

JOINT REGIONAL PLANNING PANEL (Sydney East)

JRPP No	2014SYE008
DA Number	Mod2013/0250
Local Government Area	Warringah Council
Proposed Development	Modification of Development Consent DA2011/1571 granted for demolition works and construction of a bulky goods shop, restaurant/cafe and open-air cinema complex
Street Address	Lot 122 DP 752017 , 42 Myoora Road, Terrey Hills and Lot 37 DP 752017 , 44 Myoora Road, Terrey Hills
Applicant/Owner	Planet Warriewood Pty Ltd
Number of Submissions	One
Recommendation	Approval with Conditions
Report by	Malcolm Ryan, Deputy General Manager, Environment

Assessment Report and Recommendation

Zoning:	RU4 Primary Production Small Lots; and Land identified in Schedule 1 Additional Permitted Uses.
Development Permissible:	No
Existing Use Rights:	Yes
Land and Environment Court Action:	No
Application lodged:	10/12/2013
Application Type:	Local
State Reporting Category:	Other
Notified:	10/01/2014 to 13/02/2014
Advertised:	11/01/2014

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 (up to 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.

SITE DESCRIPTION

The site consists of two allotments which are located on the western side of Mona Vale Road (between Mona Vale Road and Myoora Road) and are known respectively as Lot 122 in DP 752017, No. 42 Myoora Road and Lot 37 in DP 752017, No. 44 Myoora Road, Terrey Hills.

Both lots are rectangular in shape and have a combined frontage of 120.70m to Mona Vale Road and Myoora Road and side boundary lengths of 264.39m. The site has combined area of 31,911.87m².

The site accommodates a single dwelling and associated outbuildings. The site is heavily vegetated with some clearing which accommodates the sporadic storage of containers. A natural watercourse intersects the site from the south-western corner of the site.

The site has a gradual slope of approximately 18m (6.8%) from Mona Vale Road down to Myoora Road.

Surrounding development consists of varying land uses with the German International School and the Terrey Hills Swim School being located directly opposite the site on Myoora Road. The St. Anthony in the Fields church, Miramare Gardens Function Centre and the Hills – The Flower Market is located to the north while a private semi-rural landholding, a transport terminal and Australian Native Landscapes are located to the south. The Forest Hills Pony Club in the J.J. Melbourne Hills Memorial Reserve is located on the opposite side of Mona Vale Road to the east.

LOCATION MAP



SITE HISTORY

DA2005/1140

Lodged by Retirement By Design Pty Ltd on 30 November 2005 for the construction of a retirement village, including demolition of an existing dwelling house and structures, erection of 75 self-contained dwellings, community centre, 128 carparking spaces, internal roads, a bridge and associated landscaping on Nos. 42 and 44 Myoora Road, Terrey Hills.

The Development Application was recommended for refusal by the Independent Hearing and Assessment Panel (IHAP) on 10 May 2006 and formally refused by Council on 23 May 2006. A Class 1 appeal was subsequently lodged with the Land and Environment Court by Retirement By Design Pty Ltd against the reasons for refusal. The appeal was dismissed on 22 February 2007.

DA2011/1025

Lodged by Planet Warriewood Pty Ltd on 10 August 2011 for demolition works and construction of a bulky-goods premises, restaurant and open-air cinema complex on Lot 122 in DP 752017, No. 42 Myoora Road and Lot 37 in DP 752017, No. 44 Myoora Road, Terrey Hills.

The application sought consent to demolish a dwelling house, various outbuildings, remove 143 trees, pipe and redirect a watercourse to construct a mix of uses which included a bulky goods shop, a fast food takeaway restaurant and an outdoor cinema (five (5) screens) with associated above and below ground car parking, internal driveways and landscape works.

The Development Application was recommended for refusal by the Warringah Development Assessment Panel on 14 December 2011 and formally refused by Council on 22 December 2011.

DA2011/1571 (Consent being modified)

Lodged by Planet Warriewood Pty Ltd for demolition works and the construction of a bulky-goods premises, restaurant and open-air cinema complex on land at Lot 122 in DP 752017, No. 42 Myoora Road and Lot 37 in DP 752017, No. 44 Myoora Road, Terrey Hills, was recommended for refusal by the Warringah Development Assessment Panel (WDAP) at its meeting on 11 April 2012.

The application was referred to the Sydney East Joint Regional Planning Panel (JRPP) on 18 April 2012 where it was refused for the following reasons:

1. *"Pursuant to Section 79C(1)(a) of the Environmental Planning and Assessment Act, 1979 and Clause 12(3)(b) of Warringah Local Environment Plan 2000 (as amended), the proposed development is inconsistent with the Desired Future Character of the A4 Myoora Road Locality in the following manner:*
 - a) *The development does not constitute a low intensity business;*
 - b) *The development does not provide safe vehicular access to the satisfaction of Council;*
 - c) *The development does not consist of building materials which blend with the textures of the natural landscape;*
 - d) *The development does not provide sufficient articulation to provided visual relief; and*

- e) *The development is deficient in landscaped open space such that it does not adequately minimise visual impact.*
2. *Pursuant to Section 79C(1)(a) of the Environmental Planning and Assessment Act, 1979 and Clause 12(2)(b) of Warringah Local Environment Plan 2000 (as amended), the development is does not comply with the Building Height and Landscape Open Space Built Form Controls (Development Standard).*
 3. *Pursuant to Section 79C(1)(a) of the Environmental Planning and Assessment Act, 1979 and Clause 12(1)(a) of Warringah Local Environment Plan 2000 (as amended), the development is considered to be inconsistent with the following General Principles of Development Control as follows:*
 - *Clause 38 – Glare and reflection;*
 - *Clause 50 – Safety and Security;*
 - *Clause 56 – Retaining distinctive environmental features on sites;*
 - *Clause 57 – Development on sloping land;*
 - *Clause 60 – Watercourses and aquatic habitat;*
 - *Clause 63 – Landscaped open space;*
 - *Clause 66 – Building bulk;*
 - *Clause 68 – Conservation of energy and water;*
 - *Clause 72 – Traffic Access and safety;*
 - *Clause 73 – On-Site Loading and Unloading;*
 - *Clause 74 – Provision of Carparking; and*
 - *Clause 76 – Management of Stormwater.*
 4. *Pursuant to Section 79C(1)(a) of the Environmental Planning and Assessment Act, 1979 and Clause 15(1) of Warringah Local Environment Plan 2000 (as amended), the Statement of Environmental Effects does not adequately address the items listed in Schedules 8 and 15.*
 5. *Pursuant to Section 79C(1)(a)(ii) of the Environmental Planning and Assessment Act, 1979 the development is a prohibited use in the RU4 Primary Production Small Lots zone and is inconsistent with the Objectives of that zone as defined under Warringah Local Environmental Plan 2011.*
 6. *Pursuant to Section 79C(1)(a)(ii) of the Environmental Planning and Assessment Act, 1979 the development does not comply with the Building Height Development Standard and is inconsistent with the Objectives of 'Clause 4.6 – Exceptions to Development Standards' under Warringah Local Environmental Plan 2011.*
 7. *Pursuant to Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, the development is not in the public interest.*
 8. *Pursuant to Section 79C(1)(b), the development application was not accompanied by adequate and appropriate information to enable a full and proper consideration and assessment of the application to determine the likely impacts of the development."*

The applicant, on 16 October 2012, filed a Class 1 Appeal with the Land & Environment Court against the respondent's refusal of the Development Application.

The appellant and the respondent, on 11 December 2012, attended a Section 34 Conference.

At the Conference both parties were unable to agree about the substantive outcome of the proposal and the proceedings were disposed of by Commissioner Hussey to be referred back to the Court for the purpose of a hearing.

Subsequent to the Conference, a without prejudice meeting was held at the request of the appellant with the respondent on 16 January 2013.

At that meeting the appellant sought to progress with the proposal subject to amending the plans and documentation to satisfy Council's requirements as detailed in the Statement of Facts and Contentions which sought, amongst other things, to reduce the floor area of the Bulky Goods Shop Premises building from 12,794m² GFA to 6,000m² GFA. The cinema and restaurant component remained unchanged.

Council agreed with the appellant's request and amended plans and documentation were submitted for review.

The significantly reduced scale of development was approved by the Land and Environment Court on 12 April 2013 subject to conditions, including five deferred commencement conditions, which were not contested by the applicant.

PROPOSED DEVELOPMENT IN DETAIL

Modification Application No. MOD2013/0250 was lodged on 10 December 2013 and seeks consent for the following changes to the consent as a result of the reduction in size to the approved Bulky Goods Premises:

- (a) Delete Deferred Commencement Condition No. 2 which reads as follows:

"2. Approval from NSW Roads and Maritime Service (Intersection)

The applicant is required to obtain an approved signal design plan from the NSW Roads and Maritime Services for the signalised intersection of Mona Vale Road / Myoora Road / Forest Way. The approved plan must include:

- a) *The design and road widening works proposed to the signalised Myoora Road and Mona Vale Road intersection.*
- b) *The design of the road widening is to include adequate provision for cyclist movements on all approaches.*

Reason: To ensure that statutory approvals are in place to ensure that the works may commence."

- (b) Amend Deferred Commencement Condition No. 3 to read as follows:

"3. Approval from NSW Roads and Maritime Services (Deceleration Lane)

The applicant is required to obtain approved detailed design plan from the NSW Roads and Maritime Service for the proposed deceleration lane on Mona Vale Road. The design is to ensure a pedestrian accessible nature strip between the deceleration lane and the property boundary.

The applicant be permitted direct left turn out of the site onto Mona Vale Road for cars only in accordance with the revised Mapstead & Associates plan (revision H dated 26 November 2013), subject to the installation of a height bar as agreed to by the RMS.

Reason: To ensure that statutory approvals are in place to ensure that the works may commence and to facilitate the movement of traffic away from Myoora Road.”

(c) Amend Condition No. 11 to read as follows:

“11. Section 94A Contributions

The Section 94A Contributions are required to be paid for this development. This amount has been calculated using the Warringah Section 94A Development Contributions Plan. The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney All Groups Index).

The basis for the contributions is as follows:

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan		
<i>Contribution based on a total development cost of \$14,163,985.00</i>		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$134,558.00
Section 94A Planning and Administration	0.05%	\$7,082.00
Total	1%	\$141,640.00

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

Reason: To retain a level of service for the existing population and to provide the same level of service for the population resulting from new development (DACPLC01)”

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

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 DA2011/1571 in full.

EXISTING USE RIGHTS

The use has been approved by the Land and Environment Court under a previous EPI (WLEP 2000) and therefore, is a lawful use. Subsequently, the use can be retained under the current EPI (WLEP 2011).

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 Warringah Development Control Plan.

As a result of the public exhibition of the application, Council received one (1) submission from the Terrey Hills Progress Association.

The issues raised in the submission are addressed as follows:

(a) Objection to the removal of Condition No. 2

The submission states *"the conditions placed on the original application were approved by the Land and Environment Court, therefore we object to the removal of Condition 2"*.

Comment:

Condition No. 2 relates to the provision of work at the intersection of Mona Vale Road and Myoora Road and was imposed by the Land and Environment Court but were also recommended for inclusion in the consent by Council's Traffic Engineer.

The deletion of Condition No. 2 has been agreed to by the RMS and Council's Traffic Engineer due to the reduction in the size of the development.

The objection cannot be sustained and hence does not warrant the refusal of this application.

(b) Egress onto Mona Vale Road

The submission states *"the applicant states that it will provide an egress onto Mona Vale Road to around 50% of cars that use the site."*

This can't be a statement of fact as our survey indicates that all commercial vehicles and cars will use Myoora Rd to exit to St Ives, Belrose, Frenchs Forest and local areas.

Our estimate would be around perhaps 10% of cars would use this exit point."

Comment:

The development, as approved, by the Land and Environment Court, did not permit any traffic to egress onto Mona Vale Road. Instead, all traffic egressed directly onto the local road network via Myoora Road.

The Traffic Report provided with the application does not state that the proposed traffic arrangement will provide an egress onto Mona Vale Road to around 50% of cars that use the site, rather, the Traffic Report merely acknowledges that the development, namely the bulky goods component, has been reduced by 50%.

The approval granted by the RMS to permit vehicle access onto Mona Vale Road, regardless of the forecasted volume or its limitation to cars only, is considered to be of a positive outcome to the users of the local road network and to the local community residing and working in the area as the volume of traffic accessing onto Myoora Road, and therefore congestion, will decrease.

This issue does not warrant the refusal of this application.

MEDIATION

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

REFERRALS

External Referrals

NSW Roads and Maritime Services (RMS)

The application was referred to the RMS on 19 December 2013 for comment.

In their initial response dated 14 January 2014 , the RMS stated:

"RMS has reviewed the application and raises no objection to the deletion of Condition 2 and the modification of Condition 3."

However, on review of the application and the referral response, it was recognised that the modification to Condition No. 3 (as proposed) did not make any logical or legal sense as the proposed modification introduced a new, and already approved, element into a Deferred Commencement condition. In this regard, Council contacted the RMS on 3 February 2014 indicating as such and recommended an alternative approach which requires that Condition No. 3 remain as imposed by the Court and that Condition No. 6 be modified to include the Mepstead Plan as approved by the RMS (Plan Showing Vehicle Turning Path (Amendment H) dated 26 November 2013 as prepared by Mepstead & Associates).

In a responding email dated 4 February 2014, the RMS agreed to this approach and provided the following comment:

"RMS agrees with Council. The plans can be added to Condition 6, Condition 3 can remain as stated."

The Recommendation attached to this report has been framed in this regard.

Internal Referrals

Development Engineer

Conditions 2 and 3 relate to traffic engineering and in this regard comments should be obtained from the Traffic Team.

Landscape Officer

No objection is raised to the proposed modification.

Traffic Engineer

The application was referred to Council's Traffic Engineer who provided the following comments:

"Traffic and Road Safety has no objection to the removal of Condition No. 2.

However, it is considered inappropriate to amend Condition 3 to include the wording proposed for the left turn out of the site as Condition 3 is a deferred commencement condition which is dependent upon the approval of the RMS for specific design solutions to the deceleration lane and is not related in any way to the proposed amendment. Instead, the proposed amendment requested for Condition 3 should actually refer to an approved plan only (when agreed to by RMS).

There is no objection to the proposed left turn out configuration."

ENVIRONMENTAL PLANNING INSTRUMENTS

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

Ausgrid

The application seeks consent to modify conditions and to permit left-turn traffic onto Mona Vale Road only. Egress will also remain available onto Myoora Road as per the original approval.

As the proposal is considered to be minor, and does not involve any additional building works beyond those already approved under DA2011/1571 (except for the new driveway construction for the new exit onto Mona Vale Road), the application was not referred to Ausgrid as it will not impact upon the existing power infrastructure.

Roads and Maritime Service (RMS)

See comments under External Referrals – RMS.

WARRINGAH LOCAL ENVIRONMENT PLAN 2011

Is the development permissible?	No
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

Principle Development Standards are not applicable to this application.

Compliance Assessment

Clause	Compliance with Requirements
Part 4 Principal development standards	There are no development standards applicable to the modification.

WARRINGAH DEVELOPMENT CONTROL PLAN

Built Form Controls

Built Form Controls are not applicable to this application.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
Part A Introduction	Yes	Yes
A.5 Objectives	Yes	Yes
Part B Built Form Controls	N/A	N/A
Part C Siting Factors	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
Part D Design	Yes	Yes
D20 Safety and Security	Yes	Yes
Part E The Natural Environment	N/A	N/A

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

Section 94 contributions were levied on the Development Application.

The applicant seeks consent to amend Condition No. 11 (Section 94A Contributions) due to the reduction of the overall floor size of the Bulky Goods Premises as a result of the s.34 Conference conducted by the Land and Environment Court.

Based upon the original total development cost of \$14,763,985.00, the required Section 94A contribution was originally calculated at \$147,640.00.

A revised Quantity Surveyor cost of works estimate, dated 3 February 2014, has been provided which indicates that the total development cost will now be \$14,163,985.00. This will reduce the Section 94A contribution to \$141,640.00.

SUMMARY 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

Conclusion Comments

(a) Submissions Received

The notification of the application resulted in one (1) submission from the Terrey Hills Progress Association. The issues raised in the submission have been addressed in this report and do not warrant the refusal of the application.

(b) Deletion of Condition No. 2

The RMS and Council's Traffic Engineer have not raised any objection to the deletion of Condition No. 2.

(c) Amendment to Condition No. 3

The RMS has not raised any objection to the amendment of Condition No. 3.

However, it is noted that Condition No. 3 is a Deferred Commencement condition and that the amended condition reads, as proposed, to indicate that approval from the RMS has already been granted. However, no such approval has been given by the RMS.

Therefore, it is recommended that Condition No. 3 remain as imposed and that Condition No. 6 be modified to include the plan approved by the RMS (Plan Showing Vehicle Turning Path (Amendment H) dated 26 November 2013 as prepared by Mepstead & Associates).

The applicant has agreed to this approach.

(d) Amendment to Condition No. 11

The applicant also seeks consent to amend Condition No. 11 (Section 94A Contributions) due to the reduction of the overall floor area of the Bulky Goods Premises as a result of the s.34 Conference.

Based upon the total development cost of \$14,763,985.00, the required Section 94A contribution was originally calculated at \$147,640.00.

A revised Quantity Surveyor cost of works estimate, dated 3 February 2014, has been provided which indicates that the total development cost will now be \$14,163,985.00. This will reduce the Section 94A contribution to \$141,640.00.

Therefore, the following is recommended:

- Delete Condition No. 2;
- Retain Condition No. 3 as imposed;
- Amend Condition No. 6; and
- Amend Condition No. 11.

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 to Modification Application No. MOD2013/0250 for Modification of Development Consent DA2011/1571 granted for demolition works and construction of a bulky goods shop, restaurant/cafe and open-air cinema complex on land at Lot 122, DP 752017, No. 42 Myoora Road, Terrey Hills and Lot 37, DP 752017, No. 44 Myoora Road, Terrey Hills, subject to the conditions printed below:

- (a) Delete Condition No. 2
- (b) Amend Condition No. 6 to read as follows:

6. Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

Architectural Plans		
Drawing No.	Dated	Prepared By
A01 (Prelim) – Site Plan	22/02/2013	Barry Rush & Associates Pty Ltd
A02 (Prelim) – Basement Plan	18/03/2013	Barry Rush & Associates Pty Ltd
A03 (Prelim) – Ground Floor Plan	22/02/2013	Barry Rush & Associates Pty Ltd
A04 (Prelim) – Mezzanine Floor Plan	29/01/2013	Barry Rush & Associates Pty Ltd
A05 (Prelim) – Roof Plan	13/02/2013	Barry Rush & Associates Pty Ltd
A06 (Prelim) - Elevations	13/02/2013	Barry Rush & Associates Pty Ltd
A07 (Prelim) - Sections	13/02/2013	Barry Rush & Associates Pty Ltd
A08 (Prelim) – Café/Restaurant	18/02/2013	Barry Rush & Associates Pty Ltd
A9 (Prelim) – Café/Restaurant Elevations	18/02/2013	Barry Rush & Associates Pty Ltd
A13 (Prelim) – External Colour Schedule	10/02/2013	Barry Rush & Associates Pty Ltd

The development must be carried out in compliance (except as amended by any other condition of consent) with the following modification plans:

Modification Architectural Plans		
Drawing No	Dated	Prepared By
5097-ENG H - Plan Showing Vehicle Turning Path	26/11/13	Mepstead & Associates

Engineering Plans		
Drawing No.	Dated	Prepared By
29610-1 – Drainage Concept Plan	10 February 2013	Taylor Consulting
29610-2 – Drainage Concept Details	10 February 2013	Taylor Consulting
29610-3 – Watercourse Diversion – Cross Sections	10 February 2013	Taylor Consulting
29610-4 – Watercourse Diversion – Site Plan	10 February 2013	Taylor Consulting
29610-5 – Watercourse Diversion – Cross Sections	10 February 2013	Taylor Consulting
29610-6 – Watercourse Diversion - Details	10 February 2013	Taylor Consulting
29610-7 – Soil Erosion & Sediment Control Plan	11 February 2013	Taylor Consulting

Reports / Documentation		
Report	Dated	Prepared By
Access Report	22 February 2013	Accessibility Solutions (NSW) Pty Ltd
BCA Compliance Assessment	18 February 2013	BCA Vision
Wastewater Management Report	21 December 2012	PS Solutions
Noise Emission Assessment	19 February 2013	Acoustic Logic Consultancy Pty Ltd
Fire Engineering Review	11 March 2013	Stephen Grubits & Associates Pty Ltd
Any documentation submitted (and endorsed by Council) to satisfy a Deferred Commencement Condition requirement is to be fully complied with.		

No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

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

Landscape Plans		
Drawing Number	Dated	Prepared By
LP.01/A – Landscape Plan	February 2013	Narelle Sonter Botanica
LP.02/A – Proposed Watercourse Plan	February 2013	Narelle Sonter Botanica

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

(c) **Amend Condition No. 11 to read as follows:**

11. Section 94A Contributions

The Section 94A Contributions are required to be paid for this development This amount has been calculated using the Warringah Section 94A Development Contributions Plan The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney All Groups Index)

The basis for the contributions is as follows:

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

Warringah Section 94 Development Contributions Plan		
<i>Contribution based on a total development cost of \$14,163,985.00</i>		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$134,558.00
Section 94A Planning and Administration	0.05%	\$7,082.00
Total	1%	\$141,640.00

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

Reason: To retain a level of service for the existing population and to provide the same level of service for the population resulting from new development (DACPLC01)