

By email: jneish@ryde.nsw.gov.au

Hi John,

CIVIC PRECINCT REDEVELOPMENT

Thank you for your response of 3 July 2012.

Our legal advice is that the Notice of Motion is valid. In particular and without limitation, the Notice of Motion is sufficiently different from the previous Notice of Motion for there not to be an issue as you suggest.

More importantly however it is the view of the six Councillors who have proposed the Notice of Motion, that in circumstances where:

- (a) serious concerns have been raised with respect to the proposed arrangements with Lend Lease;
- (b) the proposed arrangements do not have community support,

it is incumbent on you to recommend to the other six Councillors including the Mayor, that in all the circumstances no further action should be taken by you, despite Council's current resolution, until such time as the Notice of Motion has been determined.

That is even more so the case in circumstances where you are or should be aware that the likely new Council from September this year, will seek to set aside any arrangements that you enter into with Lend Lease prior to those elections.

If all of that were not enough, we also have legal advice that Council did not have the power to delegate authority to you, as contained in the resolution of Council of 12 June 2012.

Accordingly, on behalf of the six Councillors, I am putting you on notice that proper exercise of care, diligence and prudence in this matter requires you to recommend to the Mayor, that all negotiations with Lend Lease be put on hold until such time as the Notice of Motion is dealt with.

In summary, whether or not the Notice of Motion is valid (which we believe it is) the real question is whether you, as General Manager, will exercise due care and diligence so that you will be recommending to the Mayor that negotiations with Lend Lease be stayed until after the next Council elections.

Perhaps, in that respect you should take legal advice as to your personal responsibilities and possible liability in this matter, particularly in light of that contained in this letter.

I look forward to hearing from you shortly.

Kind regards

Ivan Petch