

Confidential Minutes of the Ordinary Meeting of Council of the City of Holdfast Bay held in the Council Chamber, Glenelg Town Hall, Moseley Square, Glenelg, on Tuesday 22 March 2016.

16.2 Update on Minda Land and Infrastructure Matters – Verbal Update

Motion

C220316/356

- 1. That under provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer, General Managers and administrative staff in attendance in order to consider in confidence this item.**
- 2. That the Chief Executive Officer is satisfied that it is necessary that the public be excluded to enable the Council to discuss and to consider the matter at the meeting on the following grounds:**
 - h. legal advice, and**
 - i. information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council.**

Moved Councillor Lonie, Seconded Councillor Donaldson

Carried

Update on Minda Land and Infrastructure Matters – Verbal Update

His Worship the Mayor, Mr S Patterson provided members an update on the Minda Land and Infrastructure negotiations.

Motion

C220316/357

- 1. That Council has received a briefing from Mayor Patterson following his meeting with the chair of Minda Inc on 17 March 2016 and notes its disappointment that negotiations on an agreement to address land and infrastructure matters to support Minda's development and the State Government's Coast Park shared pathway appear to have reached an impasse.**
- 2. That Council instructs its lawyers to advise Minda that:**
 - 2.1 Council remains willing to negotiate an agreement that is responsible and fair to all parties, including the community, on the basis that Minda agrees to:**
 - bear the cost of additional road infrastructure and a portion of public stormwater infrastructure upgrade costs attributed to redevelopment of its Brighton**

Campus instead of passing these costs on to others including the City's ratepayers

- a fair exchange of land, namely the portion of land on which the Somerton Surf Life Saving Club (SLSC) building sits and the Gladstone Road carpark in return for the unmade road extensions of Lynmouth and Lynton Avenues.

2.2 Council is prepared to enter into an easement on acceptable terms in relation to the Coast Park shared pathway provided that other matters are simultaneously resolved.

3. That Council advises the Minister for Planning that negotiations with Minda appear to have reached an impasse and, unless Minda is prepared to enter into good faith negotiations, there is little prospect of reaching a satisfactory agreement.

4. That Council instruct its lawyers to:

4.1 commence preparing proceedings under the Encroachments Act 1944 to secure ownership of the land occupied by the Somerton SLSC building and an appropriate curtilage, including making a formal pre-action offer to Minda to transfer the land to the Council in return for payment of compensation to Minda of an amount recommended by an independent valuer (and with all relevant statutory and administrative costs to be borne by the Council); and

4.2 instigate proceedings under the Encroachments Act 1944 in the event that Minda is not prepared to negotiate according to the terms in Resolution 2 above and the Council's pre-action offer is rejected.

Moved Councillor Lonie, Seconded Councillor Donaldson

Carried

Division called

A division was called and the previous decision of council was set aside.

Those voting for: Councillors Smedley, Wilson, Bouchee, Charlick, Patton, Aust, Yates, Lonie, Bradshaw, Clancy, Snewin and Donaldson (12)

Those voting against: Nil.

His Worship the Mayor declared the motion

Carried

Motion

C220316/358

1. That an order be made under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the minutes relating to Update on Minda Land and Infrastructure Matters – Verbal Update relating to discussion of the subject matter of that document, having been dealt with on a confidential basis under Section 90 of the Act, should be kept confidential on the grounds of information contained in 90(3)(h & i).
2. This resolution will be reviewed within 12 months by the Council.

Moved Councillor Lonie, Seconded Councillor Yates

Carried

CONFIRMED

Tuesday 12 April 2016

MAYOR

CONFIDENTIAL