Liverpool city council
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Council Meeting Agenda

28 November 2012

Addendum

PAGE NO

CORPORATE SERVICES REPORT

CORS 07	SUMMONS IN THE SUPREME COURT OF NSW BY MOOREBANK RECYCLERS PTY – SEEKING A COURT IMPOSED EASEMENT OVER COUNCIL LAND	**1**

LIVERPOOL CITY COUNCIL

CORPORATE SERVICES REPORT

ORDINARY MEETING 28/11/2012

ITEM NO:		**FILE NO:**	**2012/3518**
SUBJECT:	**SUMMONS IN THE SUPREME COURT OF NSW BY MOOREBANK RECYCLERS PTY - SEEKING A COURT IMPOSED EASEMENT OVER COUNCIL LAND**		
COMMUNITY STRATEGIC PLAN REFERENCE:	**THE COMMUNITY IS SUPPORTED BY A WELL MANAGED AND RESPONSIVE COUNCIL.**		

EXECUTIVE SUMMARY:

At its meeting on 15 June 2011 Council considered a report on the Moorebank Precinct and a Development Application lodged by Moorebank Recyclers Pty Ltd with the NSW Department of Planning.

After consideration of the report Council resolved unanimously to write to Moorebank Recyclers Pty Ltd stating that approval would not be granted for access over Lot 309 and Lot 310 in DP 1118048 for the purpose of developing a recycling plant.

On 28 September 2012 Council was served with a Summons filed in the Supreme Court of NSW by Moorebank Recyclers seeking a Court imposed easement over the above-mentioned land.

Council's officers have sought legal advice in response to receiving the Summons. A copy of the legal advice and related documentation is contained in a confidential attachment.

This report recommends that Council moves into closed session to consider the legal advice received, pursuant to Section 10A(2)(g) of the Local Government Act 1993.

FINANCIAL IMPLICATIONS:

Costs will be incurred in the preparation of advice provided by Council's lawyers. In the event Council decides to oppose the Summons, additional legal costs will be incurred. Provision has been made for legal costs in the 2012-2013 budget.

RECOMMENDATION:

That Council:

1. Moves into closed session prior to the conclusion of the meeting, with the press and public excluded, for the purpose of consideration of legal advice, pursuant to the provisions of Section 10A(2)(g) of the Local Government Act 1993.

2. Keeps confidential the attachment supplied under separate cover pursuant to the provisions of Section 10A(2)(g) of the Local Government Act 1993, being advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

3. Reverts back to open Council once the confidential aspects of the report have been considered and Council has determined a position on the matter.

SIGNED BY:

Julie Hately
Director
Corporate Services

Attachment: Confidential Attachment