

# **Ordinary Meeting of Council**

## **MINUTES**

Thursday 21 February 2013 City of Wanneroo, 6.00pm

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 City of Vincent City of Wanneroo

## **MEMBERSHIP**

OWNER COUNCIL	MEMBER	ALTERNATE MEMBER
Town of Cambridge	Cr Corinne MacRae	
City of Joondalup	Cr Geoff Amphlett	
	Cr Tom McLean	
City of Perth	Cr Eleni Evangel	
City of Stirling	Cr Giovanni Italiano (CHAIRMAN)	Cr Stephanie Proud
	Cr David Michael	
	Cr Terry Tyzack Cr Rod Willox	
Town of Victoria Park	Mayor Trevor Vaughan (DEPUTY CHAIRMAN)	Cr David Ashton
City of Vincent	Mayor Alannah MacTiernan	
City of Wanneroo	Cr Frank Cvitan	Cr Bob Smithson
	Cr Dianne Guise	Cr Stuart Mackenzie

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 Giovanni Italiano

**Councillors** Cr Geoff Amphlett

Cr Frank Cvitan
Cr Dianne Guise
Cr Corinne MacRae
Cr Tom McLean
Cr David Michael
Cr Terry Tyzack
Cr Trevor Vaughan
Cr Rod Willox

Alternate Members Nil

Staff Mr Tony Arias (Chief Executive Officer)

Mr Wayne Burns (Senior Projects Officer) Mrs Kylie Jeffs (Executive Assistant)

**Apologies Councillors** Cr Eleni Evangel

Cr Alannah MacTiernan

Leave of Absence Nil

**Absent** Nil

Invited Advisers Ms Tania Loosley-Smith (Department of Housing)

Mr Grahame Searle (Department of Housing)

Consultants Mr Justin Crooks (Satterley Property Group)

Mr Brenton Downing (Satterley Property Group) Mr Aaron Grant (Satterley Property Group) Mr Nigel Satterley (Satterley Property Group)

Apologies Participant Councils' Advisers

Cr Stephanie Proud (City of Stirling)

In Attendance

**Participant Councils**'

**Advisers** 

Mr John Giorgi (City of Vincent) Mr Garry Hunt (City of Joondalup) Mr Len Kosova (City of Wanneroo) Mr Jason Lyon (Town of Cambridge)

Mr Ross Povey (City of Stirling)

Members of the Public Nil

Press Nil

## 1. OFFICIAL OPENING

At 6.08pm the Chairman declared the meeting of the Tamala Park Regional Council open.

#### **DISCLOSURE OF INTERESTS**

Nil

#### 2. PUBLIC STATEMENT/QUESTION TIME

Nil

#### 3. APOLOGIES AND LEAVE OF ABSENCE

Apologies were received from Cr Eleni Evangel and Cr Alannah MacTiernan.

### 4. PETITIONS

Nil

## 5. CONFIRMATION OF MINUTES

Ordinary Meeting of Council – 13 December 2012

Moved Cr R Willox, Seconded Cr Cvitan

That the minutes of the Ordinary Meeting of Council of 13 December 2012 be confirmed, and signed by the Chairman, as a true and correct record of proceedings.

The Motion was put and declared CARRIED (10/0).

### **5A. BUSINESS ARISING FROM THE MINUTES**

Nil

### 6. ANNOUNCEMENTS BY CHAIRMAN (WITHOUT DISCUSSION)

The Chairman welcomed Mr Grahame Searle (Director General) and Ms Tania Loosley-Smith (General Manager Strategy & Policy) from the Department of Housing to the meeting.

## 7. MATTERS FOR WHICH MEETING MAY BE CLOSED

Item 9.16 – Development Management Agreement – Key People

Item 9.17 - CEO Performance Review 2012

Item 9.18 – BGC Put Options/Department of Housing Purchase of Stage 3 Lots

#### 8. REPORTS OF COMMITTEES

CEO Performance Review Committee Meeting – 31 January 2013

Moved Cr Tyzack, Seconded Cr Cvitan

That the Council RECEIVE the minutes of the CEO Performance Review Committee dated 31 January 2013.

Moved Cr T McLean, Seconded Cr F Cvitan

That the meeting move behind closed doors to discuss the minutes of the CEO Performance Review Committee dated 31 January 2103, in more detail, and in relation to Item 9.17 (CEO Performance Review 2012).

The Motion was put and declared CARRIED (10/0).

Management Committee Meeting – 7 February 2013

Moved Cr Tyzack, Seconded Cr Cvitan

That the Council RECEIVE the minutes of the Management Committee dated 7 February 2013.

The Motion was put and declared CARRIED (10/0).

Audit Committee Meeting – 14 February 2013

Moved Cr Tyzack, Seconded Cr Cvitan

That the Council RECEIVE the minutes of the Audit Committee dated 14 February 2013.

The Motion was put and declared CARRIED (10/0).

#### 9. ADMINISTRATION REPORTS

## 9.1 BUSINESS REPORT – PERIOD ENDING 14 FEBRUARY 2013

Moved Cr McLean, Seconded Cr Michael

[The recommendation in the agenda]

That the Council RECEIVE the Business Report to 14 February 2013.

The Motion was put and declared CARRIED (10/0).

## 9.2 STATEMENTS OF FINANCIAL ACTIVITY FOR THE MONTHS OF NOVEMBER & DECEMBER 2012

Moved Cr Willox, Seconded Cr McLean

[The recommendation in the agenda]

That Council RECEIVE and NOTE the Statement of Financial Activity for the months ending:

- 30 November 2012; and
- 31 December 2012.

## 9.3 LIST OF MONTHLY ACCOUNTS SUBMITTED FOR THE MONTHS OF DECEMBER 2012 & JANUARY 2013

Moved Cr Tyzack, Seconded Cr Guise

[The recommendation in the agenda]

That the Council RECEIVE and NOTE the list of accounts paid under Delegated Authority to the CEO for the months of December 2012 and January 2013:

- Month ending 31 December 2012 (Total \$2,929,874.86)
- Month ending 31 January 2013 (Total \$2,384,131.74)
- Total Paid \$5,314,006.60

The Motion was put and declared CARRIED (10/0).

## 9.4 PROJECT FINANCIAL REPORT - DECEMBER 2012

Moved Cr Amphlett, Seconded Cr McLean

[The recommendation in the agenda]

That the Council RECEIVE the Project Financial Report (December 2012) submitted by the Satterley Property Group.

The Motion was put and declared CARRIED (10/0).

## 9.5 SALES REPORT – PERIOD ENDING 14 FEBRUARY 2013

Mr Nigel Satterley (Satterley Property Group) provided an update on the property and land sales market and expectations for 2013.

Moved Cr Willox, Seconded Cr Guise

[The recommendation in the agenda]

That the Council RECEIVE the Sales Report to 14 February 2013.

The Motion was put and declared CARRIED (10/0).

Moved Cr Guise, Seconded Cr Michael

That confidential Item 9.18 (BGC Put Options/Department of Housing Purchase of Stage 3 Lots) on the agenda be discussed next.

The Motion was put and declared CARRIED (10/0).

Moved Cr Michael, Seconded Cr McLean

That the meeting move behind closed doors at 6.16pm to allow confidential item 9.18 to be discussed.

## 9.18 BGC PUT OPTIONS / DEPARTMENT OF HOUSING PURCHASE OF STAGE 3 LOTS - CONFIDENTIAL

Mr Grahame Searle (Director General) and Ms Tania Loosly-Smith (General Manager Strategy & Policy) from the Department of Housing were invited to make a presentation titled 'Opening Doors to Affordable Housing', which outlined the following:

- Housing designed for low to moderate incomes;
- The procurement model;
- Partnerships;
- The Expression of Interest process; and
- The built form and shared equity process.

Mr Searle and Ms Loosley-Smith departed the meeting at 6.55pm to allow discussion on the presentation.

Moved Cr McLean, Seconded Cr Guise

[The recommendation in the agenda]

That the Council RECEIVES the presentation from Mr Grahame Searle - Director General and Tania Loosley-Smith - General Manager Strategy and Policy - Department of Housing.

Moved Cr Vaughan, Seconded Cr Willox an amendment to the recommendation as follows:

1. That the Council RESCIND its decision of the 12 July 2012 relating to Report 9.18 - BGC Put Options/Department of Housing Purchase of Stage 3 Lots.

The Motion for amendment was put and declared CARRIED (10/0).

Moved Cr Cvitan, Seconded Cr Willox an addition to the recommendation as follows:

- 2. That the Council AGREE to enter into a general Land Contract with Department of Housing for Lots 11-18 and 20-25 which are the subject to a Put Option Deeds with the Buckeridge Group of Companies on the basis of a written undertaking with the Department of Housing (DOH) that the lots are used for the Department of Housing shared equity scheme. In the event that any of the subject lots cannot be used for the DOH shared equity scheme, or sold by the DOH on the open market, the TPRC will purchase the lots from DOH at the market value.
- 3. That the Council AUTHORISE the Chief Executive Officer to take all necessary action to implement 2. above, including engaging the Council's solicitors.

The Motion for amendment was put and declared CARRIED (10/0).

The Motion as then amended was put and declared CARRIED (10/0).

Moved Cr Willox, Seconded Cr McLean

That standing orders be reopened and the meeting doors be opened at 7.10pm.

The Motion was put and declared CARRIED (10/0).

The Motion for amendment was then read aloud as follows:

- 1. That the Council RESCIND its decision of the 12 July 2012 relating to Report 9.18 BGC Put Options/Department of Housing Purchase of Stage 3 Lots.
- 2. That the Council AGREE to enter into a general Land Contract with Department of Housing for Lots 11-18 and 20-25 which are the subject to a Put Option Deeds with the Buckeridge Group of Companies on the basis of a written undertaking with the Department of Housing (DOH) that the lots are used for the Department of Housing shared equity scheme. In the event that any of the subject lots cannot be used for the DOH shared equity scheme, or sold by the DOH on the open market, the TPRC will purchase the lots from DOH at the market value.
- 3. That the Council AUTHORISES the Chief Executive Officer to take all necessary action to implement 2. above, including engaging the Council's solicitors.

The Motion was put and declared CARRIED (101/0).

Mr Searle and Ms Loosly-Smith departed the meeting at 7.11pm.

## 9.6 LOCAL GOVERNMENT COMPLIANCE AUDIT FOR YEAR ENDED 31 DECEMBER 2012

Moved Cr Guise, Seconded Cr Amphlett

[The recommendation in the agenda]

That the Compliance Audit Return for the TPRC for the year ended 31 December 2012 be ADOPTED, RECORDED in the minutes, CERTIFIED and SENT to the Executive Director of the Department of Local Government, in accordance with the Local Government Act and Regulations.

The Motion was put and declared CARRIED (10/0).

#### 9.7 ADOPTION OF THE 2012/2013 BUDGET REVIEW

Moved Cr Vaughan, Seconded Cr Guise

[The recommendation in the agenda]

That the Council ADOPT the Budget Review with the variations for the period 1 July 2012 to 31 December 2012 detailed in the Budget Analysis Worksheet attached to Appendix 9.7.

The Motion was put and declared CARRIED BY ABSOLUTE MAJORITY (10/0).

## 9.8 SALES AND LOT RELEASE STRATEGY 2013

Moved Cr Willox, Seconded Cr Guise

[The recommendation in the agenda]

- 1. APPROVE the Sales and Lot Release Strategy (February 2013) and the Consolidated Plan of Subdivision dated 4 February 2013, submitted by the Satterley Property Group, as the basis of sales and marketing planning.
- 2. ADVISE the Satterley Property Group that it supports in principle the proposed staged sales releases within the western precinct (west of Marmion Avenue) in the Sales and Lot Release Strategy (February 2013), however, the cashflow implications of this proposal will need to be considered as part of the planning for the 2013/14 budget.
- DELEGATE to the CEO authority to approve changes to the Sales and Lot Release Strategy (February 2013) to stage sizes and lot configuration and timing of stage releases, subject to the changes being minor and consistent with TPRC objectives and, as appropriate, approved TPRC policies and strategies.

The Motion was put and declared CARRIED BY ABSOLUTE MAJORITY (10/0) with an amendment to (1) to include the Consolidated Plan of Subdivision dated 4 February 2013.

#### 9.9 STAGE 7 CIVIL WORKS CONTRACT AWARD

Moved Cr Amphlett, Seconded Cr Guise

[The recommendation in the agenda]

- 1. ACCEPT the Catalina Stage 7 civil works pricing submitted by R J Vincent for the lump sum value of \$2,642,020 (excluding GST).
- 2. APPROVE a minor extension to RJ Vincent's contract term to allow completion of the Stage 7 civil works.
- 3. AUTHORISE the Chairman and CEO to sign and affix the TPRC common seal to the Contract.

The Motion was put and declared CARRIED (10/0).

#### 9.10 STAGE 8 BULK EARTHWORKS CONTRACT AWARD

Moved Cr Vaughan, Seconded Cr Cvitan

[The recommendation in the agenda]

- 1. ACCEPT the Catalina Stage 8 Bulk Earthworks pricing submitted by R J Vincent for the lump sum value of \$1,450,135 (excluding GST).
- 2. AUTHORISE the Chairman and CEO to sign and affix the TPRC common seal to the Contract.

#### 9.11 PHASE 1 PUBLIC ART IMPLEMENTATION PLAN

Moved Cr Vaughan, Seconded Cr Amphlett

[The recommendation in the agenda]

- 1. APPROVE the Phase 1 Public Art Implementation Plan dated January 2013, submitted by the Satterley Property Group for the implementation of public art within Phase 1 of the Estate.
- 2. REQUEST the Satterley Property Group to investigate further alternative funding options for the delivery of public art.
- 3. ACCEPT that Satterley Property Group has achieved Key Performance Indicator item 1.4.5 TPRC Objective; Long term Health of the Social and Cultural Environment requires the Identification of Public Art opportunities of various levels and an action plan for implementation, subject to the receipt of a revised document addressing the above items.

The Motion was put and declared CARRIED (10/0).

## 9.12 CATALINA CENTRAL DESIGN GUIDELINES – CENTRAL PRECINCT PROPOSED MODIFICATIONS

Moved Cr Willox, Seconded Cr Tyzack

[The recommendation in the agenda]

That the Council APPROVE a modification to Catalina Central Design Guidelines – Single Residential Lots, (November 2011) to amend the minimum ceiling height for lots fronting Neerabup Rd to 32 courses.

The Motion was put and declared CARRIED (10/0).

## 9.13 SUSTAINABILITY INITIATIVES PLAN

Moved Cr Tyzack, Seconded Cr Vaughan

[The recommendation in the agenda]

- 1. RECEIVE the Catalina Sustainability Initiative Plan Annual Review and Reporting (December 2012) submitted by the Satterley Property Group.
- 2. APPROVE the implementation of shared bores to all front loaded lots within Stage 5.
- 3. REQUIRE a review to be presented of the outcomes of the Stage 4 Shared bore trial following implementation prior to approving its adoption within all future stages.
- 4. ACCEPT that Satterley Property Group has achieved Key Performance Indicator item 3.5.1 Strategy and Planning; Sustainability requiring the annual review of the Sustainability Initiatives Plan and reporting of its implementation.

The Motion was put and declared CARRIED (10/0).

#### 9.14 ELECTED MEMBER ALLOWANCES - DEPUTY OR ALTERNATE MEMBERS

It was noted the payment of attendance fees to deputy or alternate members would commence from 21 February 2013, and the payments will not be retrospective.

Moved Cr Cvitan, Seconded Cr Tyzack

[The recommendation in the agenda]

- 1. APPROVE attendance fees of \$140 per meeting for Deputy Members, to be made quarterly in arrears.
- 2. APPROVE Deputy Members do not claim separate telecommunications, IT allowances or travelling allowance to meetings.
- 3. APPROVE fees to be reviewed following the next ordinary Council elections (next scheduled for October 2013).
- 4. APPROVE the TPRC budget 20112/13 being amended to accommodate Deputy Members Attendance fees, in accordance with 1.

The Motion was put and declared CARRIED BY ABSOLUTE MAJORITY (10/0).

#### 9.15 UDIA 2013 NATIONAL CONGRESS

Moved Cr Willox, Seconded Cr Guise

[The recommendation in the agenda]

That the CEO be AUTHORISED to attend the 2010 Urban Development Institute of Australia National Congress in Melbourne to be held on 4 - 7 March 2011.

Moved Cr Vaughan, Seconded Cr Tyzack an amendment to the recommendation as follows:

That the CEO and Chairman be AUTHORISED to attend the 2013 Urban Development Institute of Australia National Congress in Melbourne to be held on 4 - 7 March 2013.

The Motion for amendment was put and declared CARRIED (10/0).

The Motion as then amended was put and declared CARRIED (10/0).

Moved Cr Tyzack, Seconded Cr Guise

That the meeting move behind closed doors at 7.25pm to allow confidential items 9.16 and 9.17 to be discussed.

#### 9.16 DEVELOPMENT MANAGEMENT AGREEMENT – KEY PEOPLE - CONFIDENTIAL

It was noted that Mr Justin Crooks' final Council meeting representing Satterley Property Group will be 18 April 2013.

Moved Cr Tyzack, Seconded Cr Willox

[The recommendation in the agenda]

That the Council resolve to APPROVE the following replacement of key personnel pursuant to Clause 4.5 of the Development Management Agreement;

Name of Person	Job
Justin Crooks	Project Director

Name of Replacement Person	Job
Brenton Downing	Project Director

The Motion was put and declared CARRIED (10/0).

#### 9.17 CEO PERFORMANCE REVIEW 2012 - CONFIDENTIAL

The TPRC CEO, and participant Councils' advisers departed the meeting at 7.30pm.

Moved Cr Tyzack, Seconded Cr Willox

### That the TPRC Executive Assistant be requested to depart the meeting.

The Motion was put and declared CARRIED (10/0).

The Executive Assistant departed the meeting at 7.35pm.

Moved Cr Tyzack, Seconded Cr Cvitan

[The recommendation in the agenda]

That the Annual Appraisal Report and the Remuneration Report submitted by Workplace Solutions be RECEIVED.

Moved Cr Michael, Seconded Cr Tyzack an amendment to the recommendation as follows:

- 1. That Council ENDORSE the Appraisal Feedback Report and associated outcomes prepared by Mr John Phillips (WALGA Workplace Solutions).
- 2. That Council ENDORSE the overall rating of 'Exceeds Expectations' for the review period 2011/12.
- 3. That the CEO Performance Review Committee be requested to review the performance criteria and indicators for the October 2013 review and to delete the overall rating question.

- 4. That Council SCHEDULE the commencement of the 2013 appraisal process by 1 September 2013, with the appraisal to be completed before the TPRC Council meeting on 17 October 2013.
- 5. That Council ENDORSE Mr Arias' current remuneration package to be increased to \$317,844, being the Perth Wage Price Index (Public Sector) for December 2012 (full year effect) of 4.6%.
- 6. That Council AWARD a bonus payment of 7.5% of the existing base salary, totalling \$21,870, to Mr Arias for his performance during the review period in accordance with the terms of his contract as varied by Council following the 2010 appraisal process.

The Motion for amendment was put and declared CARRIED (10/0).

The Motion as then amended was put and declared CARRIED (10/0).

Moved Cr Tyzack, Seconded Cr Cvitan that standing orders be reopened and the meeting doors be opened at 7.52pm.

The Motion was put and declared CARRIED (10/0).

The Motion for Item 9.16 and 9.17 was then read aloud as follows:

### Item 9.16

That the Council resolve to APPROVE the following replacement of key personnel pursuant to Clause 4.5 of the Development Management Agreement;

Name of Person	Job
Justin Crooks	Project Director

Name of Replacement Person	Job
Brenton Downing	Project Director

### Item 9.17

- 1. That Council ENDORSE the Appraisal Feedback Report and associated outcomes prepared by Mr John Phillips (WALGA Workplace Solutions).
- 2. That Council ENDORSE the overall rating of 'Exceeds Expectations' for the review period 2011/12.
- 3. That the CEO Performance Review Committee be requested to review the performance criteria and indicators for the October 2013 review and to delete the overall rating question.
- 4. That Council SCHEDULE the commencement of the 2013 appraisal process by 1 September 2013, with the appraisal to be completed before the TPRC Council meeting on 17 October 2013.
- 5. That Council ENDORSE Mr Arias' current remuneration package to be increased to \$317,844, being the Perth Wage Price Index (Public Sector) for December 2012 (full year effect) of 4.6%.

6. That Council AWARD a bonus payment of 7.5% of the existing base salary,

	totalling \$21,870, to Mr Arias for his performance during the review period in accordance with the terms of his contract as varied by Council following the 2010 appraisal process.
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
	Item 9.16 – Development Management Agreement – Key People Item 9.17 – CEO Performance Review 2012 Item 9.18 – BGC Put Options/Department of Housing Purchase of Stage 3 Lots
14.	GENERAL BUSINESS
	Nil
15.	FORMAL CLOSURE OF MEETING
	The Chairman declared the meeting closed at 7.55pm.
These	e minutes were confirmed at a meeting on
SIGNI	ED this
as a ti	rue record of proceedings.
	CHAIRMAN