



Warringah Council

COMMERCIAL OCCUPATION/ADDITIONS/SIGNAGE/CHANGE OF USE

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Assessment Officer: Phil Lane

Proposal Description: Alterations and additions to an existing retail premises

In detail: The proposal is for the conversion of the existing unused former Hoyts Cinemas lobby to retail shop, associated storage area and signage. The shop will be 310sqm in area with the storage area and entry area consisting of 43sqm.

Property Address: Lot 100, DP 1015283, Warringah Mall 145 Old Pittwater Road, Brookvale

Application No: DA2009/1631



Report Section	Applicable	Complete & Attached
Section 1 – Code Assessment	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 2 – Issues Assessment	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 2A – SEPP 64	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 2B – Schedule 17 Car parking	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 3 – Site Inspection Analysis	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 4 – Application Determination	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Estimated Cost of Works: \$ 162000.00

Are S94A Contributions Applicable?

Yes No



Warringah Council

<i>Warringah Section 94A Development Contributions Plan</i>		
Contribution based on total development cost of		\$ 162,000.00
Contribution - all parts Warringah	Levy Rate	Contribution Payable
Total S94A Levy	0.45%	729.00
S94A Planning and Administration	0.05%	81.00
Total	0.5%	\$810

Notification Required?

Yes No

Submissions Received?

Yes No

No. of Submissions: Nil

Are any trees impacted upon by the proposed development? Yes No

SECTION 1 – CODE ASSESSMENT REPORT

ENVIRONMENTAL PLANNING INSTRUMENTS

WLEP 2000

Locality: G9 Warringah Mall

“The Warringah Mall locality will continue to provide a range of retail, leisure, community and ancillary services catering for the needs of the surrounding region. However, if retail development is to expand beyond its current approved size regard must be had to any detailed and approved masterplan that includes an assessment of social and economic impacts for the site”

Comment: Conversion of 310sqm of Cinema (Entertainment Facility) floor space to retail floor space (shop) is consistent with the Warringah Mall DCP as this retail floor space is within the allowable additional 35 000sqm GLFA provided for by Clause 3.4 “Requirements” of the Warringah Mall DCP.

This report assesses the proposal having regard to the Warringah Mall DCP, under the heading Warringah Development Control Plan (Warringah Mall Shopping Centre).

Period of Public Exhibition?

14 days 21 days 30 days N/A

Development Definition: Housing

Ancillary Development to Housing Other (Retail shop)

Category of Development: Category 1

Category 2 Category 3

Desired Future Character:

Category 1 Development with no variations to BFC’s (Section 2 Assessment not required)

Is the development considered to be consistent with the Locality’s Desired Future Character

Statement? Yes No

Category 1 Development with variations to BFC’s (Section 2 Assessment Required)

Category 2 Development Consistency Test (Section 2 Assessment Required)

Category 3 Development Consistency Test (Section 2 Assessment Required)

Draft WLEP 2009 Permissible or Prohibited Land use: Permissible



General Principles of Development Control:

<p>CL38 Glare & reflections Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p>CL39 Local retail centres Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p>CL40 Housing for Older People and People with Disabilities Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p>CL41 Brothels Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p>CL42 Construction Sites Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p>CL43 Noise Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p>CL44 Pollutants Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p>CL45 Hazardous Uses Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p>CL46 Radiation Emission Levels Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p>CL47 Flood Affected Land Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No Comment: The land is subject to flooding and a referral was sent to Council's Natural Environment Department. Comments received back from this department have established that the proposed shop is not located within 1 in 100 year flood event. Given the above the proposal is compliant with this clause.</p>



<p>CL48 Potentially Contaminated Land Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Complies: Based on the previous land uses if the site likely to be contaminated? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Is the site suitable for the proposed land use? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>CL49 Remediation of Contaminated Land Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p>CL49a Acid Sulfate Soils Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p>CL50 Safety & Security Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p>CL51 Front Fences and Walls Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p>CL52 Development Near Parks, Bushland Reserves & other public Open Spaces Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p>CL53 Signs Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No Comment: There are two signs proposed for development each being 3.4m by 0.5m giving a total of 3.4sqm being located on the eastern elevation. Given the frontage of the shop it is deemed acceptable and compliant with this clause.</p>
<p>CL54 Provision and Location of Utility Services Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p>CL55 Site Consolidation in 'Medium Density Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p>CL56 Retaining Unique Environmental Features on Site Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>



CL57 Development on Sloping Land Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL58 Protection of Existing Flora Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL59 Koala Habitat Protection Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL60 Watercourses & Aquatic Habitats Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL61 Views Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL62 Access to sunlight Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL63 Landscaped Open Space Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL63A Rear Building Setback Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL64 Private open space Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL65 Privacy Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL66 Building bulk Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL67 Roofs Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No



<p>CL68 Conservation of Energy and Water Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p>CL69 Accessibility – Public and Semi-Public Buildings Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p>CL70 Site facilities Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p>CL71 Parking facilities (visual impact) Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p>CL72 Traffic access & safety Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p>CL73 On-site Loading and Unloading Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p>Clause 74 Provision of carparking</p> <p>Adequate off-street carparking is to be provided within the subject property boundaries having regard to:</p> <ul style="list-style-type: none"> • the land use, and • the hours of operation, and • the availability of public transport, and • the availability of alternative carparking, and • the need for parking facilities for courier vehicles, delivery/service vehicles and bicycles. 	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>CL75 Design of Carparking Areas Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p>CL76 Management of Stormwater Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p>CL77 Landfill Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>



CL78 Erosion & Sedimentation Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL79 Heritage Control Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL81 Notice to Heritage Council Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL82 Development in the Vicinity of Heritage Items Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL83 Development of Known or Potential Archaeological Sites Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No

Schedules:

Schedule 4 Prohibited Signage (further assessment where appropriate under SEPP 64) Applicable: (i.e. are prohibited signs proposed?) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> DAO to investigate further
Schedule 5 State policies Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> DAO to investigate further
Schedule 6 Preservation of bushland Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> DAO to investigate further
Schedule 7 Matters for consideration in a subdivision of land Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> DAO to investigate further
Schedule 8 Site analysis Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> DAO to investigate further



<p>Schedule 9 Notification requirements for remediation work</p> <p>Applicable:</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> DAO to investigate further</p>
<p>Schedule 10 Traffic generating development</p> <p>Applicable:</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> DAO to investigate further</p>
<p>Schedule 11 Koala feed tree species and plans of management</p> <p>Applicable:</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> DAO to investigate further</p>
<p>Schedule 12 Requirements for complying development</p> <p>Applicable:</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> DAO to investigate further</p>
<p>Schedule 13 Development guidelines for Collaroy/Narrabeen Beach</p> <p>Applicable:</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> DAO to investigate further</p>
<p>Schedule 14 Guiding principles for development near Middle Harbour</p> <p>Applicable:</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> DAO to investigate further</p>
<p>Schedule 15 Statement of environmental effects</p> <p>Applicable: (Category 3 only)</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> DAO to investigate further</p>
<p>Schedule 17 Carparking provision</p> <p>Applicable:</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p> <p>Comment: The proposed retail floor space would require 4.1 spaces per 100sqm GLFA = 12.71 car spaces which would be rounded up to 13 car spaces.</p> <p>The existing floor space as a cinema (entertainment facility) draws comparisons with developments for a similar purpose.</p> <p>Given the above the proposed change of uses would require the same rate of parking, therefore 13 car spaces (shop) versus 13 car spaces (cinema) with no additional parking requirements.</p> <p>There are 4468 parking spaces provided at the Warringah Mall. Peak parking demand has demonstrated that Saturday is the peak day for parking demand with some 4361 cars utilising the available parking spaces. Given the minor increase of floor area (353sqm) compared to the existing centre is it deemed that the proposed retail shop and storage area will be adequately catered by available parking on site.</p>

EPA Regulation Considerations:

<p>Clause 54 & 109 (Stop the Clock)</p> <p>Applicable:</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> DAO to investigate further</p>	
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<p>Clause 92 (Demolition of Structures) Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> DAO to investigate further</p>	<p>Addressed via condition? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Clause 93 & 94 (Fire Safety) Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> DAO to investigate further BCA report supplied? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Addressed via condition? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Further Assessment Required</p>
<p>Clause 98 (BCA) Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> DAO to investigate further</p>	<p>Addressed via condition? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Is a Construction Certificate required? Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> DAO to investigate further (BCA Assessment Required see Section 2)</p>	<p>Addressed via condition? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Disability & Discrimination Act Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> DAO to investigate further</p>	<p>Addressed via condition? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Amended plans required</p>
<p>Is a POPE (Place of Public Entertainment required?) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> DAO to investigate further</p>	<p>Addressed via condition? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>

REFERRALS

Referral Body/Officer	Required	Response
<p>Building Assessment & Compliance</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p><input type="checkbox"/> Satisfactory <input checked="" type="checkbox"/> Satisfactory, subject to condition <input type="checkbox"/> Unsatisfactory</p>
<p>Landscape Assessment</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p><input type="checkbox"/> Satisfactory <input type="checkbox"/> Satisfactory, subject to condition <input type="checkbox"/> Unsatisfactory</p>
<p>Bushland Management</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p><input type="checkbox"/> Satisfactory <input type="checkbox"/> Satisfactory, subject to condition</p>



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		<input type="checkbox"/> Unsatisfactory
Natural Environment	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Satisfactory <input type="checkbox"/> Satisfactory, subject to condition <input type="checkbox"/> Unsatisfactory
Aboriginal Heritage	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Satisfactory <input type="checkbox"/> Satisfactory, subject to condition <input type="checkbox"/> Unsatisfactory
Env. Health and Protection	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Satisfactory <input type="checkbox"/> Satisfactory, subject to condition <input type="checkbox"/> Unsatisfactory
NSW Rural Fire Service	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Satisfactory <input type="checkbox"/> Satisfactory, subject to condition <input type="checkbox"/> Unsatisfactory
Energy Australia	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Satisfactory <input type="checkbox"/> Satisfactory, subject to condition <input type="checkbox"/> Unsatisfactory

Applicable Legislation/ EPI's /Policies:

- EPA Act 1979
- EPA Regulations 2000
- Disability Discrimination Act 1992
- Local Government Act 1993
- Roads Act 1993
- Rural Fires Act 1997
- RFI Act 1948
- Water Management Act 2000
- Water Act 1912



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- Swimming Pools Act 1992;
- SEPP No. 55 – Remediation of Land
- SEPP No. 71 – Coastal Protection
- SEPP No. 22 Shops & Commercial Premises
- SEPP No. 64 – Advertising & Signage
- SEPP Infrastructure
- SEPP BASIX
- WLEP 2000
- WDCP
- S94 Development Contributions Plan
- S94A Development Contributions Plan
- NSW Coastal Policy (cl 92 EPA Regulation)
- Draft WLEP 2009
- WDCP Warringah Mall Shopping Centre

SECTION 79C EPA ACT 1979

Section 79C (1) (a)(i) – Have you considered all relevant provisions of any relevant environmental planning instrument?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 79C (1) (a)(ii) – Have you considered all relevant provisions of any provisions of any draft environmental planning instrument	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 79C (1) (a)(iii) – Have you considered all relevant provisions of any provisions of any development control plan	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 79C (1) (a)(iiia) - Have you considered all relevant provisions of any Planning Agreement or Draft Planning Agreement	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Section 79C (1) (a)(iv) - Have you considered all relevant provisions of any Regulations?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 79C (1) (b) – Are the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality acceptable?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 79C (1) (c) – Is the site suitable for the development?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 79C (1) (d) – Have you considered any submissions made in accordance with the EPA Act or EPA Regs?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 79C (1) (e) – Is the proposal in the public interest?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No



Warringah Council

Warringah Development Control Plan (Warringah Mall Shopping Centre)

Adopted by Council on 8 December 2009, In effect from 19 December 2009

The Warringah Mall Development Control Plan has been prepared in accordance with Division 6 of the *Environmental Planning & Assessment Act 1979* (the Act) and Part 3 of the *Environmental Planning & Assessment Regulation 2000*. This Development Control Plan (DCP) provides more detailed provisions than those contained in the *Warringah Local Environmental Plan 2000* (WLEP 2000) for development specifically related to the Warringah Mall Shopping Centre site.

In accordance with Section 79C of the Act, the consent authority is required to take into consideration the relevant provisions of this DCP, in determining applications for development within the Warringah Mall Shopping Centre site.

Comment: The proposed conversion of entertainment facility floor space to shop floor space is deemed to have minimal overall impact to the Warringah Mall Shopping Centre and acceptable in this instance. This is due to the external building envelope being maintained except for 43sqm of storage area. The provisions of the Warringah Mall DCP in relation to "Built Form", "Amenity", "Access & Movement", and "Environmental Management" are therefore maintained. In terms of the additional storage area CL3.2 of the Warringah Mall DCP states:

"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."*

"Requirements

Corner of Condamine Street and Old Pittwater Road

- *Future development at the corner of Condamine Street and Old Pittwater Road is to create a defined built edge to address the street.*
- *The existing mature trees along the eastern boundary of the site adjoining Condamine Street are to be retained.*
- *Any future development at the corner of Condamine Street and Old Pittwater Road is to be designed to strongly define the corner and reinforce the prominence of this "Gateway" site arrival point."*

Comments: The proposed storage area will be located adjacent to the existing building blending in with the interface of the eastern facade of the existing building. The storage area will ensure appropriate interface with adjoining and surrounding land uses and both Condamine Street and Old Pittwater Road. The existing landscaping particularly to the southeast corner of the Warringah Mall (at the junction of Condamine Street & Old Pittwater Road) will remain with the existing plantings along both street frontages remain which screen the proposed storage area from the public domain. The existing building will still remain and define the corner and reinforce the prominence of this "Gateway and arrival point" for the southern end of the Warringah Mall.

Given the above it is proposed that the storage area will be consistent with Clause 3.2 of the Warringah Mall DCP.

In relation to signage Clause 4.4 – Advertising and signage of the Warringah Mall DCP states:

"Objectives

- a) To ensure that all advertising and business identification signage achieves a high level of design quality in terms of graphic design, its relationship to the architectural design of buildings and the character of streetscapes.*
- b) To promote signs that add character to the streetscape and assist with way finding and the pedestrian usability of the centre.*
- c) To promote signs that complement the architectural style and use of buildings.*
- d) To consider the amenity of residential development and the visual quality of the public domain in the design and illumination of signage.*

Comments: Given the location of the signage (eastern elevation), which will be obscured predominately by the existing planting and vegetation along the Condamine Street and Pittwater Road frontages it is deemed that size (3.4sqm) of the proposed signage will be complementary to the use of the building. The signage will allow customers to identify the use with the proposed shop and be consistent with



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existing streetscape character (given the proposed size). A condition will be included that the signs are non-illuminated.

Given the above it is proposed that the storage area will be consistent with Clause 4.4 of the Warringah Mall DCP.

In relation to signage Clause 5.3 – Parking Facilities of the Warringah Mall DCP states:

“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.”*

Comments: In accordance with the parking and traffic report submitted with the application from “Colston Budd Hunt & Kafes Pty Ltd” it was support that the proposal (shop and storage area) that the existing parking and traffic facilities would more than adequately cater for the proposal. Facilities for alternative modes of transport other than motor vehicles would be available such as storage areas within convenient and safe locations and adequate shower and locker facilities for employees.

Given the above it is proposed that the storage area will be consistent with Clause 5.3 of the Warringah Mall DCP.

DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS:

Draft Warringah Local Environmental Plan 2009 (Draft WLEP 2009)

Definition: retail premises

“means a building or place used for the purpose of selling items by retail, or for hiring or displaying items for the purpose of selling them by retail or hiring them out, whether the items are goods or materials (or whether also sold by wholesale)”

Land Use Zone: B3 Commercial Core

Permissible or Prohibited: Permissible

Additional Permitted used for particular land – Refer to Part 1: Not applicable

The proposed development is consistent with the aims and objectives of the Draft WLEP 2009.

SECTION 2 – ISSUES

SEPPs

Other Relevant Environmental Planning Instruments:

SEPPs: Applicable? Yes No

SEPP Basix: **Applicable?**

Yes No

If yes: Has the applicant provided Basix Certification?

Yes No



Warringah Council

SEPP 55 Applicable?

Yes No

Based on the previous land uses if the site likely to be contaminated?

Yes No

Is the site suitable for the proposed land use?

Yes No

**SEPP Infrastructure
Applicable?**

Yes No

**Is the proposal for a swimming pool:
Within 30m of an overhead line support structure?**

Yes No

Within 5m of an overhead power line ?

Yes No

Does the proposal comply with the SEPP?

Yes No

OTHER MATTERS FOR FURTHER CONSIDERATION:

Section 2A - SEPP No. 64 – Advertising and Signage

<p>CL53 Signs Applicable:</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Complies:</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p> <p>Comment: There are two signs proposed for development each being 3.4m by 0.5m giving a total of 3.4sqm being located on the eastern elevation. Given the frontage of the shop it is deemed acceptable and compliant with this clause.</p>
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Is SEPP 64 Applicable to the proposal? Yes No (delete table below)

Clauses 8 and 13 of SEPP 64 require Council to determine consistency with the objectives stipulated under Clause 3(1) (a) of the aforementioned SEPP and to assess the proposal against the assessment criteria of Schedule 1.



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Matters for Consideration	Comment	Complies
<p>1. Character of the area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</p>	<p>The subject site is located within the G9 Warringah Mall locality under WLEP 2000. This locality is primarily retail centre with associated services which provide advertising signage for the premises, including wall and window signs.</p> <p>The proposed development seeks the erection of two wall signs on the eastern building facade which is consistent with existing surrounding signage.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</p>	<p>The subject site is located within an existing retail centre land use area with varying signage and building form. The proposed signage is considered to be satisfactory with regard to the advertising theme for the commercial uses within the locality.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>2. Special areas Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</p>	<p>The subject site is not located within the vicinity of any environmentally sensitive area, heritage item, waterway or rural landscape.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>3. Views and vistas Does the proposal obscure or compromise important views?</p>	<p>The proposed signage is designed to be painted onto the existing building parapet and will not obscure or compromise important views.</p> <p>In addition, the proposed signage will not result in the obscuring of views from any public or private domain.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>Does the proposal dominate the skyline and reduce the quality of vistas?</p>	<p>All proposed signage is located below the existing roof line and will therefore not result in any change to the existing built form.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>Does the proposal respect the viewing rights of other advertisers?</p>	<p>Due to the buildings design and locality no existing or proposed signage will interfere with the viewing right of other advertisers.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</p>	<p>The proposed signage is not considered to adversely impact on the surrounding streetscape, setting or landscape due to the location of the signage.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>Does the proposal respect the viewing rights of other advertisers?</p>	<p>Due to the buildings design and locality no existing or proposed signage will interfere with the viewing right of other advertisers.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</p>	<p>The proposed signage is not considered to adversely impact on the surrounding streetscape, setting or landscape due to the location of the signage.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No



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Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage is consistent with that of surrounding development, it is consistent with the existing built form and is considered to be in scale with the building to which it will be attached.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	It is considered that the proposed signage will maintain the status quo with regard to clutter and rationalisation.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the proposal screen unsightliness?	The proposed signage is designed as a wall sign and will not obscure any unsightliness.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	All proposed signage is to be constructed on the buildings existing parapet, and will not protrude beyond the roof line.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
5. Site and building Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed signage is considered to be compatible with the scale, proportion and other characteristics of the site or building due to the location of the signage	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the proposal respect important features of the site or building, or both?	All proposed signage has been designed as wall signs on the existing building parapet, the signage is considered to be consistent with that of the built form and to that of surrounding development, as such the proposal is considered to respect the important features of the site and building.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage is standard in design, it is consistent with that of surrounding development and is considered satisfactory for the proposed use.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
6. Associated devices and logos with advertisements and advertising structures Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	No safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed have been proposed as part of this application.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
7. Illumination Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation?	No illumination is proposed.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Can the intensity of the illumination be adjusted, if necessary?	No illumination is proposed	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is the illumination subject to a curfew?	No illumination is proposed	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No



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8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	Due to the location of the proposed signage and conditions, the proposed signage is not considered to have any adverse impact upon the safety for any public road, pedestrians or bicyclists.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	Due to the location of the proposed signage it is considered that the signage will not result in the obscuring of any views.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

The objectives of the policy aim to ensure that the proposed signage is compatible with the desired amenity and visual character of the locality, provides effective communication and is of high quality having regards to both design and finishes.

Proposal is satisfactory Yes No

WLEP 2000 Clause 53 Signs

CL53 Signs	The number, size, shape, extent, placement and content of signs are to be limited to the extent necessary to: <ul style="list-style-type: none"> • allow the reasonable identification of the land use, business, activity or building to which the sign relates, and • ensure that the sign is compatible with the design, scale and architectural character of the building or site upon which it is to be placed, and • ensure that the sign does not dominate or obscure other signs or result in visual clutter, and • ensure that the sign does not endanger the public or diminish the amenity of nearby properties. 	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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Is there existing signage on site? Yes No

Will the existing signage be retained? Yes No – condition removed

Section 2B Schedule 17 Carparking Provision

<p>Number of car spaces existing 4468 spaces, complies? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> FAR</p> <p>Total number of car spaces required 4361 spaces? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> FAR</p> <p>Total number of car spaces proposed 4468 spaces, complies? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> FAR</p>	<p>Addressed via condition? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Further Assessment Required</p> <p>The proposed retail floor space would require 4.1 spaces per 100sqm GLFA (given that the Warringah Mall exceeds 30000sqm in area) = 12.71 car spaces which would be rounded up to 13 car spaces.</p> <p>The existing floor space as a cinema (entertainment facility) draws comparisons with developments for a similar purpose.</p> <p>Given the above it is recommended that the proposed change of uses would require the same rate of parking, therefore 13 car spaces (shop) versus 13 car spaces (cinema) with no additional parking requirements.</p> <p>There are 4468 parking spaces provided at the Warringah Mall. Peak parking demand has demonstrated that Saturday is the peak day for parking demand with some 4361 cars utilising the available parking spaces. Given the minor increase of floor area (353sqm) compared to the existing centre is it deemed that the proposed retail shop and storage area will be adequately catered by available parking on site.</p>
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SECTION 3 – SITE INSPECTION ANALYSIS



Site area 17.1 Ha

Detail existing onsite structures:

- None
- Dwelling
- Detached Garage
- Detached shed
- Swimming pool
- Tennis Court
- Cabana
- Other (Shopping Centre & Carparks)

Site Features:

- None
- Trees
- Under Storey Vegetation
- Rock Outcrops

- Caves
- Overhangs
- Waterfalls
- Creeks / Watercourse
- Aboriginal Art / Carvings
- Any Item of / or any potential item of heritage significance

Potential View Loss as a result of development

- Yes No

If Yes where from (in relation to site):

- North / South
- East / West
- North East / South West
- North West / South East

View of:



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Ocean / Waterways Yes No
Headland Yes No

District Views Yes No
Bushland Yes No
Other:

Bushfire Prone?

Yes No

Flood Prone?

Yes No

Affected by Acid Sulfate Soils

Yes No

Located within 40m of any natural watercourse?

Yes No

Located within 1km landward of the open coast watermark or within 1km of any bay estuaries, coastal lake, lagoon, island, tidal waterway within the area mapped within the NSW Coastal Policy?

Yes No

Located within 100m of the mean high watermark?

Yes No

Located within an area identified as a Wave Impact Zone?

Yes No

Any items of heritage significance located upon it?

Yes No

Located within the vicinity of any items of heritage significance?

Yes No

Located within an area identified as potential land slip?

Yes No

Is the development Integrated?

Yes No

Does the development require concurrence?

Yes No

Is the site owned or is the DA made by the "Crown"?

Yes No

Have you reviewed the DP and s88B instrument?

Yes No

Does the proposal impact upon any easements / Rights of Way?

Yes No



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Site Inspection / Desktop Assessment Undertaken by:

Does the site inspection <Section 3> confirm the assessment undertaken against the relevant EPI's <Section's 1 & 2>?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there any additional matters that have arisen from your site inspection that would require any additional assessment to be undertaken?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes provide detail:

Signed

Date 1 February 2010

Phil Lane, Senior Development Assessment Officer

SECTION 4 – APPLICATION DETERMINATION

Conclusion:

The site has been inspected and the application assessed having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, the provisions relevant Environmental Planning Instruments including Warringah Local Environment Plan 2000, Draft Warringah Local Environmental Plan 2009 and the relevant codes and policies of Council and the proposed development is considered to be:

- Satisfactory
- Unsatisfactory

Recommendation:

That Council as the consent authority

- GRANT DEVELOPMENT CONSENT** to the development application subject to:
 - (a) the conditions detailed within the associated notice of determination; and
 - (b) the consent lapsing within three (3) from operation

"I am aware of Warringah's Code of Conduct and, in signing this report, declare that I do not have a Conflict of Interest"

Signed

Date 1 February 2010

Phil Lane, Senior Development Assessment Officer

The application is determined under the delegated authority of:

Signed

Date 1 February 2010

Rodney Piggott, Team Leader, Development Assessment