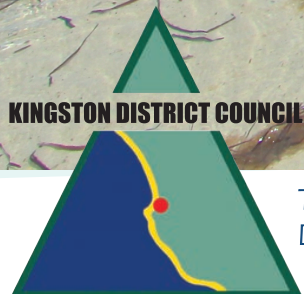


Kingston District Council

Special Council Meeting Minutes

Friday, 4 December 2020



The minutes of the Kingston District Council Special Council Meeting held on Friday, 4 December 2020, in the Council Chambers Kingston SE, commencing at 4.00pm.

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 K Rasheed
Deputy Mayor C England
Cr J Gluyas
Cr W Armfield
Cr M Ringshaw
Cr J Pope
Cr R Wingard
Cr T Harding

Ms N Traeger, Chief Executive Officer
Miss J Scott, Minute Secretary

3. APOLOGIES:

NIL

4. **CONFLICTS OF INTEREST DECLARATION:**

Any Member with one of the following Conflicts of Interest is asked to declare it at the start of each meeting:

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.

Actual – where a Member has a Conflict of Interest (not being a material conflict of interest) between their own interests and the public interest that might lead to a decision that is contrary to the public interest.

Perceived – where from the perspective of an impartial, fair-minded person it could reasonably be perceived that a Member has a Conflict of Interest in a matter.

Where an actual or perceived Conflict of Interest exists, the Member must inform the meeting of the interest and how (if they propose to participate in the meeting) they intend to deal with the actual/perceived Conflict of Interest. This information will be documented by the Minute Taker.

No conflicts of interest were declared.

5. Reports

5.1 Amendment of Minute 2020-167 – 2020 Mayoral Christmas Parade:

That Council amend part 3 of minute resolution number 2020-167 resolved at the 17 November 2020 Council meeting to the following:

- 1. That Council exercises its power pursuant to Section 33 of the Road Traffic Act 1961 and the instrument of General Approval of the Minister to:**

Declare that the Mayoral Christmas Parade (“the Event”) is to take place on portion of Agnes, Holland and Hanson Street and Marine Parade (“the Roads”), Kingston SE as an event to which Section 33 of the Road Traffic Act 1961 applies; and hereby makes an order directing that the Roads on which the Event is to be held be closed to traffic for the period outlined as stated below on Friday, 11 December 2020:

- Portion of Agnes Street from the intersection of East Terrace to the intersection of Holland Street be closed from 6.00pm to 7.00pm.**
- Portion of Holland Street from the intersection of Hanson Street and Cooke Street to the intersection of Agnes Street be closed from 6.00pm to 7.00pm.**
- Hanson Street from the intersection of Holland Street and Cooke Street to the eastern boundary of the Lions Park to be closed from 6.00pm to 7.00pm.**
- Portion of Marine Parade (being one lane only) from the intersection of Hanson Street travelling in the northerly direction to the Lions Park car park to be closed from 6.00pm to 7.00pm.**

All vehicles other than emergency, official and pageant vehicles and foot traffic shall be excluded from the designated area during the road closure.

Cr Ringshaw / Cr Gluyas CARRIED (2020-180)

6. ITEMS RECOMMENDED FOR CONSIDERATION IN CONFIDENCE:

6.1 Lucas Aviation Security Interest Adjustment:
Appendix 1

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 and the Minute Taker, be excluded from attendance at the meeting for agenda item 6.1 “Lucas Aviation Security Interest Adjustment”.

The Council is satisfied that, pursuant to Section 90(3)(b)(i) of the act, the information to be received, discussed or considered in relation to this agenda item is information the disclosure of which would involve the unreasonable disclosure of information concerning the commercial nature of the report, which could reasonably be expected to prejudice the commercial position of the Council.

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 the disclosure of details of the report is commercial information of a confidential nature.

Cr Pope / Cr England CARRIED (2020-181)

6. ITEMS RECOMMENDED FOR CONSIDERATION IN CONFIDENCE:

6.1 Lucas Aviation Security Interest Adjustment:
Appendix 1

14/65/1.1

- 1. That Council requires the payment of the fourth dredge payment in full, prior to the security interests being discharged.**
- 2. That Council request that Lucas Total Contract Solutions provide a current, independent, valuation of the helicopter proposed as replacement security property under the Specific Security Deed – Aircraft.**
- 3. If the independent valuation confirms that the market value of the helicopter is greater than the amount of the final payment, that Council provide delegated approval to the Chief Executive Officer to progress the steps necessary to facilitate the proposal by Lucas Total Contract Solutions, subject to:**
 - a. confirmation of the equity in the Helicopter; there are no current security interests over it and, if there are, that there is sufficient equity to provide security not only for the final payment but with an additional buffer amount; and**
 - b. the parties, firstly, executing a deed of variation to the Deed that varies the secured property to the Helicopter and the security interests being discharged contemporaneously with registration of a security interest against the Helicopter pursuant to the (varied) Deed; OR**
 - c. the current security interests being discharged contemporaneously with the Council receiving from Lucas TCS, an unconditional bank guarantee on terms suitable to the Council.**
- 4. Lucas Total Contract Solutions paying the Council's costs of and incidental to it agreeing to the Proposal inclusive of legal costs for and in connection with the preparation, negotiation, execution and registration of all documents required to give effect to it.**

Cr England / Cr Ringshaw CARRIED (2020-182)

That pursuant to Section 91(7) (9) and having considered agenda item 6.1 “Lucas Aviation Security Interest Adjustment” in confidence under Section 90(2) and (3)(d) of the Local Government Act 1999, the Council, pursuant to Section 91(7)(b) of that act orders that:

- 1. the report and documents, be retained in confidence and not available for public inspection for a period of 12 months from 04 December 2020 to 03 December 2021 and that the Chief Executive Officer be authorised to review this order prior to 03 December 2021.**

Cr Pope / Cr Gluyas CARRIED (2020-183)

MINUTES

6. **CLOSURE:**

Meeting closed at 4.13pm

Confirmed

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Mayor K Rasheed

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Date