



# AGENDA

Notice is hereby given that an Ordinary Meeting of Council will be held at the Civic Centre, Dee Why on

**Tuesday 24 February 2015**

Beginning at 6:00pm for the purpose of considering and determining matters included in this agenda.

**Malcolm Ryan**  
**Acting General Manager**

**Issued: 19 February 2015**



## OUR VISION

*A vibrant community, improving our quality of life by living and working in balance with our special bush and beach environment*

## OUR VALUES

*Respect*

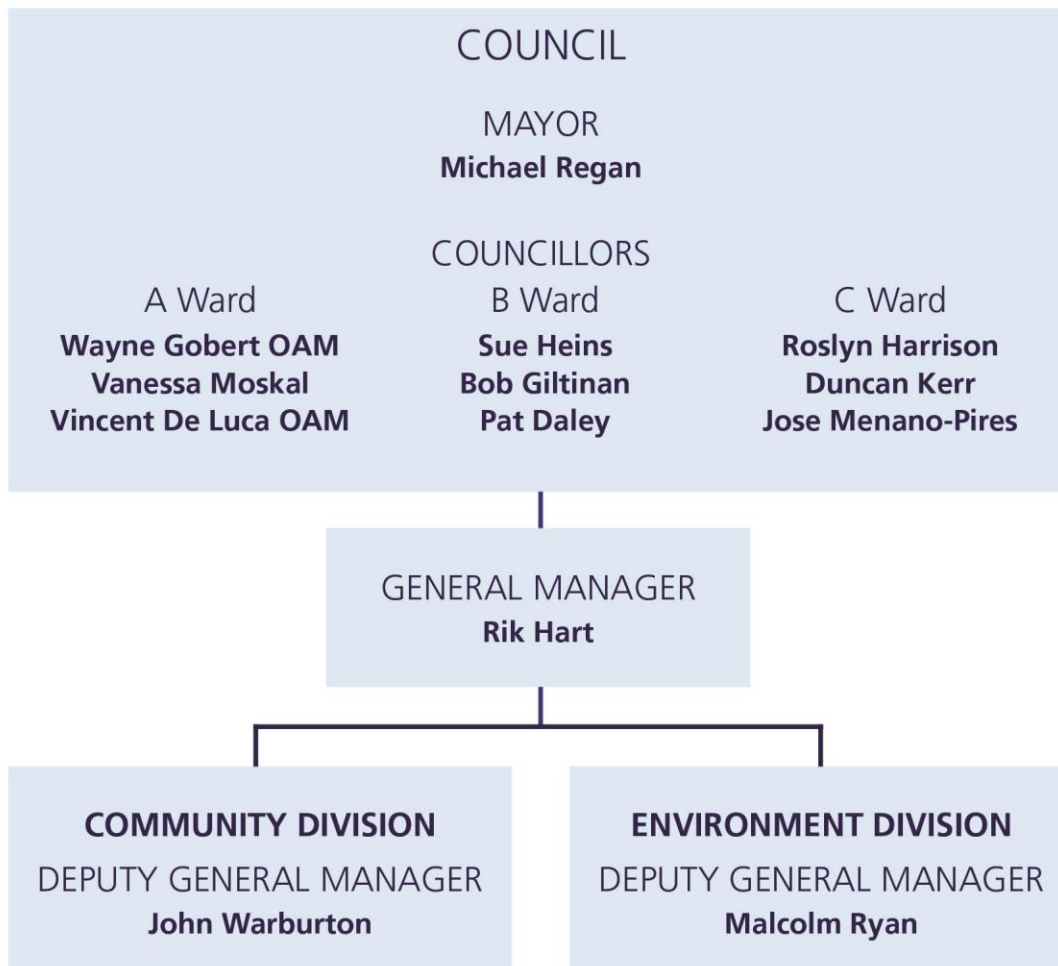
*Integrity*

*Teamwork*

*Excellence*

*Responsibility*

## ORGANISATIONAL STRUCTURE



**Agenda for an Ordinary Meeting of Council  
to be held on Tuesday 24 February 2015  
at the Civic Centre, Dee Why  
Commencing at 6:00pm**

**ACKNOWLEDGEMENT OF COUNTRY**

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**2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

2.1 Minutes of Ordinary Council Meeting held 10 February 2015

**3.0 DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST**

**4.0 PUBLIC FORUM**

**5.0 MAYORAL MINUTES**

Nil

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Nil

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## **2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

### **2.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 10 FEBRUARY 2015**

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#### **RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held 10 February 2015, copies of which were previously circulated to all Councillors, be confirmed as a true and correct record of the proceedings of that meeting.

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## **6.0 GENERAL MANAGER'S REPORTS**

<b>ITEM 6.1</b>	<b>MONTHLY FUNDS MANAGEMENT REPORT JANUARY 2015</b>
<b>REPORTING MANAGER</b>	<b>CHIEF FINANCIAL OFFICER</b>
<b>TRIM FILE REF</b>	<b>2015/032803</b>
<b>ATTACHMENTS</b>	<b>1 Application of Funds Invested (Included In Attachments Booklet)</b> <b>2 Councils Holdings as at 31 January 2015 (Included In Attachments Booklet)</b> <b>3 Investment Portfolio at a Glance (Included In Attachments Booklet)</b> <b>4 Monthly Investment Income vs. Budget (Included In Attachments Booklet)</b> <b>5 Economic Notes (Included In Attachments Booklet)</b> <b>6 Investment Strategy and Portfolio Review 2014-15 Financial Year (Included In Attachments Booklet)</b>

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### **REPORT**

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#### **PURPOSE**

To report the balance of investments held as at 31 January 2015.

#### **Certification – Responsible Accounting Officer**

I hereby certify that the investments listed in the attached report have been made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government General Regulation 2005 and Council's Investments Policy number FIN-PL-215.

#### **REPORT**

The following attachments are provided as part of the Report.

1. Application of Funds Invested
2. Council's Holdings as at 31 January 2015
3. Investment Portfolio at a Glance
4. Monthly Investment Income vs. Budget
5. Economic Notes
6. Investment Strategy and Portfolio Review 2014-15 Financial Year

#### **FINANCIAL IMPACT**

The actual investment income to 31 January 2015 is \$1,917,279 which compares favourably to the budgeted income of \$1,857,000 a variance of \$60,279.

**POLICY IMPACT**

The investment strategy was reviewed by our Investment Advisors Laminar Group Pty Ltd in January 2015 (Attachment 6). They confirmed that Council continues to maintain a prudent investment strategy and is well placed for the balance of the 2014/15 financial year and indeed beyond.

Performance over the 2014/15 financial year to date, January 2015, is strong having exceeded the benchmark: 3.70%pa vs. 2.70%pa. Council has been proactive in sourcing opportunities in the market whilst investing prudently and managing cash flow.

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**RECOMMENDATION OF GENERAL MANAGER**

That the:

- A. Report indicating Council's Funds Management position as at 31 January 2015 be noted.
  - B. Certificate of the Responsible Accounting Officer be noted and the report adopted.
  - C. Investment Strategy and Portfolio Review be noted.
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## **7.0 COMMUNITY DIVISION REPORTS**

<b>ITEM 7.1</b>	<b>TRAMSHED ARTS &amp; COMMUNITY CENTRE BUILDING REFURBISHMENT - CR5818</b>
<b>REPORTING MANAGER</b>	<b>GROUP MANAGER BUILDINGS, PROPERTY AND SPATIAL INFORMATION</b>
<b>TRIM FILE REF</b>	<b>2015/040948</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

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### **EXECUTIVE SUMMARY**

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#### **PURPOSE**

To obtain approval for the re-allocation of unspent renewal funds to CR5818 – Tramshed Arts and Community Centre Building Refurbishment.

#### **SUMMARY**

The project budget in the financial year 2014/15 for the building refurbishment at the Tramshed Arts and Community Centre is currently insufficient for the next design phase to proceed. The initial 2014/15 budget was re-allocated by Council (Resolution 594/14), and it is now proposed that unspent funds identified in other capital works projects be transferred back to the Tramshed Arts and Community Centre project to continue with the required design works.

#### **FINANCIAL IMPACT**

This project is included in Council's adopted Capital Works Program 2014/15 with a current budget of \$51,962. The total amount required to complete the detail design and documentation stage for the project to proceed to construction tender is in the order of \$183,331.

#### **POLICY IMPACT**

Nil

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#### **RECOMMENDATION OF DEPUTY GENERAL MANAGER COMMUNITY**

That Council approve the re-allocation of unspent renewal funds from CR6477 and CR5810 to CR5818 – Tramshed Arts and Community Centre Building Refurbishment.

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**REPORT**

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**BACKGROUND**

This project was originally planned for Council to call tenders in the final quarter of this current financial year and be ready for the construction works to start in the first quarter of the 2015/16 financial year. At the Council meeting of 28 October 2014, Council resolved to remove the project from the Capital Works Program 2014/15. The budget for this project was reduced due to higher renewal priorities (Resolution 594/14) and as such there is insufficient funding to proceed with the detail design documentation. This will cause delay in the timeline for the delivery of this project.

The project has a high priority for the Community Services Division and delays in the delivery are likely to result in damage to Council's reputation. All hirers were previously notified to vacate the building at the end of the final quarter of the 2014/15 financial year and their relocation to other centres has already been organised. There was an expectation in the community that the construction works will start early in the new financial year. In delaying the start of the construction further than planned, not only will this result in the building being underutilised due to hirers having been moved out, but also in reduced income for an extended period as the building will be offline for longer.

To bring the project back on to a minimal loss timeline, the shortfall of \$131,369 in the current budget year is proposed to be transferred from other capital works projects. Through good project management practices and constant financial monitoring, forecasted unspent funds from the following projects have been identified:

- CR6477 – Civic Centre Fire Safety Compliance Works – \$40,000. The project is nearing completion and this amount is the forecasted remaining contingency that is not expected to be required.
- CR5810 – Public Amenity Renewal Narrabeen Lakes Sailing - \$91,369. The renewal and construction of a new accessible public toilet at Narrabeen Lakes was completed on time and under budget.

The additional funds will permit for the detail design documentation to start once the development application is submitted and for the delivery of this project to be back on schedule.

**CONSULTATION**

The Community Services Division carried out the consultation during the past year with the stakeholders and hirers of the centre.

**TIMING**

Development application	- Early March 2015
Detail design	- March to May 2015
Tender	- June 2015

**FINANCIAL IMPACT**

This project is included in Council's adopted Capital Works Program 2014/15 with a current budget of \$51,962. The total amount required to complete the detail design and documentation stage for tender is in the order of \$183,331.

**POLICY IMPACT**

Nil

## 8.0 ENVIRONMENT DIVISION REPORTS

ITEM 8.1	AMENDMENTS TO SECTION 149 (5) NOTATIONS FOR 17, 19 AND 19A FRAZER STREET AND 21 JENKINS STREET, COLLAROY
REPORTING MANAGER	DEPUTY GENERAL MANAGER ENVIRONMENT
TRIM FILE REF	2015/046113
ATTACHMENTS	NIL

*NOTE: This item was deferred by resolution from the Council Meeting of 10 February 2015.*

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### EXECUTIVE SUMMARY

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#### PURPOSE

To seek Council endorsement to take no action on Section 149(5) Certificate notifications on properties in Frazer and Jenkins Street, Collaroy.

#### SUMMARY

Council made the following resolution at item 8.4 from its meeting of 10 February 2015;

*“That the matter be deferred to formally write to the residents and advise them of the matter before the Council and the matter be brought back to the next available Council Meeting.”*

Since that meeting, Council has received additional advice from an eminent professional in the field of Geotechnical Engineering that the proposed notations to Section 149(5) certificates are not required.

As a result it is recommended that no action be taken with respect to Section 149(5) Certificate notifications for the affected properties.

#### FINANCIAL IMPACT

Nil

#### POLICY IMPACT

Nil

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### RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council take no action in respect of adding Section 149(5) Certificate notations on 17 Frazer Street, 19 Frazer Street, 19A Frazer Street and 21 Jenkins Street, Collaroy.

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<b>ITEM 8.2</b>	<b>PLANNING PROPOSAL FOR 158 PACIFIC PARADE, DEE WHY</b>
<b>REPORTING MANAGER</b>	<b>GROUP MANAGER STRATEGIC PLANNING</b>
<b>TRIM FILE REF</b>	<b>2015/026413</b>
<b>ATTACHMENTS</b>	<b>1 Planning Proposal Report (Included In Attachments Booklet)</b> <b>2 Gateway Determination (Included In Attachments Booklet)</b> <b>3 Council Resolution (Included In Attachments Booklet)</b> <b>4 Land Zoning Map - Sheet LZN_010A_20141201 (Included In Attachments Booklet)</b> <b>5 Submission - Sparkes (Included In Attachments Booklet)</b>

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## **EXECUTIVE SUMMARY**

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### **PURPOSE**

To report the results of the public exhibition of the Planning Proposal for 158 Pacific Parade, Dee Why (the Proposal) and to seek Council's endorsement to submit the report to be finalised.

### **SUMMARY**

On 26 August 2014, Council resolved to prepare a Planning Proposal to amend the Warringah Local Environment Plan 2011 (WLEP 2011) as it relates to 158 Pacific Parade, Dee Why, under the current R3 Medium Residential to allow shops and business under Schedule 1 – Additional Permitted Uses. The intent being to permit the long established shops and businesses to be permissible land uses within WLEP 2011.

The Proposal was sent to the Department of Planning and Environment, (the Department) on 19 September 2014 for Gateway Determination. The Department reviewed the proposal and determined that Schedule 1 should only be used in exceptional circumstances and that B2 Local Centre was a more acceptable solution for the proposal. Prior to undertaking of the public exhibition, Council was required to update the proposal and Land Zoning Map to rezone the site to B2 Local Centre.

In accordance with the Gateway Determination the proposal was placed on public exhibition for a period of 14 days from the 5 December 2014 till the 19 December 2014. One submission was received during the public exhibition. No amendments are recommended to the proposal following consideration of the submission.

Assessment of the matter is now complete and it is recommended that the draft LEP amendment proceed to finalisation.

### **FINANCIAL IMPACT**

Nil

### **POLICY IMPACT**

Nil

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**RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT**

That Council engage with the NSW Parliamentary Counsel's Office to draft and finalise a Local Environment Plan to rezone 158 Pacific Parade (Lot 1, DP 34753) from R3 Medium Density Residential to B2 Local Centre under Warringah Local Environment Plan 2011.

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**REPORT**

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**BACKGROUND**

On 21 May 2014 a Planning Proposal application for No. 158 Pacific Parade, Dee Why (Lot 1, DP 34753) was lodged with Council on behalf of the landowner to formalise the permissibility of commercial premises on the property under WLEP 2011.

The land is located at the southern edge of the Dee Why Beach precinct. Under WLEP 2011 the land has two zones applied to it:

- R3 Medium Density Residential (approximately 530m<sup>2</sup> or 95%); and
- B2 Local Centre (approximately 26m<sup>2</sup> or 5%).

The dual zoning is the result of a mapping anomaly rather than any planning intention for the land to have different land use functions. Despite the land's predominantly residential zoning, it is occupied by three lawfully established commercial premises which are prohibited land uses in the R3 Zone (i.e. a restaurant, Laundromat and real estate agent).

To align the established existing uses and the zoning of the site, the Proposal requested an amendment to WLEP 2011 Schedule 1 – Additional Permitted Uses, to permit commercial premises on the land.

At its meeting of 26 August 2014, Council resolved to prepare a Planning Proposal to amend WLEP 2011 to rezone 158 Pacific Parade, Dee Why from R3 Medium density residential to Schedule 1 – Additional Permitted Uses to permit commercial premises on the land.

The Proposal was sent to the Department on the 19 September for Gateway determination. The Department reviewed the application and determined that Schedule 1 amendments should only be made in exceptional circumstances, and that land use permissibility should be controlled by zones and land use tables. Given the current primary commercial use of the land, and that the site adjoins the Dee Why Beach precinct, the Department determined that the application of B2 Local Centre zone would be a more acceptable solution, and consistent with Council's intent.

**CONSULTATION****Public Exhibition**

In accordance with the Gateway determination the Proposal was placed on public exhibition for a period of 14 days from 5 December 2014 to Friday 19 December 2014. Notification letters were sent to the adjoining properties and advertising signs were placed at the site. During the public exhibition period the Proposal and all relevant documentation were publicly available at the Civic Centre and Council's public comment section on its website 'Your Say'. An advertisement was placed in the Manly Daily on the 6 December 2014 and 13 December 2014. One submission was received via email during the exhibition period (see attachment 5).

**Assessment of Submission**

The submission raised concerns about overdevelopment in the area.

Consideration has been given to the submission. However, the proposal seeks to allow the established business functions on the site to operate into the future without having to rely on existing use rights. This proposal relates to the zoning of the site. No physical changes to the property are proposed by the application. Any future significant development would require a Development Application. A Development Application would take into account concerns raised in the submission such as car parking, view sharing and other relevant matters.

**TIMING**

The making of the Local Environment Plan to amend WLEP 2011 is a matter for the NSW State Government. It is dependent upon the operations of the Department and the NSW Parliamentary Counsel's Office.

**CONCLUSION**

It is recommended that Council endorse this Proposal the draft LEP amendment proceed to finalisation.

**FINANCIAL IMPACT**

Nil

**POLICY IMPACT**

Nil

<b>ITEM 8.3</b>	<b>PROPOSED SECTION 94A DEVELOPER CONTRIBUTIONS INCREASE FOR DEE WHY TOWN CENTRE</b>
<b>REPORTING MANAGER</b>	<b>GROUP MANAGER STRATEGIC PLANNING</b>
<b>TRIM FILE REF</b>	<b>2015/005870</b>
<b>ATTACHMENTS</b>	<b>1 Recipient Location of Works 2 Draft Amendments to Warringah Section 94A Developer Contributions Plan</b>

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## **EXECUTIVE SUMMARY**

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### **PURPOSE**

This report seeks Councils endorsement to publicly exhibit a proposed increase in development contributions within the Dee Why Town Centre.

### **SUMMARY**

The adopted Dee Why Town Centre Master Plan 2013 outlines a number of infrastructure and public domain improvements throughout the town centre.

Developing the Master Plan concepts into preliminary designs has allowed for each project to be phased and indicative costs determined.

As the projected costs of delivering the works exceed projected revenue, an assessment of potential increase in funding, including an increase in developer contributions has been carried out.

This report outlines the justification for increasing developer contributions for development within the Dee Why Town Centre from 1% to 5% of development cost. The increase in contributions is to be administered through an amendment to the Warringah S94A Development Contributions Plan.

This report seeks a resolution to exhibit an amended Warringah Section 94A Developer Contributions Plan. After consultation, the Department of Planning and Environment (the Department) will be asked to consider the proposed increase in the Section 94A developer contributions rate. Any increased levy would not come into effect until the Environmental Planning and Assessment Regulation 2000 (EPAR 2000) is amended to reflect the change.

### **FINANCIAL IMPACT**

A successful application to increase Section 94A developer contributions will result in additional funding for public domain improvements within the Dee Why town centre.

### **POLICY IMPACT**

A successful application to increase the contributions rate will require an amendment to the Warringah Section 94A Developer Contributions Plan 2014.

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## **RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT**

That Council exhibit the proposed increase in development contributions within the Dee Why Town Centre from 1% to 5% of development cost.

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**REPORT**

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**BACKGROUND**

The adopted Dee Why Town Centre Master Plan 2013 (Master Plan) outlines a number of required public infrastructure upgrades and improvements which seek to:

- Create a well-connected town centre through two new roads, new pedestrian connections and intersection upgrades
- Enhance open spaces including embellishment of parks
- Reduce flood impacts and associated hazards
- Incorporate Water Sensitive Urban Design infrastructure into public land
- Provide safe and enjoyable public spaces
- Generate investment through creating an attractive and vibrant town centre
- Foster community sense of pride of place

Many of the required upgrades are considered critical rather than desirable, particularly in reference to flood mitigation, stormwater management and road network upgrades. The full potential of Dee Why under the exiting planning framework cannot be realised without significant expenditure towards these works.

Many of the public improvement projects have been further investigated in terms of design and to determine the optimum staging to ensure minimal interruption to the town centre and the optimum cost efficiency. This exercise has been carried out cognisant of the well-established considerations within the following studies;

- Findings from the Floodplain Risk Management Study, Cardno (July 2014) and drainage amplification assessment.
- Place making opportunities including the integration of art and embellishment of parks
- Upgrades to the road network, cycle ways and pedestrian pathways as identified in the endorsed Dee Why Town Centre Traffic Model Update 2013, Warringah Bike Plan and Warringah Pedestrian Access Mobility Plan
- Identification of optimum bus service routes and associated infrastructure including recent design works by Transport for NSW.

Developing the Master Plan concepts into preliminary designs has allowed for each project to be phased and the likely costs qualified. The costing exercise has revealed that in order for the projects to be completed in the preferred sequence and timeframe, an increase in developer contributions funding is required.

**Legislative Context**

The Environmental Planning and Assessment Act 1979 (EP & A Act 1979) allows local government to charge development contributions to fund the provision, improvement and augmentation of public infrastructure. The current Warringah Section 94A Development Contributions Plan (Contributions Plan) applies a maximum levy of 1% of the quantified cost of development proposals valued over \$200,000. This is consistent with the standard levy imposed under the Environmental Planning and Assessment Regulation 2000 (EPAR 2000).

In order to increase the levy above 1%, Council needs to;



- Resolve to publicly exhibit an amended Contributions Plan with the intended increased developer contributions levy.
- Publicly exhibit the proposal in accordance with legislative requirements.
- Consider any submissions and make any necessary amendments to the draft Contributions Plan.
- Forward the results of the exhibition period, the justification for an increased levy and the intended works programme to the Department of Planning and Environment.

The Department will assess Council's request and seek approval from the Minister for Planning to amend the EP & A Regulations 2000, if it is in agreement with Council's recommendation. The increase in contributions from 1% to 5 % will then come into force when the EP & A Regulations 2000 are amended.

The Warringah Section 94A Contributions Plan contains a schedule of works to be funded by contributions collected under the provision of that Plan. Levies paid through the development process are pooled into a single reserve for expenditure identified in that works programme. There is no requirement to designate a nexus between the specific development to which the levy is being applied, and the infrastructure of facilities in the capital works programme.

This method of contributions collection is preferred compared that afforded under Section 94 of the EP & A Act 1979. Funds collected under this mechanism must be accounted proportionally towards specific projects. In many cases, a project will not commence until sufficient funds are raised within that specific project account which often results in a substantial time lag between developers paying a contributions levy and the actual delivery of works. The ability to pool money under a Section 94A contributions plan allows for flexibility to commence priority projects.

A further advantage of a Section 94A plan/percentage levy is that contributions are levied based on the value of works and not the number of increased dwellings or increased commercial gross floor area. In a town centre, applications for a fit out or refurbishment over a certain value would attract a Section 94A levy but not necessarily a contributions under Section 94.

As Councils can only levy either a Section 94 or 94A for any particular development, it is Council's preferred approach to retain Section 94A contributions levy.

### **Impact on feasibility**

The proposed 5% contribution levy is based on well researched public works programme that improves the centre's user experience. The increased contributions inevitably increase the attractiveness for investment within Dee Why.

- It is envisaged that the impact on developer feasibility is not of a scale to significantly impact the predicted rate of development, particularly considering the following;
- Current and forecasted market conditions.
- The lack of land supply for residential flat buildings and mixed use development within the region
- The availability of several development sites with minimal site constraints
- The continual investment within the town centre from both local and state government
- Dee Why's unique competitive position of offering a number of civic, business and health services in proximity to a beaches lifestyle

**CONSULTATION**

Council is required to exhibit the draft development contribution plan for a minimum period of 28 days.

The results of the exhibition period will be reported to Council prior to the formal submission to the Department of Planning and Environment.

**Current S94 Contribution Plan**

Council is separately preparing the 2015 Contributions Plan. This includes a Schedule of Works which will align with Council's Capital Works Programme and associated expenditure for the 2015/2016 financial year. Any amendment to the Contributions to Dee Why town Centre will be eventually be incorporated into the 2015 Contribution Plan.

**FINANCIAL IMPACT**

The proposed amendment to the Contributions plan will create a positive revenue stream to fund a range infrastructure and public domain improvements within the town centre. It is envisaged that a successful application to increase contribution levies will increase funding in the vicinity of \$15 million over the next 20 years.

**POLICY IMPACT**

A successful application to increase the contributions rate will require an amendment to the Warringah Section 94A Developer Contributions Plan 2014.

**Conclusion**

An increase in funding is required in order to provide the public infrastructure improvements set out in the Dee Why Master Plan 2013.

Many of the required upgrades are considered critical rather than desirable, particularly in reference to flood mitigation, stormwater management and road network upgrades. The full potential of Dee Why under the exiting planning framework cannot be realised without significant expenditure towards these works.

If an increased developer contributions rate is not endorsed, Council may need to amend the scope and sequencing of public infrastructure upgrades.



**KEY PLAN LEGEND**

1. Pittwater Road North (Gateway)
2. Pittwater Road Central
3. Pittwater Road South (Gateway)
4. St David Avenue and Pocket Park
5. Fisher Road streetscape
6. Redman Road pocket park
7. Moolamba Road pocket Park
8. Moolamba Road
9. Sturdee Parade
10. Pacific Parade
11. Oaks Avenue (Pittwater Road to New Link Road)
12. Oaks Avenue (New Link Road to The Strand)
13. New Laneway between Oaks Avenue and Howard Avenue
14. Howard Avenue (Pittwater Road to New Link Road)
15. Howard Avenue (New Link Road to The Strand)
16. Dee Why Parade
17. Triangle Park North
18. Triangle Park South
19. Woolworths Lane
20. Walter Gors Park
21. Walter Gors Park stormwater easement
22. Drainage channel between Dee Why Parade and Hawkesbury Avenue

1:2000 @ A1



CONCEPT PLAN - GENERAL ARRANGEMENT PLAN

The proposed amendment to the Warringah Section 94A Development Contributions Plan consist of the text highlighted in yellow and the inclusion of a map identifying the Dee Why Town centre boundaries.

## **PART 3 - Summary Schedule**

The Schedule of Works contained in Part 5 of the Plan identifies the public facilities for which a s94A levy will be required.

Levies paid to Council (in accordance with the rates set out in the Summary Schedule below) will be applied towards meeting the cost of provision or augmentation of these public facilities in the identified financial years.

### **Summary schedule for s94A Contributions Plan**

<b>Type of Development</b>	<b>Levy</b>
All Development Applications and applications for Complying Development Certificates whose total costs amount to less than \$100,001	Nil
All Development Applications and applications for Complying Development Certificates with a total cost from \$100,001 - \$200,000 (excluding exempt development, Section 96 (s96) applications to modify Development Application Consent and Development Applications proposed by Council)	0.5 percent
All Development Applications and applications for Complying Development Certificates with a total cost exceeding \$200,000 (excluding exempt development, s96 applications to modify Development Application Consent and Development Applications proposed by Council)	1.0 percent
All Development Applications and applications for Complying Development Certificates with a total cost exceeding \$200,000 (excluding exempt development, s96 applications to modify Development Application Consent and Development Applications proposed by Council) within the Dee Why Town Centre (refer to Appendix D for land identification map)	5.0 percent



**APPENDIX D: Dee Why Town Centre**



<b>ITEM 8.4</b>	<b>AMENDMENT TO THE WARRINGAH SECTION 94A DEVELOPMENT CONTRIBUTIONS PLAN 2014</b>
<b>REPORTING MANAGER</b>	<b>GROUP MANAGER STRATEGIC PLANNING</b>
<b>TRIM FILE REF</b>	<b>2015/011899</b>
<b>ATTACHMENTS</b>	<b>1 Draft S94A Development Contributions Plan 2014 (Amendment No. 1) (Included In Attachments Booklet)</b>

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### EXECUTIVE SUMMARY

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#### PURPOSE

To gain Council's endorsement to exhibit of an amendment to Section 94A Contribution Plan 2014 to bring forward the development of a synthetic playing field at Melwood Oval into the 2014/2015 works program.

#### SUMMARY

Council has identified the opportunity to accelerate the implementation of the Forestville Playing Fields Masterplan. This will allow Council to complete installation of the Melwood Oval synthetic sportsfield during the 2014/15 financial year.

The existing *Warringah Section 94A Development Contributions Plan 2014* (plan) does not include the Melwood Oval synthetic surface. In order to fund the project during the 2014/15 financial year, the plan must be re-exhibited and adopted. It is proposed that the draft plan be placed on public exhibition for a period of 28 days between 1 March and 28 March 2015.

All submissions received during the exhibition period will be reported back to Council in April 2015.

#### FINANCIAL IMPACT

Funding of this project through S94A funds was approved by Council at its meeting on 28 October 2014.

#### POLICY IMPACT

Nil

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### RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council endorses the public exhibition of the draft *Warringah Section 94A Development Contributions Plan 2014 (Amendment No. 1)*

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## REPORT

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### OVERVIEW

The draft *Warringah Section 94A Development Contributions Plan 2014 (Amendment No. 1)* (plan) revises the current S94A works program to include funding of the Melwood Oval synthetic surface. The main reasons for this are:

- At its meeting on 25 Feb 2014, Council adopted the Forestville Playing Fields Masterplan.
- At its meeting on 28 October 2014, Council resolved to allocate S94A funds towards the construction of the synthetic surface which is one of the components of the Masterplan.
- Due principally to construction practicalities and impact minimisation, an opportunity to complete the works during 2014/15 financial year has been identified.
- In order to do so it is necessary to amend the current plan to include the Melwood Oval synthetic surface so as to allocate S94A funds to the project.
- The total cost of the implementing the Masterplan is estimated to be \$4.1m. The Section 94A component partially funding the Melwood Oval synthetic surface is approximately \$1m.

### Justification

Council had originally scheduled construction of the Melwood Oval synthetic surface to commence in April 2015 and finishing in October with the bulk of funding budgeted in the 2015/2016 financial year. The successful tenderer for the contract to build the synthetic sportsfield, Turf One Pty Ltd, indicated they can commence works in February with a scheduled completion date of July 2015.

It is desirable to take advantage of this opportunity and accelerate the construction of the Synthetic Sportsfield. The key benefits of doing so are summarised as follows:

- The construction can take place concurrently with, rather than subsequent to, the reconstruction of the adjacent natural turf rugby field. This will decrease the amount of time that construction is taking place within the park, reducing the inconvenience for the local community and playing field areas.
- The reduction of the total construction time reduces public safety and environmental risks. Public safety is difficult to manage on large construction sites and reducing the time required to manage this site will decrease the likelihood of an incident occurring. Similarly significant erosion and sediment controls need to be put in place to protect surrounding natural areas and catchments. Decreasing the time that amount these controls are required reduces the likelihood of an environmental incident.
- Both existing and prospective users of the site will be able to access this first class facility sooner.

### Amendment of Section 94A Plans

Clause 32 of the *Environmental Assessment and Planning Regulation 2000* states that a Council may only amend a Contributions Plan by adopting a subsequent Contributions Plan. As such, the entire draft plan must be exhibited and adopted in order for this amendment to be made.

- **Page 13, Part 3: Summary Schedule** – Update of total value of projects being funded to include Melwood Oval (From \$2.8m to \$3.8m)
- **Page 18, Part 5: Section 94A Schedule of Works** – Addition of Melwood Oval line item for approximately \$1m to be spent during 2014/15

- **Page 20, Part 7: References** – Addition of Warringah Council, Warringah Section 94A Development Contributions Plan 2014
- **Page 27, Appendix D: Location of Section 94A Funded Work** – Addition of Melwood Oval on map
- **Various** – Update name of the plan to *Warringah Section 94A Development Contributions Plan 2014 (Amendment No. 1)*

A full copy of the draft plan, incorporating the addition of the Melwood Oval synthetic surface has been included as Attachment 1 to this report.

### **Annual Review of the Development Contributions Plan**

Council will continue to undertake its annual review of the plan. This amendment will not interfere with that process. A draft Contributions Plan for the 2015/16 financial year is scheduled to be reported to Council at its meeting on 28 April 2015.

### **CONSULTATION**

Clause 26(4) of the *Environmental Assessment and Planning Regulation 2000* requires Council to exhibit the draft *Warringah Section 94A Development Contributions Plan 2014 (Amendment No. 1)* for a minimum of 28 days. Accordingly, it is proposed that the plan be placed on public exhibition for a period of 28 days between 1 March and 28 March 2015 to invite public comment.

Consultation will include:

- Notification in the Manly Daily
- Information at the Civic Centre
- Information on Council's website.

### **TIMING**

Following the consultation, the draft plan will be re-submitted to Council for consideration at its meeting on 28 April 2015.

If the new plan is adopted, the synthetic field is expected to be completed by July 2015.

### **FINANCIAL IMPACT**

Funding of this project through S94A funds was approved by Council at its meeting on 28 October 2014.

### **POLICY IMPACT**

Nil



<b>ITEM 8.5</b>	<b>OXFORD FALLS VALLEY AND BELROSE NORTH PLANNING PROPOSAL</b>
<b>REPORTING MANAGER</b>	<b>GROUP MANAGER STRATEGIC PLANNING</b>
<b>TRIM FILE REF</b>	<b>2015/029789</b>
<b>ATTACHMENTS</b>	<b>1 Council Resolution dated 26 August 2014</b> <b>2 Letter from the NSW Department of Planning and Environment received 29 January 2015</b> <b>3 Departments Proposed Zoning Map, received 30 January 2015</b>

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### **EXECUTIVE SUMMARY**

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#### **PURPOSE**

For Council to endorse the preparation and submission of a Planning Proposal for deferred land in Oxford Falls Valley and Belrose North under Warringah Local Environmental Plan 2011 to the NSW Department of Planning and Environment for Gateway Determination.

#### **SUMMARY**

On 5 June 2012, Council resolved to undertake Stage 1 of the Strategic Review in partnership with the NSW Department of Planning and Environment (the Department) to determine how best to transfer the deferred lands in Oxford Falls Valley and Belrose North into Warringah Local Environmental Plan 2011 (WLEP2011) and to report the results of Stage 1 back to Council.

The results of Stage 1 were reported to Council on 26 August 2014 (Item 8.1) and Council resolved (Attachment 1) that the Department consider the report to Council and select one of five options to progress as a Planning Proposal.

In January 2015, the Department responded with a clear direction that a Planning Proposal be submitted based on Option 2, subject to replacing the proposed RU4 Primary Production Small Lot zoned land in proximity to Wakehurst Parkway with the E4 Environmental Living zone.

The Department requests that Council submit a planning proposal for the deferred lands seeking a Gateway Determination. The purpose of this report is to endorse the submission of a Planning Proposal to the Department for Gateway Determination in accordance with the Department's direction.

#### **FINANCIAL IMPACT**

Nil

#### **POLICY IMPACT**

Nil

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### **RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT**

That Council:

- A. Endorse the preparation and progression of a Planning Proposal for deferred land under Warringah Local Environmental Plan 2011 in accordance with the attached Department's Proposed Zoning Map.

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- B. Staff work with the Department prior to submitting the Planning Proposal for Gateway Determination, to develop the additional permitted uses and objectives for the E4 zone .
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## REPORT

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### BACKGROUND

In December 2011 the Minister deferred land in Oxford Falls Valley and Belrose North from WLEP2011 in response to stakeholder concerns regarding the adequacy of consultation during the preparation of WLEP2011. Therefore, planning controls under Warringah Local Environmental Plan 2000 (WLEP2000) continue to apply to the deferred land.

The transfer of planning controls from WLEP2000 to WLEP2011 is required in accordance with the NSW Government's Standard Instrument (LEP) Order 2006. It is also required to eliminate unnecessary duplication, management and operational cost of operating two Warringah LEPs.

On 5 June 2012, Council resolved to undertake Stage 1 of the Strategic Review in partnership with the Department and in accordance with a defined scope of works, and to report the results of Stage 1 back to Council.

The Strategic Review has involved 2 stages. Stage 1 is to transfer the deferred lands in Oxford Falls Valley and Belrose North into WLEP2011. Stage 2 involves considering the future urban development potential for the area.

The results of Stage 1 were reported back to Council on 26 August 2014. The relevant clause 2(A) of the Council Resolution stated:

*'2. That Council:*

- A. Requests the NSW Department of Planning and Environment to consider the report which is Item 8.1 on tonight's agenda and make a determination by selecting one of the five options.'*

A copy of the full resolution is contained in Attachment 1.

In January 2015, the Department responded with a clear direction that a Planning Proposal be submitted based on Option 2, subject to replacing the proposed RU4 Primary Production Small Lot zoned land in proximity to Wakehurst Parkway with the E4 Environmental Living zone. A copy of the Department's letter and map with proposed zones is contained in Attachment 2 and 3 respectively.

The Department requests that Council submit a planning proposal for the deferred lands seeking a Gateway Determination. The purpose of this report is to endorse the submission of a Planning Proposal to the Department for Gateway Determination in accordance with the Department's direction.

### Planning Consideration

The E4 Environmental Living Zone under WLEP2011 is currently tailored specifically for land zoned E4 at Cottage Point. Council staff consider that rezoning the proposed RU4 land in proximity to Wakehurst Parkway to E4 Environmental Living would be an acceptable zoning for the land, provided that additional permitted uses and zone objectives are reviewed to determine how best to transfer the planning controls from the B2 Locality under WLEP2000 into the E4 zone under WLEP2011 prior to submission of a Planning Proposal to the Department. The additional permitted uses identified by the Department include, environmental facilities, extensive agriculture, farm buildings, home industries and horticulture. All these land uses were previously proposed to be permissible under the E3 zone in Oxford Falls Valley and Belrose North, however by including each into the E4 zone they become permissible land uses, with consent, at Cottage Point.

**CONSULTATION**

If the Planning Proposal is endorsed by Council, and receives Gateway determination, it will be placed on public exhibition for a period of 28 days as required by legislation.

**CONCLUSION**

The Planning Proposal is assessed as having merit and has satisfied the requirements of a pre-Gateway assessment. It is recommended that Council supports the progression of a Planning Proposal to the Department and that prior to submitting the application to the Department for Gateway Determination, further work be undertaken to establish the most appropriate objectives for the E4 zone and if there are any appropriate additional permitted uses required for the land identified to be zoned E4 Environmental Living.

**FINANCIAL IMPACT**

Nil

**POLICY IMPACT**

Nil

**Council Resolution dated 26 August 2014,****ITEM 8.1 OXFORD FALLS VALLEY AND BELROSE NORTH STRATEGIC REVIEW - STAGE 1****523/14 RESOLVED*****Cr Menano-Pires / Cr Regan*****1. That Council notes:**

- A. That Council staff have consistently followed the methodology determined by the NSW Department of Planning and Environment.
- B. The conflicting advice it has received from the NSW Department of Planning and Environment and from the former Minister.
- C. The residents' concerns regarding the review of their individual parcels of land by the NSW Department of Planning and Environment led team.
- D. That the previous Council was in favour of Stage 2 of the Planning and Assessment Commission recommended studies being carried out immediately.
- E. That the E3 zone is being reviewed by the NSW Department of Planning and Environment.

**2. That Council:**

- A. Requests the NSW Department of Planning and Environment to consider the report which is Item 8.1 on tonight's agenda and make a determination by selecting one of the five options.
- B. Recommends the renaming of the E3 zone to address public concern about the implications of having a zone entitled "Environmental Management".
- C. Recommends that Stage 2 of the Planning and Assessment Commission recommended studies be carried out immediately by the State Government.
- D. Expresses its concern to the State Government at the rising costs of unnecessarily administering two Local Environmental Plans.
- E. Informs affected landowners of this resolution.

**VOTING**

**For the resolution:** Crs Daley, Gobert, Harrison, Heins, Kerr, Menano-Pires, Moskal and Regan

**Against the resolution:** Crs De Luca and Giltinan

**CARRIED**



Office of the Secretary

Mr Rik Hart  
General Manager  
Warringah Council  
Civic Drive – 725 Pittwater Road  
Dee Why NSW 2099

14/18047

Dear Mr Hart

Thank you for your letters of 11 and 17 September 2014 relating to the Oxford Falls Valley and Belrose North Strategic Review and deferred land from the Warringah Local Environmental Plan 2011. The Minister has asked me to reply on her behalf.

I note Warringah Council's resolution on 26 August 2014 requesting that the Department of Planning and Environment determines the deferred land based on the various options presented to Council.

I note that this has been an extensive and complex process with a high level of community interest. It is important that the land does not continue to remain deferred so that surrounding landowners and the broader community are given certainty. Resolution of this will allow for a single Local Environmental Plan to cover the Warringah Local Government Area.

There is sufficient evidence to implement the findings of the Strategic Review by translating the existing character-based controls into zones in the Warringah Local Environmental Plan 2011. I consider that this is an appropriate way forward.

The majority of the land in the Oxford Falls Valley and Belrose North area has clear environmental value. These areas should be considered for an E3 Environmental Management zone consistent with the findings of the Strategic Review (Option Two - Land Use Zoning Map reported to Council on 26 August 2014).

Land mapped as having 'no to moderate' environmental constraints should be zoned to reflect the existing character, level of clearing and current land uses. The land in this category along the Wakehurst Parkway should be zoned E4 Environmental Living.

Council may wish to consider expanding the current permitted land uses for the E4 Environmental Living zone to include environmental facilities, extensive agriculture, farm buildings, home industries, horticulture where consistent with the mandatory land uses of the zone. It is noted the current objectives for the zone specifically cater to water-related business and leisure uses, and these would also need to be expanded.

Additionally, I encourage Council to separately begin the Stage 2 analysis to review the minimum subdivision lot size controls following the rezoning of the land. Any additional

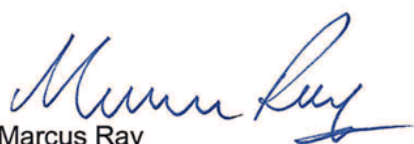


studies will be the responsibility of Council and form the basis of a future planning proposal.

I therefore request Council submit a planning proposal for the deferred land seeking a Gateway determination within three months of the date of this letter. I have asked the Metropolitan (CBD) team to continue working with Council throughout the plan making process.

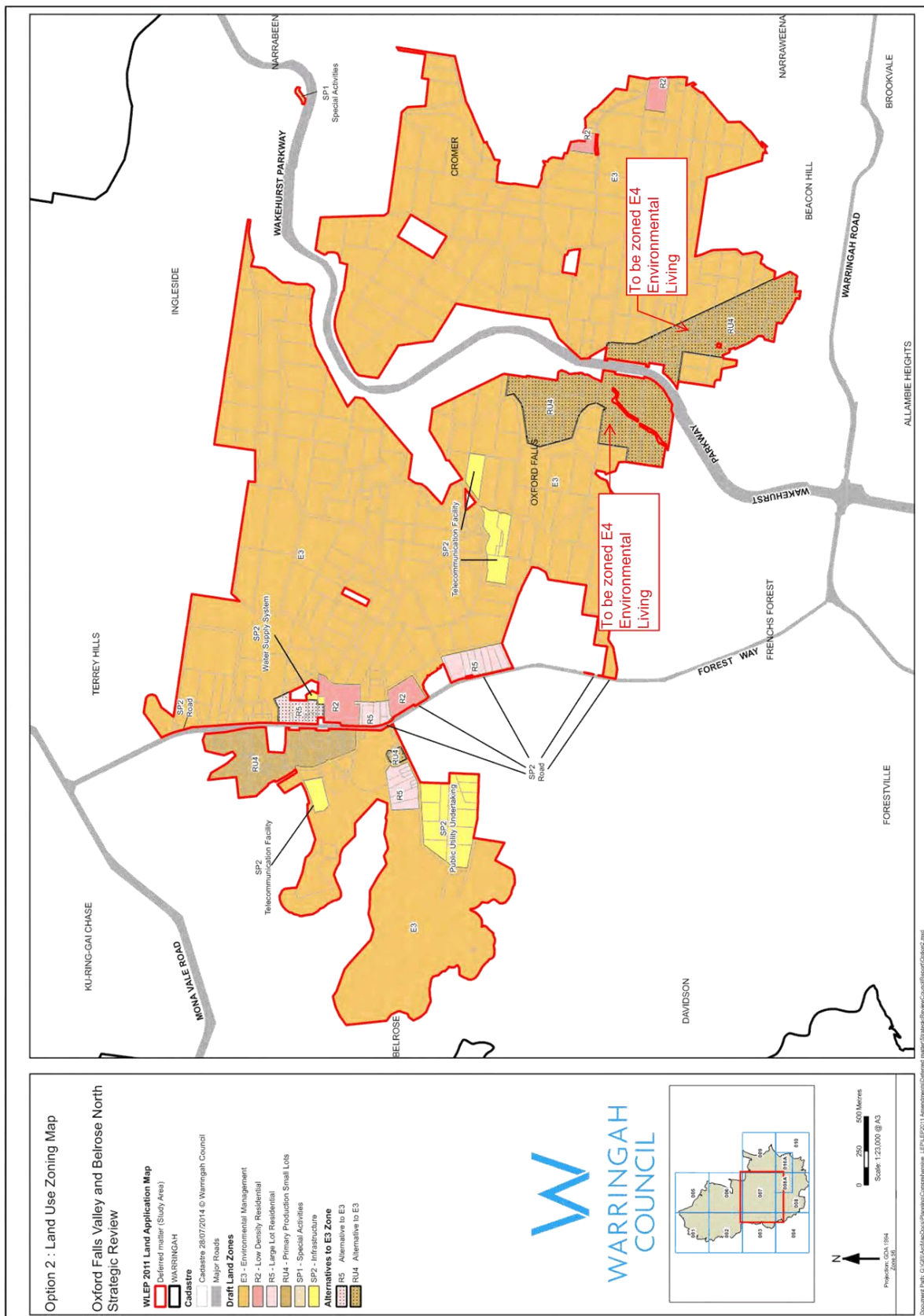
If you have any further enquiries about this matter, please contact Mr Lee Mulvey, Director of the Department's Metropolitan (CBD) team, on (02) 8575 4140.

Yours sincerely



Marcus Ray  
Acting Deputy Secretary  
Planning Services

23/01/15





## **10.0 NOTICES OF MOTION**

<b>ITEM 10.1</b>	<b>NOTICE OF MOTION NO 4/2015 - NARRABEEN LAKES SAILING CLUB 110 YEARS OF OPERATIONS</b>
<b>TRIM FILE REF</b>	<b>2015/044571</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Wayne Gobert

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### **MOTION**

That Council acknowledges and congratulates The Narrabeen Lakes Sailing Club on 110 years of operations.

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### **FUNDING SOURCE**

I have been advised by staff that this motion can be carried out within current operational budget.

### **BACKGROUND FROM COUNCILLOR WAYNE GOBERT**

The Narrabeen Lakes Sailing Club is celebrating 110 years of sailing on Narrabeen Lakes this year. Records show that the club was founded in 1904 by locals Willis Douglas and Don McLean, and brothers George and Thomas Sneesby. The club gained momentum in 1924 after a "Venetian Carnival" with The South Narrabeen Surf Lifesaving Club created a wave of interest in sailing.

Today NLSC continues to operate out of its clubrooms at Jamieson Park and prides itself on being a not-for-profit, community, and family oriented sailing club operating a wide range of craft.

## **12.0 RESPONSES TO QUESTIONS ON NOTICE**

<b>ITEM 12.1</b>	<b>RESPONSE TO QUESTION ON NOTICE NO 1/2015 - WARRINGAH COUNCIL EXPENDITURE - MANAGERS' CHRISTMAS LUNCH - CAFE SYDNEY</b>
<b>TRIM FILE REF</b>	<b>2015/043475</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor De Luca OAM

### **QUESTION**

What were the total costs incurred by Warringah Council for the Managers' Christmas lunch held at Cafe Sydney overlooking Sydney Harbour?

### **RESPONSE**

Nil

<b>ITEM 12.2</b>	<b>RESPONSE QUESTION ON NOTICE NO 2/2015 - WARRINGAH COUNCIL EXPENDITURE ON CHRISTMAS PARTIES</b>
<b>TRIM FILE REF</b>	<b>2015/040034</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Vincent De Luca OAM

### **QUESTION**

What were the total costs incurred by Warringah Council for all Christmas celebrations (Mayor's dinner, Mayor's Christmas Party, Staff/Divisional parties etc)?

### **RESPONSE**

The total costs breakdown to Warringah Council 2014 Christmas celebrations is outlined below:

1. End of year reception at the Beach Club Collaroy thanking community groups and community members for their efforts through the year. Those invited included Councillors, representatives from sporting clubs, surf clubs, Returned and Services League clubs, not for profit organisations, local schools, local, state and federal representatives, plus volunteers, Strategic Reference Groups and Community Committee Members and others who contributed to delivering services and strong results for Warringah over the year.
2. Councillor dinner was held at a local Warringah restaurant.
3. Councillor and staff BBQ in Council's depot car park. Due to operational needs services such as Child Care and the Aquatic Centre were unable to attend and held separate thank you functions at local venues.

Total number of staff is 994.

The total amount was \$37,702.68.

<b>ITEM 12.3</b>	<b>RESPONSE TO QUESTION ON NOTICE NO 3/2015 - WARRINGAH COUNCIL OUTSTANDING SERVICE AWARDS</b>
<b>TRIM FILE REF</b>	<b>2015/040036</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

Submitted by: Councillor Vincent De Luca OAM

**QUESTION**

Given that 10 Outstanding Warringah Council Community Service Awards can be awarded each year to two residents and one to a non-Warringah resident, and that only two outstanding citizens were conferred the Award on Australia Day, how many nominations were received by Council?

**RESPONSE**

The following Outstanding Community Service Awards were received:

- 7 nominations for Outstanding Community Service Awards
- 0 nominations for Youth Award
- 1 nomination for Event Award

## 13.0 MATTERS PROPOSED TO TAKE PLACE IN CLOSED SESSION

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### RECOMMENDATION

- A. That, in accordance with the requirements of Section 10 of the *Local Government Act 1993* as addressed below, Council resolve to close the meeting to the public to consider and discuss:

- a Item 13.1 Loan Borrowings - Kimbriki Access Roads Infrastructure Works on the basis that it involves the receipt and discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) Local Government Act 1993].

This report discusses indicative commercial terms and conditions and the disclosure of this matter in open meeting would, on balance, be contrary to the public interest in maintaining openness and transparency in council decision-making because the disclosure of this information would provide confidential commercial information to competitors of the financial institutions that supplied it.

- b Item 13.2 Mayoral Minute No 1/2015 - General Manager's Performance Agreement 2014-2015 on the basis that it involves the receipt and discussion of personnel matters concerning particular individuals (other than councillors) [10A(2)(a) Local Government Act 1993].

This report discusses the performance agreement of the General Manager and the disclosure of this matter in open meeting would, on balance, be contrary to the public interest in maintaining openness and transparency in council decision-making because the disclosure of this information would contravene the Director General's Guidelines pursuant to section 23A of the Local Government Act 1993.

- c Item 13.3 RFT2014/093 - Major Works for Raffo Lane Freshwater Stormwater Conduit Relining and Associated Works on the basis that it involves the receipt and discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business [10A(2)(c) Local Government Act 1993]; and commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it [10A(2)(d(i)) Local Government Act 1993].

This report discusses pricing and the disclosure of this matter in open meeting would, on balance, be contrary to the public interest in maintaining openness and transparency in council decision-making because the disclosure of this information would display differences in commercial submissions of various companies.

- B. That the resolutions made by the Council in Closed Session be made public after the conclusion of the Closed Session and such resolutions be recorded in the Minutes of the Council Meeting.
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