

**TAMALA PARK
REGIONAL COUNCIL**

Meeting of Council

AGENDA

**Thursday 24 June 2010
City of Perth, 5.30pm**

TAMALA PARK
REGIONAL COUNCIL
(TPRC)
COMPRISES THE
FOLLOWING
COUNCILS:

Town of Cambridge
City of Joondalup
City of Perth
City of Stirling
Town of Victoria Park
Town of Vincent
City of Wanneroo

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TAMALA PARK REGIONAL COUNCIL

Councillors of the Tamala Park Regional Council are advised that the ordinary meeting of Council will be held in the Council chambers at the City of Perth, Council House, 27 St George's Terrace, Perth at 5.30pm on Thursday 24 June 2010.

The business papers pertaining to the meeting follow.

Your attendance is requested.

Yours faithfully



TONY ARIAS
Chief Executive Officer

MEMBERSHIP

OWNER COUNCIL	MEMBER	ALTERNATE MEMBER
Town of Cambridge	Mayor Simon Withers	
City of Joondalup	Cr Geoff Amphlett Cr Tom McLean	
City of Perth	Cr Eleni Evangel	
City of Stirling	Cr Leonie Getty Cr John Italiano (CHAIRMAN) Cr David Michael Cr Stephanie Proud	
Town of Victoria Park	Mayor Trevor Vaughan	
Town of Vincent	Mayor Nick Catania	
City of Wanneroo	Cr Dianne Guise Cr Glynis Monks (DEPUTY CHAIRMAN)	Mayor Jon Kelly Cr Brett Treby

NB: Although some Councils have nominated alternate members, it is a precursor to any alternate member acting that a Council carries a specific resolution for each occasion that the alternate member is to act, referencing Section 51 of the Interpretation Act. The current Local Government Act does not provide for the appointment of deputy or alternate members of Regional Councils. The DLGRD is preparing an amendment to rectify this situation.

PRELIMINARIES

1. OFFICIAL OPENING

DISCLOSURE OF INTERESTS

2. PUBLIC STATEMENT/QUESTION TIME

3. APOLOGIES AND LEAVE OF ABSENCE

4. PETITIONS

5. CONFIRMATION OF MINUTES

Council meeting – 15 April 2010

5A. BUSINESS ARISING FROM THE MINUTES

6. ANNOUNCEMENTS BY CHAIRMAN (WITHOUT DISCUSSION)

7. MATTERS FOR WHICH MEETING MAY BE CLOSED

8. REPORTS OF COMMITTEES

- *Project Steering Committee – 27 May 2010 (refer Item 9.10)*
- *Project Steering Committee – 10 June 2010 (refer Item 9.10)*

9. ADMINISTRATION REPORTS AS PRESENTED (ITEMS 9.1 – 9.11)

9.1 BUSINESS REPORT – PERIOD ENDING 31 MAY 2010

Report Information

Location: Not Applicable
Applicant: Not Applicable
Reporting Officer: Chief Executive Officer File Reference: N/A

Recommendation

That the Business Report to 31 May 2010 be RECEIVED.

Voting Requirements

Simple Majority

Report Purpose

To advise Council of matters of interest not requiring formal resolutions.

Relevant Documents

Appendix: Nil
Available for viewing at the meeting: Nil

Background

The business of the Council requires adherence to many legislative provisions, policies and procedures that aim at best practice. There are also many activities that do not need to be reported formally to the Council but will be of general interest to Council members and will also be of interest to the public who may, from time to time, refer to Council minutes.

In context of the above, a Business Report provides the opportunity to advise on activities that have taken place between meetings. The report will sometimes anticipate questions that may arise out of good governance concerns by Council members.

Comment

Coastal Conservation Committee – The Committee is endeavouring to frame management arrangements for the coastal conservation reserve which lies between the Burns Beach development and the western cell of the Tamala Park proposed development. The area concerned is approximately 308 hectares.

Negotiations to date suggest that coastal sections of the reserve will be accepted by City of Wanneroo and City of Joondalup as vested reserves, subject to conditions, and that the remaining land will form some form of conservation reserve. Management of the majority of the reserve has yet to be determined.

The next meeting of the Committee is scheduled for 14 June 2010. At this meeting it is anticipated that a draft Management Plan will be presented.

An update on the 14 June 2010 meeting will be presented to Council at the meeting.

9.2 STATEMENTS OF FINANCIAL ACTIVITY FOR THE MONTHS OF APRIL 2010 AND MAY 2010

Report Information

Location: Not Applicable
Applicant: Not Applicable
Reporting Officer: Chief Executive Officer File Reference: 12.66.401.0

Recommendation

That the Council RECEIVE and NOTE the Statement of Financial Activity for the months ending 30 April 2010 and 31 May 2010.

Voting Requirements

Simple Majority

Report Purpose

Submission of the Statement(s) of Financial Activity required under the Local Government Act.

Relevant Documents

Appendix: Monthly Statement of Financial Activity for the months ending 30 April 2010 and 31 May 2010

Available for viewing at the meeting: Nil

Local Government Act/Regulation

- Local Government Act 1995: Sect 6.4(1): Financial Report Required
- Local Government (Financial Management) Regulations 1996: Regulation 34 Composition of Report
- Local Government (Financial Management) Regulations 1996: Regulation 34 (5) Material Variance Reports [10%]
- Local Government (Audit) Regulations 1996: Regulation 14 Compliance Audit Item

Background

It is a mandatory requirement that the Council receives, reviews and records in the Regional Council's public minutes a statement of financial activity showing annual budget estimates and the figures for budget estimates, income and expenditure and variances at the end of each month. The report is also to show the composition of assets and other relevant information.

Comment

The detailed Statements contained in the Appendices reflect the budget proposals and direction adopted by the Council.

Variances at May 2010 exceeding 10% were experienced in relation to the following:

Agenda TPRC Meeting of Council – 24 June 2010

Insurance	The increase in expenditure is a result of unexpected increases in industrial risk insurance and also in personal officers and councillors liability insurance. The increase in dollar terms is a sum of \$2,200.
Materials & Contracts Other	The positive variance in expenditure is partly due to timing of payments, however, a surplus for these items is expected.
Professional Consultant Fees	At this time there is a positive variance in expenditure to the professional/consultant budget, there is expected to be a surplus in relation to professional consultant fees, however, some of this surplus will be required for additional consultancy fees as reported TPRC meeting 11 February 2010.

The information in the appendices is summarised in the tables below.

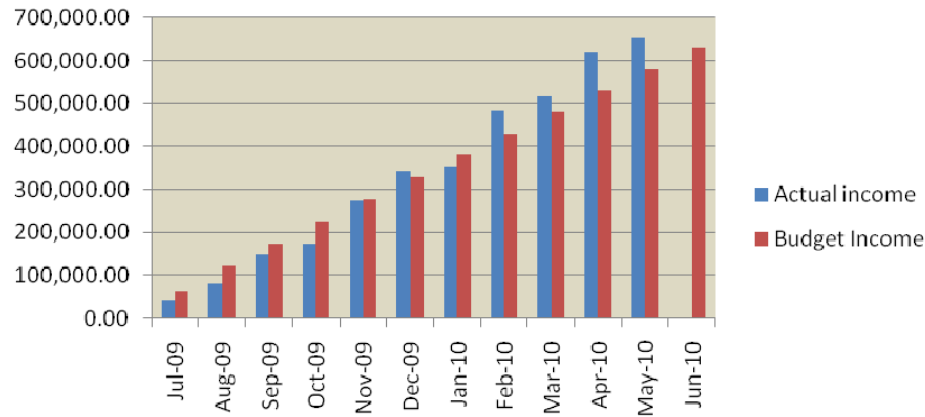
Financial Snapshot as at 31 May 2010

	Jul '09 - May 10	YTD Budget	\$ Over Budget	Variance +/-	% of Budget	Annual Budget
Revenue						
Interest Earnings	652,342.07	579,497.00	72,845.07	12.57%	112.57%	772,745.00
Other Revenue	243.77	0.00	243.77	0.00%	100.0%	213.00
Total Revenue	652,585.84	579,497.00	73,088.84	12.57%	112.61%	772,958.00
Expenses						
Depreciation	0.00	-2.00	2.00	100.0%	0.0%	-4,502.00
Employee Costs	-389,116.87	-378,699.00	-10,417.87	2.75%	102.75%	-454,853.00
Insurance	-6,603.88	-4,250.00	-2,353.88	55.39%	155.39%	-5,540.00
Materials & Contracts MTC	0.00	-700.00	700.00	100.00%	0.0%	-700.00
Materials & Contracts Other	-80,695.29	-165,934.00	85,238.71	-51.37%	48.63%	-180,858.00
Other	-100,577.98	-110,000.00	9,422.02	-8.56%	91.44%	-114,000.00
Professional/Consultant Fees	-259,928.65	-554,759.00	294,830.35	-53.16%	46.85%	-606,546.00
Total Expenses	-836,922.67	-1,214,344.00	377,421.33	-31.08%	68.92%	-1,366,999.00
Unclassified	0.00	0.00	0.00	0	0.0%	0.00
TOTAL	-184,336.83	-634,847.00	450,510.17	-70.96%	29.04%	-594,041.00

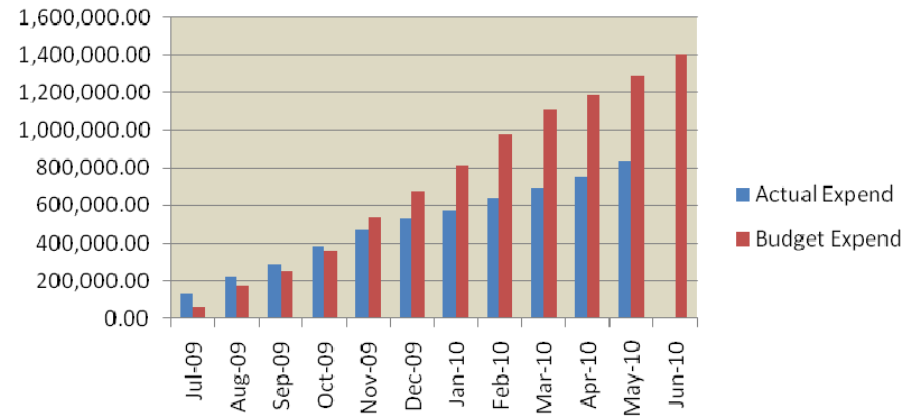
Balance Sheet Summary as at 31 May 2010

	May 31, 10	Jun 30, 09	\$ Change	% Change	May 31, 09
Cash and Investments	15,130,392.46	17,342,484.07	2,212,091.61	-12.76%	17,456,194.95
Accounts receivable	0.00	46,925.28	-46,925.28	100.00%	-96.27
Other Current Assets	1,030.00	1,030.00	0.00	0.00%	1,030.00
Total Current assets	15,131,422.46	17,390,439.35	2,259,016.89	-12.99%	17,457,128.68
Fixed Assets	2,000,000.00	0.00	2,000,000.00	100.00%	0.00
Total Assets	17,146,340.51	17,405,357.40	259,016.89	-1.49%	17,474,542.91
Less Current Liabilities	64,055.86	38,622.18	25,433.68	65.85%	18,795.24
Less Long Term Liabilities	2,429.11	2,429.11	0.00	0.00%	0.00
Total Liabilities	66,372.97	109,628.55	-43,255.58	-39.46%	39,467.29
Net Assets	17,079,855.54	17,364,306.11	284,450.57	-67.34%	17,455,747.67

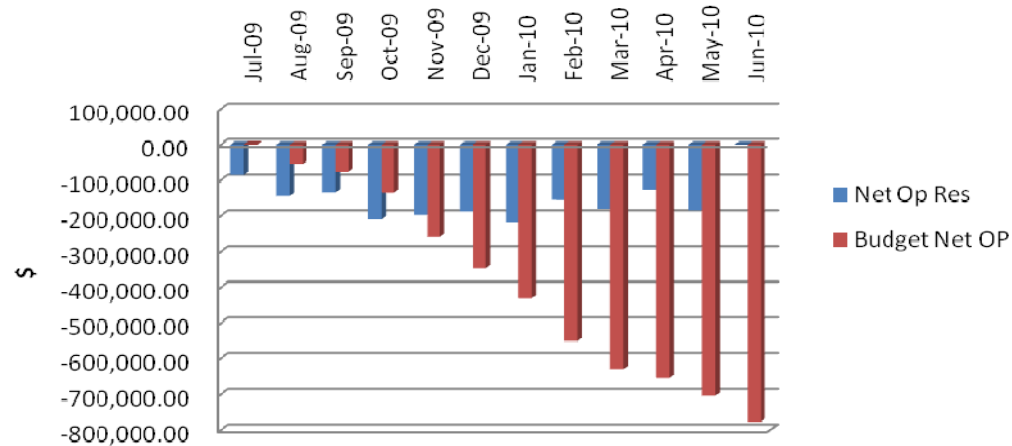
YTD Income V Budget by Month



YTD Exp V Budget by Month

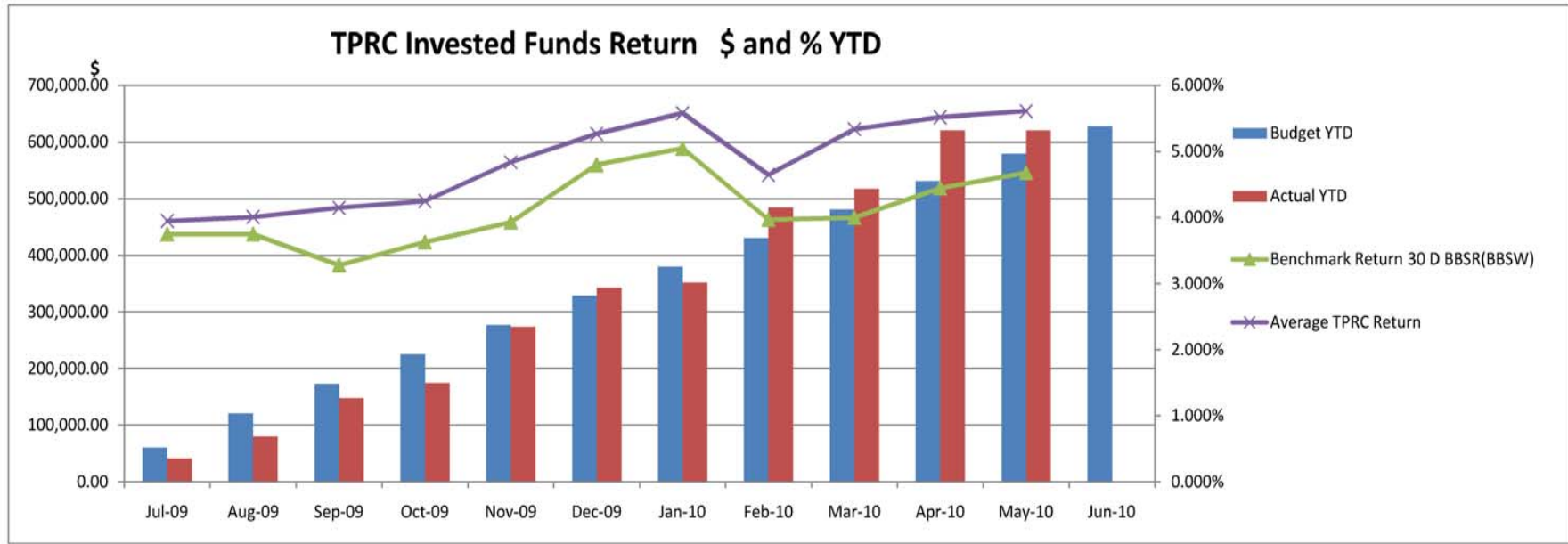


YTD Net Operating V YTD Budget Net Operating



**Tamala Park Regional Council
TPRC Investments Summary
Fy 1 July 2009 - 31 May 2010**

		Jul-09	Aug-09	Sep-09	Oct-09	Nov-09	Dec-09	Jan-10	Feb-10	Mar-10	Apr-10	May-10	Jun-10
Budget	I032030 · Interest on Investment	60,312.00	60,315.00	52,250.00	52,167.00	51,964.00	51,525.00	51,211.00	50,841.00	50,412.00	50,137.00	48,363.00	48,191.00
Actual	I032030 · Interest on Investment	41,707.29	38,191.43	67,754.33	26,338.08	99,830.52	68,845.91	9,011.74	132,716.09	33,115.87	103297.01		
	Budget YTD	60,312.00	120,627.00	172,877.00	225,044.00	277,008.00	328,533.00	379,744.00	430,585.00	480,997.00	531,134.00	579,497.00	627,688.00
	Actual YTD	41,707.29	79,898.72	147,653.05	173,991.13	273,821.65	342,667.56	351,679.30	484,395.39	517,511.26	620,808.27	620,808.27	
Invested Funds													
A(-1+)	A01102 · Unrestricted At Call	40,477.97	20,527.73	206,658.65	126,026.00	10,109.72	10,124.74	9,678.38	137.84	23,184.87	23231.3	191703.93	
A(-1+)	A01106/7 · Fixed Term Deposits	17,227,006.58	17,172,478.39	17,022,478.39	17,048,449.06	17,107,428.61	17,154,408.09	17,154,408.00	17,154,408.09	14,937,461.36	14,937,461.36	14,968,522.09	
	Act Invest 09-10	17,267,484.55	17,193,006.12	17,229,137.04	17,174,475.06	17,117,538.33	17,164,532.83	17,164,086.38	17,154,545.93	14,960,646.23	14,960,692.66	15,160,226.02	



9.3 LIST OF MONTHLY ACCOUNTS SUBMITTED FOR THE MONTHS OF APRIL 2010 AND MAY 2010

Report Information

Location: Not Applicable
Applicant: Not Applicable
Reporting Officer: Chief Executive Officer File Reference: 12.66.401.0

Recommendation

That the Council RECEIVE and NOTE the list of accounts paid under Delegated Authority to the CEO for the month of April 2010 and May 2010:

- **Month ending 30 April 2010 (Total \$43,568.35)**
- **Month ending 31 May 2010 (Total \$83,198.07)**
- **Total Paid \$126,766.42**

Voting Requirements

Simple Majority

Report Purpose

Submission of the list of payments made under the CEO's Delegated Authority for the months ending 30 April 2010 and 31 May 2010.

Relevant Documents

Appendix: Cheque Detail for Months Ending 30 April 2010 and 31 May 2010
Available for viewing at the meeting: Nil

Local Government Act/Regulation

- Local Government Act 1995: Sect 5.42 - Delegation given for Payments
- Local Government (Financial Management) Regulations 1996: Regulation 13(1) - Monthly Payment list required
- Local Government (Audit) Regulations 1996: Regulation 13 - Compliance Audit Item

Background

A list of accounts paid under delegation or submitted for authorisation for payment is to be submitted to the Council at each meeting.

It is a specific requirement of Regulations that list state the month (not the period) for which the account payments or authorisation relates.

Comment

Payments made are in accordance with authorisations by Council, budget procurement and other Policies.

Payments are subject of review by TPRC Accountants Haines Norton following completion of each months accounts.

**Tamala Park Regional Council
Summary Payment List**

Date	Name	April 2010 Description	Amount
01/04/2010	Westpac	Bank fees Cheque Account - April 2010	-13.00
06/04/2010	Westpac	Bank fees - cheque account April 2010	-11.25
08/04/2010	Employee Costs	Wages for period 25/3/10 to 7/4/10	-9,675.67
08/04/2010	WALGSP	RC & KJ superannuation for period 25/3/10 to 7/4/10	-455.16
08/04/2010	National Australia Bank	9% superannuation for period 25/3/10 to 8/4/10	-936.81
08/04/2010	National Australia Bank	SS superannuation for period 25/3/10 to 8/4/10	-1,424.57
08/04/2010	Action Couriers	Courier from TPRC office to City re: Transfer documents to SSO	-27.80
08/04/2010	Haines Norton	Accounting services for April 2010	-660.00
08/04/2010	Harvey Norman	Balance of Microsoft Project 2007 (deposit of \$100 paid on c/card)	-933.95
14/04/2010	Westpac Bank	CEO credit card payment - April 2010	-697.25
22/04/2010	Employee Costs	KJ wages for period 8/4/10 to 21/4/10	-9,675.67
22/04/2010	WALGSP	RC & KJ superannuation for period 8/4/10 to 21/4/10	-455.16
22/04/2010	National Australia Bank	SS superannuation for 8/4/10 to 21/4/10	-1,424.57
22/04/2010	National Australia Bank	9% superannuation for period 8/4/10 to 21/4/10	-936.81
22/04/2010	T Arias	Reimbursement for UDIA conference expenses	-33.70
22/04/2010	T Arias	Reimbursement of parking expenses	-25.80
22/04/2010	Amcom	ADSL Direct for period 1/5/10 to 1/6/10	-79.00
22/04/2010	City of Stirling	content filtering, firewall, spam filtering & antivirus for Jan 10 to Mar 10	-330.00
22/04/2010	Kyocera Mita	Photocopying - copying charges to 15/3/10	-60.10
22/04/2010	Planning Institute Australia	EPBC Event 14 April 2010 Non member attendance	-88.00
22/04/2010	Strategic Marketing and Research	Interim payment for 2010 estate research	-1,100.00
22/04/2010	Syrinx	Graceful sun moth survey inc transect location & fieldwork preparation	-9,752.60
22/04/2010	Telstra	Office landline usage charges to 27/3/10 & service/equip rental to 27/4/10	-140.32
22/04/2010	TPG Town Planning & Urban Design	Preferred Structure Plan Review	-3,729.00
22/04/2010	City of Stirling	Rent MR1 SCC for Auditor visit 6 May 2010	-312.00
22/04/2010	City of Stirling	Hire MR1 SCC for PCG meeting 11/5/10	-78.00
22/04/2010	City of Stirling	Rent SPO Office June 2010	-96.80
22/04/2010	City of Stirling	Rent & electricity MR3 SCC for June 2010	-415.36
			<u>-43,568.35</u>

**Tamala Park Regional Council
Summary Payment List**

Date	Name	May 2010 Description	Amount
04/05/2010	Westpac	Bank charges cheque account May 2010	-24.00
06/05/2010	Wages	Wages for period 22/4/10 to 5/5/10	-9,675.67
06/05/2010	National Australia Bank	CEO 9% superannuation contribution for period 22/4/10 to 5/5/10	-936.81
06/05/2010	National Australia Bank	CEO salary sacrifice superannuation contribution for period 22/4/10 to 5/5/10	-1,424.57
06/05/2010	WALGSP	RC & KJ superannuation contribution for period 22/4/10 to 5/5/10	-455.16
06/05/2010	Amphlett, Geoff	Composite allowance for Feb/Mar/April 2010	-1,750.00
06/05/2010	City Rubber Stamps	Date received stamp for tender submissions	-30.80
06/05/2010	Getty, Leonie	Composite allowance for Feb/Mar/April 2010	-1,750.00
06/05/2010	Guise, Dianne	Composite allowance for Feb/Mar/April 2010	-1,750.00
06/05/2010	Italiano, John	Composite allowance for Feb/Mar/April 2010 for Chairman	-5,000.00
06/05/2010	Lavan Legal	Invoice numbers 547434 & 547436	-7,332.60
06/05/2010	McLean, Tom	Composite allowance for Mar & April only 2010	-1,166.67
06/05/2010	Michael, David	Composite allowance for Feb/Mar/April 2010	-1,750.00
06/05/2010	Monks, Glynis	Composite allowance for Feb/Mar/April 2010 for Deputy Chairman	-2,125.00
06/05/2010	Officeworks	Stationery purchase including green reflex paper, post it notes, lever arch files	-199.66
06/05/2010	Pickard, Troy	Composite allowance for February 2010	-583.33
06/05/2010	Proud, Stephanie	Composite allowance for Feb/Mar/April 2010	-1,750.00
06/05/2010	Strategic Marketing and Research	Interim payment for Estate Research	-550.00
06/05/2010	T Arias	Reimbursement to T Arias for parking 4/5/10 & 11/3/10	-35.00
06/05/2010	Telstra	2 invoices for TPRC office landline & CEO mobile phone charges	-252.94
06/05/2010	Vaughan, Trevor	Composite allowance for Feb/Mar/April 2010	-1,750.00
06/05/2010	Withers, Simon	Composite allowance for Feb/Mar/April 2010	-1,750.00
06/05/2010	City of Joondalup - Supplier	Directions 2031 - Visions for the Northern Corridor Business Forum	-25.00
06/05/2010	State Law Publisher	Local Government Loose Leaf Replacement pages	-59.65
06/05/2010	Evangel, Eleni	Composite allowance for Feb/Mar/April 2010	-1,750.00
06/05/2010	Catania, Nick	Composite allowance for Feb/Mar/April 2010	-1,750.00
11/05/2010	Westpac Bank	Credit card payment for EA & CEO visa cards	-118.10
20/05/2010	Wages	Wages for period 6/5/10 to 19/5/10	-9,675.67
20/05/2010	WALGSP	KJ & RC superannuation contribution for period 6/5/10 to 19/5/10	-455.16
20/05/2010	National Australia Bank	Salary sacrifice TA for period 6/5/10 to 19/5/10	-1,424.57
20/05/2010	National Australia Bank	TA 9% superannuation for period 6/5/10 to 19/5/10	-936.81
20/05/2010	Amcom	ADSL direct for period 1/6/10 to 1/7/10	-79.00
20/05/2010	Award Signs	4 x signs for Tamala Park land re: 4WD & refuse dumping	-1,144.00
20/05/2010	Haines Norton	Preparation of March quarter BAS and May 2010 accounting services	-990.00
20/05/2010	Kyocera Mita	BW & colour copying charges to 15/4/10	-129.12
20/05/2010	Lloyd George Acoustics	Consulting services setting up noise model	-1,320.00
20/05/2010	Stantons International	Invoices 3831, 3832 & 3897	-8,305.00
20/05/2010	Syrinx	Graceful Sun Moth Survey (BR) as per Council resolution of 11/2/10 for \$28K	-4,017.20
20/05/2010	Urban Design Institute of Australia	2009/10 membership subscription	-3,331.00
20/05/2010	WALGA	Advert for RFP in West Australian 31/3/10 & 10/4/10	-1,783.43
20/05/2010	City of Stirling	Hire MR1 CEO Mtg 17/6/10	-78.00
20/05/2010	City of Stirling	Hire SPO Office for July 2010	-96.80
20/05/2010	City of Stirling	Hire & electricity MR3 SCC for July 2010	-415.36
27/05/2010	Qantas	Flights for Chairman Italiano to attend ACLG plenary meeting June 2010	-3,271.99
			-83,198.07

9.4 DELEGATION AUTHORITY

Report Information

Location: Not Applicable
Applicant: Not Applicable
Reporting Officer: Chief Executive Officer File Reference: 22.21.294.26

Recommendation

That Council APPROVE the modified the Delegation Register 2009/10 and the delegations contained therein.

Voting Requirements

Absolute Majority

Report Purpose

To request Council to approve modification to the Delegation Register.

Relevant Documents

Appendix: TPRC Delegation Register
Available for viewing at the meeting: Nil

Policy Reference

N/A

Local Government Act/Regulation

N/A

Previous Minutes

- Council meeting – 11 February 2010 (Item 9.11 - Delegation Authority)
- Council meeting – 13 August 2009 (Item 9.5 – Delegation Authority)
- Council meeting – 9 August 2007 (Item 9.12 – Delegation Authority)

Background

The LGA provides that the Council may delegate powers to the CEO who, in turn, may delegate to other officers.

In August 2009 the Council approved the Delegation Register 2009/10, delegations set out therein and that delegations be reviewed in August 2010.

Comment

The previous Council resolution provided for a formal review of the Delegation Register in August 2010, however, it is considered that the proposed changes to the Delegation Register need to be undertaken at this stage in order to deal with normal business of the Council and deal with the requirements of running the Tamala Park Development to program.

Changes are proposed to the Delegation Register to enable the effective operation of the Tamala Park Regional Council office and more accurately reflect the delegations utilised by other local authorities.

Some minor changes are proposed to existing delegations 3, 6, 7 and 11. The main changes to the Delegations Register involve the proposed inclusions of delegations 22-31 and relate to the following areas:

- Authority to appoint consultants;
- Authority to approve an extension to a contract;
- Authority to make payments to elected members;
- Authority to make payments from the municipal fund or the trust fund;
- Authority to invest money;
- Authority to publicly invite tenders worth more than \$100,000;
- Authority to accept or decline to accept any tender less than \$100,000;
- Authority, with the approval of the tenderer, to make a minor variation in a contract;
- Authority to approve requests for donations or sponsorship from community groups;
- Authority to allocate decommissioned computers to community groups and organizations; and
- Authority to attend interstate meetings.

The conditions associated with these delegations are set out in the Delegation Register attached at appendix 9.4.

9.6 TPRC POTENTIAL NEW OFFICE PREMISES

Report Information

Location: Shop 2, 369 Scarborough Beach Road, Innaloo
Applicant: Not Applicable
Reporting Officer: Chief Executive Officer File Reference: 5.5.574.0

Recommendation

1. That Council **APPROVE** the terms set out by the City of Stirling for the lease of the TPRC office 369 Scarborough Beach Road, Innaloo.
2. That Council **APPROVE** the delegation to the CEO of the negotiation of the final lease terms with the City of Stirling, the appointment of design/management consultants and contractors for the office refurbishment works and purchase of the office furniture and equipment in accordance with the approved budget.
3. That Council **APPROVE** a budget of \$150,000 for refurbishment works and fitout of the new TPRC office.

Voting Requirements

Absolute Majority

Report Purpose

To seek Council approval to relocate the TPRC office to 369 Scarborough Beach Road, Innaloo. Lease terms, refurbishment/fitout works and delegations to the CEO.

Relevant Documents

Appendix: Nil
Available for viewing at the meeting: Nil

Policy Reference

N/A

Local Government Act/Regulation

N/A

Previous Minutes

- Council meeting – 15 April 2010 (Item 9.12 – TPRC Potential New Office Premises)
- Council Meeting – 11 February 2010 (Item 9.14 – TPRC Potential New Office Premises)

Background

At its meeting of 11 February 2010 the Council resolved to approve in principle the use of the office located at 369 Scarborough Beach Road, Innaloo for the TPRC office. It authorised the CEO to negotiate leasing and outgoings terms with the City of Stirling, and approve office plans to be prepared and quotations sought for the office refurbishment and fitout.

The office is located on Scarborough Beach Road, Innaloo, within the commercial precinct. The offices adjoin the Stirling Alliance office (WAPC/City of Stirling initiative) which may offer some synergies in terms of computer facilities and resources.

The proposed office space is approximately 150m² which would enable the TPRC office to have reception area with project displays, a dedicated meeting/boardroom, offices for current staff and the capacity for expansion.

Comment

The City of Stirling was requested to approve in principle the use of the office located at 369 Scarborough Beach Road, Innaloo for the TPRC office and to provide detail on leasing and outgoings.

The City of Stirling has now advised that the matter was considered by the Council on 4 May 2010 and resolved as follows:

- 1. That APPROVAL be given to lease the front portion of Shop 2, House Number 369, Scarborough Beach Road, Building No. B2204 to Tamala Park Regional Council for a period of five (5) years at a rental of \$200 per m² per annum (inclusive of proportionate Rates), subject to annual CPI increases at the commencement of years two, four and five and a market review at the commencement of the third year.*
- 2. That APPROVAL be given to insert a six (6) month break clause into the lease agreement. This break clause can be exercised at any stage after the first two (2) years of the lease subject to six (6) months written notice.*
- 3. That AUTHORITY be given to sign and affix the Common Seal to the documentation for the lease of portion of Shop 2, House Number 369, Scarborough Beach Road to Tamala Park Regional Council.*

The terms set out by the City of Stirling are considered acceptable and the Council's approval is sought to the City of Stirling's terms.

The preliminary estimates for works to undertake refurbishment to accommodate TPRC offices is \$70,000 - \$80,000. In addition to refurbishment works, the new office will require air conditioning, carpet, furniture, computers, new phones etc. Estimates for the total refurbish and equipment are approximately \$120,000 - \$150,000.

This expenditure has been included in the draft 2010/2011 budget.

In order to implement the office refurbishment Council approval is sought for the delegation to the CEO of the appointment of design/management consultants and contractors for the office refurbishment works and purchase of the office furniture and equipment in accordance with the approved budget. Council approval is sought for the delegation to the CEO of the negotiation of the final lease terms with the City of Stirling

9.7 COMMUNICATION TOWER LEASE

Report Information

Location: Not Applicable
Applicant: Not Applicable
Reporting Officer: Chief Executive Officer File Reference: 18.142.1024.15

Recommendation

1. That Council **RECEIVE** the report.
2. That the Town of Victoria Park is **ADVISED** that the TPRC is not in a position to take over the management responsibility of the Crown Castle lease.

Voting Requirements

Simple Majority

Report Purpose

To update the Council in relation to the land leased to Crown Castle.

Relevant Documents

Appendix: Nil
Available for viewing at the meeting: Nil

Policy Reference

N/A

Local Government Act/Regulation

N/A

Previous Minutes

- Council meeting – 15 April 2010 (Item 9.13 – Communication Tower Lease)
- Council meeting – 11 February 2010 (Item 9.1 – Business report)
- Council meeting - 9 December 2009 (Item 17 – Urgent Business Approved by the Chairman)
- Council meeting – 13 August 2009 (Item 9.1 – Business Report)
- Council meeting – 12 April 2007 (Item 9.9 – Telecommunication Tower)

Background

In 1998 130m² of land excised from Mindarie Regional Council Lease for a Vodafone tower site. A lease was signed at that time. Vodafone's interest was transferred to Crown Castle Australia Pty Ltd in June 2003. Crown Castle now owns the tower and sub-leases space on the tower to various carriers.

At the expiry of the Crown Castle lease on 31 October 2003, the Lessor and the Lessee could not agree on a rental for the 5 year term exercised optional term commencing 1 November 2003.

At its meeting held 12 April 2007, Tamala Park Regional Council resolved that the owners of Lot 9504 be requested to not approve the addition of any further antennae on the Crown Castle tower. Tamala Park Regional Council also resolved that the owners be requested to advise Crown Castle of the owner's concern that the impending residential development in Tamala Park may render the use of the tower undesirable and request Crown Castle to seek alternative locations for antennae facilities

Crown Castle has been advised that the owners may not be inclined to grant a new lease on expiry of the current lease on 31 October 2013. However, telecommunications carriers have extensive powers under the *Telecommunications Act 1997* and the owners may be forced to accept the ongoing presence of the tower.

Comment

In the past the mobile tower site and the accompanying lease has been managed by one of the member Councils. The reason for this arrangement was that the communications tower lease was outside both the Mindarie Regional Council Lease area and the TPRC landholding. In the case of the TPRC office it also recognised the minimal staff resources.

It has been suggested that the TPRC take control of the management of the communications tower as it has a greater property focus, it can provide a more coordinated approach and due to the potential impacts on the TPRC landholding.

At the present communications tower lease is outside the TPRC landholdings and therefore the seven member Councils would need to agree to this possible arrangement.

The resolution of the current lease, future leases and possible relocation of the tower is complex. At the present the TPRC is not set up to adequately manage the control of the communications tower. This may change in the future as the TPRC office is adequately staffed. It is considered that the seven member Councils continue to manage this issue and that the matter be reviewed in 12 months when the resource status of TPRC office will have changed.

However, in the meantime the TPRC will continue to monitor this to ensure that any potential impacts of the communication tower on the TPRC landholding is minimised.

9.8 TPRC STRUCTURE PLAN STATUS UPDATE

Report Information

Location: Not Applicable
Applicant: Not Applicable
Reporting Officer: Chief Executive Officer File Reference: 18.121.624

Recommendation

That the Council RECEIVE the status report in relation to the TPRC Structure Plan.

Voting Requirements

Simple Majority

Report Purpose

To advise status with Structure Plan approval.

Relevant Documents

Appendix: Nil
Available for viewing at the meeting: Nil

Policy Reference

N/A

Local Government Act/Regulation

N/A

Previous Minutes

- Meeting of Council - 11 February 2010 (Item 9.7 - TPRC Structure Plan Status Update)
- Meeting of Council - 9 December 2009 (Item 14.8 - TPRC Structure Plan Status Update)
- Meeting of Council - 15 October 2009 (Item 9.5 - TPRC Structure Plan Status Update)
- Meeting of Council - 13 August 2009 (Item 9.11 - Tamala Park Development – Formal Submission Local Structure Plan)

Background

The Council at its meeting on 13 August 2009 considered the completed Structure Plan for the new urban development at Tamala Park.

The City of Wanneroo approved the Structure Plan for public advertising from 27 October 2009 to 7 December 2009. During the advertising period for the Structure Plan 17 submissions were received by the City of Wanneroo.

Comment

The Structure Plan was considered by the City of Wanneroo on 4 May 2010 and resolved to support a modified Structure Plan, subject also to a number of modifications being effected prior to final

approval. It also resolved to refer the Structure Plan to the Western Australian Planning Commission for approval.

The main modifications required relate to the following:

- Deletion of the southern access from the north-bound freeway off ramp;
- Removal of the Centre Zone and replacement with the Commercial Zone;
- Inclusion of Residential Density Coding (R-Code) ranges;
- Inclusion of the wellhead protection buffer zone;
- Use of colours and zones consistent with DPS 2;
- Inclusion of a note on the Environmental Protection and Biodiversity Conservation Act requirements; and
- Inclusion of the boundaries of the Strategic POS sties.

In addition to the above modifications changes to the statutory documentation will be required in response to the WAPC current position on Structure Plans. The main changes relate to the following:

- Change the format of the Structure plan from A3 to A4;
- Simplification and combination of objectives;
- Simplification and combination of the DAP requirements;
- Requirements for land use permissibility within the wellhead protection buffer zone;
- The requirement for a noise assessment at the subdivision stage; and
- The requirement to prepare an Aboriginal Heritage Management Plan, as a condition of subdivision.

The Western Australian Planning Commission is presently reviewing the Structure Plan and the City of Wanneroo recommendations. WAPC officers have indicated that advice on the Structure Plan and timing on its consideration by the Western Australian Planning Commission will be available in approximately 4 weeks.

9.9 LGMA 2010 COMMUNITY DEVELOPMENT CONFERENCE

Report Information

Location: Not Applicable
Applicant: Not Applicable
Reporting Officer: Chief Executive Officer File Reference: 2.161.333.0

Recommendation

That Council resolve to DECLINE the request from the Local Government Managers Association for sponsorship of the State Community Development Conference 2010.

Voting Requirements

Simple Majority

Report Purpose

To advise Council on the request for sponsorship received from the Local Government Managers Association.

Relevant Documents

Appendix: Letter from LGMA dated 21 April 2010
Available for viewing at the meeting: Nil

Policy Reference

N/A

Local Government Act/Regulation

N/A

Previous Minutes

N/A

Background

The TPRC has received a request for sponsorship from the Local Government Managers Association (LGMA) for sponsorship for a forthcoming Evolving Communities 2010 State Community Development Conference. It is anticipated that the conference will be attended by 150 delegates including senior decision makers, officers and elected members from Local Government, key community organisations and the service sector.

Comment

The LGMA is seeking community sponsorship from the TPRC which is \$500 plus GST. In return the TPRC logo will be printed on the official conference program and employees who are not members of LGMA may attend the conference at a discounted member rate.

The conference is to be held 2-3 September 2010 at the Rendezvous Hotel, Scarborough.

There is no budget provision for sponsorship of this nature. At this stage it is considered that there would be little benefit to the TPRC in undertaking any sponsorship and it is recommended that the request be declined.

9.10 PROJECT STEERING COMMITTEE

Report Information

Location: Not Applicable
Applicant: Not Applicable
Reporting Officer: Chief Executive Officer File Reference: 13.45.657.0

Recommendation

That the Council RECEIVE the report.

Voting Requirements

Simple Majority

Report Purpose

To provide a progress report on the Project Steering Committee.

Relevant Documents

Appendix: Nil
Available for viewing at the meeting: Nil

Policy Reference

N/A

Local Government Act/Regulation

N/A

Previous Minutes

- Council meeting – 15 April 2010 (Item 9.4 – Project Steering Committee)
- Council meeting - 16 April 2009 (Item 8 – Reports of Committees)
- Council meeting – 9 December 2009 (Item 12 – Election of Committees)

Background

At its meeting of 16 April 2009 the Council resolved to establish a Project Steering Committee (PSC) for the purpose of:

- To finalise the Call for Expressions of Interest for a Partner/Alliance for the TPD in accordance with Appendix 9.5.
- To issue the Call for Expressions of Interest for a Partner/Alliance.
- To conduct the Selection Process and make recommendation to the Council on the preferred Partner/Alliance.
- Appoint consultants necessary to assist it in relation to items 1, 2 and 3.
- To provide regular confidential updates on progress to the Council.

The Council approved the framework for the RFP – (Tender) for a Partner/Alliance for the TPD on 11 February 2010. The RFP constitutes a Tender, under the Local Government Act 1995 (LGA).

Comment

The Project Steering Committee met on 27 May and 10 June 2010 to progress the RFP (formerly EOI) for a Partner/Alliance.

A report on the Committee's meetings will be provided at the meeting.

9.11 ENVIRONMENTAL PROTECTION & BIODIVERSITY CONSERVATION ACT – INFORMATION REFERRAL

Report Information

Location: Not Applicable
Applicant: Not Applicable
Reporting Officer: Chief Executive Officer File Reference: 18.121.624.9

Recommendation

That the Council RECEIVE the report.

Voting Requirements

Absolute Majority

Report Purpose

To gain approval for the referral of the Structure Plan and Environmental Management Plan to the Department of Environment, Water, Heritage and the Arts.

Relevant Documents

Appendix: Nil
Available for viewing at the meeting: Nil

Policy Reference

N/A

Local Government Act/Regulation

N/A

Previous Minutes

N/A

Background

The Environmental Management Plans (EMP) prepared for the TPD identified potential habitat for Carnabys' Cockatoo and Graceful Sun Moth, both are listed as endangered under the Conservation, Environment, Protection and Biodiversity Conservation Act 1999.

The EPBC Act requires referral of any proposals that may impact on endangered species to the DEWHA.

Given the environmental values surrounding the TPD and the potential for habitat for Carnaby's Cockatoo and Graceful Sun Moth, their status as endangered under the Conservation, Environment, Protection and Biodiversity Conservation Act 1999, there is likely to be a requirement to refer the Structure Plan and EMP to DEWHA for approval. DEWHA has call in powers in the event proposals are not referred to it for consideration.

It was considered that any referral to DEHWA should occur following the completion of the Level 2 Flora survey and Graceful Sun Moth survey so that full information was available on these and other environmental matters.

At its meeting of February 2010 the Council approved the referral of the Structure Plan and Environmental Management Plan to the Department of Environment, Water, Heritage and the Arts, subject to the completion of the required environmental surveys. It also approved budget allocation for the necessary consultancy expenses.

Comment

All the field survey work for the Level 2 Flora survey and Graceful Sun Moth (GSM) survey has now been completed. As previously reported no DRF or endangered species were recorded as part the Level 2 Flora survey. In terms of GSM surveys two GSM specimens were found just within the western boundary on the TPRC landholding.

In accordance with consultancy advice preliminary discussions have commenced with the DEHWA. The environmental consultants will provide a report and strategy for proceeding with the formal referral to the DEHWA. An update on the preliminary discussions will be provided at the meeting.

10. ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN
11. QUESTIONS BY ELECTED MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN
12. URGENT BUSINESS APPROVED BY THE CHAIRMAN
13. MATTERS BEHIND CLOSED DOORS
14. GENERAL BUSINESS
15. FORMAL CLOSURE OF MEETING

APPENDICES