



TOWN OF  
**MOSMAN PARK**

**AGENDA FORUM**  
TUESDAY 16 MARCH 2021



**NOTICE OF MEETING**

Councillors are advised that an Agenda Forum will be held in the Council Chambers, Administration Centre, Bay View Terrace, Mosman Park on Tuesday 16 March 2021 at 6:00pm.

Your attendance is kindly requested.

Carissa Bywater  
**CHIEF EXECUTIVE OFFICER**



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**1. DECLARATION OF OPENING**

The Presiding Member is to declare the meeting open.

**2. RECORD OF ATTENDANCE**

**Members:**

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

**Officers:**

Chief Executive Officer	C. Bywater
A/Director Operations	B. Moorman
Executive Officer	C. Markovic

**Apology**

**Observers:**

**Press:**

**Leave of absence (previously approved):**

**3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

**4. PUBLIC QUESTION TIME**

**5. PETITIONS/DEPUTATIONS/PRESENTATIONS**

**6. DECLARATION OF INTEREST**

In accordance with section 5.65 of *the Local Government Act 1995* a member who has an interest in any matter to be discussed at a Council or Committee meeting, that will be attended by the member, must disclose the nature of the interest.

- a) In a written notice given to the CEO before the meeting; or
- b) At the meeting immediately before the matter is discussed.

**7. APPLICATION FOR LEAVE OF ABSENCE**

**8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

**9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

Nil endorsement of Minutes at the Agenda Forum.

**10. REPORTS OF COMMITTEES**

**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 FEBRUARY 2021**

**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

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**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 licenses, applications for other permits/licenses (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**

That Council receives the report on Planning Approvals issued for February 2021.

**VOTING REQUIREMENTS**

Simple majority.

**EXECUTIVE SUMMARY**

This report provides a summary of the Planning Approvals issued for February 2021.

**BACKGROUND**

The following list indicates Planning Approvals, Subdivision Referral Responses and Clearances issued from 1 February 2021 to 28 February 2021 inclusive.

**SUBDIVISION REFERRAL RESPONSES TO WAPC**

Date Issued	Address	Development	Supported / Not Supported
Nil			

**SUBDIVISION CLEARANCES - DETERMINED UNDER DELEGATED AUTHORITY**

Date Issued	Address	Development	Supported / Not Supported
Nil			

**PLANNING APPROVALS – DETERMINED UNDER DELEGATED AUTHORITY**

Issued	Address	Development
02/02/2021	24 Manning Street	Two Storey Dwelling
02/02/2021	130 Glyde Street	Landscaping/Pool/Pergola
11/02/2021	30 Palmerston Street	Two Storey Dwelling with Basement and Swimming Pool
11/02/2021	27A Lochee Street	Two Storey Single Dwelling and Ancillary Dwelling
19/02/2021	9 Baring Street	Retaining walls, Screening and Site Works
19/02/2021	21 Manning Street	Retrospective window
22/02/2021	56 Monument Street	Additions to Single Dwelling
23/02/2021	5 Vlamingh Parade	Two Storey Dwelling with Swimming Pool
25/02/2021	7 Bateman Street	Two Storey Dwelling



**DEEMED TO COMPLY ADVICE PROVIDED**

Date Issued	Address	Development
Nil		

**PLANNING APPROVALS – DETERMINED BY DEVELOPMENT ASSESSMENT PANEL**

Date Issued	Address	Development
Nil		

**PLANNING APPROVALS – DETERMINED BY COUNCIL**

Date Issued	Address	Development
Nil		

**STRATEGIC PLAN ALIGNMENT**

Nil.

**LEGAL/ POLICY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

Nil.

<b>11.1.2 BUILDING APPROVALS FOR FEBRUARY 2021</b>
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**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

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- Information Purposes Includes items provided to Council for information purposes.

**OFFICER RECOMMENDATION**

That Council receives the report on Building Approvals issued for February 2021.

**VOTING REQUIREMENTS**

Simple majority.

**EXECUTIVE SUMMARY**

<b>Build Type</b>	<b>Permit Number</b>	<b>Location of Building Lot and Street Number</b>	<b>Description of Building Work</b>	<b>Name and Address of Contractor</b>
DEM	6374	16 Winifred Street MOSMAN PARK 6012	Demolition of House and Shed	Jason Atkinson PO Box 64 HERNE HILL WA 6056
BAC	6378	3A Frances Terrace MOSMAN PARK 6012	Retaining Wall	Bovell Adam 12B Mandala Crescent BATEMAN WA 6150
CERT	6380	17 Lochee Street MOSMAN PARK 6012	Transparent and Semi-Transparent Blinds and Roller Door to Existing Building	Cottesloe Handyman 3 Swan Street MOSMAN PARK WA 6012
OP	6383	50 Harvey Street MOSMAN PARK 6012	Occupancy Permit	Constructive Building Consultants (Australia) Pty Ltd 4/5 Supreme Loop GNANGARA WA 6077
CERT	6384	19 Owston Street MOSMAN PARK 6012	New Pool Cabana New Extension to Existing Balcony and Balustrade	Kingslane Constructions T/AS Luxus Homes PO Box 1311 SUBIACO WA 6904
CERT	6385	3 Fairlight Street MOSMAN PARK 6012	Residential and Car Park - Extension	Intrinsic Project Pty Ltd 206 Adelaide Terrace EAST PERTH WA 6004

Agenda Forum

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<b>Build Type</b>	<b>Permit Number</b>	<b>Location of Building Lot and Street Number</b>	<b>Description of Building Work</b>	<b>Name and Address of Contractor</b>
DEM	6386	6 Johnson Parade MOSMAN PARK WA 6012	Removal of Dwelling Garage Store room and Gates only	Nylund House Transporters Pty Ltd 67 Frederic Street NAVAL BASE WA 6168
CERT	6388	36A Jameson Street MOSMAN PARK 6012	Earthworks and Piling Only	BANDANA Earthmoving PO Box 33 HEME HILL WA 6065
CERT	6389	22A Bay View Terrace MOSMAN PARK 6012	Balcony Extension to Existing Two Storey Residential Dwelling	Mulvay Pty Ltd T/A Mulvay Builders 3 Tamblyn Place KARRINYUP WA 6018
DEM	6390	83 Monument Street MOSMAN PARK 6012	Full Demolition - Demolition of Dwelling, Carport and Removal of Vegetation within Site Boundaries	S & L Salvage 1 Roper Street O'CONNOR WA 6163
CERT	6391	1 Buckland Avenue MOSMAN PARK 6012	Fabric Shade Sails (x2) with Steel Posts and Concrete Footings	West Coast Shade Pty Ltd 52 Peel Road EAST FREMANTLE WA 6163
CERT	6392	7 Somerset Crescent MOSMAN PARK 6012	Construction of Balcony only to Residential Dwelling	APL Construction A/24 King George Street INNALOO WA 6018

## Agenda Forum

<b>Build Type</b>	<b>Permit Number</b>	<b>Location of Building Lot and Street Number</b>	<b>Description of Building Work</b>	<b>Name and Address of Contractor</b>
CERT	6393	25 Samson Street MOSMAN PARK 6012	Below Ground Fibreglass Swimming Pool Permanent Frameless Glass/Metal Fencing/Gate Access and Temporary Pool Construction Barrier	Barrier Reef Pools Perth 28 Da Vinci Way FORRESTDALE WA 6112
CERT	6394	1 Albert Street MOSMAN PARK 6012	Permanent Frameless Glass and Metal Tubular Fencing/Gate Access	Aquatic Leisure Technologies 28 Orion Road JANDAKOT WA 6164
CERT	6395	1 Albert Street MOSMAN PARK 6012	Below Ground Fibre Glass Swimming Pool and Temporary Pool Construction Fencing	Aqua Technics 28 Orion Road JANDAKOT WA 6164
DEM	6400	13 Albert Street MOSMAN PARK 6012	Demolition of Shed	Denison Demolition PO Box 129 WOOROLOO WA 6558
CERT	6402	56 Monument Street MOSMAN PARK 6012	Pool Fence	Richelle Margaret Cuthbertson 56 Monument Street MOSMAN PARK 6012
CERT	6403	56 Monument Street MOSMAN PARK 6012	Below Ground Fibre Glass Swimming Pool and Temporary Pool Construction Fencing	Aqua Technics 28 Orion Road JANDAKOT WA 6164
CERT	6404	1 Marlborough Street MOSMAN PARK 6012	Dwelling Alteration/Addition	Cheson Building Pty Ltd 66 Palmerston Street MOSMAN PARK WA 6012

## Agenda Forum

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<b>Build Type</b>	<b>Permit Number</b>	<b>Location of Building Lot and Street Number</b>	<b>Description of Building Work</b>	<b>Name and Address of Contractor</b>
CERT	6405	3 Mott Close MOSMAN PARK 6012	Spa Fencing Cabana and Retaining	Converge Construction(WA) Pty Ltd PO Box 8208 SUBIACO EAST WA 6008

### **BACKGROUND**

The list above indicates Building Approvals issued from 1 February 2021 to 28 February 2021 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 February 2021.

### **CHANGE OF BUILDER**

Nil.

### **CANCELLED PERMITS**

Nil.

### **BUILDING ORDERS ISSUED**

Nil.

**11.1.3 LOT 571 (NO. 118) WELLINGTON STREET – APPLICATION FOR DEVELOPMENT APPROVAL – SINGLE STOREY PRIVATE OFFICE & CAR PARK**

**File No.:** 2816.1 / P2232

**Responsible Executive/ Manager:** ERINA PARSONS  
ENIOR PLANNING OFFICER

**Author:** LEIGH ASHBY  
PLANNING OFFICER

**Property Address:** LOT 571 (NO. 118) WELLINGTON STREET, MOSMAN PARK

**Owners Name:** PHOENIX TOO PTY LTD

**Applicants Name:** CROSS DESIGN GROUP

**Author Disclosure of Interest:** NIL.

**Attachments provided under separate cover:**

1. LOCALITY PLAN & GIS AERIAL
2. CLAUSE 32 & 34 OF LOCAL PLANNING SCHEME NO. 3
3. REVISED PLANS DATED 4 DECEMBER 2020
4. APPLICANTS JUSTIFICATION
5. CLAUSE 56 & 67 OF DEEMED PROVISIONS

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**Authority/Discretion**

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- Information Purposes        Includes items provided to Council for information purposes

## **OFFICER RECOMMENDATION**

That Council:

In accordance with the provisions of the Town of Mosman Park Local Planning Scheme No. 3 and the Metropolitan Region Scheme, approves the development application for a single storey office and car park at Lot 571 (No. 118) Wellington Street, Mosman Park, as shown on the revised plans date stamped 4 December 2020 (**Attachment 3**), subject to the following conditions:

### Validity of Approval

1. The development is to be carried out in accordance with the revised plans received 4 December 2020.
2. This decision constitutes Development Approval only and is valid for a period of four (4) years from the date of approval. If the subject development is not substantially commenced within the four (4) year period, the approval shall lapse and be of no further effect.

### Construction Management

3. Prior to submission of a Building Permit application, a Construction Management Plan shall be submitted and approved by the Town. Construction on, and management of the site thereafter, shall comply with the approved Construction Management Plan.

### Front Façade

4. A minimum 75% of the area of the front window facing Wellington Street shall be of a clear glazing and free of obscurities (such as signage) at all times to the satisfaction of the Town.

### Boundary Wall

5. The owner(s) of the subject land, shall finish and maintain the external surface of all boundary walls facing 116 & 120 Wellington Street in a good and clean condition to the satisfaction of the Town and in consultation with the adjoining landowner.

### Landscaping

6. All proposed landscaping shall be installed prior to occupation of the building and maintained to the satisfaction of the Town.



### Awning

7. The awning shall span the full frontage of the subject site facing Wellington Street.
8. The awning shall be designed so that stormwater runoff is captured by the on-site drainage system.

### Utilities and Facilities

9. All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks and fire boosters, shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and surrounding properties to the satisfaction of the Town.

### Stormwater

10. All storm water discharge shall be retained onsite, by suitable means to the satisfaction of the Town.

## **VOTING REQUIREMENTS**

Simple Majority

## **PREVIOUSLY BEFORE COUNCIL**

This property is located within the Wellington Street Neighbourhood Centre which recently had a proposed Local Development Plan over the site. This LDP included development controls over the shops along the Wellington Street frontage. At its Special Council Meeting on 30 November 2021, Council resolved to refuse the application.

## **EXECUTIVE SUMMARY**

An application has been received for a single storey building to use for a private office and car park at Lot 571 (No. 118) Wellington Street, Mosman Park.

The proposed development will be sited on three lot boundaries - the front and two side boundaries, with vehicular access provided from Turnbull Way at the rear. Additional works proposed include landscaping, a new front awning and a private car park to house a private car collection.

The subject site is located within the Wellington Street Neighbourhood Centre and is subject to Clause 32 of Local Planning Scheme No. 3 (Scheme). This provision requires the preparation and approval of a Local Development Plan (LDP) prior to approval of a development application. Additionally, Clause 56(2) of the Planning and Development (*Local Planning Scheme*)

Regulations 2015 sets out criteria that needs to be satisfied where a development application precedes an area that requires a Local Development Plan.

As the application seeks to vary Scheme provisions, the proposal falls outside of officer delegation and is referred to Council for determination.

Advertising of this application was undertaken from 23 December 2020 to 21 January 2021, for a period of 29 days. Advertising was extended by eight days as advertising occurred over the Christmas and New Year period. No submissions were received.

It is recommended that the application be approved, subject to conditions.

### **BACKGROUND**

#### ***Site Description***

Lot 571 (No. 118) Wellington Street, Mosman Park (the subject site) is located within the Wellington Street Neighbourhood Centre which is bound by Wellington Street to the north, Manning Street to the east, Samson Street to the south and single residential properties to the west (refer **Attachment 1**).

Turnbull Way directly adjoins the rear boundary of the subject site and is used as a service lane for various commercial shops fronting Wellington Street, the IGA and associated commercial shops.

The subject site is long and narrow, with a frontage width of approximately 9.2m, side boundaries of 37.6m in length and an overall size of 344m<sup>2</sup>. The sites approved 'use' is for 'office', which is not proposed to change with the new building, with the exception of the additional car park use.

There are eight commercial shops along this stretch of Wellington Street which offer varying services, such as café/restaurant, retail, hairdresser, post office etc. These buildings are generally characterised by parapet walls connecting the shops along the side boundaries, overhead awnings and shop frontages. The first six shops (east to west) are identified in the Town's Municipal Inventory of Heritage Places (MI) as Category 3 buildings as they contribute historic and social value to Mosman Park. The subject site and the post office to the west, are not included in the Town's MI. Despite this, the uniform awning adjoining the other sites contributes to the overall character of the Neighbourhood Centre.

#### ***Requirement for Local Development Plan (LDP)***

Clause 32(1) No. 3(a) of the Scheme contemplates the preparation and approval of an LDP prior to the submission of a development application for land that is zoned Centre (**Attachment 2**). Where a provision in Clause 32 of the Town's Local Planning Scheme 3 (the Scheme) cannot be met, there are a number of criteria set out in Clause 34 of the Scheme that need to be satisfied.

Additionally, the prerequisite criteria outlined in Clause 56(2) of the Deemed Provisions is required to be satisfied where a development application precedes an area that requires a Local Development Plan.

These provisions will be assessed and discussed in the Detailed Assessment section of the report.

***LDP refused by Council***

At its Special Council Meeting held on 30 November 2020, Council refused a Local Development Plan (LDP) that sought to introduce site specific planning controls for the entire Wellington Street Neighbourhood Centre (and included the subject site). This application was initially submitted to the Town while the LDP application was under review. Due to the Scheme requiring an approved LDP over these sites prior to submission of a development application, this proposal was placed on hold pending a decision by Council on the LDP.

It is important to note that although the LDP was prepared largely for the benefit of the owner of 46 Manning Street (the larger shopping centre site), the LDP also included planning controls for the eight shops fronting Wellington Street. As the owner of the shopping centre did not own these eight properties, the Town had significant input into the planning controls for these sites. The controls were considered appropriate when assessed against the intent of the local centre zone and the existing contribution they add to the character of the locality. The principles underpinning the refused LDP were relied on in the assessment of the proposed development.

***Legal Advice***

Given the sensitivity of the site and the complexity of the provisions that apply in the planning framework, this report was review by the Town’s legal advisers.

The advice affirmed relevant legal considerations with regard to the provisions and pathway to be navigated in the planning framework, to ensure the process of considering the application was methodical and in accordance with the principles of orderly and proper planning.

**DETAIL**

**Application Details:**

<b>Landowner:</b>	Phoenix Too Pty Ltd
<b>Applicant:</b>	Cross Design Group
<b>Date of Application:</b>	14 July 2020 (Revised plans: 4 December 2020)

**Principal Statutory Provisions**

<b>Zoning:</b>	Metropolitan Region Scheme (MRS): Urban Local Planning Scheme No. 3 (LPS3): Centre R60
<b>Existing Land Use:</b>	Office
<b>Proposed Use Class:</b>	Office & Car Park
<b>Use Classification:</b>	D

<b>Lot Area:</b>	344m <sup>2</sup>
<b>Laneway:</b>	Yes – Turnbull Way
<b>Heritage List:</b>	No

The proposal is for the demolition of the existing building and construction of a new single storey private use office and car park building (**Attachment 3**). The intended use of the building is for the owner to have private office space and a ‘private car park’ area to house their private motor vehicle collection. The premises will not be open to the public with visitors only attending the site on an informal basis. There is currently no intention to use the premises for a commercial purpose, however, the internal spaces within the proposed building are capable of adapting to suit a variety of commercial uses should the opportunity arise in the future.

The proposed works include:

- A new front façade that is commensurate to the adjoining heritage listed commercial premises by incorporating:
  - A parapet that ties in with the adjoining shops;
  - An awning spanning the full frontage of the site;
  - The main building line is recessed 900mm to allow articulation along the frontage and landscaping; and
  - Front window and door are clear glazed with an arch, creating a point of difference with elements that complement the style and shape of the adjoining buildings.
- Front office space that has an direct connection to the street due to the large front window;
- Internal courtyard and a number of sky lights providing natural light throughout the building;
- All internal spaces and amenities are universally accessible;
- Provision for three vehicles to park in the rear car park space, plus one vehicle can be positioned on the ‘car turntable’;
- A rear double carport accessible from Turnbull way, allowing for visitor parking where required;
- Rear of the building setback 8m from Turnbull way, allowing for a double carport, landscaping and adequate vehicle sight lines;
- Visually permeable stacking sliding gate to Turnbull Way.

## ASSESSMENT

### Summary Assessment

The table below summarises the planning assessment of the proposal against the provisions of Local Planning Scheme No. 3, Local Planning Policy No. 4 – Laneway Vision and Development Standards and Subdivision Requirements for Lots Adjoining Laneways, Local Planning Policy No.

15 – Development Standards for Multiple Dwellings, Mixed-Use Developments and Non-Residential Developments, Clause 67 of the Deemed Provisions and any other relevant legislation.

In each instance, where the proposal requires the discretion of Council, the relevant planning element is discussed in the section of the report following from this table.

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Local Development Plan		✓
Land Use		✓
Plot Ratio	✓	
Building Composition		✓
Building Height	✓	
Street & Lot Boundary Setbacks		✓
Open Space		✓
Public Domain Interface	✓	
Fences	✓	
Waste Management	✓	
Façade Design	✓	
Car & Bicycle Parking	✓	
Vehicle Access	✓	
Visual Privacy	✓	
Reflective Roof Material	✓	
Pergolas & Unroofed Structures	✓	

**DETAILED ASSESSMENT**

***Deemed Provisions - Clause 56***

Where a development is proposed in the absence of an approved LDP, the appropriate variation mechanism to be applied is Clause 56(2) of the Deemed Provisions. Specifically, a development approval may only be granted where:

- The proposed development does not conflict with the principles of orderly and proper planning.
- The proposed development would not prejudice the overall development potential of the area.

***Orderly and Proper Planning***

LDPs are generally a planning instrument that provide site specific development requirements for a particular property or properties. Where a LDP is required for one individual site, the property will generally be of a unique nature, for example, it may be a substantial land holding, located prominently within its setting, and/or have unique existing circumstances such as topography, buildings, heritage, infrastructure, etc.

Given the eight properties fronting Wellington Street are individually owned, are small in area, currently function to their intended purpose, and have no topographical or infrastructure constraints, it is considered onerous, in this case, to require a LDP to be prepared for the subject site before development can be considered. It would appear that the Scheme contemplated all land within the Wellington Street Neighbourhood Centre being developed as one amalgamated site rather than having separate standalone proposals. On this note, the planning objective of Clause 32 of the Scheme is presumably to ensure 4m setbacks from the outer boundary of the precinct to maintain the residential amenity of low density neighbouring land. This is a fair assumption given that a 4m setback from each boundary, if applied to each individual lot, would not allow for development on these lots, due to the frontages of the buildings only being 9m wide.

Despite the LDP being refused, the principles underpinning the refused LDP were relied on in the assessment of the proposed development as the provisions incorporated for the eight Wellington Street shops were developed with the character and context of the immediate and surrounding environment in mind and consideration for human scale. These provisions included maintaining the existing character of these shops by enhancing the existing frontages, using similar materials and finishes as well as building in internal adaptability to ensure viability for future changes to the buildings use.

The Town has methodically assessed the applicable provisions in the planning framework, ensuring that each relevant provision in the planning framework has been given due regard. Each of these provisions have been assessed.

This report has been reviewed by the Town's legal advisers who have affirmed the correct legal pathway to follow when interpreting and applying the key provisions. In light of the approach and process undertaken to assess this application, the principles of orderly and proper planning have been adhered to.

### ***Development Potential of the Area***

The expected built form on this site, if it were developed to its full potential would present a three storey mixed-use building which would characteristically contain a mixture of residential and commercial uses.

It is believed that the vision for the Wellington Streets shops, if developed to its full potential, would appear as one entire lot with 4m setbacks from the outer boundaries, three storeys in height with a mixture of residential and commercial uses, frontages that enhance the existing building frontages, materials and finishes, and have internal adaptability.

A key consideration of the proposals appropriateness, is determining whether the proposal will prejudice this site/area from reaching its full development 'potential' given this precinct has been earmarked under the Scheme for development as a "centre". Additionally, a R60 coding under the *Residential Design Codes (Volume 2)* applies, which as noted above, anticipates a three storey mixed use building. An assessment of whether granting development approval for

a single storey building used for private office and car park on an independent lot prejudices the potential development of the area has therefore been undertaken.

- The entire suite of shops along the Wellington Street frontage are single storey and therefore the proposal fits in with the existing character of the locality.
- There is scope for an additional two storeys on this site and therefore has the ability to reach full development potential in future.
- The proposed building has the ability to be adapted to accommodate multiple different uses.
- The design compliments the existing frontages of the six heritage facades to the east of the subject site.
- The materials and finishes used, compliment the style of the existing buildings while adding unique architectural features.

For the reasons outlined above, the proposed development is not considered to prejudice the overall development potential of the area and therefore can satisfy Clause 56(2) of the Deemed Provisions.

**Local Planning Scheme No. 3 – Clause 32**

The first provision of Clause 32 (**Attachment 2**), requires that a Local Development Plan is approved on land zoned 'Centre' prior to submission of a development application as follows:

- a) Prior to making an application for development approval, a local development plan is to be prepared and approved in accordance with Part 6 of the deemed provisions.*

Where a provision in Clause 32 of the Town's Local Planning Scheme 3 (the Scheme) cannot be met, there are a number of criteria set out in Clause 34 of the Scheme that needs to be satisfied (**Attachment 2**).

The second applicable provision under Clause 32 of the Scheme relates to requirements associated with plot ratio, height, open space and setbacks from boundaries as follows:

- c) In respect of the Wellington Street Neighbourhood Centre (Lots 3, 570, 571, 572, 573, 574, 575, 576 Wellington Street, Lots 9, 10, 11, 20, 21, 411 and 412 Manning Street, Turnbull Way and land identified under Certificate of Title 1073/437, Mosman Park):*
  - i. Residential and non-residential development is to comply with the plot ratio, height and open space requirements of the R60 density code as specified under Table 4 of the R-Codes;*
  - ii. Setbacks for residential and non-residential development are to be a minimum of 4 metres from boundaries.*

With regard to section (c) above, Table 4 of the R-Codes no longer exists with the plot ratio and open space requirements replaced by the Residential Design Codes – Volume 2 for the R60 zone. Building height is still controlled by Local Planning Policy 14 on the basis that Table 4 of the previous R-Codes allowed for a Local Planning Policy to supersede the R-Code provision.

The applicable development standards that require consideration under Clause 32 of the Scheme are as follows:

Local Planning Scheme No. 3 – Clause 32 provisions		
Development standard	Deemed to Comply Requirement	Proposed
Plot ratio (R-Codes)	0.8	0.7
Building height (LPP14)	10m – flat roof 12m – pitched roof (3 storeys)	6.5m (1 storey)
Open space (R-Codes)	45% of site area	19%
Setbacks from boundaries (the Scheme)	4m	Nil to 8m

The proposal satisfies the deemed to comply requirements in regard to the plot ratio and building height requirements of the R60 density code. However, the development seeks to vary the 4m setback to all lot boundaries and 45% open space requirement as outlined in Clause 32(c) of the Scheme. Therefore, discretion is required in the decision making process for the proposed variations by assessing the application against the criteria set out in Clause 34 of the Scheme.

#### **Local Planning Scheme No. 3 (Scheme) - Clause 34**

Clause 34 of the Town’s Scheme, provides local government the discretion to approve an application for development approval that does not comply with one or more ‘additional site and development’ requirement’s set out in Clause 32, as discussed above. This can be done on the proviso that the criteria set out in Clause 34 can be satisfied.

Clause 34 of the Scheme states the following:

#### **34. Variations to site and development requirements**

- 1) *In this clause:  
**additional site and development requirements** means requirements set out in clauses 32 and 33.*
- 2) *The local government may approve an application for a development approval that does not comply with an additional site and development requirements.*
- 3) *An approval under subclause (2) may be unconditional or subject to any conditions the local government considers appropriate.*



- 4) *If the local government is of the opinion that the non-compliance with an additional site and development requirement will mean that the development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of the development the local government must –*
  - a) *consult the affected owners or occupiers by following one or more of the provisions for advertising applications for development approval under clause 64 of the deemed provisions; and*
  - b) *have regard to any expressed views prior to making its determination to grant development approval under this clause.*
  
- 5) *The local government may only approve an application for development approval under this clause if the local government is satisfied that –*
  - a) *approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67 of the deemed provisions; and*
  - b) *the non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.*

In summary, the criteria in Clause 34 of the Scheme has been considered as follows:

- Consultation was undertaken in accordance with Clause 34 of Scheme, the Planning and Development (*Local Planning Scheme*) Regulations 2015 (the Regulations) and the Town's Local Planning Policy No. 1 – Consultation Procedures. Since advertising the application, the Regulations have been amended as part of planning reforms. As a result changes have been made to the public advertising requirements. However, the consultation undertaken complies with the Regulations that were effective at the time and the amended Regulations that became effective from 15 February 2021. No submissions were received as a result of consultation.
- Due regard for Clause 67 of the Regulations, Deemed provisions (**Attachment 6**) has been undertaken.
- The proposal has been designed with reference to the provisions included in the refused Local Development Plan which were largely influenced by the Town. Two provisions in Clause 32 of Scheme, do not comply which relate to setback requirements from boundaries and open space requirements.

#### *Setbacks*

- The 4m setback from all boundaries is considered unrealistic for independent lots that only have a frontage width of approximately 9m. This is because there will be insufficient space for functional areas. Therefore, it is not practicable in this case.
- The nil setback to the front (street) boundary is consistent with the existing built form on the subject site and adjoining properties. The nil setbacks along this strip contribute to the character and connectivity of the uses and is not considered to have an adverse impact on the occupiers or users of the development or inhabitants

of the locality. The proposal does not prejudice the site from reaching its full development potential either.

- The single storey building is consistent with the surrounding residential built form in terms of height, bulk and scale.

*Open space*

- The proposed footprint is in keeping with adjoining developments at 120 and 122 Wellington Street, which appear to cover nearly 100% of their respective sites.
- It is possible for additional open space to be provided on this site through future development applications where a roof terrace or raised outdoor areas are incorporated.

In light of the above, the Town is satisfied that the proposed variations to open space and setbacks from boundaries meet the requirements of Clause 34(6) in the Scheme, and therefore approval is recommended.

Land Use			
Legislation	Zone	Proposed Use	Use Permissibility
Local Planning Scheme No. 3 – Land use definitions	Centre	Car Park	D – use is not permitted unless Council exercises its discretion to grant approval.
Definition			
<p><i>“car park means premises used primarily for parking vehicles whether open to the public or not but does not include –</i></p> <p><i>(a) any part of a public road used for parking or for a taxi rank; or</i></p> <p><i>(b) any premises in which cars are displayed for sale.”</i></p>			
Applicant’s Justification			
<p>A summary of the applicant’s justification is provided below (refer <b>Attachment 3</b>).</p> <ul style="list-style-type: none"> <li>• The owner intends to house their private car collection on site;</li> <li>• The car park would not be open to the public.</li> </ul>			
Officer’s Technical Comment			
<p>To determine whether the proposed car park use is appropriate in this location, assessment against the objectives of the Centre zone, contained in the Scheme, is required.</p> <p>The objectives of the Centre zone are as follows:</p>			

- *To designate land for future development as a town centre or activity centre;*
- *To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme or the Activity Centres State Planning Policy;*
- *To facilitate the development of activity centres in the Town providing for the identified needs of the community in the provision of retail goods and services, cultural, health and community facilities, entertainment and employment opportunities;*
- *To encourage residential and employment opportunities in a mixed-use format complementing and supporting the vitality of desired uses;*
- *To promote the redevelopment of activity centres to provide greater land use efficiency, vibrancy, accessibility and safety, in addition to improved urban amenity.*

The proposed car park use is consistent with the objectives of the Centre zone for the following reasons:

- The larger site which this site is a part of, has been earmarked under the Scheme for development a Centre.
- Clause 32 of the Scheme provides a basis for future detailed planning on the site, however Clause 34 of the Scheme and 56(2) of the Deemed Provisions also embeds discretion for Council to consider an application that varies the requirement for an Local Development Plan.
- This proposal does not immediately present residential or employment opportunities, however the provisions set out in Clause 34 of the Scheme have been given due regard and all relevant criteria is considered to be satisfied. On that basis the private office/car park use can be deemed as appropriate.
- The use will not prejudice the future development potential of the site for mixed use format and the proposed building has designed-in adaptability for conversion for future changes of use and additions.
- The redevelopment of the subject site will contribute to the improved accessibility of the site as additional on-site car parking at the rear and internal to the building is proposed.
- The introduction of a new building that compliments the existing buildings and character and context of the locality will improve the urban amenity of the area.

In light of the above, the proposed car park use is recommended to be supported.

<b>Building Composition</b>			
<b>Legislation</b>	<b>Acceptable Outcome</b>	<b>Proposed</b>	<b>Complies – Yes or No?</b>
Local Planning Policy No. 15 (LPP15) – Clause 5.1.1.2 – Building Composition	A2.2 A minimum percentage of the ground floor building façade shall be occupied by active land uses or be appropriately constructed to allow for active land uses, in accordance with Table 2. 100%	0% (office is not considered an ‘active land use’)	No
<b>Element Objectives</b>			
<p><i>O2.2 Where non-residential uses fall short of the minimum, the building is able to be easily converted without structural modification for non-residential uses in the future; and</i></p> <p><i>O2.3 Where residential or passive land uses are proposed for the ground floor façade, the building is able to be easily converted without structural modification to active land uses in the future.</i></p>			
<b>Applicant’s Justification</b>			
<p>A summary of the applicant’s justification is provided below (<b>Attachment 3</b>).</p> <ul style="list-style-type: none"> <li>• Large 920mm wide doorways internally to all areas including shower, toilets.</li> <li>• Internal Spaces easily convertible to a number of different uses without needing to structurally or materially alter the building.</li> </ul>			
<b>Officer’s Technical Comment</b>			
<p>The proposed private office use intended for the building is considered a ‘passive’ land use under LPP15, which seeks ‘active’ land uses on the ground floor of commercial, mixed-use and non-residential developments as per the ‘deemed to comply’ requirement.</p> <p>Active land use is defined in LPP15 – <i>means a shop, restaurant, small bar, café, or other similar land uses that promote streetscape interaction and vibrancy.</i></p> <p>Where the deemed to comply requirement is not met by a proposal, the Town must be satisfied that the abovementioned Element Objectives are satisfied to exercise discretion in granting development approval.</p> <p>The proposal is considered to satisfy the abovementioned Element Objectives for the following reasons:</p>			

- The internal spaces are not unique, meaning future businesses can be accommodated without structural or material modification of this building being required.
- Universal access is built in with at grade accessibility from the front and rear of the building, large 920mm doorways and universally accessible amenities on site.
- Adequate on site and undercover car parking is provided should future uses require a more stringent car parking requirement.
- The existing building on site was used as an office by a boutique design firm.
- The proposed building has designed adaptability for conversion for future changes of use.

In light of the above, the proposed land use and subsequent variation to LPP15 is recommended to be supported.

<b>Lot Boundary Setbacks</b>			
Legislation	Requirement	Proposed	Complies – Yes or No?
Local Planning Scheme No. 3 (the Scheme) Clause 32 – Additional site and development requirements	4m from all boundaries	Nil to front and side boundaries.  8m to rear boundary	No  Yes
<b>Element Objectives</b>			
Clause 34 of the Scheme allows Council to grant variations to the additional site and development requirements.			
<b>Applicant’s Justification</b>			
<p>A summary of the applicant’s justification is provided below (<b>Attachment 3</b>).</p> <ul style="list-style-type: none"> <li>• There is no overshadowing of adjoining properties due to the north-south orientation of the site.</li> <li>• There is no overlooking to adjoining properties.</li> </ul>			
<b>Officer’s Technical Comment</b>			
<p>The Scheme contains a blanket four metre setback “from boundaries” which is considered to be all lot boundaries. Where there is a Local Planning Policy in place that is inconsistent with a Local Planning Scheme, the Scheme prevails. As the 4 metre setback is a Scheme provision the setback requirement prevails over the setback requirements contained in Local Planning Policy No. 4 in relation to laneway setbacks and also Local Planning Policy No. 15 in relation to street setbacks.</p>			

The proposed lot boundary setback variations have been considered under Clause 34 of the Scheme discussed in detail earlier in the report under 'Detailed Assessment'.

The criteria set out in Clause 34 are considered to be satisfied and therefore, this variation can be supported.

<b>Open Space</b>			
<b>Legislation</b>	<b>Acceptable Outcome</b>	<b>Proposed</b>	<b>Complies – Yes or No?</b>
Local Planning Policy No. 15 – Clause 5.1.1.2 – Building Composition	45% (155m <sup>2</sup> )	19% (65.4m <sup>2</sup> )	No
<b>Element Objectives</b>			
<p><i>O4 Development incorporates suitable open space for its context to:</i></p> <ul style="list-style-type: none"> <li>• <i>reflect the existing and/or desired streetscape character or as outlined under the local planning framework;</i></li> <li>• <i>provide access to natural sunlight for the building;</i></li> <li>• <i>reduce building bulk on the site, consistent with the expectations of the applicable density code and/or as outlined in the local planning framework;</i></li> <li>• <i>provide an attractive setting for the buildings, landscape, vegetation and streetscape;</i></li> <li>• <i>provide opportunities for occupants to use space external to the building for outdoor pursuits and access within/around the site; and</i></li> <li>• <i>provide space for external fixtures and essential facilities.</i></li> </ul>			
<b>Applicant's Justification</b>			
Nil			
<b>Officer's Technical Comment</b>			
<p>The deemed to comply open space requirement for the Local Centre R60 zone is 45% of the site area. In this case, 155m<sup>2</sup> of open space is the deemed to comply requirement and the application proposes 65.4m<sup>2</sup> of open space (this excludes the area beneath the carport).</p> <p>The proposed open space is considered to meet the above Element Objectives for the following reasons:</p> <ul style="list-style-type: none"> <li>• The development directly relates to the existing streetscape character of the neighbourhood centre by incorporating similar materials and finishes, a front façade that compliments the existing heritage frontages of the adjoining commercial</li> </ul>			

premises’ and the overall bulk and scale is in keeping with existing character of the locality.

- The development meets deemed to comply requirements for plot ratio and building height, which is testament to a building that respects the surrounding built form and character.
- A large portion of the development is boundary to boundary which may lead to a perception of bulk, however the extensive parapet walls along the side boundaries largely abut adjoining parapet walls for the majority of each boundary. Furthermore, building boundary to boundary for the full frontage of the lot (matching the neighbouring built form) allows for the longer parapet walls to be concealed from view from the street and footpath.
- The development allows adequate means of natural light into the internal spaces of the building through the use of several skylights, an internal courtyard and open void.
- Landscaping has been incorporated into the façade of the building by recessing the main building line and incorporating a planter for the majority of the frontage. This provides a point of difference to the adjoining buildings and also acts as ‘natural relief’ to the prevailing solid frontages.
- The development incorporates landscaping and paving treatments within the 8m setback to the rear boundary, providing opportunities for activation of Turnbull Lane and also passive surveillance creating a safer laneway environment that removes the perception of feeling ‘built in’ by high boundary walls.
- It is possible for open space to be recouped in future development applications as open areas of accessible and useable flat roofs and outdoor living areas above natural ground level are included in the open space calculations in accordance with Appendix 1 of LPP15.

The proposed open space variation is also considered under Clause 34 of the Scheme – Variations to site and development requirements. This has been discussed in detail earlier in the report under ‘Detailed Assessment’ and in summary, all the criteria can be satisfied. Therefore this variation can be supported.

***Planning & Development (Local Planning Scheme) Regulations 2015 (Deemed Provisions)***

The relevant matters outlined in clause 67 of the Deemed Provisions that Council is to have due regard to, are set out below –

Clause 67 provisions	Officer’s comments
<i>(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;</i>	This is discussed in detail under ‘Other relevant Considerations’ section of the report below.
<i>(b) the requirements of orderly and proper planning;</i>	All the relevant provisions with the planning framework have been given due regard in

	<p>considering the appropriateness of this proposal.</p> <p>This report has been reviewed by the Town’s legal advisers who have provided recommendations on the orderly and proper pathway to approach this application. These recommendations have been included in the report.</p>
<p><i>(c) any approved State planning policy</i></p>	<p>This is discussed in detail under ‘Other relevant Considerations’ section of the report below.</p>
<p><i>(g) any local planning policy for the Scheme area;</i></p>	<p>Local Planning Policy 15 guides (among other things) non-residential development and the land use component car park and office has been given due regard in the detailed assessment.</p> <p>Local Planning Policy 4 relates to laneways and in particular, the setback requirements from a laneway, which were inconsistent with the provision for a 4 meter setback from all boundaries in the Scheme, in which case the Scheme prevailed.</p> <p>Local Planning Policy 01 has been given due regard for the consultation requirements of this application.</p> <p>Local Planning Policy No. 14 (LPP) has also been considered for non-residential development, which is well under the three storey height limit.</p>
<p><i>(m) the compatibility of the development with its setting, including –</i></p> <p><i>(i) the compatibility of the development with the desired future character of its setting; and</i></p> <p><i>(ii) the relationship of the development to development on adjoining land or on other land in the locality</i></p>	<p>The R60 ‘Centre’ zoning allows for developments up to three storeys. The proposal is compatible with the existing development on surrounding land as well as the potential to increase in height in future within the desired future character of the locality. The proposed height, bulk, scale, orientation and materials are all</p>



<p><i>including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;</i></p>	<p>sympathetic to the prevailing one to two storey commercial and residential buildings in the locality.</p>
<p><i>n) the amenity of the locality including the following –</i>  <i>(i) environmental impacts of the development;</i>  <i>(ii) the character of the locality;</i>  <i>(iii) social impacts of the development;</i></p>	<p>The development incorporates a front façade that is designed to be in keeping with the adjoining heritage listed commercial properties while providing a point of difference. The design has carefully considered the amenity of the locality and is considered to complement what exists while adding design elements of interest.</p> <p>Neighbourhood and local centres play an important social role in providing walkable access to services and facilities for communities. While the use does not provide immediate social benefits, being a private use, there is potential in future.</p>
<p><i>(t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.</i></p>	<p>The proposal meets the car parking requirements of the Scheme. The proposed private office/car park, is unlikely to generate a large amount of traffic and therefore is not considered to have a detrimental impact on the capacity of the road system, traffic flow and safety. The only traffic generation is likely to be occasional visitors to the premises whereby there is adequate parking proposed on site, in addition to the existing on street car parking available on Wellington Street.</p>

**Other Relevant Considerations**

**Aims & Objectives of LPS 3**

The relevant aims of LPS 3 are as follows:

- (a) *to direct and control the development of the Scheme area in a manner that promotes and safeguards the health, safety, convenience, economic and general welfare of its*

*inhabitants and amenities of every part of the Town, through appropriate decision making;*

- (d) to consolidate commercial activities in appropriate locations and facilitate a diversity of activity in identified activity centres;*
- (e) to protect residential areas from non-residential uses that would disrupt desired residential character and amenity;*
- (f) to enhance the amenity of residential areas and maintain the lifestyle enjoyed by residents;*
- (k) to maintain and enhance the amenity and quality of streetscapes throughout the Town;*

The objectives of the Centre zone are as follows:

- *To designate land for future development as a town centre or activity centre;*
- *To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme or the Activity Centres State Planning Policy;*
- *To facilitate the development of activity centres in the Town providing for the identified needs of the community in the provision of retail goods and services, cultural, health and community facilities, entertainment and employment opportunities;*
- *To encourage residential and employment opportunities in a mixed-use format complementing and supporting the vitality of desired uses;*
- *To promote the redevelopment of activity centres to provide greater land use efficiency, vibrancy, accessibility and safety, in addition to improved urban amenity.*

Neighbourhood centres are important local community focal points that help to provide for required service provisions, it is a place for people to meet and feel part of a community. This development may not provide for additional public service and employment opportunities immediately, however, with adaptability built into the space, it is capable of accommodating a range of uses in the future.

The design has been tailored to enhance and complement the character and built form of the existing buildings in this locality, which allows the lifestyle enjoyed by residents to be maintained and the quality of streetscape preserved and enhanced.

This site has scope to reach the full development potential in future with regard to built form and use, which will be guided by any future detailed planning document as intended by the objectives of the Centre zone.

**State Planning Policy 4.2 (SPP4.2) – Activity Centres**

In accordance with SPP4.2 – Activity Centres, the main purpose of neighbourhood centres is to provide for daily/weekly household shopping needs, community facilities and a small range of other convenience services. Typical retail offerings include supermarket/s, personal services

and convenience shops. Office uses do make up small percentages of commercial floor space within a neighbourhood centre development, these office uses are typically local professional services.

Under SPP4.2, Clause 6.4.1 states that for a neighbourhood centre the “Local Government *may* require a detailed area plan” (now called a LDP). A neighbourhood centre is the lowest level of activity centre in SPP4.2, meaning the need for detailed planning for these smaller centres is less critical than in district or regional centres, particularly for one small land holding as is the case in this application. Therefore in this instance, SPP4.2 supports varying the requirement of needing a LDP to be approved prior to considering an application for development approval.

### **COMMUNITY ENGAGEMENT**

#### **Clause 64 of the Deemed Provisions**

The proposal was advertised for a period of 29 days in accordance with Local Planning Policy No. 1 – Consultation Procedures and the Deemed Provisions. The proposal was advertised in accordance with the Deemed Provisions that were in effect at the time and also compliant with the recently amended version (gazetted in December 2020 and took effect on 15 February 2021).

The Deemed Provisions stipulate that proposals advertised over an ‘excluded holiday period’ incur an extension to any normal advertising timeframe of eight calendar days, hence the 29 day period in lieu of the normal 21 days.

A total of 16 surrounding properties were consulted, which is a broader scope of public advertising compared to a regular planning application and the minimum requirement under LPP1.

No submissions on the proposal were received.

### **SUMMARY OF SUBMISSIONS**

Nil.

### **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.

### **LEGAL/ POLICY IMPLICATIONS**

- *Planning & Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015* (as amended – gazetted 18 December 2020);
- Town of Mosman Park Local Planning Scheme No. 3 (LPS3);

- Local Planning Policy No. 1 – Consultation Procedures
- Local Planning Policy No. 4 – Laneway Vision and Development Standards and Subdivision Requirements for Lots Adjoining Laneways;
- Local Planning Policy No. 14 – Building Height & Natural Ground Level; and
- Local Planning Policy No. 15 (LPP15) – Development Standards for Multiple Dwellings, Mixed-Use Developments and Non-Residential Developments.

The applicant will have the right to have Council's decision (either refusal or a condition of approval) reviewed by the State Administrative Tribunal (SAT) in accordance with Part 14 of the *Planning and Development Act 2005*.

### **FINANCIAL IMPLICATIONS**

Nil.

### **CONCLUSION**

The proposal represents an appropriate response to its zoning, location and density as the design demonstrates the ability to satisfy all the relevant provisions that apply under the planning framework.

Overall, the new building is considered to preserve the existing character, context and amenity of the existing locality, while maintaining scope to reach full development potential in accordance with objectives of the Centre zone and any future detailed planning mechanism i.e. Local Development Plan.

Accordingly, this application is recommended for approval subject to conditions.

**11.2 COMMUNITY DEVELOPMENT**

**11.3 FINANCE**

<b>11.3.1 FINANCIAL REPORTS</b>
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<b>File No.:</b>	FIN13A
<b>Responsible Executive/ Manager:</b>	EMMA BEBB MANAGER FINANCE
<b>Author:</b>	AYSHA CEH SENIOR ACCOUNTANT
<b>Author Disclosure of Interest:</b>	NIL
<b>Attachments provided under separate cover:</b>	1. FINANCIAL REPORTS – FEBRUARY 2021 – 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. |
| × Information Purposes                  | Includes items provided to Council for information purposes  |

**OFFICER RECOMMENDATION**

That Council notes the Financial Statements for the period ended 28 February 2021 (**Attachment 1**).

## **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 28 February 2021.

## **EXECUTIVE SUMMARY**

This report appraises Council of the financial position of the Town for the period ended 28 February 2021 (**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.

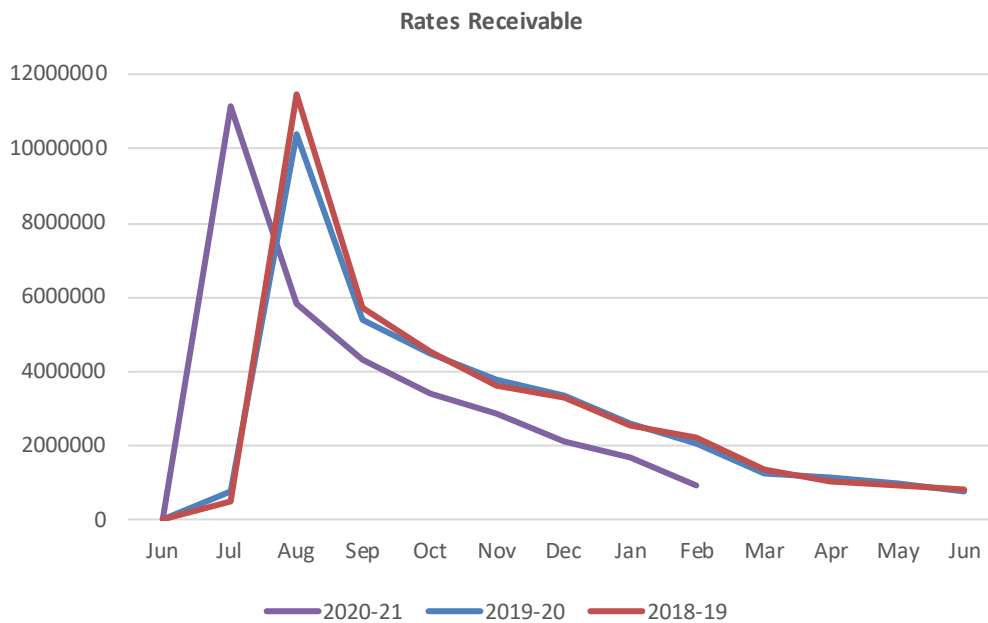
**Financial Implications**

**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 28 February 2021 as follows:

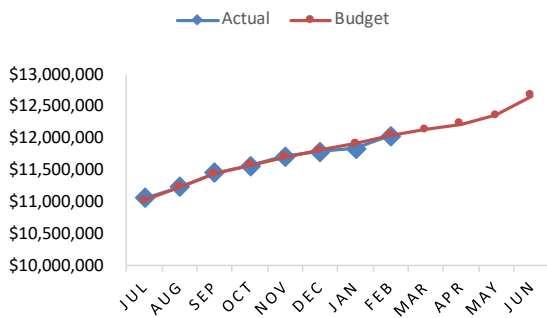
<b>OPERATING</b>				
	Annual Budget	YTD Budget	YTD Actual	YTD % Spent
Expenditure	(12,652,840)	(8,653,935)	(8,082,785)	64%
<b>Revenue</b>				
	Annual Budget	YTD Budget	YTD Actual	YTD % Received
Revenue (excl rates)	3,290,991	2,667,678	2,664,178	81%
<b>CAPITAL</b>				
	Annual Budget	YTD Budget	YTD Actual	YTD % Spent
Expenditure (excl commitments)	(1,815,472)	(1,374,824)	(609,838)	34%
<b>Revenue</b>				
	Annual Budget	YTD Budget	YTD Actual	YTD % Received
Revenue	260,312	101,766	115,148	44%

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

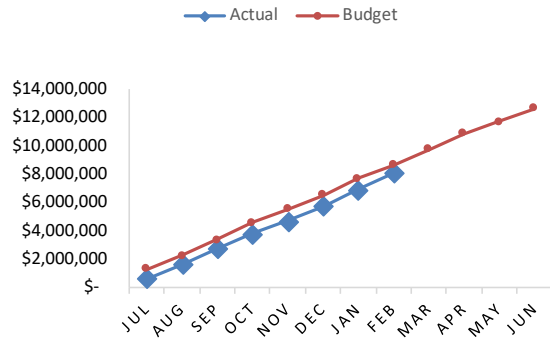


# Agenda Forum

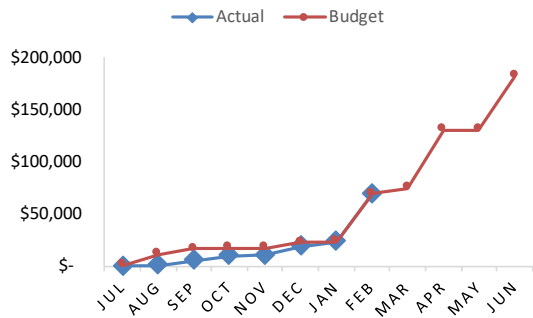
**Operating Revenue**



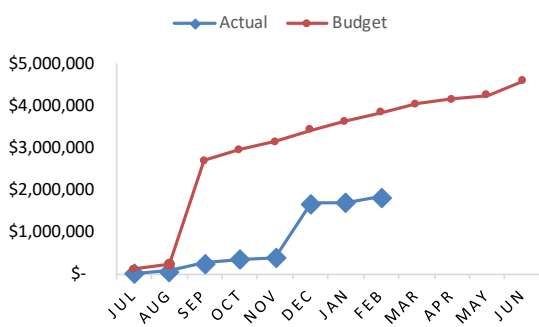
**Operating Expenditure**



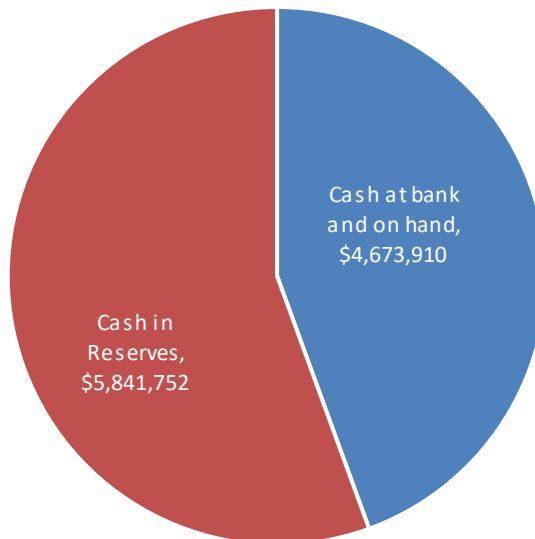
**Non-Operating & Capital Revenue**



**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 28 February 2021.

Overall the financial situation is sound and operating in accordance with the approved budgets or otherwise detailed in the variance analysis (**Attachment 1**). The Capital Expenditure is showing as underspent year to date, this relates to the transport capital program that is due to commence soon and the transfers to reserves (capital expense) having been delayed. The Mid-Year Budget review for 2020/21 is provided as a separate item at this Ordinary Council Meeting. The permanent variances will be amended as part of that review and the updated budget figures will be used for reporting in the monthly financial reports.

**AGENDA FORUM COMMENTS**

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

<b>File No.:</b>	FIN13A
<b>Responsible Executive/ Manager:</b>	EMMA BEBB MANAGER FINANCE
<b>Author:</b>	AYSHA CEH SENIOR ACCOUNTANT
<b>Author Disclosure of Interest:</b>	NIL
<b>Attachments provided under separate cover:</b>	1. LIST OF RATES ASSESSMENTS WITH SMALL BALANCES FEB 21 ( <i>CONFIDENTIAL</i> ) – NCR30505

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**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

**OFFICER RECOMMENDATION**

That Council:

1. Notes the outstanding rates balances as at 28 February 2021.
2. Authorises the write-off of the penalty interest of \$127.58 on the rates assessments referenced in **Attachment 1**.

## **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.

Further to Council's request at the November 2020 Ordinary Council Meeting, a review of the potential for Council to delegate authority to the CEO to write-off these minor balances was undertaken: it has been determined that this authority cannot be delegated.

Section 6.12 of the *Local Government Act 1995* deals with the "Power to defer, grant discounts, waive or write off debts". Subsection 6.12(2) exempts "an amount of money owing in respect of rates and service charges". Interest arising from rates comes within this description and is exempt from being written off by the CEO.

## **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 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.
- Council approved an extension of the debt recovery process (OCM-185-2020).
- The list of unpaid accounts authorised by the CEO to progress to the next stage (Step 5) was sent to the Town's debt recovery agency on 18 January 2021.
- Step 5 of the debt recovery process is ongoing for accounts that remain unpaid with no payment plan agreement in place.

An additional reminder report has been generated to ensure that those paying by instalments are up to date with payments. A summary of instalment timeframes for 2020/21 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 third instalment was due on the 21 December 2020.
- A reminder was sent to those who were paying by instalments but were two weeks late for the third instalment on 5 January 2021.
- The final instalment was due on the 22 February 2021.
- A reminder will be sent to those who missed the final instalment on the 8 March 2021.

The small balance write-off of \$127.58 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 28 February 2021

Arrears Outstanding		
Arrears outstanding at 1 July 2020 (includes ESL & service charges, excludes pensioners deferred)	\$ 832,186	
Arrears received	\$ 425,620	51.1% collected
Arrears outstanding	\$ 406,566	48.9% outstanding
<b>Arrears Outstanding Detail</b>		
Arrears outstanding payment plan	\$ 209,118	25.1% payment plan
Arrears outstanding debt recovery agency	\$ 197,447	23.7% debt recovery, including caveats
<b>Arrears outstanding total</b>	<b>\$ 406,566</b>	<b>48.9% total</b>
Arrears pensioners deferred	\$ 129,677	

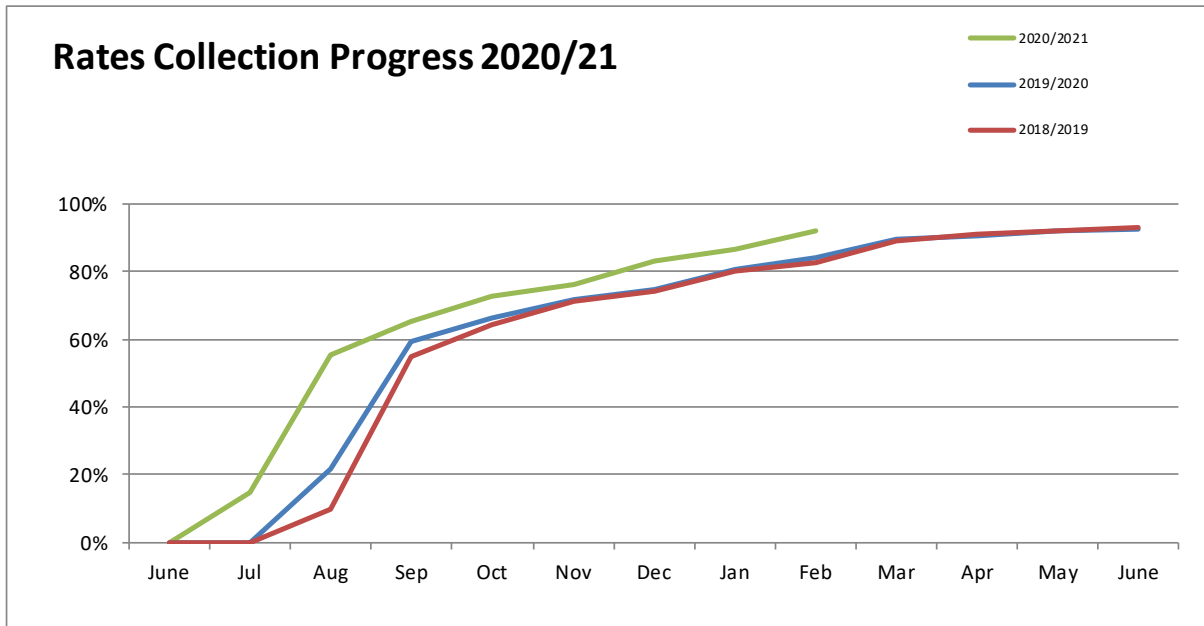
The total monthly reduction in arrears for the period from 31 January to 28 February 2021 is \$16,766.

Current Year Outstanding		
Rates & charges levied (includes ESL & service charges) 2020/2021	\$ 12,416,572	
Current year received	\$ 11,707,419	94.3% collected
Current year outstanding	\$ 709,153	5.7% outstanding
<b>Current Year Outstanding Detail</b>		
Current year outstanding payment plan	\$ 46,540	0.37% payment plan instalments overdue (first reminder sent 8 March 2021)
Current year paying by instalments	\$ 192,206	1.5% 2021)
Current year outstanding with debt recovery agency	\$ 221,536	1.8% debt recovery (sent October 2020)
Current year pensioners outstanding	\$ 248,871	2.0% pensioners outstanding (deferrals to be determined at year end)
<b>Current year outstanding total</b>	<b>\$ 709,153</b>	<b>5.7% total</b>
Current year pensioners deferred	\$ -	Deferred to be determined at year end

The total monthly reduction in the current year outstanding from 31 January to 28 February 2021 is \$646,624.

In February 2021 two payment plans were completed and two new plans were authorised. At 28 February 2021 there were 31 active payment plans. There are currently two active payment plans with financial hardship.

The graph below shows the amount of arrears and current year rates collected at 28 February 2021. It shows that the collection for 2020/21 is tracking well at 28 February compared with March 2019/20 and March 2018/19.



Should Council grant approval, the amount being written-off is \$127.58 and relates to small balances accrued on 31 properties (**Attachment 1**).

**Community Engagement**

N/A

**COMMENT**

These penalty interest charges are a result of late rates payments on 31 properties, the administration cost to recover these charges will exceed the \$127.58.

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

**AGENDA FORUM COMMENTS**

**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

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**Authority/Discretion**

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- × Information Purposes Includes items provided to Council for information purposes

**OFFICER RECOMMENDATION**

That Council receives the Investment Portfolio Reports for the month ending 28 February 2021.

**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 28 February 2021.

## **BACKGROUND**

This report is for Council to receive the Town's Investment Registers as at 28 February 2021.

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 1996 and the requirements of the *Local Government Act 1995* 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 following 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**

Four Municipal Investments were redeemed in February 2021 totalling \$2,250,000. Two Reserve Investments were also redeemed in February 2021, totalling \$2,200,000. Budgeted reserve transfers as well as reinvestment of Municipal funds will occur in March 2021.

No new investments were entered into during this period and as such, the portfolio ratios at the time of investment are below the maximum thresholds of the Investment of Funds Policy.

The 2020/21 Budget for investment interest income is \$66,600. This is being reduced in the mid-year budget review due to lower than anticipated interest rates. The interest earned on investments at 28 February 2021 is \$26,146. Interest is applied at maturity of each investment.

The Reserve Bank of Australia did not change its cash rate in February. The current cash rate at 28 February 2021 is 0.10%

### **Community Engagement**

Nil.

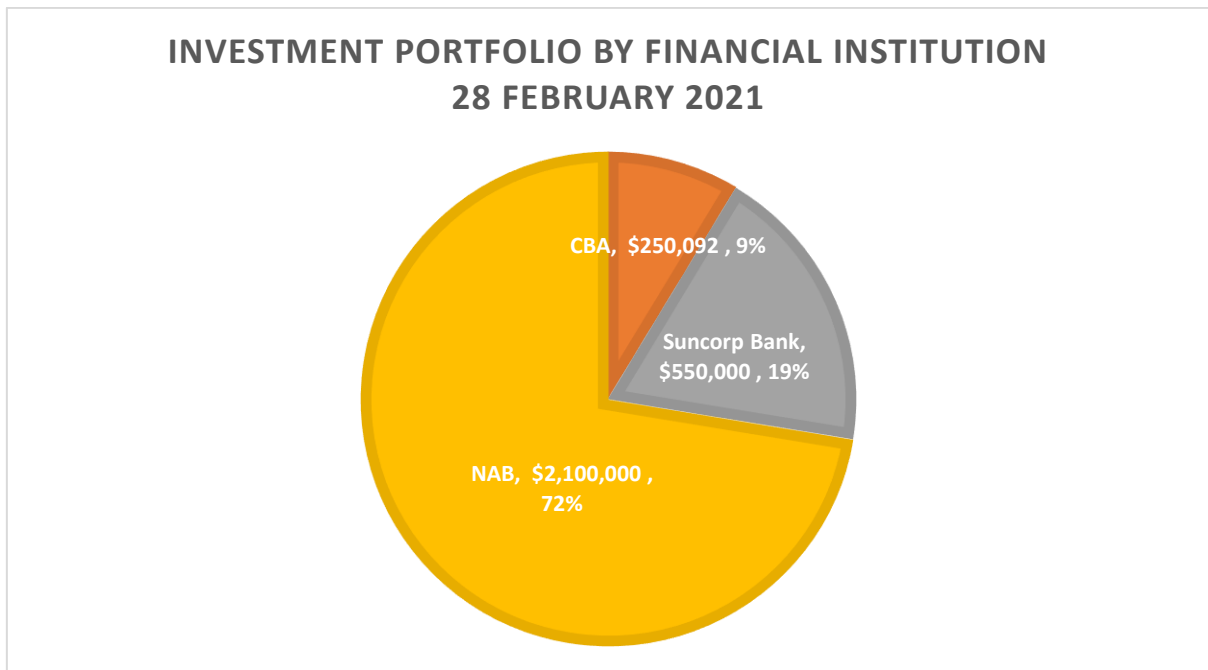
### **COMMENT**

The following table summarises how funds are invested as per the Town's Investment Policy.

## Agenda Forum

<b>TOWN OF MOSMAN PARK INVESTMENTS REGISTER REPORT AS AT 28 FEBRUARY 2021</b>							
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
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
15-M20/21	09-Nov-20	08-Apr-21	Municipal	CBA	0.30%	151	250,092.05
<b>Total Funds Invested</b>							<b>2,900,092.05</b>

\*Fossil fuel free investment



### AGENDA FORUM COMMENTS

**11.3.4 ACCOUNTS FOR PAYMENT**

<b>File No.:</b>	FIN13D
<b>Responsible Executive/ Manager:</b>	EMMA BEBB MANAGER FINANCE
<b>Author:</b>	AYSHA CEH SENIOR ACCOUNTANT
<b>Author Disclosure of Interest:</b>	NIL
<b>Attachments provided under separate cover:</b>	1. SCHEDULE OF PAYMENTS – FEBRUARY 2021 – NCR32955 2. PURCHASING CARDS – JANUARY 2021 – NCR32955

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**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

**OFFICER RECOMMENDATION**

That Council:

1. Receives the schedules of all the payments made during the period 1 February 2021 to 28 February 2021 amounting to: \$1,033,234.80 (**Attachment 1**).
2. Receives the schedule of purchasing card payments made for January 2021 (**Attachment 2**).

## **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 payments made between 1 February 2021 and 28 February 2021.

## **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 1995* 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 February 2021 to 28 February 2021 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 January 2021 – refer **Attachment 2**.

**AGENDA FORUM COMMENTS**

<b>11.3.5 2020/21 MID YEAR BUDGET REVIEW</b>
--

<b>File No.:</b>	FIN6
<b>Responsible Executive/ Manager:</b>	EMMA BEBB MANAGER FINANCE
<b>Author:</b>	EMMA BEBB MANAGER FINANCE
<b>Author Disclosure of Interest:</b>	NIL
<b>Attachments provided under separate cover:</b>	1. 2020/21 BUDGET REVIEW REPORT – NCR32971

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**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 permits, 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   |

**OFFICER RECOMMENDATION**

That Council:

1. Adopts the mid-year Budget review Report (**Attachment 1**) on the Financial Statements for the period ended 31 January 2021 submitted in accordance with Regulation 33A of the Local Government (Financial Management) Regulations 1996 and forward a copy to the Department of Local Government, Sport and Cultural Industries.

2. Requires the CEO to provide a copy of this mid-year Budget review to the Department of Local Government, Sport and Cultural Industries.
3. Approves amendments to the original Budget as outlined in **Attachment 1** and effects the following transfers to /from reserves:
  - a) \$290,885 from the Strategic Initiatives Reserve.
  - b) \$123,011 from the Library Reserve.
  - c) \$48,000 to the Information Technology Reserve.
  - d) \$100,068 to the Public Open Space Reserve.
  - e) \$399,396 from the Building Reserve.
  - f) \$500 to the Plant Reserve.
  - g) \$18,018 to the Transport Reserve.
  - h) \$20,000 from the Underground Power Reserve.

### **VOTING REQUIREMENTS**

Absolute majority.

### **PREVIOUSLY BEFORE COUNCIL**

The 2020/21 Budget was approved by Council at the June SCM (30 June 2020). This report summarises the mid-year review impact to the original adopted 2020/21 Budget.

The following items approved by Council during the 2020/21 year have not been included in the reserve transfers listed as part of the officers' recommendation in this report, these have already been approved as follows:

*September OCM 22<sup>nd</sup> September 2020 – Item 11.4.3 Local Roads and Community Infrastructure (LRCI) Program. Resolution number OCM-133-2020*

*That Council:*

- 1) Receives Local Roads and Community Infrastructure program - Priority Projects Spreadsheet (Attachment 1);*
- 2) Requires the Chief Executive Officer to submit a \$92,018 Local Roads and Community Infrastructure funding application for Davis Oval sport lighting upgrade.*
- 3) Authorise the establishment of a new Davis Oval sport lighting upgrade account for \$180,000 comprising:
  - c) \$92,018 received from the Local Roads and Community Infrastructure grant.*
  - d) \$87,982 to be transferred from the Public Open Space Reserve.**
- 4) Effects a transfer of \$87,982 from the Public Open Space Reserve to this new Davis Oval Lighting account.*
- 5) Requests prior, to commencing works at Davis Oval, the Chief Executive Officer write to the respective clubs to inform them of the proposed sports lighting upgrade works.*
- 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*

October OCM 27<sup>th</sup> October 2020 - Item 11.5.3 Planning & Building Resources. Resolution number OCM-150-2020

*That Council:*

- 1. Authorise a variation of \$120,000 to the 2020/21 Planning and Building salaries budget to provide additional technical resources to respond to increasing service demands*
- 2. Authorise and effect a transfer of \$120,000 from the Strategic Projects Reserve to fund this budget variation.*

October OCM 27<sup>th</sup> October 2020 - Item 14.1 Budget Allocation Request – New Environmental Management Plan for Mosman Park Golf Course. Resolution number OCM-152-2020

*That Council:*

- 1. Approves a budget allocation of \$25,000 (exc GST) for the preparation of a new Environmental Management Plan for the Mosman Park Golf Course.*
- 2. Authorises and effects a transfer of \$25,000 from the Strategic Project Reserve to fund this budget variation.*

February OCM 22<sup>nd</sup> February 2021 – Item 11.4.5 Underground Power Petition. Resolution number OCM-020-2021

*That Council:*

- 1. Notes the information presented in this report identifying steps taken by the Town to deliver underground power to the community.*
- 2. Authorise the engagement of a project manager to develop civil engineering and financial models necessary for the Underground Power project and source the funding for this work as part of the mid-year Budget review.*
- 3. Requires the CEO to inform the lead petitioner of the outcome of this report.*

## **PURPOSE OF REPORT**

The purpose of this report is for Council to adopt the mid-year Budget review of the Financial Statements as at 31 January 2021.

## **EXECUTIVE SUMMARY**

This report has been prepared to facilitate the adoption of the Town of Mosman Park's 2020/21 mid-year Budget review (**Attachment 1**). It provides the Financial Statements for the period ended 31 January 2021 for Council adoption in accordance with Regulation 33A of the Local Government (Financial Management) Regulations 1996 (the Regulations).

## **BACKGROUND**

Regulation 33A of the Local Government (Financial Management) Regulations 1996 (the Regulations) requires that between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.



The review of an annual budget for a financial year must:

- Consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
- Consider the local government's financial position as at the date of the review; and
- Review the outcomes for the end of that financial year that are forecast in the budget.

A Budget review report is submitted to Council on an annual basis.

## **DETAILS**

### **Strategic Plan Alignment**

3.3 - We meet the requirements of the Local Government Act through integrating the Town's key strategies, plans, resources and reporting.

### **Statutory Implications**

Regulation 33A of the Local Government (Financial Management) Regulations 1996 states:

- 1) *Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.*
- 2a) *The review of an annual budget for a financial year must:*
  - *consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
  - *consider the local government's financial position as at the date of the review; and*
  - *review the outcomes for the end of that financial year that are forecast in the budget.*
- 2) *Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the Council.*
- 3) *A Council is to consider a review submitted to it and is to determine (by absolute majority) whether or not to adopt the review, any parts of the review or any recommendations made in the review.*
- 4) *Within 30 days after a Council has made a determination, a copy of the review and determination is to be provided to the Department.*

### **Policy Implications**

Nil.

**Financial Implications**

A formal amendment to the Town’s 2020/21 Budget is recommended as follows (**Attachment 1**):

**Transfers to the following Reserves:**

Information Technology Reserve	\$48,000
Public Open Space Reserve	\$100,068
Plant Reserve	\$500
Transport Reserve	\$18,018

**Transfers from the following Reserves:**

Strategic Initiatives Reserve	\$290,885
Library Reserve	\$123,011
Building Reserve	\$399,396
Underground Power Reserve	\$20,000

Actual reserve transfers will be based on actual capital expenditure; so if less funds are expended for the intended purpose, only the actual expenditure will be funded. The maximum transfer will be the total amount approved by Council.

There will be no net cash impact on revenue and expenditure of various reallocation of budgets as detailed in **Attachment 1**.

**Community Engagement**

Nil.

**COMMENT**

The following adjustments to the Town’s 2020/21 Budget are proposed. These are further detailed in **Attachment 1**.

## Agenda Forum

	Amended Income Increase / (Decrease)	Amended Expense (Increase) / Decrease	Amended Equity (Increase) / Decrease	Position
	\$	\$		
2020/21 Opening deficit (from adopted 2019/20 financial statements closing balance)		(576,888)		(576,888)
Transfer from library reserve to cover the additional expense for the library provisions - non-cash.			123,011	(453,877)
Transfer from building reserve to cover Wearne depreciation expense - non-cash.			57,564	(396,313)
Reduction in transfer to strategic initiatives reserve to offset opening adjustment - non-cash.			290,885	(105,428)
<b>Operating Amendments by Program</b>				
03 - General Purpose Funding	28,000	(42,500)		(119,928)
04 - Governance	67,500	51,452		(976)
05 - Law, Order & Public Safety	-	4,200		3,224
07 - Health	9,020	-		12,244
08 - Welfare	(1,000)	12,500		23,744
10 - Community Amenities	18,000	(15,199)		26,545
11 - Recreation & Culture	(28,393)	79,075		77,227
12 - Transport	5,500	10,240		92,967
13 - Economic Services	-	(36,737)		56,230
14 - Other	-	(56,230)		-
Depreciation adjustment (non-cash)		(203,269)		(203,269)
<b>Operational Transfers from Reserves</b>				
Building Reserve (depreciation adjustment)			203,269	-
Strategic initiative (Council approved resource \$120k + Council approved Environmental Plan \$25k)		(145,000)	145,000	-
Public Open Space (LRCI phase 1 Davis Oval lighting project) variance to grant funds		(87,982)	87,982	-
	<b>98,627</b>	<b>(1,006,338)</b>	<b>907,711</b>	
<b>Non-Operating Amendments by Reserve Fund</b>				
		<b>Amended Expense</b>		
		<b>(Increase) / Decrease</b>	<b>Transfer (to) / from Reserves</b>	
Building Reserve		(118,801)	118,801	
Leased Buildings Capital Renewal		(19,762)	19,762	
Plant Reserve		500	(500)	
Information Technology Reserve		48,000	(48,000)	
Transport Reserve		18,018	(18,018)	
Public Open Space Reserve		100,068	(100,068)	
Underground Power Reserve		(20,000)	20,000	
Net reduction in transfer from reserves		<b>8,023</b>	<b>(8,023)</b>	
Net adjustment to Budget			<b>899,688</b>	<b>0</b>

The following Reserve transfers will be processed as detailed in **Attachment 1**:

Net transfer to the following Reserves:

Information Technology Reserve	\$48,000
Public Open Space Reserve	\$100,068
Plant Reserve	\$500
Transport Reserve	\$18,018

Net transfer from the following Reserves:

Strategic Initiatives Reserve	\$290,885
Library Reserve	\$123,011
Building Reserve	\$399,396
Underground Power Reserve	\$20,000

The closing balances for the Reserve accounts (taking the above into consideration as well as Budget movements already approved by Council) are show below:

	2020/21 Mid-Year Budget Closing Balance
PLANT RESERVE	417,886
INFORMATION TECHNOLOGY RESERVE	81,832
INSURANCE RESERVE	70,863
LEGAL RESERVE	108,645
MT LYELL CONTAINMENT CELL RESERVE	246,247
RUBBISH RESERVE	337,481
PUBLIC OPEN SPACE RESERVE	302,884
TRANSPORT RESERVE	1,235,716
LIBRARY INFRASTRUCTURE RESERVE	121,281
BUILDING RESERVE	345,165
BUILDING RESERVE - MPTC	-
BUILDING RESERVE - BHTC	-
BUILDING RESERVE - SCC	-
STRATEGIC INITIATIVES RESERVE	1,302,410
UNDERGROUND POWER RESERVE	29,873
COMMUNITY EVENTS RESERVE	-
COMMUNITY SUPPORT (COVID-19) RESERVE	15,225
<b>TOTALS</b>	<b>4,615,508</b>

**11.4 TECHNICAL SERVICES**

**11.4.1 POLICY REVIEW – VERGE TREATMENT**

<b>File No.:</b>	WORKS17
<b>Responsible Executive/ Manager:</b>	BRUCE MOORMAN ACTING DIRECTOR OPERATIONS
<b>Author:</b>	MEG ROGERS WASTE AND SUSTAINABILITY OFFICER
<b>Author Disclosure of Interest:</b>	NIL
<b>Attachments provided under separate cover:</b>	1. VERGE TREATMENT POLICY – CURRENT POLICY 2. VERGE TREATMENT POLICY – MARKED UP

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**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

**OFFICER RECOMMENDATION**

That Council approves changes to the Verge Treatment Policy (**Attachment 2**).

**VOTING REQUIREMENTS**

Simply Majority.

## **PREVIOUSLY BEFORE COUNCIL**

At the Ordinary Council Meeting in November 2019 (OCM-162-2019) Council adopted the revised Verge Treatment Policy.

## **PURPOSE OF REPORT**

The purpose of the report is for Council to consider and approve amendments to the Verge Treatment Policy.

## **EXECUTIVE SUMMARY**

This report seeks Council approval to accept changes to the Verge Treatment Policy.

## **BACKGROUND**

Policies guide Council, staff and the community to ensure matters are handled in a fair and consistent way. They are a general guideline to regulate the Town's actions and provide a standard or criterion to help users exercise good judgement and discretion in relation to specified matters. Written policies enable the community to understand the reasoning of administrative and Council decisions.

The revised Policy has been restructured to simplify how to achieve safe, water wise, visually appealing, and compliant verge treatments across the Town.

The revised Policy aligns with the Water Corporation's water wise verge guidelines. The Town may submit an expression of interest to demonstrate the Town's eligibility for funding. This funding is available annually.

Additionally, the Town is developing Verge Treatment Guidelines to coincide with this policy. This standalone document will provide residents with the most current information that can be updated without the need to update the policy.

## **DETAILS**

The water wise verge incentive and rebate program section has been removed from the policy as per advice from the Water Corporation. The program is subject to funding each year and the Town is required to submit an expression of interest to meet the eligibility criteria relevant to the desired Greening Initiative.

The Greening Initiatives include:

- Water wise verge subsidies.
- Waste wise plant sales and giveaways.
- Water wise garden competitions.

- Water wise garden and verge workshops.
- Water wise tree programs.
- Water wise demonstration gardens.

Removing this section provides the Town with flexibility to implement new initiatives each year subject to funding. Pre-approved funding for 2020/21 will be used to develop a water wise demonstration garden to provide an example of how to achieve a water wise verge garden.

The revised policy aligns with the Water Corporation's Water Wise Verge Guidelines and has been expanded to specify verge requirements.

No changes have been made to the application process. All applications must be assessed and approved by the Town before proceeding with installation.

### **Strategic Plan Alignment**

#### **Enhancing our Town:**

4. Promote, protect and enhance the Town's natural environment in activities, the Town works to protect and enhance the air, sea, river, groundwater, parks, ovals, streetscapes and bushland and promote the natural assets of the Town to the wider community.

#### **Statutory Implications**

The *Local Government Act 1995* applies.

The following Town policies apply:

- Activities on Thoroughfares and Trading in Thoroughfare and Public Places
- Street Tree Pruning, Removal and Replacement Policy
- Management of Vegetation on Public Reserves Policy.

#### **Policy Implications**

Nil.

#### **Financial Implications**

The Water Corporation runs a Greening Initiative each year (subject to funding) where Council can apply for a maximum of \$10,000 if they run a Greening Initiative Program. The Town has received pre-approved for 2020/21 funding.

#### **Community Engagement**

Nil.

**COMMENT**

As part of the rolling program to review Council's policies, the Verge Treatment Policy has been reviewed as per **Attachment 2** to ensure relevance.

**AGENDA FORUM COMMENTS**



<b>11.4.2 MOSMAN PARK GOLF CLUB LEASE</b>
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<b>File No.:</b>	VIT170
<b>Responsible Executive/ Manager:</b>	BRUCE MOORMAN A/DIRECTOR OPERATIONS
<b>Author:</b>	BRUCE MOORMAN A/DIRECTOR OPERATIONS
<b>Author Disclosure of Interest:</b>	NIL
<b>Attachments provided under separate cover:</b>	1. NEW LEASE AGREEMENT ( <i>CONFIDENTIAL</i> ) 2. DEED OF SURRENDER ( <i>CONFIDENTIAL</i> ) 3. PROPOSED WORKS AND CAPITAL INVESTMENT

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**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, 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  |

**OFFICER RECOMMENDATION**

That Council:

1. Authorises the Chief Executive Officer to finalise the surrender of the existing lease and finalise new Lease arrangements (**Attachment 1**) with the Mosman Park Golf Club, subject to the Club paying the associated legal fees for this new lease.
2. Authorises the proposed capital works program and the Town's contribution towards this of \$123,000 (**Attachment 3**) to cover DAIP requirements and provide disability

access to the Mosman Park Golf Club house. These works will be considered as part of the 2021/22 Budget process.

3. Authorises the establishment of a sub-lease agreement between Mosman Park Golf Club and the Golf Pro Shop, subject to the Club paying all associated legal fees for this new sub-lease.
4. Authorise the Chief Executive Officer and Mayor to execute the Surrender of Lease and new Lease with the Mosman Park Golf Club as well as any other associated documentation to effect this Lease arrangement.

### **VOTING REQUIREMENTS**

Absolute majority.

### **PREVIOUSLY BEFORE COUNCIL**

OCM-067-2020 Mosman Park Golf Club

*That Council:*

1. *Endorses: "in-principle", a new ten-year lease with Mosman Park Golf Club to be effective 1 July 2021, conditional to Department of Water extending the water allocation for the gold course for the duration of the lease term.*
2. *Requires that all legal expenses incurred for the preparation of a Lease document are the responsibility of the Mosman Park Golf Club.*
3. *Authorises the Mayor and CEO to prepare a draft Lease Agreement for the Mosman Park Golf Club and draft Licence Agreement for the Golf Pro Shop.*
4. *Requests a further Mosman Park Golf Club report to be presented to the June 2020 Agenda Forum and Ordinary Council Meeting for consideration; that includes the draft Lease Agreement, draft Licence Agreement for the Golf Pro Shop and the Deed of Surrender for existing lease.*
5. *Notes the attached confidential Scope of Works breakdown spreadsheet that includes the maintenance activities to be completed prior to the end of the current Lease Agreement and the estimated Capital Works for Council consideration as part of the draft 2021/22 and draft 2022/23 Budget.*

**CARRIED 5/2**

### **PURPOSE OF REPORT**

The purpose of this report is to present the new Lease Agreement (**Attachment 1**) and the Deed of Surrender (**Attachment 2**) for the Mosman Park Golf Club. This report also seeks Council's approval for the proposed works and capital investment (**Attachment 3**) required to improve disability access to the Club house.

### **EXECUTIVE SUMMARY**

To enable the Town and Golf Club to proceed with a new 10-year lease, the following documents have been prepared:

- Mosman Park Golf Course Lease Agreement:
  - Operational and Consumption Costs
  - Maintenance Compliance Requirements
  - Environmental Management Plan
  - Schedule of Annual Information
  - Plan of Premises
  - Minister of Lands' Consent
- Deed of Surrender (of Current Lease)
- Capital Investment Summary
- Draft Sub-Lease between Mosman Park Golf Club and the Pro Shop.

Council's authorisation is required to enable finalisation and execution of these documents, or in the case of the proposed sub-lease, consent to an agreement. The reason for using a sub-lease between the Golf Club and Pro Shop, as opposed to a license, is outlined in the Comments.

Council's approval is sought to enable the proposed capital works to the Club house. These proposed works will improve disability access to the Club house as per the Disability Access and Inclusion Plan 2016-2021 (DAIP).

### **BACKGROUND**

At its May 2020 Ordinary Council Meeting, Council endorsed an in principle 10-year lease with the Mosman Park Golf Club. The existing lease is valid until July 2022, however, the Golf Club have requested the renewal be brought forward to July 1, 2021. To facilitate this, the Town has prepared a draft Lease Agreement for the Mosman Park Golf Club and a Deed of Surrender of the existing lease.

The water license for the Mosman Park Golf Club is valid until 1 July 2022. When this expires the Golf Club will need to apply for a licence renewal directly to the Department of Water and Environmental Regulation (DWER). To enable this, the CEO is required to provide a letter of support and a legal access form for Lot 663. The legal access form will allow DWER to access Brown Park, where the Golf Club owns and maintains a bore in the Southeast corner sump.

## **DETAILS**

### **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 meets 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**

The site leased by the Golf Club is identified as Parks and Recreation Area/Restricted Public Access in the Metropolitan Region Scheme (MRS) and the Town's Local Planning Scheme.

The nature of the Town's interest is that it is vested with care, control and management of the Reserve, pursuant to Management Order J638688 under section 4b of the *Lands Administration Act 1997* for the purpose of "Recreation". The Management Order grants the Town the power to lease (or sub-lease or licence) the Reserve or any portion thereof for the designated purpose of "Recreation" subject to approval in writing of the Minister for Lands.

#### "2.7. Role of council

(1) The council –

- (a) Governs the local government's affairs; and
- (b) Is responsible for the performance of the local government's functions.

(2) Without limiting subsection (1), the council is to –

- (a) Oversee the allocation of the local government's finances and resources; and
- (b) Determine the local government's policies."

### **Policy Implications**

The Leasing and Licensing of Facilities and Public Open Space applies.

### **Financial Implications**

The estimated capital works program for the Golf Club house is \$267,000. It is proposed that the Town contributes \$142,500 towards these works to meet DAIP requirements and improve disability access and carry out electrical repairs/upgrades. The timing of this works program will be further refined over the next few months for consideration as part of the 2021/22 Budget process.

## **Community Engagement**

Since February 2020, the Mayor and CEO have met with the Club President and Manager to negotiate the terms of a new Lease for the Mosman Park Golf Club.

### **COMMENT**

#### Ground Water Licence

The new Lease includes the following special condition:

*The lease agreement is conditional in its entirety upon the Department of Water and Environmental Regulation granting the Lessee (Mosman Park Golf Club Inc.) a continuation of extension to the current Licence to take Water agreement for the duration of the lease term. The licence agreement is to be managed between the Lessee and the Department of Water and Environmental Regulation and copies of the granted extensions to be provided to the Lessor upon 14 days of receipt, failure to obtain a continuation of extension of the licence agreement will result in the Lessor's right to terminate the lease in accordance with the lease and schedule item conditions.*

#### Sub-lease recommendation

Council previously resolved for a licence agreement to be granted to Anthony Howell trading as Mosman Park Golf Professional Shop for use of a portion of Reserve 25466 for shop operations and coaching services. As the proposed licence area has been disposed, by means of a lease agreement, to the Mosman Park Golf Club. It is recommended that a sub-lease agreement, in lieu of a licence, be implemented between the Mosman Park Golf Club and Anthony Howell trading as Mosman Park Golf Professional Shop. The sub-lease agreement would be managed by the "Sub-Lessor" (Mosman Park Golf Club) aligning with the conditions of the head lease agreement held between the Town of Mosman Park and Mosman Park Golf Club. Finalisation of this sub-lease agreement is conditional upon the consent of the Minister for Lands and the CEO of the Town of Mosman Park.

#### Environmental Management Plan

As part of the Golf Club's Lease renewal, the Town has updated the Environmental Management Plan (EMP) coincide with the term of the new Lease. The new EMP summarises the existing environmental situation and provides further detail regarding tree, water, turf and bushland management. The new EMP provides recommendations for revegetation, a comprehensive list of suitable plants, a weed control strategy (including a priority ranking) and a fauna control strategy with an implementation plan.

### **AGENDA FORUM COMMENTS**

**11.5 CHIEF EXECUTIVE OFFICER**

**11.5.1 FEBRUARY 2021 LIBRARY MANAGEMENT COMMITTEE MINUTES**

<b>File No.:</b>	VIT3
<b>Responsible Executive/ Manager:</b>	CARISSA BYWATER CHIEF EXECUTIVE OFFICER
<b>Author</b>	CARISSA BYWATER CHIEF EXECUTIVE OFFICER
<b>Author Disclosure of Interest:</b>	NIL.
<b>Attachments provided under separate cover:</b>	1. THE LIBRARY MANAGEMENT COMMITTEE FEBRUARY 2021 MEETING MINUTES

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**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**

That Council notes the unconfirmed minute of the February 2021 Library Management Committee (**Attachment 1**).

**VOTING REQUIREMENTS**

Simple majority.

## **PREVIOUSLY BEFORE COUNCIL**

Nil.

## **PURPOSE OF REPORT**

The purpose of this report is for Council to note the minutes of the February 2021 Library Management Committee Meeting (**Attachment 1**) for information purposes.

## **EXECUTIVE SUMMARY**

The Library Management Committee (the Committee) met on 18 February 2021 at the Shire of Peppermint Grove. The meeting agenda comprised of topics such as the Grove Asset Management Plan 2020-2031, the Library's financial reports and mid-year Budget review.

The unconfirmed minutes from this meeting are at **Attachment 1**.

## **BACKGROUND**

The Committee was established to oversee the management of The Grove library and meets quarterly. The Committee is comprised of the three co-owner councils: Town of Mosman Park, Town of Cottesloe, and Shire of Peppermint Grove.

Under the Project Construction and Management Agreement established in 2009, each council is to elect two representatives to the Committee. The Town's representatives are Mayor Pollock and Councillor Carey (Deputy).

## **DETAILS**

### **Strategic Plan Alignment**

1.0 We will facilitate a thriving community

We want to promote sustainable, connected, safe and diverse places for everyone

3.0 We will govern as sustainable and positive leaders

We are committing to sound strategy and governance, excellence in customer service, and effective and sincere engagement with stakeholders.

### **Statutory Implications**

Nil.

### **Policy Implications**

Nil.

**Financial Implications**

Nil.

**Community Engagement**

Nil.

**COMMENT**

The Library Management Committee met on 18 February at the Shire of Peppermint Grove. The unconfirmed minutes of this meeting are at **Attachment 1** for information purposes.

The next Library Management Committee is scheduled for Thursday, 6 May 2021.

**AGENDA FORUM COMMENTS**



**11.5.2 DECISIONS FROM THE 2021 ANNUAL GENERAL MEETING OF ELECTORS**

**File No.:** VIT3

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

**Author** CARISSA BYWATER  
CHIEF EXECUTIVE OFFICER

**Author Disclosure of Interest:** NIL.

**Attachments provided under  
separate cover:**

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This report will be presented to Council at its Ordinary Council Meeting on 23 March 2021.

**11.5.3 CHIEF EXECUTIVE OFFICER – PERFORMANCE CRITERIA 2021/22**

<b>File No.:</b>	NCMP34
<b>Responsible Executive/ Manager:</b>	CARISSA BYWATER CHIEF EXECUTIVE OFFICER
<b>Author</b>	CARISSA BYWATER CHIEF EXECUTIVE OFFICER
<b>Author Disclosure of Interest:</b>	NIL.
<b>Attachments provided under separate cover:</b>	1. SUMMARY REPORT TO COUNCIL – CEO PERFORMANCE REVIEW 2020/21 MOSMAN PARK ( <i>CONFIDENTIAL</i> )

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**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 permits, 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. |
| <input type="checkbox"/> Information Purposes | Includes items provided to Council for information purposes   |

**OFFICER RECOMMENDATION**

That Council:

1. Approves the Summary report to Council – CEO Performance Review 2020/21 Mosman Park (**Attachment 1**).

2. Pursuant to Regulation 16(1)(b) of the Local Government (Administration) Regulations 1996, approve the 2021/22 performance criteria to be met by the Chief Executive Officer (**Attachment 1**) as the basis for the annual performance review and appraisal of the Chief Executive Officer.
3. Agree the Chief Executive Officer's 2021/22 performance review is to be carried out no later than March 2021.
4. Authorise the Chief Executive Officer to engage a suitably qualified professional to prepare CEO Standards to ensure they comply with the requirements as detailed in Schedule 2, Division 3 of the Local Government (Administration) Amendment Regulations 2021.

### **VOTING REQUIREMENTS**

Simple majority.

### **PREVIOUSLY BEFORE COUNCIL**

The previous Chief Executive Officer (CEO) annual performance indicators were considered by Council in March 2020.

### **PURPOSE OF REPORT**

The purpose of this report is for Council to approve the Summary Report to Council – CEO Performance Review 2020/21 Mosman Park detailed in **Attachment 1** for the CEO's 2021/22 annual performance review.

### **EXECUTIVE SUMMARY**

This report commends Council consideration of the results of the Summary Report to Council – CEO Performance Review 2020/21 Mosman Park and the draft performance criteria for the CEO's 2021/22 annual performance review as required by Schedule 2, Division 3 of the Local Government (Administration) Regulations 1996 (**Admin Regs**) and consistent with the CEO's employment contract.

### **BACKGROUND**

Clause 4.1 of the CEO's contract requires Council and the CEO to determine the CEO's performance criteria within three months of the CEO's commencement date. These were reviewed and agreed between Council and the CEO as required by clause 16(1)(b) of Schedule 2, Division 3 of the Admin Regs.

The performance criteria involves goals for the CEO in 2021/22 and aligns performance expectations with the Town's strategic objectives. They also inform operational planning.

Price Consulting has been engaged to conduct the CEO's annual performance review.

## **DETAILS**

### **Strategic Plan Alignment**

3.0 We will govern as sustainable and positive leaders

We are committed to sound strategy and governance, excellence in customer service, and effective and sincere engagement with stakeholders.

### **Statutory Implications**

As reported on the Department of Local Government, Sport and Cultural Industries website<sup>1</sup>:

*"On 3 February 2021, the Local Government (Administration) Amendment Regulations 2021 introduced mandatory minimum standards for the recruitment, selection, performance review and termination of employment in relation to local government Chief Executive Officers (CEOs).*

*The aim of the CEO Standards is to provide local government with a consistent and equitable process for CEO recruitment, performance review and termination across all local governments, in accordance with the principles of merit, equity and transparency.*

*It is a requirement that local governments prepare and adopt the CEO Standards within three months of the CEO Standards coming into operation (by 3 May 2021). Until such time as a local government prepares and adopts its own CEO Standards, the model CEO Standards in regulations apply. It is important to note that local governments may introduce additional standards where appropriate, however, any additional standards must be consistent with the model standards in the Local Government (Administration) Amendment Regulations 2021."*

### **Policy Implications**

Nil.

### **Financial Implications**

Funds are available in the 2021/22 budget for the CEO's remuneration. To ensure the Town's annual review process complies with relevant legislation, external services are required. It is recommended that Council seek quotes for the preparation and alignment to the CEO Standards.

### **Community Engagement**

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<sup>1</sup> <https://www.dlgsc.wa.gov.au/local-government/strengthening-local-government/public-consultations/local-government-act-review/priority-reforms/ceo-standards>

Nil.

**COMMENT**

The 2020/21 CEO Performance Review process has been undertaken by Council and the results of this are summarised in **Attachment 1**. It is now appropriate that Council approves this 2020/21 review report.

The performance criteria has been formulated using the framework provided by Price Consulting.

These include performance criteria across service results, governance, financial sustainability, and internal culture. Underpinning these indicators are the Town's strategic goals as expressed in the Town's Strategic Community Plan and operationalised in the Corporate Business Plan.

The timing of the 2021/22 CEO performance review is recommended to take place no later than March 2021; the outcomes of this appraisal will assist the CEO in setting goals for 2021/22.

**AGENDA FORUM COMMENTS**

**12. QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil.

**13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

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

Nil.

**15. MATTERS BEHIND CLOSED DOORS**

Nil.

**16. NEXT MEETING DATE**

The next Agenda Forum meeting will be held 20 April 2021.

**17. MEETING CLOSURE**

The Presiding Member to declare the meeting closed.