

REPORT TO APPLICATION DETERMINATION PANEL

Meeting held on 05 March 2015

56 - 58 Glen Street Belrose, 56 - 58 Glen Street Belrose - Modification of Development Consent DA2013/1447 granted for demolition works, the construction of a retail centre and signage (Glenrose Shopping Centre)

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2014/0225
----------------------------	--------------

Responsible Officer:	Luke Perry
Land to be developed (Address):	Lot 104 DP 597544 , 56 - 58 Glen Street BELROSE NSW 2085 Lot 4 DP 548285 , 56 - 58 Glen Street BELROSE NSW 2085
Proposed Development:	Modification of Development Consent DA2013/1447 granted for demolition works, the construction of a retail centre and signage (Glenrose Shopping Centre)
Zoning:	LEP - Land zoned B2 Local Centre LEP - Land zoned B2 Local Centre
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Warringah Council Application Determination Panel
Land and Environment Court Action:	No
Owner:	Fabcot Pty Limited The Trust Company Limited
Applicant:	Fabcot Pty Limited

Application lodged:	14/10/2014
Application Type:	Integrated
State Reporting Category:	Commercial/Retail/Office
Notified:	07/11/2014 to 09/12/2014

Advertised:	08/11/2014
Submissions:	6
Recommendation:	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 Local Environmental Plan 2011 - 4.3 Height of buildings

Warringah Local Environmental Plan 2011 - 6.3 Flood planning

Warringah Development Control Plan - C3 Parking Facilities

Warringah Development Control Plan - D3 Noise

Warringah Development Control Plan - D8 Privacy

Warringah Development Control Plan - E11 Flood Prone Land

SITE DESCRIPTION

Property Description:	Lot 104 DP 597544 , 56 - 58 Glen Street BELROSE NSW 2085 Lot 4 DP 548285 , 56 - 58 Glen Street BELROSE NSW 2085
Detailed Site Description:	The site is known as Lot 4, DP 548285 and Lot 104, DP 597544, Nos. 56-58 Glen Street, Belrose. The site is located on the northern side of Glen Street and has an area of 23,145 square metres. The site has a frontage to Glen Street which is 165.15 metres in length and a frontage to Glenrose Place that is over 90 metres in length. The topography of the site is characterised

by a fall of approximately 6 metres towards the northern (rear) boundary.

The Glenrose Shopping Centre currently occupies the site. The western side of the shopping centre has been demolished and remediation works have been completed on this area of the site. Approximately two thirds of the shopping centre has been demolished with only the existing Woolworths supermarket and 8 specialty retail tenancies retained.

The majority of the site is built upon with extensive car parking areas surrounding the centre. Sporadic tree planting and landscaping has been provided within the at grade car park adjoining Glen Street.

The site is located within Glen Street Village which is characterised by a variety of land uses. A shop top housing development at No.54 Glen Street adjoins the south-east corner of the site, Belrose Library and a service station are located on the western side of Glenrose Place. Directly opposite the site on the southern side of Glen Street is Glen Street Theatre and Lionel Watts Park.

The development surrounding Glen Street Village is predominantly characterised by detached single dwellings.

Two (2) primary areas of open space are located within close proximity to the site. Wingara Reserve adjoins the site to the north and Lionel Watts Reserve is located on the southern side of Glen Street opposite the south-eastern corner of the site.

Five (5) vehicular crossings from Glen Street enable vehicles to access and egress the site. Vehicles are also able to exit the site from a crossing which adjoins the northern end of Glenrose Place.

Map:



SITE HISTORY

DA2006/0079

DA2006/0079 was lodged with Council for the redevelopment of the Glenrose Shopping Centre to provide 24,751m² Gross Leasable Floor Area (GLFA) and 1,095 off street car parking spaces.

The application was amended a number of times resulting in a reduced development comprising 15,585m² (GLFA) and 680 car spaces.

The application was reported to the Independent Hearing and Assessment Panel (IHAP) on 17 June 2008 with a staff recommendation for approval. The panel recommended that the application be refused, which was adopted by Council at its meeting on 8 July 2008.

DA2009/1158

DA2009/1158 was lodged with Council as a Stage One Development Application. The application included a concept plan for the redevelopment of the Glenrose Shopping Centre and a detailed proposal for the first stage of the development, including partial demolition and alterations to the existing shopping centre.

The concept plan included building envelopes for future redevelopment of the shopping centre comprising in total a maximum Gross Leasable Floor Area of 10,000m² (GLFA) and an increase in car parking spaces from 360 to 430 spaces.

The Stage 1 works included the demolition of the western side of the shopping centre to allow for remediation works on this portion of the site which was found to be contaminated. The works resulted in approximately two thirds of the shopping centre being demolished retaining only the existing Woolworths supermarket and eight (8) special retail tenancies.

The application referred to the Joint Regional Planning Panel (JRPP) on 10 December 2009 where it was approved.

MOD2010/0078

MOD2010/0078 was lodged with Council to modify consent No. DA2009/1158.

The modifications involved a reduction of the remediation zone, the retention of the existing NAB bank, fish shop and vacant cafe tenancy; conversion of the vacant cafe tenancy into a centre management office; addition of a kiosk within the retained shopping centre area; addition of a temporary amenities building at the entry to the retained shopping centre; removal of a further two (2) trees within the at grade car park; and the provision of an additional three (3) car parking spaces within the at-grade car park.

The application was approved on 29 July 2010.

PLM2013/0115

A pre-lodgement meeting was held on 18 September 2013 to discuss DA2013/1447

DA2013/1447

This application was lodged with Council for the redevelopment of the Glenrose Shopping Centre. This application was granted Deferred Commencement Approval by the Joint Regional Planning Panel (JRPP) on 14 July 2014. The deferred commencement condition reads as follows:

'1. Flood mitigation

*Evidence demonstrating that the proposed works will have no impact on flooding for neighbouring properties is to be submitted to Councils satisfaction and approval.
Specifically the following information is to be submitted to demonstrate compliance:*

That the proposed flood mitigation works in the adjacent reserve to the north will not increase flooding for adjoining properties.

The impacts of the Probable Maximum Flood event on the proposed development and surrounding properties.

The impacts of the proposed regrading of Glenrose Place on the proposed development and surrounding properties.

Reason: To ensure adjoining properties will have no increase flooding as a result of the proposal (DACNEADC1)'

The development included 10, 200 sqm of retail floor space, 522 Car spaces, two (2) loading docks and sixteen (16) signs including three (3) pylon signs. The approved hours of operation are 7am - 10pm, Monday – Sunday. Delivery hours are restricted to 7am – 7pm.

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks to modify Development Consent No. 2013/1447 granted approval by the Sydney East Joint Regional Planning Panel on 17 July 2014 for the Construction of Shopping Centre (Glenrose Shopping Centre) comprising of Woolworths Supermarket, specialty shops and associated signage, Parking and Landscape works including Demolition works.

Specifically the modifications involve:

Deferred Commencement Condition

- Information submitted to satisfy the requirements of Condition No.1 relating to flooding impacts.

Staging Plan

- Staging of the construction in two stages to allow the existing Woolworths supermarket to continue at all times;
- Stage 1 works involve the construction of the new Woolworths Supermarket and a number of tenancies in the southern portion of the site; and
- Stage 2 works involve the demolition of the existing Woolworths Shopping centre once Stage 1 works have been completed.

Built form changes

- New roof top plant resulting in a increase in the maximum height of the building to 13.23m;
- Reconfiguration of the basement car parking level to satisfy Australian Standards and providing new areas of staff car parking;
- Inclusion of outdoor seating area (629m²) in the calculation of gross floor area;
- Reconfiguration of car spaces within the at grade car park;
- Reconfiguration of the loading dock in the northwestern corner of the site to accommodate an articulated vehicle
- Increase in the height of the Acoustic Screen from 2.1m to 2.4m along the north western boundary;
- Relocation of vehicle entry on Glen Street;
- Landscaping works; and
- Glazing to the western elevation of tenancy 9 and the adjoining stairwell.

Condition Changes

Proposed changes to the following conditions:

- 1. Flood mitigation
- 41. Authorisation of Legal Documentation Required for On-site Stormwater Detention
- 42. Restriction as to User for On-site Stormwater Detention
- 43. On-Site Stormwater Detention Compliance Certification
- 44. Positive Covenant for the Maintenance of Stormwater flood storage tank
- 45. Certification of Structures Located Adjacent to Council Pipeline or Council Easement
- 46. Positive Covenant for On-site Stormwater Detention
- 47. Creation of Positive Covenant and Restriction as a User
- 49. Required Planting
- 50. Post-Construction Dilapidation Survey
- 51. Certification of Drainage Works and Works as Executed Data
- 52. Consolidation of Lots or Restrictive Covenant
- 53. Acoustic Certification

The detailed changes to each condition are discussed in detail throughout this report.

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:
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 and is attached taking into all relevant provisions of the Environmental Planning and Assessment Act 1979 and 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 (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice given by relevant Council / Government / Authority Officers on the proposal;

In this regard, the consideration of the application adopts the previous assessment detailed in the Assessment Report for DA2014/1337, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 96(1A) of the Environmental Planning and Assessment Act, 1979, are:

Section 96(1A) - Other Modifications	Comments
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 proposed modification is of minimal environmental impact, and	Yes The modification, as proposed in this application, is considered to be of minimal environmental impact..
(b) 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 DA2013/1447.
(c) it has notified the application in accordance with: (i) the regulations, if the regulations so require, or	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.

Section 96(1A) - Other Modifications	Comments
(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	
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	See discussion on “Public Exhibition” in this report.

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)	<u>Division 8A</u> of the EP&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. <u>Clause 50(1A)</u> of the EP&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. <u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore

Section 79C 'Matters for Consideration'	Comments
	considered the number of days taken in this assessment in light of this clause within the Regulations. The applicant was advised by letter dated 27 October 2014 that additional information in the form of appropriate application fees, geotechnical report and a Clause 4.6 written justification was required in order to assess the application. The applicant provided the requested information above on 31 October 2014 and the application proceeded to assessment and notification. <u>Clause 92</u> of the EP&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. <u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition in the original consent. <u>Clause 98</u> of the EP&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.
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	(i) 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. (ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Public Exhibition” in this report.
Section 79C (1) (e) – the public interest	No matters have arisen in this assessment that would

Section 79C 'Matters for Consideration'	Comments
	justify the refusal of the application in the public interest.

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 process council is in receipt of 6 submission/s from:

Name:	Address:
Ms Michelle Maree Spath	10 / 54 Glen Street BELROSE NSW 2085
Mr David Allan Loomes	6 Marina Place BELROSE NSW 2085
Ms Elizabeth Paulsen	6 Marina Place BELROSE NSW 2085
Lisa Michelle Coleman	27 Coora Avenue BELROSE NSW 2085
Anthony Kinnaid Milne	34 Coora Avenue BELROSE NSW 2085

The following issues were raised in the submissions and each have been addressed below:

- **Privacy**
- **Noise**
- **Traffic Impacts**
- **Height and impact of equipment deck**

The matters raised within the submissions are addressed as follows:

Privacy

Concern is raised in relation to the addition of glazed areas on the western elevation of the building to Tenancy No. 9 and the stairwell.

Comment:

This matter is addressed in detail elsewhere within this report (refer to Clause D8 - 'Privacy' under the the WDCP section of this report).

In summary, notwithstanding the physical separation achieved between the building and neighbouring private property, given the finished floor level of the building is well above the natural ground level of the

adjoining public open space and nearby properties it is considered that there is the potential for unreasonable overlooking to occur.

In this regard, a condition has been included in the recommendation of this report requiring the windows to Tenancy No. 9 and the stair well are to be finished of obscured glazing.

This matter does not warrant refusal of the application.

Noise

Concern is raised in relation to the increased noise impacts on neighbouring properties as a result of the modifications to the loading dock in the north-western corner of the site to accommodate an articulated truck and the noise of the truck reversing. Concern is also raised in relation to the materials to be used for the acoustic screen.

Comment:

This matter is addressed in detail elsewhere within this report (refer to Clause D3 - 'Noise' under the the WDCP section of this report).

In summary, the application is supported by an Acoustic Report that addresses the acoustic impacts as a result of the modified loading dock to accommodate an articulated truck.

The report concludes that the development will not have an adverse impact on adjoining or neighbouring residential properties subject to compliance with the recommendations made within the original acoustic report as conditioned under DA2013/1447 and subject to the acoustic screen increasing in height from the approved 2.1m to a height of 2.4m.

The report has been reviewed by Council's Environmental Health Officer who concurs with the assessment and recommendations made within Acoustic Report subject to the modification of Condition No. 53 of DA2013/1447 to incorporate the revised Acoustic Report.

In regards to the material used for the acoustic screen, a condition of consent was imposed on the original application requiring a suitably qualified acoustic consultant to certify that the recommendations in the Noise Emission Assessment prepared by Acoustic Logic dated 22/10/2013 (original acoustic report) and a further condition was imposed that required Acoustic screening to be acoustically rated.

This matter does not warrant refusal of the application.

Traffic Impacts

Concern is raised in relation to the increased traffic as a result of the new shopping centre and that queuing traffic will have an impact on the amenity of nearby adjoining properties.

Comment:

The proposed modifications do not result in a increase in traffic generation to or from the site. The traffic impacts of the new shopping centre where assessed at the time of the original application where it was found that the development was acceptable on traffic grounds subject to conditions imposed on the

development consent.

As the proposed modifications do not increase traffic generation for the site this matter does not warrant refusal of the application.

Height and impact of equipment deck

Concern is raised in relation to the height and location of the new equipment deck/s and the impact they may have on adjoining properties.

Comment:

The height of the new plant rooms/equipment decks has been discussed in detail elsewhere within this report (refer to 'Clause 4.6 - Exception to Development Standards' under the Warringah Local Environmental Plan 2011).

In summary, the modified development proposes a maximum building height of 13.23m, which is 4.73m above the maximum height permitted under WLEP 2011.

The development is reliant upon the Height of Buildings Development Standard under the WLEP 2011 and has been appropriately assessed against Clause 4.6 of the WLEP 2011, where it is concluded that the development is found to be consistent with the objectives of the Development Standard, the zone objectives and does not result in any unreasonable visual, amenity or solar access impacts on neighbouring public or private property and the variation to the development standard is supported in this instance.

These matters does not warrant refusal of the application.

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
Development Engineers	Council's Development Engineers have reviewed the application and provided the following comments: <u>Deferred Commencement Condition</u> <i>In relation to the revised Flood Impact study for Glenrose Shopping Centre dated January 2015 and the request to delete the deferred commencement condition 1 (Ref DA2013/1447), the Natural Environment Development Engineering are providing the following comments:</i> 1) <i>The removal of the deferred commencement condition 1- Flood mitigation is not supported as the applicant has not demonstrated that the proposed works will not impact on the</i>

Internal Referral Body	Comments
	<i>flooding of neighbouring properties.</i> 2) <i>The Flood impact study states that “ raising the eastern boundary of the Site will increase PMF in fifteen properties to the east of the site and four properties to the west of the site. The maximum flood increase is limited to 75mm and this is limited to properties that are already flood prone in a PMF event.” Council considers this impact unacceptable and cannot support the proposed modification as the deferred commencement condition clearly states “That the proposed flood mitigation works in the adjacent reserve to the north will not increase flooding for adjoining properties.”</i> <u>Proposed wording changes to conditions</u> 'Condition 41)Authorisation Legal Documents On Site Stormwater Detention. <i>Not Supported , reason being that the Stage 1 building can be completed and the existing woolworths building can still exist for an indeterminate time .There are stormwater drainage upgrade works including an on site detention tank (OSD) as part of the stage one works and it is critical that Council receive the information including work as executed drawings and certifications at the completion of both stage 1 and stage 2 works.</i> Condition 42) Restriction as to user for On Site Stormwater Detention. <i>Not Supported , reason being that the Stage 1 building can be completed and the existing woolworths building can still operating for an indeterminate time .There are stormwater drainage upgrade works including an on site detention tank as part of the stage one works and it would follow that the restriction on use be prepared and registered once the stage one building works are completed.</i> Condition 43) On Site Detention Compliance Certification. <i>Not Supported .As drainage impacts and downstream flooding were are major impact identified with this development , its essential that OSD certification be prepared at the completion of the stage one works. The OSD tank is a critical component of the stage one works .</i> Condition 44) Positive Covenant for maintenance of Stormwater flood storage tank. <i>Not Supported .As drainage impacts and downstream flooding were are major impact identified with this development , its essential that Positive covenant for the Flood Tank certification be prepared at the completion of the stage two works and be received at the issue of any interim occupation certificate. The Flood storage tank is a critical component of the stage two works . If the wording is changed to final occupation</i>

Internal Referral Body	Comments
	<i>certificate then Council may never have the positive covenant registered until a final is issued and this could be an indefinite time period.</i> Condition 45) Certification of structures located adjacent to Council Pipeline or Council Easement. <i>Not Supported , reason being that the Stage 1 building can be completed and the existing woolworths building can still exist for an indeterminate time .These certifications are critical at both stage one and two works as the location of the building structure may have a detrimental impact on Councils existing stormwater drainage system.</i> Condition 46) Positive Covenant for On Site Detention <i>Not Supported , reason being that the Stage 1 building can be completed and the existing woolworths building can still operating for an indeterminate time .There are stormwater drainage upgrade works including an on site detention tank as part of the stage one works and it would follow that the positive covenant be prepared and registered once the stage one building works are completed.</i> Condition 47) Creation of Positive Covenant and restriction as a user <i>Not supported needs to be completed at both stages as the OSD tank is to be built with stage one and the flood storage tank with stage two and also should be submitted at the issue of any interim OC .</i> Condition 50) Post Construction Dilapidation Report <i>May be supported if the wording is changed as follows " prior to the issue of the interim occupation certificate for stage 2"</i> Condition 51) Certification of drainage works and work as executed data <i>Not supported as it is proposed to upgrade Councils existing stormwater drainage system for both stages and its critical that Council receive the information including work as executed drawings and certifications at the completion of both stage 1 and stage 2 works.'</i> <u>Comment:</u> The requirements of the deferred commencement condition have not been satisfied and the deletion of Condition No.1 as proposed is not supported. The wording changes proposed are also not supported with the exception of modification to the wording of Condition No. 50. Modification to the wording of Condition No. 50 has been included in the recommendation of this report.

Internal Referral Body	Comments
Environmental Health and Protection (Contaminated Lands)	Council's Environmental Health Officer has reviewed the contamination aspect of the development application and has provided the following comments: <i>'There are no objections to the proposed modification, the previous conditions imposed on DA2013/1447 will continue to apply.'</i>
Environmental Health and Protection (Industrial)	Council's Environmental Health Officer has reviewed the noise aspects of the development application and has provided the following comments: <i>'The application is accompanied by an Acoustic Report prepared by Acoustic Logic dated 07/10/2014 which addresses the modified loading dock arrangements to accommodate an articulated vehicle. The Acoustic Report has been reviewed and there are no objections to the proposal subject a condition requiring the compliance with the recommendations made within the report relating to the 2.4m high acoustic fence.'</i>
Landscape Officer	Council's Landscape Officer has reviewed the landscape aspects of the application and provided the following comments: <i>Following review of additional information the following comments are made.</i> <i>1. Amendment to Condition 49.</i> <i>It is noted that the SEE suggests a wording of condition 49 to include completion of landscape works within that stage as part of the works. No objections are raised, however it would appear that an additional condition is required to ensure that the landscape works within stage two are similarly addressed. Reworded conditions are included below for your consideration.</i> <i>49. Required Planting - Stage One</i> <i>i) All trees within the stage one scope of works are to be planted in accordance with the approved Landscape Plan.</i> <i>ii) Details demonstrating compliance including species, pot size and number of trees provided are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate for stage one.</i> <i>50. Required Planting - Stage Two</i> <i>i) All trees within the stage two scope of works are to be planted in accordance with the approved Landscape Plan.</i> <i>ii) Details demonstrating compliance including species, pot size and number of trees provided are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate for stage two.</i>

Internal Referral Body	Comments
	2. <i>Glen Street Carpark.</i> <i>No objections are raised the proposed landscaping as indicated on Landscape Plan Dwg. No. L 101 B dated 05.12.14 prepared by Elke Haege.</i> 3. <i>Amended Stormwater Plans.</i> <i>It is noted that the amended stormwater plan/report indicates a new wall/bund below Glen Place along the rear of the properties fronting Pindrie Place. (Page 29 Figure 15).</i> <i>Whilst no detail is provided regarding the barrier, based on the location shown on Fig. 15, the barrier would be located close to trees within the reserve, potentially causing damage and decline. The barrier is also shown crossing the public footpath though the reserve, which is not a practical solution.</i> <i>Additional information should be sought regarding details of the proposed barrier given the potential impacts on public land use and assets. Consequently, the proposal is not supported with regard to this aspect.</i> <u>Assessing Officers Comment:</u> As discussed in detail throughout this report, the deferred commencement condition has not been satisfied. In this regard, the stormwater plan/report is redundant and will not be approved as part of this application. Therefore, the comments made to in relation to the amended stormwater plans are irrelevant at this point in time.
Natural Environment (Flood)	Council's Natural Environment Unit have reviewed the flooding impacts of the application and provided the following comments: <i>'In relation to the revised Flood Impact study for Glenrose shopping centre dated January 2015 and the request delete the deferred commencement condition 1 (Ref DA2013/1447), the Flooding area have provided the following comments:</i> 1) <i>The removal of the deferred commencement condition 1 - Flood mitigation is not supported as the applicant has not demonstrated that the proposed works will not impact on the flooding of neighbouring properties.</i> 2) <i>The Flood impact study states that " raising the eastern boundary of the Site will increase PMF in fifteen properties to the east of the site and four properties to the west of the site. The maximum flood increase is limited to 75mm and this is limited to properties that are already flood prone in a PMF event." Council considers this impact unacceptable and cannot support the proposed modification as the deferred commencement condition</i>

Internal Referral Body	Comments
	<i>clearly states “That the proposed flood mitigation works in the adjacent reserve to the north will not increase flooding for adjoining properties.”</i> <i>3) The applicants must demonstrate that the proposed works will result in no adverse flooding impacts for neighbouring properties in any magnitude flood event.’</i>
Parks, reserves, beaches, foreshore	Council’s Parks, Reserves and Foreshores team has reviewed the application as it involves works within the adjoining Council Reserve and has provided the following comments: <i>‘I refer to the Flood Study Report (Brown Consulting, December 2014) for the Glenrose Shopping Centre Development (TRIM ref: 2014/379661). Amongst the mitigation measures proposed to reduce the impact of flooding posed by the development it suggests constructing a 300mm to 500mm high bund or flood wall along the property boundary of the Reserve and adjacent residential neighbours, this wall then continues to cut across an existing pedestrian pathway and through the front entrance of the Belrose Tennis Club creating a barrier between the south western court and the tennis building itself. See section 6.3 of the report for further detail.</i> <i>This bund replaces the previously approved bund on the boundary of the reserve that has been proposed to be removed by this Flood Study Report as it is no longer required to control water from the eastern catchment, see section 6.3 of the report.</i> <i>On behalf of Parks, Reserves and Foreshores I make the following comments on this matter:</i> <i>Based on what is shown in the Flood Study Report the proposal lacks detail and cannot be relied on to provide consent of any kind.</i> <i>• The location of the bund as drawn dissects a pedestrian pathway and would prevent access to a public facility in the form of the Tennis club, this proposed alignment for the bund is therefore unacceptable. The applicant has not provided any detail on any proposed amelioration measures for the pedestrian access to the tennis club facility or how pedestrian would use the public pathway to traverse the reserve.</i> <i>• The proposal to place a bund along the property boundary between the Reserve and 6 and 7 Prindrie PI will potentially have impacts on public trees, there is no detail on what these impacts will be, what measures would be taken to control these impacts or potential offsets.</i> <i>• The proposal to place a bund along the property boundary between the Reserve and 2A Ashworth Ave and 6 and 7 Prindrie PI will effect overland water flow, however the proposal does not</i>

Internal Referral Body	Comments
	<i>provide any detail how or where this water will be discharged.</i> <i>The proposal lacks definition in terms of precise alignment through the Reserve</i> <i>The proposal lacks any detail on proposed finishing</i> <i>Notwithstanding the comments above, the bund as drawn at its eastern extent would drive overland water flow from the pedestrian pathway onto the tennis courts and would also impede water flow through the dish drain that circumvents the tennis facility. This will likely have the effect of causing localised flooding of the tennis club making it unusable.</i> <i>The comments above are made on the bund as proposed in section 6.3 of the Flood Study Report referenced above and do not provide consent or the limit of commentary on the proposal both of which can only be considered after a more detailed proposal is provided. Council's Stormwater and Floodplain Management team and Council's Development Engineers should also be consulted on this proposal.'</i>
Buildings, Property, Spatial Information	Council's Buildings, Property, Spatial Information Manager has reviewed the application as it is located adjacent to a Council Library and has provided the following comments: <i>'No objections are raised to the proposed modifications subject to compliance with the original conditions of consent.'</i>
Road Reserve	Council's Road Assets Manager has reviewed the application and has provided the following comments: <i>'The relocation of the entry/exit from the western side of the existing bus stop to the eastern side of the bus stop does not impact on existing road assets.</i> <i>However this places the entry exit within 20m of the proposed new pedestrian crossing. A statutory no stopping zone on the approach to the pedestrian crossing may create a potential safety issue for pedestrians whereby vehicles exiting the car park may remain in the kerb side lane (Lane 1) whilst traffic travelling in lane 2. This does not meet the RMS technical direction for pedestrian crossings. It is requested Council's Traffic Section review and advise if the proposal is acceptable and whether or not it can be addressed during detailed design. Details of the proposed crossing and the approval of the new Glen Street crossing and associated signage require the approval of Council's Traffic Committee as per Condition 26. The previously approved Civil Works Plans do not appear to address this condition.</i> <i>It is also noted that previous Civil Works plans and associated landscaping plans do not adequately make provision for paving around the existing bus stop. Paving shall be constructed for the full width of the</i>

Internal Referral Body	Comments
	<i>bus zone length and meet the requirements for the Disability Standards for Accessible Public Transport. Tactile indicators to comply with Council's standards.'</i> <u>Assessing Officers Comment:</u> The matters raised above have been addressed by conditions of consent imposed on the original application.
Traffic Engineer	Council's Traffic Engineers have reviewed the application on traffic grounds and provided the following comments: The applicants traffic consultant has provided responses to the matters raised after the initial assessment of the proposal. <i>The traffic report provides that the parking has decreased from 522 spaces to 519 spaces however, this appears to include the three loading spaces provided in the at-grade car parking area which cannot be used as car parking. Even including these spaces the total number of spaces is 516. This provides the minimum amount of car parking required on-site for the development.</i> <u>Comment:</u> The traffic consultant has provided that the loading spaces provided in the at-grade car park will be available as parking spaces after 9:30am. This is acceptable provided that suitable signposting is provided. <i>The parking requirements for the development have increased from 437 spaces to 513 spaces.</i> <u>Comment:</u> This figure does include the 50 parking spaces from Glenrose Place. <i>The disabled parking space adjacent to the loading spaces in the at-grade car park is to comply with AS2890.6 as a disabled parking space.</i> <u>Comment:</u> The traffic consultant has provided that the area of the footpath adjacent to this spaces will be on the same level as the space, to comply with AS2890.6. <i>In the basement car park the aisle width above the Aldi loading dock is required to be 5.5m in width, to comply with AS2890.1 Section 2.3.2 (a). The current aisle width of 4.3m at this location will restrict manoeuvring room for a vehicle entering or exiting the parking space located adjacent to the hatched area.</i>

Internal Referral Body	Comments
	<u>Comment:</u> The traffic consultant has provided that the parking spaces either side of the hatched area can still be accessed, although restricted to particular entering and exiting manoeuvres when parking in the spaces either side of the hatched area and that this arrangement still complies with AS2890.1. Section 2.3.2 (a) of AS2890.1 provides that parking aisles for 90 degree parking shall be designed for two-way movement even though one-way movement may be imposed. In this regard, the requirement is mandatory and it is considered that the aisle width of 4.3 metres does not comply. In addition, the parking space on the opposite side of the aisle and north of the space above the Aldi loading dock will have restricted sight distance when exiting from the parking bay, due to the wall located adjacent to the space. <i>The north eastern loading dock is required to comply with AS2890.2, Section 4.3.1 (b) provides that manoeuvring into or out of a service bay with all other service bays occupied, shall be possible. The swept path diagrams provided in the traffic report indicate that an articulated vehicle reversing into the loading bay would impact with a large rigid vehicle present in the adjacent loading bay. Similarly, a large rigid vehicle exiting the loading dock would infringe on the area where an articulated vehicle would be parked in the adjacent loading bay. Each of the loading bays should be independently accessible with all other bays occupied.</i> <u>Comment:</u> The traffic consultant has provided that the vehicle size for deliveries to the loading dock adjacent to the Aldi loading dock will be limited to 8.8 metre (Medium Rigid Vehicles) and that these will not restrict access to the other spaces. <i>The width of the access driveway off Glen Street, at the northern end of the site, will need to comply with the dimensions and splay as provided in AS2890.2, to accommodate an articulated vehicle.</i> <u>Comment:</u> The proposed widening of the footpath crossing is acceptable, subject to complying with AS2890.2. <i>There are a number of conflict points for entering and exiting vehicles when travelling to and from the north eastern loading dock between the Glen Street entry/exit, the access to the basement car parking area and the loading docks. Adequate sight distance needs to be provided at each of the bends or intersections.</i> <u>Comment:</u> The traffic consultant has provided that additional signposting will be provided to

Internal Referral Body	Comments
	warn of trucks on the driveway to the basement car parking and mirrors provided. No objections are raised to the proposed modifications subject to conditions included in the recommendation of this report.

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 who provided the following comments: <i>'Roads and Maritime has reviewed the submitted documentation and raise no objection to the modification Application.'</i>
NSW Police - Local Command (CPTED)	The application was referred to the New South Wales Police (NSWP) for comment. The application was referred to the New South Wales Police (NSWP) for comment. The NSW Police carried out an informal crime risk assessment of the development. A number of recommendations were made which should be considered in the on-going operation of the centre, the majority of which are concurred with or have been identified within the applicants Crime Prevention Through Environmental Design Assessment submission for DA2013/1447. Notwithstanding the above, a condition has been included in the recommendation of this report requiring compliance with all recommendations and requirements contained within the NSWP referral comments.
Integrated Development – NSW OFFICE OF WATER (Site Dewatering)	The application was referred to NoW for comment as construction dewatering is proposed. The NoW provided the following comments: <i>'The construction dewatering proposed for the project is deemed to be an aquifer interference activity in accordance with the definition in the Water Management Act 2000. Similarly, some of the proposed contingency remediation measures identified in the application documents are deemed to be aquifer interference activities. It is expected that all relevant activities at the property will be conducted in accordance with the principles of the Aquifer Interference Policy (available on-line at http://www.water.nsw.gov.au/Water-management/Law-and-policy/Key-policies/Aquifer-interference).</i> <i>An authorisation for the take of groundwater as part of the anticipated dewatering of the site is required. As such, General Terms of Approval</i>

External Referral Body	Comments
	<i>appropriate to the proposed aquifer interference activity are provided as required by s.91A (2) of the Environmental Planning and Assessment Act 1979. Authorisations for the proposed remediation contingency measures may also be required; however, as it is unclear at this time which measures will be adopted, General Terms of Approval for those activities have not been included in this response. The Office of Water should be contacted in regard to the required authorisations for remediation activities prior to their commencement.'</i> The General Terms of Approval (GTAs) for construction dewatering are included as a condition of consent in the recommendation of this report.

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)

SEPP 55 - Remediation of Land

Clause 7 (1) of SEPP 55 states that a Consent Authority must not consent to the carrying out of any development on land unless;

- It has considered whether the land is contaminated, and
- If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

On 18 January 2008 the Department of Environment and Climate Change (DECC) declared the site a 'remediation site' under Section 21 of the Contaminated Lands Management Act 1997. Under the provisions of this Act, the property owner has prepared a voluntary management proposal which was approved by the NSW EPA on 21 June 2013. The NSW Environment Protection Authority (EPA) has responsibility of regulating the VMP.

The owners of the site have engaged an EPA accredited site auditor to review the on-going work and provide a site audit statement required by the EPA's agreement to the VMP and other site audit statements as required to facilitate redevelopment of the site.

DA2013/1447 was accompanied by a updated Remediation Action Plan (RAP) prepared by Douglas Partners dated March 2013, that provided an on-going plan for the remediation works and monitoring that is overseen by and the responsibility of the EPA. At the completion of these works, subject to concurrence by the EPA, the site will be suitable for development.

SEPP (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

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.

Roads and Maritime Service (RMS)

Clause 104 and Schedule 3 of the SEPP requires that the development be referred to the RMS as Traffic Generating Development.

Comment:

The application was referred to the RMS who did not raise any objection to the proposal.

Warringah Local Environment Plan 2011

Is the development permissible?	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:	8.5m	11.64m	13.23m	55.6%	Yes
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	No (see detail under Clause 4.6 below)
4.6 Exceptions to development standards	Yes
6.2 Earthworks	Yes
6.3 Flood planning	No
6.4 Development on sloping land	Yes

Detailed Assessment

4.6 Exceptions to development standards

The following assessment of the variation to Clause 4.3 – Height of Buildings development standard and is assessed taking into consideration the questions established in Winten Property Group Limited v North Sydney Council (2001) NSW LEC 46.

Requirement:	8.5m
Proposed:	13.23m
Is the planning control in question a development standard?	YES
Is the non-compliance with to the clause requirement a Numerical and / or Performance based variation?	Numerical
If numerical enter a % variation to requirement	55.6%

The proposal must satisfy the objectives of Clause 4.3 – Height of Buildings, the underlying objectives of the particular zone, and the objectives of Clause 4.6 - Exceptions to Development Standards under the WLEP 2011. The assessment is detailed as follows:

Is the planning control in question a development standard?

The prescribed Height of Buildings control, under Clause 4.3 of the WLEP 2011, is a development standard.

What are the underlying objectives of the development standard?

The underlying objectives of the development standard are:

(1) The objectives of this clause are as follows:

a) to ensure that buildings are compatible with the height and scale of surrounding and nearby development

Comment

The site is zoned B2 Local Centre under the WLEP 2011, which envisages a range of commercial uses for the site. The site is adjoined by residential properties predominantly to the north east and north west, public open space to the south east and by commercial (Caltex Service Station) and community uses (Belrose Library).

The site is the largest privately owned parcel/s of land, zoned B2 Local Centre, within the immediate area. Therefore it is difficult to draw comparisons or measure the compatibility of the proposed developments in term of height and scale with surrounding and nearby development given that surrounding and nearby development does not share the same zoning or size as the subject site. Further, it is noted that the non-compliance relates to localised additions to the roof form in the form of plant rooms. The overall height and scale of the building was assessed and supported under DA2013/1447.

The zoning of the site under WLEP 2011 envisages it as a 'local centre' that will have the ability to provide a wide range of goods and services to the local area.

Whilst the proposed development does not comply with the numerical requirement of this control, it is considered that the overall building is compatible in its height and scale with that of nearby and comparable development given the zoning of the site, its existing and desired future use and the effective siting of the plant rooms, which are adequately setback to and screened from surrounding residential development.

The proposed development satisfies this objective.

b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access

Comment

The proposed increase in height of the approved and proposed plant rooms will not have an unreasonable visual impact, disruption of views, loss of privacy or loss of solar access.

The plant rooms are localised additions to the roof form and are sufficiently setback from the property boundaries and the outer edges of the building to ensure the visual impact is minimised when viewed from adjoining properties and the street.

Further the plant rooms are adequately screened to ensure the compliment the building and do not become visually obtrusive.

The proposed development satisfies this objective.

c) to minimise adverse impact of development on the scenic quality of Warringah's coastal and bush environments

Comment

The non-compliance with the standard will not result in any adverse impact on the scenic quality of Warringah's coastal and bush environments.

The proposed development satisfies this objective.

d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities

Comment

The site is located adjacent to Lionel Watts Park, Belrose Library and bounded by a Council reserve at the rear of the proposed building (north western elevation).

The approved building, is setback from the primary street frontage of Glen Street approximately 36m, 5m from the north western boundary, 10m from the north eastern boundary and is therefore sufficient in its setbacks to the property boundaries to ensure there is no adverse visual impact of the development when viewed from the adjoining public parks, reserves, roads and community facility. The proposed plant rooms are localised additions to the roof form that will not be readily viewable from adjoining public spaces. Further, the plant rooms are to be adequately screened to minimise there visual impact.

The development is considered to be consistent with this objective.

What are the underlying objectives of the zone?

In assessing the non-compliance, consideration must be given to its consistency with the underlying objectives of the B2 Local Centre zone.

An assessment of the proposed development against the objectives of the B2 Local Centre zone is provided earlier within this report (refer to 'Zone B2 Local Centre' under the WLEP 2011 section of this report).

In summary, it is considered that the proposed development is not consistent with the zone objectives.

Is the variation to the development standard consistent with the objectives of Clause 4.6 of the WLEP 2011?

(1) The objectives of this clause are as follows:

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development.

Comment:

The degree of flexibility in applying the variation to the Development Standard is considered to be appropriate.

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Comment:

The proposed variation achieves a better outcome for and from the development, in terms of providing a 'local centre' for the community and does not result in any adverse impact on surrounding or nearby land. Therefore the variation is supported.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Comment:

The applicant has submitted a written request seeking to vary the development standard that addresses each of the points raised within subclause (3).

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

Comment:

The applicant has provided a written request prepared by the McKenzie Group which adequately addresses the matters required to be demonstrated by subclause (3).

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Comment:

For reasons detailed above, the proposal is considered to be consistent with the objectives of

the B2 Local Centre zone in the WLEP 2011.

(b) the concurrence of the Director-General has been obtained

Comment:

Planning Circular PS 08-003 dated 9 May 2008, as issued by the NSW Department of Planning, advises that the concurrence of the Director-General may be assumed for exceptions to development standards under environmental planning instruments that adopt Clause 4.6 of the Standard Instrument. In this regard, given the consistency of the variation to the objectives of the zone, the concurrence of the Director-General for the variation to the Building Height Development Standard under Clause 40 of SEPP (HSPD) is assumed.

6.3 Flood planning

As detailed within the 'Referrals' section of this report, and later within the 'Clause E11 - Flood Prone Land' section of the WDCP 2011, the applicant has failed to provide sufficient information to satisfy the requirements of the deferred commencement condition relating to flooding.

In this regard, it is considered that the deferred commencement condition has not been satisfied and the request to delete the condition is not supported.

Warringah Development Control Plan

Built Form Controls

Standard	Requirement	Approved	Proposed	Complies
B6 Merit assessment of side boundary setbacks	Merit assessment	Northwest 4m Southeast 10.03m	No change to approved.	N/A
B8 Merit assessment of front boundary setbacks	Merit assessment	Glen Street frontage 31.47m to the shopping centre 1.674m to the at-grade car park Glenrose Place frontage 1.25m	No change to approved.	N/A
B10 Merit assessment of rear boundary setbacks	Merit assessment	Corner allotment with dual street frontages.	N/A	N/A

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
B6 Merit Assessment of Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
Other land in B2 zone	Yes	Yes
B8 Merit assessment of front boundary setbacks	Yes	Yes
B10 Merit assessment of rear boundary setbacks	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	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
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Private Property Tree Management	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E10 Landslip Risk	Yes	Yes
E11 Flood Prone Land	No	No
F1 Local and Neighbourhood Centres	Yes	Yes

Detailed Assessment

C3 Parking Facilities

Clause C3 requires adequate off-street car parking be provided and to ensure parking facilities have minimal visual impact and do not dominate the street frontage or public spaces.

This Clause relies upon the rates specified under 'Appendix 1 – Car Parking Requirements' of the WDCP in order to determine the required amount of off street car parking for a development.

Appendix 1, requires 6.1 spaces to be provided for a shopping centre up to 10,000m² in area and 5.6 spaces to be provided per 100m² GLFA for shopping centres 10 000 – 20 000m² in area. The minimum car parking requirements in Appendix 1 are consistent with the car parking rates identified in the RMS's Guide to Traffic Generating Development.

The RMS 'Guide to Traffic Generating Development' provides a formula, which can be used when a detailed breakdown of the uses within the shopping centre is known, that provides a more accurate estimation of the number of car parking spaces required for the shopping centre. This formula was used to assess the required amount of car parking in the assessment and determination of DA2013/1447.

Therefore, the calculation of the required off-street car parking based on the increase in gross leasable floor area, has been again been determined using the RMS's Guide to Traffic Generating Developments.

The formula sets out the following car parking rates for the uses within a shopping centre;

- 4.2 spaces per 100m² GLA for supermarkets;
- 4.0 spaces per 100m² GLA for mini-majors; and
- 4.5 spaces per 100m² GLA for specialty shops.

Based on the above rates, the development requires a minimum provision of 513 spaces (which includes the displaced car spaces from Glenrose Place as per the requirements of DA2013/1447).

The modified development provides a total 519 off street car spaces which equates to a surplus of 6 spaces.

Therefore, the proposed development satisfies the objectives and requirements of this clause.

D3 Noise

Clause D3 requires noise emissions to not unreasonably diminish the amenity of the area or result in noise intrusion and to encourage innovative design solutions to improve the urban environment.

The application is supported by a revised Acoustic Report (Amendment of Loading Dock - Acoustic Impact prepared by Acoustic Logic dated 7 October 2014). The Acoustic Report addresses the modifications proposed to the loading dock located in the north-western corner of the site to allow for an articulated truck to use the dock.

The report recommends the increase in height of the Acoustic Screen located on the north and north-western boundaries of the site from 2.1m to 2.4m. The report concludes:

'We note that the noise controls recommended in section 5 of our original Noise Emission Assessment

remain applicable. However, in addition to those recommendations, the boundary fencing along the northern edge of the Specialty Loading Dock should be increased to 2.4m (compared to 2.1m previously recommended) to account for the larger, louder truck being used.

Provided this is done, noise from the truck using the loading dock will not exceed 41dB(A)Leq, which was the allowable noise level as required in table 7 of our Noise Emission Assessment. Noise from other activities in the loading dock (other than the articulated truck) such as goods handling or similar activities will be marginally reduced compared to noise generated under the original proposal as a result of the higher acoustic screen.'

The Acoustic Report has been reviewed by Council's Environmental Health Officer who raises no objections to the proposed development on noise grounds subject to the on going compliance with the recommendations contained within the report and within the original Acoustic Report conditioned under DA2013/1447.

The recommendations and requirements contained within the updated Acoustic Report, have been included as a condition of consent within the recommendation of this report.

Further, a standard condition which requires the development to be designed in accordance with AS 2107 and the EPA Guidelines for Acoustic Privacy and which limits noise (including air conditioner unit noise) at the property boundary to not exceed 5dB(A) was included in the conditions of consent of the original application and will continue to apply and will ensure the new roof top plant does not result in unreasonable acoustic impacts.

It should be noted that the approved hours of operation of the retail centre are restricted to 7am to 10pm any day of the week and delivery hours are restricted to 7am to 7pm any day of the week to maintain a reasonable level of acoustic amenity to adjoining properties.

D8 Privacy

Clause D8 requires the design of development to provide a high level of visual and acoustic privacy for occupants and neighbours.

The proposed modifications include the addition of two new windows located on the western elevation of the building adjoining the Council reserve. The windows serve Tenancy No. 9 and the stairwell.

The building is located approximately 20m from the nearest residential property, separated by a reserve that contains a number of mature canopy trees.

Notwithstanding the physical separation achieved between the building and neighbouring private property, given the finished floor level of the building is well above the natural ground level of the adjoining public open space and nearby properties it is considered that there is the potential for unreasonable overlooking to occur.

In this regard, a condition has been included in the recommendation of this report requiring the windows to Tenancy No. 9 and the stair well are to be finished of obscured glazing.

E11 Flood Prone Land

The original application (DA2013/1447) was granted Deferred Commencement Approval which required the satisfaction of a number of matters relating to flooding. The deferred commencement condition read as follows:

'1. Flood mitigation

Evidence demonstrating that the proposed works will have no impact on flooding for neighbouring properties is to be submitted to Council's satisfaction and approval.

Specifically, the following information is to be submitted to demonstrate compliance:

- *That the proposed flood mitigation works in the adjacent reserve to the north will not increase flooding for adjoining properties.*
- *The impacts of the Probable Maximum Flood event on the proposed development and surrounding properties*
- *The impacts of the proposed regrading of Glenrose Place on the proposed development and surrounding properties*

Reason: To ensure adjoining properties will have no increase flooding as a result of the proposal (DACNEADC1)'

As detailed within the 'Referrals' and Clause '6.3 - Flood Planning' sections of this report, insufficient information has been submitted to satisfy the requirements of the deferred commencement condition.

In this regard, it is considered that the deferred commencement condition has not been satisfied and the request to delete the condition is not supported. The applicant was advised of Council's position and has agreed to proceed to determine the application on this basis.

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. Mod2014/0225 for Modification of Development Consent DA2013/1447 granted for demolition works, the construction of a retail centre and signage (Glenrose Shopping Centre) on land at Lot 104 DP 597544,56 - 58 Glen Street, BELROSE, Lot 4 DP 548285,56 - 58 Glen Street, BELROSE, subject to the conditions printed below:

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

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

a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
A00.20 Rev S96-1 - GLAR & Carparking Analysis	19/09/2014	BN Architecture
A02.01 Rev S96-1 - Site Plan	19/09/2014	BN Architecture
A06.01 Rev S96-1 - General Arrangement Plan - Basement Level	19/09/2014	BN Architecture
A06.02 Rev S96-1 - General Arrangement Plan - Carparking Level	19/09/2014	BN Architecture
A06.03 Rev S96-1 - General Arrangement Plan - Retail Level	19/09/2014	BN Architecture
A06.10 Rev S96-1 - General Arrangement Plan - Roof	19/09/2014	BN Architecture
A10.01 Rev S96-1 Elevation - Southeast	19/09/2014	BN Architecture
A10.02 Rev S96-1 Elevation - Northwest	19/09/2014	BN Architecture
A10.03 Rev S96-1 Elevation - Southwest	19/09/2014	BN Architecture
A10.04 Rev S96-1 Elevation - Northeast	19/09/2014	BN Architecture
A12.01 Rev S96-1 Site Sections	19/09/2014	BN Architecture
A12.02 Rev S96-1 Site Sections	19/09/2014	BN Architecture
A12.03 Rev S96-1 Site Sections	19/09/2014	BN Architecture

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Glenrose Shopping Centre - Amendment of Loading Dock - Acoustic Impact	07/10/2014	Acoustic Logic

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

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
L_101 Issue B - Landscape Architectural Plan	05/12/2014	Haeger Landscape Architect

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

B. Modify Condition No. 49 - Required Planting - Stage One to read as follows:

Required Planting - Stage One

- i) All trees within the stage one scope of works are to be planted in accordance with the approved Landscape Plan.
- ii) Details demonstrating compliance including species, pot size and number of trees provided are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate for stage one.

Reason: To maintain environmental amenity.

C. Add Condition No. 49a Required Planting - Stage Two to read as follows:

Required Planting - Stage Two

- i) All trees within the stage two scope of works are to be planted in accordance with the approved Landscape Plan.
- ii) Details demonstrating compliance including species, pot size and number of trees provided are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate for stage two.

Reason: To maintain environmental amenity.

D. Modify Condition No. 50 to read as follows:

Post-Construction Dilapidation Survey

A post-construction Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset in order to determine if the asset has been damaged by the works.

Council's Guidelines are available
at http://www.warringah.nsw.gov.au/plan_dev/NaturalEnvironmentGuidelines.aspx.

The post construction dilapidation report must be submitted to the Council for review and the Certifying Authority prior to the issue of the interim occupation certificate for stage 2. Any damaged to Council's stormwater infrastructure is to be rectified in accordance with Council's technical specifications prior to the release of the security bond.

Reason: Protection of Council's Infrastructure (DACNEF11)

E. Modify Condition No. 52 Acoustic Certification to read as follows:

Acoustic Certification

Prior to any occupation certificate, certification is to be provided from a suitably qualified acoustic consultant certifying that the recommendations in the Noise Emission Assessment prepared by Acoustic Logic dated 22/10/2013, Glenrose Shopping Centre - Amendment of Loading Dock - Acoustic Impact prepared by Acoustic Logic and dated 07/10/2014 and that all sound producing plant, equipment,

machinery or fittings do not emit noise exceeding 5 dB(A) above the background level when measured at the nearest property boundary and complies with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.

Reason: To ensure that noise generated from the development does not result in offensive noise to

F. Add Condition No. 28a - Window Glazing to read as follows:

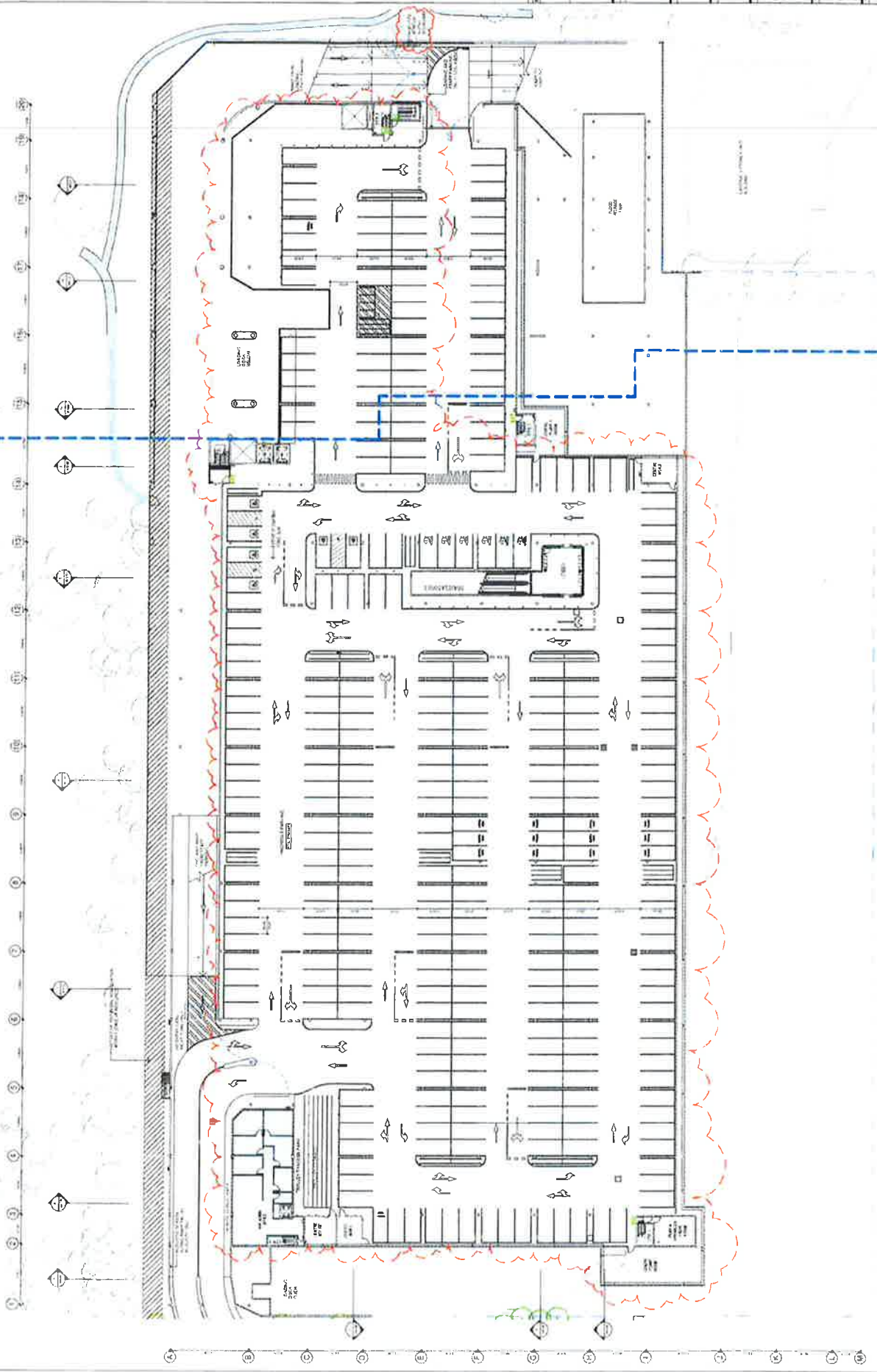
Window Glazing

The windows to Tenancy No.9 and the adjoining stairwell as shown on the approved plans are to be finished of obscured glazing.

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

Reason: In order to maintain privacy to the adjoining / nearby property. (DACPLC06)

STAGE ONE
STAGE TWO



GENERAL ARRANGEMENT PLAN - CARPARK LEVEL

1. CARPARK LEVEL

SECTION 96 AUG 02 S96-1

GENERAL ARRANGEMENT PLAN - CARPARK LEVEL

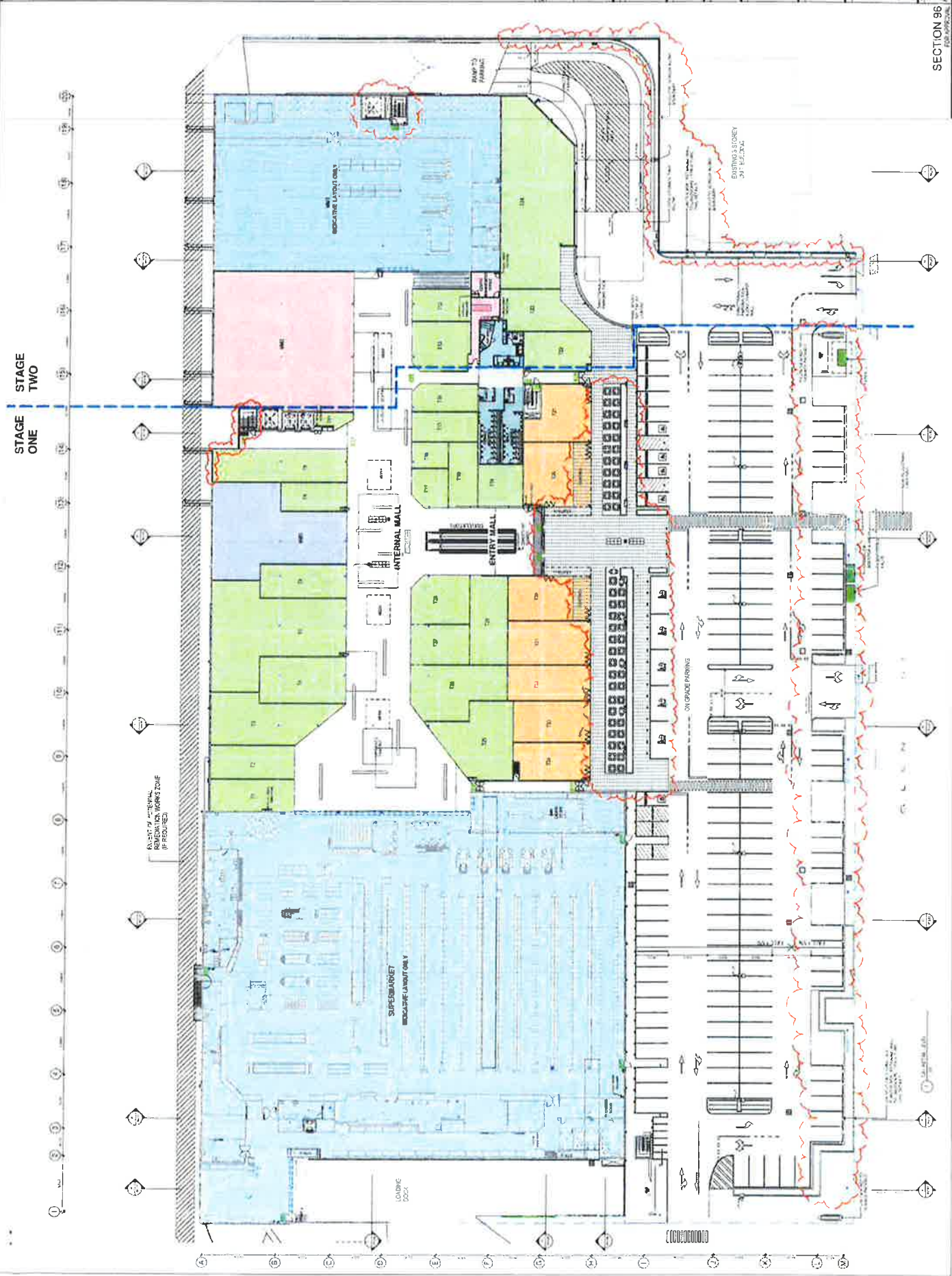
SECTION 96 AUG 02 S96-1

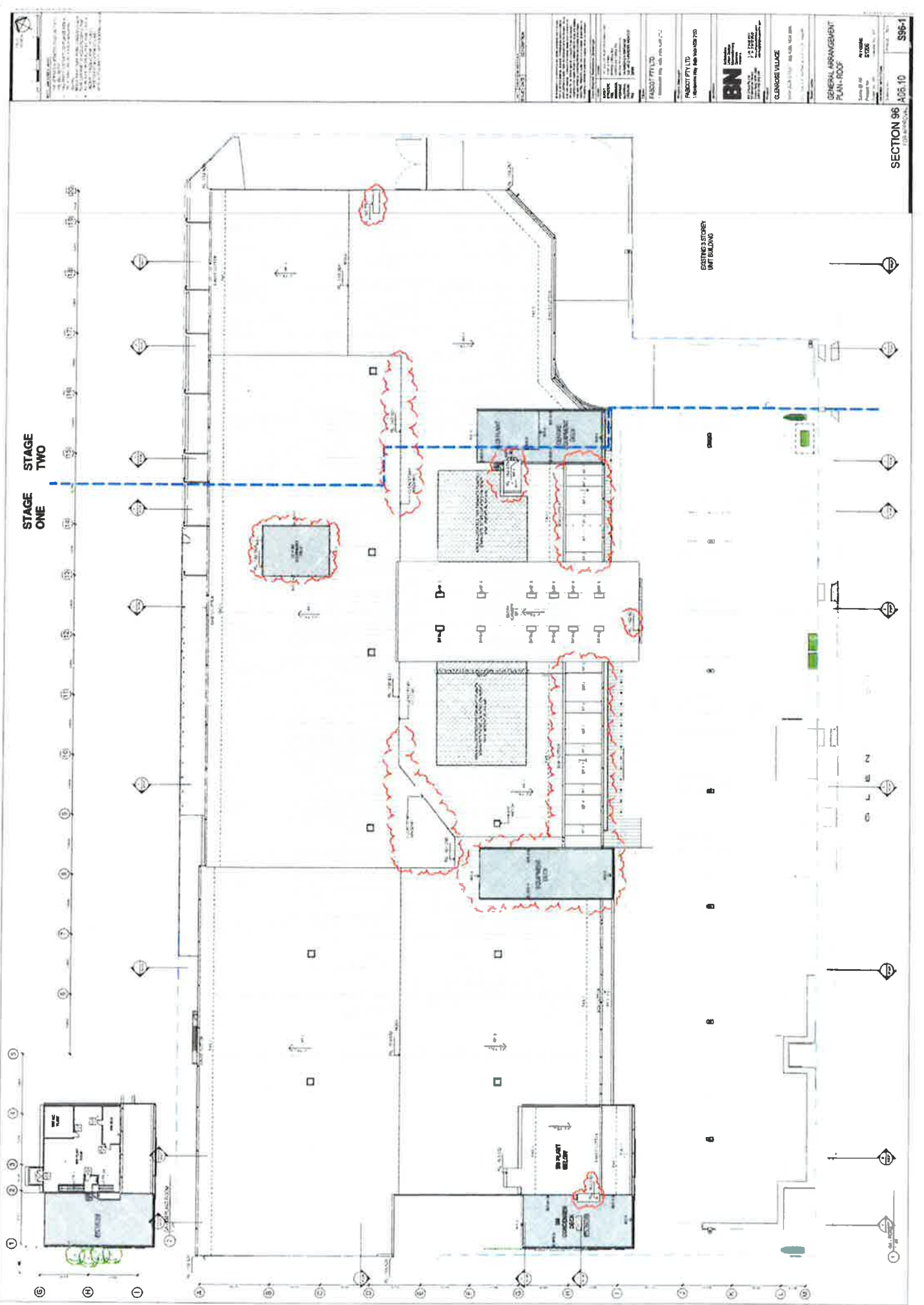
GENERAL ARRANGEMENT PLAN - CARPARK LEVEL

SECTION 96 AUG 02 S96-1

GENERAL ARRANGEMENT PLAN - CARPARK LEVEL

SECTION 96 AUG 02 S96-1





STAGE ONE

STAGE TWO

EXISTING 3 STOREY UNIT BUILDING

SECTION 96

4.05.10

S96-1

Project Information and Logos

BN
Bentley Systems
Engineering & Construction
10000 North Central Expressway
Suite 100
Dallas, TX 75243
Phone: 972.346.7000
Fax: 972.346.7001
Email: info@bentley.com

GLIMMER VILLAGE
10000 North Central Expressway
Suite 100
Dallas, TX 75243
Phone: 972.346.7000
Fax: 972.346.7001
Email: info@bentley.com

GENERAL ARRANGEMENT PLAN - ROOF

Scale: 1/8" = 1'-0"

Project No: S706

Sheet No: 96

Revision: 1.0

Drawn By: [Name]

Checked By: [Name]

Approved By: [Name]

Date: 4.05.10