

This DA Submission Form must be completed and attached to your submission.

DA No: R0002/09

The General Manager
Pittwater Council
PO Box 882
MONA VALE NSW 1660

(Fax No 9970 7150)

Name Flora Feary
Address 51 Callisteron Way
Warriewood.
Phone 99975095
Date 20/8/09.

**Proposed Development Planning Proposal to permit 'Neighbourhood shops' and 'restaurants'
At 23B MACPHERSON STREET, WARRIEWOOD NSW 2102**

I have inspected the DA plans, I have considered them in the context of the relevant Locality Plans and Development Control Plans Yes No

I am willing to provide expert reports to supplement my comments should a conflict in opinion arise Yes No

I am willing to provide evidence to the Land and Environment Court if the application is appealed Yes No

In the interests of public transparency please note that your submission in its entirety will be available to the applicant or other interested persons on request and will also be made available on Council's Internet site through Council's transparent Development Application tracking process You are encouraged, as is the applicant, to discuss with each other any matters that may be of concern

COMMENTS (You may use the space provided or attach a separate document)

Please see attached.

YOU MUST COMPLETE THE INFORMATION BELOW AND SIGN THIS FORM FOR YOUR SUBMISSION TO BE CONSIDERED IN THE ASSESSMENT OF THIS APPLICATION.

Political Donations and Gifts Disclosure Statement (sec 147 EP&A Act 1979)

Please read the information enclosed concerning political donations and gifts disclosure and tick the appropriate box below

I have made a political gift or donation

(Please complete details of your political donations or gifts on the form enclosed)

I have NOT made a political gift or donation

Name: Flora Feary Signature: [Signature] Date: 20/8/09

Note For more information see www.planning.nsw.gov.au/planning_reforms/donations.asp

Political donations and gifts disclosure statement



PITTWATER COUNCIL

Office use only

Date received ___/___/___

Planning application no _____

This form may be used to make a political donations and gifts disclosure under section 147(4) and (5) of the *Environmental Planning Assessment Act 1979* for applications or public submissions to a council

Please read the following information before filling out the Disclosure Statement on pages 3 and 4 of this form. Also refer to the 'Glossary of terms' provided overleaf (for definitions of terms in *italics* below)

Once completed, please attach the completed declaration to your planning application or submission

Explanatory information

Making a planning application to a council

Under section 147(4) of the Environmental Planning and Assessment Act 1979 ('the Act') a person who makes a *relevant planning application* to a council is required to disclose the following *reportable political donations and gifts* (if any) made by any *person with a financial interest* in the application within the period commencing 2 years before the application is made and ending when the application is determined

- (a) all reportable political donations made to any local councillor of that council
- (b) all gifts made to any local councillor or employee of that council

Making a public submission to a council

Under section 147(5) of the Act a person who makes a *relevant public submission* to a council in relation to a relevant planning application made to the council is required to disclose the following *reportable political donations and gifts* (if any) made by the person making the submission or any *associate of that person* within the period commencing 2 years before the submission is made and ending when the application is determined

- (a) all reportable political donations made to any local councillor of that council
- (b) all gifts made to any local councillor or employee of that council

A reference in sections 147(4) and 147(5) of the Act to a reportable political donation made to a 'local councillor' includes a reference to a donation made at the time the person was a candidate for election to the council.

How and when do you make a disclosure?

The disclosure of a reportable political donation or gift under section 147 of the Act is to be made

- (a) in, or in a statement accompanying, the relevant planning application or submission if the donation or gift is made before the application or submission is made, or
- (b) if the donation or gift is made afterwards, in a statement of the person to whom the relevant planning application or submission was made within 7 days after the donation or gift is made.

What information needs to be in a disclosure?

The information requirements of the disclosure are outlined in the Act under section 147(9) for political donations and section 147(10) for gifts

Pages 3 and 4 of this document include a Disclosure Statement Template which outlines the relevant information requirements for disclosures to a council

Note A separate Disclosure Statement Template is available for disclosures to the Minister or the Director-General of the Department of Planning

Warning A person is guilty of an offence under section 125 of the *Environmental Planning and Assessment Act 1979* in connection with the obligations under section 147 only if the person fails to make a disclosure of a political donation or gift in accordance with section 147 that the person knows, or ought reasonably to know, was made and is required to be disclosed under section 147. The maximum penalty for any such offence is the maximum penalty under Part 6 of the *Election Funding and Disclosures Act 1981* for making a false statement in a declaration of disclosures lodged under that Part. Note The maximum penalty is currently 200 penalty units (currently \$22,000) or imprisonment for 12 months, or both

Political Donations and Gifts Disclosure Statement to Council

If you are required under section 147(4) or (5) of the Environmental Planning and Assessment Act 1979 to disclose any political donations or gifts (see page 1 for details), please fill in this form and sign below

Disclosure Statement Details

Name of person making this disclosure statement: Fiona Feary

Planning application reference (e.g. DA number, planning application title or reference, property address or other description): R0002/9

Person's interest in the application (circle relevant option below)

You are the APPLICANT YES / NO OR You are a PERSON MAKING A SUBMISSION IN RELATION TO AN APPLICATION YES / NO

Reportable political donations or gifts made by person making this declaration or by other relevant persons

** State below any reportable political donations or gifts you have made over the 'relevant period' (see glossary on page 2). If the donation or gift was made by an entity (and not by you as an individual) include Australian Business Number (ABN)*

** If you are the applicant of a planning application state below any reportable political donations or gifts that you know, or ought reasonably to know, were made by any persons with a financial interest in the planning application; OR*

** If you are a person making a submission in relation to an application, state below any reportable political donations or gifts that you know, or ought reasonably to know, were made by an associate.*

Donation or gift?	Name of donor (or ABN if an entity), or name of person who made the gift	Donor's residential address or other official office of the donor, address of person who made the gift or entity's address	Name of party or person for whose benefit the donation was made, or person to whom the gift was made	Date donation or gift was made	Amount/ value of donation or gift
<u>None</u>					

Please list all reportable political donations and gifts—additional space is provided overleaf if required

By signing below, I/we hereby declare that all information contained within this statement is accurate at the time of signing

Signature(s) and Date: [Signature] 20/8/09

Name(s): Fiona Feary

FIONA FEARY
51 Callistemon Way
WARRIEWOOD NSW 2102

ffeary@tpg.com.au

August 25, 2009

With regard to council's decision to amend the zoning criteria for land at the corner of Garden and Macpherson Streets, Warneewood, I wish to make the following points

- **If the land is to be zoned to allow residential development with a SMALL retail component, I am in favour of this**
- **If the amendment allows the establishment of a LARGE retail complex which takes up the entire block, I am against it for the following reasons**

1 When we bought into the area two and a half years ago I was told by a council officer that the site was zoned residential with shop top housing (ie housing with maybe a corner shop or newsagency etc) There was no mention of a supermarket back then and we would not have bought a home next to a shopping centre site Many of our neighbours are in the same position and are most concerned that this proposed rezoning will allow what amounts to a mini Warneewood Square

2 The developer's legal advice totally ignores the residential requirement of the original zoning (I note there is to be a "caretaker's residence" included in the centre I see this as a cynical move to circumvent the "residential" component of the zoning restrictions, which shows a complete disregard for the spirit of the original plans for the site)

3 One of the reasons we decided to buy a home in the Warneewood Valley was the lure of the serenity of the surrounding bushlands on the escarpment, the creek and the nearby wetlands If we had wanted to live near a shopping centre we would have bought in Dee Why or Mona Vale, for example, where units and townhouses are readily available Rezoning the block to allow a large supermarket would result in the following changes

- Increased traffic
- Cars encroaching on the surrounding back streets in the search for parking
- More noise and an end to the quiet we now experience
- Harsh lighting all night for security reasons to keep out the
 - Vandals,
 - Skateboarders,
 - Graffiti artists
- The noise of delivery trucks coming and going at all hours
- Food smells
- Industrial garbage bins attracting vermin
- Reduction in house values

Etc etc etc

4 I believe there is another D A before the council which includes 21 houses and an area presumably for a small supermarket, which would be much more in keeping with the Garden/Macpherson Streets corner We would prefer that option as we would have the convenience of a corner store without the unpleasantness of a major centre I am concerned that if the land is rezoned to allow a large shopping centre, this other DA will not be considered as attractive to council and the IRPP as it does not generate as much employment

5 If the land has to be rezoned to clarify what type of development is allowed there, why is council seeking such a wide range in the size of shops allowed? If there is a lack of clarity with the rezoning, why is it being changed from what we were all originally told was allowed and what was the intention of the original valley master plan?

6 Other shopping centres on the peninsula, such as Warneewood Square, Woolworths and Coles at Mona Vale, Woolworths at Avalon etc etc have no residential areas adjacent to them There is good reason for this It is inappropriate to locate a shopping centre in the middle of a residential neighbourhood Where residential and major retail areas are mixed, there are problems Residents of unit blocks around Narrabeen Woolworths complain of the constant drone of the air conditioning and refrigeration plant equipment

7 The bulk of a solely retail development is out of character and visually inconsistent with a predominantly residential area A combination of small retail outlets and housing as originally planned is much more compatible with the current character of the area

8 A representative of the developers has said that they have worked hard to minimise the impact of the proposed centre on the local environment in terms of noise, traffic etc I am sure the developers of Warneewood Square made the same efforts But would you live next to it? No matter what they do, it will still be a shopping centre I for one would rather have homes and gardens and a small supermarket in our neighbourhood and the rezoning should reflect this sort of neighbourhood character, as originally intended and as we were informed when we bought our homes

9 The decision to begin the rezoning process was taken to a council meeting to be voted on on 20th July No notice was given to local residents, even though Pittwater Council officers knew from contact by my neighbours and myself that there was a lot of concern in the neighbourhood about the possibility of a supermarket being built There should have been consultation with the public before this vote was taken so that we could lobby our local representatives to resist this move at this early stage We are now in a position where the process has been progressed to State government level when we would prefer that it had never been begun in the first place If it was deemed necessary to undertake the rezoning to clarify certain issues, the size of the allowable development should have been restricted to what it has always been intended to be, eg a small neighbourhood shop