

NOTICE OF DETERMINATION

Application Number: Mod2013/0250

APPLICATION DETAILS

Applicant Name and Address: Planet Warriewood Pty Ltd
4 Vuko Place
WARRIEWOOD NSW 2102

Land to be developed (Address): Lot 122 DP 752017 42 Myoora Road TERREY HILLS
Lot 37 DP 752017 44 Myoora Road TERREY HILLS

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

DETERMINATION – APPROVED

Consent Authority: Sydney East Region Joint Planning Panel

Made on (Date): 2 April 2014

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

- (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



Architectural Plans		
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)*

Important Information

This letter should therefore be read in conjunction with DA2011/1571 approved by the Land and Environment Court on 12 April 2013.

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 Steve Findlay, Planning Assessment Manager
Date 8 April 2014

NOTE: Signed by Warringah Council in accordance with the EP&A Act 1979 and EP&A Reg 2000 as determined by the Joint Regional Planning Panel – Sydney East Region Joint Planning Panel on **2 April 2014**.