



MINUTES

EXTRAORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

MONDAY 11 JANUARY 2016

(2016/1)



Minutes of an Extraordinary Meeting of Council
held on Monday 11 January 2016
at the Civic Centre, Dee Why
Commencing at 8.00pm

ATTENDANCE:

Members

Councillors R Harrison (Deputy Mayor), P Daley, V De Luca OAM, B Giltinan, W Gobert OAM, J Menano-Pires, S Heins, D Kerr and V Moskal

Officers

Rik Hart	General Manager
John Warburton	Deputy General Manager Community
David Kerr	Acting Deputy General Manager Environment
Vivienne Ingram	Executive Legal Counsel
Melissa Lee	Acting Governance Manager
Nicki Adams	Executive Coordinator Mayors Office
Dinesh Mishra	IM&T Support Officer
Kate Lewis	Acting Group Manager Marketing & Communications

NOTES

The meeting commenced at 8.00pm, adjourned at 8.44pm, resumed at 9.00pm, and concluded at 9.59pm

1.0 APOLOGIES

001/16 **RESOLVED**

Cr Menano-Pires / Cr Heins

That an apology for non-attendance be received from Councillor Michael Regan.

VOTING

For the resolution: Crs Daley, Giltinan, Gobert, Harrison, Heins, Kerr, Menano-Pires and Moskal

Against the resolution: Cr De Luca

CARRIED

2.0 DECLARATION OF PECUNIARY INTEREST AND CONFLICTS OF INTEREST

Nil

3.0 PUBLIC FORUM

Nil

4.0 MAYORAL MINUTES

Nil

5.0 GENERAL MANAGER'S REPORTS

Nil

6.0 COMMUNITY DIVISION REPORTS

Nil

7.0 ENVIRONMENT DIVISION REPORTS

Nil

8.0 NOTICES OF RESCISSION

8.1 NOTICE OF RESCISSION MOTION NO 1/2015 - MAYORAL MINUTE NO 13/2015 - LOCAL GOVERNMENT REFORM THE FUTURE OF WARRINGAH COUNCIL - ITEM 4.1, 21 DECEMBER 2015

Cr De Luca / Cr Giltinan

That the Council's resolution relating to Item 4.1 Mayoral Minute No 13/2015 – Local Government Reform The Future of Warringah Council passed at the extraordinary meeting of Council held on 21 December 2015 which reads as follows:

"That Council:

- A. Allocate up to \$100,000 to facilitate Warringah Council's participation in the consideration of the merger proposals and to continue to inform the affected community.
- B. Note that the first publication of a divide Warringah option was provided for consideration in a Pittwater Council resolution on 16 November 2015 as their submitted merger preference during the recent 30 day consultation.
- C. Note that the first time a split line was actually available for consideration by the community or by Council was on Friday 18 December 2015, after a Local Government Reform decision was made by the State Government and published on the NSW Council Boundary Review website as follows:

www.councilboundaryreview.nsw.gov.au/summary-sheets/pittwater-and-warringah-councils/
www.councilboundaryreview.nsw.gov.au/summary-sheets/manly-mosman-municipal-and-warringah-councils/

Thus making informing all residents and organisations of the recommendation of crucial importance.
- D. Note that splitting the northern beaches is the least preferred outcome by analysis from KPMG, Ernst and Young, SGS Economics and Independent Local Government Review Panel (ILGRP).
- E. Note it is also the least preferred by the northern beaches community (less than 3% support) and fails the NSW Government Reform Test as administered by IPART.
- F. Calls for a report back to the next Council Meeting to advise what CAPEX projects will be at risk."

be and is hereby rescinded.

VOTING

For the motion: Crs Daley, De Luca and Giltinan

Against the motion: Crs Gobert, Harrison, Heins, Kerr, Menano-Pires and Moskal

LOST

NOTE: As the rescission motion was lost the original resolution on this matter stands and can now be enacted

SUPPLEMENTARY MOTION***Cr Heins / Cr Moskal***

1. That Council notes with concern that:
 - A. Council has a responsibility to facilitate the involvement of the public, equitably, under S8 of the Local Government Act.
 - B. Information contained on the NSW Boundary Review Website is currently only available online, which disadvantages residents without internet access.
 - C. Details of the NSW Government proposal, that the Warringah Local Government Area be divided to create two new Councils with Pittwater in the North and Manly / Mosman in the South, was announced 18 December 2015 and may not be known to residents who were away or busy over the holiday period.
 - D. Residents who live in proximity to the proposed boundary line require additional support and information about the impact of changes, in accordance with the Local Government Act. This is particularly relevant for Dee Why, Cromer, Narrabeena, Beacon Hill and Frenchs Forest residents.
 - E. There are broad social, economic and cultural sensitivities that need to be considered in dividing up the Warringah community such as:
 - i. Assets and liabilities across the LGA
 - ii. Key strategic planning considerations
 - iii. The effective planning and future sustainability of local government on the Northern Beaches.
 - iv. Division of the Northern Beaches community of interest, which may raise complexities for service delivery.
2. That Council note:
 - A. Mosman Council's allocation of \$50,000 to communicate with approximately 30,000 residents and Pittwater Council's allocation of \$50,000 to communicate with 60,000 residents.
 - B. Warringah Council's allocation of \$100,000 to communicate with the local population of approximately 150,000 residents.
3. That the funds approved at 21 December 2015 Council Meeting be used to:
 - A. Improve accessibility to the information available on the NSW Boundary Review website by mail to all Warringah residents, ratepayers and businesses. Providing:
 - i. Printed copies of the online Boundary Maps, as published 18 December 2015
 - ii. An outline of the process, as announced last week on 6 January 2016 and provided by the NSW Government
 - iii. Contact details for the two Delegates relevant to the Warringah community, as announced 6 January 2016
 - iv. Notification of the consultation period that has commenced, as announced 6 January 2016. That is, submissions opening 6 January 2016 and closing Sunday 28 February 2016, 5pm EST.
 - v. Notification of public hearing(s) as details become available from NSW Government.

Noting there is one public hearing per proposed merger.

- vi. Further announcements as provided by the NSW Government over the course of the NSW Boundary Review process

- B. Make any information posted to residents and business available in printed form at Council's libraries, community centres and other locations.
- C. Use multiple communication platforms, as appropriate, to inform the local community in accordance with the provisions of the Local Government Act
- D. Facilitate Council's comment to and cooperation with the State Government and NSW Boundaries Commission, as required.
- E. Inform the community of the process in accordance with Council's Community Engagement Policy, NSW Government's 23A Guidelines, obligations under the Local Government Act, and the Office of Local Government's Guidelines issued December 2015.

PROCEDURAL MOTION – MOTION OF DISSENT

Cr De Luca / Cr Daley

That a Motion of Dissent be moved on the ruling of the Chairperson to allow the Supplementary Motion.

VOTING

For the motion: Crs Daley, De Luca, Giltinan and Gobert

Against the motion: Crs Harrison, Heins, Kerr, Menano-Pires and Moskal

LOST

PROCEDURAL MOTION – ADJOURNMENT OF MEETING

002/16 **RESOLVED**

Cr Menano-Pires / Cr Heins

That the meeting be adjourned for 15 minutes to allow councillors time to receive the information provided in the supplementary motion in hard copy and email format.

VOTING

For the resolution: Crs Daley, De Luca, Giltinan, Gobert, Harrison, Heins, Kerr, Menano-Pires and Moskal

Against the resolution: Nil

CARRIED

NOTE: The meeting was adjourned at 8.44pm. The meeting resumed at 9.00pm with the same Councillors present

SUPPLEMENTARY MOTION003/16 **RESOLVED*****Cr Heins / Cr Moskal***

1. That Council notes with concern that:
 - A. Council has a responsibility to facilitate the involvement of the public, equitably, under S8 of the Local Government Act.
 - B. Information contained on the NSW Boundary Review Website is currently only available online, which disadvantages residents without internet access.
 - C. Details of the NSW Government proposal, that the Warringah Local Government Area be divided to create two new Councils with Pittwater in the North and Manly / Mosman in the South, was announced 18 December 2015 and may not be known to residents who were away or busy over the holiday period.
 - D. Residents who live in proximity to the proposed boundary line require additional support and information about the impact of changes, in accordance with the Local Government Act. This is particularly relevant for Dee Why, Cromer, Narrabeena, Beacon Hill and Frenchs Forest residents.
 - E. There are broad social, economic and cultural sensitivities that need to be considered in dividing up the Warringah community such as:
 - i. Assets and liabilities across the LGA
 - ii. Key strategic planning considerations
 - iii. The effective planning and future sustainability of local government on the Northern Beaches.
 - iv. Division of the Northern Beaches community of interest, which may raise complexities for service delivery.
2. That Council note:
 - A. Mosman Council's allocation of \$50,000 to communicate with approximately 30,000 residents and Pittwater Council's allocation of \$50,000 to communicate with 60,000 residents.
 - B. Warringah Council's allocation of \$100,000 to communicate with the local population of approximately 150,000 residents.
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 - A. Improve accessibility to the information available on the NSW Boundary Review website by mail to all Warringah residents, ratepayers and businesses. Providing:
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 - iv. Notification of the consultation period that has commenced, as announced 6 January 2016. That is, submissions opening 6 January 2016 and closing Sunday 28 February 2016, 5pm EST.

- v. Notification of public hearing(s) as details become available from NSW Government. Noting there is one public hearing per proposed merger.
 - vi. Further announcements as provided by the NSW Government over the course of the NSW Boundary Review process
- B. Make any information posted to residents and business available in printed form at Council's libraries, community centres and other locations.
- C. Use multiple communication platforms, as appropriate, to inform the local community in accordance with the provisions of the Local Government Act
- D. Facilitate Council's comment to and cooperation with the State Government and NSW Boundaries Commission, as required.
- E. Inform the community of the process in accordance with Council's Community Engagement Policy, NSW Government's 23A Guidelines, obligations under the Local Government Act, and the Office of Local Government's Guidelines issued December 2015.

VOTING

For the resolution: Crs Gobert, Harrison, Heins, Kerr, Menano-Pires and Moskal

Against the resolution: Crs Daley, De Luca and Giltinan

CARRIED

9.0 NOTICES OF MOTION**9.1 NOTICE OF MOTION NO 01/2016 - COUNCIL AMALGAMATIONS*****Cr De Luca / Cr Daley***

1. That this Council notes with concern:
 - A. Warringah Council's resolution at its extraordinary meeting of 21 December 2015 which appears to breach the office of Local Government Guidelines issued on Friday 18 December 2015
 - B. The continued waste of ratepayers money that now amounts to approximately \$364,322.47
 - C. That a further \$100,000 has been allocated for the merger campaign thus now amounting to nearly \$500,000
2. That this Council:
 - A. Call upon the Minister for Local Government to investigate Warringah Council actions to date pursuant to s438 of the Local Government Act and the surcharge provisions under s435 of the Act
 - B. Call upon the NSW Auditor General to undertake an investigation into Warringah Council's expenditure to date on proposed mergers and whether such expenditure constitutes substantial waste.

VOTING

For the motion: Crs Daley, De Luca and Giltinan

Against the motion: Crs Gobert, Harrison, Heins, Kerr, Menano-Pires and Moskal
LOST

10.0 QUESTIONS ON NOTICE

Nil

11.0 RESPONSES TO QUESTIONS ON NOTICE

Nil

The meeting concluded at 9.59pm

This is the final page of the minutes comprising 9 pages
numbered 1 to 9 of the Extraordinary Council Meeting
held on Monday 11 January 2016 and confirmed on Tuesday 16 February 2016

Mayor

General Manager