

16.5 Minda and Somerton Surf Lifesaving Club Land

Councillor Smedley left the chamber at 10.07pm
Councillor Yates left the chamber at 10.07pm
Councillor Yates rejoined the chamber at 10.08pm
Councillor Smedley rejoined at 10.08pm

Councillor Charlick left the chamber at 10.19pm
Councillor Charlick rejoined the chamber at 10.21pm
Councillor Donaldson left the chamber at 10.28pm
Councillor Donaldson rejoined the chamber at 10.30pm

Motion

C130916/507

That:

1. Council notes the advice from its legal adviser.
2. Prior to serving a pre-action settlement offer for the encroachment of land under the Somerton SLSC building (plus curtilage), Council seeks a formal mediation with Minda and Somerton SLSC in an effort to negotiate an outcome which is the same or more favourable to Council than that which could be achieved through litigation including, for example a 'land swap' with one of the unmade road reserves at Lynton Avenue and Lynmouth Avenue.
3. To assist the mediation, Council delegates authority to the Chief Executive Officer (who may sub-delegate to other Council officers as necessary) to assist negotiations and provide instructions to Council's legal advisors at a mediation to achieve a resolution in these terms. Authority to negotiate on behalf of Council is provided on the basis that any resolution reached at mediation will be subject to confirmation and approval of the Chamber.
4. In the event the formal mediation is not successful, Council puts a pre-action settlement offer of \$200,000 (on such terms as advised by Council's legal advisors) to Minda.

Moved Councillor Lonie, Seconded Councillor Donaldson

Formal Motion

That the motion be put.

Moved Councillor Clancy, Seconded Councillor Smedley

Carried

A division was called:

Those voting for: Councillors Aust, Bradshaw, Charlick, Clancy, Donaldson, Lonie, Patton, Smedley and Yates (9)

Those voting against: Nil (0).

His Worship the Mayor declared the motion

Carried

17. ITEMS IN CONFIDENCE

17.1 Chief Executive Officer's Performance Appraisal – 2016 (Report No: 222/16)

The Chief Executive Officer's annual 360 degree performance review has been completed and collated for consideration by Council.

Motion

C130916/509

That Item 17.1 be adjourned to the next meeting.

Moved Councillor Clancy, Seconded Councillor Lonie

Carried

CONFIRMED

Tuesday 27 September 2016

MAYOR

CONFIDENTIAL