

# **Minutes of an Extraordinary Meeting of Warringah Council held on Wednesday, 31 August 2011 at the Civic Centre, Dee Why**

## **Commencing at 8.00pm**

### **ATTENDANCE**

#### **Members**

Cr M Regan (Mayor), and Crs V De Luca OAM, R Giltinan, Dr C Harris, Dr C Kirsch, V Laugesen, M Ray, J Sutton and Dr H Wilkins.

#### **Officers**

General Manager (R Hart), Director Corporate Services (J Warburton), A/Director Community and Environmental Services (M Ryan), A/Director Strategic and Development Services (D Kerr), Corporate Lawyer (V Ingram), Manager Marketing and Communications (G Middleton), Principal Strategic Planner (K Fadeev), A/Team Leader Governance (A Moore), Administration Officer (G Dawson), IM&T Support Officer (D Mishra).

### **NOTES**

The meeting commenced at 8.00pm and concluded at 8.12pm.

### **ORDER OF BUSINESS**

The Business of the meeting was dealt with in the following order:

Items 1.0, 2.0, and 3.1.

## 1.0 APOLOGIES

An apology for non-attendance was received from Cr Falinski.

239/11 **RESOLVED**

***Cr Regan / Cr Wilkins***

That the apology for non-attendance from Cr Falinski be received.

### VOTING

**For the resolution:** Crs De Luca, Giltinan, Harris, Kirsch, Laugesen, Ray, Regan, Sutton and Wilkins.

**Against the resolution:** Nil.

## 2.0 DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST

Cr Harris made a statement in relation to Item 3.1, advising that she lives within the affected area but did not believe that she would benefit or lose from the proposed LEP and did not consider her political view to constitute a conflict of interest.

THE MAYOR TABLED A LETTER FROM THE HON BRAD HAZZARD MP, MINISTER FOR PLANNING AND INFRASTRUCTURE RECEIVED 31 AUGUST 2011, IN RELATION TO E3 ENVIRONMENTAL MANAGEMENT UNDER THE DRAFT WARRINGAH LOCAL ENVIRONMENTAL PLAN (LEP) 2011. (ATTACHED AT END OF MINUTES)

THE MAYOR READ THE LETTER TO THE MEETING AND ASKED CRS DE LUCA, LAUGESSEN AND RAY IF, AS A RESULT OF THE DECISION BY THE MINISTER, THEY WOULD WITHDRAW THE NOTICE OF RESCISSION.

CRS DE LUCA, LAUGESSEN AND RAY ADVISED THEY WOULD NOT WITHDRAW THE RESCISSION MOTION.

### **3.0 NOTICES OF RESCISSION**

#### **3.1 Notice of Rescission Motion No 7/2011 Mayoral Minute No 22/2011, Draft Warringah Local Environmental Plan 2009 - E3 Environmental Management Zone - Item 5.3, 23 August 2011**

(BP REF 1)

#### **PROCEDURAL MOTION – PERMISSION TO ADDRESS COUNCIL**

##### ***Cr De Luca / Cr Ray***

That the six members of the public who had requested to speak be granted permission to address Council for three minutes.

#### **VOTING**

**For the motion:** Crs De Luca, Giltinan, Laugesen and Ray.

**Against the motion:** Crs Harris, Kirsch, Regan, Sutton and Wilkins.

THE PROCEDURAL MOTION, UPON BEING PUT, WAS DECLARED LOST.

##### ***Cr Laugesen / Cr De Luca***

That the Council's resolution relating to Item 5.3, Mayoral Minute No 22/2011, Draft Warringah Local Environment Plan 2009 - E3 Environmental Management Zone, passed at the meeting of the Council held on 23 August 2011 which reads as follows:

"A. That Council agrees that if the Minister makes Warringah Local Environmental Plan 2011 generally in the form adopted by Council on 8 June 2010, it will undertake review of the plan so far as it applies to land zoned E3 Environmental Management.

B. That Council advises the Minister of its decision at Recommendation A."

be and is hereby rescinded.

**VOTING**

**For the motion:** Crs De Luca, Laugesen and Ray.

**Against the motion:** Crs Giltinan, Harris, Kirsch, Regan, Sutton and Wilkins.

THE MOTION, UPON BEING PUT, WAS DECLARED LOST.

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The meeting concluded at 8.12pm.  
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This is the final page of the Minutes comprising (4) pages numbered (1) to (4)  
of meeting 2011/12 of Warringah Council held on 31 August 2011  
and confirmed on 27 September 2011.

Letter From Hon Brad Hazzard MP, received 31 August 2011



**The Hon Brad Hazzard MP**  
Minister for Planning and Infrastructure  
Minister Assisting the Premier on Infrastructure NSW

Councillor Michael Regan  
Mayor  
Warringah Council  
Civic Centre  
725 Pittwater Road  
DEE WHY NSW 2099

11/15918

Dear Councillor Regan

I am aware of considerable concern expressed by land owners and residents in Oxford Falls Valley and Belrose North localities in relation to the proposed zoning of their land as E3 Environmental Management under the draft Warringah Local Environmental Plan (LEP) 2011.

I have given careful consideration to this matter and have considered the views of Warringah Council, the local community and sought advice from the Department of Planning and Infrastructure.

Given the level of concern and uncertainty associated with the suitability of the E3 zone, I think it is appropriate to defer this area from the current draft LEP.

This deferral will preserve the current range of permissible land uses and enable Council, together with the community to undertake a strategic review of the area to determine the most appropriate future land use controls. This approach will provide the necessary opportunity for further community consultation on this important planning matter.

I appreciate that this will mean that two set of controls will apply to Warringah local government area in the short term and will present some administrative issues for Council. However, I will ensure resources and funding are made available from the Department to assist Council to complete the strategic review as soon as possible and prepare a planning proposal to bring Oxford Falls Valley and Belrose North localities into the new LEP. As part of this process, I expect that extensive community consultation with land owners will be undertaken.

The Department will now liaise with Parliamentary Counsel to prepare a final Opinion for the draft Plan and will provide it to me for my final determination.

**HON BRAD HAZZARD MP**  
Minister