

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 11 July 2017.

17. ITEMS IN CONFIDENCE

17.1 Minda Update (Report No: 234/17)

Motion – Exclusion of the Public – Section 90(3)(h & i), Order C110717/850

- 1** That pursuant to Section 90(2) of the *Local Government Act 1999* Council hereby orders that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer and Staff in attendance at the meeting in order to consider Report No: 234/17 in confidence.
- 2.** That in accordance with Section 90(3) of the *Local Government Act 1999* Council is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 234/17 – Minda Update on the following grounds:
- h.** pursuant to section 90(3)(h) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is legal advice relating to the settlement of the dispute with Minda.
- In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.
- i.** pursuant to section 90(3)(i) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information relating to actual litigation, regarding the settlement of the Dispute with Minda.
- 3.** The Council is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.

Moved Councillor Lonie, Seconded Councillor Clancy

Carried

**RELEASED
C280223/7360**

17.1 Minda Update (Report No: 234/17)

To progress the ongoing negotiations with Minda, Council is requested to endorse the *Deed of Settlement and Release* (the Deed). The Deed of Settlement has been negotiated to reflect the parameters specified by the In Principle Agreement (previously agreed by Council and Minda). A summary of the necessary actions and a site plan has been included for your reference.

Once all Deed conditions are met by Council and Minda, the dispute, primarily regarding the land adjacent to the Somerton Surf Life Saving Club and the Unmade Road Land will be resolved.

Motion**C110717/851**

Councillor Smedley left the chamber at 8.43pm.

Councillor Charlick left the chamber at 8.44pm.

Councillor Smedley rejoined the chamber at 8.44pm

Councillor Donaldson left the chamber at 8.48pm

Councillor Donaldson rejoined the chamber at 8.50pm.

1. **Further to Motion C140217/676, that Council endorses the “Deed of Settlement and Release”, included in Report No: 234/17, presented as Attachment 1, the Council Land Encumbrance in Attachment 4, Minda Land Encumbrance in Attachment 5 and the ‘Area A’ Licence in Attachment 6.**
2. **That Council authorises the Chief Executive Officer and Mayor to execute the Deed of Settlement and Release as soon as practical, together with such other documents as are required from time to time to effect the transactions referred to in the Deed of Settlement and Release, including but not limited to the Council Land Encumbrance, Minda Land Encumbrance and “Area A” licence annexed to the Deed of Settlement and Release.**

Moved Councillor Lonie, Seconded Councillor Smedley

Carried

Division called

A division was called:

Those voting for: Councillors Lonie, Bouchée, Bradshaw, Charlick, Clancy, Donaldson, Patton, Smedley, Snewin, Wilson, Yates (11)

Those voting against: Nil (0).

His Worship the Mayor declared the motion

Carried

RETAIN IN CONFIDENCE - Section 91(7) Order

C110717/852

That having considered Agenda Item 17.1 Minda Update (Report No: 234/17) in confidence under section 90(2) and (3)(h and i) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report, attachments and minutes be retained in confidence for a minimum period of 5 years, in accordance with the Deed of Settlement and that this order be reviewed every 12 months.

Moved Councillor Bouchee, Seconded Councillor Lonie

Carried

CONFIRMED

Tuesday 8 August 2017

MAYOR

CONFIDENTIAL