

Kingston District Council

Special Council Meeting Minutes

Tuesday 16 May 2023



The minutes of the Kingston District Council special meeting held on Tuesday, 16 May 2023, in the Council Chambers, Kingston SE, commencing at 4.30pm

1. ACKNOWLEDGEMENT OF COUNTRY

2. PRESENT

3. APOLOGIES

4. CONFLICT OF INTEREST DECLARATION

5. ITEMS RECOMMENDED FOR CONSIDERATION IN CONFIDENCE

- 5.1 Cape Jaffa Development Company – Development Land
Appendix 1
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6. CLOSURE

1. ACKNOWLEDGEMENT OF COUNTRY

We acknowledge and pay respects to the Meintangk/Moandik people, the traditional custodians whose ancestral lands we gather on.

We acknowledge the deep feelings of attachment and relationship of the Meintangk/Moandik people to country and respect and value their past, present and ongoing connection to the land.

2. PRESENT

Mayor Jeff Pope
Deputy Mayor Jamie Parkins
Cr William Armfield
Cr James Starling
Cr Chris England
Cr Tim Harding

Ms Natalie Traeger, Chief Executive Officer
Mrs Heather Schinckel, Director Corporate Services
Mr Nick Brown – Project Manager
Mr David Worthley – Director Infrastructure & Operations
Mrs Alicia Bastiaans – Finance Manager
Mr Geoff Hayter – Property & Advisory Pty Ltd

3. APOLOGIES

Cr Fiona Rasheed
Cr Carol Koch

4. **CONFLICTS OF INTEREST DECLARATION**

Any Member with one of the following Conflicts of Interest is asked to identify it at the start of each meeting and then to fully declare it at the time that the Agenda item to which it relates is arrived at:

Material – where any of a defined list of persons would gain a benefit, or suffer a loss (whether directly or indirectly, personal or pecuniary) depending on the outcome of the consideration of the matter at the meeting.

General – where an impartial, fair-minded person might consider that the member's private interests (which does not include an interest that is only a matter of personal opinion or belief) might result in the member acting in a manner that is contrary to their public duty.

Where a General Conflict of Interest exists, the Member must inform the meeting of the interest and how they propose to deal with the interest in a transparent and accountable way.

No conflicts were declared at the meeting.

5. ITEMS RECOMMENDED FOR CONSIDERATION IN CONFIDENCE

5.1 Cape Jaffa Development Company – Development Land

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Chief Executive Officer, Director Infrastructure & Operations, Director Corporate Services, Finance Manager, Project Manager, and the Minute Taker, be excluded from attendance at the meeting for agenda Item 5 “*Cape Jaffa Development Company – Development Land*” relating to the Cape Jaffa Development Company land acquisition proposal.

The order is made on the grounds that:

- a. pursuant to section 90(3)(h) of the Act, the information to be received, discussed, or considered in relation to this matter includes legal advice from Kelledy Jones Lawyers; and
- b. pursuant to section 90(3)(b) of the Act, the information to be received, discussed, or considered in relation to this matter relates to the commercial negotiating position of the Council and the resolution of outstanding matters in relation to the Cape Jaffa Development that:
 - i. could reasonably be expected to confer a commercial advantage on the Cape Jaffa Development Company and to prejudice the commercial position of the Council; and
 - ii. would, on balance, be contrary to the public interest.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because a Council decision has not yet been made having regard to the legal advice and its subject matter and any disclosure of this report and/or associated discussion will be prejudicial to the Council’s position.

Cr J Parkins/ Cr J Starling CARRIED (2023-084)

5.1 Cape Jaffa Development Company – Development Land
Appendix 1

Cr T Harding / Cr J Parkins CARRIED (2023-085)

That having considered this agenda item in confidence under section 90(2) and (3)(h) and (b) of the Act, the Council orders pursuant to section 91(7) of the Act, that the minutes together with this report inclusive of all attachments be retained in confidence until such time as the Chief Executive Officer determines to revoke this order (and the Council delegates to the Chief Executive Officer the power to revoke the order), with the order to be reviewed annually in the meantime, as required by the Act.

Cr Harding left the meeting at 5.46pm.

Cr W Armfield / Cr England CARRIED (2023-086)

6. CLOSURE

The Mayor closed the meeting at 5.47pm.