

### 3.2 155-161 WILLOUGHBY ROAD NAREMBURN - DA 2017/280 - LEGAL PROSPECT

<b>ATTACHMENTS:</b>	<b>1. LEGAL ADVICE 2. STATEMENT OF FACTS &amp; CONTENTIONS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>IAN ARNOTT – PLANNING MANAGER</b>
<b>AUTHOR:</b>	<b>ANA VISSARION – DEVELOPMENT PLANNER</b>
<b>CITY STRATEGY LINK:</b>	<b>3.1.2 QUALITY LIVING AMENITY FOR RESIDENTS</b>
<b>MEETING DATE:</b>	<b>13 MARCH 2017</b>

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#### 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 (deemed) refusal of development application DA-2016/280 seeking consent for the demolition of existing buildings on the site and the construction of a part six (6) and part seven (7) storey residential flat building incorporating 22 apartments, 2 levels of basement car parking and associated landscaping works at 155-161 Willoughby Road, Naremburn.

#### RECOMMENDATION

##### That Council:

1. Defends the appeal commenced by MPG Investments Pty Ltd against Council's deemed refusal of Development Application DA-2016/280 for *Demolition of structures and construction of six (6) storey, twenty-two (22) unit residential flat building, car parking, landscaping and associated works* at 155-161 Willoughby Road Naremburn NSW 2065; and
2. Delegate authority to the General Manager to participate in without prejudice negotiations and a Section 34 Conciliation Conference with the applicant; and
3. Subject to Council agreeing to recommendations 1 and 2 that the public resolution read:
  - a. "that Council keeps confidential its decision on legal prospects on the grounds of legal professional privilege.
  - b. that Council defends the appeal commenced by MPG Investments Pty Ltd against Council's deemed refusal of Development Application DA-2016/280 for

*Demolition of structures and construction of six (6) storey, twenty-two (22) unit residential flat building, car parking, landscaping and associated works at 155-161 Willoughby Road Naremburn NSW 2065.”*

MOVED COUNCILLOR WRIGHT

SECONDED COUNCILLOR HOOPER

**CARRIED**

**Voting**

**For the Recommendation:** Councillors Giles-Gidney, Coppock, Eriksson, Hooper, Mustaca, Norton, Rutherford, Saville Sloane and Wright.

**Against:** Nil

**Absent:** Councillor Hill