



Ordinary Meeting of Council

Minutes

**Thursday 20 February 2020, 6:00pm
Town of Cambridge
1 Bold Park Drive, Floreat**

Constituent Members: Cities of Perth, Joondalup, Stirling, Vincent and Wanneroo
Towns of Cambridge and Victoria Park

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MEMBERSHIP

OWNER COUNCIL	MEMBER	ALTERNATE MEMBER
Town of Cambridge	Cr Andres Timmermanis (DEPUTY CHAIR)	Cr Gary Mack
City of Joondalup	Cr John Chester Cr Phillipa Taylor	Cr Christopher May Cr Suzanne Thompson
City of Perth	Cmr Andrew Hammond	Cmr Gaye McMath
City of Stirling	Cr Karen Caddy (CHAIR) Cr David Lagan Cr Suzanne Migdale Cr Bianca Sandri	Cr Karlo Perkov
Town of Victoria Park	Cr Claire Anderson	
City of Vincent	Mayor Emma Cole	Cr Joanne Fotakis
City of Wanneroo	Cr Brett Treby Cr Domenic Zappa	Cr Natalie Sangalli Cr Vinh Nguyen

PRESENT

Chair	Cr Karen Caddy
Councillors	Cr John Chester Mayor Emma Cole Cr David Lagan Cr Suzanne Migdale Cr Bianca Sandri Cr Philippa Taylor Cr Andres Timmermanis Cr Brett Treby Cr Vinh Nguyen - Alternate Member
Alternate Members	Nil
Staff	Mr Tony Arias (Chief Executive Officer) Mr Simon O'Sullivan (Manager Project Coordination) Ms Vickie Wesolowski (Executive Assistant)
Apologies Councillors	Cr Claire Anderson Cmr Andrew Hammond Cr Domenic Zappa
Leave of Absence	Nil
Absent	Nil
Consultants	Mr Brenton Downing (Satterley Property Group) Mr Carl Buckley (Satterley Property Group) Ms Lauren Vidler (Satterley Property Group)
Apologies Participant Councils' Advisers	Mr David MacLennan (City of Vincent) Mr Stuart Jardine (City of Stirling) Mr John Giorgi (Town of Cambridge) Mr Anthony Vuleta (Town of Victoria Park) Mr Murray Jorgensen (City of Perth) Mr Daniel Simms (City of Wanneroo)
In Attendance Participant Councils' Advisers	Ms Noelene Jennings (City of Wanneroo) – arrived 6:40pm Mr Garry Hunt (City of Joondalup) Mr Stevan Rodic (City of Stirling) Mr Gunter Hoppe (Mindarie Regional Council) – left 6:45pm
Members of the Public	Nil
Press	Nil

1. OFFICIAL OPENING

The Chair declared the meeting open at 6:07pm.

DISCLOSURE OF INTERESTS

Mr Tony Arias confirmed a Disclosure of Interest – Financial & Impartial Interest in relation to Item 10.7.

2. PUBLIC STATEMENT/QUESTION TIME

Nil

3. APOLOGIES AND LEAVE OF ABSENCE

Cr Claire Anderson
Cmr Andrew Hammond
Cr Domenic Zappa

4. PETITIONS

Nil

5. CONFIRMATION OF MINUTES

Ordinary Meeting of Council – 5 December 2020

Moved Cr Sandri, Seconded Cr Timmermanis

That the minutes of the Ordinary Meeting of Council of 5 December 2020 be confirmed, and signed by the Chair, as a true and correct record of proceedings.

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

5A BUSINESS ARISING FROM MINUTES

Nil

6. ANNOUNCEMENTS BY CHAIR (WITHOUT DISCUSSION)

Nil

7. MATTERS FOR WHICH MEETING MAY BE CLOSED

- 10.1 *Landscape Maintenance Tender*
- 10.2 *Built Form Partnership*
- 10.3 *Review of Development Manager's Key Performance Indicators*

- 10.4 *Development Management Agreement – Key People*
- 10.5 *Catalina Local Job Creation Strategy*
- 10.6 *Mindarie Regional Council Landfill Buffer – Groundwater Monitoring Briefing*
- 10.7 *CEO Annual Performance Review For 2018/2019*

8. COUNCIL REPORTS

Moved Cr Sandri, Seconded Cr Treby.

That Standing Orders be suspended to allow Item 10.7 to be considered behind closed doors.

The Motion was put and declared CARRIED (9/1).

For: Cr Caddy, Cr Chester, Cr Cole, Cr Lagan, Cr Migdale, Cr Sandri, Cr Taylor, Cr Treby and Cr Nguyen.

Against: Cr Timmermanis.

Moved Cr Lagan, Seconded Cr Sandri.

That Standing Orders be suspended to allow Confidential Item 10.7 to be discussed.

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

10.6 MINDARIE REGIONAL COUNCIL LANDFILL BUFFER – GROUNDWATER MONITORING BRIEFING - CONFIDENTIAL

Moved Cr Sandri, Seconded Cr Migdale.

[The recommendation in the agenda]

That the Council RECEIVES the briefing from Mr Gunther Hoppe – CEO, Mindarie Regional Council on monitoring and testing of the groundwater results and the status of the Contaminated Sites Auditor Report.

The Motion as amended was as follows:

That the Council

- 1. RECEIVES the briefing from Mr Gunther Hoppe – CEO, Mindarie Regional Council on monitoring and testing of the groundwater results and the status of the Contaminated Sites Auditor Report.**
- 2. REQUESTS the CEO to undertake additional groundwater monitoring outside the Buffer Zone in the POS production bores.**

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

Moved Cr Migdale, Seconded Cr Timmermanis.

That the Meeting be REOPENED to the public.

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

8.1 BUSINESS REPORT – PERIOD ENDING 13 FEBRUARY 2020

Moved Cr Chester, Seconded Cr Treby.

[The recommendation in the agenda]

That the Council RECEIVES the Business Report to 13 February 2020.

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

8.2 STATEMENTS OF FINANCIAL ACTIVITY FOR THE MONTHS OF NOVEMBER & DECEMBER 2019

Moved Cr Treby, Seconded Cr Migdale.

[The recommendation in the agenda]

That the Council RECEIVES and NOTES the Statements of Financial Activity for the months ending:

- **30 November 2019; and**
- **31 December 2019.**

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

8.3 LIST OF MONTHLY ACCOUNTS SUBMITTED FOR THE MONTHS OF NOVEMBER & DECEMBER 2019

Moved Cr Treby, Seconded Cr Cole.

[The recommendation in the agenda]

That the Council RECEIVES and NOTES the list of accounts paid under Delegated Authority to the CEO for the months of November and December 2019:

- **Month ending 30 November 2019 (Total \$397,207.73)**
- **Month ending 31 December 2019 (Total \$437,385.98)**
- **Total Paid - \$834,593.71**

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

8.4 PROJECT FINANCIAL REPORT – DECEMBER 2019

Moved Cr Sandri, Seconded Cr Migdale.

[The recommendation in the agenda]

That the Council RECEIVES the Project Financial Report (December 2019) submitted by the Satterley Property Group.

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

8.5 SALES AND SETTLEMENT REPORT – PERIOD ENDING 13 FEBRUARY 2020

Moved Cr Cole, Seconded Cr Treby.

[The recommendation in the agenda]

That the Council RECEIVES the Sales and Settlement Report to 13 February 2020.

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

8.6 SALES - MARKETING CAMPAIGN – APRIL TO JUNE 2020

Moved Cr Sandri, Seconded Cr Migdale.

[The recommendation in the agenda]

That the Council:

1. RECEIVES the Satterley Property Group correspondence (dated 28 January 2020) regarding a Sales and Marketing Campaign at Catalina Estate for April to June 2020;
2. APPROVES participation in a Sales and Marketing Campaign at Catalina Estate, as detailed in the Satterley Property Group correspondence (dated 28 January 2020), commencing 1 April 2020 to 30 June 2020, for a discount of \$10,000 to apply at settlement for all currently released lots in Catalina;
3. APPROVES the use of a \$2,000 referral fee to the Builder's Sales Representative for providing a qualified sales lead that results in the settlement of a lot at Catalina and that this fee be paid directly by the TPRC for the period 1 April 2020 to 30 June 2020.

The Motion as amended was as follows:

That the Council:

1. **RECEIVES the Satterley Property Group correspondence (dated 28 January 2020) regarding a Sales and Marketing Campaign at Catalina Estate for April to June 2020.**
2. **APPROVES participation in a Sales and Marketing Campaign at Catalina Estate, as detailed in the Satterley Property Group correspondence (dated 28 January 2020), commencing 1 April 2020 to 30 June 2020, for a discount of between \$10,000 to \$15,000 per lot apply at settlement for all currently released lots in Catalina.**

3. **APPROVES** the use of a \$2,000 referral fee to the Builder's Sales Representative for providing a qualified sales lead that results in the settlement of a lot at Catalina and that this fee be paid directly by the TPRC for the period 1 April 2020 to 30 June 2020.
4. **APPROVES** the increase in the marketing budget for this item up to a budget of \$40,000 with a report to go to the Management Committee meeting on 12 March 2020 outlining strategy for the allocation of the lot discount and proposed marketing strategy.

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

8.7 CATALINA BEACH PHASE 2 CONCEPT PLAN

Moved Cr Cole, Seconded Cr Sandri1.

[The recommendation in the agenda]

That the Council

1. **APPROVES** the use of the Workshop Outcomes (Appendix 8.7, dated 1 February 2020) to guide the planning and delivery of a revised Concept Plan for Catalina Beach Phase 2.
2. **ADVISES** the Satterley Property Group that the revised Concept Plan for Catalina Beach Phase 2, incorporating the Workshop Outcomes, is required to be resubmitted to Council for approval. This is to include a detailed economic assessment, particularly in respect to development costs, market analysis of the proposed lot sizes and configurations and selling costs (including purchaser incentives/rebates).

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

8.8 DISABILITY ACCESS AND INCLUSION PLAN 2019

Moved Cr Lagan, Seconded Cr Treby.

[The recommendation in the agenda]

That the Council APPROVES the Disability Access and Inclusion Plan 2019 – 2024 and that it be forwarded to the Department of Communities for endorsement.

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

8.9 MANAGEMENT COMMITTEE – TERMS OF REFERENCE/DELEGATIONS

[The recommendation in the agenda]

That the Council **APPROVES** the Terms of Reference and Delegations to the Management Committee (February 2020).

Moved Cr Cole, Seconded Cr Treby.

[An Alternative Motion]

That the Council DEFERS the Terms of Reference and Delegations to the Management Committee (February 2020) to the Council Meeting of April 2020.

The Motion was put and declared CARRIED (8/2).

For: Cr Caddy, Cr Chester, Cr Cole, Cr Lagan, Cr Sandri, Cr Taylor, Cr Treby and Cr Nguyen.

Against: Cr Migdale and Cr Timmermanis.

8.10 STRATEGIC COMMUNITY PLAN 2019 - 2029

Moved Cr Cole, Seconded Cr Timmermanis.

[The recommendation in the agenda]

That the Council APPROVES the Strategic Community Plan 2019 - 2029

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

8.11 CATALINA PROJECT BUDGET FYE 2021 DEVELOPMENT

Moved Cr Timmermanis, Seconded Cr Cole.

[The recommendation in the agenda]

That the Council:

- 1. AGREES to a Workshop for the Catalina Project Budget FYE 2021 for Councillors to provide input in the formation of objectives and key financial items/activities.**
- 2. AGREES to the following program for the development of the Catalina Project Budget FYE 2021, and Satterley Property Group Budget formulation and recommendations and reporting to the Management Committee and Council:**
 - Late March to early April (date to be confirmed) – Workshop Catalina Project Budget FYE 2021.**
 - 21 May 2020 – Management Committee determine Catalina Budget FYE 2021;**
 - 18 June Council determines Catalina Budget FYE 2021.**

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

9. COMMITTEE REPORTS – AUDIT COMMITTEE (6 FEBRUARY 2020)

9.1 TPRC FYE 2020 BUDGET REVIEW

Moved Cr Timmermanis, Seconded Cr Sandri.

[The recommendation in the agenda]

That the Council ADOPTS the Budget Review with the variations for the period 1 July 2019 to 30 June 2020 as detailed in the Budget Analysis Worksheet attached to Appendix 9.1.

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

9.2 LOCAL GOVERNMENT COMPLIANCE AUDIT FOR YEAR ENDED 31 DECEMBER 2019

Moved Cr Treby, Seconded Cr Lagan.

[The recommendation in the agenda]

That the Compliance Audit Return for the Tamala Park Regional Council for the year ended 31 December 2019 be ADOPTED, RECORDED in the minutes, CERTIFIED and SENT to the Director General of the Department of Local Government, Sport and Cultural Industries, in accordance with the Local Government Act and Regulations.

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

9.3 FINANCIAL MANAGEMENT REVIEW

Moved Cr Timmermanis, Seconded Cr Taylor.

[The recommendation in the agenda]

That the Council:

- 1. RECEIVES the Moore Stephens Financial Management Review (June 2019) of the TPRC financial management systems and procedures in accordance with *Local Government (Financial Management) Regulations*.**
- 2. NOTES the recommended changes to the TPRC financial management systems and procedures in accordance with the Moore Stephens Financial Management Review (June 2019).**

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

9.4 CODE OF CONDUCT FOR COUNCIL MEMBERS AND STAFF

Moved Cr Lagan, Seconded Cr Migdale.

[The recommendation in the agenda]

That the Councils ADOPTS the Tamala Park Regional Council Code of Conduct for Council Members and Staff (February 2020).

The Motion as amended was as follows:

That the Councils ADOPTS the Tamala Park Regional Council Code of Conduct for Council Members and Staff (February 2020) subject to:

- 1. Clause 1.1 to include the following; “*Note: For the purposes of this document “Community” is defined as the member Councils on behalf of the communities of all member Councils.*”**
- 2. Clause 3.4 to include reference to Council Members.**

The Motion was put and declared CARRIED (9/1).

For: Cr Caddy, Cr Chester, Cr Cole, Cr Lagan, Cr Migdale, Cr Sandri, Cr Taylor, Cr Treby and Cr Nguyen.

Against: Cr Timmermanis.

9.5 ASSET MANAGEMENT PLAN 2019

Moved Cr Cole, Seconded Cr Lagan.

[The recommendation in the agenda]

That the Council APPROVES the Asset Management Plan 2019 and that it be forwarded to the Director General of the Department of Local Government, Sport and Cultural Industries for endorsement.

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

10 CONFIDENTIAL REPORTS

Moved Cr Sandri, Seconded Cr Lagan.

That Standing Orders be suspended to allow Confidential Items 10.1 to 10.7 to be discussed behind closed doors.

The Motion was put and declared CARRIED (9/1).

For: Cr Caddy, Cr Chester, Cr Cole, Cr Lagan, Cr Migdale, Cr Sandri, Cr Taylor, Cr Treby and Cr Nguyen.

Against: Cr Timmermanis.

10.1 LANDSCAPE MAINTENANCE TENDER – CONFIDENTIAL

Moved Cr Lagan, Seconded Cr Chester.

[The recommendation in the agenda]

That the Council:

- 1. ACCEPTS the Environmental Industries Tender submission (dated November 2019) for Landscape Maintenance in accordance with Tender 08/2019 for a period of two years until February 2022, with the option to extend the contract a further 12 months to February 2023 at the absolute discretion of the TPRC.**

2. AUTHORISES the Chair and the CEO to sign the Contract.

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

10.2 BUILT FORM PARTNERSHIP - CONFIDENTIAL

Moved Cr Chester, Seconded Cr Nguyen.

[The recommendation in the agenda]

That the Council:

- 1. AGREES to extend the negotiation period with Now Living/Terrace (J Corp Pty Ltd) as the preferred tenderer for Tender 05/2019 (Built Form) to 31 March 2020.**
- 2. APPROVES that in the event that no agreement terms are reached by 31 March 2020, to commence negotiations with Schlager Group/David Barr Architects and Josh Byrne and Associates, the second-ranked tenderer for Tender 05/2019, to explore potential commercial terms for development of the Stage 18 grouped housing sites.**

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

Chair Cr Caddy vacated the Chair position and the Deputy Chair assumed the Chair.

10.3 REVIEW OF DEVELOPMENT MANAGER'S KEY PERFORMANCE INDICATORS - CONFIDENTIAL

[The recommendation in the agenda]

That the Council:

- 1. RECEIVES the Outcomes Report, prepared by Learning Horizons (dated February 2020).**
- 2. ENDORSES the general direction outlined in the Outcomes Report, prepared by Learning Horizons (dated February 2020).**

Moved Cr Caddy, Seconded Cr Migdale.

[An Alternative Motion]

That the Council:

- 1. RECEIVES the Outcomes Report, prepared by Learning Horizons (dated February 2020).**
- 2. ENDORSES the general direction outlined in the Outcomes Report, prepared by Learning Horizons (dated February 2020).**
- 3. ENDORSES the Development Manager's KPIs as outlined on pages 234 - 238 of the Appendices for the remainder of this year, with the due dates for delivery of the informing strategies to be agreed between TPRC and Satterley Property Group.**

4. AGREES that these KPIs will form the basis of next year’s Development Manager’s KPIs subject to further refinement if required as part of annual budget deliberations.

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

Chair Cr Caddy resumed the Chair position.

10.4 DEVELOPMENT MANAGEMENT AGREEMENT – KEY PEOPLE – CONFIDENTIAL

Moved Cr Timmermanis, Seconded Cr Cole.

[The recommendation in the agenda]

That the Council APPROVES the following replacement of key personnel pursuant to Clause 4.5 of the Development Management Agreement:

Name of Person	Position
Matej Nvota	Marketing

Name of Replacement Person	Position
Bryony Yuill	Marketing

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

10.5 CATALINA LOCAL JOB CREATION STRATEGY - CONFIDENTIAL

[The recommendation in the agenda]

That the Council:

1. APPROVES the Catalina Local Job Creation Strategy (November 2019) prepared by the Satterley Property Group.
2. REQUESTS the Satterley Property Group, as part of the review of the Catalina Local Job Creation Strategy (November 2019) provide advice on the outcomes of the job creation strategies implemented.
3. ACCEPTS that the Satterley Property Group has achieved Key Performance Indicator Item 2.3 – Development of Strategies to Achieve Local Job Creation Initiatives for 2019.

Moved Cr Timmermanis, Seconded Cr Lagan.

[An Alternative Motion]

That the Council:

1. **APPROVES the Catalina Local Job Creation Strategy (November 2019) prepared by the Satterley Property Group.**

2. ACCEPTS that the Satterley Property Group has achieved Key Performance Indicator Item 2.3 – Development of Strategies to Achieve Local Job Creation Initiatives for 2019.

The Motion was put and declared CARRIED (8/2).

For: Cr Caddy, Cr Chester, Cr Cole, Cr Lagan, Cr Migdale, Cr Sandri, Cr Taylor and Cr Timmermanis.

Against: Cr Treby and Cr Nguyen.

The CEO and Councils' Officers vacated the meeting.

10.7 CEO ANNUAL PERFORMANCE REVIEW FOR 2018/2019 – CONFIDENTIAL

Moved Cr Lagan, Seconded Cr Treby.

[The recommendation in the agenda]

That the Council APPROVES:

- 1. The CEO has met the performance requirements set by Council for 2018-2019.**
- 2. The CEO be given a salary increase of 1.0 per cent in line with WA CPI.**
- 3. The Council and the CEO mutually agree on Key Performance Indicators for 2019-2020.**

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

Moved Cr Timmermanis, Seconded Cr Sandri.

That the Meeting be REOPENED to the public.

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

The recommendations for Confidential Items 10.1 to 10.7 were read out as follows:

10.1 LANDSCAPE MAINTENANCE TENDER

That the Council:

- 1. ACCEPTS the Environmental Industries Tender submission (dated November 2019) for Landscape Maintenance in accordance with Tender 08/2019 for a period of two years until February 2022, with the option to extend the contract a further 12 months to February 2023 at the absolute discretion of the TPRC.*
- 2. AUTHORISES the Chair and the CEO to sign the Contract.*

10.2 BUILT FORM PARTNERSHIP

That the Council:

1. *AGREES to extend the negotiation period with Now Living/Terrace (J Corp Pty Ltd) as the preferred tenderer for Tender 05/2019 (Built Form) to 31 March 2020.*
2. *APPROVES that in the event that no agreement terms are reached by 31 March 2020, to commence negotiations with Schlager Group/David Barr Architects and Josh Byrne and Associates, the second-ranked tenderer for Tender 05/2019, to explore potential commercial terms for development of the Stage 18 grouped housing sites.*

10.3 REVIEW OF DEVELOPMENT MANAGER'S KEY PERFORMANCE INDICATORS

That the Council:

1. *RECEIVES the Outcomes Report, prepared by Learning Horizons (dated February 2020).*
2. *ENDORSES the general direction outlined in the Outcomes Report, prepared by Learning Horizons (dated February 2020).*
3. *ENDORSES the Development Manager's KPIs as outlined on pages 234 - 238 of the Appendices for the remainder of this year, with the due dates for delivery of the informing strategies to be agreed between TPRC and Satterley Property Group.*
4. *AGREES that these KPIs will form the basis of next year's Development Manager's KPIs subject to further refinement if required as part of annual budget deliberations.*

10.4 DEVELOPMENT MANAGEMENT AGREEMENT – KEY PEOPLE

That the Council *APPROVES* the following replacement of key personnel pursuant to Clause 4.5 of the Development Management Agreement:

<i>Name of Person</i>	<i>Position</i>
<i>Matej Nvota</i>	<i>Marketing</i>

<i>Name of Replacement Person</i>	<i>Position</i>
<i>Bryony Yuill</i>	<i>Marketing</i>

10.5 CATALINA LOCAL JOB CREATION STRATEGY

That the Council:

1. *APPROVES the Catalina Local Job Creation Strategy (November 2019) prepared by the Satterley Property Group.*
2. *ACCEPTS that the Satterley Property Group has achieved Key Performance Indicator Item 2.3 – Development of Strategies to Achieve Local Job Creation Initiatives for 2019.*

10.7 CEO ANNUAL PERFORMANCE REVIEW FOR 2018/2019

That the Council APPROVES:

1. The CEO has met the performance requirements set by Council for 2018-2019.
2. The CEO be given a salary increase of 1.0 per cent in line with WA CPI.
3. The Council and the CEO mutually agree on Key Performance Indicators for 2019-2020.

11. ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

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

Nil

13. URGENT BUSINESS APPROVED BY THE CHAIR

Nil

14. MATTERS BEHIND CLOSED DOORS

- 10.1 *Landscape Maintenance Tender*
- 10.2 *Built Form Partnership*
- 10.3 *Review of Development Manager's Key Performance Indicators*
- 10.4 *Development Management Agreement – Key People*
- 10.5 *Catalina Local Job Creation Strategy*
- 10.6 *Mindarie Regional Council Landfill Buffer – Groundwater Monitoring Briefing*
- 10.7 *CEO Annual Performance Review For 2018/2019*

15. GENERAL BUSINESS

Nil

16. FORMAL CLOSURE OF MEETING

The Chair declared the meeting closed at 8:45pm.

These minutes were confirmed at a meeting on

SIGNED this day of 2020

as a true record of proceedings.

CHAIR