

13 May 2010

Amp Capital Investors Ltd., Amp Warringah Mall Pty Ltd
C/O Urbis
Level 21 321 Kent St
Sydney NSW 2000

Dear Sir/Madam

BN(PDS)

RE: Application No: DA2008/1741

Description: 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.

Address: Warringah Mall 145 Old Pittwater Road Brookvale

We are writing to advise that Council, on 28 April 2010 determined your Development Application by Deferred Commencement in accordance with Section 80(3) of the Environmental, Planning & Assessment Act 1979.

Please note that the consent is **not operative** until the following deferred commencement conditions have been satisfied.

1. Stormwater Management

Evidence that the stormwater works will meet the objectives and requirements of Section 6.1 'Stormwater Management' of the *Warringah Development Control Plan - Warringah Mall Shopping Centre* (the DCP) is to be submitted to Council for written approval.

The following information is to be submitted as a minimum:

- i. A ground floor plan of Warringah Mall showing critical peak 100 year ARI flood levels at all potential ingress points to the new retail development. The plan is to include critical floor level information and provide details of the approach which will be adopted to achieve Council's freeboard requirement.
- ii. Details demonstrating how the flood protection measures along the northern side of the Palm Tree car park will provide the required minimum 500 mm freeboard to the 100 year ARI flood event.
- iii. An update of Table A.5 in the 'Flood Impact Assessment Addendum Report' dated January 2010 prepared by Cardno showing the results of the latest flood modelling. An additional column is to be incorporated into Table A.5 showing the results of modelling conditions under the "Interim Works for FSR DA" with zero blockage applied to the stormwater drainage system.
- iv. A set of figures showing the impact the proposed development will have on peak 100 year ARI flood levels. The figures are to show the difference in peak flood levels between pre- and post developed conditions as a graded set of coloured regions. A separate figure is to be prepared for each of the development scenarios contained in the updated Table A.5. It is anticipated that the figures will be centred mainly on Warringah Mall since it is understood that the impact of the proposed development is limited to the site



and areas immediately adjacent to it. The figures are to be presented at a scale which renders the information legible to the naked eye. A legend clearly identifying the range of levels comprising the graded set of coloured regions is to be included on each figure.

Reason: To comply with the objectives of the '*Warringah Development Control Plan - Warringah Mall Shopping Centre*'.

The evidence required to satisfy these conditions **must** be submitted to Council within 12 Months of the date of this Deferred Commencement Consent.

Upon compliance with the deferred commencement conditions, the consent shall be operative for Development Application DA2008/1741 subject to the conditions in the Notice of Determination.

(Note: Implementing development consent prior to written confirmation may result in legal proceedings. If such proceedings are required Council may seek all costs associated with such proceedings as well as any penalty or order that the Court may impose. No Construction Certificate can be issued until all conditions; including this condition have been satisfied).

You may apply for modification of the conditions attached to your deferred commencement under Section 96 of the Environmental Planning and Assessment Act 1979.

Please read your deferred commencement carefully as you are required to undertake and complete specific tasks before the consent is operative. A Construction Certificate cannot be issued and subsequent works cannot commence until Council acknowledges, in writing, that the conditions for deferred commencement have been satisfied.

Please note that your Notice of Determination will lapse 3 years from the date on which your deferred commencement consent becomes operative.

Your Notice of Determination and plans are now available for collection at Council's Customer Service Centre.

It is Council's policy not to forward these documents by mail to ensure safe receipt. Please note that Council can only release the consent to the applicant, nominated on the application form. Please bring this letter (original only) and photo identification with you for collection purposes. If the person collecting the consent is not the applicant, then they must present a letter of authorisation from the applicant as well as photo identification. Development Consents that are not collected within 30 days of notification will be filed and can be retrieved by giving three days notice in advance.

Should you require any further information, please contact Amy Sutherland between the hours of 9.30am and 10.30am or 3.00pm and 4.00pm, Monday to Friday, on telephone number **9942 2111**, or at any time on facsimile number **9971 4522**.

Details of development applications lodged after July 1, 2005 are also available online. To access this facility please visit our DA's Online System at www.warringah.nsw.gov.au.

Yours faithfully

Ryan Cole
**Team Leader Development Assessment
Planning and Development Services**

