

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 26 July 2016.

16. URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING

Councillor Donaldson rejoined the chamber at 8.25pm.

16.1 Update on Minda

Motion

C260716/455

- 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.**
 - d. commercial information of a confidential nature (not being a trade secret) the disclosure of which –**
 - (i) could reasonably be expected to confer a commercial advantage on a third party; and**
 - (ii) would, on balance, be contrary to the public interest and the benefit or detriment to a third party in the matter of Update on Negotiations with MINDA outweighs the public interest at this time.**
 - 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 Clancy, Seconded Councillor Lonie

Carried

Motion

C260716/456

That Council:

- 1. Instructs Administration to commence preparation for ERD court application for Review, including a stormwater expert to be engaged immediately.**
- 2. Brings a further report to council following the preliminary conference on 8 August 2016, with further advice on prospects of success if the matter is heading towards hearing.**

3. Serves pre-action settlement offer of \$200,000 for the encroachment of land (160m²) under the Surf Life Saving Club and curtilage (410m²) around the Surf Life Saving Club.
4. Brings a further report to Council following receipt of any counter offer prior to commencement of the encroachment proceedings.
5. Writes to the Hon John Rau MP, Minister for Planning, Stephen Griffiths MP, Shadow Minister for Planning and members of the ERD committee explaining council's action in lodging an appeal in the ERD court.

Moved Councillor Lonie, Seconded Councillor Bouchee

Carried

Division called

A division was called:

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

Those voting against: Nil (0).

His Worship the Mayor declared the motion

Carried

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

Motion

C260716/457

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 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)(d & i).
2. That the Chief Executive Officer is authorised to write to the appropriate Members of Parliament and instruct lawyers in accordance with operational needs.
3. This resolution will be reviewed within 12 months by the Council.

Moved Councillor Bouchee, Seconded Councillor Lonie

Carried

CONFIRMED

9 August 2016

MAYOR