

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2014/0285
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Responsible Officer:	Luke Perry
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
Zoning:	LEP - Land zoned B3 Commercial Core LEP - Land zoned IN1 General Industrial LEP - Land zoned IN1 General Industrial LEP - Land zoned RE1 Public Recreation LEP - Land zoned RE1 Public Recreation LEP - Land zoned RE1 Public Recreation
Development Permissible:	Yes - Zone B3 Commercial Core Yes - Zone IN1 General Industrial Yes - Zone RE1 Public Recreation
Existing Use Rights:	No
Consent Authority:	Warringah Council
Land and Environment Court Action:	No
Owner:	AMP Warringah Mall Pty Ltd Westfield Management Ltd
Applicant:	Scentre Group Ltd

Application lodged:	16/12/2014
Application Type:	Integrated

State Reporting Category:	Other
Notified:	09/01/2015 to 10/02/2015
Advertised:	10/01/2015
Submissions:	1
Recommendation:	Approval

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (upto the time of determination) by the applicant, persons who have made submissions regarding the application and any advice provided by relevant Council / Government / Authority Officers on the proposal.

SUMMARY OF ASSESSMENT ISSUES

There are no assessment issues.

SITE DESCRIPTION

Property Description:	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
Detailed Site Description:	The application relates to the following land: <ul style="list-style-type: none"> • Lot 100, DP 1015283, No. 145 Old Pittwater Road, Brookvale (Warringah Mall Shopping Centre) • Lots 2741 and 2742, DP 752038, Condamine Street, Manly

Vale (Warringah Golf Course)

- Lot 2, DP 600059, No. 75 Old Pittwater Road, Brookvale
- Lot 30, DP 204107, Old Pittwater Road, Brookvale
- A portion of the Condamine Street road corridor

Warringah Mall Shopping Centre

The majority of the works proposed under DA2008/1742 will be on Lot 100, DP 1015283, No. 145 Old Pittwater Road, Brookvale. The site is occupied by the Warringah Mall Shopping Centre which is commonly known as 'Warringah Mall'.

The Warringah Mall site has an area of 170,600m². It is bound to the north by Cross Street, to the south by Old Pittwater Road and to the east by Condamine Street / Pittwater Road. The principal street frontage is to Condamine / Pittwater Road and secondary street frontages are to Old Pittwater Road and Cross Street.

Warringah Mall has a total floor area of 127,838m² with a provision of 103,400m² of enclosed retail floor space provided mainly over two levels with some areas three levels.

Warringah Mall accommodates Myer and David Jones department stores, Big W and Target discount department stores, Woolworths and Coles supermarkets, 15 mini-major tenants (floor space greater than 400m²) and 239 retail specialty shops.

Warringah Mall includes an entertainment precinct incorporating a nine screen Hoyts Cinema Complex as well as some other non-retail facilities.

The site is extensively built upon with bituminised and concrete hard surface areas located around the perimeter of the building to facilitate car parking and traffic flow. It has a total of 4,468 car spaces with 2,998 open-air spaces and 1,470 under cover spaces.

Warringah Mall provides a mix of indoor and outdoor spaces that are suitable for the surrounding coastal community and setting.

Topographically, the site has a gradual natural slope that falls from the north-west to the south-east of the site.

Vehicle access to the site is currently available at various locations along Pittwater Road, Old Pittwater Road and Cross Street.

Other Land

The proposed stormwater works extend under Condamine Street and therefore a portion of the Condamine Street road corridor forms part of the subject site.

Works are required on Lots 2741 and 2742, DP 752038, Condamine Street, Manly Vale. These lots are currently owned by Council and leased to the Warringah Golf Club.

Bank stabilisation works are proposed upstream of the proposed site. The application therefore also includes the following land;

- Lot 2, DP 600059, No. 75 Old Pittwater Road, Brookvale which is owned by Harrison Investments Pty Ltd and used for industrial purposes.
- Lot 30, DP 204107, Old Pittwater Road, Brookvale which is owned by Council.

Map:



SITE HISTORY

Development Application No. 2008/1742

This application for the construction of drainage works through the Warringah Mall Shopping Centre site, extending under Condamine Street and linking to the existing infrastructure located within the adjoining Warringah Golf Club site to the east. The application also seeks consent for bank stabilisation works immediately upstream of the Warringah Mall site was granted deferred commencement approval by

Council's Applications Determination Panel (ADP) on 16 May 2012.

Deferred Commencement Conditions

The original Development Application (DA2008/1742) as discussed above, was granted deferred commencement approval. The applicant was required to satisfy two conditions prior to activating the consent. The applicant submitted information of 2 April 2015 seeking to satisfy the requirements of the conditions of consent.

The information submitted satisfied the requirements of the conditions and the consent become operative on 14 April 2015.

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent to modify Development Consent No. 2008/1742 granted for Construction of stormwater augmentation works, bank stabilisation works and deletion of conditions 24 and 26 of DA1996/137 (Development Consent No.96/335).

Specifically the modifications involve:

Re-alignment of Culverts

- Realignment of culverts adjacent to Pittwater Road to incorporate a minimum setback of 15.5m to the road frontage;
- The realignment extends internally within the site to allow for the construction of culverts through the existing Bing Lee building; and
- The realignment will result in the demolition of the existing HCF, Godfathers Restaurant and Bing Lee buildings.

Re-design of Condamine Street Culverts

- Reconstruction of Chamber C6; and
- Lowering of the invert levels of the two central box culverts under Condamine Street by 1.0m together with the lowering of the apron slab upstream of the gross pollutant trap (GPT) downstream of Condamine Street.

Other works

- Augmentation to the existing parapet wall on the Woolworths loading dock road to be lowered by 1m; and
- A number of conditions of consent are proposed to be modified as a result of revised plans and updated plans (i.e. Construction Management Plan).

In consideration of the application a review of (but not limited) documents as provided by the applicant in support of the application was taken into account detail provided within Attachment A.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are: **Section 5A - Significant effect on threatened species, populations or ecological communities, or their habitats**

Section 5A of the EP&A Act provides the following;

(1) For the purposes of this Act and, in particular, in the administration of sections 78A, 79B, 79C, 111 and 112, the following must be taken into account in deciding whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats:

- (a) each of the factors listed in subsection (2),*
- (b) any assessment guidelines.*

(2) The following factors must be taken into account in making a determination under this section:

- (a) in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,*
- (b) in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction,*
- (c) in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:*
 - (i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or*
 - (ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,*
- (d) in relation to the habitat of a threatened species, population or ecological community:*
 - (i) the extent to which habitat is likely to be removed or modified as a result of the action proposed, and*
 - (ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and*
 - (iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality,*
- (e) whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly),*
- (f) whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan,*
- (g) whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.*

Pursuant to the EP&A Act if a species, population or ecological community listed in Schedules 1, 1A and 2 of the *Threatened Species Conservation Act 1995 (TSC Act)* is identified as occurring or having the potential to occur in the study area, a review of the factors set out to establish if there is likely to be a significant effect on that species, population, ecological community or habitat, must be undertaken. If a significant effect is likely a Species Impact Statement is required to be submitted.

The proposal is supported by an 'Assessment of Significance', otherwise known as a seven part test, for the Eastern Bent Wing Bats which is listed in the TSC Act and is recorded as occurring in the study area or

determined as likely or having the potential to occur within the study area. The Eastern Bent Wing Bats have been identified within the culverts beneath Warringah Mall and upstream of Chamber C6 which is proposed to be reconstructed as part of this proposal.

The 'Assessment of Significance' found the following:

'In light of the consideration of the above seven factors (1-7), the proposed activity is unlikely to have "a significant effect" on the Eastern Bent-wing as a result of the proposed action, as:

- *The proposed action will not adversely affect the life cycle of the species;*
- *The proposed action will not remove, modify or further fragment or isolate a significant area of habitat for the species; and*
- *The proposal does not significantly contribute to any KTP threatening the species.*

Consequently, a Species Impact Statement is not required to be prepared.'

As detailed within the 'Natural Environment Unit - Biodiversity' comments under the Referrals section of this report, no objections area raised to the proposal in relation to the potential impact upon the Eastern Bent Wing Bats subject to conditions including a condition requiring the works

Section 96 (2)

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared and is attached taking into all relevant provisions of the Environmental Planning and Assessment Act 1979 and associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice given by relevant Council / Government / Authority Officers on the proposal;

In this regard, the consideration of the application adopts the previous assessment detailed in the Assessment Report for DA2008/1742, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 96(2) of the Environmental Planning and Assessment Act, 1979, are:

Section 96(2) - Other Modifications	Comments
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was	The development, as proposed, has been found to be such that Council is satisfied that the proposed works are substantially

Section 96(2) - Other Modifications	Comments
originally granted and before that consent as originally granted was modified (if at all), and	the same as those already approved under DA2008/1742.
(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and	Development Application DA2008/1742 did not require concurrence from the relevant Minister, public authority or approval body.
(c) it has notified the application in accordance with: (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and	The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, Warringah Local Environment Plan 2011 and Warringah Development Control Plan.
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	See discussion on “Public Exhibition” in this report.

Section 79C Assessment

In accordance with Section 96(3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 96 the consent authority must take into consideration such of the matters referred to in section 79C(1) as are of relevance to the development the subject of the application.

The relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, are:

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iia) –	None applicable.

Section 79C 'Matters for Consideration'	Comments
Provisions of any planning agreement	
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider Prescribed conditions of development consent. These matters have been addressed via a condition in the original consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No formal request for Additional information was made.</p> <p>However, throughout the assessment of the application a number of pieces of additional information were provided by the applicant to address concerns raised by Council. These included revised stormwater plans and a revised Assessment of Significance in relation to the Eastern Bent Wing Bats.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition in the original consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition in the original_consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition in the original consent.</p>

Section 79C 'Matters for Consideration'	Comments
	<p>Clause 143A of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
<p>Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</p>	<p>(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>In summary, the impacts upon the natural and built environments have been investigated in detail in this assessment and have been found to be satisfactory. The site incorporates known areas where Eastern Bent Wing Bats inhabit. In particular the presence of the Eastern Bent Wing Bat has been identified in and around the location of the 'C6' chamber which is proposed to be reconstructed as part of this proposal.</p> <p>The impact upon the Eastern Bent Wing Bat has been investigated and have been found to be satisfactory subject to conditions which have been included in the recommendation of this report.</p> <p>The proposed works relating to the reconstruction of the 'C6' chamber which is a known site where microbats The impact of the development on Brookvale Creek</p> <p>(ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) The proposed development will not result in any long term adverse economic impacts. Some businesses within Warringah Mall may be impacted during construction however the works are required to ensure the safety of the public and therefore any short term economic impacts would not warrant the refusal of the application.</p>
<p>Section 79C (1) (c) – the suitability of the site for the development</p>	<p>The site is considered suitable for the proposed development.</p>
<p>Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs</p>	<p>See discussion on “Public Exhibition” in this report.</p>
<p>Section 79C (1) (e) – the public interest</p>	<p>No matters have arisen in this assessment that would justify the refusal of the application in the public interest.</p>

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and Warringham Development Control Plan.

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:
Aldi Stores	1 Sargents Rd MINCHINBURY NSW 2770

The following issues were raised in the submissions and each have been addressed below:

- **Access to Aldi supermarket**

The matters raised within the submissions are addressed as follows:

- **Access to Aldi supermarket**

Concern is raised by Aldi supermarkets with regards to the maintenance of vehicular and pedestrian access to the store during the construction works.

Comment:

It is acknowledged that the works have the potential to impact upon the access arrangements to the Aldi store.

In this regard, it is a reasonable expectation that adequate vehicular and pedestrian access is maintained to the Aldi store at all times and a condition to this effect has been included in the recommendation of this report. The provision for access to be maintained to the Aldi store is to be incorporated into the Construction Management Plan.

This matter does not warrant refusal of the application.

MEDIATION

No requests for mediation have been made in relation to this application.

REFERRALS

Internal Referral Body	Comments
Development Engineers	The application was referred to Council's Development Engineer who provided the following comments:

Internal Referral Body	Comments																																																																														
	<p data-bbox="342 352 1446 453"><i>'Development Engineering have reviewed the submitted engineering plans for the stormwater augmentation works modification and now advise that they are satisfactory subject to inclusion in the consent as follows:</i></p> <p data-bbox="342 491 1019 522"><i>Reference is made to the following plans by Cardno:</i></p> <table border="1" data-bbox="456 548 1474 1524"> <thead> <tr> <th colspan="3" data-bbox="464 554 1187 585">Engineering Plans - Endorsed with Council's stamp</th> </tr> <tr> <th data-bbox="464 590 854 621"><i>Drawing No.</i></th> <th data-bbox="854 590 1146 621"><i>Dated</i></th> <th data-bbox="1146 590 1466 621"><i>Prepared By</i></th> </tr> </thead> <tbody> <tr><td data-bbox="464 625 854 657"><i>W4548-400 Revision 3</i></td><td data-bbox="854 625 1146 657"><i>5/11/2014</i></td><td data-bbox="1146 625 1466 657"><i>Cardno</i></td></tr> <tr><td data-bbox="464 661 854 693"><i>W4548-401 Revision 5</i></td><td data-bbox="854 661 1146 693"><i>31/03/2015</i></td><td data-bbox="1146 661 1466 693"><i>Cardno</i></td></tr> <tr><td data-bbox="464 697 854 728"><i>W4548-402 Revision 4</i></td><td data-bbox="854 697 1146 728"><i>31/03/2015</i></td><td data-bbox="1146 697 1466 728"><i>Cardno</i></td></tr> <tr><td data-bbox="464 732 854 764"><i>W4548-411 Revision 4</i></td><td data-bbox="854 732 1146 764"><i>31/03/2015</i></td><td data-bbox="1146 732 1466 764"><i>Cardno</i></td></tr> <tr><td data-bbox="464 768 854 800"><i>W4548-412 Revision 5</i></td><td data-bbox="854 768 1146 800"><i>31/03/2015</i></td><td data-bbox="1146 768 1466 800"><i>Cardno</i></td></tr> <tr><td data-bbox="464 804 854 835"><i>W4548-413 Revision 4</i></td><td data-bbox="854 804 1146 835"><i>7/11/2014</i></td><td data-bbox="1146 804 1466 835"><i>Cardno</i></td></tr> <tr><td data-bbox="464 840 854 871"><i>W4548-414 Revision 3</i></td><td data-bbox="854 840 1146 871"><i>5/11/2014</i></td><td data-bbox="1146 840 1466 871"><i>Cardno</i></td></tr> <tr><td 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1478"><i>CAR-060140 Revision 1</i></td><td data-bbox="854 1446 1146 1478"><i>31/10/2014</i></td><td data-bbox="1146 1446 1466 1478"><i>Cardno</i></td></tr> </tbody> </table> <p data-bbox="342 1572 1076 1604"><i>2. Additionally condition 17 is to be amended as follows :</i></p> <p data-bbox="342 1652 669 1684">Physical Model Studies</p> <p data-bbox="342 1734 1466 1969"><i>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 Cadno 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</i></p>	Engineering Plans - Endorsed with Council's stamp			<i>Drawing No.</i>	<i>Dated</i>	<i>Prepared By</i>	<i>W4548-400 Revision 3</i>	<i>5/11/2014</i>	<i>Cardno</i>	<i>W4548-401 Revision 5</i>	<i>31/03/2015</i>	<i>Cardno</i>	<i>W4548-402 Revision 4</i>	<i>31/03/2015</i>	<i>Cardno</i>	<i>W4548-411 Revision 4</i>	<i>31/03/2015</i>	<i>Cardno</i>	<i>W4548-412 Revision 5</i>	<i>31/03/2015</i>	<i>Cardno</i>	<i>W4548-413 Revision 4</i>	<i>7/11/2014</i>	<i>Cardno</i>	<i>W4548-414 Revision 3</i>	<i>5/11/2014</i>	<i>Cardno</i>	<i>W4548-420 Revision 6</i>	<i>31/03/2015</i>	<i>Cardno</i>	<i>W4548-421 Revision 4</i>	<i>31/03/2015</i>	<i>Cardno</i>	<i>W4548-422 Revision 4</i>	<i>31/03/2015</i>	<i>Cardno</i>	<i>W4548-423 Revision 4</i>	<i>31/03/2015</i>	<i>Cardno</i>	<i>W4548-424 Revision 5</i>	<i>31/03/2015</i>	<i>Cardno</i>	<i>W4548-425 Revision 4</i>	<i>31/03/2015</i>	<i>Cardno</i>	<i>W4548-426 Revision 4</i>	<i>31/03/2015</i>	<i>Cardno</i>	<i>W4548-427 Revision 4</i>	<i>31/03/2015</i>	<i>Cardno</i>	<i>W4548-428 Revision 4</i>	<i>31/03/2015</i>	<i>Cardno</i>	<i>W4548-429 Revision 4</i>	<i>31/03/2015</i>	<i>Cardno</i>	<i>W4548-430 Revision 3</i>	<i>31/03/2015</i>	<i>Cardno</i>	<i>W4548-431 Revision 4</i>	<i>31/03/2015</i>	<i>Cardno</i>	<i>W4548-435 Revision 4</i>	<i>7/11/2015</i>	<i>Cardno</i>	<i>CAR-060139 Revision 1</i>	<i>31/10/2014</i>	<i>Cardno</i>	<i>CAR-110126 Revision 1</i>	<i>31/10/2014</i>	<i>Cardno</i>	<i>CAR-060141 Revision 1</i>	<i>31/10/2014</i>	<i>Cardno</i>	<i>CAR-060140 Revision 1</i>	<i>31/10/2014</i>	<i>Cardno</i>
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Internal Referral Body	Comments
	<p><i>in the junction box can be minimised.</i></p> <p><i>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).</i></p> <p><i>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)</i></p> <p>Reason: <i>To confirm parameters assumed in the flood model.'</i></p> <p>Accordingly, no objections are raised subject to conditions included in the recommendation of this report.</p>
Environmental Investigations (Acid Sulphate)	The application was referred to Council’s Environmental Health and Protection team who raise no objections to the proposed modifications.
Landscape Officer	The application was referred to Council's Landscape Officer who raises no objections subject to the conditions included in the recommendation of this report.
Natural Environment (Biodiversity)	<p>The application was referred to Council's Natural Environment Unit (Biodiversity) who provided the following comments:</p> <p><i>'The draft report “Assessment of Significance Stormwater Augmentation and Remediation of Harrisons Reach” by RPS (2015) has included an additional survey (conducted 19 March 2015) for microbats roosting within the stormwater infrastructure beneath the mall with specific inspection of previously identified roost locations. Whilst no bats were observed by RPS during the March 2015 culvert surveys, a separate survey of the Condamine Street culvert entrance conducted on behalf of Council indicates that roosting Eastern Bentwing Bats have returned by this time.</i></p> <p><i>The absence of bats from the previously identified roost locations within the round pipes under Kmart/Target may indicate that the bats vary roost locations within and between stormwater culverts and does not necessarily demonstrate a late autumn return to the roost locations under Warringah Mall. Based on roost site monitoring associated with stormwater infrastructure at various locations across Warringah and nearby LGA’s, Eastern Bentwing Bats appear present in larger numbers during Autumn, Winter and Spring (March – September).</i></p> <p><i>According to experts on this species, abundance in Sydney is greatest during autumn (mating period) when the bats prepare for overwintering by congregating in a number of roosts around Sydney (see Hoyer and Spence 2004). Any proposed bat exclusion would therefore need to be undertaken during late February, early March before bats return to</i></p>

Internal Referral Body	Comments
	<p><i>the culvert in larger numbers.</i></p> <p><i>Council's natural environment – biodiversity section raise no objections to the proposed modification (Mod2014/0285) subject to conditions.'</i></p>
Natural Environment (Flood)	<p>Council's Natural Environment Unit have reviewed the flooding impacts of the application and provided the following comments:</p> <p><i>'The Statement of Environmental Effects prepared by Urbis and the Letter from Cardno to address the Stormwater Deferred Commencement Condition dated 5 November 2014 demonstrate that the proposed modification produces comparable hydraulic performance and will not significantly increase flood levels above those approved in DA2008/1742.</i></p> <p><i>Recommend for approval without conditions.'</i></p>
Natural Environment (Riparian Lands/Creeks)	<p>The application was referred to Council's Natural Environment Unit (Riparian Lands/Creeks) who provided the following comments:</p> <p><i>'The modification to the Condamine Street culverts will have less impact on Brookvale Creek (Warringah Golf Club) downstream of Warringah Mall as the proposed works are less extensive than the works approved in DA2008/1742. Therefore there will be less disturbance to the creek bed and bank and riparian vegetation.</i></p> <p><i>No objection to approval and no conditions are recommended.'</i></p>
Parks, reserves, beaches, foreshore	<p>The application was referred to Council's Parks, Reserves and Foreshores who raise no objections to the proposed modifications.</p>
Road Reserve	<p>The application was referred to Council's Road Assets team who have reviewed the application and raise no objections to the proposed modifications.</p>
Traffic Engineer	<p>Council's Traffic Engineers have reviewed the application on traffic grounds and provided the following comments:</p> <p><i>There is no objection to the proposed S96 modification subject to approval of the Construction Management Plan by Development Engineers.</i></p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	<p>The proposal was referred to Ausgrid in accordance with Clause 45 of <i>State Environmental Planning Policy (Infrastructure) 2007</i>.</p> <p>Ausgrid provided the following comments:</p> <p><i>'Ausgrid's records indicate that there may be underground electrical services present on the premises. The developer is to pay particular attention to the conditions outlined in attached Table 1 regarding the</i></p>

External Referral Body	Comments
	<p><i>penetration of ground within 2m of an underground electricity cable. If the development is to impact on this underground service the developer is to contact Ausgrid to discuss its relocation.</i></p> <p><i>Otherwise, based on the information provided in your correspondence I wish to advise that Ausgrid has no objections to the proposed development at this stage.</i></p> <p><i>In addition, please have your Electrical Contractor/Electrical Consultant provide Ausgrid with a 'Connection Application form NECF-02' at your earliest convenience.'</i></p> <p>Accordingly, no objections are raised to the proposed modifications.</p>
<p>NSW Roads and Maritime Services - (SEPP Infra. Traffic generating dev)</p>	<p>The consent of the appropriate Roads Authority is required under section 138 of the Roads Act 1993 in order to construct the culverts under Condamine Street. Council is the relevant Roads Authority and therefore in accordance with section 91(3) of the EP&A Act the development is not integrated development in respect of the consent required under section 138.</p> <p>Condamine Street is however classified as a main road and accordingly under section 138(2) of the Roads Act the concurrence of the NSW Roads and Maritime Service (RMS) is required.</p> <p>In this regard the application was referred to the RMS who provided the following comments:</p> <p><i>'Roads and Maritime has reviewed the submitted Section 96 application and would provide concurrence to the proposed augmentation of the stormwater system through modifications to the bridge culverts under Section 138 of the Roads Act 1993, subject to the following conditions being included in any consent issued by Council:</i></p> <p><i>1. Detailed design plans of any changes to the bridge structure are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.</i></p> <p><i>Details should be forwarded to:</i></p> <p><i>Project Engineer, External works - Sydney Asset Management Roads and Maritime Services PO Box 973 Parramatta CBD 2124.</i></p> <p><i>A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime</i></p>

External Referral Body	Comments
	<p><i>Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.</i></p> <p><i>2. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to the Principal Certifying Authority prior to the issue of a construction certificate.'</i></p> <p>Accordingly, no objections are raised to the proposed modifications by the RMS and concurrence is granted to the application.</p>
<p>Integrated Development – NSW Office of Environment and Heritage (40m of a watercourse)</p>	<p>The proposed development is 'Integrated Development' pursuant to section 91 of the EP&A Act as a Controlled Activity Approval is required under the Water Management Act 2000 (WMA). The NSW Office of Water is the relevant approval body. The application was referred to the NSW Office of Water in accordance with section 91A of the EP&A Act. General Terms of Approval (GTAs) were issued for the original development on 13 July 2009.</p> <p>The application was referred to the NSW Office of Water, who provided the following comments:</p> <p><i>'The General Terms of Approval issued by the NSW Office of Water on 31/01/2012 remain valid.'</i></p> <p>Accordingly, no objections are raised to the proposed modifications.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

Nil

Warringah Local Environment Plan 2011

Is the development permissible?	Zone B3 : Yes
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	Zone IN1: Yes Zone RE1: Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

There is no change to the approved and existing Height of Buildings. The development standards do not apply to this application.

Compliance Assessment

Clause	Compliance with Requirements
6.3 Flood planning	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Built Form Controls

The built form controls do not apply to this application.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
D3 Noise	Yes	Yes
D14 Site Facilities	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
E1 Private Property Tree Management	Yes	Yes
E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
E8 Waterways and Riparian Lands	Yes	Yes
E10 Landslip Risk	Yes	Yes
E11 Flood Prone Land	Yes	Yes
Part G Special Area Controls	Yes	Yes
G4 Warringah Mall	Yes	Yes

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly effect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

Section 94 contributions were levied on the Development Application.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered

to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council as the consent authority grant approval Modification Application No. Mod2014/0285 for Modification of Development Consent DA2008/1742 granted for Construction of stormwater upgrade works for Warringah Mall and watercourse bank stabilisation works on land at Lot 100 DP 1015283,145 Old Pittwater Road, BROOKVALE, Lot 2741 DP 752038,2741 / 9999 Condamine Street, MANLY VALE, Lot 2 DP 600059,75 Old Pittwater Road, BROOKVALE, Lot 30 DP 204107,30 / 0 Old Pittwater Road, BROOKVALE, Lot 2742 DP 752038,2742 / 9999 Condamine Street, MANLY VALE, subject to the conditions printed below:

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	17 February

(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 Cadno 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.

I am aware of Warringah's Code of Conduct and, in signing this report, declare that I do not have a Conflict of Interest.

Signed

Luke Perry, Senior Development Planner

The application is determined under the delegated authority of:

Phil Lane, Development Assessment Manager

ATTACHMENT A

No notification plan recorded.

ATTACHMENT B

Notification Document	Title	Date
 2015/003181	notification map	06/01/2015

ATTACHMENT C

Reference Number	Document	Date
 2014/387689	Report - Ecological Assessment from CD	29/01/2014
 2014/387711	Report - Structural from CD	05/11/2014
 2014/387740	Report - Flood with Plans from CD	05/11/2014
 2014/387642	Report - Stormwater Management with Plans from CD	05/11/2014
 2014/387698	Report - Geotechnical Investigation from CD	05/11/2014
 2014/387543	Notes - Council Pre DA Minutes from CD	05/11/2014
 2014/387555	Plan - Survey from CD	05/11/2014
 2014/387627	Plans - Drainage Augmentation - Erosion and Sediment Control from CD	11/11/2014
 2014/387646	Report - Waterways Impact Statement with Plans from CD	11/11/2014
 2014/387677	Report - Construction Management with Plans from CD	14/11/2014
 2014/387753	Report - Acid Sulphate Soils Management Plan from CD	11/12/2014
 2014/387510	Report Statement of Environmental Effects from CD	12/12/2014
 MOD2014/0285	Warringah Mall 145 Old Pittwater Road BROOKVALE NSW 2100 - Section 96 Modifications - Section 96 (2) Environmental Impact	16/12/2014
 2014/384439	DA Acknowledgement Letter - Scentre Group Ltd	16/12/2014
 2014/387469	Modification Application Form	18/12/2014
 2014/387475	Applicant Details	18/12/2014
 2014/387479	Plan - Notification	18/12/2014
 2014/395953	Environmental Health and Protection (Acid Sulphate) - Assessment Referral - Mod2014/0285 - 75 Old Pittwater Road BROOKVALE NSW 2100	23/12/2014
 2014/392759	Natural Environment Referral Response - Drainage	23/12/2014
 2014/393234	File Cover	29/12/2014
 2014/393237	Referral to AUSGRID - SEPP - Infrastructure 2007	29/12/2014
 2014/393238	Integrated - Referral to Transport Roads and Maritime Services - Development on a classified Road	29/12/2014
 2014/393239	Referral DECCW Office of Water - Integrated - within 40m of a watercourse	29/12/2014
 2014/393681	RMS Acknowledgement:	29/12/2014
 2014/393682	RMS Acknowledgement:	29/12/2014
 2014/396347	Advertising Documents and Exhibition Notice for paper on 10 01 2015	31/12/2014
 2015/000356	Environmental Health and Protection Referral Response - acid sulfate soils	02/01/2015

	2015/007834	Email to applicant RE: Clarification sought from NEU 2 of 2	06/01/2015
	2015/003181	notification map	06/01/2015
	2015/004649	Address List	07/01/2015
	2015/004650	notification letters - 508 sent	07/01/2015
	2015/005485	Roads and Assets Referral Response	08/01/2015
	2015/007831	Email to applicant RE: Clarification sought from NEU 1 of 2	09/01/2015
	2015/006457	Notification Letter and Plans Sent	09/01/2015
	2015/007775	Letter to RMS	12/01/2015
	2015/012359	Parks, Reserves and Foreshores Referral Response	15/01/2015
	2015/013516	Natural Environment Referral Response - Riparian	16/01/2015
	2015/014838	ausgrid referral response - MOD2014/0285 - Warringah Mall - 145 old pittwater road brookvale	19/01/2015
	2015/015175	Traffic Engineer Referral Response	19/01/2015
	2015/017423	Landscape Referral Response	21/01/2015
	2015/018224	Submission - Aldi Stores	22/01/2015
	2015/018293	Submission Acknowledgement Letter - Aldi Stores - SA2015/018224	22/01/2015
	2015/022193	Submission - Aldi Stores	22/01/2015
	2015/022432	E-mail from applicant RE: Requested information	27/01/2015
	2015/022416	RPS-Microbat Management Plan	28/01/2015
	2015/022421	Brookvale Creek Drain Augmentation 12 Month Microbat Study	28/01/2015
	2015/022424	RPS-Microbat Management Plan Updated	28/01/2015
	2015/022429	Waterways Impact Statement Clarification	28/01/2015
	2015/036527	Natural Environment Referral Response - Flood	10/02/2015
	2015/046677	Referral Response - Department of Primary Industries - Office of Water	19/02/2015
	2015/049328	Natural Environment Referral Response - Biodiversity	23/02/2015
	2015/067050	Development Engineering Referral Response	10/03/2015
	2015/094510	Amended Stormwater Plans	02/04/2015
	2015/100010	Development Engineering response - Warringah Mall	09/04/2015
	2015/101171	Development Engineering Referral Response	09/04/2015
	2015/111656	Referral Response - Roads and Maritime Services	21/04/2015