

**Minutes of the Special Meeting of Council of City of Prospect held in the Prospect Civic Centre, 128 Prospect Road, Prospect on Tuesday 6 February 2018, at 7.35pm**

**PRESENT:**

Mayor D O'Loughlin

Councillors K Barnett, A De Backer, T Evans, M Groote, A Harris, M Larwood, M Lee, M Standen

C Hart	-	Chief Executive Officer
N Cunningham	-	Director Community & Planning
S Bradley	-	Director Infrastructure & Environment
J Tanti	-	Acting Director Corporate Services/Minute Secretary
C Newby	-	CLIC Project Lead
L Rossi	-	Project Manager, (JAA)

**ITEM 1: APOLOGIES:**

Nil.

**ITEM 2: ON LEAVE:**

Nil.

**ITEM 3: CONFIDENTIAL REPORTS**

**Item 3.1 Appointment of Managing Contractor for the Construction of the Community Hub, Library and Innovation Centre**

Cr M Lee moved Cr A Harris seconded

**(1) Order pursuant to section 90(3)(k)**

That under the provisions of Section 90(2) of the Local Government Act 1999, an order be made that the public with the exception of Cate Hart, Chief Executive Officer; Nathan Cunningham, Director Community and Planning; Simon Bradley, Director Infrastructure and Environment; Jo-Ann Tanti, Acting Director Corporate Services; Chris Newby, CLIC Project Lead and Luigi Rossi, Project Manager be excluded from attendance at the meeting of the Special Council in order to consider in confidence Agenda Item 3.1 titled "Appointment of Managing Contractor for the Construction of the Community Hub, Library and Innovation Centre".

The Council is satisfied that it is necessary that the public be excluded to enable the Council to consider the report at the meeting:

- on the grounds provided by Section 90(3)(k) of the Act information to be received, discussed or considered in relation to this Agenda Item are expressions of interest for the provision of services in that they are for the undertaking of construction management services for the Council and Community.
- 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 information to be discussed has the potential to impact adversely on each of the candidates as competitive commercial information will be disclosed.

**Carried Unanimously 17/18**

Cr M Groote moved Cr M Lee seconded

- (2) Council having considered Item 3.1 Appointment of Managing Contractor for the Construction of the Community Hub, Library and Innovation Centre, authorises the Chief Executive Officer to execute a Services Agreement up to the value of \$1.11 million (excl. GST) with Kennett Builders in order to commence work in accordance with the project brief for Managing Contractor services for the construction of Council's new community facility.
- (3) Council authorises the Chief Executive Officer to expend up to \$1.68 million (excl. GST) for the professional services component of the budget to provide for the use of Building Information Modelling (BIM) by the design team.
- (4) Council authorises the Chief Executive Officer to make payments to Kennett Builders for various trade packages, which are to be engaged via Kennett Builders, up to the value of \$15.1 million (excl. GST) over the duration of the project. All trade packages to be tendered and assessed in accordance with Council's procurement policy, reviewed and endorsed by Kennett Builders together with Jim Allen & Associates Pty Ltd prior to approval by the Chief Executive Officer.
- (5) Council continue to receive monthly reports on project progress and expenditure for the construction of the Community Hub, Library and Innovation Centre.

**Carried Unanimously 18/18**

Cr M Groote moved Cr M Lee seconded

(6) **Order Pursuant to section 91(7)**

That in accordance with Section 91(7) and Section 91(9) of the Local Government Act 1999 and on the grounds that Item 3.1 for the meeting of the Special Council held on 6 February 2018 was received, discussed and considered in confidence pursuant to Section 90(3)(k) of the Local Government Act 1999, this meeting of the Special Council, orders that all Attachments 1-75 to the report titled "Appointment of Managing Contractor for the Construction of the Community Hub, Library and Innovation Centre" be retained in confidence for a period of 2 years and that this order be reviewed every 12 months.

**Carried Unanimously 19/18**

**Item 3.2 Sale of 82 Johns Road and 218 Main North Road, Prospect**

Cr M Groote moved Cr M Larwood seconded

**(1) Order pursuant to section 90(3)(b)**

That under the provisions of Section 90(2) of the *Local Government Act 1999*, an order be made that the public with the exception of Cate Hart, Chief Executive Officer; Simon Bradley, Director Infrastructure and Environment; Nathan Cunningham, Director Community and Planning; Jo-Ann Tanti, Acting Director Corporate Services and Chris Newby, CLIC Project Lead be excluded from attendance at the meeting of the Ordinary Council Meeting in order to consider in confidence Agenda Item 3.2 titled "Sale of 82 Johns Road and 218 Main North Road, Prospect".

The Council is satisfied that it is necessary that the public be excluded to enable the Council to consider the report at the meeting:

- on the grounds provided by Section 90(3)(b) of the Act, 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 and would 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 information within the report and attachments will potentially impact the capacity of Council to negotiate or enter into a contract that will obtain the best outcome for the community.

**Carried Unanimously 20/18**

The Mayor sought leave to suspend meeting proceedings to discuss Item 3.2 on the Agenda until 9.00pm.

Leave granted.

Meeting proceedings were suspended at 8.15pm.

Cr M Larwood left the room at 8.45pm.

Cr M Larwood re-entered the room at 8.49pm.

Cr M Groote left the room at 8.56pm.

Cr M Groote re-entered the room at 8.57pm.

Meeting proceedings resumed at 9.00pm.

The Mayor sought leave to suspend meeting proceedings to discuss Item 3.2 on the Agenda until 9.30pm.

Leave granted.

Meeting proceedings were suspended at 9.00pm.

Cr A Harris left the room at 9.10pm.

Cr A Harris re-entered the room at 9.13pm.

Meeting proceedings resumed at 9.30pm.

The Mayor sought leave to suspend meeting proceedings to discuss Item 3.2 on the Agenda until 9.45pm.

Leave granted.

Meeting proceedings were suspended at 9.30pm.

Meeting proceedings resumed at 9.45pm.

**Item 3.2 Sale of 82 Johns Road and 218 Main North Road, Prospect (continued)****Confidential Resolutions**

Cr T Evans moved Cr M Groote seconded

- (2) This Item was dealt with "in confidence".
- (3) This Item was dealt with "in confidence".
- (4) This Item was dealt with "in confidence".
- (5) This Item was dealt with "in confidence".

**Amendment**

Cr A De Backer moved

Motion lapsed for want of a seconder.

- (4) This Item was dealt with "in confidence".

The original Motion, namely:

- (2) This Item was dealt with "in confidence".
- (3) This Item was dealt with "in confidence".
- (4) This Item was dealt with "in confidence".
- (5) This Item was dealt with "in confidence".

**Carried 21 /18**

Cr M Lee moved Cr M Groote seconded

**(6) Order Pursuant to section 91(7)**

That in accordance with Section 91(7) and Section 91(9) of the *Local Government Act 1999* and on the grounds that Item 3.2 for the meeting of Special Council held on 6 February 2018 was received, discussed and considered in confidence pursuant to Section 90(3)(b) of the *Local Government Act 1999*, this special meeting of the Council, orders that the report titled "Sale of 82 Johns Road and 218 Main North Road, Prospect" and the minutes of this meeting in relation to the matter be retained in confidence and not available for public inspection for a period of 12 months or until the contract of sale has been signed and further orders that all Attachments 1-42 to the report titled "Sale of 82 Johns Road and 218 Main North Road, Prospect" be retained in confidence for a period of 2 years and that this order be reviewed every 12 months.

**Carried Unanimously 22/18**

**ITEM 4: CLOSURE:**

The meeting closed at 10.14pm.

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**Mayor D O'Loughlin**  
27 February 2018