

17 September 2014



Westfield Group
Level 4, 100 Market St
SYDNEY NSW 2000

Dear Sir/Madam

Application Number: Mod2014/0079
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 2 levels 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

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,

Tony Collier
Development Assessment Manager

NOTICE OF DETERMINATION

| | |
|----------------------------|-------------------------------------|
| Application Number: | Mod2014/0079 |
| Determination Type: | Modification of Development Consent |

APPLICATION DETAILS

| | |
|--|---|
| Applicant: | Westfield Group |
| 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 and construction of an extension to Warringah Mall Shopping Centre, including 2 levels of retail and a multi level carpark |

DETERMINATION - APPROVED

| | |
|-----------------------|------------|
| Made on (Date) | 15/09/2014 |
|-----------------------|------------|

The request to modify the above-mentioned Development Consent has been approved as follows:

A. Add Condition No.1B - 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

| Architectural Plans - Endorsed with Council's stamp | | |
|--|--------------|---------------------------------|
| Drawing No. | Dated | Prepared By |
| DA 01.5201 Proposed Ground Floor Level Rev C | 29/04/2014 | Westfield Design & Construction |
| DA 01.5202 Proposed Ground Floor Level Mezzanine Rev C | 29/04/2014 | Westfield Design & Construction |
| DA 01.5203 Proposed Level 01 Rev C | 29/04/2014 | Westfield Design & Construction |
| DA 01.5204 Proposed Level 01 Mezzanine Rev C | 29/04/2014 | Westfield Design & Construction |
| DA 01.5205 Proposed Level 02 Rev C | 29/04/2014 | Westfield Design & Construction |
| DA 01.5206 Proposed Roof Plan Rev C | 29/04/2014 | Westfield Design & Construction |
| DA 01.5251 Demolition Plan - Ground Level Rev C | 29/04/2014 | Westfield Design & Construction |
| DA 01.5252 Demolition Plan - Ground Mezzanine | 29/04/2014 | Westfield Design & Construction |

| | | |
|---|------------|---------------------------------|
| Level Rev C | | |
| DA 01.5253 Demolition Plan - Level 01 Rev C | 29/04/2014 | Westfield Design & Construction |
| DA 01.5254 Demolition Plan - Level 01 Mezzanine Rev C | 29/04/2014 | Westfield Design & Construction |
| DA 01.5255 Demolition Plan - Level 02 Rev C | 29/04/2014 | Westfield Design & Construction |
| DA 01.5301 Elevations Rev C | 29/04/2014 | Westfield Design & Construction |
| DA 01.5303 West Elevation Rev C | 29/04/2014 | Westfield Design & Construction |
| DA 01.5401 Cross Sections Rev C | 29/04/2014 | Westfield Design & Construction |
| DA 01.5402 Long Sections Rev C | 29/04/2014 | Westfield Design & Construction |
| DA 01.5701 Proposed Finishes & Materials Image Board Rev C | 29/04/2014 | Westfield Design & Construction |
| 20.0201 Revision H - Zone 2 Palm Tree Carpark GA Elevations | 26/08/2014 | Westfield Design & Construction |
| 25.0201 Revision H - Zone 2 Palm Tree Carpark GA Sections - SHT 1 | 26/08/2014 | Westfield Design & Construction |
| 25.0202 Revision H - Zone 2 Palm Tree Carpark GA Sections - SHT 2 | 26/08/2014 | Westfield Design & Construction |
| 25.0504 Revision H - Zone 5 GA Sections - SHT 4 | 26/08/2014 | Westfield Design & Construction |
| 20.0901 Revision H - Zone 9 GA Elevations | 26/08/2014 | Westfield Design & Construction |
| 20.0902 Revision H - Zone 9 GA Sections - SHT 2 | 26/08/2014 | Westfield Design & Construction |

| Engineering Plans | | |
|--------------------------|--------------|----------------------|
| Drawing No. | Dated | Prepared By |
| W4548-300 Revision C | 30/08/2013 | Cardno (NSW) Pty Ltd |
| W4548-301 Revision E | 16/10/2013 | Cardno (NSW) Pty Ltd |
| W4548-310 Revision C | 17/06/2013 | Cardno (NSW) Pty Ltd |
| W4548-311 Revision A | 30/08/2013 | Cardno (NSW) Pty Ltd |
| W4548-312 Revision D | 30/08/2013 | Cardno (NSW) Pty Ltd |
| W4548-313 Revision F | 16/10/2013 | Cardno (NSW) Pty Ltd |
| W4548-314 Revision D | 25/06/2013 | Cardno (NSW) Pty Ltd |
| W4548-315 Revision G | 16/10/2013 | Cardno (NSW) Pty Ltd |
| W4548-316 Revision C | 17/06/2013 | Cardno (NSW) Pty Ltd |
| W4548-317 Revision C | 20/06/2013 | Cardno (NSW) Pty Ltd |
| W4548-318 Revision E | 16/10/2013 | Cardno (NSW) Pty Ltd |
| W4548-319 Revision A | 30/08/2013 | Cardno (NSW) Pty Ltd |
| W4548-320 Revision B | 22/05/2013 | Cardno (NSW) Pty Ltd |
| W4548-330 Revision C | 30/08/2013 | Cardno (NSW) Pty Ltd |
| W4548-331 Revision D | 16/10/2013 | Cardno (NSW) Pty Ltd |
| W4548-332 Revision D | 16/10/2013 | Cardno (NSW) Pty Ltd |
| W4448-333 Revision B | 22/05/2013 | Cardno (NSW) Pty Ltd |

| Reports / Documentation – All recommendations and requirements contained within: | | |
|---|--------------|----------------------------------|
| Report No. / Page No. / Section No. | Dated | Prepared By |
| Tree Report | June 2013 | Treescan Urban Forest Management |

c) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

d) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

f) The development is to be undertaken generally in accordance with the following:

| Landscape Plans | | |
|--|--------------|--|
| Drawing No. | Dated | Prepared By |
| da 01 6101 - Landscape plan sheet 1 of 2 ground level Palm Tree Car Park Rev No. A14 | 27/02/14 | DEM - Division: Landscape Architecture |
| da 01 6102 - Landscape sections Cross Street & Green Street Rev No. A14 | 27/02/14 | DEM - Division: Landscape Architecture |
| da 01 6103 - Landscape northern elevation Cross Street Rev No. A14 | 27/02/14 | DEM - Division: Landscape Architecture |
| da 01 6107 - Landscape plan sheet 2 of 2 ground level Palm Tree Car Park Rev No. A05 | 27/02/14 | DEM - Division: Landscape Architecture |
| da 01 6108 - Landscape elevation Green Street Rev No. A05 | 27/02/14 | DEM - Division: Landscape Architecture |
| da 01 6109 - Landscape elevation Starfish Carpark Rev No. A04 | 27/02/14 | DEM - Division: Landscape Architecture |
| da 01 6110 - Softworks and Hardworks Materials & Precedents Rev No. A05 | 27/02/14 | DEM - Division: Landscape Architecture |

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

B. Modify Condition No. 6 to read as follows:

6. General Requirements

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

7.00 am to 7.00 pm inclusive Monday to Friday

7.00 am to 5.00 pm inclusive on Saturday,

No work on Sundays and Public Holidays.

Demolition and excavation works are permitted within the above hours.

Internal fitout and concrete finishing is permitted outside these hours and between 7.00pm and 12.00am Monday to Friday.

(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) At all times after the submission 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.

(c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition 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.

(d) 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.

(e) 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.

(f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

(g) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

(h) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.)

(i) 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)

C. Modify Condition No. 23 Flood Wall Barrier System to read as follows:

23 Flood Wall Barrier System

All flood wall barriers that are proposed to achieve the minimum 500mm freeboard to the 100 year ARI flood event are to be either a permanent structure engineered to suit the location or a mechanically automated device.

The applicant is to provide written confirmation from a suitably qualified engineer that the proposed wall/barrier arrangement shown on the civil drawings by Cardno (NSW) Pty Ltd provides the required minimum freeboard of 500mm to the new building.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

Reason: To protect the building from flooding in accordance with Council and NSW Government policy. Also, to ensure that the freeboard achieved to the new retail development at the completion of the works is not “eroded” over time as a result of uncontrolled works in landscaped areas.

D. Modify Condition No. 40 Footpath Construction to read as follows:

40. Footpath Construction

The applicant shall provide/reinstate a 1.5 metre wide concrete footpath along the Cross St and Green St frontages adjacent to the Palm Tree car park. The works shall be in accordance with the following:

- (a) All footpath works are to be constructed in accordance with Council’s minor works policy.
- (b) Council is to inspect the formwork prior to pouring of concrete to ensure the works are in accordance with Council’s specification for footpath.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure compliance of footpath works with Council’s specification for engineering works. (DACENE07)

E. Modify Condition No. 30 Trees and/or Landscaping to read as follows:

30 Trees and/or Landscaping

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

(a) Trees approved for removal

This consent includes approval to remove the following trees:

- (i)

| All trees as indicated on Landscape Plans | | |
|---|----------|-------------|
| Drawing Number | Dated | Prepared By |
| da 01 6101 A14 and da 01 6107 A05 | 27.02.14 | DEM |

(b) Trees which may be transplanted within the site

The following tree/s must be transplanted and successfully established elsewhere within the development site.

- (i)

| All trees as indicated on Landscape Plan | | |
|--|----------|-------------|
| Drawing Number | Dated | Prepared By |
| da 01 6101 A14 and da 01 6107 A05 | 27.02.14 | DEM |

(c) Tree protection

- i) No tree roots greater than 50mm diameter belonging to trees to be retained are to be cut unless authorised by a qualified Arborist on site.
- ii) All structures are to bridge or tunnel bore under tree roots greater than 50mm diameter unless directed otherwise by a qualified Arborist on site.
- iii) All tree protection to be in accordance with AS4970-2009 Protection of trees on development sites.
- iv) All tree protection measures are to be in place prior to commencement of works

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

F. Modify Condition No. 43 - Trees Condition to read as follows:

43 - Trees Condition

During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:

- (a) A general decline in health and vigour.
- (b) Damaged, crushed or dying roots due to poor pruning techniques.
- (c) More than 10% loss or dieback of roots, branches and foliage.
- (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
- (e) Yellowing of foliage or a thinning of the canopy untypical of its species.
- (f) An increase in the amount of deadwood not associated with normal growth.
- (g) An increase in kino or gum exudation.
- (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
- (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of Trees. (DACLAE03)

G. Modify Condition No. 61 - Required Planting to read as follows:

61 - Required Planting

- i) The tree/s listed in the following schedule shall be planted in accordance with the following schedule:
All trees as indicated on Landscape Plan Drawing Number da 01 6101 A14 and da 01 6107 A05 Dated 27.02.14 Prepared By DEM

ii) 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)

H. Delete Condition No. 9

I. Add Condition No. 30A - Noise Requirements to read as follows:

30A. Noise Requirements

A Noise Management Plan is to be prepared by an appropriately qualified Noise Consultant and shall include:

- a) How all the requirements and / or recommendations contained within the Construction Noise and Vibration Management Plan prepared by Acoustic Logic Project No. 20140582.1 are to be implemented;
- b) Compliance with the NSW Industrial Noise Policy
- c) Stipulate reporting and processes associated with the detailed study of each of the proposed activities with will occur as part of the excavation and construction works on the project . This process shall include the ability to contact a suitably qualified Environmental Consultant to undertake immediate investigations and provide recommendations for rectification and a process for notification to Warringah Council and the Principal Certifying Authority.
- d) Specifically, the plan is to address the management of noise associated with concrete finishing in the hours after 7.00pm and before 12.00am (midnight) and is to provide a mechanism whereby the Council is advised as soon as practicable as to the need to carry out concrete finishing after 7.00pm.
- e) A requirement to complete ongoing noise testing and monitoring during excavation, demolition and development works as follows:

The requirements above are to be implemented from the commencement of works as follows:

- 1.) Fortnightly during excavation works
- 2.) Monthly during building works
- 3.) Locations of acoustic barriers
- 4.) Locations and details on Material Handling areas
- 5.) All Vehicles, plant and equipment to have silencing devices eg Engine shrouding & special industrial silencers fitted to exhaust as per the above report
- 6.) Details regarding staff training
- 7.) Details regarding selection of alternate applicant alliances or processes
- 8.) Details of extent of community interaction and complaints handling

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Minimise the impact on surrounding properties (DACHPCPC6)

J. Add Condition No. 30B Flood to read as follows:

30B. Flood

In order to provide protection from flood inundation the following is required:

(a) Flood Protection

All flood barrier systems shall be designed to withstand the hydraulic forces of the floodwaters up to a minimum level of 500mm above the 1 in 100 year ARI flood levels as a result of the augmentation works. Buoyancy (particularly in relation to cars in the ground floor car park), flowing water with debris, wave action, the flood compatibility of materials and waterproofing shall be addressed. Structural details for the construction for all elements are to be prepared by a suitably qualified Engineer.

(b) Movement Prevention Devices

i) Car storage/parking areas are to provide Movement Prevention Devices (e.g. bollards) adequate for the 1 in 100 year ARI flood levels which can be engaged in a flood event to prevent movement of vehicles downstream and onto roadways.

ii) Structural details for all elements and confirmation of adequacy to prevent vehicle movement downstream and onto roadways is to be prepared by a suitably qualified Engineer with experience in flood design / management who is eligible for Membership to Engineers Australia.

(c) Flood Management Plan

A flood management plan for Lot 100, DP 1015283, No 145 Old Pittwater Road (Warringah Mall) and Lot 2 DP 600059 No. 75 Old Pittwater Road, Brookvale is to be prepared by a suitably qualified Engineer with experience in flood management who is eligible for Membership to the Engineers Australia.

The management plan shall include as a minimum:

(i) A detailed description of the flood threat. This is to include plans showing the route of the trunk drainage network and areas which will be subject to overland flow. Locations where overland flow will enter the site are to be clearly identified. The characteristics of overland flow through the site are to be described (such as expected depth and velocity of flow, etc). The description is to be aided by a suitable sized set of plans.

(ii) Details of the advance weather warning system which is to be used to detect the possibility of flood producing rainfall approaching the lands.

(iii) Details on the water level trigger(s) which are to be incorporated in the Flood Management Plan and the actions associated with each.

(iv) Details on how land owners/ site management will manage a flood threat. This is to include details on the alerts/warnings/messaging which will be issued to occupants and how land owners/ site management will prevent occupants from accessing the various carparks during a flood threat.

(v) A plan showing the location(s) where occupants on the lands are to evacuate to during a flood threat.

(vi) A set of instructions detailing the installation and operation of the flood barrier system. The instructions are to include details showing where the equipment is stored and the location where each flood barrier is to be installed.

(vii) Details of a regular training programme which is to be implemented by land owners/ site management dealing with the various aspects of the Flood Management Plan. The training programme is to include an awareness session for Centre Management staff highlighting the locations where floodwater will impact the site and the critical doorways which will need to be manned in order to prevent patrons from entering the carparks during a flood threat.

(viii) Details and locations of appropriate flood warning and evacuation signage.

(ix) A system 'testing regime'.

(x) The Flood Management Plan is to include provision for the dissemination of flood warnings to the owner/occupiers of the sites to which the plan applies. Flood warnings are to be broadcast audibly and electronically to allow owners and occupiers effective warning time to undertake the appropriate actions.

Clear instructions dealing with the dissemination of flood warnings to the upstream land owner/occupiers are to be incorporated in the Flood Management Plan.

(xi) The Flood Management Plan is to provide review regime (ongoing) of the plan in its entirety. The time period for ongoing plan reviews is to be determined by the Engineer certifying the Flood Management Plan.

The review is to be conducted and certified by a suitably qualified Engineer with experience in flood management who is eligible for Membership to Engineers Australia as being appropriate for the management of a flood event, the review is to ensure at a minimum:

- a. the requirements of the plan are being implemented;
- b. the requirements of the plan are still adequate and appropriate.

The Flood Management Plan is to be certified by a suitably qualified Engineer with experience in flood management who is eligible for Membership to Engineers Australia as being adequate and appropriate for the management of a flood event.

Details demonstrating compliance are to be submitted to the Certifying Authority for approval prior to the issue of the relevant Construction Certificate.

Reason: To provide management in the event of a flood.

K. Add Condition No.31A - Compliance with Noise Management plan to read as follows:

31A. Compliance with Noise Management plan

Prior to the issue commencement of any works onsite, certification from an appropriately qualified environmental consultant is to be provided to the certifying authority stipulating that the proactive requirements of the Noise Management Plan have been fully implemented to ensure reasonable noise impacts on the amenity of the surrounding area.

Reason: Protection of the amenity of the surrounding properties.

L. Add Condition No. 45A - Amenity to read as follows:

45A. Amenity

The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, ash, dust, waste water, waste products, grit, oil or other harmful products.

Reason: To ensure the surrounding area and people within the neighbourhood are not affected adversely and to ensure compliance with the Protection of the Environment Operations Act 1997. (DACHPFPOC4)

M. Add Condition No. 45B - Complaints Hotline to read as follows:

45B. Complaints hotline

In addition to the requirements of the Noise Management Plan, a complaints hotline is to be provided by the operators of the site that will operate from commencement through the completion of works. This will provide residents with a contact for any problems that they experience that are the result of noise or any other pollution.

This hotline will be staffed by management so that reported issues can be actioned in a timely manner. A complaints register will also be kept with all reported incidents received that will include the date, time and contact details of the complainant. This will be reviewed to ensure that all issues are addressed with any unresolved issues addressed through an ongoing evaluation procedure of the report.

The complaints log will be made available to the Council/PCA upon request.

Reason: To ensure that the amenity of the area is maintained and correct record keeping. (DACHPFPOC6)

Important Information

This letter should therefore be read in conjunction with DA2008/1741 dated 28 April 2010.

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 Tony Collier, Development Assessment Manager

Date 15/09/2014