



TAMALA PARK
REGIONAL COUNCIL

Ordinary Meeting of Council

MINUTES

Thursday 19 June 2008
City of Stirling, 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

MEMBERSHIP

OWNER COUNCIL	MEMBER	ALTERNATE MEMBER
Town of Cambridge	Mayor Simon Withers	
City of Joondalup	Cr Albert Jacob Mayor Troy Pickard	
City of Perth	Cr Eleni Evangel	
City of Stirling	Cr Paul Collins Cr John Italiano Cr David Michael Cr Bill Stewart	Cr Kathryn Thomas Cr Terry Tyzack
Town of Victoria Park	Mayor Trevor Vaughan	
Town of Vincent	Mayor Nick Catania	Cr Steed Farrell
City of Wanneroo	Cr Tracey Roberts Cr Bob Smithson	Cr Alan Blencowe Cr Frank Cvitan

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.

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PRESENT

Chairman	Cr Troy Pickard
Deputy Chairman	Cr Tracey Roberts
Councillors	Cr Nick Catania (arrived at 5.38pm) Cr Paul Collins Cr John Italiano Cr Albert Jacob Cr Bob Smithson Cr Bill Stewart Cr Trevor Vaughan Cr Simon Withers (arrived 5.40pm)
Alternate Members	Cr Terry Tyzack (alternate member for Cr David Michael) (arrived at 5.36pm)
Staff	Rod Constantine (Chief Executive Officer)
Apologies Councillors	Cr Eleni Evangel
Leave of Absence	Cr David Michael has a leave of absence for period 1 May to 28 June 2008 inclusive
Absent	Nil
Consultants	Nil
Apologies Represented Councils' Advisers	Nil
In Attendance	Mr Lewis Bond (City of Perth) Mr Brian Callander (Town of Victoria Park) Mr Jason Buckley (Town of Cambridge) Mr John Giorgi (Town of Vincent) Mr Garry Hunt (City of Joondalup) Mr Jason Lyon (Town of Cambridge) Mr John Paton (City of Wanneroo) Mr Ross Povey (City of Stirling)
Members of the Public	Nil
Press	Nil

1. OFFICIAL OPENING

The meeting was declared open at 5.35pm.

DISCLOSURE OF INTERESTS

- Cr Bill Stewart declared an interest affecting impartiality for Item 8 due to his support for Mr Rod Constantine's award of Freeman of the City of Stirling.
- Cr Troy Pickard declared a financial interest for Item 9.5 due to his position as Deputy Chairman of WALGA.
- TPRC CEO Mr Rod Constantine declared a financial interest in respect of Item 8 – CEO Performance Review.

2. PUBLIC STATEMENT/QUESTION TIME

Nil

3. APOLOGIES AND LEAVE OF ABSENCE

Cr T Tyzack arrived during discussion on this item.

- Cr David Michael has a leave of absence for the period 1 May 2008 to 28 June 2008 inclusive.
- Apologies were received from Cr Eleni Evangel.

4. PETITIONS

Nil

5. CONFIRMATION OF MINUTES

Ordinary Meeting of Council – 24 April 2008

Moved Cr T Vaughan, Seconded Cr A Jacob

That the minutes of the Ordinary Meeting of Council of 24 April 2008 be confirmed, and signed by the Chairman, as a true and correct record of proceedings.

The Motion was put and declared CARRIED (9/0).

Special Meeting of Council – 15 May 2008

Moved Cr T Vaughan, Seconded Cr P Collins

That the minutes of the Special Meeting of Council of 15 May 2008 be confirmed, and signed by the Chairman, as a true and correct record of proceedings.

The Motion was put and declared CARRIED (9/0).

5A. BUSINESS ARISING FROM THE MINUTES

Cr N Catania arrived during discussion on this item.

Nil

6. ANNOUNCEMENTS BY CHAIRMAN (WITHOUT DISCUSSION)

Cr S Withers arrived during discussion on this item.

Council meeting agendas – The TPRC CEO was requested to facilitate printed copies of agendas to Council members where required.

The Chairman advised the following:

- A deputation arranged to wait on the Chairman of the WAPC Mr J Dawkins and the Director General of the DPI Mr E Lumsden occurred this morning (19 June 2008). The Chairman, Cr N Catania and the CEO Mr R Constantine represented the TPRC.
- Apologies were tendered for the absence of the Chairman WAPC because of an urgent demand for his input to matters elsewhere. Mr Tim Hillyard (Manager Assets) and Ms Sandra McLeish (Acting Director Metropolitan Planning) also attended as DPI representatives.
- The Chairman advised that the TPRC deputation receive a favourable hearing and concluded with an agreed plan to advance the outcomes sought by the TPRC.
- The deputation advised concerns about the proposed acquisition about a proposed sale by Main Roads of 1.8 hectares of land near Clarkson Rail Station to Western Power for a future electrical network supply substation and an earlier arrangement embodied in a negotiated planning between TPRC participants and the WAPC for the facilitation of transfer of the subject land and a further 8.8 hectares of adjacent land to the TPRC for incorporation in the TPD.
- Specifically concerns expressed by the TPRC deputation were that proper land use and social planning in government supported planning policies, and in general, planning principles should dictate all effort and support for an appropriate mixed medium density and public places use of the land and the siting of the proposed substation to a more appropriate and less visible site. Moreover the TPRC and its constituents are prepared to assist Western Power's land needs as part of a solution that will deliver the Main Roads and government land to the TPRC.
- The DPI representatives advised that an improvement plan (No 34) to promote transfer of the two parcels of government land totalling 10.6 hectares had been prepared and submitted for Ministerial approval and the Main Roads negotiation for sale had progressed in the interim.
- The DPI had asked Main Roads and Western Power to pause negotiations in light of the TPRC deputation.
- The Director General agreed that the logical planning outcome was that the government land at the corner of Neerabup Road and Mitchell Freeway be used for a better purpose than that proposed and should be included in overall structure and detailed planning for the area. The Director General advised he will have the matter raised direct with the Minister for Planning & Infrastructure for an intervention on the basis that the TPRC and participants would be prepared to assist Western Power's future land requirements from within the local government owned land (most likely within the disturbed area of the existing MRC lease). The TPRC has provided a confirmatory letter to this end.
- The Chairman further advised the meeting that the TPRC will now need to liaise direct with the joint local authority owners and the Mindarie Regional Council to seek support for providing land for a Western Power substation.

7. MATTERS FOR WHICH MEETING MAY BE CLOSED

The Chairman noted that item 9.10 (Structure Plan) has been submitted as a confidential report for which the Council might later resolve to consider in closed session.

8. REPORTS OF COMMITTEES

CEO Performance Review Committee Meeting – 19 June 2008

The Committee recommends to Council:

- 1) **That the report of Mr Simon White, Employee Relations Services Manager, Local Government Workplace Solutions, be RECEIVED and ENDORSED.**
- 2) **That the key result areas for 2007/08, as set out in Attachment 4 of the report be ADOPTED.**
- 3) **That the recommendation contained in the report relating to review of salary viz the CEO is provided a salary increase of 3% (based on the annual national consumer price index movement) effective 11 October 2007 in accordance with subclause 5.2.2 of the employment contract, be ADOPTED.**
- 4) **That the Committee CONVENE in September 2008 to appoint a consultant to assist the CEO Performance Review for the year ending October 2008.**
- 5) **That as part of the CEO performance review process the Committee review the salary increase rate stipulated within the CEO's contract.**

The Motion was put and declared CARRIED (11/0).

9. ADMINISTRATION REPORTS

9.1 BUSINESS REPORT – PERIOD ENDING 31 MAY 2008

Moved Cr P Collins, Seconded Cr A Jacob

[The Motion recommended in the agenda]

That the Business Report to 31 May 2008 be RECEIVED.

The Motion was put and declared CARRIED (11/0).

9.2 STATEMENTS OF FINANCIAL ACTIVITY FOR THE MONTHS APRIL 2008 AND MAY 2008

Moved Cr P Collins, Seconded Cr N Catania

[The Motion recommended in the agenda]

That the Council RECEIVE and NOTE the Statement(s) of Financial Activity for the months ending 30 April 2008 and 31 May 2008.

The Motion was put and declared CARRIED (11/0).

9.3 LIST OF MONTHLY ACCOUNTS SUBMITTED FOR THE MONTHS APRIL 2008 AND MAY 2008

Moved Cr P Collins, Seconded Cr N Catania

[The Motion recommended in the agenda]

That the Council RECEIVE and NOTE the list of accounts paid under Delegated Authority to the CEO for each of the months April 2008 and May 2008:

- **Month ending 30 April 2008 (Total \$18,715.65); and**
- **Month ending 31 May 2008 (Total \$36,955.61)**
- **Total Paid \$55,671.26**

The Motion was put and declared CARRIED (11/0).

9.4 PROPOSED REVIEW OF TAMALA PARK REGIONAL COUNCIL STANDING ORDERS LOCAL LAW - 2006

[The Motion recommended in the agenda]

- 1) **That the TPRC Standing Orders Local Law be AMENDED to provide for business arising from minutes and general business to be included as items in the order of business for ordinary Council and Committee meetings.**
- 2) **That the Standing Orders Local Law submitted to the meeting be PROPOSED for ADOPTION to give effect to the intent in (1) above.**
- 3) **That local and state-wide public notice of the proposed local law be ADVERTISED as required by the Local Government Act & Regulations.**
- 4) **That Council NOTES that the purpose of the proposed amendment to the Standing Orders Local Law is to provide rules and guidelines for conduct of Council meetings in context of facilitating information to and discussion by Council members dealing with the business of the Council and to promote greater community understanding of the business of the Council and Council committees.**

Moved Cr A Jacob, Seconded Cr T Roberts an alternative motion as follows:

- 1) **That the TPRC Standing Orders Local Law be AMENDED to provide for business arising from minutes to be included as an items in the order of business for ordinary Council and Committee meetings.**
- 2) **That the Standing Orders Local Law submitted to the meeting be PROPOSED for ADOPTION to give effect to the intent in (1) above.**

- 3) That local and state-wide public notice of the proposed local law be **ADVERTISED** as required by the Local Government Act & Regulations.
- 4) That Council **NOTES** that the purpose of the proposed amendment to the Standing Orders Local Law is to provide rules and guidelines for conduct of Council meetings in context of facilitating information to and discussion by Council members dealing with the business of the Council and to promote greater community understanding of the business of the Council and Council committees.

The Motion was put and declared **CARRIED** by absolute majority vote (10/0).

For: Cr P Collins, Cr J Italiano, Cr A Jacob, Cr T Pickard, Cr T Roberts, Cr B Smithson, Cr B Stewart, Cr T Tyzack, Cr T Vaughan, Cr S Withers

Against: Cr N Catania

9.5 ASSOCIATE MEMBERSHIP TO WEST AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA)

Moved Cr T Tyzack, Seconded Cr J Italiano

[The Motion recommended in the agenda]

That the TPRC Council TAKE UP associate membership to WALGA for the 2008/09 and 2009/10 financial years and REVIEW membership at the end of that time.

The Motion was put and declared **CARRIED** (11/0).

9.6 REVIEW OF COUNCIL MEMBER FEES

Moved Cr P Collins, Seconded Cr B Stewart

[The Motion recommended in the agenda]

- a) That the Local Government allowance for Chairman of the Council be **[50]**% of the permitted maximum (current maximum is \$12,000 per annum) i.e. a current payment of **[\$6,000]** per annum.
- b) That the Local Government Allowance for Deputy Chairman be **[25]**% of the amount paid to the Chairman (maximum is 25% of Chair allowance).
- c) That the annual attendance fee for Chairman of the Council be **[100]**% less \$1,000 of the permitted maximum fee prescribed by Local Government legislation (current maximum is \$14,000 per annum) and be the amount of **[\$13,000]** per annum as at 19 June 2008.
- d) That attendance fees for Council members be **[100]**% less \$1,000 of the permitted maximum fee prescribed by Local Government legislation (current maximum is \$7,000 per annum) and be the amount of **[\$6,000]** per annum as at 19 June 2008.
- e) That the amounts calculated in (c and d) be increased by \$1,000 for each regular Council member while the Council does not authorise, regular

Council members do not claim separate telecommunications, IT allowances or travelling allowance to meetings.

- f) That while the Local Government Act, in its present form, does not provide for the appointment of a Deputy or Alternate Members. The Council also notes the Interpretation Act (section 51) provides circumstances in which a Council may nominate a person to act in the absence of a 'regular' member but the Local Government Act does not facilitate any payment to a person attending as an appointee under the Interpretation Act.
- g) Fees to be reviewed following the next ordinary Council elections (next scheduled for October 2009) for the intent that the Council in place sets the fees that will apply in its tenure of office and is responsible for the budget allocations that will be needed to facilitate the payments.
- h) Elected member allowances are to be made quarterly in arrears.

Moved Cr B Smithson, Seconded Cr J Italiano that the Motion be amended in part A to read as follows:

- a) That the Local Government allowance for Chairman of the Council be [100]% of the permitted maximum (current maximum is \$12,000 per annum) i.e. a current payment of \$[12,000] per annum.

The Amendment and Amended Motion were put and LOST (2/9).

For: Cr J Italiano, Cr B Smithson

Against: Cr N Catania, Cr P Collins, Cr A Jacob, Cr T Pickard, Cr T Roberts, Cr B Stewart, Cr T Tyzack, Cr T Vaughan, Cr S Withers

The substantive motions (A to H) were then put and CARRIED unanimously (absolute majority vote requirement satisfied).

9.7 ACQUISITION OF LAND – CLARKSON

Moved Cr T Vaughan, Seconded Cr A Jacob

[The Motion recommended in the agenda]

- 1) That the Council CONTINUE to negotiate with the WAPC and the State owner agencies of 10.7 hectares of land at the corner of Neerabup Road and Mitchell Freeway for purchase of the subject land by TPRC or for its incorporation through agreement in a coordinated structure planning process for urban development of the land.
- 2) That the Council CONTINUE to advocate against the use of part of the land for a Western Power substation on the basis that such use is inappropriate for the site which is within the Clarkson Rail precinct and is a critical nodal point for access to the bus and rail station from the TPD.

The Motion was put and declared CARRIED (11/0).

9.8 TAMALA PARK OFFICE – CLARKSON

[The Motion recommended in the agenda]

- 1) That the availability of mixed use and office properties in the vicinity of Clarkson Rail/Bus Station **CONTINUES** to be monitored.
- 2) That Council **FOCUS** upon the mixed use precinct surrounding the Clarkson Rail/Bus Station as defined in the City of Wanneroo District Planning Scheme as the preferred location for an interim TPRC office.
- 3) That only premises that comply with disability access requirements, or which could be made to comply, within a parameter of 1% of purchase cost be **CONSIDERED**.
- 4) That preliminary work be **UNDERTAKEN**, as time permits, to define requirements for a TPRC office on TPRC land at Tamala Park including concepts for a mixed use development demonstrating efficiency in design materials and resource utilisation.

Moved Cr A Jacob, Seconded Cr P Collins an alternative motion as follows:

- 1) That the availability of mixed use and office properties in the vicinity of Clarkson Rail/Bus Station **CONTINUES** to be monitored.
- 2) That only premises that comply with disability access requirements, or which could be made to comply, within a parameter of 1% of purchase cost be **CONSIDERED**.
- 3) That preliminary work be **UNDERTAKEN**, as time permits, to define requirements for a TPRC office on TPRC land at Tamala Park including concepts for a mixed use development demonstrating efficiency in design materials and resource utilisation.

Moved Cr T Tyzack, Seconded Cr B Stewart that the Motion be amended in Part 2 to read as follows:

- 2) That only premises that comply with disability access requirements, or which could be made to comply be **CONSIDERED**.

The Motion as amended then read as follows:

- 1) That the availability of mixed use and office properties in the vicinity of Clarkson Rail/Bus Station **CONTINUES** to be monitored.
- 2) That only premises that comply with disability access requirements, or which could be made to comply be **CONSIDERED**.
- 3) That preliminary work be **UNDERTAKEN**, as time permits, to define requirements for a TPRC office on TPRC land at Tamala Park including concepts for a mixed use development demonstrating efficiency in design materials and resource utilisation.

The Amendment and Amended Motion was put and declared **CARRIED** by unanimous vote (11/0).

9.9 CSIRO

Moved Cr S Withers, Seconded Cr T Tyzack

[The Motion recommended in the agenda]

That the Council APPROVE the proposal for a TPRC water use development plan to be undertaken by the CSIRO for the sum of \$72,131 (plus GST) with feasibility assessment delivery in December 2008 and delivery of a final report in January 2009.

The Motion was put and declared CARRIED (11/0).

9.10 STRUCTURE PLAN

A confidential report on Item 9.10 Structure Plan was distributed prior to the meeting.

Moved Cr B Stewart, Seconded Cr A Jacob

That the meeting be closed for discussion on item 9.10 at 6.49pm.

It was noted that the Council did not wish any officers attending to be excluded from the meeting.

The Motion was put and declared CARRIED (11/0).

On the meeting returning to open session at 6.58pm the Chairman advised the two motions carried by the Council in closed session were as follows:

Moved Cr P Collins, Seconded Cr N Catania

- 1) That item 9.10 be referred to a Special meeting of Council to be HELD in approximately 2 weeks time.**

The Motion was put and declared CARRIED unanimously (11/0).

Moved Cr N Catania, Seconded Cr A Jacob

- 2) That the Council now MEET in open session.**

The Motion was put and declared CARRIED unanimously (11/0).

9.11 TPRC DRAFT BUDGET FOR THE YEAR 1 JULY 2008 TO 30 JUNE 2009

Moved Cr B Stewart, Seconded Cr N Catania

[The Motion recommended in the agenda]

Recommendation

That the officer's recommendation below be REFERRED for review by the Audit Committee and listed for consideration at the ordinary Council meeting on 14 August 2008.

Officer's Recommendation

- 1) That the TPRC draft budget proposals for the financial year 1 July 2008 – 30 June 2009 be RECEIVED.
- 2) That the TPRC draft budget for the financial year 1 July 2008 – 30 June 2009 showing:

Operating income	\$1,038,979
Operating expenditure	\$1,608,754
Net operating deficiency	\$ 569,775

and showing capital expenditure \$4,569,612
be ADOPTED.
- 3) That a variance figure of 10% be ADOPTED for the purpose of reporting material variances to budget proposals.

The Motion was put and declared CARRIED (11/0).

10. ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

11. QUESTIONS BY ELECTED MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

12. URGENT BUSINESS APPROVED BY THE CHAIRMAN

Nil

13. MATTERS BEHIND CLOSED DOORS

Nil

14. GENERAL BUSINESS

Nil

15. FORMAL CLOSURE OF MEETING

The Chairman declared the meeting closed at 7.20pm.

These minutes were confirmed at a meeting on

SIGNED this day of 2008

as a true record of proceedings.

CHAIRMAN