

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

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

(Fax No 9970 7150)

DA No R0002/09

Name Nika Tranfield

Address 23/26 Macpherson St
Warriewood NSW 2102

Phone

Date 31/8/09

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 submission from
the committee of SP36619 26 Macpherson St
on behalf of residents at 26 Macpherson St

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

N Tranfield

Signature

N Tranfield

Date

31/8/09

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

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

31 August 2009

CC – Councilors James Hegarty, Townsend Dunbar, Giles, White, Hock, Grace and Rose
CC – Rob Stokes MP State Member for Pittwater
CC – Bronwyn Bishop MP Federal Member for Mackellar

Dear Mr Ferguson,

Pittwater Council DA No R0002/09

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

We the Body Corporate of 26 Macpherson Street are writing on behalf of the residents who have expressed deep concern and objections to the above application, which we understand Councils planning department is currently assessing

Summary

We would like to state that most of the residents of 26 Macpherson Street are not against a "small" 800sqm "neighbourhood" retail space and other residential buildings being built on the site. The residents main concerns are that the change in zoning will allow a large and out of character development that will have a detrimental effect on the amenity of their homes. Residents are extremely concerned that not only will this destroy the quiet residential character of their neighbourhood but that the dramatic increase in traffic will endanger the safety of the numerous children who live in the complex and surrounding area. Such a Development Application has been lodged with the Council, DA No 283/09 and we are writing separately on this.

We would like to begin by indicating the residents disappointment with regards to the amendments to part 3 - 'Gateway determination', of the Environmental Planning and Assessment Act 1979, adopted by The Department of Planning on 1 July 2009. We understand that Council is to submit to the department their 'planning proposal' to rezone, including justification of its merits prior to any public consultation. The Executive Committee and residents are outraged at the new process, whereby resident's input is only sought once a decision to proceed with the rezoning has been made. We would like to ask how the Department could make such a decision with only comment from one party? We do not feel the Council views mirror the majority of residents in the area.

Residents are also confused about why the Council accepted the DA application when it does not appear to meet the Councils own guidelines for this quiet residential area. It appears that the DA is likely to be assessed before the rezoning has been fully considered. We cannot understand how this could occur and why it is so.

rushed. We do not understand what is wrong with the original DCP 21 proposal for this site?

We ask that you take into consideration the points outlined below when considering this proposal and the consequences of a decision in favour of the proposal.

When the original planning for Warriewood Valley (The Ingleside/Warriewood Urban Land Release Study) began, some 20 years ago, it was identified that the new residents would need access to additional recreational space that was spatially central to the incoming population. This was to be in the form of parkland, bushland, walking/cycle tracks and indoor community space such as community centres. We understand following consultation with both the community and other authorities that the next set of plans (Warriewood Valley Urban Land Release Planning Framework) for the valley changed. This included but was not limited to the creek line corridors being able to provide a great deal of the outdoor recreational space, and also that the additional requirements for a community centre could be accommodated within current centres. This leads us to 23B Macpherson Street.

The vicinity around the intersection of Garden and Macpherson Streets, within the valley planning was originally identified to be the site for a focal neighbourhood centre – this was explained to Pittwater residents as a community centre. When the masterplan for Sector 8 was adopted, it was then identified that this space may accommodate a **SMALL** neighbourhood centre in the form of a corner store and possibly a few other shops along with some residential. This was the premise that the developers advertised and sold their developments, and upon which many residents of 26 Macpherson Street decided to purchase their properties.

The HillPDA assessment commissioned by Pittwater Council in 2006 and based on the 2001 Census, concluded that there was current demand for a supermarket of 800sqm and retail space of 371sqm. This study would have had to take into consideration the impending land release within the valley, considering planning for it had started some 10 years earlier. Following on from the first study, the current planning documents for this site indicate a permissible retail space of 1171sqm with an additional residential component. The residents of 26 Macpherson Street, are not against, and even in support of such a small development. However the residents were shocked to find that the new proposal for this site is likely to be in the vicinity of retail space of 3950sqm with no residential component. This is totally against your own planning controls, and is completely out of character with the residential and community areas immediately adjacent to the site.

Within the Council report to the Planning an Integrated Built Environment Committee Meeting of 20th July under Section 5.1.1 the officer indicates that "Progressing the plan-making process to permit a retail facility on this site will bring to fruition development of the site as originally planned". This is an untrue statement, as it was, and still is, planned as an 1171sqm retail space, and not 3950sqm retail space.

Within the Planning Proposal (A3) you indicate that the centre is to offer retail space "limited to serving the daily shopping needs of residents in the release area". We would like to know how you propose to police this? A supermarket this large would

grossly increase the traffic and the potential for accidents. Our concern is also for the increased, noise and loss of amenity.

(B1) of the Planning Proposal argues that the Sydney Metropolitan Strategy and the Draft North-East Sub-Regional Strategy "promotes the location of a local centre within a residential area". It goes on to say the Centres' Hierarchy envisages it will be a "small village" or "neighbourhood centre". We argue that this rezoning to allow such a large retail development will make it neither "local" nor "small" and as such will be in contradiction to these Strategies.

In (C2) the question is asked, whether there are likely to be any environmental effects as a result of the Planning Proposal. We feel that there will be. This development will be the same size as the Coles at Warriewood Square. The areas of traffic, water, and amenity will be detrimentally affected by such a large development on a site that sits right in the middle of a residential area. The comment that there are "specific controls applying to the subject property" are certainly integral to a development proposal, but the argument is whether there is capacity to accommodate such a development that is neither wanted or needed in this area.

In closing, we would like to again explain that most of the residents of 26 Macpherson Street are not against a "small" "neighbourhood" retail space and other residential buildings being built on the subject site. Our concerns are that the change in zoning will then permit such a large, out of character development, which will have a detrimental affect on the value and amenity of our homes. The dramatic increase in traffic created by such a development will destroy the quite residential area and endanger the safety of the residents and children living in the complex, which is not acceptable.

We request you take the views of our residents into consideration when making your decision.

Yours sincerely

A handwritten signature in black ink, appearing to read 'nchanfield', with a long horizontal flourish extending to the right.

Niki Tranfield
Secretary
SP 36619
26 Macpherson Street, Warriewood, NSW 2102

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
 Planning application reference (e.g. DA number, planning application title or reference, property address or other description) **R0002109**

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
		NONE			

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 **N. TUNRELD**
 Name(s) **N. TUNRELD**