

3.1	Notice of Motion No 1/2008 Draft Warringah LEP 2000 Amendment 21, Dee Why Town Centre
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Submitted by: Cr Vincent De Luca OAM

Motion

That this Council resolves to:

1. Note the overwhelming opposition by the community to the proposed height increase in the Dee Why Town Centre and immediately calls upon the Minister for Planning to reject the Draft Warringah LEP 2000 Amendment 21, Dee Why Town Centre.
2. Obtain within seven days, independent Senior Legal Counsel's advice as to the feasibility of withdrawing the Draft Warringah LEP 2000 Amendment 21, Dee Why Town Centre.
3. Obtain within seven days, independent Senior Legal Counsel's advice that should the Minister for Planning refuse to allow Warringah Council to withdraw the Draft Warringah LEP 2000 Amendment 21, Dee Why Town Centre, whether injunctive relief in the Supreme Court is possible, feasible, expected costs and the likelihood of success of such legal action.
4. Obtain within seven days, independent Senior Legal Counsel's advice that should the Minister for Planning approve the Draft Warringah LEP 2000 Amendment 21, Dee Why Town Centre, whether legal action to overturn the decision is possible, feasible, expected costs and the likelihood of success of such legal action.
5. Seek an urgent meeting with the Minister for Planning and send a delegation on behalf of Warringah Council consisting of Mayor Regan and "A" Ward Councillors De Luca OAM, Falinski and Ray to such meeting.
6. Should any legal proceedings be commenced against a Councillor as a result of this Notice of Motion or any associated issue, that Council notes the provisions of the Council's Policy for the Payment and Re-imbursment of Expenses Incurred by, and Provision of Facilities to, the Mayor, Deputy Mayor and Councillors particularly:

"In the event of:

(2) legal proceedings being taken against the Mayor or a Councillor, arising out of or in connection with the performance of his or her civic duties or exercise of his or her functions as a Mayor or Councillor, the Council, after the conclusion of such enquiry, investigation, hearing or proceeding, may resolve to reimburse the Mayor or such Councillor for all legal expenses properly and reasonably incurred, given the nature of the enquiry, investigation, hearing or proceeding, on a solicitor/client basis."