

COMMENCEMENT

The meeting opened with Acknowledgement of Country and Prayer at 6.25pm.

IN ATTENDANCE

The Mayor Councillor Richard Quinn, Deputy Mayor Councillor Mark Bennett, Councillors Peter Astridge, Gary Bird, Justine McLaughlin, Zac Miles and Meredith Sheil.

ALSO PRESENT

The General Manager Barry Smith, the Group Manager Development and Regulatory Control Steve Kourepis, the Group Manager Works and Services David Innes, and Council's Legal Advisors John Paul Merlino and John Cole from HWL Ebsworths.

APOLOGIES

No apologies were received.

DECLARATIONS OF INTEREST

The Mayor called for Declarations of Interest without response.

REPORTS FROM STAFF

OUR COUNCIL

1.1 CONSIDERATION OF LAND & ENVIRONMENT COURT JUDGEMENT

PROCEEDINGS IN BRIEF

The Mayor apologised and advised the members of the public present that the meeting had commenced late as Councillors were receiving a legal briefing and that the advice received would not be made public, as it was provided under legal professional privilege and classified as confidential. The Mayor did indicate to the public that the advice suggested that there were good or reasonable grounds for appeal, on a number of matters.

Council was then addressed by a number of speakers.

Those against the merger proposal and supporting an appeal were:

Mr Phil Jenkyn
Mr Ross Williams
Mr Ron Kaplan
Ms Helen Temple-Berry
Ms Bridget Hawthorne
Mr Jim Sanderson

Those supporting the merger and opposing any further expenditure were:

Mr Chris Schofield
Mr Justin Parry-Okeden

A MOTION was moved by Clr Miles seconded by Clr Bird

1. That Council does not proceed with any further legal action in respect of this matter.
2. That Council's lawyers are instructed to make an application to the L & E Court in respect of costs (Para 524 of Judgement) that each party pays their own costs.

Clr Sheil FORESHADOWED a MOTION:

1. That Council lodges a Notice of an Intention to Lodge an Appeal against the judgement brought down in the L & E Court against Council on 20th September and seeks agreement from the State Government not to take any further action prior to the Woollahra appeal determination, or for seven (7) days thereafter.
2. That Council seeks an injunction, or interlocutory orders, to stay any action should the State Government not agree to an undertaking as requested in 1 above.
3. That should the State Government not agree to give an undertaking as requested in 1 above Council considers lodging a formal appeal subject to further advice from Counsel and consideration by Council at the earliest opportunity.
4. Council's lawyers are instructed to make an application to the L & E Court in respect of costs (Para 524 of Judgement) that each party pays their own costs.

The MOTION on being put to the meeting was LOST.

RECORD OF VOTING	
Yes	Against
Clr Gary Bird	Clr Richard Quinn
Clr Zac Miles	Clr Meredith Sheil
	Clr Peter Astridge
	Clr Mark Bennett
	Clr Justine McLaughlin

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The FORESHADOWED MOTION became the MOTION as was seconded by Clr McLaughlin. The MOTION on being put to the meeting was ADOPTED.

RECORD OF VOTING	
Yes	Against
Clr Richard Quinn	Clr Gary Bird
Clr Meredith Sheil	Clr Zac Miles
Clr Peter Astridge	
Clr Mark Bennett	
Clr Justine McLaughlin	

PROCEEDINGS IN BRIEF

Prior to the closure of the meeting the Mayor reminded all Councillors that the legal advice that they had been provided was done so under legal professional privilege, was classified confidential and should not be disclosed to any other party.

TERMINATION

The meeting terminated at 8.10 pm.

I confirm that these Minutes are a true and accurate record of Extraordinary Meeting No. 4409 held on 23 September 2016.

.....
Councillor Richard Quinn
MAYOR

.....
Barry Smith
GENERAL MANAGER