

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 ROBERT & JUDITH HACK

Address 1 FERNCREEK RD
WARRIEWOOD

Phone 0402 828 776

Date 28TH AUGUST 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)

PLEASE REFER OUR SUBMISSION ATTACHED
OUTLINING OUR OBJECTIONS

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

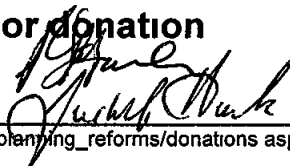
(Please complete details of your political donations or gifts on the form enclosed)

I have NOT made a political gift or donation

ROBERT HACK

Name & JUDITH HACK

Signature



Date 28/8/2009

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
 ROBERT & JUDITH HACK
 Planning application reference (e.g. DA number, planning application title or reference, property address or other description)
 R0002/09

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 entity's registered address or other official office of the donor 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

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
 [Signature] 28/8/09
 Name(s)
 ROBERT HACK
 JUDITH HACK

1 Fern Creek Road
Warriewood, NSW 2102

28th 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

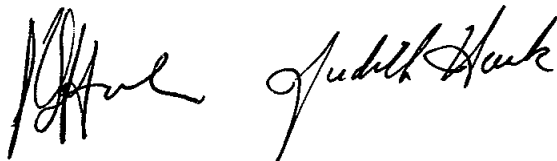
While we will address our concerns regarding N0283/09 in a separate submission, our major concern specific to this rezoning application is that it does not seem to seek, in any way, to limit the size of a retail facility to a size that was anticipated by all, including Council, based on existing documents 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 17th 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