



24 October 2018

Our Ref: PLM:HAR035/4001

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MAIL ROOM

Northern Beaches Council
725 Pittwater Road
Dee Why NSW 2099

By Email:
council@northernbeaches.nsw.gov.au

Attention: Luke Perry

Dear Mr Perry

DA 2018/1514 Warringah Mall

We refer to your letter dated 26 September 2018 notifying exhibition of the above DA.

We advise that we act for Harrisons Investments Pty Ltd.

We make the following submission on the application.

Flooding Assessment

The Cardno Flood Impact Assessment provides only limited information on the impacts of the Stage 2 development on areas upstream of Warringah Mall. The information provided on flood impacts upstream of the Mall is as follows:

1. Page 10 – second dot point – very general info with no justification for the statement;
2. Figure 5 and 6 continues to show high flood depth and flood hazards upstream in Brookvale Creek including on the Harrison property.
3. Refers to augmentation undertaken by Scentre Group such as in 2013 and 2014 - but is reliant on predictions or models (including model reconfigurations) not actualities after the augmentation works occurred to test whether the models accurately predicted the outcomes.
4. Table 3 – first line – with reference to DA 1742 S96 results there will be local increases in flood levels of up to 7 cm and when referenced to existing conditions there were reductions in flood levels of up to 27cm. There is a conclusion that the changes do not adversely impact on any adjoining properties on page 16 but there are no further details.
5. Table A.5 in Attachment B and Attachment A – the Table provides comparison of the baseline 100 yr flood scenarios and levels at many locations upstream of the Mall.

In the past it is apparent that there has been considerable review of the modelling in the independent peer review by Council. In that review process, Council selected the baseline flood scenarios for the 100 yr flood. These two baseline scenarios are presented in Table A.5 covering the adopted existing scenarios and the results for the same scenarios for the Stage 2 DA. Assuming it is accepted that the baseline flood scenarios are correct, then Table A.5 shows that the 100 yr flood level over the Harrison property will be the same or lower for the Stage 2 DA conditions.

In a review of this flood impact assessment, it is typical to examine the various assumptions affecting the modelling results in order to assess whether any aspects were critical/sensitive to the flood level determination. Although this occurred in the independent review stage leading to the selection of the baseline flood scenarios for the Stage 1 DA, there doesn't seem to have been a review since then or of the actual data post the augmentation works.

Council will recall that hazards from flooding is a significant issue in this locality some of which has occurred due to historical planning decisions which failed to ensure that there was adequate flooding planning and management of stormwater. This is detailed in the chronology by Cardno in the Flood Impact Assessment. Flood assessment is not a simple matter in this locality and given the indication of high hazard for the Harrison property it is important that Harrison be given an opportunity to test the adequacy of the stormwater and flooding assessment by its expert consultant.

We request that Council take into account and/or respond to the following requests:

1. The applicant should provide a plan similar to Attachment A which shows the location of all the Survey Points listed in Table A.5. This will allow review of all the results in and around the Harrison property so we can gain a better understanding of the flood behaviour in the area.
2. Council and ourselves, after provision of the above information, should examine the change in flood velocities to assess impacts on bank stability. This is because the creek lines in the Harrison property (upstream of the augmentation works) are natural and susceptible to erosion in floods. There is already evidence of erosion.
3. What are the 100 yr ARI design flood depths under existing conditions for 71-75 Old Pittwater Rd site (Harrison Group Property)? What might the 100 yr ARI design flood levels after the proposed works in DA2018/1514? Can Council or the Applicant confirm that there will be no change to the flood levels?
4. Is Council satisfied that the 100yr flood levels have reduced by 67cm as predicted on page 9 of the Flood Impact Assessment? If the actual levels do not match the prediction, then how can Council be satisfied that the impacts of Stage 2 are acceptable?
5. Has Council tested the assumptions in the model now that the augmentation works are complete?
6. Can Council acknowledge that the Cardno Stormwater Management Report for Westfield Shopping Centre, Warringah Mall, dated 17 August 2018 and the letter from Cardno to Scentre Design and Construction Pty Ltd, ref 80017026-L02:BCP/bcp are correct and we can rely on these reports as being accurate?
7. Council should obtain an independent peer review considering the long history of flooding issues and reliance on models and because it has used a peer reviewer in the past.
8. Will Council verify that there are no negative impacts on the Harrison Group Property from the outcomes of the proposed DA?

Given the above uncertainties and questions, we ask that Harrison be provided with answers to these questions and that its consultant be given an opportunity to make a further submission upon the answers being provided. We ask that Council obtain input from an independent reviewer and share this information with Harrison.

Consistency with earlier approvals

Further, we note that the application is for Stage 2 of works and that Stage 1 included works by Scentre Group on the Harrison property. Those works are complete save that a final occupation certificate has not been issued which is waiting on registration of instruments which are being held up by requisitions from Land Registry Services.

We consider it important that Council ensure that the conditions of any consent to the Stage 2 application sit in tandem with and do not replace or modify the conditions in DA 2008/1742 without approval from Harrison considering that DA 2008/1742 relates to the Harrison land and a subsequent development consent can modify an earlier development consent.

Council should also keep in consideration that the implications of a final occupation certificate not having been issued is that conditions 24 and 26 in DA 1996/137 remain extant and outstanding. That is, Warringah Mall continues to have an obligation to provide adequate headwalls and stabilisation of Brookvale Creek and easements along Brookvale Creek.

Accordingly, determination of the DA should:

1. ensure the yet to be satisfied conditions of existing development consents remain until satisfied with the final OC for DA 2008/172; and
2. that answers be provided to the above questions and Harrison be given an opportunity to make a further submission with the assistance of its consultant engineer.

Kind regards



Penny Murray
Partner

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