



Town of Cottesloe

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

Tuesday, 6 June 2023

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

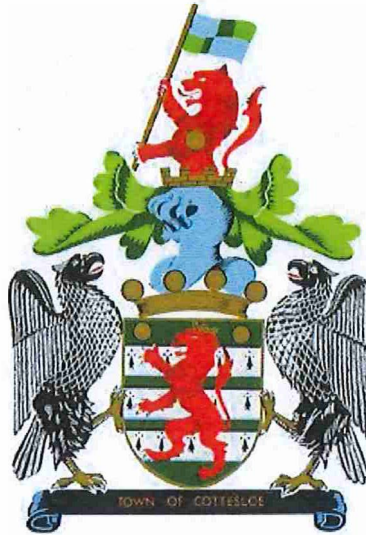
Signed:

[Handwritten signature]

Presiding Member

Date: *27/6/23*

TOWN OF COTTESLOE



SPECIAL COUNCIL MEETING CONFIRMED MINUTES

SPECIAL COUNCIL MEETING
HELD IN THE
Council Chambers, Cottesloe Civic Centre
109 Broome Street, Cottesloe
6:00 pm Tuesday, 6 June 2023

A handwritten signature in black ink, appearing to read 'William Matthew Scott', is written over a large, stylized, horizontal oval shape.

WILLIAM MATTHEW SCOTT
Chief Executive Officer

16 June 2023

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Town for any act, omission, statement or intimation occurring during council meetings.

The Town of Cottesloe disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, statement or intimation occurring during council meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a council meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any member or officer of the Town of Cottesloe during the course of any meeting is not intended to be and is not taken as notice of approval from the Town.

The Town of Cottesloe wishes to advise that any plans or documents contained within the agenda or minutes may be subject to copyright law provisions (*Copyright Act 1968*, as amended) and that the express permission of the copyright owner(s) should be sought prior to their reproduction.

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

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS	1
2	DISCLAIMER	1
3	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION	1
4	PUBLIC QUESTION TIME	1
	4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	1
	4.2 PUBLIC QUESTIONS	1
5	PUBLIC STATEMENT TIME.....	1
6	ATTENDANCE	1
	6.1 APOLOGIES	2
	6.2 APPROVED LEAVE OF ABSENCE.....	2
	6.3 APPLICATIONS FOR LEAVE OF ABSENCE	2
7	DECLARATION OF INTERESTS.....	2
8	PRESENTATIONS	2
	8.1 PETITIONS	2
	8.2 PRESENTATIONS.....	2
	8.3 DEPUTATIONS	2
9	REPORTS.....	3
	9.1 REPORTS OF OFFICERS.....	3
10	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	3
11	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:.....	3
	11.1 ELECTED MEMBERS	3
	11.2 OFFICERS.....	3
12	MEETING CLOSED TO PUBLIC.....	3
	12.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED.....	3
	12.1.1 SURRENDER OF LEASE - 149 MARINE PARADE, COTTESLOE (BARCHETTA CAFE)	3
	12.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC.....	6
13	MEETING CLOSURE	6

1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member announced the meeting opened at 6:03 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.

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 Lorraine Young
- Cr Helen Sadler
- Cr Craig Masarei
- Cr Melissa Harkins
- Cr Kirsty Barrett
- Cr Paul MacFarlane

Officers

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

6.1 APOLOGIES

Cr Chilla Bulbeck
Cr Brad Wylynko

Officers Apologies

Nil

6.2 APPROVED LEAVE OF ABSENCE

Cr Richard Atkins

6.3 APPLICATIONS FOR LEAVE OF ABSENCE

SCM090/2023

Moved Cr Masarei

Seconded Mayor Young

That Cr Masarei be granted a leave of absence from 21 June to 28 June 2023.

Carried 6/0

7 DECLARATION OF INTERESTS

Mayor Young declared an IMPARTIALITY INTEREST in item 12.1.1 by virtue “as the applicants are known to me”

Cr Sadler declared an IMPARTIALITY INTEREST in item 12.1.1 by virtue “as the applicants are known to me”

Cr Barrett declared an IMPARTIALITY INTEREST in item 12.1.1 by virtue “as the applicants are known to me”

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**

SCM091/2023

MOTION FOR BEHIND CLOSED DOORS

Moved Cr Masarei

Seconded Cr MacFarlane

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

Carried 6/0

For: Mayor Young, Crs Sadler, Masarei, Harkins, Barrett and MacFarlane

Against: Nil

The public and members of the media were requested to leave the meeting at 6:06 pm

12.1.1 SURRENDER OF LEASE - 149 MARINE PARADE, COTTESLOE (BARCHETTA CAFE)

This item is considered confidential in accordance with the *Local Government Act 1995* section 5.23(2) (c) and (d) 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 and legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

OFFICER RECOMMENDATION

THAT Council

1. APPROVE the request from Yellowdot Enterprises Pty Ltd (lessee) to surrender the current lease of the 149 Marine Parade, Cottesloe, subject to:
 - a. The Date of Surrender being 23 June 2023;
 - b. The Lessee agreeing to pay all reasonable costs incidental to the preparation, review, execution and stamping of the Deed of Surrender of Lease, including the

- Town of Cottesloe's legal costs and any duties payable;
- c. The Lessee making good and yielding up the Premises and Building as defined in the Lease in accordance with the Lease provisions and by the Date of Surrender, to the satisfaction of the Town.
2. AUTHORISE the Chief Executive Officer (CEO) to prepare a Deed of Surrender of Lease instrument, inclusive of the above conditions and not detrimental to the Town's existing interests in the Lease; and
 3. AUTHORISE the Mayor and CEO to sign, seal and execute the Deed of Surrender of Lease instrument prepared as per point 2.

SCM092/2023

COUNCILLOR MOTION & RESOLUTION

Moved Cr Masarei

Seconded Cr MacFarlane

THAT COUNCIL

1. **APPROVE the request from Yellowdot Enterprises Pty Ltd (lessee) to surrender the current lease of the 149 Marine Parade, Cottesloe, subject to:**
 - a. **The Date of Surrender being 23 June 2023;**
 - b. **The Lessee agreeing to pay all reasonable costs incidental to the preparation, review, execution and stamping of the Deed of Surrender of Lease, including the Town of Cottesloe's legal costs and any duties payable, and the payment of a sum of \$9,000 as consideration for the early surrender of the lease; and**
 - c. **The Lessee making good and yielding up the Premises and Building as defined in the Lease in accordance with the Lease provisions and by the Date of Surrender, to the satisfaction of the Town.**
2. **AUTHORISE the Chief Executive Officer (CEO) to prepare a Deed of Surrender of Lease instrument, inclusive of the above conditions and not detrimental to the Town's existing interests in the Lease; and**
3. **AUTHORISE the Mayor and CEO to sign, seal and execute the Deed of Surrender of Lease instrument prepared as per point 2.**

Councillor Rationale

To reflect a more satisfactory commercial outcome for the Town of Cottesloe and the Town believes that it is a fair and equitable outcome for both parties.

Carried 6/0

For: Mayor Young, Crs Sadler, Masarei, Harkins, Barrett and MacFarlane

Against: Nil

SCM093/2023

MOTION FOR RETURN FROM BEHIND CLOSED DOORS

Moved Mayor Young Seconded Cr MacFarlane

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 6/0

For: Mayor Young, Crs Sadler, Masarei, Harkins, Barrett and MacFarlane

Against: Nil

The public and members of the media were invited to return to the meeting at 6:36.

12.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC

12.1.1 SURRENDER OF LEASE - 149 MARINE PARADE, COTTESLOE (BARCHETTA CAFE)

The resolution for item 12.1.1 was not read aloud as there was no public in attendance.

13 MEETING CLOSURE

The Presiding Member announced the closure of the meeting at 6:37 pm.