

AGENDA

WARRINGAH COUNCIL MEETING

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

TUESDAY 5 JUNE 2012

Beginning at 6.30pm for the purpose of considering and determining matters included in this agenda.



Rik Hart
General Manager

(2012/07)

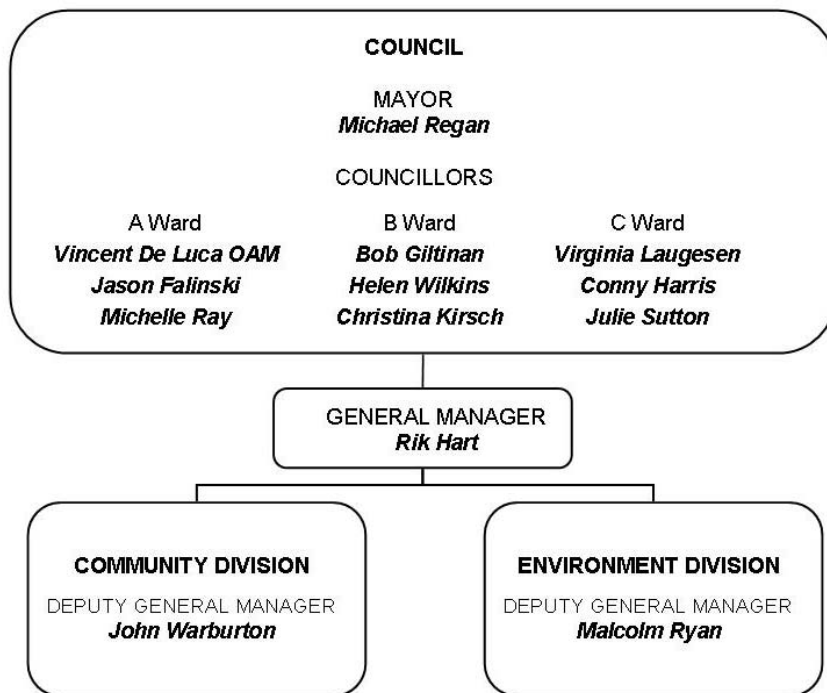


Warringah Council



Warringah Council Organisational Structure

warringah.nsw.gov.au



Our Vision : Our Values

warringah.nsw.gov.au

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 Extraordinary Meeting of Council
to be held on Tuesday 5 June 2012
at the Civic Centre, Dee Why
Commencing at 6.30pm**

	ACKNOWLEDGEMENT OF COUNTRY	
1.0	APOLOGIES	
2.0	DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST	
	REPORTS TO COUNCIL MEETING	
3.0	GENERAL MANAGER'S REPORTS	
	Nil	
4.0	COMMUNITY DIVISION REPORTS	1
4.1	Compulsory Acquisition of Land for Northern Beaches Hospital by New South Wales Health and Infrastructure	1
5.0	ENVIRONMENT DIVISION REPORTS.....	5
5.1	Progression of Joint Project to Resolve the Issue of the Warringah LEP 2011 Deferred Matters	5
6.0	NOTICES OF RESCISSION	
	Nil	
7.0	NOTICES OF MOTION	
	Nil	
8.0	QUESTIONS ON NOTICE	
	Nil	
9.0	RESPONSES TO QUESTIONS ON NOTICE	
	Nil	
10.0	CONFIDENTIAL MATTERS – CLOSED SESSION	23
10.1	Notice of Motion No 19/2012 - Purchase of Lot 447 Joalah Rd Duffys Forest - Additional Actions to Resolution	
11.0	REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION	

4.0 COMMUNITY DIVISION REPORTS

ITEM 4.1	COMPULSORY ACQUISITION OF LAND FOR NORTHERN BEACHES HOSPITAL BY NEW SOUTH WALES HEALTH AND INFRASTRUCTURE
REPORTING MANAGER	DEPUTY GENERAL MANAGER COMMUNITY
TRIM FILE REF	2012/243572
ATTACHMENTS	NIL

EXECUTIVE SUMMARY

PURPOSE

To declare surplus and dispose of Council land by way of compulsory acquisition by agreement, the land and road, described as Lot 1 DP 119383, Lot 11 DP 792918 and Part of Bantry Bay Road, Frenchs Forest. (Refer to Report for indicative map showing the land parcels)

SUMMARY

This item was originally a confidential report to Council on the 22 May 2012. At that meeting it was resolved to deal with this item in open session and further resolved to be deferred to a later meeting so as to allow members of the public to be able to view the contents of the report.

New South Wales Health and Infrastructure (NSWHI) has identified 3 parcels of Council land it will require for construction of the new Northern Beaches Hospital situated between Warringah Road, Frenchs Forest Road and Wakehurst Parkway.

NSWHI may acquire this land either by:

- Compulsory acquisition by agreement whereby NSWHI and Warringah Council as land owner, mutually consent to the acquisition under the Land Acquisition (Just Terms Compensation) Act 1991.
- Compulsory acquisition without landowners consent. This process is a more costly and protracted process for both parties,

NSWHI has indicated that it intends to proceed with Compulsory Acquisition by agreement.

FINANCIAL IMPACT

The parcels of land have been independently valued at:

- | | |
|----------------------------------|-------------|
| - Lot 1 DP 119383 | \$3,423,000 |
| - Lot 11 DP 792918 | \$ 930,000 |
| - Bantry Bay Road - road reserve | \$1,386,000 |

Funds obtained from the acquisition will be able to be put towards new community facilities.

As this will be a compulsory acquisition (with or without agreement), NSWHI will be required to meet all expenses relating to the transfer of the land parcels into their ownership.

Council staff time will be incurred during this process.

None of the properties are rated as they are deemed by Council as reserve / road reserve and loss of rates income is not applicable.

Once the land comprising part of Bantry Bay Road is sold, then Council will no longer be responsible for the maintenance of that road.

POLICY IMPACT

There are two Policies for Property Acquisition and Disposal of Council land;

GOV-PL 810 - Property Acquisition and Disposal - (Negotiation on Purchase Price), where following a formal resolution by Council on the disposal of a property, the General Manager is authorised to accept offers within 5% of valuation and;

GOV-PL-915 -Allocation of Proceeds from the Sale of Council Real Property. Funds obtained from the sale of this land are restricted by this Policy

RECOMMENDATION OF DEPUTY GENERAL MANAGER COMMUNITY

That Council authorises:

1. Compulsory Acquisition by agreement to New South Wales Health Infrastructure of:
 - a. Lot 1 DP 119383.
 - b. Lot 11 DP 792918.
 - c. Bantry Bay Road road reserve between Warringah Road and Frenchs Forest Road, Frenchs Forest.
 2. The General Manager to sign and affix Council's seal to all documentation necessary in order to give effect to this resolution.
-

REPORT

BACKGROUND

New South Wales Health Infrastructure (NSWHI) is continuing land acquisition for construction of the new Northern Beaches Hospital at Frenchs Forest.

NSWHI has identified 3 parcels of land it wishes to acquire that are currently owned by Warringah Council. The parcels are described as:

- Lot 1 DP 119383 (area of 1.141 ha) currently zoned RE1 Public Recreation
- Lot 11 DP 792918 (area of 3045 m²) zoned part RE1 Public Recreation and part SP2 Infrastructure
- Bantry Bay Road road reserve between Warringah Road and Frenchs Forest Road, Frenchs Forest (approximate area 4,620 m²) is zoned part R2 Low Density Residential and part SP2 Infrastructure.

It is noted that the Bantry Bay Road road reserve and Lot 1 DP 119383 were previously offered up for sale in 2006 for \$2.8m.

NSWHI may acquire this land either by:

- Compulsory acquisition by agreement whereby NSWHI and Warringah Council as land owner, mutually consent to the acquisition under the Land Acquisition (Just Terms Compensation) Act 1991.
- Compulsory acquisition without landowners consent. This process is a more costly and protracted process for both parties,

NSWHI has indicated that it intends to proceed with Compulsory Acquisition by agreement.

In this instance it is recommended that Council consent to Compulsory Acquisition by agreement.

Council and NSWHI jointly appointed NSW Land and Property Information to provide a valuation of the land being considered for acquisition. The parcels of land have been valued at:

- | | |
|----------------------------------|-------------|
| - Lot 1 DP 119383 | \$3,423,000 |
| - Lot 11 DP 792918 | \$ 930,000 |
| - Bantry Bay Road - road reserve | \$1,386,000 |

TIMING

NSWHI have requested that this acquisition proceed as soon as possible.

POLICY IMPACT

There are two Policies for Property Acquisition and Disposal of Council land;

GOV-PL 810 - Property Acquisition and Disposal - (Negotiation on Purchase Price), where following a formal resolution by Council on the disposal of a property, the General Manager is authorised to accept offers within 5% of valuation and;

GOV-PL-915 -Allocation of Proceeds from the Sale of Council Real Property. Funds obtained from the sale of this land are restricted by this Policy

FINANCIAL IMPACT

The parcels of land have been valued at:

- Lot 1 DP 119383 \$3,423,000
- Lot 11 DP 792918 \$ 930,000
- Bantry Bay Road - road reserve \$1,386,000

Funds obtained from the acquisition will be able to be put towards new community facilities.

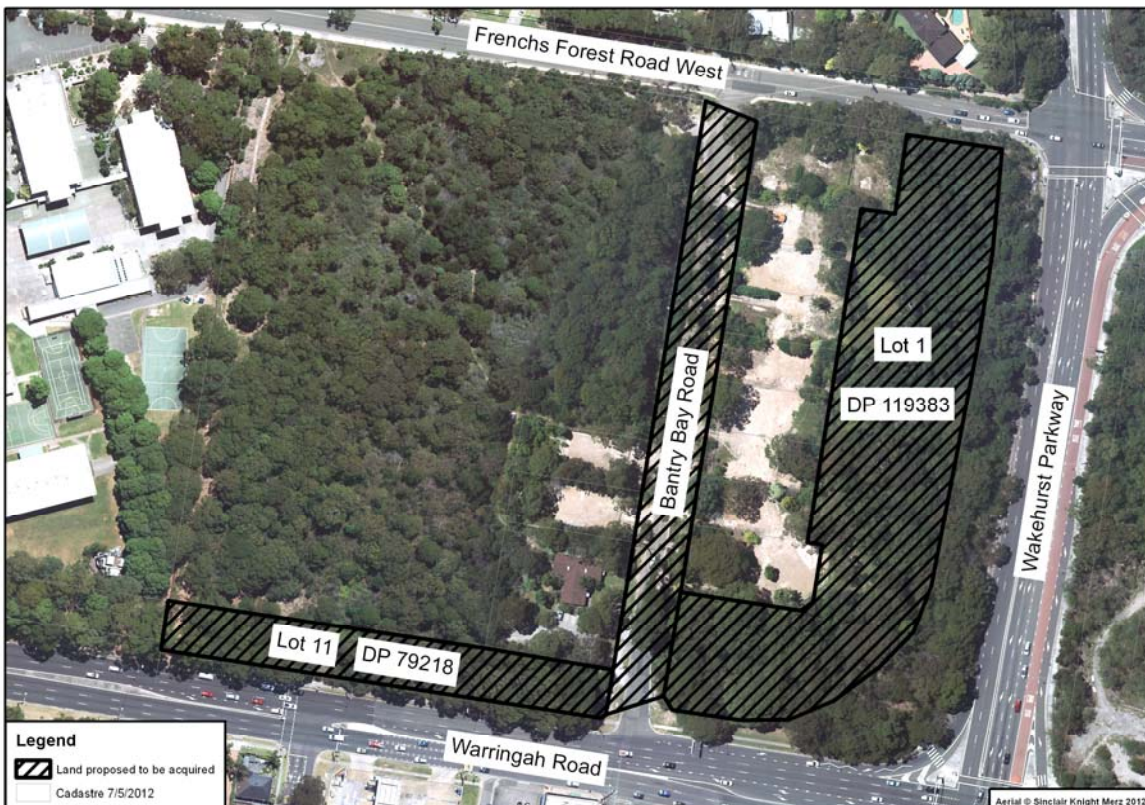
As this will be a compulsory acquisition (with or without agreement), NSWHI will be required to meet all expenses relating to the transfer of the land parcels into their ownership.

Council staff time will be incurred during this process.

None of the properties are rated as they are deemed by Council as reserve / road reserve and loss of rates income is not applicable.

Once the land comprising part of Bantry Bay Road is sold, then Council will no longer be responsible for the maintenance of that road.

SITE DETAILS



5.0 ENVIRONMENT DIVISION REPORTS

ITEM 5.1	PROGRESSION OF JOINT PROJECT TO RESOLVE THE ISSUE OF THE WARRINGAH LEP 2011 DEFERRED MATTERS
REPORTING MANAGER	DEPUTY GENERAL MANAGER ENVIRONMENT
TRIM FILE REF	2012/243432
ATTACHMENTS	1 Letter to the Department of P&I 4 May 2012 2 Letter from Department of P&I 19 May 2012 3 Project Scope Oxford Falls Valley and Belrose North 4 Council Report 27 March 2012 Item 8.12

EXECUTIVE SUMMARY

PURPOSE

To seek Council's endorsement to participate in a joint project with the Department of Planning and Infrastructure to review land use in Oxford Falls Valley and Belrose North.

SUMMARY

- Council resolved on 27 March 2012 to participate in a project with the Department of Planning and Infrastructure to resolve deferred matters in WLEP 2011.
- The Director General of the Department of Planning and Infrastructure has written to Council on 19 May 2012 indicating a proposed way forward.
- It is recommended that Council participate in the Strategic review led by Department of Planning and Infrastructure and report the findings to a future Council meeting.
- Existing resources are available in the Strategic Planning team to participate in the review as the project is included in the 2011/12 and 2012/13 Strategic Community Plan.

FINANCIAL IMPACT

Resources have been allocated in the 2012/13 draft budget to undertake a review of planning controls for Belrose North and Oxford Falls Valley.

POLICY IMPACT

The project may result in amendments being proposed to the Warringah LEP 2011.

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

- A. That Council participate in Part 1 of the Strategic review as of the Belrose North and Oxford Falls valley areas in accordance with the following scope as proposed by the Department of Planning and Infrastructure;
1. Review existing information on constraints imposed by the physical environment (eg bushfire risk, flora and fauna, topography) and existing infrastructure in the deferred areas;

-
2. Identify existing land uses and establish whether existing and continuing use rights apply in the deferred areas;
 3. Review Category 3 uses that currently apply under the Warringah LEP 2000 and identify those that are suitable for the deferred area based on the findings of tasks 1 and 2;
 4. Determine an agreed policy position in relation to the use of special uses zones and additional uses for future planning controls under Warringah LEP 2011 in the deferred areas;
 5. Identify sites in the deferred areas where:
 - i the E3 Environmental Management zone should remain as exhibited;
 - ii additional uses could be added to the E3 zoning; and
 - iii a different zone could apply such as SP2 Infrastructure, RU4 Primary Production Small Lots or R5 Large Lot Residential;
 6. Review proposed changes to the E3 zone in the deferred area and consider implications of Clause 6.6 'Erection of dwelling houses in Zone E3 Environmental Management' of the LEP on land holdings within the proposed zone;
 7. Undertake a community engagement and consultation event to present findings and gather views of key stakeholders; and
 8. Recommend proposed land use zones and other controls for inclusion in a planning proposal.
- B. That the results of Part 1 of the Strategic review be reported back to Council.
- C. That Council confirm its commitment to the completion of the studies as recommended by the Planning and Assessment Commission in 2009.
-

REPORT

BACKGROUND

At its meeting of 27 March 2012 Council resolved:

- A. *That Council agree in principle to undertaking a joint project with the Department of Planning and Infrastructure and the Minister that incorporates the Planning and Assessment Commission (PAC) recommendations for Oxford Falls Valley, in order to reconsider the appropriate zoning for deferred matters in the Warringah LEP 2011 and resolve its deferred status.*
- B. *That Council liaise with the Department of Planning and Infrastructure to develop a sufficiently detailed Project Plan to establish the key principles, parameters, scope and methodology for undertaking the project.*
- C. *That Council staff work with the Department of Planning and Infrastructure to jointly develop a Project Plan based on the following principles of engagement and project rationale, which is to:*
 - *Include all major studies outlined in the PAC recommendations in the Project Plan*
 - *Engage in a collaborative partnership (including 50/50 funding arrangements) between Local and State government*
 - *Develop a comprehensive communications and media strategy*
 - *Undertake work in accordance with a Probity Plan and a Community Engagement Plan that establish parameters for community and stakeholder engagement*
 - *Achieve one comprehensive Local Environmental Plan for the entire Warringah local government area in the standard instrument format, as instructed by the Minister of Planning and Infrastructure on 8 November 2011.*
- D. *That upon final drafting of the Project Plan, the matter be reported back to Council for Council's consideration and resolution prior to agreeing to undertake the project.*

Council wrote to the Director General on 4 May (Attachment 1) to implement Council's resolution of 27 March. Advice by way of a letter was received on 19 May 2012 from the Director General (Attachment 2) that included the Department's preferred project scope and objectives (Attachment 3).

Further a draft project scope was also received on 19 May (Attachment 3). The draft Objectives and scoping document is consistent with the majority of the Council resolution and gives direction for the project. The matter that has not been fully addressed is the Probity Plan. The staff report to the 27 March 2012 Council meeting provides background on this matter and includes a map of the subject area. (Attachment 4)

ISSUES

Since the making of WLEP2011 Council has been operating two separate planning instruments due to a large area of land being deferred from the WLEP2011. It has been a priority of the Department of Planning to seek resolution of the deferred matter and bring all land in Warringah under WLEP2011.

To resolve this issue the Minister for Planning has made a funding and resource commitment towards the deferred matters in various correspondence during 2011 and 2012.

Following on from this the most recent correspondence of 19 May 2012 (Attachment 2) indicates "the Department of Planning and Infrastructure is prepared to fund this component (Strategic review) and provide project management resources".

The Department has indicated that this is an appropriate way to progress this matter.

TIMING

The proposed project scope contains two elements, being

Part 1 – As detailed in Attachment 3

Part 2 – Studies as recommended by the Planning and Assessment Commission (PAC) in 2009. It is noted that the completion of the six (6) studies required for Part 2 is included in the draft Strategic Community Plan 2012/13.



Civic Centre 725 Pittwater Road
Dee Why NSW 2099
DX 9118
(02) 9942 2111
(02) 9971 4522

Telephone
Facsimile

Website www.warringah.nsw.gov.au
Email council@warringah.nsw.gov.au

4 May 2012

Mr Sam Haddad
Director General
NSW Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

2012/104716

Attention Juliet Grant

Dear Mr Haddad

**Re: Council Recommendation for a Joint Project to resolve the issue of
Warringah LEP2011 deferred matters**

Please find attached the Report to Council relating to Item 8.12 of the Warringah Council meeting held on 27 March 2012.

Council resolved on 27 March 2012:

- A. *That Council agree in principle to undertaking a joint project with the Department of Planning and Infrastructure and the Minister that incorporates the Planning and Assessment Commission (PAC) recommendations for Oxford Falls Valley, in order to reconsider the appropriate zoning for deferred matters in the Warringah LEP 2011 and resolve its deferred status.*
- B. *That Council liaise with the Department of Planning and Infrastructure to develop a sufficiently detailed Project Plan to establish the key principles, parameters, scope and methodology for undertaking the project.*
- C. *That Council staff work with the Department of Planning and Infrastructure to jointly develop a Project Plan based on the following principles of engagement and project rationale, which is to:*
 - *Include all major studies outlined in the PAC recommendations in the Project Plan*
 - *Engage in a collaborative partnership (including 50/50 funding arrangements) between Local and State government*
 - *Develop a comprehensive communications and media strategy*
 - *Undertake work in accordance with a Probity Plan and a Community Engagement Plan that establish parameters for community and stakeholder engagement*
 - *Achieve one comprehensive Local Environmental Plan for the entire Warringah local government area in the standard instrument format, as instructed by the Minister of Planning and Infrastructure on 8 November 2011.*



D. That upon final drafting of the Project Plan, the matter be reported back to Council for Council's consideration and resolution prior to agreeing to undertake the project.

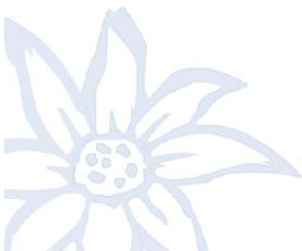
Accordingly I would like to request that relevant project staff meet with Warringah's staff to commence preparation of a detailed Project Plan to resolve the issue of the Warringah LEP 2011 deferred matters.

Should have any enquires in relation to the above matters, please contact Michael Haynes on 9942 2768.

Yours faithfully

Malcolm Ryan
Deputy General Manager

Enclosed:
Report Item 8.12 of Council meeting 27 March 2012





Mr Rik Hart
General Manager
Warringah Council
Civic Centre
725 Pittwater Road
DEE WHY NSW 2099



12/06983

Attention: Mr Malcolm Ryan, Deputy General Manager, Environment

Dear Mr Hart

I refer to your letter of 4 May 2012 outlining Warringah Council's resolution of 27 March 2012 to undertake major studies as recommended by the Planning and Assessment Commission (PAC) in its 2009 report on Oxford Falls Valley.

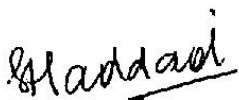
I am advised the PAC studies are intended to cover a range of issues well beyond what is required for the strategic review and could take a considerable period of time and resources to complete.

Given the need for a timely resolution to the deferral of Oxford Falls Valley and Belrose North from Warringah Local Environmental Plan (LEP) 2011, the Department recommends a staged approach, commencing with the strategic review to bring these areas into the new LEP. It is envisioned a prompt review process be undertaken, which ensures landowners and the public are appropriately consulted. The Department of Planning and Infrastructure is prepared to fund this component of work and provide project management resources.

Further to the discussions held between the Department and Council staff on 10 April 2012, I attach preliminary objectives and a scope of works which may be undertaken as part of the review process.

If you have any questions concerning the strategic review process, I have arranged for Ms Juliet Grant, Regional Director of Sydney Region East, to assist. Ms Grant can be contacted on telephone number 9228 9113.

Yours sincerely


Sam Haddad
Director General 19/5/2012

Oxford Falls Valley and Belrose North Strategic Review

Objective

The objective of the strategic review is to determine an appropriate zoning for the deferred areas (Oxford Falls Valley and Belrose North) under the Warringah Local Environmental Plan (LEP) 2011.

The key deliverable will be a Strategic Review Report that forms the basis of a planning proposal which responds to community and landowner concerns.

Scope

Part 1

The scope of the Project includes:

1. Review existing information on constraints imposed by the physical environment (eg bushfire risk, flora and fauna, topography) and existing infrastructure in the deferred areas;
2. Identify existing land uses and establish whether existing and continuing use rights apply in the deferred areas;
3. Review Category 3 uses that currently apply under the Warringah LEP 2000 and identify those that are suitable for the deferred area based on the findings of tasks 1 and 2;
4. Determine an agreed policy position in relation to the use of special uses zones and additional uses for future planning controls under Warringah LEP 2011 in the deferred areas;
5. Identify sites in the deferred areas where:
 - the E3 Environmental Management zone should remain as exhibited;
 - additional uses could be added to the E3 zoning; and
 - a different zone could apply such as SP2 Infrastructure, RU4 Primary Production Small Lots or R5 Large Lot Residential;
6. Review proposed changes to the E3 zone in the deferred area and consider implications of Clause 6.6 'Erection of dwelling houses in Zone E3 Environmental Management' of the LEP on land holdings within the proposed zone;
7. Undertake a community engagement and consultation event to present findings and gather views of key stakeholders; and
8. Recommend proposed land use zones and other controls for inclusion in a planning proposal.

Part 2

Studies as recommended by the Planning Assessment Commission (PAC) – to be determined.

DK/SUPT/10405

Linked to EC09473

**8.12 Recommendation for a Joint Project to Resolve the Issue of the Warringah LEP 2011 Deferred Matters**

EXECUTIVE SUMMARY

Purpose

To recommend to Council the preferred means of resolving the zoning issue of the Warringah LEP 2011 (WLEP2011) deferred matters at Oxford Falls and Belrose North.

Summary

The WLEP2011 came into force on the 9 December 2011. Lands at Oxford Falls and Belrose North localities were deferred matters from the making of the WLEP2011.

As such, Council is currently operating with both the Warringah LEP 2000 (WLEP2000), for the deferred matters, and WLEP2011 for the remaining local government area (LGA).

The New South Wales (NSW) State Government is seeking to undertake a joint project with Council to consider the appropriate zoning outcome for the deferred matters in the WLEP2011.

It is recommended that Council resolve to engage with the NSW Department of Planning and Infrastructure (DoPI) in the joint project, subject to the agreed principles and project rationale and listed Recommendations.

Financial Impact

The Minister of Planning and Infrastructure (the Minister) has indicated that funding and resources will be made available for Warringah Council to undertake the joint project as a partnership with DoPI. Warringah's staff resources will also be required to undertake the project.

Policy Impact

Resolution of the deferred matters in the WLEP2011, with the objective of achieving a comprehensive Local Environmental Plan (LEP), that is applicable to the entire Warringah local government area (LGA).

This would result for increased administrative efficiencies and total alignment with the State Government's standard instrument LEP template.

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

- A. That Council agree in principle to undertaking a joint project with the Department of Planning and Infrastructure to reconsider the appropriate zoning for deferred matters in the Warringah LEP 2011 and resolve its deferred status.
- B. That Council liaise with the Department of Planning and Infrastructure to develop a sufficiently detailed Project Plan to establish the key principles, parameters, scope and methodology for undertaking the project.
- C. That Council staff work with the Department of Planning and Infrastructure to jointly develop a Project Plan based on the following principles of engagement and project rationale, which is to:
 - Maintain the existing character of the Oxford Falls and Belrose North areas (as expressed in Warringah LEP 2000) in moving towards standard instrument zoning

DK/SUPT/10405

Linked to EC09473

for the area

- Develop a comprehensive communications and media strategy
 - Undertake work in accordance with a Probity Plan and a Community Engagement Plan that establish parameters for community and stakeholder engagement
 - Review existing information only, with no requirement for the preparation of detailed environmental studies (for example, Planning and Assessment Commissions (PAC) recommended studies)
 - Achieve one comprehensive Local Environmental Plan for the entire Warringah local government area in the standard instrument format, as instructed by the Minister of Planning and Infrastructure on 8 November 2011
 - Engage in a collaborative partnership between Local and State government.
- D. That upon final drafting of the Project Plan, the matter be reported back to Council for Council's consideration and resolution prior to agreeing to undertake the project.
-



DK/SUPT/10405

Linked to EC09473

REPORT

Background

When commencing its preparation of the draft Warringah LEP 2009 (draft WLEP2009) Council decided to translate the WLEP2000 into the new Standard Instrument LEP format. It also decided that it would not undertake review of land use planning policy in Warringah and that the only exceptions to this would be to accommodate changes required to give effect to the NSW Government's Metropolitan Strategy. This decision underpinned the way in which the new LEP was drafted for all land in Warringah.

The draft WLEP2009 was publicly exhibited in late 2009 and, after consideration of submissions, the final draft WLEP2009 was adopted by Council on 8 June 2010. The final draft WLEP2009 was forwarded to the NSW Department of Planning and Infrastructure (DoPI) on 25 June 2010 with a request that the Minister make the plan.

During DoPI's final review, community concerns emerged in relation to the proposed Environmental Management zoned (E3) lands at Oxford Falls and Belrose North (Refer to Attachment 1 – Summary of correspondence regarding joint project). The Minister deemed it appropriate to defer these areas from the making of the WLEP2011, and requested that a joint project be undertaken to enable DoPI, Council, together with the community, to determine the most appropriate future land use controls.

The WLEP2011 came into force on the 9 December 2011. Lands at Oxford Falls and Belrose North localities were deferred matters from the making of the WLEP2011. The deferred matters are identified in Attachment 2 – Deferred Lands Map.

Proposal for a joint project with the State Government

Council has received a number of letters from DoPI, and the Minister, suggesting and encouraging Council to enter into a joint project to resolve the zoning of the deferred matters.

Council Staff have held preliminary discussions with staff in DoPI in relation to the project. These discussions have related to the purpose and scope of the project, different options for immediately undertaking the project, timing and resources. Council staff have been clear in saying that ultimately a resolution of Council would be needed to proceed in undertaking a joint project.

In discussing how the project may be shaped to deliver a planning outcome for the deferred matter a communications/media strategy, a community engagement plan and probity plan were identified as key considerations for the project timeline.

The key considerations have evolved into agreed principles and project rationale, which were distributed to DoPI by Warringah Council on 5 March 2012. These principles are considered critical to Warringah's successful engagement in a meaningful partnership with DoPI, and will therefore inform the Project Plan.

No further work will be undertaken on the joint project until such time that Council has provided a resolution for the way forward.

Description of the proposed joint project

The objective of the joint project is to determine the appropriate zoning of the deferred area of the WLEP2011; ensuring that the matters raised by landowners in relation to the proposed E3 zoning under the draft WLEP2009 are considered.

Some of the expected key deliverables will be:

- Community consultation;

DK/SUPT/10405

Linked to EC09473

- A Planning Report that recommends the zones to apply to the area and how community and land owner concerns have been taken into consideration in reaching those recommendations; and
- A LEP amendment to resolve the deferred matters.

There has been some discussion with DoPI surrounding preliminary project principles. Although not formally accepted by DoPI, it is anticipated that further discussion will likely occur during the Project Plan phase. The preliminary project principles are to:

- Maintain the existing character of the Oxford Falls and Belrose North areas (as expressed in WLEP2000) in moving towards standard instrument zoning for the area.
- Develop a comprehensive communications and media strategy.
- Undertake work in accordance with a Probity Plan and a Community Engagement Plan that establish parameters for community and stakeholder engagement.
- Review existing information only, with no requirement for the preparation of detailed environmental studies (for example, PAC recommended studies).
- Achieve one comprehensive LEP for the entire Warringah LGA in the standard instrument format, as instructed by the Minister on 8 November 2011.
- Engage in a collaborative partnership between Local and State government.

In relation to project scope, early dialogue with the Department has included the following limitations:

- A high-level review of existing physical constraints.
- Assessment of existing use rights.
- Analysis of land use provisions under both WLEP2000 and WLEP2011.
- Rationalise future planning controls to be included a comprehensive LEP.
- Recommend proposed land use zones and controls for inclusion in a planning proposal.

In relation to project budget:

- It is anticipated that dependent experts will not be required and the joint project, and can be completed by Council's technical resources with the support and assistance of the Department.
- The redirection of Council resources to the project may result in the need for a planning officer role at Council to be filled by a DoPI secondee for the duration of the project.
- If funds are required to procure independent experts, a funding request will be prepared and put to the Director General of DoPI. A reasonable quantum of funds will be made available from DoPI 's operating budget if required.

The following are items which need to be further discussed or determined during the Project Planning phase:

- Internal budgeting requirements or limitations within Council;
- Agreed principles of engagement; and
- Preparation of communications strategy and Probity and Communications Engagement Plans.



DK/SUPT/10405

Linked to EC09473

Options for resolving the issue of the WLEP2011 deferred matters

The decision to move forward with a joint project for the resolution of the WLEP2011 deferred matters is at the discretion of Council. As such, the following three options are expressed for Council's consideration of methods to resolve the issue of the WLEP2011 deferred matters:

1. Planning Proposal

That Council prepare a planning proposal seeking E3 as the preferred zone for deferred lands.

The anticipated duration of this option is approximately 12 months, and will rely solely on Warringah Council resources.

This option will reaffirm the process that Council undertook when preparing WLEP2011 and, in so doing, will ensure that the preparation of the WLEP2011 (for deferred land) is undertaken in a manner that is consistent and equitable for all land in Warringah.

This option will also address the Minister's stated concern in relation to the community consultation process.

This option threatens strong Local and State Government relations, as it contravenes requests from DoPI to engage in a joint project. In addition, there is the risk that community perception of this option gives insufficient consideration of the deferred matters.

2. Joint Project

That Council engage with DoPI in a joint project, as per the agreed principles of engagement and project rationale.

The anticipated duration of this option is approximately 18 months, and will entail Warringah Council resources and support from DoPI with both staff resources and funding. Note that the level of proposed support is not yet identified.

This option excludes a comprehensive strategic assessment (for instance infrastructure, transport or other environmental constraint considerations) which would assist in defining future densities or land intensification.

The joint project will be supported heavily by a community consultation and media strategy and comprehensive probity plan.

3. PAC Environmental Studies

That Council decline to resolve the deferred lands in conjunction with the DoPI, until such time that the comprehensive review of Oxford Falls Valley (consistent with the PAC recommendations) has been completed, during which time the WLEP2000 would still apply to deferred lands.

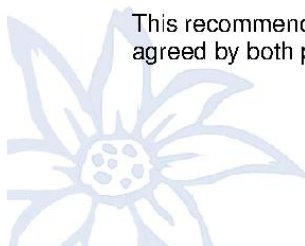
The timeframes for completing the PAC recommended environmental studies is extensive, with an anticipated duration of 3 years. The majority of environmental studies will be solely funded by Warringah Council. Stakeholder engagement would form a part of this work.

A risk associated with this option is that there will remain an administrative duplication, with two LEP's operating throughout the LGA.

Preferred option and recommendations

The preferred option for resolving the issue of the WLEP2011 deferred matters is that Council engage with DoPI in undertaking a joint project to determine the most appropriate future land use controls.

This recommendation is subject to the preliminary project principles and project rationale being agreed by both parties, prior to engagement in the project:



DK/SUPT/10405

Linked to EC09473

Justification

The recommendation for engaging in a joint project with the DoPI is justified for the following reasons:

- The Minister has offered funding and resources for the joint project.
- Greater administrative efficiencies as the aim is to deliver one comprehensive LEP for the whole Warringah LGA.
- Reduced timeframes compared to those associated with the environmental studies as part of the PAC recommendations.
- Opportunity for community and stakeholders engagement in accordance with Probity and Community Consultation plans.
- Integral to State and Local Government ongoing work relationships.
- Objective of joint project is to maintain existing character of the Oxford Falls and Belrose North areas in moving towards standard instrument zoning for the area.
- Opportunity to ensure that the project principles satisfy Council's requirements in terms of achieving consistency with its preparation of WLEP2011 for the wider Warringah area.

Conclusion

It is recommended that Council resolve to engage with DoPI in a joint project to resolving the deferred matters in the WLEP2011, subject to the agreed principles and project rationale.

Consultation

Community consultation will be undertaken in accordance with clearly defined Probity and Community Engagement Plans and media strategy.

Timing

Following resolution from Council, the Project Plan phase would commence immediately. Once a suitable and agreed Project Plan has been drafted, the matter will be reported back to Council for Council's consideration and resolution prior to agreeing to undertake the project.

Policy Impact

The joint project will produce an outcome for the resolution to the WLEP2011 deferred matter and increased administrative efficiencies with a comprehensive WLEP2011 for the entire LGA.

Financial Impact

The Minister has indicated that funding and resources will be made available for Warringah Council to undertake the joint project, in partnership with DoPI.

Warringah Council's contribution to the joint project will be undertaken by staff within existing budget capacity, in addition to DoPI's resources and funding.

Group Manager Strategic Planning**Attachments**

Attachment 1 – Summary of Correspondence

Attachment 2 – Deferred Lands map



DK/SUPT/10405

Linked to EC09473

ATTACHMENT 1

Summary of Strategic Review Correspondence

SUMMARY OF CORRESPONDENCE FOR JOINT PROJECT:31 August 2011

Letter received from the Minister advising that he was aware of concerns by residents in Oxford Falls Valley and Belrose North localities in relation to the proposed zoning of their land and that he thinks it were appropriate to defer this area from the current draft WLEP2009. The letter specifically stated that:

“This deferral will...enable Council, together with the community to undertake a strategic review of the area to determine the most appropriate future land use controls.”

13 September 2011

Letter from DoPI identifying the land to be deferred by way of an attached map.

27 September 2011

Warringah Council representatives attended meeting with DoPI in relation to the strategic review.

8 November 2011

Letter from the Minister which states:

- Minister intends to defer all land proposed to be zoned E3 in the Oxford Falls Valley and Belrose North localities
- That the Minister was advised by DoPI that at the meeting on 27 September to initiate the strategic review, general agreement on project scope was reached and that a Project Initiation document and more detailed project plan will be jointly prepared to guide the project.
- The Minister confirms resources and funding will be made available to Council to assist in completing the strategic review. The level of funding will be determined once the scope of works is identified.

8 December 2011

Letter from the from the Deputy-General Manager of DoPI confirmed that WLEP2011 is to be made under section 59(2) of the EP&A Act and that E3 zoned land at Oxford Falls and Belrose North Localities is to be deferred from the WLEP2011. The letter reiterated the Minister's request for Warringah Council and DoPI to work in partnership on the Oxford Falls Valley and Belrose North strategic review.

8 February 2012

Warringah Council met with DoPI to discuss scope, resources and principles of the strategic review. A communications and media strategy and probity plan were identified as key matters for the project lifeline.

5 March 2012

Draft list of agreed principles and rationale distributed to DoPI.

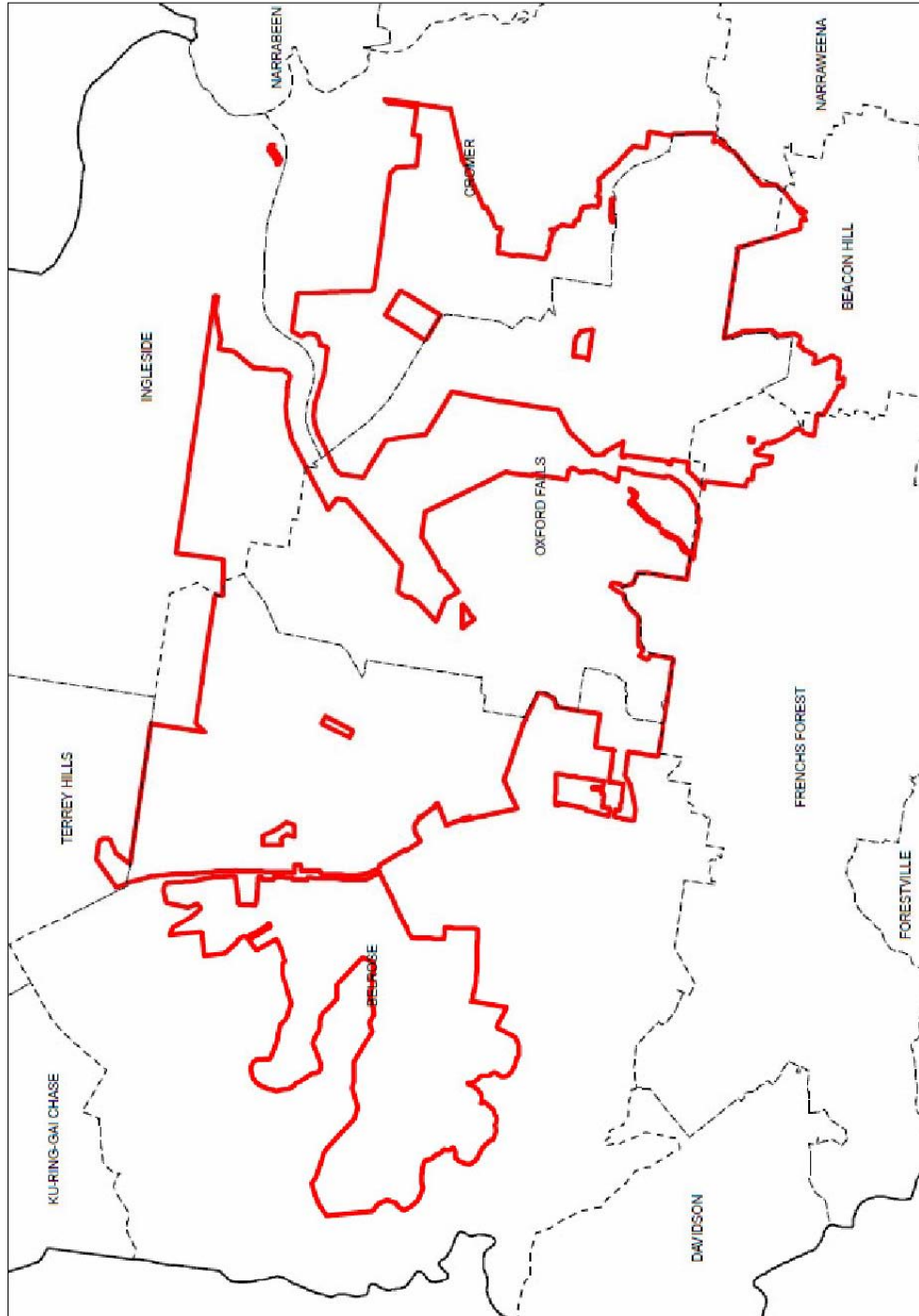


DK/SUPT/10405

Linked to EC09473

ATTACHMENT 2

Deferred matters



ITEM 8.12

Report of Warringah Council Meeting on 27 March 2012

Page 138

10.0 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 10.1 Notice of Motion No 19/2012 - Purchase of Lot 447 Joalah Rd Duffys Forest - Additional Actions to Resolution

Matters to be Discussed During Closed Session - Section 10D

Item 10.1 Notice of Motion No 19/2012 - Purchase of Lot 447 Joalah Rd Duffys Forest - Additional Actions to Resolution

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

Item 10.1 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

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.
-

