

9 December 2014



Scentre Group Ltd  
C/O Urbis L23 Darling Park Tower 2 201 Sussex St  
SYDNEY NSW 2000

Dear Sir/Madam

**Application Number:** Mod2014/0200  
**Address:** Lot 100 DP 1015283 , 145 Old Pittwater Road, BROOKVALE NSW 2100  
**Proposed Development:** Modification of Development Consent DA2008/1741 granted for partial demolition of existing buildings and construction of an extension to Warringah Mall Shopping Centre including two level of retail and a multi-level carpark

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](http://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](mailto:council@warringah.nsw.gov.au)

Regards,

Luke Perry  
**Planner**

**NOTICE OF DETERMINATION**

<b>Application Number:</b>	Mod2014/0200
<b>Determination Type:</b>	Modification of Development Consent

**APPLICATION DETAILS**

<b>Applicant:</b>	Scentre Group Ltd
<b>Land to be developed (Address):</b>	Lot 100 DP 1015283 , 145 Old Pittwater Road BROOKVALE NSW 2100
<b>Proposed Development:</b>	Modification of Development Consent DA2008/1741 granted for partial demolition of existing buildings and construction of an extension to Warringah Mall Shopping Centre including two level of retail and a multi-level carpark

**DETERMINATION - APPROVED**

<b>Made on (Date)</b>	09/12/2014
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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:

Reports / Documentation – All recommendations and requirements contained within:		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
ACCESS ROAD AND STARFISH CAR PARK STAGE 1 CIVIL – PHASE 1 EARLY WORKS	4 December 2014	Cardno Pty Ltd

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

**A. Modify Condition No. 49 to read as follows:**

**49. Upgrading to Existing Myers Department store**

The existing Myers Department store is to be upgraded so as to comply with the requirements of the Building Code of Australia and the report issued by 'Scientific Fire Services', report No.35405-ce/FEB/RI dated 27/10/05. Such work is to be completed prior to the issue of the relevant interim/final

Occupation Certificate for the building.

**B. Modify Condition No. 51 to read as follows:**

**51. Sydney Water**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) <<http://www.sydneywater.com.au>> then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

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

**C. Modify Condition No. 52 to read as follows:**

**52. Authorisation of Legal Documentation Required for Flood Wall Barrier System**

The original completed request forms (Department of Lands 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 and Compliance Certificate issued by an Accredited Certifier in Civil Works.

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

**D. Modify Condition No. 53 to read as follows:**

**53. Registration of Encumbrances for Flood Wall Barrier System**

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

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

Reason: To identify encumbrances on land. (DACENF02)

**E. Modify Condition No. 54 to read as follows:**

**54. Restriction as to User for Flood Wall Barrier System**

A restriction as to user shall be created on the title over the flood wall barrier system, restricting any

alteration to th54e levels and/or any construction on the land. The terms of such restriction are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Council prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such restriction.

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

Reason: To ensure modification of flood wall barrier system is not carried without Council's approval.  
(DACENF04)

**F. Modify Condition No. 55 to read as follows:**

**55. Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person.

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

(Note: The following Standards and Codes applied at the time of determination:

- a) Australian/New Zealand Standard AS/NZS 3500.3:2003 - Plumbing and drainage - Stormwater drainage
- b) Australian/New Zealand Standard AS/NZS 3500.3:2003/Amdt 1:2006 - Plumbing and drainage - Stormwater drainage
- c) National Plumbing and Drainage Code.

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development.  
(DACENF05)

**G. Modify Condition No. 56 to read as follows:**

**56. Certification Civil Works**

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. 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 W.A.E. drawing shall show the alignment, depth and grade of the stormwater drainage pipelines, easement and associated structures including all flood wall barrier systems.

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

Reason: To ensure compliance of drainage works with Council's specification for engineering works.  
(DACENF06)

**H. Modify Condition No. 57 to read as follows:**

## **57. CCTV of Stormwater Drainage Works**

The applicant shall submit to Council a CCTV inspection of the completed drainage works. The above CCTV inspection is to be provided on a DVD in mp2 file format, and should be clearly labelled and contain a menu outlining the pipe attributes.

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

Reason: To ensure compliance of drainage works with Council's specification for engineering works. (DACENF09)

### **I. Modify Condition No. 58 to read as follows:**

#### **58. Positive Covenant for Drainage Structures**

A positive covenant (under the provisions of Section 88B of the Conveyancing Act) is to be created on the title and accompanying 88B instrument, requiring the proprietor of the land to maintain the trunk stormwater drainage system traversing the site and all flood barrier systems required to provide the minimum 500 mm freeboard to the proposed retail development, in accordance with the standard requirements of Council.

The terms of the positive covenant are to be prepared to Council's standard requirements, which are available from Warringah Council. Warringah Council shall be nominated as the sole authority empowered to release, vary or modify such covenant.

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

Reason: To ensure ongoing maintenance of the trunk stormwater drainage system. (DACENH01)

### **J. Modify Condition No. 60 to read as follows:**

#### **60. 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, (Department of Lands 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 "Department of Lands".

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

Reason: To identify encumbrances on land. (DACENF14)

### **K. Modify Condition No. 61 to read as follows:**

#### **61. Required Planting**

Tree planting is to be implemented as indicated on the approved Landscape Plan.

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

Reason: To maintain environmental amenity. (DACLAF01)

**L. Modify Condition No. 63 to read as follows:**

**63. Contamination Report Certification**

A site auditor, accredited by the Environmental Protection Authority (Department of Environment Climate Change and Water) under the Contaminated Land Management Act 1997, is to provide written certification that all that works/methods/procedures/control measures and recommendations detailed in the CEMP, relevant to the management of the contamination on the site, have been undertaken and completed.

The written certification shall be submitted to the Principal Certifying Authority and Warringah Council prior to the issue of the relevant Interim / Final Occupation Certificate.

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

**Important Information**

This letter should therefore be read in conjunction with DA2008/1741 dated 28 April 2010 and MOD2014/0079 dated 15 September 2014.

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

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Name

Luke Perry, Planner

Date

09/12/2014