



# **Ordinary Meeting of Council**

# **Minutes**

**Thursday 20 June 2019, 6:00pm**  
**City of Stirling**  
**25 Cedric Street, Stirling**

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

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**MEMBERSHIP**

<b>OWNER COUNCIL</b>	<b>MEMBER</b>	<b>ALTERNATE MEMBER</b>
Town of Cambridge	Cr Andres Timmermanis	Cr Jo McAllister
City of Joondalup	Cr John Chester Cr Nige Jones	Cr Sophie Dwyer Cr Christine Hamilton-Prime
City of Perth	Commissioner Andrew Hammond	Commissioner Gaye McMath
City of Stirling	Cr Karen Caddy Cr Joe Ferrante Cr Giovanni Italiano (CHAIRMAN) Cr Bianca Sandri	Cr Suzanne Migdale
Town of Victoria Park	Cr Claire Anderson	Cr Ronhhda Potter
City of Vincent	Mayor Emma Cole	Cr Jimmy Murphy
City of Wanneroo	Cr Samantha Fenn Cr Brett Treby (DEPUTY CHAIRMAN)	Cr Sonet Coetzee Cr Domenic Zappa

**PRESENT**

**Chairman** Cr Giovanni Italiano

**Councillors**

Cr Karen Caddy  
Cr John Chester  
Cr Emma Cole  
Cr Samantha Fenn  
Cr Joe Ferrante  
Cmr Andrew Hammond  
Cr Christine Hamilton-Prime  
Cr Bianca Sandri  
Cr Brett Treby

**Staff**

Mr Tony Arias (Chief Executive Officer)  
Mr Simon O'Sullivan (Manager Project Coordination)  
Ms Vickie Wesolowski (Executive Assistant)

**Apologies Councillors**

Cr Claire Anderson  
Cr Andres Timmermanis

**Leave of Absence**

Cr Nige Jones

**Absent**

Nil

**Consultants**

Mr Carl Buckley (Satterley Property Group)  
Mr Brenton Downing (Satterley Property Group)  
Mr Matej Nvota (Satterley Property Group)

**Apologies Participant  
Councils' Advisers**

Mr Daniel Simms (City of Wanneroo)  
Mr Murray Jorgensen (City of Perth)  
Mr Stuart Jardine (City of Stirling)  
Mr Anthony Vuleta (Town of Victoria Park)  
Mr John Giorgi (Town of Cambridge)  
Mr David MacLennan (City of Vincent)  
Mr Garry Hunt (City of Joondalup)

**In Attendance  
Participant Councils'  
Advisers**

Mr Mike Tidy (City of Joondalup)  
Mr Ross Povey (City of Stirling)

**Members of the Public**

Nil

**Press**

Nil

**1. OFFICIAL OPENING**

The Chairman declared the meeting open at 6:08pm. The Chairman welcomed Cr Christine Hamilton-Prime, Alternative Member for Cr Nige Jones and Mr Simon O’Sullivan, recently appointed to the position Manager Project Coordination for the TPRC, to the meeting.

**DISCLOSURE OF INTERESTS**

Nil

**2. PUBLIC STATEMENT/QUESTION TIME**

Nil

**3. APOLOGIES AND LEAVE OF ABSENCE**

Cr Claire Anderson

Cr Andres Timmermanis

Cr Nige Jones - Leave of Absence 19 June 2019 to 25 June 2019.

**4. PETITIONS**

Nil

**5. CONFIRMATION OF MINUTES**

*Ordinary Meeting of Council – 18 April 2019*

Moved Cr Ferrante, Seconded Cr Caddy.

**That the minutes of the Ordinary Meeting of Council of 18 April 2019 be confirmed, and signed by the Chairman, 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 CHAIRMAN (WITHOUT DISCUSSION)**

Nil

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

- 9.12 *Annual Plan FYE 2020 - Confidential*
- 9.13 *Review of Development Manager's Key Performance Indicators - Confidential*
- 9.14 *Development Management Agreement – Key People – Confidential*
- 9.15 *CEO Further Contract of Employment – Confidential*

## **8. REPORTS OF COMMITTEES**

Management Committee Meeting – 23 May 2019

*Cr Treby – Chairman, Management Committee advised that the Committee considered a number of Items listed in this Agenda and that there had been significant discussion on Items 9.12 and 9.14 and he would provide additional comments during discussion on these items.*

### **9.1 BUSINESS REPORT – PERIOD ENDING 13 JUNE 2019**

Moved Cr Cole, Seconded Cr Caddy.

[The recommendation in the agenda]

**That the Council RECEIVES the Business Report to 13 June 2019.**

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

### **9.2 STATEMENTS OF FINANCIAL ACTIVITY FOR THE MONTHS OF MARCH & APRIL 2019**

Moved Cr Treby, Seconded Cr Fenn.

[The recommendation in the agenda]

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

- **31 March 2019; and**
- **30 April 2019.**

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

### **9.3 LIST OF MONTHLY ACCOUNTS SUBMITTED FOR THE MONTHS OF MARCH & APRIL 2019**

Moved Cr Sandri, Seconded Cr Ferrante.

[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 March and April 2019:**

- **Month ending 31 March 2019 (Total \$476,859.63)**
- **Month ending 30 April 2019 (Total \$330,900.38)**
- **Total Paid - \$807,600.01**

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

#### **9.4 PROJECT FINANCIAL REPORT – APRIL 2019**

Moved Cr Caddy, Seconded Cr Chester.

[The recommendation in the agenda]

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

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

#### **9.5 SALES AND SETTLEMENT REPORT – PERIOD ENDING 13 JUNE 2019**

Moved Cr Chester, Seconded Cr Hamilton-Prime.

[The recommendation in the agenda]

**That the Council RECEIVES the Sales and Settlement Report to 13 June 2019.**

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

#### **9.6 PROJECT BUDGET FYE 2020**

Moved Cr Treby, Seconded Cr Sandri.

[The recommendation in the agenda]

**That the Council:**

- 1. APPROVES the Project Budget FYE 2020 (May 2019), submitted by the Satterley Property Group, as the basis of financial planning for the TPRC Budget FYE 2020.**
- 2. RECEIVES the Forecast FYE 2021 (May 2019) and Project Forecast (2019), submitted by the Satterley Property Group.**
- 3. ACCEPTS that the Satterley Property Group has achieved Key Performance Indicator KPI 4.4 requiring the preparation of a Project Budget on an annual basis by March each year.**

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

### **9.7 LOT SALES AND RELEASE STRATEGY FYE 2020 (MAY 2019)**

Moved Cr Treby, Seconded Cr Cole.

[The recommendation in the agenda]

**That the Council APPROVES the Lot Sales and Release Strategy FYE 2020 (May 2019), submitted by the Satterley Property Group, as the basis of sales and marketing planning for FYE 2020.**

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

### **9.8 ANNUAL MARKETING PLAN FYE 2020**

Moved Cr Fenn, Seconded Cr Hamilton-Prime.

[The recommendation in the agenda]

**That the Council:**

- 1. APPROVES the Annual Marketing Strategy FYE 2020, prepared by the Satterley Property Group.**
- 2. ACCEPTS that the Development Manager's Key Performance Indicator 3.2 (June 2014), requiring the preparation of the Annual Marketing Plan by March each year, has been achieved.**
- 3. ADVISES the Satterley Property Group that marketing expenditure will be reviewed and monitored in line with market conditions and the requirements of the Project and the Project Budget FYE 2020, as approved.**

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

### **9.9 SALES - MARKETING CAMPAIGN, JULY – SEPTEMBER 2019**

Moved Cr Sandri, Seconded Cr Cole.

[The recommendation in the agenda]

**That the Council:**

- 1. RECEIVES the Satterley Property Group correspondence (dated 13 June 2019) regarding a Sales and Marketing Campaign.**
- 2. APPROVES participation in a Sales and Marketing Campaign as detailed in the Satterley Property Group advice (dated 13 June 2019), commencing 12 July 2019 to 30 September 2019, to include the following:**
  - (a) A discount of \$9,000 to apply at settlement for all currently released lots in Catalina;**



- (b) 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;
- (c) The discount not applying to the Stage 26 release.

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

#### **9.10 APPOINTMENT OF COMMITTEE MEMBERS – AUDIT COMMITTEE**

[The recommendation in the agenda]

That in accordance with the provisions of the *Local Government Act 1995*, that Councillors XXXX and XXXX be APPOINTED to the Audit Committee.

Motion lapsed for want of a mover and seconder.

Moved Cmr Hammond, Seconded Cr Sandri.

An Alternative recommendation:

**That the Council:**

1. **APPROVES** that future Audit Committee meetings commence at 6.00pm.
2. In accordance with the provisions of the *Local Government Act 1995*, **APPOINTS** -
  - a) Councillor Brett Treby to the Audit Committee;
  - b) Councillors Claire Anderson, Karen Caddy, John Chester, Emma Cole and Andres Timmermanis and Commissioner Andrew Hammond as Deputy Members to the Audit Committee.

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

#### **9.11 BURNS BEACH-MINDARIE DUAL USE PATH – REQUEST FOR CONTRIBUTION TOWARDS CONSTRUCTION ADJACENT TO THE CATALINA AREA**

[The recommendation in the agenda]

That the Council:

1. **APPROVES** the payment of a contribution of up to \$540,000 to the Cities of Joondalup and Wanneroo for the construction of the section of the planned Burns Beach-Mindarie dual use path within the conservation reserve adjacent to the Catalina area, subject to the following conditions:
  - i. The dual use path being constructed along an alignment that generally accords with the preliminary design and specifications prepared by Cossill and Webley, as contained in Plan 2 of Appendix 9.11;
  - ii. The Cities being responsible for managing all aspects of the dual use path construction process, including obtaining and complying with all necessary

approvals, procuring contractors, supervision of works, contract administration and post-development maintenance; and

- iii. The construction of the dual use path being undertaken in a manner that will not prejudice and can complement the future construction of the Catalina beach foreshore access road.
2. **AUTHORISES** the Chief Executive Officer to execute an agreement with the Cities of Joondalup and Wanneroo that formalises proposed arrangements in accordance with Recommendation (1).

Moved Cr Treby, Seconded Cr Chester.

An amendment to the motion

**That the Council:**

1. **APPROVES** the payment of a contribution of up to \$730,000 to the Cities of Joondalup and Wanneroo for the construction of the section of the planned Burns Beach-Mindarie dual use path within the conservation reserve adjacent to the Catalina area, subject to the following conditions:
  - i. The dual use path being constructed along an alignment that generally accords with the preliminary design and specifications prepared by Cossill and Webley, as contained in Plan 2 of Appendix 9.11;
  - ii. The Cities being responsible for managing all aspects of the dual use path construction process, including obtaining and complying with all necessary approvals, procuring contractors, supervision of works, contract administration and post-development maintenance; and
  - iii. The construction of the dual use path being undertaken in a manner that will not prejudice and can complement the future construction of the Catalina beach foreshore access road.
2. **AUTHORISES** the Chief Executive Officer to execute an agreement with the Cities of Joondalup and Wanneroo that formalises proposed arrangements in accordance with Recommendation (1).

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

For: Cr Caddy, Cr Cole, Cr Chester, Cr Fenn, Cr Ferrante, Cr Hamilton-Prime, Cmr Hammond, Cr Italiano, and Cr Treby.

Against: Cr Sandri.

Moved Cr Treby, Seconded Cr Caddy.

**That Standing Orders be suspended to allow Confidential Items 9.12 to 9.15 to be discussed behind closed doors.**

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

**9.12 ANNUAL PLAN FYE 2020 - CONFIDENTIAL**

Moved Cr Chester, Seconded Cr Hamilton-Prime.

[The recommendation in the agenda]

**That the Council:**

- 1. APPROVES the Annual Plan FYE 2020, prepared by the Satterley Property Group as the basis for financial planning for the TPRC Budget FYE 2020.**
- 2. ACCEPTS that the Satterley Property Group has achieved Key Performance Indicator 2.6 requiring the preparation of a Project Annual Plan.**

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

**9.13 REVIEW OF DEVELOPMENT MANAGER'S KEY PERFORMANCE INDICATORS - CONFIDENTIAL**

Moved Cr Cole, Seconded Cr Treby.

[The recommendation in the agenda]

**That the Council:**

- 1. AGREES to the appointment of a suitably experienced consultant to undertake a review of the Development Manager's KPIs (2014) and make recommendations on KPIs that are clearly defined and meaningful; quantified and measurable; and relevant in achieving the recently approved Catalina Vision, Objectives, Strategies and Measurements (2019).**
- 2. AGREES to the Scope of Works for the review of the Development Manager's KPIs, dated 6 June 2019.**

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

**9.14 DEVELOPMENT MANAGEMENT AGREEMENT – KEY PEOPLE – CONFIDENTIAL**

Moved Cr Treby, Seconded Cr Sandri.

[The recommendation in the agenda]

**That the Council:**

- 1. APPROVES the following replacement of key personnel pursuant to Clause 4.5 of the Development Management Agreement:**

Name of Person	Position
Julia Nelson	Development Manager

Name of Replacement Person	Position
Lauren Vidler	Development Manager

2. **ADVISES** the Satterley Property Group that the proposed administrative support arrangements should not be viewed as an acceptable long-term solution for the Project and that the SPG is required to provide additional Development Manager services to support Ms Vidler and that an acceptable timeframe for this action should be provided to the TPRC.

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

#### **9.15 CEO FURTHER CONTRACT OF EMPLOYMENT – CONFIDENTIAL**

[The recommendation in the agenda]

That the Council RECEIVES the legal advice from Mr Neil Douglas - McLeods Barristers & Solicitors in relation to the TPRC CEO's contract, dated 24 May 2019.

Moved Cr Treby, Seconded Cr Ferrante.

An Alternative Motion

**That the Council**

1. **RECEIVES** the legal advice from Mr Neil Douglas - McLeods Barristers & Solicitors in relation to the TPRC CEO's contract, dated 24 May 2019.
2. **REQUESTS** the CEO Performance Review Committee convene to consider Neil Douglas - McLeods Barristers & Solicitors advice, dated 24 May 2019, and provide a report and recommendation to Council.

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

Moved Cr Treby, Seconded Cr Caddy.

**That the Meeting be REOPENED to the public.**

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

The recommendations for Confidential Items 9.12 to 9.15 were read out as follows:

#### **9.12 ANNUAL PLAN FYE 2020 – CONFIDENTIAL**

*That the Council:*

1. *APPROVES the Annual Plan FYE 2020, prepared by the Satterley Property Group as the basis for financial planning for the TPRC Budget FYE 2020.*

2. *ACCEPTS that the Satterley Property Group has achieved Key Performance Indicator 2.6 requiring the preparation of a Project Annual Plan.*

#### 9.13 REVIEW OF DEVELOPMENT MANAGER'S KEY PERFORMANCE INDICATORS - CONFIDENTIAL

*That the Council:*

1. *AGREES to the appointment of a suitably experienced consultant to undertake a review of the Development Manager's KPIs (2014) and make recommendations on KPIs that are clearly defined and meaningful; quantified and measurable; and relevant in achieving the recently approved Catalina Vision, Objectives, Strategies and Measurements (2019).*
2. *AGREES to the Scope of Works for the review of the Development Manager's KPIs, dated 6 June 2019.*

#### 9.14 DEVELOPMENT MANAGEMENT AGREEMENT – KEY PEOPLE – CONFIDENTIAL

*That the Council:*

1. *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>Julia Nelson</i>	<i>Development Manager</i>

<i>Name of Replacement Person</i>	<i>Position</i>
<i>Lauren Vidler</i>	<i>Development Manager</i>

2. *ADVISES the Satterley Property Group that the proposed administrative support arrangements should not be viewed as an acceptable long-term solution for the Project and that the SPG is required to provide additional Development Manager services to support Ms Vidler and that an acceptable timeframe for this action should be provided to the TPRC.*

#### 9.15 CEO FURTHER CONTRACT OF EMPLOYMENT – CONFIDENTIAL

*That the Council*

1. *RECEIVES the legal advice from Mr Neil Douglas - McLeods Barristers & Solicitors in relation to the TPRC CEO's contract, dated 24 May 2019.*
2. *REQUESTS the CEO Performance Review Committee convene to consider Neil Douglas - McLeods Barristers & Solicitors advice, dated 24 May 2019, and provide a report and recommendation to Council.*

#### 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**

- 9.12 *Annual Plan FYE 2020 - Confidential*
- 9.13 *Review of Development Manager's Key Performance Indicators - Confidential*
- 9.14 *Development Management Agreement – Key People – Confidential*
- 9.15 *CEO Further Contract of Employment – Confidential*

**14. GENERAL BUSINESS**

Nil

**15. FORMAL CLOSURE OF MEETING**

The Chairman declared the meeting closed at 7:54pm.

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

SIGNED this ..... day of ..... 2019

as a true record of proceedings.

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CHAIRMAN