

2 September 2015

Urbis JHD Pty Ltd
Level 21 321 Kent Street
SYDNEY NSW 2000

Dear Sir/Madam

Application Number: Mod2015/0191
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, construction of an extension to the Warringah Mall Shopping Centre including two levels of retail floorspace, a multi-level car park and associated stormwater 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
Planner

NOTICE OF DETERMINATION

Application Number:	Mod2015/0191
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	Urbis JHD Pty Ltd
Land to be developed (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, construction of an extension to the Warringah Mall Shopping Centre including two levels of retail floorspace, a multi-level car park and associated stormwater works.

DETERMINATION - APPROVED

Made on (Date)	02/09/2015
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The request to modify the above-mentioned Development Consent has been approved as follows:

A. Modify Condition No. 30 Tree Protection to read as follows:

30. Tree Protection

In order to protect and enhance onsite vegetation and trees the following applies to the development site:

(a) Construction Certificate Plans

The Construction Certificate plans must include reference to:

- (i) Trees to be removed coloured or shaded in the colour red
- (ii) Trees to be retained coloured or shaded in the colour green
- (iii) Trees to be pruned coloured or shaded in the colour blue
- (iv) Trees to be transplanted coloured or shaded in the colour yellow

(b) Existing trees which must be retained

Approval is NOT granted for the removal of the following trees:

Trees indicated as retained on Landscape Plan - Endorsed with Council's Stamp		
Drawing Number	Dated	Prepared By
DA 01 6101 Revision A15	21/08/2015	DEM

Reason: To ensure the protection of trees to be retained.

B. Add Condition No. 30E Specific Tree Removal to read as follows:

30.E Specific Tree Removal

- a). Existing street trees that are approved for removal

The following trees are approved for removal in accordance with the Arboricultural Assessment Addendum Report at Westfield Warringah Stormwater Augmentation Cnr Cross and Green Streets prepared by Jacksons Nature Works dated 19 August 2015

Species	Tree Number
<i>Backhousia citriodora</i>	33
<i>Backhousia citriodora</i>	37
<i>Lophostemon confertus</i>	38
<i>Lophostemon confertus</i>	42
<i>Backhousia citriodora</i>	44
<i>Backhousia citriodora</i>	47

- b). Street trees approved for removal are to be removed by a Council approved tree contractor.
 c). The list of currently approved tree contractors is to be obtained from Council's Public Trees Section prior to undertaking removal works.
 d). The location and protection of all services and public safety during the works is the responsibility of the owner/applicant.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site and public liability. (DACLAC01)

C. Add Condition No. 30F Required Planting to read as follows:

30F. Required Planting

1. The tree/s listed in the following schedule shall be planted in accordance with the following schedule:

No. of Trees Required.	Species	Location	Minimum Pot Size
8	<i>Elaeocarpus eumundii</i>	Cross Street road reserve, as indicated on Landscape Plan Sheet 1 of 2 Ground Level Palm Tree Carpark Dwg No. da016101 Rev No. A15 dated 21/08/2015	100 litre

2. Replacement trees are to satisfy the following:

- a) Replacement trees are to be grown in accordance with the Natspec publication Specifying Trees - a guide to assessment of tree quality
- b) All replacement trees must be maintained until they reach six (6) metres in height;
- c) If any replacement tree dies prior to reaching six (6) metres in height that tree is to be replaced; and
- d) The replacement trees shall be planted within three (3) months of the removal of the Class B Hoarding along Cross Street associated with the stormwater augmentation works under DA2008/1742.
- e) 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 DA2008/1741 dated 28 April 2010, MOD2014/0079 dated 15 September 2014 and MOD2014/0230 dated 17 December 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 _____

Name Luke Perry, Planner

Date 02/09/2015