

# PLANNING OVERLOAD

General Manager  
Pittwater Council  
PO Box 882  
MONA VALE 1660

01 September 2009.

Dear Sir,

Re:

R0002/09 20/07/2009 23B MACPHERSON STREET, WARRIEWOOD  
Rezoning to permit 'Neighbourhood shops' and 'Restaurants'  
Applicant: WARRIEWOOD PROPERTIES PTY LTD

This submission is in opposition to the subject rezoning in its entirety and is made on behalf of Mr & Mrs Maulguet of 207B Garden Street, Warriewood.

I have reviewed the material available and object on the following grounds:

1	The application to rezone suggests an approval for the current DA 283/09 for a shopping centre proposed on lot 2 is inevitable.
2	If the applicant requires rezoning then the argument that the proposed development 283/09 of a shopping centre can be approved under the current zone, is, if not mute, then unsustainable and DA 283/09 will fail.
3	The preparation of the rezoning LEP is the responsibility of the Council being the relevant planning authority. The new gateway provisions do not force the Council to make the planning proposal for a change in zone thus the decision to proceed with the rezoning proposal is tantamount to support in principle by the Council. Accordingly the council has indicated it wants the shopping centre on lot 2 but does not agree the current rezoning permits same.
4	The rezoning will facilitate the creation of lot 1 for <i>green</i> purposes and will be dedicated to Council if 283/09 is approved. Therefore Council has a vested interest in two ways: 1) it obtains land; 2) it adds to its green credentials espoused in its corporate vision and plan.
5	Council cannot be seen as neutral as a result of the above and assessment should be outsourced for objective evaluation (as should 283/09).
6	In the light of Judge Lloyd's recent expungement of the planning agreements benefiting the public domain at Catherine Hill Bay and Gwandalan, the dedication of similar land in this case leaves the Council compromised as a beneficiary of both the subdivision and rezoning.

**Paul F. Drake.**

MPIA, CPP,  
B.A. (UNE) Dip.T.&C.P.(Syd)

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TO : AMANDA CLARKE

**This Rezoning 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)

**Rezoning No: R0002/09**

Name: PAUL DRAKE

Address: cf

Phone: 042 862 109

Date: 01 SEPTEMBER 2009

**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).

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: PAUL DRAKE Signature: [Signature] Date: 01 SEPTEMBER 2009

Note: For more information see [www.planning.nsw.gov.au/planning\\_reforms/donations.asp](http://www.planning.nsw.gov.au/planning_reforms/donations.asp)

TO: AMANDA CLARKE