

Minutes of a Meeting of Warringah Council

held on Tuesday, 23 August 2011

at the Civic Centre, Dee Why, Commencing at 6.01pm

ATTENDANCE

Members

Cr M Regan (Mayor), and Crs V De Luca OAM, J Falinski (Arrived 6.04pm), R Giltinan, Dr C Harris, Dr C Kirsch, V Laugesen, M Ray, J Sutton and Dr H Wilkins.

Officers

General Manager (R Hart), A/Director Corporate Services (G Middleton), A/Director Community and Environmental Services (M Ryan), A/Director Strategic and Development Services (D Kerr), Corporate Lawyer (V Ingram), Internal Ombudsman (A Patterson), Deputy Internal Ombudsman (R Bowron), Manager Procurement (P Trigg), Manager Natural Environment (T Dickinson), A/Manager Strategic Planning (M McDermid), Manager Warringah Aquatic Centre (G Penfold), Team Leader Natural Environment - Strategic Outcome (A Turnbull), Community Engagement & Research Coordinator (K Lewis), A/Team Leader Governance (A Moore), Administration Officers (G Dawson and X Von Oven), IM&T Support Officer (D Mishra).

NOTES

The meeting commenced at 6.01pm, adjourned at 8.25pm, resumed at 8.37pm, adjourned at 8.39pm, resumed at 8.44pm, moved into closed session at 9.36pm, resumed in open session at 10.09pm and concluded at 10.16pm.

ORDER OF BUSINESS

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

Items 1.0, 2.0, 3.0, Motion of Urgency, 4.0, Items by Exception 6.2, 7.2, 7.4, 7.5, 7.6, 8.3, 8.6, 8.7, 8.9, 9.1, 9.2, 9.3, 9.4, 9.5, 9.6, 14.1 and 14.3 followed by Motion of Urgency, 5.1, 5.2, 5.3, 11.3, 11.8, 6.1, 7.1, 7.3, 8.1, 8.4, 8.5, 14.0, 14.2, 14.4 and 15.0

The following items were not dealt with:

Items 8.8, 11.1, 11.2, 11.3, 11.4, 11.5, 11.6, 11.7, 11.9, 11.10, 11.11 and 11.12.

1.0 APOLOGIES

Nil.

2.0 CONFIRMATION OF MINUTES

Nil.

3.0 DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST

Cr Ray declared a non pecuniary significant interest in relation to Item 14.4, because the tenderer is a fellow councillor and colleague.

Cr Laugesen declared a non pecuniary less than significant interest in relation to item 14.4, because the tenderer is a fellow councillor and colleague.

Cr Falinski declared a pecuniary interest in relation to Item 11.6 and a non pecuniary less than significant interest in relation to Item 14.4, because the tenderer is a fellow councillor and colleague.

Cr Giltinan declared a pecuniary interest in relation to Item 14.4.

Cr Harris declared a non pecuniary less than significant in relation to Item 14.4, because the tenderer is a fellow councillor and colleague.

Cr Wilkins declared a conflict of interest in relation to Item 11.6.

Cr Kirsch declared a non pecuniary less than significant interest in relation to item 14.4, because the tenderer is a fellow councillor and colleague.

Cr De Luca declared a non pecuniary less than significant interest in relation to item 14.4, because the tenderer is a fellow councillor and colleague, Cr De Luca read and tabled the below declaration:

“In accordance with Clause 7.7 of the Warringah Council Code of Conduct, I declare a non-pecuniary less than significant conflict of interest in Item 14.4 – Lease for Operation of the Facilities of District Park Tennis and Squash, North manly – because a Tenderer is a fellow Councillor and colleague, Cr Bob Giltinan. Pursuant to clause 7.22 of the Code of Conduct I advise that I do not consider my impartiality to be compromised as our relationship is limited to Council Meetings and public events, I have never socialised with, received hospitality from or been to Cr Giltinan’s home or business.”

MOTION OF URGENCY – OPPOSITION TO DA 2011/400 – RIVERHILL AVENUE, FORESTVILLE

Cr De Luca / Cr Ray

That as a matter of urgency, Council considers a motion in relation to advising the Joint Regional Planning Panel regarding opposition to DA 2011/400 for 79 units at 2 Riverhill Avenue, Forestville.

VOTING

For the resolution: Crs De Luca, Harris, Kirsch, Laugesen and Ray.

Against the resolution: Cr Falinski, Giltinan, Regan, Sutton and Wilkins.

THERE BEING AN EQUAL NUMBER OF VOTES, THE MAYOR USED HIS CASTING VOTE AGAINST THE MOTION, WHICH WAS DECLARED LOST.

CR FALINSKI LEFT THE CHAMBER AT 6.13PM.

4.0 PUBLIC FORUM

THE MAYOR REQUESTED EACH SPEAKER TO ACKNOWLEDGE THEY HAD BEEN INFORMED THAT THE MEETING WAS TO BE WEBCAST LIVE AND THAT COUNCIL ACCEPTS NO RESPONSIBILITY FOR ANY DEFAMATORY COMMENTS MADE.

CR FALINSKI RETURNED TO THE CHAMBER AT 6.15PM.

4.1. Mr John Holman, representing Warringah Urban Fringe Association, addressed Item 11.3 on the agenda.

4.2. Mr Barry Condon addressed Item 11.3 on the agenda.

4.3. Mr Joerg Schmidt- Liermann, representing Kath and Keith Edwards (owners of Numeve Pty Ltd) and Warringah Urban Fringe Association, addressed Item 11.3 on the agenda.

4.4. Mr Garry Reardon, representing Oxford Falls Grammar School, addressed Item 11.3 on the agenda.

4.5. Mr Paul Macken, representing C3 Church, addressed Item 11.3 on the agenda.

4.6. Mr Damien Huon addressed Item 11.3 on the agenda.

4.7. Mr Richard Michell addressed Item 8.5 on the agenda.

4.8. Mr Jack Tilburn asked the following question regarding the desirable features to maintain for the people's public forum.

Why has this Warringah Council determined /proposed to turn its back on the democratic rights of its 100,000 public citizens and turn the Public Forum as per the paper "Review of GOV-PL 120 – Code of Meeting Practice" (Report of Warringah Council Meeting on 26 July 2011, pages 41 and 42) upside down, and inside out with dictatorship and arrogance and contempt emphasis on:

- (a) Suppression of freedom to speak out on Items NOT on the Agenda;
- (b) Suppression of dissent to raise items NOT on the Agenda;
- (c) Crush out the democratic rights of its 100,000 citizens to come and speak about any burning issues and problems;
- (d) Restrict freedom of speech only a narrow range of items of some 25 to 30 in general found on only a monthly meeting Agenda;
- (e) Whereas for 5 years under the superb Administrator Mr. Persson, and now 3 years under the present Council; no change to the current practice has been allowed or tolerated which is to permit ANY QUESTIONS AND COMMENTS on ANY issues and problems wanted by its 100,00 residents , and NOT restricted just to Council's/ Councillors own private matters?

Answer: The Mayor advised that the resolution of Council, 26 July 2011, was to exhibit the Code of Meeting Practice with no changes to the current public forum format.

4.9. Ms Karyne Kerkyasharian made a statement regarding development in Riverhill Avenue, Forestville.

4.10. Mr Athol Greenhalgh, representing Save Narraweena Action Group, made a statement regarding the Warringah Housing Strategy.

PROCEDURAL MOTION – PERMISSION TO ADDRESS COUNCIL

217/11 **RESOLVED**

Cr Giltinan / Cr Kirsch

That Ms Mary Armstrong be granted permission to address Council in the Public Forum.

VOTING

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

Against the resolution: Cr Falinski.

4.11. Ms Mary Armstrong, representing the Belrose Rural Community Association, addressed Item 11.3 on the agenda.

PROCEDURAL MOTION – CHANGE THE ORDER OF BUSINESS

218/11 **RESOLVED**

Cr Regan / Cr Wilkins

That the Order of Business be changed so that certain items can be dealt with by exception, with the recommendations being adopted.

VOTING

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

Against the resolution: Nil.

PROCEDURAL MOTION – ITEMS MOVED BY EXCEPTION

219/11 **RESOLVED**

Cr Regan / Cr Wilkins

That the recommendations of the Director in each of the following Items 6.2, 7.2, 7.4, 7.5, 7.6, 8.3, 8.6, 8.7, 8.9, 9.1, 9.2, 9.3, 9.4, 9.5, 9.6, 14.1 and 14.3 be adopted.

VOTING

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

Against the resolution: Nil.

AT THIS POINT THE MAYOR ADVISED THAT ITEM 8.2, 12TH INTERNATIONAL CITIES TOWN CENTRES AND COMMUNITIES SOCIETY 2011 CONFERENCE, HAD BEEN WITHDRAWN.

CR GILTINAN LEFT THE CHAMBER AT 7.01PM DUE TO PECUNIARY INTEREST.

PROCEDURAL MOTION – ITEM NOT BE DEALT WITH IN CLOSED SESSION

Cr De Luca / Cr Laugesen

That in order to respond to community concerns, noting that a Tenderer for the District Park Tennis Centre is a sitting Councillor, to ensure openness and transparency that Item 14.4 be taken out of closed session and dealt with in open session in front of the public.

CR RAY LEFT THE CHAMBER AT 7.03PM DUE TO A NON PECUNIARY SIGNIFICANT INTEREST.

VOTING

For the motion: Crs De Luca and Laugesen.

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

THE MOTION, ON BEING PUT, WAS DECLARED LOST.

CR GILTINAN WAS ABSENT FROM THE CHAMBER DURING CONSIDERATION OF AND VOTING ON THIS ITEM.

CR RAY WAS ABSENT FROM THE CHAMBER FOR VOTING ON THIS ITEM.

CR RAY RETURNED TO THE CHAMBER AT 7.15PM.

CR GILTINAN RETURNED TO THE CHAMBER AT 7.16PM.

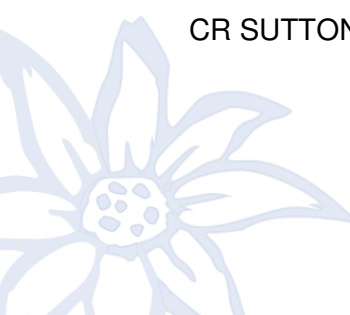
MOTION OF URGENCY – 107 KILLARNEY DRIVE, KILLARNEY HEIGHTS

Cr Wilkins / Cr Giltinan

That, as a matter of urgency, Council consider a motion in relation to the Heritage Community Committee's request for acquisition of property at 107 Killarney Drive, Killarney Heights.

CR FALINSKI LEFT THE CHAMBER AT 7.16PM AND RETURNED AT 7.17PM.

CR SUTTON LEFT THE CHAMBER AT 7.18PM.



VOTING

For the motion: Crs De Luca, Falinski, Giltinan, Harris, Kirsch, Laugesen, Ray, Regan and Wilkins.

Against the motion: Nil.

CR SUTTON WAS ABSENT FROM THE CHAMBER DURING VOTING ON THIS ITEM.

THE MAYOR SUBSEQUENTLY RULED THAT THE MATTER WAS ONE OF URGENCY.

IN ACCORDANCE WITH CLAUSE 14(3)(b) OF COUNCIL'S CODE OF MEETING PRACTICE, THIS ITEM WILL BE DEALT WITH AS ITEM 11.13 ON THE AGENDA.

5.0 MAYORAL MINUTES

5.1 Mayoral Minute No 20/2011 Narrabeen Lagoon Dredging Project

(Report not contained in the agenda)

CR SUTTON RETURNED TO THE CHAMBER AT 7.19PM.

220/11 RESOLVED

Cr Regan

- A. That Council support the approach outlined in the Mayoral Minute and progress with Stage 1 investigations into dredging Narrabeen Lagoon that the outcomes be reported back to Council within 12 months.
- B. That funding of up to \$100,000 be allocated for the Stage 1 investigations and that it be sourced from Narrabeen Lagoon Restoration Project funds allocated in the 2011/12 budget.

VOTING

For the resolution: Crs Falinski, Giltinan, Harris, Kirsch, Regan, Sutton and Wilkins.

Against the resolution: Crs De Luca, Laugesen and Ray.

5.2 Mayoral Minute No 21/2011 Civic Centre Car Park

(Report not contained in the agenda)

221/11 **RESOLVED**

Cr Regan

That the General Manager arrange to investigate the development of additional car parking spaces on the Civic Centre site and prepare a detailed feasibility report for consideration by Council.

VOTING

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

Against the resolution: Nil.

5.3 Mayoral Minute No 22/2011 Draft Warringah Local Environmental Plan 2009 - E3 Environmental Management Zone

(Report not contained in the agenda)

Cr Regan

- 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.

AMENDMENT

Cr De Luca / Cr Laugesen

- 1. That Council note the concerns of the Minister for Planning, The Hon Brad Hazzard MP, Mr Jonathan O'Dea MP and residents about the Draft Warringah LEP's proposed E3 zoning for non-urban land in Oxford Falls, Belrose North, Cromer, Ingleside, Terrey Hills and Frenchs Forest.
- 2. That in view of the Minister for Planning's advice that the Draft LEP could be rejected or further delayed because of concerns raised about the proposed E3 Zoning of non-urban lands mentioned in (1), above, Council withdraws the proposed E3 zonings in the Draft LEP to facilitate the Minister for Planning and Infrastructure and the Department of Planning and

Infrastructure's approval of the Warringah Draft LEP and that such areas maintain their zonings as documented in the WLEP2000.

3. That Council re-exhibits the proposed LEP 2009 if required as part of the above process.
4. That Council writes to the Minister of Planning noting the urgency of this and asks that consideration of the plan be expedited.

CR FALINSKI LEFT THE CHAMBER AT 8.07PM AND RETURNED AT 8.08PM.

VOTING

For the amendment: Crs De Luca, Laugesen and Ray.

Against the amendment: Crs Falinski, Giltinan, Harris, Kirsch, Regan, Sutton and Wilkins.

THE AMENDMENT, ON BEING PUT, WAS DECLARED LOST.

DUE TO DISORDER IN THE GALLERY, IN ACCORDANCE WITH THE CODE OF MEETING PRACTICE CLAUSE 30 (1), THE MAYOR ADJOURNED THE MEETING AT 8.25PM FOR 10 MINUTES.

THE MEETING RESUMED AT 8.37PM WITH ALL COUNCILLORS PRESENT.

THE MAYOR, IN ACCORDANCE WITH THE CODE OF MEETING PRACTICE CLAUSE 30 (1), ASKED WHETHER THE BUSINESS SHOULD BE PROCEEDED WITH AND ALL COUNCILLORS AGREED.

PROCEDURAL MOTION- THAT THE MOTION BE PUT

222/11 **RESOLVED**

Cr Falinski / Regan

That the motion be put.

VOTING

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

Against the resolution: Cr De Luca.



223/11 RESOLVED

Cr Regan

- 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.

VOTING

For the resolution: Crs Falinski, Giltinan, Harris, Kirsch, Regan, Sutton and Wilkins.

Against the resolution: Crs De Luca, Laugesen and Ray.

IN ACCORDANCE WITH CLAUSE 13.2(ii) OF COUNCIL'S CODE OF MEETING PRACTICE, THE MEETING WAS ADJOURNED AT 8.39PM. THE MEETING RESUMED AT 8.44PM WITH ALL COUNCILLORS PRESENT.

PROCEDURAL MOTION – CHANGE TO ORDER OF BUSINESS

224/11 RESOLVED

Cr Wilkins / Cr De Luca

That the Matters of Urgency listed as Items 11.13 and 11.8 be brought forward and dealt with immediately.

VOTING

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

Against the resolution: Crs Falinski, Regan and Sutton.

11.13 Matter of Urgency – Acquire Land at 107 Killarney Drive, Killarney Heights

225/11 RESOLVED

Cr Wilkins / Cr Regan

That Council approach the National Parks and Wildlife Service and the Member for Wakehurst, Brad Hazzard, MP and Minister for Planning, to acquire the land at 107 Killarney Dr, Killarney Heights, which is currently taking expressions of interest for purchase of the property, for the purpose of returning it to public ownership and incorporation into the Garigal National Park.

VOTING

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

Against the resolution: Nil.

11.8 Matter of Urgency - Call to Repeal State Environmental Planning Policy (SEPP) Infrastructure Clause 114 – Telecommunication Towers.

(BP REF 190)

226/11 **RESOLVED**

Cr De Luca / Cr Ray

That this Council resolves to:

1. Note that:
 - a) Following notification from Ausgrid Ltd (a NSW government owned Corporation and Public Authority) of a proposed Telecommunication Facility at Plateau Park, Collaroy, Warringah Council staff have confirmed that Council is not the Consent Authority for the proposed works as Telecommunication Towers can be erected by a public authority in accordance with Clause 114 of the State Environmental Planning Policy (SEPP) Infrastructure without development consent and;
 - b) Under Clause 114(2) of the SEPP the Public Authority is required to consult Council and any affected land owners before determining its own proposal.
2. In line with the O'Farrell Government's initiatives in returning power back to Local Government and the Community, Council write to the Premier, The Hon Barry O'Farrell MP and Minister for Infrastructure, Brad Hazzard MP asking that similarly to the repeal of Part 3A, Clause 114 of the SEPP - Infrastructure be repealed and determining rights as to proposals for Telecommunication Facilities be referred to the respective Local Government and it be made the Consent Authority.

VOTING

For the resolution: Crs De Luca, Harris, Kirsch, Laugesen, Ray and Wilkins.

Against the resolution: Crs Falinski, Giltinan, Regan and Sutton.

5.4 Mayoral Minute No 23/2011 Draft Warringah Local Environmental Plan 2009 – B5 Business Development Zone

(Report not contained in the agenda)

227/11 **RESOLVED**

Cr Regan

- A. That Council agrees that it would not oppose the addition of *shop top housing* as a permitted use within limited parts of the B5 Business Development zone; that is, those parts of the proposed B5 zone that currently lie within the F1 Brookvale Centre Locality under Warringah LEP 2000.
- B. That Council agrees to communicate this position to the Director General of the Department of Planning.

VOTING

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

Against the resolution: Cr Ray.

6.0 GENERAL MANAGER'S REPORTS

6.1 Internal Ombudsman Annual Report 2010-2011

(BP REF 1)

Cr Laugesen / Cr Ray

That:

- A. The Internal Ombudsman's Annual Report 2010-2011 be noted;
- B. Council notes the \$39,997 cost this financial year for Conduct Review Committee investigations against Councillors;
- C. Council receives a brief supplementary report on the internal policy for processing complaints against Councillors where complaints have been referred for external review to Conduct Review Committees or Sole Reviewers rather than invoking alternative options under Clause 12.9 of the Code of Conduct, such as mediation and informal discussion between parties, and including an outline of potential savings in costs of these alternatives plus any non-fiscal benefits such as maintaining professional relationships via in-house rather than external formal remedy, should options under 12.9 (b) be more regularly adopted; and

D The report be provided within two months.

AMENDMENT

Cr Regan / Cr Sutton

That:

- A. The Internal Ombudsman's Annual Report 2010-2011 be noted;
- B. Council commends the Ombudsman and his team on a great result this year and on his performance in driving change through the organisation.

VOTING

For the amendment: Crs Falinski, Giltinan, Regan, Sutton and Wilkins.

Against the amendment: Crs De Luca, Harris, Kirsch, Laugesen and Ray.

THERE BEING AN EQUAL NUMBER OF VOTES, THE MAYOR USED HIS CASTING VOTE FOR THE AMENDMENT, WHICH WAS CARRIED.

228/11 RESOLVED

Cr Regan / Cr Sutton

That:

- A. The Internal Ombudsman's Annual Report 2010-2011 be noted;
- B. Council commends the Ombudsman and his team on a great result this year and on his performance in driving change through the organisation.

VOTING

For the resolution: Crs Falinski, Giltinan, Harris, Kirsch, Regan, Sutton and Wilkins.

Against the resolution: Crs De Luca, Laugesen and Ray.

6.2 Councillor's Report from Attendance at the National General Assembly of Local Government Conference 2011 held in Canberra

(BP REF 2)

219/11 **RESOLVED**

That the report by Councillor Kirsch regarding the National General Assembly of Local Government Conference 2011 (Attachment) be noted.

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING)

7.0 CORPORATE SERVICES DIVISION REPORTS

7.1 Appointment of Performance Review Panel - General Manager

(BP REF 8)

229/11 **RESOLVED**

Cr Regan / Cr Wilkins

That

- A. Council adopts the Division of Local Government Guidelines for the Appointment & Oversight of General Managers dated July 2011 – see attachment booklet;
- B. Council resolves the composition of the panel for the 2011 - 2012 period to consist of the Mayor, two councillors nominated by Council and one nominated by the General Manager;
- C. Council elects Councillors Falinski and Kirsch to be on the General Manager's performance review panel for 2011 2012;
- D. Council delegates to the performance review panel the whole process of performance management, including discussions about performance and performance reviews, the reporting to Council of findings and recommendations of reviews and any actions that should be taken, the determination of any new performance agreement and together with the General Manager the appointment of an external facilitator to assist with the process; and
- E. There be one formal performance review per annum and instead of a formal mid year review there be an informal performance discussion between the panel and the General Manager.

VOTING

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

Against the resolution: Nil.

7.2 Warringah Community Survey Results 2011

(BP REF 10)

219/11 **RESOLVED**

That the results of the 2011 Warringah Community Survey be considered in the development of the Strategic Community Plan 2012.

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING)

7.3 Draft General Purpose and Special Purpose Financial Statements for the Year Ended 30 June 2011

(BP REF 14)

230/11 **RESOLVED**

Cr Regan / Cr Wilkins

- A. That the Annual Financial Statements for the year ended 30 June 2011 be adopted by the Council.
- B. That the Mayor, Councillor Falinski, General Manager and Chief Financial Officer be authorised to sign the necessary Financial Statements.
- C. That the Annual Financial Statements for the year ended 30 June 2011 be referred to the Council's Auditor for audit.
- D. That the Council hereby delegate to the General Manager authority, upon receipt of the Auditor's report of the Council, to:
 - a) Forward a copy to the Department of Local Government and Australian Bureau of Statistics.
 - b) Arrange for the public notice of the Council Meeting for presentation to the public, in the required format be placed in the Manly Daily.
 - c) Arrange for the Council's audited financial reports and a copy of the Auditor's Reports to be made available for public inspection on Council's web page and in printed format

at the Council's Civic Centre and Libraries at Belrose, Dee Why, Forestville and Warringah Mall.

- d) List the audited financial reports and Auditor's Reports on the Agenda for the next available Council Meeting for presentation to the public, which allows for the 7 days public notice requirement.

VOTING

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

Against the resolution: Cr Laugesen.

CR LAUGESSEN LEFT THE CHAMBER AT 9.18PM.

7.4 Monthly Funds Management Report July 2011

(BP REF 21)

219/11 **RESOLVED**

- A. That the report indicating Council's Funds Management position be received and noted.
- B. That the Certificate of the Responsible Accounting Officer be noted and the report adopted.

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING)

7.5 Adoption of Amended Investment Policy

(BP REF 27)

219/11 **RESOLVED**

- A. That it be noted the amended Investment Policy FIN-PL 215, reported to Council on 28 June 2011 and placed on public exhibition from 2 July 2011 until 29 July 2011, received no submissions.
- B. That the amended Investment Policy FIN-PL 215 (Attachment A) be adopted.

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING)

7.6 Allocation of 2011-2012 Cultural Development Grants

(BP REF 37)

219/11 **RESOLVED**

That the 2011/2012 Cultural Development Grants be allocated as follows:

Organisation Name	Project Name	Recommended Amount
Northern Beaches Eisteddfod	Northern Beaches Eisteddfod	\$5000
Folk Federation of NSW Inc	Northern Beaches Music Festival	\$5000
Eurofest Cultural & Sporting Association Inc.	Eurofest	\$2500
Northern Sydney Symphonic Wind Ensemble	Acquisition of Percussion Instruments for Northern Sydney Symphonic Wind Ensemble	\$2000
Warringah Concert Brass	2011 Warringah Concert Brass Masterclass Workshops & Concert	\$2000
Northern Beaches Chorus	Grooving at the Glen Street Theatre	\$2000
Warringah printmakers Studio	Studio Gallery Exhibition	\$1500
	TOTAL	\$20,000.00

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING)

8.0 STRATEGIC AND DEVELOPMENT SERVICES DIVISION REPORTS

8.1 NSW Coastal Conference 2011

(BP REF 46)

231/11 **RESOLVED**

Cr Wilkins / Cr Giltinan

That Council nominate Councillors Harris, Kirsch and Wilkins to attend the NSW Coastal Conference in Tweed Heads, to be held on 8-11 November 2011.

VOTING

For the resolution: Crs Falinski, Giltinan, Harris, Kirsch, Regan, Sutton and Wilkins.

Against the resolution: Crs De Luca and Ray.

CR LAUGESSEN WAS ABSENT FROM THE CHAMBER DURING CONSIDERATION OF AND VOTING ON THIS ITEM.

CR LAUGESSEN RETURNED TO THE CHAMBER AT 9.20PM.

8.2 12th International Cities Town Centres and Communities Society 2011 Conference

(BP REF 51)

THE MAYOR ADVISED, DURING THE PROCEDURAL MOTION TO DEAL WITH ITEMS BY EXCEPTION, THAT ITEM 8.2 HAD BEEN WITHDRAWN.

8.3 Exhibition of Additional Fees 2011 - 2012

(BP REF 60)

219/11 RESOLVED

That Council adopt the following additional fees for 2011 – 2012:

- a) Reserves access application fee for sporting clubs for set up – per application - \$0.00
- b) Reserves access application fee – per application - \$150.00
- c) Sports ground lighting fee for newly installed lights – per zone per hour based - 15.2 cents x lights kilowatts PLUS 20 cents x number of light fittings
- d) Warringah Aquatic Centre 100 visit crèche voucher - \$300.00.

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING)

8.4 SHOROC Governance Policy

(BP REF 61)

232/11 RESOLVED

Cr Regan / Cr Falinski

That the SHOROC Governance policy Attachment “A” be adopted by Council.

VOTING

For the resolution: Crs Falinski, Giltinan, Harris, Kirsch, Regan, Sutton and Wilkins.

Against the resolution: Crs De Luca, Laugesen and Ray.

8.5 Dee Why Town Centre Masterplan Review

(BP REF 64)

233/11 **RESOLVED**

Cr Kirsch / Cr Harris

- A. That the Tenders be called for the Dee Why Town Centre Masterplan Review.
- B. A further report be submitted to Council upon an acceptable tender being received in line with Council's Procurement Policy.
- C. That the Planning Objectives (Attachment 4) be adopted with the following changes to point 6 –“Activate the beach and lagoon precinct and encourage recreation opportunities through improved active travel options and continued vehicle access sympathetic to the natural environment.”
- D. That Strategic Directions (Attachment 5) for the Masterplan Review be adopted with the following changes:
 - i) Point 11 “Monitor options for Council to generate funding for the Dee Why upgrade, including the selling of land” and
 - ii) Point 12 “Investigate options to develop Council land to fund the renewal and/or new works and undertake detailed design, feasibility assessment, costing analysis and further consultation to achieve this aim. As part of the process consider measures to be sympathetic to the bulk, height, scale and use of development while ensuring commercial viability”
- E. That Council invite a university to contribute to the planning of Dee Why Town Centre.

VOTING

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

Against the resolution: Cr De Luca.

PROCEDURAL MOTION - CHANGE THE ORDER OF BUSINESS – CLOSED SESSION

234/11 **RESOLVED**

Cr Sutton / Cr Regan

- A. That due to time constraints Council resolve to change the order of business.
- B. 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 14.2 Proposed Acquisition of Land for Road Widening

Item 14.4 RFT 2011/016 Lease for Operation of the Facilities of District Park Tennis and Squash, North Manly

Matters to be Discussed During Closed Session - Section 10D

Item 14.2 Proposed Acquisition of Land for Road Widening

Item 14.4 RFT 2011/016 Lease for Operation of the Facilities of District Park Tennis and Squash, North Manly

Grounds on which Matter Should be Considered in Closed Session – Section 10A(2)

- Item 14.2 (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 14.4 (d) commercial information of a confidential nature that would if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council.

Reason Why Matters are being considered in Closed Session – Section 10B

To preserve the relevant confidentiality, privilege or security of such information.

- C. 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.
- D. 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.
- E. 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).
- F. 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.

- G. That members of the gallery be asked to leave the Council Chambers so the closed session can be recorded.

VOTING

For the resolution: Crs Falinski, Giltinan, Harris, Kirsch, Regan, Sutton and Wilkins.

Against the resolution: Crs De Luca, Laugesen and Ray.

THE MEETING MOVED INTO CLOSED SESSION AT 9.34PM.

THE MEETING RESUMED IN OPEN SESSION AT 10.09PM.

15.0 REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION

THE GENERAL MANAGER REPORTED ON RESOLUTIONS PASSED IN CLOSED SESSION.

14.1 RFT 2011/018 Narrabeen Lagoon Entrance Clearance

(BP REF C1)

219/11 RESOLVED

- A. That pursuant to Clause 178(1) (a) of the Local Government (General) Regulation 2005, Council accept the Tender from GPM Constructions Pty Ltd to undertake the Narrabeen Lagoon Entrance Clearance works, as specified in Tender 2011/018, for an amount of up to \$822,438 (ex GST).
- B. That pursuant to Section 377(1) of the Local Government Act 1993 Council delegate authority to the General Manager to execute the contract with GPM Constructions Pty Ltd to undertake the Narrabeen Lagoon Entrance Clearance works, as specified in Tender 2011/018 with a contingency amount of up to \$100,000 (ex GST).

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING)

14.2 Proposed Acquisition of Land for Road Widening

(BP REF C7)

235/11 **RESOLVED**

Cr Harris / Cr Falinski

- A. That Council authorise the acquisition of Lot 1 DP 22523 for an amount in line with independent valuation advice in accordance with Council's Property Acquisition and Disposal (Negotiation on Purchase Price) GOV PL -810 Policy and the independent valuation advice.
- B. That upon acquisition, the land be publicly notified in accordance with Section 34 of the Local Government Act 1993 and classified as Operational Land and subsequently dedicated as Public Road in accordance with the Roads Act 1993.
- C. That 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.

VOTING

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

Against the resolution: Nil.

14.3 RFT 2011-063 Sportsfield Renovation Works Panel Tender

(BP REF C14)

219/11 **RESOLVED**

- A. That Council accept the following tenders to make up Panels of Companies suitably qualified to carry out the sportsfield renovation program:
 - Evergreen Turf NSW
 - Qualturf
 - Benedicts Sand and Soil
 - The Green Horticultural Group
 - The Sterling Group

The contract is for a three year period with two one year options.

- B. That Council delegate the General Manager to sign these contracts and to approve expenditures within the allocated maintenance budget.

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING)

14.4 RFT 2011/016 Lease for Operation of the Facilities of District Park Tennis and Squash, North Manly

(BP REF C19)

236/11 **RESOLVED**

Cr De Luca / Cr Falinski

- A. That, on the basis of the advice of the Tender Review Panel and pursuant to Clause 178(1) (b) of the Local Government (General) Regulation 2005, Council decline to accept any of the tenders received.
- B. That Council invite fresh tenders in two stages:
 - a) Stage 1 – by seeking expressions of interest (EOI) in providing options to Council for the best use of the site, consistent with the provisions of the Plan of Management and not limited to the current uses as a tennis and squash facility and;
 - b) Stage 2 – proceed to a selective or open tender process after consideration of the EOI's received.

VOTING

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

Against the resolution: Nil.

CRS GILTINAN AND RAY WERE ABSENT FROM THE CHAMBER DURING CONSIDERATION OF AND VOTING ON THIS ITEM.

CONSEQUENTIAL MOTION

237/11 **RESOLVED**

Cr Falinski / Cr Harris

That the current lease arrangement continues on a month to month basis until the completion of the two stages of tenders.

VOTING

For the resolution: Crs Falinski, Harris, Kirsch, Laugesen, Regan, Sutton and Wilkins.

Against the resolution: Cr De Luca.

CRS GILTINAN AND RAY WERE ABSENT FROM THE CHAMBER DURING CONSIDERATION OF AND VOTING ON THIS ITEM.

8.6 Discussion Paper on Voluntary Consolidation

(BP REF 72)

219/11 **RESOLVED**

- A. That the Discussion Paper on Voluntary Consolidation at Attachment A be noted.
- B. That the Stakeholder Engagement Plan at Attachment B be approved.

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING)

8.7 Sustainable Urban Planning Priorities 2011-2012

(BP REF 104)

219/11 **RESOLVED**

- A. That Council confirm the priorities for the Strategic Planning Work Program as being the projects listed 1 to 17 in table 1 of this report.
- B. That Council commence projects 18 and 19 (Community Sector Capacity Research and Healthy Ageing Strategy) when: Council's Community and Cultural Services team are able to commit resources to the projects; and there are sufficient Sustainable Urban Planning staff resources available.

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING)

8.9 Annual Report 2010 - 2011

(BP REF 116)

219/11 **RESOLVED**

- A. That the Annual Report 2010 – 2011, Sections 1 – 5 be received and noted.
- B. That following tabling of the Audited Annual Financial Statements for the period ending 30 June 2011 the Annual Report 2010-2011 be published on the website and submitted to the Department of Premier and Cabinet – Division of Local Government

C. That the funds for the following projects be rolled over into the 2011-2012 financial year:

a) South Narrabeen Surf Life Saving Club (CR3013)	\$38,037
b) Replace Water Cooling Tower (CR4123)	\$31,074
c) Building Code of Australia and Fire Safety Compliance Works (CR4124)	\$54,396
d) Long Reef Beach Viewing Tower (CR4130)	\$5,063
e) CATP - Collaroy Surf Life Saving Club - Component 1A (CR4131)	\$8,383
f) Community Centre Buildings – Disability Discrimination Audit and stage 1 works (CR4147)	\$75,451
g) YoYo's - Building Code of Australia, security storage, air-conditioning (CR4151)	\$16,750
h) Cycleways / Paths / Street Trees (CN4901)	\$200,000
i) Manly Lagoon Dredging (CR3305)	\$24,359
j) 21 Ryan Place Stormwater Works (CR2301)	\$17,463
k) Sporting Club Capital Improvements (CN3202)	\$32,416
l) Floodlighting Improvement Program (CN4451)	\$67,509
m) Nolans Reserve Cycleway (CN4455)	\$10,583
n) Sportsground Signage Upgrade (CN4456)	\$8,705
o) Nolans Reserve - flood lighting upgrades (CN4459)	\$30,000
p) Playground Improvement Program (CN4463)	\$52,782
q) Collaroy Access Tourism Precinct (CN4469)	\$54,873
r) Sportsfield Rectification Program - Weldon Reserve (CR2207)	\$48,632
s) Cromer No 1 - Synthetic Surface – Design (CR4453)	\$47,507

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING)

9.0 COMMUNITY AND ENVIRONMENTAL SERVICES DIVISION REPORTS

9.1 Minutes of Warringah Traffic Committee Meeting held 2 August 2011

(BP REF 126)

219/11 **RESOLVED**

That the Minutes of the Warringah Traffic Committee Meeting held on 2 August 2011 as reprinted below be NOTED.

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING)

9.2 Minutes of the Manly Lagoon Catchment Coordinating Committee Meeting held 26 May 2011

(BP REF 140)

219/11 **RESOLVED**

That the Minutes of the Manly Lagoon Catchment Co-ordinating Committee meeting held on 26 May 2011 be NOTED.

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING)

9.3 2011/2012 Sporting Club Capital Assistance Grants

(BP REF 158)

219/11 **RESOLVED**

- A. That the recommendations of the Community Panel be adopted and Council award Grant funding as follows:
- Manly Warringah Softball Association – \$2,500
 - Forest District Rugby Club – \$26,000
 - Forest Hills Pony Club Inc – \$16,500
 - Belrose Terrey Hills Raiders Soccer Club – \$99,500
 - Narraweena Junior Rugby League Football Club – \$71,315
 - Manly Warringah Netball Association – \$34,185
- B. That all completed lighting projects funded from these Grants be incorporated into Council's PlayState lighting management system and be managed, maintained and charged in line with current Council practice.

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING)

9.4 Community Development Grant Allocations 2011/2012

(BP REF 166)

219/11 **RESOLVED**

That the 2011/2012 Community Development Grants be allocated as follows:

Organisation Name	Project Name	Recommended Amount
Northern Beaches Interchange	Carer Support Programs for local families of children and young adults with a disability	\$5,000.00
St Vincent de Paul Northern Beaches	Northern Beaches No Interest Loan Scheme	\$5,000.00
Computer Pals for Seniors Northern Beaches	Learn how to make the best use of an iPad	\$1,750.00
Peer Support Australia	Young people contributing to our vibrant community through peer support (anti-bullying program)	\$2,400.00
Royal Rehabilitation Centre	Driving Ambition – 3 month driving course for people who have suffered a traumatic injury	\$3,300.00
Artability under the auspices of Northern Beaches Creative Leisure & Learning Inc	Artability Program – Art for people with a disability	\$2,000.00
Peninsula Senior Citizens Toy Repair Group Inc	Toys for Christmas for disadvantaged kids	\$1,200.00
Fighting Chance Australia	The Kairos Project - An employment model to assist disabled people	\$5,000.00
Eramboo World Studies Centre	Art Making Program - Supporting people with a disability and their art making	\$2,500.00
Manly Community Centre	Tibetan Children's Camp	\$3,720.00
DARTS (Disabled Alternative Road Transport Service)	Volunteer Expenses - Providing recognition events, offer training, meals etc	\$1,930.00
Dee Why Surfing Fraternity	Dee Why Cygnets Program – For 6-12 year olds and their families (surfing safely)	\$1,200.00
	TOTAL	\$35,000.00

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING)

9.5 Variations to Contract T2009/082 Weldon Oval Horticultural Works

(BP REF 177)

219/11 RESOLVED

That Council delegates authority to the General Manager to approve contract variations up to a total contract value \$1,196,897 excluding GST.

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING)

9.6 Warringah Aquatic Centre Feasibility Study

(BP REF 180)

219/11 **RESOLVED**

That Council appoint a Consultant to prepare a Feasibility Study, which would then provide a number of fully costed options for the development of the WAC.

(THIS ITEM WAS DEALT WITH BY EXCEPTION EARLIER IN THE MEETING)

The meeting concluded at 10.16pm.

This is the final page of the Minutes comprising (28) pages numbered (1) to (28)
of meeting 2011/11 of Warringah Council held on 23 August 2011
and confirmed on 27 September 2011.

Mayor

General Manager



COUNCIL MEETING

2011/11

23 AUGUST 2011

REPORTS NOT CONTAINED IN THE AGENDA

Item		<u>MP Ref</u>
5.1	Mayoral Minute No 20/2011 Narrabeen Lagoon Dredging Project	30-31
5.2	Mayoral Minute No 21/2011 Civic Centre Car Park	32
5.3	Mayoral Minute No 22/2011 Draft Warringah Local Environmental Plan 2009 - E3 Environmental Management Zone	33
5.4	Mayoral Minute No 23/2011 Draft Warringah Local Environmental Plan 2009 - E3 Environmental Management Zone	34

5.1**Mayoral Minute No 20/2011
Narrabeen Lagoon Dredging Project**

Narrabeen Lagoon is an important part of the Warringah environment and our local community. It has been used for generations as a focal point for recreation, and increasingly we recognise its importance as a unique coastal ecosystem. Warringah and Pittwater Councils together with State agencies put a lot of effort into managing the lagoon environment and its catchment. Most recently, the health of the catchment has received a much needed boost through the Narrabeen Lagoon Creating a Sustainable Catchment project, flood mitigation work will soon commence with the removal of accumulated sand at the entrance, and a quality recreational facility, the Narrabeen Lagoon Multi-Use Trail is being constructed. There are two key management initiatives also underway, with the pending Ministerial adoption of the Narrabeen Lagoon Plan of Management, and the Oxgangs Falls Regional Crown Reserve Plan of Management.

The Narrabeen Lagoon Plan of Management recognises the need to balance the recreation and environmental values of the Lagoon. Currently, the flood risk to properties around Narrabeen Lagoon is minimised by keeping the entrance of the lagoon open. This process lowers the water level in the lagoon which can make it difficult for some forms of boating such as sailing and kayaking. Historically, the entrance to the lagoon stayed closed for long periods of time, which resulted in better recreation opportunities than today.

Consultation undertaken during the development of the Plan revealed strong support for increasing the water depth to improve recreation, and strong support for protecting the lagoon's sensitive environment. Dredging to deepen selected areas of the lagoon should enhance the recreational use of the lagoon for kayaking and sailing and I am a big supporter of local sporting groups, casual recreational users and local tourism for Warringah, however I want to ensure that such initiatives are equitable and do not damage the special environment that is already enjoyed by so many. This approach is reflected in the Plan recently adopted by Council which authorises dredging for such purposes provided the environmental values of the lagoon are not compromised. This is a position I support, and should the Plan be adopted by the Minister, I propose this be used as the basis for moving forward with appropriate investigations.

Dredging is a difficult undertaking. It can be expensive and is not without its risks. Recent experience with dredging projects has shown us how difficult these can be, and highlighted the importance of careful investigations and planning.

Stage 1 – Suitability

The scale and location of any dredging must be proportional to the community demand for it. While a number of stakeholders have expressed their views to staff, and myself, I don't believe there is a consistent view of where or over what area dredging might need to be undertaken to support particular user groups. A consultation process must be undertaken to gauge the preferences of the various user groups and the community overall. This process would also ensure suitable experts were engaged to advise staff on dredging configurations for particular types of recreation.

While the Plan of Management has effectively "zoned" the lagoon for dredging, there are still a host of legal obligations to fulfil in order to have any dredging approved by the State government agencies. Preliminary research will be undertaken to establish the extent and cost of the feasibility assessment. The outcomes of Stage 1 will be reported to Council within 12 months.

Mayoral Minute No 20/2011 Narrabeen Lagoon Dredging Project

Stage 2 – Feasibility

If there is sufficient community support for a particular approach, a detailed feasibility assessment of environmental impacts and net costs/benefits would be required including how much dredging will cost Council and whether we can recover any of those costs. This assessment would include environmental assessments of potential impacts and mitigation measures, and wherever possible will use existing information. It is important to note that the outcomes of these studies (and any entrance management studies) may not support dredging of the Lagoon, and if this is the case, I would rather Council direct its efforts to better protecting the Lagoon from catchment inputs. The outcomes of the feasibility assessment including impacts and costs will be reported to Council for a decision on moving into the design phase.

Stage 3 – Design and implementation

If dredging is shown to be feasible, costs and potential funding sources will be factored into the forward CAPEX program to take the preferred option to detailed design, statutory approvals, and ultimately project delivery.

I am advised that the delivery of the Stage 1 report detailing community preferences and assessment of desired locations should be possible within 12 months, subject to securing staff resources. Preliminary cost estimates suggest Stage 1 can be delivered for less than \$100,000 not including staffing costs. Sufficient funding has been allocated for Stage 1 investigations in previous Narrabeen Lagoon Restoration Project budget resolutions.

Staff have advised that previous estimates for delivering recreational dredging (approximately Stages 2 and 3) were in excess of \$1.2 million and have advised that the full process may take up a number of years for full implementation.

Given the commitment of funding and staff resources that may be required for dredging, and the potential environmental risks, I believe it is important to plan this process properly to make sure that any solution fits our environment, meets the needs of our community, and is equitable for all.

RECOMMENDATION

- D. That Council support the approach outlined in the Mayoral Minute and progress with Stage 1 investigations into dredging Narrabeen Lagoon that the outcomes be reported back to Council within 12 months.
 - E. That funding of up to \$100,000 be allocated for the Stage 1 investigations and that it be sourced from Narrabeen Lagoon Restoration Project funds allocated in the 2011/12 budget.
-



Michael Regan
MAYOR

Mayoral Minute No 21/2011 Civic Centre Car Park**5.2****Mayoral Minute No 21/2011
Civic Centre Car Park**

Council currently has funding available from the Section 94 levy that has been collected for provision of car parking in Dee Why. Given that the funds have been collected over many years but that there are no current plans of how to increase the supply of parking spaces, I consider that Council should have a plan about how these additional spaces can be provided in Dee Why.

I believe that the Civic Centre site could provide the best outcome for the provision of new parking spaces for the community. The site has excellent road and pedestrian access and already accommodates a significant quantity of all-day / commuter parking and in addition there is a significant 3 hour parking area at the library end of the site. I understand that some preliminary work was done by staff some time ago on the provision of additional spaces under and over the Kingsway/Fisher Road car park.

It would be useful for this work to be updated and expanded and brought before Council to consider. In addition it would be useful for a comprehensive investigation of this site for car parking be undertaken in order to identify all available options. This investigation should also include a feasibility report to provide Council with the necessary information to make an informed decision on the best way to use the Section 94 funding available and to fund any shortfall, if applicable.

I envisage a full report could be ready for presentation to Council in February 2012 and I ask that the General Manager proceed with this work and report back to Council.

RECOMMENDATION

That the General Manager arrange to investigate the development of additional car parking spaces on the Civic Centre site and prepare a detailed feasibility report for consideration by Council.



Michael Regan
MAYOR

5.3**Mayoral Minute No 22/2011
Draft Warringah Local Environmental Plan 2009 -
E3 Environmental Management Zone**

Last week I attended a meeting with the Minister for Planning and Infrastructure. Also in attendance was the Director General of the Department of Planning and officers of Council's senior management team. The meeting was convened to discuss the draft Warringah Local Environmental Plan (LEP) and in particular the proposed E3 Environmental Management zone.

The Minister indicated that he is keen to progress the draft LEP and complete the process for making the plan that has been in progress for more than five years. However, he has recently received representations from some land owners within Warringah's non – urban lands who are seeking to make changes to the draft LEP. In particular, some land owners do not support the E3 Environmental Management zone for their properties and are of the view that the zone should not be applied as widely as is proposed by Council.

The discussion at the meeting acknowledged that, in preparing the draft LEP, Council decided to translate the current planning provisions contained in Warringah LEP 2000 into the new Standard Instrument LEP format. It was also acknowledged that the Standard Instrument LEP and the guidance provided by the NSW Government in regard to its use has changed and developed since its introduction in March 2006 and since Council's initial preparation of its plan.

The Minister expressed the view that should he make the Plan in the form requested by Council, he would issue a direction to Council to carry out a future review of the land zoned E3 Environmental Management. A broader strategic review as recommended by the Planning Assessment Commission report of April 2009 is already programmed. It is appropriate to consider any future rezoning of this land in a holistic way rather than on a site by site basis.

I endorse such a review as a way forward to enable the making of the new LEP. It would also afford Council an opportunity to re visit the issues raised during the preparation of the plan.

RECOMMENDATION

- 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.
-

5.4**Mayoral Minute No 23/2011
Draft Warringah Local Environmental Plan 2009 –
B5 Business Development Zone**

The draft Warringah Local Environmental Plan (LEP) was adopted by Council and submitted to the Department of Planning for certification in November 2007. In preparing the draft LEP Council was required to give effect to the strategic directions established in the NSW Government's Metropolitan and Draft North East Subregional Strategies.

These documents cite Brookvale/ Dee Why as a 'major centre' for the subregion. In response to this Council prepared the draft LEP to identify Dee Why as fulfilling commercial, retail, civic and housing functions of the major centre and Brookvale as primarily fulfilling the employment and service functions of the major centre. In so doing Council decided to remove shop top housing as a permitted use in the land to be zoned B5 Business Development.

Since the commencement of the preparation of the draft LEP the status of NSW Government's strategic documents has changed. The Metropolitan Strategy has been reviewed and the Metropolitan Plan 2036 released in December 2010. Housing and jobs targets remain under review by the new Government. The draft subregional strategies, whilst prepared in 2006 – 2007 have not become final documents.

In finalising the draft LEP, the new Government has raised concerns that shop top housing will no longer be permitted on the land that currently forms the F1 Brookvale Centre Locality under Warringah LEP 2000. It does not believe that shop top housing would be incompatible with the intent of the Metropolitan Plan for a 'major centre'.

RECOMMENDATION

- A. That Council agrees that it would not oppose the addition of *shop top housing* as a permitted use within limited parts of the B5 Business Development zone; that is, those parts of the proposed B5 zone that currently lie within the F1 Brookvale Centre Locality under Warringah LEP 2000.
 - B. That Council agrees to communicate this position to the Director General of the Department of Planning.
-