



Town of Cottesloe

I hereby certify that the minutes of the Special Council meeting held
on

Tuesday, 16 May 2023

were confirmed as a true and accurate record by Council resolution.

Signed:

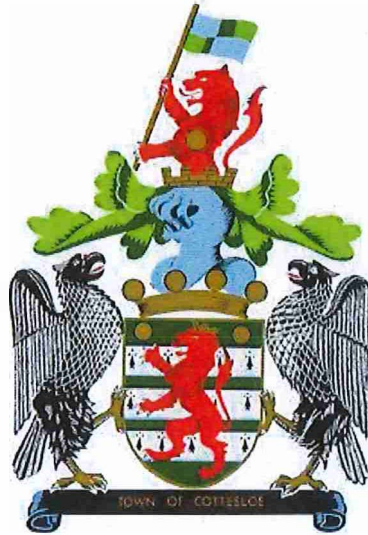
Presiding Member

Date:

Donnae J

23/5/23

TOWN OF COTTESLOE



SPECIAL COUNCIL MEETING CONFIRMED MINUTES

SPECIAL COUNCIL MEETING
HELD IN THE
Council Chambers, Cottesloe Civic Centre
109 Broome Street, Cottesloe
7:00 pm Tuesday, 16 May 2023

A handwritten signature in blue ink, appearing to read 'W. Scott', is positioned above the printed name of the Chief Executive Officer.

WILLIAM MATTHEW SCOTT
Chief Executive Officer

19 May 2023

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Agenda and minutes are available on the Town's website www.cottesloe.wa.gov.au

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member announced the meeting opened at 7:02 PM.

I would like to begin by acknowledging the Whadjuk Nyoongar people, Traditional Custodians of the land on which we meet today, and pay my respects to their Elders past and present. I extend that respect to Aboriginal and Torres Strait Islander peoples here today.

2 DISCLAIMER

The Presiding Member drew attention to the Town’s Disclaimer.

3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Presiding Member announced that the meeting is being recorded, solely for the purpose of confirming the correctness of the Minutes.

Cr MacFarlane committed to attend remotely and was approved by the Presiding Member.

4 PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.2 PUBLIC QUESTIONS

Nil

5 ATTENDANCE

Elected Members

- Mayor Lorraine Young
- Cr Helen Sadler
- Cr Craig Masarei
- Cr Kirsty Barrett
- Cr Paul MacFarlane
- Cr Chilla Bulbeck
- Cr Brad Wylynko
- Cr Richard Atkins

Officers

- | | |
|--------------------------|--|
| Mr William Matthew Scott | Chief Executive Officer |
| Ms Freya Ayliffe | Director Development and Regulatory Services |
| Mr Shaun Kan | Director Engineering Services |
| Ms Jacquelyne Pilkington | Governance & Executive Office Coordinator |

5.1 APOLOGIES

Cr Melissa Harkins

Mr Shane Collie

Director Corporate and Community Services

5.2 APPROVED LEAVE OF ABSENCE**5.3 APPLICATIONS FOR LEAVE OF ABSENCE****6 DECLARATION OF INTERESTS**

Mayor Young declared an IMPARTIALITY INTEREST in Item 12.1.1 by virtue "Tender Response parties are known to me"

Cr Sadler declared an IMPARTIALITY INTEREST in Item 12.1.1 by virtue "Tender Response parties are known to me"

Cr Bulbeck declared an IMPARTIALITY INTEREST in Item 12.1.1 by virtue "Tender Response parties are known to me"

Cr Barrett declared an IMPARTIALITY INTEREST in Item 12.1.1 by virtue "Tender Response parties are known to me"

Cr Masarei declared an IMPARTIALITY INTEREST in Item 12.1.1 by virtue "Tender Response parties are known to me"

7 PRESENTATIONS**7.1 PETITIONS**

Nil

7.2 PRESENTATIONS

Nil

7.3 DEPUTATIONS

Nil

8 REPORTS**8.1 REPORTS OF OFFICERS****9 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

10 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:**10.1 ELECTED MEMBERS****10.2 OFFICERS****11 MEETING CLOSED TO PUBLIC****11.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

SCM069/2023

MOTION FOR BEHIND CLOSED DOORS

Moved Cr Barrett

Seconded Cr Masarei

That, in accordance with Section 5.23(2) (c), (e(i)) and (e(ii)), Council discuss the confidential reports behind closed doors.

Carried 8/0

For: Mayor Young, Crs Sadler, Masarei, Barrett, MacFarlane, Bulbeck, Wylynko and Atkins

Against: Nil

The public and members of the media were requested to leave the meeting at 7:06 pm

12.1.1 RFT 01/23 LEASE OF PREMISES LOCATED AT LOT 149 MARINE PARADE, COTTESLOE

This item is considered confidential in accordance with the *Local Government Act 1995* section 5.23(2) (c), (e(i)) and (e(ii)) as it contains information relating to a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting, a matter that if disclosed, would reveal a trade secret and a matter that if disclosed, would reveal information that has a commercial value to a person.

OFFICER RECOMMENDATION

THAT Council:

1. AUTHORISE the Chief Executive Officer (CEO) to undertake a section 3.59 Commercial Enterprises by Local Governments (Local Government Act 1995) process for the lease of premises at Lot 149 Marine Parade, Cottesloe, as identified in Tender RFT 01/23 based on the response from the preferred Tenderer, Kailis Hospitality Group;
2. Following the last day of submissions and in accordance with s3.59(5) of the Local Government Act 1995 considers any submissions received and determine (by absolute majority) whether to proceed with the leasing premises at Lot 149 Marine Parade, Cottesloe, to preferred Tenderer, Kailis Hospitality Group as proposed;
3. Subject to points 1 and 2, and no submissions being received during the submission period, AWARD Tender RFT 01/23 to Kailis Hospitality Group, as per the terms contained in the Request for Tender Document and Kailis Hospitality Group's Tender Response, and AUTHORISE the Mayor and/or CEO to execute a contract (lease)

reflective of these terms.

4. AUTHORISE the CEO to permit the current lessee, Yellowdot Enterprises Pty Ltd, to continue to utilise the premises on similar terms as per their current lease, reviewed monthly, should the time to complete the s3.59 process exceed the current expiry date of the existing lease.
5. NOTE the Probity Audit Report on Tender RFT 01/23.

SCM070/2023

COUNCILLOR MOTION AND RESOLUTION

Moved Cr Masarei

Seconded Cr Barrett

THAT Council:

1. **AUTHORISE the Chief Executive Officer (CEO) to undertake a section 3.59 Commercial Enterprises by Local Governments (Local Government Act 1995) process for the lease of premises at Lot 149 Marine Parade, Cottesloe, as identified in Tender RFT 01/23 based on the response from the preferred Tenderer, Respondent B [Kailis Hospitality Group];**
2. **Following the last day of submissions and in accordance with s3.59(5) of the Local Government Act 1995 considers any submissions received and determine (by absolute majority) whether to proceed with the leasing premises at Lot 149 Marine Parade, Cottesloe, to preferred Tenderer, Respondent B [Kailis Hospitality Group];**
3. **Subject to points 1 and 2, and no submissions being received during the submission period, AWARD Tender RFT 01/23 to Respondent B [Kailis Hospitality Group], as per the terms contained in the Request for Tender Document and Respondent B's [Kailis Hospitality Group] Tender Response, and AUTHORISE the Mayor and/or CEO to execute a contract (lease) reflective of these terms.**
4. **AUTHORISE the CEO to permit the current lessee, to continue to utilise the premises on similar terms as per their current lease, reviewed monthly, should the time to complete the s3.59 process exceed the current expiry date of the existing lease.**
5. **NOTE the Probity Audit Report on Tender RFT 01/23.**
6. **AUTHORISE the Mayor, Elected Members and the Town's Administration to disclose the identity of the preferred Tenderer.**

Carried 8/0

For: Mayor Young, Crs Sadler, Masarei, Barrett, MacFarlane, Bulbeck, Wylenko and Atkins

Against: Nil

Councillor Rationale

Council wanted to include Point 6 to AUTHORISE the Mayor, Elected Members and the Town's Administration to disclose the identity of the preferred Tenderer.

Cr MacFarlane left the meeting at 8:00 pm.

SCM071/2023

MOTION FOR RETURN FROM BEHIND CLOSED DOORS

Moved Mayor Young Seconded Cr Bulbeck

In accordance with Section 5.23 that the meeting be re-opened to members of the public and media, and motions passed behind closed doors be read out if there are any public present.

Carried 7/0

For: Mayor Young, Crs Sadler, Masarei, Barrett, Bulbeck, Wylynko and Atkins

Against: Nil

The public and members of the media returned to the meeting at 8:00 pm

11.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC

**12.1.1 RFT 01/23 LEASE OF PREMISES LOCATED AT LOT 149 MARINE PARADE,
COTTESLOE**

The resolution for item 12.1.1 was read aloud by the Presiding Member and in doing so disclosed Kailis Hospitality Group as Respondent B in accordance with point 6 of the Resolution.

12 MEETING CLOSURE

The Presiding Member announced the closure of the meeting at 8:05 pm.