

## Strategic Planning Referral Response

Application Number:	Mod2016/0094
To:	Alex Keller
Land to be developed (Address):	Lot 2 DP 604580 , 22 Homestead Avenue COLLAROY NSW 2097

### Officer comments

MOD2016/0094 seeks consent to delete condition 7 of the consent for DA2015/0931, a Residential Care Facility. The condition requires the payment of a Section 94A (S94A) contribution as per Warringah Development Contributions Plan 2015. The proposal is considered to be unacceptable.

Three points are made to support the request. These points are summarised below, with Council's response.

1. The Trustees for the Salvation Army (NSW) Property Trust (TSA) is not-for-profit and should be excluded from S94A fees, as per the Plan.

Response: The Plan excludes non-profit organisations **only** if the works are for a public purpose and on behalf of, or in partnership with Council. No evidence has been provided to show that the Residential Care Facility is being undertaken on behalf of, or in partnership with Council.

2. Residents of the Residential Care Facility are likely to have low incomes, meaning the Residential Care Facility is 'affordable housing' under the Environmental Planning and Assessment Act 1979, and should be exempted from S94A fees, as per the Plan.

Response: No evidence has been provided to demonstrate that the Residential Care Facility has been assessed as 'affordable housing'. Unless Development Assessment has determined that the Residential Care Facility meets the definition of 'affordable housing', this exclusion does not apply.

3. Residents of the Residential Care Facility will rarely use community infrastructure, and as such, the Residential Care Facility should not pay for additional community infrastructure via an S94A fee.

Response: The Plan does not list 'low use of community infrastructure' as a reason for exemption from S94A fees.

### Strategic Planning Conditions:

Nil.