



Warringah Mall

Section 96(1A) Modification to DA2008/1741

October 2015

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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(1A) 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*', previously modified by MOD2014/0079, MOD2014/0200, and MOD2014/0230 to allow for:

- Expansion of an existing Level 02 retail tenancy and removal of the previously approved Centre Management office space;
- Incorporation of a car wash bay and associated storage/office spaces within the approved Level 01 Stage 1 Palm Tree car park;
- Incorporation of a storage room at the roof level in Zone B over with the Myer building; and
- Retail reconfiguration within the North Court, and the clarification of existing retail 'reserve and storage' areas as 'specialty reserve'.

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 condition of consent:

- **Condition 2 – Approved Plans and Supporting Documentation.**

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(1A) 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 have minimal environmental impact, will result in substantially the same development that was approved, and satisfies the requirements of Section 96(1A) of the Act.

The application is supported by the following documentation:

- Amended Architectural Plans prepared by Scentre Design and Construction Pty Ltd (**Appendix A**); and
- Warringah Development Control Plan 2011 Compliance Table (**Appendix B**).

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

2.2.1 DA2008/1741

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 8,000m² 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.

2.3 Previous modification applications under DA2008/1741

2.3.1 MOD2014/0079

This application sought to modify the development consent under DA2008/1741. 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 on 15 September 2014.

2.3.2 MOD2014/0200

The proposed modifications under this application related to the changing of the wording of Condition no. 49, 51, 52, 53, 55, 56, 57, 58, 60, 61 and 63 of DA2008/1741. The modifications proposed the changing of the timing compliance with the conditions from prior to the issue of any Occupation Certificate to prior to the issue of the relevant Occupation Certificate.

This was to allow the issuing of an interim occupation certificate to be issued for the 'Starfish Carpark' to allow its opening to cater for the additional Christmas car parking requirements of the centre.

This modification application was approved on 09 December 2014.

2.3.3 MOD2014/0230

Section 96(2) application MOD2014/0230) was submitted to Council seeking to amend the works approved under DA2008/1741 and the previous modification applications. The application sought 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.

This Section 96(2) modification application was approved by Council on 17 December 2014.

2.4 DA2008/1742

The works approved under DA2008/1742 were for the construction of stormwater upgrade works for Westfield Warringah Mall and watercourse bank stabilisation works. This consent was issued with deferred commencement conditions pending further information. This information has since been submitted satisfying the requirements of the conditions and the consent became operative on 14 April 2015.

2.4.1 PREVIOUS MODIFICATION APPLICATIONS UNDER DA2008/1742

As part of a subsequent Section 96(2) modification application (MOD2014/0285) to DA2008/1742, the approved culverts along Condamine Road reserve were realigned to provide a minimum setback of 15.5 metres from the existing road reserve boundary. Consent was also granted for the full demolition of the following building elements within the Warringah Mall site to facilitate the culver realignment:

- HCF building and the adjoining Godfather's Restaurant building along Condamine Street; and
- The Bing Lee building along Green Street.

The Gross Lettable Floor Area (GLFA) that will be lost as part of the approved demolition work was not accounted for in DA2008/1742, DA2008/1741 or any of the related modification applications.

This Section 96(1A) modification application does not propose to modify the consent under DA2008/1742.

However, it proposes to rationalise the previously unaccounted loss of GLFA through the partial transfer of GLFA from the HCF, Godfather's Restaurant and Bing Lee tenancies approved for demolition as part of MOD2014/0285, to

- A proposed retail tenancy expansion on Level 02 of the Myer building (Zone B), and
- Reconfigured retail tenancies within the North Court at Ground Level and Level 01.

3 Proposed Modification

3.1 SUMMARY OF PROPOSED MODIFICATIONS

This Section 96(1A) modification seeks to amend the works approved under DA2008/1741. The application specifically seeks to make the following modifications to the approved development:

- Expansion of an existing Level 02 retail tenancy and removal of the previously approved Centre Management office space;
- Incorporation of a car wash bay and associated storage/office spaces within the approved Level 01 Stage 1 Palm Tree car park;
- Incorporation of a storage room at the roof level in Zone B over with the Myer building; and
- Retail reconfiguration within the North Court, and the clarification of existing retail 'reserve and storage' areas as 'specialty reserve'.

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

3.2 EXPANSION OF LEVEL 02 RETAIL TENACNY

As part of the DA2008/1742, the following existing ground floor buildings were approved for demolition:

- HCF and Godfather's Restaurant, Condamine Street (total GLFA: 1,644 m²); and
- Bing Lee, Green Street (GLFA: 990 m²).

These building locations are shown in **Figure 1** and **Figure 2** below, which are excerpts from the Civil Engineering Plan no. W4548-401 rev. 1 that was approved as part of MOD 2014/0285:

FIGURE 1 – EXCERPT OF CIVIL PLAN SHOWING HCF/GODFATHER'S BUILDING TO BE DEMOLISHED

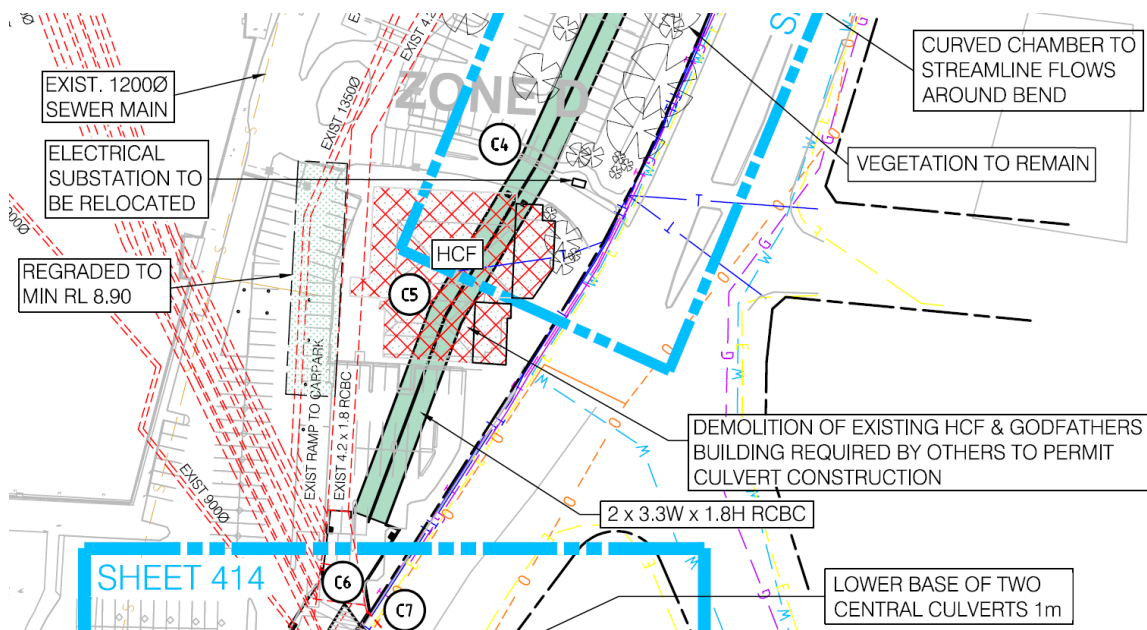
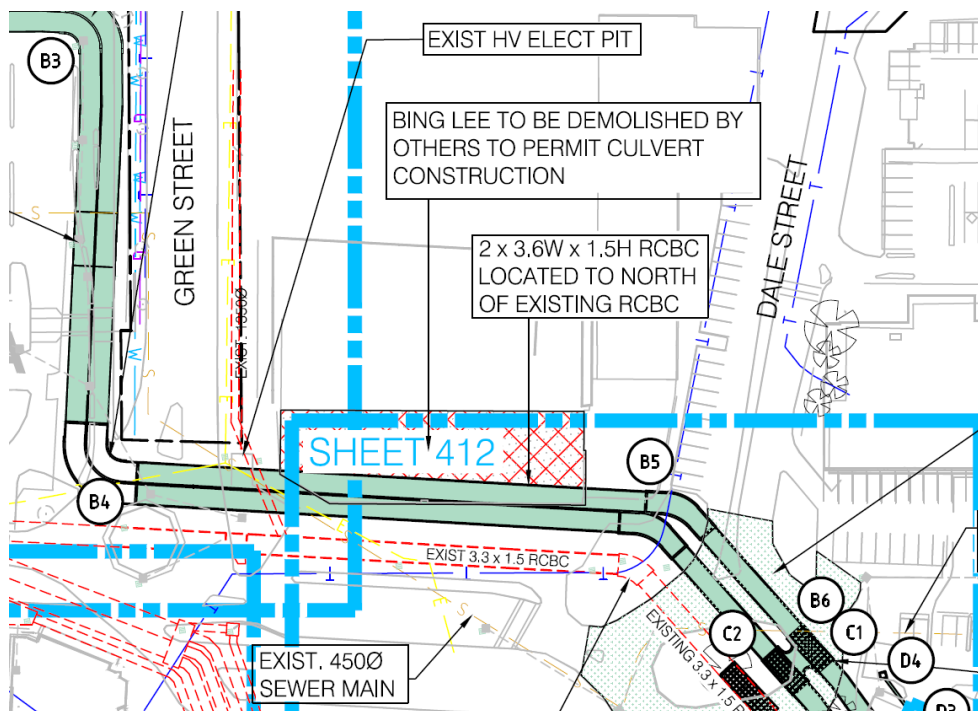
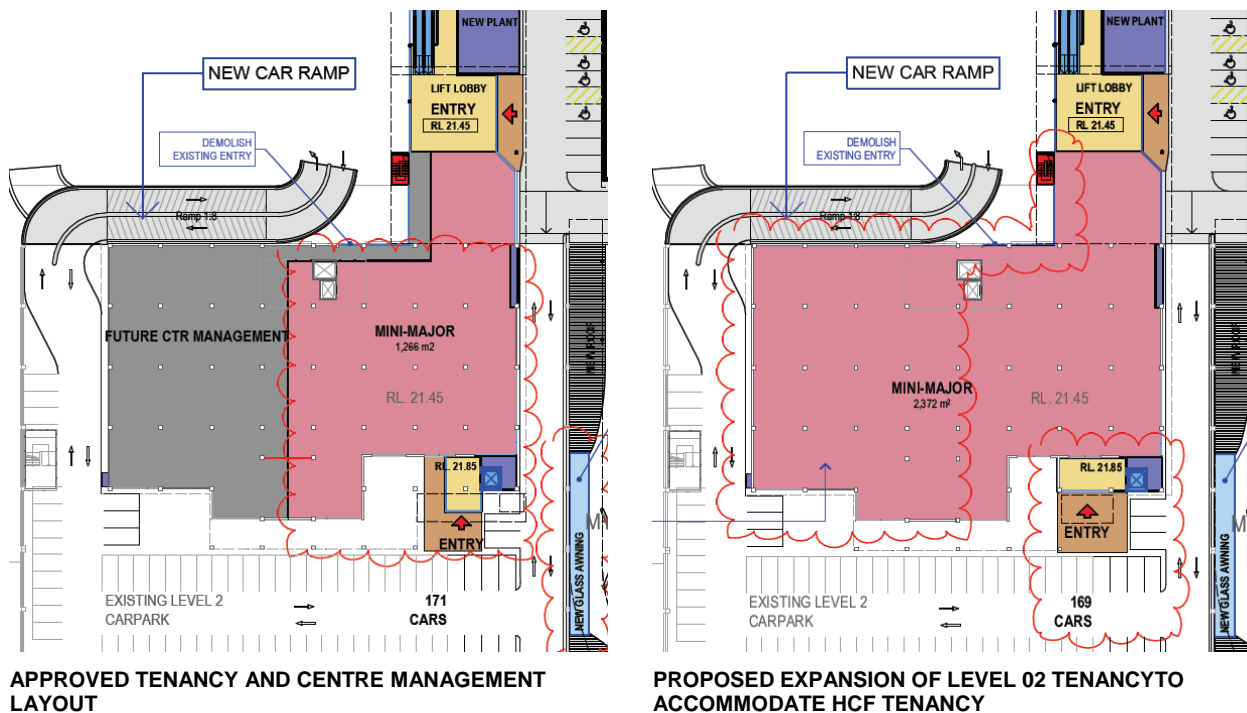


FIGURE 2 – EXCERPT OF CIVIL PLAN SHOWING BING LEE BUILDING TO BE DEMOLISHED



As part of this modification application, it is proposed to expand the approved mini-major tenancy space (currently approved at 1,266 m²) on Level 02 of the Myer Building by deleting the adjacent 'Centre Management' space and incorporating the resulting area (1,106 m²) as GLFA into the tenancy floor space, as shown in **Figure 3** below.

FIGURE 3 – PROPOSED EXPANSION OF THE APPROVED TENANCY ON LEVEL 02



The proposed modification will also involve the minor reconfiguration of the approved entry to the tenancy and associated circulation space.

The proposed expansion of the Level 02 retail tenancy will enable the existing HCF tenancy (to be demolished as part of MOD 2014/0285) to relocate from its current location on the ground floor along Condamine Street to Level 2 of the Myer Building in Zone B.

This proposed expansion will not result in any increase in net GLFA on the Warringah Mall site as described in **Section 3.6** further below.

3.3 NEW CAR WASH BAY AND ASSOCIATED OFFICE/STORE ROOM

A Car Wash Bay is proposed on Level 01 of the approved multi-deck Palm Tree car park. It is proposed to accommodate the Car Wash Bay within the approved layout of this car park, without necessitating the removal of any car parking spaces.

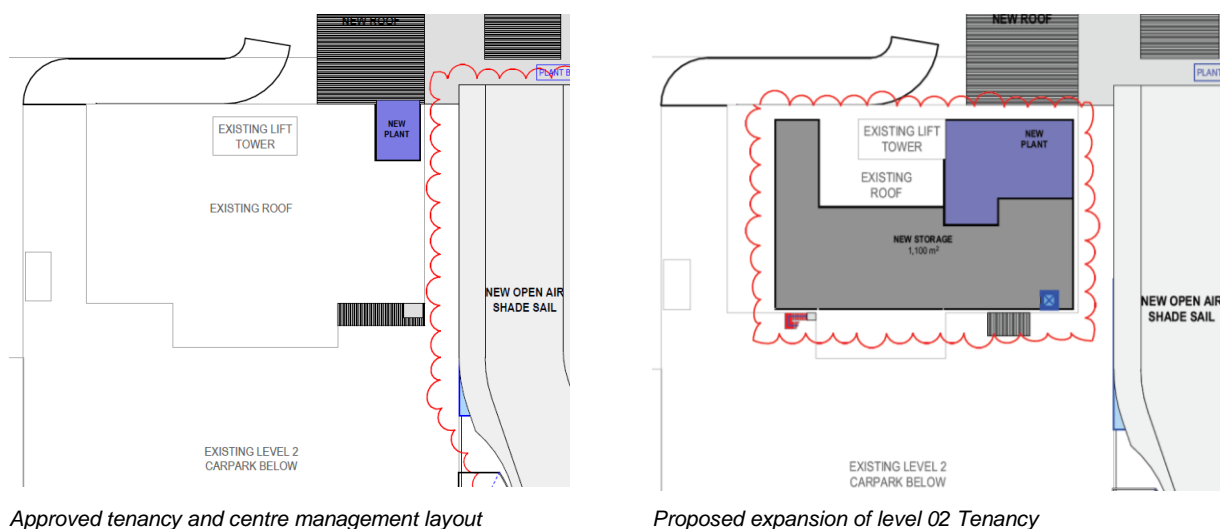
It is also proposed to incorporate two (2) small offices/storage spaces (37 m² & 29 m²) to support the Car Wash operation in the north east and south west corners of the same level of the car park.

Refer to the amended architectural plans at **Appendix A** for further details.

3.4 NEW ROOF STORAGE AND PLANT RECONFIGURATION

It is proposed to incorporate a store room (1,100 m²) at the roof level of Zone B above the Myer tenancy as shown in **Figure 4** below.

FIGURE 4 – PROPOSED NEW ROOF LEVEL STORAGE ROOM



The proposed addition will result in the minor reconfiguration of the approved plant and roof over this section of the building which will not be visible from the public domain. The reconfiguration of the plant will serve to consolidate other plant on the roof level to a single location screened from view by the proposed storage room. The proposed storage room will be accessed via the previously approved lift within the south east corner of the roof area which is to be extended up into the storage area to provide direct internal access. Fire egress is also provided from the storage roof level via stairs to the south west in accordance with BCA.

The proposed storage room will feature a roof level of RL 30.5, which is in excess of the DCP height control for this part of the Warringah Mall site (RL 28.00). However, the proposed addition is internal to the site, and will not be visible from the public domain or residential uses adjacent to the site.

More sensitive views that could be impacted are further away along the escarpment to the west, north west and south west of the site. A View Impact Study has been undertaken from these locations (shown in **Figure 5**) to ensure that the proposed addition will not have any adverse impacts on the views. Refer to this View Impact Study within the Architectural Plans at **Appendix A**.

FIGURE 5 – AERIAL VIEW OF THE PROPOSED STORAGE ROOM LOCATION AND VIEWS ASSESSED FOR IMPACT

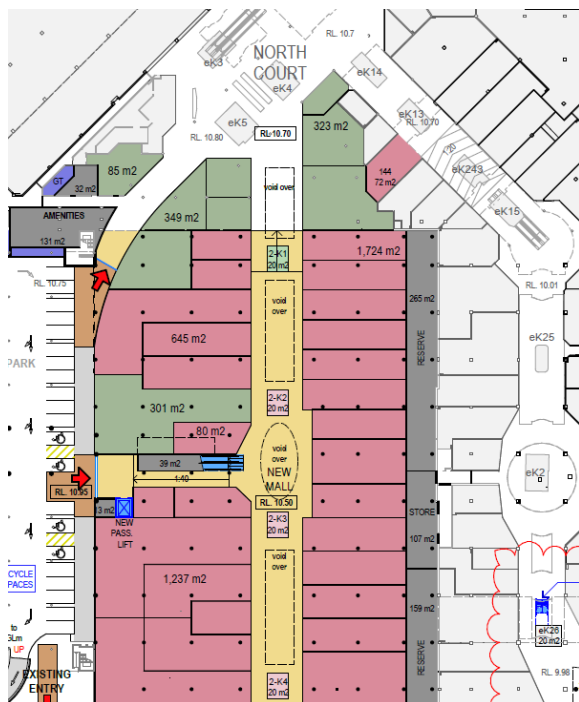


Furthermore, the proposed storage room addition will feature dark metal cladding to walls and roof in a complementary colour to existing development, and will feature no glazing, ensuring that there are minimal reflectivity impacts.

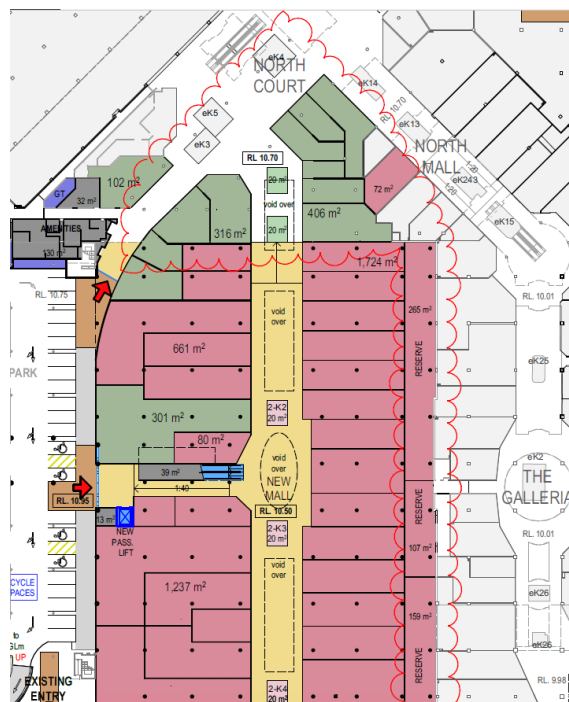
3.5 MINOR RETAIL RECONFIGURATION WORKS

It is also proposed to undertake minor reconfiguration of the retail spaces within the North Court as shown in **Figure 6**. This will result in an addition of 103 m² GLFA. Note however that this will not result in a net increase in GLFA on the Warringah Mall site as discussed in **Section 3.6** further below.

FIGURE 6 – PROPOSED NORTH COURT GLFA RECONFIGURATION & CLARIFICATION OF ‘SPECIALTY RESERVE’ AT GL



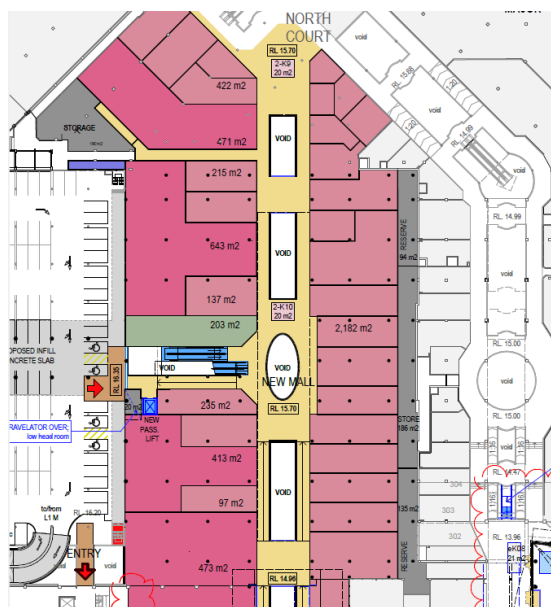
Approved



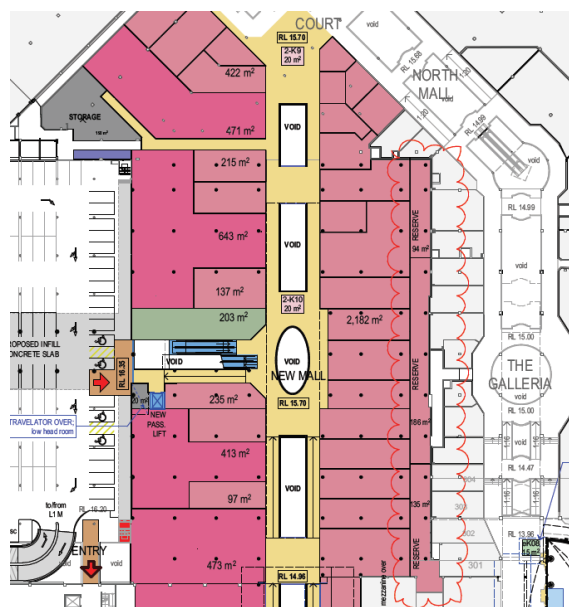
Proposed

It is also proposed to clarify the allocation of the approved retail ‘reserve and storage areas’ between the new Parallel Mall and existing Galleria Mall as ‘Specialty Reserve’ at Ground Level and Level 01 as shown in **Figure 7** below. This modification will not result in any change to the approved GLFA as these areas have already been counted as part of the approved GLFA for the shopping centre as they are associated with retail spaces to be leased.

FIGURE 7 – PROPOSED CLARIFICATION OF ‘SPECIALTY RESERVE’ AT LEVEL 01



Approved



Proposed

Another minor modification proposed relates to minor alterations to circulation space at ground level and Level 01 between Myer Court and the Myer tenancy, with these changes being wholly internal and not altering GLFA.

3.6 GROSS LETTABLE FLOOR AREA

The proposed modification will not result in an increase in the approved GLFA of the shopping centre.

This is because the 2,634 m² of GLFA that has been approved for demolition as part of MOD 2014/0285 to DA2008/1742 will result in a deficit of GLFA within the shopping centre that has not been accounted for in previous applications.

This application seeks to transfer a portion of this GLFA (1,106 m²) to Level 02, to convert the approved 'Centre Management' office (currently not counted towards GLFA) to GLFA.

A minor portion of this GLFA (103 m²) will be absorbed as part of the proposed reconfiguration of existing retail spaces within the North Court.

Another minor portion of this GLFA (66 m²) will also be absorbed as part of the proposed retail office space associated with the proposed Car Wash Bay.

A summary of the LGFA Gains and Losses addressed in this modification application is shown in **Table 1** below:

TABLE 1 – SUMMARY OF GLFA GAINS AND LOSSES

BUILDING COMPONENT	GLFA	TOTAL
Existing Tenancies to be demolished as part of MOD 2014/0825 to DA2008/1742	<ul style="list-style-type: none"> ▪ HCF & Godfathers Building <ul style="list-style-type: none"> ○ Ground Level – 607 m² ○ Ground Level Mezzanine – 1,037 m² ▪ Bing Lee – 990 m² 	-2,634 m ²
Proposed expansion of tenancy GLFA on Level 2 (previously approved centre management space which was not counted as GLFA).	1,106 m ²	+1,106 m ²
Proposed Retail office space associated with Car Wash Bay	29 m ² + 37 m ²	+66 m ²
North Court Retail Reconfiguration	+103 m ²	+103 m ²
Excess GLA yet to be allocated		-1,359 m²

As such, the proposed modification works that are part of this Section 96(1A) application will not result in a net increase in GLFA as it will absorb a portion of the existing (unallocated) GLFA associated with the 'HCF & Godfathers Building' and the 'Bing Lee Building' which have been approved for demolition.

These demolition works approved under the development consent for DA 2008/1742 (as well as works approved under DA 2008/1742) have commenced on site, and the proposed works will ensure that the HCF tenancy can relocate to Level 02 when the existing HCF building is demolished, ensuring ongoing operation of this business.

Note also that the proposed clarification of previously approved retail 'reserve and storage areas' at Ground Level and Level 01 as 'specialty reserve' will not result in any change to the approved GLFA as these areas have already been counted as part of the approved GLFA for the shopping centre.

3.7 TRAFFIC AND CAR PARKING

The proposed modifications will not result in any changes to the existing car parking spaces or access arrangements.

As described in **Section 3.2** and **Section 3.5**, the proposed modification will not result in a net increase in GLFA; therefore traffic generation for the current scheme would be consistent with those arising from the approved scheme.

This modification application does not seek to change the approved access arrangements or layout of the approved car parks.

3.8 AMENDMENTS TO CONDITIONS OF CONSENT

Amended architectural plans detailing the proposed modifications have been provided in **Appendix A**.

Condition of Consent no. 1B for DA 2008/1741 (as previously modified) will need to be updated to reflect the amended architectural plans as follows:

“Condition No. 1B – Modification of Consent – Approved Plans and supporting Documentation

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

a) Modification Approved Plans

<i>Architectural Plans – Endorsed with Council's stamp</i>		
<i>Drawing No.</i>	<i>Dated</i>	<i>Prepared By</i>
DA 01.5201 Proposed Ground Floor Level Rev D Rev F	20/10/2014 29/10/2015	Scentre Design & Construction
DA 01.5202 Proposed Ground Floor Level Mezzanine Rev D Rev F	20/10/2014 29/10/2015	Scentre Design & Construction
DA 01.5203 Proposed Level 01 Rev D Rev F	20/10/2014 29/10/2015	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 Rev F	20/10/2014 29/10/2015	Scentre Design & Construction
DA 01.5206 Proposed Roof Plan Rev D Rev F	20/10/2014 30/10/2015	Scentre Design & Construction
DA 01.5251 Demolition Plan - Ground Level Rev D Rev F	17/10/2014 22/10/2015	Scentre Design & Construction
DA 01.5252 Demolition Plan – Ground Level Mezzanine Rev F	22/10/2015	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 01.5303 West & South Elevation Rev D	30/10/2015	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	14/10/2014	Scentre Design & Construction
DA 01.5512 View Impact Study Rev A	22/10/2015	Scentre Design & Construction
DA 01.5513 View Impact Study Rev A	22/10/2015	Scentre Design & Construction

Reports / Documentation – All recommendations and requirements contained within:

Report No. / Page No. / Section No.	Dated	Prepared By
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:

Landscape Plans		
Drawing No.	Dated	Prepared By
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)”

3.9 CONCURRENT SECTION 96 (1A) MODIFICATION APPLICATION

Note that a concurrent Section 96(1A) application currently with Council relating the Centre Court Shade Sail Structure (MOD2015/0190) will necessitate the modification of the following conditions, provided below only for information purposes:

- Condition 1B – ‘Modification of Consent – Approved Plans and supporting Documentation’ of DA2008/1741 (modified as part of MOD2014/0230) will need to be modified to include the amended architectural plan for the Centre Court Shade Sail (*Drawing no. DA 01.5403 Centre Court Rev C, dated 22/07/2015*), and to remove reference to Drawing No. DA 01.5403 Centre Court Rev B, dated 14/11/2014, approved under MOD2014/0230.
- Condition 30C of DA2008/1741 (added as part of MOD2014/0230) provides a maximum height of RL28.00 for the height of open roof structures. It is proposed to amend Condition 30C to reflect the proposed amendment to the height of the Centre Court Shade Sail Structure as shown in red below:

“30C. 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~~ is to be restricted to a maximum height of RL 28.00, and the open air shade sail over the existing centre court area is to be restricted to a maximum height of RL 29.20.

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

4 Section 96(1A) Assessment

The proposed modification to the existing development consent is sought under Section 96(1A) of the *Environmental Planning and Assessment Act 1979*. Under Section 96 (1A) 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 Section 96(1A), which the proposed modification is assessed against below.

4.1 MINIMAL ENVIRONMENTAL IMPACT

In accordance with Section 96(1A)(a), the proposed development is considered to be of minimal environmental impact because:

- The proposed modification will not increase the GLA of the shopping centre. This modification application will transfer a portion of the GLA that was previously approved for demolition as part of DA2008/1742 to Level 2 of the Myer Building to facilitate the relocation of the HCF tenancy;
- The proposed Roof Storage will be internal to the site, and not visible from the public domain and residential uses adjacent to the Warringah Mall site. The views from the escarpment to the west, north west and south west of the site that are impacted by the proposed roof level storage room are minimal to inconsequential. In addition, these views would be to other development within the Warringah Mall site or a commercial building on the eastern side of Pittwater Road.

4.2 SUBSTANTIALLY THE SAME DEVELOPMENT

In accordance with Section 96(1A)(b), the proposed development is considered 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, except for a minor increase in the roof level over a limited portion of Zone B over the Myer building, which represents a small percentage of the overall roof structure of the shopping centre and is located internal to the site ensuring that the scale of the development when viewed from the public domain remains unchanged.
- The proposal does not result in a net increase over the approved GLFA of the centre (i.e. 8,000 m²) nor modify the approved car parking arrangements on the site.

4.3 NOTIFICATION PROCESS

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

4.4 CONSIDERATION OF SUBMISSIONS

In accordance with Section 96(1A)(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 modification will support the abovementioned zone objectives because:

- The amendments to the North Court retail spaces will improve the functionality of the space in line with the operational requirements of retailers and will enhance the status of Warringah Mall as a destination for a range of retail offerings and entertainment;
- The incorporation of a car wash bay within the Palm Tree multi-deck carpark will increase the amenity and convenience available to the shopping centre's customers on the site;
- The proposed Roof Storage will enhance the ongoing operation of Warringah Mall ensuring the long term viability of the shopping centre. This report and the architectural plans at **Appendix A** demonstrate that the proposed design will have minimal environmental amenity impacts in terms of scale, built form, and view impacts.

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 B**. The assessment indicates that the proposed amendments are largely consistent with the objectives and the intent of the WDCP 2011 provisions.

5.3 LIKELY IMPACTS

5.3.1 BUILT FORM AND URBAN DESIGN

A majority of the proposed modifications are internal to the site and the shopping centre building, and will not have an impact on the built form and urban design of the approved development.

The proposed Level 02 Roof Storage will exceed the Warringah DCP 2011 height control of RL 28.00. However, the proposed addition will ensure that any adverse built form and urban design impacts are mitigated through the design approach detailed below:

- The Roof Storage and modified plant will be located internal to the site to ensure that it is not visible from the public domain and surrounding residential uses adjacent to the site, maintaining the shopping centre's approved scale and built form appearance;
- A View Impact Study has been conducted to ensure that the proposed addition does not impact any views over the shopping centre development from the higher escarpments to the west, north west and south west of the site;

- The materials and finishes chosen for the Roof Storage will ensure that it blends in with the approved shopping centre development, and will not result in any adverse reflectivity impacts.
- There are no overshadowing impacts associated with the roof storage.

5.3.2 TRAFFIC AND PARKING

The above mentioned proposed modifications will not result in any changes to the approved car parking numbers on the site.

As described in **Section 3.2**, the proposed modification will not result in a net increase in GLA; therefore traffic generation for the current scheme would be consistent with those arising from the approved scheme.

5.3.3 STORMWATER AND FLOOD MANAGEMENT

The current modification application does not propose to modify any of the approved stormwater and flood management measures.

5.3.4 NOISE AMENITY

It is not envisaged that there will be any acoustic amenity issues associated with the proposed modification.

The proposed car wash bay will only function during the operational hours of the shopping centre, and will be wholly contained within the footprint of the approved multi-deck Palm Tree car park. The surrounding land uses to the Palm Tree car park include industrial uses to the north of the site and shopping centre uses within the site to its west, south, and east. As such, there are no sensitive land uses nearby.

5.3.5 BCA AND FIRE SAFETY

Appropriate BCA and fire safety arrangements will be maintained in accordance with the conditions of consent under DA 2008/1741 (as modified).

5.3.6 CONSTRUCTION IMPACTS

Any construction impacts associated with the proposed modifications can be managed in accordance with the conditions of consent under DA 2008/1741 (as modified).

5.3.7 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.

5.3.8 PUBLIC INTEREST

The proposed modification is consistent with the approved development and does not propose to increase the net GLFA or car parking spaces approved for the site.

The proposed expansion of the retail tenancy at Level 02 of the Myer Building will enable HCF to relocate from its current location along Condamine Street once this building is demolished. This will ensure continued access to this business for its customers, and maintain the range of retail offering available on the site for the local and wider community.

The proposed modification to the North Court retail will increase the functionality of these retail spaces, and the proposed car wash bay will improve the amenity and service offering available to customers of the shopping centre.

In addition, the proposed roof storage addition will have a negligible impact on the views overlooking Warringah Mall from properties located on the higher escarpment areas surrounding the site to the west, north west and south west.

6 Conclusion

Based on the assessment outlined above and the support documentation attached in **Appendix A & B**, it is concluded that the proposal to modify **Condition 2** of DA2008/1741 may be approved under the provisions of section 96(1A) of the *Environmental Planning and Assessment Act 1979*.

The amended design will enhance the quality, functionality, and amenity of Warringah Mall as described above.

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 consent should be supported and approved by Warringah Council.

Disclaimer

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

Appendix A

Amended Architectural Plans

Appendix B

Warringah Development Control Plan 2011 Compliance Table

Sydney

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201 Sussex Street Sydney, NSW 2000
t +02 8233 9900
f +02 8233 9966

Melbourne

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Brisbane

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Perth

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