

26 May 2015

Scentre Group Ltd
85 Castlereagh Street
SYDNEY NSW 2001

Dear Sir/Madam

Application Number: Mod2014/0283
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 DA2008/1742 granted for the 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:	Mod2014/0283
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 DA2008/1742 granted for the construction of stormwater upgrade works for Warringah Mall and watercourse bank stabilisation works

DETERMINATION - APPROVED

Made on (Date)	26/05/2015
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The request to modify the above-mentioned Development Consent has been approved as follows:

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
SW-001 Rev B	2 April 2015	Scentre Group
SW-002 Rev B	2 April 2015	Scentre Group
SW-003 Rev B	2 April 2015	Scentre Group

SW-004 Rev B	2 April 2015	Scentre Group
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Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

B. Modify Condition Condition No. 11 to read as follows:

11. Dilapidation Survey

A dilapidation survey of any adjacent buildings and roads associated with each construction stage shown on approved Staging Plans SW-001- SW-004 (Rev B) must be conducted prior to any site work commencing. The lateral extent of the survey must cover the likely "zone of influence" of any excavation or construction induced vibration. The survey must be properly documented. The dilapidation report must be submitted to Council for records purposes.

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

C. Modify Condition Condition No. 12 to read as follows:

12. Sewer I Water Quick check

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to works commencing on each construction stage shown on approved Staging Plans SW-001- SW-004 (Rev B) to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website www.sydneywater.com.au for:

- Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building
- Developing and Plumbing then Building and Renovating.
- Or telephone 13 20 92

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

D. Modify Condition Condition No. 14 to read as follows:

14. Inlet Grate Adjacent to the Green Street Road Reserve

The 10 metre by 7.2 metre high capacity grate located immediately to the west of the Green Street road reserve, as shown on drawing W4548 -116 by Cardno, is to be designed by a suitably qualified structural engineer to accommodate any anticipated structural and hydraulic loads.

The design of the grate system shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified structural engineer.

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

E. Modify Condition Condition No. 27 to read as follows:

27. Flood

In order to provide protection from flood inundation the following is required:

A. Flood Protection

All flood barrier systems shall be designed to withstand the hydraulic forces of the floodwaters up to a minimum level of 300mm above the 1 in 100 year ARI flood levels as a result of the augmentation works. Buoyancy (particularly in relation to cars in the ground floor car park), flowing water with debris, wave action, the flood compatibility of materials and waterproofing shall be addressed. Structural details for the construction for all elements are to be prepared by a suitably qualified Engineer.

Details demonstrating compliance are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate for Stage 1 works.

B. Movement Prevention Devices

(i) Car storage/parking areas are to provide Movement Prevention Devices (e.g. bollards) adequate for the 1 in 100 year ARI flood levels which can be engaged in a flood event to prevent movement of vehicles downstream and onto roadways.

(ii) At a minimum Movement Prevention Devices are to be provided:

- a) On Lot 2 DP 600059 and within 10 metres of the common boundary of Lot 2 DP 600059 and Lot 30 DP 204107
- b) On Lot 100 DP 1015283 and within 10 metres of the common boundary of Lot 100 DP 1015283 and Pittwater Road
- c) On Lot 100 DP 1015283 and within 10 metres of the common boundary of Lot 100 DP 1015283 and Old Pittwater Road

(iii) Structural details for all elements and confirmation of adequacy to prevent vehicle movement downstream and onto roadways is to be prepared by a suitably qualified Engineer with experience in flood design I management who is eligible for Membership to Engineers Australia.

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

C. Flood Management Plan

A flood management plan for Lot 100, DP 1015283, No 145 Old Pittwater Road (Warringah Mall) and Lot 2 DP 600059 No. 75 Old Pittwater Road, Brookvale is to be prepared by a suitably qualified Engineer with experience in flood management who is eligible for Membership to the Engineers Australia.

The management plan shall include as a minimum:

- (i) A detailed description of the flood threat. This is to include plans showing the route of the trunk drainage network and areas which will be subject to overland flow. Locations where overland flow will enter the site are to be clearly identified. The characteristics of overland flow through the site are to be described (such as expected depth and velocity of flow, etc.). The description is to be aided by a suitable sized set of plans.
 - (ii) Details of the advance weather warning system which is to be used to detect the possibility of flood producing rainfall approaching the lands.
 - (iii) Details on the water level trigger(s) which are to be incorporated in the Flood Management Plan and the actions associated with each.
 - (iv) Details on how land owners/ site management will manage a flood threat. This is to include details on the alerts/warnings/messaging which will be issued to occupants and how land owners/ site management will prevent occupants from accessing the various carparks during a flood threat.
 - (v) A plan showing the location(s) where occupants on the lands are to evacuate to during a flood threat.
 - (vi) A set of instructions detailing the installation and operation of the flood barrier system. The instructions are to include details showing where the equipment is stored and the location where each flood barrier is to be installed.
 - (vii) Details of a regular training programme which is to be implemented by land owners/ site management dealing with the various aspects of the Flood Management Plan. The training programme is to include an awareness session for Centre Management staff highlighting the locations where floodwater will impact the site and the critical doorways which will need to be manned in order to prevent patrons from entering the carparks during a flood threat.
 - (viii) Details and locations of appropriate flood warning and evacuation signage.
 - (ix) A system 'testing regime'
 - (x) The Flood Management Plan is to include provision for the dissemination of flood warnings to the owner/occupiers of the sites to which the plan applies.
- Flood warnings are to be broadcast audibly and electronically to allow owners and occupiers effective warning time to undertake the appropriate actions. Clear instructions dealing with the dissemination of flood warnings to the upstream land owner/occupiers are to be incorporated in the Flood Management Plan.
- (xi) The Flood Management Plan is to provide review regime (ongoing) of the plan in its entirety. The time period for ongoing plan reviews is to be determined by the Engineer certifying the Flood Management Plan. The review is to be conducted and certified by a suitably qualified Engineer with experience in flood management who is eligible for Membership to Engineers Australia as being appropriate for the management of a flood event, the review is to ensure at a minimum:
 - a) the requirements of the plan are being implemented;
 - b) the requirements of the plan are still adequate and appropriate.

The Flood Management Plan is to be certified by a suitably qualified Engineer with experience in flood management who is eligible for Membership to Engineers Australia as being adequate and appropriate for the management of a flood event.

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

F. Modify Condition Condition No. 28 to read as follows:

28. Energy Australia (Ausgrid)

The relocation of Energy Australia (Ausgrid) substations and associated Energy Australia (Ausgrid) electrical mains (with specific reference to substation and mains located within the vicinity of the onsite HCF tenancy). Works are to be carried out at no cost to Council or Energy Australia (Ausgrid). All work must comply with Energy Australia's (Ausgrid) requirements. The location of the substation shall comply with the setback requirements detailed within the site specific provisions of Warringah Development Control Plan, shall not exceed three (3) metres in height above natural ground level, shall be screened by landscaping to not be visible from the public domain and will not impact upon the flood regime for the site.

Details demonstrating compliance are to be submitted to the Certifying Authority for approval prior to the issue of any the relevant Construction Certificate for Stage 4 of the construction staging as shown on approved Staging Plan SW-004 (Rev B).

G. Modify Condition Condition No. 55 to read as follows:

55. Required Planting

Tree planting is to be implemented as indicated on the approved plans and in the Environmental Management Plan.

Details demonstrating compliance as relevant to each stage of construction as shown on the approved Staging Plans SW-001 Rev B are to be submitted to the Principal Certifying Authority prior to the issue of any the interim I final Occupation Certificate for each construction stage.

Reason: To maintain environmental amenity. (DACLAF01)

H. Modify Condition Condition No. 56 to read as follows:

56. Contamination Report Certification

A suitably qualified person (eg, Environmental Consultant, Geo-technical/ Hydrogeological engineer), is to provide written certification that all that the recommendations detailed in the Contamination Reports and relevant to the management of the contamination on the site for each stage of construction as shown on the approved Staging Plans SW-001 Rev B, Staging Plans SW-002 Rev B, Staging Plans SW-003 Rev B and Staging Plans SW-004 Rev B, have been undertaken and completed. The written certification shall be submitted to the Principal Certifying Authority and Warringah Council prior to the issue of an the relevant Interim /Final Occupation Certificate for each construction stage.

Reason: To protect sensitive environment and ensure potentially contaminated land is appropriately

managed.

I. Modify Condition Condition No. 57 to read as follows:

57. Registration of Encumbrances for Trunk drainage network and Flood Barrier System

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction as to user for the trunk drainage network and flood barrier system is to be submitted to Council.

Details demonstrating compliance as relevant to each stage of construction as shown on the approved staging plans SW-001-SW-004 (Rev B) are to be submitted to the Certifying Authority prior to the issue of the interim /Occupation certificate for each stage.

J. Modify Condition Condition No. 58 to read as follows:

58. Authorisation of Documentation Required for Drainage Augmentation works and Flood Barrier System

The original completed request forms (NSW Department of Finances and Services standard forms 13PC and/or 13RPA) must be submitted to Council, with a copy of the Works-as- Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers certification for each stage of construction as shown on the approved Staging Plans SW-001- SW-004 (Rev B) and Compliance Certificate issued by an Accredited Certifier in Civil Works.

Details demonstrating compliance as relevant to each stage of construction as shown on the approved staging plans SW001-SW004 (Rev B) are to be submitted to the Certifying Authority prior to the issue of the interim /Occupation certificate for each stage.

K. Modify Condition Condition No. 59 to read as follows:

59. Stormwater Disposal

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes for each stage of construction as shown on the approved Staging Plans SW-001 – SW-004 (Rev B) by a suitably qualified person.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the relevant interim /Occupation Certificate for each construction stage.

L. Modify Condition Condition No. 61 to read as follows:

61. Creation of Positive Covenant and Restriction as a User

Where any conditions of this Consent require the creation of a positive covenant and/or restriction as a user, the original completed request forms, (NSW Department of Finances and Services standard forms 13PC and/or 13RPA), shall be submitted to Warringah Council for authorisation.

A certified copy of the documents shall be provided to Warringah Council after final approval and registration has been affected by the NSW Department of Finances and Services.

Details demonstrating compliance as relevant to each stage of construction as shown on the approved staging plans SW001-SW004 (Rev B) are to be submitted to the Principle Certifying Authority prior to the issue of the interim /Occupation certificate for each stage.

M. Modify Condition Condition No. 62 to read as follows:

62. Certification Civil Works - Stormwater Quality Management Device

The Civil Engineer responsible for the supervision of the civil works shall certify that the completed works have been constructed in accordance with this consent and the approved Construction Certificate for each stage of construction as shown on the approved Staging Plans SW-001 – SW-004 (Rev B). A "work as executed" (WAE) plan certified by a registered surveyor and overdrawn in red on a copy of the approved civil works plans are to be provided to Council.

The WAE drawing shall show the alignment, depth and grade of the stormwater drainage pipelines, easement and associated structures.

A maintenance manual for the above device must be provided by the applicant to Council.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Interim /Occupation Certificate for each construction stage.

N. Modify Condition Condition No. 63 to read as follows:

63. Positive Covenant to allow access for maintenance and rectification

- a) A positive covenant (under provisions of Section 88B of the conveyancing Act) is to be registered on the title of Lot 2 DP 600059 and Lot 30 DP 204107
- b) The positive covenant is to permit access to Lots 2 DP 600059 and Lot 30 DP 204107 to allow the owners of Lot 100, DP 1015283, No 145 Old Pittwater Road to meet the obligations of conditions 66 and 67(a) this Development Consent
- c) The terms of the positive covenant are to be prepared to the satisfaction of Council and the requirements and shall be attached to all land holdings benefiting this consent.
- d) All reasonable costs related to the review and approval of the positive covenant by Council shall be borne by the applicant.
- e) Warringah Council shall be nominated as the sole authority empowered to release, vary or modify such covenant
- f) Details demonstrating compliance with this conditions is to be submitted to the satisfaction of the Principal Certifying Authority prior to the release of the final occupation certificate.

O. Modify Condition Condition No. 64 to read as follows:

64. Modification of Consent

After the issue of the final occupation certificate Development Consent No. 96/335 is to be modified in accordance with the provisions of Clause 97 of the Environmental Planning and Assessment Regulation

2000 as follows:

(a) Prior to the issue of the Occupation Certificate, Condition 24 of Development Consent No. 96/335 for DA1996/137 is to be deleted as the bank stabilisation works satisfy the intent of this condition.

Note: Condition 24 of Development Consent No. 96/335 is as follows:

'Adequate headwalls and stabilisation of the embankments and base of Brookvale Creek shall be undertaken upstream of the section proposed to be piped for this development. Full details, including computations, shall be provided for Council's approval prior to commencement of construction. Where any works are required for this purpose they shall be designed and carried out in a manner that is environmentally compatible, and where possible enhance the unpiped section upstream. Where necessary, written concurrence from adjoining property owners shall be obtained to undertaken work on their land.'

(b) Prior to the issue of the Occupation Certificate, Condition 26 of Development Consent No. 96/335 for DA1996/137 is to be deleted as the positive covenant on the title related to the maintenance of the trunk drainage network and flood barrier system means that Council no longer requires the easement to be dedicated to Council. Condition 26 of Development Consent No. 96/335 is as follows:

'An easement to Drain Water is to be dedicated to Council over the section of Brookvale Creek to be piped. The width of the easement is to be determined in consultation with, and to the satisfaction of Council.'

Reason: To ensure the previous consent is consistent with this approval.

P. Modify Condition Condition No. 65 to read as follows:

65. Maintenance of the Trunk Drainage Network and Flood Barrier System

The land owners of Lot 100 DP 1015283 are required to maintain the trunk drainage network traversing Lot 100 DP 1015283 and all associated flood barrier systems required to provide a minimum 300mm freeboard to the existing retail floor levels in perpetuity.

The maintenance must include the following:

- a) A maintenance regime to ensure that the trunk drainage network and flood barrier system are adequately maintained to operate as per the design intent and as detailed in the Warringah Mall Flood Impact Assessment Addendum, prepared by Cardno, dated 25 January 2010.
- b) The regime must include regular inspections to detect and clear any blockages to the network
- c) The findings of the regular inspections are to be documented and made available to Council upon request.

Any rectification works required for the above must be undertaken by the proprietor at no expense to Council.

Q. Modify Condition Condition No. 66 to read as follows:

66. Geo-technical Monitoring of Creek Bank and Concrete Channel Structure

A) In order to monitor or rectify any

- (i) creek or bank instability; and
- (ii) instability or potential failure of the channel structure;

The owner of Lot 100, DP 1015283 must undertake the following in perpetuity:

a) Conduct a geo-technical investigation every two (2) years using an appropriately qualified and practicing geo-technical engineer. This assessment is to include (but not be limited to) the following:

- The stability of the creek bank and potential geotechnical hazards present within and surrounding the creek banks,
- Any impacts on creek bank stability from any works related to this consent
- Current levels of risk to both life and property; and
- Creek bank remediation risk management measures.

A copy of the assessment is to be provided as soon as practicable to all land owners and tenancy holders affected and / or adjacent to the creek.

b) Conduct an assessment of the structural integrity of the concrete lined channel (and associated upstream development works of Lot 100, DP 1015283, No 145 Old Pittwater Road to Old Pittwater Road as approved by this consent) using a suitably qualified structural engineer. This assessment should be undertaken every five (5) years.

A certificate is to be submitted to Council documenting the findings of the assessment. The certificate is to include recommendations for any rectification works which are deemed necessary to maintain the structural integrity of the concrete lined channel. A certificate is to be submitted to Council every five (5) years.

B) Any rectification works required for the above must be undertaken by the persons stipulated within (A) of this condition at no expense to Council. Rectification works are to be carried out as soon as practicable, or where there is risk of failure, immediately.

A certificate signed by a suitably qualified geotechnical or structural engineer is to be submitted to Council stating that the rectification works have been carried out in accordance with an approved design.

R. Modify Condition Condition No. 67 to read as follows:

67. Riparian Lands Vegetation

In order to appropriately and adequately manage the riparian zones and revegetated areas of Lot 2 DP 600059 and Lot 30 DP 204107, the lands are to be managed in accordance with the approved Environmental Management Plan (incorporating Biodiversity Management Plan and Vegetation Management Plan) detailed within this consent. The management is to be undertaken by the land owner of Lot 100, DP 1015283 who shall:

- a) monitor and rectify physical works undertaken under this consent for a period of 24 months after the issue date of the interim /Occupation certificate for staging plan SW001 page 2.
- b) upon the completion of the 24 month period stipulated in (a) above, implement the ongoing requirements detailed in the approved Environmental Management Plan in perpetuity on land contained in Lot 2 DP 600059 and Lot 30 DP 204107.
- c) appoint a suitably qualified ecologist to assess the implementation of the Environmental Management Plan on the riparian zones and revegetated areas of Lot 2 DP 600059 and Lot 30 DP 204107. The ecologist shall make recommendations for rectification works deemed necessary to maintain the integrity of the riparian zones and revegetated areas on those lands.

A certificate signed by the ecologist is to be submitted to Council every 3 years stating that the requirements of the approved Environmental Management Plan are being implemented as required. The certificate is to include recommendations for any rectification works.

Any rectification works required for the above must be undertaken by the land owner of Lot 100, DP 1015283 at no expense to Council. Rectification works are to be carried out as soon as practicable, or where there is risk of failure, immediately.

Important Information

This letter should therefore be read in conjunction with DA2008/1742 dated 16 May 2012, 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 Luke Perry, Senior Development Planner

Date 26/05/2015