

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 MR HETTE MOLLEMA
Address 41 CALLISTEMON WAY
WARRIEWOOD NSW 2102
Phone 9979 3127
Date 23 AUG 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 TO MR MARK FERGUSON

| |
|-------------------|
| RECEIVED |
| 25 AUG 2009 |
| PITTWATER COUNCIL |

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 MOLLEMA Signature: [Signature] Date 23 AUG 2009

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
MR HEYF MOLLERA

Planning application reference (e.g. DA number, planning application title or reference, property address or other description)
DA No: R0002/09

Person's interest in the application (circle relevant option below)
 You are the APPLICANT YES / NO OR 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
 23 Aug 2009

Name(s)
HEYF MOLLERA

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

23rd August 2009

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

I am writing to you in regard to the above application which I understand Councils planning department is currently assessing

Summary

I would like explain that most of the residents of the Warriewood Area and more important – the immediate area – are not against a "small" 800sqm "neighbourhood" retail space and other residential buildings being built on the subject site. My main concern is that the change in zoning will permit such a large, out of character development that will have a detrimental effect on the amenity of my property. Just such a Development Application has been lodged with the Council, DA No 283/09, which will destroy the residential character of the neighbourhood and pose many safety and environmental issues. I will be writing separately on this DA. It highlights the very consequence of any decision to amend the zoning.

I would like to begin by indicating the communities disappointment in 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. I understand that council is to submit to the department their 'planning proposal' to rezone, including justification of its merits prior to any public consultation. I, and my fellow residents, are outraged at the new process, whereby residents input is only sought once a decision to proceed with the rezoning has been made. I would like to ask how the Department can make such a decision with only comment from one party. The Council may very well have different views on the merits of an application than the affected residents. In this particular case that is true.

Therefore I 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) was begun, 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 both parkland, bushland, walking/cycle tracks and indoor community space such as community centres. I understand from the long and arduous 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 somewhat. 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 then leads me 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 the new residents of Warriewood Valley decided to purchase their properties.

The HillPDA assessment commissioned by Pittwater Council in 2006 and based on the 2001 Census, concluded that there is 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! It's interesting to also note that the current developers of the site commissioned their own assessment of Retail Demand based on the 2006 Census, and in the short space of 5 years (still noting the land release was imminent) the demand had increased by **400%**. 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. I, and I believe most of the community, are not against, and even in support of such a small development. I understand 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". Well this is an untrue statement, as it was, and still is, planned as an 1171sqm retail space, and not 3950sqm retail space.

I find it quite amusing that 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". I would like to know how you propose to enforce it to only residents in the release area?? This is a ridiculous comment and once built, anything is available to anyone!! Only increasing our concern for increased traffic, 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" I would 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 Well of course there are! 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, I would like to again explain that most of the residents of the Warriewood Area and more importantly - the immediate area - are not against a "small" "neighbourhood" retail space and other residential buildings being built on the subject site My main concern is the change in zoning will then permit such a large, out of character development that will have a detrimental affect on the amenity of my property Just such a Development Application has been lodged with the Council, DA No 283/09 I will be writing separately on this issue It highlights the very consequence of any decision to amend the zoning

I request you take all of these relevant points into consideration when making your decision

The image shows two handwritten signatures in black ink. The top signature is larger and more stylized, while the bottom signature is smaller and more compact. Both appear to be cursive and are positioned above the printed contact information.

Hette & Andrea Mollema
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Warriewood NSW 2102
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