

11.1 Confidential - Lonsdale Landfill Lease Assignment

Cr Nash MOVED

1. *That*

- a. *under the provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public be excluded from attendance at the meeting in order to consider in confidence this item.*
- b. *the Council is satisfied that it is necessary that the public be excluded to enable the Council to consider the matter at the meeting on the following grounds:*
- (d) *commercial information of a confidential nature (not being a trade secret) the disclosure of which -*
 - (i) *could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and*
 - (ii) *would, on balance, be contrary to the public interest;*
- c. *That accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.*

Seconded by Cr de Jonge.

CARRIED

Cr Fletcher MOVED

2. *That Council gives its consent to the assignment of the lease (with the commencement date of 1 July 2003) over Council land over part Piece 50 Deposited Plan 47185, Certificate of Title Volume 5890 Folio 493 expiring on 30 June 2009 from the current lessee Lonsdale Landfill Pty Ltd to Resourceco Pty Ltd under the terms and conditions contained within the original lease, including but not limited to;*
 - a. *That the completion of the obligations outlined in the Landfill Environment Management Plan (as approved by the EPA) as annexed to the Lease must be fulfilled by Resourceco Pty Ltd on or prior to the 30 June 2009 without failure.*
 - b. *That Resourceco Pty Ltd must operate the site in accordance with the Permitted Use set out in the original lease.*
 - c. *That all other terms and conditions outlined in the above lease be the responsibility of Resourceco Pty Ltd.*

3. *That the Mayor and Chief Executive Officer be authorised to sign and seal the necessary documentation to give effect to the Council's resolution to grant consent to the assignment.*

Seconded by Cr Manson.

CARRIED

Cr Ferguson MOVED

1. *That an order be made under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the abovementioned document (or part of such document) including the minutes and the report of the Council 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) until such time as the assignment documentation is finalised.*

Seconded by Cr Erwin.

CARRIED