

# **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, 27 May 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 **27 May 2025** commencing at **6:00 PM**.

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

Yours faithfully,



Mark Newman  
**Chief Executive Officer**

23 May 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.**

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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](http://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**

*Item No*

*Item Title*

*Nature of Interest*

*Type of Interest*

*Financial* ☐

*Proximity* ☐

*Impartiality* ☐

### **INTEREST DISCLOSED**

*Item No*

*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 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION****4 PUBLIC QUESTION TIME****4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****4.2 PUBLIC QUESTIONS****5 PUBLIC STATEMENT TIME****6 ATTENDANCE****Elected Members**

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

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 Steve Cleaver	Director Development and Regulatory Services
Mrs Vicki Cobby	Director Corporate and Community Services
Ms Jacquelyne Pilkington	Governance & Executive Office Coordinator
Ms Magdalena Domanska	Executive Services Officer

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

**6.1 APOLOGIES**

Cr Sonja Heath

**6.2 APPROVED LEAVE OF ABSENCE**

**6.3 APPLICATIONS FOR LEAVE OF ABSENCE**

**7 DECLARATION OF INTERESTS**

**8 CONFIRMATION OF MINUTES**

That the Minutes of the Ordinary Meeting of Council held on Tuesday 22 April 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 27 May 2025:**

\_\_\_\_, \_\_\_\_, \_\_\_\_, \_\_\_\_, \_\_\_\_, \_\_\_\_, \_\_\_\_

**CORPORATE AND COMMUNITY SERVICES****10.1.1 LIST OF PAYMENTS 1 TO 30 APRIL 2025**

**Directorate:** Corporate and Community Services  
**Author(s):** Vicki Cobby, Director Corporate and Community Services  
**Authoriser(s):** Mark Newman, Chief Executive Officer  
**File Reference:** D25/20550  
**Applicant(s):** Internal  
**Author Disclosure of Interest:** Nil

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**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 April 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.

This report was previously provided within the Monthly Financial Statements report, and will now be presently separately to Council.

**OFFICER COMMENT**

The list of payments made during April 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):

- \$185,472.70 and \$175,394.73 to the Town of Cottesloe Staff for Fortnightly payroll
- \$90,941.40 to Datacom for the continuing implementation of the ERP
- \$54,060.00 and \$49,987.00 to the Australian Taxation Office for Payroll deductions
- \$49,165.55 to Managed IT for IT services and license agreements

- \$45,880.37 and \$44,329.45 to the SuperChoice Services Pty Ltd for Superannuation contributions
- \$37,076.75 to Surf Life Saving WA for Lifeguard services

**ATTACHMENTS**

**10.1.1(a) List of Payments 1 April to 30 April 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 April 2025, as detailed in Attachment 1.**

**10.1.2 MONTHLY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 30 APRIL 2025**

**Directorate:** Corporate and Community Services  
**Author(s):** Vicki Cobby, Director Corporate and Community Services  
Luca Swart, Management Accountant  
**Authoriser(s):** Mark Newman, Chief Executive Officer  
**File Reference:** D25/21183  
**Applicant(s):**  
**Author Disclosure of Interest:** Nil

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**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 April 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:

- The net current funding position as at 30 April 2025 was \$7,589,179 compared to \$4,824,190 at the same time last year.
- Operating revenue exceeds the year-to-date budget by \$296,643 while operating expenditure is less than the year-to-date budget by \$2,182,372. 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 42.52% of funds invested with the Westpac Banking Corporation, 18.15% with the National Australia Bank, and 39.33% with the Commonwealth Bank of Australia.
- The balance of cash-backed reserves was \$7,280,668 as at 30 April 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 \$1,119,538. 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 \$1,025,549, compared to \$435,525 at the same time last year. Sundry debtors and other receivables indicate that 56.7%, or \$366,235 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 \$1,771,630 as at 30 April 2025.

#### List of Accounts Paid for April 2025

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

#### **BUDGET AMENDMENTS**

In the April 2025 Ordinary Council meeting a budget amendment was approved (**OCM067/2025**) to facilitate the Seaview Golf Club Redevelopment Advisory Committee recommendation. In the resolution the incorrect account number was included, as shown below;

- 1. APPROVES a budget amendment of \$33,945;**
  - a. funded through the property reserve that has an outstanding balance of \$188,697;**
  - b. Increase the approved budget within account 35.1171.2 Seaview Golf Club House Redevelopment Feasibility from \$75,000 to \$108,945; and**

To allow for the correct allocation of budget as per the recommendation from the Seaview Golf Club Redevelopment Advisory Committee, an amendment is being proposed in this report to decrease the capital budget: **Seaview Golf Course, Buildings Construction Renewal (35.1171.2)** by \$33,945 and increase the operating budget: **Seaview Golf Club Strategy, Other operational projects** by \$33,945 (increasing it from \$75,000 to \$108,945).

There is not net change to the budget surplus from this amendment.



**ATTACHMENTS**

- 10.1.2(a)      Monthly Financial Statements for the period ending 30 April 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 the Budget Aendments in the Recommendation, Officers will be required to allocate spending for this project across two different accounts, one Operating and one Capital. Ultimately journals will be required to move these expenses to one account where there will not be adequate corresponding budget.

**VOTING REQUIREMENT**

Absolute Majority

**OFFICER RECOMMENDATION**

**THAT Council:**

- 1. RECEIVES the Monthly Financial Statements for the period 1 July 2024 to 30 April 2025.**
- 2. APPROVES by ABSOLUTE MAJORITY the amendments of the 2024/2025 annual budget as follows:**
  - a. Increase of \$33,945 to operating expense: Seaview Golf Club Strategy, other operational projects; and**
  - b. Decrease of \$33,945 to capital expense: Seaview Golf Course, Buildings Construction Renewal.**

**ENGINEERING SERVICES****10.1.3 INSTALLATION LOCALITY OF PUBLIC ART DONATION - "SANDBAR"**

**Directorate:** Engineering Services  
**Author(s):** Shaun Kan, Director Engineering Services  
**Authoriser(s):** Mark Newman, Chief Executive Officer  
**File Reference:** D24/48816  
**Applicant(s):** Internal  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

For Council to consider the East Cottesloe Playground installation location for the donation of the public art piece "Sandbar" (the sculpture), by Artist James Rogers from Hancock Prospecting and Roy Hill.

**OFFICER RECOMMENDATION IN BRIEF**

That Council APPROVES the East Cottesloe Playground location shown in diagram 2 for the sculpture with a protective barrier design in consultation with Sculpture by the Sea and the Artist.

**BACKGROUND**

In late 2023, the organiser of the Sculpture by the Sea, Mr David Handley, [on behalf of Gina Rinehart](#), offered to donate the 2023 Sculpture by the Sea Acquisitive Award "Sandbar" by artist James Rogers. The Acquisitive Award is jointly sponsored by Hancock Prospecting Group and Roy Hill, with a sculpture value of \$60,000 (Attachment A).



*Diagram 1: Sandbar Sculpture*

At the February 2024 Ordinary Council Meeting, Council resolved to provide in principle support to accept the donation and instructed the Chief Executive Officer (CEO) to form a working party with the donor and artist to determine a preferred location. Council will then consider a formal acceptance and installation at an approved location (OCM010/2024).

**OCM010/2024**

**THAT Council:**

**1. PROVIDE In Principle support to accept the donation of the public art piece “Sandbar” (the artwork), by Artist James Rogers, from Hancock Prospecting and Roy Hill;**

**2. INSTRUCT the Chief Executive Officer (CEO) to:**

**a. Form a working party of James Rogers (Artist), David Handley (Sculpture by the Sea), and the CEO to identify three (3) possible locations for the artwork’s installation;**

**b. Provide a future report to Council to consider a formal donation acceptance and determine where it should be installed**

**Carried by En Bloc Resolution 9/0**

Since then, a number of working party meetings have occurred to determine the preferred location. This item was initially tabled at the December 2024 Agenda Forum and withdrawn from the OCM agenda to enable the Local Government Insurance Scheme (LGIS) and Mr David Handley to provide their views on the duty of care protective solutions for the sculpture.

This is further discussed in the Officer’s Comment.

The process has taken longer than expected due to Sculpture by the Sea events in other parts of the country and the working party members limited availability outside the exhibition period. Time was also needed to carry out the consultations with LGIS and Mr Handley.

**OFFICER COMMENT**

**10 July 2024** - Mr Handley provided the attached report (Attachment B) identifying the East Cottesloe Playground as the preferred site location for the sculpture.

**29 July 2024** - The Artist and a representative from Sculpture by the Sea met with the Town of Cottesloe where:

- The 3 possible sites (as per the February 2024 OCM resolution) below were analysed for suitability:
  - (a) East Cottesloe Playground;
  - (b) Grant Marine Park;
  - (c) Cottesloe Skate Park (John Black Dune Park)
- The discussion can be summarised as follows:
  - (a) This is not a piece of play equipment and visibility of the sculpture is paramount.

- (b) The Skate Park has high vandalism risk and installing it within such a low visibility site could result in the sculpture's amenity benefit being lost.
- (c) Grant Marine Park would have the least resistance as this does not impact any views but there is already a sculpture at this location.

Note: At the time of the meeting, the Artist was uncertain whether this is the best location as he is not familiar with the level of exposure for the site;



***Diagram 2: Grant Marine Park – Relationship Together Series Sculpture***

- (d) East Cottesloe Playground appears to be a site of low amenity impact (not sufficiently visible) and is a concern that children could play on the sculpture;
- (e) For reasons in point (a) to (d), it was concluded that the Skate Park is the least preferred option and the final position was either Grant Marine Park or the East Cottesloe Playground; and
- (f) A request was made for the Town to provide possible locations within the Grant Marine Park and East Cottesloe Playground where the sculpture could be installed.

**13 August 2024** - The Administration provided the requested information.

**25 November 2024** - Sculpture by the Sea confirmed the southern end of East Cottesloe Playground, directly opposite Albion Street, as the preferred location (Attachment C).



**Diagram 3: East Cottesloe Playground Locality**

Council officers believe the following, that:

- Without physical separation, the preferred location, being close to a playground, carries the risk of children climbing the sculpture;
- Physical barriers (low fences or equivalent) are useful to mitigate this risk;
- Grant Marine Park and the Skate Park sites carry the same risk, by them being play spaces, requiring the same mitigated measures; and

**December 2024** - The item was presented to the Agenda Forum and was withdrawn from the Ordinary Council Meeting Agenda because Sculpture by the Sea had concerns with a physical barrier affecting the sculpture's visual amenity.

**Between February and April 2025** - The Administration engaged with both Mr David Handley and LGIS on proposed physical separation. Enclosed in Attachment D are responses provided by both stakeholders.

In summary:

- Mr Handley was in the opinion that:
  - (a) He was never aware of anyone attempting to climb any sculptures created by Mr James Rogers at their Cottesloe and Bondi exhibitions;
  - (b) The sculpture design is unlikely to encourage climbing;
  - (c) There are other sculptures installed within Cottesloe that a design with the tendency to encourage climbing and reiterated his view of not being aware that this was an issue;



- (d) He feels that fencing around the Sandbar sculpture is not required;
- LGIS's independent review has drawn the following conclusions:
  - (a) The Civil Liability Framework applies and the Town could be responsible for any injuries should the known risk of harm remain unaddressed but the actuality would need to be determined on the circumstances of each claim;
  - (b) The same legislation also places duty of care responsibilities on visitors and community members to manage their own safety;
  - (c) The Australian Standards provide guidance towards selecting safe playground sites and the protection needed to protect users from any known hazards. Conversely, similar consideration would need to be given to introducing new elements such as this sculpture to an established site;
  - (d) Suggestion of locating the sculpture 50 to 100 metres away from the East Cottesloe Playground that still requires some form of separation from the public and interpretative signage that contains appropriate messaging; and
  - (e) The Town's Acquisition of Public Art Policy (POL/51) considers public safety relating to any sculpture.

Based on this information, the Administration provides the following options for Council's consideration, noting that the preferred solution is Option 3:

- Option 1 - Nominate a different site either 50 to 100 metres away from the East Cottesloe Playground or another location acknowledging that some form of physical separation is still required and there is the likelihood that this may not meet the Artist's requirements; or
- Option 2 – Does not accept the sculpture; or
- Option 3 – Retain the current East Cottesloe Playground location and asks the CEO to collaborate with the artist and Sculpture by the Sea to consider the advice provided by LGIS to develop a suitable separation.

In light of the information provided by LGIS, it is likely that the same risk assessment will need to be undertaken for all the other sculptures within Cottesloe to ensure that any public liability issues are appropriately addressed.

### **ATTACHMENTS**

- 10.1.3(a) Attachment A - Sculptures by the Sea - Gift [under separate cover]**
- 10.1.3(b) Attachment B - SxS Email - 10 July 2024 - Site Options for 'Sandbar' Location - Redacted [under separate cover]**
- 10.1.3(c) Attachment C - SxS Email - 25 November - Preferred Site Location for 'Sandbar'\_Redacted [under separate cover]**
- 10.1.3(d) Attachment D - Combined Responses from David Handley and LGIS [under separate cover]**
- 10.1.3(e) Attachment E - James Rogers (Artist) Maintenance Guide and Artist Guarantee - 'Sandbar' - Sculpture by the Sea [under separate cover]**

**CONSULTATION**

Elected Members;

LGIS

Mr David Handley, Sculpture by the Sea; and

Mr James Rogers, Artist.

**STATUTORY IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Policy POL/51 - Acquisition of Public Artworks.

**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 Town is responsible for the \$5000 cost of installing the concrete pad and ongoing maintenance of the sculpture.

As indicated in the February 2024 Officer's Report:

- The Town has considered the sculpture specifications (Attachment E) and is in the view that this can be accommodated within the annual sculpture maintenance allocations (\$4000); and
- Any asset management risk is mitigated by the ability for Council to return the sculpture should this become a financial burden.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

At this stage, there are no perceived sustainability implications arising from the officer's recommendation.

**RISK MANAGEMENT IMPLICATIONS**

The Town is exposed to duty of care liability risk without some form of barrier to prevent public access. [Council should note that this physical barrier mentioned within the officer's recommendation can include vegetation and garden beds as per the attached LGIS advice.](#)

**VOTING REQUIREMENT**

Simple Majority



**OFFICER RECOMMENDATION****THAT Council:**

- 1. APPROVE the installation of the sculpture at the East Cottesloe Playground site as per the position shown in diagram 3 within the officer's comment section of the report;**
- 2. INSTRUCTS the Chief Executive Officer to collaborate with Sculpture by the Sea and the Artist to consider the advice provided by the Local Government Insurance Scheme to install a suitable physical barrier to prevent access onto the sculpture; and**
- 3. NOTES that an item will return to an Ordinary Council Meeting to consider other options should points 1 and 2 be unachievable.**

**10.1.4 SOUTH COTTESLOE TOILET FACILITY - COMMUNITY CONSULTATION**

**Directorate:** Engineering Services  
**Author(s):** Peter Ng, Coordinator Building and Conservation Projects  
Shaun Kan, Director Engineering Services  
**Authoriser(s):** Mark Newman, Chief Executive Officer  
**File Reference:** D25/19791  
**Applicant(s):** Internal  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

For Council to consider the public consultation results and a recommended pathway.

**OFFICER RECOMMENDATION IN BRIEF**

That Council DEFERS the matter and INSTRUCTS the Chief Executive Officer (CEO) to consider the survey feedback to determine [additional](#) possible locations within south Cottesloe and a revised toilet design.

**BACKGROUND**

As part of the 2024/2025 budget development, Council considered feedback from its Council Plan 2023–2033 community perception survey and the results of a public toilet gap analysis before allocating \$200,000 for this amenity in South Cottesloe.

Community feedback highlighted the lack of accessible public amenities particularly along the southern stretch of the foreshore, which sees high visitor numbers, especially during peak periods.

An additional \$100,000 was approved through the mid-year budget review, following further project investigation and refinement, bringing the revised project allocation to \$300,000. This allows for delivering a facility comprising of one universally accessible toilet and a storage area.

Community consultation was undertaken between 21 March and 22 April 2025 to provide feedback on two proposed locations for the new facility and the earlier described concept design.

The two location options shown in **Attachment A** are:

- **Location Option 1:** Marine Parade, opposite Salvado Street
- **Location Option 2:** Marine Parade – Dutch Inn Playground, adjacent to beach access path CT41 and near the carpark.

The toilet concept is enclosed in **Attachment A**, noting that any final design will consider community feedback.

The officer's comment section provides a summary of the public consultation results.

Council is asked to note that the proposed location reduces the distance between the next two closest toilet facilities, Indiana Teahouse to the north and Leighton Beach to the south within the City of Fremantle as shown in the aerial photo below.



*Diagram 1: Public Toilet Proximity Plan*

### **OFFICER COMMENT**

#### **Survey Results Summary**

A total of 390 responses were received during the consultation period and this has been broken down into 4 broad categories as shown in Table 1.

Enclosed in **Attachment B** is the Community Engagement Summary Report providing:

- Survey responses by all participants;
- Correspondence outside the survey; and
- Extent of the consultation catchment (directly impacted residents).

#### **Quantitative Analysis**

Upon closer review of the community engagement responses, it has been found that:

- **Situation one: 18 addresses contain a number of repeat submissions with 45 individual survey responses coming from these 18 properties where:**
  - (a) The repeats from each property provide a similar response such that they either support or oppose the proposal;
  - (b) This equates to 27 repeated survey participants (45 total submissions less 18, assuming only one response should come from each of these 18 addresses);

(c) These 18 properties containing repeats have been highlighted yellow in **Attachment B**; and

- **Situation two: Owners of multiple properties have made a submission for each of their addresses providing similar responses.**

(a) Coincidentally, this category also has a total of 18 addresses being registered to two ratepayers that own multiple properties; and

(b) These responses have been highlighted in green in **Attachment B**.

**Table 1** below represents the results within situation two that reduces the 18 responses to the two so as to avoid this duplication.

CATEGORY	NO. OF RESPONSES	PERCENTAGE
<b>TOTAL ONLINE SURVEY RESPONSES</b>	<b>374</b>	
<b>COTTESLOE RESIDENTS OUTSIDE CATCHMENT AREA</b>	<b>144</b>	
Total Support	122	85%
Total Oppose	22	15%
<b>COTTESLOE RESIDENTS WITHIN CATCHMENT AREA</b>	<b>96</b>	
Total Support	37	41%
Total Oppose	59	59%
<b>NON COTTESLOE RESIDENTS</b>	<b>134</b>	
Total Support	76	57%
Total Oppose	58	43%
<b>DESIGN OF TOILET FACILITY</b>	<b>374</b>	
Total Support	198	53%
Total Oppose	176	47%

**Table 1: Consultation Response Summary without multiple properties**

In summary, the level of support and opposition for the public toilet facility out of the 374 responses are as follows:

- Supported by 85% of Cottesloe residents living outside the catchment area;
- Opposed by 59% of Cottesloe residents living within the catchment area;
- Supported by 57% of non-Cottesloe residents living outside the catchment area;
- Overall 63% support from the 374 respondents; and
- The proposed concept design is supported by 53% of the 374 respondents

**Table 2** below shows the breakdown of survey responses for the preferred toilet location.

CATEGORY	NO. OF RESPONSES	PERCENTAGE
<b>TOTAL ONLINE SURVEY RESPONSES</b>	<b>374</b>	
<b>COTTESLOE RESIDENTS OUTSIDE CATCHMENT AREA</b>	<b>144</b>	
Location Option 1	122	85%
Location Option 2	22	15%
<b>COTTESLOE RESIDENTS WITHIN CATCHMENT AREA</b>	<b>96</b>	
Location Option 1	14	15%
Location Option 2	20	21%

Others	62	64%
<b>NON COTTESLOE RESIDENTS</b>	<b>134</b>	
Location Option 1	39	29%
Location Option 2	29	22%
Others	66	49%

**Table 2: Survey Results for Preferred Toilet Location Options**

In summary:

- 85% of Cottesloe residents living outside the catchment prefer location 1;
- 64% of Cottesloe residents living within the catchment area prefer a different location to option 1 and 2; and
- 49% of non-Cottesloe residents also prefer a different location to option 1 and 2.


The following further analysis has also been undertaken by officers:

- Applying the same discount approach to situation one and this reduces the total responses to 363 where immaterial variance was found between this and the ones shown in table 1 and 2; and
- The immaterial findings were the same when all 390 responses were analysed.

#### **Qualitative Analysis**

- Broadly, the view from those against have said that there is already an overprovision of nearby facilities, raising concerns about unnecessary costs and expressing a desire to keep the area in its natural state;
- The comments supporting the proposal, highlight the lack of existing amenities, particularly for families and active recreational users such as runners and surfers, and emphasising the need for improved public infrastructure in the area; and
- Some have expressed that the consultation process was rushed, inaccessible, or poorly communicated. There was also a call for a more genuine and inclusive approach, with greater community engagement and opportunities to co-design the solution.

**Table 2** below provides the officer's responses to the other issues identified by the community:

Concerns	Solution to Address Concerns
<p><b>Location Concerns</b></p> <p>Visual impact of the proposed toilet obstructing views</p> <p>Inappropriate siting – suggestions for alternative locations (e.g., closer to playgrounds or the rail line, rather than the beach or prominent viewpoints)</p>	<p>A third location directly opposite Beach Street <a href="#">within the vicinity shown in diagram 3</a> concealed behind the dunes near the groyne has been developed as a possible location.</p> <p>This was initially considered and discounted due to public safety issues given its concealment and the additional cost needed for sewer pumps given that this sits below the level of the existing sewer main.</p> <p>It is important to note that a toilet facility previously existed at this location as depicted below and was reportedly removed in the late 1990s. The facility was connected to a septic tank.</p>  <p><b>Diagram 2: Previous Public Toilet</b></p> <p>Source: Landgate Aerial photo 1989</p>
<p><b>Design and Aesthetic</b></p> <p>Poor integration with the landscape and out of character with surroundings</p> <p>Requests for higher design standards, use of natural materials such as timber, earthy or coastal colours, and incorporation of Indigenous or local artwork</p>	<p>The current design is indicative and the final version will consider the feedback received from community consultation, noting that a higher standard toilet comes at a financial cost.</p>

<b>Functionality and Size</b>  One unisex toilet considered inadequate. Requests for at least two stalls and separate male and female facilities, along with exterior showers and changing rooms	Should Council be open to providing 2 stalls, it is recommended that the second one be non-gender assigned and meets ambulant requirements.  The provision of exterior showers will be explored during detailed design.
<b>Safety and Security</b>  Concerns regarding unisex design, inadequate lighting, and potential for antisocial behaviour	The proposed toilet facility will be equipped with automatic timer locks to restrict access thereby reducing the risk of anti-social behaviour after dark.  The design will be informed by CPTED (Crime Prevention Through Environmental Design) principles, with a focus on natural surveillance (without affecting views).

**Table 2: Officer Responses to Community Concerns**

Council should note that a toilet behind the dunes near the Dutch Inn Groyne would cost an additional \$100,000 for a pump to be installed. A further \$100,000 is needed to provide a higher standard toilet at any location.

### Options for Council

Given the responses, the following are options open for Council to pursue:

- Option 1: Accept either location 1 or 2 and instructs the CEO to address the concerns raised by survey participants at detail design;
- Option 2: Reject both locations and defer the item, instructing the CEO to consider the responses to select different locations for the community to be re-consulted; or
- Option 3: Does not proceed with the project.

Option 2 is preferred for the following reasons:

- A majority of directly impacted residents are against the toilet being at either location due to the impacts mentioned within their responses;
- There seems to be genuine community appetite for a toilet with the survey indicating that 66% of Cottesloe residents living outside the catchment area and non-Cottesloe residents are supportive of a toilet in the South Cottesloe region;
- Locating the toilet behind the dunes near the Dutch Inn Groyne is likely to address a number of concerns raised in the survey and this position together with any others will need to be researched and consulted before a preferred location is recommended; and
- It allows the toilet concept to be revisited so that feedback provided can be incorporated into the design should this be possible.

Council should note that the officer's recommendation to defer and further investigate additional possible toilet locations does not preclude the two positions already identified

remaining under consideration. This will be a matter for Council to determine when the item returns to an Ordinary Council Meeting.

It is open for Council to amend the officer's recommendation to include

### **ATTACHMENTS**

**10.1.4(a) Attachment A - South Cottesloe Toilet Location Options & Design [under separate cover]**

**10.1.4(b) Attachment B - Survey Responses and Written Feedback - Redacted [under separate cover]**

### **CONSULTATION**

Town of Cottesloe Staff;

Elected Members; and

Survey was opened to the Cottesloe Community and those living outside the district.

### **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 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**

Resource requirements are in accordance with the existing budgetary allocation.

A change in location and design is likely to require an increased budget

### **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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



**RISK MANAGEMENT IMPLICATIONS**

Deferring the decision allows for further investigation based on community feedback in making an informed decision in selecting an appropriate location and revised toilet concept design.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

**THAT Council**

- 1. NOTES** the consultation feedback received from surrounding residents and stakeholders;
- 2. DEFERS** a decision on the toilet location and design;
- 3. INSTRUCTS** the Chief Executive Officer to:
  - a. Consider** the feedback provided in the survey to determine **additional** possible toilet locations in south Cottesloe and a revised toilet concept design;
  - b. The additional possible locations mentioned in point 3(a) are to ensure the position is within the vicinity of Beach Street behind the dunes shown in Diagram 2; and**
  - c. Bring an item back to Council at an Elected Members Workshop as soon as feasible.**

**10.1.5 GIBNEY STREET YELLOW LINE REQUEST**

**Directorate:** Engineering Services  
**Author(s):** Shaun Kan, Director Engineering Services  
**Authoriser(s):** Mark Newman, Chief Executive Officer  
**File Reference:** D25/19911  
**Applicant(s):** Internal  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

For Council to consider the installation of yellow lines and marked parking bays along Gibney Street.

**OFFICER RECOMMENDATION IN BRIEF**

That Council APPROVES the installation of the yellow line and marked parking bays shown in Diagram 1 (Attachment A).

**BACKGROUND**

In May 2024, the Gibney Cottessloe restaurant within the Waterfront Development (Curtin Living) opened.

Since trade commenced, the Town has received a number of concerns from residents pertaining to crossover obstructions as a result of parking along Gibney Street (patrons and delivery). The Town has addressed these issues through collaborations with Curtin Living and by implementing compliance measures.

It has been observed that the number of obstructions has reduced after the delivery dock became operational. The remaining complaints received are now largely limited to the section directly in front of the loading dock along Gibney Street close to Marine Parade.

This report requests Council's consideration in regards to longer-term solutions relating to the parking problems that still exist.

**OFFICER COMMENT**

In the first few weeks of the restaurant opening, the Administration did consider implementing parking controls along Gibney Street to address the safety issue relating to parked vehicles obstructing sight lines for residents exiting driveways. However, this did not progress for the following reasons:

- Reduction in on street parking;
- Parked vehicles provide a form of traffic calming and speed reduction;
- The delivery dock had not opened;
- Council considered that this would move the problem to other adjacent streets and set a precedent when Council considers any future parking restrictions;

- Curtin Living is committed to working with the Town to address resident's concerns by communicating this to the restaurant and for them to manage this accordingly; and
- A settling period was appropriate before any longer term action was determined.

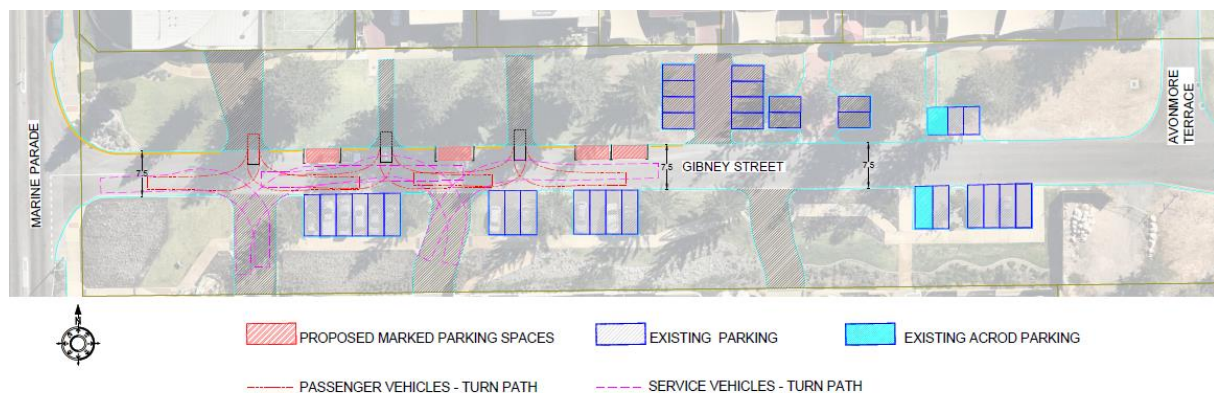
Given that the restaurant has been operating for at least 12 months, it would be reasonable for Council to consider introducing parking restrictions to address the residual parking challenges, or alternatively continue addressing this by way of compliance.

Council is asked to note that the residents of Gibney Street living closer to Marine Parade continue to experience challenges as a result of uncontrolled on street parking fronting their property. They raised concerns before the restaurant opened and continued to communicate with the administration and elected members after commencement of trade about the obstruction and safe egress from their driveways.

Another safety issue identified is the conflict between parked vehicles and delivery trucks entering the undercroft as these larger vehicles require a bigger turning circle.

The following are broad options for Council to consider:

- Option 1 – do nothing and ask the Chief Executive Officer (CEO) to continue using compliance to manage the obstruction; or
- Option 2 – implement the parking controls shown in diagram 1 where this will improve safety for trucks accessing the delivery dock and that of the resident traversing their driveway especially given the closeness to the Marine Parade intersection.



**Diagram 1: Proposed Parking Control Plan (Refer to Attachment A)**

Given the analysis for each solution, option 2 is the preferred approach and this is unlikely to set a precedent because the Administration is not aware of such a situation at any other location in Cottesloe where commercial crossovers are located opposite a residential driveway just outside the 10 metre statutory parking restriction within an intersection.

Option 1 only addresses the driveway obstruction issue and does not mitigate the safety issues associated with delivery vehicles access at the loading dock, as without the yellow lines and marked bays, vehicles can still legally park in an unassigned fashion thereby affecting the turning movement of trucks.

**ATTACHMENTS**

**10.1.5(a)      Attachment A - Gibney Street Parking Plan [under separate cover]**

**CONSULTATION**

Previously Curtin Living and Elected members.

Ranger Services as part of compiling this report and they are supportive of the officer's recommendation.

Residents of the three affected properties have been in contact with the Town as part of their request for the introduction of parking restrictions.

**STATUTORY IMPLICATIONS**

*Parking and Parking Facilities Local Law 2024*

**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 where the yellow lines and marked bays will be installed using the approved maintenance budgets.

**ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**RISK MANAGEMENT IMPLICATIONS**

A traffic safety issue will continue to exist without the introduction of parking restrictions by virtue that this is a unique scenario within the District.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

**THAT Council APPROVES the parking controls along Gibney Street shown in Diagram 1 and [Attachment A](#) within the Officer's Comment section.**

**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****MOTION FOR BEHIND CLOSED DOORS**

**That, in accordance with Section 5.23(2) (c), 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 RIGHT OF WAY 20 ENCROACHMENTS**

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.

**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 RESOLUTIONS PASSED IN MEETINGS CLOSED TO THE PUBLIC TO BE READ ALOUD FOR THE BENEFIT OF MEMBERS OF THE PUBLIC IN ATTENDANCE AND VIEWERS WATCHING THE LIVESTREAMING OF THE MEETING.**

**14 MEETING CLOSURE**