

5 April 2016



Scentre Group Ltd
C/- Urbis Level 23, Tower 2 201 Sussex Street
SYDNEY NSW 2000

Dear Sir/Madam

Application Number: Mod2015/0247

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 2742 DP 752038 , 2742 / 9999 Condamine Street, MANLY VALE NSW 2093
Lot 30 DP 204107 , 30 / 0 Old Pittwater Road, BROOKVALE NSW 2100

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,

Steven Findlay
Development Assessment Manager

NOTICE OF DETERMINATION

Application Number:	Mod2015/0247
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 2742 DP 752038 , 2742 / 9999 Condamine Street MANLY VALE NSW 2093 Lot 30 DP 204107 , 30 / 0 Old Pittwater Road BROOKVALE NSW 2100
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)	31/03/2016
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The request to modify the above-mentioned Development Consent has been approved as follows:

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

Landscape Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
97.0701 Revision rev. no. A	17 February 2016	Scente Group
la sw 0502 Revision rev. no. A06	25 February 2016	DEM
la sw 0503 Revision rev. no. A05	1 October 2015	DEM

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By

Arboricultural Assessment Report	30 September 2015	Jacksons Nature Works
Sydney Water Sewer Diversion Letter and Plans	31 July 2015	Sydney Water
Tree Management Plan & Specifications	February 2015	Jacksons Nature Works

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

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

Modify Condition 48. Tree Condition to read as follows:

Only those trees nominated for removal in the following reports are to be removed:

- Tree Report – Warringah Mall Brookvale Development dated November 2008 prepared by Treescan, shown on the bank stabilisation works plans and described in the Environmental Management Plan, and
- Arboricultural Assessment Report dated 30 September 2015 prepared by Jacksons Nature Works

During the construction period, the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard, all protected plants on this site shall not exhibit:

- (a) A general decline in health and vigour;
- (b) Damaged, crushed or dying roots due to poor pruning techniques;
- (c) More than 10% loss or dieback of roots, branches and foliage;
- (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches;
- (e) Yellowing of foliage or a thinning of the canopy untypical of its species;
- (f) An increase in the amount of deadwood not associated with normal growth;
- (g) An increase in kino or gum exudation;
- (h) Inappropriate increases in epicormics growth that may indicate that the plants are in a stressed condition;
- (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Arborist are to be implemented.

Tree protection measures are to comply with those specified in the following documents:

- Tree Report – Warringah Mall Brookvale Development dated November 2008 prepared by Treescan, and
- Arboricultural Assessment Report dated 30 September 2015 prepared by Jacksons Nature Works
- Tree Management Plan & Specifications dated February 2015 prepared by Jacksons Nature Works

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purposes of this clause.

Details demonstrating compliance are to be submitted to the satisfaction of Principal Certifying Authority.

Reason: Protection of Trees (DACLAE03)

Modify Condition 55. Required Planting to read as follows:

Tree planting is to be implemented as indicated on the approved plans and in the Environmental Management Plan, as amended by the following Landscape Plans detailed below:

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Number of replacement trees required	Species	Location
In accordance with the approved Landscape Plans:	In accordance with the approved Landscape Plans:	In accordance with the approved Landscape Plans:
la sw 0502 Revision rev. no. a06, dated 25 February 2016 by DEM; and	la sw 0502 Revision rev. no. a06, dated 25 February 2016 by DEM; and	la sw 0502 Revision rev. no. a06, dated 25 February 2016 by DEM; and
la sw 0503 Revision rev. no. a05, dated 1 October 2015 by DEM	la sw 0503 Revision rev. no. a05, dated 1 October 2015 by DEM	la sw 0503 Revision rev. no. a05, dated 1 October 2015 by DEM

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim/final Occupation Certificate.

Reason: To maintain environmental amenity. (DACLAF01)

Important Information

This letter should therefore be read in conjunction with DA2008/1742 dated 16 May 2012 and MOD2014/0285 dated 4 May 2015..

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 Steven Findlay, Development Assessment Manager

Date 31/03/2016