



# MINUTES

## EXTRAORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

**THURSDAY 7 APRIL 2016**

(2016/6)



**Minutes of an Extraordinary Meeting of Council**  
**held on Thursday 7 April 2016**  
**at the Civic Centre, Dee Why**  
**Commencing at 7:03pm**

**ATTENDANCE:**

**Members**

Councillors M Regan (Mayor), 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
Malcolm Ryan	Deputy General Manager Environment
Vivienne Ingram	Executive Legal Counsel
Melissa Lee	Governance Manager
Ximena Von Oven	Acting Coordinator Governance
Dinesh Mishra	IM&T Support Officer
David Walsh	Chief Financial Officer
David Kerr	Group Manager Development Assessment & Compliance

**NOTES**

The meeting commenced at 7.03pm, moved into closed session at 7.07pm, resumed in open session at 7.32pm and concluded at 7.39pm.

**1.0 APOLOGIES**

Nil

**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**

Nil

**9.0 NOTICES OF MOTION**

Nil

**10.0 QUESTIONS ON NOTICE**

Nil

**11.0 RESPONSES TO QUESTIONS ON NOTICE**

Nil

## 12.0 CONFIDENTIAL MATTERS – CLOSED SESSION

69/16 **RESOLVED**

**Cr Regan / Cr Menano-Pires**

- A. That, in accordance with the requirements of Section 10A of the *Local Government Act 1993* as addressed below, Council resolve to close the meeting to the public to consider and discuss:
- a Item 12.1 Council Boundary Review Submissions – Merger Proposal: Manly, Pittwater and Warringah Councils and Merger Proposal: Mosman, Willoughby and North Sydney Councils on the basis that it involves the receipt and discussion of personnel matters concerning particular individuals (other than councillors) [10A(2)(a) Local Government Act 1993].
- This report discusses personnel matters and the disclosure of this matter in open meeting would, on balance, be contrary to the public interest in maintaining openness and transparency in council decision-making.
- B. 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 Gobert, Harrison, Heins, Kerr, Menano-Pires, Moskal and Regan

**Against the resolution:** Crs Daley, De Luca and Giltinan

**CARRIED**

NOTE: The meeting moved into closed session at 7:07pm and resumed in open session at 7:32pm

## 13.0 REPORT OF RESOLUTIONS PASSED IN CLOSED SESSION

NOTE: The General Manager reported the resolutions on confidential matters passed by exception:

### 12.1 COUNCIL BOUNDARY REVIEW SUBMISSIONS – MERGER PROPOSAL: MANLY, PITTWATER AND WARRINGAH COUNCILS AND MERGER PROPOSAL: MOSMAN, WILLOUGHBY AND NORTH SYDNEY COUNCILS

070/16 **RESOLVED**

**Cr Menano-Pires / Cr Heins**

That:

- A. The General Manager be authorised to include the results of the recent community survey, and make any other necessary editorial changes to the attached submissions
- B. The submission on the NSW Government's Merger Proposal: Manly, Pittwater and Warringah Councils be forwarded to the Delegate by 5pm EST Friday 8 April 2016
- C. The submission on the NSW Government's Merger Proposal: Mosman, Willoughby and

North Sydney Councils be forwarded to the Delegate by 5pm EST Friday 8 April 2016.

- D. The submissions remain confidential until the General Manager has made the changes as authorised above.
- E. The submissions, be made immediately and once completed be;
- a. distributed to all Councillors
  - b. placed on Warringah Council's website
  - c. forwarded to the Premier of NSW, Minister for Local Government, local members of parliament and neighbouring councils
  - d. forwarded to the local media.

#### **VOTING**

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

**Against the resolution:** Crs Daley, De Luca and Giltinan

**CARRIED**

#### **PROCEDURAL MOTION - MOTION BE PUT**

072/16 **RESOLVED**

***Cr Regan / Cr Menano-Pires***

That the Motion now be put.

#### **VOTING**

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

**Against the resolution:** Crs Daley, De Luca and Giltinan

**CARRIED**

#### **PROCEDURAL MOTION - MOTION OF URGENCY**

***Cr De Luca/Cr Daley***

That as a matter of urgency, Council considers the following motion in relation to:

- A. That this Council notes with concern all matters pertaining to the amalgamation proposals in particular that council failed to give all councillors reasonable notice of the extraordinary general meeting as well as failed to provide the documents under consideration until approximately one hour before this meeting.
- B. That this Council further notes that the Local Government Act requires Councillors to be properly informed of all matters that they are determining and that the lack of notice of notice and provision of reports with reasonable notice has adversely affected the duties of public officials.

- C. That considering Warringah Council has expended over \$600,000 and countless hours and months in staff resources and time, that out of fairness to the community this reports should have been made publicly available at least 7 days prior to councillors voting on the matter.

**VOTING**

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

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

**LOST**

*The meeting concluded at 7:39pm*

This is the final page of the minutes comprising 6 pages  
numbered 1 to 6 of the Extraordinary Council Meeting  
held on Thursday 7 April 2016 and confirmed on Tuesday 26 April 2016

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Mayor

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General Manager