

Ordinary Meeting of Council

Thursday 17 June 2021

MINUTES

City of Perth
27 St Georges Terrace, Perth

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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	Cr Brent Fleeton	Cr Clyde Bevan
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	Cr Joanne Fotakis	Cr Alex Castle
City of Wanneroo	Cr Brett Treby Cr Domenic Zappa	Cr Natalie Sangalli Cr Vinh Nguyen

PRESENT

Chair	Cr Karen Caddy
Councillors	Cr Claire Anderson Cr John Chester Cr Brent Fleeton Cr Joanne Fotakis (arrived 6:09pm) Cr David Lagan Cr Bianca Sandri Cr Philippa Taylor Cr Andres Timmermanis Cr Brett Treby Cr Domenic Zappa
Alternate Members	Nil
Staff	Mr Tony Arias (Chief Executive Officer) Ms Vickie Wesolowski (Executive Assistant)
Apologies Councillors	Cr Suzanne Migdale
Leave of Absence	Nil
Absent	Nil
Consultants	Mr Alan Abel (Satterley Property Group) Mr Carl Buckley (Satterley Property Group) Mr Nigel Satterley (Satterley Property Group)
Apologies Participant Councils' Advisers	Mr John Giorgi (Town of Cambridge) Mr Stuart Jardine (City of Stirling) Mr David MacLennan (City of Vincent) Mr James Pearson (City of Joondalup) Ms Michelle Reynolds (City of Perth) Mr Daniel Simms (City of Wanneroo) Mr Anthony Vuleta (Town of Victoria Park)
In Attendance Participant Councils' Advisers	Nil
Members of the Public	Nil
Press	Nil

1. OFFICIAL OPENING

The Chair declared the meeting open at 6:03pm.

DISCLOSURE OF INTERESTS

Councillors Fleeton, Lagan and Sandri each disclosed an Impartiality Interest for Item 13.5 - Sale of TPRC Landholding as they have been approached by property developers.

2. PUBLIC STATEMENT/QUESTION TIME

Nil

3. APOLOGIES AND LEAVE OF ABSENCE

Apologies: Cr Suzanne Migdale

Request for Leave of Absence: Cr Karen Caddy

Cr Caddy has requested Leave of Absence from Council duties covering the period 27 July 2021 to 6 August 2021 inclusive.

Moved Cr Sandri, Seconded Cr Timmermanis.

That Council approve Cr Caddy's Leave of Absence from 27 July 2021 to 6 August 2021 (inclusive).

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

4. PETITIONS

Nil

5. CONFIRMATION OF MINUTES

Special Meeting of Council – 26 May 2021

Moved Cr Zappa, Seconded Cr Timmermanis.

That the minutes of the Ordinary Meeting of Council of 26 May 2021 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

The Chair provided a status report on the progress towards the appointment of a Temporary TPRC CEO.

Cr Joanne Fotakis joined the meeting 6:09pm.

6. ANNOUNCEMENTS BY CHAIR (WITHOUT DISCUSSION)

Nil

7. ADMINISTRATION REPORTS AS PRESENTED (ITEMS 7.1 – 7.6)

7.5 SALES AND SETTLEMENT REPORT – PERIOD ENDING 10 JUNE 2021

Moved Cr Zappa, Seconded Cr Treby.

[The recommendation in the agenda]

That the Council RECEIVES the Sales and Settlement Report to 10 June 2021.

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

The recommendations for Items 7.1 - 7.4 and 7.6 were moved and seconded en bloc.

Moved Cr Timmermanis, Seconded Cr Treby.

7.1 BUSINESS REPORT – PERIOD ENDING 10 JUNE 2021

[The recommendation in the agenda]

That the Council RECEIVES the Business Report to 10 June 2021.

7.2 STATEMENTS OF FINANCIAL ACTIVITY FOR THE MONTHS OF APRIL AND MAY 2021

[The recommendation in the agenda]

That the Council RECEIVES and NOTES the Statements of Financial Activity for the months ending 30 April 2021 and 31 May 2021.

7.3 LIST OF MONTHLY ACCOUNTS SUBMITTED FOR THE MONTHS OF MARCH - MAY 2021

[The recommendation in the agenda]

That the Council:

- 1. RECEIVES and NOTES the list of accounts paid under Delegated Authority to the CEO for the months of March, April and May 2021:**

Month ending 31 March 2021 (Total \$811,191.73)
Month ending 30 April 2021 (Total \$1,156,922.89)
Month ending 31 May 2021 (Total \$305,180.67)
Total (\$2,273,295.29)

2. **APPROVES** the CEO Credit Card Statement for the period March - May 2021.

7.4 PROJECT FINANCIAL REPORT – APRIL 2021

[The recommendation in the agenda]

That the Council **RECEIVES** the Project Financial Report (April 2021) submitted by the Satterley Property Group.

7.6 TEMPORARY TPRC CEO - SELECTION CRITERIA AND POSITION DESCRIPTION - LATE ITEM

[The recommendation in the agenda]

That the Council **APPROVE**:

1. **The Selection Criteria and Position Description for the Temporary TPRC CEO (June 2021).**
2. **That in the event the TPRC Temporary CEO is not appointed or not able to commence by 11 August 2021, the Council agrees to the continuation of John Anthony Arias as Chief Executive Officer – TPRC, for a period of up to 4 weeks from the 11 August 2021, on the terms and conditions of the current employment contract.**

The Motions were put and declared CARRIED (11/0).

8. COMMITTEE REPORTS 8.1 - 8.13

MANAGEMENT COMMITTEE (20 MAY 2021)

8.1 PROJECT BUDGET FYE 2022

Moved Cr Lagan, Seconded Cr Chester.

[The recommendation in the agenda]

That the Council:

1. **APPROVES** the Project Budget FYE 2022 (June 2021), submitted by the Satterley Property Group, as the basis of financial planning for the TPRC Budget FYE 2022, subject to the predicted distribution to member local governments being decreased from \$16.0M to \$10.00M.
2. **APPROVES** the TPRC Budget FYE 2021 being amended to increase the distribution to member local governments from \$3.0M to \$9.00M, and that this matter be presented to the Special Meeting of Council to be held on 26 May 2021.

3. REQUESTS the CEO to develop a Payment of Distributions Policy.

The Motion as amended was as follows:

That the Council APPROVES the Project Budget FYE 2022 (June 2021), submitted by the Satterley Property Group, as the basis of financial planning for the TPRC Budget FYE 2022, subject to the predicted distribution to member local governments being decreased from \$16.0M to \$10.00M.

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

AUDIT COMMITTEE (13 MAY 2021)

8.6 ATTENDANCE AT EVENTS POLICY

Moved Cr Zappa, Seconded Cr Anderson.

[The recommendation in the agenda]

That the Council APPROVES the Attendance at Events Policy (April 2021).

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

The recommendations for Items 8.4, 8.5 and 8.7 – 8.12 were moved and seconded en bloc.

Moved Cr Zappa, Seconded Cr Timmermanis.

8.4 REGULATION 17 REVIEW - RISK, INTERNAL CONTROLS SYSTEMS AND LEGISLATIVE COMPLIANCE

[The recommendation in the agenda]

That the Council:

- 1. RECEIVES the Moore Australia Review (March 2021) of the TPRC Risk, Internal Controls Systems and Legislative Compliance in accordance with Regulation 17 Review *Local Government (Financial Management) Regulations*.**
- 2. NOTES the recommended changes to the TPRC Risk, Internal Controls Systems and Legislative Compliance in accordance with Schedule 1 (May 2021).**

8.5 GOVERNANCE AND INTERNAL CONTROL FRAMEWORK

[The recommendation in the agenda]

That the Council ADOPTS the Governance and Internal Control Framework (April 2021).

8.7 INVESTMENT POLICY REVIEW

[The recommendation in the agenda]

That the Council APPROVES the Investment Policy (April 2021).

8.8 COMPLAINTS POLICY REVIEW

[The recommendation in the agenda]

That the Council ADOPTS the Complaints Policy and Procedure (April 2021).

8.9 GIFTS, BENEFITS AND HOSPITALITY POLICY 2021

[The recommendation in the agenda]

That the Council ADOPTS the Gifts, Benefits and Hospitality Policy (April 2021).

8.10 LEGISLATIVE COMPLIANCE POLICY

[The recommendation in the agenda]

That the Council APPROVES the Legislative Compliance Policy (April 2021).

8.11 CREDIT CARD POLICY REVIEW

[The recommendation in the agenda]

That the Council APPROVES the Credit Card Policy (April 2021).

8.12 INFORMATION AND TECHNOLOGY ACCEPTABLE USE POLICY

[The recommendation in the agenda]

That the Council APPROVES the Information and Technology Acceptable Use Policy (April 2021).

The Motions were put and declared CARRIED (11/0).

9. ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

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

Nil

11. URGENT BUSINESS APPROVED BY THE CHAIR

Nil

12. GENERAL BUSINESS

Nil

13. DECISION TO MOVE TO CONFIDENTIAL SESSION

Moved Cr Treby, Seconded Cr Sandri.

That the Council:

Move into Closed Session and exclude members of the press and public from the meeting of the Closed Session and access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld. This action is taken in accordance with Section 5.23 of the *Local Government Act 1995*, as Items 13.1 - Annual Plan, 13.2 - Natural Environmental Strategy, 13.3 - Landscape & Irrigation Works Tender, 13.4 - TPRC Organisational Review and 13.5 - Sale of TPRC Landholding come within the following provisions:

- c) *A contract entered into, or which may be entered into, by the TPRC and which relates to a matter to be discussed at a meeting (section 5.23(2)(c)); and***
- d) *Legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; or***
- e) *A matter that if disclosed, would reveal –***
 - i) *Information that has a commercial value to a person; or***
 - ii) *Information about the business, professional, commercial or financial affairs of a person where the information is held by, or is about, a person other than the TPRC (section 5.23(2)(e)).***

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

13.1 CONFIDENTIAL: ANNUAL PLAN FYE 2022

Moved Cr Timmermanis, Seconded Cr Sandri.

[The recommendation in the agenda]

That the Council:

- 1. APPROVES the Annual Plan FYE 2022 (June 2021), prepared by the Satterley Property Group, as the basis of financial planning for the TPRC Budget FYE 2022.**

2. **ACCEPTS that the Satterley Property Group has achieved Key Performance Indicator – Governance, requiring the preparation of a Project Annual Plan.**

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

13.2 CONFIDENTIAL: CATALINA NATURAL ENVIRONMENT STRATEGY (2021)

Moved Cr Timmermanis, Seconded Cr Treby.

[The recommendation in the agenda]

That the Council:

1. **APPROVES the Catalina Natural Environment Strategy (2021).**
2. **ACCEPTS that the Satterley Property Group has achieved the deliverables required by the Development Manager’s Key Performance Indicators (February 2020) - Governance, requiring the delivery of the Catalina Natural Environment Strategy.**

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

13.3 CONFIDENTIAL: LANDSCAPE AND IRRIGATION WORKS TENDER 03/2021

Moved Cr Treby, Seconded Cr Fotakis.

[The recommendation in the agenda]

That the Council ACCEPTS the LD Total Landscaping and Irrigation Works tender submission (dated May 2021), for the provision of landscaping and irrigation services in accordance with Tender 3/2021 (Catalina Landscaping and Irrigation Works, dated May 2021).

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

Satterley Property Group representatives left the meeting at 6:41pm.

13.4 CONFIDENTIAL: DRAFT TPRC ORGANISATIONAL REVIEW REPORT

[The recommendation in the agenda]

That the Council:

1. **RECEIVES the Draft TPRC Organisational Review Report (dated May 2021), prepared by Learning Horizons.**
2. **SUPPORTS implementation of Option F - TPRC “as is”, applying additional resource but with some changed roles to increase efficiency, as outlined in the Draft TPRC Organisational Review Report (dated May 2021).**

3. AGREES that the CEO commence discussions with the Development Manager on the possible change of roles to increase efficiency and delegation on operational activities as outlined in Option A in the Draft TPRC Organisational Review Report (dated May 2021).
4. REQUESTS the CEO to prepare a report on the outcomes of (3) above, including legislative and financial implications for Council consideration.

Moved Cr Lagan, Seconded Cr Timmermanis.

An amended Motion as follows:

That the Council RECEIVES the Draft TPRC Organisational Review Report (dated May 2021), prepared by Learning Horizons.

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

13.5 CONFIDENTIAL: SALE OF TPRC LANDHOLDING - LATE ITEM

Councillors Fleeton, Lagan and Sandri each disclosed an Impartiality Interest for Item 13.5 - Sale of TPRC Landholding as they have been approached by property developers.

Moved Cr Sandri, Seconded Cr Timmermanis.

In accordance with clause 12.7 of *Standing Orders Local Laws 2006*, the Council resolves to SUSPEND Standing Orders to allow discussion of Item 13.5 - Sale of TPRC Landholding.

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

Moved Cr Sandri, Seconded Cr Lagan.

That Standing Orders be REINSTATED.

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

[The recommendation in the agenda]

That the Council:

1. RECEIVES the report, dated 15 June 2021.
2. REQUESTS the CEO to provide a report on the process and resources necessary to guide its consideration of the potential sale of all/portion of the TPRC landholding and comply with the legislative requirements. Including obtaining an independent valuation of the Catalina landholding to ascertain current market value.
3. SEEKS formal advice from the participant local governments as to whether they would like to divest interest in the TPRC landholdings.

Moved Cr Timmermanis, Seconded Cr Treby.

An amended Motion as follows:

That the Council:

- 1. RECEIVES the report, dated 15 June 2021.**
- 2. REQUESTS the CEO to provide a report on the process and resources necessary to guide its consideration of the potential sale of all/portion of the TPRC landholding and comply with the legislative requirements. Including obtaining an independent valuation of the Catalina landholding to ascertain current market value.**

Moved Cr Taylor, Seconded Cr Chester.

An amendment to the Motion to include (3) as follows:

- 3. SEEKS formal advice from the participant local governments as to whether they would like to divest interest in the TPRC landholdings.**

The amendment to the Motion was put and LOST (3/8).

For: Cr Chester, Fleeton and Taylor.

Against: Cr Anderson, Cr Caddy, Cr Fotakis, Cr Lagan, Cr Sandri, Cr Timmermanis, Cr Treby and Cr Zappa.

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

Moved Cr Timmermanis, Seconded Cr Lagan

That the Meeting be REOPENED to the public.

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

14. FORMAL CLOSURE OF MEETING

The Chair declared the meeting closed at 7:45pm.