>	<p>The site is described as Lot 100, DP 1015283, 145 Old Pittwater Road, Brookvale. The site is occupied by the Warringah Mall Shopping Centre which is commonly known as 'Warringah Mall'.</p> <p>The site has an area of 170,600m<sup>2</sup>. 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.</p> <p>Warringah Mall has a total floor area of 127,838m<sup>2</sup> with a provision of 103,400m<sup>2</sup> of enclosed retail floor space provided mainly over two levels with some areas three levels.</p> <p>Warringah Mall accommodates Myer and David Jones department stores, Big W and Target discount department stores, Woolworths and Coles supermarkets, 15 mini-major tenants (floor space greater than 400m<sup>2</sup>) and 239 retail speciality shops.</p> <p>Warringah Mall includes an entertainment precinct incorporating a nine screen Hoyts Cinema Complex as well as the Body Shape Female Fitness Centre and some other non-retail facilities.</p>

The site is extensively built upon with bituminised and concrete hard surface areas located around the perimeter of the building to facilitate car parking and traffic flow. It has a total of 4,468 car spaces with 2,998 open-air spaces and 1,470 under cover spaces.

Warringah Mall provides a mix of indoor and outdoor spaces that are suitable for the surrounding coastal community and setting.

Topographically, the site has a gradual natural slope that falls from the north-west to the south-east of the site.

Vehicle access to the site is currently available at various locations along Pittwater Road, Old Pittwater Road and Cross Street.

Map:



## SITE HISTORY

### Modification Application No. 2014/0079

This application sought to modify Development Application No. 2008/1741. The modifications related to internal reconfigurations of the approved expanded retail floor area, alterations to the Palm Tree and Starfish Car parks, landscaping, site works and extension of construction hours.

The application was approved by the Warringah Development Assessment Panel (WDAP) 15 September 2014.

#### Development Application No. 2008/1741

This application sought consent for the partial demolition of existing buildings and construction of an extension to the Warringah Mall Shopping Centre, resulting in the provision of an additional 8,000m<sup>2</sup> Gross Leasable Floor Area (GLFA). Specifically, the application included the partial demolition of existing buildings and construction of an extension to Warringah Mall Shopping Centre, including 2 levels of retail and a multi level carpark located on the corner of Green Street and Cross Street.

This application was granted Deferred Commencement Approval by the Warringah Development Assessment Panel (WDAP) on 28 April 2010. The Deferred Commencement Conditions were satisfied and the consent became operative on 23 August 2013.

#### Development Application No. 2008/1742

Application was lodged in-conjunction with DA2008/1741 and included the construction of drainage works through the Warringah Mall Shopping Centre site. The proposed drainage works included the construction of culverts under Condamine Street and works within the Warringah Golf Club and drainage works around the western side of the centre including new inlets and pipes. Existing landscaping is to be removed along the Frontage to Cross Street.

This application was granted Deferred Commencement Approval by Council's Applications Determination Panel (ADP) on 16 May 2012.

### **PROPOSED DEVELOPMENT IN DETAIL**

The proposal seeks to modify Development Consent No. 2008/1741 granted for the partial demolition of existing buildings and the construction of an extension to the Warringah Mall Shopping Centre, including two (2) levels of retail and a multi-level car park.

Specifically the modifications involve:

#### Internal reconfiguration of the approved 8 000m<sup>2</sup> of floor area, including:

- Increase in Gross Leasable Area (GLA) of 864m<sup>2</sup> on the ground floor, 73m<sup>2</sup> on Level 01 and 135m<sup>2</sup> on Level 02 which includes 3 new kiosks and the relocation of two existing kiosks;
- Deletion of two previously approved 'mini-major' retail tenancies comprising a total of 1124m<sup>2</sup> GLA and located on the Level 01 mezzanine level resulting in a net GLA of 7948m<sup>2</sup>; and
- Demolition and relocation of existing access staircase within the centre court;
- Entertainment area within the centre court and relocation of existing dolphin structure.

#### Alterations to the Palm Tree Car Park

- Increase of the amount of soft landscaping provided to the facade addressing the corner of Green and Cross Street's in the form of vertical gardens or 'green walls'.

#### Alterations to Starfish Car Park

- Deletion of the speed ramps to upper floor levels of the car park; and

- Revised internal configurations in-conjunction with the deletion of the speed ramp.

#### Roof Structures

- Replacement of the existing canopy associated with the 'Myer North' section of the centre with a wide span open air 'garden trellis' glazed canopy; and
- Construction of a open air shade sail over the top of the existing centre court area and the addition of a digital screen connected to the canopy.

In consideration of the application a review of (but not limited) documents as provided by the applicant in support of the application was taken into account detail provided within Attachment A.

#### **ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)**

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

<b>Section 96(2) - Other Modifications</b>	<b>Comments</b>
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	The development, as proposed, has been found to be such that Council is satisfied that the proposed works are substantially the same as those already approved under DA2008/1741
(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and	Development Application DA2008/1741 did not require concurrence from the relevant Minister, public authority or approval body.
(c) it has notified the application in accordance with:  (i) the regulations, if the regulations so require,  or  (ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and	The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, Warringah Local Environment Plan 2011 and Warringah Development Control Plan.
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by	See discussion on "Public Exhibition" in this report.

Section 96(2) - Other Modifications	Comments
the regulations or provided by the development control plan, as the case may be.	

### Section 79C Assessment

In accordance with Section 96(3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 96 the consent authority must take into consideration such of the matters referred to in section 79C(1) as are of relevance to the development the subject of the application.

The relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, are:

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider Prescribed conditions of development consent. These matters have been addressed via a condition in the original consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This Clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this Clause within the Regulations. No Additional information was requested.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition in the original consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading</p>

Section 79C 'Matters for Consideration'	Comments
	<p>of a building (including fire safety upgrade of development). This matter has been addressed via a condition in the original consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition in the original consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition in the original consent.</p> <p><u>Clause 143A</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This Clause is not relevant to this application.</p>
<p>Section 79C (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><u>Environmental Impact</u> The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p><u>Social Impact</u> The proposed development will not have a detrimental social impact in the locality considering the commercial character of the proposal.</p> <p><u>Economic Impact</u> The proposed development will not have a detrimental economic impact on the locality considering the commercial nature of the existing and proposed land use.</p>
<p>Section 79C (1) (c) – the suitability of the site for the development</p>	<p>The site is considered suitable for the proposed development.</p>
<p>Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs</p>	<p>See discussion on “Public Exhibition” in this report.</p>
<p>Section 79C (1) (e) – the public interest</p>	<p>No matters have arisen in this assessment that would justify the refusal of the application in the public interest.</p>

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and Warringah Development Control Plan.

As a result of the public exhibition of the application Council received no submissions.

At the time of writing this report, the public exhibition period had not concluded.

A memo will be prepared and referred to the Warringah Development Assessment Panel at its meeting on 10 December 2014 which will address any issues which may be raised in any submissions, if received.

## MEDIATION

No requests for mediation have been made in relation to this application.

## REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	The application was referred to Council's Building Certification team who provided the following comments:  <i>No objections were raised to the modifications subject to conditions included in the recommendation of this report.</i>
Development Engineers	The application was referred to Council's Development Engineer who provided the following comments:  <i>No objection to approval and no conditions as recommended.</i>
Environmental Health and Protection (Food Premises)	The application was referred to Council's Environmental Health Officer who provided the following comments:  <i>No objections subject to compliance with Food premises conditions (previously conditioned).</i>
Landscape Officer	The application was referred to Council's Landscape Officer who provided the following comments:  No objections are raised to the proposed modification.
Natural Environment (Flood)	The application was referred to Council's Natural Environment Unit (Flood) who provided the following comments:  <i>The proposed modification is considered to have no impact on flooding. No flood related development controls applied.</i>
Natural Environment (Riparian Lands/Creeks)	The application was referred to Council's Natural Environment Unit (Riparian Lands) who provided the following comments:  <i>Riparian assessment complete. All modifications to the original</i>



Internal Referral Body	Comments
	<p><i>development application will occur outside of riparian land and greater than 40 metres from Brookvale Creek.</i></p> <p><i>Recommendation:</i></p> <p><i>No objection to approval and no conditions are recommended.</i></p>
Strategic Planning - Urban Design	<p>The application was referred to Council's Urban Designer who provided the following comments:</p> <p><i>The proposed height is 20m from ground level (RL10) so the top of the sail structure is about RL30. That is 2m over the WDCP 2011 envelope control of RL28. It is noted that there are higher envelope controls of RL30 and RL34.8 nearby so the visual impact of the sail structure will be low given the structure is an open steel truss.</i></p> <p><i>Nevertheless there are concerns for view impact from properties overlooking the roof area from the higher escarpment area. The applicant will need to provide a view impact study if the sail structure exceeds the RL28 building envelope control.</i></p> <p><u>Assessing Officers Comment:</u></p> <p>The concerns raised above have been addressed by the applicant who has provided an updated section plan (refer to Drawing No. DA 01.5403 Revision B dated 14/11/2014 prepared by Scentre Design and Construction) of the proposed shade sail over the centre court area that confirms the maximum height of the sail as RL 28.00.</p> <p>In this regard and as per the comments above, a View Impact Study is not required.</p> <p>Notwithstanding the amended section plan, a condition has been included in the recommendation of this report restricting all new roof structures to a maximum height of RL 28.00.</p>
Traffic Engineer	<p>The application was referred to Council's Traffic Engineer who provided the following comments:</p> <p><i>Following traffic engineers discussion with the responsible Development Assessment Officer, the proposal on traffic grounds is the removal of the speed ramp which was proposed in the previous modification MOD2014/0079. The applicant is proposing to maintain the same arrangements as approved in the original development application DA2008/1742.</i></p> <p><i>No objection is raised on traffic grounds on the proposed removal of the speed ramp as it was approved in DA2008/1742.</i></p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.
NSW Roads and Maritime Services - (SEPP Infra. Traffic generating dev)	The application was referred to The RMS for comment who provided the following comment:  <i>Roads and Maritime has reviewed the submitted documentation and raise no objection to the proposed modifications.</i>

### ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)\*

All, Environmental Planning Instruments (SEPPs, REPs and 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 Environmental Planning Instruments (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 Policies (SEPPs) and State Regional Environmental Plans (SREPs)

Nil

### Warringah Local Environment Plan 2011

Is the development permissible?	Zone B3 : Yes Zone IN1: Yes
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

Development Standard	Requirement	Approved	Proposed	% Variation	Complies
Minimum subdivision lot size:	N/A	N/A	N/A	N/A	N/A
Height of Buildings:	N/A	N/A	N/A - Refer to G4 - Warringah Mall under the WDCP for Building Height controls.	N/A	N/A

Rural Subdivision:	N/A	N/A	N/A	N/A	N/A
No Strata Plan or Community Title Subdivisions in certain rural and environmental zones:	N/A	N/A	N/A	N/A	N/A

### Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes

### **Warringah Development Control Plan**

#### Built Form Controls

The applicable Built Form Controls for the site are contained within Part G Special Area Controls - G4 Warringah Mall of the WDCP.

Refer to the G4 - Warringah Mall under the WDCP section of this report for an assessment of the proposed built form.

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
Part B Built Form Controls	N/A	N/A
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C8 Demolition and Construction	Yes	Yes
D3 Noise	Yes	Yes
D7 Views	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
D20 Safety and Security	Yes	Yes
E1 Private Property Tree Management	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
E10 Landslip Risk	Yes	Yes
G4 Warringah Mall	Yes	Yes

### Detailed Assessment

#### **D7 Views**

The proposal allows for a reasonable sharing of views between adjoining and neighbouring properties.

In determining the extent of potential view loss to adjoining and nearby properties, the four (4) planning principles outlined within the Land and Environment Court Case of *Tenacity Consulting Pty Ltd vs Warringah Council (2004) NSWLEC 140*, were applied to the proposal.

While no objections regarding view loss were received, the view assessment has been undertaken having regard to all surrounding properties.

The assessment has found that the proposed replacement roof over the 'Myer North' area and new roof over the existing centre court area does not unreasonably affect the outcome in regards to the view sharing and are of a height that is consistent with the building envelopes envisaged for the centre.

The overall height of the new shale structures are limited to a maximum RL of RL 28.00 which is consistent with the maximum building height controls contained under Part G4 - Warringah Mall of the WDCP, a condition has been included in the recommendation of this report to this effect.

Overall, the proposal is considered appropriate for the subject site and acceptable with regards to view sharing principle.

#### **G4 Warringah Mall**

This DCP applies to Lot 100, DP 1015283, 145 Old Pittwater Road, Brookvale which is commonly referred to as 'Warringah Mall Shopping Centre'

The objectives of this DCP are as follows:

- *To guide future development within the Warringah Mall Shopping Centre (Warringah Mall) site to 2021.*
- *To ensure development responds to the characteristics of the site and surrounds, and the amenity of the surrounding neighbourhood.*
- *To encourage and facilitate high quality urban design, landscaping, external finishes and signage.*

#### Comment:

The proposed modifications ensure that future development at Warringah Mall responds to the characteristics of the site and its surrounds, including the amenity of the surrounding neighbourhood.

The modifications, in particular the additional landscape facade treatment on the Palm Tree Car Park at the corner of Green Street and Cross Street and the erection of a lightweight and open sail structure over the centre court, are considered to be of a high quality urban design and will ensure the visual presentation of the centre is enhanced.

**Warringah Development Control Plan – G4 Warringah Mall**

The proposed development’s consistency with the objectives and requirements of the applicable controls within the *Warringah Development Control Plan – G4 Warringah Mall* are considered in detail below.

<b>Built Form</b>
<b>Design Quality &amp; Excellence</b>
<p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>• <i>To ensure that new development makes a positive contribution to the streetscape and public domain.</i></li> <li>• <i>To ensure a high standard of architectural design.</i></li> <li>• <i>To achieve high quality urban design internally and externally and high levels of pedestrian comfort in the public spaces of the centre.</i></li> <li>• To emphasise key nodes and entry points to create a sense of arrival.</li> <li>• <i>To encourage the use of high quality, durable and robust materials.</i></li> <li>• <i>To ensure the design response reflects the Northern Beaches vernacular/lifestyle.</i></li> </ul> <p><u>Comment:</u>  The modifications include additional facade treatment which incorporates additional landscape elements (green walls) to the 'Palm Tree Car Park' located at the corner of Green Street and Cross Street entry to the site from that approved under Modification Application No. MOD2014/0079.</p> <p>The additional landscape and facade treatment will further act to reduce the visual bulk and massing associated with the existing approved car park access ramps and located within Green Street and the car park structure.</p> <p>The replacement of the existing roof structure/canopy located within the 'Myer North' forecourt and construction of a sail structure over the centre court area will provide all weather pedestrian access around the centre and provide additional areas for entertainment and retail purposes. The lightweight roof structures will allow for natural ventilation to occur within these areas and will continue to maintain a sense of openness within the pedestrian malls of the centre.</p> <p>The remaining modifications are generally internal, of a high quality and will not have an adverse impact on the streetscape or public domain and are therefore consistent with this control.</p> <p>Further, Council's Urban Designer has reviewed the proposal and concludes that the proposed modifications are acceptable on the basis that the new roof structures do not exceed a maximum height of RL 28.00 which is consistent with the maximum building heights depicted under Part G4 - Warringah</p>

Mall of the WDCP.

<b>Requirements</b>	<b>Complies</b>
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.	<b>Yes</b>
2. Future development on the site is to incorporate design elements that optimize the use of natural light and the ambient environment to the pedestrian malls within the Centre.	<b>Yes</b>
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.	<b>N/A</b>
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.	<b>N/A</b>
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.	<b>Yes</b>
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.	<b>Yes</b>
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.	<b>Yes</b>
8. High quality, attractive and durable materials are to be used. The selection of colours is to respond to the natural landscape. A detailed schedule of external colours and finishes, a sample board and photo-montages are to be submitted with any application to alter or extend the external façade and roof of Warringah Mall.	<b>Yes</b>
9. The roof is to be designed so that the visual impact of the roof form is minimised.	<b>Yes</b>
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	<b>N/A</b> - No new plant is proposed.

views over the centre.

**Building Setbacks and Street Frontages**

**Objectives**

- *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.*

Comment:

There is no change to the approved building setbacks or street frontages.

**Requirements**

**Complies**

11. Setbacks are to be consistent with those shown in Figure 2 (refer to the attached G4 - Warringah Mall DCP). Note: The calculation of the setback dimensions along the Green Street and Cross Street frontages (west of Green Street) excludes projections for architectural features and car park ramps which may project into the setback area as identified on Figure 2.

**N/A** - Existing unchanged setbacks to the buildings.

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.

**N/A** - No change to title boundaries.

**16. Corner of Cross Street and Green Street**

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. An illustrative example of possible future development outcomes at this location is shown at Figure 7 (refer to the attached G4 - Warringah Mall DCP).

**Yes** - The proposed modifications to the facade of the Palm Street car park located at the corner of Green Street and Cross Street is better design outcome from that originally approved in terms of incorporating additional landscape elements which will further act to reduce the visual bulk and scale of the car park when viewed from the street and public domain.

**Building Height**

**Objectives**

- *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.*

Comment:

The proposed modifications include the replacement of the existing canopy associated with the 'Myer North' section of the centre with a wide span open air 'garden trellis' glazed canopy and the construction of a open air shade sail over the top of the existing centre court area.

The proposed roof modifications and additions are located mainly within the centre of the site and therefore are not readily viewable from any street and will not have an impact on the solar access to residential properties and public spaces. The modifications will be viewable from the streets located on the plateua above the centre however, as discussed in more detail below, they are consistent with the maximum building height envelopes contained within this DCP and therefore will have a negligible visual impact.

Requirements	Complies
<p>17. New development is to comply with the maximum building heights as shown at Figure 2 except where provided for in the following requirement.</p>	<p><b>Yes - subject to conditions.</b></p> <p>The proposed replacement of the existing canopy associated with the 'Myer North' section of the centre with a wide span open air 'garden trellis' glazed canopy is located within in a maximum building envelope of RL 28.00 as identified on Figure 2.</p> <p>Whilst the submitted architectural plans do no depict a maximum height for the replacement open air canopy, it is considered, based upon an assessment of these plans, that the new canopy will fit comfortably below the maximum height of RL 28.00.</p> <p>The proposed open air shade sail over the top of the existing centre court area is located within a 'void' area as identified on Figure 2 and as such does not contain a maximum building envelope height.</p> <p>In this instance it is considered reasonable and appropriate for a</p>



maximum building envelope height that is consistent with that of surrounding envelopes to be applied to the area. In this regard, the surrounding envelope control is a maximum height of RL 28.00. The applicant has confirmed by way of an amended plan the maximum height of the open air shade sail is RL 28.00 and therefore the proposed shade sail is supported in this instance.

Notwithstanding the above, a condition has been included in the recommendation of this report restricting all new roof structures to a maximum height of RL 28.00.

18. Development may exceed the maximum height controls shown at Figure 2 only in the following circumstances:

**(a) Architectural roof features**

Architectural roof features may exceed the height controls but only if the consent authority is satisfied that the architectural roof feature:

- 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
- will have minimal overshadowing impact, and
- does not add to the visual bulk of the building.

**(b) Plant and equipment**

Any ancillary plant, equipment or access point may exceed the height controls but only if the consent authority is satisfied that:

- The height of plant, equipment or access point does not exceed 3.0m.

**N/A** - There are no new plant or architectural roof features proposed.

- 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.

**Floor Space**

**Objectives**

- *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.*

Comment:

Development Application No. 2008/1471 included a total retail expansion of 8,000m<sup>2</sup>.

The proposed modifications include the increase of ground level shop fronts surrounding the centre court area to the edge of the floor above and the addition of three new kiosks.

These modifications result in a total additional Gross Leasable Area (GLA) of 864m<sup>2</sup> on the ground floor, 73m<sup>2</sup> on Level 01 and 135m<sup>2</sup> on Level 02.

However, to offset the additional GLA increase and in order to ensure the total GLA area does not exceed the previously approved 8,000m<sup>2</sup>, two previously approved 'mini-major' retail tenancies comprising a total of 1124m<sup>2</sup> GLA and located on the Level 01 mezzanine level are proposed to be deleted.

This results in a total GLA of 7948m<sup>2</sup> which is consistent with the approved maximum retail expansion of 8,000m<sup>2</sup> under DA2008/1741.

<b>Requirements</b>	<b>Complies</b>
19. The existing centre currently provides 127,878m <sup>2</sup> of Gross Leasable Floor Area (GLFA). The existing shopping centre may be expanded by 35,000m <sup>2</sup> GLFA subject to compliance with all other relevant planning objectives and requirements.	<b>Yes</b>

**Amenity**

**Landscaping**

**Objectives**

- *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.*

**Comment:**

The proposed modifications incorporate additional substantial areas of landscape elements into the design of the facade treatment of the Palm Tree Car Park. The revised scheme increase the amount of soft landscaping provided to the facade addressing the corner of Green and Cross Street's in the form additional of vertical gardens or 'green walls'.

The additional landscape treatment will act to further reduce and soften the building form.

<b>Requirements</b>	<b>Complies</b>
20. Landscaping is to be retained and enhanced and provided generally in the zones shown in Figure 8.	<b>Yes</b>
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 (refer to the attached G4 - Warringah Mall DCP).	<b>N/A</b>
22. New development along Condamine Street and Pittwater Road is to incorporate landscaping that screens or softens non-active facades or building elements.	<b>N/A</b>
23. Landscaping treatments are to be integrated into the design of new entries to the centre.	<b>Yes</b>
24. Recycled water or harvested rainwater is to be used, where possible, to irrigate new landscaped areas.	<b>N/A</b>
25. Water efficient plants and/or, locally indigenous vegetation should be used to minimise water consumption.	<b>Yes</b>

**Access and Movement**

**Parking Facilities**

**Objectives**

- *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 provide easy, convenient and safe access to Warringah Mall.*
- *To ensure adequate provision of end of trip shower and locker facilities for employees of Warringah Mall.*

Comment:

The proposal provides adequate parking facilities for staff and visitors to Warringah Mall, there is no change to the approved provision of car parking or any increase in GLA as detailed earlier within this section. The deletion of the speed ramp associated with the Star Fish car park effectively reverts back to the original design approved under DA2008/1741 and as such is supported.

There is change to the approved provision of car parking spaces or bicycle spaces.

<b>Requirements</b>	<b>Complies</b>
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.	<b>N/A</b>
53. Provision is to be made for the parking of motorcycles in easy to access and clearly visible locations.	<b>N/A</b>
54. Car and motorcycle parking space dimensions must comply with the relevant Australian Standard. Note. AS/NZS 2890.1:2004 Parking Facilities - Off-street car parking applied at the time this DCP was adopted.	<b>N/A</b>
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; <ul style="list-style-type: none"> <li>• Bicycle storage facility – 1 per 300sqm</li> <li>• Bicycle parking facility – 1 per 500sqm</li> </ul> <p>This required provision may be reduced having regard to:</p> <p>(a) The expected number of employees, and their likely or desired use of bicycles for travel to and from work.</p> <p>(b) The expected number of visitors, and their likely or desired use of bicycles to visit the development.</p>	<b>N/A</b>
56. Bicycle parking and storage facilities shall be designed in accordance with the relevant Australian Standard. Note. AS 2890.3 - 1993 Parking facilities – Bicycle parking facilities applied at the time the DCP was adopted.	<b>N/A</b>
57. Adequate shower and change room facilities for staff shall be located close to secure bicycle storage facilities.	<b>N/A</b>

**Environmental Management**

**Stormwater Management**

## Objectives

- *To ensure that future development on the site conforms with the principles for the development of flood prone land as set out in the NSW Government's Floodplain Development Manual, 2005.*
- *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.*

### Comment:

The application has been reviewed by Council's Development Engineer and the Flood section of Council's Natural Environment Unit who raise no objections to the proposed development on stormwater or flooding grounds.

<b>Requirements</b>	<b>Complies</b>
58. Water quality control measures are to be provided in accordance with the adopted Northern Beaches Stormwater Management Plan and Council's Water Sensitive Urban Design Policy.	<b>N/A</b>
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: Building Over or Adjacent to Constructed Council Drainage System and Easements.	<b>N/A</b>
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.	<b>N/A</b>
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.	<b>N/A</b>
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.	<b>N/A</b>
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.	<b>N/A</b>
64. Structural measures are to be implemented on the site that	<b>N/A</b>

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.	
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## **THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES**

The proposal will not significantly effect threatened species, populations or ecological communities, or their habitats.

## **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

## **POLICY CONTROLS**

### **Warringah Section 94A Development Contribution Plan**

Section 94 contributions were levied on the Development Application.

## **CONCLUSION**

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP

- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

## RECOMMENDATION

THAT Council as the consent authority grant approval Modification Application No. Mod2014/0230 for Modification of Development Consent DA2008/1741 granted for Partial demolition of existing buildings and Construction of an extension to Warringah Mall Shopping Centre, including 2 levels of retail & a multi level carpark on land at Lot 100 DP 1015283, 145 Old Pittwater Road, BROOKVALE, subject to the conditions printed below:

### A. Add Condition No.1B - 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

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
DA 01.5201 Proposed Ground Floor Level Rev D	20/10/2014	Scentre Design & Construction
DA 01.5202 Proposed Ground Floor Level Mezzanine Rev D	20/10/2014	Scentre Design & Construction
DA 01.5203 Proposed Level 01 Rev D	20/10/2014	Scentre Design & Construction
DA 01.5204 Proposed Level 01 Mezzanine Rev D	20/10/2014	Scentre Design & Construction
DA 01.5205 Proposed Level 02 Rev D	20/10/2014	Scentre Design & Construction
DA 01.5206 Proposed Roof Plan Rev D	20/10/2014	Scentre Design & Construction
DA 01.5251 Demolition Plan - Ground Level Rev D	17/10/2014	Scentre Design & Construction
DA 01.5253 Demolition Plan - Level 01 Rev D	17/10/2014	Scentre Design & Construction
DA 01.5255 Demolition Plan - Level 02 Rev D	17/10/2014	Scentre Design & Construction
DA 01.5301 Elevations Rev D	17/10/2014	Scentre Design & Construction
DA 01.5401 Cross Sections Rev D	17/10/2014	Scentre Design & Construction
DA 01.5402 Long Sections Rev D	17/10/2014	Scentre Design & Construction
DA 01.5403 Centre Court Rev B	14/11/2014	Scentre Design & Construction

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
Review of fire safety engineering issues for section 96 application - Warringah Mall Extension - Stage 1 (Report Number 20070088 Revision DA1.8)	October 2014	Defire

c) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

d) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

f) The development is to be undertaken generally in accordance with the following:

<b>Landscape Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
da 01 6102 - Landscape sections Cross Street & Green Street Rev No. A15	20/10/14	DEM - Division: Landscape Architecture
da 01 6103 - Landscape northern elevation Cross Street Rev No. A15	20/10/14	DEM - Division: Landscape Architecture
da 01 6108 - Landscape elevation Green Street Rev No. A06	20/10/14	DEM - Division: Landscape Architecture

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

**B. Add No. 30C Condition Height of Open Roof Structures to read as follows:**

**Height of Open Roof Structures**

The open air 'garden trellis' glazed canopy located over the 'Myer North' section of the centre and the open air shade sail over the existing centre court area are to be restricted to a maximum height of RL 28.00.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure consistency with the building envelopes identified under Part G4 - Warringah Mall of the WDCP.

**C. Add Condition No. 30D Fire Safety Measures to read as follows:**

**Fire Safety Measures**

All fire safety proposed for the building must be submitted at Construction Certificate stage. The schedule is to include the current and proposed fire safety measures to be implemented in the building and shall specify the minimum standard of performance for each fire safety measures.



Reason: To ensure an adequate level of fire safety is provided within the premises for the life safety of occupants (DACBCCPCC2)

**D. Add Condition No. 63A Fire Safety Matters to read as follows:**

**Fire Safety Matters**

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Interim / Final Occupation Certificate.

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: To ensure an adequate level of fire safety is provided within the premises for the life safety of occupants Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000. (DACPLF07)