



TAMALA PARK
REGIONAL COUNCIL

Ordinary Meeting of Council

MINUTES

Thursday 11 October 2007
Town of Victoria Park, 5.30pm

TAMALA PARK
REGIONAL COUNCIL
(TPRC)
COMPRISES 7 LOCAL
AUTHORITY
PARTICIPANTS:

Town of Cambridge
City of Joondalup
City of Perth
City of Stirling
Town of Victoria Park
Town of Vincent
City of Wanneroo

MEMBERSHIP

| OWNER COUNCIL | MEMBER | DEPUTY MEMBER |
|-----------------------|--|---------------------------|
| Town of Cambridge | A/Mayor O'Connor | Cr Barlow |
| City of Joondalup | Mayor Pickard Cr John | Cr Fishwick Cr Jacob * |
| City of Perth | Cr Evangel | Cr Sutherland |
| City of Stirling | Mayor Tyzack Cr Boothman Cr Clarey Cr Stewart | Cr Ham Cr Rose |
| Town of Victoria Park | Cr Nairn (Deputy Chairman) | Cr Skinner |
| Town of Vincent | Mayor Catania | Deputy Mayor Cr Farrell |
| City of Wanneroo | Mayor Kelly Deputy Mayor Cr Salpietro (Chairman) | Cr Treby Cr Roberts |

*** Declaration of office to be completed**

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PRESENT

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| A/Chairman | Cr V Nairn |
| Councillors | Cr D Boothman Cr E Evangel Cr M John Cr P O'Connor Cr T Pickard Cr T Tyzack |
| Alternate Members | Cr T Roberts |
| Staff | Rod Constantine (Chief Executive Officer) Kylie Jeffs (Minute Clerk) |
| Apologies Councillors | Cr N Catania Cr T Clarey Cr J Kelly Cr B Stewart |
| Leave of Absence | Cr S Salpietro (Chairman) |
| Absent | Nil |
| Consultants | Nil |
| Apologies Represented Councils' Advisors | Garry Hunt (City of Joondalup) John Giorgi (Town of Vincent) |
| In Attendance | Fiona Bentley (City of Wanneroo) Lewis Bond (City of Perth) Rochelle Lavery (Town of Victoria Park) Jason Lyon (Town of Cambridge) Mike Tidy (City of Joondalup) |
| Members of the Public | Nil |
| Press | Nil |

1. OFFICIAL OPENING

The meeting was declared open at 5.40pm.

DISCLOSURE OF INTERESTS

Nil

2. PUBLIC STATEMENT/QUESTION TIME

Nil

3. APOLOGIES AND LEAVE OF ABSENCE

- 3.1 Apologies were received from Cr N Catania, Cr T Clarey, Cr J Kelly and Cr B Stewart.

4. PETITIONS

Nil

5. CONFIRMATION OF MINUTES

Moved Cr Pickard, Seconded Cr John

That the minutes of the Ordinary Council meeting of 9 August 2007 be confirmed, and signed by the Chairman, as a true and correct record of proceedings.

The motion was put and declared CARRIED.

6. ANNOUNCEMENTS BY CHAIRMAN (WITHOUT DISCUSSION)

Nil

7. MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil

8. REPORTS OF COMMITTEES

- 8.1 Audit Committee Meeting - 11 October 2007

Moved Cr Pickard, Seconded Cr Tyzack

That the minutes of the Audit Committee meeting of 11 October 2007 be received.

The motion was put and declared CARRIED.

- 8.2 Audit Committee Meeting - 21 September 2007

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| Audit Committee Meeting Item 8.1 Audit Charter & Annual Audit Plan |
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Committee Recommendation

Moved Cr Pickard, Seconded Cr O'Connor

The Committee recommends to Council:

1. That the TPRC Audit Charter, amended to record the Council resolution to increase membership from 3 to 5, be **AFFIRMED** as the Audit Charter of the TPRC as at September 2007.

2. That the Audit Plan as submitted be ADOPTED.

The Motion was put and declared CARRIED.

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| Audit Committee Meeting Item 8.2 TPRC Annual Report for the Year 1 July 2006 to 30 June 2007 |
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Committee Recommendation

Moved Cr Pickard, Seconded Cr Tyzack

The Committee recommends to Council:

That the annual report for the TPRC for the year ended 30 June 2007 be ADOPTED.

The Motion was put and declared CARRIED by absolute majority vote.

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| Audit Committee Meeting Item 8.3 TPRC Annual Financial Report for the Year 1 July 2006 to 30 June 2007 |
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Moved Cr Pickard, Seconded Cr Tyzack

The Committee recommends to Council:

That the annual financial report for the year 1 July 2006 to 30 June 2007 be ADOPTED.

The Motion was put and declared CARRIED.

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| Audit Committee Meeting Item 8.4 Appointment of External Auditor |
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Moved Cr Tyzack, Seconded Cr O'Connor

The Committee recommends to Council:

- 1. That the audit specification and contractual requirements as submitted be APPROVED for application to the Audit contract for services to the TPRC for the period 2007 – 2010.**
- 2. That action taken requesting quotations for audit services be ENDORSED.**
- 3. That the process and timetable for appointment of the External Auditor to the Council be endorsed as follows:**
 - a. Call for quotations from auditors servicing participant Councils (27 August 2007);**
 - b. Closure – receipt of quotations (17 September 2007);**
 - c. Consideration of responses and recommendations by the Audit Committee 21 September 2007;**

d. Adoption of recommendation to appoint auditor by the TPRC Council (11 October 2007).

4. That Mr A. Macri of Macri and Partners be APPOINTED Auditor to the TPRC for the 3 financial years ending 30 June 2008; 2009 and 2010 respectively.

5. That audit fees be APPROVED as submitted:

| REQUIREMENT EXTERNAL AUDITING SERVICES | YEAR 1 | YEAR 2 | YEAR 3 |
|---|---------------|---------------|---------------|
| Fixed Lump Sum Fee Per Annum (Including GST) | \$6,050 | \$6,600 | \$7,150 |
| Estimated Number of Hours | 57 | 60 | 60 |
| HOURLY RATE FOR ADDITIONAL PROFESSIONAL WORK | YEAR 1 | YEAR 2 | YEAR 3 |
| Partner | \$176 | \$176 | \$176 |
| Manager | \$143 | \$143 | \$143 |
| Senior | \$110 | \$110 | \$110 |
| Assistant | \$99 | \$99 | \$99 |

The Motion was put and declared CARRIED.

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| Audit Committee Meeting Item 8.5 Review of the Auditor's Report for the Financial Year Ended 30 June 2007 |
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Moved Cr Tyzack, Seconded Cr Pickard

The Committee recommends to Council:

That the Auditor's report for the financial year ended 30 June 2007 be RECEIVED.

That it be noted that the Audit report does not note or make recommendations on any matter requiring attention arising from the annual Audit for the year ended 30 June 2007 and the auditor has not deemed necessary the provision of a separate management report.

The Motion was put and declared CARRIED.

9. ADMINISTRATION REPORTS

9.1 BUSINESS REPORT – PERIOD ENDING 30 SEPTEMBER 2007

Moved Cr John, Seconded Cr Tyzack

[The Motion recommended in the agenda]

That the Business Report to 30 September 2007 be RECEIVED.

The Motion was put and declared CARRIED.

9.2 STATEMENTS OF FINANCIAL ACTIVITY FOR THE MONTHS AUGUST 2007 AND SEPTEMBER 2007

Note: Pages 25 and 26 of the distributed ordinary Council meeting agenda were replaced prior to the commencement of the meeting, which contained updated income and expenditure figures.

Moved Cr Tyzack, Seconded Cr Roberts

[The Motion recommended in the agenda]

That the Council RECEIVE and NOTE the Statement(s) of Financial Activity for the months ending 31 August 2007 and 30 September 2007.

The Motion was put and declared CARRIED.

9.3 LIST OF MONTHLY ACCOUNTS SUBMITTED FOR THE MONTHS AUGUST 2007 AND SEPTEMBER 2007

Moved Cr John, Seconded Cr Boothman

[The Motion recommended in the agenda]

That the Council RECEIVE and NOTE the list of accounts paid under Delegated Authority to the CEO for each of the months August 2007 and September 2007:

- **Month ending 31 August 2007 (Total \$159,016.17); and**
- **Month ending 30 September 2007 (Total \$27,958.79)**
- **Total Paid \$186,974.96**

The Motion was put and declared CARRIED.

9.4 FLORA SURVEY

Moved Cr John, Seconded Cr Roberts

[The Motion recommended in the agenda]

- 1. That the brief for the flora survey of the Tamala Park urban development land be APPROVED.**
- 2. That the brief be ADVERTISED as an invitation for public tender responses.**
- 3. That the TIMETABLE for advertising, consideration of responses and award of a contract be as follows:**
 - **Advertising – Saturday 20 October 2007 to 9 November 2007**
 - **Council consideration of responses - 6 December 2007**
 - **Award of commission – 11 December 2007**

Moved Cr O'Connor, Seconded Cr Pickard that the Motion be amended to read as follows:

1. That the brief for the flora and fauna survey of the Tamala Park urban development land be **APPROVED**.
2. That the brief be **ADVERTISED** as an invitation for public tender responses.
3. That the **TIMETABLE** for advertising, consideration of responses and award of a contract be as follows:
 - Advertising – Saturday 20 October 2007 to 9 November 2007
 - Council consideration of responses - 6 December 2007
 - Award of commission – 11 December 2007

The Amendment and Amended Motion were put and declared **CARRIED**.

9.5 LOT 9504 ON PLAN 52070 – TAMALA PARK, NOTICE OF A CLASSIFICATION OF A KNOWN OR SUSPECTED CONTAMINATED SITE UNDER SECTION 15 OF THE CONTAMINATED SITES ACT 2003

Moved Cr Tyzack, Seconded Cr Evangel

[The Motion recommended in the agenda]

That the report be RECEIVED and NOTED.

The Motion was put and declared **CARRIED**.

9.6 ELECTION OF MEMBERS, CHAIRMAN AND DEPUTY CHAIRMAN OF THE TPRC COUNCIL

Moved Cr Evangel, Seconded Cr Pickard

[The Motion recommended in the agenda]

That the report be RECEIVED and NOTED.

The Motion was put and declared **CARRIED**.

9.7 GST RULING

A letter from the Town of Cambridge dated 10 October 2007 on GST issues was distributed prior to the commencement of the meeting, which contained two additional clauses to be added to the recommendation.

Moved Cr Evangel, Seconded Cr Tyzack

[The Motion recommended in the agenda]

1. That the **ATO Ruling** advising that freehold transfer of TPD land from participant Councils to the TPRC will attract GST at the margin scheme be **NOTED**.

2. That participant Councils be formally ADVISED of the ATO Ruling and the implications of the Ruling for the TPRC cash flow.
3. That the Council NOTE that the TPRC Establishment Agreement has countenanced the possibility of a need to delay transfer of the land from participant Councils in item 7.1 of the Establishment Agreement and that the provisions of the Establishment Agreement would not preclude transfer of the land under a trust arrangement in lieu of transfer of an unencumbered freehold title.
4. That research be undertaken to determine the nature of a trust agreement that will facilitate the objectives of the TPRC Establishment Agreement without GST being payable by TPRC in advance of sale of developed lots.

Moved Cr O'Connor, Seconded Cr John that the Motion be amended to read as follows:

1. That the ATO Ruling advising that freehold transfer of TPD land from participant Councils to the TPRC will attract GST at the margin scheme be NOTED.
2. That participant Councils be formally ADVISED of the ATO Ruling and the implications of the Ruling for the TPRC cash flow.
3. That the Council NOTE that the TPRC Establishment Agreement has countenanced the possibility of a need to delay transfer of the land from participant Councils in item 7.1 of the Establishment Agreement and that the provisions of the Establishment Agreement would not preclude transfer of the land under a trust arrangement in lieu of transfer of an unencumbered freehold title.
4. That research be undertaken to determine the nature of a trust agreement that will facilitate the objectives of the TPRC Establishment Agreement without GST being payable by TPRC in advance of sale of developed lots.
5. That specific expert advice be obtained in relation to alternative taxation treatments with respect to the applicability of GST and the transfer of Tamala Park development land from participant Councils to TPRC with a view to minimising or eliminating any GST payable prior to any action being taken to finalise the proposal relating to a trust agreement detailed in (4) above.
6. That the Chief Executive Officer be authorised to negotiate and engage the services of appropriately qualified and experienced taxation advisers in property related matters.

The Amendment and Amended Motion were put and declared CARRIED.

9.8 LOCAL GOVERNMENT ACT (OFFICIAL CONDUCT) AMENDMENT 2007 – DESIGNATION OF COMPLAINTS OFFICER

Moved Cr Pickard, Seconded Cr Tyzack

[The Motion recommended in the agenda]

That Council designate the Chief Executive Officer as the Tamala Park Regional Council complaints officer pursuant to Section 5.120(1) of the Local Government Act.

The Motion was put and declared CARRIED.

9.9 TPRC ADMINISTRATIVE OFFICE RELOCATION

Page 119 detailing the recommendation for item 9.9 of the Council meeting agenda was replaced prior to the commencement of the meeting.

Moved Cr Pickard, Seconded Cr Roberts

[The Motion recommended in the agenda]

- 1) That the report be RECEIVED.**
- 2) That the status of availability of multi-purpose space in the near vicinity of Clarkson Station be MONITORED and ADVICE of any suitable office accommodation be brought before Council for consideration for purchase as an office for the TPRC.**

The Motion was put and declared CARRIED.

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

12.1 COUNCILLOR QUESTIONS APPROVED BY THE CHAIRMAN

Nil

13. MATTERS BEHIND CLOSED DOORS

Nil

14. FORMAL CLOSURE OF MEETING

The Chairman declared the meeting closed at 6.15pm.

These minutes were confirmed at a meeting on

SIGNED this day of 2007

as a true record of proceedings.

CHAIRMAN