



Town of Cottesloe

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

Monday, 4 May 2020

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

Signed:

A handwritten signature in blue ink, appearing to be 'D. Mearns', is written over the 'Signed:' text.

Presiding Member

Date: 26/5/2020

TOWN OF COTTESLOE



SPECIAL COUNCIL MEETING

MINUTES

**SPECIAL COUNCIL MEETING
HELD IN THE
War Memorial Hall, Cottesloe Civic Centre, 109 Broome Street, Cottesloe
6:00 PM Monday, 4 May 2020**

NEIL HARTLEY
Acting Chief Executive Officer

7 May 2020

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Members of the public should note that no action should be taken on any application or item discussed at a council meeting prior to written advice on the resolution of council being received.

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 6:10pm.

2 DISCLAIMER

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

3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

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

4 PUBLIC QUESTION TIME**4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

4.2 PUBLIC QUESTIONS

Nil

5 PUBLIC STATEMENT TIME

Nil

6 ATTENDANCE**Elected Members**

Mayor Philip Angers
Cr Lorraine Young
Cr Caroline Harben
Cr Helen Sadler
Cr Craig Masarei
Cr Melissa Harkins
Cr Michael Tucak
Cr Kirsty Barrett
Cr Paul MacFarlane

Officers

Mr Neil Hartley
Mr Shaun Kan
Ms Mary-Ann Winnett

Acting Chief Executive Officer
Manager Engineering Services
Governance Coordinator

6.1 APOLOGIES

Nil

Officers Apologies

Nil

6.2 APPROVED LEAVE OF ABSENCE

Nil

6.3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 DECLARATION OF INTERESTS

Mr Kan declared an IMPARTIALITY INTEREST in item 12.1.1 by virtue "One of the tenderers is known to me because I worked with her at the City of Perth."

Cr Sadler declared an IMPARTIALITY INTEREST in item 12.1.1 by virtue "Tim Judd from JTA Consultants is part of the asset team and is known to me."

Cr Tucak declared an IMPARTIALITY INTEREST in item 12.1.1 by virtue "one of the sub-consultants to one of the other tenderers is known to me."

Cr MacFarlane declared an IMPARTIALITY INTEREST in item 12.1.1 by virtue "I rent a house to the Regional Director of one of the consultants (Stantech)."

8 PRESENTATIONS**8.1 PETITIONS**

Nil

8.2 PRESENTATIONS

Nil

8.3 DEPUTATIONS

Nil

9 REPORTS**9.1 REPORTS OF OFFICERS****10 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:**11.1 ELECTED MEMBERS****11.2 OFFICERS****12 MEETING CLOSED TO PUBLIC****12.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED****MOTION FOR BEHIND CLOSED DOORS**

Moved Mayor Angers Seconded Cr Masarei

That, in accordance with Standing Orders 15.10, Council discuss the confidential reports behind closed doors.

Carried 9/0

The meeting was closed to the public at 6:12pm, however no members of the public or media were in attendance.

12.1.1 FORESHORE MASTERPLAN DETAIL DESIGN CONSULTANCY - TENDER RECOMMENDATION

This item is considered confidential in accordance with the *Local Government Act 1995* section 5.23(2) (c) 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.

File Ref: SUB/2792

Attachments: 12.1.1(a) Foreshore Masterplan Detail Design
Consultancy Evaluation Summary
[CONFIDENTIAL] [UNDER SEPARATE COVER]

Responsible Officer: Neil Hartley, Acting Chief Executive Officer

Author: Shaun Kan, Manager, Engineering Services

Author Disclosure of Interest: One of the applicants is known to the Manager of Engineering Services.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

Moved Cr Barrett Seconded Cr Masarei

THAT Council:

- 1. APPROVES** awarding the Foreshore Masterplan Detail Design Consultancy Tender to ASPECT STUDIOS for a Contract Value of \$606,800 (excluding GST) to complete the deliverables within the tender submission under a fixed sum contract;
- 2. NOTES** that the recommended contract value in point one includes \$67,610 in provisional sums for additional public consultation, geotechnical investigations, feature surveys and utility service investigations;

3. **AUTHORISES** the Mayor and/or Chief Executive Officer to sign the Contract and affix the Town's Common Seal (if required); and
4. **AUTHORISES** the Chief Executive Officer to manage the Foreshore Masterplan Detail Design Consultancy Contract, including provision of possible variations (provided variation is necessary in order for the goods or services to be supplied, does not change the general scope of the contract, and is managed within a limit of 10% above the contract price outlined in point 1).

Carried 9/0

12.1.2 FORESHORE STAGE TWO CONSTRUCTION - TENDER RECOMMENDATION

This item is considered confidential in accordance with the *Local Government Act 1995* section 5.23(2) (c) 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.

File Ref: SUB/2792

Attachments: 12.1.2(a) Foreshore Stage Two Construction Tender - Evaluation Summary **[CONFIDENTIAL] [UNDER SEPARATE COVER]**

Responsible Officer: Neil Hartley, Acting Chief Executive Officer

Author: Shaun Kan, Manager, Engineering Services

Author Disclosure of Interest: Nil

OFFICER RECOMMENDATION

Moved Cr Barrett

Seconded Cr Masarei

THAT Council:

1. **APPROVES** awarding the Foreshore Stage Two Construction Tender to MG Group for a Contract Value of \$527,998.60 (excluding GST);
2. **NOTES** that the recommended contract value in point one includes \$25,000 in provisional sums for contract contingencies and the installation of a heritage recognition inset on the beach access steps in the position of where the shower plinth used to be;
3. **APPROVES** a budget amendment of \$400,754 from the Depot Reserve Funds to Account 45.6080.2 – Foreshore Development to increase the allocated budget from \$280,000 to \$680,754;
4. **NOTES** that the budget amendment request in point three includes a project contingency of \$25,000;
5. **AUTHORISES** the Mayor and/or Chief Executive Officer to sign the Contract and affix the Town's Common Seal (if required); and
6. **AUTHORISES** the Chief Executive Officer to manage the Foreshore Stage Two Construction Contract, including provision of possible variations (provided the variation is necessary in order for the goods or services to be supplied, does not change the general scope of the contract and is managed within the allotted budget allocation).

COUNCILLOR AMENDMENT**Moved Cr Tucak****Seconded Cr MacFarlane**

Amend point 1 to read as follows:

1. APPROVES awarding the Foreshore Stage Two Construction Tender to MG Group for a Contract Value of \$527,998.60 (excluding GST) subject to deferring the extension of the limestone wall component of the works and the Administration negotiating a commensurate reduction in the tender price;

Lost 2/7**SUBSTANTIVE MOTION AND COUNCIL RESOLUTION****THAT Council:**

1. APPROVES awarding the Foreshore Stage Two Construction Tender to MG Group for a Contract Value of \$527,998.60 (excluding GST);
2. NOTES that the recommended contract value in point one includes \$25,000 in provisional sums for contract contingencies and the installation of a heritage recognition inset on the beach access steps in the position of where the shower plinth used to be;
3. APPROVES a budget amendment of \$400,754 from the Depot Reserve Funds to Account 45.6080.2 – Foreshore Development to increase the allocated budget from \$280,000 to \$680,754;
4. NOTES that the budget amendment request in point three includes a project contingency of \$25,000;
5. AUTHORISES the Mayor and/or Chief Executive Officer to sign the Contract and affix the Town's Common Seal (if required); and
6. AUTHORISES the Chief Executive Officer to manage the Foreshore Stage Two Construction Contract, including provision of possible variations (provided the variation is necessary in order for the goods or services to be supplied, does not change the general scope of the contract and is managed within the allotted budget allocation).

Carried by Absolute Majority 7/2**MOTION FOR RETURN FROM BEHIND CLOSED DOORS****Moved Mayor Angers****Seconded Cr Young**

In accordance with Standing Orders 15.10 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 9/0

The meeting was opened to the public at 7:30pm.

12.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC

12.1.1 FORESHORE MASTERPLAN DETAIL DESIGN CONSULTANCY - TENDER RECOMMENDATION

As no members of the public attended the meeting the resolution for item 12.1.1 was not read out.

12.1.2 FORESHORE STAGE TWO CONSTRUCTION - TENDER RECOMMENDATION

As no members of the public attended the meeting the resolution for item 12.1.2 was not read out.

13 MEETING CLOSURE.

The Mayor announced the closure of the meeting at 7:30pm.