

# EXTRAORDINARY COUNCIL MEETING

## MINUTES

21 APRIL 2016

Meeting commenced at 6.37pm

Held at Mona Vale Customer Service Centre  
Level 1 Conference Room,  
1 Park Street, Mona Vale

M J Ferguson  
General Manager



# **ATTENDANCE**

## **Members**

Townsend, J (Mayor & Chairperson)  
Ferguson, K (Deputy Mayor)  
Grace, B  
McTaggart, A  
Millar, K  
White, I  
Young, S

## **Officers**

Ferguson, M (General Manager)  
Hewitt, H (Deputy General Manager, Environmental Planning & Community)  
Taylor, B (Deputy General Manager, Urban & Environmental Assets)  
Lawrence, W (Manager, Administration & Governance)  
McPherson, S (Governance Support Officer)

# Council Meeting

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**Notes:**

1. The Council Meeting commenced at 6.37pm and adjourned at 6.58pm, recommenced at 8.15pm and concluded at 8.16pm.
  2. The Committee of the Whole Meeting commenced at 6.59pm and concluded at 8.14pm.
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**Council Meeting**

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**1.0 Apologies**

**COUNCIL DECISION**

That apologies be received and accepted from Cr Griffith and Cr Hegarty and leave of absence be granted from the Extraordinary Council Meeting held on 21 April 2016.

(Cr Ferguson / Cr Millar)

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**2.0 Declarations of Pecuniary and Conflict of Interest including any Political Donations and Gifts**

Nil.

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**3.0 Public Addresses**

Nil.

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**4.0 Council Meeting Business**

Nil.

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**Procedural Motion (COUNCIL DECISION)**

That Council resolve into Committee of the Whole and that in the public interest and in accordance with Section 10A(2)(g) of the Local Government Act, 1993, the public and press be excluded from the meeting to consider Item C5.1. Section 10A(2)(g) permits the Committee to close the meeting to consider:

- (g) Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

(Cr Ferguson / Cr White)

**Notes:**

1. The following unsuccessful procedural motion was moved by Cr Young and seconded by Cr Grace:  

*"That the matter be dealt with in open Council".*
2. The Council Meeting adjourned at 6.58pm.
3. The General Manager advised the meeting that he had received no written submissions from the public seeking to address the Committee on whether the meeting should be closed to consider Item C5.1. The Chairperson invited those in attendance to make verbal representations on whether the meeting should be closed to consider Item C5.1. There was one verbal representation made on this matter.
4. Council resolved into Committee of the Whole at 6.59pm with the press and public excluded to consider the report on Item C5.1.

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**Committee of the Whole**

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**5.0 Committee of the Whole Business**

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**C5.1 General Manager Memorandum - Council Resolution 18 April 2016 – Legal Action – Council Boundary Review**

**COMMITTEE RECOMMENDATION**

1. That Council notes its resolution of Monday, 18 April 2016 to immediately institute legal proceedings in the Land and Environment Court with respect to forced amalgamations, on the grounds of:
  - a) A lack of procedural fairness
  - b) No full public enquiry
  - c) Denial of natural justice, and
  - d) Failure to release the full contents of the State Government's KPMG report, or any other matter that becomes relevant.
2. That Council notes the advice from Council's Legal Representatives that there is no substance to the grounds raised by the Council in its resolution of 18 April 2016.
3. That Council notes the General Manager's Memorandum to Council dated 20 April 2016.
4. That Council no longer seeks to immediately institute legal proceedings as resolved on 18 April 2016.

(Cr Townsend / Cr Ferguson)

**Note:**

A division was duly taken resulting in the following voting:

<b>Aye (For)</b>	<b>No (Against)</b>
Cr Ferguson	Cr Grace
Cr McTaggart	Cr Young
Cr Millar	
Cr Townsend	
Cr White	

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**Procedural Motion (COUNCIL DECISION)**

That Cr Townsend be granted an extension of time to complete her address to the meeting on this item.

(Cr Townsend / Cr Ferguson)

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**Procedural Motion (COUNCIL DECISION)**

That Cr Grace be granted an extension of time to complete his address to the meeting on this item.

(Cr McTaggart / Cr Ferguson)

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**Procedural Motion (COUNCIL DECISION)**

That the Committee of the Whole Meeting be concluded and the Council Meeting now recommence.

(Cr Ferguson / Cr White)

**Notes:**

1. The Committee of the Whole Meeting concluded at 8.14pm and the Council Meeting recommenced at 8.15pm.
2. Upon resumption into Open Council the General Manager reported that the recommendation on Item C5.1 had been formulated by the Committee of the Whole in Closed Session.

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**Council Meeting Business**

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**6.0 Adoption of the Committee of the Whole Recommendation**

**COUNCIL DECISION**

That the recommendation of the Committee of the Whole on Item C5.1 comprising all Council members be, and is hereby adopted.

(Cr White / Cr Ferguson)

**Note:**

A division was duly taken resulting in the following voting:

**Aye (For)**

Cr Ferguson  
Cr McTaggart  
Cr Millar  
Cr Townsend  
Cr White

**No (Against)**

Cr Grace  
Cr Young

**THERE BEING NO FURTHER BUSINESS  
THE MEETING CONCLUDED AT  
8.16PM ON THURSDAY, 21 APRIL 2015**