

17.2 **Minda Update**

**Motion**

**C230816/478**

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:

CONFIDENTIAL

- b. Information the disclosure of which –
  - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
  - (ii) would, on balance, be contrary to the public interest, as the benefit or detriment to Council in not disclosing information relating to the Minda Update outweighs the public interest at this time.
- g. matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.
- h. legal advice.
- 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.

Councillor Donaldson rejoined the chamber at 8.32pm.

Moved Councillor Bouchee, Seconded Councillor Yates

Carried

**Minda - Update**

Motion

C230816/479

That, following the conciliation conferences with the Development Assessment Commission and Minda through the ERD Court, Council resolves to settle the proceedings on the basis:

1. Of a consent order of the ERD Court (or the issue of an amended development authorisation by the DAC) which modifies condition 1 on Minda's development authorisation to include reference to the letters from Wallbridge and Gilbert engineers dated 17 and 23 August 2016, and which imposes an additional condition that states "Alterations or modifications must not be made to stormwater drainage infrastructure external to the subject land that conveys flows from upstream catchments onto the subject land, except as may be described in the letter from W & G dated 17 August 2016 or otherwise specifically authorised in writing by the Council"; and
2. Of the Council and Minda entering into an easement deed which will commit the parties to finalise the easement for public access for the Coast Park on agreed terms.

Councillor Smedley moved, Councillor Snewin seconded

Carried

**Division called**

A division was called:

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

Those voting against: Nil (0).

His Worship the Mayor declared the motion

**Carried**

**ORDER TO RETAIN DOCUMENTS IN CONFIDENCE****Motion****C230816/480**

1. That an order be made under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the documents relating to Report No: 201/16 including the minutes 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)(b, g h & i).
2. That the Chief Executive Officer is authorised to release the minutes when the deed is executed and/or this resolution will be reviewed within 12 months by the Council.

Moved Councillor Bouchee, Seconded Councillor Snewin

**Carried**

**CONFIRMED** Tuesday 13 September 2016

**MAYOR**