

Councillor Patton left the meeting at 7.29pm.

18.2 **Mawson Oval – Renewal of Joint Use Agreement** (Report No: 358/20)

Motion – Exclusion of the Public – Section 90(3)(h)

C241120/2151

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: 358/20 Mawson Oval – Renewal of Joint Use Agreement 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: 358/20 Mawson Oval – Renewal of Joint Use Agreement 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 provided by Kelledy Jones.
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 Abley, Seconded Councillor Fleming

Carried Unanimously

Council Patton re-joined the meeting at 7.31pm.

Pursuant to a Joint Use Agreement dated 16 February 2004, Council granted to The Catholic Church Endowment Society Incorporated (CCESI) a licence over Mawson Oval for a term of twenty one (21) years to enable the adjoining registered non-government school (now known as McAuley Community School - having previously been known as Marymount College) to utilise Mawson Oval for both school curriculum and recreational sporting activities during specified times.

Whilst the initial term of the Joint Use Agreement expires on 31 December 2020, Clause 4 of the Joint Use Agreement contains a right of renewal in favour of CCESI for a further term of twenty one (21) years.

CCESI has written to Council advising that it wishes to exercise their right of renewal and this report sought Council's approval to extend the Joint Use Agreement for a further term of twenty one (21) years commencing on 1 January 2021 and expiring on 31 December 2041 in accordance with clause 4 of the Joint Use Agreement.

The right of renewal is only exercised at CCESI's sole discretion. The Joint Use Agreement does not permit Council to refuse the exercise of the option or to change

any of the conditions of agreement (except where agreed in writing between CCESI and Council).

Motion

C241120/2152

That:

- 1. Council, as landowner, approves an extension of the Joint Use Agreement with The Catholic Church Endowment Society Incorporated over Mawson Oval for a term of twenty one (21) years commencing on 1 January 2021 but otherwise on the same terms and conditions as the Joint Use agreement except for the exclusion of Clause 4.2;**
- 2. the Mayor and Chief Executive Officer be authorised to execute and seal any documents required to give effect to the extension of Joint Use Agreement;**
- 3. Council elect two (2) representatives from City of Holdfast Bay Council and two (2) representatives from McCauley School and that this Management Committee will be established and will meet a minimum of twice a year or as required in accordance with Clause 8;**
- 4. the licenced area be surveyed; and**

RETAIN IN CONFIDENCE - Section 91(7) Order

- 5. having considered Agenda Item 18.2 Mawson Oval – Renewal of Joint Use Agreement Report No: 358/20 in confidence under Section 90(2) and 90(3)(h) of the *Local Government Act 1999*, the Council, pursuant to Section 91(7) of that Act orders that the Agenda Item 18.2 Mawson Oval – Renewal of Joint Use Agreement Report No: 358/20, being the report and attachments but excluding the recommendation, be retained in confidence for a period of 24 months and the Chief Executive Officer is authorised to review whether these documents and information can be released after 12 months.**

Leave of the Meeting

Councillor Clancy sought leave of the meeting to speak for a second time and to insert clause 4 into the motion.

Leave of the meeting was granted.

The amendment was accepted by the Mover and inserted into the motion.

Moved Councillor Fleming, Seconded Councillor Clancy

Carried Unanimously