



Willoughby City Council

EXTRAORDINARY COUNCIL MEETING

MINUTES

Council Chambers, 31 Victor Street, Chatswood
15 July 2014

commencing at 7:00pm

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1 PRESENT

Councillors

Councillors S Coppock (Deputy Mayor), H Eriksson, R Hill, J Hooper T Mustaca, W Norton, A Rozos, J Rutherford, L Saville, M Sloane, M Stevens and N Wright.

Officers

Mr N Tobin (General Manager), Mr G Woohams (Environmental Services Director) Ms T Crouch (Corporate Support and Performance Director), Mr T Pizzuto (Financial Services Director), Mr V Grepl (Governance and Corporate Planning Officer).

2 DISCLOSURES OF INTEREST - COUNCILLORS AND STAFF

Councillor Giles-Gidney declared a significant, non-pecuniary interest in Item 4.1 Talus Street Reserve Trust and did not attend the meeting.

Councillors Coppock, Eriksson, Hooper, Mustaca, Saville, Stevens, Rutherford and Wright declared non-significant, non-pecuniary interests in Item 4.1.

3 APOLOGIES AND LEAVE OF ABSENCE

NIL

4 REPORTS FROM OFFICERS

4.1 TALUS STREET RESERVE TRUST

RESPONSIBLE OFFICER:	NICK TOBIN - GENERAL MANAGER
AUTHOR:	NICK TOBIN
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	15 JULY 2014

Purpose of Report

To list the Talus Street Reserve Trust matter on the Council agenda in accordance with Council's Resolution of 10 June 2014.

In accordance with the *Local Government Act 1993*, and the *Local Government (General) Regulation 2005*, in the opinion of the General Manager, the following business is confidential as referred to in Section 10A(2) of the Act, and should be dealt with in a Confidential Session of the Council meeting closed to the press and public.

Pursuant to Section 10A(4) of the *Local Government Act 1993*, the Deputy Mayor informed the Meeting that no written representations had been received from members of the public.

Procedural Motion

That the following people address the meeting:

- 1. Mr J Owens**
- 2. Ms S Gold**

Mr Owens and Ms Gold addressed the meeting and answered questions of the Councillors.

Procedural Motion

1. Council resolve itself into Closed Session with the Press and Public excluded from the meeting to deal with the following confidential item.
2. Council resolve into Committee of the Whole in order to decide whether to deal with Item 4.1 confidentially or in open Council.

Procedural Motion

1. Council resolve itself into Closed Session with the Press and Public excluded from the meeting to deal with the following confidential item.
2. Council resolve into Committee of the Whole in order to deal with confidential Item 4.1.

4.1 TALUS STREET RESERVE TRUST

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(g) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

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

Upon resumption of the Open Council, the General Manager referred to the matter considered in Committee of the Whole.

Upon resumption of the open Council Meeting, the General Manager referred to the recommendations from the Committee of the Whole.

4.1 TALUS STREET RESERVE TRUST

Recommendation Summary

That:

1. Further to the resolution dated 12 May 2014, Council's legal advisors be requested to provide advice in relation to seeking judicial advice under section 63 of the Trustee Act in respect of:
 - a) Whether the Reserve Trust Manager would be justified in proceeding to seek and obtain from Crown Lands, Ministerial Consent to a proposed new sublease between NSTA and Love N Deuce;
 - b) Whether the answer to question a) is influenced or affected by the principles laid down by the High Court in Council of Municipality of Randwick v Rutledge (1959);
2. Council reaffirm its decision for settlement of the Talus Street legal proceedings on the basis of discontinuance with the parties paying their own costs.

That part 3 of the recommendation be kept confidential pursuant to the provisions of Section 10A(2)(g) of the Local Government Act 1993, because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

RESOLUTION

That the recommendations from the Committee of the Whole be adopted.

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR SLOANE

CARRIED

Voting

For the Resolution: Councillors Coppock, Eriksson, Hill, Hooper, Mustaca, Norton, Rozos, Rutherford, Saville, Sloane, Stevens and Wright.

Against: Nil

Councillors Coppock, Eriksson, Hooper, Mustaca, Saville, Stevens, Rutherford and Wright declared non-significant, non-pecuniary interests in Item 4.1.

Councillor Giles-Gidney declared a significant, non-pecuniary interest in Item 4.1 Talus Street Reserve Trust and did not attend the meeting.

The Meeting Concluded at 10.10 pm