



TOWN OF
MOSMAN PARK

ORDINARY COUNCIL MEETING
Minutes
TUESDAY 24 NOVEMBER 2020





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1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at 6:00pm.

2. RECORD OF ATTENDANCE

Members:

Mayor	B. Pollock
Deputy Mayor	A. Maurice
Councillor	Z. Johnson
Councillor	P. Shaw
Councillor	A. Baird
Councillor	G. Carey

Officers:

Chief Executive Officer	C. Bywater
Director Planning and Operations	A. Nancarrow
Executive Officer	C. Markovic
Manager Parks and Environment	B. Moorman

Apology

Observers:

Press:

David Huddleston	The Post Newspaper
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Leave of absence (previously approved):

Councillor	J. Ledgerwood
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3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4. PUBLIC QUESTION TIME

Michael McClure, 31 Manning Street, Mosman Park

Q1. Has the Mayor, or any of the Councillors, disclosed a financial or a proximity interest in the proposed redevelopment of the Wellington Street Neighbourhood Centre, and if so, when was such disclosure made and what is the nature and extent of that disclosed interest?

A1. Yes, Deputy Mayor Maurice has disclosed a Proximity Interest. The nature of this disclosure is that Deputy Mayor Maurice lives at 19 Samson Street which adjoins the Wellington Street Centre.

Q2. Is the Mayor or any of the Councillors aware of any financial or a proximity interest in the development that has not been disclosed?

A2. No – all known interests have been disclosed.

Q3. If the Mayor or any of the Councillors have either a financial or a proximity interest in the development, is that interest common to a significant number of electors or ratepayers?

A3. No.

Q4. Has the Mayor, or any of the Councillors obtained independent professional legal advice as to the effect of an interest on their ability to participate in discussions and / or the decision making process, and if so, who or what organisation provided that advice, on what date and what was the advice?

A4. Due to the nature of Deputy Mayor Maurice's interest, he will not be allowed to vote on this matter. Independent advice was sought from WALGA to clarify the implications of this interest early in this process.

Q5. If the Mayor or any of the Councillors have either a financial or a proximity interest in the development, and their interest is common to a significant number of electors or ratepayers, is there any reason why that person should not participate in discussion or decision making procedures relating to the Wellington Street Neighbourhood Centre, and if so, what is that reason?

A5. N/A.

Peter Coghlan, 15 Samson Street, Mosman Park

Q1. In respect to the Draft Local Development Plan for the Wellington Street Neighbourhood Centre, could you please advise me how many submissions were lodged regarding the Draft LDP, and how many were in support and how many were in objection?

A1. The Town received a total of 571 submissions from the community on the proposed LDP. The breakdown of submissions received was:

- 485 submissions of general opposition.
- 80 submissions of general support.
- 6 neutral submissions.

Bridget Smith, 132 Wellington Street, Mosman Park

Q1. Does Council plan on making a decision before the 23 December, if so, by what date?

A1. Yes, the Town will make a decision before the 23 December 2020.

Q2.If Council will not make a decision prior to 23 December, will Council hold a Special Council Meeting or agree to an extended time period with the proponent?

A2. The Town will hold a Special Council Meeting on Monday 30 November at 6pm to make a decision regarding the Wellington Street LDP.

5. PETITIONS/DEPUTATIONS/PRESENTATIONS

It was recorded that Council received the following petitions at its Ordinary Council Meeting on the 24 November 2020.

5.1 THREE PETITIONS OPPOSING THE WELLINGTON STREET LOCAL DEVELOPMENT PLAN WERE RECEIVED.

The Town received two four-signature petitions on 12 November 2020 from the residents of Mosman Park opposing the Wellington Street Local Development Plan.

5.2 A PETITION OPPOSING THE WELLINGTON STREET LOCAL DEVELOPMENT PLAN WAS RECEIVED AT THE ORDINARY COUNCIL MEETING ON 24 NOVEMBER 2020.

The Town received a 478 signature petition on the 24 November 2020 from the residents of Mosman Park in opposing to the Wellington Street Local Development Plan.

Presentation – Jack O’Keeffe, Western Electric Sporting Association,

- Last year, the Association approached the Town to seek assistance to fund our local league.
- I would like to present a Mosman Magic team t-shirt to thank the Town for its contribution.

Mark Smith, 132 Wellington Street, Mosman Park

- I would like to present a 477-signature petition opposing the Wellington Street LDP.
- The Petition requests that Council decline the LDP in its current form.
- We respectfully request that Council engages with the developer to consider sustainable development options that align with the sites R60 zoning.

6. DECLARATION OF INTEREST

Nil.

7. APPLICATION FOR LEAVE OF ABSENCE

Nil.

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Mayor announced his attendance at:

1. Meeting with ratepayers
2. Meeting with residents from McCabe Street
3. Meeting with the Safety and Security Committee
4. Sundowner at Samson's Paddock for Strategic Community Plan engagement
5. Meeting with the Golf Club
6. Attended 100 years of Memorial Hall
7. Two meetings with the President of Mosarts
8. Meeting with Featherstone Pilates
9. Audit Committee meeting
10. Attended two briefing sessions
11. Strategic Community Plan engagement session at Tsunami
12. Coffee and conversation engagement session at Ditto Café
13. Attended the Craft Market and Community Fair
14. Attended the Senior's Week Morning Tea
15. Met with Dr. David Honey
16. Attended the Remembrance Day Ceremony
17. Met with the Friends of Mosman Park
18. Attended the pre-opening of a new WA Museum
19. Attended the Agenda Forum
20. Attended Angela Sicree's farewell
21. Attended community citizen of the year award nominations
22. Met with Ms Celia Hammond
23. Met with Bird Park residents.

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD 27 OCTOBER 2020

COUNCIL RESOLUTION

OCM-156-2020

Moved: COUNCILLOR Z JOHNSON
Seconded: COUNCILLOR P SHAW

That the Minutes of the Ordinary Council Meeting held 27 October 2020 be confirmed as a true and accurate record.

CARRIED 6/0

9.2 MINUTES OF THE SPECIAL COUNCIL MEETING HELD 17 NOVEMBER 2020

COUNCIL RESOLUTION

OCM-157-2020

Moved: DEPUTY MAYOR A MAURICE

Seconded: COUNCILLOR G CAREY

That the Minutes of the Soecial Council Meeting held 17 November 2020 be confirmed as a true and accurate record.

CARRIED 6/0

10. REPORTS OF COMMITTEES

6.1 INTERIM AUDIT REPORT

File No.:	GOVERN002
Responsible Executive/ Manager:	EMMA BEBB MANAGER FINANCE
Author:	EMMA BEBB MANAGER FINANCE
Author Disclosure of Interest:	NIL
Attachments (under separate cover):	1. INTERIM AUDIT REPORT FROM THE OFFICE OF THE AUDITOR GENERAL (OAG) – <i>ICR130087</i>

Authority/Discretion

<input type="checkbox"/> Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.
<input type="checkbox"/> Quasi-Judicial	When Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under <i>Public Health Act 2016, Dog Act 1976</i> or local laws) and other decisions that may be appealable to the State Administrative Tribunal.
×Information Purposes	Includes items provided to Council for information purposes

**COUNCIL RESOLUTION
OCM-158-2020**

Moved: COUNCILLOR Z JOHNSON
Seconded: DEPUTY MAYOR A MAURICE

That Council accepts the Interim Audit report submitted by the Office of the Auditor General for the year ended 30 June 2020.

**CARRIED 6/0
Voted En Bloc**

VOTING REQUIREMENTS

Simple majority.

PREVIOUSLY BEFORE COUNCIL

N/A

PURPOSE OF REPORT

The purpose of this report is for the Audit Committee to accept the Management Letter from the Town's 2019/20 Interim Audit.

EXECUTIVE SUMMARY

The Town has received the 2019/20 Interim Audit letter from the Office of the Auditor General (OAG) in relation to accounting and internal control processes. Nine findings from the Interim Audit were noted in the letter and recommendations provided. The Town has provided management responses against each finding.

BACKGROUND

The OAG completed the Town's Interim Audit for the year ended 30 June 2020 in May 2020 and provided the Town with the Interim Management Letter in September 2020.

The Australian Auditing and Assurance Standards Board encourages auditors to issue a management letter on completion of each audit as a means of advising the local government of any matters noted during the course of the audit.

Index of Findings:

Significant (potentially a significant risk to the entity if not addressed promptly):

- Unrecognised assets
- Reconciliations
- Segregation of duties over procurement
- Unrestricted user access.

Moderate (of sufficient concern to warrant action being taken by the entity asap):

- Policies on payroll and property, plant and equipment
- Review of supplier master file
- Independent review of daily cash receipt and banking deposit listing
- Inadequate rates debtor follow-up process
- Asset stocktake not undertaken.

DETAILS

Strategic Plan Alignment

The Town ensures it complies with Local Government Financial Regulations and the requirements of the *Local Government Act 1995* through integrating the Town's key strategies, plans, resources and reporting.

Statutory Implications

On 28 October 2017, the Local Government Amendment (Auditing) Act 2017 (the Act) was proclaimed, giving the Auditor General the mandate to audit Western Australia's 139 local governments and nine regional councils.

The Act allowed the Auditor General to conduct performance audits of local government entities from 28 October 2017. The Auditor General will take on responsibility for the annual financial audits of local government entities and by 2020/21 all local government entities will be audited by the Auditor General.

The *Local Government Act 1995* Section 7.2 states:

The accounts and annual financial report of a local government for each financial year are required to be audited by an auditor appointed by the local government.

The *Local Government (Audit) Regulations 1996* Section 9 states:

- (2) *An auditor must carry out an audit in accordance with the Australian Auditing Standards made or formulated and amended from time to time by the Auditing and Assurance Standards Board established by the Australian Securities and Investments Commission Act 2001 (Commonwealth) section 227A.*
- (3) *An auditor must carry out the work necessary to form an opinion whether the annual financial report —*
 - (a) *is based on proper accounts and records; and*
 - (b) *fairly represents the results of the operations of the local government for the financial year and the financial position of the local government at 30 June in accordance with —*
 - (i) *the Act; and*
 - (ii) *the Australian Accounting Standards (to the extent that they are not inconsistent with the Act).*

Policy Implications

The Town will be required to update policies to satisfy the recommendations from the OAG Interim Audit Management Letter.

Financial Implications

The Town will need to recognise its share of the Wearne Hostel (25%) as an asset in the financial statements for 2019/20, and restate the 2019/20 comparative financial results accordingly.

Community Engagement

N/A

COMMENT

The Interim Audit covers a review of the Town's accounting and internal control processes.

The nine findings listed in the interim management letter (**Attachment 1**) have been reviewed and the following tasks have been completed since the date of the Interim Audit:

- 1) An external review has been completed on the recommendation to bring the Town's share of the Wearne Hostel (25%) into the Town's financial statements. The Town's share of this asset will be included in the final 2019/20 financial statements.
- 2) Timely reconciliations (including independent reviews) are evident through the revised financial month end process.
- 3) The segregation of duties relating to the Town's procurement process has been reviewed, upon the rollout of the new procurement policy which was completed after the Interim Audit.
- 4) The user access issues were rectified immediately. The Town's ICT Coordinator has now established an ongoing process to ensure these are reviewed.
- 5) The Town's property, plant and equipment (PPE) policy and the payroll policy were reviewed by the OAG. During review, questions were raised about how well these reflect existing processes. These policies will be reviewed and changes recommended accordingly.
- 6) Review of the Town's supplier master file has identified several duplicated and inactive suppliers. These have been reviewed and an update is underway.
- 7) A second employee is now completing an independent review and count of the daily cash receipts and bank deposit listing to reduce the risk of theft, fraud and undetected error.
- 8) The Town's Debt Recovery Policy has since been reviewed and updated, and the recovery of rates debt is a key priority for the Finance team.
- 9) The Town will generate a new process for the completion of an asset stocktake.

AGENDA FORUM COMMENTS

Q1. What affects will the recognition of Wearne have on the accounts for the Town?

A1. It will increase the land asset value to \$13.9m and the buildings that were on the land when it was transferred to the LGAs will increase the building asset written down value of \$984,250 with an increase in depreciation expense of \$57,000 for 2019/20.

6.2 FRAUD, CORRUPTION AND MISCONDUCT CONTROL PLAN - UPDATE

File No.:	NIE26
Responsible Executive/ Manager:	CARISSA BYWATER CHIEF EXECUTIVE OFFICER
Author:	KATE JONES SENIOR GOVERNANCE OFFICER
Author Disclosure of Interest:	NIL
Attachments provided under separate cover:	1. TOWN OF MOSMAN PARK FRAUD CORRUPTION AND MISCONDUCT CONTROL PLAN (NOVEMBER 2020)

Authority/Discretion

- | | |
|---|--|
| <input type="checkbox"/> Advocacy | When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency. |
| <input checked="" type="checkbox"/> Executive | The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |
| <input type="checkbox"/> Legislative | Includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers. |
| <input type="checkbox"/> Quasi-Judicial | When Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under <i>Public Health Act 2016</i> , <i>Dog Act 1976</i> or local laws) and other decisions that may be appealable to the State Administrative Tribunal. |
| <input type="checkbox"/> Information Purposes | Includes items provided to Council for information purposes |

COUNCIL RESOLUTION

OCM-159-2020

Moved: COUNCILLOR Z JOHNSON
Seconded: DEPUTY MAYOR A MAURICE

That Council approves the Town of Mosman Park Fraud, Corruption and Misconduct Control Plan (November 2020) at **Attachment 1**.

CARRIED 6/0
Voted En Bloc

VOTING REQUIREMENTS

Simple majority.

PREVIOUSLY BEFORE COUNCIL

In November 2019, the Audit Committee and then Council considered a Performance Audit Report issued by the Office of the Auditor General (OAG) in August 2019. The subject matter of the report was Fraud Prevention in local government (**August 2019 OAG Fraud Report**)¹. (Please refer to [Audit Committee minutes dated 19 November 2019 \(AUD-013-2019\)](#) and [Ordinary Council Meeting minutes dated 26 November 2019 \(OCM-147-2019\)](#).)

The November 2019 report to the Audit Committee/Council attached an Action Plan to implement the recommendations of the August 2019 OAG Fraud Report. (Please refer to [p151 of the Attachments to the 26 November 2019 OCM minutes](#).)

In July 2020, the Audit Committee/Council considered the progress made on the Action Plan to develop the Town's Fraud and Corruption Control Plan. (Please refer to [Audit Committee minutes dated 7 July 2020 \(AUD-006-2020\)](#) and [Ordinary Council Meeting minutes dated 28 July 2020 \(OCM-087-2020\)](#)).

PURPOSE OF REPORT

This report presents Council with a draft Fraud, Corruption and Misconduct Control Plan for approval; informs Council of the completion of an operational Fraud Risk Register; and confirms how risk mitigation strategies will progress guided by the Public Sector Commission's recently released *Integrity Strategy for WA public authorities 2020-2023* (PSC Integrity Strategy)².

EXECUTIVE SUMMARY

In August 2019, the OAG released its report on Fraud Prevention in local government. The report made seven recommendations as to how all entities could ensure they implemented a coordinated approach to manage their fraud risks. The Town has been working to implement the recommendations of the August 2019 OAG Fraud Report.

¹ <https://audit.wa.gov.au/reports-and-publications/reports/fraud-prevention-in-local-government/>

²<https://www.wa.gov.au/sites/default/files/2019-12/Integrity%20Strategy%202020%E2%80%9323%20for%20WA%20Public%20Authorities.pdf>

Work to date on implementing these recommendations has resulted in the development of a draft Fraud, Corruption and Misconduct Control Plan (**Attachment 1**).

Internal consultation across all business units has been carried out to identify the scope of the Town’s operational fraud risks. These have been captured on an operational Fraud Risk Register. Each risk has been assessed and mitigation controls identified.

BACKGROUND

Since November 2019, the Town has been reviewing and developing its existing fraud framework in response to recommendations made in the August 2019 OAG Fraud Report.

In July 2020, the Audit Committee and Council were updated on progress on the Town’s Action Plan to implement recommendations from the report. (Please see [p151 of Attachment 8 to Item 6.1 of the Audit Committee meeting minutes](#) for details of the Action Plan.) At the time, it was advised that the timeline set in November 2019 to progress the Action Plan was set back by the need to divert resources to respond to the COVID-19 pandemic. Amendments to the timeline are in red.

Progress made between July to October 2020 are included in Table 1 in blue:

Table 1 – Updated Fraud Action Plan

FRAUD ACTION PLAN - UPDATED		
Timeline for completion	Recommendations	Progress as at July 2020
Q3 (Jul-Sep 2020)	Ensure appropriate management of Conflicts of Interest	The Town’s Conflicts of Interest register is updated after every Council meeting to reflect disclosures made. Councillors are considered to have a sound understanding of disclosure obligations. In September 2020, WALGA delivered a conflicts of interest presentation to Councillors.
Q3 (Jul-Sep 2020)	<ol style="list-style-type: none"> 1. Identify and assess fraud risk across the business. 2. Identify trends and emerging issues. 3. Create a Fraud Register. 	A Fraud Register, linking to the Town’s Strategic Risk Register, has been created. Internal consultation is currently underway to identify the scope of fraud and corruption risks across the organisation. Once this has been done, each risk will be rated to assist in identifying trends/emerging

FRAUD ACTION PLAN - UPDATED		
Timeline for completion	Recommendations	Progress as at July 2020
		<p>issues. Mitigation strategies will be documented on the Fraud Register.</p> <p>Work was completed on the operational Fraud Risk Register in October 2020.</p>
Q4 (Oct-Dec 2020)	<ol style="list-style-type: none"> 1. Develop a Fraud and Corruption Control Plan. 2. Develop and document clear internal processes and systems to report any potential fraud. 	<p>The Fraud, Corruption and Misconduct Control Plan has been drafted and presented for approval to the Audit Committee and Ordinary Council Meetings in November 2020.</p>
Q4 (Oct-Dec 2020)	<p>Develop policies and procedures in place to verify the identity and integrity of employees and suppliers.</p>	<p>Delivery of staff refresher training is scheduled for Q4 2020.</p> <p>Discussions are currently underway to have WALGA deliver conflicts of interest training to all staff before the end of December 2020.</p> <p>Policies and procedures relating to identity/integrity of employees and suppliers will be considered further as work progresses during 2021 developing the Town's integrity and ethics framework.</p>

DETAILS

Strategic Plan Alignment

The development of the Town's fraud framework aligns to the key focus area of Leadership and Governance in the Town's 2020 Strategic Community Plan.

Statutory Implications

The OAG published the following list of legislation relevant to fraud management by local government in its August 2019 OAG Fraud Report³:

Table 2: Fraud related legislation

Legislation	Fraud related requirements
<i>Local Government Act 1995</i>	<ul style="list-style-type: none"> • Disqualifies individuals from becoming Elected Members due to insolvency, criminal convictions, or misapplication of funds. • Councils must believe that a person is suitably qualified for the position of CEO, and CEOs must believe that staff are suitably qualified for their positions. • All employees must be selected in accordance with the principles of merit and equity. • Mandates a general need for good government and the creation of a Code of Conduct. • Council members, the CEO and designated staff members must disclose financial interests’. • Employees must disclose any interests when they are advising or reporting to Council. • An Audit Committee must be formed. • Sets out penalties for improper use of information.
Local Government (Rules of Conduct) Regulations 2007	<ul style="list-style-type: none"> • Requires Council members to act ethically, be open and accountable. • Forbids Council members from influencing employees or using their office for personal advantage. • Council members must declare any interests in matters being discussed at Council or audit committee meetings. • Sets out restrictions on gifts and travel contributions to Councillors and requirements for records to be kept.
Local Government (Financial Management) Regulations 1996	<ul style="list-style-type: none"> • CEOs are to establish efficient systems and procedures for collection and custody of money owing to the entity.
Local Government (Audit) Regulations 1996	<ul style="list-style-type: none"> • Describes the function of the Audit Committee. • Regulation 17 requires a CEO to review appropriateness and effectiveness of systems and

³ <https://audit.wa.gov.au/reports-and-publications/reports/fraud-prevention-in-local-government/appendix-1/>

Legislation	Fraud related requirements
	procedures relating to risk management, internal control and legislative compliance. This is then reported to the Audit Committee.
Local Government (Administration) Regulations 1996	<ul style="list-style-type: none"> • Sets out information on disclosure of financial interests. • Provides detailed information on what value of gifts must be reported and which are prohibited. • Requires a register of gifts to be publicly accessible. • Requires Codes of Conduct to contain information on gifts, travel contributions and disclosing interests.
Local Government (Functions and General) Regulations 1996	<ul style="list-style-type: none"> • Entities must develop a policy for purchases less than, or equal to, \$150,000. • Purchases worth more than \$150,000 must be conducted through tender. • Sets out requirements for pre-qualified suppliers.
<i>Public Interest Disclosure Act 2003</i>	<p>Entities must:</p> <ul style="list-style-type: none"> • Publish internal procedures for reporting a Public Interest Disclosure (PID). • Designate at least one PID officer to receive reports. They must comply with the Public Sector Commissioner’s minimum standards of conduct and integrity.

Policy Implications

It is anticipated that various policies and procedures will be developed during 2021 as the necessary components of the Town’s integrity and ethics framework are identified. In addition, policies may be required as a control to mitigate certain risks identified on the Town’s operational Fraud Risk Register.

Financial Implications

Nil.

Community Engagement

Nil.

COMMENT

What guidance is the Town following to develop its fraud framework?

The Town's efforts to develop its fraud framework have been guided to date by the recommendations from the August 2019 OAG Fraud Report. The framework will continue to be developed during 2021 guided by these recommendations.

As work has progressed since July 2020, it has become obvious that a culture where high standards of integrity and ethics are expected, is, in and of itself, a fraud mitigation strategy. The Public Sector Commission (PSC) Integrity Strategy will assist in developing what is needed to embed these expectations into the culture.

The PSC Integrity Strategy focuses on four key improvement areas with actions and controls to promote integrity and help prevent corruption and misconduct:

1. Plan and act to improve integrity – The Town establishes effective governance systems and frameworks.
2. Model and embody a culture of integrity – The Town develops a culture of integrity and is reinforced and communicated by leaders.
3. Learn and develop integrity knowledge and skills – The integrity knowledge, skills and competence within Elected Members and staff are grown.
4. Be accountable for integrity – Prevention, detection and response to integrity matters are everyone's personal and professional responsibilities.

An integrity framework includes instruments, processes, systems and control requirements the Town will need to support integrity and detect, respond to and prevent fraud, corruption and misconduct.

The focus of the Town's Governance unit for the foreseeable future will be identifying the priorities and developing what is needed to build a robust integrity framework. Progress will be reported quarterly to, and monitored by, the Audit Committee and Council.

What process was followed to develop the Town's draft Fraud, Corruption, Misconduct and Control Plan?

Extensive research was carried out to determine local government fraud management best practice. The draft Fraud, Corruption and Misconduct Control Plan was developed and informed by this research.

What process was followed to develop the Town's operational Fraud Risk Register?

The Town's Strategic Risk Register identifies a Fraud Risk Framework as a control to mitigate the risk of "disruption to community service". An operational Fraud Risk Register has been developed as a significant part of this framework. The register provides significantly more detail

about opportunities across the organisation where opportunities for fraud exist and identifies controls to mitigate those risks.

The risks on the operational Fraud Risk Register were identified through extensive consultation with key officers across all areas of the organisation.

Future reporting

The operational Fraud Risk Register will be used as a reference point to report to the Audit Committee and Council in future on fraud risk management. It will also assist in guiding the preparation of the CEO's report to Council on the appropriateness and effectiveness of systems and procedures required by Regulation 17 of the Local Government (Audit) Regulations 1996.

6.3 AUDIT LOG

File No.:	FIN3
Responsible Executive/ Manager:	EMMA BEBB MANAGER FINANCE
Author:	EMMA BEBB MANAGER FINANCE
Author Disclosure of Interest:	NIL
Attachments provided under separate cover:	1. AUDIT LOG – ITEMS OUTSTANDING AS AT 10 NOVEMBER 2020 – NCR30772

Authority/Discretion

- Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative Includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.
- Quasi-Judicial When Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under *Public Health Act 2016*, *Dog Act 1976* or local laws) and other decisions that may be appealable to the State Administrative Tribunal.
- × Information Purposes Includes items provided to Council for information purposes

COUNCIL RESOLUTION

OCM-160-2020

Moved: COUNCILLOR Z JOHNSON
Seconded: DEPUTY MAYOR A MAURICE

That Council notes progress made in the Audit Log dated 10 November 2020 (**Attachment 1**).

CARRIED 6/0
Voted En Bloc

VOTING REQUIREMENTS

Simple majority.

PREVIOUSLY BEFORE COUNCIL

N/A

PURPOSE OF REPORT

To advise Council of the progress taken in relation to findings by the Office of the Auditor General.

EXECUTIVE SUMMARY

For Council to note the Town's progress taken in relation to the external Audit Log.

BACKGROUND

The last audit log was provided to the Audit Committee in July 2020. The Town is addressing findings as per **Attachment 1**.

The Town's 2019/20 Interim Audit was conducted by the Office of the Auditor General (OAG) during May 2020. The recommendations from the Management Letter were added to the Audit Log for action or consideration. The Final Audit was conducted by the OAG in October 2020. At the time of writing this report, the Town had not received the final Management Letter. When the Management Letter is received, these points will be added to the Audit Log for action or consideration.

DETAILS

Strategic Plan Alignment

The Town ensures it complies with Local Government Financial Regulations and the requirements of the *Local Government Act 1995* through integrating the Town's key strategies, plans, resources and reporting.

Statutory Implications

On 28 October 2017, the *Local Government Amendment (Auditing) Act 2017* (the Act) was proclaimed, giving the Auditor General the mandate to audit Western Australia's 139 local governments and nine regional councils.

The Act allowed the Auditor General to conduct performance audits of local government entities from 28 October 2017. The Auditor General will take on responsibility for the annual

financial audits of local government entities and by 2020/21 all local government entities will be audited by the Auditor General.

The *Local Government Act 1995* Section 7.2 states:

The accounts and annual financial report of a local government for each financial year are required to be audited by an auditor appointed by the local government.

The *Local Government Act 1995* Section 7.12A states:

(4) A local government must —

(a) prepare a report addressing any matters identified as significant by the auditor in the audit report, and stating what action the local government has taken or intends to take with respect to each of those matters; and

(b) give a copy of that report to the Minister within 3 months after the audit report is received by the local government.

The *Local Government (Audit) Regulations 1996* Section 9 states:

(2) An auditor must carry out an audit in accordance with the Australian Auditing Standards made or formulated and amended from time to time by the Auditing and Assurance Standards Board established by the Australian Securities and Investments Commission Act 2001 (Commonwealth) section 227A.

(3) An auditor must carry out the work necessary to form an opinion whether the annual financial report —

(a) is based on proper accounts and records; and

(b) fairly represents the results of the operations of the local government for the financial year and the financial position of the local government at 30 June in accordance with —

(i) the Act; and

(ii) the Australian Accounting Standards (to the extent that they are not inconsistent with the Act).

Policy Implications

Nil.

Financial Implications

Nil.

Community Engagement

N/A

COMMENT

Reference is made to the attached Audit Log dated 10 November 2020. There is one outstanding finding on the Audit Log. The finding raised, auditor's recommendation and management response columns have previously been reported to Council. The table has been updated with actions taken, percentage of completion and target dates have been provided. The current items are from the 2020/21 Interim Audit findings. Findings that are completed will be removed from future Audit Log reports.

6.4 OFFICE OF THE AUDITOR GENERAL REPORTS

File No.:	FIN3
Responsible Executive/ Manager:	EMMA BEBB MANAGER FINANCE
Author:	EMMA BEBB MANAGER FINANCE
Author Disclosure of Interest:	NIL
Attachments provided under separate cover:	1. OAG REPORT: WORKINGS WITH CHILDREN CHECKS – MANAGING COMPLIANCE – <i>NCR30772</i> 2. OAG REPORT: WASTE MANAGEMENT – SERVICE DELIVERY - <i>NCR30772</i> 3. OAG REPORT: MANAGING THE IMPACT OF PLANTS AND ANIMAL PESTS: FOLLOW-UP - <i>NCR30772</i> 4. OAG REPORT: TRANSPARENCY REPORT: CURRENT STATUS OF WA HEALTH’S COVID-19 RESPONSE PREPAREDNESS - <i>NCR30772</i> 5. OAG REPORT: ANNUAL REPORT 2019-20 - <i>NCR30772</i>

Authority/Discretion

- | | |
|---|--|
| <input type="checkbox"/> Advocacy | When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency. |
| <input type="checkbox"/> Executive | The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |
| <input type="checkbox"/> Legislative | Includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers. |
| <input type="checkbox"/> Quasi-Judicial | When Council determines an application/matter that directly affects a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under <i>Public Health Act 2016</i> , <i>Dog Act 1976</i> or local laws) and other decisions that may be appealable to the State Administrative Tribunal. |
| × Information Purposes | Includes items provided to Council for information purposes |

COUNCIL RESOLUTION

OCM-161-2020

Moved: COUNCILLOR Z JOHNSON
Seconded: DEPUTY MAYOR A MAURICE

That Council receives and notes the Office of the Auditor General’s reports conducted since July 2020.

**CARRIED 6/0
Voted En Bloc**

VOTING REQUIREMENTS

Simple majority.

PREVIOUSLY BEFORE COUNCIL

N/A

PURPOSE OF REPORT

The purpose of this report is for Council to consider the Office of the Auditor General (OAG) reports conducted since July 2020.

EXECUTIVE SUMMARY

The OAG conduct performance audits which focus on the management and operation of public sector programs and activities. This report updates the Audit Committee and Council on the five OAG report recommendations, covering compliance and/or operational topics.

BACKGROUND

The *Local Government Amendment (Auditing) Act 2017* made legislative changes to the *Local Government Act 1995* to provide for the auditing of local governments by the Auditor General.

DETAILS

Strategic Plan Alignment

The Town ensures it complies with Local Government Financial Regulations and the requirements of the *Local Government Act 1995* through integrating the Town’s key strategies, plans, resources and reporting.

Statutory Implications

Nil.

Policy Implications

The Town may be required to review any policy implications that may arise from the five OAG reports.

Financial Implications

The Town may be required to review any financial implications that may arise from the five OAG reports.

Community Engagement

Nil.

COMMENT

Since July 2020, the OAG has published its findings on a number of areas relevant to local government and the Town.

1) The Working with Children Checks – Managing Compliance Report (Attachment 1).

The report focuses on whether the WA health system, the Department of Justice and the Department of Education complied with their Working with Children Check obligations.

The report recommended that local governments should take a coordinated approach to:

- a.** Review policies and procedures and communicate these to staff
- b.** Ensure Card records:
 - i. Identify all positions that require a Card and ensure all individuals in those positions have a Card.
 - ii. Capture sufficient information to track and monitor the Card status of all individuals, including Card number, surname, expiry date and where necessary, date of birth.
 - iii. Are complete and accurate.
- c.** Ensure all Cards are valid by:
 - i. Checking the Cards of all individuals against the Department of Communities database, before they start working with children.
 - ii. Registering new employees with Department of Communities.

- iii. Re-checking all Cards, at least once per year.
- d. Monitor how they manage Card obligations through regular, detailed reporting on entity compliance to executives.

ACTION – For the Town to review the current working with children checks and procedures and follow the steps outlined in this OAG report.

2) The Waste Management – Service Delivery Report (Attachment 2).

This report outlines whether local government entities plan and deliver effective waste services to their communities. It also assessed whether the State Government provided adequate support to local government entities for local waste planning and service delivery.

The report recommended that local government entities should:

- a) Provide regular community updates on efforts to recovery waste and meet Waste Strategy 2030 targets and seek community feedback where appropriate.
- b) Consider preparing waste plans, which demonstrate how the local government will contribute to relevant Waste Strategy 2030 headline strategies. These plans should be publicly available.
- c) Include performance measures in contracts with services providers to recover more waste without adding significant costs.
- d) Consider providing incentives for the community to minimise waste production.

ACTION – For the Town to review the OAG’s Waste Management Report, and implement changes (where relevant).

3) The Managing the Impact of Plant and Animal Pests: Follow-up (Attachment 3).

The objective of this audit was to assess whether State Government entities had effectively addressed findings from the OAG’s 2013 audit *Managing the Impact of Plant and Animal Pests: A State-wide challenge*.

ACTION – For the Town to review the OAG Audit in relation to pest management and assess its impact on the Town.

4) The Transparency Report: Current Status of WA Health’s COVID-19 Response Preparedness (Attachment 4).

The objective of this report was to provide information to Parliament and the public over the status of WA Health’s COVID-19 response preparedness.

WA Health has stated it is prepared for a potential outbreak of COVID-19. Nothing has come to the OAG's attention to indicate that the following status provided to us from WA is incorrect. WA Health has:

- Developed surge plans for key areas, including ventilated beds and pathology services
- Procured additional ventilators.
- Worked proactively with a range of sectors, including aged care to develop and test outbreak plans, and continues to review these.
- Identified essential supplies, including PPE, and is working to acquire more than 40 weeks of stock.
- Established a recruitment pool of skilled staff across a range of critical areas.
- Put testing and contact tracing systems in place.

ACTION – For the Town to continue to ensure the COVID-19 response documentation and process is up to date in the event of a second wave.

5) The Annual Report 2019-20 (Attachment 5).

This report describes the OAG's functions and operations, and presents the audited financial statements and key performance indicators for the year ended 30 June 2020. These services are performed to inform Parliament on public sector accountability and performance.

ACTION – For the Town to review the OAG annual report for information purposes.

6.5 STRATEGIC RISK REGISTER UPDATE

File No.: NAM30955

Responsible Executive/ Manager: CARISSA BYWATER
CHIEF EXECUTIVE OFFICER

Author: KATE JONES
SENIOR GOVERNANCE OFFICER

Author Disclosure of Interest: NIL

Attachments provided under separate cover: 1. STRATEGIC RISK REGISTER UPDATE – NOVEMBER 2020

Authority/Discretion

- Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative Includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.
- Quasi-Judicial When Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building permits, applications for other permits/licences (e.g. under *Public Health Act 2016*, *Dog Act 1976* or local laws) and other decisions that may be appealable to the State Administrative Tribunal.
- Information Purposes Includes items provided to Council for information purposes

COUNCIL RESOLUTION

OCM-162-2020

Moved: COUNCILLOR Z JOHNSON
Seconded: DEPUTY MAYOR A MAURICE

That Council:

1. Endorse the Quarterly Report to November 2020 of updates to the Town's Strategic Risk Register as detailed in **Attachment 1**.
2. Approves a review of the Town's Strategic Risk Register with results of the review to be presented to the Audit Committee and Council in March 2021.

**CARRIED 6/0
Voted En Bloc**

VOTING REQUIREMENTS

Simple majority.

PREVIOUSLY BEFORE COUNCIL

The most recent quarterly update of the Town's Strategic Risk Register was presented to the Audit Committee and Council in July 2020. Details can be found at:

- Audit Committee meeting minutes 7 July 2020 (AUD-010-2020) at https://www.mosmanpark.wa.gov.au/library/file/Council_Minutes/Audit/Audit%20Committee%20Minutes%20-%207%20July%202020.pdf
- Ordinary Council Meeting minutes 28 July 2020 (OCM-091-2020) at [https://www.mosmanpark.wa.gov.au/library/file/Council_Minutes/OCM/OCM%20Minutes%20-%2028%20July%20\(003\)%20V1\(1\).pdf](https://www.mosmanpark.wa.gov.au/library/file/Council_Minutes/OCM/OCM%20Minutes%20-%2028%20July%20(003)%20V1(1).pdf)

PURPOSE OF REPORT

The purpose of this report is to provide the Audit Committee and Council with a quarterly update on management of risks identified on the Town's Strategic Risk Register.

EXECUTIVE SUMMARY

The Audit Committee and Council were last updated on management of Strategic Risks in July 2020. This report is an update to November 2020. Some changes reported to ratings of certain risks on the Strategic Risk Register can be attributed in part to the COVID-19 pandemic.

BACKGROUND

In March 2018, the Audit Committee adopted the Risk Management Policy and Strategic Risk Management Plan.

In July 2018, Council approved Terms of Reference for the Audit Committee (OCM-123-2018). Added to the statutory role the Audit Committee has, the Terms of Reference extended the role to:

- Reviewing whether management has in place an enterprise wide risk management framework to identify and manage the Town's risks, including fraud.
- Reviewing the Town's Strategic Risk Register and measures that management is taking to address the identified risks and uncertainties.

Since July 2018, the Audit Committee and then Council have been provided with updates on management of the risks identified on the Strategic Risk Register. In March 2019, several risk treatment action plans were presented. These plans mitigate risks associated with:

- Changes in technology/disrupters/cyber-attacks
- Erosion of coastal dunes
- Damage/loss of environment caused by erosion of riverwall.

DETAILS

Strategic Plan Alignment

Objective 3.3 of the Town's Strategic Community Plan provides we meet the requirements of the *Local Government Act* 1995 through integrating the Town's key strategies, plans, resources and reporting. We achieve this by continually reviewing and mitigating strategic risks.

Statutory Implications

Local Government (Audit) Regulations 1996

Regulation 17 CEO to review certain systems and procedures

(1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to –

- a. Risk management...

Policy Implications

The Town's Risk Management Policy requires the identification and assessment of significant risks and ensuring appropriate treatments are developed and implemented.

Financial Implications

Risks that are not appropriately identified and managed have the potential to result in negative financial consequences.

Community Engagement

N/A

COMMENT

The Strategic Risk Register (**Attachment 1**) is updated and presented quarterly to the Audit Committee. The register is updated with changes to consequence, likelihood and strength of controls. An update to the register was last presented to the Audit Committee in July 2020.

Key issues to note in this November 2020 quarterly update of the Strategic Risk Register are:

- a. The residual risk of “corruption of Councillors or staff” remains moderate. Of note, is the decrease in the likelihood of this risk being realised from “possible” to “unlikely”. This is due to mitigation controls of a Fraud, Corruption and Misconduct Control Plan and a comprehensive Fraud Risk Register being developed during July-October 2020.
- b. The threat of a second wave of COVID-19 is ever present and remains so into the foreseeable future. This contributes to the residual risk of “disruption to community service” remaining high.
- c. There has been a significant increase in community engagement arising from a number of contentious matters that have come before Council in recent months. A Risk Treatment Action Plan (RTAP) is to be developed to mitigate this emerging risk and presented to Audit Committee/Council in March 2021.
- d. The identified risk of “poor record keeping” has been re-assessed from posing a medium-level residual risk (as reported in July 2020) to now posing a high residual risk. This is because a marked increase in *Freedom of Information Act 1992* (FOI) applications has tested the efficiency of the Town’s record keeping processes and systems. A staff records-training program has commenced. Notwithstanding this, it is considered the Town will continue to be challenged in responding to requests for access to information (through the FOI process or otherwise) until the current record management system (installed in 2001) is upgraded with a more user-friendly alternative.
- e. In recent months, the Town has received complaints of increases in crime and anti-social behaviour within the district, elevating the “crime” residual risk from moderate (as reported in July 2020) to high. Mitigation measures are being explored which have involved collaborating with other agencies in an effort to address the issues.

It can be reasonably concluded that certain changes to risk ratings discussed above are related in part to consequences of the COVID-19 pandemic. For example:

- (b) - is the inherent risks associated with the pandemic itself.
- (c) - there has been a significant increase in development applications as a result of State and Federal Government recovery incentives to stimulate the economy. The community is more vocal and engaged in these processes.
- (e) - increases in crime can be explained in some part by COVID-19 recovery measures taken by the government to address problems of homelessness.

Strategic Risk Register Review

A comprehensive review of the Strategic Risk Register is recommended to take into account:

- Further consideration of the significant challenges the 2020 COVID-19 pandemic has brought – including identification of new and emerging strategic risks.
- Results of the comprehensive community engagement the Town is undertaking to inform a new Strategic Community Plan in 2021.
- Further consideration of the subject matter and recommendations from OAG audit reports and whether these pose additional risks to the Town other than those already identified on the Town's Strategic Risk Register.

If a review is carried out, it is anticipated that results will be presented to the Audit Committee and Council in March 2021. It is the officer's recommendation that such a review be conducted.

AGENDA FORUM COMMENTS

6.6 DEVELOPMENT OF GOVERNANCE FRAMEWORK - INTEGRITY AND ETHICS PRINCIPLES

File No.: GOVERN005/NCR30987

**Responsible Executive/
Manager:** CARISSA BYWATER
CHIEF EXECUTIVE OFFICER

Author: LEONIE HOS
GOVERNANCE OFFICER

Author Disclosure of Interest: NIL

**Attachments provided under
separate cover:** NIL

Authority/Discretion

- Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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- Information Purposes Includes items provided to Council for information purposes

COUNCIL RESOLUTION

OCM-163-2020

Moved: COUNCILLOR Z JOHNSON
Seconded: DEPUTY MAYOR A MAURICE

That Council:

1. Notes the actions to implement good governance tools.

2. Endorse actions taken by the Town to develop the Town's Governance Framework underpinned with principles of integrity and ethics guided by the Public Sector Commission's *Integrity Progress for WA Authorities – 2020-2023*.
3. Requires a update via the Audit Committee on development of the Town's Governance Framework.

CARRIED 6/0
Voted En Bloc

VOTING REQUIREMENTS

Simple majority.

PREVIOUSLY BEFORE COUNCIL

N/A

PURPOSE OF REPORT

The purpose of this report is to provide the Audit Committee/Council with suggested actions to strengthen the Town's Governance Framework. The intention being to underpin the framework with a strong foundation of standards of integrity and ethics. Development of this foundation is to be guided by the Public Sector Commission's *Integrity Strategy for WA Authorities – 2020-2023 (Integrity Strategy)*.

EXECUTIVE SUMMARY

Throughout 2020, the Town has been reviewing best practice ethical decision- making. A significant step taken towards this has been to develop a Fraud, Corruption and Misconduct Control Plan and operational Fraud Risk Register to manage fraud risk.

This report touches on what is influencing reform in the local government sector in Western Australia. These factors have been taken into account to propose a series of actions including development of a Governance Framework to embed principles of ethics and integrity deeply into the culture of the Town. Achieving this, will meet the State's reform agenda and assist to build relationships of trust with the community and ensure its expectations are being met.

BACKGROUND

In 2020, three significant local government reports have been published: the *Report of the Inquiry into the City of Perth*⁴, *Local Government Review Panel Report*⁵ and the *Select*

⁴ Source: <https://www.dlgsc.wa.gov.au/local-government/inquiries/inquiry-into-the-city-of-perth>

⁵ Source: https://www.dlgsc.wa.gov.au/docs/default-source/local-government/local-government-review-panel-final-report.pdf?sfvrsn=acefce14_1

*Committee into Local Government – Final Report – Inquiry into Local Government*⁶. All reports provide recommendations regarding good governance.

Inquiries are not limited to local government authorities. The Victorian State Government has been held to account for its handling and decision making around hotel quarantining – a measure put in place to stem the spread of COVID-19.

In Western Australia, WA Police are inquiring into allegations of fraud and corruption at the Fremantle Port Authority.

Public Authorities' decisions and actions are often aired by the media and tried by the pub test – whereby the temperature of an issue among the general public is reported without actually engaging with the public.

The Public Sector Commission has published an *Integrity Snap Shot Tool*⁷ as a support to its Integrity Strategy. The tool gives public authorities a clear view of what they have in place to support integrity, and can help them identify areas for development or more focus that should feature in their planning. This publication has been reviewed and informs the key actions detailed below.

The *Public Sector Management Act 1994* is influential in providing guidance in areas of integrity and ethics. Other integrity authorities that regulate local government are:

- *Corruption, Crime and Misconduct Act 2003*
- *State Records Act 2000*
- *Local Government Act 1995*
- Local Government (Rules of Conduct) Regulations 2007
- Meeting Procedures Local Law.

The Public Sector Commissioner is part of the Integrity Coordinating Group (ICG). Other members include:

- Information Commissioner
- Corruption and Crime Commissioner
- Auditor General
- Public Sector Commissioner
- Western Australian Ombudsman.

⁶ Source:

[https://www.parliament.wa.gov.au/Parliament/commit.nsf/\(Report+Lookup+by+Com+ID\)/D0945E0944747068482585EA001F7481/\\$file/lo.lgi.200922.rpf.001.xx.002.002.pdf](https://www.parliament.wa.gov.au/Parliament/commit.nsf/(Report+Lookup+by+Com+ID)/D0945E0944747068482585EA001F7481/$file/lo.lgi.200922.rpf.001.xx.002.002.pdf)

⁷ Source: <https://www.wa.gov.au/government/publications/integrity-strategy-wa-public-authorities-2020-2023>

The Public Sector Commission's website provides the role of the ICG is to "seek to achieve operational cooperation and consistency through public awareness, workplace education, prevention, advice and investigation activities across a range of integrity themes".⁸

Local government is the tier of government closest to the community providing key services such as rubbish collection, maintaining roads, footpaths, parks, playgrounds and other community infrastructure. A good Governance Framework is based on a strong foundation of integrity and ethical standards, to ensure community expectations are met. Using tools such as the Integrity Strategy and Integrity Snap Shot Tool assists in building such a framework.

DETAILS

Good governance applies across all levels of an organisation. To achieve it, decision-making policies, processes and systems must ensure transparency and accountability when implemented and applied. Standards of ethical behaviour must also be embedded where relevant into these tools.

In 2017, led by the Department of Local Government, Sport and Cultural Industries (DLGSC), the McGowan State Government initiated a review into the *Local Government Act 1995*. No end date for a new Act has been established; however the DLGSC has delivered some reform initiatives to the existing Act, such as amendments to gift disclosure obligations. Currently, feedback is being sought on draft legislation concerning standards for CEO recruitment, performance and termination and a model Code of Conduct.

Local government elections will be held in 2021. Given this, it is considered timely to focus on reviewing and bolstering the Town's Governance Framework guided by the Integrity Strategy. The review will be tackled in consultation with Council and as resources will allow, by prioritising the following actions:

- a) Reviewing the Town's Code of Conduct and supporting documents – mindful that legislation to introduce a new model Code of Conduct is imminent.
- b) Initiating a review of the Town's Meeting Procedures Local Law 2020.
- c) Reviewing the decision-making policy framework around Council and Audit Committee meetings, including meeting structure.
- d) Reviewing the Audit Committee's Terms of Reference.
- e) Including accountable and ethical decision-making principles into the core competency framework for all employee position descriptions.
- f) Setting expectations for high standards of integrity and accountable and ethical decision making throughout new and existing employee HR processes.
- g) Scheduling regular learnings on governance matters at leadership meetings expanding on topics in resource material from the Auditor General's Office, the Corruption and Crime Commission, the Public Sector Commissioner and various Inquiry reports.

⁸ Source: <https://www.wa.gov.au/government/document-collections/integrity-coordinating-group>

- h) Developing and delivering a training program for staff and councillors to raise awareness of ethical decision-making.

Undertaking these actions will build on what exists and embed integrity and ethical principles deeply into the culture of the Town.

The Town is in the process of engaging with the community on the Strategic Community Plan (SCP) to capture the community's term aspirations. Further development of the frameworks discussed in this report will be aligned to, and support, achieving community aspirations.

The Town is in the process of digitising time-consuming manual processes to record declarations of interest and annual and primary return collection. This will assist significantly with improving efficiencies, reporting and compliance.

Strategic Plan Alignment

The subject matter of this report assists Council to achieve the community aspiration identified in the Strategic Community Plan for the Town to govern as sustainable and positive leaders.

Statutory Implications

N/A

Policy Implications

The intention is to review the governance suite of policies in consultation with Council and as resources will allow, to embed integrity and ethical standards and expectations in the content.

Financial Implications

Digitising various manual processes will incur costs. No specific allocation has been made in the 2020/21 Budget to invest in this digitisation.

Community Engagement

N/A

COMMENT

This report details of where the local government sector is heading in Western Australia. The State's reform agenda is to legislate in an effort to raise standards of integrity and ethical behaviour and decision-making.

This report lays out a series of actions that will assist in embedding principles of integrity and ethics into the culture of the Town. By undertaking these actions in collaboration with Council

and as resources allows, the Town will ultimately build stronger relationships of trust with the community and ensure its expectations are being met.

AGENDA FORUM COMMENTS

6.7 EXTERNAL AUDIT COMMITTEE OAG

File No.: Nil.

Responsible Executive/ Manager: OFFICE OF THE AUDITOR GENERAL

Author: LIANG WONG
SUBHA GUNALAN

Author Disclosure of Interest: NIL

Attachments (under separate cover): 1. REPORT

COUNCIL RESOLUTION

OCM-164-2020

Moved: COUNCILLOR Z JOHNSON
Seconded: DEPUTY MAYOR A MAURICE

That Council receives the OAG audit log paper.

**CARRIED 6/0
Voted En Bloc**

11. REPORTS OF OFFICERS

11 (i) ADOPTION BY EXCEPTION RESOLUTION

11.1 REGULATORY & PLANNING SERVICES

**11.1.1 PLANNING APPROVALS, SUBDIVISION REFERRAL RESPONSES AND CLEARANCES
ISSUED FOR OCTOBER 2020**

File No.: ADMIN5

Responsible Executive/ Manager: ERINA PARSONS
SENIOR PLANNING OFFICER

Author: ANJALY VIJAYAKRISHNAN
PLANNING & BUILDING ASSISTANT OFFICER

Author Disclosure of Interest: NIL

Attachments provided under separate cover: NIL

Authority/Discretion

- Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
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- Information Purposes Includes items provided to Council for information purposes.

COUNCIL RESOLUTION

OCM-165-2020

Moved: COUNCILLOR Z JOHNSON
Seconded: DEPUTY MAYOR A MAURICE

That Council receives the report on planning approvals, subdivision referral responses and clearances issued for October 2020.

CARRIED 6/0
Voted En Bloc

VOTING REQUIREMENTS

Simple majority.

EXECUTIVE SUMMARY

The planning approvals, subdivision referral responses and clearances issued from 1 October 2020 to 31 October 2020 are set out in the tables below.

SUBDIVISION REFERRAL RESPONSES TO WAPC

Date Issued	Address	Development	Supported/ Not Supported
7/10/2020	13 Albert Street	Two Lot Subdivision	Supported

SUBDIVISION CLEARANCES - DETERMINED UNDER DELEGATED AUTHORITY

Date Issued	Address	Development	Supported / Not Supported
20/10/2020	2 Tregonning Lane	Subdivision Clearance - Two Lots	Supported

PLANNING APPROVALS – DETERMINED UNDER DELEGATED AUTHORITY

Date Issued	Address	Development
14/10/2020	42 Saddington Crescent	Relocation of Existing Boundary Wall to the Front of the Property
15/10/2020	77 Victoria Street	Extension to Existing Residence
17/10/2020	620 Stirling Highway	Application to Amend Conditions
20/10/2020	8 Sheila Street	Alterations and Additions to Existing Dwelling
21/10/2020	3 Pinaster Place	Double Garage
23/10/2020	8 Jameson Street	Carport Addition
23/10/2020	15 Riversea View	Ancillary Accommodation; Gym; Cabana and Swimming Pool/Spa
29/10/2020	8 Arthur Street	Retaining Wall and Site Works
30/10/2020	93A Wellington Street	Two Storey Single House

DEEMED TO COMPLY ADVICE PROVIDED

Date Issued	Address	Development
Nil		

PLANNING APPROVALS – DETERMINED BY DEVELOPMENT ASSESSMENT PANEL

Date Issued	Address	Development
1/10/2020	40-42 Glyde Street	54 Apartments and 3 Commercial Tenancies

PLANNING APPROVALS – DETERMINED BY COUNCIL

Date Issued	Address	Development
Nil		

STRATEGIC PLAN ALIGNMENT

Nil.

LEGAL/ POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

AGENDA FORUM QUESTIONS

Q1. What is the application to amend conditions for 620 Stirling Highway on page 40 of this agenda?

A1. The Town received a request to reconsider two conditions applied to an application approved by Council at its Ordinary Meeting on 23 June 2020. The two conditions required the submission of a car parking management plan and the creation of easements over an adjoining property (Lot 618) for: (a) access and (b) the provision of bicycle racks and a tree.

Support was given to remove the condition requiring a car parking management plan. This aligned the conditions of this application with other small bars in the local area.

Support was also given to remove the condition requiring an easement. The applicant has amended the design of the development, so that access to the proposed rear deck area no longer encroaches into the adjoining property (Lot 618). Furthermore, a second easement is not necessary for the tree or the bicycle racks.

Delegated authority has been granted for the Town's officers to reconsider conditions of planning approvals.

11.1.2 BUILDING APPROVALS FOR OCTOBER 2020

File/ Assessment No.:	BC1
Responsible Executive/ Manager:	ABRAHAM GEHA BUILDING SURVEYOR
Author:	ANJALY VIJAYAKRISHNAN PLANNING & BUILDING ASSISTANT OFFICER
Author Disclosure of Interest:	NIL
Attachments provided under separate cover:	NIL

Authority/Discretion

- Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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- Information Purposes Includes items provided to Council for information purposes.

COUNCIL RESOLUTION

OCM-166-2020

Moved: COUNCILLOR Z JOHNSON
Seconded: DEPUTY MAYOR A MAURICE

That Council receives the report on Building Approvals issued for October 2020.

CARRIED 6/0
Voted En Bloc

VOTING REQUIREMENTS

Simple majority.

EXECUTIVE SUMMARY

Build Type	Permit Number	Location of Building Lot and Street Number	Description of Building Work	Name and Address of Contractor
CERT	6307	8 Jameson Street	New Carport	Adam & Letitia Watkins 8 Jameson Street MOSMAN PARK WA 6012
CERT	6318	7 Read Avenue	Carport, Decking, Retaining Walls, Swimming Pool and Pool Security Fencing	Neo Pools PTY LTD 26 Dartmouth Circle QUINNS ROCK WA 6030
UNCERT	6325	3 Forsyth Close	Steel Patio	Great Aussie Patios 1/15 Alloa Road MADDINGTON WA 6109
DEM	6327	24 Manning Street	Demolition of Full House	LRA Contracting PTY LTD 9 Rowe Place MIDLAND WA 6056
OP	6332	668 Stirling Highway	Occupancy Permit - Construction of Three Sole-Occupancy Units Used for Habitable Purposes with Associated Carparking and Non-Habitables	Zemla PTY LTD 1 Erindale Road BALCATTWA WA 6021
CERT	6333	7 Read Avenue	Decking and Swimming Pool Security Fencing	Daniel Colin Fullwood 7 Read Avenue MOSMAN PARK WA 6012

Ordinary Council Meeting

Build Type	Permit Number	Location of Building Lot and Street Number	Description of Building Work	Name and Address of Contractor
DEM	6334	11 Saunders Street	Demolition - Full Site Within Boundaries	Brajkovich Demolition & Salvage WA PTY LTD Permits & Correspondence Only PO BOX 417 NORTHBIDGE WA 6865
CERT	6335	55 Glyde Street	Additions and Alterations to Existing Single Storey Residential Dwelling (Living, Dining and Kitchen)	Jerome Wai Fu Kwa 55 Glyde Street MOSMAN PARK WA 6012
CERT	6337	20 Palmerston Street	Shade Sail	Shade Solutions 44 Sundercombe Street OSBORNE PARK WA 6017
CERT	6338	4 Caporn Street	Two Storey Residential Dwelling with Garage, Retaining Walls, Planter and Screen Walls	Distinctive Homes WA PO BOX 153 COTTESLOE WA 6911
CERT	6339	40 Samson Street	Two Storey Dwelling with Swimming Pool and Pool Isolation Fencing	Siam Group Australia PTY LTD 6/35 Darlot Road LANDSDALE WA 6065
CERT	6340	42 Saddington Crescent	New Masonry Screen/Retaining Wall	Avalon Landscapes 50 Ventnor Avenue WEST PERTH WA 6005
CERT	6341	23 Palmerston Street	Ground Floor Addition to Dwelling and Garage	Nexus Home Improvements 21 Hammond Road COCKBURN CENTRAL WA 6164

BACKGROUND

The list above indicates Building Approvals issued from 1 October 2020 to 31 October 2020 inclusive.

BUILDING APPROVALS ISSUED

Legend:

- UNCERT = Uncertified Permit
- CERT = Certified Permit
- DEM = Demolition Permit
- OP = Occupancy Permit
- BAC = Building Approval Certificate

SUMMARY SHEET

This report provides a summary of the Building Approvals issued for October 2020.

CHANGE OF BUILDER

Nil.

CANCELLED PERMITS

Nil.

BUILDING ORDERS ISSUED

Nil.

11.1.3 NO.6 (LOT 56) JOHNSON PARADE – REQUEST FOR CONSENT TO DISCHARGE RESTRICTIVE COVENANT

File No.: A938 / A1089 / TP65

**Responsible Executive/
Manager:** AMY NANCARROW
DIRECTOR PLANNING AND OPERATIONS

Author: LEIGH ASHBY
PLANNING OFFICER

Author Disclosure of Interest: NIL

**Attachments provided under
separate cover:**

1. LOCALITY PLAN AND GIS AERIAL
2. REQUEST TO DISCHARGE RESTRICTIVE COVENANT
3. TWO LOT SUBDIVISION APPROVAL
4. RESTRICTIVE COVENANT DOCUMENT

Authority/Discretion

- Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
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- Information Purposes Includes items provided to Council for information purposes.

COUNCIL RESOLUTION

OCM-167-2020

Moved: DEPUTY MAYOR A MAURICE

Seconded: COUNCILLOR A BAIRD

That Council:

1. Supports the request to discharge restrictive covenant M584733 on part of Lot 56 on Deposited Plan 72213 by issuing a Letter of Consent to the solicitor acting on behalf of the landowner.
2. Advise the solicitor acting on behalf of the landowner that all costs associated with discharging the restrictive covenant are to be borne by the landowner.

CARRIED 6/0
Voted En Bloc

VOTING REQUIREMENTS

Absolute Majority.

PREVIOUSLY BEFORE COUNCIL

Nil.

PURPOSE OF REPORT

The purpose of this report is to seek Council's consent for the discharge of restrictive covenant (M584733) on part of Lot 56 on Deposited Plan 72213, being 6 Johnson Parade, Mosman Park (subject site). The report will outline the original intent of the restrictive covenant and why the request to discharge the restrictive covenant can now be supported.

EXECUTIVE SUMMARY

The Town has received a request from the solicitor acting on behalf of the landowner of the subject site to discharge a restrictive covenant burdening the land (**Attachment 2**). The restrictive covenant was placed on the Certificate of Title for the subject site to fulfill a condition of subdivision approval granted in 2012.

The restrictive covenant requires any new development to be setback a minimum of 1m from the southern boundary of the subject site. The purpose of this setback was to allow for the future widening of Hawley Lane should it be required, in accordance with Local Planning Policy 04 (LPP04), the Town's laneways policy, at the time.

Last year LPP04 was amended and it no longer requires that provision be made for the widening of Hawley Lane when adjoining lots are subdivided. By virtue of this policy shift, the restrictive covenant is now inconsistent with the intent of LPP04.

This matter is referred to Council as the Town's policy for the execution of documents does not provide officer delegation for the execution of restrictive covenant discharge documents.

It is recommended that the request to discharge the restrictive covenant be supported.

BACKGROUND

The subject site is bound by Johnson Parade to the east, Hill Terrace to the north and Hawley Lane to the south. Hawley Lane runs between Bay View Terrace at the western end through to Johnson Parade at the eastern end and is 3m to 4m wide for the entire length. The properties abutting the laneway at the eastern end, fronting Johnson Parade, are coded R25, with the remainder of the properties to the west coded R17.5 (**Attachment 1**).

The requirement for the restrictive covenant to be placed on the title of the subject site was a condition of subdivision approval granted by the Western Australian Planning Commission (WAPC) on 7 November 2012 for the creation of two new lots (**Attachment 3**). The restrictive covenant was placed on the title on 21 March 2014 (**Attachment 4**).

In 2012, the Town's laneways policy, LPP04, only required a landowner to cede land for the purposes of laneway widening at the time of subdivision where the rear boundary of a lot abutted an under-width laneway. In this instance, the lot boundary abutting Hawley Lane is a side boundary and therefore the Town could not require the ceding of land as a condition of subdivision approval.

To ensure that Hawley Lane could be widened at some point in the future, the Town imposed a condition on the subdivision approval requiring a restrictive covenant to be placed on the title, preventing any new development within 1m of the laneway. As no land was ceded through subdivision, widening of this section of Hawley Lane could only occur if the Town were to acquire this 1m strip of land.

Last year, LPP04 was amended to reflect the specific needs of each individual laneway within the Town. Currently, LPP04 considers Hawley Lane as a 'secondary laneway' which means not all properties abutting the laneway have sufficient land area to subdivide. Only four out of the 12 properties adjoining Hawley Lane have the ability to subdivide. Therefore, widening of the laneway through subdivision cannot be achieved and this is reflected in the amended policy.

Timeline

Item	Date
Original two lot conditional subdivision approval	7 November 2012
Restrictive covenant placed on title	21 March 2014
LPP04 amended	27 November 2019
Request to remove restrictive covenant	22 September 2020

DETAILS

Strategic Plan Alignment

The recommendation of this report is consistent with “Enhancing our Town” key strategic objectives of the Town’s Strategic Community Plan 2013-2023.

Statutory Implications

Nil.

Policy Implications

The legislation and policies relevant to this matter are:

- *Planning and Development Act 2005*
- *Transfer of Land Act 1893*
- Town of Mosman Park Local Planning Scheme No.3
- Local Planning Policy No.4 – Laneway Vision and Development Standards and Subdivision Requirements for Lots Adjoining Laneways.

Financial Implications

The landowner’s solicitor has confirmed that all costs associated with removing the restrictive covenant will be borne by the landowner.

Community Engagement

Community engagement is not required.

COMMENT

The restrictive covenant was registered on the Certificate of Title for the subject site in accordance with Section 129BA of the *Transfer of Land Act 1893* (the Act). Section 129BB(1) of the Act enables proprietors of land to apply to discharge or modify a restrictive covenant created under s129BA. Section 129BB(2) of the Act requires such applications to be accompanied by a letter of consent from the relevant authority, in this case the Town.

The Town's policy for the execution of documents provides generally for land transaction documents, including restrictive covenants, to be executed under common seal or by the CEO's signature. However, the policy does not extend to executing documents that consent to the discharge of a restrictive covenant, and therefore the request that has been received from the landowner to discharge the restrictive covenant on the subject site is referred to Council for determination.

This restrictive covenant is unique to the subject site and it does not perform any practical purpose given that the widening of Hawley Lane cannot be achieved through the subdivision of adjoining properties over time. Therefore, it is recommended that Council agree to the discharge of the restrictive covenant.

AGENDA FORUM COMMENTS

11.2 COMMUNITY DEVELOPMENT

11.3 FINANCE

11.3.1 FINANCIAL REPORTS

File No.:	FIN13A
Responsible Executive/ Manager:	EMMA BEBB MANAGER FINANCE
Author:	AYSHA CEH SENIOR ACCOUNTANT
Author Disclosure of Interest:	NIL
Attachments provided under separate cover:	1. FINANCIAL REPORTS – OCTOBER 2020 – NCR30540

Authority/Discretion

- | | |
|--|--|
| <input type="checkbox"/> Advocacy | When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency. |
| <input type="checkbox"/> Executive | The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |
| <input type="checkbox"/> Legislative | Includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers. |
| <input type="checkbox"/> Quasi-Judicial | When Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under <i>Public Health Act 2016</i> , <i>Dog Act 1976</i> or local laws) and other decisions that may be appealable to the State Administrative Tribunal. |
| <input checked="" type="checkbox"/> Information Purposes | Includes items provided to Council for information purposes |

COUNCIL RESOLUTION

OCM-168-2020

Moved: COUNCILLOR Z JOHNSON
Seconded: DEPUTY MAYOR A MAURICE

That Council notes the Financial Statements for the period ended 31 October 2020 (**Attachment 1**).

CARRIED 6/0
Voted En Bloc

VOTING REQUIREMENTS

Simple majority.

PREVIOUSLY BEFORE COUNCIL

N/A

PURPOSE OF REPORT

This report is presented to Council to note the Financial Statements for the period ended 31 October 2020.

EXECUTIVE SUMMARY

This report appraises Council of the financial position of the Town for the period ended 31 October 2020 (**Attachment 1**).

BACKGROUND

A set of financial reports are submitted for Council's information each month. These financial reports are prepared in accordance with the *Local Government Act 1995* and Local Government (Financial Management) Regulations 1996, as amended.

DETAILS

Strategic Plan Alignment

The Town ensures it complies with Local Government Financial Regulations and the requirements of the *Local Government Act 1995* through integrating the Town's key strategies, plans, resources and reporting.

Statutory Implications

Section 6.4 of the *Local Government Act 1995* requires a local government to prepare an annual financial report for the preceding year and such other financial reports as prescribed. The Local Government (Financial Management) Regulations 1996, as amended, requires the Town to prepare each month a statement of financial activity, accompanying documents and such other supporting information as is considered relevant. The Town of Mosman Park produces a number of reports to assist in understanding of its operations and financial position.

Policy Implications

Nil.

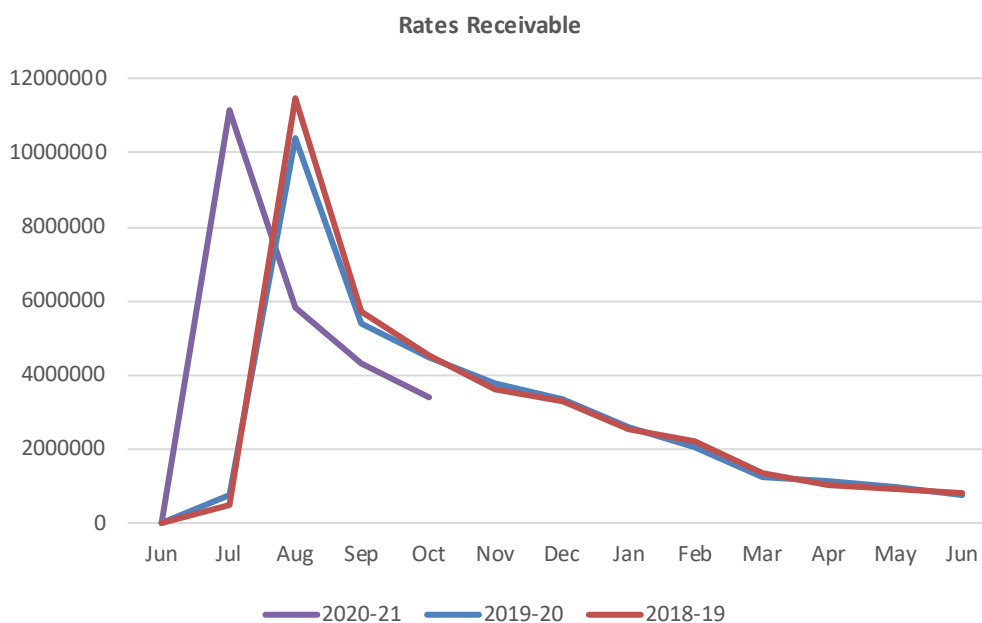
Financial Implications

Attachment 1 provides the financial reports for the reporting period, along with any explanation of material variances.

A monthly financial statement snapshot is provided as at 31 October 2020 as follows:

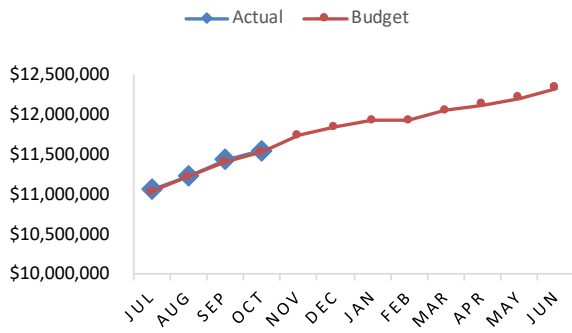
OPERATING				
	Annual Budget	YTD Budget	YTD Actual	YTD % Spent
Expenditure	(12,652,840)	(4,634,734)	(3,792,390)	30%
REVENUE				
	Annual Budget	YTD Budget	YTD Actual	YTD % Received
Revenue (excl rates)	3,290,991	2,209,230	2,189,153	67%
CAPITAL				
	Annual Budget	YTD Budget	YTD Actual	YTD % Spent
Expenditure (excl commitments)	(1,815,472)	(478,732)	(298,686)	16%
REVENUE				
	Annual Budget	YTD Budget	YTD Actual	YTD % Received
Revenue	260,312	108,626	60,375	23%

In addition to the below graph, a detailed report is now provided separately for rates and charges received.

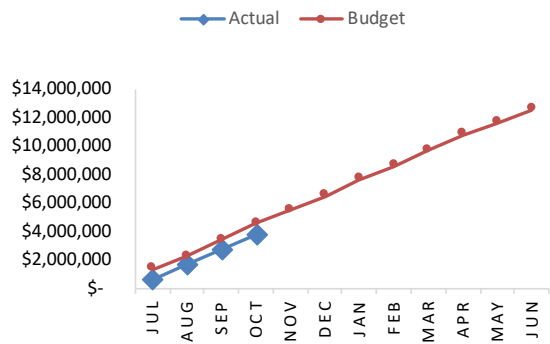


Ordinary Council Meeting

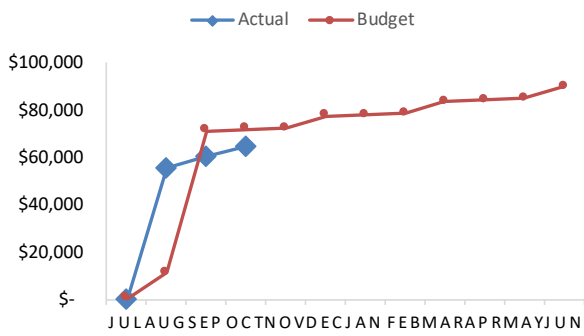
Operating Revenue



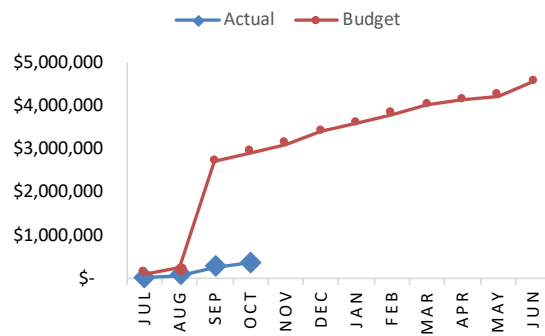
Operating Expenditure



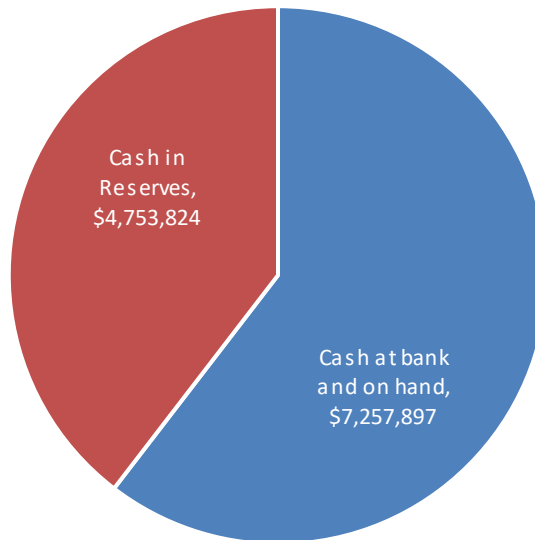
Non-Operating & Capital Revenue



Capital Expenditure



Total Cash and Cash Equivalents



Community Engagement

Nil.

COMMENT

Material Threshold for Variance Analysis

Each year a local government is to adopt a 'percentage or value' for which it will consider to be material variances which are required to be reported to Council.

At the June 2020 Special Council Meeting, in accordance with Regulation 34 (5) of the Local Government (Financial Management) Regulations 1996, Council adopted 10% and \$20,000 as the threshold for reporting material variances for 2020/21.

Attachment 1 includes a variance analysis of accounts at 31 October 2020.

Debtors show (+60 days) outstanding of \$22,651. This mainly relates to a community group; the Town has entered into a payment arrangement with this organisation.

Overall the financial situation is sound and operating in accordance with the approved budgets or otherwise detailed in the variance analysis (**Attachment 1**).

The June 2020 accounts are being finalised as per the year end process; the final balances shown in this report are subject to change. The final Annual Financial Statements will be presented to Council once they are audited and received by the Audit Committee.

AGENDA FORUM COMMENTS

Q1. Why is the capital expenditure lagging?

A1. This relates primarily to the transport capital expenditure i.e. kerb replacement program. This program is due to commence in the first quarter of 2021.

11.3.2 RATES: UPDATE ON DEBT RECOVERY AND SMALL BALANCE WRITE-OFF

File No.: FIN13A

Responsible Executive/ Manager: EMMA BEBB
MANAGER FINANCE

Author: AYSHA CEH
SENIOR ACCOUNTANT

Author Disclosure of Interest: NIL

Attachments provided under separate cover: 1. LIST OF RATES ASSESSMENTS WITH SMALL BALANCES (*CONFIDENTIAL*) – NCR30505

Authority/Discretion

- Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
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- Information Purposes Includes items provided to Council for information purposes

COUNCIL RESOLUTION

OCM-169-2020

Moved: DEPUTY MAYOR A MAURICE
Seconded: COUNCILLOR A BAIRD

That Council:

1. Notes the outstanding rates balances as at 31 October 2020.
2. Authorises the write-off of the penalty interest of \$178.27 on the rates assessments referenced in **Attachment 1**.

CARRIED 6/0
Voted En Bloc

VOTING REQUIREMENTS

Absolute majority.

PREVIOUSLY BEFORE COUNCIL

N/A

PURPOSE OF REPORT

This report is to update Council on the rates debt recovery process and to seek Council's approval to write-off small balances in relation to penalty interest on rates. (**Attachment 1**).

EXECUTIVE SUMMARY

This report provides Council an update on the rates debt recovery process and seeks Council's approval to write-off small balances in relation to penalty interest on rates.

BACKGROUND

The Town has taken an active approach to address the outstanding rates balance. This has yielded improvements in the level of outstanding rates and charges as well as the establishment of a number of new payment plans for outstanding accounts. A break-down of actions for the current year is provided below:

- The current year's rates were due on 20 August 2020.
- Reminder notices were sent on 3 September 2020.
- Final reminders were sent on 17 September 2020.
- List of unpaid accounts sent to the Town's debt recovery agency in October 2020.

An additional reminder report has been generated to ensure that those paying by instalments are up to date with their payments. A summary of timeframes for this year's instalments is provided below:

- The first instalment was due on 20 August 2020.
- The second instalment was due on 20 October 2020.

- A reminder was sent to those who paid the first instalment but were two weeks late for the second instalment on 3 November 2020.

The small balance write-off of \$178.27 is recommended to be written-off; this total comprises a number of small balances that have accrued as a result of rates payments made after the due date.

DETAILS

Strategic Plan Alignment

The Town ensures it complies with Local Government Financial Regulations and the requirements of the *Local Government Act 1995* through integrating the Town's key strategies, plans, resources and reporting.

Council has granted the Chief Executive Officer (CEO) delegation to waive or grant concessions in relation to any amount of money owed to the Town, other than an amount of money owing rates and service charges. Council has granted to the CEO and the CEO has given sub-delegation to the Manager Finance pursuant to s5.44 of the *Local Government Act 1995*.

Statutory Implications

Relevant legislation includes:

- *Local Government Act 1995*, Part 6, Division 6
- Local Government (Financial Management) Regulations 1996, Part 5
- *Rates and Charges (Rebates and Deferments) Act 1992*
- *Civil Judgements Enforcement Act 2004*.

Policy Implications

The Town's Debt Recovery Policy applies. Under this policy, interest is not to be applied on administration errors and financial hardship matters.

Financial Implications

Rates & Charges Collection Analysis 31 October 2020

Arrears Outstanding		
Arrears outstanding at 1 July 2020 (includes ESL & service charges, excludes pensioners deferred)	\$ 832,186	
Arrears received	\$ 246,062	29.6% collected
Arrears outstanding	\$ 586,124	70.4% outstanding
Arrears Outstanding Detail		
Arrears outstanding payment plan	\$ 225,027	27.0% payment plan
Arrears outstanding debt recovery agency	\$ 361,097	43.4% debt recovery, including caveats
Arrears outstanding total	\$ 586,124	70.4% total
Arrears pensioners deferred	\$ 129,677	

Ordinary Council Meeting

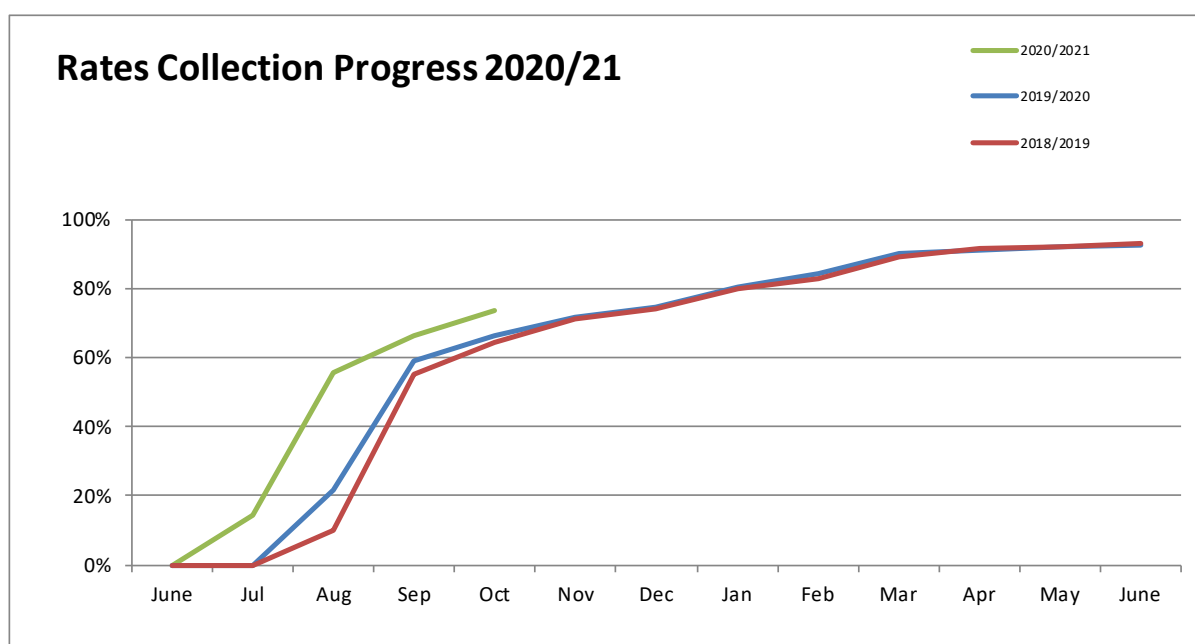
For the period from 30 September to 31 October 2020, \$875,000 was collected.

Current Year Outstanding		
Rates & charges levied (includes ESL & service charges) 2020/2021	\$ 12,416,572	
Current year received	\$ 9,439,650	76.0% collected
Current year outstanding	\$ 2,976,922	24.0% outstanding
Current Year Outstanding Detail		
Current year outstanding payment plan	\$ 15,564	0.13% payment plan
Current year paying by instalments	\$ 1,630,174	13.1% instalments
Current year outstanding with debt recovery agency	\$ 595,146	4.8% debt recovery (sent October 2020)
Current year pensioners outstanding	\$ 736,038	5.9% pensioners outstanding (deferrals to be determined at year end)
Current year outstanding total	\$ 2,976,922	24.0% total
Current year pensioners deferred	\$ -	Deferred to be determined at year end

The total monthly reduction in the current year outstanding from 30 September to 31 October is \$875,000.

In October 2020, six payment plans were completed and three new plans authorised.

The below graph shows the amount of arrears and current year rates collected at 31 October 2020. The graph shows that the collection for 2020/21 is tracking well at 31 October compared with November 2019/20 and November 2018/19, (note that November figures have been used for comparison due to the earlier issue of rates notices this year).



Should Council grant approval, the amount being written-off is \$178.27 and relates to small balances accrued on 21 properties (**Attachment 1**).

Community Engagement

N/A

COMMENT

These penalty interest charges are a result of late rates payments on 21 properties, the administration cost to recover these charges will exceed the \$178.27.

On this basis, it is recommended Council approve the write-off of these interest charges referenced in the **(Attachment 1)**.

AGENDA FORUM COMMENTS

Q1. Has the Town received any letters of concern from residents?

A1. The Town has referred any requests for write-off of accounts to Council for determination. Other correspondence of a routine nature has been resolved internally.

Q2. How many residents have applied for financial hardship?

A2. The Town has approved one official financial hardship application. There are numerous payment plans in effect and the value of these plans are provided to Council on a monthly basis.

Q3. Can we write-off minor balances through delegation?

A3. Council has granted the Chief Executive Officer delegation to waive or grant concessions in relation to any amount of money owed to the Town, other than an amount of money owing rates and services charges. This delegation may be varied by a specific resolution of Council.

11.3.3 INVESTMENT REGISTER

File No.: FIN13E

**Responsible Executive/
Manager:** EMMA BEBB
MANAGER FINANCE

Author: AYSHA CEH
SENIOR ACCOUNTANT

Author Disclosure of Interest: NIL

**Attachments provided under
separate cover:** NIL

Authority/Discretion

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- Information Purposes Includes items provided to Council for information purposes

COUNCIL RESOLUTION

OCM-170-2020

Moved: COUNCILLOR Z JOHNSON
Seconded: DEPUTY MAYOR A MAURICE

That Council receives the Investment Portfolio Reports for the month ended 31 October 2020.

CARRIED 6/0
Voted En Bloc

VOTING REQUIREMENTS

Simple Majority.

PREVIOUSLY BEFORE COUNCIL

N/A

PURPOSE OF REPORT

To provide Council with the Town's Investment Register details. As per delegation 1.1.15. (b) a report detailing the investment portfolio's performance, exposures and changes since last reporting, is to be provided to Council at least once every three months.

EXECUTIVE SUMMARY

This report presents the Investment Register for the month ended 31 October 2020.

BACKGROUND

This report is for Council to receive the Town's Investment Register as at 31 October 2020.

Council's Investment of Funds Policy sets the criteria for making authorised investments of surplus funds after assessing credit risk and diversification limits to maximise earnings and ensure the security of the Town's funds.

DETAILS

Strategic Plan Alignment

The Town ensures it complies with Local Government Financial Regulations and the requirements of the *Local Government Act* through integrating the Town's key strategies, plans, resources and reporting.

Statutory Implications

The *Local Government Act 1995* and Local Government (Financial Management) Regulations 1996 sets out the statutory conditions under which funds may be invested.

Policy Implications

All investments are made in accordance with Council Policy - Investment of Funds.

To control the credit quality over the entire portfolio, the credit framework limits the percentage of the portfolio exposed, as detailed in Column C of the table below.

Exposure to an individual counterparty/institution is restricted by any particular rating category, as detailed in Column D of the table below.

A. S&P Long Term Rating	B. S&P Short Term Rating	C. Investment portfolio Maximum %	D. Investments with individual counterparty Maximum %
AAA	A1+	100%	50%
AA	A1	100%	45%
A	A2	60%	20%

In the absence of any evidence to the contrary unrated wholly owned subsidiaries of a rated financial institution will be taken to have the same credit rating as their parent entity.

Financial Implications

During October, one Municipal investment to the value of \$200,000 was rolled over for another month.

The portfolio ratios are below the thresholds at the time of investment as per the Investment of Funds Policy.

The 2020/21 Budget for investment interest income is \$66,600. The interest earned on investments at 31 October 2020 is \$1,610. Interest is applied at maturity of each investment.

The Reserve Bank of Australia's cash rate at 31 October 2020 is 0.25%.

Community Engagement

Nil.

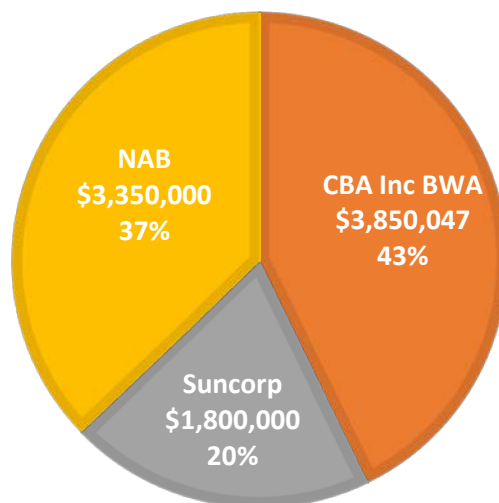
COMMENT

The following tables summarise how funds are invested as per the Town's Investment Policy.

Ordinary Council Meeting

TOWN OF MOSMAN PARK INVESTMENTS REGISTER REPORT AS AT 31 OCTOBER 2020							
Investment #	Date Invested	Maturity Date	Fund	Bank	Interest Rate	Days Invested	Amount \$
1-R20/21	30-Jul-20	14-Jun-21	Reserves	NAB	0.81%	319	1,800,000
2-R20/21	30-Jul-20	25-Feb-21	Reserves	CBA	0.76%	210	1,400,000
3-R20/21	31-Jul-20	25-Feb-21	Reserves	Suncorp*	0.85%	209	800,000
2-M20/21	25-Sep-20	06-Nov-20	Municipal	CBA	0.32%	43	250,000
3-M20/21	25-Sep-20	18-Nov-20	Municipal	NAB	0.50%	54	400,000
4-M20/21	25-Sep-20	25-Nov-20	Municipal	NAB	0.55%	61	400,000
5-M20/21	25-Sep-20	09-Dec-20	Municipal	CBA	0.41%	76	200,000
6-M20/21	25-Sep-20	15-Jan-21	Municipal	NAB	0.60%	112	450,000
7-M20/21	25-Sep-20	29-Jan-21	Municipal	CBA	0.46%	127	400,000
8-M20/21	25-Sep-20	12-Feb-21	Municipal	CBA	0.47%	141	350,000
9-M20/21	30-Sep-20	30-Mar-21	Municipal	Suncorp*	0.75%	181	200,000
10-M20/21	30-Sep-20	30-Mar-21	Municipal	Suncorp*	0.75%	181	350,000
11-M20/21	25-Sep-20	07-May-21	Municipal	NAB	0.60%	224	300,000
12-M20/21	25-Sep-20	15-Feb-21	Municipal	CBA	0.47%	144	1,050,000
13-M20/21	30-Sep-20	30-Jan-21	Municipal	Suncorp*	0.60%	122	450,000
14-M20/21	27-Oct-20	26-Nov-20	Municipal	CBA	0.19%	30	200,047
Total Proposed Funds Invested							9,000,047

INVESTMENT PORTFOLIO BY FINANCIAL INSTITUTION 31 OCTOBER 2020



AGENDA FORUM COMMENT

11.3.4 ACCOUNTS FOR PAYMENT

File No.:	FIN13D
Responsible Executive/ Manager:	EMMA BEBB MANAGER FINANCE
Author:	AYSHA CEH SENIOR ACCOUNTANT
Author Disclosure of Interest:	NIL
Attachments provided under separate cover:	1. SCHEDULE OF PAYMENTS – OCTOBER 2020 – NCMP277 2. PURCHASING CARDS – SEPTEMBER 2020 – NCMP277

Authority/Discretion

- Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative Includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.
- Quasi-Judicial When Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under *Public Health Act 2016*, *Dog Act 1976* or local laws) and other decisions that may be appealable to the State Administrative Tribunal.
- Information Purposes Includes items provided to Council for information purposes

COUNCIL RESOLUTION

OCM-171-2020

Moved: COUNCILLOR Z JOHNSON
Seconded: DEPUTY MAYOR A MAURICE

That Council:

1. Receives the schedule of payments made for 1 October 2020 to 31 October 2020 amounting to: \$1,397,074.91 (**Attachment 1**).
2. Receives the schedule of purchasing card payments made for September 2020 (**Attachment 2**).

CARRIED 6/0
Voted En Bloc

VOTING REQUIREMENTS

Simple Majority.

PREVIOUSLY BEFORE COUNCIL

N/A

PURPOSE OF REPORT

This report is presented to Council to provide the schedule of accounts for payment.

EXECUTIVE SUMMARY

This report presents the schedule of accounts for payment made between 1 October 2020 and 31 October 2020.

BACKGROUND

The reported schedules are submitted in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996.

DETAILS

Strategic Plan Alignment

The Town ensures it complies with Local Government Financial Regulations and the requirements of the *Local Government Act* through integrating the Town's key strategies, plans, resources and reporting.

Statutory Implications

Regulation 13 of the Local Government (Financial Management) Regulations 1996 requires that a list of accounts paid by the Chief Executive Officer be prepared each month and presented to the Council at the next Ordinary Meeting of Council.

Policy Implications

The Procurement Policy applies.

Financial Implications

All payments submitted are provided for within the 2020/21 Budget or have otherwise been approved by Council.

Community Engagement

Nil.

COMMENT

A schedule of all payments made from 1 October 2020 to 31 October 2020 by cheques, electronic funds transfers and direct debits is provided for Council's information – refer **Attachment 1**.

A schedule of purchasing card payments is provided for September 2020 – refer **Attachment 2**.

AGENDA FORUM COMMENTS

Q1. On page 364 of the attachment file, there is a Synergy payment for electricity at various locations, what is this for?

A1. This is for the Town's electricity usage and service fees predominately for streetlights (\$12,611.20) and a range of accounts including: the Administration Centre, Depot, Public Toilets and Parks (\$5,515.50).

11.4 TECHNICAL SERVICES

11.4.1 RE-INTRODUCTION OF INFRASTRUCTURE PROTECTION BONDS FOR CONSTRUCTION AND DEMOLITION WORKS PERMITS

File No.:	WORKS17
Responsible Executive/ Manager:	AMY NANCARROW DIRECTOR PLANNING AND OPERATIONS
Author:	ANTHONY BOOTH MANAGER WORKS AND ASSETS
Author Disclosure of Interest:	NIL
Attachments provided under separate cover:	1. FAQ SHEET – INFRASTRUCTURE PROTECTION BONDS 2. INFRASTRUCTURE PROTECTION BOND APPLICATION FORM 3. POLICY - POTENTIAL DAMAGE TO TOWN PROPERTY DURING CONSTRUCTION

Authority/Discretion

- | | |
|---|--|
| <input type="checkbox"/> Advocacy | When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency. |
| <input checked="" type="checkbox"/> Executive | The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |
| <input type="checkbox"/> Legislative | Includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers. |
| <input type="checkbox"/> Quasi-Judicial | When Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under <i>Public Health Act 2016</i> , <i>Dog Act 1976</i> or local laws) and other decisions that may be appealable to the State Administrative Tribunal. |
| <input type="checkbox"/> Information Purposes | Includes items provided to Council for information purposes |

COUNCIL RESOLUTION

OCM-172-2020

Moved: DEPUTY MAYOR A MAURICE

Seconded: COUNCILLOR A BAIRD

That Council:

1. Authorises the Chief Executive Officer to amend the Fees and Charges Schedule in accordance with section 6.19 of the *Local Government Act 1995*, to replace the fees and charges payable for Verge Construction Permits with the fees and charges payable for Infrastructure Protection Bonds as set out in **Attachment 2**.
2. Considers the financial implications of this change at the 2020/21 mid-year budget review.
3. Authorises the Chief Executive Officer to update Policy – Potential Damage to Town Property During Construction, to set out the payment conditions of the proposed Infrastructure Protection Bond system as outlined in this report.

CARRIED 6/0
Voted En Bloc

VOTING REQUIREMENTS

Absolute majority.

PREVIOUSLY BEFORE COUNCIL

OCM-173-2018 resolution of Council:

That Council adopts:

1. *The updated Draft Policy - Potential Damage to Town Property During Construction shown in Attachment 3 and Draft Policy – Buildings and Building Material on Street Verges shown in Attachment 6; and*
2. *Changes to Delegation 2.3 as shown in Attachment 7.*

The updated Policy (**Attachment 3**) included amendments to reflect the new Verge Construction Permit system that was implemented at the time.

PURPOSE OF REPORT

The purpose of this report is to recommend a change to the system for payment of Infrastructure Protection Bonds.

EXECUTIVE SUMMARY

In 2018, the Town introduced a new system whereby a Verge Construction Permit is payable with a building or demolition permit in lieu of a bond. This was to address the administrative burden of the Town's bond system at that time.

Verge Construction Permits are non-refundable. The non-refundable nature of the Verge Construction Permits has become the source of complaints and a new administrative burden has been created as a result of the Verge Construction Permits.

For the Town to collect non-refundable payments, there needs to be a clear need and nexus between the value of funds collected and the service that is rendered to an individual. Where no damage is caused during construction or demolition works, the only service that an individual receives from the Town is an administrative service of undertaking pre and post works inspections.

It is proposed the Town revert to the requirement for an Infrastructure Protection Bond to be paid at the time of lodging a building or demolition permit.

BACKGROUND

Most local governments require a bond to be paid with applications for building and demolition permits. The bond is to insure against any damage caused to local infrastructure, during construction and demolition works, including roads, laneways, footpaths, kerbing, drainage infrastructure, street trees and signage.

In 2018, the Town introduced a new system whereby a Verge Construction Permit is payable with a building or demolition permit in lieu of a bond. At the time, the bonds were generating complaints and creating an administrative burden, so the Verge Construction Permit system was designed to relieve the administrative issues.

The payment of a Verge Construction Permit is non-refundable and makes a contribution to the repair of damage and general wear and tear to the Town's infrastructure that is caused during construction and demolition works.

The amount payable for a Verge Construction Permit varies for different works, as set out in the table below. Applicants may complete and submit their own pre-approval checklist and photographs, as an alternative to paying the pre-inspection fee.

Works	Cost of Permit
Demolition	\$700
Construction	\$700
Swimming Pool	\$325
Combined demolition, construction and swimming pool	\$1,725
Inspection Fee Pre-Inspection	\$75

Inspection Fee Post-Inspection	\$75
--------------------------------	------

The value of the Verge Construction Permits has been determined based on the average annual cost to the Town to rectifying damage to the infrastructure caused during construction and demolition works. Therefore, it is intended that the total funds collected from the payment of Verge Construction Permits in any one year will cover the cost to the Town for undertaking repairs to its infrastructure as a result of construction and demolition works.

DETAILS

Verge Construction Permits are non-refundable, even if no damage is caused to the Town’s infrastructure from the respective construction or demolition works. The non-refundable nature of the Verge Construction Permits has become the source of complaints from the community and building companies. In some cases, the applicants for building and demolition permits refuse to pay for their Verge Construction Permit and no funds are collected. This is because a statutory timeframe of 10 days applies to the granting of building and demolition permits and the non-payment of a Verge Construction Permit cannot be used a reason to withhold as a building or demolition permit.

For the Town to collect non-refundable payments, there needs to be a clear need and nexus between the value of funds collected and the service that is rendered to an individual. Where no damage is caused during construction or demolition works, the only service that an individual receives from the Town is an administrative service of undertaking pre and post works inspections. In such instances, the value of the service is significantly less than the payment made for the Verge Construction Permit.

It follows that Verge Construction Permits are not fair and it is recommended that the Town revert back to the payment of Infrastructure Protection Bonds with all building and demolition permits. Most local governments require the payment of such bonds; the building industry is familiar with and generally accepting of the payment of a bond, and most importantly, the bond is returned in whole or in part according to the extent of any damage caused.

The value of bonds payable is aligned to the level of damage that may occur from certain works. In this regard, the value of the bond increases with the value of works proposed, as higher value construction projects typically carry more risk of damage occurring.

Works	Cost of Bond
Swimming Pool	\$1,000
Demolition	\$1,500
Single Residential Construction - \$50,000 to \$2 million	\$2,000
Single Residential Construction - > \$2 million	\$3,000
Commercial construction and multiple dwellings	POA
Verge Inspection Fee	\$200

Strategic Plan Alignment

1.0 Our Community

1.1 We effectively and responsibly manage the Town's assets to provide a range of community services that meet the needs of current and future residents.

Statutory Implications

The *Local Government Act 1995* and subordinate legislation applies.

The payment of Infrastructure Protection Bonds is in accordance with Schedule 9.1 cl. 3(1)(a) of the Local Government (Uniform Local Provisions) Regulations 1996.

Policy Implications

The Town's Policy- Potential Damage to Town Property During Construction (**Attachment 3**) will require amendment to give effect to the new bond system.

Financial Implications

The Town collected \$91,250 in revenue from Verge Construction Permits in 2019/20. The replacement of Verge Construction Permits with Infrastructure Protection Bonds will result in a loss of revenue of a similar order each year, however will be offset by a saving in capital expenditure for repair works to the Town's infrastructure. These changes will be included in the 2020/21 mid-year budget review.

Community Engagement

Nil.

COMMENT

The Town is proposing to revert to the requirement for an Infrastructure Protection Bond to be paid at the time of lodging building or demolition permits, as a fairer way of covering the cost of damage caused to the Town's infrastructure during construction and demolition works.

The proposed procedures and conditions that apply to the administration of the new bond system are set out in attached draft application form and FAQ sheet for Infrastructure Protection Bonds (**Attachment 1 and 2**).

To give effect to the new bond system, it is proposed the Town's Fees and Charges Schedule be amended at the mid-year budget review, to replace the fees and charges payable for Verge Construction Permits with the fees and charges payable for Infrastructure Protection Bonds. The Town's Policy - Potential Damage to Town Property During Construction will also require amendment to give effect to the new bond system. It is recommended that Council authorises

the CEO to update this policy to set out the payment conditions of the proposed Infrastructure Protection Bond system as outlined in this report.

It is proposed that the bond system be reviewed by the Town after a 12 month period, to assess its effectiveness in reducing the number of complaints and level of administrative burden. Following the review, a report will be brought to Council to advise on its findings and recommend further action is required.

11.4.2 TRAFFIC CALMING STRATEGIES

File No.:	COMM7.8
Responsible Executive/ Manager:	AMY NANCARROW DIRECTOR PLANNING AND OPERATIONS
Author:	ANTHONY BOOTH MANAGER WORKS & ASSETS
Author Disclosure of Interest:	NIL
Attachments provided under separate cover:	1. REMEMBER 50KM/H IN BUILT-UP AREA SIGNAGE LETTER FROM MAIN ROADS WA

Authority/Discretion

- Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative Includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.
- Quasi-Judicial When Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building permits, applications for other permits/licences (e.g. under *Public Health Act 2016*, *Dog Act 1976* or local laws) and other decisions that may be appealable to the State Administrative Tribunal.
- × Information Purposes Includes items provided to Council for information purposes.

OFFICER RECOMMENDATION

Moved: COUNCILLOR P SHAW
Seconded: DEPUTY MAYOR A MAURICE

That Council:

1. Receives this report as the response to the request for information in the Notice of Motion (OCM-135-2020) received at the October 2020 Ordinary Council Meeting.

2. Notes the request from Main Roads Western Australia that all 50Kph advisory speed signage be removed from local roads by the end of December 2020.
3. Resolves to proceed with the purchase and installation of additional speed radar signage, using the funds allocated for this in the Town's annual budget (project RP0145) and an additional \$5,300 from RP0000.

AMENDMENT TO THE MOTION

Mover: COUNCILLOR A BAIRD
Seconded: COUNCILLOR Z JOHNSON

That Council:

1. Receives this report as the response to the request for information in the notice of motion (OCM-135-2020) received at the 22 September 2020 Ordinary Council Meeting.
2. Notes the request from Main Roads Western Australia that all 50Kph advisory speed signage be removed from local roads by the end of December 2020.
3. Notes the funds allocated for speed radar signage in the Town's annual budget (project RP0145) and requests the CEO to investigate the efficacy of radar speed signs based on recent Australian evidence before purchasing new, and relocating existing, radar speed signs.

Reason:

To measure the effectiveness of signage before expenditure and to ensure effective education strategies are in place.

LOST 2/4

Councillors G Carey, P Shaw, Mayor B Pollock and Deputy Mayor A Maurice voted against the motion

COUNCIL RESOLUTION

OCM-173-2020

Moved: COUNCILLOR P SHAW
Seconded: DEPUTY MAYOR A MAURICE

That Council:

1. Receives this report as the response to the request for information in the Notice of Motion (OCM-135-2020) received at the October 2020 Ordinary Council Meeting.
2. Notes the request from Main Roads Western Australia that all 50Kph advisory speed signage be removed from local roads by the end of December 2020.
3. Resolves to proceed with the purchase and installation of additional speed radar signage, using the funds allocated for this in the Town's annual budget (project RP0145) and an additional \$5,300 from RP0000.

CARRIED 5/1

Councillor Z Johnson voted against the motion

VOTING REQUIREMENTS

Simple Majority.

PREVIOUSLY BEFORE COUNCIL

OCM-133-2020 Council resolution regarding Local Roads and Community Infrastructure (LRCI) Program:

That Council:

6. *Requests a report on the options available to utilise the funding allocated in RP0145 for an electronic 50km/h radar speed sign to be located on a rotating schedule at pre-determined locations.*

OCM-135-2020 notice of motion:

That Council:

1. *Requests the Chief Executive Officer to provide a report to Council for the November 2020 meeting cycle regarding 50Kph signage, which advises road users of maximum speed within the Town of Mosman Park. The report is to include the following:*
 - a) *A proposal of locations where 50Kph advisory signage could be installed within the Town of Mosman Park following consultation with the relevant State authority.*
 - b) *An outline of the costs for installing any authorised additional signs.*
 - c) *An outline of a potential communication campaign to promote 50Kph speed limits in the Town of Mosman Park.*
 - d) *Any information or evidence on the additional strategies that could be implemented to reduce speeding (e.g. placement of temporary speed signs) and promote drivers to keep to the 50Kph speed limit within the Town of Mosman Park.*

PURPOSE OF REPORT

At the Ordinary Council Meeting on 22 September 2020, further information was requested on the installation of 50Kph speed advisory signage and additional radar speed signage in the Town, via a Notice of Motion and a resolution regarding the Local Roads and Community Infrastructure (LRCI) funding program. This report addresses these two requests.

EXECUTIVE SUMMARY

Vehicle speed is an important issue within the Mosman Park community. Road environments and driver behaviour are raising concerns.

50Kph advisory speed signage can address community concerns with the perception of speeding vehicles. The advisory signs are affordable and can be quickly deployed in response to a concern received from the community if there is an identified speed issue. However, Main Roads Western Australia (MRWA) has written to all local governments requesting that all 50Kph advisory speed signage be removed from local roads by the end of December 2020. There is little evidence that advisory speed signage is effective in slowing vehicles down.

There are studies that show speed radar display signs are effective in reducing vehicle speeds. Therefore, it is recommended, to address the community's concerns regarding vehicle speeds, the Town proceeds with the purchase and installation of more speed radar signage, using the funds from RP0145 and additional funds from the allocated \$27,000 in RP0000. The balance of funds set aside in RP0000 can be re-allocated to the Davis Oval sport lighting upgrade.

BACKGROUND

At the Ordinary Council Meeting on 22 September 2020, Council requested the Chief Executive Officer to provide further information on the installation of 50Kph speed advisory signage and additional radar speed signage in the Town, via a Notice of Motion and a resolution regarding the Local Roads and Community Infrastructure (LRCI) funding program.

On 1 December 2001, the default built up area (BUA) speed limit in Western Australia was reduced from 60Kph to 50Kph. The BUA speed limit applies largely to local roads in urban areas and, to avoid an over-proliferation of signage, MRWA policy is not to provide 50Kph signage on roads with BUA speed limits.

As part of the overall advertising/media campaign to raise awareness of the change in BUA speed limit, MRWA delegated authority to local government to temporarily install 'Remember 50Kph in built up areas' advisory signs at appropriate locations on local roads. The intention was that these signs would be installed for no longer than six months in any one location to remind drivers of the change in speed limit.

The default BUA speed limit of 50Kph has been in place for nearly 19 years. MRWA is aware of numerous locations where 'Remember 50Kph in built up area' signs are installed. Some signs have been recently erected, possibly in response to resident concerns over speeding on local roads, while others have been in place for considerable periods of time. There are also examples where these signs have been installed outside of the BUAs which have led to incidents where motorists have been incorrectly charged with speeding offences.

In response to this, MRWA sent communication to all local governments in Western Australia in October 2019 requesting all 50Kph advisory signs be removed from the road network no later than the end of December 2020 (**Attachment 1**).

DETAILS

Locations Identified for 50Kph Advisory Speed Signage

An attachment was provided with the Notice of Motion at the September Ordinary Council Meeting detailing all locations in the Town where traffic counting has identified the 85 percentile of vehicles travelling over the 50Kph speed limit. The locations were ranked from the highest to lowest speed above the 50Kph limit and the top 12 locations were on the Towns' local distributor roads – these being McCabe Street, Wellington Street, Owston Street, and Bay View Street. The 85 percentile speed ranged from 55.2Kph to 58.1Kph and hence would be the likely locations for potential advisory speed signage.

Outline of Cost for Signage Installation

Installation of 50Kph advisory speed signage on McCabe Street, Wellington Street and Owston Street would incur the following costs:

Capital costs:

Signage	\$500 (based on 6 signs)
Posts	\$150 (based on 6 posts)

Operational Costs:

Installation	\$500 (based on 6 signs and posts at 3 locations)
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Total: **\$1,150**

Locations Identified for 50Kph Radar Speed Signage

Attachment 2 of item 11.4.3 at the September 2020 Ordinary Council Meeting identified the potential locations for fixed radar speed display signs in the Town. These locations were:

- Wellington Street between Gibbon and Monument Street (until such time that potential blackspot funding would address the traffic issues).
- McCabe Street east of Hutchinson Terrace roundabout (adjacent to Rocky Bay area).
- McCabe Street west of Hutchinson Terrace roundabout (adjacent to Mt Lyell Park area).
- Owston Street north of Hanlin Street (adjacent to the golf course).

These locations were determined using the Towns' Traffic Warrant Policy. As there are four locations identified and the Town only has two fixed radar speed display signs, it is recommended that the 'Welcome to Mosman Park' signs at Wellington and Glyde Streets be removed and used for the locations listed above. The signs can be installed in the identified locations for a set period of time, for three to four months, then relocated to the other identified locations and continue on an ongoing rotation.

Outline of Cost for Signage Installation

The cost of installing radar speed signage on McCabe Street, Wellington Street and Owston Street would incur the following costs:

Capital costs:

Radar Speed Signage	\$7,000 (for one sign)
Installation of support infrastructure	\$6,000 (for commissioning one new sign and construction of three new footings)

Operational Costs:

Installation and relocation	\$1,800 per annum (based on three signs and posts at four locations)
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Sub-Total:	\$14,800
RP0145:	(\$9,500)
Total:	\$ 5,300 (to be sources from RP0000).

Communication Campaign to promote 50Kph in Mosman Park

The Town displays '50' on its two static radar speed display signs at the entrances to Mosman Park at Glyde Street and Wellington Street, and on its two radar speed display trailers used at varying locations around the Town. The '50' remains on constant display and as road users approach the radar signs, are reminded of the 50Kph speed limit in Mosman Park. When the road users enter the engagement threshold of each radar sign, the vehicle speed is displayed. Road users travelling 50Kph and under are thanked for remaining within the limit, and road users travelling over the 50Kph limit are reminded to slow down.

The Town's newly purchased radar speed trailer can have its radar speed function disabled and deployed to high traffic volume areas to display only a message reminding of the 50Kph limit in Mosman Park. Disabling the radar speed function is more effective in high volume traffic areas where the reminder message remains uninterrupted.

The Town can use traditional and social media to promote the 50Kph limit in Mosman Park. Messaging would need to be communicated in a way that does not saturate the community, such that its effectiveness is diminished.

The Town can work directly with the Safety and Security Community Advisory Group, to promote these messages to the community and develop effective communication campaigns.

Evidence and Additional Strategies for Reducing Speed

Unfortunately, there is little to no evidence to suggest that the installation of 50Kph advisory signs have any impact on reducing vehicle speed. The City of Cockburn, in 2017, released a position statement to trial the use of advisory signs and to monitor their effectiveness in reducing vehicle speeds in built up areas. The Town spoke with the City, but they were unable to provide any further information on the effectiveness of the signs. Similarly, the Town has contacted other metropolitan councils to request any information regarding use of advisory signs and the installation of 40Kph and 50Kph enforceable speed signage. The consensus is that

the advisory signs are not effective in reducing vehicle speeds, nor is the installation of enforceable speed signage.

The advisory speed signs do, however, address community concerns with the perception of speeding vehicles. The advisory signs are affordable and can be quickly deployed in response to a concern received from the community. From this point, the Town can deploy its radar speed display signs to further address speed concerns.

The Town has two fixed radar speed display signs, and two radar speed display trailers – one of which is shared with the Shire of Peppermint Grove. There are peer reviewed studies which identify the use of speed radar display signs as cost effective measures of reducing vehicle speed in urban environments.

The most effective measure that can be implemented to control vehicle speed is a physical road environment that is conducive to the desired speed level. However, this measure is costly to local government and therefore the use of radar speed display signage remains a more attractive measure to address speeding.

Strategic Plan Alignment

1.0 OUR COMMUNITY

1.1 We effectively and responsibly manage the Town's assets to provide a range of community services that meet the needs of current and future residents.

2.0 NATURAL AND BUILT ENVIRONMENT

2.3 We continually advocate for accessible and safe transport, and pathway networks that connect people and services and that encourage pedestrians and cyclists.

Statutory Implications

Nil.

Policy Implications

Nil.

Financial Implications

Expenditure of \$9,500 from RP0145 and an additional \$5,300 from the allocated \$27,000 in RP0000 for the purchase and installation of additional radar speed signage. The remaining balance, \$21,700 in RP0000, may be used for the Davis Oval sport lighting project.

Community Engagement

Nil.

COMMENT

Given that MRWA has requested that all existing 50Kph advisory signage be removed by the end of this year, it is not recommended that any such signage be installed on the Town's roads. While this signage can address community concerns with the perception of speeding vehicles, the Town should not act contrary to the request from MRWA to remove the advisory signage from local roads, particularly as there is no evidence that the signage is effective in slowing vehicles down.

Given there are studies that show speed radar display signs are effective in reducing vehicle speeds, it is recommended the Town proceed with the purchase and installation of additional speed radar signage, using funds from RP0145 and additional funds from the allocated \$27,000 in RP0000. The balance of funds in RP0000 can be re-allocated to the Davis Oval sport lighting upgrade.

AGENDA FORUM COMMENTS

Q1. What are the sources for the studies in this report?

A1. Please see the following sources:

- Jafarnejad, G. (2017). Influence of Truck-Mounted Radar Speed Signs in Controlling Vehicle Speed for Mobile Maintenance Operations: Oregon Case Study. *Transportation Research Record*, 2617(1), 19–26. <https://doi.org/10.3141/2617-03>
- Williamson, F. (2015). Effectiveness of radar speed signs in a university environment. *ITE Journal*, 85(7), 43.
- Jue, J. (2020). Long-Term Effectiveness of Radar Speed Feedback Signs for Speed Management. *ITE Journal*, 90(5), 40–44.

Q2. What are the benefits of having three speed signs as opposed to two?

A2. The Town would be able to rotate through the identified locations more frequently and increase the number of locations if necessary. The three signs enable redundancy. The Town has the funding allocated in the budget (RP0145) for purchase of three signs.

Q3. On what basis have these locations been chosen?

A3. These locations were chosen using the same process as indicated in Attachment 2 of 11.4.3 September 2020 OCM:

Council's Traffic Warrant and Data Policy and the traffic warrant criteria are applied when assessing locations for traffic management treatment. The following sites have been identified as best locations for potential static radar speed signs (in order of priority):

1. McCabe St east of Hutchinson Avenue – with an 85% speed of 55km/hr and accumulating 27 points in the traffic warrant action of priority. This score of 27

does suggest 'There may be a problem, but not so serious as to attract funding in the long term'.

2. McCabe Street west of Hutchinson – with an 85% speed of 52km/hr and a points accumulation of 25 in the traffic warrant action of priority. This score as per the traffic warrant action of priority suggests 'There may be a problem, but not so serious as to attract funding in the long term'.

These two locations are not the highest priority on the list using the traffic warrant action of priority scoring. However, the highest priority sites are being addressed either via a blackspot funding application or (already installed) radar speed signs. As these two site along McCabe Street do not meet the action of priority for funding (less than 50 points), there is potential to look at using existing assets to address concerns around speeding. An option is to purchase radar speed signs – and locate on a rotating schedule. This would mean the removal of the welcome signs and only having the radar speed sign on site for a period of 3-4 months, eventually rotating fully and starting again.

The suggested locations are:

- Wellington Street between Gibbon and Monument Street (until a time that potential blackspot funding would address the traffic issues).
- McCabe Street east of Hutchinson Terrace roundabout (adjacent to Rocky Bay area).
- McCabe Street west of Hutchinson Terrace roundabout (adjacent to Mt Lyell Park area).
- Owston Street north of Hanlin Street (adjacent to Golf Course area)

Q4. Will the signs in Wellington Street and Glyde Street be upkeep or repurposed?

A4. The welcome speed signs should be removed. If the signs were kept in place, without a radar speed sign present, they will not be aesthetically pleasing. If the signs are repurposed at speed radar locations along McCabe and Owston Street, they would be out of place considering the location and message of welcoming road users into the Town.

11.4.3 REQUEST FOR FINANCIAL CONTRIBUTION TO MOSMAN PARK GOLF CLUB IRRIGATION INFRASTRUCTURE

File No.: VIT77 / VIT21 & VIT170

Responsible Executive/ Manager: AMY NANCARROW
DIRECTOR PLANNING AND OPERATIONS

Author: BRUCE MOORMAN
MANAGER PARKS AND ENVIRONMENT

Author Disclosure of Interest: NIL

Attachments provided under separate cover: NIL

Authority/Discretion

- Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative Includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.
- Quasi-Judicial When Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building permits, applications for other permits/licences (e.g. under *Public Health Act 2016*, *Dog Act 1976* or local laws) and other decisions that may be appealable to the State Administrative Tribunal.
- Information Purposes Includes items provided to Council for information purposes

OFFICER RECOMMENDATION

Moved: COUNCILLOR P SHAW
Seconded: COUNCILLOR G CAREY

That Council:

1. Authorises a \$25,000 contribution to the Mosman Park Golf Club for the proposed water sharing arrangement with the Melville Water Polo Club and associated irrigation upgrade works.
2. Authorises and effect a transfer of \$25,000 from the Strategic Works Reserve to fund this contribution.
3. Conditions that this one-off \$25,000 contribution will be released to the Mosman Park Golf Club where the following criteria is met:
 - a) The Mosman Park Golf Club has fundraised the additional \$25,000 that is required for the project to proceed.
 - b) All required statutory approvals for the project have been secured.
 - c) An agreement has been entered into between the Mosman Park Golf Club and the Melville Water Polo Club, formalising the terms of the water sharing arrangement.
 - d) The new lease agreement between the Town and the Mosman Park Golf Club has been entered into by both parties.
 - e) A separate agreement has been entered into between the Town and the Mosman Park Golf Club, stipulating that:
 - Following completion of the irrigation upgrade works, the Mosman Park Golf Club will reduce the volume of its annual bore water extraction by the same volume of water it will receive annually from the Melville Water Polo Club.
 - The Town does not accept any financial, operational or risk responsibility for the upgrade of the bore, irrigation network across the river and other associated infrastructure.
 - The cooling ponds at Minim Cove receive water when the overflow tanks at Melville Water Polo Club are full and the water is surplus to the Golf Club's requirements.

AMENDMENT TO THE MOTION

Mover: COUNCILLOR Z JOHNSON
Seconded: DEPUTY MAJOR A MAURICE

That Council:

1. Authorise a \$25,000 contribution to the Mosman Park Golf Club for the irrigation upgrade works for the proposed water sharing agreement with the Melville Water Polo Club subject to conditions in (3,a-f) being met.
2. Authorise and effect a transfer of \$25,000 from the Strategic Works Reserve to fund this contribution.
3. Release of a one-off \$25,000 contribution by the Town of Mosman Park to the Golf Club is dependent upon all of the following conditions being met:
 - f) The Mosman Park Golf Club raises sufficient funds for the project to proceed. The total estimated cost of the project is \$93,000. The Mosman Park Golf Club will need to demonstrate that it has raised \$68,000 and is capable of funding any cost variations that may arise before the Town will commit to the one-off \$25,000 contribution.

- g) All required statutory approvals for the project, including the required approvals from the Department of Biodiversity, Conservation and Attractions and the Department of Water and Environmental Regulation, have been secured.
- h) The Mosman Park Golf Club adheres to all conditions within any Memorandum of Understanding between the Town and the Melville Water Polo Club regarding water sent to the Minim Cove Cooling Ponds, including any agreement for the Town to continue to receive the full volume of water that it currently receives from the heat exchange process at the Water Polo Club.
- i) An agreement is entered into between the Mosman Park Golf Club, the Town and the Melville Water Polo Club, formalising the terms of the water sharing arrangement.
- j) The new lease agreement between the Town and the Mosman Park Golf Club is entered into by both parties.
- k) A separate agreement is entered into between the Town and the Mosman Park Golf Club, stipulating that:
 - Following completion of the irrigation upgrade works, the Mosman Park Golf Club will reduce the volume of its annual bore water extraction by the same volume of water it will receive annually from the Melville Water Polo Club.
 - The Mosman Park Golf Club will submit to the Town monthly hydrometer readings of the amount of water it receives from the Water Polo Club, as well as evidence that an equal amount of reduction has occurred under the Golf Course groundwater license.
 - The Town does not accept any financial, operational or risk responsibility for the upgrade of the bore, irrigation network across the river and other associated infrastructure.

Reason:

To improve the clarity of the motion.

CARRIED 6/0

COUNCIL RESOLUTION

OCM-174-2020

Moved: COUNCILLOR P SHAW

Seconded: COUNCILLOR G CAREY

That Council:

1. Authorise a \$25,000 contribution to the Mosman Park Golf Club for the irrigation upgrade works for the proposed water sharing agreement with the Melville Water Polo Club subject to conditions in (3,a-f) being met.
2. Authorise and effect a transfer of \$25,000 from the Strategic Works Reserve to fund this contribution.
3. Release of a one-off \$25,000 contribution by the Town of Mosman Park to the Golf Club is dependent upon all of the following conditions being met:

- l) The Mosman Park Golf Club raises sufficient funds for the project to proceed. The total estimated cost of the project is \$93,000. The Mosman Park Golf Club will need to demonstrate that it has raised \$68,000 and is capable of funding any cost variations that may arise before the Town will commit to the one-off \$25,000 contribution.
- m) All required statutory approvals for the project, including the required approvals from the Department of Biodiversity, Conservation and Attractions and the Department of Water and Environmental Regulation, have been secured.
- n) The Mosman Park Golf Club adheres to all conditions within any Memorandum of Understanding between the Town and the Melville Water Polo Club regarding water sent to the Minim Cove Cooling Ponds, including any agreement for the Town to continue to receive the full volume of water that it currently receives from the heat exchange process at the Water Polo Club.
- o) An agreement is entered into between the Mosman Park Golf Club, the Town and the Melville Water Polo Club, formalising the terms of the water sharing arrangement.
- p) The new lease agreement between the Town and the Mosman Park Golf Club is entered into by both parties.
- q) A separate agreement is entered into between the Town and the Mosman Park Golf Club, stipulating that:
 - Following completion of the irrigation upgrade works, the Mosman Park Golf Club will reduce the volume of its annual bore water extraction by the same volume of water it will receive annually from the Melville Water Polo Club.
 - The Mosman Park Golf Club will submit to the Town monthly hydrometer readings of the amount of water it receives from the Water Polo Club, as well as evidence that an equal amount of reduction has occurred under the Golf Course groundwater license.
 - The Town does not accept any financial, operational or risk responsibility for the upgrade of the bore, irrigation network across the river and other associated infrastructure.

CARRIED 6/0

VOTING REQUIREMENTS

Absolute majority.

PREVIOUSLY BEFORE COUNCIL

OCM-105-2020 Resolution of Council:

That Council:

1. *Receives the Mosman Park Golf Club (Attachment 1) Leased Facility application package.*
2. *Prioritises the Community Sport & Recreation Facility Fund (CSRFF) application by the Mosman Park Golf Club (noting this is the only Town of Mosman Park application to be made for this funding round and that more planning is required by the applicant)*

3. *Endorse the Mosman Park Golf Club's Community Sport & Recreation Facility Fund (CSRFF) Small Grant application (Attachment 3) with the following conditions:*
 - a) *All works to be in accordance with the Department of Biodiversity, Conservation and Attractions and the Department of Planning Lands & Heritage conditional approvals and other relevant statutory conditional approvals.*
 - b) *Does not accept any financial, operational or risk responsibility for the upgrade of the bore, irrigation network across the river or to future maintenance of pumps, pipe network from Point Roe Park to the Golf Course.*
4. *Subject to the Mosman Park Golf Club obtaining all statutory conditional approvals and successfully obtaining the Community Sport & Recreation Facility Fund (CSRFF) grant, Council will consider providing a \$25,000 one off contribution for the project.*
5. *Request the Town investigate the sustainable bore water extraction options surrounding Genders Park, McCabe Street, Tom Perrot Reserve, Minim Cove Park, EG Smith Field and provides a report to Council in October 2020 for consideration.*

PURPOSE OF REPORT

This report seeks Council's consideration of a request from the Mosman Park Golf Club for a \$25,000 contribution to their proposed water sharing arrangement with the Melville Water Polo Club and associated irrigation upgrade works, including the potential benefits of the project to the Town.

EXECUTIVE SUMMARY

It is recommended that the \$25,000 contribution be provided to the Mosman Park Golf Club, as the completion of the proposed irrigation project will reduce the levels of groundwater extraction in the Town, which in turn will reduce overall salinity levels, thereby improving the quality of groundwater for the Town's own irrigation purposes. It is further recommended that the \$25,000 contribution only be made available once certain conditions have been met.

BACKGROUND

At the Ordinary Council Meeting held on 21 July 2020, Council considered a request from the Mosman Park Gold Club to support an application to the Community Sport & Recreation Facility Fund (CSRFF) Small Grant program for a water sharing arrangement with the Melville Water Polo Club.

Geothermal artesian water is currently pumped from the Water Polo Club to the Minim Cove Cooling Ponds. The Mosman Park Golf Club is considering laying a new pipeline to divert the water to a new holding tank at the Golf Club, to irrigate their turf areas. The estimated cost of the project is \$93,000 and it was proposed that \$25,000 of this cost be funded from the CSRFF grant and another \$25,000 from the Town.

Council supported the grant application subject to conditions, including the requirement for the works to be undertaken in accordance will all necessary statutory approvals and the Town

not accepting any financial, operational or risk responsibility for the upgrade of the bore, irrigation network across the river and other associated infrastructure.

Council also resolved to consider making a \$25,000 contribution to the project in the event that the Mosman Park Golf Club was successful in securing the CSRFF funding and obtaining all statutory approvals.

The Mosman Park Golf Club has advised the Town that their grant application was unsuccessful, but they still wish to proceed with the project. They intend to fundraise internally to cover the \$25,000 shortfall created by the unsuccessful grant application, and they are seeking confirmation of the potential \$25,000 financial contribution from the Town that is needed for the project to proceed.

DETAILS

The Town has commissioned a Bore Water Security Report that was presented to Elected Members at an October Briefing Session. According to the report, the Town's ability to fully use the artesian water coming from the Melville Polo Club is limited by the infrastructure required, whereas the Golf Club has the majority of the infrastructure in place.

The Mosman Park Golf Club wish to use the surplus water from the Melville Water Polo Club to secure a sustainable long term groundwater supply and improve the quality of water used for irrigation purposes. If the project was to proceed, the Golf Club would reduce their overall extraction from the shared superficial aquifer, which in turn will reduce overall salinity levels of groundwater in the Town. This will improve the level of water quality and provide an irrigation source that is more efficiently absorbed by plants, which the Town will benefit from in its irrigation of parks and gardens.

Any pressure that can be taken off the aquifer will provide both short term and long term benefits to the Town, therefore the \$25,000 contribution that the Golf Club is seeking from the Town is considered to be a sound investment.

It is the Town's intention to continue to receive the full volume of water that it currently receives into the Minim Cove Cooling Ponds from the heat exchange process at the Water Polo Club. This would need to be a condition of the Town's \$25,000 contribution to the Golf Club if it is made.

Strategic Plan Alignment

The recommendation of this report aligns with Section 2.1 of the Town's Strategic Community Plan – 'Protect and Enhance the Town's Natural Environment'.

Statutory Implications

Nil.

Policy Implications

Nil.

Financial Implications

No provision has been made in the 2020/21 Budget to fund this \$25,000 contribution. Should Council agree to make this \$25,000 contribution for this project it is recommended that these funds be sourced from the Strategic Works Reserve.

Community Engagement

N/A.

COMMENT

At this stage the Mosman Park Golf Club is awaiting approvals from the Department of Biodiversity Conservation and Attractions and the Department of Water and Environmental Regulation for the proposed irrigation upgrade works. They are also yet to finalise the terms and tariffs associated with receiving the water from the Melville Water Polo Club.

It is recommended that the Town provide the \$25,000 contribution that the Mosman Park Golf Club is seeking, but that the funds only be released once:

- a) The Mosman Park Golf Club has fundraised the required balance of funds for the project to proceed.
- b) All required statutory approvals for the project, including the required approvals from the Department of Biodiversity, Conservation and Attractions and the Department of Water and Environmental Regulation, have been secured;
- c) That the Mosman Park Golf Club adheres to all conditions within any Memorandum of Understanding between the Town and the Melville Water Polo Club regarding water sent to the Minim Cove Cooling Ponds, including any agreement for the Town to continue to receive the full volume of water that it currently receives from the heat exchange process at the Water Polo Club.
- d) An agreement has been entered into between the Mosman Park Golf Club, the Town and the Melville Water Polo Club, formalising the terms of the water sharing arrangement;
- e) The new lease agreement between the Town and the Mosman Park Golf Club has been entered into by both parties; and

- f) A separate agreement has been entered into between the Town and the Mosman Park Golf Club, stipulating that:
- Following the completion of the irrigation upgrade works, the Golf Club will reduce the volume of its annual bore water extraction by the same volume of water it will receive annually from the Melville Water Polo Club;
 - The Mosman Park Golf Club will submit to the Town monthly hydrometer readings of the amount of water it receives from the Water Polo Club, as well as evidence that an equal amount of reduction has occurred under the Golf Course groundwater license.
 - The Town does not accept any financial, operation or risk responsibility for the upgrade of the bore, irrigation network across the river and other associated infrastructure.

AGENDA FORUM COMMENTS

11.5 CHIEF EXECUTIVE OFFICER

11.5.1 CORPORATE BUSINESS PLAN

File No.:	GOVERN001/NAM31173
Responsible Executive/ Manager:	CARISSA BYWATER CHIEF EXECUTIVE OFFICER
Author:	KATE JONES SENIOR GOVERNANCE OFFICER
Author Disclosure of Interest:	NIL
Attachments provided under separate cover:	1. DRAFT CORPORATE BUSINESS PLAN 2020-2024

Authority/Discretion

- | | |
|---|--|
| <input type="checkbox"/> Advocacy | When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency. |
| <input checked="" type="checkbox"/> Executive | The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |
| <input type="checkbox"/> Legislative | Includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers. |
| <input type="checkbox"/> Quasi-Judicial | When Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under <i>Public Health Act 2016</i> , <i>Dog Act 1976</i> or local laws) and other decisions that may be appealable to the State Administrative Tribunal. |
| <input type="checkbox"/> Information Purposes | Includes items provided to Council for information purposes |

COUNCIL RESOLUTION

OCM-175-2020

Moved: DEPUTY MAYOR A MAURICE
Seconded: COUNCILLOR A BAIRD

That Council adopt the modified Corporate Business Plan 2020 - 2024 at **Attachment 1**.

CARRIED 6/0
Voted En Bloc

VOTING REQUIREMENTS

Absolute majority.

PREVIOUSLY BEFORE COUNCIL

The current Corporate Business Plan 2018/19 – 2022/23 was developed in 2018.

In [February 2020](#), Council approved a modified Strategic Community Plan (SCP)(OCM-022-2020). In [May 2020](#), a final version of the modified SCP was approved for release to the community and implementation (OCM-066-2020).

A major review to determine a SCP that will guide the community from 2021-2031 is underway, having commenced with extensive community engagement.

PURPOSE OF REPORT

The purpose of this report is to seek Council's approval for the draft Corporate Business Plan (CBP) 2020 – 2024 at **Attachment 1**. This plan will align with the modified SCP released to the community in May 2020.

EXECUTIVE SUMMARY

Section 5.56 of the *Local Government Act 1995* requires local governments to plan for the future of the district. This is done through development of a SCP to articulate community aspirations for the district for the following ten years.

Priorities to progress towards achieving the aspirations in an SCP are identified in a CBP. Regulation 19DA of the Local Government (Administration) Regulations 1996, required a CBP to project time and budget forward estimates for at least four years.

This report presents at **Attachment 1** a draft CBP for the period 2020 – 2024.

BACKGROUND

The previous 2018/19 – 2022/23 CBP was developed in 2018 together with the Town's Long Term Financial Plan. The plan focused on delivery, enhancing and working together to progress towards achieving the strategic objectives identified in the Town's SCP 2013-2023. Council adopted this SCP in February 2013.

The process followed to develop the Town's previous CBP is detailed on page 6 of the [2018/19 – 2022/23 Corporate Business Plan](#).

DETAILS

The draft CBP 2020 - 2024 (**Attachment 1**) aligns to the modified 2020 SCP approved in May 2020. It identifies priorities to achieve the aspirations of that plan and will be used to monitor and report on progressing those priorities. This CBP will be in place until mid-2020 when it will be modified once again to align with community aspirations identified in a new SCP 2021-2031. This SCP will be informed by the extensive community engagement exercise which is underway.

Strategic Plan Alignment

The draft CBP 2020-2024 monitors progress on achieving community aspirations identified in the modified SCP.

Statutory Implications

The Local Government Act 1995.

“5.56. Planning for the future

- (1) A local government is to plan for the future of the district.*
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.”*

Local Government (Administration) Regulations 1996

“19DA. Corporate business plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) A corporate business plan for a district is to —*
 - (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
 - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) A local government is to review the current corporate business plan for its district every year.*

(5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.

(6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine whether or not to adopt the plan or the modifications. ***Absolute majority required.***

(7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan."

Policy Implications

N/A

Financial Implications

The draft CBP 2020 – 2024 monitors expenditure for priorities identified as necessary to progress towards achieving community aspirations articulated in the modified SCP.

Community Engagement

N/A

COMMENT

The CBP 2020 – 2024 (**Attachment 1**) monitors time and budgets associated with priorities identified to achieve community aspirations articulated in the modified SCP.

Quarterly reports will be provided to Council to ensure it remains updated on progress of achieving the priorities identified in the draft CBP 2020 - 2024. The first of those reports is scheduled for presentation to Council in December 2020.

AGENDA FORUM COMMENTS

11.5.2 ADVOCACY PLAN

File No.: ADMIN12.5

**Responsible Executive/
Manager:** CARISSA BYWATER
CHIEF EXECUTIVE OFFICER

Author Disclosure of Interest: NIL

**Attachments provided under
separate cover:** NIL

Authority/Discretion

- Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative Includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.
- Quasi-Judicial When Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building permits, applications for other permits/licences (e.g. under *Public Health Act 2016, Dog Act 1976* or local laws) and other decisions that may be appealable to the State Administrative Tribunal.
- Information Purposes Includes items provided to Council for information purposes

**COUNCIL RESOLUTION
OCM-175-2020**

Moved: COUNCILLOR Z JOHNSON
Seconded: DEPUTY MAYOR A MAURICE

That Council endorses the following five key priority areas: 1. Environmental sustainability; 2. Managing the urban environment; 3. Transport; 4. Community well-being; 5. Leadership and governance to guide advocacy efforts over the next seven months.

**CARRIED 6/0
Voted En Bloc**

VOTING REQUIREMENTS

Simple majority.

PREVIOUSLY BEFORE COUNCIL

Nil.

PURPOSE OF REPORT

The purpose of this report is to seek Council's endorsement for the following key advocacy priorities: 1. Environmental sustainability; 2. Managing the urban environment; 3. Transport; 4. Community well-being; 5. Leadership and governance.

EXECUTIVE SUMMARY

Advocacy is the process whereby Council's:

- Lobby for funding for services and infrastructure that are a high priority for their community.
- Work collaboratively with the community and key stakeholders to bring about changes in policy, process and attitudes.

The Town is progressing with its advocacy efforts on behalf of the community. Five key priority areas have been identified as strategically important to the Town of Mosman Park.

BACKGROUND

Advocacy is the process of influencing others to create change. Effective advocacy requires the proponents to have a clear understanding of the issues and clearly communicate ideas on how to address these challenges. Advocacy is an important activity for Council, as it does not have the resources or means to achieve everything it wants for the community.

DETAILS

Strategic Plan Alignment

In accordance with the Town of Mosman Park Strategic Community Plan 2016-2023, the following applies:

The projects identified in this plan align with the focus areas and actions outlined in the Town's Strategic Community Plan, which sets out the long-term vision for the Town.

Statutory Implications

The Western Australian Local Government Association (WALGA) identifies that Councils have a legislative role to play in advocating for the needs of the community. Under Section 3.1 (1)

(2) of the *Local Government Act 1995*, Councillors are required to “represent the interests of electors, ratepayers and residents in the district” and “provide leadership and guidance to the community”.

Policy Implications

Nil.

Financial Implications

All advocacy efforts will be funded from the existing advocacy budget.

Community Engagement

In the medium to long term an Advocacy Strategy will be crafted and informed by the Strategic Community Plan 2020-2030 which will have been developed through extensive consultation with the community.

There is no requirement to consult externally on the adoption of an advocacy approach for the Town. However, Council will continue to engage with its community, residents and stakeholders to ensure their needs are understood. Ongoing consultation will be supported by the Town’s Community Engagement Strategy 2019.

COMMENT

The adoption of an advocacy plan will ensure the Town’s advocacy efforts are well co-ordinated over the next few months. This plan will ensure the Town is best placed to attract funding for key infrastructure projects from different levels of government and private industry, and influence policy change.

Through the development and current review of the Town’s Strategic Community Plan, and consultations with the community and stakeholders, a number of priorities have been identified, or are emerging, as they have strategic importance for the future of the Town of Mosman Park.

Priority areas are:

- Environmental sustainability
- Managing the urban environment
- Transport
- Community well-being
- Leadership and governance.

Projects, advocacy, or grant opportunities will be identified by the CEO and meetings with relevant Ministers, Members, and Departmental staff sought. This was done more recently to arrange meetings with the Hon Peter Tinley, Minister for Housing; Fisheries; Veterans Issues;

Asian Engagement and our local member Dr David Honey to advocate for improved quality of social housing in Mosman Park.

Where the Town is advocating for policy change, a discussion paper will be prepared in consultation with Councillors. The discussion paper will include the issues, desired changes, work undertaken by the Town, opportunities, and partnerships for each priority area.

The upcoming State election, due to be held in March 2021, presents a significant opportunity for the Town to deliver on its advocacy priorities. While projects will continue to be added to the Town's list of advocacy priorities, the adoption of a coordinated approach via the development of an advocacy plan will ensure the Town capitalises on this opportunity.

In the meantime, It is recommended that Council endorse the key advocacy priorities outlined in this report as an avenue to represent the interests of the community by lobbying for funding for infrastructure and services, and influencing policy change.

AGENDA FORUM COMMENTS

11.5.3 MCCALL CENTRE

File No.: 3861

**Responsible Executive/
Manager:** CARISSA BYWATER
CHIEF EXECUTIVE OFFICER

Author Disclosure of Interest: NIL.

**Attachments provided under
separate cover:**

1. MAP SHOWING TOWN OF MOSMAN PARK BOUNDARY
2. RATIONALE FOR PROPOSED BOUNDARY RE-ALIGNMENT

Authority/Discretion

- Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative Includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.
- Quasi-Judicial When Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building permits, applications for other permits/licences (e.g. under *Public Health Act 2016*, *Dog Act 1976* or local laws) and other decisions that may be appealable to the State Administrative Tribunal.
- Information Purposes Includes items provided to Council for information purposes

**COUNCIL RESOLUTION
OCM-176-2020**

Moved: COUNCILLOR P SHAW
Seconded: DEPUTY MAYOR A MAURICE

That Council refuse a proposal from the Department of Planning, Lands and Heritage to realign the Town of Mosman Park boundary through the McCall Centre on Lot 556 Curtin Avenue, Cottesloe.

CARRIED 5/1

Councillor Z Johnson voted against the motion

VOTING REQUIREMENTS

Absolute majority.

PREVIOUSLY BEFORE COUNCIL

Nil.

PURPOSE OF REPORT

This report seeks Council's consideration of a request by the Department of Planning, Lands and Heritage (the Department) for the proposed boundary realignment in relation to the McCall Centre.

EXECUTIVE SUMMARY

This report seeks Council's consideration of a request by the Department for the proposed boundary realignment in relation to the McCall Centre.

BACKGROUND

The Department wrote to the Town on 15 April 2020 to seek in-principle approval to progress an application for a boundary realignment for the McCall Centre. The McCall Centre is located at Lot 556 Curtin Avenue, Cottesloe and is reserved for 'Public Purposes – Special Uses' under the Metropolitan Region Scheme (MRS). The Department is exploring the potential to wholly locate Lot 556 within the Town of Cottesloe, given the majority of land is located within its boundaries. **Attachment 1** shows the southern portion of the site that falls within the Town of Mosman Park.

Lot 556 is intersected by the local government boundary between the Town of Mosman Park and the Town of Cottesloe and this gives rise to additional complexity with regard to ensuring that consistent and coordinated planning and development controls are implemented over the site. Approximately 80 percent of the site falls within the Town of Cottesloe, with the remaining 20 percent (equivalent to approximately 1,650m²) located within the Town of Mosman Park.

The McCall Centre is the site of a former telegraph cable station, which is listed on the State Register of Heritage Places and holds considerable heritage significance. The buildings are vacant, derelict and deteriorating into a state of disrepair with mounting incidences of vandalism and anti-social behaviour. A previous proposal to rezone the site was refused in 2017 due to the need to address coastal planning requirements, regional road widening and realignment considerations, and detail regarding the potential future use of the site.

The Land Asset Management Unit of the Department is progressing works to address outstanding planning issues and initiate a scheme amendment proposal to rezone Lot 556 Curtin Avenue from 'Public Purposes – Special Uses' to 'Urban' under the MRS. Rezoning the site is necessary to improve its development potential for sale on the open market, to facilitate conservation of the State significant heritage listed buildings and activate the site through adaptive re-use, addressing the ongoing antisocial issues.

Councillors have discussed this request from the Department at past Briefing Sessions and no support was given to cede the Mosman Park portion of the McCall Centre site to the Town of Cottesloe. This feedback was relayed to the Department and culminated in the following supporting statement (**Attachment 2**) to explain in more detail the rationale for the proposed boundary realignment.

DETAILS

Strategic Plan Alignment

The community aspiration to support sustainable growth and diverse economic activity while reflecting our local character and heritage is relevant to the subject matter of this report.

Statutory Implications

Local Government Act 1995

"s.2.1 State divided into districts

*(1) The Governor, on the recommendation of the Minister, may make an order —
(a) declaring an area of the State to be a district; or
(b) changing the boundaries of a district ..."*

Schedule 2.1 – Provisions about creating, changing the boundaries of, and abolishing districts

Planning and Development Act 2005

Part 4 – Region planning schemes

Policy Implications

Nil.

Financial Implications

This site is non-rateable. Should the Town cede this land to the Town of Cottesloe (based on the current GRV this is equivalent to approximately \$8k annually for the ~1,629m² portion of the site that falls within the Town), the Department is unable to offer compensation.

In the event the site is successfully rezoned for Urban development under the MRS and relevant local planning scheme/s, it will result in a significant uplift in GRV and an increase in the rateable value of the land. The subsequent redevelopment of the site would result in a further uplift in GRV. The scale of the boundary change is unlikely to impact negatively on the viability of either local government but may affect the Town of Mosman Park's rate revenue.

Community Engagement

Nil.

COMMENT

The Department is seeking Council's position on a proposal to amend the LGA boundary, as this would be a precursor to preparing a formal application to the Local Government Advisory Board.

One of the potential pitfalls of ceding this land is a limitation on Council's ability to influence the future use of this site. However, the Department has advised that given only 20 percent of the site exists within the Town of Mosman Park's boundary, any future development application would fall predominantly under the Town of Cottesloe's jurisdiction. Further, given the required level of investment, it is likely that any future development application will be determined by a Development Assessment Panel. It is also noted that consultation is embedded in the Scheme amendment (MRS and LPS), structure plan and development application processes, and therefore the opportunity to influence the planning and development outcome for the site exists regardless of the LGA boundary.

The redevelopment of the site may attract significant community interest, and if it were to become contentious, the Town could find itself addressing concerns and providing advice to its affected ratepayers during three separate community engagement processes. The Town would have to shoulder this resourcing burden, without the benefit of additional rates or planning application fees.

Should the proposed LGA boundary realignment not be supported, the Department has advised it will proceed with a scheme amendment proposal to rezone the site under the MRS only. The responsibility for pursuing dual local planning scheme amendments, development applications etc. would then lie with a prospective purchaser. The risk and complexities associated with securing separate scheme amendments and development approvals from two local governments would potentially erode the State's ability to leverage private sector investment to facilitate conservation of the heritage listed buildings and adaptive re-use/activation of this site. To address this, the Department could subdivide the site along the LGA boundary, however as outlined in the attached paper this is not preferred as it would fragment the site and limit the land use planning and development outcomes.

The Department has now requested that Council formalise its position in relation to the Department's request to initiate the proposed LGA boundary alignment. Accordingly, this matter is provided to Council for determination.

It is recommended that Council refuse the proposal to realign the boundary on the basis that the Town will not have the opportunity of benefiting from the uplift in the rateable value of the land, in the event that the rezoning and redevelopment of the subject site proceeds. Furthermore the rezoning and redevelopment of the site may result in a resourcing burden for the Town, in responding to feedback from and providing advice to its ratepayers throughout the respective planning processes. This resourcing burden would have to be shouldered by the Town without the benefit of additional rates or planning application fees.

AGENDA FORUM COMMENTS

Q1. Have the lot details for the McCall Centre changed since this matter was last considered by Council in 2017?

A1. Lot 556 was formerly comprised of Lot 346 and a portion of Lot 225. The change was a result of a Crown subdivision (resurvey / boundary realignment) which occurred prior to when the 2017 report was considered by Council. There has been no change to the land area in question.

12. QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY ELECTED MEMBER / OFFICER BY DECISION OF MEETING

Nil.

15. MATTERS BEHIND CLOSED DOORS

15.1 8 HAYES TERRACE, MOSMAN PARK - REQUEST FOR REFUND OF PAYMENT FOR VERGE CONSTRUCTION PERMIT (CONFIDENTIAL)

File No.:	899.1
Responsible Executive/ Manager:	AMY NANCARROW DIRECTOR PLANNING AND OPERATIONS
Author:	AMY NANCARROW DIRECTOR PLANNING AND OPERATIONS
Author Disclosure of Interest:	NIL
Attachments provided under separate cover:	1. LETTER FROM THE OWNER OF NO.8 HAYES TERRACE, MOSMAN PARK REQUESTING A REFUND FOR A VERGE CONSTRUCTION PERMIT

This report is confidential pursuant to section 5.23(2)(e) of the *Local Government Act 1995* as this matter involves (iii) information about the business, professional commercial or financial affairs of a person.

Authority/Discretion

- Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative Includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.

- Quasi-Judicial When Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under *Public Health Act 2016*, *Dog Act 1976* or local laws) and other decisions that may be appealable to the State Administrative Tribunal.
- Information Purposes Includes items provided to Council for information purposes

COUNCIL RESOLUTION

OCM-177-2020

Moved: DEPUTY MAYOR A MAURICE
Seconded: COUNCILLOR A BAIRD

That Council:

1. Approves the request from the owner of 8 Hayes Terrace, Mosman Park to refund \$832 paid for a Verge Construction Permit for building works undertaken at the property.
2. Requests the Chief Executive Officer to write to the owner of 8 Hayes Terrace, Mosman Park to request that they obtain written consent from DSL Design & Build Pty Ltd for the Town to refund the \$832 permit fee directly to the owner.

CARRIED 6/0
Voted En Bloc

VOTING REQUIREMENTS

Absolute majority.

16. NEXT MEETING DATE

The next Agenda Forum meeting will be held on Tuesday 8 December 2020.

17. MEETING CLOSURE

The Presiding Member declared the meeting closed at 6:53pm.