



**TAMALA PARK**  
Regional Council

## **Meeting of Council**

# **MINUTES**

**Thursday 18 February 2016, 6:00pm**  
**City of Stirling**  
**25 Cedric Street, Stirling**

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

## TABLE OF CONTENTS

MEMBERSHIP .....	4
PRESENT .....	5
1. OFFICIAL OPENING.....	6
DISCLOSURE OF INTERESTS .....	6
2. PUBLIC STATEMENT/QUESTION TIME .....	6
3. APOLOGIES AND LEAVE OF ABSENCE .....	6
4. PETITIONS .....	6
5. CONFIRMATION OF MINUTES .....	6
BUSINESS ARISING FROM MINUTES .....	6
6. ANNOUNCEMENTS BY CHAIRMAN (WITHOUT DISCUSSION).....	6
7. MATTERS FOR WHICH MEETING MAY BE CLOSED.....	6
8. REPORTS OF COMMITTEES .....	7
9. ADMINISTRATION REPORTS AS PRESENTED (ITEMS 9.1 – 9.16) .....	7
9.1 BUSINESS REPORT – PERIOD ENDING 11 FEBRUARY 2016.....	7
9.2 STATEMENTS OF FINANCIAL ACTIVITY FOR THE MONTHS OF NOVEMBER & DECEMBER 2015 .....	7
9.3 LIST OF MONTHLY ACCOUNTS SUBMITTED FOR THE MONTHS OF NOVEMBER & DECEMBER 2015 .....	7
9.4 PROJECT FINANCIAL REPORT – DECEMBER 2015 .....	8
9.5 SALES AND SETTLEMENT REPORT – PERIOD ENDING 11 FEBRUARY 2016 .....	8
9.6 PROJECT BUDGET 2015/2016 – MID YEAR REVIEW .....	8
9.7 TPRC BUDGET 2015/2016 REVIEW .....	9
9.8 REVIEW OF CATALINA SALES OFFICE OPENING HOURS .....	9
9.9 EXTENSION OF EARLY CONSTRUCTION SALES REBATE .....	9
9.10 LOCAL GOVERNMENT COMPLIANCE AUDIT FOR YEAR ENDED 31 DECEMBER 2015 .....	10
9.11 CODE OF CONDUCT FOR COUNCIL MEMBERS AND STAFF .....	10
9.12 NEERABUP ROAD PHASE 2 AND STAGE 14B CIVIL WORKS TENDER (TENDER 8/2015) .....	11
9.13 CATALINA EARTHWORKS AND SUBDIVISION WORKS FIXED RATES TENDER (TENDER 9/2015) .....	11
9.14 CATALINA FENCING SERVICES TENDER (TENDER 1/2016).....	12
9.15 REVIEW OF PROJECT MILESTONES - CONFIDENTIAL.....	12
9.16 CEO PERFORMANCE REVIEW 2014/2015 - CONFIDENTIAL.....	13
10. ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN.....	14
11. QUESTIONS BY ELECTED MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN.....	14
12. URGENT BUSINESS APPROVED BY THE CHAIRMAN .....	14
13. MATTERS BEHIND CLOSED DOORS.....	14

14.	GENERAL BUSINESS .....	14
15.	FORMAL CLOSURE OF MEETING.....	14

## MEMBERSHIP

OWNER COUNCIL	MEMBER	ALTERNATE MEMBER
Town of Cambridge	Cr Louis Carr	
City of Joondalup	Cr John Chester Cr Kerry Hollywood	
City of Perth	Cr Janet Davidson OAM JP	Cr Jim Adamos
City of Stirling	Cr Karen Caddy Mayor Giovanni Italiano JP (Chairman) Cr David Michael Cr Rod Willox AM JP	Cr Terry Tyzack
Town of Victoria Park	Cr Keith Hayes	
City of Vincent	Mayor John Carey	Cr Jimmy Murphy
City of Wanneroo	Cr Dianne Guise (Deputy Chair) Cr Brett Treby	Cr Domenic Zappa Cr Hugh Nguyen

**PRESENT**

**Chairman** Cr Giovanni Italiano

**Councillors** Cr Karen Caddy  
Cr John Carey  
Cr Louis Carr  
Cr John Chester  
Cr Janet Davidson  
Cr Diane Guise  
Cr Keith Hayes  
Cr Kerry Hollywood  
Cr David Michael  
Cr Brett Treby  
Cr Rod Willox

**Staff** Mr Tony Arias (Chief Executive Officer)  
Mr Luke Aitken (Project Coordinator)  
Ms Vickie Wesolowski (Executive Assistant)

**Apologies** Nil

**Leave of Absence** Nil

**Absent** Nil

**Consultants** Mr Aaron Grant (Satterley Property Group)  
Mr Simon Flesher (Satterley Property Group)  
Mr Kim Lawrence (Satterley Property Group)  
Mr Nigel Satterley (Satterley Property Group)  
Ms Lauren Vidler (Satterley Property Group)

**Councils' Advisors  
Apologies** Mr Anthony Vuleta (Town of Victoria Park)  
Mr Jason Buckley (Town of Cambridge)  
Mr Len Kosova (City of Vincent)

**Councils' Advisors  
in Attendance** Mr Phil St John (City of Wanneroo)  
Mr Jason Lyon (Town of Cambridge)  
Mr Stuart Jardine (City of Stirling)  
Mr Garry Hunt (City of Joondalup)  
Mr Martin Mileham (City of Perth)  
Mr John Paton (City of Vincent)

**Members of the Public** Nil

**Press** Nil

**1. OFFICIAL OPENING**

Chairman declared the meeting open at 6:00pm.

**DISCLOSURE OF INTERESTS**

The Chief Executive Officer confirmed a Disclosure of Interest - Impartial Interest in relation to Item 9.16

**2. PUBLIC STATEMENT/QUESTION TIME**

Nil

**3. APOLOGIES AND LEAVE OF ABSENCE**

Nil

**4. PETITIONS**

Nil

**5. CONFIRMATION OF MINUTES**

*Ordinary Meeting of Council – 10 December 2015*

Moved Cr Willox, Seconded Cr Treby.

**That the minutes of the Ordinary Meeting of Council of 10 December 2015 be confirmed, and signed by the Chairman, as a true and correct record of proceedings.**

The Motion was put and declared CARRIED (12/0).

**BUSINESS ARISING FROM MINUTES**

Nil

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

Nil

**7. MATTERS FOR WHICH MEETING MAY BE CLOSED**

Item 9.15      Review of Project Milestones  
Item 9.16      CEO Performance Review 2014/15

**8. REPORTS OF COMMITTEES**

*Audit Committee Meeting – 11 February 2016*

*Cr Michael – Chairman Audit Committee advised that the Committee considered four Items, three of which are listed in this agenda Items 9.7, 9.10 and 9.11 at its meeting of 11 February 2016 and were recommended to Council.*

*CEO Performance Review Committee Meeting – 28 January 2016*

*Cr Italiano – Chairman CEO Performance Review Committee advised that the Committee's confidential report and recommendations were attached under Item 9.16 and would be considered later in the agenda.*

**9. ADMINISTRATION REPORTS AS PRESENTED (ITEMS 9.1 – 9.16)**

**9.1 BUSINESS REPORT – PERIOD ENDING 11 FEBRUARY 2016**

Moved Cr Chester, Seconded Cr Caddy.

[The recommendation in the agenda]

**That the Council RECEIVES the Business Report to 11 February 2016.**

The Motion was put and declared CARRIED (12/0).

**9.2 STATEMENTS OF FINANCIAL ACTIVITY FOR THE MONTHS OF NOVEMBER & DECEMBER 2015**

Moved Cr Guise, Seconded Cr Willox.

[The recommendation in the agenda]

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

- **30 November 2015; and**
- **31 December 2015.**

The Motion was put and declared CARRIED (12/0).

**9.3 LIST OF MONTHLY ACCOUNTS SUBMITTED FOR THE MONTHS OF NOVEMBER & DECEMBER 2015**

Moved Cr Treby, Seconded Cr Hollywood.

[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 2015:**

- **Month ending 30 November 2015 (Total \$8,528,340.06)**
- **Month ending 31 December 2015 (Total \$970,898.99)**
- **Total Paid - \$9,499,239.05**

The Motion was put and declared CARRIED (12/0).

#### **9.4 PROJECT FINANCIAL REPORT – DECEMBER 2015**

Moved Cr Caddy, Seconded Cr Davidson.

[The recommendation in the agenda]

**That the Council RECEIVES the Project Financial Report (December 2015) submitted by the Satterley Property Group.**

The Motion was put and declared CARRIED (12/0).

#### **9.5 SALES AND SETTLEMENT REPORT – PERIOD ENDING 11 FEBRUARY 2016**

Moved Cr Chester, Seconded Cr Carr.

[The recommendation in the agenda]

**That the Council RECEIVES the Sales and Settlement Report to 11 February 2016.**

The Motion was put and declared CARRIED (12/0).

#### **9.6 PROJECT BUDGET 2015/2016 – MID YEAR REVIEW**

Moved Cr Guise, Seconded Cr Michael.

[The recommendation in the agenda]

**That the Council:**

- 1. RECEIVES the Mid Year Review of the Project Budget FYE 2016 (July 2015) submitted by the Satterley Property Group (dated 22 January 2016).**
- 2. ACCEPTS that the Satterley Property Group has achieved Key Performance Indicator - Financial Management 4.5 Monitor the performance against the Approved Project Budget requiring the completion of a six monthly review of the approved Project Budget.**

The Motion was put and declared CARRIED (12/0).



#### **9.7 TPRC BUDGET 2015/2016 REVIEW**

Moved Cr Treby, Seconded Cr Michael.

[The recommendation in the agenda]

**That the Council ADOPTS the Budget Review with the variations for the period 1 July 2015 to 30 June 2016 as detailed in the Budget Analysis Worksheet attached to Appendix 9.7.**

The Motion was put and declared CARRIED BY ABSOLUTE MAJORITY (12/0).

#### **9.8 REVIEW OF CATALINA SALES OFFICE OPENING HOURS**

Moved Cr Willox, Seconded Cr Carr.

[The recommendation in the agenda]

**That the Council:**

- 1. RECEIVES the Satterley Property Group correspondence on the proposed revised opening hours for the Catalina Sales Office, dated 14 January 2016.**
- 2. APPROVES the extension of the current trial Sales Office opening hours (approved by Council in December 2014) for a further 6 months, until the end of July 2016.**
- 3. REQUESTS the Satterley Property Group to provide a comprehensive report on the operation of the trial Sales Office opening hours, including advice on competing estates, sales against budget and feedback from the public and display builders to be presented for Council's consideration at its October 2016 meeting.**

The Motion was put and declared CARRIED (12/0).

#### **9.9 EXTENSION OF EARLY CONSTRUCTION SALES REBATE**

Moved Cr Chester, Seconded Cr Willox.

[The recommendation in the agenda]

**That the Council APPROVES the extension of the payment of an Early Construction Rebate to the value of \$8,000 per lot for selected lots with lot sizes up to 380m<sup>2</sup> for contracts entered into after 18 February 2016 and until 30 June 2016, subject to the purchaser providing a copy of a signed Building Contract prior to settlement, with the rebate being paid to the purchaser(s) nominated builder within 6 months of the settlement of the lot.**

The Motion as amended was as follows:

That the Council **APPROVES** the extension of the payment of an Early Construction Rebate to the value of \$8,000 per lot for selected lots that have been on the market for longer than six months with lot sizes up to 380m<sup>2</sup> for contracts entered into after 18 February 2016 and until 30 June 2016, subject to the purchaser providing a copy of a signed Building Contract prior to settlement, with the rebate being paid to the purchaser(s) nominated builder within 6 months of the settlement of the lot.

The Motion was put and declared CARRIED (12/0).

**9.10 LOCAL GOVERNMENT COMPLIANCE AUDIT FOR YEAR ENDED 31 DECEMBER 2015**

Moved Cr Michael, Seconded Cr Carey.

[The recommendation in the agenda]

That the Compliance Audit Return for the TPRC for the year ended 31 December 2015 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 (12/0).

**9.11 CODE OF CONDUCT FOR COUNCIL MEMBERS AND STAFF**

Moved Cr Michael, Seconded Cr Caddy.

[The recommendation in the agenda]

That the Council **ADOPTS** the Tamala Park Regional Council Code of Conduct for Council Members and Staff (dated February 2016).

The Motion as amended was as follows:

**That the Council ADOPTS the Tamala Park Regional Council Code of Conduct for Council Members and Staff (dated February 2016), subject to:**

- 1. Clause 1.1 Role of Council Members being amended to reflect TPRC Establishment Agreement, in accordance with report circulated at the meeting.**
- 2. Clause 2.4 (d) being amended as follows: “The CEO is to maintain a register of notifiable gifts and record in it details of notifications given to comply with a requirement made under item (c). The register of notifiable gifts is to be public and maintained on the TPRC website.”**

The Motion was put and declared CARRIED (12/0).

**9.12 NEERABUP ROAD PHASE 2 AND STAGE 14B CIVIL WORKS TENDER (TENDER 8/2015)**

Moved Cr Willox, Seconded Cr Davidson.

[The recommendation in the agenda]

**That the Council:**

- 1. ACCEPTS the RJ Vincent Tender submission (dated December 2015) for Civil and Infrastructure Works in accordance with Tender 08/2015 (Neerabup Road Phase 2 and Stage 14B Civil Works) for the lump sum value of \$1,770,003.39, excluding GST.**
- 2. AUTHORISES the Chairman and the CEO to sign and affix the TPRC common seal to the Contracts.**

The Motion was put and declared CARRIED (12/0).

**9.13 CATALINA EARTHWORKS AND SUBDIVISION WORKS FIXED RATES TENDER (TENDER 9/2015)**

Moved Cr Carr, Seconded Cr Hollywood.

[The recommendation in the agenda]

**That the Council:**

- 1. ACCEPTS the RJ Vincent Tender submission (dated December 2015), for earthworks and subdivision works in accordance with Tender 09/2015 (Catalina Earthworks and Subdivision Works).**
- 2. ACCEPTS the fixed rates provided by RJ Vincent in the tender submission (dated December 2015) for the award of earthworks and subdivision works for further stages for a period of two years until April 2018, with an option to extend the contract a further 12 months to April 2019 at the absolute discretion of the TPRC.**
- 3. APPROVES the award of further stages of works during the term of the Tender 09/2015 at the absolute discretion of the TPRC and subject to:**
  - a. Approval of a lump sum, in accordance with the Tender 9/2015 rates;**
  - b. The contract lump sum being in accordance with the approved TPRC budget and program for the works;**
  - c. Market conditions and Sales Rates;**
  - d. Ongoing satisfactory performance of the contractor, during the execution of each separable portion of the contract.**
- 4. AUTHORISES the Chairman and the CEO to sign and affix the TPRC common seal to the Contract.**

The Motion was put and declared CARRIED (12/0).

**9.14 CATALINA FENCING SERVICES TENDER (TENDER 1/2016)**

Moved Cr Treby, Seconded Cr Willox.

[The recommendation in the agenda]

**That the Council:**

- 1. ACCEPTS the Treacy Fencing tender submission (dated January 2016), for the provision of fencing services in accordance with Tender 1/2016 (Catalina Fencing Services).**
- 2. AUTHORISES the Chairman and the CEO to sign and affix the TPRC common seal to the Contract.**

The Motion was put and declared CARRIED (12/0).

Moved Cr Caddy, Seconded Cr Davidson.

That Standing Orders be suspended to allow Confidential Items 9.15 and 9.16 to be discussed.

The Motion was put and declared CARRIED (12/0).

**9.15 REVIEW OF PROJECT MILESTONES - CONFIDENTIAL**

Moved Cr Caddy, Seconded Cr Willox.

[The recommendation in the agenda]

**That Council:**

- 1. RECEIVES the Satterley Property Group report on Project Milestones (February 2016).**
- 2. ADVISES the Satterley Property Group that Key Performance Indicator 2.10 requires that the Development Manager completes two Milestone Reviews in each financial year to meet the KPI. The Council will reassess Key Performance Indicator 2.10 when the second Milestone Review is satisfactorily completed.**
- 3. ADVISES the Satterley Property Group that it notes that a number of the designated Milestones in the Annual Plan have not been met and that these need to be satisfactorily addressed so that they do not adversely affect the Project.**

The Motion was put and declared CARRIED (12/0).

**9.16 CEO PERFORMANCE REVIEW 2014/2015 - CONFIDENTIAL**

Moved Cr Treby, Seconded Cr Hollywood.

[The recommendation in the agenda]

That the Council:

1. ADOPTS the 2015 Annual Appraisal Report, dated 28 January 2016, submitted by John Phillips Consulting.
2. ENDORSES the rating of “Meets Expectations” for the review period 2014/15.
3. ENDORSES the performance criteria and indicators for the October 2016 review.
4. ENDORSES commencement of the 2016 appraisal process by 12 August 2016, with the appraisal to be completed before the October 2016 Ordinary Council Meeting.
5. APPROVES the CEO remuneration package as per the recommendations of the CEO Performance Review Committee meeting of 28 January 2016.

The Motion lapsed.

Moved Cr Davidson, Seconded Cr Carey.

**That the CEO Performance Review 2014/2015 be REFERRED to a Special Meeting of the Council to be arranged at the next appropriate time to finalise the CEO Performance Review.**

The Motion was put and declared CARRIED (12/0).

Moved Cr Hollywood, Seconded Cr Davidson

That Standing Orders be reopened and the meeting doors be opened.

The Motion was put and declared CARRIED (12/0).

The recommendations for Item 9.15 and 9.16 were read out as follows:

**9.15 REVIEW OF PROJECT MILESTONES**

*That Council:*

1. *RECEIVES the Satterley Property Group report on Project Milestones (February 2016).*
2. *ADVISES the Satterley Property Group that Key Performance Indicator 2.10 requires that the Development Manager completes two Milestone Reviews in each financial year to meet the KPI. The Council will reassess Key Performance Indicator 2.10 when the second Milestone Review is satisfactorily completed.*

3. *ADVISES the Satterley Property Group that it notes that a number of the designated Milestones in the Annual Plan have not been met and that these need to be satisfactorily addressed so that they do not adversely affect the Project.*

9.16 **CEO PERFORMANCE REVIEW 2014/2015 - CONFIDENTIAL**

*That the CEO Performance Review 2014/2015 be REFERRED to a Special Meeting of the Council to be arranged at the next appropriate time to finalise the CEO Performance Review.*

**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 9.15      Review of Project Milestones*

*Item 9.16      CEO Performance Review 2014/2015*

**14. GENERAL BUSINESS**

Cr Guise advised that she intended to move a motion regarding Audit Committee membership.

Moved Cr Guise, Seconded Cr Carey.

**That Cr Davidson replace Cr Guise as a member of the TPRC Audit Committee.**

The Motion was put and declared CARRIED BY ABSOLUTE MAJORITY (12/0).

**15. FORMAL CLOSURE OF MEETING**

The Chairman declared the meeting closed at 7:20pm.

These minutes were confirmed at a meeting on .....

SIGNED this ..... day of ..... 2016

as a true record of proceedings.

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CHAIRMAN