

# PITTWATER COUNCIL

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Postal Address  
PO Box 882  
Mona Vale NSW 1660  
DX 9018 Mona Vale

Amanda Clarke, Administration Officer  
8am to 5 30pm Mon – Thurs, 8am to 5pm Fri  
Phone 9970 1124

8 SEPTEMBER 2009

Rezoning No R0002/09

R S HACK & J A HACK  
1 FERN CREEK ROAD  
WARRIEWOOD NSW 2102

PLEASE FIND SIGNED  
DOCS ATTACHED

Dear Sir/Madam

**Rezoning Application R0002/09 for rezoning to permit 'Neighbourhood shops' and 'Restaurants' at 23B MACPHERSON STREET WARRIEWOOD NSW 2102**

Thankyou for your recent submission concerning this Rezoning Application

Recent changes under section 147 of the Environmental Planning & Assessment Act 1979 require your submission to be accompanied by a declaration as to whether you have made a political donation or gift to any councillor or employee of the Council within the last two years

Please find enclosed information about the Political Donations and Gifts Disclosure Statement, a rezoning submission form, your original submission and a reply paid envelope

If you have made a donation please complete and return the Political Donations and Gifts Disclosure Statement and the Rezoning Submission Form together with your original submission

If you have not made a donation please complete and return the Rezoning Submission Form together with your original submission

Without your declaration, Council cannot include your submission in the assessment of this application

Please contact me on the number above if you require any assistance

Yours faithfully  
Amanda Clarke  
**ADMINISTRATION OFFICER**



Email [pittwater\\_council@pittwater.nsw.gov.au](mailto:pittwater_council@pittwater.nsw.gov.au) Web [pittwater.nsw.gov.au](http://pittwater.nsw.gov.au)

Mona Vale Customer Service Centre  
Village Park 1 Park Street Mona Vale

Avalon Customer Service Centre  
59A Old Barrenjoey Road Avalon

Support Services  
Units 11 12 13 + 16/5 Vuko Place Warriewood

Boondah Depot  
1 Boondah Road Warriewood

**This Rezoning Submission Form must be completed and attached to your submission**

**Rezoning No R0002/09**

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

(Fax No 9970 7150)

Name ROBERT & JUDITH HACK  
Address 1 FELNCREEK RD  
WARRIEWOOD 2102  
Phone (02) 9999 3099  
Date 18/9/09

**Proposed Rezoning** rezoning to permit 'Neighbourhood shops' and 'Restaurants'

**At** 23B MACPHERSON STREET WARRIEWOOD NSW 2102

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)

REFER OUR OBJECTIONS ATTACHED  
THIS FORM SUBMITTED AS PER COUNCIL'S  
REQUEST DATED 8/9/09

**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 J A HACK R S. HACK Signature [Signature] Date 18/9/09

Note For more information see [www.planning.nsw.gov.au/planning\\_reforms/donations.asp](http://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  
**ROBERT + JUDITH HACK**

Planning application reference (e.g. DA number, planning application title or reference, property address or other description)  
**1002/09**

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)

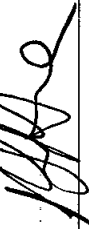
\* If you are the applicant of a planning application state below any reportable political donations or gifts that you know, or ought reasonably to know, were made by any persons with a financial interest in the planning application OR

\* 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 or 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
		NIL			

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  


Name(s)  
**R. S. HACK**

Signature(s)  


Name(s)  
**J. A. HACK**

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1 Fern Creek Road  
Warriewood, NSW 2102

28<sup>th</sup> August 2009

The General Manager  
Pittwater Council  
PO Box 882  
Mona Vale NSW 1660

Dear Sir,

**Re - Rezoning Application No: R0002/09**

As residents of the Warriewood Valley, we wish to express some serious concerns and objection with regard to the above re-zoning application currently being reviewed by Council

We understand that there is some uncertainty with regard to the permissibility of the proposed retail facility referenced in DA N0283/09, and we understand that this rezoning application (planning proposal) is seeking to clarify the position such that some retail development could take place on the site

We further understand that it has been for some time Council's intention to see the development of a Neighbourhood Focal Centre (including small local retail facilities) on the site, and we agree that this would be a valuable addition, and welcomed by most people in the valley

What we are concerned about is the size of what is currently being proposed in DA N0283/09, and the suggestion that this could be permissible in the current zoning (refer the applicants legal advice from Senior Counsel) The Supermarket proposed in this application is about 400% larger than that originally envisaged by any of us, including Council, based on the masterplan accepted for Sector 8 and DCP21, both of which are available on Council's web site for review by anyone needing to understand the plans for the valley

A supermarket of the size proposed by the applicant is a regional supermarket, not a Neighbourhood Focal Centre It is the size of Coles at Centro Warriewood, and not only does it not fit the existing and adopted plans, but it would seriously compromise the residential amenity of adjacent and nearby properties in our peaceful valley, with increased traffic, noise, car park lighting, possible increases in graffiti and vandalism, smells, additional garbage collections etc

1 Fern Creek Road  
Warriewood, NSW 2102

While we will address our concerns regarding N0283/09 in a separate submission, our major concern specific to this rezoning application is that it does not seem to seek, in any way, to limit the size of a retail facility to a size that was anticipated by all, including Council, based on existing documents referenced above and extensive community consultation. This significant increase in size seems to originate entirely from the applicant.

We agree with the intended use as described in paragraph 2 of Council's letter dated 17<sup>th</sup> August "being neighbourhood shops and restaurants" in which our submission was invited, but we do not believe that the applicant's proposal for a 3200 square metre supermarket, in addition to the shops and restaurant proposed is in any way consistent with this intent. It would seem to us that clarifying the zoning represents an opportunity to ensure that the development of the site is consistent with previous plans for the site, specifically in relation to its size.

The masterplan for sector 8 shows a retail facility occupying approximately 25% of the site. If Council's legal advice indicates concern over the permissibility of this retail development in the current zoning (contrary to the applicant's advice), then it may well be appropriate in a revised planning proposal to recommend 25% of the site be rezoned 3(c), Neighbourhood Business, leaving the remaining 75% 2(f) Mixed Residential.

There may well be other options, but in any event it is unclear to us how the current rezoning application, with the intent of clarifying the situation, will prevent possible over development of the retail component of the site. If there is any exposure at all in this regard, we would request Council amend or withdraw the current planning proposal and replace it with a revised planning proposal to ensure that the site can only be developed in a manner consistent with what appears to be the general community's expectations, the sector 8 masterplan, DCP21, and Council's intentions.

Yours faithfully,

Robert & Judy Hack

cc All Councillors

From Sally\_Bacon@pittwater.nsw.gov.au  
Sent 03/09/2009 09:27:36 AM  
To pittwater\_council@pittwater.nsw.gov.au  
Subject Hack - Pending DA Submission - R0002/09 - N0283/09 - 23B Macpherson St, Warriewood

From Rob Hack" <rob@aussieglide.com.au>  
To <david\_james@pittwater.nsw.gov.au> <jacqueline\_townsend@pittwater.nsw.gov.au> <julie\_hegarty@pittwater.nsw.gov.au>  
<patricia\_giles@pittwater.nsw.gov.au> <ian\_white@pittwater.nsw.gov.au> <bob\_grace@pittwater.nsw.gov.au>  
Date 02/09/2009 09:28 PM  
Subject Why a JRPP determination

Dear Councillors,

We are writing to express concern over a development application (N0283/09) that has been forwarded to the JRPP determination, because of no other apparent reason than the applicant's estimated CIV of \$11.8m is over \$10m, making "regional development" under the definition within The Major Development SEPP.

This development is about 4 times the size of what was originally planned as a Neighbourhood Focal Centre in the Sector 8 Masterplan and nearly twice the maximum described in DCP21 - which suggests total Retail of 855-2222sqm. As opposed to 750sqm of shops, DA N0283/09 includes a 3,200sqm supermarket (as large as any in our major shopping centre) proposed in the middle of a quiet residential area that is currently zoned 2(f) - Mixed Residential. We note the concerns Council has expressed in the past with regard to the formation of the JRPPs, and we do not understand why a DA for a Neighbourhood Focal Centre has fallen into this category simply because a developer is applying for a development much greater in size than that originally planned by Council, and anticipated by the local community.

We note that because of some uncertainty over whether Retail Business is allowed in 2(f) residential zoning, the Planning Proposal (R0002/09) seeks to clarify this situation, but does not seek to limit the size of the proposed retail development to a size consistent with the masterplan for sector 8, or the description of the planned facility in DCP21, and the extensive community consultation and input that DCP21 in particular enjoyed. It would seem to us that if the size was limited to the size we all expected, then this DA would be refused on the grounds that it does not comply, and a smaller compliant version would be determined by Council rather than the JRPP.

As it seems necessary to amend the LEP (ref R0002/09), and given that the preparation and submission of an amendment is within the control of Council, and can be re-submitted if Council so choose (ref Gateway Determination Letter dated 10/8/2009), we ask that you take into consideration Council's own planning documents, and community input, and take whatever steps are necessary to ensure that the revision of the LEP restricts the size to a 'Neighbourhood Focal Centre' that everyone expected.

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For your further information we have attached a copy of our submission that has been lodged separately with Council we would appreciate your consideration and support for our submission

Yours sincerely,

Robert and Judith Hack

Email [rob@aussieglide.com.au](mailto:rob@aussieglide.com.au)

Phone 9999 3099

Mobile 0402 828 776

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DataWorks Batch Print Summary  
Printed on 03-Sep-09

Class	Description	Doc No	Date
- EMAILS	Hack - Pending DA Submission - R0002/09 -	3566562	03/09/2009
NOTE	HC TO WP PLANNING	3566861	03/09/2009
DRAFT	ATTKFHE1 doc	3566563	03/09/2009