

**TAMALA PARK
REGIONAL COUNCIL**

Meeting of Council

AGENDA

**Thursday 11 February 2010
Town of Cambridge, 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 at the Town of Cambridge, 1 Bold Park Drive, Cambridge at 5.30pm on Thursday 11 February 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	Mayor Troy Pickard Cr Geoff Amphlett	
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 – 9 December 2009

5A. BUSINESS ARISING FROM THE MINUTES

6. ANNOUNCEMENTS BY CHAIRMAN (WITHOUT DISCUSSION)

7. MATTERS FOR WHICH MEETING MAY BE CLOSED

8. REPORTS OF COMMITTEES

Not applicable

9. ADMINISTRATION REPORTS AS PRESENTED (ITEMS 9.1 – 9.12)

9.1 BUSINESS REPORT – PERIOD ENDING 31 JANUARY 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 January 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

1. **Auditor Tender** – Request for tenders was sent to 3 suitably qualified auditors. Tenders close on 15 February 2010.
2. **TPRC Website** - The loss of software with computer facilities earlier in 2009 has required new web arrangements with independent support. The TPRC website will now be supported by WALGA Linking Councils and will be available in a new configuration towards the start of 2010.
3. **Coastal Conservation Committee** – The TPRC is represented on this 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. The Committee is scheduled to meet on 8 February 2010.

4. **Project Site Inspection** – On 30 January 2010, a site inspection was carried out over the TPRC site. Seven councillors and the CEO attended the site inspection.
5. **Lot 807 Neerabup Road – Acquisition (Main Roads site)** – Settlement for Lot 807 Neerabup Road (1.7995 hectares) is scheduled for 18 March 2010. The purchase price is \$2,000,000 (plus GST, if applicable). Funds for the purchase will be used from TPRC term deposits. The transaction is in accordance with the TPRC 2009/10 budget.
6. **Communication Tower Lease** – Documentation in relation to this matter has been forwarded to the TPRC offices. Additional information has been requested from the Town of Victoria Park, which is still pending. A report will be presented to the Council meeting on 15 April 2010.
7. **Infrastructure Coordination Committee** – Approaches have been made to the Chairman of the committee offering the TPD as a pilot project for the new policies and processes to be developed by this agency which has the objective of bringing together the various objectives of Government agencies dealing with land developments.

The Chairman and the CEO meet recently with the Chairman of the Western Australian Planning Commission (also Chairman of the Infrastructure Coordination Committee) to progress this matter. The Chairman WAPC supported the proposition and is to have discussions with DPI officers as to how this may be progressed.

8. **Status Report - Energy Generation, LED Lighting and Communication Systems** - As advised at the December 2009 meeting, a status report on the energy generation, LED lighting and communication system project is attached at Appendix 9.1. This report is presented for information purposes only.

The final feasibility reports on these projects are to be presented to Council in April 2010.

9. **TPRC Budget Review – 1 July 2009 to 30 June 2010 (at 11 February 2010)** – A report on the budget review will be presented as a late item for the meeting on 11 February 2010.

9.2 STATEMENTS OF FINANCIAL ACTIVITY FOR THE MONTHS OF DECEMBER 2009 AND JANUARY 2010

Report Information

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

Recommendation

- 1. That the Council RECEIVE and NOTE the Statement of Financial Activity for the months ending 31 December 2009 and 31 January 2010.**
- 2. That an amount of \$1,700 be WRITTEN OFF from debtor account Marlene Anderton having been previously paid – not cashed – reverted as a debtor account and recommended for write off by auditors in audit of the TPRC accounts for the year ended 30 June 2009.**

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 31 December 2009 and 31 January 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.

Variations at January 2010 exceeding 10% were experienced in relation to the following:

Employee Costs	Employee costs exceeded budget. Former CEO (Mr R Constantine) was paid a one-off entitlement. Employee costs expected to be within budget for remainder of financial year.
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 being reported in the agenda.

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

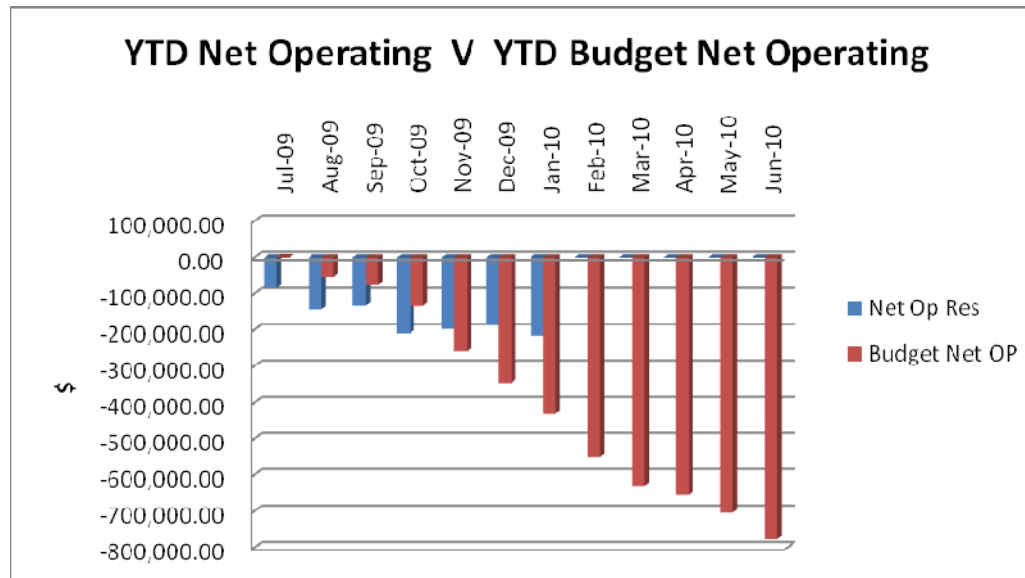
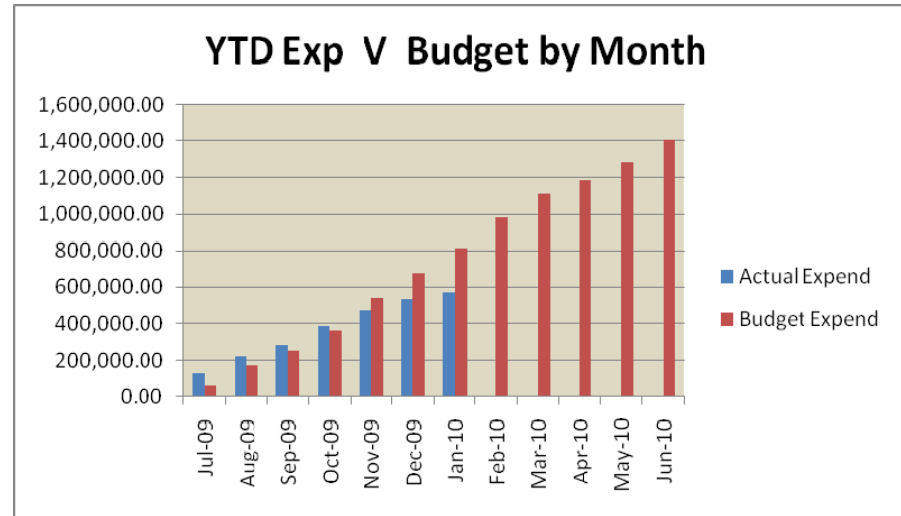
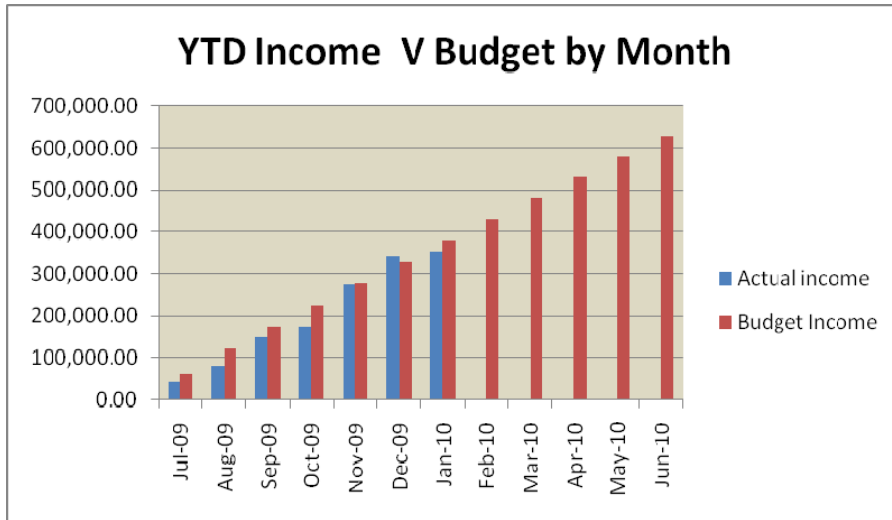
In addition to the standard monthly reporting it is advised that an amount of \$1700 is proposed for write off. The amount was initially due as a payment to Cr Marlene Anderton. The payment was duly made and cheques were not cashed and were eventually considered 'stale'. At 30 June 2009 the cheques were cancelled and a debtor account recreated. The TPRC auditors have suggested the amount be written off and a recommendation to this end is included as part of this report.

Financial Snapshot as at 31 January 2010

	Jul '09 - Jan 10	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
Revenue					
Interest Earnings	351,679.30	379,744.00	-379,744.00	92.61%	627,688.00
Other Revenue	243.77			100.0%	
Revenue - Other	0.00				
Total Revenue	351,923.07	379,744.00	-27,820.93	92.67%	627,688.00
Expenses					
Depreciation	0.00	-2.00	2.00	0.0%	-4,502.00
Employee Costs	-254,251.19	-218,479.00	-35,772.19	116.37%	-445,449.00
Insurance	-6,522.88	-4,250.00	-2,272.88	153.48%	-4,250.00
Materials & Contracts MTC	0.00	-700.00	700.00	0.0%	-2,700.00
Materials & Contracts Other	-37,670.27	-113,050.00	75,379.73	33.32%	-267,858.00
Other	-53,028.00	-56,750.00	3,722.00	93.44%	-114,000.00
Professional/Consultant Fees	-216,669.95	-417,949.00	201,279.05	51.84%	-565,799.00
Total Expenses	-568,142.29	-811,180.00	243,037.71	70.04%	-1,404,558.00
Unclassified	0.00	0.00	0.00	0.0%	0.00
TOTAL	-216,219.22	-431,436.00	215,216.78	50.12%	-776,870.00

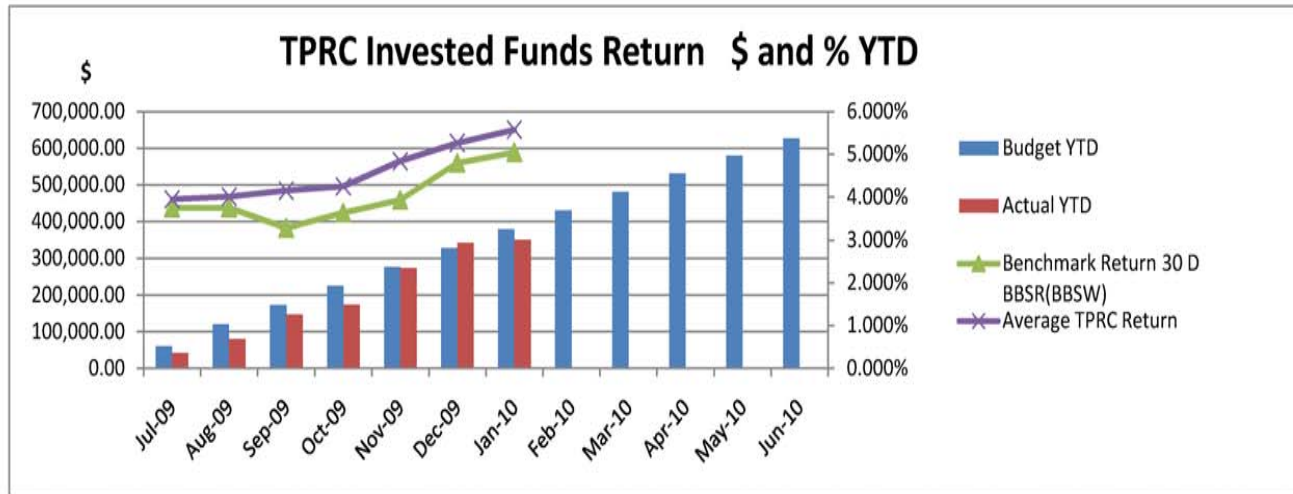
Balance Sheet Summary as at 31 January 2010

	Jan 31, 10	Jun 30, 09	\$ Change	% Change	Jan 31, 08
Cash and Investments	17,164,086.47	17,342,484.07	-178,397.60	-1.03%	17,656,075.16
Accounts Receivable	0.00	46,925.28	-46,925.28	-100.00%	403.73
Other Current Assets	1,030.00	1,030.00	0.00	0.00%	1,030.00
Total Current Assets	17,165,116.47	17,390,439.35	- 225,322.88	-1.30%	17,657,508.89
Fixed Assets	14,918.05	14,918.05	0.00	0.00%	17,414.23
Total Assets	17,180,034.52	17,405,357.40	- 225,322.88	-1.30%	17,674,923.12
Less Current Liabilities	98,095.78	107,199.44	-9,103.66	-8.49%	45,465.61
Less Long Term Liabilities	2,429.11	2,429.11	0.00	0.00%	0.00
Total Liabilities	100,524.89	109,628.55	-9,103.66	-8.30%	45,465.61
Net Assets	17,079,509.63	17,295,728.85	- 216,219.22	7.20%	17,629,457.51



**Tamala Park Regional Council
TPRC Investments Summary
Fy 1 July 2009 - 31 January 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					
	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					
InvestedFunds													
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					
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					
	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					



9.3 LIST OF MONTHLY ACCOUNTS SUBMITTED FOR THE MONTHS OF DECEMBER 2009 AND JANUARY 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 December 2009 and January 2010:

- **Month ending 31 December 2009 (Total \$46,769.17)**
- **Month ending 31 January 2010 (Total \$26,822.61)**
- **Total Paid \$73,591.78**

Voting Requirements

Simple Majority

Report Purpose

Submission of the list of payments made under the CEO's Delegated Authority for the months ending 31 December 2009 and 31 January 2010.

Relevant Documents

Appendix: Cheque Detail for Months Ending 31 December 2009 and 31 January 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.

Agenda TPRC Meeting of Council – 11 February 2010

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

There have been no unusual payment in the periods under review that warrant specific comment.

**Tamala Park Regional Council
Summary Payment List**

Date	Name	December 2009 Description	Amount
01/12/2009	Westpac Bank	Bank charges for December 2009 on Cheque Account	-31.10
03/12/2009	Employee Costs	Wages 19/11/09 to 2/12/09	-9,853.20
03/12/2009	WALGSP	Superannuation contribution for period 19/11/09 to 2/12/09	-479.23
03/12/2009	National Australia Bank	Superannuation contribution for period 19/11/09 to 2/12/09	-2,361.38
03/12/2009	Haines Norton	Accounting services provided for November/December 2009	-1,320.00
03/12/2009	Telstra	Call & usage charges/services & fees/digital handset for CEO	-1,007.07
03/12/2009	City of Stirling	Rent & electricity MR3 SCC for January 2010	-396.48
03/12/2009	City of Stirling	Rental Special Projects Officer Office for Jan 2010	-92.40
03/12/2009	T Arias	Reimbursement of parking and hospitality expenses	-68.15
15/12/2009	Westpac Bank	Credit card charges for period 20/11/09 to 10/12/09	-342.05
17/12/2009	Employee Costs	Wages for period 3/12/09 to 16/12/09	-9,538.01
17/12/2009	WALGSP	Superannuation for period 3/12/09 to 16/12/09	-437.91
17/12/2009	National Australia Bank	Superannuation for period 3/12/09 to 16/12/09	-2,361.38
17/12/2009	Action Couriers	Delivery of CD information pack for councillors	-123.33
17/12/2009	Amcom	ADSL direct 512k/512k for period 1/1/10 to 1/2/10	-79.00
17/12/2009	Kyocera Mita	BW & colour copying to 16/11/09	-305.21
17/12/2009	Telstra	usage charges to 27/11/09 & services/equip rental to 27/12/09	-165.63
17/12/2009	TPG Town Planning & Urban Design	Review syrxin flora survey report, liaise with COW & Courier to TPRC	-2,455.05
17/12/2009	Uloth & Associates	Additional work MRWA meeting 26/11/09	-616.00
17/12/2009	WALGA	Invoices I2684467 & I2684717	-975.88
31/12/2009	Employee Costs	Wages for period 17/12/09 to 30/12/09	-9,675.67
31/12/2009	National Australia Bank	Superannuation for period 17/12/09 to 30/12/09	-2,361.38
31/12/2009	WALGSP	Superannuation for period 17/12/09 to 30/12/09	-455.16
31/12/2009	Haines Norton	Accounting services for January 2010	-660.00
31/12/2009	Telstra	Mobile for period 12 December 2009	-64.90
31/12/2009	City of Stirling	Office rental for February 2010	-88.00
31/12/2009	City of Stirling	Rent & electricity MR3 SCC for February 2010	-377.60
31/12/2009	City of Stirling	Hire MR1 SCC for PCG meeting 19/1/10	-78.00
			<u>-46,769.17</u>

Tamala Park Regional Council
Summary Payment List
January 2010

<u>Date</u>	<u>Name</u>	<u>Description</u>	<u>Amount</u>
04/01/2010	Westpac	Bank charges for January 2010	-25.75
10/01/2010	Westpac Bank	Credit card charges for period 15 December 2009 to 10 January 2010	-3.75
14/01/2010	Employee Costs	Wages for period 31/12/09 to 13/1/10	-9,701.50
14/01/2010	Superannuation	Superannation for period 31/12/09 to 13/1/10	-2,820.12
14/01/2010	Telstra	Usage and service & equipment charges for office landline to 24/12/09	-151.47
14/01/2010	TPG Town Planning & Urban Design	Invoices 26427 & 26230	-4,288.35
14/01/2010	City of Stirling	Hire MR1 SCC for CEO Group meeting 4/2/10	-78.00
14/01/2010	City of Stirling	Hire MR1 SCC for PCG meeting 9/2/10	-78.00
28/01/2010	Employee Costs	Wages for period 14/1/10 to 27/1/10	-9,675.67
			<u>-26,822.61</u>

9.4 PROJECT STEERING COMMITTEE

Report Information

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

Recommendation

That Council **MODIFY** the Terms of Reference of the Project Steering Committee as follows:

- a. To finalise the Call for Expressions of Interest for a Partner/Alliance for the TPD in accordance with Appendix 9.5.
- b. To issue the Call for Expressions of Interest for a Partner/Alliance.
- c. To conduct the Selection Process and make recommendation to the Council on the preferred Partner/Alliance.
- d. Appoint consultants necessary to assist it in relation to items 1, 2 and 3.
- e. To provide regular confidential updates on progress to the Council.
- f. That the Project Steering Committee **COMPRISE** a minimum of four members.
- g. That in accordance with the provisions of the Local Government Act 1995, **APPOINTS BY ABSOLUTE MAJORITY** the following four Council members to the Project Steering Committee:

Members:

1. **Cr**
2. **Cr**
3. **Cr**
4. **Cr**

Voting Requirements

Absolute Majority

Report Purpose

To review the composition and terms of reference of 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 - 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 for the purpose of:

- Researching and recommending to the Council the structure and contracts required for management of the development and its associated marketing and sales in context of the Council and project established objectives.
- That the Committee terms of reference and authority be reviewed by the Committee and any recommended changes be reported to the Council.

In May 2009 the Council resolved the terms of reference to be as follows:

1. To research and recommend to the Council the organisational and project structure and associated contracts required for the successful management of the (Tamala Park project) in accordance with Council and project established objectives.
2. To include in its deliberations the requirement for advisors and recommend to the Council the appointment of such expertise.
3. Receive direction from the Council on any matter.

At its meeting of 9 December 2009 the Council resolved that the CEO review the terms of reference for the Project Steering Committee and prepare a report to be presented to the 11 February 2010 Council meeting.

Comment

The current terms of reference require the referral of matters associated with the Partnering/Alliance proposal to the Council. This will impact on project program as a result of the potential lead times in advancing and bringing any Partnering/Alliance arrangement to a satisfactory conclusion.

The composition and the Terms of Reference of the Project Steering Committee need to reflect the following;

- The need for expedient decision making to achieve program/milestones;
- Commercial sensitivities that will arise from a Partnering/Alliance arrangement.
- There is an approved Annual Plan and Budget, which set objectives, the strategic direction, key milestones and financial management for the TPD.

It is expected that the Committee will meet regularly, potentially twice monthly, during the EOI process.

The Committee will provide regular confidential updates on progress of the EOI process to keep Council informed.

In order to have the matter of the Partnering/Alliance proposal to dealt with in a timely manner it is considered that the PSC should have authority to manage the Partnering/Alliance proposal process. It is recommended that the Terms of Reference of the Project Steering Committee should be modified responsible for the development of a process for the appointment of a Partner/Alliance.

The Terms of Reference of the Project Steering Committee are recommended as follows:

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

9.5 PARTNERING/ALLIANCE PROPOSAL

Report Information

Location: Not Applicable
Applicant: Not Applicable
Reporting Officer: Chief Executive Officer File Reference: 1.88.246.0

Recommendation

That Council APPROVE the framework for the Call for Expressions of Interest for a Partner/Alliance for the TPD in accordance with Appendix 9.5.

Voting Requirements

Simple Majority

Report Purpose

To agree a framework for a proceeding with an Expressions of Interest for a Partnering/Alliance proposal.

Relevant Documents

Appendix: Partnering Alliance Agreement
Available for viewing at the meeting: Nil

Policy Reference

N/A

Local Government Act/Regulation

N/A

Previous Minutes

Council meeting - 16 April 2009 (Item 8 – Reports of Committees)

Background

The Council has indicated the approach to be taken to progress the TPD to the future be based on core local government compliance and project management of staff with site development and its associated marketing and sales site development being facilitated through a partnership or alliance through a suitably qualified third party that can bring appropriate expertise to site development project tasks and project objectives.

Council was not in favour of a joint venture proposal it would lead to a lesser return to the TPRC. The primary motivation of a joint venture partner is to maximise return on capital introduced to the project. Given that the TPRC has sufficient capital to fund the initial stages of construction, the need for capital injection by joint venture partnership is not required. In addition a joint venture is usually based on shared decision making which would result in loss of control over the Project.

Comment

A partnering/alliance arrangement is considered the most appropriate manner in which to develop the TPD. It provides a cost effective way in which to partner with an industry leader and bring that expertise to the development of the TPD. By partnering with an industry leader, with appropriate expertise and experience it reduces the risks to the TPRC which could arise as a result of the TPRC lack of experience in this area. It also avoids the need for the TPRC to establish a significant project and sales marketing office with the appropriate resources. Partner should not be taken to mean any partnership at law.

There are a number of development/project management groups in Western Australia that have the experience, capability and resources to be involved in the TPD.

Partnering/Alliance arrangements will need to be flexible to take into account changes in market trends and conditions, in regulatory regimes and in community attitudes. Project staging provides the opportunity for any Partnering/Alliance arrangement to be on a staged basis with extension only performance based criteria for each stage is achieved.

The following reflects the key components of the Partnering/Alliance arrangement and the EOI process and is attached separately in Appendix 9.5.

Partner/Alliance Vision

The TPRC needs to seek a Partner who shares its vision for Tamala Park, with a demonstrated capacity and willingness to meet economic, social and environmental development objectives for the TPD.

Method of Selection

The selection process would comprise a single phase an Expression of Interest (EOI).

Characteristics of the Partner

The partner may be a single developer or consortium.

- Has the personnel, capacity, credibility and experience to lead, manage and deliver the project on behalf of the TPRC.
- Has a track record of delivering major land development projects.
- Has a reputation as a leader and visionary developer.
- Has a comprehensive approach to sustainability for the TPD and capacity to address social, economic and environmental issues.
- Has a reputation as a constructive and collaborative partner.

Scope of Partnering/Alliance

The partner will provide a comprehensive coordination and project management service for the TPD. It will include the coordination planning, design, approvals, construction/development, sales and marketing management and sustainability initiatives across TPRC's landholding. It would also include reporting to and taking instruction from the TPRC.

Submission Assessment

All submissions will be assessed against selection criteria by a selection panel. The selection panel should comprise the Project Steering Committee.

The CEO and Probity Auditor will be observers at the selection panel.

Probity Auditor

An independent probity auditor/adviser should be appointed to participate in the EOI process and to issue a Probity Certificate.

Structure Plan

The partner should also review and provide advice/recommendations on the Structure Plan and a commitment to the implementation of the Structure Plan. This will ensure that the partner takes ownership of the Structure Plan and contributes value to the Structure Plan.

It will also demonstrate an understanding of the Structure Plan and the TPRC objectives.

Program

- Preparation of EOI – February/March 2010
- Approval EOI – April 2010
- Issue and Advertising of EOI – May 2010
- Review of EOI- June 2010
- Recommendation to Council on submissions – July 2010

Project Consultants

Current TPRC Consultants who play no material role in assessment of bids or preparation of EOI documentation should not be excluded from being part of a proponents bid. Proponents will receive no advantage or disadvantage in using the current project Consultants.

Proponents recommended consultants will not form part of the Proponent's bid and will be the subject of separate consideration.

Alternative Proposals

Proponents who wish to provide alternative proposals should be allowed to do so. However, where an alternative proposal is submitted, a compliant proposal must also be lodged.

EOI Document

Once a draft EOI has been prepared it will also be necessary to engage the services of a lawyer with experience in EOI partnering proposals to review the document to ensure suitability.

The proposed EOI structure follows recent examples used by Landcorp on Partnering/Joint Venturing proposals.

Given the current status of the Structure Plan and the likely time required to undertake the selection process and subsequent contractual process it is considered that it should be commenced immediately.

Furthermore, commencement of the selection process will enable the Partner/Alliance to engage in the Structure Plan process and work with the TPRC to develop project initiatives. This will enable the Partner/Alliance to add value to the Structure plan and the TPD and take ownership of the Structure Plan and other TPRC initiatives.

9.6 MINDARIE REGIONAL COUNCIL BUFFER

Report Information

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

Recommendation

1. Advise the MRC that it NOTES the pull-back of the buffer zone is as follows:
 - Current – buffer approximately 250m north of the lease boundary;
 - 31 December 2010 – buffer approximately 150m north of the lease boundary;
 - 31 December 2015 – buffer approximately 100m north of the lease boundary;
 - 31 December 2016 – buffer pulled back to the lease boundary; and
 - 31 January 2021 – (landfill closed) – no buffer zone required.
2. That the MRC ADHERE to revised buffer program and that the MRC acknowledge that these are minimum targets.
3. Should DEC require additional buffers then the current MRC works program will need to be REVISED to maintain the current pull-back of the buffer zone.
4. REQUEST the MRC to complete the contour of the northern face of the landfill as quickly as possible so that treatment of that face and rehabilitation can be undertaken on a staged basis to provide the best opportunity possible to change the aesthetic presentation of the northern area of the landfill viewable from the TPRC development.
5. REQUEST MRC to undertake immediate works to stabilise the northern stockpile and implement a landscape plan.

Voting Requirements

Simple Majority

Report Purpose

To advise a request from MRC for buffer continuing requirements that will need staged development of the TPD land and an analysis of the benefits to be derived from such arrangement by both the MRC and TPRC.

Relevant Documents

Appendix: Letter from MRC dated 10 July 2009; North-South Sectional Profile Plan; Tabec Option 4 Preliminary Earthworks Design Contours Plan; Mindarie Landfill Pit and Final Profile Plan
Available for viewing at the meeting: Nil

Policy Reference

N/A

Local Government Act/Regulation

N/A

Previous Minutes

Council meeting - 13 August 2009 (Item 9.12 – Mindarie Regional Council Buffer)

Background

The MRC leases 151 hectares from the 7 constituent Councils, immediately south of the TPRC landholding, for the purpose of a landfill site.

In the renegotiation of the MRC lease good neighbour provisions were included which recognised the necessity for the MRC and the TPRC to work together to ensure that both businesses provided benefits for the 7 constituent Councils which are also the co-owners of the MRC and TPRC land.

In the MRC lease provision was made for retention of a buffer of 500m from the operating face of the MRC landfill. The buffer currently extends 350 metres into the Tamala Park development land.

The lease, section 5.7(f) Buffer Distance Requirements states:

“Mindarie must completely cease to rely on the Temporary Buffer to satisfy the whole or any part of the Recommended Buffer Distance on 31 December 2010.”

The MRC advised the TPRC in July 2009 that in order to optimise the available airspace for landfill activities it would not be able to satisfy lease condition for the removal of the buffer from TPRC land by December 2010 and sought approval to the buffer of up to 150m into the TPRC development area into 2011 with gradual withdrawal to the northern lease area line by 2019.

At its meeting of August 2009 the Council resolved;

1. *That the MRC request for retention of buffers to facilitate ongoing use of the MRC lease area to optimise landfill operations be ACKNOWLEDGED.*
2. *That the conditions that would attend the continuation of the MRC landfill licence buffer be DEVELOPED with joint input from MRC and TPRC and be subject of a further report to the next meeting TPRC Council.*

Comment

The MRC request highlights two matters that require consideration by the Council and potentially impact on the TPD, the buffer zone and the treatment of the northern face of the landfill operation.

Buffer Zone Requirements

The MRC has approved an Excavation Management Plan (EMP) aimed at optimising air space available for landfill activities. The EMP also seeks to reduce buffer requirements as quickly as possible. MRC have fast tracked excavation of the available area for landfill.

Based on the approved Excavation Management Plan the anticipated pull-back of the buffer zone is as follows:

- Current – buffer approximately 250m north of the lease boundary;
- 31 December 2010 – buffer approximately 150m north of the lease boundary;
- 31 December 2015 – buffer approximately 100m north of the lease boundary;
- 31 December 2016 – buffer pulled back to the lease boundary; and
- 31 January 2021 – (landfill closed) – no buffer zone required.

The “Recommended Buffer Distance” refers to the DEC recommended 500m buffer distance from the active landfill to the nearest sensitive land use. Buffer distances are to protect sensitive land uses from any impacts from landfills such as odour, noise, litter and dust. Buffer distances are measured from the activities capable of causing a nuisance to the nearest sensitive land use.

The buffer areas could be minimised by reducing the airspace available for landfill. This will affect the operation and lifespan of the Tamala Park landfill site. It will financially affect the seven member Councils.

The TPRC landholding is approximately 900 metres wide at Marmion Avenue and 700 metres at Connolly Drive and 600 metres in the middle of the site. The Plans at Appendix 9.6 shows landfill site and staging, and the location of the buffer zone on the TPD at 31 December 2010 (150m north of the lease boundary).

The current TPRC Structure Plan anticipates the initial stages of development adjacent Neerabup Road and not impacted by the buffer zone. It is possible to manage the buffer requirements of MRC through the staged urban development. However, potential purchasers may be influenced by any requirement associated with Buffers inside the TPRC landholding.

While the timing of the buffer reduction could be managed it is imperative that the MRC adhere to revised buffer program and that the MRC acknowledge that these are minimum targets. Further should DEC require additional buffers then the current MRC works program will need to be revised to maintain the current pull-back of the buffer zone.

Northern Face – Landfill Operation/Northern Stockpile

The northern face and landfill operations are likely to be visible from various parts of the TPD. Therefore, the timing and nature of any treatment of the northern face of the MRC could have a serious impact on land values for the TPD. MRC has responded to TPRC requests to complete the contour of the northern face of the landfill as quickly as possible so that treatment of that face can be undertaken to provide the best opportunity possible to change the aesthetic presentation of the northern area of the landfill viewable from the TPRC development. The first phase of this should be completed by December 2010 with rehabilitation then to follow. The Plan at Appendix 9.6 shows the landfill pit and proposed final profile.

This now provides the opportunity for TPRC to work with MRC in managing the rehabilitation and utilisation possibilities for the completed north face of the landfill during a period of rehabilitation which will extend over many years. It is critical that the northern face of the landfill can be made accessible as soon as possible and enhanced in a way that will complement the Tamala Park development.

The MRC has developed a limestone stockpile on its northern boundary to be used as capping material in the future. It is located on MRC lease area but proposed to be included in the future TPD development area.

The stockpile is visually prominent from the TPRC landholding. In order to avoid negative impacts it is considered that the MRC should undertake immediate works to stabilise stockpile and implement landscape plan.

In discussions with MRC representatives, the joint interests of the MRC and TPRC have been discussed including possible development of the following if the TPRC were to endorse a continuation of the MRC buffer into the urban development zone.

1. Interim use of the completed northern face of the MRC landfill for recreation purposes and, potentially, the location of a solar array amenable to the settlement of the landfill – estimated to be at least 1.8m per year in the short term following capping of the design profile.
2. Amendment of the flora rehabilitation program to include provision for habitat development for Carnaby's cockatoos in the event that this might be required for general advantage for avian flora as well as providing offset requirements that may be needed by TPRC with respect to environmental conditions imposed on the TPRC development.
3. Facilitation of use of land cleared of stockpiled material for possible active recreation development.
4. Utilisation of land near existing extraction bores on the MRC site for a potential water treatment plant for MRC to facilitate use of grey water for landscape and POS reticulation within the TPD.
5. Co-location of a Western Power distribution substation within the MRC lease site in conjunction with an electricity feed-in substation for power generated from landfill gas and from solar generating facilities located on site by TPRC.

9.7 TPRC STRUCTURE PLAN STATUS UPDATE

Report Information

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

Recommendation

1. That the Council **RECEIVE** the status report in relation to the TPRC Structure Plan.
2. That the Council **APPROVE** the deletion of the proposed freeway off-ramp from the Structure Plan and consequential minor modifications and continue to progress the current Structure Plan.

Voting Requirements

Simple Majority

Report Purpose

To advise status with structure plan approval.

Relevant Documents

Appendix: Indicative Development Plan
Available for viewing at the meeting: Nil

Policy Reference

N/A

Local Government Act/Regulation

N/A

Previous Minutes

- Ordinary Meeting of Council (9 December 2009) - Item 14.8: TPRC Structure Plan Status Update
- Ordinary Meeting of Council (15 October 2009) - Item 9.5: TPRC Structure Plan Status Update
- Ordinary 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.

At its last meeting it was notified that the City of Wanneroo had approved the Structure Plan for public advertising. The advertising period was from 27 October 2009 to 7 December 2009.

Comment

During the advertising period for the Structure Plan 17 submissions were received by the City of Wanneroo. The City of Wanneroo is presently carrying out detailed assessment of the submissions and anticipates reporting to Council on the assessment and report on submission lodged in April 2010.

A copy of the Indicative Development Plan is included at Appendix 9.7 for reference purposes.

Following this the Structure Plan will be formally submitted with the WAPC for consideration.

It is anticipated that the majority of the submissions will not result in any significant changes to the Structure Plan. However, submissions were received from Main Roads WA and the Department of Planning and Infrastructure both of which are likely to impact on the Structure Plan.

The Main Roads submission restates its opposition to the proposed Freeway off-ramp into the TPD, south of the Neerabup Road interchange, on safety grounds.

The DPI raises a number of issues relating to the format of the statutory portion of the Structure Plan which will require changes to the Structure Plan document. However, these should not have any significant impact on the Structure Plan. The DPI is also opposed to the proposed Freeway off-ramp into the TPD, south of the Neerabup Road interchange, on safety grounds.

The proposed Freeway off-ramp issue has the potential to delay the progress of the Structure Plan and therefore requires action. There are a number of options to deal with the issue:

1. **Continue to argue the issue with both the Main Roads and DPI.** This is likely to be costly, take some time and has little prospect of success.
2. **Revise the Structure Plan which may potentially involve significant changes.** This is likely to be costly and also take some time to complete.
3. **Exclude the area east of Connolly Drive from the Structure Plan and proceed with the approval of the balance of the Structure Plan.** This will enable the majority of the current Structure Plan to proceed on program. The area east of Connolly Road will need to be progressed as a separate Structure Plan in the future. This will enable the majority of the current Structure Plan to progress. This would mean that only portion of the Structure Plan area can be lodged for environmental approval, with the area east of Connolly Road being the subject of a separate environmental approval.
4. **Delete the proposed Freeway off-ramp from of the Structure Plan, make some minor modifications and continue with the current Structure Plan, essentially “as is”.** This would have little impact on the program and mean the whole of the Structure Plan area can be lodged for environmental approval.

This course is supported by the City of Wanneroo and DPI and is recommended.

9.8 GRACEFUL SUN MOTH SURVEY – SYRINX CONSULTANCY

Report Information

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

Recommendation

1. That the Council **APPROVE** the commissioning of a Graceful Sun Moth survey by Syrinx Environmental for \$27,148.77 for the TPD.
2. That the Council **APPROVE** a modification to the budget of \$27,148.77 for the Graceful Sun Moth survey by Syrinx Environmental.

Voting Requirements

Absolute Majority

Report Purpose

Approval to the commission a survey of a Graceful Sun Moth by Syrinx Environmental for \$27,148.77 for the TPD, and modification to the budget to accommodate the survey.

Relevant Documents

Appendix: Nil
Available for viewing at the meeting: Nil

Policy Reference

- TPRC Delegation Register (authorising expenditure)
- TPRC Purchasing Policy

Local Government Act/Regulation

N/A

Previous Minutes

Various minutes (most recent – Council meeting 18 June 2009 (Item 9.5 - in reference to the content of the TPRC Structure Plan)

Background

Requirements for Structure Plans include:

- A flora and fauna survey of Greenfield developments identifying rare and priority species;
- An environmental management plan; and

The surveys and plans mentioned above have been completed and lodged with the City of Wanneroo and the Department of Environment & Conservation (DEC).

Upon review the DEC and City of Wanneroo have both confirmed that in context of the condition of attaching to MRS Amendment 992/33, and the possibility of changed conditions from the time of previous flora surveys in the area, that a spring survey is required.

A level 2 flora and vegetation survey is required in order to satisfy the City of Wanneroo and DEC requirements for the lifting of Urban Deferred zoning. The field survey work was completed in October 2009 and a report is in preparation. A follow up survey is to be undertaken in February/March 2010 to complete the report information and satisfy the level 2 flora and vegetation survey requirements this work is being undertaken by Syrinx Environmental.

Part of the survey was to identify vegetation communities that may provide habitat for the Graceful Sun Moth (GSM).

The DEC release guidelines for the GSM surveys which requires significantly more survey work, over a longer period, and undertaken by licensed personnel.

Comment

The Graceful Sun Moth is a small day flying moth endemic to the south-west of WA and is currently only known from the Swan coastal plain between Quinns Rock, in Perth's northern suburbs to Mandurah in the south. There are few known populations, none of which are in formal State managed conservation estate, and almost all known populations are on small isolated bushland remnants and subject to high risk of local extinction.

The GSM is declared specially protected fauna under the WA Wildlife Conservation Act 1950, and it is rare or likely to become extinct. It is listed as endangered (under the Commonwealth Environmental Protection and Biodiversity Act 1999) - (EPB Act).

The adult sun moths are only detectable during a limited period each year (March).

Syrinx has provided a proposal to undertake the GSM survey in accordance with DEC requirements. The project cost including all survey work is \$27,148.77 and is in a position to undertake the work in March 2010.

There is no budget provision for the work in the TPRC 2009/10 budget. It is possible that the work could be funded out of the budget for consultancies in 2009/10. Therefore it is suggested that a modification be undertaken to the 2009/10 Budget to make specific provision for the GSM survey.

If this work is not carried out in March 2010, the survey will not then be eligible to be carried out until March 2011 which will have an impact on timing of the TPD. Furthermore it is highly unlikely the DEC will give clearance to the lifting of urban deferment. It is also likely that the Department of Environment, Water, Heritage and the Arts is unlikely to issue approval to the project under the EPB Act given it is an endangered species.

9.9 UDIA 2010 NATIONAL CONGRESS

Report Information

Location: Not Applicable
Applicant: Chief Executive Officer
Reporting Officer: Chief Executive Officer File Reference: 22.54.266.0

Recommendation

That the CEO be AUTHORISED to attend the 2010 Urban Development Institute of Australia National Congress in Sydney to be held on 8-10 March 2010.

Voting Requirements

Simple Majority

Report Purpose

To obtain authority for the TPRC CEO to attend the forthcoming 2010 Urban Development Institute of Australia National Congress in Sydney.

Relevant Documents

Appendix: Congress Program
Available for viewing at the meeting: Nil

Policy Reference

TPRC Delegation Register

Local Government Act/Regulation

N/A

Previous Minutes

N/A

Background

The 2010 Urban Development Institute of Australia (UDIA) National Congress will be held in Sydney on 8-10 March 2010. The Congress is the lead event of the UDIA and brings together leading industry professionals, developers, state and local government personnel from around Australia.

Comment

The Congress focuses on the future, discussing and informing on issues of importance to the development industry into the next decade.

The Congress program includes presentations and inspections of projects which are recent winners of Awards for Excellence in Urban Development.

Congress presentations include the following topics:

- Population trends and future communities;
- The economy and employment post 2010;
- Transport and infrastructure trends;
- Leadership in the future; and
- Sustainability.

The topics covered at the Congress are integral to the TPRC objectives and related to the areas currently being contemplated in the Structure Plan. It will also provide an opportunity to visit significant projects in Sydney which are considered to have excellence in urban design and infrastructure provision.

It is proposed that the CEO attend the Congress.

A copy of the Congress program is attached at Appendix 9.9.

Funds are available for attending the conference from budget item E041020 Conference Expenses. Attendance registration, travel, accommodation and incidental costs require a budget of approximately \$4,000 per delegate.

A report on the Congress will be provided for the Council meeting of 15 April 2010.

9.10 ENVIRONMENTAL PROTECTION & BIODIVERSITY CONSERVATION ACT – INFORMATION REFERRAL

Report Information

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

Recommendation

1. That the Council **APPROVE** 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.
2. That the Council **APPROVE** a modification to the budget of \$30,000, associated with Item (1) within the amount allocated for consultancy expenses.

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

As part of the requirements for the Structure Plan and lifting of Urban Deferment, the TPRC has prepared Environmental Management Plans (EMP) for the landholding.

The 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.

Comment

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.

There is no budget provision for the work in the TPRC 2009/10 budget. It is possible that the work could be funded out of the general budget for consultancies in 2009/10. Therefore it is suggested that a modification be undertaken to the 2009/10 budget to make specific provision for this matter in the amount of \$30,000.

In order to avoid unnecessary delays, given Council's meeting schedule, approval is sought to the referral once the necessary environmental surveys have been completed.

Should the environmental surveys highlight matters requiring significant changes to the Structure Plan then the Council will be advised prior to formal referral.

9.11 DELEGATION AUTHORITY

Report Information

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

Recommendation

1. That Delegation 7 of the Delegation Register 2009/10 be MODIFIED to include environmental, marketing, probity, lawyers and engineering consultants.
2. That a new delegation (number 21) be ADDED to the Delegation Register 2009/10 to authorise the CEO to write off unpresented cheques (within a 15 month period) to the value of \$20,000.

Voting Requirements

Absolute Majority

Report Purpose

To request Council to authorise a minor modification to the Delegation Register.

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 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 and delegations set out therein. Further, that delegations be reviewed in August 2010.

Comment

Delegation 7 provides authority to the CEO to appoint consultants for the provision of urban design, economic and statutory planning services in keeping with the objectives of the Council, subject to:

- a) Subject to a brief for the consultancy having received the prior approval of the Council if the value exceeds \$50,000 and less than \$100,000.
- b) Subject to there being a budget allocation for the consultancy.

Minor changes are now recommended to delegation 7 in the Delegation Register to include marketing, environmental, probity, lawyers and engineering consultants to the list of consultants.

A further change is proposed to authorise the CEO to write off unrepresented cheques to the value of \$20,000 within a 15 month period.

No further changes are proposed and this stage.

A formal review of the Delegation Register will be carried out in August 2010 as per the previous Council resolution.

9.12 LOCAL GOVERNMENT COMPLIANCE AUDIT FOR YEAR ENDED 31 DECEMBER 2009

Report Information

Location: Not Applicable
Applicant: Not Applicable
Reporting Officer: Chief Executive Officer File Reference: 13.127.229.0

Recommendation

That the Compliance Audit Return for the TPRC for the year ended 31 December 2009 be ADOPTED, RECORDED in the minutes, CERTIFIED and SENT to the Executive Director as required by the Local Government Act and Regulations.

Voting Requirements

Simple Majority

Report Purpose

To submit for adoption the TPRC Local Government Compliance report for the year ended 31 December 2009.

Relevant Documents

Appendix: Copy of the Compliance Audit Return for Tamala Park Regional Council 2009
Available for viewing at the meeting: Nil

Policy Reference

TPRC Audit Charter: Duties and Responsibilities of Audit Committee Clause 6 - To review the statutory compliance return and make a recommendation on its adoption to the Council.

Local Government Act/Regulation

- Local Government Act 1995: Section 7.13 Minister may require Compliance Audit
- Local Government (Audit) Regulations 1996: Regulation 13-15 Audit items and Procedure

Previous Minutes

- Council Meeting - 12 April 2007 (Item 9.6 - Compliance Audit Return – Year Ended 31 December 2006)
- Audit Committee Meeting – 21 February 2008 (Item 9.2 - Local Government Compliance Audit for year ended 31 December 2007)
- Council Meeting – 26 February 2009 (Item 9.10 - Local Government Compliance Audit for year ended 31 December 2008)

Background

The Minister for Local Government has required that all Local Governments complete a compliance return in reference to the statutory obligations of Councils, Council Members, and the Local Government. The Compliance return requires answers to specific questions which seek performance answers and comments relative to specific provisions of the Local Government Act and Regulations.

The Compliance return is one of the tools to assist Local Governments and the Minister to understand how the local government is functioning and to promote a minimum standard of response to the statutory obligations set down in legislation.

The Compliance audit is to be:

- Conducted for the period 1 January to 31 December each year;
- Presented to the Council at a meeting of the Council;
- Adopted by the Council;
- Recorded in the minutes of the meeting at which it is adopted; and
- A certified copy with the relevant section of the Council minutes and any additional information explaining or qualifying the compliance audit is to be submitted to the Executive Director (DLGRD) by 31 March.

There was no adverse finding in reference to the Compliance Return for the year ended 31 December 2009.

Comment

The compliance return is broken down into the following parts:

- Commercial Enterprises by Local Governments
- Delegation of Power/Duty
- Disclosure of Interest
- Disposal of Property
- Finance
- Local Government Employees
- Local Laws
- Meeting Process
- Miscellaneous provisions
- Official Conduct
- Tenders for Providing Goods and Services

Some items mentioned in the return are not relevant to operations of the TPRC for the return period. These have been noted 'N/A'.

In summary there are no compliance issues of concern to be reported.

LATE ITEM

9.13 TPRC BUDGET REVIEW – 1 JULY 2009 TO 30 JUNE 2010 AT 11 FEBRUARY 2010

Report Information

Location: Not Applicable
Applicant: Not Applicable
Reporting Officer: Chief Executive Officer File Reference: 13.127.229.0

Recommendation

1. That the report be **RECEIVED**.
2. That the Council **APPROVE** the following expenditure and the budget being **MODIFIED** accordingly:

• Level 2 Flora Survey	\$ 15,000
• Graceful Sun Moth Survey	\$ 28,000
• EPBC Act Management	\$ 30,000
• Structure Plan Modifications	\$ 30,000
• Lawyers	\$ 30,000
• EOI Consultancy	\$ 30,000
• Probity Auditor	<u>\$ 30,000</u>
Total	\$193,000

Voting Requirements

Absolute Majority

Report Purpose

Submission of the Budget Review prescribed by Regulation.

Relevant Documents

Appendix: Income Statement Summary July 2009 through to January 2010
Available for viewing at the meeting: Nil

Policy Reference

N/A

Local Government Act/Regulation

- Local Government Act 1995: S 6.2 Requires budget and allows regulations
- Local Government (Financial Management) Regs 1996: Reg 33A Review Required by 31 March and Copy to Department within 30 Days
- Local Government (Audit) Regs 1996: Reg 13 Compliance Audit Item
- Local Govt Circular No 6 -2006: Suggesting Budget Review Format

Previous Minutes

- Council Meeting – 26 February 2009 (Item 9.11 – TPRC Budget Review – 1 July 2008 to 30 June 2009 at 26 February 2009)

Background

With the TPRC budget adoption a 10% Variance for Income/Expenditure was determined a material variance. Income and expenditure, which is greater than the material variance, is explained in the review.

The current review follows a format suggested in Local Government Department circular 6 - 2006.

Comment

Income

Interest from investment which is the major source of income for the Council is expected to increase by \$145,270 for the year or 23.14% of budget projections. The increase is as a result improved economic conditions that have reflected in higher interest rates. The budget was predicated on an average interest rate of 4%, with current interest rates at 5.2%.

Expenditure

Material changes to items of expenditure are as follows:

CONSULTANCY

Structure Plan - There is a \$24,557 variation as a result of additional traffic consultancy fees associated with the Neerabup Road Off ramp issue.

Other Structure Plan Consultancy – There is a variance of \$14,620 which was not budgeted and was required as part of the structure plan and environmental documentation.

Consultancy - Overall the Consultancy budget is expected to reduce by \$110,752 for the year. The majority of this reduction is from Environmental Innovation Consultancy and other structure plan consultancy. These material changes are identified in the budget review attached. The budget at commencement of the year reflected an estimate for consultancies some of which are being undertaken by the Special Projects Officer. The balance of budget provision will not be utilised in the current financial year.

However, there will be a requirement to reallocate some of these funds from Environmental Innovation Consultancy fees as follows:

Level 2 Flora Survey (approved by TPRC Oct '09)	\$ 15,000
<i>(Note: \$30,000 already budgeted)</i>	
Graceful Sun Moth Survey (Agenda Item 9.8) -	\$ 28,000
EPBC Act Management (Agenda Item 9.9) -	\$ 30,000
Structure Plan modifications (Agenda Item 9.7) -	\$ 30,000
<u>Total</u>	<u>\$103,000</u>

ADMINISTRATION

Advertising Staff Vacancies – There is a variation of \$8,812.52, as a result of the advertising required for the CEO position.

Promotions - Expected to reduce by \$50,000 for the year. The budget anticipated heavy promotion of the Structure Plan and Environmental Sustainability/Innovations which will not be required in 2009/10.

Professional Retainer – This included \$75,000 allocated for a Project Manager of which only \$40,000 is likely to be required in 2009/10.

Insurance – There is a \$1,290 variance for insurance associated with councillors liability.

Research – This included \$37,000 for consultancy research associated with Environmental Sustainability/Innovations some of which is being undertaken by the Special Projects Officer. The budget provision will not be utilised in the current financial year.

EOI – Partner/Alliance - There is no specific budget item for the necessary consultancies, marketing and advertising. In accordance with item 9.5 of the agenda, budget funds will be required in 2009/10. It is proposed that these will be allocated from non-utilised budget items.

Lawyers (EOI and Contract) -	\$30,000
EOI consultancy -	\$30,000
Probity Auditor -	\$30,000
<u>Total</u>	<u>\$90,000</u>

CAPITAL

In relation to capital expenditure the budget provided \$480,000 for acquisition of TPRC office premises and \$29,000 for office fit out/equipment. It is unlikely that new office premises will be acquired in 2009/10, however it is proposed to retain this budget item for possible office relocation.

Summary

Overall it is expected that operating income will increase by \$145,270, operating expenditure will reduce \$226,058, however, the majority of these funds will need to be allocated as indicated in this report (in the amount of \$193,000). The net income will change from -\$776,871 to -\$598,542.

Capital expenditure for the year is not likely to change from budget.

LATE ITEM

9.14 TPRC POTENTIAL NEW OFFICE PREMISES

Report Information

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

Recommendation

1. That the City of Stirling be 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.
2. That the Council AGREE that preliminary plans be drawn up to establish that the proposed office can accommodate TPRC requirements.

Voting Requirements

Simple Majority

Report Purpose

To provide detail on the TPRC office relocation to new premises located at 369 Scarborough Beach Road, Innaloo.

Relevant Documents

Appendix: Nil
Available for viewing at the meeting: Nil

Policy Reference

N/A

Local Government Act/Regulation

N/A

Previous Minutes

Nil

Background

The TPRC offices have been located with the Scarborough Civic complex since 2006.

Whilst the office accommodation has been adequate it does not provide capacity for an expansion of the office, does not have any dedicated meeting areas and has no reception area. It also presents some limitations on the effective operation of the TPRC.

Comment

There is an opportunity to utilise larger office premises, owned by the City of Stirling, in Innaloo. The office is located off Scarborough Beach Road within the Innaloo commercial precinct.

The office is approximately 300m² 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.

It is possible that the City of Stirling may offer favourable leasing terms, since the office has been vacant for some time. However, at this stage no costs are available.

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 building internals are in good condition but would require some refit to accommodate TPRC requirements. The office is likely to be available for 2-4 years after which time the TPRC offices may relocate within the TPRC landholding.

It is proposed that the City of Stirling be requested to approve in principle the use of the offices and provide details on leasing terms and outgoings. It is also proposed that preliminary plans be drawn up to establish that the proposed office can accommodate TPRC requirements.

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