MINUTES OF THE SPECIAL MEETING of the Mount Barker District Council held in the Council Chambers of the Local Government Centre, Mount Barker on Monday 16 September 2019 at 5.00pm.

PRESENT Mayor Ferguson, Councillors Bailey, Grosser, Hardingham, Jones, Leach, Minett, Orr and Seager.

IN ATTENDANCE: Chief Executive Officer (A. Stuart), Deputy Chief Executive Officer/General Manager Governance, Strategic Projects and Wastewater/Recycled Water (B. Clancey) General Manager Community Services (G. Parker), General Manager Infrastructure (P. Burton), A/g General Manager Planning & Development (M. Voortman), Chief Financial Officer (A. Oulianoff), Manager Strategic Projects, Planning and Policy (L. Gray), Risk & Governance Officer (R. McDougall), Minute Secretary (M. Barns), Ben Koop (JLL/Alinea Group) and Sean Keenihan (Norman Waterhouse Lawyers)

The meeting opened with an Expression of Faith

Acknowledgement of Land

1. APOLOGIES/LEAVE OF ABSENCE
Apologies: Councillor Morrison and Councillor Westwood.

2. CONFLICT OF INTEREST DECLARATION
NIL
3. **CONFIDENTIAL REPORTS**

3.1. **REPORT TITLE:** CONFIDENTIAL: CITY CENTRE CATALYST DEVELOPMENT: EXPRESSION OF INTEREST

**DATE OF MEETING:** 16 SEPTEMBER 2019

**FILE NUMBER:** DOC/19/114889

Moved Councillor Seager that Council:

1. **Pursuant to Section 90(3)(b)**

Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except Chief Executive Officer, Deputy Chief Executive Officer/General Manager Governance, Strategic Projects and Wastewater/Recycled Water, General Manager Infrastructure, General Manager Community Services, Acting General Manager Planning and Development, Chief Financial Officer, Manager Strategic Projects, Planning and Policy, Risk and Governance Officer, Minute Secretary, Ben Koop (JLL/Alinea Group) and Sean Keenihan (Norman Waterhouse Lawyers) be excluded from attendance at the meeting for Agenda Item 3.1 Confidential: City Centre Catalyst Development: Expression of Interest.

The Council is satisfied that pursuant to Section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this Agenda item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is:

- conducting business; or
- proposing to conduct business; or
- would prejudice the commercial position of the Council

In addition the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in continued non-disclosure of this information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. 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 Council's commercial position would seriously compromise the Council's ability to engage and negotiate effectively as the Council's commercial position in relation to the matter would inappropriately become known to any potential proponent.

Seconded Councillor Minett **CARRIED**

*SM20190916.01*
Moved Councillor Bailey that Council:

7. **Pursuant to Section 90 (3) (b)**
That having considered Agenda Item 3.1 Confidential: City Centre Catalyst Development: Expression of Interest, in confidence under 90(2) and (3)(b) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the council report, related documents and all minutes be retained in confidence until a contract or lease is executed (other than information necessary to conduct the expression of interest process) or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months.

Seconded Councillor Hardingham  
CARRIED

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MEETING DECLARED CLOSED AT 6.30 PM

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MAYOR                        DATE