

AGENDA

WARRINGAH COUNCIL MEETING

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

TUESDAY 11 DECEMBER 2012

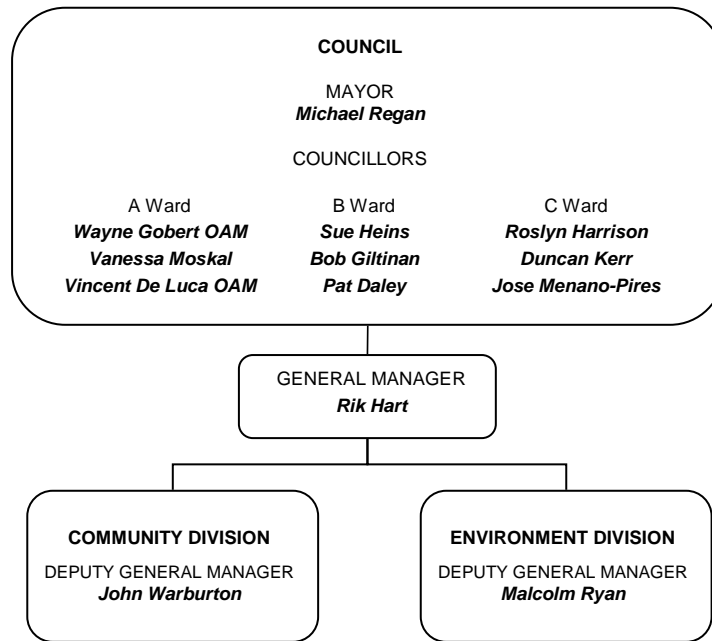
Beginning at 6.00pm for the purpose of considering and determining matters included in this agenda.



Rik Hart
General Manager

(2012/14)





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

**Agenda for an Ordinary Meeting of Council
to be held on Tuesday 11 December 2012
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 MEETING OF COUNCIL HELD 27 NOVEMBER 2012

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held 27 November 2012, copies of which were previously circulated to all Councillors, be confirmed as a true and correct record of the proceedings of that meeting.

6.0 GENERAL MANAGER'S REPORTS

ITEM 6.1	BAD DEBT WRITE OFF
REPORTING MANAGER	GENERAL MANAGER
TRIM FILE REF	2012/400951
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

To seek approval to write off a bad debt for unpaid litigation costs amounting to \$36,672.68.

SUMMARY

Clause 213 (5) (k) of the Local Government (General) Regulation 2005 provides:

“(c) if the council or the general manager believes on reasonable grounds that an attempt to recover the debt would not be cost effective.”

In 2005 Council commenced Local Court proceedings against Messrs Shamsul Kazi and Mohammed Osman Goni for 30 offences for alleged breaches of the Food Act 2003. The Magistrate convicted each Respondent of 26 of the offences. The Respondents then appealed to the District Court. The District Court handed down its Judgement on 30 March 2007 which set aside all the convictions against the Respondents.

Council commenced a Supreme (Criminal) Court appeal against the District Court decision.

Judgment was handed down in favour of Council on 19 November 2007 and the respondents were ordered to pay Council's costs. The Certificate of Determination of Costs was entered against the judgment debtors in the amount of \$37,972.

An agreement was negotiated with the respondents that they pay the judgment debt by monthly instalments of \$100 each. This agreement was sealed by Parramatta Local Court. Payment commenced on 15 July 2010. Council has received a total of \$1,300 towards the judgement debt. Considerable effort has been made to pursue the debtors at some cost, but with no success.

FINANCIAL IMPACT

A provision for this bad debt has not been made and this will result in a \$36,672.68 loss to Council.

POLICY IMPACT

The General Manager has delegation to write off debts up to \$10,000. As this debt exceeds the delegation, a Council decision is required.

RECOMMENDATION OF GENERAL MANAGER

That Council resolves to write off the sum of \$36,672.68 owed by Messrs Shamsul Kazi and Mohammed Osman Goni.

REPORT

In 2005 Council commenced Local Court proceedings against Messrs Kazi and Goni for 30 offences for alleged breaches of the Food Act 2003. The Magistrate convicted each Respondent of 26 of the offences. The Respondents then appealed to the District Court. The District Court handed down its Judgement on 30 March 2007 which set aside all the convictions against the Respondents.

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An agreement was negotiated with the respondents that they pay the judgment debt by monthly instalments of \$100 each. This agreement was sealed by Parramatta Local Court. Payment commenced on 15 July 2010. Council has received a total of \$1,300 towards the judgement debt. Council's external lawyers have made considerable effort to recover the debt without success.

Clause 213 of the Local Government (General) Regulation 2005 specifies conditions in which bad debts may be written off specifically:

- a. If the debt is not lawfully recoverable, or
- b. As a result of a decision of a court, or
- c. If the Council or the General Manager believes on reasonable grounds that an attempt recover the debt would not be cost effective.

Where it is required that the bad debt be written off, specific details regarding the outstanding debts must be disclosed.

Clause 213(4) requires that:

"A resolution or order writing off a debt to a council must:

- a. Specify the name of the person whose debt is being written off, and
- b. Identify the account concerned, and
- c. Specify the amount of the debt.

Or must refer to a record kept by the Council in which those particulars are recorded".

Details have been provided below in a form compliant with Clause 213(4). It is recommended that Council approves the write off the bad debt totalling \$36,672.68.

FINANCIAL IMPACT

Debtor Reference	Date Debt Incurred	Amount (inclusive of GST)	Description	Comments
Shamsul Kazi and Mohammed Osman Goni	6 February 2008	\$36,672.68.	Costs awarded to Council by the Supreme Court	Shamsul Kazi and Mohammed Osman Goni are not in a position to repay the debt.

It is clear that there is no cost effective prospect of recovering this debt.

7.0 COMMUNITY DIVISION REPORTS

ITEM 7.1	PROPOSED ROAD CLOSURE AND SALE OF COUNCIL LAND - PART PATEY STREET, DEE WHY
REPORTING MANAGER	GROUP MANAGER BUILDINGS, PROPERTY AND SPATIAL INFORMATION
TRIM FILE REF	2012/392893
ATTACHMENTS	1 Location Plan of Subject Land 2 Plan of Proposed Right of Carriageway

EXECUTIVE SUMMARY

PURPOSE

To consider a proposal to close and sell a portion of road in Patey Street, Dee Why adjacent to Delmar Private Hospital.

SUMMARY

Patey Street, Dee Why is a cul-de-sac (no through road) off Delmar Parade, Dee Why. The subject land is approximately 307 metres squared and is part of the constructed road located at the cul-de-sac end of Patey Street adjacent to Delmar Private Hospital (DPH). DPH owns the land on the east, west and south of the subject land. The location of the subject land is shown in Attachment A of this report.

In accordance with Council's Surplus Road Reserve Disposal Policy – GOV PL 820 (the Policy) and the Roads Act 1993, DPH has applied to Council to formally close and purchase this section of road. The purpose of the proposed acquisition is to improve the current situation at the rear of the hospital to provide enhanced landscaping, additional off-street car parking and facilitate a turning area for Council waste contractor's collection vehicles. Council will retain a Right of Carriageway over part of the subject land for the proposed vehicle turning area.

FINANCIAL IMPACT

In accordance with Section 43 of the Roads Act 1993, funds generated from the disposal of this surplus road reserve are required to be expended on either acquiring land for public roads or for carrying out work on public roads.

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER COMMUNITY

That

- A. Council authorise an application to the Department of Primary Industries for road closure under the provisions of the Roads Act 1993 for the road identified in this report being part Patey Street, Dee Why adjacent to Delmar Private Hospital, subject to Council retaining a suitable Right of Carriageway over part of the subject land to enable Council and its
-

authorised users to travel over the land.

- B. Delegation be granted to the General Manager to authorise and execute any documentation required to facilitate any of the actions contained within this recommendation or Council authorise affixing its Seal to the documentation if required.
 - C. Should the road closure application referred to in item A of this recommendation be successful, Council, in accordance with its Disposal of Surplus Road Reserve Policy GOV-PL 820 and Property Acquisition and Disposal – (Negotiation on Purchase Price) Policy GOV – PL 810 proceed to dispose of the subject land.
 - D. The sale proceeds be used for expenditure on Council's road network.
-

REPORT

BACKGROUND

Patey Street, Dee Why is a cul-de-sac (no through road) off Delmar Parade. The subject land is approximately 307 metres squared and is part of the constructed road located at the cul-de-sac end of Patey Street adjacent to Delmar Private Hospital (DPH). DPH owns the land on the east, west and south of the subject land. The location of the subject land is shown in Attachment A of this report.

The zoning of the subject land is R2 Low Density Residential within the Warringah Local Environmental Plan 2011 (WLEP 2011). This zoning is consistent with the adjoining land zoning including Delmar Private Hospital.

In accordance with Council's Surplus Road Reserve Disposal Policy – GOV PL 820 (the Policy) and the Roads Act 1993, DPH has applied to Council to formally close and purchase this section of road.

DPH has requested the proposed acquisition of the subject land to improve the current situation at the rear of the hospital by:

- Providing additional curtilage to the rear of the hospital.
- Rationalising the Patey Street boundary.
- Providing additional off-street car parking and facilitating a turning area for Council waste collection vehicles (Council's waste contractor).
- Providing enhanced landscaping within the property boundaries to soften and screen the rear of the hospital and provide improved streetscape.
- Enabling measures to be put in place to prevent the hospital driveway from being used as a short-cut thoroughfare by the public between Patey Street and Quirk Street.

In addition to the above improvements, DPH believes the road closure and purchase proposal is justified as the subject land is entirely surrounded by land owned by DPH and as such, no longer serves to provide access to any other Patey Street property. Therefore, the proposal could proceed without compromising the use of Patey Street and without adversely impacting on the amenity of any adjoining residential property.

Additionally, DPH believes that the proposal will have minimal impact on existing utility services and infrastructure and will not result in the removal of any trees or natural landscape features.

As the subject land is not a marketable parcel, Council is able to consider the sale of this land to an adjoining owner in accordance with its Policy. Additionally, a requirement of the Policy is that any road that is closed and sold must be consolidated with the adjoining land owned by the purchaser.

Following Council's resolution regarding this matter, Council will need to apply to the NSW Department of Primary Industries - Crown Lands Division (Crown Lands) for the road closure and undertake the statutory notification of the proposal on its behalf in accordance with the Roads Act 1993. Council is also required to undertake stakeholder consultation with adjoining land owners and services authorities to resolve any potential objections.

Consultation

Consultation with the relevant Council Departments has been undertaken.

Council's Roads Traffic & Waste Group (RTW) supports the closure and sale of the identified section of road. The sale is subject to conditions which can be applied as part of the Development Application process for the proposed improvements of the area. These include civil works associated with the provision for turning vehicles, pedestrian access, adjustment to existing road, utility and driveway infrastructure as well as landscaping.

Public consultation will be undertaken as part of the road closure process in accordance with the Roads Act 1993.

Additionally, the proposed works will require a separate Development Application which involves public notification.

The applicant has previously lodged a Development Application DA2011/1576 for the proposed works which included the subject land. The applicant was requested by Council's Development Assessment Group to withdraw its Development Application pending the consideration of the applicant's road closure and purchase application with Council.

Proposed Right of Carriageway over the subject land

To satisfy the requirements of RTW, the proposal will include a Right of Carriageway over part of the subject land which will enable Council and its authorised users (which could include the public) to travel over that part of the land. This will enable Council's waste collection vehicles (Council's waste contractors) and the general public to use the Right of Carriageway as a turning area at the end of Patey Street.

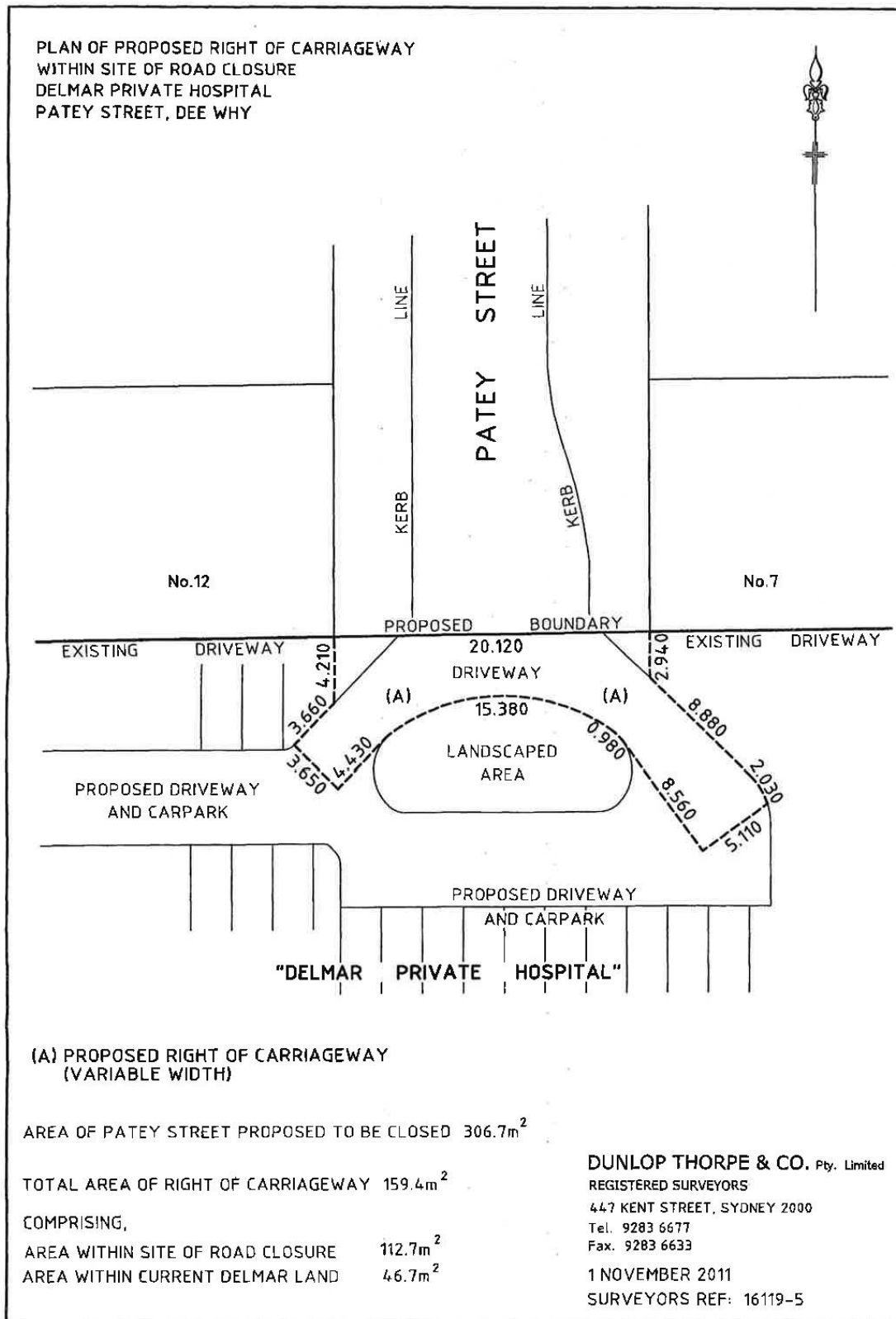
A plan of the proposed Right of Carriageway is included as Attachment B to this report.

Proposed Sale of Land

Council has obtained independent valuation advice for the subject land. A copy of this valuation advice will be available at the Council meeting for perusal by the elected Council.

DPH has received a copy of the independent valuation advice and concurs with the assessment of value for the subject land. Consequently, DPH wishes to proceed with the proposed road closure and purchase of the subject land.





ITEM 7.2	JOHN FISHER PARK, STIRGESS AVENUE, CURL CURL - PROPOSED DRAINAGE EASEMENT IN FAVOUR OF 27 STIRGESS AVENUE, CURL CURL
REPORTING MANAGER	GROUP MANAGER BUILDINGS, PROPERTY AND SPATIAL INFORMATION
TRIM FILE REF	2012/408816
ATTACHMENTS	1 Location Plan of Easement 2 Plan of Easement

EXECUTIVE SUMMARY

PURPOSE

To consider a request by an adjacent property owner for an easement to drain water through a Council reserve (John Fisher Park, Curl Curl).

SUMMARY

The owner of 27 Stirgess Avenue (No. 27) has applied for a development application for alterations and additions to the existing residence and construction of a swimming pool. This was approved on a deferred commencement condition that the applicant receives Council approval for an easement to connect their stormwater overflow to the Council stormwater main within John Fisher Park near the rear boundary of 27 Stirgess Avenue.

Consequently Council has received an application for an easement from No. 27 Stirgess Avenue for the construction of an underground stormwater drainage within John Fisher Park.

The proposed easement is illustrated in attachments 1 and 2 of this report.

FINANCIAL IMPACT

The compensation amount for the proposed easement has been valued by an independent qualified valuer at \$2,000 (excluding GST). Therefore, the proposed easement is expected to generate \$2,000 to Council.

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER COMMUNITY

That

- A. Subject to Item C, Council authorise a 1 metre by 4 metre easement to drain water and associated Positive Covenant, by underground pipe within Lot B DP 396843 John Fisher Park Curl Curl in favour of 27 Stirgess Avenue Curl Curl for an amount assessed by an independent qualified valuer.
- B. Council authorise the affixing of Council's seal to, and delegate authority to the General Manager to execute the necessary documentation in order to give effect to this resolution.
- C. All costs associated with the granting of the proposed easement and associated Positive Covenant as referred to in item A of this recommendation, including but not limited to, Council's legal costs, GST if applicable, document registration and reinstatement of land post authorised drainage works, be funded by the applicant.

REPORT

BACKGROUND

The owner of 27 Stirgess Avenue (No. 27) has applied for a development application for alterations and additions to the existing residence and construction of a swimming pool. Development Consent has been granted subject to a deferred commencement on the basis that the applicant receives Council approval for an easement to connect their stormwater overflow to the Council stormwater main within John Fisher Park near the rear boundary of 27 Stirgess Avenue.

Consequently Council has received an application for an easement from No. 27 for the construction of an underground stormwater drainage within John Fisher Park. The proposed easement is illustrated in attachments A & B of this report.

Section 46 (1) (a1) of the Local Government Act 1993 specifically allows for such easements over Community Land and Council has granted similar easements over other Council reserves in the past. The proposed easement will require that the stormwater drainage pipe be placed under the surface of the ground, therefore, the drainage pipe will have minimal impact on the use of the reserve after installation.

Rectification of the Council reserve following installation of the proposed stormwater drain pipe will be done by the applicant and the applicant will be required to submit an appropriate bond, prior to the commencement of construction, for works within the Council reserve. Ongoing maintenance issues regarding the underground pipe by the owner of 27 Stirgess Avenue will be registered in a Positive Covenant over 27 Stirgess Avenue as a condition of granting the proposed easement.

No. 27's Development Consent for the new dwelling is subject to deferred commencement on the basis of the following criteria being satisfied:

Stormwater Drainage Easement (DACENA03)

As the natural fall of the land is towards the rear of the site the disposal of stormwater drainage is to be in accordance with the drainage plan submitted by Peninsula Consulting Engineers, drawing number 12-0519 D01 A dated 30-05-2012. The easement is to be created under Sections 88B and/or 88K of the Conveyancing Act 1919. The applicant must provide Council with evidence of the creation of the easement in order to activate the consent.

Reason: To ensure adequate provision is made for stormwater drainage from the site in a proper manner that protects adjoining properties. (DACENA03)

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within five (5) years of the date of this consent, or the consent will lapse in accordance with Section 95 of the Environmental Planning and Assessment Regulation 2000.

CONSULTATION

The application for Easement was publicly notified for a period of 28 days in accordance with Section 47 of the Local Government Act 1993 which included a Public Notice in The Manly Daily on 20 October 2012, notice letters to surrounding property owners and notice signs at John Fisher Park seeking public submissions. The submission period concluded on 19 November 2012. No objections to the proposed easement were received by Council during the notification period.

TIMING

The applicant intends to commence work on the easement late 2012 or early 2013.

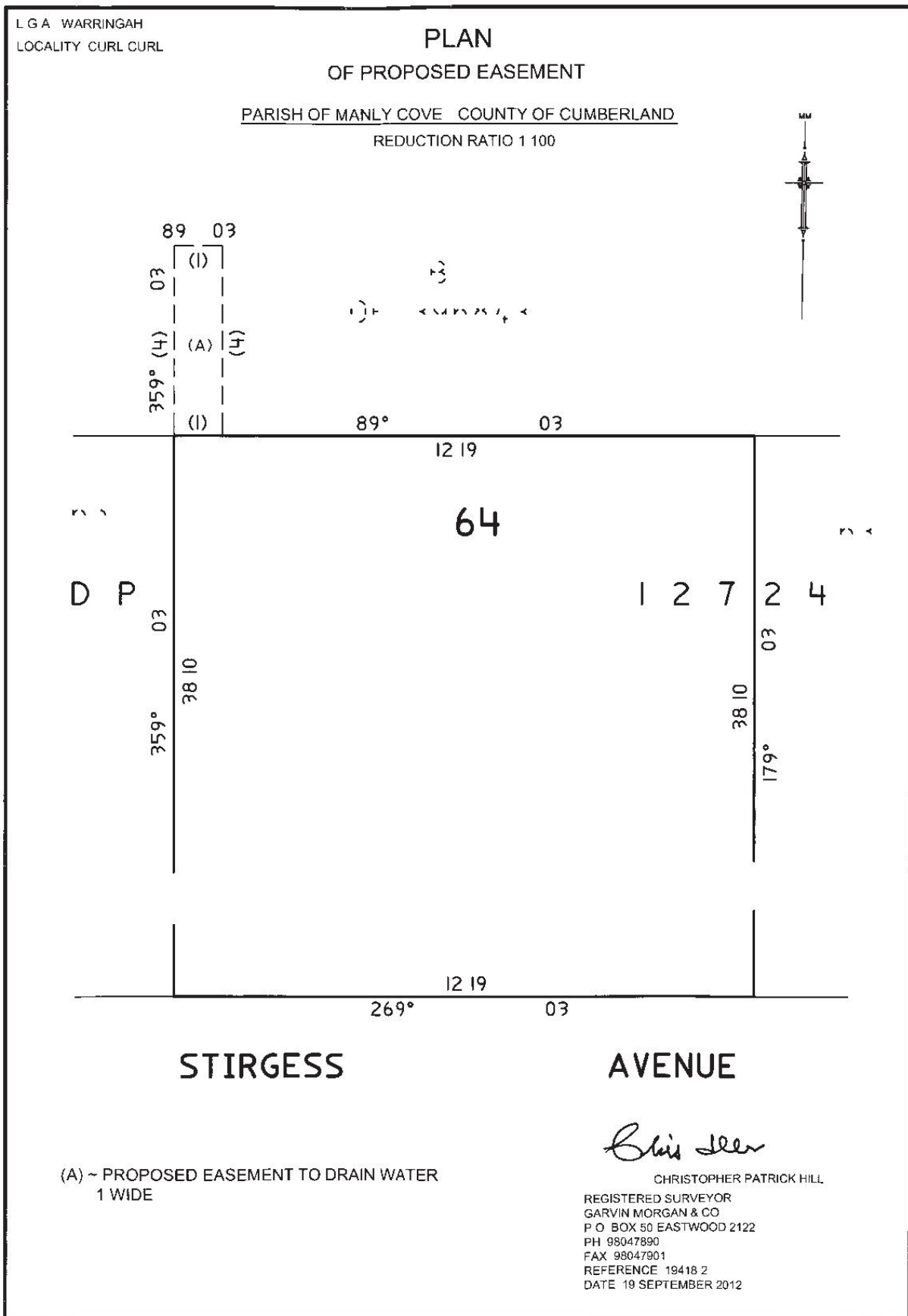
POLICY IMPACT

Nil

FINANCIAL IMPACT

The compensation amount for the proposed easement has been valued by an independent qualified valuer at \$2,000 (excluding GST). Therefore, the proposed easement is expected to generate \$2,000 to Council.





ITEM 7.3	CAPITAL ALLOCATION FOR THE COMPLETION OF THE LONG REEF SPORTING AMENITIES BUILDING
REPORTING MANAGER	GROUP MANAGER BUILDINGS, PROPERTY AND SPATIAL INFORMATION
TRIM FILE REF	2012/409776
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

To request approval to re-allocate capital funds to the value of \$110,000 within the existing 2012 / 2013 Capital Works budget envelope to allow the finalisation of the Long Reef Sporting Amenities Building.

SUMMARY

The Long Reef Sporting Amenities Building project is the result of the combined efforts of members of the local community, sporting user groups and Long Reef Golf Club to co-locate a previously approved golf pro-shop with a proposed multi-use sports and amenities building. The new building is located adjacent to the old public amenities building on Griffith Park. The golf pro-shop portion of the building is located on the land leased by Long Reef Golf Club and the multi-use sports and amenities portion of the building is located on Griffith Park. The wall that separates the two portions is located directly over the lease boundary. The new building is being constructed by Long Reef Golf Club and is in the final stages of construction.

However, the overall project has incurred additional costs and while the Long Reef Golf Club pro-shop portion of the building is nearing completion, construction of the multi-use sports and amenities portion of the project has stalled and requires additional funds to achieve completion. Long Reef Golf Club have asked Council to make a second funding contribution to enable completion of the construction.

It is proposed that as the building provides significant community benefit and is of a high quality that Council contribute additional funds to the value of \$110,000 stated in Option 2, to enable completion of the public amenities and to bring the multi-use sports component to lock-up stage. Completion of the internal fit-out of the multi-use sports areas will then be the responsibility of the sporting user group lessee, the Collaroy Rugby Club.

FINANCIAL IMPACT

The net impact to Council's existing 2012 / 2013 budget is nil.

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER COMMUNITY

That Council approve the re-allocation of capital funds to the value of \$110,000 stated in Option 2, as listed below, within the existing 2012 / 2013 Capital Works budget envelope to allow the finalisation of the Long Reef Sporting Amenities Building.

Option 2:

Council commits to the completion of the public amenities which include male, female and disabled toilets and to bringing the rest of the community sporting facilities to lock up stage. This will then be handed over to the Collaroy Rugby Club to finalise the fit out the interior of the sporting areas.

Cost estimate - \$110,000

REPORT

BACKGROUND

The Long Reef Sporting Amenities Building project is the result of the combined efforts of members of the local community, sporting user groups and Long Reef Golf Club to co-locate a previously approved golf pro-shop with a proposed multi-use sports and amenities building.

This building has been the subject of significant public and council engagement, and it contains facilities that will be run by both Long Reef Golf Club (LRGC) and Warringah Council (WC), comprising:

- A golf pro-shop (LRGC),
- Public amenities to replace the existing aged stand-alone amenities in Griffith Park (WC). The existing public amenities building is to be demolished.
- Multi-use sports building comprising change rooms, a kiosk and a small meeting room (WC).

The new building is located adjacent to the existing public amenities building on Griffith Park. The golf pro-shop portion of the building is located on the land leased by Long Reef Golf Club and the multi-use sports and amenities portion of the building is located on Griffith Park. The wall that separates the two components is located directly over the lease boundary. The new amalgamated building is being constructed by Long Reef Golf Club and is in the final stages of construction.

Long Reef Golf Club have undertaken the works under an approved DA that is consistent with the Council's LEP and meets the detail required from the Griffith Park Plan of Management. Long Reef Golf Club is in the final stages of constructing the new building.

To date Council has provided \$200,000 in funding as a contribution to the costs of constructing the sporting facilities and public amenities.

CURRENT ISSUE

Long Reef Golf Club has requested that Council commit more funds to the completion of the project as additional costs have resulted in cost overruns on the project. The additional costs are stated to be due to a number of sub-contract components that were not fully designed or scoped (electrical and stormwater reuse with plumbing services).

The budget used by LRGC was detailed and was established in 2009 with advice from a quantity surveyor and was developed in conjunction with the various reviews of the Griffith Park Plan of Management.

The current project funding status is:

Original LRGC Project Budget	\$2,016,000
Council Contribution	\$ 200,000
NSW Sports And Recreation Grant	\$ 100,000
NSW Community Building Partnership Grant	<u>\$ 220,000</u>
Total funds available	\$2,536,000
Current Projected Project Cost	<u>\$2,648,000</u>
Shortfall	<u>\$ 112,000</u>

While it appears that there is a shortfall of approximately \$112,000 it is the position of Long Reef Golf Club that there was always a provision within their project budget for a second contribution

from Council and this was known to Council. Consequently the position of the LRCG is that it has funded a significant amount of additional costs for the project, and as the multi-use sports and amenities portion of the building will be used solely for the benefit of council and the community, Council should contribute further funding.

At this stage the golf pro-shop portion of the project is nearing completion. However, construction on the multi-use sports and amenities portion of the building has stalled due to the lack of funds and is incomplete. It is noted that the building works completed to date are of a high standard.

OPTIONS

Warringah Council staff have been to site and inspected the building works remaining to be completed for this project to ascertain options. They are presented as follows:

Option 1:

No additional funding from Council is provided. Council reserves its right to require the LRCG to complete the project as per the intent as per the contract specification.

Cost - \$0

Option 2:

Council commits to the completion of the public amenities which include male, female and disabled toilets and to bringing the rest of the community sporting facilities to lock up stage. This will then be handed over to the Collaroy Rugby Club to finalise the fit out the interior of the sporting areas.

Cost estimate - \$110,000

Option 3:

Council commits to the completion of both the public amenities and the community sporting facility.

Cost estimate - \$250,000

The estimates are based on the assumption that completion of the required works can be undertaken by the current builder on this project or by Council's Trades & Services panel contractors.

RECOMMENDED OPTION

It is recommended that Council proceed with Option 2, as the completion of the public amenities and the readiness of the sporting facilities will be of significant community benefit. If the building is left incomplete or is significantly delayed it could be viewed that this is a lost opportunity for the community.

FINANCIAL IMPACT

It is recommended to fund the above works by re-allocating existing working capital within the 2012 / 2013 Capital Work budget from projects that are now forecast to be delivered under original budget.

It is proposed that this can be funded from revised phasing of the Civic Centre Fire Services and Building Code of Australia upgrade project which due to outstanding technical advice has delayed completion of this project into the 2013/2014 financial year.

As such the proposed \$110,000 for the Long Reef Sporting Amenities Building can be funded by this budget without incurring overspend.

ITEM 7.4	DEE WHY COMMUNITY HUB CONCEPT AND THE PROPOSED SALE OF SITE A.
REPORTING MANAGER	DEPUTY GENERAL MANAGER COMMUNITY
TRIM FILE REF	2012/411101
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

To endorse the concept of the Dee Why Community Hub on the north west corner of St Davids Ave and Pittwater Road and approve the proposal to sell the Council owned parcels (Lots 17,18,19,44,45,46-Sec 16-DP8172, Lot 2-DP526306 and Lot 43-DP341020) within the land known as 'Site A'.

SUMMARY

Council has developed the concept of a regional Community Hub for the Northern Beaches that envisions world class community facilities and public space on the corner of St Davids Ave and Pittwater Road which will bring together a diverse range of community, recreation and public services adjacent to an activated public space.

This concept was exhibited to the public in 2008 as part of the Dee Why Town Centre Masterplan project and received positive endorsement. In 2012 council began discussions with the NSW Department of Health and the NSW Police Force regarding the possibility of creating a community Hub that included a rebuilt Dee Why Police station, Northern Beaches Local Area Command, Early Childhood Health Centre and other health services. Council has received a letter of intent from Assistant Commission Nick Kaldas indicating NSW Police support to explore this concept. Council is currently preparing a draft Memorandum of Understanding to formalise this agreement.

This concept is at the stage where further progression of the project requires formal endorsement by the Council and the commitment of funds to begin preliminary design and community engagement.

In order to fund this significant project it is recommended, in accordance with council's previous resolution, to sell the Oaks Avenue carpark known as Site A. This site was rezoned as part of the Dee Why Town Centre Masterplan process, and will provide maximum public benefit if the sale proceeds are applied to creating the Warringah Regional Community Hub on the Civic Centre site.

FINANCIAL IMPACT

It would be mandatory that any component of the development for NSW Police and the NSW Department of Health would be funded by them either through appropriate leasing rates or through funding of the capital cost of buying stratum in the development

The residual capital cost of councils facilities would be approximately \$22m. A significant portion of this cost can be funded through the sale of Site A. Council has a valuation of Site A which can be provided to councillors on a confidential basis.

To begin design work \$150,000 is needed to be reallocated from 2012 capital budgets to begin design work in 2012/2013. It is proposed that this can be funded from revised phasing of the Civic Centre Fire Services and Building Code of Australia upgrade project which due to outstanding technical advice has delayed completion of this project into the 2013/2014 financial year.

POLICY IMPACT

The sale of Site A would be in accordance with Council's existing policies

RECOMMENDATION OF DEPUTY GENERAL MANAGER COMMUNITY

That Council:

- A. Endorses the concept of the Dee Why Community Hub on the north west corner of St Davids Ave and Pittwater Road.
 - B. That \$150,000 be moved from the Civic Centre Fire Services and Building Code of Australia upgrade budget to fund design work on the Community Hub concept in the current financial year.
 - C. That Council re-authorise the sale of its property at 36-44 Oaks Avenue and 31-35 Howard Avenue, Dee Why being Lots 17-19 and Lots 44-46 Section 16 DP 8172, Lot 43 DP 341020 and Lot 2 DP 526306 as per the previous resolution to sell adopted by Council on 22 July 2008, and allocate the funds received to the Community Hub concept.
 - D. That Council, in accordance with its Property Acquisition and Disposal – (Negotiation on Purchase Price) Policy GOV – PL 810:
 - a. Proceed to dispose of the land referred to in Item C.
 - b. Grant delegation to the General Manager to commence the disposal process of the land in Item A by public Expression of Interest (EOI). Following assessment of the EOI one of the following strategies may be adopted:
 - i. Issue of a restricted RFT, under tender box conditions, to a short-listed group of respondents to this EOI or list for sale by Public Auction;
 - ii. Issue of an open RFT;
 - iii. Enter into direct negotiations; or
 - iv. To not proceed any further. Note: An appropriate reserve price will be set by Warringah Council.
 - E. That delegation be granted to the General Manager to authorise and execute any documentation required to facilitate the sale of council land in Site A and authorise affixing the Council Seal to the documentation if required.
-

REPORT

BACKGROUND

Council had been considering the provision of community facilities within Dee Why since the beginning of the Dee Why Town Centre Masterplanning process began in 2004. Under the Administrator's tenure it was proposed to build approximately 4000m² of community space including a new public library, community rooms, customer service centre and occasional child care. It became apparent that the provision of this space within the Dee Why Town Centre masterplanned area was not going to be viable. In particular, the original concept was for Site A and Site B (the Brookfield Multiplex site) to be masterplanned and developed as one site. This would allow the new community facilities to be provided directly adjacent to the proposed Town Square on Howard Avenue.

An agreement could not be reached with Multiplex, the owner of Site B, and thus the Dee Why Town Centre was eventually masterplanned in two distinct and separate parts – Site A and Site B. (see Attachment four showing picture of Site A and Site B) The final LEP and stage one Development Application design for Site B was approved with a blank wall and a loading dock on the eastern portions adjacent to Site A. In addition there was no connection or direct path of travel from Site A into a redeveloped Site B.

Consequently this meant that Site A was now a highly constrained site for which community facilities would not be appropriate.

In addition, economic analysis of the two options clearly shows that putting community facilities on Site A would cost ratepayers between \$5.8m and \$10m extra.

The concept of a Dee Why Community Hub on the Civic St Davids Ave site linked to the Dee Why Town Centre was first exhibited to the public in 2008. The community response was generally positive however the Global Financial Crisis in 2009 ensured that commercial property prices and development at that time weren't appropriate. The Market has since improved and council began exploring Community Hub concepts in conjunction with the Dee Why Masterplanning project which applies to the broader area of Dee Why, not just the town centre bounded by Howard and Oaks Ave.

The Community Hub project envisions world class facilities on the corner of St Davids Ave and Pittwater Road that brings together over 10,000m² of diverse health, recreation, community and public services adjacent to an activated public space.

The Hub will have a range of community facilities including:

- A Community Centre for Dee Why;
- A new location for the library adjacent to public open space;
- Community meeting halls, rooms and activity rooms;
- Exhibition and public arts space
- Office space for community groups of various types
- An Early Childhood Health Centre;
- A plaza and activated outdoor space for performance and community use; and
- Alfresco dining through indoor and outdoor cafes

The Community Hub concept is strengthened by the potential to have a diverse mix of community facilities and government services in the one precinct. In 2012 council began discussions with the

NSW Department of Health and the NSW Police Force regarding the possibility of creating a community Hub that included a rebuilt Dee Why Police station, Northern Beaches Local Area Command, Early Childhood Health Centre and other health services. Council has received a letter of intent from Assistant Commissioner Nick Kaldas indicating NSW Police support to explore this concept. Council is currently preparing a draft Memorandum of Understanding to formalise this agreement. Discussion are progressing with NSW Health on this basis.

BENEFITS OF THE PROPOSED LOCATION

The location of the Community Hub on the corner of St Davids Ave and Pittwater Road will create a large scale regional community hub for the Northern Beaches by bringing a diverse range of services and activities together on the one site. As can be seen in Diagram 1, the Community Hub concept directly links with the activated outdoor space and the new Police Citizen's Youth Centre (PCYC). The total size of community hub including PCYC and police and health services is projected to be:

- 4,500 m2 for community facilities
- Up to 6,000 m2 Police and Health facilities
- 4,500m2 for the PCYC

Through consultation it has been established overwhelmingly that safety and security is a major issue for the users of community facilities. In creating a Community Hub on the proposed site, linked to attractive and desirable outdoor public spaces, with a police station in the building and police shopfront, the Community Hub will meet the needs of the community for safe and secure facilities. Other benefits of building the Community Hub in the proposed location are:

- The existing LEP allows for the proposed construction
- There is excellent solar access with a good North East aspect and no overshadowing, which will provide natural light to the site year round
- There is a clear path of travel from Community Hub to the future Dee Why Town Centre Square as can be seen in Diagram 3
- The location adjacent to public space meets with the intent of improved urban planing that incorporates activated open space including cafés and dining options
- It is directly adjacent to the main Dee Why bus stop both North South and East West enabling excellent public transport access
- The site is currently owned by Council so there are no initial land purchase costs

ADDITIONAL BENEFITS OF THE COMMUNITY HUB

There are a range of associated benefits from developing the Community Hub that flow through, including the ability to relocate some community groups currently using the houses owned by Council on Howard Ave, to the new community facilities in the Hub. This will enable the land occupied by the houses to be incorporated into the re-development of Walter Gors Park into a major park / open space for the Dee Why community.

PROPOSED SALE OF COUNCIL OWNED LAND IN SITE A

In line with Council's approach to manage future development within its financial means, it is proposed to sell council owned land in Site A to assist in funding the development of the Community Hub. The overall Site A was one of the early options considered for the location of the Community Hub but has been found to be significantly less attractive as a location due to much

higher location-impacted building costs, reduced access to public open space, poor solar aspects with overshadowing and less immediate access to public transport.

CONSULTATION

The Community Hub concept has had a significant public consultation over a number of years. This has been through working parties and other forms.

FINANCIAL IMPACT

It would be mandatory that any component of the development for NSW Police and the NSW Department of Health would be funded by them either through appropriate leasing rates or through funding of the capital cost of buying stratum in the development

The residual capital cost of councils facilities would be approximately \$22m. A significant portion of this cost can be funded through the sale of Site A. Council has a valuation of Site A which can be provided to councillors on a confidential basis.

To begin design work \$150,000 is needed to be reallocated from 2012 capital budgets to begin design work in 2012/2013. It is proposed that this can be funded from revised phasing of the Civic Centre Fire Services and Building Code of Australia upgrade project which due to outstanding technical advice has delayed completion of this project into the 2013/2014 financial year.

Diagram 1: Activated Community Hub Space linked to the PCYC Facilities



Diagram 2: Concept sketch of the Community Hub and activated open space



Diagram 3: Access to the proposed Dee Why Town Centre Square



8.0 ENVIRONMENT DIVISION REPORTS

ITEM 8.1	COUNCILLOR ATTENDANCE - BREWARRINA 150 YEAR CELEBRATIONS
REPORTING MANAGER	DEPUTY GENERAL MANAGER ENVIRONMENT
TRIM FILE REF	2012/403615
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

To determine Councillor attendance in Brewarrina Shire to join in the sesquicentenary (150 year) celebrations in April 2013.

SUMMARY

2013 marks the sesquicentenary of Brewarrina Shire.

It has been proposed that Warringah provide support (in kind and help with specific events and advertising) to Brewarrina Shire through the period of celebrations (Saturday 20 April 2013 to Sunday 28 April 2013 inclusive).

Brewarrina Shire Council and Warringah Council are sister cities.

It is also proposed that Councillors be invited to attend the celebrations as a show of support for the rural community. This is currently not within the Councillors' budget, and does not fall under any categories provided.

FINANCIAL IMPACT

There are funds available within the Governance budget that could be allocated to enable Councillor attendance (including flights; meals and accommodation).

POLICY IMPACT

The principles of Warringah Council's Policy for Payment and Re-imbursement of Expenses, GOV-PL 120, could be utilised regarding payment of expenses for those Councillors who attend the celebrations (including flights; car hire; meals; out of pocket and; accommodation expenses).

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That:

- A. Council nominates up to four (4) Councillors to attend the sesquicentenary (150 year) celebrations in Brewarrina Shire in April 2013.
 - B. Funding be made available for Councillor attendance from the existing Governance budget.
-

REPORT

BACKGROUND

In July 2000 Warringah Council signed a Sister Cities Agreement with Brewarrina Shire Council. Brewarrina, or 'Bre' as it is known to locals, is a remote community located in north-west NSW, 800kms from Sydney, and has 1800 residents. It has a large indigenous population, is home to the World Heritage listed Fish Traps and has a wonderful history of both indigenous and white settlement.

The idea of the relationship is to promote friendship between beach and bush communities and allow a greater understanding of the issues facing each area. The Councils agreed that one way to achieve this is by a youth exchange, where young people would be able to meet, form friendships and learn about each other's lives and communities.

The Youth Exchange Program consists of six young people from Warringah spending a week in Brewarrina (July) and a reciprocal visit by six Brewarrina young people in the summer school holidays (January). When Youth Services staff visited Brewarrina in July 2012, as part of the Youth Exchange Program, they were made aware of the upcoming sesquicentenary (150 Years) Celebrations taking place in Brewarrina in April 2013.

The 150 Year Celebrations coincide with the April School Holidays. Upon further discussions with Council staff it was decided to move the 2013 Warringah Youth Ambassador visit to Brewarrina from July to April. The Youth Exchange visit to Brewarrina will take place 20 – 27 April 2013. This will enable the Warringah Youth Ambassadors to join in celebrations and further enhance the Sister City Youth Exchange Program. A range of activities and events is planned for the 150 Year Celebrations including a kid's day on 22 April. It is envisioned the 2013 Warringah Youth Ambassadors will assist in various activities on this day under the supervision of Council staff from Warringah and Brewarrina.

TIMING

The 150 year celebrations are being held between Saturday 20 April 2013 to Sunday 28 April 2013 inclusive.

POLICY IMPACT

The principles of Warringah Council's Policy for Payment and Re-imbursment of Expenses, GOV-PL 120, could be utilised regarding payment of expenses for those Councillors who attend the celebrations (including flights; car hire; meals; out of pocket and; accommodation expenses).

FINANCIAL IMPACT

The approximate cost of attendance per Councillor is:

Item	\$
Return Air Fare (Qantas, flexible fare or Rex, Saver fare)	500.00
Accommodation for up to five nights (up to \$150 per night)	750.00
Meals and other out of pocket expenses (up to \$100 a day inc. meals)	500.00
Car Hire (premium full size)	350.00
Total per Councillor (excluding \$350 car hire which covers all Councillors attending)	1750.00

ITEM 8.2	DELEGATED AUTHORITY TO THE MAYOR – CHRISTMAS NEW YEAR RECESS 2012/ 2013
REPORTING MANAGER	DEPUTY GENERAL MANAGER ENVIRONMENT
TRIM FILE REF	2012/403483
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

To grant delegated authority to the Mayor over the 2012/ 2013 Christmas New Year recess period in accordance with Council Policy GOV-PL125.

SUMMARY

Each year, in accordance with Council Policy GOV-PL125 Council considers granting delegated authority to the Mayor over the Christmas/ New Year recess period.

It is proposed that this delegation be granted for the 2012/ 2013 recess period commencing the day following the last Council Meeting held in 2012, and ceasing the day prior to the first Council Meeting for 2013, being the period 12 December 2012 through to 11 February 2013 inclusive.

Granting the Mayor delegated authority under GOV-PL 125 will allow the Mayor the authority to make decisions where required in the Council's absence.

FINANCIAL IMPACT

Nil

POLICY IMPACT

The proposal is in accordance with Council Policy GOV-PL125.

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That, pursuant to, and subject to the limitations of Section 377 of the Local Government Act, authority is hereby granted to the Mayor to make such decisions and authorise work as provided by Policy GOV-PL125 during the 2012/ 2013 Christmas New Year recess being 12 December 2012 to 11 February 2013 inclusive.

REPORT

BACKGROUND

The objective of Council Policy GOV-PL125 is to make provision for decisions to be made on important or urgent Council matters during the Christmas/New Year recess. In previous years Council has granted delegated authority to the Mayor and the Deputy Mayor (in the Mayor's absence) over the Christmas/New Year recess period in accordance with this policy.

Council Policy GOV-PL125 delegates authority to the Mayor and Deputy Mayor (in the Mayor's absence) to:

- make decisions which would otherwise be made by the Council
- authorise any work which, in the Mayors opinion, is urgent and does not exceed \$10,000.

The Policy includes the following provisos:

- the delegated authority is subject to the limitations pursuant to Section 377 of the Local Government Act 1993
- any decisions made under this delegation must be reported to the Council at its first meeting in February.

The delegation to the Mayor over the Christmas/New Year recess period is consistent with the provisions of Section 226 of the Local Government Act, 1993, which states, in part, that the role of the Mayor is:

"to exercise, in cases of necessity, the policy-making functions of the governing body of the Council between meetings of the Council".

It is important to note that the following powers, duties or functions can not be delegated under Section 377 of the Local Government Act and can only be exercised by the Council as a body corporate and through resolution:-

- the appointment of a general manager
- the making of a rate
- a determination under section 549 as to the levying of a rate
- the making of a charge
- the fixing of a fee
- the borrowing of money
- the voting of money for expenditure on its works, services or operations
- the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment)
- the acceptance of tenders which are required under this Act to be invited by the Council
- the adoption of an operational plan under section 405
- the adoption of a financial statement included in an annual financial report

- a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6
- the fixing of an amount or rate for the carrying out by the Council of work on private land
- the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work
- the review of a determination made by the Council, and not by a delegate of the Council, of an application for approval or an application that may be reviewed under section 82A of the Environmental Planning and Assessment Act 1979
- the power of the Council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194
- a decision under section 356 to contribute money or otherwise grant financial assistance to persons
- a decision under section 234 to grant leave of absence to the holder of a civic office
- the making of an application, or the giving of a notice, to the Governor or Minister
- this power of delegation
- any function under this or any other Act that is expressly required to be exercised by resolution of the Council

TIMING

The recess period is taken to commence the day after the last Council meeting in December 2012 and conclude on the Monday prior to the first Council meeting in February 2013. In accordance with Council's Code of Meeting Practice the last Council Meeting in 2012 will be held on 11 December. The first scheduled Council meeting in 2013 will be held on 12 February. The recess period would therefore be 12 December 2012 to 11 February 2013.

POLICY IMPACT

The proposal is in accordance with Council Policy GOV-PL125.

FINANCIAL IMPACT

Nil

ITEM 8.3	ADOPTION OF GOV-PL 120 PAYMENT AND RE-IMBURSEMENT OF EXPENSES INCURRED BY, AND PROVISION OF FACILITIES TO, THE MAYOR, DEPUTY MAYOR AND COUNCILLORS - ANNUAL REVIEW
REPORTING MANAGER	DEPUTY GENERAL MANAGER ENVIRONMENT
TRIM FILE REF	2012/403598
ATTACHMENTS	1 Policy for Payment and Re-imbursment of Expenses Incurred by, and Provision of Facilities to, the Mayor, Deputy Mayor and Councillors

EXECUTIVE SUMMARY

PURPOSE

To adopt GOV-PL 120 Payment and Re-imbursment of Expenses Incurred by, and Provision of Facilities to, The Mayor, Deputy Mayor and Councillors.

SUMMARY

Section 252 of the Local Government Act requires, in part, that within 5 months after the end of the financial year, a Council must adopt a policy concerning the payment of expenses incurred by, and the provision of facilities to, the Mayor, Deputy Mayor and Councillors in relation to discharging the functions of civic office. As a result of the Local Government Elections held in September 2012, and no Council Meeting being held in the same month, it is noted that adoption of this Policy is just outside the Local Government Act requirements; however the Division of Local Government has been made aware that this Policy will not be adopted until the December 2012 Council Meeting.

As such, the current Policy with a number of minor amendments was placed on exhibition from 29 October 2012 to 26 November 2012. No formal submissions were received. This report recommends that the Policy be adopted by Council with an additional amendment as a result of a Resolution of Council from the 27 November 2012 Council Meeting in relation to the Publication of Councillors Public Meetings (amended policy at Attachment 1).

FINANCIAL IMPACT

There should be no overall impact on Council's budget. Whilst there may be some amendment to individual items within the current budget, the addition of iTunes cards should be offset by the decrease in the total maximum allowance for phone and internet services.

POLICY IMPACT

In line with the Council Report and draft policy that was exhibited in October and November 2012, when adopted amendments to Policy GOV-PL 120 Payment and Re-imbursment of Expenses Incurred by, and Provision of Facilities to, The Mayor, Deputy Mayor and Councillors will supersede the previous version, Issue 13 of November 2011.

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That the amended GOV-PL 120 Policy for Payment and Re-imbursment of Expenses Incurred by, and Provision of Facilities to The Mayor, Deputy Mayor and Councillors be adopted.

REPORT

BACKGROUND

Section 252 of the Local Government Act requires, in part, that within 5 months after the end of the financial year, a Council must adopt a policy concerning the payment of expenses incurred by, and the provision of facilities to, the Mayor, Deputy Mayor and Councillors in relation to discharging the functions of civic office.

As such, the current policy with a number of minor amendments was placed on exhibition from 29 October 2012 to 26 November 2012. Amendments and/ or additions to clauses 4; 10.1(a)(i); 11.6.3(a)(iv); 11.8; 11.9; 11.12 and 24 and; 25 were made.

In brief the amendments are as follows:

- Update of the clauses surrounding phone and internet costs to reflect technological changes and the introduction of capped phone plans (CI 11.9 and CI 11.12);
- Addition of the provision of iTunes accounts/ cards to reflect technological changes (CI 11.8);
- When a Councillor or the Mayor is invited to an official function, that the attendance cost is covered by Council and when the Mayor's guest is formally on the invitation, that this cost is also covered by Council (Addition of a new CI 24);
- The clause surrounding the provision of a mayoral vehicle be updated to better reflect the current conditions (CI 10.1(a)(i));
- Addition of a clause regarding gifts and benefits (Addition of a new CI 25);
- Addition of clarity around the approval of expenses process (CI 4);
- Clarity around the provision of consumable products relating to printers (CI 11.6.3(a)(iv)).
- Addition of a clause regarding public meetings (Addition of a new clause CI 26)

There were no formal submissions received during the exhibition period for the Policy.

Aside from the amendments exhibited, as a result of a Resolution of Council from the 27 November 2012 Council Meeting in relation to the Publication of Councillors Public Meetings, reprinted in part as follows:

"That Council amend the "GOV-PL 120 Payment and Re-imbursement of Expenses Incurred by, and Provision of Facilities to, the Mayor, Deputy Mayor and Councillors" to support the notification of Councillor community engagement sessions. The amended policy is to be brought back to Council at the 11 December 2012 meeting."

It is recommended that the following clause also be added to the Policy and those following be renumbered accordingly:

26. Public Meetings

Councillors wishing to conduct community engagement activities in their Ward to create public drop-in sessions are provided advertising support. A budget of up to \$500 per annum is available to each Councillor to cover advertising costs associated with the promotion of these sessions via Council's Warringah Update. Costs can be split by those Ward Councillor attending the sessions. Council signage will also be made available to Councillors. This program will be available up until six months prior to scheduled Local Government Elections.

The amended policy is provided at Attachment 1.

CONSULTATION

The draft Policy was exhibited from 29 October 2012 to 26 November 2012.

TIMING

Section 252 of the Local Government Act requires, in part, that within 5 months after the end of the financial year, a council must adopt a policy concerning the payment of expenses incurred by, and the provision of facilities to, the Mayor, Deputy Mayor and Councillors in relation to discharging the functions of civic office.

POLICY IMPACT

In line with the Council Report and draft policy that was exhibited in October and November 2012, when adopted amendments to Policy GOV-PL 120 Payment and Re-imbursement of Expenses Incurred by, and Provision of Facilities to, The Mayor, Deputy Mayor and Councillors will supersede the previous version, Issue 13 of November 2011.

FINANCIAL IMPACT

There should be no overall impact on Council's budget. Whilst there may be some amendment to individual items within the current budget, the addition of iTunes cards should be offset by the decrease in the total maximum allowance for phone and internet services.

Warringah Council Policy

Policy No. GOV-PL 120

Payment and Re-imbursment of Expenses Incurred by, and Provision of Facilities to, The Mayor, Deputy Mayor and Councillors

1 Purpose of Policy

This policy is made under the Local Government Act 1993 (the Act) including Sections 252 to 254A. The Act requires that the Council must adopt a policy concerning the payment of expenses incurred by, and the provision of facilities to, the Mayor, the Deputy Mayor and other Councillors.

2 Policy statement

- To provide for the fair and equitable payment and re-imbursment of certain expenses not considered to be included in the annual fees payable under Sections 248 – 254A of the Local Government Act, where such expenses are incurred by the Mayor, Deputy Mayor and Councillors in discharging the functions of civic office.
- To provide adequate facilities for use by the Mayor, Deputy Mayor and Councillors to enable them to discharge the functions of civic office.

3 Principles

See Attachment

4 Amendments

This policy was last amended on 11 December 2012

5 Authorisation

This policy was adopted on 11 December 2012

It is due for review in October 2013

6 Who is responsible for implementing this policy?

Deputy General Manager Environment

7 Document owner

General Manager

8 File number

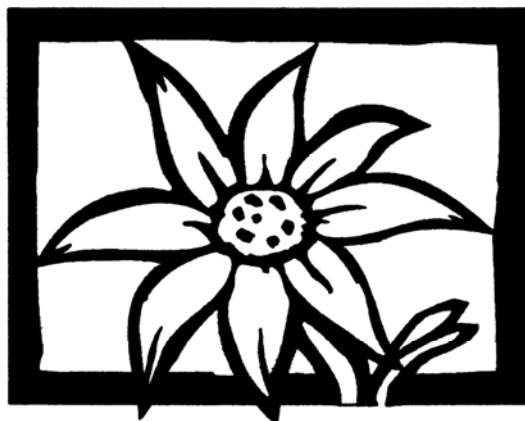
TRIM Record No 2012/361049

9 Legislation and references

Local Government Act 1993

Local Government (General) Regulation 2005

Division of Local Government, Department of Premier and Cabinet – Guidelines for the Payment of Expenses and the Provision of Facilities for Mayors and Councillors in NSW – October 2009.



Warringah Council

***Policy for Payment and Re-imbursment of Expenses
Incurred by, and Provision of Facilities to,
The Mayor, Deputy Mayor and Councillors***

***Draft - Issue No 14
October 2012***

GOV-PL 120

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WARRINGAH COUNCIL

POLICY FOR PAYMENT AND RE-IMBURSEMENT OF EXPENSES INCURRED BY, AND
PROVISION OF FACILITIES TO,
THE MAYOR, DEPUTY MAYOR AND COUNCILLORS

Introduction

This policy is made under the Local Government Act 1993 (the Act) including Sections 252 to 254A. The Act requires that the Council must adopt a policy concerning the payment of expenses incurred by, and the provision of facilities to, the Mayor, the Deputy Mayor and other Councillors. In the event of Administration, application of this policy is also relevant to Council Administrators.

Section 428 (2) (f) of the Act requires the Council to include in its Annual report:

- The total amount of money expended during the year on Mayoral fees and Councillor fees
- The Council's policy on the provision of facilities for use by Councillors and the payment of Councillor's expenses
- A statement as to the total amount of money expended during the year on the provision of such facilities and the payment of such expenses

Section 12 of the Act provides that the public is entitled to inspect the Council's policy concerning the payment of expenses incurred by, and the provision of facilities to, Councillors free of charge, and may obtain a copy, either free of charge or on payment of reasonable copying charges.

Part 1 – Preliminary

1. Citation

This policy is in accordance with the requirements of the Local Government Act 1993 and may be cited as the "Policy - Payment and Re-imbursment of Expenses Incurred by, and Provision of Facilities to, The Mayor, Deputy Mayor and Councillors."

2. Policy Objectives

- To provide for the fair and equitable payment and re-imbursment of certain expenses not considered to be included in the annual fees payable under Sections 248 – 254A of the Local Government Act, where such expenses are incurred by the Mayor, Deputy Mayor and Councillors in discharging the functions of civic office.
- To provide adequate facilities for use by the Mayor, Deputy Mayor and Councillors to enable them to discharge the functions of civic office.

3. Commencement

This policy was adopted by Council resolution of 21 June 1994 and commenced on 22 June 1994, (Issue No 1).

It was amended on:

- Issue No 2 - 27 February 1996, 5 & 12 March 1996, with effect as from 13 March 1996
- Issue No 3 - 24 February 1998 with effect as from 26 May 1998 (cl 5.8)

- Issue No 4 - 26 October 1999 with effect as from 1 February 2000 (cl 5.7, 5.8, 6.1)
- Issue No 5 - 26 June 2001 (cl 15)
- Issue No 6 - 3 December 2002 (cl 4.1, 10, 11, 5.5)
- Issue No 7 - 17 December 2002 (cl 4.7, 5.2, 5.3(a), 5.6, 5.8 (c))
- Issue No. 8 – 28 February 2006 (Appendix A, Clause 3.1)
- Issue No. 9 – 22 April 2008
- Issue No 10 - 25 November 2008
- Issue No 11 - 10 February 2009 (cl 18.2 and 10.14)
- Issue No 12 - 23 November 2010 (cl 11.12.1, 11.12.2, 12.3, 12.5 and 15)
- Issue No 13 – 22 November 2011 (cl 11.8, 11.12.2 and 23)
- Draft Issue No 14 – October 2012 (cl 4, 10.1, 11.8, 11.9, 11.12, 24, 25, 26 and 27)

4. General Provisions

General Expenses: *General Expenses will not be paid to Councillors. Any expenses payable to Councillors are specifically listed in this policy, together with the procedures for payment/ reimbursement.*

Private Benefit: *The facilities provided to Councillors under this policy are made available to assist them in undertaking their civic duties. Accordingly, and unless otherwise provided for in this policy, Councillors should ensure that there is no more than incidental private use of these facilities.*

Political Purposes: *Council facilities, equipment and services provided under this policy are not to be used to produce election material or for any other political purposes.*

Political Fundraising: *The fundraising activities of political parties, including political fundraising events, are considered to be personal interests. Council will not pay expenses or provide facilities to Councillors under this Policy in relation to supporting and/ or attending such activities and events.*

Approvals: *All approvals, requests for, and enquiries in relation to, expenses and facilities under this policy are to be directed in the first instance to Council's Governance Manager. Where appropriate the Governance Manager will consult with the relevant Deputy General Manager regarding application of the policy.*

Dispute Resolution: *Any disputes in relation to expenses and/ or facilities provided under this policy should be referred in the first instance to the General Manager. The General Manager may then refer to the Office of the Internal Ombudsman for independent review.*

Accessibility: *Where a Councillor has specific needs in relation to accessibility to Council facilities and the functions of civic office, additional assistance may be provided under this policy to ensure equity of access.*

5. No Deduction From Section 248 & 249 Fees

Unless otherwise provided, the payment of, or reimbursement of expenses and the facilities which may be provided to the Mayor, Deputy Mayor and Councillors under this policy, shall be provided without reduction of the annual fees payable to the Mayor and Councillors, as determined by the Council, under Section 248-254A inclusive of the Act.

6. Claiming of Expenses

Reimbursement of expenses will be paid monthly in arrears, must be claimed within 3 months of being incurred by the Mayor or a Councillor. Any claim must be submitted on the approved form and must include receipts and tax invoices relating to the claim.

Reconciliation of the reimbursement of expenses under this policy will be undertaken on a monthly basis by appropriate Council staff.

Part 2 – Annual Fees – Mayor, Deputy Mayor and Councillors

7. Fees Payable to Councillors

The Council shall, prior to 30th June each year, set by resolution, the annual fees to be paid, monthly in arrears, to a Councillor for the following year commencing 1st July, provided that such fee shall be within the range for the Council determined annually by the Local Government Remuneration Tribunal. Such payment shall be subject to Section 254A of the Regulations and any specific resolution of the Council under Section 254A.

In accordance with the Australian Taxation Office Interpretive Decision 2007/205 Council may enter into an arrangement with a councillor under which the Councillor agrees to forego all or part of their annual fee in exchange for the Council making contributions to a complying superannuation fund on their behalf. Any request by a Councillor must be in writing and cannot be retrospective.

8. Fees Payable to The Mayor

The Council shall, prior to 30th June each year, set by resolution, the annual fee to be paid to the Mayor for the following year commencing 1st July provided that such fee shall be within the range for the Council determined annually by the Local Government Remuneration Tribunal.

9. Fees Payable to The Deputy Mayor

The Deputy Mayor shall be paid a percentage of the Mayoral Fee calculated under Clause 8, for the periods of time when the Mayor is prevented by absence, illness or otherwise from acting in, or when the Mayor requests the Deputy to act in, the office of Mayor. The amount of the fee so paid to the Deputy Mayor shall be deducted from the Mayor's annual fee and the percentage to be paid will be determined by Council at the election of the Deputy Mayor.

Part 3 – Payment of Expenses for, and Reimbursement of Expenses and Provision of Facilities for Mayor, Deputy Mayor and Councillors

10. Mayor

The Mayor shall be entitled to receive the benefit of the following facilities, and payment of and reimbursement of expenses, without reduction of the fees payable under Section 248 and/or 249 of the Act:

10.1 Transport

- (a) (i) **Mayoral Vehicle** – for a weekly fee based on Council's Private Use Car Scheme standard vehicle rate* a suitable and appropriate vehicle, (valued below the current luxury car tax threshold, as determined by the Australian Tax Office), fully maintained, insured and registered by the Council, for use by the Mayor for all official, executive and social duties connected with the Office of Mayor, and private and personal use in accordance with **Appendix A** to this Policy.

* Council's Private Use Car Scheme standard vehicle rate is set at \$100 per week as at 1 July 2012 and is adjusted annually.

(ii) **Car Allowance** – where the Mayor elects to provide his/her own vehicle for all functions related to the Office of Mayor for the Mayoral term and not require the provision of a Council vehicle as in (i) above, the Mayor is entitled to claim payment of a car allowance in accordance with Part 4 of this Policy

(b) Where the Deputy Mayor, at any time, is required to act in the Office of Mayor in accordance with Section 231 of the Act, the provisions of Part 4 of this Policy apply.

10.2 **Office** accommodation within the Civic Centre, fully furnished.

10.3 **Executive Assistant/Secretarial services** including typing, photocopying, printing, postage, facsimile, computer and telephone facilities.

10.4 **Administrative assistance** associated with any Council functions, meetings, publications and the like.

10.5 **Office and reception** refreshments.

10.6 **Mobile telephone** for use in relation to official functions and duties of the office of Mayor. The Council will meet the costs of maintenance and all charges against the mobile account. A car kit will be installed in the Council provided Mayoral car, or the Mayors own car as provided in clause 8.1 (a) (ii) above.

10.7 **Corporate Credit Card**, in the name of the Council, if the Mayor so chooses, to facilitate payment of official council business expenses and expenditures provided for under the annual allocation for "discretionary expenditure" for the Office of Mayor. The Corporate Credit Card, shall be limited to A\$5,000, and is to be used in situations where it is not reasonably possible to go through the Council's normal procedures for the ordering and/or payment for goods or services. On going use of the credit card shall be in accordance with the Council's Policy "Use of Council Credit Card and Cab Charge Facilities". Upon completion of the Mayoral term the credit card shall be returned to the General Manager on the date the term ceases.

10.8 **Car Parking** within the Executive area at the Civic Centre exclusively for the use of the Mayor

11. Councillors (Including The Mayor and Deputy Mayor)

To assist the Councillors in carrying out the duties of their civic office and without reduction (unless otherwise stated) of the fees payable under Section 248 of the Act, Councillors are, if they request such, entitled to payment of expenses or re-imbursement of the following expenses, and to receive the benefit of the following facilities:

11.1 **Councillors' Office and Councillors' Lounge** in the Civic Centre, suitably equipped with telephone, computer terminal, access to Internet and E-mail, facsimile and printer facilities for work directly related to the duties of their office. Councillors will be subject to the requirements of Council's Internet and Email policy where access is through Council's corporate computer system.

11.2 **Food and refreshments** on evenings associated with Council and Council Committee meetings, and approved Council functions.

11.3 **Stationery Package**, with an annual limit for the Mayor of \$1,000 and an annual limit for Councillors of \$500, such package to comprise business cards, letterheads, envelopes, with compliments slips, Christmas cards (up to 200 for the Mayor and up to 100 for a Councillor), postage stamps and diary.

- 11.4 **Name badge**, and Council approved corporate accessories on election to office or when the design of these items varies, and ***protective clothing and equipment required for civic duty on election to office.***
- 11.5 **Councillor's vehicle** - Access to a suitable vehicle or vehicles (if available) provided by the Council for use on official duties connected with the office of Councillor. If approved by the General Manager, the Councillors may be issued with a cab charge card. Cab charge cards are for use on Council business only, and when a Council vehicle is not reasonably available to provide such transport, or the provision of a vehicle would not be economical in the circumstances. ***Any traffic or parking fine incurred while traveling in private or council vehicles on Council business is the responsibility of the Councillor or the driver incurring the fine.***
- 11.6 **Furniture and/or equipment** for location or installation at their place of residence, as follows:
- 11.6.1 – **Bookcase**; standard issue four (4) shelf
- 11.6.2 – **Filing cabinet**; up to four (4) drawer
- 11.6.3 – **Printer/Facsimile/Copier/** for use on Council business only, subject to the following conditions:
- (a) The Council shall:
 - (i) Meet the capital cost of acquisition of the equipment.
 - (ii) Meet the initial cost of installation of the equipment in the residence of the Councillor, including one (1) additional extension point for an existing line or one (1) separate point for a dedicated line where a Councillor chooses such under Clause 10.7.
 - (iii) Meet the cost of any maintenance/servicing of the equipment including any service call charge.
 - (iv) Be responsible for the cost of all consumables of the equipment including x5 reams of paper per annum and up to x2 black ink cartridges and x1 set of colour ink cartridges per annum.
 - (b) The Councillor shall be responsible for the good care and proper use of such equipment and to promptly report any faults, malfunctions or needs for service/repair to the Council.
 - (c) The Councillors' telephone and facsimile numbers are to be made available to the public.
- 11.7. **Domestic Telephone Service.** Where a Councillor elects such the Council will provide for installation of a telephone service, in the name of the Councillor, for use in relation to official functions and duties of Councillor, Mayor and Deputy Mayor, to allow for the connection of equipment provided under Clause 10.6.3.
- 11.8. A **laptop computer** and modem or an iPad or equivalent tablet, to enable Internet access and emailing and processing of correspondence and access to Council business papers, minutes, policies and other Council records and an iTunes or Gmail account allowing access to iTunes or Google Play and credit for applications to the value of \$40 in the first year and \$20 each year thereafter.
- 11.9 **Internet Services:**
- Internet access charges relating to the performance of a Councillor's civic duties will be paid by Council, up to a maximum of \$70 per month, per Councillor. Where a Councillor exceeds this amount, the difference between the maximum amount payable and the charges will need to be covered by the Councillor. Where Council is reimbursing a service already installed, Councillors will only be able to claim up to the maximum of \$70 per month.

11.10 **All equipment and furniture** provided under Clause 10.6 shall always remain in the possession of the Councillor during his/her term of office, and shall remain the property of the Council returned to the Council in good operational order and condition upon ceasing to be an elected member of the Council(subject to Clause 10.10).

11.11 **Where a Councillor ceases to hold Civic Office**, he/she may purchase the equipment at an amount determined by an independent valuation.

11.12 Telephone Reimbursements:

Reimbursement of the following telephone accounts, as nominated by the Councillor, on the following basis:

11.12.1 – Standard Domestic Service

- (a) *Councillors existing standard domestic service where no separate service is provided under Clause 11.7:* Rental, local call charges and the cost of any mobile and STD call charges related to Council business to a maximum of \$70 per month.
- (b) *Domestic Service provided under Clause 11.7:* Rental, local call charges and the cost of any mobile and STD call charges related to Council business to a maximum of \$70 per month.

11.12.2 – Mobile telephone Service

- (a) *Councillors' own mobile telephone:* Where Councillors already have a mobile telephone and wish to retain it for use in their civic duties, the Council will cover the service fee and reimburse the Councillor for the cost of all charges against that service, associated with their role as a Councillor, to a maximum of \$150 per month; or alternatively
- (b) *Council provided Mobile telephone:* The Council will provide a mobile telephone to any Councillor who requests it. The account will be in the name of the Councillor. The Council will cover the service fee and reimburse the Councillor for the costs of all charges against that service, associated with their role as a Councillor, to a maximum of \$150 per month.

Provided in respect of both clauses 11.12.1 and 11.12.2 that:

- all telephone numbers in respect of which a claim is made are made available to the public, and
- claims for reimbursements shall be made no later than six (6) months after the account is due for payment. Claims made for reimbursement lodged after this date shall not be paid.

11.13 **Parking exemption sticker** for a nominated vehicle owned by the Councillor enabling exemption from parking fees at any car parks within the Warringah Council area where exemption for residents apply.

11.14 **Councillor Parking** – A total of nine (9) parking spaces will be reserved in the executive parking area exclusively for use by the Councillors on the afternoon/evening of Council meeting days. Three (3) parking spaces will be provided during normal business hours on all other days.

11.15 **Glen Street Theatre complimentary tickets** – Each calendar year all Councillors and the Mayor will receive 2 non transferable complimentary tickets to each opening night at Glen Street Theatre subscription season productions

11.16 All office/communication equipment and facilities provided under this policy will be of a standard essential to the conduct of business in a contemporary business environment.

Part 4 – Travel Costs – Use of Mayor’s and Councillors’ Private Vehicles

12. Mayor & Councillors

- 12.1 The Mayor, where he or she elects to use his or her private vehicle and Councillors, subject to their private vehicle being currently registered and covered by Compulsory Third Party Insurance, may claim a kilometre allowance for use of private vehicles when used by the most direct route to travel between their place of residence within Warringah local government area, and return, to:
- (a) attend meetings of the Council, Committees, Sub Committees, Working Parties, Taskforce, Forums or the like, as a Councillor or delegate of the Council; to attend any briefing, community consultation, appointments and engagements associated with the business of the Council, and attend to the transaction of Council business at the Civic Centre;
 - (b) attend inspections or business within or outside the Council area undertaken in accordance with a resolution of the Council;
 - (c) attend public meetings and civic functions convened by the Council or other community meetings where the Councillor has been invited to attend;
 - (d) attend any conference as defined in the policy, where use of the private vehicle is authorised by the Mayor.
- Provided that the Council shall not meet any claim for travel or costs associated with attendance at fund raising activities or rallies held by registered political parties or groups.
- 12.2 Kilometre rates for such travel will be paid at the rate set by the Local Government (State) Award, as at the date of travel. Such rate shall be deemed to cover and include any claims for accidental damage or repairs to the Mayor or Councillor’s own vehicle, and any loss of no claim bonus and any excess not covered by any insurance.
- 12.3 Payment is subject to a formal monthly claim on the prescribed claim form being lodged by the Mayor or Councillor, and such claim must be made no later than six (6) months after the travel occurred. Claims lodged for travel occurring more than six (6) months after the claim is lodged shall not be paid.
- 12.4 Where the Mayor provides his/her own form of transport under clause 8.1(a) (ii) the General Manager may approve of the payment of the minimum car allowance in accordance with the Local Government (State) Award in lieu of a kilometre allowance.
- 12.5 Where the Mayor and Councillors elect to use public transport or travel by bicycle for Council business, reimbursement of costs may be claimed.

The full cost of fares for public transport associated with Council business (as specified in 12.1) will be reimbursed subject to lodgement of a formal monthly claim. The claim must be made within six (6) months of the travel having occurred. Claims lodged after six (6) months shall not be paid.

Costs associated with bicycle travel for Council business (as specified in clause 12.1) will be reimbursed on a per kilometre basis, subject to lodgement of a formal monthly claim. The claim must be made within six (6) months of the travel having occurred. Claims after three months shall not be paid.

Part 5 – Conferences Held in Australia

In this part Conference means any conference, seminar, congress, forum, workshop, course, meeting, forum, workshop, deputation, information and training session, or event, related to the industry of local government and held within Australia.

13. Who May Attend Conferences

13.1 The Mayor and Councillors may be nominated and authorised to attend conferences by:

- (a) The Council, through resolution duly passed at a Council Meeting;
- (b) The Mayor, acting within any delegated authority during Council recess;
- (c) The Mayor and the General Manager jointly, where such conference is for one day or less or does not involve an overnight stay (or, where the applicant is the Mayor, the Deputy Mayor/ one other Councillor and the General Manager jointly).

13.2 By the adoption of this Policy, authority is hereby delegated to the Mayor and the General Manager jointly to nominate and authorise a substitute Councillor to attend any conference in lieu of the Mayor or a nominated and authorised Councillor.

13.3 The application for approval shall include full details of the travel, including itinerary, costs and reasons for the travel.

14. What Conferences May Be Attended

The conferences to which this policy applies shall generally be confined to:

- Local Government Association of NSW (LGA), Local Government Womens Association (LGWA), and Australian Local Government Association (ALGA) Conferences.
- Special “one-off” conferences called or sponsored by, or for, the LGA, LGWA, LGMA, and ALGA on important issues.
- Annual conferences of the Local Government Managers Association (LGMA) and the major Professions in Local Government.
- Australian Sister Cities Conference.
- Regional Organisation of Councils Conferences.
- Conferences, which further training and development efforts of the Council and of Councillors, or which relate to or impact upon the Council's functions.
- Meetings or Conferences of Organisations or Bodies to which a Councillor of the Council has been elected, or appointed as a delegate or member of the Council, or the LGA, LGWA, or ALGA.
- After returning from an approved conference, Councillors shall submit a written report to a full meeting of the Council on the aspects of the conference relevant to Council business and/or the local community.

15. Conference Costs

The following shall apply to the Mayor and Councillors who are authorised and/or appointed as delegates under this policy to attend Conferences:

15.1 Registration

The Council will pay all normal registration costs for the Mayor or Councillors/delegates which are charged by organisers, including those relating to official luncheons, dinners and tours/inspections which are relevant to the interests of the Council.

15.2 Accommodation

The Council will pay reasonable single accommodation costs for the Mayor or Councillors including the night before and/or after the conference where this is necessary because of travel and/or conference timetables.

15.3 Travel

- (a) The Council will meet all reasonable travel costs for the Mayor, or authorised Councillors or delegates, to and from the conference location and venue. Where

appropriate, travel will be provided by air (economy class). Depending upon the location or circumstances, it may be more appropriate for travel to be undertaken by car or train.

- (b) Where trains are used the Council will provide first class travel, including sleeping berths where available.
- (c) Where travel is by motor vehicle it should be undertaken by Council vehicle where available, or by private vehicle subject to prior approval of the Mayor.
- (d) Where the Mayor or a Councillor uses their private vehicle under (c) above, they may claim the "kilometre" allowance at the date of travel as per Clause 6.2, subject to such cost not exceeding economy class air fares to and from the particular destination, and subject further to;
 - (i) the travel is to be undertaken with all due expedition, by the shortest most practical route, to and from the conference
 - (ii) the claim, on the prescribed claim form, must be made not later than six (6) months after the conclusion of the Conference.
- (e) Where hire cars, taxi fares and parking costs are reasonably required and incurred in attending conferences, the cost of such will be reimbursed by the Council to the Councillor upon presentation of a claim and receipt.

15.4 Out-of-Pocket Expenses

Out-of-pocket expenses incurred by the Mayor or a Councillor and associated with attendance at a conference shall be reimbursed to the Mayor or Councillor upon presentation of a claim and receipts for the following:

- (a) any hotel/motel conference related charges associated with the Conference, other than accommodation
- (b) all telephone, internet or facsimile calls related to Council business
- (c) reasonable lunches, dinners and other meals incurred whilst travelling to or from the Conference and other lunches, dinners or meals occurring during the Conference but not included in the conference registration fee
- (d) incidental expenses, e.g. bridge tolls
- (e) any optional activity in a conference program, but excluding any pre or post conference activities.

Where requested by a Councillor, consideration will be given to the provision of an advance payment of up to \$200 to cover anticipated out-of-pocket expenses. Following attendance at a conference (and no more than 3 months after the conference concludes) the advance payment must be fully reconciled with receipts for costs associated with (a) – (e) above.

15.5 Frequent Flyer and Loyalty Points

The Mayor and Councillors shall not be entitled to claim frequent flyer or other loyalty points relating to air travel or other expenses incurred by them under this policy. In circumstances where the Mayor or a Councillor has no option but to incur any expenditure for which loyalty points accrue to his/her personal account, the Mayor or Councillor must surrender the points to the airline or service provider before reimbursement of the expense by the Council.

16. Conference Costs - Payment In Advance

- 16.1 The Council will normally pay registration fees, accommodation costs and airline/train tickets direct to conference organisers/travel agent in advance.

17. Conference Costs – Mayor's And Councillors'/Delegates' Accompanying Person

- 17.1 Where the Mayor or Councillor is accompanied at a conference all costs for, or incurred by, the accompanying person, including travel, any additional accommodation costs, breakfast, meals, registration and/or participation in any conference programs, are to be borne by the Mayor/Councillor/accompanying person and not by the Council. Council may by resolution, and in exceptional circumstances, pay the expenses of a spouse/partner/carer while travelling on Council business. Exceptional circumstances would only be where the Councillor is prevented by health reasons from travelling alone.
- 17.2 Accompanying person's registration, or accompanying person's program fees, are to be paid to the conference organiser, etc. and paid at time of registration. The Council is prepared to receive such registration and payments and to forward them on to the conference organiser, etc. with any Council delegates' registration.
- 17.3 Where the Council meets, on account, any expenditure or cost on behalf of an accompanying person attending a conference, such expenditure must be repaid to the Council by the Councillor/accompanying person within seven (7) days of being invoiced for such expenditure following the conclusion of the conference.

Part 6 – Conferences Overseas

18. Attendance At Overseas Conferences

- 18.1 Attendance by the Mayor or a Councillor at any conference, seminar, congress, forum, workshop, course, meeting, deputation, information or training sessions, events, etc. related to the industry of local government which are held overseas, must be authorised prior to departure by specific resolution of the Council and such resolution shall specify and detail the conditions of attendance.
- 18.2 Attendance will only be approved where direct and tangible benefits can be established for the Council and the local community.
- 18.3 Requests for attendance for overseas travel must be submitted by a report to Council, included on the Council agenda (not by mayoral minute) and shall include the names of Councillors nominated to attend, purpose, expected benefits, duration, itinerary and approximate total costs.
- 18.4 After returning from overseas, Councillors attending shall submit to a full meeting of Council a detailed written report on the aspects of the trip relevant to Council business and/or the local community.
- 18.5 Details of overseas travel must be included in Council's annual report, including any details of trips for sister city relationships.

Part 7 – Legal Assistance for Mayor and Councillors

19. Legal and Representation Costs - Enquiries, Investigations, Hearings, etc.

In the event of:

- (1) any enquiry, investigation or hearing by any of:
- the Independent Commission Against Corruption,
 - the Office of the NSW Ombudsman,
 - the Division of Local Government, Department of Premier and Cabinet
 - the NSW Police Force,
 - the Director of Public Prosecutions,
 - the Local Government Pecuniary Interest and Disciplinary Tribunal, or
 - Council's Conduct Review Committee/Reviewer

into the conduct of the Mayor or a Councillor in discharging their civic office duties; or

- (2) legal proceedings being taken against the Mayor or a Councillor, arising out of or in connection with the performance of his or her civic duties or exercise of his or her functions as a Mayor or Councillor

the Council may resolve to reimburse the Mayor or such Councillor for all legal expenses properly and reasonably incurred, given the nature of the enquiry, investigation, hearing or proceeding, on a solicitor/client basis,

Provided that:

- (a) the subject of the inquiry, investigation or hearing arises from the performance in good faith of a Councillor's functions under the Act, and the matter before the investigative or review body has proceeded past any investigative phase to a formal investigation or review;
- (b) In the case of a conduct complaint made against a councillor, legal costs may only be made available where the matter has been referred by the General Manager to the Conduct Review Committee/Conduct Reviewer to make formal inquiries into the matter;
- (c) in the case of pecuniary interest or misbehaviour matters, legal costs may only be made available where a formal investigation has been commenced by the Division of Local Government;
- (d) the amount of any reimbursement of legal expenses shall be reduced by the amount of any moneys that may be or are recouped by the Mayor or Councillor on any basis;
- (e) that the enquiry investigation, hearing or proceeding results in a finding substantially favourable to the Mayor or Councillor.
- (f) where an outcome of an action or investigation against the Mayor or Councillor is substantially unfavourable to that Councillor any legal expenses must be reimbursed by the Councillor.

This policy specifically excludes the payment of legal expenses for the Mayor or Councillors where:

- (a) the Mayor or Councillor initiates a legal action;
- (b) the outcome of an action or investigation against the Mayor or Councillor is substantially unfavourable to that Councillor;
- (c) the Mayor or Councillor seeks advice in respect of possible defamation, or is seeking non-litigious remedy for possible defamation.

Part 8 – Insurances and Health Maintenance and Assessment Programs

20. Insurance – Mayor and Councillors

The Council will insure, or will provide for the insurance of the Mayor and Councillors for:

20.1 Personal Accident

Personal injury whilst ever engaged in or on any Council activity, worldwide covering bodily injury caused by accidental, violent, external and visible means up to a sub-limit for death determined by the Council and also covering permanent disablement, temporary total disability and temporary partial disability. The cover does not include medical expenses as medical expenses cannot be included due to the provisions set down in the Health Act. The Council shall determine the distribution of any benefits arising from such insurance to the Mayor or Councillor or his/her beneficiaries.

20.2 Professional Indemnity/Public Liability

- (a) **General Liability**

To indemnify the insured for all sums they shall become legally liable to pay arising out of:

- (i) death, personal injury or illness or disease to persons;
- (ii) loss or damage to property arising out of the insured's business as a Council.

(b) Professional Indemnity

To indemnify the insured for all sums they shall be legally liable for arising out of any negligent act, error or omissions in the conduct of their activities as Mayor or Councillors and arising out of the insured's business as a Council.

BUT subject to any limitations or conditions set out in the policy of insurance which is, at the direction of the Council, taken out.

- 20.3 To indemnify each insured person(s) (Mayor/Councillors) for all costs, charges, expenses and defence costs but excluding fines and penalties incurred in relation to any prosecution (criminal or otherwise) of any insured person(s), attendance by any insured person(s) at any official investigation, examination, inquiry or other proceedings ordered or commissioned during the period of insurance by any official body or institution that is empowered to investigate the affairs of the Council by reason of any wrongful act wherever or whenever committed or allegedly committed by the insured person(s) in their capacity as insured person(s), BUT subject to any limitations or conditions set out in the policy of insurance which is, at the direction of the Council.

21. Health and Wellbeing Services

The Mayor and a Councillor, if they requests such, is entitled to be included in a suitable program which provides a range of services designed to promote, maintain or support physical, social and mental well being. Such programs may provide for periodic health assessments, testing and screening and also for regular structured health or fitness programs and regimes.

Under Council's Wellness Program, Council will reimburse up to 50% of fees for club memberships, sports event entry as a competitor, or other specified wellness initiatives (or a combination), to a maximum of \$200 per councillor, per financial year.

22. Care and other related expenses

- 22.1 Reimbursement of the cost of carer arrangements, including childcare expenses and the care of the elderly, disabled and/or sick immediate family expenses and the care of the elderly, disabled and/or sick immediate family members of councillors, to allow councillors to undertake their council business obligations. Reimbursement, less any government subsidy will be subject to the production of receipts, attached to the approved form and will be at a maximum of \$2000 per annum.
- 22.2 Reimbursement of the cost of carer arrangements will require evidence that the carer nominated is accredited by the appropriate government department and any claim must be submitted on the approved form and must include receipts and tax invoices relating to the claim.

23. Training and Conference Budget Including Travel and Accommodation

Council will provide training and education for Councillors as is appropriate for effective discharge of the function of civic office, functions and responsibilities.

Such training will be at Council's expense and will be provided in-house or by outside providers as appropriate.

Council will provide up to \$5,000 per Councillor per annum for training, education and conference costs, including any incidental costs associated with Councillor attendance.

An individual Councillor may carry over their unspent funds from the previous financial year only.

24. Attendance at Council Functions

Where a Councillor attends a function on behalf of Council (ie. on Council Business), Council will pay for the cost of attendance at that function. Where the attendee is the Mayor, where the Mayor's is invited to bring a guest (to be addressed in the invitation), the guest will also be covered.

25. Gifts and Benefits

A councillor must not:

- seek or accept a bribe or other improper inducement
- by virtue of his or her position, acquire a personal profit or advantage which has a monetary value, other than one of a token value.

A councillor must not seek or accept any payment, gift or benefit intended or likely to influence, or that could be reasonably perceived by an impartial observer as intended or likely to influence a Councillor or staff member to:

- act in a particular way (including making a particular decision)
- fail to act in a particular circumstance
- otherwise deviate from the proper exercise of his or her official duties.

A councillor may accept gifts or benefits of a nominal or token value that do not create a sense of obligation on his or her part or that may not be perceived to be intended or likely to influence him or her in carrying out their public duty.

A councillor must never accept an offer of money, regardless of the amount.

No matter the value, all gifts and benefits must be declared and the appropriate paperwork associated with this is to be completed.

For further information Councillors should consult the Gifts and Benefits Policy (STR-PL 005).

26. Public Meetings

Councillors wishing to conduct community engagement activities in their Ward to create public drop-in sessions are provided advertising support. A budget of up to \$500 per annum is available to each Councillor to cover advertising costs associated with the promotion of these sessions via Council's Warringah Update. Costs can be split by those Ward Councillor attending the sessions. Council signage will also be made available to Councillors. This program will be available up until six months prior to scheduled Local Government Elections.

27. Reporting

Council shall report separately, on an annual basis, on

- The total cost of expenses and the provision of facilities for the mayor and all councillors, as well as:

- The cost of phone calls including mobiles, home located landlines, facsimile and internet services
 - Spouse/partner/accompanying person expenses
 - Conference and seminar expenses
 - Training and skill development expenses
 - Interstate travel expenses
 - Overseas travel expenses
 - Care and other related expenses
 - The cost of the provision, including rental, of dedicated office equipment allocated to councilors on a personal basis such as ;laptops, mobile phones, telephones and facsimile machines and internet installed in the councillors homes. This item does not include the costs of using this equipment, such as calls.
 - The provision of facilities and equipment where such provision is above what would normally be required for the day to day running of the council.
-

APPENDIX A

Provision & Use of a Mayoral Vehicle

1. Introduction

The Council's adopted Code for the Payment of Expenses & Provision of Facilities for the Mayor and Councillors stipulates that the Council will provide a suitable and appropriate vehicle for use by the Mayor for all official, executive and social duties connected with the office of Mayor and for occasional or full private or personal use.

The Council cannot make a motor vehicle, owned or leased by the Council, available for the exclusive or primary use or disposition of a particular Councillor other than a Mayor.

2. Policy statement

2.1 The Council will:

- provide servicing, maintenance, registration and insurance of a suitable vehicle,
- provide all fuel, which may be charged against fuel card, whilst the vehicle is used for Council business

2.2 The vehicle will be registered and comprehensively insured by Warringah Council.

2.3 A car telephone and special accessories where required, shall be provided, fitted, installed and removed at Council's cost.

2.4 The vehicle shall be available for the exclusive use of the Mayor, subject to the conditions of this Policy.

3. Principles

3.1 Use of Vehicle

A vehicle is made available for use by the Mayor:

- To attend any function, activity or engagement whether associated with local government or not, both within and outside the Warringah Council area, at any time and on any day, in the official capacity of Mayor.
- At any time or day to attend any meetings, inspections, sites or appointments within Warringah as Mayor, with residents, ratepayers or people associated with Council business.
- For occasional or full personal or private use. Where private or personal use is on an occasional basis, the Mayoral Allowance will be reduced on a per kilometre basis, by the rate set by the Local Government (State) Award, and in accordance with a log submitted by the Mayor on a monthly basis. Where full private or personal use is chosen, the Mayoral Allowance will be reduced, in accordance with the Light Vehicle Allocation and Private Use Car Scheme Management Policy, MGT – PL 105 (Clause 2.1 – Contract Staff – TPR Calculation).
- For travel within Warringah for any Council related purpose or function.

3.2 Restrictions on Use of Vehicle

The following restriction shall apply to the use of the Mayoral vehicle:

(a) The vehicle shall only be driven by a properly licensed person, being:

- The Mayor, or

- Council employee, or
 - a Councillor of Warringah, with the Mayor's consent
 - a member of the Mayor's immediate family, e.g. mother/father/son/daughter/brother/sister, partner/spouse, or
 - a nominated person, so long as the Mayor is a passenger in the car.
- (b) The Mayor shall not use, or allow the vehicle to be used, to compete in any car rally or competition.
- (c) The vehicle is not to be used for any trading undertaking or for any activity where remuneration is received which is not directly related to Council business or activities of the office of Mayor.

3.3 Conditions of Use of Mayoral Vehicle

- (a) The Mayor, if he/she intends to drive the vehicle, must show evidence of a current New South Wales driver's licence of an appropriate class, or equivalent, and be the holder of a licence for the duration of their use of the vehicle. If the Mayor loses his/her licence or is suspended from driving, they must immediately:
- forfeit use of or access to the Mayoral vehicle, or
 - provide evidence of a properly licensed person who will be the driver of the vehicle whenever used by the Mayor during such period.
- (b) Whenever the Mayor has the control of the vehicle, the Mayor must ensure that it is driven only by a responsible properly licensed person as above.
- (c) If the Mayor drives, or allows another person to drive the vehicle without a current driver's licence, or whilst disqualified for any reason, the Council may withdraw the vehicle from access by the Mayor.
- (d) All traffic fines and penalties incurred by the Mayoral vehicle will be paid by the driver. The Mayor must keep a record of any drivers of the vehicle, other than the Mayor, whom the Mayor permits to drive the vehicle.
- (e) If the Mayor or a properly licensed person, by their action, negates any motor vehicle insurance, that person will be responsible for the payment of costs as a consequence thereof.
- (f) The Mayor always remains responsible for ensuring proper and adequate care and usage of the vehicle at all times including:
- day to day routine maintenance e.g. fuel, oil, battery, radiator, tyre pressures etc. is carried out at regular intervals,
 - garaging, i.e. if available off-street and under cover,
 - the vehicle is kept in a clean condition, by making it available to Council staff weekly for this purpose,
 - all maintenance/repair issues are reported to Fleet Management without delay,
 - that any accident or damage to the vehicle is immediately reported using the appropriate Accident Report Form
 - If the Mayor or a properly licensed person, whilst driving the vehicle, is convicted of drink-driving or an offence leading to licence suspension or loss in association with an accident involving the Mayoral vehicle, the Mayor will be required to pay the cost of associated repairs in the event that Council's insurers disclaim responsibilities on the grounds of such conviction, suspension or loss.

4. Definitions

"Nominated person" means the holder of a current NSW driver's licence who is nominated by the Mayor, in writing to the General Manager, as a person who may regularly drive the Mayoral Vehicle whilst the Mayor is a passenger in the vehicle.

APPENDIX B

1.1 Provisions under the Local Government Act 1993

1.1.1 General policy-making requirements

Section 252 of the Local Government Act requires councils to adopt or amend a policy annually for the payment of expenses and the provision of facilities to mayors, deputy mayors and other councillors. Mayors and councillors can only be reimbursed for expenses and provided with facilities in accordance with this policy.

Section 252 also makes provision for a council to reduce the amount payable to mayors and councillors (under sections 248-251 of the Act) by the amount representing any private benefit of a facility provided by the council to them. It also requires that the policy be made under the provisions of this Act, the Regulation and any relevant guidelines issued under section 23A of the Act (these guidelines).

Section 252 (Payment of expenses and provision of facilities) states:

- (1) Within 5 months after the end of each year, a council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.*
- (2) The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor.*
- (3) A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.*
- (4) A council may from time to time amend a policy under this section.*
- (5) A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.*

1.1.2 Policy development, review and submission requirements

Section 253 of the Act specifies actions that council must undertake before a policy concerning expenses and facilities can be adopted or amended. It requires councils to make and submit their expenses and provision of facilities policies annually to the Division of Local Government.

Section 253 (Public notice of proposed policy or amendments concerning expenses and facilities) states:

- (1) A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.*
- (2) Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.*
- (3) Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.*

- (4) *Within 28 days after adopting a policy or making an amendment to a policy for which public notice is required to be given under this section, a council is to forward to the Director-General:*
- (a) *a copy of the policy or amendment together with details of all submissions received in accordance with subsection (1), and*
 - (b) *a statement setting out, for each submission, the council's response to the submission and the reasons for the council's response, and*
 - (c) *a copy of the notice given under subsection (1).*
- (5) *A council must comply with this section when proposing to adopt a policy each year in accordance with section 252 (1) even if the council proposes to adopt a policy that is the same as its existing policy.*

Section 254 of the Act requires that a part of a council or committee meeting which considers the adopting or amending of such a policy must not be closed to the public.

1.1.3 The role of a councillor

Section 232 of the Local Government Act defines the role of a councillor. It provides that councillors have two distinct roles; as a member of the governing body of the council; and as an elected person. Councils as members of the governing body should work as part of a team to make decisions and policies that guide the activities of the council. The role as an elected person requires councillors to represent the interests of the community and provide leadership. Councillor expenses and facilities policies should facilitate and assist councillors to carry out their role.

Section 232 (What is the role of a councillor?) states:

- (1) *The role of a councillor is, as a member of the governing body of the council:*
- *to direct and control the affairs of the council in accordance with this Act*
 - *to participate in the optimum allocation of the council's resources for the benefit of the area*
 - *to play a key role in the creation and review of the council's policies and objectives and criteria relating to the exercise of the council's regulatory functions*
 - *to review the performance of the council and its delivery of services, and the management plans and revenue policies of the council.*
- (2) *The role of a councillor is, as an elected person:*
- *to represent the interests of the residents and ratepayers*
 - *to provide leadership and guidance to the community*
 - *to facilitate communication between the community and the council.*

1.1.4 Other requirements

Section 12 provides that the public is able to inspect during office hours at the council, and at no charge, the current version and the immediately preceding version of the council's expenses and facilities policy. The public are also entitled to a copy of the policy either free of charge or on payment of a reasonable copying charge.

Section 23A makes provision for the Director General of the former Department of Local Government to prepare, adopt or vary guidelines that relate to the exercise by a council of any of

its functions. It also requires that a council must take the relevant guidelines into consideration before exercising any of its functions.

1.2 Provisions under the Local Government (General) Regulation 2005

Clause 271 of the Regulation requires councils to include detailed information in their annual reports about the payment of expenses and facilities to councillors.

Clause 217 (Additional information for inclusion in annual reports) states in part:

- (1) *For the purposes of section 428 (2) (r) of the Act, an annual report of a council is to include the following information:*
- details (including the purpose) of overseas visits undertaken during the year by councillors, council staff or other persons while representing the council (including visits sponsored by other organisations),*
- (a1) *details of the total cost during the year of the payment of the expenses of, and the provision of facilities to, councillors in relation to their civic functions (as paid by the council, reimbursed to the councillor or reconciled with the councillor), including separate details on the total cost of each of the following:*
- (i) the provision during the year of dedicated office equipment allocated to councillors on a personal basis, such as laptop computers, mobile telephones and landline telephones and facsimile machines installed in councillors' homes (including equipment and line rental costs and internet access costs but not including call costs),*
 - (ii) telephone calls made by councillors, including calls made from mobile telephones provided by the council and from landline telephones and facsimile services installed in councillors' homes,*
 - (iii) the attendance of councillors at conferences and seminars,*
 - (iv) the training of councillors and the provision of skill development for councillors,*
 - (v) interstate visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,*
 - (vi) overseas visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,*
 - (vii) the expenses of any spouse, partner or other person who accompanied a councillor in the performance of his or her civic functions, being expenses payable in accordance with the Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors for Local Councils in NSW prepared by the Director-General from time to time,*
 - (viii) expenses involved in the provision of care for a child of, or an immediate family member of, a councillor, to allow the councillor to undertake his or her civic functions.*

Clause 403 disallows the payment of a general expense allowance and for a vehicle to be made available for the exclusive use of a councillor other than the mayor.

Clause 403 (Payment of expenses and provision of facilities) states:

A policy under section 252 of the Local Government Act 1993 must not include any provision enabling a council:

- (a) to pay any councillor an allowance in the nature of a general expense allowance, or*
- (b) to make a motor vehicle owned or leased by the council available for the exclusive or primary use or disposition of a particular councillor other than a mayor.*

1.3 Other NSW Government policy provisions

1.3.1 Division of Local Government Guidelines

As noted above under section 252(5) of the *Local Government Act 1993* the council expenses policy must comply with these guidelines issued under section 23A of the Act.

1.3.2 Circulars to Councils

The policy must take into account the following Circulars.

Circular 08/24 *Misuse of council resources.*

Circular 08/37 *Council decision making prior to ordinary elections*

As previously stated, these guidelines replace any previous versions of these Guidelines and Circular 04/60 *Policy on payment of facilities to the mayor, deputy mayor and other councillors.*

1.3.3 The Model Code of Conduct for Local Councils in NSW (DLG)

The policy should be consistent with the *Model Code of Conduct for Local Councils in NSW, Department of Local Government – June 2008*. The following parts of the code are particularly relevant to s252 policies:

Use of council resources (pp 23-24)

10.12 You must use council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.

10.14 You must be scrupulous in your use of council property, including intellectual property, official services and facilities and should not permit their misuse by any other person or body.

10.15 You must avoid any action or situation, which could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

10.16 The interests of a councillor in their re-election is considered to be a personal interest and as such the reimbursement of travel expenses incurred on election matters is not appropriate. Council letterhead, council crests and other information that could give the impression it is official council material must not be used for these purposes.

10.17 You must not convert any property of the council to your own use unless properly authorised.

1.3.4 Councillor Induction and Professional Development Guide (DLG)

The policy provisions on training and development should integrate with any training and development policy, plan or program developed by the council. The Division has produced a *Councillor Induction and Professional Development Guide* (September 2008) to assist councils to develop these programs.

1.3.5 No Excuse for Misuse, preventing the misuse of council resources (ICAC)

Councils should also be aware of and take account of the Independent Commission Against Corruption (ICAC) publication *No Excuse for Misuse, preventing the misuse of council resources* (Guidelines 2) November 2002. This publication is available on the ICAC website in at www.icac.nsw.gov.au.

ITEM 8.4	REPORTING OF STRATEGIC REFERENCE GROUP MINUTES
REPORTING MANAGER	DEPUTY GENERAL MANAGER ENVIRONMENT
TRIM FILE REF	2012/394648
ATTACHMENTS	1 Notes of R&OS-SRG Meeting 14 November 2012 2 Draft Minutes Extraordinary R&OS-SRG 26 November 2012 3 Draft Minutes I&D-SRG 14 November 2012 4 Draft Minutes ES-SRG 14 November 2012

REPORT

PURPOSE

To report the notes of meeting and draft minutes of the Strategic Reference Group (SRG) meetings held 14 November 2012 and 26 November 2012.

REPORT

The Strategic Reference Groups meet quarterly and held one round of meetings in November.

The Recreation & Open Space SRG did not achieve quorum at the 14 November meeting and as such called an Extraordinary meeting on 26 November 2012. The notes of the 14 November meeting and the draft minutes of the 26 November meeting are presented for noting. The following are submitted to Council for noting:

- Notes of Recreation & Open Space SRG meeting 14 November 2012
- Draft Minutes Recreation & Open Space SRG Extraordinary meeting 26 November 2012
- Draft Minutes Infrastructure & Development SRG meeting 14 November 2012
- Draft Minutes Environmental Sustainability SRG meeting 14 November 2012

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That the notes of meeting and draft minutes of the Strategic Reference Group meetings held on 14 and 26 November 2012 be noted.

NOTES

RECREATION AND OPEN SPACE STRATEGIC REFERENCE GROUP MEETING

held at the Presidents Lounge, Brookvale Oval on

WEDNESDAY 14 NOVEMBER 2012

warringah.nsw.gov.au



**Notes of the Recreation and Open Space Strategic Reference Group
Meeting held on Wednesday 14 November 2012
at the Presidents Lounge, Brookvale Oval
Commencing at 7:25pm**

ATTENDANCE:

Members

Councillor Duncan Kerr (Deputy Chair)
Mr Tony Pecar
Mr Chris Thomas
Ms Julie Whitfield
Mr Patrick Wong

Council Officers

Mr Michael Keelan	Group Manager Parks Reserves and Foreshores
Mr Damian Ham	Recreation Management Manager
Mr Anthony Johansson	Asset Management Manager
Ms Ximena Von Oven	Administrator Officer – Governance

PLEASE NOTE: Quorum was not achieved for this meeting

Cr Kerr advised that there was a lack of quorum but that the members present wished to go ahead with the meeting noting that no official decisions could be made by the group.

1.0 APOLOGIES

Apologies were received from Councillor Michael Regan, Councillor Jose Menano-Pires and Melissa Palermo.

2.0 DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST

Nil

3.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

**3.1 MINUTES OF RECREATION AND OPEN SPACE STRATEGIC REFERENCE GROUP
HELD 1 AUGUST 2012**

That due to lack of quorum this item be deferred to the next formal meeting.

4.0 UPDATE ON ACTIONS FROM LAST MEETING

4.1 UPDATE ON ACTIONS FROM 1 AUGUST MEETING

SRG members reviewed the update on actions and discussed those due in February.

5.0 STRATEGIC DISCUSSION TOPIC

5.1 NORTH NARRABEEN BEACH RESERVE AND BIRDWOOD PARK - RESULTS FROM PUBLIC EXHIBITION ON DRAFT LANDSCAPE MASTERPLAN

That due to lack of quorum this item could not be considered. It was requested that an extraordinary meeting be convened in order for a formal recommendation on this item to be formed, it was proposed for the meeting to take place 5.30pm Thursday 22 November 2012.

6.0 MINUTES/DRAFT MINUTES OF COMMUNITY COMMITTEES

6.1 NOTING OF COMMUNITY COMMITTEE DRAFT MINUTES & MINUTES

That due to lack of quorum this item be deferred to the next formal meeting.

7.0 GENERAL BUSINESS

7.1 HOUSE KEEPING

Recreation and Open Space Strategic Reference Group Members proposed that meetings be held on the first Wednesday bimonthly starting at 6:30pm.

The meeting concluded at 8:00pm

MINUTES

EXTRAORDINARY RECREATION AND OPEN SPACE STRATEGIC REFERENCE GROUP MEETING

held in the Walamai Room, Civic Centre on

MONDAY 26 NOVEMBER 2012

warringah.nsw.gov.au



**Minutes of an Extraordinary Meeting of the Recreation and Open Space
Strategic Reference Group held on Monday 26 November 2012
In the Walamai Room, Civic Centre
Commencing at 6:00pm**

ATTENDANCE:

Members

Cr Michael Regan	(Chairperson)
Cr Duncan Kerr	(Deputy Chair)
Cr Jose Menano-Pires	
Mr Don Norris	
Mr Tony Pecar	
Mr Paul Smith	
Mr Chris Thomas	
Ms Julie Whitfield	
Mr Patrick Wong	

Council Officers

Mr Todd Dickinson	Group Manager Environment
Mr Damian Ham	Acting Group Manager Parks Reserves and Foreshores
Ms Melissa Lee	Governance Manager

1.0 APOLOGIES

PROCEDURAL MOTION - APOLOGY

MR SMITH /MS WHITFIELD

That Ms Palermo and Ms Wilkinson be granted leave of absence for this meeting.

VOTING

For the resolution: Regan, Kerr, Menano-Pires, Smith, Whitfield, Thomas, Wong, Pecar and Norris

Against the resolution: Nil

CARRIED

2.0 DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST

Nil

3.0 STRATEGIC DISCUSSION TOPIC

3.1 NORTH NARRABEEN BEACH RESERVE AND BIRDWOOD PARK - RESULTS FROM PUBLIC EXHIBITION ON DRAFT LANDSCAPE MASTERPLAN

Ms Whitfield / Mr Pecar

That:

- A. The Recreation and Open Space Strategic Reference Group endorse the revised Masterplan for North Narrabeen Beach Reserve and Birdwood Park on the basis that it is a conservative and considered approach to public recreation and environmentally sensitive land.
- B. The community and the relevant Strategic Reference Groups continue to be kept informed by Council of progress.

VOTING

For the resolution: Regan, Kerr, Menano-Pires, Smith, Whitfield, Thomas, Wong, Pecar and Norris

Against the resolution: Nil

CARRIED

7.0 GENERAL BUSINESS

7.1 RECOMMENDATION FROM 23 OCTOBER COUNCIL MEETING REGARDING APOLOGIES AT STRATEGIC REFERENCE GROUP MEETINGS

ACTION

That Governance clarify with each of the Strategic Reference Groups the interpretation of the change to the following paragraph in the Strategic Reference Group Guidelines under Quorum and Voting relating to apologies adopted as part of the Strategic Reference Group and Community Committee Review in October 2012:

"No member should be absent for more than two (2) consecutive meetings of a Strategic Reference Group without first seeking, and being granted, leave by the relevant Group. If a member is not in attendance for two (2) or more meetings without being granted leave, their membership will be re-evaluated."

The meeting concluded at 6.30pm.

MINUTES

INFRASTRUCTURE AND DEVELOPMENT STRATEGIC REFERENCE GROUP MEETING

held at the Presidents Lounge, Brookvale Oval, on

WEDNESDAY 14 NOVEMBER 2012

warringah.nsw.gov.au



**Minutes of Infrastructure and Development Strategic Reference Group
Meeting held on Wednesday 14 November 2012
at the Presidents Lounge, Brookvale Oval,
Commencing at 6:35pm**

ATTENDANCE:

Members

Cr Sue Heins	(Chairperson)
Ms Jane Hauser	
Mr John Hewitt	
Mr Manjit Rana	
Ms Ann Sharp	
Mr Michael Syme	

Council Officers

Mr Boris Bolgoff	Group Manager Roads Traffic and Waste
Mr David Kerr	Group Manager Strategic Planning
Mr Campbell Pfeiffer	Group Manager Buildings Property and Spatial Information
Ms Anna Moore	Coordinator Governance

Members congratulated Cr Heins on her election as a Councillor and welcomed her as the new Chair of the Infrastructure and Development Strategic Reference Group.

1.0 APOLOGIES

Apologies were received from Mr Collins, Ms Lowe, Cr Regan and Cr Menano-Pires as he was attending the Recreation and Open Space SRG meeting.

2.0 DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST

Nil

3.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

3.1 MINUTES OF INFRASTRUCTURE & DEVELOPMENT SRG HELD 8 AUGUST 2012

001/12 **RESOLVED**

Mr Syme / Ms Hauser

That the Minutes of the Meeting the Infrastructure and Development Strategic Reference Group held 8 August 2012, copies of which were previously circulated to all Members, be confirmed as a true and correct record of the proceedings of that meeting.

4.0 UPDATE ON ACTIONS FROM LAST MEETING

4.1 UPDATE ON ACTIONS FROM 8 AUGUST MEETING

DECISION

That the Update on Actions from the 8 August meeting be received and noted.

5.0 STRATEGIC DISCUSSION TOPIC

5.1 WORKSHOP SUGGESTIONS FROM SRG REVIEW

Members had discussions around the draft ground rules and roles and responsibilities list. They also discussed the importance of strong chairing of the meeting, keeping the agenda strategic and the process for reporting of Community Committee actions.

DECISION

That the Infrastructure and Development Strategic Reference Group supports the idea of the:

1. Draft SRG ground rules, acknowledging that it is a living document that can be added
2. Draft Roles & Responsibilities and that it should be circulated to members for further review and feedback

6.0 MINUTES/DRAFT MINUTES OF COMMUNITY COMMITTEES

6.1 NOTING OF COMMUNITY COMMITTEE MINUTES

002/12 **RESOLVED**

Mr Hewitt / Mr Syme

1. That the Draft Minutes/Minutes of the following Community Committees be received and noted.
 - a) Draft Minutes of Beacon Hill War Memorial Community Committee meeting held on 6 August 2012.
 - b) Minutes of Harbord Literary Institute Community Committee meeting held on 20 February 2012.
 - c) Minutes of Harbord Literary Institute Community Committee meeting held on 12 May 2012.
 - d) Draft Minutes of Harbord Literary Institute Community Committee meeting held on 20 August 2012.
2. That the action in relation to Item 3.1 raised in the Draft Minutes of Harbord Literary Institute Community Committee meeting held on 20 August 2012 be referred to the Group Manager Roads, Traffic and Waste for further consideration.

7.0 GENERAL BUSINESS

7.1 HOUSE KEEPING

DECISION

Infrastructure and Development Strategic Reference Group Members agreed that:

1. A replacement for the vacant community representative position previously held by Cr Heins will not be sought due August 2013 being the end of term for the current members.
2. Meetings will be held on the second Tuesday bimonthly starting at 6pm.

The meeting concluded at 8:09pm

MINUTES

ENVIRONMENT SUSTAINABILITY STRATEGIC REFERENCE GROUP MEETING

held at Presidents Lounge, Brookvale Oval on

WEDNESDAY 14 NOVEMBER 2012

warringah.nsw.gov.au



Minutes of the Environmental Sustainability Strategic Reference Group
Meeting held on Wednesday 14 November 2012
at the Presidents Lounge, Brookvale Oval
Commencing at 7:30pm

ATTENDANCE:

Members

Cr Wayne Gobert OAM	(Chairperson)
Cr Roslyn Harrison	(Deputy Chairperson)
Cr Vanessa Moskal	
Dr Paul Hackney	
Dr Alan Jones	
Ms Gail Phillips	
Ms Michelle Sheather	
Ms Sian Waythe	

Council Officers

Mr Todd Dickinson	Acting Deputy General Manager Environment
Mr Robert Barbuto	Acting Group Manager Natural Environment
Mr Adrian Turnbull	Environmental Strategy Manager
Mr Daylan Cameron	Senior Environment Officer – Natural Hazards
Ms Lia Skountzos	Senior Project Officer - Parks Reserves & Foreshores
Ms Ximena Von Oven	Administrator Officer – Governance

Visitor

Mr Brendan Donohue	Representative of Warringah Coastal Community Committee
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1.0 APOLOGIES

An apology was received from Alison Tourle

2.0 DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST

Nil

3.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

3.1 MINUTES OF ENVIRONMENTAL SUSTAINABILITY SRG HELD 13 AUGUST 2012

001/12 **RESOLVED**

Ms Sheather / Dr Jones

That the Minutes of the Meeting the Environmental Sustainability SRG held 13 August 2012, copies of which were previously circulated to all Members, be confirmed as a true and correct record of the proceedings of that meeting.

4.0 UPDATE ON ACTIONS FROM LAST MEETING

4.1 UPDATE ON ACTIONS FROM 13 AUGUST MEETING

002/12 **RESOLVED**

Cr Harrison / Dr Jones

That the Update on Actions from the 13 August meeting be received and noted.

5.0 STRATEGIC DISCUSSION TOPIC

5.1 NORTH NARRABEEN BEACH RESERVE AND BIRDWOOD PARK - RESULTS FROM PUBLIC EXHIBITION ON DRAFT LANDSCAPE MASTERPLAN

Mr Brendan Donohue addressed members regarding the recommendation of the Warringah Coastal Community Committee from their meeting on 12 November 2012 in relation to the revised Masterplan.

003/12 **RESOLVED**

Dr Hackney / Ms Phillips

That:

1. The Environmental Sustainability Strategic Reference Group supports the North Narrabeen Beach Reserve and Birdwood Park Masterplan in principle.
2. The support of the Environmental Sustainability Strategic Reference Group is based on the unique site specific circumstances of the North Narrabeen National Surfing Reserve.

VOTING

For the resolution: Waythe, Phillips, Jones, Moskal, Harrison and Gobert

Against the resolution: Nil

CARRIED

NOTE: Dr Hackney & Ms Sheather abstained from voting

6.0 MINUTES/DRAFT MINUTES OF COMMUNITY COMMITTEES

6.1 NOTING OF COMMUNITY COMMITTEE MINUTES

004/12 RESOLVED

Ms Waythe / Dr Jones

That the Draft Minutes of the Dee Why and Curl Curl Lagoon Community Committee meeting held 17 July 2012 be received and noted.

The meeting concluded at 8:10pm

ITEM 8.5	TEMPORARY AMENDMENT TO QUORUM REQUIREMENTS FOR STRATEGIC REFERENCE GROUP MEETINGS
REPORTING MANAGER	DEPUTY GENERAL MANAGER ENVIRONMENT
TRIM FILE REF	2012/411501
ATTACHMENTS	NIL

REPORT

PURPOSE

To seek endorsement from Council to temporarily amend the quorum requirements for Strategic Reference Groups.

REPORT

The Strategic Reference Groups (SRGs) are a part of Council's community engagement framework and the membership is set as three Councillors and nine community representatives.

The SRGs were due to be formally reconstituted after the September 2012 election however following the review of the SRGs and Community Committees, Council agreed to extend the current term, including current membership, until August 2013. This was recommended to enable SRG members to be involved in the development of the Community Strategic Plan review as well as offer continuity of the SRGs with any new Councillors needing to familiarising themselves with Council and the SRGs.

There is currently one vacant position on the Infrastructure & Development SRG, which is due to the successful election of previous community representative Councillor Sue Heins, now Chair of the Infrastructure & Development SRG and one vacant position on the Recreation & Open Space SRG.

As the anticipated time to recruit new members is approximately 2-3 months this would only allow new members to attend 2-3 SRG meetings before the term and membership of the SRGs ends. The SRGs are also the subject of a Business Excellence Continuous Improvement project with recommendations being discussed, workshopped with SRG members input and implemented until August 2013. Therefore it is recommended not to recruit new members until September 2013 when all community representatives' positions will become vacant and subsequently advertised.

The Guidelines for Strategic Reference Groups states:

"Quorum and Voting

A quorum for any meeting of a Strategic Reference Group will comprise a majority of voting members of the Group [including at least one Councillor]"

Under the current guidelines quorum for each meeting is seven SRG members including a Councillor. At the first meeting of the Recreation & Open Space SRG meeting on 14 November 2012 a quorum was not achieved and as such an extraordinary meeting was called for the 26 November 2012.

It is proposed that to reduce the need to hold extraordinary meetings and to improve the ability for the SRGs to hold official meetings and make decisions until September 2013 the quorum be adjusted to exclude vacant positions. This would mean that the quorum for the Infrastructure & Development SRG and the Recreation & Open Space SRG would be six SRG members including a Councillor.

FINANCIAL IMPACT

Nil

POLICY IMPACT

If adopted by Council this recommendation would supersede the Guidelines for Strategic Reference Groups until September 2013.

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That until September 2013 the quorum requirements for the Strategic Reference Groups be amended to be a majority of members excluding vacant positions.

ITEM 8.6	HERITAGE PLAQUES POLICY
REPORTING MANAGER	GROUP MANAGER STRATEGIC PLANNING
TRIM FILE REF	2012/391487
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

To furnish a short report on the development of a Heritage Plaques Policy in order to be considered for funding in 2013/14 budget, to satisfy Council resolution Item 10.3 on 26 June 2012.

SUMMARY

Council staff have done an initial investigation on the development of a Heritage Plaques Policy. In undertaking this, the view has been formed that the project should be broken into two components: (1) A Heritage Plaques Policy and (2) A Warringah Walks, Rides and/or Drives Project (the reasons are outlined in more detail in the report).

With regard to the Heritage Plaques Policy, a project scope, timing and costing for the policy is outlined in this report and it is recommended that this project be undertaken within the 2013/14 financial year at minimal cost to Council.

With regard to the Warringah Walks, Ride and/or Drives Project, it is recommended that further preliminary investigations be undertaken and that the project scope, cost and timing of this project be furnished to Council at a later date.

FINANCIAL IMPACT

Aside from staff time, the main cost will result from community engagement (workshops, mail outs and public exhibition) in accordance with Council's Community Engagement Policy when undertaking the development of the Heritage Plaques Policy. Engagement costs are estimated at \$3000.

POLICY IMPACT

A Heritage Plaques Policy and associated implementation guidelines will be prepared and if appropriate, incorporated into Council's existing Warringah Memorials and Plaques Policy (March 2002). The resulting policy will be reported to Council for adoption at the completion of this project.

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That

- A. The Heritage Plaques Policy and associated implementation guidelines be prepared and if appropriate, incorporated into Council's existing Warringah Memorials and Plaques Policy (March 2002). The resulting policy is to be reported to Council for adoption at the completion of this project.
 - B. Council be furnished with a short report on the development of a Warringah Walks, Rides and/or Drives Project. This report will include the project scope, timing and cost of the development and implementation of such a project for Council consideration.
-

REPORT

BACKGROUND

Council resolved at its meeting on 26 June 2012:

That Council be furnished with a short report on the development of a heritage plaques policy within 6 months or less as necessary in order to be considered for funding in 2013/14. The report will include the project scope, timing and cost of the development and implementation of such a policy. The Policy will address initiatives such as:

- *Suggested walks and/or drives based on themes - indigenous, European settlement, architectural, industrial, commercial, environmental, etc*
- *Supplementary supporting information for use by the public, accessed via Council's website and distributable printed material*
- *Plaques installed at places of significance; places to include items listed in the WLEP Schedule 5 and sites where historically and culturally significant structures once stood and activities once occurred*
- *The plaques are to include enough information so that a casual observer is able to understand that the place is historically and/or culturally significant, and links to additional information.*

Council staff have developed a way forward in response to this Council Resolution that involves two separate projects – (1) A Heritage Plaques Policy and (2) A Warringah Walks, Rides and/or Drives Project. Two separate projects have been recommended because 'suggested walks and/or drives based on themes' does not comfortably fit within the definition of a policy (noting that a policy is typically used to describe a principle or rule to guide decisions and achieve rational outcomes). Therefore, to address the Council Resolution the following projects are recommended:

Project No.1: The preparation of a Heritage Plaques Policy and associated implementation guidelines. If deemed appropriate, this policy will be incorporated into Council's existing Warringah Memorials and Plaques Policy (March 2002).

This project is recommended for funding in the 2013/14 financial year. The project scope, timing and costs associated with its development and implementation are outlined below for Council consideration.

Project No.2: A Warringah Walks, Rides and/or Drives Project.

This project requires further internal consultation and investigations to refine the project scope, timing and costs, prior to it being reported to Council for consideration.

PROJECT No.1: Heritage Plaques Policy & Implementation Guidelines Project

Project Scope

A Heritage Plaques Policy and associated implementation guidelines will be prepared and if appropriate, incorporated into Council's existing Warringah Memorials and Plaques Policy (March 2002).

The Heritage Plaques Policy will provide a process for the installation of heritage plaques in public spaces. These plaques will serve to recognise the importance of celebrating Warringah's history, culture, diversity, environment, places, people, organisations / groups and events of national, state

or local significance. These plaques will also serve to stimulate community interest and aid development of a broader understanding of the local area.

The Heritage Plaques Policy will also provide a process for the installation of heritage plaques on privately owned land (subject to owners consent) in recognition of heritage items as listed under Schedule 5 of the Warringah Local Environmental Plan 2011 (WLEP2011).

As part of the scope of this project, a Council webpage will also be developed to provide information on where heritage plaques are located in Warringah and additional information on the subject matter of each plaque, where this could not be provided on the plaque itself. This webpage may also be linked to the plaque via phone application technology, following an investigation into available technologies.

In developing the Heritage Plaque Policy, community engagement will be conducted in accordance with the Warringah Council Community Engagement Policy, February 2011.

Draft Guiding Principles and Implementation Guidelines of the Heritage Plaques Policy

The following draft guiding principles for the Heritage Plaque Policy are identified here. These may be further developed and refined when undertaking the project:

- Developing and enhancing an awareness and appreciation of the history, culture, diversity and environment of Warringah
- Appropriately commemorating and honouring people and organisations / groups who have contributed significantly to our community
- Commemorating places or events of national, state or local significance
- Effectively managing public enquiries, requests and offers of gifts in relation to plaques
- Ensuring a uniform appearance of plaques, inclusive of Warringah's corporate image
- Ensuring that the physical condition of plaques is monitored and maintained
- Fostering partnerships across council to ensure an integrated organisational approach to the construction of plaques in the region
- Fostering partnerships in the community to ensure heritage plaques are respected
- Respecting the rights of owners of heritage items by ensuring owners' consent is granted prior to the installation of a heritage plaque on privately owned land.

The main objectives of the Draft Implementation Guidelines for the assessment of requests, installation, maintenance and tenure of plaques are outlined here. Please note, these may be further developed and refined when undertaking the project:

- To assist community members when considering a request for a plaque on land owned or controlled by Council or on privately owned land associated with a heritage item listed under Schedule 5 of the WLEP2011
- To assist Council staff in managing requests and to ensure that public open space is maintained as a valuable commodity for all the community to enjoy
- To support an effective work process for the processing of plaque applications
- To ensure that the design and placement of a plaque is appropriate to the site and respects the heritage significance of the item or place
- To ensure plaques are installed in accordance with legislative requirements

- To ensure that the design and placement of a plaque does not present a safety risk
- To ensure that the physical condition of plaques is monitored and maintained
- To educate the community via the plaque content and/or Council's website.

Plaque Definition:

Plaque: A flat tablet of metal, stone or other appropriate material which includes text and/or images which commemorate a significant person/group/association/place/heritage listed item or an event and/or provides historical text or information relevant to its location. Such tablets are to be affixed or incorporated into an object, building or pavement.

Draft Exclusions

The Heritage Plaques Policy and Implementation Guidelines will not cover requests for plaques on privately owned land, with the exception of plaques which serve to commemorate heritage items listed under Schedule 5 of the WLEP2011 (subject to owners' consent).

The Heritage Plaques Policy and Implementation Guidelines will not include Council funding for the manufacture, installation or maintenance of plaques proposed by external parties. A proposer of a heritage plaque will be required to pay for the manufacture, implementation and maintenance of that plaque.

CONSULTATION

Community engagement for this project will be in accordance with Warringah Council Community Engagement Policy. Key external stakeholders to be consulted include but are not limited to:

- Landowners of heritage items listed under Schedule 5 of the WLEP2011
- Warringah Heritage Community Committee
- Manly Warringah Pittwater Historical Society
- Warringah Council Strategic Reference Groups
- NSW Heritage Branch, Office of Environment and Heritage
- Aboriginal Heritage Office
- Interested members of the community.

TIMING

The Heritage Plaque Policy project is to be completed within the 2013/14 operational budget.

FINANCIAL IMPACT

Aside from staff time, the main cost will result from community engagement (workshops, mail outs and public exhibition) in accordance with Councils Community Engagement Policy when undertaking the development of the Heritage Plaques Policy. Engagement costs are estimated at \$3000.

ITEM 8.7	PLANNING PROPOSAL FOR 638 PITTWATER ROAD, BROOKVALE
REPORTING MANAGER	GROUP MANAGER STRATEGIC PLANNING
TRIM FILE REF	2012/403355
ATTACHMENTS	1 Planning Proposal - St Vincent de Paul

EXECUTIVE SUMMARY

PURPOSE

The purpose of this report is to present the outcome of the public exhibition relating of the planning proposal for 638 Pittwater Road, Brookvale (St Vincent de Paul site), and to seek Council's endorsement to submit the planning proposal to the Department of Planning and Infrastructure for gazettal.

SUMMARY

Council has prepared a planning proposal to amend the Warringah Local Environmental Plan (WLEP 2011) to rezone part of Lot 1, DP 1001963, 638 Pittwater Road Brookvale from IN1 General Industrial to B5 Business Development as per the Council's resolution of 24 August 2010.

A Gateway determination was received by Council 6 August 2012, and the proposal was placed on public exhibition in accordance with the Gateway determination.

No submissions were received during the public exhibition.

Should Council resolve to adopt the amendments to the WLEP 2011, it will be forwarded to the Department of Planning and Infrastructure (DoPI) with a request for gazettal.

FINANCIAL IMPACT

The planning proposal has been prepared within the Strategic Planning budget and resources.

POLICY IMPACT

Amendments to the WLEP 2011 relating to the site known as 638 Pittwater Road, Brookvale.

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council forward the attached planning proposal relating to 638 Pittwater Road, Brookvale for gazettal pursuant to Section 59 of the Environmental Planning and Assessment Act, 1979, incorporating the following amendments:

- A. rezone part of Lot 1, DP 1001963, 638 Pittwater Road Brookvale from IN1 General Industrial to B5 Business Development
- B. extend Schedule 1 Additional Permitted Uses of WLEP 2011 to apply to the whole of Lot 1, DP 1001963, 638 Pittwater Road Brookvale
- C. rezone the southern part of Charlton Lane from IN1 General Industrial to B5 Business Development
- D. extend Schedule 1 Additional Permitted Uses of WLEP 2011 to apply to the southern part of

Charlton Lane, and

E. amend the Land Use Zoning Map and the Additional Permitted Uses Map accordingly.

REPORT

BACKGROUND

At its meeting of 24 August 2010 Council resolved to prepare a report on the St Vincent de Paul site at Brookvale. The discussion from this report (Mayoral Minute 15/2010) is extracted below:

Item L. 638 Pittwater Road Brookvale (St Vincent de Paul)**Matter discussed:**

Part 3A.11 of Submissions Discussion booklet. The site is subject to a split zoning with B5 Business Development at the Pittwater Road frontage and IN1 General Industrial at the rear.

Summary of discussion:

The site has dual frontage to both Pittwater Road and Charlton Lane (at the rear). All sites to the north and having similar dual frontage are zoned B5.

The anomaly appears to have occurred due to a previous subdivision pattern / amalgamation of sites and warrants review.

Outcome of discussion:

Council staff are instructed to prepare a planning proposal for 638 Pittwater Road Brookvale (St Vincent de Paul) following the making of WLEP 2009.

As per the above resolution, Council's staff investigated the matter and prepared a planning proposal and Council at its meeting on 27 March 2012 resolved to forward the planning proposal to the Minister for a Gateway Determination.

The planning proposal was submitted to the DoPI on 4 July 2012. A gateway determination was received on 6 August 2012, indicating that the planning proposal could be exhibited. However, prior to placing the planning proposal on public exhibition, the DoPI has requested that Council amend the statement of objectives of the planning proposal to include that additional uses permitted on the site will include retail and office premises and shop top housing.

The planning proposal has been amended accordingly.

CONSULTATION

The planning proposal was exhibited for public comment for a period of 28 days between Monday 15 October 2012 and Wednesday 14 November 2012. An advertisement was placed in the Manly Daily and letters were sent to immediately adjoining properties.

In addition, the planning proposal and related documents were also available for viewing at the Civic Centre and Council libraries (in hard copy). Council's website listed a link related to the exhibition. Users were invited to view the documents through Council's electronic planning service and to make submissions online through Council's 'e-services' or in the traditional manner of a written submission.

SUBMISSIONS

No submissions were received during the exhibition period.

STATUTORY CONSIDERATIONS

As part of the consideration of planning proposal, Council is required to consider the relevance of any State Environmental Planning Policy (SEPP) or Ministerial Direction under section 117 of the Environmental Planning and Assessment Act 1979. An assessment of the relevant SEPPs and Section 117 Directions is contained within the attached planning proposal. The planning proposal

relating to 638 Pittwater Road, Brookvale is not inconsistent with any SEPPs or relevant Section 117 Direction.

TIMING

The final gazettal date of this planning proposal is up to the DoPI.

POLICY IMPACT

Amendments to WLEP 2011 relating to the site known as 638 Pittwater Road, Brookvale.

FINANCIAL IMPACT

The planning proposal has been prepared within the Strategic Planning budget and resources.

CONCLUSION

The planning proposal will achieve a consistent B5 Business Development zone combined with an extended Area 9 (under Clause 5 of Schedule 1 Additional permitted uses) over the whole of the site. This will assist in providing additional employment opportunities in Brookvale and will achieve planning provisions for the site consistent with the functions of the Brookvale centre.

Accordingly, it is recommended that Council endorse the planning proposal relating to 638 Pittwater, Brookvale and to be forwarded to DoPI for gazettal pursuant to Section 59 of the Environmental Planning and Assessment Act, 1979, incorporating the following amendments:

- rezone part of Lot 1, DP 1001963, 638 Pittwater Road Brookvale from IN1 General Industrial to B5 Business Development
- extend Schedule 1 Additional Permitted Uses of WLEP 2011 to apply to the whole of Lot 1, DP 1001963, 638 Pittwater Road Brookvale
- rezone the southern part of Charlton Lane from IN1 General Industrial to B5 Business Development
- extend Schedule 1 Additional Permitted Uses of WLEP 2011 to apply to the southern part of Charlton Lane, and
- amend the Land Use Zoning Map and the Additional Permitted Uses Map accordingly.

PLANNING PROPOSAL

for

638 Pittwater Road, Brookvale

Prepared by Warringah Council, June 2012



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1. Introduction

The proposal seeks to

- rezone part of Lot 1, DP 1001963, 638 Pittwater Road Brookvale from IN1 General Industrial to B5 Business Development,
- extend Schedule 1 Additional Permitted Uses of WLEP 2011 to apply to the whole of Lot 1, DP 1001963, 638 Pittwater Road Brookvale,
- rezone the southern part of Charlton Lane from IN1 General Industrial to B5 Business Development,
- extend Schedule 1 Additional Permitted Uses of WLEP 2011 to apply to the southern part of Charlton Lane, and
- amend the Land Use Zoning Map and the Additional Permitted Uses Map accordingly.

The intended outcomes will be:

1. a consistent zoning that removes the split zoning of the site,
2. a zoning that is consistent with the zoning of the Brookvale centre, and offers a higher utilisation of the land consistent with the functions of the major centre of Brookvale,
3. retail and office premises and shop top housing as additional permitted uses for the whole of the site,
4. a zoning that provides employment, and
5. a zoning that does not cause conflict with the adjoining general industrial uses.

At its meeting on 27 March 2012, Warringah Council resolved to prepare a planning proposal in relation to this matter. The resolution of Council and report are at Attachment 6.



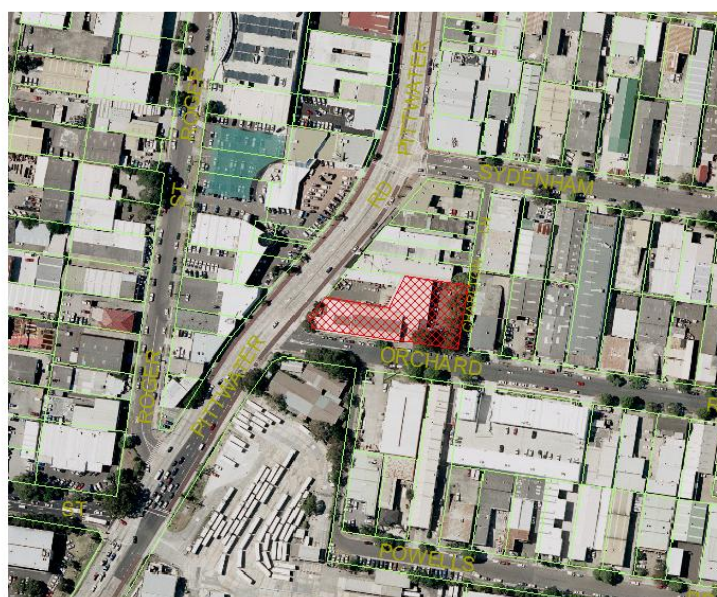
2. The site and surrounding area

2.1 Site context and location

The site is Lot 1, DP 1001963, at 638 Pittwater Road, Brookvale, located on a corner site on the eastern side of Pittwater Road, the northern side of Orchard Road and the western side of Charlton Lane.

The area of the site is 2662 m² (Source: SEA, Council's GIS system) and is irregularly shaped, with dimensions as follow:

Road	Length of boundary (metres)
Pittwater Road	16.21
Orchard Road	90.61
Cnr Orchard / Pittwater Roads	7.3
Charlton Lane	40.23



Brookvale Bus Depot is to the south, adjoining Zone IN1 General Industrial development to both the south and east of the site, while the Zone B5 Business Development of Brookvale is to the west of Pittwater Road and to the north of the site.



2.2 Current ownership and development

Lot 1, DP 1001963 at 638 Pittwater Road Brookvale is owned by the Trustees Society of St Vincent de Paul.

St Vincent de Paul has advised that they have owned the site since 1979, and that they will retain the site as their Regional Centre and Offices for the Northern Beaches.

The site is currently occupied by a two storey industrial-style building with surface car parking and loading facilities to the east of the building, with vehicular access via Orchard Road.

St Vincent de Paul advises that the whole of the site is used for charitable 'not for profit' Society work, with the ground floor being used for receiving and reselling clothes, furniture, etc. The first floor is used for offices, meeting and storage.

Loading areas and carparking are provided to the east of the existing building.

Several trees are located along the eastern and southern boundaries (ie to Orchard Road and Charlton Lane).

2.3 Surrounding development

Aspect from site	Address	Occupier	Comments
North	640 Pittwater Road	Coates Hire	One storey masonry building, storage and display of goods for hire
North	642 Pittwater Road	Valentine's function centre	Adjoins Coates and eastern part of site
East	7 Orchard Road	Lightpower	Two storey industrial building, rooftop carparking (access from Orchard Road), garage doors to Charlton Lane
South	Lot A, DP 435910	Brookvale Bus Depot	Located west of Powells Lane
South	4 Orchard Road	Hudson Building Supplies	East of Powells Lane
West	481 Pittwater Road	Col Crawford	Motor showrooms



3. The planning proposal

3.1 Statement of the objectives or intended outcomes of the proposed instrument

The planning proposal intends:

- to rezone Lot 1, DP 1001963 at 638 Pittwater Road Brookvale from the split B5 Business Development and IN1 General Industrial zones to be entirely zoned B5 Business Development, and
- to rezone the southern part of Charlton Lane from Zone IN1 General Industrial so that all of Charlton Lane is zoned B5 Business Development
- to expand Clause 5 of Schedule 1 (shown as Area 9 on the Additional Permitted Uses Map) so that the whole of Lot 1, DP 1001963, at 638 Pittwater Road, Brookvale is included within Area 9; and
- to expand Clause 5 of Schedule 1 (shown as Area 9 on the Additional Permitted Uses Map) so that all of Charlton Lane is included within Area 9.

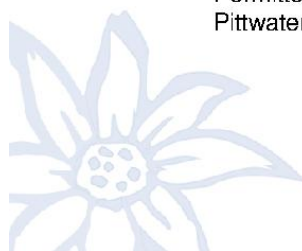
The intended outcomes will be a consistent zoning that:

1. removes the anachronistic split zoning of Lot 1, DP 1001963,
2. is consistent with the zoning of the Brookvale centre, and offers a higher utilisation of the land consistent with the functions of the major centre of Brookvale,
3. permits retail and office premises and shop top housing as additional uses for the whole of the site,
4. provides employment and enjoys the same additional permitted uses as the immediately adjoining land, and
5. does not cause conflict with the adjoining general industrial uses.

3.2 Explanation of the provisions that are to be included in the proposed instrument

The planning proposal will require the following provisions of WLEP 2011 to be amended (see Attachments 1 and 2):

- Warringah LEP 2011 Land Zoning Map Sheets LZN 008A ([1800 COM LZN 008A 010 20110919](#)) and LZN 008A ([1800 COM LZN 010A 010 20110919](#)) in accordance with the Proposed Land Zoning Map (shown at Attachment 1), to rezone that part of Lot 1, DP 1001963 at 638 Pittwater Road Brookvale and the southern part of Charlton Lane from IN1 General Industrial to B5 Business Development; and
- Warringah LEP 2011 Additional Permitted Uses Map Sheets APU 008A ([1800 COM APU 008A 010 20110919](#)) and APU 010A ([1800 COM APU 010A 010 20110919](#)) in accordance with the Proposed Additional Permitted Uses Map to expand Clause 5 of Schedule 1 (shown as Area 9 on the Additional Permitted Uses Map – see Attachment 2) to include all of Lot 1, DP 1001963, at 638 Pittwater Road, Brookvale, and all of Charlton Lane.



3.3 Justification for objectives, outcomes and provisions and the process for their implementation

A. The need for the planning proposal

3.3.1 Is the planning proposal a result of any strategic study or report?

Submission to draft WLEP 2009

The planning proposal results from a submission (see Attachment 4) by the owners of the site, the Trustees Society of St Vincent de Paul to the exhibition of draft Warringah Local Environmental Plan 2009, which was reported to Council on 8 June 2010 (see Attachment 5).

In brief, the submission requested that the whole of the site be zoned B5 Business Development, on the basis that current retail and office uses of the site can continue.

The submission advised that redevelopment is likely to include retail and offices at ground floor with additional office uses above, and that the split zoning presents a constraint to development.

Further report

In response to a Mayoral Minute of 24 August 2010, Council resolved that staff were to prepare a report on several matters arising from submissions to the draft WLEP 2009, including the St Vincent de Paul site at Brookvale.

An email (7 February 2012) on behalf of the Trustees Society of St Vincent de Paul in support of the proposed rezoning to B5 Business Development is at Attachment 3.

Following consideration of the report prepared for the St Vincent de Paul site, as previously stated, Council resolved to prepare a planning proposal at its meeting on 27 March 2012 (please see Attachment 6).

Planning history

The split zoning seems to be historically based. Under both the Warringah Shire Planning Scheme 1963 and under WLEP 1985, the site comprised three lots, of which the westernmost lot on the corner of Pittwater Road and Orchard Street was zoned general business and eastern two lots were zoned industrial.

Under WLEP 2000 the subject site was in two localities, which was then reflected in the zoning under the draft WLEP 2009:

- The former Locality F1 Brookvale Centre became the Zone B5 Business Development and Area 9 under Clause 5 of Schedule 1 Additional Permitted Uses; and
- The former Locality F3 Brookvale Industrial became the Zone IN1 General Industrial.

Present situation

The current split zoning appears to follow the original subdivision pattern and zoning, although the three lots are now consolidated into a single lot.

3.3.2 Is the planning proposal the best means of achieving the objectives or intended outcomes or is there a better way?

A planning proposal is needed to change to a single zone rather than a split zone to provide employment, and to be consistent over the subject site.

A planning proposal is also required to expand Area 9 to include the whole of the subject site, thereby increasing the range of permissible uses.

3.3.3 Is there a net community benefit?

The Planning Proposal will deliver a net community benefit. The community benefits include:

- Additional permissible land uses will be applicable to the whole site, thereby maximising flexibility
- Increased employment and potential housing opportunities
- Clearer zoning, objectives and controls through a single zoning over the site

B. The relationship to strategic planning framework

3.3.4 Is the planning proposal consistent with the objectives and actions contained in the applicable regional or subregional strategy?

Under the Metropolitan Plan for Sydney 2036 the employment target for the Dee Why-Brookvale strategic centre (being the identified major centre for the North East Subregion) is for an employment growth of 5000 jobs by 2036.

This requirement comes under the Metropolitan Plan for Sydney 2036 Objective E2: *To focus Sydney's economic growth and renewal, employment and education in centres*; with Action E2.1: *Plan for more commercial and retail jobs in highly accessible strategic centres*.

The planning proposal meets this Action and Objective by the proposed Zone B5 Business Development being applicable to the entire site, with the additional permitted uses of office and retail premises, with readily accessible public transport.

As the major centre for the Sydney North East Subregion, Brookvale / Dee Why has a special role in delivering the housing and jobs required under the Metropolitan Plan.

The subject site currently is partly in Area 9 and partly in Zone B5 in Brookvale, so there is an opportunity to gain consistency through the proposed rezoning and additional uses by the expansion of Area 9 to include the whole of this site.

3.3.5 Is the planning proposal consistent with the local council's Community Strategic Plan?

The Warringah Council Strategic Community Plan 2011 is the Council's primary forward planning document. The plan contains some goals and strategies relevant to the consideration of the planning proposal which are identified and addressed below:

The planning proposal meets the goal *4.1 Sustaining a strong local economy that provides employment and training opportunities* by clarifying the anticipated land uses (including the additional permitted uses of office and retail premises) on the subject site through a single zoning of B5 Business Development over the site.

The planning proposal meets the following strategies associated with this goal:

- *Encourage a range of businesses and services at appropriate locations and centres to meet the service and employment needs of the local and regional community*

By its location at Brookvale on the edge of the B5 Business Development area and adjacent to the IN1 General Industrial area, the planning proposal to zone the whole site B5 Business Development with additional permitted uses of office premises and retail premises helps meet the employment needs of the community.

- *The location of commercial and retail development to be convenient for users, to provide ready access for employees and to avoid conflicts about land uses*

The subject site has a southbound bus stop located at its Pittwater Road frontage and a northbound bus stop on Pittwater Road within 100m of the site, providing readily available access by public transport to the site.

- *To reduce the demand for travel through more local jobs and services*

The planning proposal will help job containment on the northern beaches by providing employment and housing opportunities through its zoning and the expansion of the additional permitted uses over the whole of the site.

3.3.6 Is the planning proposal consistent with applicable state environmental planning policies (SEPPs)?

The following table provides an assessment of the planning proposal with the relevant SEPPs:

No	SEPP Title	Consistency
22	Shops and Commercial Premises	The planning proposal does not contain provisions that contradict or would hinder application of this SEPP
	State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	The planning proposal is consistent with this SEPP and does not contain provisions that contradict or would hinder application of this SEPP
	State Environmental Planning Policy (Infrastructure) 2007	The planning proposal is consistent with this SEPP in general and in particular the objectives of clause 101 <i>Development with frontage to classified road.</i>
	State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	The planning proposal is consistent with this SEPP and does not contain provisions that contradict or would hinder application of this SEPP

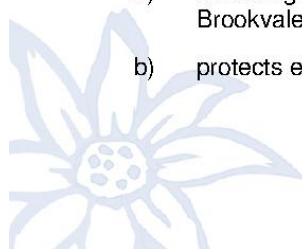
3.3.7 Is the planning proposal consistent with applicable Ministerial Directions (s117 Directions)?

The following Ministerial Directions are applicable to the proposal (please see www.planning.nsw.gov.au/LinkClick.aspx?fileticket=VUtdGWadvE%3d&tabid=248&language=en-AU)

Direction 1.1 Business and Industrial Zones

The proposal is consistent with the aims and objectives of the Direction because it:

- a) encourages employment growth in a suitable location that is close to public transport and the Brookvale commercial / industrial centre,
- b) protects employment land in business and industrial zones, and



- c) supports the viability of the major centre of Brookvale/Dee Why.

Direction 3.4 Integrating Land Use and Transport

The proposal is consistent with the aims and objectives of the Direction as the location of the proposed B5 Business Development land use achieves and expansion of Area 9 allowing additional permitted uses :

- (a) access to employment and services by walking, cycling and public transport, and
- (b) reduced dependence on cars due to the proximity of public transport, and
- (c) potential reduction of travel demand through the provision of local employment and local housing opportunities
- (d) support for the efficient and viable operation of public transport services.

Direction 4.1 Acid Sulfate Soils

The proposal is consistent with the objectives of the Direction. The site is not identified on the Acid Sulfate Soils map.

Direction 4.3 Flood Prone Land

The proposal is consistent with the objectives of the Direction. The site is not within the current predicted 100 year flood area.

Direction 6.1 Approval and Referral Requirements

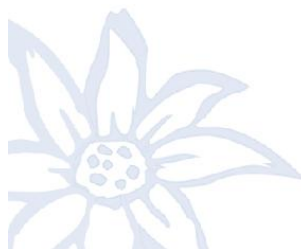
The proposal is consistent with the objective of this Direction in that there are no provisions requiring the concurrence, consultation or referral of development applications to the Minister or public authority and nor does the planning proposal identify any additional development as designated development.

Direction 6.3 Site Specific Provisions

The proposal is consistent with the objective of this Direction insofar as it allows particular additional land uses (in this case office premises, retail premises and shop top housing) to be carried out on the site.

Direction 7.1 Implementation of Metropolitan Plan for Sydney 2036

The proposal is consistent with the aims and objectives of the NSW Government's Metropolitan Plan in that it will help increase and maintain employment opportunities in the major centre of Brookvale and will help meet Warringah's employment target.



C. Environmental, social and economic impact**3.3.8 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

No critical habitat or threatened species, populations or ecological communities, or their habitats, have been identified on the site.

3.3.9 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Given the existing established uses on the site, the surrounding uses and context of the site, and the minor nature of this planning proposal, there are no other likely environmental effects as a result of the planning proposal.

3.3.10 How has the planning proposal adequately addressed any social and economic effects?

The planning proposal will help support and enhance Brookvale's economic competitiveness and increase employment opportunities and job containment in the SHOROC region through the proposed rezoning to B5 Business Development over the whole of the site. More flexibility in land uses will be created through the proposed expansion of Area 9 over the whole of the site to allow office and retail premises.

The planning proposal will also provide the potential for additional residential opportunities through shop top housing being made permissible over the whole of the site.

The St Vincent de Paul Society submission for the planning proposal clearly states that the Society's Regional Centre and Offices will remain at Brookvale to help meet social needs in the area.

D. State and Commonwealth interests**3.3.11 Is there adequate public infrastructure for the planning proposal?**

The planning proposal is applicable to only a single site and will not have any adverse impact on the existing public infrastructure.

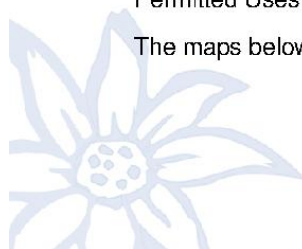
3.3.12 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Not applicable until advice is received from the gateway determination

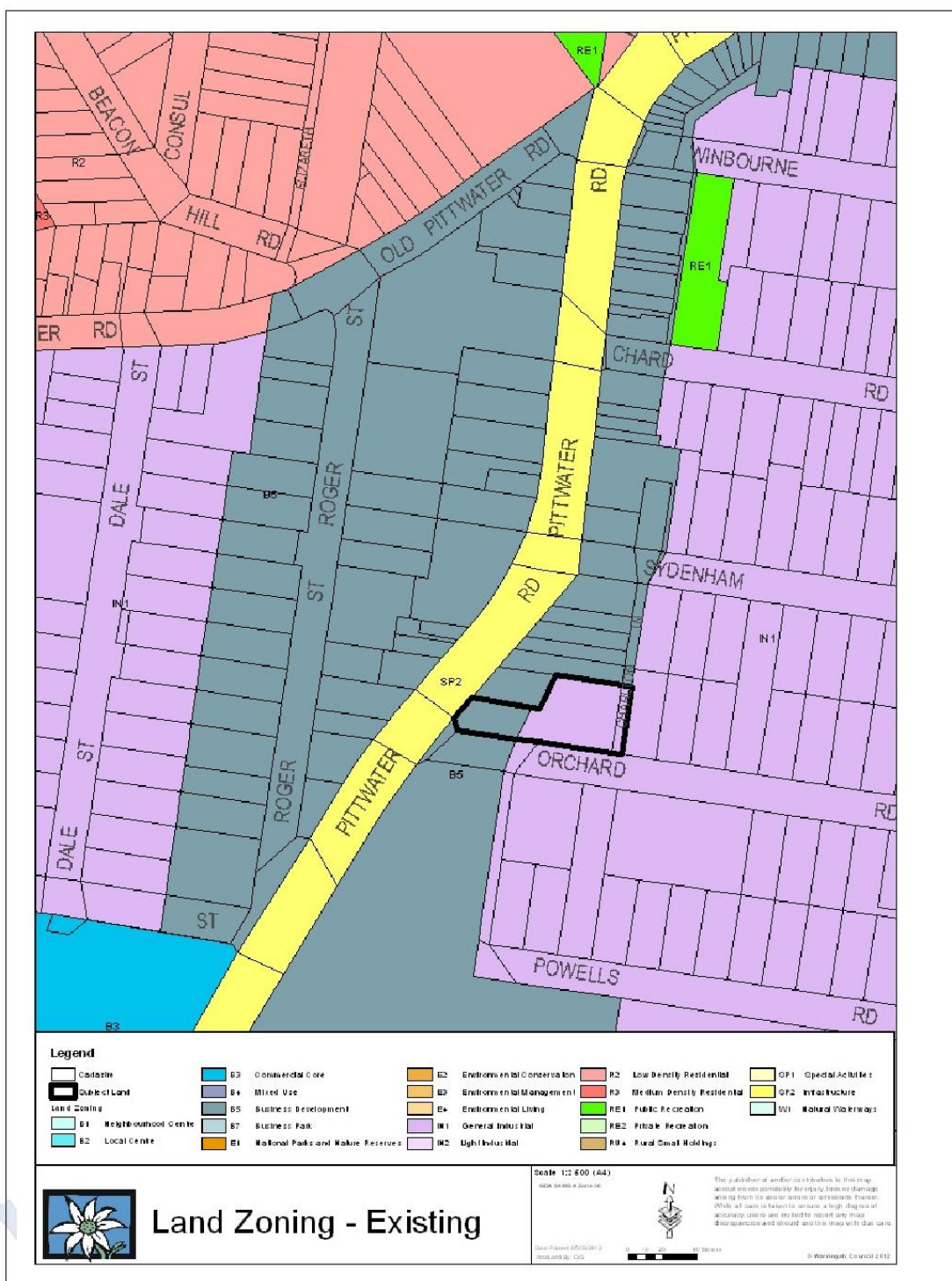
3.4 Maps

The proposed instrument will require a revised Land Zoning map and a revised Additional Permitted Uses map.

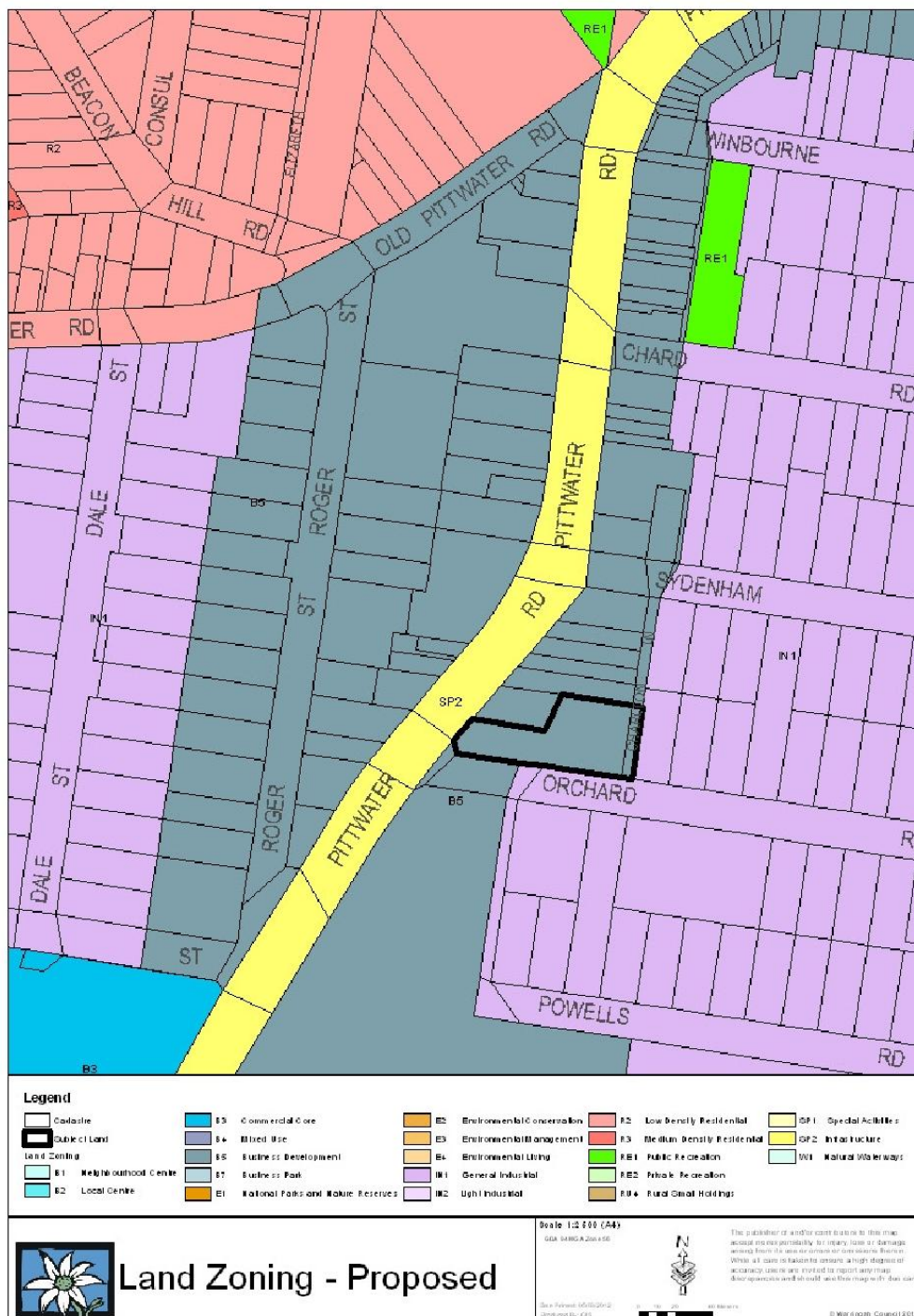
The maps below indicate the substantive effect of the proposed instrument.



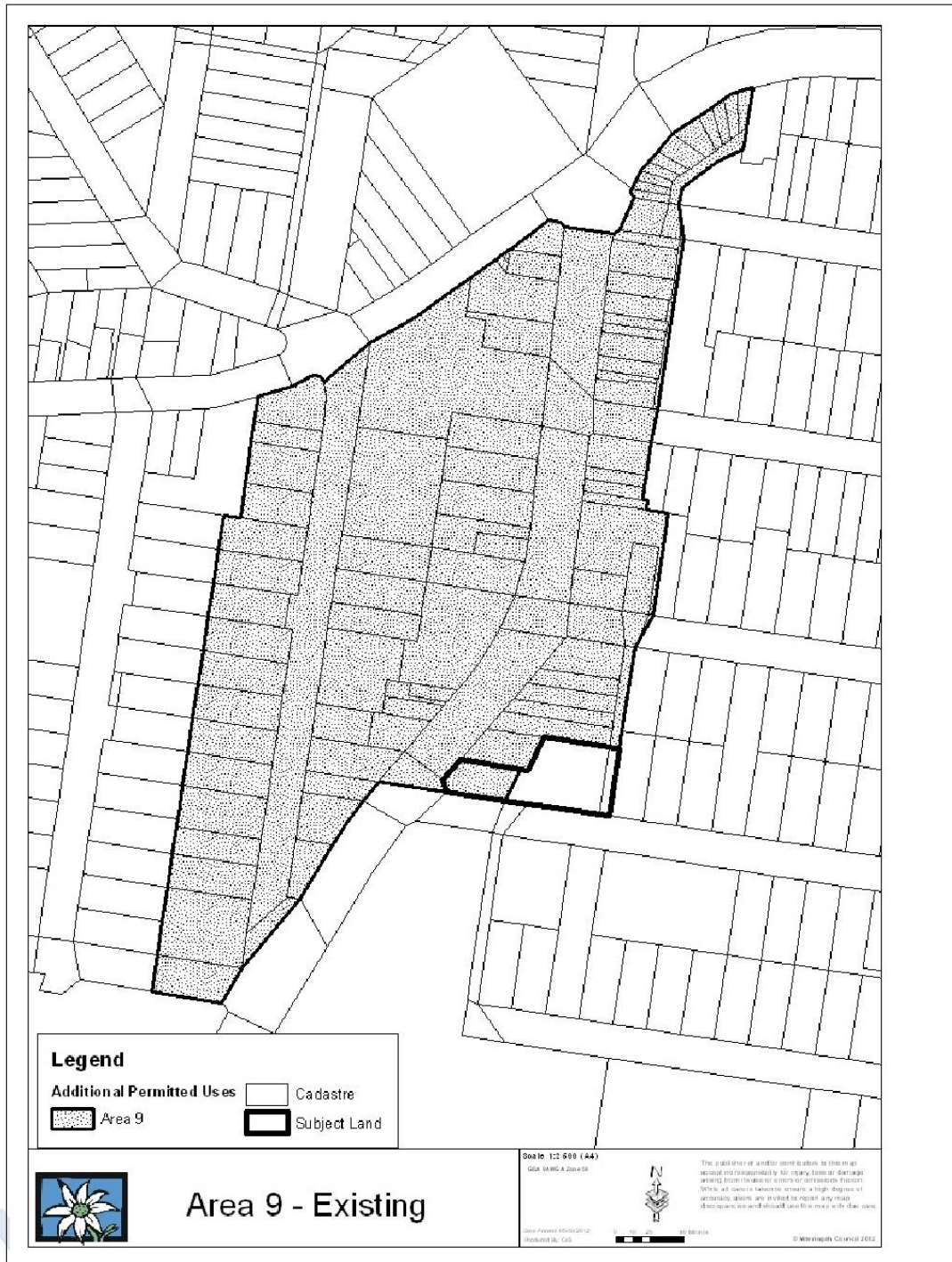
Current *Land zoning map* under WLEP 2011:



Proposed Land zoning map under Planning Proposal:



Current *Additional permitted uses map* under WLEP 2011:



Proposed *Additional permitted uses map* under Planning Proposal:



4. Community consultation

In accordance with State Government legislation as well as Council's community engagement policy and community engagement matrix, Council will undertake community consultation by giving notice of the public exhibition of the planning proposal in the Manly Daily newspaper, on Council's website, by email to community groups and by notification to adjoining land owners.

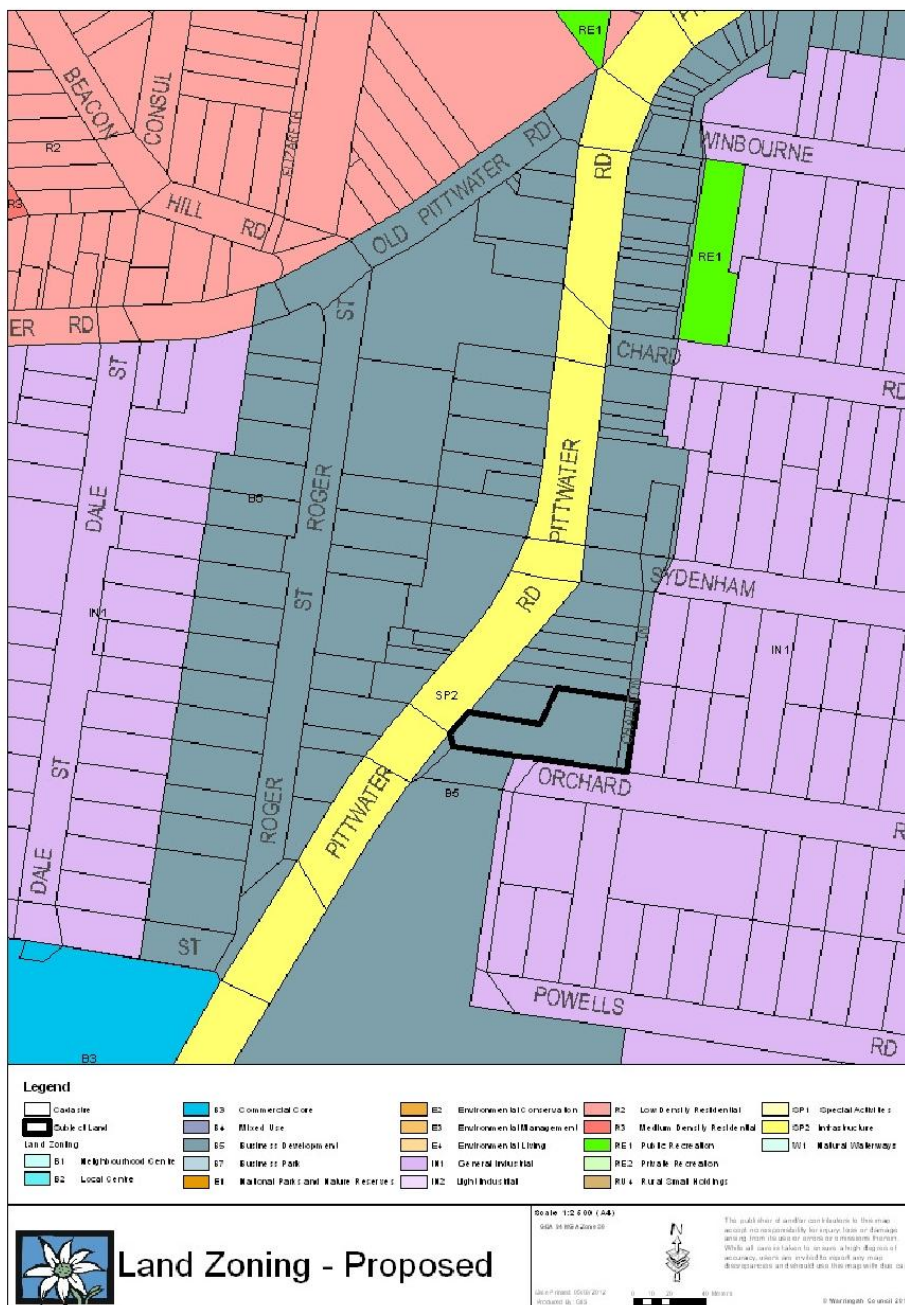
The planning proposals, report to Council, gateway determination and supporting documents will be available for viewing on Council's website, and in Council's libraries and offices



5. Attachments

5.1 Attachment 1

Proposed Land Zoning Map



5.2 Attachment 2

Proposed Additional Permitted Uses Map



5.3 Attachment 3**Email received on behalf of Trustees Society of St Vincent de Paul, 7 February 2012**

Dear Caroline,

Thank you for discussing this matter with me last week. As advised the Society stills holds with its original submission to the Council of the 30 December, 2009 that the site should be wholly rezoned to B5 under the new LEP, thereby eliminating the current split zoning between B5 and IN1 (old F1/F3). In our discussion you indicated that it was the intention of the Council to rezone the site wholly to B5. In these circumstances the Council has the support of the Society. Do you still have a copy of our original submission?

We also discussed the Society's proposal; which is still being developed prior to the lodgement of a DA and discussion with Council staff, for the development of the site by the Society into a 'community hub' servicing the disadvantaged members of the Northern Beaches community. Essentially the Society would retain the retail aspect of the current site on the ground level but develop commercial levels above. These commercial levels would house community and not for profit agencies who currently offer services to the community such as mental health, drug and alcohol counselling, homeless services, legal aid, etc. It is also proposed to provide a dental clinic for low income and Centrelink benefit card holders as dental health amongst low income earners has been nationally identified as a chronic problem affecting this group. Also under investigation is the possibility of providing a child care facility for low income and single parents in order to assist these groups find and maintain employment, with the benefits that accrue to the community from this. Consideration is also being given in the proposal for the provision of community meeting space for local groups to obviate the need to meet in local halls, church rooms, etc. that may not be really suitable in terms of space, facilities, parking, security, etc.

The proposal aims to facilitate a 'wrap around' of services for clients so that a range of services can be provided in the one location that makes travel, referrals and coordination of services much better for clients and agencies together. It is the Society's belief that this type of facility can point the way to future developments around the country that service need and also help integrate many persons experiencing disadvantage back into the community in a more meaningful way.

Anyway this is for the future, but I would ask that if possible this be taken into account in the Council's deliberations on the change to the zoning for the site.

Regards,

John Kelly
Executive Officer
Broken Bay Diocesan Central Council
P O Box 1426
CHATSWOOD NSW 2057

Telephone: (02) 9415 2664
Fax: (02) 9415 3193
email: jkelly@svdpbrokenbay.com.au



5.4 Attachment 4**Submission to Draft Warringah LEP 2009****St Vincent de Paul Society**
NSW/ACT
*good works***Northern Beaches Regional Council**

464 725 913 35008

30th December 2009Mr Rik Hart, General Manager,
Warringah Council,
Civic Centre, 725 Pittwater Road,
Dee Why NSW 2099.WARRINGAH COUNCIL
SCANNED
31 DEC 2009

Dear Mr Hart,

**INITIAL SUBMISSION ON THE DRAFT 2009 WARRINGAH LEP 2009 BY THE
SOCIETY OF ST VINCENT DE PAUL IN RELATION TO THEIR SITE AT 638
PITTWATER ROAD, BROOKVALE.**


Please find attached our initial submission in relation to the Draft Local Environmental Plan (DLEP) currently on exhibition. As this exhibition ends today, we request the right to provide further details in support of this initial submission, if required, after the holiday period.

Our submission essentially relates to the need to correct the inappropriate split zoning that currently exists within our site, and which the draft exhibited plan proposes to continue. The subject site is currently within the F1 Locality on its Pittwater Road frontage, and within the F3 Locality on its "rear" Charlton Lane frontage. The Draft LEP proposes to change these localities to a B5 zone on its Pittwater Road frontage, and an IN1 zone on its "rear" Charlton Lane frontage. For the reasons outlined in this submission we consider that it is more appropriate and logical from a town planning viewpoint that the whole site is zoned B5.

As you will be aware, the Society has occupied this site since 1979 and intends to remain. The Brookvale site will retain the Regional Centre and Offices for the Northern Beaches.

We are currently actively pursuing redevelopment proposals for the site which retain a mixed use with retail and offices at ground floor level. We have recently held preliminary meetings with officers of Council and it has already been identified that the proposed "split zoning" will present a major constraint in the processing of these redevelopment proposals. We therefore seek to resolve these difficulties before the Draft LEP is finalised.

If you require further clarification of any issues raised in this submission please do not hesitate to contact me (contact details below).


Kindest regards,
Peter Hitchcox
Northern Beaches Regional President
St Vincent de Paul Society**Copies**
Peter Sharp (Trustee SVDP)
John Donnelly (SVDP Diocesan President),
John Kelly (SVDP Diocesan Executive Officer)638 Pittwater Road, PO Box 557, Brookvale NSW 2100
Telephone: 02 9905 0424
Facsimile: 02 9905 7009
Website: www.vinnies.org.au

SVDP Society Submission re Draft Warringah LEP 2009

SUBMISSION in response to DRAFT WARRINGAH LEP 2009

1 INTRODUCTION

This submission relates to the land owned by the Trustees of the St Vincent de Paul Society, known as 638 Pittwater Road, Brookvale (see Figure 1). The land is titled Lot 1 of DP 1001963.

The site is defined by:

- Pittwater Road to the west,
- Orchard Road to the south,
- Charlton Lane to the east, and
- Adjoining properties (Coates at 640 and Brookvale Auto AC at 642) to the north.

Figure 1: The SVDP Society Brookvale Site



source: Google Maps

The SVDP site is occupied by a two storey industrial building with surface car parking and loading/unloading facilities at the rear, with access from Orchard Road. Since its acquisition by the Society in 1979 the whole of the site has been used for the charitable "not-for-profit" works of the Society. The ground floor is used for the receipt and resale of clothes, furniture, bric-a-brac and the like, whilst the first floor is used for offices, meetings and storage purposes.



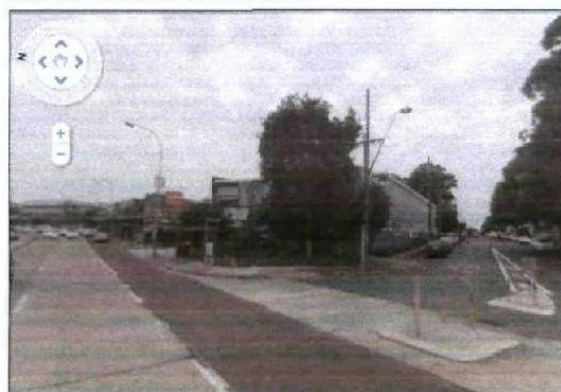
SVDP Society Submission re Draft Warringah LEP 2009

Figure 2: Looking west along Orchard Road towards the Subject Site from its south east corner with Charlton Lane,



source: Google Maps

Figure 3: The Subject Site viewed from its south western corner at the junction of Pittwater Road with Orchard Road.



source: Google Maps



SVDP Society Submission re Draft Warringah LEP 2009

2 WARRINGAH LEP 2000

Within the provisions of the existing Warringah LEP 2000 the SVDP site in Orchard Road is within land identified both within:

- the F1 "Brookvale Centre" Locality (along Pittwater Road) and
- the F3 "Brookvale Industrial" Locality (generally to the east of Charlton Lane and Powells Lane) - (see Figure 4).

Figure 4: The Orchard Road Site within an existing F1 and F3 Locality

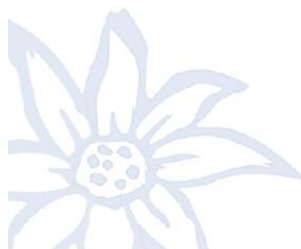


The desired future character of the Brookvale Centre F1 Locality is stated in the LEP as follows:

The Brookvale Centre locality will be developed as a mixed retail and business area incorporating low-rise shop-top housing. Future development will help create a pedestrian environment which is safe, active and interesting. Future development will incorporate street level retailing and business uses and contribute to creating cohesive and attractive streetscapes.

The desired future character of the Brookvale Industrial F3 Locality is stated in the LEP as follows:

The Brookvale Industrial locality will remain an industrial and employment centre incorporating industries, warehouses and ancillary service uses. New development or significant redevelopment will be designed to incorporate landscaping to soften the visual impact of industrial buildings and their associated parking and other paved areas as viewed from the street. At the interface of the locality with adjoining and adjacent residential areas, buildings will be sited and designed and the use of land managed to minimise interference with the amenity of such residential areas. Allotments are to be consolidated where necessary to ensure the development of one allotment will not render an adjoining allotment unsuitable for development.



SVDP Society Submission re Draft Warringah LEP 2009

3 DRAFT WARRINGAH LEP 2009

The Draft LEP on exhibition splits the subject site into 2 zones, B5 within the Pittwater Road frontage and IN1 within the rear Charlton Lane frontage (see Figure 5).

Figure 5: The Orchard Road Site within a B5 zone (purple) and an IN1 zone (yellow).

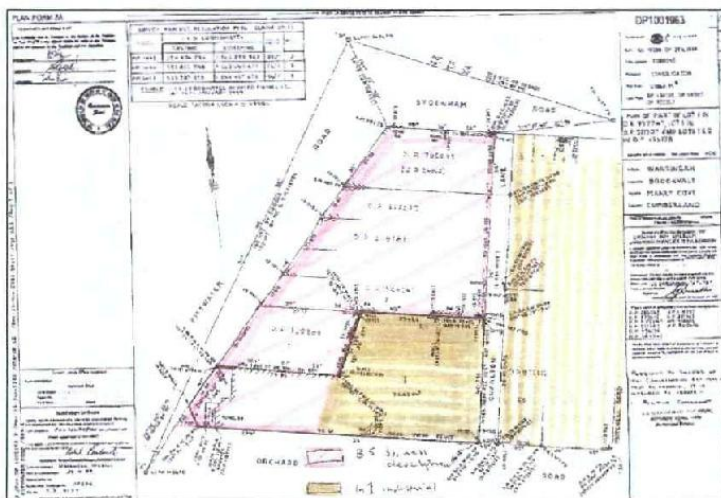


Figure 6 below provides a comparison of the uses proposed in the template B5 zone, as compared to the uses allowed within the existing F1 Locality Statement.

Figure 6: Comparison of uses in the proposed B5 Zone compared to the existing F1 Locality.

Existing Warringah LEP Zoning 2000	Proposed Warringah Draft LEP Zoning 2009	Comment
F1 on Pittwater Road	B5 (Business)	
LOCALITY F1 BROOKVALE CENTRE DESIRED FUTURE CHARACTER The Brookvale Centre locality will be developed as a mixed retail and business area incorporating low-rise shop-top housing . Future development will help create a pedestrian environment which is safe.	Zone B5 Business Development 1 Objectives of zone • To enable a mix of business and warehouse uses, and specialised retail uses that require a large floor area, in locations that are close to, and that support the viability of, centres . • To provide for the location of vehicle sales or hire premises and bulky	Removal of shop top housing



SVDP Society Submission re Draft Warringah LEP 2009

Existing Warringah LEP Zoning 2000	Proposed Warringah Draft LEP Zoning 2009	Comment
active and interesting. Future development will incorporate street level retailing and business uses and contributes to creating cohesive and attractive streetscapes.	goods premises. • To create a pedestrian environment that is safe, active and interesting by incorporating street level retailing and business uses.	
Category One Development for the purpose of the following: • business premises • housing (not on ground floor) • motor showrooms • offices • shops	3 Permitted with consent Neighbourhood shops; Passenger transport facilities; Roads; Self storage units; Take-away food and drink premises; Any development not specified in item 2 or 4	
Category Two Development for the purpose of the following: • bulky goods shops • child care centres • community facilities • entertainment facilities • further education • health consulting rooms • hire establishments • hotels • medical centres • places of worship • recreation facilities • registered club • restaurants • retail plant nurseries • service stations • short term accommodation • veterinary hospitals • other buildings, works, places or land uses that are not prohibited or in Category 1 or 3.	Development for the purpose of the following: Child care centres (permissible); Hotel or motel accommodation (permissible);	
Category Three Development for the purpose of the following: agriculture..... • animal boarding or training establishments • hospitals • housing for older people or people with disabilities • industries • primary schools • vehicle repair stations • warehouses	(agriculture now prohibited) (hospitals now prohibited) (industries now prohibited) Warehouse or distribution centres;	
Prohibited Development for the purpose of the following is prohibited within this locality: • brothels • extractive industries • helipads	4 Prohibited Advertising structures; Agriculture; Air transport facilities; Amusement centres; Boat repair facilities; Boat sheds;	

SVDP Society Submission re Draft Warringah LEP 2009

Existing Warringah LEP Zoning 2000	Proposed Warringah Draft LEP Zoning 2009	Comment
<ul style="list-style-type: none"> • potentially hazardous industries • potentially offensive industries • vehicle body repair workshops <p>Canal estate development is also prohibited within this locality.</p>	<p>Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Function centres; Health consulting rooms; Highway service centres; Home-based childcare; Home businesses; Home industries; Home occupations; Home occupation (sex services); Hospitals; Industrial retail outlets; Industries; Information and education facilities; Landscape and garden supplies; Marinas; Moorings; Movable dwellings; <u>Office premises;</u></p> <p>Port facilities; Recreation facilities (major); Recreation facilities (outdoors); Research stations; <u>Residential accommodation;</u></p> <p><u>Retail premises;</u> Rural industries; Rural supplies; Sex services premises; Storage premises; Timber and building supplies; Tourist and visitor accommodation; Waste or resource management facilities; Water recreation structures; Wholesale supplies</p>	<p><u>Office premises now prohibited</u> – although “additional permitted uses map” appears to allow office premises and retail premises within Area 9</p> <p><u>Residential now prohibited</u></p> <p><u>Retail premises now prohibited</u> – although “additional permitted uses map” appears to allow office premises and retail premises within Area 9</p>

6



SVDP Society Submission re Draft Warringah LEP 2009

Existing Warringah LEP Zoning 2000	Proposed Warringah Draft LEP Zoning 2009	Comment
PERMISSIBLE USES		
business premises	business	
	warehouse	
shop-top housing	housing	
car showrooms		
shops	Retail and specialised retail with a leaning to bulky goods - retail premises an additional use - (office premises an additional use)	
offices		
child care	Childcare is permitted	
bulky goods		
community facilities	health consulting rooms	
		industry and industrial retail are prohibited.

The following figures provide additional provisions applicable to the SVDP Site:

- Figure 7 illustrates the 11m height limit applicable to the site.
- Figure 8 illustrates the area within which the site is located where additional uses (offices and retail) are permissible, and
- Figure 9 illustrates the currently proposed zoning for the site.

Figure 7: L = 11 metres height Limit – Draft 2009 WLEP

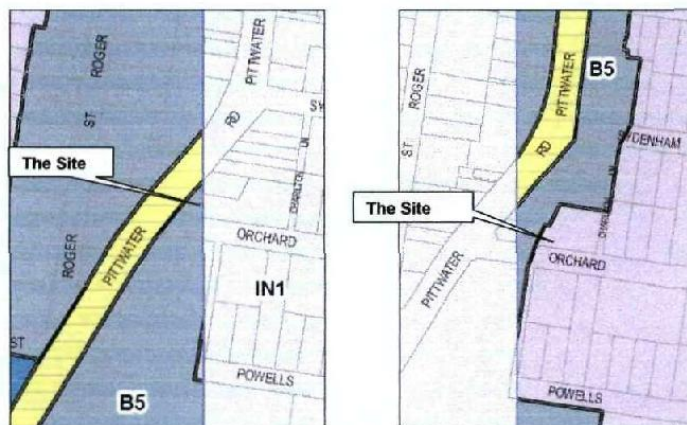


SVDP Society Submission re Draft Warringah LEP 2009

Figure 8: Additional Permitted Uses Map – Draft 2009 LEP



Figure 9: Proposed B5 & IN1 Uses – Draft 2009 LEP



SVDP Society Submission re Draft Warringah LEP 2009

4 SVDP SOCIETY SUBMISSION


It is the basic submission of the SVDP Society that the currently approved activities and use of our premises at 638 Pittwater Road, Brookvale should not be curtailed or restricted by the provisions of Draft LEP 2009. As stated earlier, the ground floor of the current building is used for the receipt and resale of clothes, furniture, bric-a-brac and the like, whilst the first floor is used for offices, meetings, storage purposes, and related Society activities.

We would request the whole of our site (Lot 1 of DP 1001963) to be included within the proposed B5 zone. This is on the assumption that our existing activities (mainly in relation to retail and office uses) can continue in a similar manner. A redevelopment of the site is likely to include additional office uses above ground floor retail and offices.

We believe that the whole site should be within one zone for the following reasons:

1. Charlton Lane provides a natural boundary between the B5 zone to the west and the IN1 zone to the east (as has been used in the zoning allocation to the north of the site and in the use of Powells Lane to the south of the site),
2. The current use and activities of the Society are common to the whole of the land and are not separated by this arbitrary line through our site,
3. The proposed redevelopment of the site and its future uses will be severely constrained if two different land use zones have different requirements applicable to the site (without sound town planning reasons),
4. The Society's use of the land and its activities are closer aligned to the Business zone than the Industrial zone.
5. The Society enables *"a mix of business and warehouse uses, and specialised retail"* on it's Pittwater Road site.

We trust that Warringah Council will give due consideration to this initial submission.

 **Peter Hitchcox**
SVDP Society Northern Beaches Regional President.
30th December 2009



5.5 Attachment 5

Extract from Item 4.1 *Draft Warringah Local Environmental Plan 2009 – Consideration of Submissions* (Report to Council of 8 June 2010)

Submissions Discussion

3A.11 638 Pittwater Road, Brookvale - (Lot 1 DP 1001963)

Submission summary

The St. Vincent de Paul Society has occupied these premises since 1979 and intends to remain.

Under Warringah LEP 2000 the site is located within two localities being F1 Brookvale Centre Locality (that portion of the site having frontage to Pittwater Road) and F3 Brookvale Industrial Locality (that portion of the site having frontage to Charlton Lane to the rear).

Consistent with the translation of Warringah LEP 2000, the draft LEP 2009 has carried forward the B5 Business Development B5 zone at the Pittwater Road frontage and the IN1 General Industrial zone to the balance of the site. The St. Vincent de Paul Society is actively pursuing redevelopment proposals for the whole site which will retain a mixed use development with retail and offices at ground level. The split zoning is presents a constraint to development and the submission seeks a single zone, being B5 Business Development, for the whole of the site.

Planning assessment

The subject site at approximately 2650m² in area and is not one title. It occupies a significant site at the entrance to Brookvale. Approximately one third of the site is to be zoned B5, the balance to be zoned IN1. All other properties that have a frontage to Pittwater Road and Charlton Lane at the rear and lying north of the site are to be zoned B5 Business Development.

The proposed alternate zoning of the site is not consistent with Councils' resolution to translate the provisions of Warringah LEP 2000 into the Standard Instrument LEP. However, the submission is worthy of further consideration, particularly having regard to the site's dual frontage to Pittwater Road and Charlton Lane and the role of the Brookvale Centre supporting that of Dee Why as the major centre for the sub region. Should the author wish to pursue this proposal this should be addressed by the submission of a Planning Proposal (under Part 3 Division 4 of the Environmental Planning and Assessment Act) for Council's further consideration.

Council is currently undertaking the Brookvale Employment Land Study which, when complete, will assist decision making about the future location, scale and mix of uses in the area and the role that Brookvale will play in the supply jobs for the subregion. Hence, any planning proposal in relation to this submission should be made after the making of Warringah LEP 2009 thereby giving Council the benefit of these investigations to assist it in its consideration of the proposal.

It is considered that there should be no alteration to the draft LEP arising from this submission in this process to finalise the Warringah LEP 2009.



5.6 Attachment 6**Resolution and Report to Council 27 March 2012****8.7 Planning Investigation - 638 Pittwater Road, Brookvale**

(BP REF 103)

RESOLVED

- A. That Council prepare a planning proposal to amend the Warringah Local Environmental Plan 2011 to:
- i. rezone part of Lot 1, DP 1001963, 638 Pittwater Road Brookvale from IN1 General Industrial to B5 Business Development,
 - ii. extend Schedule 1 Additional Permitted Uses of WLEP 2011 to apply to the whole of the site, and
 - iii. rezone the southern part of Charlton Lane from IN1 General Industrial to B5 Business Development.
- B. That once prepared, Council provide the planning proposal to the Department of Planning and Infrastructure.
- C. That should the Department of Planning and Infrastructure require additional information to enable the amending LEP to proceed, this be provided by Council, as required.
- D. That upon receipt of the Department's gateway determination, and in accordance with any directions contained, Council authorises the public exhibition of the Planning Proposal.
- E. That Council advise the owners, the Trustees Society of St Vincent de Paul, of its resolution.
- F. That should the Department of Planning and Infrastructure require additional information to enable the amending LEP to proceed, this be provided by Council staff, as required.
- G. That, if necessary, development controls relating to the development of the land be incorporated in an amendment to the draft Warringah Development Control Plan 2009.

(THIS ITEM WAS DEALT WITH BY EXCEPTION.)



8.7 Planning Investigation – 638 Pittwater Road, Brookvale

EXECUTIVE SUMMARY

Purpose

To report to Council on the investigation of zoning on 638 Pittwater Road, Brookvale, known as the St Vincent de Paul site.

Summary

At its meeting of 24 August 2010, Council resolved to prepare a report on 638 Pittwater Road, Brookvale following the making of the Warringah Local Environmental Plan.

The site has a split zoning, partly zoned B5 Business Development and partly IN1 General Industrial. Schedule 1 Additional Permitted Uses of Warringah Local Environmental Plan (WLEP) 2011 applies only to that part of the site zoned B5 Business Development, fronting Pittwater Road.

It is recommended to prepare a planning proposal to permit office premises, retail premises and shop top housing over the whole of the site. This will help to achieve flexibility in land uses, maximise employment opportunities and bring the site into line with the planning provisions for land fronting Pittwater Road in Brookvale.

Financial Impact

The work will be undertaken by staff within existing budget allocation.

Policy Impact

Amendment to WLEP 2011.

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

- A. That Council prepare a planning proposal to amend the Warringah Local Environmental Plan 2011 to:
- i. rezone part of Lot 1, DP 1001963, 638 Pittwater Road Brookvale from IN1 General Industrial to B5 Business Development,
 - ii. extend Schedule 1 Additional Permitted Uses of WLEP 2011 to apply to the whole of the site, and
 - iii. rezone the southern part of Charlton Lane from IN1 General Industrial to B5 Business Development.
- B. That once prepared, Council provide the planning proposal to the Department of Planning and Infrastructure.
- C. That should the Department of Planning and Infrastructure require additional information to enable the amending LEP to proceed, this be provided by Council, as required.
- D. That upon receipt of the Department's gateway determination, and in accordance with any directions contained, Council authorises the public exhibition of the Planning Proposal.
- E. That Council advise the owners, the Trustees Society of St Vincent de Paul, of its resolution.
- F. That should the Department of Planning and Infrastructure require additional information to enable the amending LEP to proceed, this be provided by Council staff, as required.
- G. That, if necessary, development controls relating to the development of the land be incorporated in an amendment to the draft Warringah Development Control Plan 2009.
-

REPORT

Background

At its meeting of 24 August 2010 Council resolved to prepare a report on the St Vincent de Paul site at Brookvale ('Item L') following the making of the Warringah Local Environmental Plan.

The discussion from this report (Mayoral Minute 15/2010) is extracted below:

Item L. 638 Pittwater Road Brookvale (St Vincent de Paul)

Matter discussed:

Part 3A.11 of Submissions Discussion booklet. The site is subject to a split zoning with B5 Business Development at the Pittwater Road frontage and IN1 General Industrial at the rear.

Summary of discussion:

The site has dual frontage to both Pittwater Road and Charlton Lane (at the rear). All sites to the north and having similar dual frontage are zoned B5.

The anomaly appears to have occurred due to a previous subdivision pattern / amalgamation of sites and warrants review.

Outcome of discussion:

Council staff are instructed to prepare a planning proposal for 638 Pittwater Road Brookvale (St Vincent de Paul) following the making of WLEP 2009.

While the above 'Outcome of discussion' states that staff are to prepare a planning proposal (to amend the LEP), the adopted resolution of Council instructs staff to prepare a report on the matter following the making of the WLEP (now WLEP 2011).

The matter has now been investigated and the results are presented in this report.

Description of site and current zoning

The St Vincent de Paul site is described as Lot 1, DP 1001963, 638 Pittwater Road, Brookvale. The site has an area of 2662 m² (Source: SEA, Council's GIS system).

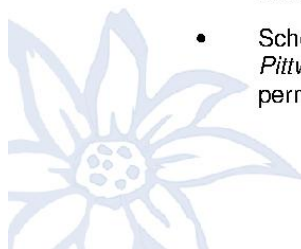
The site is located on the north eastern corner of Pittwater Road and Orchard Road. The rear of the site has an eastern frontage to Charlton Lane.

Lots to the north are zoned B5 Business Development, and zoned IN1 General Industrial to the west and south.

Zoning under WLEP 2011

The site has a split zoning, being partly Zone B5 Business Development and partly Zone IN1 General Industrial:

- Zone B5 Business Development is located over the western third (approx) of the site with frontage to Pittwater Road;
- Zone IN1 General Industrial is located over the eastern two-thirds (approx) with frontage to Charlton Lane;
- Schedule 1 Additional permitted uses Clause 5 *Use of certain land in the vicinity of Pittwater Road and Roger Street Brookvale*: applies to B5 zoned part of site only and permits with consent office premises, retail premises and shop top housing.



See the zoning and additional permitted uses extracts at Attachment 1 for further detail.

Characteristics of issues

St Vincent de Paul submission to exhibition of draft WLEP 2009

In response to the exhibition of the draft WLEP 2009, the St Vincent de Paul Society made a submission requesting that the whole of the site be zoned B5 Business Development, so that the current retail and office uses of the site could continue.

St Vincent de Paul advised that redevelopment is likely to include retail and offices at ground floor with additional office uses above, and that the split zoning presents a constraint to development.

Further submission from St Vincent de Paul

Council notified St Vincent de Paul of its intention to review the planning provisions applicable to the site. St Vincent de Paul advised in response that the Society still holds with its original submission of 2009 that the site should be wholly zoned B5, eliminating the split zoning.

The Society has advised that they are developing a proposal to make the site a 'community hub' to service disadvantaged members of the community, retaining retail on the ground floor, with commercial levels above for community and not-for-profit agencies offering counselling, legal aid and other services. Consideration is also being given to a dental clinic, child care and community meeting space.

The Society advises that grouping services in one location makes travel, referrals and coordination better for both the clients and the agencies, and that this type of facility will point the way for future such developments around the country.

History of the split zoning

The split zoning seems to be historically based. Under both the Warringah Shire Planning Scheme 1963 and under WLEP 1985, the site comprised three lots, of which the westernmost lot on the corner of Pittwater Road and Orchard Street was zoned general business and eastern two lots were zoned industrial.

Under WLEP 2000 the subject site was in two localities, which was then reflected in the zoning under the draft WLEP 2009:

- The former Locality F1 Brookvale Centre became the Zone B5 Business Development and Area 9 under Clause 5 of Schedule 1 Additional Permitted Uses; and
- The former Locality F3 Brookvale Industrial became the Zone IN1 General Industrial.

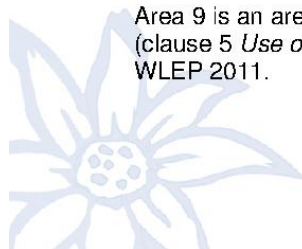
The current split zoning appears to follow the original subdivision pattern and zoning, although the three lots are now consolidated into a single lot.

Current zoning restrictions

Under WLEP 2011, the site is split between B5 Business Development to the west and IN1 General Industrial to the east.

The B5 Business Development western part of the site is within 'Area 9', which allows office premises, retail premises, and shop top housing as additional permitted uses.

Area 9 is an area of land in Brookvale that is included in Schedule 1 Additional Permitted Uses (clause 5 *Use of certain land in the vicinity of Pittwater Road and Roger Street, Brookvale*) under WLEP 2011.



For that part of the site that is not in Area 9, office premises, retail premises, and shop top housing uses are prohibited (shop top housing is prohibited under '*residential accommodation*', and business, office and retail premises are prohibited under '*commercial premises*').

This is a significant constraint to any future orderly and economic redevelopment and use of the site.

Means of addressing the issues

The redevelopment envisaged by St Vincent de Paul would be facilitated by a consistent zoning under which the proposed uses would be permissible.

This can be achieved by an amendment to WLEP 2011 that covers:

- An amendment to the Land Use Zoning Map to rezone that part of the site zoned IN1 General Industrial to B5 Business Development under Warringah Local Environmental Plan (WLEP) 2011;
- An amendment to the Land Use Zoning Map to rezone the southern part of Charlton Lane from IN1 General Industrial to B5 Business Development, in order for the zoning to be consistent, and because roads need to be zoned under WLEP 2011; and
- An amendment to Clause 5 *Use of certain land in the vicinity of Pittwater Road and Roger Street, Brookvale*, under WLEP 2011 Schedule 1 Additional permitted uses, so that Area 9 covers the entire site under the Additional Permitted Uses Map.

The justification for the amendments includes:

- To achieve a consistent B5 Business Development zone combined with an extended Area 9 (under Clause 5 of Schedule 1 Additional permitted uses) over the whole of the site. This will assist in providing additional employment opportunities in Brookvale and will achieve planning provisions for the site consistent with the functions of the Brookvale centre;
- To have a consistent single zone over the whole site and Charlton Lane that is compatible with the adjoining zones, noting that Charlton Lane forms the boundary between the B5 Business Development and IN1 General Industrial zones;
- To remove the historic anachronism of the split zoning that stems from the original three lot subdivision pattern and the zones of the 1960s, although the three lots are now consolidated into a single lot;
- To maintain Brookvale's significant strategic planning role as part of the major centre of Brookvale – Dee Why by facilitating redevelopment opportunities; and
- To permit with consent office premises and retail premises to maintain flexibility, maximise employment opportunities and meet the stated needs of the owners of the site.

Consultation

Community consultation will be undertaken as part of the statutory LEP amendment and in accordance with Council's community engagement policy. This will occur following the gateway determination by the NSW Department of Planning and Infrastructure.

Policy Impact

Amendment to the Warringah LEP

Financial Impact

The work will be undertaken by staff within existing budget allocation.

Timing

The timing of the project and future community consultation are unable to be foreshadowed. The timing is subject to the Department of Planning and Infrastructure's assessment of the proposal and their 'gateway determination' process.

Conclusion

It is recommended that Council resolve to prepare a planning proposal to amend WLEP 2011.

The effects of this amendment will be:

- to rezone the eastern part of the St Vincent de Paul site at Lot 1, DP 1001963, 638 Pittwater Road Brookvale from IN1 General Industrial to B5 Business Development
- to amend the Additional Permitted Uses Map so that Area 9 covers the entire site under Clause 5 *Use of certain land in the vicinity of Pittwater Road and Roger Street, Brookvale*, under WLEP 2011 Schedule 1 Additional Permitted Uses, and
- to amend the Land Use Zoning Map to rezone the southern part of Charlton Lane from IN1 General Industrial to B5 Business Development.

Group Manager Strategic Planning



ITEM 8.8	AMENDMENT OF WARRINGAH DEVELOPMENT CONTROL PLAN
REPORTING MANAGER	GROUP MANAGER STRATEGIC PLANNING
TRIM FILE REF	2012/403429
ATTACHMENTS	1 Draft Warringah Development Control Plan (Amendment 3)

EXECUTIVE SUMMARY

PURPOSE

To bring to Council draft Warringah Development Control Plan (Amendment 3) for Council's consideration and approval to proceed to public exhibition.

SUMMARY

Council had previously resolved to include provisions within the Warringah Development Control Plan (WDCP) in relation to:

- Bicycle parking and end of trip facilities, and
- Precinct specific development controls for the Dee Why RSL Club site (corner of Pittwater Road; Hawkesbury Avenue and Clarence Avenue, Dee Why).

The draft Warringah Development Control Plan (Amendment 3) is at **Attachment 1** and is referred to in this report as the draft DCP. It has been prepared in response to Council's previous decisions and will amend WDCP by introducing two new parts into the WDCP as follows:

- Part C3(A) Bicycle Parking and End of Trip Facilities, and
- Part G6 Dee Why RSL Club.

The new WDCP parts will operate in conjunction with other components of WDCP to guide and control future development in Warringah.

FINANCIAL IMPACT

The draft DCP has been prepared within the Strategic Planning unit budget.

POLICY IMPACT

Once finalised, the draft DCP will amend WDCP and will provide the community; proponents of development; development assessment personnel and Council with clear and practical requirements for future development.

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council:

- A. Pursuant to section 18 of the *Environmental Planning and Assessment Regulation 2000*, place the draft Development Control Plan that includes amendments for end of trip bicycle facilities and the Dee Why RSL Master Plan on public exhibition for a period of at least 28 days and invite submissions from the public.
 - B. Following the public exhibition, give further consideration to the draft DCP and any submissions made thereto.
-

REPORT

CONTENT

The draft DCP addresses two separate and discrete matters, both of which have arisen from earlier decisions of Council. These will be addressed separately below.

Warringah Bike Plan

On 24 August 2010 Council resolved to adopt the Warringah Bike Plan and to commence the implementation of its 40 key actions. Action 22 requires Council to:

Determine appropriate DCP standards for end of trip facilities for various land uses in Warringah and integrate these into the future Warringah Council DCP where appropriate.

Attachment 1 includes proposed Part C3 (A) Bicycle Parking and End of Trip Facilities, which has been prepared in response to the above resolution of Council. The proposed Part C3 (A) content was developed after review of relevant NSW Government documents and Australian Standards and like requirements of other metropolitan councils.

Once finalised, the new part will operate in conjunction with other parts of WDCP. It will identify development requirements for bike parking and end of trip facilities relevant for particular forms of development and will apply throughout Warringah.

Dee Why RSL Club

The Dee Why RSL Club site (corner of Pittwater Road, Hawkesbury Avenue and Clarence Avenue, Dee Why) is located within an area that primarily accommodates medium density residential development. Consequently, the planning controls for the area, both historic and current, are designed to guide and control outcomes for residential flat buildings.

Warringah Local Environmental Plan 2011 (LEP 2011) and WDCP both came into operation on 9 December 2011. Prior to this, the then Warringah Local Environmental Plan 2000 (WLEP 2000) included a requirement that the long term development of the Dee Why RSL Club site was to be undertaken in accordance with a Masterplan. The Masterplan was adopted by Council to provide precinct specific controls for the site, thereby recognising the need to address this site separately from surrounding residential flat building development.

The required Masterplan was approved by Council in 2001 and included five stages of (future) development generally as follows:

- Stage 1: Car parking, club extensions and landscaping.
- Stage 2: Club fitout and landscaping.
- Stage 3: Administration fitout.
- Stage 4: Tourist accommodation and carparking.
- Stage 5: Car parking, food court extension, main entry and tourist accommodation.

Stages 1 to 3 of the Masterplan works are complete. A development application for Stage 4 works was submitted to Council in 2011. This included works that did not entirely accord with the Masterplan. Hence, an application was also submitted to amend the Masterplan to accommodate the changes made in the Stage 4 works.

On 27 March 2012 Council considered and approved the application to amend the Masterplan. Council resolved as follows:

- A. *That, in accordance with Clause 19 of Warringah Local Environmental Plan 2000, Council resolve to adopt the amendments to the Dee Why RSL Club Masterplan (deemed DCP).*
- B. *That Council commence a review of Warringah Development Control Plan 2011 to provide site specific controls for the Dee Why RSL Club site which reflect the Dee Why RSL Club Masterplan.*

Attachment 1 includes proposed Part G6 Dee Why RSL Club. The draft DCP proposes to introduce (new) Part G6 into WDCP. Part G6 has been prepared in accordance with part B of the above resolution of Council. Once approved and operational the new part will continue to provide recognition that future development of the site will be managed in a different way from surrounding residential flat building development.

In preparing the Part G6 content, Council staff met with a representative of the Dee Why RSL Club to ensure that the club is informed of the process which is one of translating the existing approved Masterplan into WDCP, thereby carrying forward the status of the Masterplan that had existed under the previous planning instrument, being WLEP 2000. In particular, it was advised that this process is not an opportunity to review the Masterplan. Rather, the process is being undertaken in response to the Council decision of March 2012 to ratify the existing approved Masterplan in the new planning system in Warringah. Staff advised that, should the Club wish to undertake future review of the Masterplan (or rather WDCP Part G6), such will require a separate process to amend WDCP.

One issue arose from the discussion as follows. Stage 5 of the approved Masterplan identifies 'Tourist Style Accommodation' as one of the intended future land uses. Council staff advised that the Masterplan was first adopted by Council in 2001 and, at the time, WLEP 2000 permitted the land use as a Category Three development. Under the current LEP 2011, the site is zoned R3 Medium Density Residential. 'Tourist Style Accommodation' is not a permitted land use in the zone. Council staff advised that by referring to the Masterplan, Part G6 of WDCP will not authorise the land use as LEP 2011 prevails over WDCP in determining land use permissibility.

It was further advised that Stage 5 of the Masterplan continues to have relevance in WDCP to identify the built form parameters for the Stage 5 works. Certain forms of residential accommodation are permitted on the site under LEP 2011, including seniors housing. Hence, the Masterplan will continue to have relevance to control the built form of future development options that propose development permitted under LEP 2011. A note has been incorporated into Part G6, consistent with this advice, to ensure that users of WDCP are informed of the above, particularly the relationship between LEP 2011 and WDCP.

The Dee Why RSL Club will have opportunity to make a submission about the draft DCP content at the public exhibition stage. It will be open to Council, after consideration of submissions, to make any amendments to the draft DCP content that it believes appropriate providing they are consistent with LEP 2011 and with the purpose and intention of the WDCP.

CONSULTATION

It is recommended that Council place the draft DCP on public exhibition and invite submissions, in accordance with the *Environmental Planning and Assessment Regulation 2000*.

Under Clause 18 of the *Environmental Planning and Assessment Regulation 2000*, following its preparation, a draft DCP must be publicly exhibited for at least 28 days to enable public participation and to invite submissions on the draft DCP.

It is proposed to exhibit the draft DCP on Council's website, in Council libraries, Council's offices and the Manly Daily. Supporting documents for the exhibition of the draft DCP can include the comprehensive WDCP, LEP 2011 and the Warringah Bike Plan.

TIMING

Following the exhibition, the consideration of any submission received and any changes made to the draft DCP, the draft DCP will be reported back to Council for its approval.

Under Clause 21 of the *Environmental Planning and Assessment Regulation 2000*, a development control plan comes into effect on the date that public notice of its approval is given in a local newspaper, or on a later date specified in the notice.

POLICY IMPACT

Once finalised, approved by Council and in force, the Part C3 (A) Bicycle parking and end of trip facilities and Part G6 Dee Why RSL Club will operate in conjunction with other components of WDCP to provide the community, proponents of development, development assessment personnel and Council with clear and practical requirements for future development.

FINANCIAL IMPACT

This project is being undertaken within the existing budgeted resources of the Strategic Planning unit.

Draft Warringah Development Control Plan (Amendment 3)

Purpose of this Development Control Plan

This plan introduces new controls into the Warringah Development Control Plan in relation to:

- bicycle parking and end of trip facilities, and
- precinct specific controls for development on the Dee Why RSL Club site.

Name of plan

This plan is called Warringah Development Control Plan (Amendment 3).

Land to which this plan applies

This plan applies to all land with the Warringah Local Government Area.

Relationship of this Development Control Plan to Warringah Development Control Plan

This plan amends the Warringah Development Control Plan (approved by Council 8 June 2010; came into effect 9 December 2011) in the manner set out in Schedule 1.

Schedule 1 Amendments

1. Insert the following after Part C3 Parking Facilities.

Part C3(A) Bicycle Parking and End of Trip Facilities

Applies to Land

This control applies to all land identified on the Warringah Local Environmental Plan 2011 – Land Application Map other than land that is shown as ‘Deferred matter’.

This control does not apply to development that is a dwelling house, a change of use when no additional floor space is being created or subdivision of land.

Objectives

- To help meet the transport needs of the Warringah community
- To encourage healthy active lifestyles and help reduce reliance on private motor vehicles
- To provide convenience and safety for bicycle users

Requirements

1. Bicycle parking facilities must be provided for new buildings and for alterations or additions to existing buildings. In the case of alterations or additions to existing buildings bicycle parking facilities are required for the additional floor area only.
2. Bicycle parking shall be designed and constructed in accordance with Australian Standard AS 2890.3 – Bicycle Parking Facilities.
3. Bicycle parking facilities shall be designed to be an integral part of the development and where visible from public places or streets, will complement the visual quality of the public domain.
4. Bicycle parking shall be provided in accordance with the generation rates in the following table and is determined by adding Column 1 and Column 2 requirements and rounding up.

MINIMUM BICYCLE PARKING REQUIREMENTS

Land Use	Column 1 High–Medium Security Level*	Column 2 High–Low Security Level**
Residential Accommodation containing 3 or more dwellings (excluding group homes; boarding houses; hostels; seniors housing)	1 per dwelling	Visitors: 1 per 12 dwellings
Boarding House	1 per 10 beds	Visitors: 1 per 20 beds
Hostels and Group Homes	1 per 20 beds	Visitors: 1 per 30 beds
Seniors Housing	1 per 2 Independent living units and for all other types of development 1 per 15 beds.	Visitors: 1 per 12 independent living units and for all other types of development 1 per 30 beds.
Business and Retail Premises	1 per 200m ² GFA	Visitors: 1 per 600m ² GFA
Office Premises	1 per 200m ² GFA	Visitors: 1 per 750m ² GFA over 1000m ²
Light and General Industry	1 per 200 m ² GFA	Visitors: 1 per 600m ² GFA
Educational Establishment other than a School	1 per 100 part time students 2 per 100 full time students	
School		1 per 5 students over Year 4 – Protected from weather
Hospital	1 per 15 beds	Visitors: 1 per 30 beds
Recreation Facility (indoor, outdoor, or major)	1 per 4 employees PLUS 1 per 1500 spectator places	1 per 200m ² GFA 1 per 250 spectator places
Tourist and Visitor Accommodation (excluding backpackers)	1 per 4 units / guest rooms	Visitors: 1 per 16 units / guest rooms
Backpackers' Accommodation	1 per 20 beds	Visitors: 1 per 30 beds

Notes to Table

* Bicycles are stored in individual lockers or locked to rails within a secure room/ enclosure. (Refer to Part 7.6 of the NSW Planning Guidelines to Walking and Cycling for more detail.)

** Bicycle frames and wheels are locked to high quality rails. (Refer to Part 7.6 of the NSW Planning Guidelines to Walking and Cycling for more detail.)

Where the parking rate for a particular use is not specified above, justification for the nominated rate is to be made by reference to the rates specified in the NSW Planning Guidelines for Walking and Cycling or Austroads Guide to Traffic Engineering Part 14 – Bicycles.

Column 2 requirements may be incorporated into the Column 1 provisions.

5. End of trip facilities must be provided for new buildings and for alterations or additions to existing buildings. In the case of alterations or additions to existing buildings end of trip facilities are required for the additional floor area only. End of trip facilities are not required for schools, wholly residential buildings or residential components of mixed use buildings.
6. End of trip facilities shall be provided in accordance with the following:
 - a) Bathroom/ change area(s) shall be provided and shall contain:
 - i) At least one toilet, wash basin, mirror, clothing hooks and power points (including shaving plugs).
 - ii) A minimum of one shower cubicle per seven (7) required bicycle parking spaces.

- iii) Each shower cubicle shall include a private clothes changing area with a bench and a minimum of two (2) clothing hooks.
- b) Clothes Lockers shall be:
 - i) Provided at the rate of one clothes locker for every required bicycle parking space.
 - ii) Secure, ventilated and large enough to store cycling gear (such as panniers, shoes, towels and clothing). Suggested minimum dimensions of a clothes locker are 900mm (height), 350mm (width) and 500mm (depth).

Note: The following documents are recommended references when planning for bicycle facilities in developments.

- Part 11 of the NSW Bicycle Guidelines
- Australian Standard AS 2890.3- Bicycle Parking Facilities
- The design principles and specifications for bicycle parking contained in Part 7.6 of the NSW Planning Guidelines for Walking and Cycling
- Cycling Aspects of Austroads Guides 2011 – Part 11: End of Trip Facilities and Appendix F

2. Insert the following after Part G5 Freshwater Village.

Part G6 Dee Why RSL Club

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Notes

This part of the DCP is for future development and in particular the application of Stage 5 of the approved Masterplan over Lot 1, DP 706230, 932 Pittwater Road Dee Why.

Part B Built Form Controls do not apply to this land.

All other parts of the DCP apply to this land.

In the event of any conflict between this part and other parts of the DCP, the provisions of this part shall prevail in relation to development on this land.

Unless otherwise specified, 'Exceptions' apply only to the 'Requirements' of the relevant control.

The 'Objectives' of the control are still applicable, irrespective of any 'Exceptions'.

Design Principles extracted from the Masterplan Report for Dee Why RSL Club 930-932 Pittwater Road Dee Why prepared by Gary Shiels and Associates March 2001 are included as Notes where relevant to the DCP.

1. Masterplan

Applies to land

This control applies to Lot 1, DP 706230, 932 Pittwater Road Dee Why.

Objectives	Requirements
O1. To deliver the Master Plan's aims and objectives.	<p>R1. Development will be generally in accordance with the Dee Why RSL Club – Masterplan prepared by Altis Architecture Stage 4 Amendment, Issue 4, June 2011 comprising:</p> <ul style="list-style-type: none"> • Summary sheet • MP01_Proposed Level B1 Carpark • MP02_Proposed Level 1 • MP03_Proposed Mezzanine Level 1A • MP04_Proposed Level 2 • MP05_Proposed Level 3 • MP06_Proposed Level 4

Notes

1. The Masterplan is at Dee Why RSL Master Plan June 2011 [HOTLINK](#) and is copied at the end of this document for information.

2. The Masterplan identifies that Stage 5 works include 'Tourist Style Accommodation'. The Masterplan was first adopted by Council in 2001 and, at the time, Warringah LEP 2000 allowed the land use as a Category Three development.

Under Warringah Local Environmental Plan 2011, the site is zoned R3 Medium Density Residential. 'Tourist Style Accommodation' is not a permitted land use in the zone. By referring to the Masterplan the DCP does not authorise this use as LEP 2011 prevails in determining land use permissibility.

Stage 5 of the Masterplan continues to have relevance in the DCP to identify the built form parameters for the Stage 5 works. Certain forms of residential accommodation are permitted on the site by LEP 2011. Hence, the Masterplan will continue to have relevance to control the built form of future development options that propose development permitted by LEP 2011.

3. Built form

Applies to land

This control applies to Lot 1, DP 706230, 932 Pittwater Road Dee Why.

Objectives	Requirements
<p>O1. To complement the area surrounding the site.</p> <p>O2. To provide a transition to the scale of residential development.</p> <p>O3. To provide an urban design solution that respects the topography of the site.</p>	<p>R1. Development will step down to the north and east.</p>
<p>O4. To provide an urban design solution that respects the nature of surrounding development.</p>	<p>R2. Residential development will adopt the residential nature of the surrounding area.</p>

Note

Design Principles

To create an architectural image that enhances the landscape form of the surrounds.

To create an architectural form that enhances the entertainment image of the complex.

To provide high quality indoor / outdoor facilities adjacent to water and landscaping areas.



4. Boundary envelope

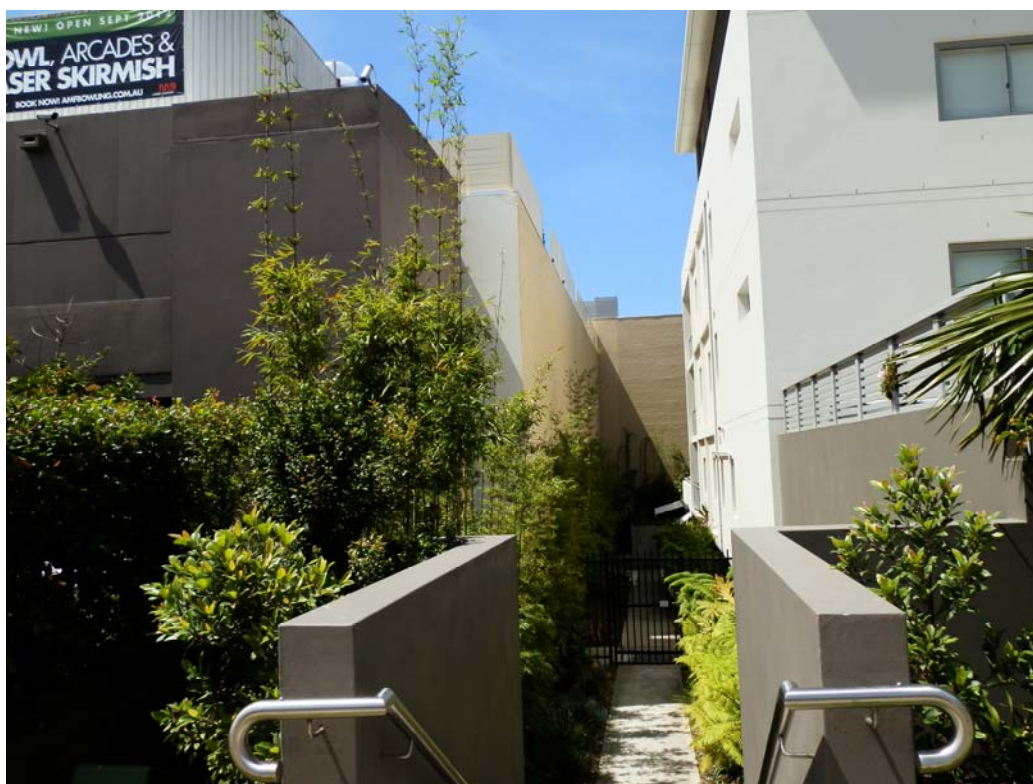
Applies to land

This control applies to Lot 1, DP 706230, 932 Pittwater Road Dee Why.

Objectives	Requirements
<p>O1. To ensure that development does not become visually dominant by virtue of its height and bulk.</p> <p>O2. To ensure adequate light, solar access and privacy by providing spatial separation between buildings.</p> <p>O3. To ensure that development responds to the topography of the site.</p>	<p>R1. Development on this land must be sited within a building envelope determined by projecting planes at 45 degrees from a height above ground level (existing) of 5m at the southern and eastern boundaries.</p>

Exceptions

Balconies, eaves, fascias, gutters, downpipes, masonry chimneys, flue pipes or other services infrastructure provided it is integrated with the building design may encroach beyond the boundary envelope.



5. Boundary setbacks

Applies to land

This control applies to Lot 1, DP 706230, 932 Pittwater Road Dee Why.

Objectives	Requirement
<p>O1. To create a sense of openness.</p> <p>O2. To protect and enhance the visual quality of streetscapes and public spaces.</p> <p>O3. To maintain the visual continuity and pattern of buildings and landscape elements.</p>	<p>R1. Boundary setback areas are to be landscaped and generally free of any structures or site facilities other than driveways, letter boxes, garbage storage areas and fences.</p>
<p>O4. To provide a wide landscaped strip on the northern frontage of the site.</p>	<p>R2. Northern boundary: development with frontage to Hawkesbury Avenue must not extend at any point beyond the existing building.</p>
<p>O5. To ensure that the scale and bulk of buildings is minimised.</p> <p>O6. To provide adequate separation between buildings and adjacent land to ensure a reasonable level of privacy, amenity and solar access is maintained.</p> <p>O7. To ensure articulation and modulation of facades.</p>	<p>R3. Southern boundaries: development is to maintain a minimum setback of 5.0m from the southern boundaries.</p> <p>R4. Eastern boundary: development is to maintain a minimum setback of 6.5m from the Clarence Avenue boundary and is not to encroach at any point beyond the existing building.</p> <p>R5. Western boundary: development is to maintain a minimum setback of 6.5m from the Pittwater Road boundary and is not to encroach at any point beyond the existing building.</p> <p>R6. Any storey above the second storey is to be set back a minimum of 2.5m from the face of the second storey.</p> <p>R7. Residential development is to be articulated and varied in its setbacks generally in accordance with the Masterplan.</p>

Exceptions

- E1. Light fittings, electricity or gas meters or other services infrastructure and structures not more than 1m above ground level (existing) (including steps, landings, pedestrian ramps and stormwater structures) may encroach into the setback up to 2m from a boundary.
- E2. Entrance and stair lobbies at ground floor level may encroach into the setback up to 2m from a boundary.
- E3. Basement car parking may extend:
- Up to 2m from the boundary, and

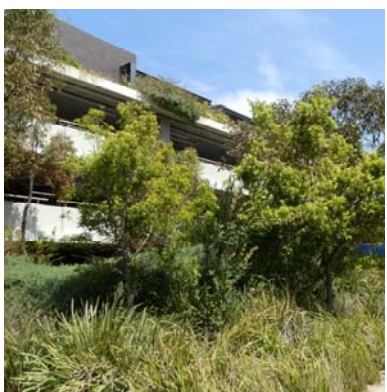
- No more than 1m above ground level (existing).

Note

Maximum height of buildings is determined by reference to the WLEP.

To measure the height in storeys:

The number of storeys of the building are those storeys which may be intersected by the same vertical line, not being a line which passes through any wall of the building; and Storeys that are used for the purposes of garages, workshops, store rooms, foundation spaces or the like, that do not project, at any point, more than 1 metre above ground level (existing) are not counted.



6. Safety and security

Applies to land

This control applies to Lot 1, DP 706230, 932 Pittwater Road Dee Why.

Objectives	Requirements
O1. To enhance the safety and security of public and private spaces.	R1. The built form and landscaping elements are to: <ul style="list-style-type: none"> • achieve casual observation of public domain, and • discourage vandalism.
O2. To incorporate appropriate lighting.	R2. Provide lighting in areas intended for night use and/or areas accessed by pedestrians after dark.

Note

See also Warringah DCP Clause D20 for general requirements for safety and security.

Design Principle

Provide a safe and friendly environment for all age groups.

7. Views

Applies to land

This control applies to Lot 1, DP 706230, 932 Pittwater Road Dee Why.

Objectives	Requirements
O1. To retain the existing views to, from and through the site.	R1. Views from the site to the east (Dee Why coastline, Dee Why Lagoon and the South Pacific Ocean) are to be considered and retained.
O2. To promote a high quality outlook for surrounding residential areas.	R2. Development shall provide for the reasonable sharing of views.
O3. To achieve reasonable view sharing to and from public and private properties.	

Note

Assessment of applications will refer to the Planning Principle established by the Land and Environment Court in [Tenacity Consulting v Warringah Council \(2004\) NSWLEC 140](#).



8. Landscaping and civic improvements

Applies to land

This control applies to Lot 1, DP 706230, 932 Pittwater Road Dee Why.

Objectives	Requirements
<p>O1. To provide high quality landscaping throughout the site including dedication of land to the public domain.</p> <p>O2. To contribute to the public domain.</p>	<p>R1. Substantial landscaping is to be achieved on the site generally by the provision of</p> <ul style="list-style-type: none"> trees at 1/10m², shrubs and ground-covers at a rate of 4 plants/m². <p>R2. Opportunities for deep soil landscape areas are to be provided on the site.</p> <p>R3. The northern portion of the site is to be set aside for open spaces and civic improvements such as a war memorial.</p>
<p>O3. To make an appropriate transition to the surrounding residential areas.</p> <p>O4. To soften and improve the built edge and façade.</p>	<p>R4. The northern and eastern boundaries of the site are to be landscaped appropriately utilising predominately local native species reflecting the character of the adjoining Dee Why Lagoon. Exotic species may be used in the context of memorial design and entry definition.</p> <p>R5. Landscaping will provide a vegetative screen of the car park when viewed from adjacent streets.</p>
<p>O5. To create a unique complex.</p>	<p>R6. Landscaping is to be used as part of the building fabric both internally and externally.</p>

Design Principle

Enhance the communities' awareness of the spirit of the ANZACs and the RSL movement.



9. Economic and social sustainability

Applies to land

This control applies to Lot 1, DP 706230, 932 Pittwater Road Dee Why.

Objectives	Requirements
<p>O1. To upgrade the quality and quantity of services and amenities provided by the Club for the benefit of members, visitors and community groups supported by the Club.</p> <p>O2. To provide a variety of services that will achieve long term economic viability.</p>	<p>R1. Development will be undertaken in accordance with the approved Masterplan prepared by Altis Architecture and the applicable controls in this DCP.</p>

Note

Design Principles

Provide a major high quality and unique entertainment complex for Dee Why.
Provide additional employment within the Dee Why district.

10. Traffic generation, car parking and vehicular access

Applies to land

This control applies to Lot 1, DP 706230, 932 Pittwater Road Dee Why.

Objectives	Requirements
<p>O1. To provide appropriate and well-considered traffic planning solutions.</p> <p>O2. To minimise the impact of the club activities and the surrounding road network.</p>	<p>R1. Vehicular access is to be restricted to Clarence Avenue with separate entry and exit driveways.</p>
<p>O3. To accommodate the demand for off-street car parking.</p> <p>O4. To provide adequate car parking facilities.</p>	<p>R2. The Club shall undertake patronage and user surveys of the existing Club facilities and similar club developments.</p> <p>R3. Additional peak traffic generation is to be assessed using the RMS <i>Guide to Traffic Generating Developments</i>, and surveys undertaken by the Club.</p>
<p>O5. To provide for safe and convenient pedestrian and vehicular movements within the site and in the car park.</p>	<p>R4. Design and layout of the carpark must demonstrate safe and convenient access for all users.</p>

Notes

See also DCP Part C Siting Factors C2 Traffic, Access and Safety for general controls and C3 Parking Facilities.

Design Principle

Provide an improvement of pedestrian access to the complex from Pittwater Road.



Copy of Masterplan June 2011

(see clause 1 of this part G6 of the DCP)

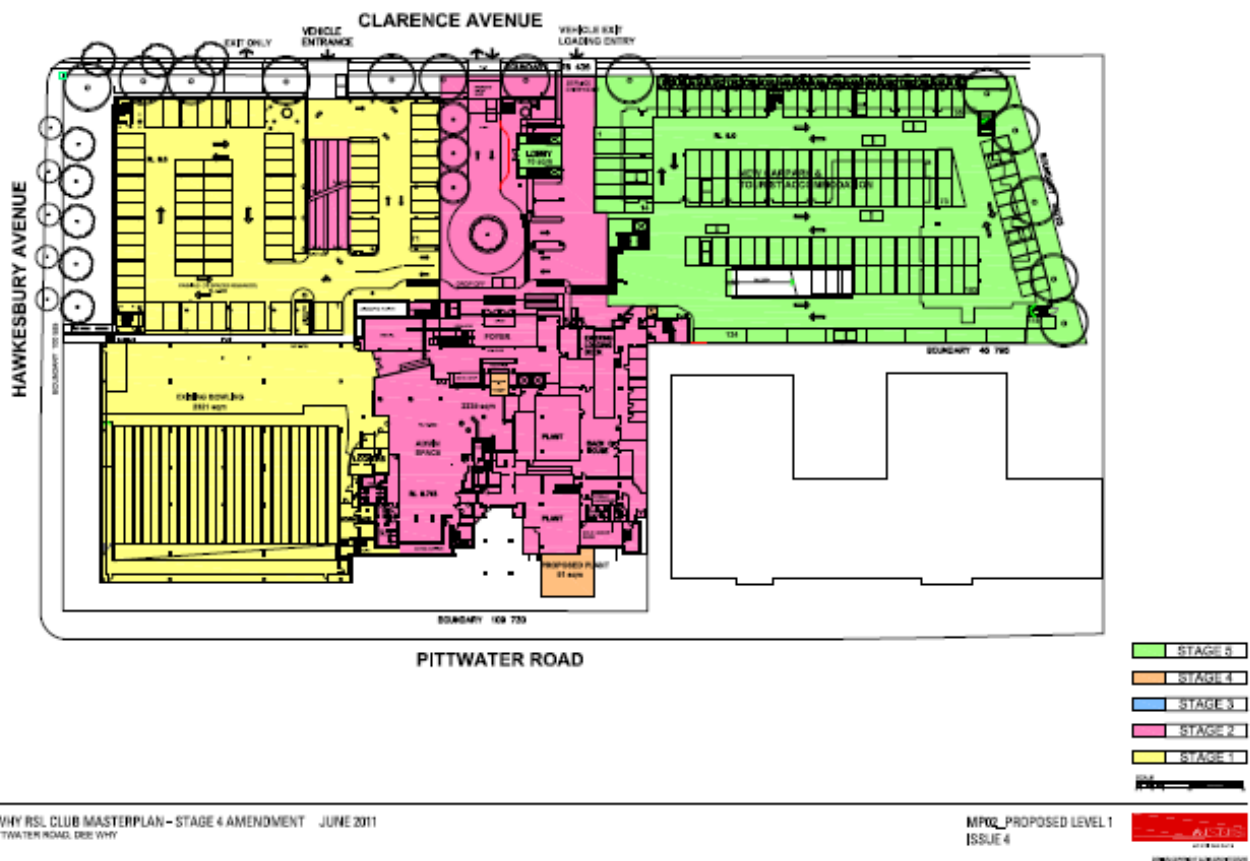
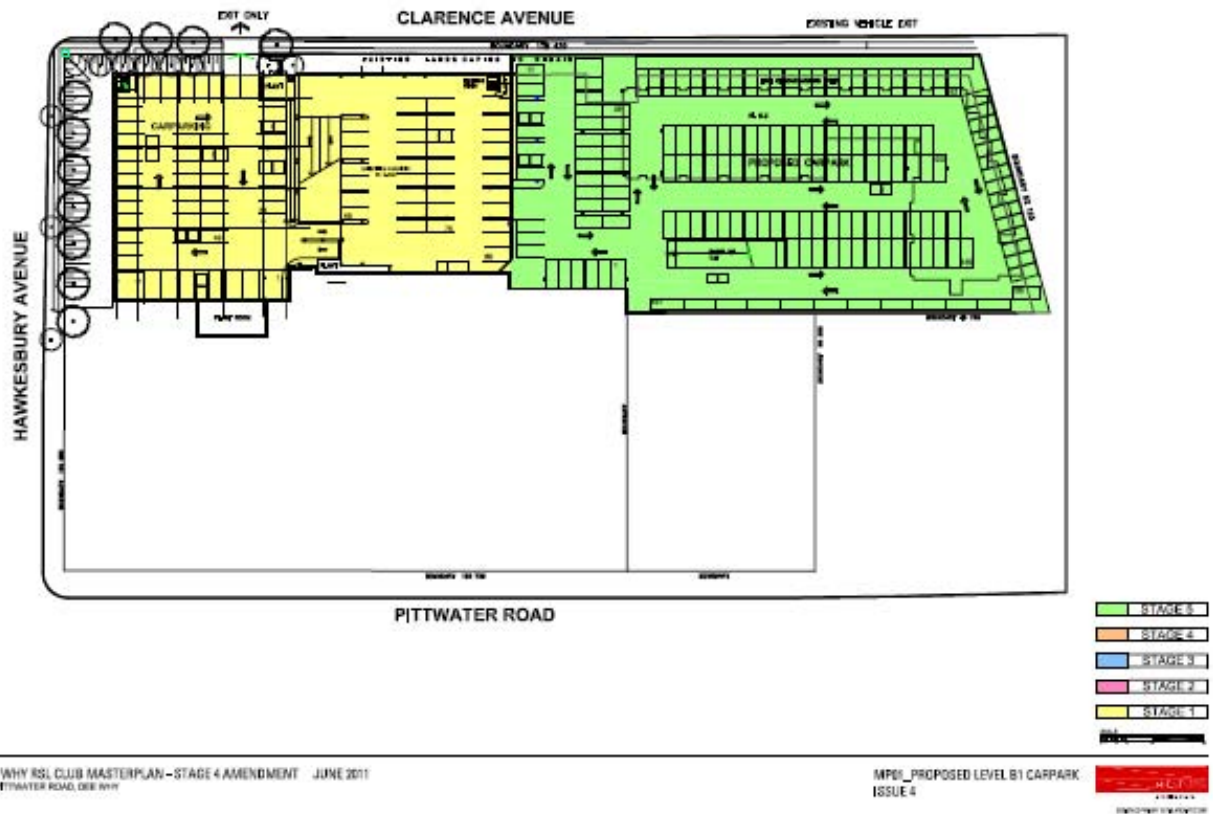
DEE WHY RSL CLUB - MASTERPLAN

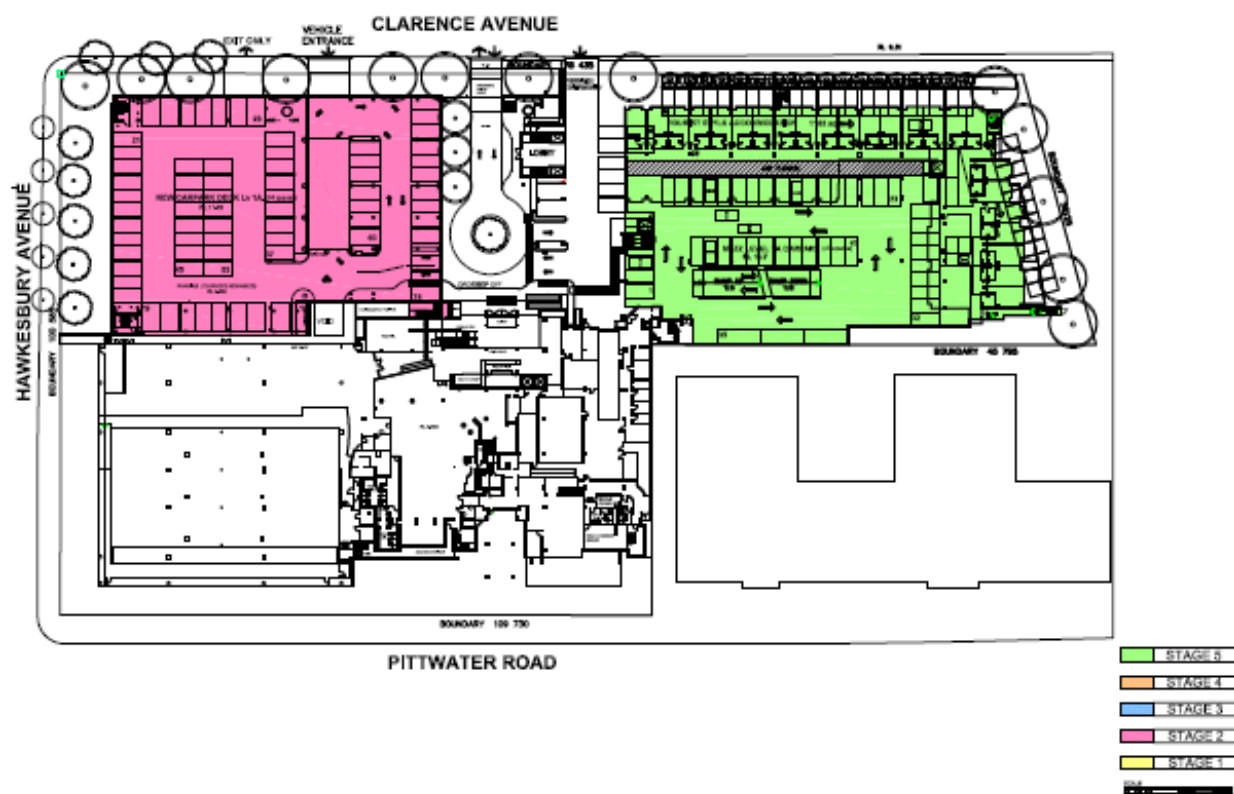
932 PITTWATER ROAD, DEE WHY

LEVEL B1	LEVEL 1	LEVEL 1A	LEVEL 2	LEVEL 3	LEVEL 4
STAGE 1 CARPARKING AND CLUB EXTENSION					
STAGE 2 CLUB FITOUT AND LANDSCAPING					
STAGE 3 ALFRESCO GAMING & CLUB REFURBISHMENT					
STAGE 4 FUNCTION ROOMS AND CLUB REFURBISHMENT					
STAGE 5 TOURIST STYLE ACCOMMODATION AND CARPARKING					

SPECIES FLOOR AREA & CARPARKING SUMMARY		
STAGE	EXISTING FLOOR AREA (sqm)	NEW FLOOR AREA (sqm)
STAGE 1	100	100
STAGE 2	10	10
STAGE 3	10	10
STAGE 4	10	10
STAGE 5	10	10
TOTAL	100	100
CARPARKING SUMMARY		
STAGE	EXISTING CARPARKING (sqm)	NEW CARPARKING (sqm)
STAGE 1	2,500 sqm	2,500 sqm
STAGE 2	4,500 sqm	4,500 sqm
STAGE 3	2,000 sqm	2,000 sqm
STAGE 4	3,000 sqm	3,000 sqm
STAGE 5	1,000 sqm	1,000 sqm
TOTAL	13,000 sqm	13,000 sqm
TOTAL SUMMARY		
STAGE	EXISTING FLOOR AREA (sqm)	NEW FLOOR AREA (sqm)
STAGE 1	100	100
STAGE 2	10	10
STAGE 3	10	10
STAGE 4	10	10
STAGE 5	10	10
TOTAL	100	100

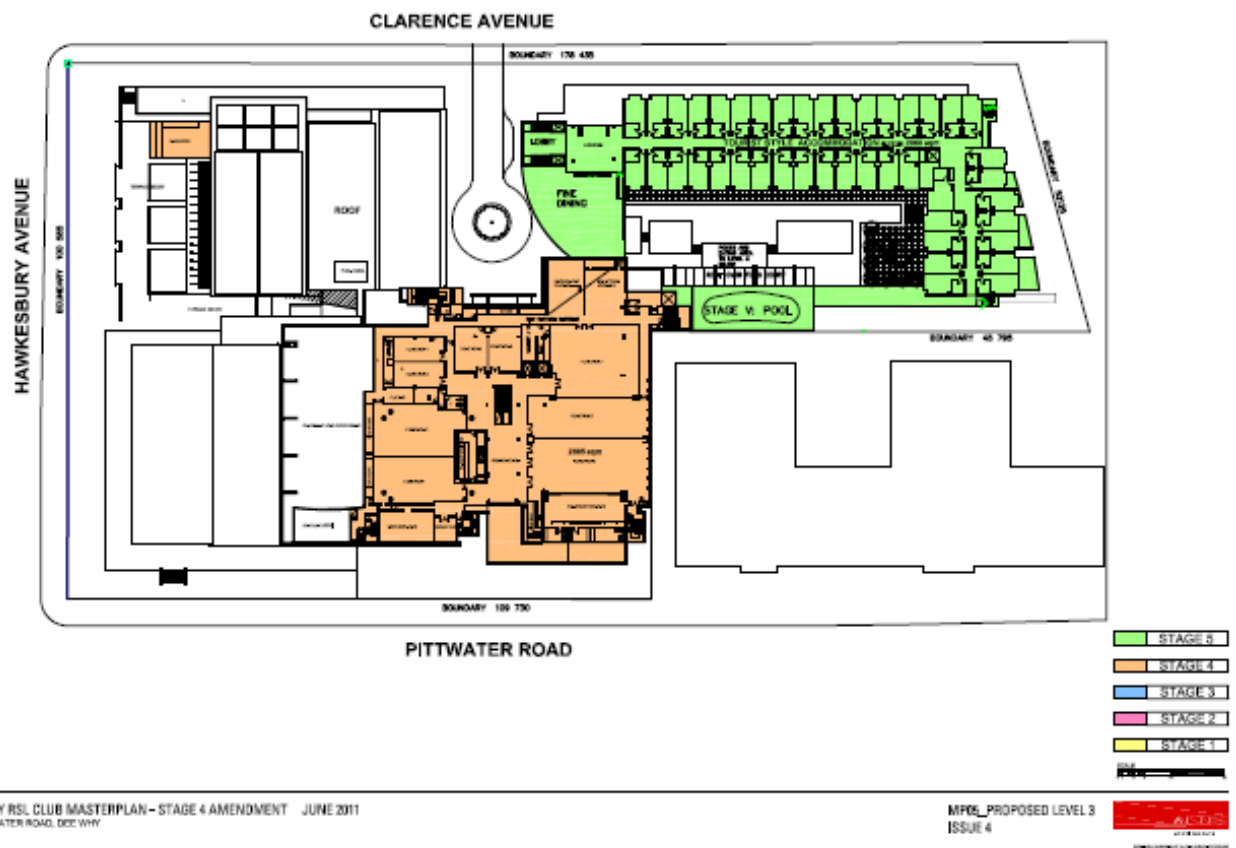
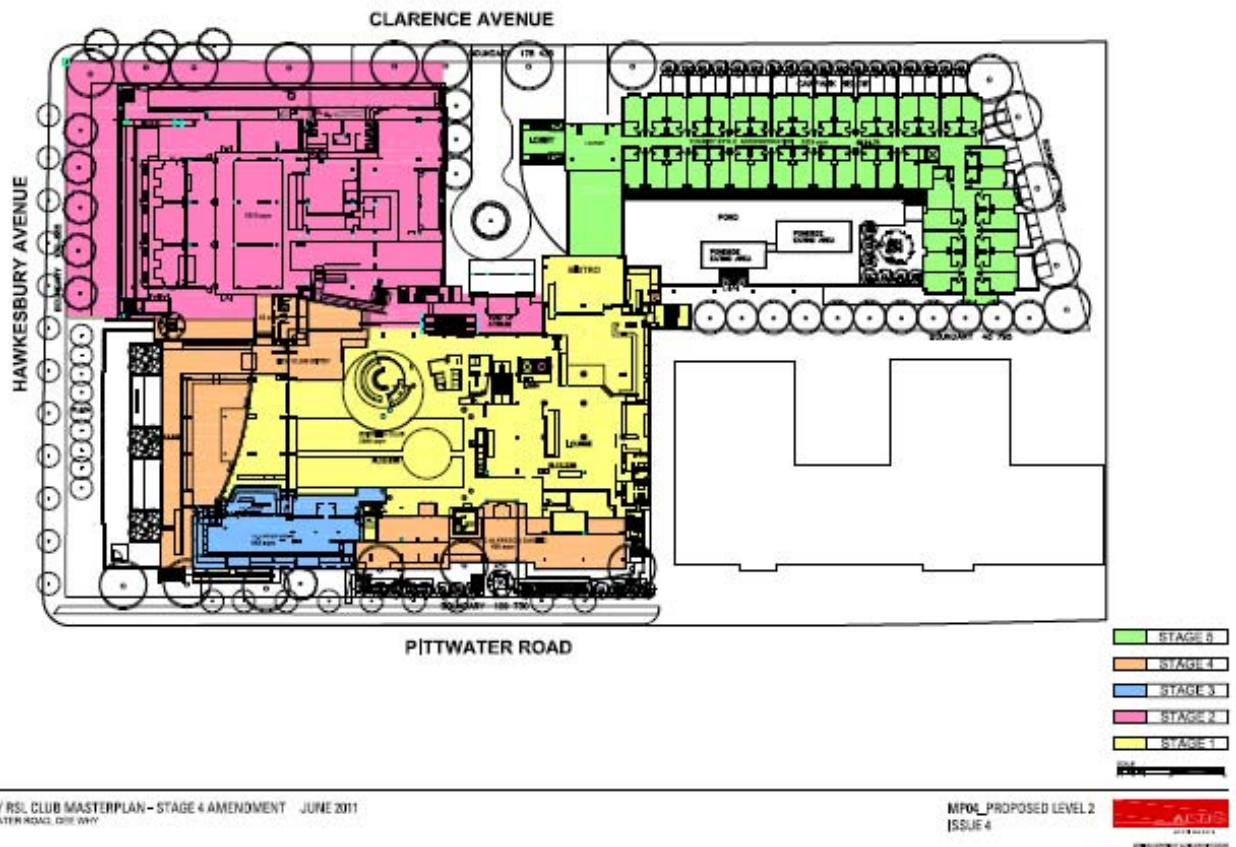
* REFURBISH EXISTING CLUB AREA, NOT ADDITIONAL AREA

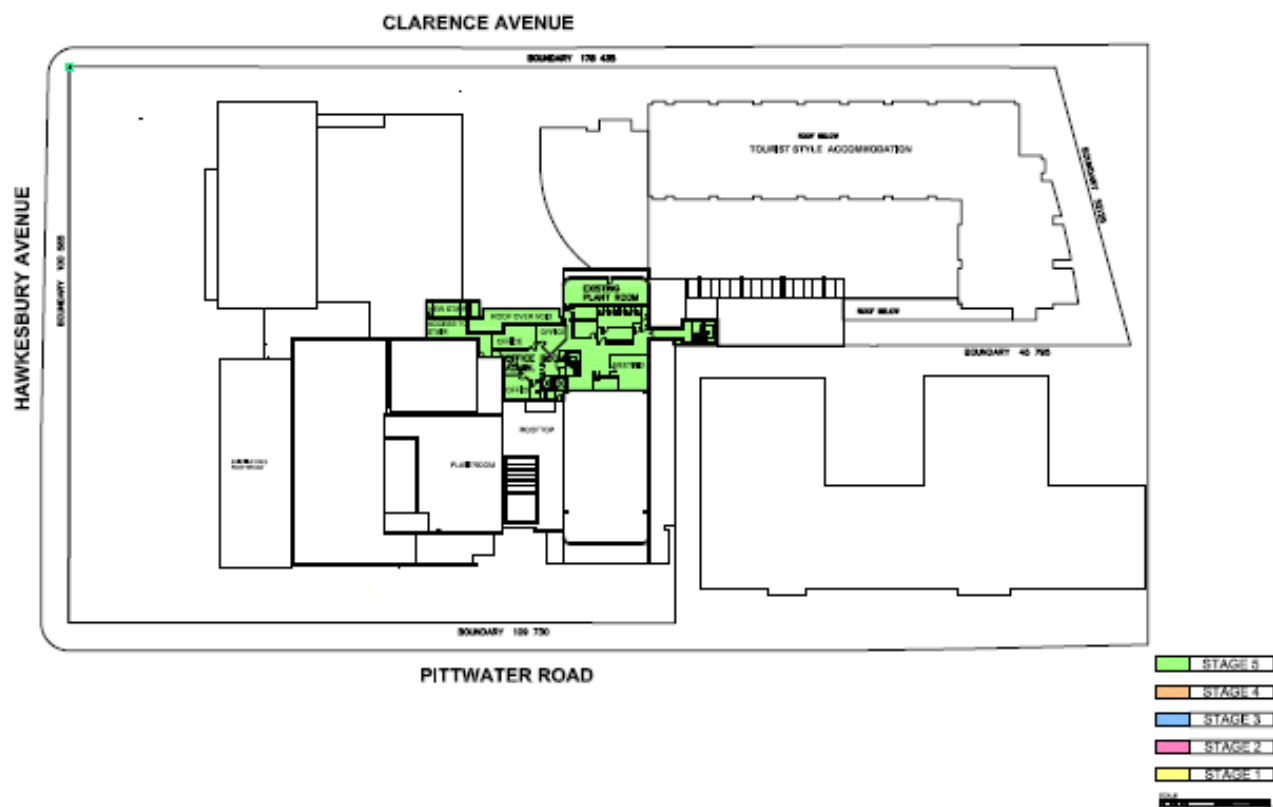




WHY RSL CLUB MASTERPLAN - STAGE 4 AMENDMENT JUNE 2011
11 WATER ROAD, DULLE WHY

MP03_PROPOSED MEZZANINE LEVEL 1A
ISSUE 4





ITEM 8.9	WARRINGAH SUBMISSION ON THE REVIEW OF THE LOCAL GOVERNMENT ACT
REPORTING MANAGER	GROUP MANAGER STRATEGIC PLANNING
TRIM FILE REF	2012/410680
ATTACHMENTS	1 Submission to Local Government Acts Taskforce

REPORT

PURPOSE

To approve the attached submission to the Local Government Acts Taskforce, on the review of the Local Government Act 1993.

REPORT

A review of the Local Government Act is one of the key actions of local government reform in NSW, as laid out in the Destination 2036 Action Plan approved by the Minister in June 2012. The Taskforce has been consulting councils around the State, releasing its Preliminary Ideas Paper in October 2012. The paper largely outlines the role of the Taskforce, the need to review the Act and asks key questions on what is and is not working well with the current Act.

Warringah's submission provides ideas on principles for a new Act, strengths of the current Act and the relationship to other legal tools. The bulk of the submission focuses on areas for improvement and suggests changes in the areas of:

- Establishing LGA boundaries
- How councils operate
- Financial matters
- Land and property matters
- Governance
- Human resources

The issues raised are consistent with previous Warringah submissions in 2012 on local government reform, made to the Independent Local Government Review Panel. Following on from this round of consultation, the Local Government Acts Taskforce will release a further discussion paper in March 2013. Their final report on a new Act, with recommendations, is due to the Minister in September 2013.

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council endorse the submission to the Local Government Acts Taskforce.



Submission to the Review of the Local Government Act

1 What top 5 Principles should underpin the content of a new Local Government Act?

A principles based approach to drafting of a new Act is supported. The local government environment is rapidly changing and the legislation needs to be more enabling to provide councils with the agility to respond.

If the legislation is focused on outcomes and accountability it will provide the necessary flexibility to support and encourage industry innovation. It will also better accommodate the diversity of the industry in terms of size, scale and location of councils.

We are aware that this approach to drafting legislation has been taken in relation to the respective Local Government Acts of Queensland and overseas in New Zealand.

Suggested principles for supporting the new Act are discussed below;

1. Sustainability both present and future focused. It covers the sustainability of the organisation in terms of financials, development and management of assets as well as service delivery more generally. It also has a community focus in terms of the social, economic, and environmental well being of people and communities. It is not limited to the current community but needs to also emphasise needs of future generations
2. Acting in the public interest considerations. This includes conducting business in an open, transparent, manner; as well giving effect to identified priorities and outcomes in an efficient and effective manner
3. Democratic representation. This involves meaningful community engagement and includes having regard to the views of all of its communities; the diversity of the community (social inclusion) and their interests, as well as the interests of future communities
4. Good governance of and by local government. This includes clear separation of powers between councillors and the administration, cohesion and cooperation between councillors, and councillors and council employees operating ethically and legally
5. Establishing and maintaining partnerships with other bodies. This includes collaboration and cooperation with other bodies and organisations potentially through different organisational structure to make efficient use of resources and achieve priorities and desired outcomes.

The suggested principles also align with community feedback in 2011 to Warringah's discussion paper "Local Government Reform". The discussions paper explored other models for local government on the Peninsula, the qualities the community was looking for from local government was:

- Financially efficient and sustainable
- Highly valued services, facilities and infrastructure
- Strategic capability for the long term and for the region
- Strong local democracy
- Responsive to changing community needs
- Engages with the community in meaningful ways
- Retains a sense of local identity and community.

2 What is currently working well in the Act (strengths)? Why?

These provisions should be retained in the Act:

- Integrated Planning and Reporting (Chapter 13):

These provisions are proving to be strategic and working well to improve the planning by councils and their accountability. It also seems to be having flow-on effects to improve the delivery of services and financial management of local government in NSW. The provisions are outcome focused, councils have discretion on how it complies and additional supporting information is contained in the manual and guidelines. The effective implementation of these provisions helps justify the new Act being less prescriptive than its current form.

- Financial provisions (Chapter 13 and 15):

These are generally well laid out and comprehensive, but the issue is in how they are applied by councils and the Division of Local Government (DLG) – see the comments at question 3 below. There is not enough rigour in their application and the reviews of performance by DLG.

3 Are there areas in the Local Government Act that are working well but should be removed to another Act or into Regulations, Codes or Guidelines?

- Financial management (Chapter 13 and 15):

There need to be better requirements in the regulation or guidelines to ensure more rigour in financial management and reporting. There is inconsistency and weaknesses in how the Act is applied by councils and the Division of Local Government (DLG). There need to be more rigour in their application, in the development of budgets, independent assessments and in the reviews of performance by DLG. This would enhance the accountability and transparency in setting and reporting on budgets. The current lack of consistency and poor accountability is also highlighted as a major issue in the recent Auditor-General's Report (Monitoring Local Government – Performance Audit, NSW Auditor General's Report, September 2012).

4 What is not working well in the Local Government Act (barriers or weaknesses) and should be modified or not carried into the new Act?

Proposed changes	Why
Establishing Councils	
Chapter 9 – boundaries and amalgamations – Needs to provide for regional reviews of the best groupings of councils, based on suggested criteria such as functions, economies of scale and scope, major infrastructure, catchments or other environmental features	<p>Council boundaries should be reviewed to enable the best governance of services and assets. This should include careful consideration of functions, infrastructure, corridors and environmental features. Warringah's community consultation has shown a strong support from the community that any re-alignment of council boundaries should be along functional boundaries, to encompass for instance whole water catchments or major commercial centres, and could ideally include the whole northern beaches.</p> <p>Boundaries should also be aligned in order to facilitate arrangements for regional collaboration and governance of services and assets i.e. don't split the management of a key function or area across two or more councils.</p>
How Councils operate	
Chapter 12 – Local government needs more flexibility to operate at a suitable scale for their region, be that through ROCs or other models	<p>Local government needs more flexibility to operate at a suitable scale for their region, be that through ROCs or other arrangements. The function to be undertaken should dictate the structure that is pursued – i.e. strategic planning and advocacy verses shared services.</p> <p>Various models need to be provided for in the Act to enable the tailoring of solutions and the Act needs to facilitate this process. For example:</p> <ul style="list-style-type: none"> • Enabling councils to establish separate commercial bodies to deliver services, such as council controlled organisations (CCOs) or council owned trading company (similar to the State Owned Enterprise model but in this case the owner is a local council) • Regional sharing of facilities and resources between councils e.g. Bay of Plenty Joint Services Committee (New Zealand). <p>See the New Zealand Local Government Act for how they have provide provides more flexibility for Council's to set up different structures.</p>

Proposed changes	Why
<p>Chapter 12 – Public Private Partnerships provisions – improve the ability of councils to set up commercial enterprises by simplifying provisions in s358 and s400. Current provisions are barriers</p>	<p>The Act particularly needs to better enable different models to operate, including the ability to commercialise some operations. Current provisions for setting up Public Private Partnerships (PPP) are too complex and onerous.</p> <p>This has caused costly delays in order to further develop regional waste handling at Kimbriki Resource Recovery Centre. This site is currently managed by Kimbriki Environmental Enterprises. The Act appears to require that a further entity be established to progress development of new waste handling.</p> <p>S358 requires the consent of the Minister to set up any entity or corporation. The term ‘entity’ is very broad.</p> <p>There is also a series of complex requirements in s400 regarding compliance with PPP guidelines from the Director General, and referral to the Project Review Committee of significant projects with further potential requirements.</p>
Financial matters	
<p>Chapter 13 – Financial management – need consistency across NSW in how finances are managed and reported</p>	<p>The inconsistency of measures and reporting is highlighted in the recent Auditor-General’s Report as a major issue undermining local government’s management of finances (<i>Monitoring Local Government – Performance Audit, NSW Auditor General’s Report, September 2012</i>). This also leads to poor ability to make good comparisons between councils and weakens the NSW comparative information reports (<i>Comparative Information on NSW Local Government, Division of Local Government</i>).</p>
<p>Chapter 13 – auditing – add requirement for independent auditing/ assessment of annual budget</p>	<p>There is an opportunity to improve the level of oversight around the development of the Long Term Financial Plan by requiring an independent audit statement. The audit would focus on whether the council complied with the Act in developing the long term financial plan and the quality of the information and assumptions underlying the forecast.</p> <p>Warringah is presently the only NSW council to commission an independent Assurance Report on its proposed annual budgets. This gives our community more confidence that the budget is based on a sound assessment of reliable information.</p> <p>Warringah supports the NSW Auditor General playing a significant role in reviewing the long term financial plan of councils and the quality of the information and assumptions underlying the forecast. This oversight should also be extended to reviewing the financial statements and would improve the rigour and transparency of the process.</p>
<p>Chapter 13 – clarification of s410 on the alternative use of money raised</p>	<p>This provision is currently very open to interpretation and it is unclear what circumstances it can apply to.</p>

Proposed changes	Why
Chapter 15 – How councils are financed – needs to provide for allocated funding from government	<p>There needs to be fundamental recognition of the role and services provided by local government in meeting State and National goals and an allocated funding stream to match. Councils need much greater certainty around the intergovernmental transfers and grant funding available now and into the future.</p> <p>Funding needs to be recurrent or longer term (e.g. 5-10 years) to enable certainty for financial and resource planning. Funding models for roads, lighting, flood management and other infrastructure also needs to be reviewed.</p> <p>The government needs to examine the sustainability of rate capping and other mechanisms, such as deregulating fees and charges, a more flexible rating system and a municipal bond bank.</p>
Chapter 15 – remove rate capping	<p>Rate capping is widely recognised as undermining the financial sustainability of local government. NSW is the only State that regulates the setting of rates in this fashion. IPART approvals for rate increases are based on poor assumptions i.e. based on an average percentage increase across the State – it is not tailored to the diversity of local councils in terms of their needs and capabilities. There needs to be better recognition that not every council can make the same efficiency gains.</p>
Chapter 15 – Fees and charges – streamline ability to discount and waive fees	<p>There needs to be more flexibility in the way fees and charges can be discounted or waived. In some other jurisdictions the legislation allows for by-laws to authorise the reduction, remission, refund or waivers of fees based on specified situations or criteria. Though the legislation also provides that the elected Council can approve such changes, it also provides the by-law option so that individual cases can be approved without needing a report to and decision by the Council. Examples of these provisions can be found in the Local Government Act for South Australia (s 188(3,5)) and New Zealand (s 150(2)).</p>
Land/ Property matters	
<p>Chapter 6 Part 2 – Public Land – Provisions need to be in plain English and much clearer.</p> <p>Align provisions to be compatible between the Local Government Act and Crown Lands Act, to reduce red tape and confusion.</p>	<p>The language is convoluted and not easy to understand and interpret.</p> <p>The Local Government Act and the Crown Lands Act are not necessarily compatible and Councils are forced to manage and treat public land in two different ways yet the usage and public purposes are primarily the same. This creates significant inefficiencies and inconsistencies and is confusing to our community.</p> <p>Plans of Management (POM) are incredibly resource intensive and inflexible. An adopted POM and the relevant regulations restrict our ability to respond to community needs and changes in focus or direction. A new plan can take up to 2 years to complete due to the requirements and this is not always compatible with the requirements of the particular needs of the council or community.</p> <p>The leasing and licensing regulations are also not aligned with the Crown Land Act leading to confusion, inconsistencies and inefficiencies.</p>

Proposed changes	Why
<p>Section 46 and Regulation 117: Review the provisions to provide more flexibility, to permit a range of short term uses of community land</p>	<p>The current wording is too restrictive, in the Regulation in particular. The provisions should be reviewed to allow councils to:</p> <ul style="list-style-type: none"> • Have short term licences of community land with greater flexibility • Grant occupation/licences of community land in extenuating circumstances. For example existing encroachments that were authorised before 1993, this is catered for in the Roads Act 1993, with provisions for this type encroachment/construction on a road reserve.
Governance	
<p>Councillor accountability for performance – The Act needs to require better accountability for their performance and how it affects the performance of the organisation. This could be assessed on annual/biannual basis, not limited to a 4-year term. Section 329 does not currently encompass such a concept</p>	<p>As councils are largely organisations that deliver services, our Councillors are like a Board of Directors. The Act needs to be more along the lines of the Corporations Act, whereby Councillors can be dismissed as a result of poor performance in their role.</p> <p>The current Act does not encompass this concept (other than serious breaches of behaviour under Code of Conduct). In any case, Code of Conduct reviews are too slow, taking years to resolve, and do not take into account poor performance of a Councillor in terms of their role.</p> <p>This could also be partly address be improving the clarity of the roles and responsibilities of councillors, discussed below.</p>
<p>Separation of powers – needs clarity to improve separation of powers such as Councillors from GM/Executive as there is currently too much ambiguity (s226, 232, 335)</p>	<p>Currently there is not enough clarity around the separation of powers between mayor (s226 policy focus), general manager (s335 operational), and councillors (s232, seems to encompass both policy and operational areas). There is ambiguity in s232 especially as it refers to councillors' role in operational matters such as resource allocation, performance monitoring, service delivery/ implementation.</p>
<p>Requirements for notification/ advertising: need to be more flexible, to enable councils to choose most appropriate forms of notification (Section 9; Section 160; Section 361, 705 etc)</p>	<p>The Act prescribes the use of print media for the purpose of notification. This may not be the most appropriate way to communicate with affected stakeholders and greater discretion should be provided to choose the appropriate medium.</p>
<p>Accountability (chapter 13) – need to clarify better who local government is accountable to and for what. Need to rationalise accountability and reporting requirements</p>	<p>There is a current lack of clarity on the level of accountability to the community, councillors and State Government (including DLG, Minister, Auditor-General). Accountability requirements need review - the scope of accountability is multi-layered, to multiple bodies with much unnecessary repetition, leading to conflicts and confusion regarding decisions and resourcing of policies and performance.</p> <p>For instance the DLG calendar of Compliance and Reporting Requirements is too onerous. Some items are required to be exhibited annually, even though there may be no amendments. Some items are already reported on in Annual Reports or are available to the public at any time (eg. on website), but there is still a requirement for double reporting at different times by different avenues.</p>

Human Resources	
<p>Chapter 11 - How Are Councils Staffed?</p> <p>The provisions in this Chapter are too prescriptive and don't provide the flexibility required to manage a modern organisation</p>	<p>The role of the general manager as the chief executive officer of the organisation needs to be strengthened to ensure councils are positioned to deliver top services to their local communities.</p> <p>The Act needs to provide clear division of power between the elected representatives and the general manager and the wording used needs to be unequivocal. For example s 355 provides that the position is "<i>generally responsible for the efficient and effective operation of the council's organisation</i>".</p> <p>The requirement in this section to consult on matters relating to senior staff (s337, and the organisation structure (s332, s333) detract from achieving the most efficient and effective operation. It encourages councillors to become involved in staff/industrial matters which should be the domain of the general manager.</p> <p>The equivalent provisions in the New Zealand Local Government Act for the chief executive would appear to strengthen the role without loss of accountability: See s42 Local Government Act 2002 (NZ).</p> <p>The provision relating to Equal Employment Opportunity (s345-347) and appointment of staff (s348-351) could also be more enabling and less prescriptive. For example the requirement to advertise for senior staff positions "<i>at least twice in a daily newspaper circulating throughout the State</i>" appears out of step with how recruit offers today (s348(2)).</p>
<p>Chapter 11, Part 6 - arrangements for council staff affected by the constitution, amalgamation or alteration of council areas</p>	<p>Given the reforms currently under consideration by the State government these provisions may need to be reviewed to enable a newly formed authority the flexibility to organise and manage its staffing requirement. The current provisions would not be conducive to promoting or assisting change.</p>
<p>Restriction on appointment of a former mayor or councillor section 354</p>	<p>It is considered that this should be amended so that 12 months rather than 6 months must pass before a former mayor or councillor can be appointed to any paid position on the staff of the council. This is in keeping with best practice.</p>

ITEM 8.10	NORTH NARRABEEN BEACH RESERVE AND BIRDWOOD PARK - RESULTS FROM PUBLIC EXHIBITION OF DRAFT LANDSCAPE MASTERPLAN
REPORTING MANAGER	DEPUTY GENERAL MANAGER ENVIRONMENT
TRIM FILE REF	2012/405057
ATTACHMENTS	1 North Narrabeen Master Plan Revision

EXECUTIVE SUMMARY

PURPOSE

To report the results of the public exhibition process and recommendations from the relevant Strategic Reference Groups, and for Council to consider the adoption of the revised North Narrabeen Beach Reserve and Birdwood Park Landscape Masterplan.

SUMMARY

Council engaged Cloustons Associates to complete a Masterplan for the North Narrabeen Reserve and Birdwood Park in December 2011. This area is recognised locally and nationally as an environmental and recreation resource of great significance. At the local level the Reserve is valued by the local community, Surf Life Saving Club (SLSC) members, and board riders. The surfing break has been gazetted as a National Surfing Reserve.

Most of the submissions from the public exhibition process strongly advocated that the main issue that needs to be addressed is the lowering of the height of the dunes both in front of and to the north of the surf club and that no other work needs to be done to the area. The North Narrabeen Coalition and the Surfrider Foundation strongly opposed the exhibited Masterplan. While safety issues associated with dune height have been raised during consultation, it is important to note that Council currently fulfils its obligations for public safety sufficiently through provision of lifeguards, and the recently constructed lifeguard tower seaward of the dunes.

Taking into consideration the public exhibition comments and priorities as well as management, public safety and accessibility, and funding issues, Council staff and consultants have reviewed the draft Masterplan and recommend several revisions. These revisions reduce the scope of works identified in the exhibited Masterplan but retain a number of key features including:

1. A managed dune area in front of the surf club and immediately to the south and north of the club. This Masterplan allows for re-profiled and stabilised dune areas, managed to maintain views to key surf breaks, lagoon mouth and waters edge. There will be a requirement for ongoing maintenance such as weed control, replacement planting with low native species, pruning and monitoring.
2. Works in the Birdwood Park picnic area to improve safety and amenity.

The revised plan eliminates a proposed walk through the Birdwood Park dune, minimises changes to the existing car park and deletes the proposed overflow car park.

The Masterplan does address lowering and managing the dunes in front of the Surf Club which goes some way towards the satisfying the needs of these stakeholders, but does not recommend large scale works on the Birdwood Park dune. Council is currently preparing a Flood Study for Narrabeen Lagoon and a Coastal Zone Management Plan for Collaroy-Narrabeen Beach. These documents will help inform Council's management activities for the Narrabeen Lagoon entrance and Birdwood Park dune.

CONSULTATION

Consultation has been via a number of community and stakeholder workshops and meetings and public exhibition of the draft Masterplan. In addition the revised plan was presented to the Warringah Coastal Community Committee, the Environmental Sustainability Strategic Reference Group (ES-SRG) and the Recreation and Open Space Reference Group (ROS-SRG) who generally supported the Masterplan.

FINANCIAL IMPACT

Approximately \$135,000 of capital funding has been allocated in 12/13, with provision made in draft capital works budgets for \$50,000 in 13/14 and \$300,000 in 15/16 for further works.

It is proposed that staff develop more detailed costing and staging information should the Masterplan be approved, and report this back to Council.

POLICY IMPACT

Nil.

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That

- A. Council adopts the revised Masterplan for the North Narrabeen Beach Reserve and Birdwood Park.
 - B. That staff prepare a further report to Council identifying cost estimates and staging of the proposed works.
-

REPORT

BACKGROUND

Council engaged Cloustons Associates to complete a landscape masterplan for the North Narrabeen Reserve and Birdwood Park in December 2011. This area is recognised locally and nationally as an environmental and recreation resource of great significance. At the local level the Reserve is valued by the local community, Surf Life Saving Club (SLSC) members, and board riders. The surfing break has been gazetted as a National Surfing Reserve.

The site has sand dunes and Narrabeen Beach to the east, Narrabeen Lagoon and Birdwood Park Reserve to the North and residential properties, cafes and restaurants to south and west. The SLSC is positioned in the middle of the study area with facilities such as a picnic area and playground.

The Masterplan considered the following objectives:

- To provide a dune restoration program that looks to the future management and maintenance of the dunes
- To create better pedestrian accessibility to the reserve, beach and park facilities
- To upgrade the existing car park area and improve stormwater management
- To create a distinctive viewing area and space overlooking the key surfing breaks
- To upgrade the existing facilities.

PREVIOUS CONSULTATION

Previous community consultation has included:

- a. A community workshop meeting on 5 December 2011 at the North Narrabeen Surf Club attended by 48 people
- b. A stakeholder meeting on 9 February 2012 at the North Narrabeen Surf Club attended by 12 people
- c. A public drop-in community information session at North Narrabeen Beach on Sunday 18 March 2012

Key feedback from these consultations included that the beach reserve was appreciated for its simplicity and uncrowded feel. Issues identified in the feedback ranged from the need to provide additional seating and picnic areas to concerns about the inability to see the surf from most vantage points due to dune height and vegetation. The dominance of the car park and playground and the traffic flow in the area were also identified as issues as was the lack of facilities at Birdwood Park. There was divided opinion about providing boardwalks and viewing platforms. There was strong support for improvements in the area to be sympathetic with the natural environment.

The major issue that arose from consultation was the height of the sand dunes in front of the surf club area and the Birdwood Park dune. Strong feedback to reduce the height of the dunes came from the Northern Beaches Branch of the Surfrider Foundation and North Narrabeen Coalition. These stakeholders want the dunes lowered to create better sightlines to the surf, to provide better sightlines to the shoreline and lagoon entrance from the surf club for safety reasons and so that sand can be placed back into the active beach system. It is important to note that Council currently fulfils its obligations for public safety sufficiently through provision of lifeguards, and the recently constructed lifeguard tower seaward of the dunes.

The North Narrabeen Coalition's stated number one priority for the area is to reduce the height of the sand dunes and to replace the current vegetation with a suitable lower height native plant species and further that no funds should be expended on any other activity proposed by Council until the dunes and vegetation are corrected. The Surfrider Foundation submission prior to the exhibition period stated that the Birdwood Park dune needs immediate reduction in mass and the sand should be shifted into the beach system to improve beach safety and surf quality.

Council engaged the Water Research Laboratory (WRL) from the University of New South Wales and an independent expert on coastal engineering (Angus Gordon) to provide guidance on whether the height of the dunes could be lowered without significantly affecting coastal hazards. Council also engaged Ecological Australia to provide guidance on dune vegetation and the ecological impact of lowering the dunes. The draft Masterplan addresses these issues by identifying areas where dune height may be able to be safely lowered so as to improve sight lines and access to the ocean. Advice from the engaged experts suggest that Council cannot lower the dunes on a broad scale as this would increase the risk to public and private assets from beach erosion and coastal inundation. The detailed design for the modified dune will need to be developed to confirm exact heights at specific cross-sections.

The Masterplan identified opportunities to improve the amenity of the area by:

- a. Improving access and circulation: by re-configuring the car park, providing better pedestrian access, providing improved way finding aids and signage and by dealing with a number of existing "pinch points".
- b. Improving recreation facilities and usage: by providing improved shade structures, BBQ facilities, seating and showers.
- c. Improving the natural environment and cultural heritage: by providing stronger connections to areas of environmental significance through better access and interpretation elements.
- d. Improving image and landscape character: by improving views of the beach and surf by reducing the height of the dunes in the area in front of SLSC (within the safety levels recommended by the WRL advice) and by softening the visual appearance of the car park and site boundary on Ocean Street.

PUBLIC EXHIBITION

The draft plan was exhibited for a period of 42 days from 2 June 2012. 105 Submissions were received. Approximately 60% of the submissions opposed the plan on the basis of there being not enough emphasis on reducing the height of the dunes, a further 15% either opposed the plan for various other reasons and 10% wanted the area left as it was. Less than 10% of submissions supported the proposal.

Most of the submissions strongly advocated that the main issue that needs to be addressed is the lowering of the height of the dunes both in front of and to the north of the surf club and that no other work needs to be done to the area. Key stakeholders such as the North Narrabeen Coalition and the Surfrider Foundation strongly opposed the exhibited Masterplan.

The exhibited Masterplan did address lowering and managing the dunes in front of the Surf Club but did not recommend large scale works on the Birdwood Park dune. Council is currently preparing a Flood Study for Narrabeen Lagoon and a Coastal Zone Management Plan for Collaroy-Narrabeen Beach. These documents will help inform Council's management activities for the Narrabeen Lagoon entrance and Birdwood Park dune.

REVISIONS TO MASTERPLAN

Taking into consideration the public exhibition comments and priorities as well as management, public safety, accessibility, and funding issues, Council staff and Consultants have revised the draft Masterplan. The revisions reduce the scope of works identified in the exhibited Masterplan but retain a number of key features including:

1. A managed dune area in front of the surf club and immediately to the south and north of the club. This area will have re-profiled and stabilised dune areas, managed to maintain views to key surf breaks, lagoon mouth and waters edge. There will be ongoing maintenance such as weed control, replacement planting with low native species, pruning and monitoring.
2. Works in the Birdwood Park picnic area to improve safety and amenity.

The revised plan eliminates a proposed walk through the Birdwood Park dune, minimises changes to the existing car park and deletes the proposed overflow car park. The implementation of any works will be subject to the usual planning controls.

CONSULTATION WITH COUNCIL COMMITTEES

The Warringah Coastal Community Committee was consulted on Monday 12 November 2012 regarding the results of the public exhibition and recommended revisions to the Masterplan. Both the ES-SRG and the ROS-SRG were briefed on Wednesday 14 November 2012 by Council staff and consultants. At this briefing, a representative of the Warringah Coastal Community Committee addressed the ES-SRG on the recommendation from their meeting on 12 November 2012 in relation to the revised Masterplan. The Warringah Coastal Community Committee recommended to the ES-SRG that the Masterplan be adopted with the following inclusions:

1. The dune is reduced in height to 7m AHD and as referenced in the hazard line projections show in figure 5.7 of the report prepared for Warringah council by the Water Research Laboratory and titled "North Narrabeen Beach Reserve Landscape Masterplan: Assessment of Dune Modification and Hazard Implications". WRL Reference: 11099.01 DSR:JTC:ED P20120309 ("The WRL Report"). This recommendation does not materially compromise the coastal hazard lines projected in the WRL report.
2. The reduced dune be replanted with local native ground covers.
3. Support the recommendations of the Ecological Australia Preliminary Ecological Assessment (ref 11SYDECO-0114) regarding the potential Sand Spurge seedbeds.

The WCCC further requested that the Environmental Sustainability SRG consider:

1. Tapering the dune from 7m to sea level from cross section 22 (ref figure 3.1 of The WRL Report) northwards to the lagoon mouth.
2. Relocating sand removed from the dune to an appropriate location on the Collaroy/Narrabeen beach.

The subsequent ES-SRG recommendations from its meeting of 14 November 2012 are that:

- The Environmental Sustainability Strategic Reference Group supports the North Narrabeen Beach Reserve and Birdwood Park Masterplan in principle.
- The support of the Environmental Sustainability Strategic Reference Group is based on the unique site specific circumstances of the North Narrabeen National Surfing Reserve.

The ROS-SRG at its meeting of the 26 November 2012, recommended that Council:

- Endorse the revised Masterplan for the North Narrabeen Beach Reserve and Birdwood Park on the basis that it is a conservative and considered approach to public recreation and environmentally sensitive land, and that
- The community and the relevant Strategic Reference Groups continue to be kept informed by Council of progress.

TIMING

If supported, the proposed works identified in the Masterplan will need to be implemented in a staged process over several years. The detailed planning will require significant staff time and resources, including preparing detailed designs and seeking appropriate approvals. This process will determine the final alignments of any dune management works and the staging of this work.

It is proposed that staff develop more detailed costing and staging information should the Masterplan be approved, and report this back to Council.

FINANCIAL IMPACT

Approximately \$135,000 of capital funding has been allocated in 12/13, with provision made in draft capital works budgets for \$50,000 in 13/14 and \$300,000 in 15/16 for further works.

POLICY IMPACT

Nil



- ① Re-profiled and stabilised dune areas, managed to maintain views to key surf breaks, lagoon mouth and waters edge. Ongoing maintenance such as weed control, replacement planting with low native species, pruning and monitoring.
- ② Managed lagoon entrance in accordance with government guidelines and floodplain/coastal management plans.
- ③ Dune areas, beach access ways and fencing managed in accordance with government guidelines and best practice principles.
- ④ Inclusion of new lifeguard viewing station
- ⑤ New boardwalk / footpath between Birdwood Park and the SLSC to improve access
- ⑥ Larger vehicle turning / storage space. Improved shared zone and potential entrance canopy to SLSC building. Improved stormwater drainage in this area.
- ⑦ Retention of memorial benches and NSR Statue
- ⑧ Expanded grassed viewing with low timber bench seating
- ⑨ New pedestrian footpath along Malcolm Street
- ⑩ Erosion protection wall along lagoon side of amenity space
- ⑪ Provision of amenity facilities such as beach showers, shelters, picnic benches and a BBQ
- ⑫ Integrate WSUD features to carpark to manage drainage issues
- ⑬ New pedestrian gateway and footpath into the Reserve off Ocean Street
- ⑭ Future upgrade of existing playground and picnic facilities within existing footprint
- ⑮ Formalise car park entrance
- ⑯ Realigned dune edge with new pedestrian footpath
- ⑰ Extend paved area to SLSC building frontage
- ⑱ Maintain open lawn space and new viewing deck
- ⑲ Upgrade of existing stormwater outlet and bio-retention area
- ⑳ Potential additional storage for NNB
- ㉑ Signage / Artwork elements



Client: Warringah Council

SCALE 1:1250 @ A3



north narrabeen beach reserve and birdwood park masterplan

MASTERPLAN

S11-0134 Sk II

03/12/2012 issue C

LANDSCAPE ARCHITECTS • URBAN DESIGNERS • LANDSCAPE PLANNERS • RVE 17/88 DGE STREET • DOWLING NEW 2000 • PO BOX 11153 • ROMA, NSW 2812 • AUSTRALIA • PHONE +61 8 9375 1888 • FAX +61 8 9375 1885

ITEM 8.11	ST MATTHEWS FARM RESERVE - RESULTS OF PUBLIC EXHIBITION OF DRAFT LANDSCAPE MASTERPLAN
REPORTING MANAGER	DEPUTY GENERAL MANAGER ENVIRONMENT
TRIM FILE REF	2012/405078
ATTACHMENTS	1 Revised Landscape Masterplan - St Matthews Farm

EXECUTIVE SUMMARY

PURPOSE

To report on the outcome of the public exhibition of St Matthews Farm Reserve Draft Landscape Masterplan and recommend adoption of the Masterplan.

SUMMARY

A Landscape Masterplan for St Matthews Farm has been developed in accordance with the *Dee Why Valley and South Creek Open Space Corridor Plan of Management 2007*. The Masterplan is required to guide future development of the park. The draft Masterplan was placed on public exhibition from Saturday 20 October to Friday 16 November 2012.

Key features of the draft Masterplan include:

- A. new northern amenities building
- B. extension / renovation of southern amenities building
- C. the creation of a second cricket field for juniors and the opportunity to use the ground for a senior cricket game by moving the cricket pitches
- D. improved facilities for baseball by reconfiguring the existing layout
- E. an additional senior playing field for football
- F. new path circuit for pedestrians and cyclists, seating, BBQ and picnic shelter
- G. provision of a new junior skate area, cricket nets and multipurpose hard court
- H. expansion of Waroon Road carpark by an additional 20 spaces.

The plan was developed following an extensive consultation process with relevant internal and external stakeholders.

FINANCIAL IMPACT

There is no financial impact associated with the adoption of the St Matthews Farm Reserve Landscape Masterplan. The Masterplan delivery and implementation will be considered in future capital works programs and be subject to Council priorities. Note that Council has identified funding for the northern amenities upgrade in the draft 2013/14 capital works program, construction of the skate park is proposed for 2014/15 and the sports field works in 2015/16.

POLICY IMPACT

The development of the St Matthews Farm Masterplan is a priority action noted in the *Dee Why Valley and South Creek Open Space Corridor Plan of Management 2007*. Delivery of key elements in the Masterplan will be in accordance with Council's Strategic Community Plan goal for living spaces:

“Safe outdoor spaces that are well maintained, accessible, sympathetic to the environment and meet the needs of the community.”

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That the St Matthews Farm Reserve Landscape Masterplan be adopted.

REPORT

BACKGROUND

St Matthews Farm Reserve, located on South Creek Road, Cromer NSW, is a significant open space that is highly valued by the local and regional community for the environmental, recreational and sporting opportunities it provides. St Matthews Farm is one of 13 separate reserves that join to form a continuous open space network known as the Dee Why Valley and South Creek Open Space Corridor.

The framework for management of St Matthews Farm Reserve is detailed in the Dee Why Valley and South Creek Open Space Corridor Plan of Management (PoM), adopted by Council in 2008. A representative of the then Land and Property Management Authority (Crown Lands) advised that the Crown adopted the PoM on 26 March 2010.

The PoM identifies St Matthews Farm Reserve as Crown Land reserved for Public Recreation. The reserve primarily functions as a sportsground and is adjacent to South Creek. The reserve is a 'Sub Regional' sportsground facility (as per the Sportsground Plan of Management) and is used for regional, district and local level sporting competitions and training throughout the year by a variety of sports and clubs.

The PoM was developed through extensive consultation with the sports ground users and the local community in 2008 and identified the need to complete a Landscape Masterplan for the Reserve. The consulting landscape architect firm Group GSA was engaged to prepare this Masterplan in April 2012. Their brief was to consider:

- improvements to sportsground facilities including review of existing field configuration and identify opportunities to provide more effective use of fields and to better meet user and community needs; implementation of ground rectification works to address subsidence and safety issues; improvements to site drainage and irrigation of fields incorporating water harvesting and runoff treatment infrastructure.
- provision for and improvements to recreational facilities including natural shade, spectator mounding and seating, lighting, barbeques, bins, landscaping, amenities buildings, additional youth facilities and signage as well as providing direction on the overall look and appearance of the reserve.

The draft Masterplan was prepared and placed on public exhibition Saturday 20 October 2012 for 28 days for community comment.

Key features of the draft Masterplan include:

- A. new northern amenities building
- B. extension / renovation of southern amenities building
- C. the creation of a second cricket field for juniors and the opportunity to use the ground for senior cricket by moving the cricket pitches.
- D. improved facilities for baseball by reconfiguring the existing layout
- E. an additional senior playing field for football new path circuit for pedestrians and cyclists, seating, BBQ and picnic shelter
- H. provision of a new junior skate area, cricket nets and multipurpose hard court
- I. expansion of Waroon Road car park by an additional 20 spaces.

CONSULTATION

During the development of the draft Masterplan extensive consultation was conducted by Council staff and Group GSA with key internal and external stakeholders. This was to ensure that previous data and information was still relevant to their current and future values and needs and to provide for the most effective use of fields.

Staff and the consultants held an initial workshop and several further discussions with relevant sporting groups, including the Collaroy Cromer Strikers, Cromer Kingfishers, Warringah Baseball, Cromer Cricket and Warringah Touch.

The draft St Matthews Farm Landscape Masterplan was on public exhibition from Saturday 20 October 2012 to Friday 16 November 2012. The public exhibition was advertised in the Warringah Update, Manly Daily on Saturday 20 October 2012. The draft Masterplan and a community questionnaire were placed on the Council website public comment page, and available at Council libraries and the Civic Centre.

A letter box drop of approximately 1000 bordering residential properties was also undertaken to notify them of options for viewing the draft Masterplan and obtaining copies of the questionnaire.

A one on one session was offered to all 15 residents living adjacent the reserve on Tuesday 30 October 2012. Two residents took advantage of this opportunity. A drop in information session was held on site on Saturday 3 November 2012 from 12pm to 2pm.

A total of 93 completed questionnaires were received following the public exhibition of the draft Landscape Masterplan, via email, post and website. Of these approximately 75% supported the Masterplan as exhibited. Key issues raised were the need to improve the amenities buildings on the Reserve, the need for extra car parking and the need to improve playing surfaces. These issues are addressed in the Masterplan.

Collaroy Cromer Strikers Football Club, a key stakeholder, has had several discussions with Council regarding planning for an upgrade of the northern amenities building. The Masterplan identifies the expanded footprint of this building but the upgrade will be considered as part of a separate process.

POLICY IMPACT

The development of the St Matthews Farm Masterplan is an action noted in the *Dee Why Valley and South Creek Open Space Corridor Plan of Management 2007*. Delivery of key elements in the Masterplan will be in accordance with Council's Strategic Community Plan goal for living spaces:

"Safe outdoor spaces that are well maintained, accessible, sympathetic to the environment and meet the needs of the community."

FINANCIAL IMPACT

There is no financial impact associated with the adoption of the St Matthews Farm Reserve Landscape Masterplan. The Masterplan delivery and implementation will be considered in future capital works programs and be subject to existing Council priorities. Note that Council has budgeted for the northern amenities upgrade in the draft 2013/14 capital works program, construction of the skate park is proposed for 2014/15 and the sports field works in 2015/16.



ST MATTHEWS FARM RESERVE DRAFT LANDSCAPE MASTERPLAN



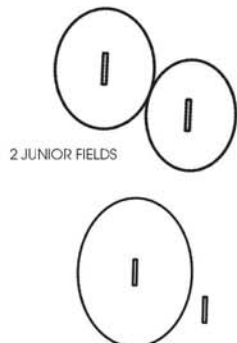
PROPOSALS FOR CRICKET

- REPOSITION EXISTING CRICKET PITCH AND ADD ADDITIONAL CRICKET PITCH

- BENEFITS**
- CREATES SECOND FIELD WITH OPPORTUNITY TO PLAY TWO JUNIOR GAMES SIMULTANEOUSLY
 - CREATES NEW OPPORTUNITY FOR SENIOR PLAY
 - PITCHES RELOCATED BETWEEN PLAYING FIELDS FOR EASIER MAINTENANCE AND SAFETY REASONS

LEGEND

- 1. SENIOR CRICKET
- 2. JUNIOR CRICKET



2 JUNIOR FIELDS

1 SENIOR FIELD

POTENTIAL CONFIGURATIONS

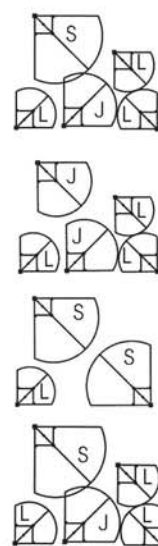
PROPOSALS FOR BASEBALL

- 3 PERMANENT AND 3 TEMPORARY HOMES PLATES PROVIDED

- BENEFITS**
- IMPROVED FACILITIES FOR BASEBALL
 - PITCH PLAYING AREAS AVAILABLE FOR SOFTBALL
 - THE CONFIGURED LAYOUT PROVIDES OPPORTUNITY FOR MULTIPLE GAMES FOR VARIOUS AGE GROUPS FROM LITTLE LEAGUE TO SENIOR LEAGUE

LEGEND

- 1. PERMANENT BASEBALL PLATES
- 2. TEMPORARY BASEBALL PLATES



POTENTIAL CONFIGURATIONS

S- SENIOR
J- JUNIOR LEAGUE
L- LITTLE LEAGUE

PROPOSALS FOR FOOTBALL AND SENIOR RUGBY

- ADDITIONAL SENIOR PLAYING FIELD PROVIDED

- BENEFITS**
- 3 DEDICATED PITCHES FOR FOOTBALL AND ONE DEDICATED FIELD FOR RUGBY
 - OPPORTUNITY TO PROVIDE VARIOUS PITCH SIZES FOR SMALL SIDED FOOTBALL
 - PITCHES AVAILABLE FOR TOUCH FOOTBALL

LEGEND

- 1. SENIOR FOOTBALL
- 2. SENIOR FOOTBALL
- 3. SENIOR FOOTBALL INCORPORATING 4 PITCHES FOR SMALL SIDED FOOTBALL
- 4. RUGBY LEAGUE

ITEM 8.12	KEEPING ANIMALS IN WARRINGAH POLICY
REPORTING MANAGER	GROUP MANAGER DEVELOPMENT AND COMPLIANCE SERVICES
TRIM FILE REF	2012/408361
ATTACHMENTS	1 Draft Policy Keeping Animals in Warringah November 2012

EXECUTIVE SUMMARY

PURPOSE

To approve public exhibition of draft policy on Keeping Animals in Warringah

SUMMARY

Council currently has three policies relating to the keeping of animals. These include the following:

1. Dog Control, Free-Run Areas ENV-PL 310
2. Companion Animal Numbers in Residential Areas (Res 2A) ENV-PL 315
3. Keeping non-companion animals on residential areas. ENV-PL 320

These policies have been combined into one draft policy. The new policy updates the legislation changes that have been superseded in the current policies. It also expands on the type of animals being kept domestically and covers both rural and residential areas.

Some changes have been recommended in relation to number of dogs being able to be kept based on the size of the dog and property. Cats are now separate to dogs with up to three being able to be kept.

FINANCIAL IMPACT

Advertising costs of approximately \$1200 contained within Regulatory Compliance budget.

POLICY IMPACT

Combines three current policies into one. ENV-PL 310, ENV-PL 315, ENV-PL 320

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That the draft policy for Keeping Animals in Warringah be placed on public exhibition for a minimum of 30 days.

REPORT

BACKGROUND

Council currently has three policies relating to the keeping of animals. These include the following:

- Dog Control, Free-Run Areas ENV-PL 310
- Companion Animal Numbers in Residential Areas (Res 2A) ENV-PL 315
- Keeping non-companion animals on residential areas. ENV-PL 320

The policy relating to non-companion animals has not been kept updated to reflect changes in legislation particularly in relation to rabbits and reptiles.

It would be beneficial to staff and the community to have all information relating to keeping animals in Warringah in one document.

PROPOSED CHANGES TO POLICIES

Apart from combining the policies into a single policy a number of changes are proposed in relation to existing policies. These include:

- The inclusion of companion animals (dogs and cats) in this policy allows us to make it clear that people must keep the conditions where the animal is kept clean and healthy. It also reflects responsibilities in relation to noise and odours from the animals not being offensive as well as responsibilities to protect wildlife.
- The number of companion animals (dogs and cats) on residential properties has been adjusted. The previous policy allowed for a total of three companion animals (either dogs or cats or a combination). This draft policy separates dogs from cats and allows up to three cats with the number of dogs varying according to size of dog and property. In residential areas up to two dogs over 25 kilograms may be kept, while up to three dogs 11 – 25 Kilograms and up to four dogs less than 11 kilograms can be kept. In units and townhouses a maximum of two dogs less than 11 kilograms or 1 dog over subject to body corporate by-laws. This is to reflect that larger dogs, as a general rule, require more space.
- The requirements for Unleashed Dog Exercise Areas have been provided with greater detail, including environmental considerations to be reviewed before becoming an unleashed area. It also details Council's right to terminate any area if deemed necessary.
- Requirements for keeping rabbits and reptiles have been updated to reflect updates to legislation. This is particularly in relation to licensing requirements from other government departments.
- Cockatoos have been separated from other aviary birds to reflect the issue regarding noise and their general unsuitability as pets due to screeching, if not housed and cared for appropriate to the needs of this type of gregarious and highly social bird.
- Frogs have been included with reptiles as both have specific licensing requirements from the Department of Environment. Frogs have also been included to alert people to potential noise issues with keeping male frogs who may have a loud call.
- Ferrets have been added due to increased popularity as a pet with requirements for secure caging to reflect their potential to prey on wildlife.

- Pet rats, mice and guinea pigs have been included again due to popularity as a pet and with reference to escape potential and environmental harm.
- Fish have been included to alert people to responsibilities regarding not releasing fish or their weed into waterways due to environmental concerns.

CONSULTATION

Community consultation will occur via public notice in the Manly Daily and Council website, with a public exhibition period of no less than 30 days.

In addition specialist consultation will be requested from stakeholders including, but not limited to, Terrey Hills Progress Association, Manly and District Dog Training and Kennel Club, Cat Protection Society, RSPCA and Animal Welfare League NSW.

The public comment period will also be advertised through Council's email database, libraries and Civic Centre.

TIMING

Public exhibition should commence as soon as practical following the meeting for a minimum of 30 days.

POLICY IMPACT

This will result in the combination of the current three policies.

FINANCIAL IMPACT

Advertising costs of approximately \$1200.00 contained within existing Regulatory Compliance budget.

1 Purpose of Policy

To provide information on the keeping of animals within Warringah to:

- a) ensure resident's amenity is not impacted adversely by the keeping of animals
- b) safeguard wildlife and the environment
- c) promote responsible animal ownership

2 Principles

The principles by which Council will control and regulate the number of animals kept on premises are primarily in accordance with the *Local Government Act 1993* and *Companion Animals Act 1998*.

The policy aims to:

- Inform the community of legal restrictions and acceptable limits which apply to keeping certain animals for domestic purposes.
- Provide guidance and advice to people on keeping animals within Warringah.
- Provide advice on where animals are restricted or prohibited within Warringah.
- To establish acceptable standards for the keeping of animals.
- Define criteria for unleashed dog exercise areas.

3 Policy Requirements

Animal numbers should not exceed certain numbers and be kept in accordance with the requirements detailed in **Appendix One**.

Animals should be kept in a manner which does not:

- Create unclean or unhealthy conditions for people or animals
- Attract or provide a harbourage for vermin
- Create offensive noise or odours
- Cause a dust or drainage nuisance
- Create waste disposal problems or pollution problems
- Create an unreasonable annoyance to neighbouring residents or fear for safety
- Cause nuisance due to proliferation of flies, lice, fleas or other parasites.
- Cause harm to wildlife

Suitable shelter should be provided for all animals. The animals should be contained to prevent escape, and in some cases predation, by suitable fencing or caging depending on the species.

Certain animal shelters and facilities should not be erected or located without the prior approval of the Council. Residents should consult with the current Warringah Local Environment Plan and State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 to determine which structures require development approval.

Note: Where a dwelling is owned within a Strata Plan, it will be necessary for the rules of the Body Corporate to be examined for requirements relevant to the keeping of animals. Council does not enforce property by laws.

Development Consent is required to be obtained from Council for a commercial activity involving the keeping of animals.

4 Unleashed Dog Exercise Areas

Under the Companion Animals Act 1998 Council is required to provide at least one area designated for unleashed dog exercise at all times.

Before designating an area as an unleashed exercise area Council must:

- ensure the use of that area does not compromise the environment with particular reference to threatened species;
- undertake appropriate consultation with current users and stakeholders to ensure there is no conflict with these groups; and
- adequately signpost all unleashed dog exercise areas.

Users of the unleashed dog exercise areas must:

- ensure their dog is under supervision and effective control of a person age 16 or above; and
- remove any dog waste and dispose of in a waste bin.

Council may allocate areas on either a permanent basis or restricted time basis.

Council may terminate the use of any area as an unleashed exercise area where deemed appropriate.

Approved unleashed dog exercise areas are listed in **Appendix 2**

5 Prohibited Areas

Cats are prohibited from all wildlife protection areas within Warringah (**Appendix 3**).

Dogs are prohibited from:

- All beaches and rock pools
- Schools, preschools and childcare centres
- Within 10 metres of children's playgrounds
- Within 10 metres food preparation areas (except on a public thoroughfare).
- Dee Why Lagoon Wildlife Refuge Area
- Long Reef Aquatic Reserve

Horses and other livestock are prohibited from:

- All beaches
- Sporting fields
- Bushland Reserves (with exception of the Bridle Trail in Terrey Hills and JJ Hills Melbourne Memorial Reserve)

6 Dogs in Outdoor Dining Areas

Under the Companion Animals Act 1998, since 2010, dogs are allowed in outdoor dining areas of cafes and restaurants under the following conditions:

- Consent of café or restaurant owner
- The area must not be enclosed and must be able to be entered by the public without passing through an enclosed area
- Dogs must be on a leash at all times
- Dogs must be on the ground at all times
- Dogs may be provided with drink but not food
- Dangerous and restricted dogs are prohibited

7 Animals Prohibited within Residential Areas

The following animals are not permitted to be kept in residential areas due to likely impact on health and amenity:

- Roosters
- Pigs
- Goats
- Sheep
- Horses (blocks less than 1000m²)
- Cattle

8 Variation to the Policy

Variations to this policy may be sought by the occupier of the land making written representation to Warringah Council. Any proposal to for a variation will be considered on a case by case basis and must provide the following information as a minimum:

- Size of the property
- Site plan showing location where animals will be kept and any proposed structures
- Type of animal
- Number of animals
- Owners consent
- Likely impact of the animals on the environment and amenity of the area

Written support from neighbouring properties would also be beneficial.

9 Compliance

The compliance of this policy will be managed under the appropriate Acts and legislation and in line with the Compliance and Enforcement Policy PDS-PL 120.

10 Authorisation

This Policy was adopted by Council on [insert date].

It is effective from [insert date].

It is due for review on [insert date].

11 Amendments

This Policy was last amended on [insert date].

12 Who is responsible for implementing this Policy?

Development and Compliance

13 Document owner

Environment

14 Related Council Policies

This policy replaces

- a) ENV-PL 310
- b) ENV-PL 315
- c) ENV-PL 320

a. Legislation and references

- a) Local Government Act 1993
- b) Companion Animals Act 1998
- c) Protection of the Environment Operations Act 1997
- d) Code of Practice for Keeping Birds
<http://www.dpi.nsw.gov.au/agriculture/livestock/animal-welfare/codes/aw-code-4>
- e) Beekeeping Code of Practice for NSW
http://www.dpi.nsw.gov.au/_data/assets/pdf_file/0004/270679/Beekeeping-code-of-practice-for-NSW.pdf
- f) Reptile Keepers Licence information
<http://www.environment.nsw.gov.au/wildlifelicences/ReptileKeepersLicence.htm>
- g) Warringah Local Environment Plan 2011
http://www.warringah.nsw.gov.au/plan_dev/LEP2011.aspx
- h) State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
http://www.planning.nsw.gov.au/planning_reforms/p/sepp_exempt_and_complying_development_2008.pdf

b. Definitions

Residential zones – R2 and R3 in the Warringah Environment Plan 2011

Rural zones – category RU4 in the Warringah Environment Plan 2011.

RHDV – Rabbit Haemorrhagic Disease Virus

Appendix One

Requirements for keeping animals in Warringah Local Government Area

Animal Species	Maximum Number Recommended	Minimum Distance (from certain buildings including dwellings, public halls, schools, shops)	Applicable Regulations and Other Advisory Matters
Poultry, domestic and guinea fowl	Residential Properties 10	4.5 metres	Keeping of poultry must not create a nuisance or be dangerous or injurious to health. Poultry yards must be kept clean and free of offensive odours.
Poultry, other than fowls, including peafowl and other pheasants	10	30 metres	Must be at least 3m from boundary. Council may insist on keeping of poultry at a greater distance in particular cases.
Geese, ducks and Turkeys	2 Roosters are not permitted in residential zones Rural properties: As appropriate to size of property	30 metres	Poultry yards must be enclosed to prevent escape. Yards must be kept free from mice and rats. The base of poultry enclosures must be paved with concrete or mineral asphalt unless situated on clean sand. If located on bush fire prone land and is less than 5m from a dwelling they must be constructed of non-combustible material. In residential areas must be located in a rear yard, be no more than 15m ² in area and not be higher than 3m above ground level. Metal components of housing must be of low reflective material. In rural areas be no more than 50m ² in area and no more than 7m above ground level.
Dogs (excluding dogs under 6 months of age)	Residential properties: Dogs in excess of 25 Kilograms – 2 dogs Dogs between 11 and 25 kilograms – 3 dogs Dogs less than 11 kilograms – 4 dogs Units and townhouses	Appropriate distance to avoid nuisance to adjoining premises. Dog kennels must be at least 450mm from a boundary fence.	Dogs should be kept in numbers and breeds appropriate to the size of the property. Dogs owners must be responsible for ensuring that yards are kept in healthy condition and faeces is suitably disposed of at all times. Owners should remain aware any noise nuisance created by barking dogs as they are subject to noise restrictions under the

Animal Species	Maximum Number Recommended	Minimum Distance (from certain buildings including dwellings, public halls, schools, shops)	Applicable Regulations and Other Advisory Matters
	<p>2 dogs less than 11 kilograms or 1 dog - otherwise with the written permission of the body corporate</p> <p>Rural properties:</p> <p>As appropriate to size of property</p>		<p><i>Protection of the Environment and Operations Act 1997</i> and also the <i>Companion Animals Act 1998</i>.</p> <p><i>The Companion Animals Act 1998</i> requires all dogs to be microchipped by 12 weeks of age and registered at 6 months of age.</p> <p>Dogs must wear a collar with tag displaying the dogs name and the owners phone number.</p> <p>Council encourages all dog owners to desex their pet.</p>
Cats (excluding cats under six months of age)	3	Appropriate distance to avoid nuisance to adjoining premises.	<p>Cats should be kept in numbers and breeds appropriate to the size of the property.</p> <p>Council encourages owners to keep their cat inside particularly at night.</p> <p><i>The Companion Animals Act 1998</i> requires all cats born after 1 July 1999 to be microchipped by 12 weeks of age and registered at 6 months of age.</p> <p>Cats born prior to 1 July 1999 should wear a collar with tag displaying the cats name and the owners phone number.</p> <p>Council encourages all cat owners to desex their pet.</p>
Horses and Cattle	<p>Rural properties – as appropriate to size of property</p> <p>Residential properties – 1 horse with a minimum property size of 1000m².</p> <p>Cattle not permitted in residential zones.</p>	9 metres	<p><i>Local Government (General) Regulation 2005</i> applies. A greater separation distance may be required by resolution of Council in each particular case.</p> <p>Fencing must be strong and durable to prevent escape.</p> <p>Stables and sheds must be hard paved and graded to drain.</p> <p>Any structure is subject to building application.</p>
Rabbits	Appropriate to location and breed. Care should be taken to prevent excessive breeding (e.g. desex your rabbit)	3 metres	A licence is not required to keep domestic rabbits in NSW. It remains illegal to keep wild rabbits in captivity without the approval of the Rural Lands Protection Board.

Animal Species	Maximum Number Recommended	Minimum Distance (from certain buildings including dwellings, public halls, schools, shops)	Applicable Regulations and Other Advisory Matters
			<p>Rabbits must be kept in a rabbit-proof enclosure and are not permitted to be 'free-range'. Rabbits must not be released, abandoned or left in any situation, which would allow them to roam outside of their enclosure.</p> <p>Rabbit enclosures should be fly meshed to prevent spread of Myxomatosis and Rabbit Haemorrhagic Disease Virus (RHDV)</p> <p>Council recommends vaccination of pet rabbits against RHDV</p> <p>Rabbits must not be vaccinated with the fibroma (myxomatosis) vaccine. It is illegal to possess fibroma vaccine.</p> <p>Rabbit farming is not permitted without approval and must comply with NSW Department of Primary Industries guidelines.</p>
Sheep and Goats	<p>Rural properties – as appropriate to size of property</p> <p>Residential properties – nil</p>	10 metres	<p>Goats and sheep are not permitted to be kept on residential properties.</p> <p>These animals are not to be slaughtered at the properties where they are kept.</p>
Pigs	<p>Rural properties – as appropriate to size of property</p> <p>Residential properties – not permitted in residential zones</p>	60 metres	<p><i>Local Government (General) Regulation 2005</i> applies. The keeping of pigs is not permitted in residential areas. This applies to all breeds of pigs, including miniature pigs.</p>
Reptiles and Frogs	As appropriate in the circumstances with the appropriate licenses.	Appropriate distance to avoid nuisance to adjoining premises.	<p>All lizards, snakes, frogs and turtles are protected under the <i>National Parks and Wildlife Act 1974</i> and it is against the law to take them from the wild. You can get a licence from the National Parks and Wildlife Service to keep captive-bred reptiles and frogs as pets.</p> <p>All species must be adequately housed to prevent escape.</p> <p>Owners should remain aware any noise nuisance created by captive frogs (males) as they are</p>

Animal Species	Maximum Number Recommended	Minimum Distance (from certain buildings including dwellings, public halls, schools, shops)	Applicable Regulations and Other Advisory Matters
			subject to noise restrictions under the <i>Protection of the Environment and Operations Act 1997</i> .
Birds other than cockatoos and domestic pigeons	Appropriate to location and breed and with appropriate licenses for native birds	Appropriate distance to avoid nuisance to adjoining premises.	<p>Compliance with the NSW Animal Welfare Code of Practice No. 4 – Keeping and Trading of Birds is required.</p> <p>Aviaries must have an impervious floor and be constructed or installed so that roofwater is disposed of without causing a nuisance to adjoining owners. There must not be more than two aviaries per property.</p> <p>If located on bush fire prone land and is less than 5m from a dwelling they must be constructed of non-combustible material.</p> <p>In residential properties aviaries must not have a floor area of more than 10m², be located in the rear yard at least 900mm for each side and rear boundary, not be higher than 2.4m, metal components must be low reflective, factory pre-coloured materials.</p> <p>In rural areas they must not have a floor area of more than 30m², not higher than 3m, be at least 20m from the road boundary and 5m from each other lot boundary.</p>
Cockatoos (including Corellas)	2	Appropriate distance to avoid nuisance to adjoining premises.	<p>Cockatoos and corellas are generally not appropriate as domestic pets as they often present a significant noise nuisance. Appropriate enrichment and training should be provided to minimise noise.</p> <p>Owners should remain aware any noise nuisance created by the cockatoos as they are subject to noise restrictions under the <i>Protection of the Environment and Operations Act 1997</i></p> <p>Conditions for aviaries applies</p>

Animal Species	Maximum Number Recommended	Minimum Distance (from certain buildings including dwellings, public halls, schools, shops)	Applicable Regulations and Other Advisory Matters
			as per above.
Domestic Pigeons	10 pairs – Non registered owners 60 pairs – registered racing pigeon owners Keeping of pigeons is not permitted in medium and high density residential developments	4.5 metres	Construction of a pigeon loft will require Council approval with plans detailing ventilation, waterproofing and drainage. Cladding on the loft should be unobtrusive in colour. Lofts should be kept clean and insect free. No feathers or droppings to escape from subject land. Open lofts are not permitted. Food must be stored in vermin proof containers. Owners should remain aware any noise nuisance created by the pigeons as they are subject to noise restrictions under the <i>Protection of the Environment and Operations Act 1997</i>
Ferrets	2	Appropriate distance to avoid nuisance to adjoining premises.	The keeping of ferrets is not recommended. However where proper care, including secure caging, the keeping of ferrets may be undertaken provided no nuisance is created. Cages must be adequate to prevent escape.
Pet rats, mice and guinea pigs	4 of each variety	Not applicable	Rats and mice are to be kept indoors only in appropriate cages which are to be kept odour free. Care should be taken to prevent excessive breeding and release into the environment. Guinea Pigs kept outside need to be in secure enclosure to prevent escape and also protect from dogs and foxes.
Bees	Residential areas - 2 hives. Rural properties – as appropriate to the size of property	Hives should not be located in view of the public. Hives should not be located within the vicinity of schools, childcare centres, hospitals or other public facilities. Flight paths must be a minimum of 2 m above	Registration must be undertaken with the NSW Department of Primary Industries. Beekeepers must comply with the Beekeeping Code of Practice for NSW produced by NSW Department of Primary Industries.

Animal Species	Maximum Number Recommended	Minimum Distance (from certain buildings including dwellings, public halls, schools, shops)	Applicable Regulations and Other Advisory Matters
		neighbouring properties.	
Fish	As appropriate in the circumstances	Appropriate distance to avoid nuisance to adjoining premises.	Unwanted pet fish must not be released into waterways. Aquarium weed must not enter waterways.

Note: The distances indicated in the third column of the above table are to be measured in metres from the animal yard or enclosure to the nearest dwelling, public hall, school, hospital, premises used for the manufacture, preparation, sale or storage of food or any other building listed.

Appendix two – Unleashed Dog Exercise Areas

Beverly Job Park (part of), Narraweena

Curl Curl Lagoon, Curl Curl - swimming area (lagoon water may be contaminated; the effects on dog health are unknown)

Currie Road, Forestville - just prior to Forestville Park

Flora and Ritchie Roberts Reserve, Griffin Road, Curl Curl

Frenchs Forest Showground, Blackbutts Road

Griffith Park, Anzac Avenue, Collaroy

<http://www.warringah.nsw.gov.au/services/documents/curlcurl2.pdf>

Hinkler Park, Pittwater Road, Queenscliff

John Fisher Park (part), Adams Street, Curl Curl

Truman Reserve, Cromer

Off-leash Exercise Areas – Restricted Times

Allambie Heights Oval: 12am-7am daily

Beacon Hill Oval: 11pm-8.30am weekdays; 11pm-7.30am weekends

Karl Brown Oval, Terrey Hills: 12am-8.30am daily

Melwood Oval, Forestville: 10pm-8am weekdays; 10pm-7am weekends

Appendix Three – Wildlife Protection Areas

Allenby Park, Allambie Heights
Anembo Reserve, Duffys Forest
Anzac Avenue Reserve, Collaroy Plateau
Dee Why Headland / Escarpment
Dee Why Lagoon Wildlife Refuge, Dee Why (dogs prohibited)
Deep Creek Reserve, Narrabeen
Forestville Park, Forestville
Gold Grove Reserve, Beacon Hill
Grace Avenue Reserve, Frenchs Forest
Jamieson Park, Narrabeen
Lincoln Reserve, Collaroy Plateau
Long Reef Headland, Collaroy
Long Reef Aquatic Reserve (dogs prohibited)
Manly Warringah War Memorial Park/Manly Dam (special conditions apply)
Middle Creek Reserve, Narrabeen
Narrabeen Lagoon Multi-use Trail (Middle Creek to Deep Creek)
Red Hill Reserve, Beacon Hill
Stony Range Flora Reserve, Dee Why
Towradgi Reserve, Narrabeen

13.0 CONFIDENTIAL MATTERS – CLOSED SESSION

RECOMMENDATION

- A. That, on the grounds and for the reasons stated below, the Council resolve into Closed Session to receive and consider the items identified as Confidential and listed on this Agenda as:

- Item 13.1 Mayoral Minute No 13/2012
Annual Performance Review of the General Manager July 2011 - June 2012
- Item 13.2 Kimbriki Project Funding
- Item 13.3 Dee Why Town Centre Masterplan Progress Report December 2012
- Item 13.4 RFT 2012/071 - Millers Reserve Lighting Upgrade
- Item 13.5 RFT 2012/055 SHOROC Plant Hire Services Panel
- Item 13.6 District Park Tennis Complex - Business Case

Matters to be Discussed During Closed Session - Section 10D

- Item 13.1 Mayoral Minute No 13/2012
Annual Performance Review of the General Manager July 2011 - June 2012
- Item 13.2 Kimbriki Project Funding
- Item 13.3 Dee Why Town Centre Masterplan Progress Report December 2012
- Item 13.4 RFT 2012/071 - Millers Reserve Lighting Upgrade
- Item 13.5 RFT 2012/055 SHOROC Plant Hire Services Panel
- Item 13.6 District Park Tennis Complex - Business Case

Grounds on which Matter Should be Considered in Closed Session – Section 10A(2)

- Item 13.1 10A(2)(a) personnel matters concerning particular individuals (other than councillors)
 - Item 13.2 10A(2)(d(ii)) commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it
 - Item 13.3 10A(2)(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business
 - Item 13.4 10A(2)(d(ii)) commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it
 - Item 13.5 10A(2)(d(ii)) commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it
 - Item 13.6 10A(2)(c) 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)(d(ii)) commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council

10A(2)(d(iii)) commercial information of a confidential nature that would, if disclosed, reveal a trade secret
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Reason Why Matters are being considered in Closed Session – Section 10B

To preserve the relevant confidentiality, privilege or security of such information.

- B. That pursuant to Section 10A Subsections 2 & 3 and 10B of the Local Government Act 1993 (as amended), the press and public be excluded from the proceedings of the Council in Closed Session on the basis that the items to be considered are of a confidential nature.
 - C. That the closure of that part of the meeting for the receipt or discussion of the nominated item or information relating thereto is necessary to preserve the relevant confidentiality, privilege or security of such information.
 - D. That the Minutes and Business Papers including any reports, correspondence, documentation or information relating to such matter be treated as Confidential and be withheld from access by the press and public, until such time as the reason for confidentiality has passed or become irrelevant because these documents relate to a matter specified in section 10A(2).
 - E. 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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