

3.2 16 TULLOH STREET, WILLOUGHBY – DA 2012/406/A – LEGAL PROSPECT

ATTACHMENTS:

1. SOLICITOR'S LETTER
2. STATEMENT OF FACTS AND CONTENTIONS
3. PLANS AND ELEVATIONS

MEETING DATE: 9 NOVEMBER 2015

LOCATION: LAND BOUNDED BY TULLOH STREET & NATHAN LANE (LOT 28 SECTION 1 DP 2639)

APPLICANT: MR M WYKROTA

OWNER: M/S F WALTER

PROPOSAL: SECTION 96 FOR ADDITIONS TO A DWELLING AND A STOP WORK ORDER

DATE OF LODGEMENT: 25-JUNE-2015

REPORTING OFFICER: BRUCE GAAL- BUILDING SURVEYOR

RESPONSIBLE OFFICER: IAN ARNOTT - PLANNING MANAGER

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

Purpose of Report

To set out advice from Council's Solicitors concerning Council's prospects of successfully defending the appeal against Council's refusal of Section 96 application to amend a development application for additions to a dwelling, and Stop Work Orders at premises 16 Tulloh Street, Willoughby.

RECOMMENDATION

That Council:

1. Defends the appeal; and
2. Grants delegated authority to the General Manager to participate at any s.34 Conciliation conference for this matter.

MOVED COUNCILLOR HOOPER

SECONDED COUNCILLOR HILL

CARRIED

Voting

For the Recommendation: Councillors Giles-Gidney, Eriksson, Hill, Hooper, Mustaca, Norton, Rozos, Rutherford, Sloane and Wright.

Against: Nil