

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 HEITIE MOLLAMA
Address 41 CALLISTEMONA WAY
WARRIEWOOD NSW 2102
Phone 9979 3127
Date 1 SEPT 2009

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)

SEE ATTACHED LETTER

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 H MOLLAMA Signature [Signature] Date 1 SEPT 2009

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

Political donations and gifts disclosure statement



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 <i>HELEN MOLLETTA</i>		Planning application reference (e.g. DA number, planning application title or reference, property address or other description) <i>DA R0002/09</i>			
Person's interest in the application (circle relevant option below) You are the APPLICANT <input checked="" type="radio"/> NO <input type="radio"/> OR <input type="radio"/> YES / YES					
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 entity's registered 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
	<i>NIL</i>				
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 <i>[Signature]</i> <u>1 SEP 2009</u>					
Name(s) <u>HELEN MOLLETTA</u>					

Mr Mark Ferguson
General Manager
Pittwater Council
PO Box 882
Mona Vale NSW 1660

1 September 2009

C C – Councilors James, Hegarty, Townsend, Dunbar, Giles, White, Hock, Grace and Rose
C C – Rob Stokes MP State Member for Pittwater

Dear Mr Ferguson,

Pittwater Council DA No R0002/09

RE Planning Proposal to permit 'Neighbourhood shops' and 'restaurants' at 23B Macpherson Street, Warriewood

I am concerned about a number of aspects regarding the above application

Hill PDA Retail Demand Assessment

- This report forms the basis of the planning proposal and is referred to in the Council justification as an independent report commissioned by Pittwater Council. The Executive Summary of the Hill PDA Retail Demand Assessment on page 6 clearly states that they were commissioned by Warriewood Properties. I am very skeptical therefore to call this an independent assessment as stated on page 12 of the Council Report to Planning an Integrated Built Environment Committee Meeting. It also calls in question the independence and reasoning of Council to start the rezoning process.
- On the basis of the reasoning put forward in the report, Pittwater will need a medium to large size supermarket every 1km. That puts a minimum of one around Bayview and Church Point, one halfway between Newport and Mona Vale, one around Bilgola and two between Avalon and Palm Beach. Permitting this land to be rezoned will remove Council's power to resist arguments for rezoning anywhere in the Council's area.
- It is easy to draw a circle of 600m to 1km anywhere and then extrapolate demand data. It ignores that that demand is already met elsewhere. It disadvantages the smaller retailers and hands a monopoly to the larger chains. Let us not get caught up in the market strategies of the big chains.
- Using the same argument put forward in the report, we also need a liquor outlet and there would be a significant demand for Other Personal and Household Goods.
- Using the report's own numbers, the almost 4000sqm retail facility will be inadequate by 2012. The next step will be a DA for putting an additional story on top.
- I therefore contend that the basis of the Planning Proposal is biased towards the developer and misleading as the basis for rezoning.

Restrictions and Controls

If Council persists in rezoning the land then the rezoning document needs to be amended with certain controls and restrictions to be placed on the land in question.

- No dispensation to be given to the developer of the 50m buffer zone from the centre of Fern Creek which includes 25m to be Creek rehabilitation replanting. This is in keeping with the surrounding area and similar restrictions placed on other developers.
- A similar 50m buffer zone, 25m to be planted as a green zone, to be provided between any commercial/retail facility and the boundary of the land. The people are

also part of nature and need protection. The buffer zone maybe residential dwellings with gardens of similar width of 50m

- Any commercial/retail development to provide, on the land, parking facilities for each employee. Customer parking, in addition to employee parking, to be a minimum of 1space for every 22sqm of the development
- Noise generated from the completed development shall not exceed 3dB above independent established background noise levels LA90 and LAeq for the life of any facility that maybe build on the land. These levels to be measured regularly to avoid the effect of wear and tear on the machinery over time
- Lighting to be of the non-glaring type, and to be an absolute minimum for the need. Lighting to be switched off after 10pm
- No obtrusive sign or hoardings advertising the facility. No signs are to be internally or externally illuminated
- Truck access to the site to be restricted to 8am to 6pm, Monday to Friday. Truck access to be separated from customers for safety reasons
- The shared foot and bicycle path is popular with the residents. If the development envisages shoppers at the rate of 150 cars per hour, that means 300 path crossings per hour, or one car or articulated truck every 12 seconds. A mother with a toddler on foot with a stroller will have to cross a wide entry of approximately 18m in that time slot. This is an accident waiting to happen. The Council has a Duty of Care to the public and that will be compromised. I do not want to be in your shoes explaining to the parents and grandparents that the rezoning was a mistake. Strict safety measures to be provided to safeguard pedestrian and cyclist. They are to be a condition of any development application
- Any large scale commercial/retail development of the land will affect traffic flow. Instead of the traffic flowing away from the site in question, it will flow towards it. Any such development needs to bear the cost for the full width of McPherson and Garden Street curbing and guttering as they will affect traffic in both directions. It needs to include a turn-off lane into the site entrance\
- If any conditions are not complied with then Council to have the authority to order closure of the facility till it is rectified

If the above conditions cannot be met then it would be wiser to withdraw the rezoning DA and instead submit a zoning that reflects the intent of the Master plan for the Warriewood Valley of 800sqm neighbourhood shops on the corner. The effect of rezoning to retail is not in line with the original plan, nor what the area needs



Hette Mollema
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