

4 May 2015

Scentre Group Ltd
85 Castlereagh Street
SYDNEY NSW 2001

Dear Sir/Madam

Application Number: Mod2014/0285

Address: Lot 100 DP 1015283 , 145 Old Pittwater Road, BROOKVALE NSW 2100
Lot 2741 DP 752038 , 2741 / 9999 Condamine Street, MANLY VALE NSW 2093
Lot 2 DP 600059 , 75 Old Pittwater Road, BROOKVALE NSW 2100
Lot 30 DP 204107 , 30 / 0 Old Pittwater Road, BROOKVALE NSW 2100
Lot 2742 DP 752038 , 2742 / 9999 Condamine Street, MANLY VALE NSW 2093

Proposed Development: Modification of Development Consent DA2008/1742 granted for Construction of stormwater upgrade works for Warringah Mall and watercourse bank stabilisation works

Please find attached the Notice of Determination for the above mentioned Application.

Please be advised that a copy of the Assessment Report associated with the application is available on Council's eServices website at www.warringah.nsw.gov.au

Please read your Notice of Determination carefully and the assessment report in the first instance.

If you have any further questions regarding this matter please contact the undersigned on (02) 9942 2111 or via email quoting the application number, address and description of works to council@warringah.nsw.gov.au

Regards,

Luke Perry
Senior Development Planner

NOTICE OF DETERMINATION

Application Number:	Mod2014/0285
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	Scentre Group Ltd
Land to be developed (Address):	Lot 100 DP 1015283 , 145 Old Pittwater Road BROOKVALE NSW 2100 Lot 2741 DP 752038 , 2741 / 9999 Condamine Street MANLY VALE NSW 2093 Lot 2 DP 600059 , 75 Old Pittwater Road BROOKVALE NSW 2100 Lot 30 DP 204107 , 30 / 0 Old Pittwater Road BROOKVALE NSW 2100 Lot 2742 DP 752038 , 2742 / 9999 Condamine Street MANLY VALE NSW 2093
Proposed Development:	Modification of Development Consent DA2008/1742 granted for Construction of stormwater upgrade works for Warringah Mall and watercourse bank stabilisation works

DETERMINATION - APPROVED

Made on (Date)	04/05/2015
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The request to modify the above-mentioned Development Consent has been approved as follows:

A. Add Condition No.3A - 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

Engineering Plans		
Drawing No.	Dated	Prepared By
W4548-400 Revision 3	5/11/2014	Cardno
W4548-401 Revision 5	31/03/2015	Cardno
W4548-402 Revision 4	31/03/2015	Cardno

W4548-411 Revision 4	31/03/2015	Cardno
W4548-412 Revision 5	31/03/2015	Cardno
W4548-413 Revision 4	7/11/2014	Cardno
W4548-414 Revision 3	5/11/2014	Cardno
W4548-420 Revision 6	31/03/2015	Cardno
W4548-421 Revision 4	31/03/2015	Cardno
W4548-422 Revision 4	31/03/2015	Cardno
W4548-423 Revision 4	31/03/2015	Cardno
W4548-424 Revision 5	31/03/2015	Cardno
W4548-425 Revision 4	31/03/2015	Cardno
W4548-426 Revision 4	31/03/2015	Cardno
W4548-427 Revision 4	31/03/2015	Cardno
W4548-428 Revision 4	31/03/2015	Cardno
W4548-429 Revision 4	31/03/2015	Cardno
W4548-430 Revision 3	31/03/2015	Cardno
W4548-431 Revision 4	31/03/2015	Cardno
W4548-435 Revision 4	7/11/2015	Cardno
CAR-060139 Revision 1	31/10/2014	Cardno
CAR-110126 Revision 1	31/10/2014	Cardno
CAR-060141 Revision 1	31/10/2014	Cardno
CAR-060140 Revision 1	31/10/2014	Cardno

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Assessment of Significance	March 2015	RPS
Microbat Management Plan	March 2015	RPS
Report on Geotechnical Investigation	February 2014	Douglas Partners
Acid Sulphate Soil Management Plan	December 2013	Douglas Partners
Construction Management Plan Revision 2	November 2014	Westfield

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

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

B. Add Condition 4a Compliance with External Department, Authority or Service Requirements to read as follows:

The development must be carried out in compliance with the following:

Other Department, Authority or Service	eServices Reference	Dated
Roads and Maritime Services (RMS)	Response RMS Referral	17 April 2015
NSW Office of Water	Response NSW Office of Water Referral	17 February 2015

(NOTE: For a copy of the above referenced document/s, please see Council's 'E-Services' system at www.warringah.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other Department, Authority or Body's. (DACPLB02)

C. Modify Condition No. 17 Physical Model Studies to read as follows:

Physical Model Studies

A Physical hydraulic model of the large stormwater junction box, (C6 on drawing W4548 – 414 by Cardno) is to be built and accompanied by a report to confirm the hydraulic losses which were assumed in the xp swmm computer model and report (ref Stormwater Management Plan and Stormwater Report November 2014) by Cardno are appropriate. The physical hydraulic model report is to be submitted to the Certifying Authority for approval. The report is also to provide advice on how the hydraulic losses in the junction box can be minimised.

The details are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER-3) and is an Accredited Certifier (Category C4).

Details demonstrating compliance are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate for the stage three stormwater augmentation works (Culvert)

Reason: To confirm parameters assumed in the flood model.

D. Modify Condition No. 21 Construction Traffic Management Plan (CTMP) to read as follows:

Construction Traffic Management Plan (CTMP)

A detailed Construction Traffic Management Plan (CTMP) is to be prepared by a suitably qualified person prior to the issue of the Construction Certificate. The Traffic Management Plan is to be consistent with the 'Outline Traffic Management Plan for Stormwater Amplification Works Across Condamine Street, Brookvale' dated December 2008 prepared by Colston Budd Hunt and Kafes.

The CTMP shall include (but not be limited to) the following:

- (a) Measures to minimise the loss of parking during construction;
- (b) Measures to ensure safe pedestrian access to the site during construction.

- (c) Measures to ensure that the construction works will not result in an unreasonable impact on the operation of the existing bus interchange within the site or on the bus stops and bus services on Pittwater Road/Condamine Street. The STA and Forest Coach Lines are to be consulted as part of the process of determining appropriate measures to minimise the impact of the construction works on bus services. The CTMP is to address any issues raised by the bus service providers. Evidence of consultation with the STA and Forest Coach Lines must be included in the CTMP.
- (d) The proposed method of access to and egress from the site for demolition, excavation and construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed. No construction trucks are permitted to use Beacon Hill Road, which has a 3 tonne load limit.
- (e) The proposed method of loading and unloading, demolition, excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;
- (f) The location and operation of any cranes.
- (g) Compliance with NSW Roads and Maritime Service (formally the Roads and Traffic Authority) requirements detailed within Roads and Traffic Authority (Reference No RDC 08M1748 v2 Stormwater Augmentation Works) letter dated 25 March 2009*
- *Note: In addition to the above the holder of the consents attention is drawn to the Roads and Maritime Services (formally the Roads and Traffic Authority) WADPack RTA administration of DEVELOPER WORKS POLICY – GUIDELINES – ADVICE.
- (h) Measures to maintain vehicular and pedestrian access to the 'Aldi' store at all times.

The CTMP is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner's property rights and protects amenity in the locality, without unreasonable inconvenience to the community. (DACPLC13)

E. Modify Condition No. 22 Construction Management Plan to read as follows:

Construction Management Plan

The Construction Management Plan (CMP) prepared by AMP Capital and Westfield Design and Construction dated December 2008 and as modified by Construction Management Plan (Revision 2) prepared by Westfield and dated November 2014 is to be further amended to be consistent with the conditions of this consent including the condition related to the hours of construction.

The CMP is also to detail the management of construction works on the Warringah Golf Club site. Specifically, the plan should include (but not be limited to) the following:

Details of how the construction works will be managed so that there will be minimal impact on the current recreational use of the land throughout the construction program.

The Warringah Golf Club, as the lessee of Council land is to be consulted in regard to any works on the Warringah Golf Club site. The CMP is to address any issues raised by the Warringah Golf Club. Evidence of consultation with the Warringah Golf Club must be included in the CMP.

(a) Detailed plans of the proposed access path from the 5th green to the 6th tee. The location of the access path should be generally consistent with that shown in the plan attached to the letter from Urbis to Council dated 7 May 2009, unless otherwise agreed in writing by Warringah Council and the Warringah Golf Club.

The amended CMP is to be submitted to Council for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate measures are implemented in relation to site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner's property rights and protects amenity in the locality, without unreasonable inconvenience to the community.

F. Modify Condition No. 25 Project Ecologist to read as follows:

Project Ecologist

A Project Ecologist is to be employed for the duration of the approved works to ensure all fauna (e.g. microbats), vegetation and riparian protection measures are carried out according to the conditions of consent.

The Project Ecologist will provide confirmation that conditions relating to the Biodiversity Management Plan and Microbat Management Plan and Assessment of Significance (RPS 2015) are carried out. The Project Ecologist will ensure that all conditions relating to the biodiversity management of the property are fully implemented. The Project Ecologist is to be an OEH licensed fauna / vegetation management specialist with a degree in biological science, ecology, natural area management or equivalent with at least 5 years experience.

The Project Ecologist will also ensure that the implementation of the approved Biodiversity Management Plan and/or Vegetation Management Plan and associated methodologies, is to be undertaken by persons suitably experienced in that aspect of the work they are doing, and such persons must be under the direction and supervision of a person with relevant knowledge, qualifications and experience in current best practice in that aspect.

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

Reason: To ensure bushland management (DACNEC07)

G. Modify Condition No. 6 General Requirements to read as follows:

6. General Requirements

(a) With the exception of works required within the Condamine Street road corridor, unless authorised by Council:

(i) Building construction, excavation and delivery of material hours are restricted to:

- A. No work on Sundays and Public Holidays.
- B. 7.00 am to 5.00 pm inclusive Monday to Friday
- C. 8.00 am to 5.00 pm Saturday subject to the following:

- i. All work (including the operation of cranes) carried out after 1pm on Saturday is not exceed the noise affected Rating Background Level (RBL) plus 5dB, measured in accordance with the Interim Construction Noise Guideline dated July 2009 prepared by the NSW Department of Environment and Climate Change.
- ii. No concrete pumps are to be operated after 1pm.
- iii. Cranes are only to operate until 3pm.

(ii) The builder and excavator shall display, on-site, their twenty-four (24) hour contact telephone number, which is to be clearly visible and legible from any public place adjoining the site.

A. Demolition works are restricted to the hours of 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

(b) Works within the Condamine Street road corridor must be undertaken in accordance with the construction hours specified in the 'Construction Management Plan - Revision 2' dated November 2014 prepared by Westfield.

(c) All demolition, excavation and construction works are to be carried out in accordance with the Interim Construction Noise Guideline dated July 2009 prepared by the NSW Department of Environment, Climate Change and Water and Australian Standard 2436-1981 Guide to Noise Control on Construction, Maintenance and Demolition Sites.

All work carried out after 5pm on Monday to Friday and 1pm on Saturday is not to exceed the noise affected Rating Background Level (RBL) plus 5dB, measured in accordance with the Interim Construction Noise Guideline dated July 2009 prepared by the NSW Department of Environment and Climate Change.

(d) At all times after the submission of the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.

(e) Where demolition and excavation works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition and excavation works, that area affected by the works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.

(f) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.

(g) Prior to the release of the Construction Certificate payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work.

The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

(h) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

(i) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

(j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

H. Add Condition 29a Microbat management – timing of the works to read as follows:

Microbat management – timing of the works

Mitigation measures as identified in the Microbat Management Plan (RPS 2015) and Assessment of Significance (RPS 2015) are to be implemented prior to the commencement of works. e-construction, during construction and post construction.

Reason: Management of threatened species.

I. Add Condition 30a Microbat management – timing of the works to read as follows:

Microbat management – timing of the works

Mitigation measures as identified in the Microbat Management Plan (RPS 2015) and Assessment of Significance (RPS 2015) are to be implemented during demolition, excavation and building works.

The construction of drainage diversion walls and demolition works in proximity to the known microbat roosts and culvert entrances (C6 Pit/Chamber and Condamine street works) must be conducted during spring and summer months only. Construction works in proximity to the known microbat roosts and culvert entrances are to be undertaken outside of the winter period.

Reason: Management of threatened species.

J. Add Condition 64a Microbat management – timing of the works to read as follows:

Microbat management – timing of the works

Mitigation measures as identified in the Microbat Management Plan (RPS 2015) and Assessment of Significance (RPS 2015) are to be implemented post construction.

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

Reason: Management of threatened species.

Important Information

This letter should therefore be read in conjunction with DA2008/1742 dated 16 May 2012.

Please note that on site works cannot proceed unless a Construction Certificate application for the modified proposal has been lodged with and approved by Council or an accredited certifier, and relevant conditions of the Development Application have been carried out.

Section 97AA of the Environmental Planning and Assessment Act confers on an applicant who is not satisfied with the determination of the Consent Authority a right of appeal to the Land and Environment Court within 6 months of determination.

Right to Review by the Council

You may request the Council to review the determination of the application under Section 96AB of the Environmental Planning and Assessment Act 1979. Any request to review the application must be lodged and determined within 28 days after the date of the determination shown on this notice.

NOTE: A fee will apply for any request to review the determination.

Signed On behalf of the Consent Authority

Signature _____

Name Luke Perry, Senior Development Planner

Date 04/05/2015