

Minutes of a Meeting of Warringah Council

held on Tuesday, 24 May 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 , R Giltinan, Dr C Harris, Dr C Kirsch, V Laugesen, M Ray, J Sutton and Dr H Wilkins.

Officers

General Manager (R Hart), Director Corporate Services (J Warburton), A/Director Community and Environmental Services (M Ryan), A/Director Strategic and Development Services (P Robinson), Chief Financial Officer (D Walsh), Corporate Lawyer (V Ingram), Manager Strategic Planning (D Kerr), Manager Marketing and Communications (G Middleton), A/Manager Natural Environment (T Dickinson), Team Leader Corporate Planning (M McDermid), Team Leader Traffic Management (J Zappavigna), Team Leader Media and Content (B Noble), A/Team Leader Governance (A Moore), Administration Officers (A Cooke and G Dawson), IM&T Support Officer (D Mishra).

NOTES

The meeting commenced at 6.01pm, moved into closed session at 8.32pm and resumed in open session at 8.54pm and concluded at 8.55pm.

ORDER OF BUSINESS

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

Items 1.0, 2.1, 2.2, 3.0, 4.0 Items by Exception 7.2, 8.4, 8.6, 9.1, 14.1, and 14.2 followed by 5.1, 5.2, 5.3, 5.4, 5.5, 7.1, 7.3, 8.1, 8.2, 8.3, 8.5, 9.2, 9.3, 11.1, 11.2, 11.3, 11.4, 11.5, 14.3, 14.4 and 15.0.

1.0 APOLOGIES

Nil

2.0 CONFIRMATION OF MINUTES

2.1 Minutes of Council Meeting held 22 March 2011

NOTE: This item was deferred from the meeting of 2 May 2011.

127/11 **RESOLVED**

Cr Regan / Cr Sutton

That the Minutes of the Meeting of Council of 22 March 2011, copies of which were previously circulated to all Councillors be and are hereby confirmed as a true and correct record of the proceedings of that Meeting.

VOTING

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

Against the resolution: Nil.

2.2 Minutes of Council Meeting held 2 May 2011

128/11 **RESOLVED**

Cr Regan / Cr Sutton

That the Minutes of the Meeting of Council of 2 May 2011, copies of which were previously circulated to all Councillors be and are hereby confirmed as a true and correct record of the proceedings of that Meeting.

VOTING

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

Against the resolution: Nil.

3.0 DECLARATION OF PECUNIARY AND CONFLICTS OF INTEREST

Cr Kirsch declared a pecuniary interest in relation to Item 11.4, as she has solar panels at her home and is receiving the feed-in tariff.

Cr Kirsch declared a non pecuniary, less than significant interest in relation to Item 14.4, as her daughter goes to school in the area.

Cr Ray declared a non pecuniary, less than significant interest in relation to Item 5.3, as she has a sister who is a member of the Long Reef Surf Life Saving Club.

Cr Regan declared a non pecuniary, less than significant interest in relation to Item 5.3, as he has a friend who has children in nippers at Long Reef Surf Life Saving Club.

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 LEFT THE CHAMBER AT 6.05PM.

4.1. Mr Carl Musker representing Long Reef Surfriders Association made a statement regarding Long Reef Surf Club.

4.2. Mr Jack Tilburn asked the following question regarding Submissions to the Strategic Community Plan:

- a) It was reported in the Annual Report for 2009-10, on page 9, submissions for the Strategic Community Plan were 2,319 in 2009 and 1,010 in 2010; so what is the number for 2011?
- b) If this is all we are getting, isn't there something very very wrong, and has it been identified, when the population is some 150,000 and rateable properties are some 55,000?
- c) Has the Council assessed and evaluated whether the Draft Budget 2011-12 questionnaire is the best way to go to invite submissions?
- d) What other innovations can be explored to secure increased numbers of SCP submissions?
- e) Is there enough money being spent on capturing feedback and written submissions, and what is the amount of money so expensed?

Answer: The Mayor took Mr Tilburn's questions on notice and undertook to respond to Mr Tilburn on Monday 30 May 2011 at their arranged meeting.

4.3. Ms Kristen Beck made a statement regarding the Long Reef Surf Club proposal.

4.4. Mr Kevin Sinnott made a statement regarding Long Reef area issues and long term sustainability.

4.5. Mr Tom Kirsop representing Surfriders Association, made a statement regarding the proposed building for the Long Reef Surf Life Saving Club.

PROCEDURAL MOTION – EXTENSION OF TIME

129/11 **RESOLVED**

Cr Ray / Cr Kirsch

That Mr Kirsop be granted an extension of 3 minutes to address Council.

VOTING

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

Against the resolution: Crs Regan and Sutton.

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

4.6. Mr Paul Jaffe, representing Residents of Long Reef, made a statement regarding Long Reef Surf Life Saving Club.

4.7. Mr John Mullins, representing Long Reef Golf Club, addressed Item 5.1 on the agenda.

CR FALINSKI RETURNED TO THE CHAMBER 6.23PM.



PROCEDURAL MOTION – EXTENSION OF TIME

130/11 **RESOLVED**

Cr Ray / Cr Harris

That Mr Mullins be granted an extension of 3 minutes to address Council.

VOTING

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

Against the resolution: Crs Falinski, Regan and Sutton.

4.8. Mr Pete Cooper, representing the Wilderness Society, addressed Item 11.1 on the agenda.

4.9. Mr John Buggy, representing the Belrose Open Space Corridor Association (BOSCA) addressed Item 11.5 on the agenda.

4.10. Ms Ann Sharp addressed Item 11.5 on the agenda.

PROCEDURAL MOTION – PERMISSION TO ADDRESS COUNCIL

131/11 **RESOLVED**

Cr Giltinan / Cr Wilkins

That Mr Grainger and Mr Gleeson be granted permission to address Council in the Public Forum.

VOTING

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

Against the resolution: Cr Sutton.

4.11. Mr Matt Grainger made a statement regarding Long Reef Surf Life Saving Club.

4.12. Mr Michael Gleeson, representing Save Long Reef and Long Reef Surfriders Association, made a statement regarding an alternative concept Long Reef Surf Life Saving Club and community consultation.

WITH THE PERMISSION OF THE MAYOR, MR GLEESON CIRCULATED THE COMMUNITY CONCEPT FOR LONG REEF SURF LIFE SAVING CLUB.

PROCEDURAL MOTION – EXTENSION OF TIME

132/11 **RESOLVED**

Cr Harris / Cr Ray

That Mr Gleeson be granted an extension of 3 minutes to address Council.

VOTING

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

Against the resolution: Crs Falinski, Regan and Sutton.

PROCEDURAL MOTION – CHANGE THE ORDER OF BUSINESS

133/11 **RESOLVED**

Cr Regan / Cr Sutton

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, Giltinan, Harris, Kirsch, Laugesen, Ray, Regan, Sutton and Wilkins.

Against the resolution: Cr Falinski.

PROCEDURAL MOTION – ITEMS MOVED BY EXCEPTION

134/11 **RESOLVED**

Cr Regan /Cr Sutton

That the recommendations of the Director in Items 7.2, 8.4, 8.6, 9.1, 14.1 and 14.2 be adopted.

VOTING

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

Against the resolution: Cr Falinski.

5.0 MAYORAL MINUTES

5.1 Mayoral Minute No 8/2011 Long Reef Golf Club - Fee Refund for DA at Griffith Park

(Report not contained in the agenda)

135/11 **RESOLVED**

Cr Regan

That given the public nature of this proposed community asset, which will serve multiple sporting users within a single building on Griffith Park (ref clause 5.3.1 Griffith Park Plan of Management February 2011) it is recommended that the development application and advertisement fee be waived and funded by the Councillor's Donation Expense Budget.

VOTING

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

Against the resolution: Nil.

5.2 Mayoral Minute No 9/2011 Every Australian Counts - Campaign for a National Disability Insurance Scheme

(Report not contained in the agenda)

136/11 **RESOLVED**

Cr Regan / Falinski

That Council show its official support for the 'Every Australian Counts' Campaign and hence a National Disability Insurance Scheme through noting Council's support and promoting the campaign on Council's website.

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 10/2011 Long Reef Surf Club

(Report not contained in the agenda)

Cr Regan / Cr Falinski

That Council accept an alternative proposal for the Long Reef Surf Club from a local architect and include for consideration during the next phase of consultation.

AMENDMENT

Cr De Luca / Cr Ray

- A. That Council accept an alternative proposal for the Long Reef Surf Life Saving Club from Jo Gillies, architect and include the proposal for consideration during the next phase of consultation.
- B. That Council thank Jo Gillies for her contribution and acknowledge her time given.

VOTING

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

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

THE AMENDMENT, UPON BEING PUT, WAS DECLARED LOST.

137/11 RESOLVED

Cr Regan / Cr Falinski

That Council accept an alternative proposal for the Long Reef Surf Life Saving Club from a local architect and include for consideration during the next phase of consultation.

VOTING

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

Against the resolution: Nil.



5.4 Mayoral Minute No 11/2011 Belrose Land Adjoining Garigal National Park

(Report not contained in the agenda)

138/11 **RESOLVED**

Cr Regan

- A. That Council writes urgently to the Premier, the Minister for Roads, the Minister for Planning and Infrastructure and the Treasurer to ask that the auction of land at 21 Wanniti Road, Belrose be halted until the State Government undertakes a comprehensive review and investigates the previous Government's decision to sell the land.
- B. Further, Council request the State Government to put a minimum ten year hold on any future sale or subdivision of its lands until such time as the proposed hospital is completed and the transport issues for Warringah are addressed.
- C. Council request the State Government to publicly state the reasons why the land is to be sold, or should not be retained.

VOTING

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

Against the resolution: Nil.

5.5 Mayoral Minute No 12/2011 A Win in the Local Environment Court for the Freshwater Community

(Report not contained in the agenda)

139/11 **RESOLVED**

Cr Regan

That Council:

- A. Formally congratulate Peter Harley, Phil Curry and all members of Friends of Freshwater following the decision today in the NSW Land and Environment Court to dismiss the appeal by Freshwater Village Developments Pty Ltd;
- B. Acknowledge and thank Council's Legal and Planning staff who worked to have the appeal dismissed; and
- C. In accordance with Council's resolution of 22 February 2011, continue working with the Freshwater Village Working Party on the DCP, on behalf of the community they represent.

VOTING

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

Against the resolution: Nil.

7.0 CORPORATE SERVICES DIVISION REPORTS

7.1 Goods and Services Tax - Council Compliance Certificate 2010/11

(BP REF 1)

140/11 **RESOLVED**

Cr Regan / Cr Giltinan

- A. That this report is received and noted, with the Mayor, one other nominated Councillor, the General Manager and Chief Financial Officer be delegated authority to sign the Certificate for 2010/11 on behalf of the Council certifying its compliance with GST requirements. A copy of the Certificate is attached to this report.
- B. That Council formally nominate Councillor Harris to be given delegated authority to sign the GST Certificate in accordance with 'A' above.

VOTING

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

Against the resolution: Nil.

7.2 Monthly Funds Management Report April 2011

(BP REF 4)

134/11 **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)

7.3 Adoption of Draft Probity Plan for Brookvale Park Projects

(BP REF 10)

141/11 **RESOLVED**

Cr Wilkins / Cr Regan

That Council adopt the Draft Probity Plan – Future Brookvale Park Projects May 2011

VOTING

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

Against the resolution: Nil.

8.0 STRATEGIC AND DEVELOPMENT SERVICES DIVISION REPORTS

8.1 Minutes of Environmental Sustainability Strategic Reference Group Meeting held 23 February 2011

(BP REF 14)

142/11 **RESOLVED**

Cr Regan / Cr Kirsch

That this item be deferred to the next available Environmental Sustainability Strategic Reference Group meeting (1 August 2011) for confirmation regarding issues with the minutes of the meeting held 23 February 2011.

VOTING

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

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



8.2 Additional Councillor Attendance at the 2011 National General Assembly of Local Government – Australian Local Government Association (ALGA)

(BP REF 24)

143/11 **RESOLVED**

Cr Harris / Cr Regan

- A. That Council nominate Cr Kirsch to attend the 2011 National General Assembly of Local Government to be held in Canberra from 19-22 June 2011.
- B. That the attendance of Cr Kirsch and payment of expenses be in accordance with Council's Policy GOV-PL 120 Payment and Reimbursement of Expenses Incurred by, and the Provision of Facilities to, the Mayor, Deputy Mayor and Councillors.

CR LAUGESSEN LEFT THE CHAMBER AT 7.12PM.

VOTING

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

Against the resolution: Crs De Luca and Sutton.

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

CR LAUGESSEN RETURNED TO THE CHAMBER AT 7.16PM.

8.3 Councillor Meal Allowance

(BP REF 33)

Cr Kirsch / Cr Ray

That Council:

- A. Continue with the provision of meals as per current practice, being a buffet style meal and small cheese platter minus dessert reducing the cost to approximately \$18-\$20 per head per meal.
- B. That 50% of funds (\$12,500) from the Councillor Meal budget within Council's 2011/12 draft budget be utilised to fund the provision of the same 'buffet style meal' that is provided to councillors and staff to the community representatives at SRG meetings and this amount be allocated to the meal budget for SRG's, Community Committees and for the provision of

refreshments to the public gallery at Council meetings on an annual basis ongoing from 2012.

PROCEDURAL MOTION – DEFERMENT OF ITEM

144/11 **RESOLVED**

Cr Falinski / Cr Wilkins

That this item be deferred until the next ordinary meeting of Council to allow further clarification on the items being discussed.

VOTING

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

Against the resolution: Crs De Luca and Laugesen.

8.4 Annual Fee for the Mayor and Councillors

(BP REF 36)

134/11 **RESOLVED**

- A. Pursuant to Section 248 of the Local Government Act 1993, the Council fixes the annual fee for Councillors for the period of 1 July 2011 to 30 June 2012 at \$21,170 payable monthly in arrears and;
- B. Pursuant to Section 248 of the Local Government Act 1993, the Council fixes the annual fee for the Mayor for the period 1 July 2011 to 30 June 2012 at \$56,250 payable monthly in arrears.

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

8.5 Quarterly Business and Budget Report March 2011

(BP REF 39)

145/11 **RESOLVED**

Cr Wilkins / Cr Regan

- A. That the March 2011 Business and Budget Report in the separate Attachment Booklet be noted.

- B. That changes to the Current Forecast detailed in the March 2011 Quarterly Business and Budget Report (page 2 Attachment Booklet) increasing the Surplus from Continuing Operations before Capital Grants and Contributions from \$1,225,847 to \$2,348,132 at 30 June 2011 be approved.
- C. That \$15,000 and \$80,000 respectively be provided from the Unrestricted increase in the Surplus from Continuing Operations of \$161,835 before Capital Grants and Contributions to undertake a telephone survey to establish the level of demand within Warringah LGA for Community Gardens and to fund a detailed report on voluntary council amalgamation.

VOTING

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

Against the resolution: Cr Laugesen.

8.6 Interim Report - Voluntary Council Amalgamation

(BP REF 44)

134/11 **RESOLVED**

- A. That the process for undertaking the research into voluntary amalgamations of council be noted.
- B. That Council note the report on consultation with the community and other stakeholders will be available within 3 months of publishing of the research paper titled "*Options for Consolidation in Local Government: A Fresh Look*".

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

9.0 COMMUNITY AND ENVIRONMENTAL SERVICES DIVISION REPORTS

9.1 Notes of the Manly Lagoon Catchment Co-ordinating Committee Meeting held 24 February 2011

(BP REF 46)

134/11 **RESOLVED**

That the Notes of the Manly Lagoon Catchment Co-ordinating Committee meeting held on 24 February 2011 (Attachment 1) be noted.

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

9.2 Coastal Erosion Emergency Action Plan for Beaches in Warringah - Public Exhibition of Draft Plan

(BP REF 57)

146/11 **RESOLVED**

Cr Kirsch / Cr Regan

- A. That Council note the information included in the Draft Coastal Erosion Emergency Action Plan for Beaches in Warringah, and approve its public exhibition for a period of not less than 28 days.
- B. That any public submissions received during the exhibition period be considered and a further report to Council be provided to consider adoption of the final Coastal Erosion Emergency Action Plan for Beaches in Warringah.
- C. That all members of the Environmental Sustainability Strategic Reference Group (ES-SRG) and of the Warringah Coastal Community Committee (WC-CC) be personally invited to provide their feedback and recommendations – either individually or collectively - on the Draft Coastal Erosion Emergency Action Plan, and that the ES SRG and the WC-CC's recommendations and any amendments subsequently made to the Plan be included in the report to Council on the 26 July 2011.

VOTING

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

Against the resolution: Nil.

CRS FALINSKI AND LAUGESSEN LEFT THE CHAMBER AT 7.33PM.

9.3 Minutes of Warringah Traffic Committee Meeting held 3 May 2011

(BP REF 69)

147/11 **RESOLVED**

Cr Ray / Cr Giltinan

1. That the minutes of the Warringah Traffic Committee Meeting held on 3 May 2011 be noted;
2. That Items 3.2 to 6.3 in the minutes of the Warringah Traffic Committee Meeting held on 3 May 2011 be adopted and dealt with under delegated authority;
3. Under Item 3.1 that Council;
 - i. **Note:**
 - (A) The Roads and Traffic Authority is to reduce the speed the limit on Beacon Hill Road to 50 km/h.

- (D) That the Roads and Traffic Authority replace the two large oversize “3 Tonne” load limit signs in Warringah Road on the western approach to Beacon Hill Road.
- (H) That the Roads and Traffic Authority (RTA) investigate the provision of “keep clear” linemarking at the intersection of Beacon Hill Road and Beacon Avenue.
- (I) That the Roads and Traffic Authority (RTA) investigate the removal of left turn on red permitted signage on the southern approach of Willandra Road to Warringah Road.

ii. **Endorse the Committees recommendations:**

- (B) To note the preliminary investigations to be undertaken by the Roads and Traffic Authority into providing dual left lanes in Beacon Hill Road at Warringah Road and additionally advising the RTA that Council endorses any intersection capacity improvements that would reduce the desirability of vehicles using local roads to the west to by-pass the traffic signals
- (E) To ensure the results of the vehicle classification surveys for Beacon Hill Road be referred to Council's Manager, Compliance for assistance in any truck enforcement program. Additionally encourage Council's Compliance Section and Northern Beaches Police Command enforce the area as necessary and consider a load limit surveillance blitz.
- (G) Having regard to the generally favourable traffic conditions in the residential precinct west of Beacon Hill Road the Committee not support further consideration to the implementation of a Local Area Traffic Management Scheme in this area at the present time

iii. **Further;**

- (C) Undertake a more detailed examination of the crash circumstances on Beacon Hill Road noting that the pending reduction in the speed limit may have a positive impact on reducing the 85th percentile travel speeds and crash/injury numbers.
- (F) Provide a copy of this report to Council and the Committees decision to the successful consultant engaged to undertake the Dee Why/ Brookvale Major Centres Study of which Beacon Hill Road has been specifically included.
- (J) Undertake maintenance of the No Parking signs on Beacon Hill Road near No. 14 Beacon Hill Road and reinstate any missing terminating no parking sign.
- (K) Advise Mr Graeme Garlick of the Traffic Committees recommendations to Council and the subsequent decision.

CR FALINSKI RETURNED TO THE CHAMBER AT 7.36PM.

VOTING

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

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

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

CR LAUGESSEN RETURNED TO THE CHAMBER AT 7.48PM.

11.0 NOTICES OF MOTION

11.1 Notice of Motion No 26/2011 Ethical Paper Pledge

(BP REF 108)

Cr Harris / Cr Kirsch

That Warringah Council sign the Ethical Paper Pledge asserting a commitment **NOT to purchase Reflex Paper** until its producer, Australian Paper, stops sourcing from native forests.

CR DE LUCA LEFT THE CHAMBER AT 7.49PM.

AMENDMENT

Cr Wilkins / Cr Falinski

That Warringah Council sign the Ethical Paper Pledge asserting a commitment **NOT to purchase Reflex Paper** with the exception of 100% recycled paper until its producer, Australian Paper, stops sourcing from native forests.

VOTING

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

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

THE AMENDMENT, UPON BEING PUT, WAS DECLARED CARRIED.

CR DE LUCA WAS ASBENT FROM THE CHAMBER DURING CONSIDERATION OF AND VOTING ON THIS ITEM.



148/11 **RESOLVED**

Cr Wilkins / Cr Falinski

That Warringah Council sign the Ethical Paper Pledge asserting a commitment **NOT to purchase Reflex Paper** with the exception of 100% recycled paper until its producer, Australian Paper, stops sourcing from native forests.

CRS HARRIS, KIRSCH AND CR LAUGESSEN LEFT THE CHAMBER AT 7.57PM.

VOTING

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

Against the resolution: Cr Ray.

CRS DE LUCA, HARRIS, KIRSH AND LAUGESSEN WERE ABSENT FROM THE CHAMBER DURING CONSIDERATION AND VOTING ON THIS ITEM.

CRS HARRIS AND KIRSCH RETURNED TO THE CHAMBER AT 7.58PM.

11.2 Notice of Motion No 27/2011
DA Lodgement Notification Fee System

(BP REF 109)

149/11 **RESOLVED**

Cr Wilkins / Cr Falinski

That Council write to the Minister and Department of Planning to request a review of the Act that currently limits what Councils are permitted to charge for Development Application notification and request that the single per-Council capped notification fee system be replaced with a system whereby notification fees can be charged pro-rata per DA.

VOTING

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

Against the resolution: Cr Ray.

CR DE LUCA AND CR LAUGESSEN WERE ABSENT FROM THE CHAMBER DURING CONSIDERATION OF AND VOTING ON THIS ITEM.

AT 8.03PM IN ACCORDANCE WITH CLAUSE 13.2(ii) OF COUNCIL'S CODE OF MEETING PRACTICE, THE MAYOR ANNOUNCED THAT THE MEETING WOULD BE ADJOURNED.

PROCEDURAL MOTION – SUSPENSION CODE OF MEETING PRACTICE

Cr Falinski / Cr Wilkins

150/11 **RESOLVED**

That Council suspend clause 13.2(ii) of Council's Code of Meeting Practice, to allow the meeting to continue.

VOTING

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

Against the resolution: Cr Ray.

CR DE LUCA AND CR LAUGESSEN WERE ABSENT FROM THE CHAMBER DURING CONSIDERATION OF AND VOTING ON THIS ITEM.

**11.3 Notice of Motion No 28/2011
Brookvale Public and St Augustines School Access to
Brookvale Oval**

(BP REF 110)

AT THIS STAGE THE MOVER ADVISED THAT THE NOTICE OF MOTION HAD BEEN WITHDRAWN.

CR DE LUCA AND CR LAUGESSEN RETURNED TO THE CHAMBER AT 8.03PM.

CR KIRSCH LEFT THE CHAMBER AT 8.03PM DUE TO A DECLARED PECUNIARY INTEREST IN RELATION TO ITEM 11.4.

CR RAY LEFT THE CHAMBER AT 8.05PM.



11.4 Notice of Motion No 29/2011

Objection to the Retrospective Cut in Solar Feed-in Tariff from 60 to 40 cents by the NSW Coalition Government

(BP REF 111)

Cr Regan / Cr Wilkins

That Council write to the NSW Premier Barry O' Farrell, NSW Resources and Energy Minister Chris Hartcher, and the local members of state parliament Mike Baird, Rob Stokes and Brad Hazzard, in order to

- A. communicate its objection to recently announced retrospective legislation to cut the feed-in tariff for existing subscribers, and to 20 cents for those already signed up but yet to have their solar panels installed, and
- B. ask that in order to support households willing to take action and reduce their carbon emissions, and to protect the fledgling solar industry and the apprentices, technical and administrative staff and owners of the small solar installation businesses, and to facilitate the transition of the NSW industry and households to renewable energy sources, consideration is given to alternative payment options to fund the cost of the solar feed-in tariff and support a continuation of the 60 cent feed-in tariff for all that have subscribed at this stage and a 40 cent feed-in tariff for those subscribing in the future. This should include a licence fee charged to coal fired power stations in NSW.

CR RAY RETURNED TO THE CHAMBER AT 8.12PM.

AMENDMENT

Cr Falinski / Cr De Luca

That Council

- A. Condemn the previous Government and the then Energy Minister for the introduction of an unsustainable and distortionary solar scheme.
- B. Note that the NSW Premier, The Hon Barry O'Farrell MP and Special Minister for State and Energy Hon Chris Hartcher MP have announced reforms that all applications will be considered based on a concessional hardship basis and that all applications received prior to 29 April 2011 but yet to be connected to the scheme will be progressed and considered under the eligibility criteria.

VOTING

For the amendment: Crs De Luca, Falinski and Giltinan

Against the amendment: .Crs Harris, Laugesen, Ray, Regan, Sutton and Wilkins.

THE AMENDMENT, UPON BEING PUT, WAS DECLARED LOST.

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

CR DE LUCA AND CR FALINSKI LEFT THE CHAMBER AT 8.21PM.

AT THIS STAGE THE MOVER, WITH THE CONSENT OF THE SECONDER, AMENDED THE ORIGINAL MOTION TO READ:

Cr Regan / Cr Wilkins

That Council:

- A. Condemn the previous Government and the then Energy Minister for the introduction of an unsustainable and distortionary solar scheme;
- B. Write to the NSW Premier Barry O' Farrell, NSW Resources and Energy Minister Chris Hartcher, and the local members of state parliament Mike Baird, Rob Stokes and Brad Hazzard, in order to
 - (i) Communicate its objection to recently announced retrospective legislation to cut the feed-in tariff for existing subscribers, and to 20 cents for those already signed up but yet to have their solar panels installed, and
 - (ii) Ask that in order to support households willing to take action and reduce their carbon emissions, and to protect the fledgling solar industry and the apprentices, technical and administrative staff and owners of the small solar installation businesses, and to facilitate the transition of the NSW industry and households to renewable energy sources, consideration is given to alternative payment options to fund the cost of the solar feed-in tariff and support a continuation of the 60 cent feed-in tariff for all that have subscribed at this stage and a 40 cent feed-in tariff for those subscribing in the future. This should include a licence fee charged to coal fired power stations in NSW.

AMENDMENT

Cr Ray / Cr Laugesen

That Council write to the NSW Premier Barry O' Farrell, NSW Resources and Energy Minister Chris Hartcher, and the local members of state parliament Mike Baird, Rob Stokes and Brad Hazzard, in order to

- A. communicate its objection to recently announced retrospective legislation to cut the feed-in tariff for existing subscribers, and to 20 cents for those already signed up but yet to have their solar panels installed, and
- B. ask that in order to support households willing to take action and reduce their carbon emissions, and to protect the fledgling solar industry and the apprentices, technical and administrative staff and owners of the small solar installation businesses, and to facilitate the transition of the NSW industry and households to renewable energy sources, consideration is given to alternative payment options to fund the cost of the solar feed-in tariff and support a continuation of the 60 cent feed-in tariff for all that have subscribed at this stage and a 40 cent feed-in tariff for those subscribing in the future. This should include a licence fee charged to coal fired power stations in NSW.

CR FALINSKI RETURNED TO THE CHAMBER AT 8.23PM.

VOTING

For the amendment: Crs Harris, Laugesen and Ray.

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

THE AMENDMENT, UPON BEING PUT, WAS DECLARED LOST.

CR DE LUCA AND CR KIRSCH WERE ABSENT FROM THE CHAMBER DURING CONSIDERATION OF AND VOTING ON THIS AMENDMENT.

AMENDMENT

Cr Laugesen / Cr Ray

That Council write to the NSW Premier Barry O' Farrell, NSW Resources and Energy Minister Chris Hartcher, and the local members of state parliament Mike Baird, Rob Stokes and Brad Hazzard, in order to

- A. communicate its objection to recently announced retrospective legislation to cut the feed-in tariff for existing subscribers, and to 20 cents for those already signed up but yet to have their solar panels installed, and
- B. ask that in order to support households willing to take action and reduce their carbon emissions, and to protect the fledgling solar industry and the apprentices, technical and administrative staff and owners of the small solar installation businesses, and to facilitate the transition of the NSW industry and households to renewable energy sources, consideration is given to alternative payment options to fund the cost of the solar feed-in tariff and support a continuation of the 60 cent feed-in tariff for all that have subscribed at this stage and a 40 cent feed-in tariff for those subscribing in the future. This should include a licence fee charged to coal fired power stations in NSW.
- C. That NSW Premier, Barry O'Farrell be sent an extract from tonight's recording of the Council meeting to watch this debate.

CR DELUCA RETURNED TO THE CHAMBER AT 8.27PM.

VOTING

For the amendment: Crs Laugesen and Ray.

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

THE AMENDMENT, UPON BEING PUT, WAS DECLARED LOST.

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

SUBSTANTIVE MOTION

Cr Regan / Cr Wilkins

That Council:

- A. Condemn the previous Government and the then Energy Minister for the introduction of an unsustainable and distortionary solar scheme;
- B. Write to the NSW Premier Barry O' Farrell, NSW Resources and Energy Minister Chris Hartcher, and the local members of state parliament Mike Baird, Rob Stokes and Brad Hazzard, in order to
 - (i) Communicate its objection to recently announced retrospective legislation to cut the feed-in tariff for existing subscribers, and to 20 cents for those already signed up but yet to have their solar panels installed, and
 - (ii) Ask that in order to support households willing to take action and reduce their carbon emissions, and to protect the fledgling solar industry and the apprentices, technical and administrative staff and owners of the small solar installation businesses, and to facilitate the transition of the NSW industry and households to renewable energy sources, consideration is given to alternative payment options to fund the cost of the solar feed-in tariff and support a continuation of the 60 cent feed-in tariff for all that have subscribed at this stage and a 40 cent feed-in tariff for those subscribing in the future. This should include a licence fee charged to coal fired power stations in NSW.

VOTING

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

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

THE MOTION, UPON BEING PUT, WAS DECLARED LOST.

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

CR KIRSCH RETURNED TO THE CHAMBER AT 8.29PM.

11.5 Notice of Motion No 30/2011 Belrose Road Corridor

(BP REF 112)

151/11 **RESOLVED**

Cr Harris / Cr Regan

That Council does not support the staff recommendation to the Joint Regional Planning Panel to approve the development application for the Belrose Road corridor and as such asks that it be refused.

VOTING

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

Against the resolution: Nil.

14.0 CONFIDENTIAL MATTERS – CLOSED SESSION

(BP REF 113)

152/11 **RESOLVED**

Cr Kirsch / Cr Sutton

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 14.3 RFT 2011/006 – Brookvale Park Master Plan Project

Item 14.4 Revision of Draft Housing Strategy for Warringah

Matters to be Discussed During Closed Session - Section 10D

Item 14.3 RFT 2011/006 – Brookvale Park Master Plan Project

Item 14.4 Revision of Draft Housing Strategy for Warringah

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

Item 14.3 (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, or
- (iii) reveal a trade secret,

Item 14.4 (a) Personnel matters concerning particular individuals (other than councillors);

(b) The personal hardship of any resident or ratepayer; and

(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.

VOTING

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

Against the resolution: Crs Laugesen and Ray.

THE MEETING MOVED INTO CLOSED SESSION AT 8.32PM.

THE MEETING RESUMED IN OPEN SESSION AT 8.54PM.

15.0 REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION

THE GENERAL MANAGER REPORTED ON RESOLUTIONS PASSED IN CLOSED SESSION.

14.1 Tender for the Design of the Collaroy Stormwater Outlet

(BP REF C1)

134/11 **RESOLVED**

- A. That Council decline to accept the tender received.
- B. That Council decline to invite fresh tenders or applications as contemplated in subclauses 178(3)(b)-(d) of the *Local Government (General) Regulation 2005*, as a better outcome would not be achieved and would not result in an improved financial result for Council.
- C. That Council:
 - a) Delegate authority to the General Manager to enter into negotiations with the sole tenderer and any other relevant persons with the relevant skills and abilities with the aim of entering a into a contract for this tender;

- b) Negotiates with the parties in (a) as it is believed a suitable contractual outcome will be achieved by this course given the need to resolve specific issues like professional indemnity price.
- D. That Council delegate authority to the General Manager to execute a negotiated contract following the satisfactory outcome of the negotiations, up to an anticipated budget of \$507,000 ex GST (inclusive of contingency costs) funded from the 10/11 and 11/12 Collaroy stormwater outlet capital works budgets.

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

14.2 Tender GCT-T10 - Group Communications Tender

(BP REF C6)

134/11 **RESOLVED**

- A. That Council decline to accept any of the tenders received.
- B. That Council decline to invite fresh tenders or applications as contemplated in subclauses 178(3)(b)-(d) of the *Local Government (General) Regulation* 2005, as it is considered that a better outcome would not be achieved and would not result in an improved financial result for Council.
- C. That Council enter into negotiations with the following tenderers with a view to entering into a contract with each of those tenderers in relation to the supply and implementation of the identified services:
 - i. Optus Networks Pty Ltd for the supply and implementation of P1 – Mobile Services and Call Rates;
 - ii. Ipera Communications Pty Ltd for the supply and implementation of P2 – Fixed Services and Call Rates;
 - iii. Integ Communication Solutions Pty Ltd for the supply and implementation of P3 – Professional Services;
 - iv. VialP Pty Ltd for the supply and implementation of P4 – Private IP Networking Links;
 - v. Integ Communication Solutions Pty Ltd for the supply and implementation of P5 – Customer Premises Equipment known as IP Telephony;

because the tenders submitted by the above tenderers achieved the highest score for compliance with Council's requirements, were ranked best value for money of the tenders received and, subject to the negotiation of appropriate contractual terms, would satisfactorily meet Council's requirements.

- D. That Council delegate authority to the General Manager to enter into negotiations with the tenderers referred to at paragraph C above with a view to Council entering into a contract with each of those tenderers for the identified services.
- E. That Council delegate authority to the General Manager to execute a negotiated contract on behalf of Council with each of the tenderers referred to at paragraph C in relation to the identified services.

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

14.3 RFT 2011/006 - Brookvale Park Master Plan project

(BP REF C15)

153/11 **RESOLVED**

Cr Regan / Cr Wilkins

That the tender of McGregor Coxall Pty Ltd (RFT 2011/006) for the sum of \$341,980.00 excluding GST be accepted to undertake items A –F as specified in RFT 2011/006. It is also recommended that a 15% contingency of \$51,297.00 be raised at the same time to allow for unforeseen variations which brings the total amount to be requisitioned to \$393,277.00 excluding GST.

VOTING

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

Against the resolution: Crs Harris, Kirsch and Laugesen.

14.4 Revision of Draft Housing Strategy for Warringah

(BP REF C21)

154/11 **RESOLVED**

Cr Regan / Cr Wilkins

- A. That Council resolve to commence the Public Exhibition of the Draft Housing Strategy (Version 2) included as Attachment Booklet 2.
- B. Place the Draft Housing Strategy on public exhibition for a minimum period of 6 weeks, generally in accordance with Stage 4 of the Housing Engagement Plan, as detailed in this report.
- C. Invite submissions to the Draft Housing Strategy during the public exhibition period.
- D. Following the public exhibition that Council consider a further report that addresses all submissions and recommends a way forward to finalisation of the Strategy.
- E. Provide advice of the Draft Housing Strategy on Section 149 (5) Certificates for affected properties in Warringah.

VOTING

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

Against the resolution: Nil.

The meeting concluded at 8.55pm.

This is the final page of the Minutes comprising (28) pages numbered (1) to (28)
of meeting 2011/7 of Warringah Council held on 24 May 2011
and confirmed on 28 June 2011.

Mayor

General Manager



COUNCIL MEETING

2011/07

24 MAY 2011

REPORTS NOT CONTAINED IN THE AGENDA

| Item | | <u>MP Ref</u> |
|-------------|--|----------------------|
| 5.1 | Mayoral Minute No 8/2011 Long Reef Golf Club – Fee Refund for DA at Griffith Park | 30-31 |
| 5.2 | Mayoral Minute No 9/2011 Every Australian Counts – Campaign for a National Disability Insurance Scheme | 32-34 |
| 5.3 | Mayoral Minute No 10/2011 Long Reef Surf Club | 35 |
| 5.4 | Mayoral Minute No 11/2011 Belrose Land Adjoining Garigal National Park | 36 |
| 5.5 | Mayoral Minute No 12/2011 A Win in the Local Environment Court For The Freshwater Community | 37 |

5.1**Mayoral Minute No 8/2011
Long Reef Golf Club - Fee Refund for DA at Griffith Park****Background**

Long Reef Golf Club, the Proponent for the proposed Sporting Amenities and Golf Administration Building has requested Council to waive the fee for the proposed DA and the advertisement fee for Griffith Park Sporting Facility (clause 5.3.1 Griffith Park Plan of Management, February 2011).

A DA was previously lodged however Council advised Long Reef Golf Club (Proponent) on 19 May 2009 that the DA (2009/0043) could not be considered as clause 17 in the Warringah LEP stated "any development of public open space must be consistent with the Plan of Management."

While Council had adopted the Plan of Management in 2005, the Minister for the Department of Lands had yet to adopt the Griffith Park Plan of Management and therefore, no plan existed.

Council advised the proponent that Council would not consider a deferred consent commencement option and was advised by Council on 19 May 2009 and the DA 2009/0043 was withdrawn. Prior to commencement of the DA 2009/0043 lodgement, Collaroy Rugby approached Warringah Council for consideration to provide change room facilities on Griffith Park Oval, western side. This location was not accepted by Crown Lands, who preferred an eastern side co-located on a single building footprint and complying with the Principles of Crown Lands Management "where appropriate, multiple use of Crown Land be encouraged".

The administrator at the time, visited the site to review the site options and agreed that with adequate community consultation, the preferred proposal for a Multi User Amenity within a single building footprint design be pursued. This resulted in preliminary discussions for the proposed development to take place with Manly Cricket Association, Collaroy Rugby, Warringah Council staff, NSW Dept of Lands representatives, the Long Reef Golf Club and Rod MacQueen representing the local residents.

A Concept plan for a new combined sports facility to be located at Griffith Park was developed. The proposed building incorporates toilets and change rooms, a meeting room, and a golf administration building. Long Reef Golf Club had an existing Development Consent for a Golf Administration Building (DA2004/1373).

Mr Rod MacQueen consulted with the golf club, the sporting groups and the local community so that a single, less intrusive facility could be provided that served the needs of all. A combined facility is supported by Council, who have provided advice about Council's requirements for a facility of this nature, and also to limit the impact of any building.

The first design proposal was not acceptable to the community with Mr MacQueen facilitating design changes to the building appearance using the Bradman Museum Building, Bowral NSW as a guide. Additionally, the community requested a reduction in length by 4 metres.

The subsequent design is the result of the community consultation process as facilitated by Mr Rod MacQueen. The facility is combined as a single building close to the location of the current toilet block located near Anzac Ave in Griffith Park. (This single building is considered to be a significant improvement as the alternative could have been up to three separate buildings in this location.) The final design details of the facility were confirmed at a formal pre-DA meeting in 2009.

Mayoral Minute No 8/2011 Long Reef Golf Club – Fee Refund for DA at Griffith Park

A revised DA is to be lodged by the proponent, Long Reef Golf Club, the proponent has asked Council to consider waiving the fee given the community benefits of a combined sporting facility in this location and that this Building will be a Community owned (Council) asset.

The Proponent has advised that small changes in the lease boundary with the recent sub division survey have already taken place (folio 1/11 44187) This locates the building party wall on the Long Reef Golf Club lease boundary. The re lodgement incorporates changes to meet current legislation.

Funding for a major part of the Building will be Long Reef Golf Club's contribution estimated at \$770k plus grants in hand and confirmed at \$320k, Collaroy Rugby, Cricket and contribution to the re building of the public toilets are yet to be finalised. Should the proponent require additional funding a requirement by their bankers, of the St George Bank includes the mortgage over the lease and the Crown's Consent as leaser to the mortgage. Council's legal Department will deal with these issues.

RECOMMENDATION

That given the public nature of this proposed community asset, which will serve multiple sporting users within a single building on Griffith Park (ref clause 5.3.1 Griffith Park Plan of Management February 2011) it is recommended that the development application and advertisement fee be waived and funded by the Councillor's Donation Expense Budget.



5.2**Mayoral Minute No 9/2011
Every Australian Counts - Campaign for a National Disability
Insurance Scheme****Issue**

To seek Council's official support for the 'Every Australian Counts' Campaign, which is lobbying for the Australian Government to implement a National Disability Insurance Scheme. Council can show its support for the Campaign by noting Council's support through a Mayoral Minute and promoting the campaign on Council's website.

Background

In February 2011, the Productivity Commission released its draft report into a Disability Care and Support Scheme. The Australian Government asked the Productivity Commission to undertake a public inquiry into a long-term disability care and support scheme in order to address the longstanding inequities that people with severe or profound disability and their families face and to determine a way that Australia can best support the long-term needs of people with a severe or profound disability. Warringah Council and a number of other Councils took part in a collaborative submission with the Local Government and Shires Association, which was submitted to the Productivity Commission on 16 August 2010 in response to the initial Issues Paper released on 17 May 2010. Warringah Council held a National Disability Insurance Scheme information event for the 'Every Australian Counts' Campaign at the Council Chambers on Wednesday, 18 May 2011.

The Commission has recommended two schemes. The larger scheme, called the National Disability Insurance Scheme (NDIS), would provide support to approximately 360,000 people whose disability has a significant impact on their daily life. A second similar scheme, called the National Injury Insurance Scheme, would provide support for people who suffer a catastrophic injury.

The NDIS would create a secure, consistent pool of funds from which support for people with a disability, their families and carers could be drawn. It would create a nationally consistent, fair, efficient, and effective system of support. The scheme would be person centered and individualised, based on the choices of the person with a disability and their families/carers.

A significant number of people in Warringah (including people with a disability, their carers and families) have much to gain from the proposed NDIS. According to the Australian Bureau of Statistics (ABS) Census data from 2006 (which is widely accepted to under-report true figures as not everyone with a disability recognises their condition as a disability), 4,187 people in Warringah required assistance with self-care, body movements or communication because of a disability, long-term health condition, or old age. In addition almost 10% of the working population of Warringah provided some form of unpaid assistance to a person with a disability.

According to the more recent ABS Survey of Disability, Ageing and Carers 2009, we can extrapolate that 18.5% of the Warringah community (or 26,629 people) have a disability, and of those, 23,167 have an impairment restricting their ability to perform communication, mobility or self care activities, or restriction associated with schooling or employment. The ABS Survey also identified that 12% (or 17,273 people) are Carers, and about 5,009 are primary carers (those who provide the majority of help (in day to day activities) to someone with a disability or aged 60 years and over). Anecdotal evidence also suggests that the large number of service providers in the region indicates that there is likely to be an even higher proportion of people with a disability and their carers in Warringah than the above figures suggest.

The 'Every Australian Counts Campaign' lists 10 reasons why an NDIS is needed:

Mayoral Minute No 9/2011 Every Australian Counts – Campaign for a National Disability Insurance Scheme

1. The support system for people with a disability, their families and carers is in crisis. If you, or someone you love, is born with a disability or acquires one later in life, you run the risk of falling through a huge hole in Australia's safety net.
2. People with a disability and their families and carers want to participate in the social, economic and cultural life of the nation, but there are many barriers to their full inclusion.
3. Lack of support and services means families are primarily responsible for meeting the needs of their family member with a disability. Many families are struggling with high rates of physical, emotional and financial stress.
4. The current situation is inequitable - people receive different levels of support depending on how, when and where their disability was acquired.
5. An economic crisis is looming. The number of people with a disability is increasing and the number of people willing and able to provide unpaid care is falling. This means the cost to government is expected to escalate dramatically in the future.
6. A National Disability Insurance Scheme would provide people with a disability and their families and carers with the regular care, support, therapy and equipment they need. As a Medicare-type scheme, it would provide a secure and consistent pool of funds for these services and support.
7. It would be fair, efficient and effective. It would focus on early intervention and delivering those supports which produce the best long term outcomes. It would maximise opportunities for independence, participation and productivity.
8. It would be individualised and person-centred. Support would be based on the choices of person with a disability and their family.
9. The scheme would reframe support as investment rather than charity. Timely interventions, appropriate aids and equipment, training and development would become investment in individual capacity rather than welfare. The scheme would therefore lead to more positive results for people with a disability, their families and carers as well as being fiscally responsible.
10. All Australians would benefit from this scheme because disability can affect anyone, anytime. Everyone will benefit from building a more inclusive, more diverse community.

The disability system costs \$6.2 billion per year. The Federal Government provides \$1.7 billion. State Governments provide \$4.5 billion. The Productivity Commission estimates an additional \$6.3 billion a year is needed to operate an effective system.

If only 2% of people with a disability received supports to enable them to work, the impact on the economy could be as high as \$12 billion per year.

If 20% of carers could return to work because their family member with a disability received support, the return could be as high as \$32 billion per year (NDS and QLD University of Technology).

Disability can affect anyone at anytime and the current state of our disability system in Australia is failing some of the most vulnerable people in our society and their families. It is time to take action and make sure we do something about it.

RECOMMENDATION

That Council show its official support for the 'Every Australian Counts' Campaign and hence a National Disability Insurance Scheme through noting Council's support and promoting the campaign on Council's website.



Mayoral Minute No 10/2011 Long Reef Surf Club

5.3

**Mayoral Minute No 10/2011
Long Reef Surf Club**

An alternative proposal for the Long Reef Surf Club has been received from a local architect. The next phase of the consultation will include a meeting with community members and groups to be facilitated by an independent consultant, Straight Talk (Councillors were advised previously). I believe it is important that in the interests of fairness, transparency and acknowledgement of the efforts of those who have prepared the proposal, that it be considered and therefore included in the next phase of consultation.

The next phase of consultation is critical and it is important that all of the community and stakeholders feel that the process is fair and equitable and all the issues are will be open for discussion.

RECOMMENDATION

That Council accept an alternative proposal for the Long Reef Surf Club from a local architect and include for consideration during the next phase of consultation.

5.4**Mayoral Minute No 11/2011
Belrose land adjoining Garigal National Park**

The Land identified as 21 Wanniti Road, Belrose is to be auctioned on 28 May 2011. It is owned by the State Government (Roads and Traffic Authority) and should remain with Government. The new State Government should be called on to put a halt on the sale of the property this weekend until a comprehensive review of the land and the decision of the previous Government to sell the land is undertaken.

Further, we call on the State Government to scrap plans for the rezoning and subdivision of all lands within the area known as the Belrose Road Corridor. This land was set aside previously to link St Ives to Dee Why but has since been abandoned. The previous Council under the administrator had allowed the land in parts of this corridor to be rezoned and subdivided and now is the subject of a DA.

Before such land is sold and lost forever, we should call on the current State Government to investigate the previous Government's decision and publicly state why it should be sold and why it should not be retained as bushland and/or retained for the original purpose of a transport link.

Land is scarce and tunnels expensive to build, therefore let us take a breath and put a halt to the future sale of this land. The new State Government has a major transport study underway in the area with regards to the proposed new hospital and this land could well be used for a number of other purposes into the future. It may be possible for a BRT to be built through there or indeed light rail even.

Let's not miss an opportunity to save this land. A new State Government that when in opposition was critical of any sale or rezoning of this land, now has the chance to save the land prior to it going to auction. I urge them to put a halt to the sale and also the rezonings and subdivisions. They have the authority as the land is currently all State owned and not privately owned.

RECOMMENDATION

- A. That Council writes urgently to the Premier, the Minister for Roads, the Minister for Planning and Infrastructure and the Treasurer to ask that the auction of land at 21 Wanniti Road, Belrose be halted until the State Government undertakes a comprehensive review and investigates the previous Government's decision to sell the land.
 - B. Further, Council request the State Government to put a minimum ten year hold on any future sale or subdivision of its lands until such time as the proposed hospital is completed and the transport issues for Warringah are addressed.
 - C. Council request the State Government to publicly state the reasons why the land is to be sold, or should not be retained.
-

5.5

**Mayoral Minute No 12/2011
A Win in the Local Environment Court For The Freshwater
Community**

Background

Following the decision today in the NSW Land and Environment Court, I would like to formally congratulate Peter Harley, Phil Curry and fellow members of the Friends of Freshwater and indeed all those who have worked tirelessly on behalf of the community to fight the development proposed by Freshwater Village Developments Pty Ltd.

It was a tremendous victory for the community of Freshwater and I now encourage Peter Harley, Phil Curry and all members of the Freshwater Village Working Party to now finalise the DCP for Freshwater Village on behalf of the community before we see any further development applications for the area.

I would like to also acknowledge and thank Council's legal and planning staff who have worked with community representatives to have this appeal dismissed in the Land and Environment Court.

RECOMMENDATION

That Council:

- A. Formally congratulate Peter Harley, Phil Curry and all members of Friends of Freshwater following the decision today in the NSW Land and Environment Court to dismiss the appeal by Freshwater Village Developments Pty Ltd;
 - B. Acknowledge and thank Council's Legal and Planning staff who worked to have the appeal dismissed; and
 - C. In accordance with Council's resolution of 22 February 2011, continue working with the Freshwater Village Working Party on the DCP, on behalf of the community they represent.
-