



TAMALA PARK
Regional Council

Ordinary Meeting of Council

MINUTES

Thursday 15 December 2011
Town of Victoria Park, 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 David Michael Cr Terry Tyzack Cr Rod Willox	Cr Stephanie Proud
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 Dianne Guise	Cr Bob Smithson 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 (from 6.15pm) Cr Corinne MacRae Cr Alannah MacTiernan (from 6.25pm) 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) Mrs Kylie Jeffs (Executive Assistant)
Apologies Councillors	Cr Eleni Evangel
Leave of Absence	Nil
Absent	Nil
Consultants	Mr Sandy Biagioni (Satterley Property Group) Mr Nigel Satterley (Satterley Property Group) Mr Grant Singleton (Satterley Property Group)
Apologies Participant Councils' Advisers	Nil
In Attendance Participant Councils' Advisers	Mr Lewis Bond (City of Perth) Mr John Giorgi (Town of Vincent) Mr Garry Hunt (City of Joondalup) Mr Arthur Kyron (Town of Victoria Park) Mr Jason Lyon (Town of Cambridge) Mr John Paton (City of Wanneroo) Mr Ross Povey (City of Stirling) Cr Stephanie Proud (City of Stirling)
Members of the Public	Nil
Press	Nil

1. OFFICIAL OPENING

At 6.02pm the Chairman declared the meeting of the Tamala Park Regional Council open.

The Chairman welcomed all to the meeting and, in particular, the TPRC's new councillors of Cr Frank Cvitan; Cr Corinne MacRae; Cr Alannah MacTiernan; Cr Terry Tyzack and Cr Rod Willox.

DISCLOSURE OF INTERESTS

Cr D Michael declared an impartial interest in Item 9.7 as he is close friends with an employee of the ABN Group.

2. PUBLIC STATEMENT/QUESTION TIME

Nil

3. APOLOGIES AND LEAVE OF ABSENCE

Apologies were received from Cr Eleni Evangel.

4. PETITIONS

Nil

5. CONFIRMATION OF MINUTES

Ordinary Meeting of Council – 13 October 2011

Moved Cr D Michael, Seconded Cr T Vaughan

That the minutes of the Ordinary Meeting of Council of 13 October 2011 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 – 10 November 2011

Moved Cr D Michael, Seconded Cr T Vaughan

That the minutes of the Special Meeting of Council of 10 November 2011 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

Nil

6. ANNOUNCEMENTS BY CHAIRMAN (WITHOUT DISCUSSION)

Nil

7. MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil

8. REPORTS OF COMMITTEES

Nil

9. ADMINISTRATION REPORTS

9.1 BUSINESS REPORT – PERIOD ENDING 15 DECEMBER 2011

Moved Cr T Tyzack, Seconded Cr F Cvitan

[The recommendation in the agenda]

That the Council RECEIVE the Business Report to 15 December 2011.

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

9.2 STATEMENTS OF FINANCIAL ACTIVITY FOR THE MONTHS OF SEPTEMBER, OCTOBER & NOVEMBER 2011

Moved Cr R Willox, Seconded Cr G Amphlett

[The recommendation in the agenda]

That the Council RECEIVE and NOTE the Statement of Financial Activity for the months ending 30 September 2011; 31 October 2011 and 30 November 2011.

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

9.3 LIST OF MONTHLY ACCOUNTS SUBMITTED FOR THE MONTH OF SEPTEMBER, OCTOBER & NOVEMBER 2011

Moved Cr D Michael, Seconded Cr T Tyzack

[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 September 2011, October 2011 and November 2011:

- **Month ending 30 September 2011 (Total \$77,386.51)**
- **Month ending 31 October 2011 (Total \$55,748.60)**
- **Month ending 30 November 2011 (Total \$251,352.34)**
- **Total Paid - \$384,487.45**

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

9.4 PROPOSED CHANGE OF SUBURB NAME – CLARKSON

Cr D Guise arrived during discussion on this item at 6.15pm.

Moved Cr R Willox, Seconded Cr T McLean

[The recommendation in the agenda]

That the Council RESOLVE to request the City of Wanneroo to support the renaming of that part of the Clarkson locality within the Tamala Park project (generally bounded by Mitchell Freeway, Neerabup Road, Marmion Avenue and the Tamala Park landfill site) to 'Catalina' and that the request be forwarded to the Geographic Names Committee for approval.

The Motion for amendment was put and declared LOST (3/7) due to the Geographic Names Committee and the City of Wanneroo not supporting the proposal.

For: Cr G Amphlett, Cr G Italiano and Cr R Willox.

Against: Cr F Cvitan, Cr D Guise, Cr C MacRae, Cr T McLean, Cr D Michael, Cr T Tyzack and Cr T Vaughan.

9.5 CHANGE OF NAME – TAMALA PARK REGIONAL COUNCIL

Cr A MacTiernan arrived during discussion on this item at 6.25pm.

Moved Cr T McLean, Seconded Cr G Amphlett

[The recommendation in the agenda]

That the Council RESOLVE to request approval from member Councils and the Minister for Local Government to a change of name of Council from 'Tamala Park Regional Council' to 'Catalina Regional Council'.

The Motion for amendment was put and declared LOST (4/7) as the TPRC Council members did not view the name change necessary.

For: Cr G Amphlett, Cr T McLean, Cr T Vaughan and Cr R Willox.

Against: Cr F Cvitan, Cr D Guise, Cr G Italiano, Cr C MacRae, Cr A MacTiernan, Cr D Michael and Cr T Tyzack.

9.6 SUSTAINABILITY INITIATIVES PLAN

Moved Cr T Tyzack, Seconded Cr D Guise

[The recommendation in the agenda]

- 1. RECEIVE the Sustainability Initiatives Plan (dated September 2011) submitted by the Satterley Property Group, prepared by Active Sustainability.**
- 2. Approve the use of the following sustainability initiatives Stage 1:**
 - **Third Pipe (non potable water supply system) - \$3,500 per lot allowance;**
 - **Waterwise landscape package - \$4,500 per lot allowance**
 - **Solar panels rebate - \$2,000 per lot allowance;**
 - **Fibre Optic service - \$1,000 per lot allowance;**
 - **Community Development - \$1,200 per lot allowance; and**
 - **Waste recycling (housing construction) - \$2,000 per lot allowance**
- 3. Approve the reallocation of \$47 per lot from the Community Development budget to the Sustainability Initiatives budget.**

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

9.7 DISPLAY VILLAGE LOTS TENDER AND ALLOCATION – CONFIDENTIAL

Moved Cr R Willox, Seconded Cr T Tyzack that the meeting move behind closed doors at 6.35pm to allow the Display Village Lots Tender to be discussed.

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

Mr Nigel Satterley was invited to address the Council on the builders matrix and current financial condition of the property market.

[The recommendation in the agenda]

1. APPROVE the Display Village Lot ranking as recommended by the Development Manager advice dated 1 December 2011.
2. Delegate to the Chief Executive Officer the following:-
 - a. Approval to proceed with the allocation in accordance with (1) and approve the Display Village Lots Tender and Allocation Procedure, September 2011.
 - b. Administer the provisions of the sales contract and proceed to dispose of the lot by private treaty subject to the requirements of the Local Government Act 1995.
3. APPROVE to amend the Delegation Register 2011/12 in accordance with (2) above.

Moved Cr T Tyzack, Seconded Cr D Michael with an additional recommendation 4 as follows:

1. **APPROVE the Display Village Lot ranking as recommended by the Development Manager advice dated 1 December 2011.**
2. **Delegate to the Chief Executive Officer the following:-**
 - a. **Approval to proceed with the allocation in accordance with (1) and approve the Display Village Lots Tender and Allocation Procedure, September 2011.**
 - b. **Administer the provisions of the sales contract and proceed to dispose of the lot by private treaty subject to the requirements of the Local Government Act 1995.**
3. **APPROVE to amend the Delegation Register 2011/12 in accordance with (2) above.**
4. **That the Builder companies with a sustainability credential rating less than 8 to be removed from the Display Village allocation list.**

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

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

9.8 STAGE 1 LAND RELEASE TO PRIVATE PURCHASERS - CONFIDENTIAL

[The recommendation in the agenda]

1. Delegate to the Chief Executive Officer the authority to establish the sale time / date for the Stage 1 lots, subject to all the documentation being completed.
2. Approve the use of the 2011 REIWA Offer and Acceptance Contract for Stage 1 lots with the following Special Conditions and Annexures;
 - REIWA Offer and Acceptance Contract 2011
 - Special Conditions TPRC public notice disclosure
 - Annexure A Restrictive Covenant
 - Annexure B Design Guidelines
 - Annexure C Home Building Package
 - Annexure D Provisions of Subdivision such as Detailed Area Plan
 - Copy of plan identifying lot to be purchased.
 - 2011 General Conditions – Joint Form of General Conditions for the Sale of Land;

Subject to the Contract, Special Conditions and Annexures being reviewed by Council's legal advisors;

3. Approve the amount of \$5,000 as the required deposit to be used in the Sales Contracts; with settlement within 28 days of issue of title.
4. Note approval of the following Building Incentives for Stage 1;
 - Third Pipe (non potable water supply system) - \$3,500 per lot allowance;
 - Waterwise landscape package - \$4,500 per lot allowance
 - Solar panels rebate - \$2,000 per lot allowance;
 - Fencing to the internal rear and side boundary at a cost of \$3,500 per lot in accordance with the Design Guidelines.
5. APPROVE amending the Delegation Register 2011/12 in accordance with (1) above.

Moved Cr T Tyzack, Seconded Cr G Amphlett with an amendment to Items 1 and 4 as follows:

1. **Delegate to the Chief Executive Officer the authority to establish the sale time / date for the Stage 1 lots, subject to all necessary documentation being completed.**
2. **Approve the use of the 2011 REIWA Offer and Acceptance Contract for Stage 1 lots with the following Special Conditions and Annexures;**
 - **REIWA Offer and Acceptance Contract 2011**
 - **Special Conditions TPRC public notice disclosure**
 - **Annexure A Restrictive Covenant**
 - **Annexure B Design Guidelines**
 - **Annexure C Home Building Package**
 - **Annexure D Provisions of Subdivision such as Detailed Area Plan**
 - **Copy of plan identifying lot to be purchased.**
 - **2011 General Conditions – Joint Form of General Conditions for the Sale of Land;**

Subject to the Contract, Special Conditions and Annexures being reviewed by Council's legal advisors;

3. **Approve the amount of \$5,000 as the required deposit to be used in the Sales Contracts; with settlement within 28 days of issue of title.**
4. **Note approval of the following Building Incentives for Stage 1;**
 - **A 3rd pipe system to provide non potable water for irrigation of private gardens at a cost of \$3,500 per lot.**
 - **Provision of water wise landscape package to front garden at a cost of \$4,500 per lot.**
 - **Provision of a \$2,000 per lot incentive toward solar panels and approve the reallocation of \$1,500 from the Sustainability Incentives to the Solar Package budget.**
 - **Provision of fencing to the internal rear and side boundary at a cost of \$3,500 per lot in accordance with the Design Guidelines.**
5. **APPROVE amending the Delegation Register 2011/12 in accordance with (1) above.**

The Motion for amendment was put and declared CARRIED BY ABSOLUTE MAJORITY (11/0).

The Motion as then amended was put and declared CARRIED BY ABSOLUTE MAJORITY (11/0).

9.9 PROJECT CASHFLOW REVIEW – 2012 CONFIDENTIAL

Moved Cr R Willox, Seconded Cr F Cvitan

[The recommendation in the agenda]

That the Council RECEIVE the review of the Project Cashflow for the 2012 financial year (dated December 2011) submitted by the Satterley Property Group.

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

Moved Cr R Willox, Seconded Cr D Guise that standing orders be reopened and the meeting doors be opened at 7.03pm.

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

The Chairman then announced the recommendations for items 9.7, 9.8 and 9.9 in turn.

9.10 CATALINA CENTRAL DESIGN GUIDELINES – SINGLE RESIDENTIAL LOTS

Moved Cr D Guise, Seconded Cr F Cvitan

[The recommendation in the agenda]

1. **APPROVE the Catalina Central Design Guidelines – Single Residential Lots, (November 2011) for the Central precinct.**

2. APPROVE the Catalina Central Design Guidelines – Single Residential Lots, (November 2011) being used as the basis of restrictive covenants to be applied to Stage 1.

Moved Cr C MacRae, Seconded Cr A MacTiernan an amendment to the Catalina Central Design Guidelines (Single Dwelling Lots), Item 2.5 (Garage) the deletion of the first dot point as follows:

- *A double garage is required for a front loaded Lot with a width of 13m or more.*

The Motion for amendment was put and declared CARRIED (9/2).

For: Cr G Amphlett, Cr F Cvitan, Cr D Guise, Cr G Italiano, Cr C MacRae, Cr A MacTiernan, Cr T McLean, Cr D Michael and Cr T Vaughan.

Against: Cr T Tyzack and Cr R Willox.

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

9.11 INTERNET & COMMUNICATION SERVICES TENDER

Moved Cr D Guise, Seconded Cr G Amphlett

[The recommendation in the agenda]

- 1. DECLINE to ACCEPT any of the Tenders for the provision of pit and pipe and an open access fibre optic internet service to the premises at Catalina for the Phase 1 area.**
- 2. AGREE to enter into an agreement with NBN Co fund the installation of Pit & Pipe and NBN Co to backhaul fibre into the estate for delivery of internet services within 6 months from title of the first lots**
- 3. That the Chairman and the CEO be AUTHORISED to sign and affix the TPRC common seal to the Contracts.**

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

9.12 ELECTED MEMBER ALLOWANCES

[The recommendation in the agenda]

- a) That the Local Government allowance for Chairman of the Council be 50% of the permitted maximum i.e. a payment of \$6,000 per annum.
- b) That the Local Government Allowance for Deputy Chairman be 25% of the amount paid to the Chairman.
- c) That the attendance fee for Chairman of the Council be an amount of \$14,000 per annum.
- d) That attendance fees for Council members be an amount of \$7,000 per annum.
- e) 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 2011) 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 R Willox, Seconded Cr T McLean an amendment to Items a, c, d and g as follows:

- a) **That the Local Government allowance for Chairman of the Council be 100% of the permitted maximum i.e. a payment of \$12,000 per annum.**
- b) **That the Local Government Allowance for Deputy Chairman be 25% of the amount paid to the Chairman.**
- c) **That the annual fee for Chairman of the Council be an amount of \$14,000 per annum.**
- d) **That annual fees for Council members be an amount of \$7,000 per annum.**
- e) **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 2013) 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.**

The Motion for amendment was put and declared CARRIED (10/1).

For: Cr G Amphlett, Cr F Cvitan, Cr D Guise, Cr G Italiano, Cr A MacTiernan, Cr T McLean, Cr D Michael, Cr T Tyzack, Cr T Vaughan and Cr R Willox.

Against: Cr C MacRae.

The Motion as then amended was put and declared CARRIED (10/1).

9.13 DELEGATION AUTHORITY – LATE ITEM

Moved Cr D Guise, Seconded Cr R Willox with 'advent' changed to 'event' and 'assumption' changed to 'estimation'.

[The recommendation in the agenda]

That Council **APPROVE** to modify Item 40 of the Delegation Register 2011/12 as follows:

“Determine the sale price for each of the single residential lots based upon the valuations supplied by the Development Manager and an independent valuer being cognisant of the approved Project Cashflow. Where there is a difference between the valuations supplied by the Development Manager and the independent valuer then the higher of the two values will be determined as the sale price. In the event that the determined sale price is less than the valuation estimation contained within the Project Cashflow the CEO shall refer the matter back to Council before exercising this delegation;

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

9.14 STAGE 2 LOT PRICES, BUILDERS DISPLAY VILLAGE – LATE ITEM & CONFIDENTIAL

Moved Cr D Michael, Seconded Cr F Cvitan that the meeting move behind closed doors at 7.40pm to allow the Stage 2 Lot Prices to be discussed.

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

Moved Cr F Cvitan, Seconded Cr G Amphlett

[The recommendation in the agenda]

That the Council APPROVE the recommended sale prices for Stage 2 lots as shown in Schedule 9.14.

The Motion as then amended was put and declared CARRIED BY ABSOLUTE MAJORITY (11/0).

Moved Cr D Guise, Seconded Cr T Tyzack that standing orders be reopened and the meeting doors be opened at 7.43pm.

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

The Chairman then announced the recommendation for items 9.14.

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 9.7: Display Village Lots Tender & Allocation
- Item 9.8: Stage 1 Land Release to Private Purchasers
- Item 9.9: Project Cashflow Review - 2012

14. GENERAL BUSINESS

Nil

15. FORMAL CLOSURE OF MEETING

The Chairman declared the meeting closed at 7.44pm.

These minutes were confirmed at a meeting on

SIGNED this day of 2012

as a true record of proceedings.

CHAIRMAN