

TOWN OF COTTESLOE



ORDINARY COUNCIL MEETING

AGENDA

**ORDINARY COUNCIL MEETING
TO BE HELD IN THE
Council Chambers, Cottesloe Civic Centre
109 Broome Street, Cottesloe
6:00 PM Tuesday, 23 September 2025**

Town of Cottesloe

ORDINARY COUNCIL MEETING

Notice is hereby given that the next Ordinary Council Meeting will be held in the Council Chambers, Cottesloe Civic Centre 109 Broome Street, Cottesloe on **23 September 2025** commencing at **6:00 PM**.

The business to be transacted is shown on the Agenda hereunder.

Yours faithfully,



Mark Newman
Chief Executive Officer

19 September 2025

DISCLAIMER

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

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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.

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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.

All formal Council Meetings will be audio visual recorded and livestreamed and will be publicly available via the Town of Cottesloe's website or social media platform.

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



DISCLOSURE OF INTERESTS

Agenda Forum ☐

Ordinary Council Meeting ☐

Special Council Meeting ☐

Name of Person Declaring an interest

Position

Date of Meeting

This form is provided to enable members and officers to disclose an Interest in the matter in accordance with the regulations of Section 5.65, 5.70 and 5.71 of the Local Government Act 1995 and Local Government (Administration) Regulations 1996 34C.

INTEREST DISCLOSED

Item No

Item Title

Nature of Interest

Type of Interest

Financial ☐

Proximity ☐

Impartiality ☐

INTEREST DISCLOSED

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Impartiality ☐

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Item Title

Nature of Interest

Type of Interest

Financial ☐

Proximity ☐

Impartiality ☐

DECLARATION

I understand that the above information will be recorded in the Minutes of the meeting and recorded by the Chief Executive Officer in an appropriate Register.

DISCLOSURE OF INTERESTS

Notes for Your Guidance

IMPACT OF A FINANCIAL INTEREST (s. 5.65. & s. 67. Local Government Act 1995)

A member who has a **Financial Interest** in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest:

- a. In a written notice given to the Chief Executive Officer before the Meeting or;
- b. At the Meeting immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- a. Preside at the part of the Meeting relating to the matter or;
- b. Participate in, or be present during, any discussion or decision making procedure relative to the matter, unless and to the extent that, the disclosing member is allowed to do so under *Section 5.68* or *Section 5.69* of the *Local Government Act 1995*.

INTERESTS AFFECTING FINANCIAL INTEREST

The following notes are a basic guide for Councillors when they are considering whether they have a **Financial Interest in a matter**.

1. A Financial Interest, pursuant to s. 5.60A or 5.61 of the *Local Government Act 1995*, requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measured in money terms. There are expectations in the *Local Government Act 1995* but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e sporting, social, religious etc, and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e, if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors and ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **must** be given when the matter arises in the Agenda, and immediately before the matter is discussed. Under s. 5.65 of the *Local Government Act 1995* failure to notify carries a penalty of \$10 000 or imprisonment for 2 years.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
 - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) of the *Local Government Act 1995*; or
 - 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the *Local Government Act 1995*, with or without conditions.

INTERESTS AFFECTING PROXIMITY (s. 5.60b Local Government Act 1995)

1. For the purposes of this subdivision, a person has a proximity interest, pursuant to s.5.60B of the Local Government Act 1995, in a matter if the matter concerns;
 - a. a proposed change to a planning scheme affecting land that adjoins the person's land; or
 - b. a proposed change to the zoning or use of land that adjoins the person's land; or
 - c. a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.
2. In this section, land (the proposal land) adjoins a person's land if;
 - a. The proposal land, not being a thoroughfare, has a common boundary with the person's land; or
 - b. The proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or
 - c. The proposal land is that part of a thoroughfare that has a common boundary with the person's land.
3. In this section a reference to a person's land is a reference to any land owned by the person or in which the person has any estate or interest.

INTERESTS AFFECTING IMPARTIALITY

Definition: An interest, pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected, but does not include an interest as referred to in Section 5.60 of the 'Act'.

A member who has an **Interest Affecting Impartiality** in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest;

- a. In a written notice given to the Chief Executive Officers before the Meeting or;
- b. At the Meeting, immediately before the matter is discussed.

IMPACT OF AN IMPARTIALITY DISCLOSURE

There are very different outcomes resulting from disclosing an interest affecting impartiality compared to that of a financial interest. With the declaration of a financial interest, an elected member leaves the room and does not vote.

With the declaration of this type of interest, the elected member stays in the room, participates in the debate and votes. In effect then, following disclosure of an interest affecting impartiality, the member's involvement in the Meeting continues as if no interest exist.

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

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 directed the public's attention to the Disclaimer and the paragraph that advises that formal meetings of Council will be audio/visually recorded.

3 ATTENDANCE**Elected Members**

Mayor Lorraine Young
Cr Helen Sadler
Cr Melissa Harkins
Cr Chilla Bulbeck
Cr Brad Wylynko
Cr Michael Thomas
Cr Katy Mason

Declaration of any Elected Members attending the meeting by electronic means.

Officers

Mr Mark Newman	Chief Executive Officer
Mrs Vicki Cobby	Director Corporate and Community Services
Mr Shaun Kan	Director Engineering Services
Mr Steve Cleaver	Director Development and Regulatory Services
Ms Jacquelyne Pilkington	Governance & Executive Office Coordinator

3.1 APOLOGIES**3.2 APPROVED LEAVE OF ABSENCE**

Cr Jeffrey Irvine
Cr Sonja Heath

3.3 APPLICATIONS FOR LEAVE OF ABSENCE**4 DECLARATION OF INTERESTS****5 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

The Presiding Member announced that the meeting is being livestreamed on the Town's website this evening and the recording will remain on the website and available to the public. Anyone attending the meeting, particularly if they are speaking, may be captured on the livestream recording.

6 PUBLIC QUESTION TIME**6.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****6.2 PUBLIC QUESTIONS****7 PUBLIC STATEMENT TIME****8 CONFIRMATION OF MINUTES**

That the Minutes of the Ordinary Meeting of Council held on Tuesday 26 August 2025 be confirmed as a true and accurate record.

9 PRESENTATIONS**9.1 PETITIONS**

Procedure of Petitions – Local Government (Meetings Procedure) Local Law 2021, Clause 6.11

(3) The only question which shall be considered by the council on the presentation of any petition shall be:

- a) that the petition shall be accepted;*
- b) that the petition shall not be accepted;*
- c) that the petition be accepted and referred to the CEO for consideration and report; or*
- d) that the petition be accepted and dealt with by the full council.*

9.2 PRESENTATIONS**9.3 DEPUTATIONS**

10 REPORTS

10.1 REPORTS OF OFFICERS

COUNCIL RESOLUTION

That Council adopts the following en-bloc Officer Recommendations contained in the Agenda for the Ordinary Meeting of Council 23 September 2025:

____, ____, ____, ____, ____, ____, ____

CORPORATE AND COMMUNITY SERVICES**10.1.1 LIST OF PAYMENTS 1 TO 31 JULY 2025**

Directorate: Corporate and Community Services
Author(s): Luca Swart, Management Accountant
Sheryl Teoh, Finance Manager
Authoriser(s): Mark Newman, Chief Executive Officer
Vicki Cobby, Director Corporate and Community Services
File Reference: D25/40235
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

It is a requirement of the *Local Government (Financial Management) Regulations 1996*, Regulation 13 that if a Local Government has delegated to the CEO the exercise of its power to make payments from the municipal or trust funds, a list of payments must be prepared each month and are presented to Council.

OFFICER RECOMMENDATION IN BRIEF

That Council RECEIVES the List of Payments 1 to 31 July 2025.

BACKGROUND

Section 6.10 of the *Local Government Act 1995* requires the keeping of financial records and general management of payments, which is further specified in Regulation 13 of the *Local Government (Financial Management) Regulations 1996*. A list of payments is to be prepared each month and presented to Council at the next ordinary meeting of council after this list is prepared. This report is to show the payee's name, the amount of payment, the date of the payment and sufficient information to identify the transaction.

OFFICER COMMENT

The list of payments made during July 2025 is included in the attachment. This includes purchases made via electronic fund transfers and cheque payments, credit card payments, and fuel cards payments.

The following material payments are brought to the Council's attention (excludes internal investment transfers):

- \$239,777.52, \$232,652.72 and \$223,568.02 to the Town of Cottesloe Staff for Fortnightly payroll (includes ATO payments)
- \$65,917.01 to Dept. of Mines, Industry Regulation and Safety for BSL for June 2025
- \$50,460.99 to Civica Pty Ltd for annual license fees for 2025/2026
- \$42,988.44 to Datacom Solutions (AU) Pty Ltd for Milestone 12 (Regulatory) and Milestone 20 (Payroll)

- \$49,446.58 and \$46,135.12 to SuperChoice Services Pty Ltd for superannuation contributions

ATTACHMENTS

10.1.1(a) List of Payments - 1 to 31 July 2025 [under separate cover]

CONSULTATION

Internal

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 6.10

Local Government (Financial Management) Regulations 1996

Regulation 13

POLICY IMPLICATIONS

There are no perceived policy implications arising from the officer's recommendation.

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Council Plan 2023-2033*.

Priority Area 4: Our Leadership and Governance - Strategic leadership providing open and accountable governance.

Major Strategy 4.3: Deliver open, accountable and transparent governance.

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

There are no perceived sustainability implications arising from the officer's recommendation.

RISK MANAGEMENT IMPLICATIONS

Regulation 13 of the *Local Government (Financial Management) Regulations 1996* requires that a list of payments be presented at the next Ordinary Council Meeting after the list is prepared. Failure to accept this report may result in the Town not meeting its legislative obligations.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council RECEIVES the List of Payments 1 to 31 July 2025, as detailed in Attachment 1.

10.1.2 MONTHLY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 31 JULY 2025

Directorate: Corporate and Community Services
Author(s): Sheryl Teoh, Finance Manager
Authoriser(s): Mark Newman, Chief Executive Officer
Vicki Cobby, Director Corporate and Community Services
File Reference: D25/50710
Applicant(s): N/A
Author Disclosure of Interest: Nil

SUMMARY

It is a requirement of the *Local Government (Financial Management) Regulations 1996*, Regulation 34 that monthly financial statements are presented to Council, in order to allow for proper control of the Town's finances and to ensure that income and expenditure are compared to budget forecasts.

OFFICER RECOMMENDATION IN BRIEF

That Council RECEIVES the Monthly Financial Statements for the period 1 July 2025 to 31 July 2025.

OFFICER COMMENT

The monthly financial report presented to Council typically includes a wide range of information to support Council's understanding of the Town's financial position. However, due to the implementation of DataScape, the Town's new Enterprise Resource Planning (ERP) system, and the additional resources required for this transition, the current report has been streamlined to ensure timely completion.

In accordance with the Local Government (Financial Management) Regulations, the report includes the required Statement of Financial Position and Statement of Financial Activity. Supplementary information that is not prescribed by legislation has been temporarily excluded. The Town intends to reinstate the additional information in future reports.

The following comments and/or statements provide a brief summary of major financial/budget indicators and are included to assist in the interpretation and understanding of the attached financial statements. The requirement to address material variances as per (1)(d) of Regulation 34 is also addressed below.

- The net current funding position as at 31 July 2025 was \$17,555,675, compared to \$2,162,755 at the same time last year. The difference is due to the recognition of rate revenue in July this financial year, whereas last financial year it was recognised in August.
- Operating revenue exceeds the year-to-date budget by \$703,436, while operating expenditure exceeds the year-to-date budget by \$127,765.
 - Grants, subsidies and contributions is under budget by \$35,638 as anticipated grant funding has not yet been received, this is a timing variance only.

- Employee costs are showing a variance of \$193,545 under budget, this is a timing variance only as the last pay cycle in July has been recognised in a later period.
- Investing inflows is showing a timing variance of \$225,956 as anticipated grant revenue is yet to be received.
- Financing outflows is showing a timing variance of \$33,867 as reserve transfers will not be done until after the end of financial year activities are complete.
- The Town has 43.87% of funds invested with the Westpac Banking Corporation, 18.85% with the National Australia Bank, and 18.57% with the Commonwealth Bank of Australia.
- The balance of cash-backed reserves was \$7,397,903 as at 31 July 2025.

ATTACHMENTS

10.1.2(a) Monthly Financial Report 1 July 2025 to 31 July 2025 [under separate cover]

CONSULTATION

Internal

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 6.4

Local Government (Financial Management) Regulations 1996

Regulation 34

POLICY IMPLICATIONS

There are no perceived policy implications arising from the officer's recommendation.

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Council Plan 2023-2033*.

Priority Area 4: Our Leadership and Governance - Strategic leadership providing open and accountable governance.

Major Strategy 4.3: Deliver open, accountable and transparent governance.

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

There are no perceived sustainability implications arising from the officer's recommendation.

RISK MANAGEMENT IMPLICATIONS

Regulation 34 of the *Local Government (Financial Management) Regulations 1996* requires that monthly financial reports be presented at an ordinary council meeting within two months of the end of the relevant month. Failure to accept this report may result in the Town not meeting its legislative obligations.

By not approving recommended budget amendments, if any, current budget allocations may not be sufficient or exist at all, risking exceeding current budgets or incurring expenses that are not budgeted.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council RECEIVES the Monthly Financial Statements for the period 1 July 2025 to 31 July 2025.

DEVELOPMENT AND REGULATORY SERVICES**10.1.3 DRAFT LOCAL PLANNING POLICY NO. 5 - UNHOSTED SHORT-TERM RENTAL ACCOMMODATION (STRA) - OUTCOMES OF ADVERTISING**

Directorate: Development and Regulatory Services
Author(s): Ed Drewett, Acting Manager Planning Services
Authoriser(s): Steve Cleaver, Director Development and Regulatory Services
File Reference: D25/33638
Applicant(s): N/A
Author Disclosure of Interest: Nil

SUMMARY

The purpose of this report is to consider adopting draft Local Planning Policy No. 5 (LPP) to address Unhosted Short-Term Rental Accommodation (STRA), following advertising.

OFFICER RECOMMENDATION IN BRIEF

That Council adopt draft LPP No. 5 in accordance with Schedule 2, Part 2, clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, with modification, following gazettal of Amendment No. 15 to *Local Planning Scheme No. 3 – Short-term Rental Accommodation*.

BACKGROUND

On 22 April 2025, Council resolved to adopt, for the purpose of advertising, draft LPP No.5.

<https://www.cottesloe.wa.gov.au/council-meetings/ordinary-council-meeting/22-april-2025-ordinary-council-meeting/358/documents/unconfirmed-minutes-ordinary-council-meeting-22-april-2025.pdf>

The draft LPP No 5 which was advertised is shown in Attachment 3. The draft policy was prepared following Council's decision on 25 March 2025 to initiate an Amendment to Local Planning Scheme No. 3, which proposes to introduce, modify and delete various land uses and definitions associated with short-term rental accommodation.

<https://www.cottesloe.wa.gov.au/council-meetings/ordinary-council-meeting/25-march-2025-ordinary-council-meeting/357/documents/unconfirmed-minutes-ordinary-council-meeting-25-march-2025.pdf>

The Amendment is addressed separately in this agenda.

OFFICER COMMENT

The draft LPP has been prepared to complement and align with the proposed Scheme Amendment No. 15, and is consistent with WAPC Planning Bulletin 115/2024 STRA – Guidance for local government, which recommends the development of a policy to ensure holistic consideration of planning framework changes.

The attached Schedule of Submissions summarises the submissions received during advertising of the draft policy and includes officer comments. Full details can be found in that schedule but the key points are provided below.

A number of submissions were supportive of the LPP for the following reasons:

1. Provides significant regional and local economic benefits and elasticity in the supply of accommodation to support local events and the local visitor economy.
2. Well-equipped, professionally managed STRA provides important accommodation option benefitting visitors, locals and the economy that available hotel accommodation cannot provide.
3. Enables local residents to earn additional income.

Key concerns and objections raised during the advertising period included:

1. An objection to Provision 6: Time limitation of approvals; This provision states that 'Development approval for unhosted STRA may, where appropriate, be limited to an initial period of twelve (12) months in cases where the suitability of the proposal is reliant on the effectiveness of the proposed management arrangements'. The objection argues that usual planning compliance can manage amenity issues and that the draft LPP does not provide any guidance on the circumstances in which the effectiveness of the arrangements are to be determined.

Officer Response: The Town has prepared the draft policy based on the WALGA STRA guidelines which includes provisions for time limitations of approval, where appropriate. This is to assist in managing amenity impacts where they have been raised as concerns during neighbour consultation. It is not the Town's intent to frequently apply this restriction. It is considered that the effectiveness of the proposed management arrangements in the Development Approval is best determined by Town Officers (or potentially Council), based on the nature of any neighbour feedback or complaints received during the first 12 months of operation.

2. The argument made is that generally, a DA is regarded as attaching to the land, and is not personal to a landowner. There is no compelling reason to depart from usual planning principles that a DA for unhosted STRA should apply to the land. An objection to Provision 7: Change of ownership which requires a new development application for unhosted STRA to be submitted and approved following a change in landownership.

Officer Response: The policy has been amended to reflect the concern raised and now states that a new development application will only be required following a change of ownership where the approved terms are changed (ie: new management plan). Draft rewording is:

'A change of ownership does not invalidate an existing development approval and the new owner is bound by the terms of the existing approval including the approved management plan. If the new owner wishes to alter any aspect

of the approval (including any aspect of the management plan) approval must be sought and obtained from the Town.'

3. Concern about the adequacy of off-street parking. Two submissions raise the need for adequate on-site parking (ie; at least one per property or one every four occupants).

Officer Response: Provision 2: Car parking requires all guest, staff and visitor parking associated with the unhosted STRA to be contained on-site and not located on-street or within the verge. Where no on-site parking is available, the applicant is required to demonstrate how car parking can be accommodated in the Management Plan. This provision is consistent with the WALGA STRA guidelines.

Other concerns in the submissions related to the waste management procedures, complaints procedures for neighbours, risks of increased traffic, parties & noise and non support to STRA in Cottesloe generally.

In this respect, the draft LPP requires the applicant to submit a Management Plan and House Rules which includes a complaints management procedure (for guests and neighbours), waste management, access and car parking arrangements, house rules on guest behaviour and restrictions on visitors or parties/events.

The Town has carefully considered all the submissions. The only recommended change to the draft LPP in response to the submissions relates to Provision 7: Change of ownership (see point 2 above).

One administrative modification is also recommended as part of the final adoption of the LPP No 5:

- reference to the Department of Energy, Mines, Industry Regulation and Safety to be updated to reflect its new title: Department of Local Government, Industry Regulation and Safety in 'Additional requirements'.

In summary, the draft LPP has been produced having regard to WALGA's Local Planning Policy Guidelines and is considered sufficient to ensure that the scale and operation of unhosted STRA will be adequately controlled so as to not result in an unacceptable adverse impact on the amenity of neighbours.

ATTACHMENTS

- 10.1.3(a) Draft Local Planning Policy No. 5 [under separate cover]**
- 10.1.3(b) Schedule of submissions [under separate cover]**
- 10.1.3(c) Advertised Draft Local Planning Policy No. 5 [under separate cover]**

CONSULTATION

The draft LPP No. 5 (and draft Amendment 15) was advertised on the Town's *Engage Cottesloe* website between 6 June 2025 and 21 July 2025 and a notice was placed in the Town's newsletter and published in the Post newspaper on 7 June 2025.

A total of 10 submissions were received. See attached Schedule of submissions.

STATUTORY IMPLICATIONS

- *Planning and Development (Local Planning Schemes) Regulations 2015 (Schedule 2, Part 2, clause 4)*
- *Planning & Development (Local Planning Schemes) Amendment (Short-Term Rental Accommodation) Regulations 2024 (All)*
- *Short Term Rental Accommodation Act 2024 (All)*
- *Planning Bulletin 115/2024 (All)*

POLICY IMPLICATIONS

The policy will apply to the whole of the municipality. LPP's are due regard planning instruments when local governments make planning determinations. The policy will assist the Town in exercising discretion more effectively and provide guidance on what is generally acceptable, while still allowing flexibility to consider site-specific circumstances and make informed judgments.

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Council Plan 2023-2033*.

Priority Area 4: Our Leadership and Governance - Strategic leadership providing open and accountable governance.

Major Strategy 4.3: Deliver open, accountable and transparent governance.

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

There are no perceived sustainability implications arising from the officer's recommendation.

RISK MANAGEMENT IMPLICATIONS

If STRA draft LPP No 5 is not supported, owner/applicants may be unaware of the Town's expectations in respect to the use. Further, the policy promotes consistency and transparency and provides guidance to Council staff in discretionary decision making which may avoid undesirable precedents being set.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

1. **THAT Council, pursuant to Schedule 2, Part 2, clause 4(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts Local Planning**

Policy No. 5 – *Unhosted Short-term Rental Accommodation* as set out in Attachment 1, following gazettal of Scheme Amendment No. 15 to Local Planning Scheme No. 3 – Short-term Rental Accommodation.

2. That following adoption of Local Planning Policy No. 5, a notice be published in accordance with Schedule 2, Part 2, clause 87 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

10.1.4 AMENDMENT NO.15 TO LOCAL PLANNING SCHEME NO. 3: SHORT-TERM RENTAL ACCOMMODATION - OUTCOMES OF ADVERTISING

Directorate: Development and Regulatory Services
Author(s): Ed Drewett, Acting Manager Planning Services
Authoriser(s): Steve Cleaver, Director Development and Regulatory Services
File Reference: D25/36566
Applicant(s): N/A
Author Disclosure of Interest: Nil

SUMMARY

The purpose of this report is to consider supporting Amendment 15 to Local Planning Scheme No. 3, without modification, following advertising.

OFFICER RECOMMENDATION IN BRIEF

That Council supports Amendment 15 to Local Planning Scheme No. 3 (LPS3), without modification, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

BACKGROUND

On 25 March 2025, Council resolved en bloc to initiate Amendment 15 and forward it to the Western Australian Planning Commission (WAPC) for approval to advertise.

<https://www.cottesloe.wa.gov.au/council-meetings/ordinary-council-meeting/25-march-2025-ordinary-council-meeting/357/documents/unconfirmed-minutes-ordinary-council-meeting-25-march-2025.pdf>

The Amendment proposes to introduce, modify and delete various land uses and definitions associated with short-term rental accommodation.

On 12 May 2025, the WAPC approved the Amendment for advertising.

On 22 April 2025, Council also adopted, for the purpose of advertising, draft Local Planning Policy No. 5 (LPP No. 5) – *Unhosted Short-term rental accommodation*.

<https://www.cottesloe.wa.gov.au/council-meetings/ordinary-council-meeting/22-april-2025-ordinary-council-meeting/358/documents/unconfirmed-minutes-ordinary-council-meeting-22-april-2025.pdf>

The draft policy will complement the Amendment by providing guidance on the assessment and management of unhosted STRAs. A separate report on this forms part of the agenda.

Both the Amendment and LPP No. 5 were advertised concurrently.

OFFICER COMMENT

The Scheme Amendment Report for Amendment 15 provides detail on the state planning reforms, relevant legislation, local planning context and implications for LPS 3, and sets out the proposed amendments to LPS 3 to align with the state planning framework.

The attached Schedule of Submissions summarises the 10 submissions received during advertising of the Amendment and Draft LPP No 5.

In summary, the concerns raised during advertising include:

- Time limitation on approvals;
- Requiring a new development approval following a change of landowner;
- Adequacy of off-street parking;
- Waste management procedures;
- Complaints procedures for neighbours;
- Risk of increased traffic, parties & noise;
- Not supportive of STRA in Cottesloe generally.

The Town has carefully considered all the submissions. However, the concerns predominantly relate to draft LPP No. 5 and these are addressed separately in this agenda.

Two key concerns were raised in the submissions specifically relating to the amendment. These are detailed below:-

1. Concern that hosted STRA is an 'X' (not permitted) use in some zones despite the deemed provisions providing that no development application (DA) is required for hosted STRA.

Officer Response: Hosted STRA is intended to be a 'P' (permitted) use in zones where any type of dwelling is capable of approval (eg. Residential Zones) and an 'X' (not permitted) use in zones where dwellings are not capable of approval (ie. the 'Hotel' and 'Place of Public Assembly' zones only). This is in accordance with *Planning & Development (Local Planning Schemes) Regulations* and Planning Bulletin 115/2024 – STRA Guidance for Local Government. No change is recommended.

2. Concern that the 'A' and 'D' designations require a DA for unhosted STRA, despite the deemed provisions stating that no DA is required if it is registered, used less than 90 nights a year, and not in a zone where dwellings are marked 'X'.

Officer Response: Scheme Amendment 15 does not conflict with the *Planning & Development (Local Planning Schemes) Regulations deemed provisions* as these are automatically 'read into' LPS 3. Scheme Amendment 15's requirement for development approval for unhosted STRAs only applies to STRAs which do not meet the 90 night (cumulative) within a 12 month period exemption. No change is recommended.

The State Government is committed to consistent regulation of STRA across metropolitan local planning schemes, and the changes to the *Planning & Development (Local Planning Schemes) Regulations* automatically introduced 'hosted' and 'unhosted' land use classes into all local planning schemes. All local governments are therefore required to amend their schemes to complement and align with these new deemed use classes.

Amendment 15 aligns with the deemed provisions in the *Planning & Development (Local Planning Schemes) Regulations* as these are automatically 'read into' LPS 3.

Having regard to the 10 submissions received during the advertising period, it is recommended that no modifications be made to the proposed amendment to Local Planning Scheme No. 3.

ATTACHMENTS

10.1.4(a) Schedule of Submissions [under separate cover]

10.1.4(b) Standard Amendment 15 [under separate cover]

CONSULTATION

Amendment 15 (and LPP No. 5) were advertised on the Town's *Engage Cottesloe* website between 6 June 2025 and 21 July 2025, and a notice was placed in the Town's newsletter and published in the Post newspaper on 7 June 2025.

STATUTORY IMPLICATIONS

- *Planning and Development Act (s. 75, 83, 84, 87);*
- *Planning and Development (Local Planning Schemes) Regulations 2015 (r. 47, 50, 53);*
- *Planning and Development (Local Planning Schemes) Amendment (Short-Term Rental Accommodation) Regulations 2024;*
- *Short-term Rental Accommodation Act 2024;*
- *Town of Cottesloe Local Planning Scheme No. 3*

POLICY IMPLICATIONS

The WAPC's *Position Statement: Planning for Tourism and Short-Term Rental Accommodation* encourages the development of a Local Planning Policy to provide further guidance on the consideration of STRA proposals.

This is addressed separately in the agenda.

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Council Plan 2023-2033*.

Priority Area 3: Our Prosperity - A vibrant and sustainable place to live, visit and enjoy.

Major Strategy 4.1: Engage, inform and actively involve our community in Council decision making.

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

There are no perceived sustainability implications arising from the officer's recommendation.

RISK MANAGEMENT IMPLICATIONS

Local Governments are required to amend schemes to complement and align with these new deemed use classes. Regulation 50 of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires the local government to consider submissions on a scheme amendment within 60 days after the end of the submission period for the proposed amendment.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council:

1. Pursuant to S.75 of the *Planning and Development Act* and r.50(3) of the *Planning & Development (Local Planning Schemes) Regulations 2015* supports without modification, standard Amendment No. 15 to Local Planning Scheme No. 3 as set out in Attachment 2;
2. Pursuant to s.87 of the *Planning and Development Act* and r.53 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, forwards standard Amendment No. 15, the Schedule of Submissions, and Council's decision to the Western Australian Planning Commission for consideration.

ENGINEERING SERVICES**10.1.5 CIVIC CENTRE PLAYGROUND BUDGET AMENDMENT**

Directorate: Engineering Services
Author(s): Vishnu Vijayan, Project Engineer
Authoriser(s): Shaun Kan, Director Engineering Services
File Reference: D25/45578
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

For the Council to consider a budget amendment for this project.

OFFICER RECOMMENDATION IN BRIEF

That Council by absolute majority, AMENDS the Budget from \$200,000 To \$300,000 using available surplus within the 2025/2026 Budget to accommodate a larger project scope.

BACKGROUND

In 2024/25, a budget of \$36,000 was approved for the concept and detailed design of the project.

In December 2024, Tim Davies Landscaping (TDL) was engaged to prepare a concept plan that aligns with the POS Strategy design principles, incorporating an adventure-style garden setting playground.

On 13 February 2025, the Public Open Space Working Group (POSWG) reviewed this initial concept and suggested the following changes to the design:

- Play area should be contained to a single level;
- The design footprint should remain within the existing shade sail area;
- Inclusion of picnic tables; and
- Preference for modernised versions of the current play equipment with sand surfacing, in line with the available budget.

The revised concept was then presented at the POSWG meeting on 18 June 2025.

During the meeting, there were different views relating over the playground size shown within the design. Following discussions, officers were in the view that there was consensus on a design with the incorporation of a set of Monkey Bars.

The drawings were then modified to include this additional play equipment. The estimated cost for the revised concept which includes the monkey bars (Attachment A) is within the \$200,000 budget allocated in the 2025/2026 financial year.

OFFICER COMMENT

Following the 18 June 2025 POSWG meeting, a request was made to the Chief Executive Officer (CEO) asking for further consideration be given towards a larger playground concept. The request contained the view that the current concept design was not befitting to the location because this was inconsistent with the POS Strategy noted by Council in November 2019 where the principles in this document suggested a play space that catered for 10 to 30 children with a \$200,000 to \$500,000 budget.

Council should also note that the current concept design (Attachment A) is within the approved construction budget (\$150,000) but it is a reduction in size when compared to the existing facility. An increase in capital expenditure to \$300,000 will have asset management implications from both a routine maintenance and end of life asset renewal perspective.

The following are options for Council to consider:

- **Option One:** Amend the 2025/26 budget to \$300,000 and refer the matter back to the POSWG to refine the concept, noting that there will be additional costs incurred (\$5000 to \$10,000) in making these adjustments; or
- **Option Two:** Endorse the current concept design shown in Attachment A and proceed to the detailed design stage within the existing \$200,000 budget allocation.

Given the recent feedback provided from members of the POSWG, officers have recommended Option one.

Should the budget amendment be approved, the next phase of the project would then be to re-engage with the POSWG on design principles.

This will be followed by a procurement pathway involving an Expression of Interest process to understand the market's appetite on design (material, play equipment and their layout).

The appointed design consultant will then be asked to develop a concept in consultation with the POSWG where the drawings will then be used to conduct a detail design and construction invitation to tender process to appoint a builder under this contract arrangement.

ATTACHMENTS

10.1.5(a) Attachment A - Civic Centre Playground Upgrade - Revised Concept Design Reduced A3 (July 2025) [under separate cover]

CONSULTATION

POSWG

Elected Members

STATUTORY IMPLICATIONS

Local Government Act 1995

- Section 2.7 – Role of Council

- Section 6.2 – Annual Budgets
- Section 6.8 – Expenditure from municipal fund not included in annual budget

POLICY IMPLICATIONS

There are no perceived policy implications arising from the officer's recommendation.

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Council Plan 2023-2033*.

Priority Area 2: Our Town - Healthy natural environs and infrastructure meeting the needs of our community.

Major Strategy 2.1: Town infrastructure is well planned, effectively managed and supports our community, whilst protecting and promoting our unique heritage and character

RESOURCE IMPLICATIONS

The adoption of Option 1 will require a budget amendment to increase the capital expenditure budget from \$200,000 to \$300,000, an increase of \$100,000. Due to the budget amendment approved at the August 2025 Ordinary Council meeting, there is currently a budgeted surplus of \$200,000 and this amendment will reduce that to a budgeted surplus of \$100,000.

Resource requirements with the adoption of option 2 are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

There are no perceived sustainability implications arising from the officer's recommendation.

RISK MANAGEMENT IMPLICATIONS

- There are no perceived risk implications of proceeding with Option 1;
- Construction of the playground based on the existing concept design would deviate from the Council noted POS Strategy.

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

THAT Council:

1. **APPROVES by ABSOLUTE MAJORITY the amendment of the 2025/2026 Annual Budget by increasing the expenditure budget within capital account 1999.7616.70 - Civic Centre Playground Renewal from \$200,000 to \$300,000 (\$100,000 increase); and**

2. **INSTRUCTS** the Chief Executive Officer to liaise with the Public Open Space Working Group and the appointed consultant to revise the Civic Centre Playground concept design according to the new budget of \$300,000.

10.1.6 MARINE PARADE PARKING TRIAL - CURTIN HERITAGE LIVING SHORT TERM PICK UP AND SET DOWN BAY

Directorate: Engineering Services
Author(s): Shaun Kan, Director Engineering Services
Authoriser(s): Mark Newman, Chief Executive Officer
File Reference: D25/47126
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider a pick up and set down bay trial along Marine Parade in front of Curtin Heritage Living.

OFFICER RECOMMENDATION IN BRIEF

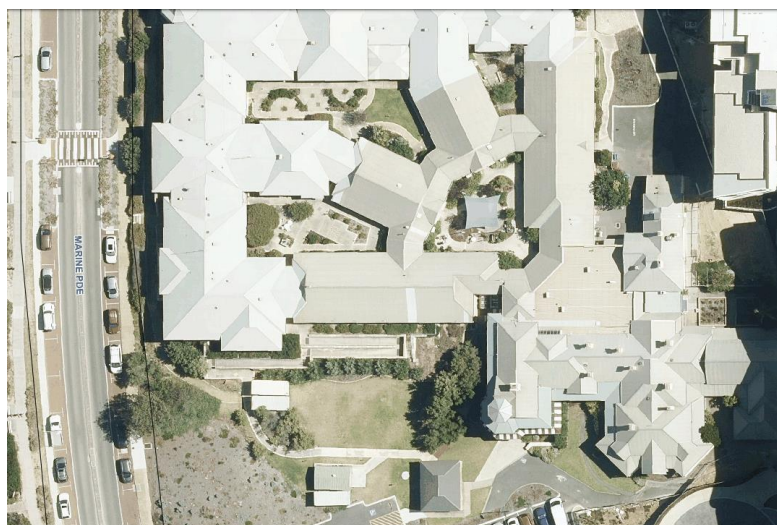
That Council APPROVES a pick up and set down bay trial over two summers with the issue returning to Council for consideration no later than the June 2027 Ordinary Council Meeting to determine the future arrangements following the short term parking trial.

BACKGROUND

A request has been made to the Town to consider allocating ten-minute short term bays for the purpose of pick up and set down in the area outside Curtin Heritage.

Parking along Marine Parade reaches capacity during the summer months, a situation that has been further exacerbated by the recent opening of Gibney Cottesloe Brasserie and Grill within the newly developed Curtin Heritage Living complex. As a result, elderly residents of Curtin Heritage Living, particularly those with mobility difficulties, are often required to be dropped off or picked up further away, rather than near the Marine Parade building entrance.

Below is an aerial image taken in March 2025.



Photograph 1: March 2025 Aerial Image (Intramaps)



Photograph 2: March 2025 Street View (Google maps)

OFFICER COMMENT

Given that there are no sensors in these parking bays and no available parking survey results, officers are only able to rely on aerial and street view imagery (Photographs 1 and 2) to determine the extent of the problem. Based on these photographs, it is unlikely that there are any bays available for any pick up and set down during the summer months.

For this reason, Council is asked to consider agreeing to the trial of a single ten-minute bay over the next two summers. The exact location of this bay will be determined in consultation with the management of Curtin Heritage Living. It will also be crucial that photographic evidence be collected over the two summers (October 2025 to April 2026 and October 2026 to April 2027) to determine the capacity of the bays over the summer season.

Information collected will then be used to determine whether the ten-minute bay is made permanent at the end of the trial period (April 2027).

ATTACHMENTS

Nil

CONSULTATION

It is recommended that Council instructs the CEO to consult with Curtin Heritage Living to determine the location of this single ten-minute pick up and set down bay.

STATUTORY IMPLICATIONS

Local Government Act 1995 Section 2.7 (Role of Council)

Parking and Parking Facilities Local Law (2024)

Disability Access and Inclusion Plan (2024 – 2029)

POLICY IMPLICATIONS

There are no perceived policy implications arising from the officer's recommendation.

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Council Plan 2023-2033*.

Priority Area 1: Our Community - Connected, engaged and accessible.

Major Strategy 1.2: Providing accessible and inclusive community spaces and facilities.

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

There are no perceived sustainability implications arising from the officer's recommendation.

RISK MANAGEMENT IMPLICATIONS

Not accepting the officer's recommendation has equal opportunity, disability and inclusion implications where the elderly residents of Curtin Heritage Living, especially those who have walking difficulties would need to be dropped further away from the building entrance.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council

- 1. APPROVES the introduction of a single ten-minute pick up and set down bay along Marine Parade directly in front of Curtin Heritage Living as a trial over a period of two summers that commences October 2025 and concludes in April 2027;**
- 2. INSTRUCTS the CEO to consult with the management of Curtin Heritage Living to determine the location of this bay mentioned in point one;**
- 3. INSTRUCTS the CEO to collate photographic evidence of the number of vehicles parked along Marine Parade (Gibney Street to Warton Street) in front of Curtin Heritage Living over the trial period mentioned in point one and that will be used to determine the future of the single ten-minute pick up and set down bay; and**
- 4. INSTRUCTS the CEO to bring an item back to Council no later than June 2027 Ordinary Council Meeting to consider the impact of the trial.**

EXECUTIVE SERVICES**10.1.7 AGENDA FORUM - 21 OCTOBER 2025**

Directorate:	Executive Services
Author(s):	Mark Newman, Chief Executive Officer
Authoriser(s):	Mark Newman, Chief Executive Officer
File Reference:	D25/50671
Applicant(s):	Nil
Author Disclosure of Interest:	Nil

SUMMARY

Council is requested to reconsider the date for the October 2025 Agenda Forum, which is currently scheduled for Tuesday, 21 October 2025. It is suggested that Council determine not to hold an Agenda Forum in October, with all reports being presented directly to the Ordinary Council meeting to be held on 28 October 2025.

OFFICER RECOMMENDATION IN BRIEF

That Council RESOLVES not to hold an Agenda Forum in October 2025.

BACKGROUND

Council has previously given public notice on the Town's website of the dates, times, and location for Council meetings and Agenda Forums for the 2025 calendar year. There is a statutory requirement to advertise Ordinary Council meetings, whilst it is good practice to advertise the Agenda Forums.

The Agenda Forum for October was advertised to be held on Tuesday, 21 October 2025. The Council elections for 2025 are finalised on Saturday, 18 October 2025. There are vacancies for a Mayor and four Councillors.

The Western Australian Electoral Commission (WAEC) has suggested that the swearing in of newly elected members not occur until Wednesday, 22 October 2025, as new employment conditions may mean the count for the election will continue through from Saturday, 18 October to Sunday, 19 October. If a recount is required, this may not occur until Tuesday, 21 October 2025.

OFFICER COMMENT

Due to the request from the WAEC discussed above, it is proposed to schedule the Special Council Meeting to swear in new elected members and elect the Deputy Mayor on Wednesday, 22 October 2025. As there will effectively be no Council until this date, the Agenda Forum cannot be held on 21 October 2025.

At this stage, it is not anticipated the agenda for the OCM scheduled for 28 October 2025 will be large. It currently consists of reports discussing:

- Financial statements

- A Hardship Policy relating to outstanding debts
- Appointments to committees and working groups
- Cockatoo Watering Facility proposal

Given that the 28 October 2025 OCM will follow closely after the new Mayor and elected members are sworn in on 22 October 2025, it is recommended that no Agenda Forum be held in October 2025.

ATTACHMENTS

Nil

CONSULTATION

Nil

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 5.25(1)(g) requires the giving of public notice of the date and agenda for council or committee meetings

Local Government (Administration) Regulations 1996

Regulation 12 – requires the CEO must publish on the local government’s official website the meeting details for ... (a) ordinary council meetings ...

POLICY IMPLICATIONS

There are no perceived policy implications arising from the officer’s recommendation.

STRATEGIC IMPLICATIONS

This report is consistent with the Town’s *Council Plan 2023-2033*.

Priority Area 4: Our Leadership and Governance - Strategic leadership providing open and accountable governance.

Major Strategy 4.3: Deliver open, accountable and transparent governance.

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

There are no perceived sustainability implications arising from the officer’s recommendation.

RISK MANAGEMENT IMPLICATIONS

The risk of public expectations of an Agenda Forum on 21 October 2025 will be mitigated by publishing on the Town's website and through its social media channels that it will not be proceeding.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council RESOLVES:

- 1. To cancel the Agenda Forum scheduled for Tuesday, 21 October 2025, as the swearing-in ceremony for the newly elected Mayor and Elected Members is scheduled to be held a day later on 22 October 2025.**
- 2. That no Agenda Forum be scheduled in October 2025.**
- 3. To REQUEST the CEO to advertise the 21 October 2025 Agenda Forum is cancelled; and that there will not be an Agenda Forum in October 2025.**

10.2 RECEIPT OF MINUTES AND RECOMMENDATIONS FROM COMMITTEES

Nil

11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:

12.1 ELECTED MEMBERS

12.2 OFFICERS

13 MEETING CLOSED TO PUBLIC

13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

13.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

14 MEETING CLOSURE