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**Minutes of a special meeting of the Central Coast Council held in the Council Chamber at the Administration Centre, 19 King Edward Street, Ulverstone on Monday, 6 July 2020 commencing at 6.02pm.**

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**Councillors attendance**

Cr Jan Bonde (Mayor)	Cr John Beswick
Cr Garry Carpenter (Deputy Mayor)	Cr Amanda Diprose
Cr Cheryl Fuller	Cr Casey Hiscutt
Cr Annette Overton	Cr Tony van Rooyen (6.04pm)
Cr Philip Viney	

**Councillors apologies**

Nil

**Employees attendance**

General Manager (Ms Sandra Ayton)  
Director Infrastructure Services (Mr Paul Breden)  
Director Organisational Services (Mr Ian Stoneman)  
Executive Services Officer (Mrs Lou Brooke)

**Media attendance**

Due to COVID-19 restrictions, media representatives were not able to attend the meeting.

**Public attendance**

Due to COVID-19 restrictions, the public were not able to attend the meeting.

**Prayer**

The meeting opened in prayer.

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## MAYOR'S COMMUNICATIONS

### 201/2020 Authority for special meeting

The Mayor reported as follows:

“This special meeting of the Council has been convened at my direction. Only the items on the agenda may be discussed.”

- Cr Hiscutt moved and Cr Diprose seconded, “That the Mayor's report be received.”

Carried unanimously

### 202/2020 Declarations of interest

The Mayor reported as follows:

“Councillors are requested to indicate whether they have, or are likely to have, a pecuniary (or conflict of) interest in any item on the agenda.”

The Executive Services Officer reported as follows:

“The *Local Government Act 1993* provides that a councillor must not participate at any meeting of a council in any discussion, nor vote on any matter, in respect of which the councillor has an interest or is aware or ought to be aware that a close associate has an interest.

Councillors are invited at this time to declare any interest they have on matters to be discussed at this meeting. If a declaration is impractical at this time, it is to be noted that a councillor must declare any interest in a matter before any discussion on that matter commences.

All interests declared will be recorded in the minutes at the commencement of the matter to which they relate.”

Cr Hiscutt reported as follows:

“I am declaring an interest in respect of the following matter:

Ulverstone Cultural Precinct Guaranteed Maximum Price contract (34A/2020 – 28.01.2020) at Minute No. 204A/2020.”

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Cr Fuller reported as follows:

“I am declaring an interest in respect of the following matter:

Ulverstone Cultural Precinct Guaranteed Maximum Price contract (34A/2020 – 28.01.2020) at Minute No. 204A/2020.”

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## CLOSURE OF MEETING TO THE PUBLIC

### 203/2020 Meeting closed to the public

The Executive Services Officer reported as follows:

“The *Local Government (Meeting Procedures) Regulations 2015* provide that a meeting of a council is to be open to the public unless the council, by absolute majority, decides to close part of the meeting because one or more of the following matters are being, or are to be, discussed at the meeting.

Moving into a closed meeting is to be by procedural motion. Once a meeting is closed, meeting procedures are not relaxed unless the council so decides.

It is considered desirable that the following matters be discussed in a closed meeting:

<b>Matter</b>	<b><i>Local Government (Meeting Procedures) Regulations 2015</i> reference</b>
Ulverstone Cultural Precinct Guaranteed Maximum Price contract (34A/2020 - 28.01.2020)	15(2)(d) Contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal.”

■ Cr Carpenter moved and Cr Beswick seconded, “That the Council close the meeting to the public to consider the following matters, they being matters relating to:

<b>Matter</b>	<b><i>Local Government (Meeting Procedures) Regulations 2015</i> reference</b>
Ulverstone Cultural Precinct Guaranteed Maximum Price contract (34A/2020 - 28.01.2020)	15(2)(d) Contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal.”

Carried unanimously and by absolute majority

The Executive Services Officer further reported as follows:

“1 The *Local Government (Meeting Procedures) Regulations 2015* provide in respect of any matter discussed at a closed meeting that the general manager

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is to record in the minutes of the open meeting, in a manner that protects confidentiality, the fact that the matter was discussed and a brief description of the matter so discussed, and is not to record in the minutes of the open meeting the details of the outcome unless the council determines otherwise.

- 2 While in a closed meeting, the council is to consider whether any discussions, decisions, reports or documents relating to that closed meeting are to be kept confidential or released to the public, taking into account privacy and confidentiality issues.
- 3 The *Local Government Act 1993* provides that a councillor must not disclose information seen or heard at a meeting or part of a meeting that is closed to the public that is not authorised by the council to be disclosed.

Similarly, an employee of a council must not disclose information acquired as such an employee on the condition that it be kept confidential.

- 4 In the event that additional business is required to be conducted by a council after the matter(s) for which the meeting has been closed to the public have been conducted, the Regulations provide that a council may, by simple majority, re-open a closed meeting to the public.”

The meeting moved into Closed session at 6.03pm.

GENERAL MANAGEMENT

**204/2020    Ulverstone Cultural Precinct Guaranteed Maximum Price contract  
(34A/2020 – 28.01.2020)**

*Crs Fuller and Hiscutt having declared an interest, left the meeting at 6.04pm for consideration and voting on the Ulverstone Cultural Precinct Guaranteed Maximum Price contract (34A/2020 – 28.01.2020).*

*Cr van Rooyen joined the meeting at 6.04pm.*

The General Manager reported as follows:

*“PURPOSE*

This report is provided to the Council to assist in determining the Guaranteed Maximum Price (GMP) contract for the construction of the Ulverstone Cultural Precinct.

...

The *Local Government (Meeting Procedures) Regulations 2015* provide in respect of a matter discussed at a closed meeting –

‘34(1)(b) in relation to a matter discussed at the closed meeting –

(i) the fact that the matter was discussed at the closed meeting; and

(ii) a brief description of the matter so discussed –

are to be recorded in the minutes of that part of the meeting that is open to the public, but are to be recorded in a manner that does not disclose any confidential information and protects confidentiality; and

(c) in relation to a matter discussed at the closed meeting, the details of the discussion of the matter, and the outcome of the discussion, are not to be recorded in the minutes of that part of the meeting that is open to the public unless the council, or council committee, determines otherwise.”

■ Cr Beswick moved and Cr Viney seconded, “That:

1 ...

- 2 that Fairbrother Pty Ltd's contract with a Guaranteed Maximum Price (GMP) of \$9,637,626.00 (excluding GST) for the construction of the Ulverstone Cultural Precinct be accepted; and
- 3 that, in accordance with Section 15(9) of the *Local Government (Meeting Procedures) Regulations 2015*, the Council authorises the release of the decision relating to the awarding of the contract to Fairbrother Pty Ltd to the public."

Carried unanimously and by absolute majority

*Crs Fuller and Hiscutt returned to the meeting at 6.10pm.*

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## **Closure**

There being no further business, the Mayor declared the meeting closed at 6.11pm.

CONFIRMED THIS 20TH DAY OF JULY, 2020.

## **Chairperson**

(lb:lc)

## **Appendices**

Minute No. 204A/202 – Project Management reports:

- Ulverstone Cultural Precinct – Revised GMP report – Profile Design Pty Ltd – dated 28 June 2020; and
- Fairbrother – Ulverstone Cultural Precinct – Confirmation of GMP Price (Tender No.181087) dated 26 June 2020



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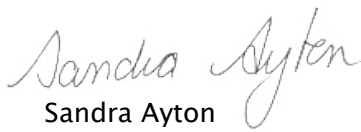
*QUALIFIED PERSON'S ADVICE*

The *Local Government Act 1993* (the Act), Section 65 provides as follows:

- “(1) A general manager must ensure that any advice, information or recommendation given to the council or a council committee is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.
- (2) A council or council committee is not to decide on any matter which requires the advice of a qualified person without considering such advice unless –
- (a) the general manager certifies, in writing –
    - (i) that such advice was obtained; and
    - (ii) that the general manager took the advice into account in providing general advice to the council or council committee; and
  - (b) a copy of that advice or, if the advice was given orally, a written transcript or summary of that advice is provided to the council or council committee with the general manager's certificate.”

In accordance with Section 65 of the Act, I certify:

- (i) that the reports within this agenda contain advice, information and recommendations given by persons who have the qualifications and experience necessary to give such advice, information or recommendation;
- (ii) where any advice is directly given by a person who did not have the required qualifications or experience that person has obtained and taken into account another person's general advice who is appropriately qualified or experienced; and
- (iii) that copies of advice received from an appropriately qualified or experienced professional have been provided to the Council.

  
Sandra Ayton  
GENERAL MANAGER