

5.2. Legal Matter - Class 3 Proceedings Land & Environment Court - Compensation Claim – land occupied by TFNSW for the Warringah Freeway Upgrade

AUTHOR: Duncan Mitchell, Director Engineering & Property Services

ENDORSED BY: Rob Emerson, A/General Manager

ATTACHMENTS: Nil

PURPOSE:

Due notice is given in this matter, in accordance with clause 3.6 of Council's Code of Meeting Practice.

EXECUTIVE SUMMARY:

Clause 3.6 of Council's Code of Meeting Practice states:

6. *The General Manager must send to each Councillor, at least three (3) calendar days before each meeting of the Council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.*

The report will be provided to the Committee as soon as practicable prior to the Committee Meeting following receipt and consideration of legal advice.

The report will be confidential in accordance with Section 10A (2) of the Local Government Act and the Local Government (General) Regulation 2005 for the reasons listed below:

(d)(i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and because consideration of the matter would, on balance be contrary to the public interest as publication of all tendered amounts would discourage potential tenderers from submitting commercial information in future and would affect Council's ability to obtain value for money services.

(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege and because consideration of the matter in open Council would be, on balance, contrary to the public interest as it would affect Council's ability to manage legal matters effectively and in the best interests of the community.

