

**Re: Dee Why 15 storey tower rejected by Joint Regional Planning Panel**

It is important to note that not all Warringah Councillors voted in support of allowing a breach in height limits to allow the Cobalt building on the corner of St Davids Ave Dee Why and Pittwater Road to go to 15 storeys if the developer paid Warringah Council \$250k and transferred to Council a retail unit, floor space and incorporated the public toilets in the building under a voluntary planning agreement (VPA).

Councillor Bob Giltinan and I supported the residents and voted against this as it would have set a precedent for developers to be able to breach height limits in Dee Why on the proviso they enter into a VPA and pay council money and/or give land.

The Department of Infrastructure Planning and Natural Resources Practice Note issued on 19 July 2005 clearly states that misuse of planning agreements can occur when a Council "seeks inappropriate public benefits because of opportunism or to overcome revenue-raising or spending limitations that exist elsewhere".

I am pleased that the Warringah Council Independent Development Assessment Panel (WDAP) recommended to the Joint Regional Planning Panel (JRPP) that the development application be refused and that the JRPP refused the application based on the variation of height being from 24m to 51m being excessive.

Should the developer ignore the WDAP and JRPP' finding and the over 1200 objections from residents I truly hope that all Councillors will uphold the independence and integrity of the WDAP and JRPP and support the significant amount of objectors by defending any appeal by the developer in the Land and Environment Court.

Cr Vincent De Luca OAM  
Warringah Councillor