

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, 26 August 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 **26 August 2025** commencing at **6:00 PM**.

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

Yours faithfully,



Mark Newman
Chief Executive Officer

22 August 2025

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.

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



Town of Cottesloe

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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Financial ☐

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Impartiality ☐

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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 Melissa Harkins
Cr Chilla Bulbeck
Cr Brad Wylynko
Cr Michael Thomas
Cr Katy Mason
Cr Jeffrey Irvine
Cr Sonja Heath

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

Officers

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

3.1 APOLOGIES**3.2 APPROVED LEAVE OF ABSENCE**

Cr Helen Sadler

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****Mr Peter Rattigan – 9 Grant Street, Cottesloe**

Cottesloe Tree Canopy Advocates

In an answer to a previous question Council has stated that the tree canopy in Cottesloe is measured bi-annually and that the previous assessment was done in 2023 and the next assessment is planned for 2026.

Q1a. Is this not a tri-annual process rather bi-annual?

R1a. The Town's survey of canopy is carried out every three years. As noted in the question, previous advice inadvertently stated that it was done every two years. Council's resolution in July 2023 (to endorse the GIS for the purpose of consultation) included a revised canopy target of 30% by 2040 with a net increase of 2% over each imaging cycle, with these cycles to be every 3-5 years. The Town proposes the next imaging cycle to be carried out in May 2026, which is within three years of the last review and well within the timeframe required by Council's July 2023 resolution.

In November 2024, Council endorsed a pathway to finalisation of the Green Infrastructure Strategy, setting out a process to deliver on outcomes. They include funding to develop well-balanced measures aimed at achieving the canopy target and the establishment of a significant tree register to be used to educate on, encourage and incentivise tree retention on private land.

The resolution also requires a review of progress on canopy targets, in 2027. The heat mapping cycle to be carried out in May 2026, and another likely to be carried out closer to the 2027 review, will provide material for Council to determine in the review if changed practices are required where targets have not been met, as contemplated by the Nov 2024 resolution.

Q1b. What date, including the day, month and year was the last tree canopy assessment done?

R1b. Refer to R1a

Q1c. What date, including the day, month and year is the next tree canopy assessment to occur?

R1c. Refer to R1a

Bearing in mind that Green Infrastructure Strategy has a goal of 30% tree canopy in the Town by 2030 and that the present tree canopy is presently a long way from that goal.

Q2. What actions would be required from the Town to put in place annual assessment of the Town's tree canopy?

R2. The annual measurements will comprise of monitoring the number of trees removed and replaced including the progress of the Natural Areas Management Plan.

6.2 PUBLIC QUESTIONS

7 PUBLIC STATEMENT TIME

8 CONFIRMATION OF MINUTES

That the Minutes of the Ordinary Meeting of Council held on Tuesday 22 July 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 26 August 2025:

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

CORPORATE AND COMMUNITY SERVICES**10.1.1 AUSTRALIA DAY EVENTS FROM 2026**

Directorate: Corporate and Community Services
Author(s): Sally DeFreitas, Manager Community and Customer Services
Authoriser(s): Mark Newman, Chief Executive Officer
Vicki Cobby, Director Corporate and Community Services
File Reference: D25/35196
Applicant(s):
Author Disclosure of Interest: Nil

SUMMARY

Council is asked to determine the future of Australia Day events in the Town of Cottesloe, informed by community consultation held from 07 July to 27 July 2025.

OFFICER RECOMMENDATION IN BRIEF

That Council ENDORSES holding the Town's Australia Day events (Summer Australian Citizenship Ceremony and Community Citizen of the year) on 26 January from 2026 onward, the exception being if there is a change in direction from the Australian Federal Government.

BACKGROUND

At the June 2025 Ordinary Council Meeting, Council endorsed community consultation on the future date of the Town's Australia Day events, including the Summer Australian Citizenship Ceremony and Community Citizen of the Year Awards. The consultation, published on the Town's Community Consultation platform *Engage Cottesloe* from Friday 27 June to Sunday 27 July, has now concluded.

OFFICER COMMENT

Following Council's resolution to undertake community consultation on the future of Australia Day events, the consultation has been completed.

The majority of respondents (59%) expressed a clear preference for the events to continue to be held on 26 January (Australia Day). It is recommended that Council proceed in accordance with this feedback.

ATTACHMENTS

Nil

CONSULTATION

The Town received 150 survey responses through its online platform 'Engage Cottesloe.'

Of these, 58 respondents (39%) preferred the events to be held on the nearest Saturday to 26 January (or Sunday 27 January if 26 January is a Saturday), 88 respondents (59%) preferred 26 January (Australia Day), and 3 respondents (2%) had no preference.

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 2.7 – Role of Council.

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 4.1: 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

Failure to make decisions in line with the outcomes of community consultation may result in reputational risk, reduced community trust and perceptions that community feedback is not valued in Council decision making. This could lead to lower engagement in future consultations and dissatisfaction with the Town's events and services.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council ENDORSES holding the Town's Australia Day events (Summer Australian Citizenship Ceremony and Community Citizen of the year) on 26 January from 2026 onwards, or until legislation prescribes a change is required.

10.1.2 MONTHLY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 30 JUNE 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: D25/40231
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 2024 to 30 June 2025.

BACKGROUND

In order to prepare the attached financial statements, the following reconciliations and financial procedures have been completed and verified:

- Reconciliation of all bank accounts;
- Reconciliation of rates and source valuations;
- Reconciliation of assets and liabilities;
- Reconciliation of payroll and taxation;
- Reconciliation of accounts payable and accounts receivable ledgers;
- Allocation of costs from administration, public works overheads and plant operations; and
- Reconciliation of loans and investments.

OFFICER COMMENT

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.

Please note that year-end postings and adjustments are still to be finalised and will affect the year-end financial results.

- The net current funding position as at 30 June 2025 was \$4,191,021 compared to \$3,812,445 at the same time last year.
- Operating revenue exceeds the year-to-date budget by \$474,221 while operating expenditure is less than the year-to-date budget by \$1,987,631. An explanation of material variances is provided in Note 3: Explanation of Material Variances, in the attached financial statements.
- Cash and investments are shown in Supplementary Information 3: Cash and Financial Assets at Amortised Cost, of the attached financial statements. The Town has 43.87% of funds invested with the Westpac Banking Corporation, 43.23% with the National Australia Bank, and 12.90% with the Commonwealth Bank of Australia.
- The balance of cash-backed reserves was \$7,397,903 as at 30 June 2025, as shown in Supplementary Information 4: Reserve Accounts.
- The Capital Works Program is detailed in Supplementary Information 5: Capital Acquisitions. It shows that capital expenditure is less than the year-to-date budget by \$1,754,411. An explanation of material variances is provided in Note 3: Explanation of Material Variances in the attached financial statements.
- Rates, sundry debtors, and other receivables are shown in Supplementary Information 7: Receivables. Outstanding rates amount to \$493,697, compared to \$267,438 at the same time last year. Sundry debtors and other receivables indicate that 73.50%, or \$397,174 are older than 90 days, which includes outstanding infringements.
- Information on borrowings is shown in Supplementary Information 10: Borrowings, of the attached financial statements. The Town had total principal outstanding of \$1,753,978 as at 30 June 2025.

List of Accounts Paid for June 2025

The list of accounts is now presented to Council in a separate report titled “List of Payments”.

BUDGET AMENDMENT

In the 2024/25 Annual Budget the Harvey Field Playground Upgrade was funded by Cash in Lieu of Public Open Space contributions that are being held in Trust. This project was not finished in 2024/25 and was carried forward into the 2025/26 Annual Budget. To enable the funding from Cash in Lieu contributions to be applied to this project a budget amendment is required. This amendment will result in a budgeted surplus of \$200,000. If an amount less than \$200,000 is required, then only the amount required will be drawn from Trust.

ATTACHMENTS

10.1.2(a) Monthly Financial Report 1 July 2024 to 30 June 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.

The proposed budget amendment will result in a budgeted surplus of \$200,000

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 for Recommendation 1.

ABSOLUTE MAJORITY for Recommendation 2.

OFFICER RECOMMENDATION

THAT Council:

- 1. RECEIVES the Monthly Financial Statements for the period 1 July 2024 to 30 June 2025.**
- 2. APPROVES by ABSOLUTE MAJORITY the amendment of the 2025/2026 Annual Budget as follows:**
 - a. Increase of \$200,000 to contributions from Trust (Cash in Lieu of Public Open Space)**

10.1.3 LIST OF PAYMENTS 1 TO 30 JUNE 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: D25/40234
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 30 June 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 June 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):

- \$202,721.30 and \$97,595.71 to Roads 2000 Pty Ltd for road resurfacing and traffic management
- \$194,693.58 to the Department of Fire and Emergency Services for the Emergency Services Levies collected on their behalf
- \$189,042.06 and \$170,652.90 to the Town of Cottesloe Staff for Fortnightly payroll
- \$171,068.70 to Shire of Peppermint Grove for the Grove Library contributions

- \$121,672.10 to Orikan Australia P/L for integrated parking system license fee
- \$93,041.73 and \$92,937.27 to Solo Resource Recovery for waste collection services
- \$80,135.49 and \$39,233.23 to the Western Metropolitan Regional Council (WMRC) for waste disposal charges (WMRC)
- \$65,578.33 to Datacom for the continuing implementation of the ERP
- \$58,801.95 to Miraplex Group Pty Ltd for retaining wall remediation services
- \$58,091.00 and \$50,101.00 to the Australian Taxation Office for PAYG
- \$48,226.50 and \$44,120.85 to the SuperChoice Services Pty Ltd for superannuation contributions
- \$40,889.37 to Managed IT for IT services and license agreements
- \$40,424.00 to AMB Holdings P/L for a refund – building permit
- \$40,027.72 to Valrose P/L for ERP consultancy services
- \$33,841.50 to Stantec Australia P/L for remote imagery services
- \$32,710.71 to Electricity Generation and Retail Corporation for electricity costs

ATTACHMENTS

10.1.3(a) Payment Listing June 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 30 June 2025, as detailed in Attachment 1.

ENGINEERING SERVICES**10.1.4 SEA VIEW GOLF COURSE FAIRWAY 2/11 AND TEE BOX 3/12**

Directorate: Engineering Services
Author(s): Shaun Kan, Director Engineering Services
Authoriser(s): Mark Newman, Chief Executive Officer
File Reference: D25/33836
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider:

- Revoke the October 2025 resolution;
- Approving the Sea View Golf Club (SVGC) proposed design for holes 2/11 and 3/12; and
- Instruct the Chief Executive Officer (CEO) to recommence the lease negotiations.

OFFICER RECOMMENDATION IN BRIEF

That Council:

- APPROVES the design for holes 2/11 and 3/12 proposed by the SVGC, subject to a number of conditions; and
- INSTRUCTS the CEO to recommence the lease negotiations.

BACKGROUND

The following provides a summary of Council resolutions to date. Attachment A provides further details on these Council decisions.

- February 2021 – Asked for the rationalised Recreation Precinct Masterplan to include safety measures against errant golf balls;
- May 2021 – Adopted a preferred rationalised Masterplan for further development. This had a fence on Harvey Field.
- March 2022 – Noted a preferred concept for public consultation that involved the relocation of the tee box and an adjacent low fence as the protective solution;
- June 2022 – Endorsed the March 2022 preferred concept;

Included as part of the recommendation the following;

- 7. REQUEST the Administration to monitor the effectiveness of the tee box relocation for a period of 12 months after completion of the works and report back to Council. If the step has not adequately improved safety in the vicinity, then Council will explore (with professional advice and in consultation with the Sea View Golf Club)**

possible relocation of the green to improve safety, rather than progressing the high north-south fence in Option 2 in the Public Consultation survey.

Note: Preferred concept is attached within Attachment A

- November 2023 – Noted the Par 3 principles for this hole and asked for the SVGC to be consulted on this change. This also included reporting on the Club's insurance coverage against third parties injured by errant golf balls;
- May 2024 - Asked for LGIS to comment on the information provided by the SVGC insurers (Elders Insurance);
- July 2024 – Considered the LGIS advice and deferred the item for the Town to investigate a number of its follow up questions;
- October 2024 – Approved the Richard Chamberlain Par 3 solution and instructed the CEO to work with the SVGC to deliver this design, including the interim approach of closing the western tee boxes and installation of low fencing to the east of the remaining tee box; and
- December 2024 – Deferred the lease negotiations until the golf course matters have been resolved or significantly advanced.

OFFICER COMMENT

Challenges

In summary, the 2 main golf course issues that need to be resolved are:

- A design that prevents errant golf balls landing on Harvey Field and the Cottesloe Oval from hole 2 / 11; and
- Reducing the risk from teeing off across Jarrad Street (west of Broome Street) from tee box 3 / 12.

This is further discussed below.

The lease negotiations have been deferred until these golf course safety matters have been resolved.

October 2024 Resolution

The actions from the October 2024 Council resolution are as follows:

- Approve in principle the Richard Chamberlain Par 3 design (Attachment B) as the preferred solution for fairway 2 / 11 to address the errant golf ball issue
- Required the CEO to collaborate with the SVGC on the following matters at the cost of the SVGC:
 - (a) For fairway 2/11:
 - (i) Implementation of the Richard Chamberlain Par 3 design shown in Attachment B;
 - (ii) Retain only the existing most eastern tee box with the closure of all other tee boxes and installing a 5-metre high fence to the east of the retained tee box

at a length of no more than 30 metres on the fairway level until the implementation of the preferred option;

- (b) Relocation of the tee box to fairway 3/12 as hitting across Jarrad Street is a known public safety risk;
- (c) Write to the SVGC and their insurers (Elders Insurance) informing them of Council's preferred solution and drawing to their attention their responsibilities under the current lease, which expires 1 July 2026;
- (d) Include provisions within any future lease that allows the Town the ability to effect changes to the golf course and surrounding lease area, to be implemented by either the Town or SVGC, at the cost of the SVGC, about matters such as but not limited to, public safety and public nuisance; and
- (e) REQUESTS the Chief Executive Officer to report back to Council on the progress of points (a) to (d) no later than the April 2025 Elected Members Workshop.

Progress to Date

- January 2025 – SVGC and their insurers were informed of Council's preferred option (Attachment B) and their obligations under the current lease. The Town did not receive a response from the club's insurers;
- April 2025 – SVGC provided a Golf Course Masterplan that included proposed modifications for fairway 2/11 and tee box 3/12. These designs are inconsistent with the October 2024 Council resolution;
- May 2025 – Elected members were briefed on the October 2024 OCM resolution matters;
- June 2025 – SVGC briefed elected members on the Golf Course Masterplan and the design rationale for fairway 2/11 and tee box 3/12;
- July 2025 – A revised design incorporating feedback was submitted by the SVGC (Attachment C), noting that this remains inconsistent with the October 2024 Council resolution. Enclosed within Attachment C is also a cover note from the SVGC covering the following matters:
 - (a) The rationale behind the safety masterplan design for the relevant fairways;
 - (b) The changes that have been made to the April 2025 version of the Safety Masterplan following the June 2025 briefing by the SVGC;
 - (c) The SVGC's proposal should the solutions not achieve the improvements;
 - (d) The proposed funding arrangement for the Safety Masterplan; and
 - (e) The next steps in the process, should this be approved by Council.

Given that the golf course is heritage listed and located on a recreation reserve, planning approval is likely needed for all the improvements proposed within the Golf Course Masterplan.

Council should also note the following responses to questions raised amongst elected members after the June 2025 briefing by the SVGC:

- No trees have been planted along the eastern boundary to fairway 2/11;
- Sinking the tee box to hole 2/11 without the fairway modifications may not be as effective as the solution shown in Attachment C (tee box closure and fairway realignment). This is because the separation between the centre of the fairway and Harvey Field boundary does not meet the minimum distance of 60 metres as suggested in previous expert advice provided;
- The minimisation of tree removals is a matter that can be further investigated as part of detailed design that will also include the specifics of each tree that is proposed to be taken out;
- On face value, the conversion of the Par 4 design back to a Par 3 design endorsed by Council in October 2024 is unlikely to result in any additional tree removals. This is largely due to the similarities in the footprints within both designs allowing the Par 3 to be built within the first half of the Par 4 fairway;
- The 3 to 1 tree replacements are accommodated along the eastern boundary of fairway 2/11 as shown within Attachment C. The species selection will be done at detailed design stage and the SVGC has committed to working with Cottesloe Coastcare on a suitable planting plan; and
- Replacement trees have been incorporated within the sandy waste area.

Officer Analysis (Proposed Design for Holes 2/11 and 3/12)

Whilst the proposal for both holes are inconsistent with the October 2024 Council Resolution (approved Par 3 design), the Officers are of the view that:

- **For Hole 2/11**
 - (a) The design landing zone for tee shots is in the same area as that in the Richard Chamberlain Par 3 design, thereby reducing the risk of longer errant shots heading towards Cottesloe Oval;
 - (b) The proposed low fencing next to the tee box protects Cottesloe Oval and Harvey Field from the immediate “sliced” tee shots;
 - (c) The protection provided by Points (a) and (b) can be supplemented by planting more trees on the eastern edge of the fairway to encourage golfers to aim further away from Cottesloe Oval;
 - (d) Although it can be argued that on face value the proposed Par 4 design is unlikely to create the same safety effect in comparison to Council’s approved Par 3 design because the tee off club remains a driver instead of an iron, **Officer’s are of the view that the following six changes to the hole (tee box and fairway)** are likely to provide almost the same outcome to the Council endorsed Richard Chamberlain Par 3 design;
 - (i) **Relocation and sinking of the tee box to provide a bigger height difference with Harvey Field and direct tee shots away from the playing field;**
 - (ii) **Fencing immediately next to the tee box to protect Harvey Field from acute slices;**

- (iii) Planting of trees to conceal the green from the tee box to deter golfers from going straight for the hole so as to avoid an inflight ball straddling over the boundary;
- (iv) Out of bounds in the heavily vegetated area to discourage playing a deliberate fade shot (an advanced skill that involves aiming to the left and allowing it to curve back to the green) as this carries the risk of the ball going out of play and incurring a 2 stroke penalty;
- (v) Shorter landing area from tee box (150 to 170 metres) which then removes the need for a driver and to some extent forces the golfer to tee off with an iron which then makes the first shot play like a Par 3 (Richard Chamberlain concept).

The SVGC in their recent email response (Attachment D) have confirmed both this point (v) and that the current sign asking for the use of irons as tee off clubs will be installed at the new tee box. Council should refer to previous advice within the October 2024 OCM Confidential Attachments.

- (vi) Additional span of fence at Anderson Pavilion to protect the building from a strayed second shot (landing area to the green);
- (e) In response to the points raised within the SVGC letter in Attachment C, Council should consider asking the SVGC to:
- (i) Install warning signs as an initial approach to caution those wanting to enter fairway 2/11 from the playing fields *instead of* placing a 1.2m high fence *along the Harvey Field boundary with the golf course* to prevent access. *This is suggested in the last point within their letter:*

“The Golf Club would like to discuss a 1.2m safety fence along the western side of Harvey field to protect patrons from coming down on the Golf Course and it also being a fall risk.”

This *approach* is then consistent with *point 2 of* the March 2022 OCM resolution that is to the effect of making a high fence the last resort, only after all engineering solutions have been exhausted (*Refer to Background Section*);
 - (ii) Be responsible for the costs associated with the additional fencing near Anderson Pavilion given that they have identified this as a residual risk following their proposed changes for fairway 2/11;
 - (iii) *Commit to exploring other options* should their Par 4 design be ineffective and *this could include* implementing Council’s Par 3 solution.

Comparison to June 2022 approved design

In June 2022 the Council approved a concept to for hole 2/11 which would have improved safety by the relocation of the tee box and the construction of an adjacent low fence. This was unanimously approved by Council. The current proposal is a far superior design in terms of risk elimination as it includes several other risk mitigating measures.

- **For Hole 3/12:**

- (a) The SVGC has identified the risk of damage to the Kindergarten and Broome Street properties should the tee box relocation proceed in line with the October 2024 resolution. This is because the tee box is used by longer hitters and a mishit then places these private properties within range of being struck by errant golf balls;
- (b) Their proposed design which involves lowering the tee box, retaining its existing south of Jarrad Street location and constructing a mound will inevitably require golfers to play higher tee shots which then reduces the safety risk of golf balls hitting passing vehicles;
- (c) The SVGC have also confirmed that the mound will be designed to provide protection against “top” shots (low trajectory mishits);
- (d) Whilst it can be argued that there is an existing tee box on the northern side of Jarrad Street which creates the same risk mentioned in point (b), this is however, being used by shorter distance hitters who are unlikely to reach private properties within the Broome Street vicinity should these players mishit; and
- (e) Given these points, it would be reasonable for Council to accept this proposed design and potentially consider signs to warn approaching drivers of golfers teeing off.

The SVGC have confirmed that they will be responsible for the cost of the improvements within Attachment C.

[Council should also note the additional information provided by the SVGC within Attachment D.](#)

Proposed Officer’s Recommendation

Given the SVGC’s justification of their proposed design and the officer’s risk analysis of their proposal, the Officers recommend that Council:

- Revokes point one and two of its October 2024 resolution
Note: This must occur before it can consider the SVGC’s proposal; and
- Accepts the designs shown within Attachment C, subject to conditions.

[Given that the clubhouse redevelopment element is not sufficiently advanced and is still in the marketing sounding and economic analysis phase, it would not be possible to recommend that lease negotiations should recommence. As an alternative, Council could consider rolling over the current lease by one year to allow more time for the clubhouse redevelopment project to further progress and then recommence the lease negotiations.](#)

[The extensiveness of the treatments for holes 2/11 and 3/12 including the trial nature of the concept should allow Council to proceed with the proposal without incurring the additional cost to engage a golf course architect to review its effectiveness.](#)

The officer’s recommendation has been worded accordingly.

The Town has referred the officer’s recommendation to LGIS for them to provide their view as to whether the SVGC proposed design will sufficiently address the risk identified and Council’s public liability obligations. The OCM report will be updated to reflect this.

ATTACHMENTS

- 10.1.4(a) Attachment A - Harvey Field Recreation Precinct - Preferred Option 1 - 2022 and SVGC Resolution Register [under separate cover]
- 10.1.4(b) Attachment B - Richard Chamberlain Par 3 Design [under separate cover]
- 10.1.4(c) Attachment C - Letter and Images for 2/11 and 3/12 [under separate cover]
- 10.1.4(d) Attachment D - Response - August 2025 OCM - Questions on Notice - SVGC [under separate cover]

CONSULTATION

Elected members, SVGC, LGIS and Elders Insurance

STATUTORY IMPLICATIONS

Local Government Act 1995 Section 2.7 – Role of Council

Local Government (Administration) Regulation 1996 Regulation 10 – Revoking or Changing Decisions (paraphrased below):

“Before a recommendation to revoke a decision can be considered, it must be supported by one third of the Council (one mover and two seconders). The revocation would then need to be adopted by absolute majority”

Land Administration Act 1997 Section 18 Crown land transactions that need Minister’s approval

POLICY IMPLICATIONS

Street tree policy requires 3 offset trees to be planted for each one that is removed.

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 1.1: Supporting an active, healthy and inclusive community culture, our residents enjoy access to a range of social, cultural and recreation activities.

RESOURCE IMPLICATIONS

The SVGC is responsible for all costs.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

The proposed design for fairway 2/11 will result in up to 25 trees being removed and this will be compensated by the planting of up to 75 replacement trees either on the golf course or other areas within the District.

RISK MANAGEMENT IMPLICATIONS

- The lease negotiations cannot proceed if Council determines not to accept the recommended changes noting that the current agreement expires 1 July 2026; and
- The risk for holes 2/11 and 3/12 remain unaddressed until another option is agreed.

VOTING REQUIREMENT

Simple Majority For recommendation 2 to 6.

OFFICER RECOMMENDATION

THAT Council by Absolute Majority in accordance with Regulation 10, Local Government (Administration) Regulation 1996, REVOKES points 1 and 2 of resolution OCM183/2024 from the October 2024 Ordinary Council Meeting which reads;

- “1. APPROVES in principle the Preferred Option 1 which is the Richard Chamberlain Par 3 Solution for fairway 2/11 located adjacent to Harvey Field;*
- 2. INSTRUCTS the Chief Executive Officer to collaborate with the Sea View Golf Course at the cost of the SVGC towards:*
 - a. The implementation of this preferred option outcome mentioned in point 1;*
 - b. Retaining only the existing most eastern tee box for fairway 2/11 with the closure of all other tee boxes in this location and installing a 5-metre high fence to the east of the retained tee box at a length of no more than 30 metres on the fairway level as approved by Council at the March 2022 OCM (preferred option 1) as a temporary short-term solution until implementation of the preferred option; and*
 - c. the relocation of the tee box to fairway 3/12 as hitting across Jarrad Street is a known public safety risk”*

If the revocation is adopted, Officer's then recommend the following;

THAT Council by Simple Majority:

APPROVES the proposed changes for the tee box and fairway changes for holes 2/11 shown within Attachment C SUBJECT to the following conditions:

- a. SVGC to work in good faith with the Town of Cottesloe to minimise the tree loss;
- b. Where possible, plant more trees throughout the Sea View Golf Course at SVGC's cost, particularly along the eastern side of fairway 2/11 to encourage shots to be diverted away from the planting area;
- c. For the proposed removal of up to 25 trees in relation to hole 2/11:

- i. Plant and maintain **up to** the 75 offset trees within the Sea View Golf Course to replace those removed and replace any of these replacement trees should any of them fail to thrive within the first 2 years of being planted;
 - ii. After 2 years, submit an arborist report for these 75 trees planted to certify that they will continue to thrive;
 - iii. Provide a funding contribution for the supply, installation and 2 year maintenance for any of the 75 trees that cannot be accommodated within the Sea View Golf Course for the Town to plant these in other suitable areas of Cottesloe;
- d. **SVGC to install signs on Harvey Field to warn users of golf balls when they inevitably need to enter the golf course for reasons such as retrieving footballs;**
- e. **SVGC to install the additional fencing adjacent to Anderson Pavilion to protect the building from errand golf shots approaching the green;**
- f. **SVGC to develop a monitoring plan to measure the effectiveness of the changes to hole 2/11 over a period of 12 months following the opening of the Par 4 for the commencement of play;**
- g. **SVGC to commit to considering other options beyond just working with the Town should the approved Par 4 design be ineffective following the 12 months monitoring period;**
2. **APPROVES** the proposed changes for the tee box and fairway changes for holes 3/12 shown within Attachment C SUBJECT to the appropriate signs being installed to warn drivers of golfers teeing off at that location;
3. **NOTES** that the proposed changes on the Sea View Golf Course require the approval of the Western Australian Planning Commission **and Heritage Council**;
4. **REQUIRES** the SVGC to be responsible for all costs associated with:
 - a. Points 2 and 3;
 - b. All other modifications to the golf course shown within the Safety Masterplan presented to Elected Members in June 2025;
 - c. Any other changes needed to improve the safety for users of Harvey Field, Cottesloe Oval and Jarrad Street, West of Broome Street; and
5. **NOTES** that lease negotiations cannot continue until the SVGC Clubhouse Redevelopment Project is significantly advanced to a point where it provides sufficient information for these negotiations to proceed; and
6. **Should the information required in point 5 (above) not be available by the end of November 2025, the Chief Executive Officer is authorised to rollover the current SVGC lease by 12 months from 1 July 2026 to 30 June 2027.**

10.1.5 BUS SHELTER ADVERTISING INVITATION TO TENDER

Directorate: Engineering Services
Author(s): Shaun Kan, Director Engineering Services
Authoriser(s): Mark Newman, Chief Executive Officer
File Reference: D25/34730
Applicant(s): Internal
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider a set of Invitation To Tender (ITT) parameters following the expression of interest (EOI) process.

OFFICER RECOMMENDATION IN BRIEF

That Council ADOPTS a set of principles for the ITT pertaining to the bus shelter design and the restrictions on advertising.

BACKGROUND

In March 2025, an expression of interest was advertised publicly to supply, install and maintain bus shelters within Cottesloe (EOI). This included the provision and management of advertising devices on the shelters.

In April 2025, Council considered the submissions received and resolved as follows:

OCM068/2025***THAT Council:***

- 1. AUTHORISES the Chief Executive Officer to ACCEPT the Expression of Interest submissions mentioned under Option 1 within the Officer's Comment and INVITE only these selected suppliers to participate in the Invitation to Tender process;***
- 2. REQUESTS the Chief Executive Officer to present an item no later than the July 2025 Elected Members Workshop detailing the design fundamentals and any other strategic matters required as part of the Invitation to Tender Documents; and***
- 3. AUTHORISE the Mayor, Elected Members and the Town's Administration to disclose the identity of the successful proponents that will be invited to tender.***

Carried 8/0

These four proponents are Claude Outdoor (Proponent 1), oOhmedia (Proponent 2), RMG and Winboard (Proponent 3) and Ystop (Proponent 4).

Proponent 2 are the existing bus shelter contractors.

Further background information is available within the April 2025 OCM Confidential Report pertaining to the EOI.

OFFICER COMMENT

The advertised EOI was for market sounding to inform Council on the different commercial models available and how bus shelters including the advertising elements were managed by other Local Governments.

Given the EOI purpose, the criteria within the tender documents were broad. This will need to be more specific in the ITT documents that will be sent to the four proponents.

The technical specifications will focus on the following matters:

- Advertising – Type of devices (static versus dynamic) and control on the information displayed;
- Bus Shelter and the Advertising Device Design – How installations aesthetically integrate with the Foreshore Precinct and areas outside this zone; and
- Contract duration.

Attachment A is a locality plan for the current oOhmedia shelters and advertising devices within the District.

Advertising (Device Type and Information Management)

Council should note that all current advertising devices are static and there is no Town policy to guide the information that is displayed. The advertising is managed by oOhmedia policies.

At the July 2025 OCM, Council considered a Councillor Motion relating to the Prohibition on Advertising Addictive Unhealthy Substances and Activities in the Town of Cottesloe.

Council resolved as follows:

That Council SUPPORTS the promotion of healthy choices in Cottesloe and REQUESTS:

- 1. That the Administration include consider unhealthy and addictive substances and activities advertising in the upcoming public health plan; and***
- 2. That the Officer's Report to Council on the upcoming request for tender documents for bus shelter advertising in the Town include recommended wording to restrict advertising of unhealthy food and drink, alcohol, fossil fuels, tobacco products, and gambling.***
- 3. And that the wording of the bus shelter contract allows for periodic review of advertising standards, as recommended by the Cancer Council's "Toolkit on healthy advertising standards" for local governments (2024).***

Carried 9/0

Enclosed within Attachment B is the rationale supporting this resolution

For the purpose of the ITT, the four proponents will be provided the following criteria relating to the advertising for them to consider when preparing their bid:

- (a) The July 2025 OCM Resolution (Attachment B);
- (b) Cancer Council WA Healthy Advertising Standards Toolkit (Attachment C);
- (c) Relevant information pertaining to advertising restrictions and best practice within the Council of Australian Governments (COAG). Council should note that information provided by this organisation is very broad and it may be the case that

these proponents would need to substantiate how they would comply with the COAG advertising policies; and

- (d) The possibility of the Town reviewing what is allowed to be advertised **once every four years within each seven year term**.

Bus Shelter and Advertising Device Design

The bus shelter and advertising device designs are not currently differentiated by precinct (Foreshore and other Cottesloe areas). Given the iconic characteristics and ocean views along Marine Parade, there is merit for designs to consider:

- Locality with the aim of **improving amenity** and optimising ocean views;
- **Optimising the provision of shade**;
- Achieving consistency in streetscape by using the Foreshore Design Guidelines and the Foreshore Masterplan fundamentals in the bus shelter designs; and
- Static advertising such that the information changes on a fixed cycle as opposed to an LED television screen type dynamic advertisement. **Officers are in the view that the LED screen advertising devices may be contrary to the objective of improving amenity with the brightness of the lights emitted. Given this, only a revenue schedule for static advertising will be requested as part of the ITT.**

It is open for Council to amend the officer's recommendation to ask for both LED and Static advertising revenue schedules and designs to be provided as part of any future consideration.

Contract Duration

Council should note that the future bus shelter contract will comprise of an initial seven year term with an option to further extend this by another seven years subject to satisfactory performance assessment.

At the end of the 14 years, the contract will be readvertised and this ITT document will contain clauses that require the successful proponent to remove its assets (if needed) at their cost should there be a new supplier in any subsequent agreement.

It is open for the tender invitees to submit an alternative proposal outside the ITT parameters for Council's consideration.

Given the current workload, it is anticipated that an item to award the tender and adopt a policy will be presented to Council at the November 2025 Ordinary Council Meeting.

ATTACHMENTS

- 10.1.5(a) Attachment A - Combined Map and Bus Shelter Location Photos [under separate cover]**
- 10.1.5(b) Attachment B - July 2025 - COUNCILLOR MOTION - PROHIBITION ON ADVERTISING ADDICTIVE UNHEALTHY SUBSTANCES AND ACTIVITIES [under separate cover]**

**10.1.5(c) Attachment C - Cancer Council WA - Healthy-Advertising-Standards-Toolkit
[under separate cover]**

CONSULTATION

Elected members

STATUTORY IMPLICATIONS

Local Government Act 1995 Section 2.7 – Role of Council

Local Government (Functions and General) Regulations (1996) - Regulation 23: Rejecting and Accepting Expression of Interest to be Acceptable Tenderer

POLICY IMPLICATIONS

There are expected policy implications

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 1.1: Supporting an active, healthy and inclusive community culture, our residents enjoy access to a range of social, cultural and recreation activities.

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation where the successful proponent is responsible for the cost of providing and maintaining all elements of the bus shelters. [There is no cost to the Town.](#)

[The estimated revenue that will be received by the Town is within the April 2025 OCM Confidential attachments.](#)

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

The invitation to tender principles ensure the bus shelter and advertising devices design [improves amenity such that any design is sympathetic to its surroundings.](#)

RISK MANAGEMENT IMPLICATIONS

Council has shortlisted the four proponents through an invitation to tender. Not resolving on the officer's recommendation will result in delays to the procurement process.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council

1. **ADOPTS** the following invitation to tender principles:
 - a. A lease duration of an initial seven years with an optional renewal for a further seven years;
 - b. A restriction on advertising of unhealthy food and drink, alcohol, fossil fuels, tobacco products and gambling (**excluding Lotterywest**);
 - c. The bus shelter and advertising device design needs to be tailored to suit the two distinct areas of the District:
 - i. Area 1 - Foreshore Area which is defined by the section of Marine Parade between Curtin Avenue and North Street and the designs for this catchment should aim to:
 - (1) **Improve amenity**;
 - (2) Optimise ocean views;
 - (3) Give due regard to the Foreshore Masterplan Design Guide;
 - (4) **Optimise the provision of shade**;
 - ii. Area 2 – All other areas of Cottesloe that are outside the Foreshore Area (Area 1) and the designs should **aim to**:
 - (1) **Improve amenity**;
 - (2) Optimising view;
 - (3) The Town of Cottesloe's corporate colours;
 - (4) **Optimise the provision of shade**;
 - iii. All advertising shall be static similar to the current bus shelter advertising displays;
2. **INSTRUCTS** the Chief Executive Officer to include the following documents as part of the invitation to tender documents:
 - a. The July 2025 OCM Resolution (Attachment B);
 - b. The Cancer Council Guidelines (Attachment C);
 - c. **Foreshore Design Guidelines and the Foreshore Masterplan fundamentals in the bus shelter designs**;
 - d. **Reference to the Foreshore Masterplan Project Webpage**;
 - e. Reference to Council of Australian Government advertising policies;
3. **INSTRUCTS** the Chief Executive Officer to:
 - a. **Request a revenue schedule for static advertising devices**;
 - b. **Direct the four proponents' attention to Appendix 2 in the Cancer Council Guidelines, included in Attachment C.; and**
4. **NOTES** that the tender award and advertising policy will be presented to the November 2025 Ordinary Council Meeting.

EXECUTIVE SERVICES**10.1.6 WALGA AGM VOTING DELEGATES - 2025**

Directorate: Executive Services
Author(s): Mark Newman, Chief Executive Officer
Authoriser(s): Mark Newman, Chief Executive Officer
File Reference: D25/37416
Applicant(s):
Author Disclosure of Interest: Nil

SUMMARY

For Council to select two voting delegates (and a proxy) for the WA Local Government Association (WALGA) Annual General Meeting (AGM)

OFFICER RECOMMENDATION IN BRIEF

That Council appoints two (2) elected members as voting delegates and a proxy delegate to the 2025 WALGA AGM.

BACKGROUND

The WALGA AGM is scheduled to be held on Tuesday, 23 September 2025, as part of the 2025 Local Government Week Convention. The Town normally has delegates attend the AGM to represent the interests of the Town of Cottesloe.

OFFICER COMMENT

The WALGA AGM, is held every year in order for the membership of WALGA (all Local Governments in WA) to review WALGA's activities for the previous financial year and consider possible Executive or Member Motions. There is no formal protocol as to which elected member(s) should be appointed, however in the past voting delegates have been reasonably familiar with current WALGA advocacy activities and state-wide local government industry issues. Currently only Deputy Mayor Harkins, Cr Wylynko and the CEO are registered to attend the convention on the date of the AGM. Cr Sadler has advised that she will be attending in her role as a WALGA State Councillor and will also be available to represent the Council as a Delegate at the WALGA AGM.

It should be noted that any motion resolved at the WALGA AGM does not bind the Town of Cottesloe to any formal position on any matter considered at WALGA AGM.

ATTACHMENTS

Nil

CONSULTATION

Nil

STATUTORY IMPLICATIONS

There are no statutory implication associated with this item.

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 4.2: Work innovatively and collaboratively with government, industry, business and community to deliver positive outcomes.

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

It is appropriate for Council to participate at the WALGA AGM to insure that we contribute to the strategic direction of Local Government in W.A.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council

1. APPOINT Cr_____ and Cr_____ as the voting delegates for the 2025 WALGA Annual General Meeting; and
2. APPOINT Cr_____ as the proxy delegate for the 2025 WALGA Annual General Meeting, should a voting delegate (point 1) be unable to attend

10.1.7 COTTESLOE TENNIS CLUB LEASE RENEWAL REQUEST

Directorate: Corporate and Community Services
Author(s): Mark Newman, Chief Executive Officer
Authoriser(s): Mark Newman, Chief Executive Officer
File Reference: D25/37862
Applicant(s): Nil
Author Disclosure of Interest: Nil

SUMMARY

For Council to consider a request from the Cottesloe Tennis Club to approve in principal renewal of the current lease with the Town of Cottesloe.

OFFICER RECOMMENDATION IN BRIEF

That the Council supports the request from the Cottesloe Tennis Club to agree in principle to a new lease with the Town of Cottesloe commencing on 1 July 2026 for a ten (10) year term with a five (5) year renewal option.

BACKGROUND

The Cottesloe Tennis Club (CTC) was established in 1903 and initially based on Irvine Street, Peppermint Grove. After relocating to the corner of Marine Parade and Warnham Street, Cottesloe, in 1924, the Club moved to its current location at the corner of Broome and Napier Streets (Reserve 3235) in 1938. Currently, the Club boasts 10 lighted hard courts and 27 grass courts, making it one of Western Australia's premier tennis facilities.

The CTC operates at its current site under a lease arrangement with the Town of Cottesloe, as the location is on Crown Reserve 3235, which is vested in the Town with leasing authority. The current 21-year lease commenced on 1 July 2005 and expires on 30 June 2026. Under this lease, there is no rent charged, and CTC receives an 80% rebate on any rates charged.

In July 2025, the Mayor, Deputy Mayor, and Chief Executive Officer (CEO) met with representatives from the CTC to discuss a possible lease extension or early renewal. On 20 July 2025, the Town received a formal request from the CTC seeking:

1. Bringing forward negotiations for a new lease.
2. Entering into a new lease from 1 July 2026 to 30 June 2041, a fifteen (15) year term.
3. Maintaining all other lease conditions, except for an increase in public liability insurance to \$20 million.

The justification for this request includes:

1. To support the CTC's new contract with its groundskeeper, which extends beyond the current lease period.
2. To enable the CTC to proceed with a venture that would assist the CTC to improve its finances and improve its infrastructure.

The CTC is a self-sufficient community group with approximately 823 members, 44% of whom are Cottesloe residents. The Town understands that the CTC provides a successful youth tennis program and casual tennis court hire, both of which are highly utilised by local residents. Additionally, the CTC has been involved in high-profile tennis tournaments, including Davis Cup matches. The CTC has maintained a constructive relationship with the Town, with no known issues regarding the current lease, land use, or impacts on neighbouring properties.

The Club has written to Council (see Attachment B) requesting early consideration of a new lease based on several factors.

1. To support the CTC's new contract with its groundkeeper, which extends beyond the current lease; and
2. To enable the CTC to proceed with four improvement projects that will satisfy the CTC's finances and improve its infrastructure.

The correspondence outlines the CTC's proposed strategic direction over the next ten (10) years, reveals the capital improvements over recent years, and summarises the CTC's financial performance over recent years (see Attachment C – Financial Statement to 30 June 2024).

OFFICER COMMENT

As per the background information associated with this report, the Town has enjoyed a productive relationship with the Cottesloe Tennis Club (CTC), and its facilities are highly utilised by both the local and wider metropolitan community. Given this, the Administration is supportive of their request.

The club has requested a fifteen (15) year lease, to expire on 30 June 2041. In previous discussions with the CTC, the Town has included a preference for a ten (10) year lease, which is consistent with that being offered to the other Sporting Clubs. The CTC points out that the circumstances for each of the leases may be different. In this case, one of the reasons for the lease to be in excess of ten (10) years is because of a proposal to introduce “padel” in partnership with a third party on two of the current hardcourts, which would in return help the CTC to finance its other proposed capital projects which would need to be funded over a fifteen (15) year period.

A compromise may be for the Council to offer a ten (10) year lease with a five (5) year option, exercisable if all conditions of the lease have been met and sufficient progress has been made, on the capital works program within the CTC's ten (10) year plan.

There is no doubt that the CTC operates very effectively. It has returned an operating surplus for the past five (5) years, and has on each of these financial years expended funds on capital improvements. The assets appear very well maintained.

The CTC membership is strong with 823 members serving as a strong base for Cottesloe residents and the western suburbs generally.

The CTC runs a very strong junior program and serves as a good citizen in that it supports many charitable and not-for-profit groups.

In supporting this request, the Town agrees to increase public liability insurance to \$20 million and the minor changes requested by the CTC. For consistency with other community leases, the Administration recommends that the new lease require the development of a Strategic Plan for the CTC every five (5) years and that the Town receive an Annual Report from the CTC, which also outlines achievements related to their strategic plans. This requirement aims to ensure the Town that the CTC has plans to remain sustainable and is actively pursuing its strategic goals.

Under section 3.58 Local Government Act 1995, leasing is a form of disposal, which would therefore normally require changes to leases to involve a public consultation process (public tender, public auction, or public notice). However, Regulation 30(2)(b), Local Government (Functions and General) Regulations 1996 provides an exemption to this process if the disposal is to not-for-profit organisations (bodies) that provide prescribed activities, including recreational or sporting activities.

Prior to the new lease being signed it is appropriate for Council to undertake an appropriate property inspection report to establish the standard of the building assets. This is a normal action prior to completion of leases of this type.

Clause 11 (7) of the current lease has an acknowledgement by the lessee that it enters the lease with full knowledge of the structural state and state of repair of the premises. A similar clause will be included in the new lease.

The obligation for repair of the premises where necessary is a lessee obligation described in Clause 11 of the current lease.

As stated previously within this report the premises appear well maintained.

Prior to the signing of a new lease it is appropriate for a site survey to pickup the correct location of buildings and other structures within the lease area.

The CTC is on land reserved for Parks and Recreation under the Metropolitan Region Scheme (MRS) and therefore any change of use (ie: "padel") or future development may require planning approval from the Western Australian Planning Commission as well as compliance with other statutory approval processes including building and environmental health approvals.

In addition, as the proposed lease is over Crown land vested in the Town, a new lease or renewal is subject to the prior written approval of the Minister for Lands in accordance with Section 18 of the Land Administration Act, 1997.

ATTACHMENTS

- 10.1.7(a) February 2007 - Current Lease Agreement - CTC [under separate cover]**
- 10.1.7(b) Correspondence 20 July 2025 - from CTC (Inc) [under separate cover]**
- 10.1.7(c) Financial Statements to 30 June 2024 - CTC [under separate cover]**

CONSULTATION

Cottesloe Tennis Club

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 3.58 Disposing of Property

Local Government (General and Functions) Regulations 1996

Reg 30 This Regulation describes dispositions of property exempted from Section 3.58 of the Act.

Section 18 of the *Land Administration Act 1997*

POLICY IMPLICATIONS

There are no perceived policy implications arising from the officer's recommendation. Council is yet to formulate a policy in regards to lease conditions for community groups.

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.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council advise the Cottesloe Tennis Club of the following:-

- 1. Its agreement in principle to a new lease, commencing 1 July 2026, on similar terms to the current lease, but noting Council's requirement for the following conditions;**
 - a. A lease period of ten (10) years with a five (5) year renewal option exercisable if:**
 - i. all lease conditions have been fulfilled;**
 - ii. that satisfactory progress on the ten (10) year Strategic Plan has been made to justify the exercise of the lease option;**
 - b. The public liability insurance will be increased to a minimum \$20 million;**

- c. The Cottesloe Tennis Club will prepare a five (5) year Strategic Plan to Council's satisfaction and review every five (5) years during the new lease term;
 - d. The Cottesloe Tennis Club will provide the Town of Cottesloe with an Annual Report on its operations, inclusive of the progress on its Strategic Plan for each year during the term of the new lease;
 - e. All Town of Cottesloe lease amendment, preparation, and drafting costs to be reimbursed by the Cottesloe Tennis Club;
- 2. That as the site is reserved for Parks & Recreation under the Metropolitan Region Scheme (MRS), any change of use (including the introduction of "padel") or future development may require planning approval from the Western Australian Planning Commission, together with compliance with other statutory approval processes including building permits and environmental health approvals; and
- 3. As the proposed lease is over Crown land vested in the Town, the new lease will be subject to the prior written approval of the Minister for Lands in accordance with Section 18 of the *Land Administration Act 1997*.
- 4. That Council notes that prior to signing of a new lease that Officers will take action for a survey of the leased premises, and a property inspection report to be undertaken.

10.1.8 APPOINTMENT OF COMMUNITY MEMBERS TO COUNCIL COMMITTEES AND WORKING GROUPS

Directorate: Executive Services
Author(s): Mark Newman, Chief Executive Officer
Authoriser(s): Mark Newman, Chief Executive Officer
File Reference: D25/38964
Applicant(s): Nil
Author Disclosure of Interest: Nil

SUMMARY

Every two years, Council advertises for community nominations for positions on various Committees and Working groups. Advertising will occur in September for Committees and Working Groups to be approved in November 2025, following the Council Election.

OFFICER RECOMMENDATION IN BRIEF

That Council approves the advertising of vacancies for Community members to various Council Committees and Working Groups, and that Council endorses the removal of the Residential and Recreation Verge Uses Task Force and the suspension of the North Cottesloe Primary School Traffic Safety Advisory Committee.

BACKGROUND

Every two years, after the Council elections Council appoints members to its Committees and Working Groups. At present, each of these Committees and Working Groups comprises a combination of Elected Members and Community.

To achieve this outcome, it is necessary to advertise for the community vacancies, to enable the appointments to occur subsequent to the Council election.

OFFICER COMMENT

Council currently has four Committees -

- Audit Committee – which includes up to three (3) Community Members.
- Foreshore Precinct Advisory Committee (FPAC) – which includes up to four (4) Community Members.
- North Cottesloe Primary School Traffic Safety Advisory Committee (NCPS) – which has been non-operative for the past two years, awaiting the State Government to determine the next steps for the Eric St Bridge Project. Council continues to advocate for this funding.
- Sea View Golf Club Redevelopment Advisory Committee (SVGC) – which includes two (2) members from the Sea View Golf Club.

It is recommended that Council advertises for the vacancies on the Audit Committee and FPAC, disband the NCPS, and write to the SVGC requesting they nominate two members (non-employees)

Council has seven (7) Working Groups -

- Active Transport Working Group – which includes up to four (4) Community Members
- Design Review Panel – which includes up to six (6) members
- Public Open Space Working Group – which includes up to two (2) Community Members
- Universal Access and Inclusion Group – which includes up to four (4) Community Members
- Residential and Recreational Verge Use Task Force – which had up to three (3) members of the Community, but has not met in several years and has completed its task.
- Coastal Hazard Management Adaption Plan – which has at least one member, noting the task is nearing completion.
- Reconciliation Action Group – which includes up to five (5) Community Members, with appropriate membership from the Indigenous Community.

It is recommended that Council advertise for the vacancies for all Working Groups mentioned above, except the Residential and Recreational Verge Use Task Force, which is recommended to be discontinued.

The Audit Committee is likely to be required to change its title, membership requirements, and purpose in the near future, as Local Governments have been advised of proposed new Regulations. As the full details of these Regulations and the timing of their introduction are not yet known, it is thought better to deal with those requirements in a future report.

The Residential and Recreational Verge Use Task Force has fulfilled its functions and is recommended not to continue.

ATTACHMENTS

10.1.8(a) Council Committee and Working Group Charters and Terms of Reference - August 2025 [under separate cover]

CONSULTATION

Nil

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 5.11 membership tenure of.

Section 7.1 A Audit Committee

Local Government Audit Regulations

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 4.2: Work innovatively and collaboratively with government, industry, business and community to deliver positive outcomes.

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

Council has deemed it appropriate to have external membership to these Committees and Working Groups to bring expertise and Community perspective. To not do so would be to risk making decisions that were out of sync with Community views or missing appropriate expert advice.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council

- 1. APPROVE the advertising to the Community for the following vacancies for its Committees and Working Groups for the two (2) years following the October 2025 Election -**
 - a. Audit Committee – up to three (3) members;**
 - b. Foreshore Precinct Advisory Committee - up to four (4) members;**
 - c. Active Transport Working Group – up to four (4) members;**
 - d. Design Review Panel – up to six (6) members;**
 - e. Universal Access and Inclusion Group – up to four (4) members;**
 - f. Coastal Hazard Management Adaption Plan – at least one (1) member;**
 - g. Reconciliation Action Group – up to five (5) members;**

h. Public Open Space Working Group – up to two (2) members

- 2. The Council WRITES to external groups requesting nominations for the vacancies.**
 - **Sea View Golf Club - two (2) (non-employees) to the Sea View Golf Redevelopment Committee;**
 - **Lady Lawley Cottage, Curtin Care and Disability Services Commission – one (1) representative each to the Universal Access and Inclusion Community Reference Group.**
 - **Coastcare – one (1) representative to the Public Open Space Working Group.**
- 3. THAT Council not continue the Residential and Recreational Verge Use Task Force; and**
- 4. THAT Council finally suspend the North Cottesloe Primary School Traffic Safety Advisory Committee (non-operable), now waiting on State Government to determine the next steps for the Eric St Bridge Project.**

10.2 RECEIPT OF MINUTES AND RECOMMENDATIONS FROM COMMITTEES

Nil

11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**11.1 COUNCILLOR MOTION - USE OF HERBICIDES BY TOWN OF COTTESLOE**

The following motion has been proposed by Cr Harkins.

COUNCILLOR MOTION

That Council REQUESTS:

- 1. The Chief Executive Officer to bring a discussion document to the November Briefing Forum on the Town's approach to weed management including the use of herbicides such as glyphosate, with consideration given to restricting or eliminating the use of harmful chemical treatments by the Town of Cottesloe; and**
- 2. Until that document is considered by Council, that the Town's use of herbicides such as glyphosate in the district, particularly in areas frequented by children and vulnerable people, shall be managed to minimise human contact, including adequate notice to users and clear signage to identify use, with information on steps taken to be provided to the September Briefing forum.**

COUNCILLOR RATIONALE

The use of herbicides like glyphosate is raised by our community often, evidencing support for restricting or eliminating the use on public safety grounds. This matter was recently covered by the local press re-iterating concerns of the public.

Council should fully understand the risks associated with use and the feasibility of alternative treatments to manage weeds on public land in the Town.

The timeframe for the discussion document is based on current staff workload, to ensure sufficient time for a comprehensive document to be brought to Council.

In the meantime, Council should be informed of the management protocols around weed spraying, to ensure that appropriate steps are taken to minimise human contact particularly around younger and more vulnerable community members.

In enacting this, the Town has started auditing its current processes against the guidelines provided by the Department of Health to ensure the safety of the public, staff and contractors when using such chemicals. The Green

Infrastructure Maintenance Plans will also be expanded to include these safety measures. The Town's Street Tree Policy will then be updated to incorporate these improvements.

OFFICER COMMENT

Statutory Implications

Local Government Act 1995 Section 2.7 – Role of Council

POLICY IMPLICATIONS

There are no current specific policy implications with the above Motion of Notice, however the Town will be including processes within the Green Infrastructure Maintenance Plans to provide staff and contractors with guidance on the appropriate measures towards ensuring their safety and that of the public.

The Town's Street Tree Policy will then be updated to reflect these process improvements.

RESOURCE IMPLICATIONS

The work mentioned under policy implications can be done within existing staffing and financial resources.

OTHER

Council should note that the improvements identified from the current practice review includes providing advanced notification to residents and businesses ahead of the scheduled spraying. Other measures cover carrying out such works out of hours (weekend) around younger and more vulnerable community members if possible. Appropriate signage displaying the chemical used are also in fabrication.

Following the Agenda Forum, the Town can confirm that the only insecticide that is generally used (stored with work trucks) is for exterminating wasp.

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****MOTION FOR BEHIND CLOSED DOORS**

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

The Presiding Member requested the recording equipment to be deactivated when going behind closed doors

13.1.1 T04/2025 CLEANING SERVICES TENDER

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.

13.1.2 CONFIDENTIAL STAFF MATTER - CEO PROBATIONARY / REVIEW - AUGUST 2025

This item is considered confidential in accordance with the *Local Government Act 1995* section 5.23(2) (a) as it contains information relating to a matter affecting an employee or employees.

MOTION FOR RETURN FROM BEHIND CLOSED DOORS

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.

The Presiding Member requested the recording equipment to be reactivated after coming out of closed doors.

13.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

14 MEETING CLOSURE