



## **Ordinary Meeting of Council**

# **Minutes**

**Thursday 18 April 2019, 6:00pm**

**City of Joondalup**

**90 Boas Avenue, Joondalup**

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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	Cr Andrew Hammond	Cr 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**

<b>Chairman</b>	Cr Giovanni Italiano
<b>Councillors</b>	Cr Claire Anderson Cr Karen Caddy (arrived 6:04pm) Cr John Chester Cr Emma Cole (arrived 6:11pm) Cr Joe Ferrante Cmr Andrew Hammond Cr Nige Jones Cr Bianca Sandri (arrived 6:09pm) Cr Andres Timmermanis Cr Brett Treby
<b>Staff</b>	Mr Tony Arias (Chief Executive Officer) Ms Vickie Wesolowski (Executive Assistant)
<b>Apologies Councillors</b>	Cr Samantha Fenn
<b>Leave of Absence</b>	Nil
<b>Absent</b>	Nil
<b>Consultants</b>	Mr Carl Buckley (Satterley Property Group) Mr Brenton Downing (Satterley Property Group) Ms Julia Nelson (Satterley Property Group) Mr Matej Nvota (Satterley Property Group)
<b>Apologies Participant Councils' Advisers</b>	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)
<b>In Attendance Participant Councils' Advisers</b>	Mr Garry Hunt (City of Joondalup) Mr Ross Povey (City of Stirling) Ms Noelene Jennings (City of Wanneroo)
<b>Members of the Public</b>	Nil
<b>Press</b>	Nil

**1. OFFICIAL OPENING**

The Chairman declared the meeting open at 6:01pm and welcomed Councillors to the Tamala Park Regional Council meeting.

**DISCLOSURE OF INTERESTS**

Nil

**2. PUBLIC STATEMENT/QUESTION TIME**

Nil

**3. APOLOGIES AND LEAVE OF ABSENCE**

Cr Samantha Fenn

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

**4. PETITIONS**

Nil

**5. CONFIRMATION OF MINUTES**

*Ordinary Meeting of Council – 21 February 2019*

Moved Cr Treby, Seconded Cr Jones.

**That the minutes of the Ordinary Meeting of Council of 21 February 2019 be confirmed, and signed by the Chairman, as a true and correct record of proceedings.**

The Motion was put and declared CARRIED (8/0).

**5A. BUSINESS ARISING FROM MINUTES**

Nil

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

Nil

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

9.11 *Catalina Front Landscaping Services Tender (Tender 2/2019) - Confidential*

9.12 *Review of Project Milestones FYE 2019 - Confidential*

9.13 *CEO Further Contract of Employment – Confidential*

## 8. REPORTS OF COMMITTEES

CEO Performance Review Committee Meeting – 14 March 2019

*Cr Jones – Chairman, CEO Performance Review Committee Meeting advised that the Committee considered a report on the CEO further CONTRACT OF EMPLOYMENT and had recommended to Council's endorsement as detailed in Item 9.13.*

Management Committee Meeting – 21 March 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 Item 9.9.*

Cr Caddy arrived during this item (6:04pm).

### 9.1 BUSINESS REPORT – PERIOD ENDING 11 APRIL 2019

Moved Cr Treby, Seconded Cr Ferrante.

[The recommendation in the agenda]

**That the Council RECEIVES the Business Report to 11 April 2019.**

The Motion was put and declared CARRIED (9/0).

### 9.2 STATEMENTS OF FINANCIAL ACTIVITY FOR THE MONTHS OF JANUARY & FEBRUARY 2019

Moved Cr Caddy, Seconded Cr Treby.

[The recommendation in the agenda]

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

- **31 January 2019; and**
- **28 February 2019.**

The Motion was put and declared CARRIED (9/0).

### 9.3 LIST OF MONTHLY ACCOUNTS SUBMITTED FOR THE MONTHS OF JANUARY & FEBRUARY 2019

Moved Cr Chester, Seconded Cr Anderson.

[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 January and February 2019:**

- **Month ending 31 January 2019 (Total \$938,170.01)**
- **Month ending 28 February 2019 (Total \$604,343.79)**

- **Total Paid - \$1,542,513.80**

The Motion was put and declared CARRIED (9/0).

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

Moved Cr Jones, Seconded Cr Caddy.

[The recommendation in the agenda]

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

The Motion was put and declared CARRIED (9/0).

#### **9.5 SALES AND SETTLEMENT REPORT – PERIOD ENDING 11 APRIL 2019**

Moved Cr Caddy, Seconded Cr Treby.

[The recommendation in the agenda]

**That the Council RECEIVES the Sales and Settlement Report to 11 April 2019.**

Cr Sandri arrived during this item (6:09pm).

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

#### **9.6 DRAFT VISION, OBJECTIVES AND STRATEGIES - STRATEGIC COMMUNITY PLAN**

Moved Cr Caddy, Seconded Cr Chester.

[The recommendation in the agenda]

**That the Council APPROVES the Strategic Community Plan - Summary (2019) outlining Catalina Vision, Objectives, Strategies and Measurements (March 2019) to inform the review of the Strategic Community Plan 2013-2023.**

Cr Cole arrived during this item (6:11pm).

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

#### **9.7 DRAFT PROJECT BUDGET FYE 2020**

Moved Cr Treby, Seconded Cr Jones.

[The recommendation in the agenda]

That the Council:

1. RECEIVES the draft Project Budget FYE 2020, submitted by the Satterley Property Group.

2. APPROVES the use of the draft Project Budget FYE 2020, submitted by the Satterley Property Group, as the basis of planning and development for the Project Budget FYE 2020, subject to the following changes:
  - i. WAPC Land – deferral of payment for the acquisition of WAPC land to FYE 2020 and FYE 2021;
  - ii. Distribution to Member Local Governments – inclusion of a distribution to member local governments in FYE 2020;
  - iii. Grove Earthworks – deferral of earthworks to FYE 2021.

The Motion as amended was as follows:

**That the Council:**

1. RECEIVES the draft Project Budget FYE 2020, submitted by the Satterley Property Group.
2. APPROVES the use of the draft Project Budget FYE 2020, submitted by the Satterley Property Group, as the basis of planning and development for the Project Budget FYE 2020, subject to the following changes:
  - i. WAPC Land – deferral of payment for the acquisition of WAPC land to FYE 2020 and FYE 2021;
  - ii. Distribution to Member Local Governments – provision of information on the viability of the inclusion of a distribution to member local governments in FYE 2020;
  - iii. Grove Earthworks – deferral of earthworks to FYE 2021.

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

## **9.8 SALES - MARKETING CAMPAIGN EXTENSION**

Moved Cr Ferrante, Seconded Cr Anderson.

[The recommendation in the agenda]

**That the Council:**

1. RECEIVES the Satterley Property Group correspondence (dated 13 March 2019) regarding the extension to the Sales and Marketing Campaign.
2. APPROVES participation in a refreshed Sales and Marketing Campaign at Catalina Estate, as detailed in the Satterley Property Group advice (dated 13 March 2019), commencing 22 April 2019 to 30 June 2019, to include the following:
  - (a) A discount of \$10,000 to apply at settlement for all currently released lots in Catalina;
  - (b) The deletion of the Early Construction Rebate from all lots;
  - (c) 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;



**(d) The discount not applying to the Stage 26 release.**

The Chairman put the Recommendations 1 and 2 (a) –(c) and 2 (d) separately.

- 1. RECEIVES the Satterley Property Group correspondence (dated 13 March 2019) regarding the extension to the Sales and Marketing Campaign.**
- 2. APPROVES participation in a refreshed Sales and Marketing Campaign at Catalina Estate, as detailed in the Satterley Property Group advice (dated 13 March 2019), commencing 22 April 2019 to 30 June 2019, to include the following:**
  - (a) A discount of \$10,000 to apply at settlement for all currently released lots in Catalina;**
  - (b) The deletion of the Early Construction Rebate from all lots;**
  - (c) 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;**

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

**(d) The discount not applying to the Stage 26 release.**

The Motion was put and declared CARRIED (10/1).

For: Cr Anderson, Cr Caddy, Cr Cole, Cr Chester, Cr Ferrante, Cmr Hammond, Cr Italiano, Cr Jones, Cr Sandri and Cr Treby.

Against: Cr Timmermanis.

## **9.9 MANAGEMENT OF SALES CONTRACTS**

Moved Cr Treby, Seconded Cr Sandri.

[The recommendation in the agenda]

**That the Council APPROVES delegation to the Chief Executive Officer to vary the contract sale price, subject to:**

- 1. A recommendation from the Development Manager supporting the variation.**
- 2. The variation not being greater than 10% of the original contract price.**
- 3. That the use of the delegation by the CEO on lot price variations be reported to Council.**

The Motion was put and declared CARRIED BY ABSOLUTE MAJORITY (10/1).

For: Cr Anderson, Cr Cole, Cr Chester, Cr Ferrante, Cmr Hammond, Cr Italiano, Cr Jones, Cr Sandri, Cr Timmermanis and Cr Treby.

Against: Cr Caddy.

#### 9.10 CATALINA LOT PRICING POLICY

Moved Cr Caddy, Seconded Cr Timmermanis.

An Alternative recommendation

**That the Council APPROVES the Lot Pricing Policy for public release lots at Catalina (dated March 2019), subject to the following change:**

**That the words “unless otherwise determined by Council” be added to the end of the sentence, “The lot sale price will be determined by the higher value from the Development Manager and the Council appointed valuer”.**

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

Moved Cr Caddy, Seconded Cr Jones.

**That Standing Orders be suspended to allow Confidential Items 9.11 to 9.13 to be discussed behind closed doors.**

The Motion was put and declared CARRIED (10/1).

For: Cr Anderson, Cr Caddy, Cr Chester, Cr Cole, Cr Ferrante, Cmr Hammond, Cr Italiano, Cr Jones, Cr Sandri and Cr Treby.

Against: Cr Timmermanis.

#### 9.11 CATALINA FRONT LANDSCAPING SERVICES TENDER (TENDER 2/2019) - **CONFIDENTIAL**

Moved Cr Timmermanis, Seconded Cr Anderson.

[The recommendation in the agenda]

**That the Council ACCEPTS the LD Total Front Landscaping tender submission (dated February 2019), for the provision of front landscaping services in accordance with Tender 2/2019 (Catalina Front Landscaping Services, dated February 2019).**

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

#### 9.12 REVIEW OF PROJECT MILESTONES FYE 2019 - **CONFIDENTIAL**

Moved Cr Treby, Seconded Cr Chester.

[The recommendation in the agenda]

**That the Council:**

- 1. RECEIVES the Satterley Property Group report on Project Milestones (February 2019).**

2. **ACCEPTS** that Development Managers Key Performance Indicators (June 2014), 2.10 - *Completion of two six-monthly Milestone reviews and acceptance of the reviews* has been Achieved.
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 it is required to provide a report to Council for the June 2019 meeting as to how these milestones will be satisfactorily addressed so that they do not adversely affect the Project.

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

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

The CEO and Councils' Officers vacated the meeting.

Moved Cr Jones, Seconded Cr Treby.

[The recommendation in the agenda]

That the Council:

1. **OFFERS** Mr Arias a further Contract of Employment as TPRC CEO (subject to same terms and conditions), for a period of three (3) years commencing 12 October 2019.
2. **MODIFYS** the Termination clause in the contract, section 10.2(a)(ii) that states, "The TPRC may terminate the Officer's employment at any time for any reason prior to the expiry of the Term by paying to the Officer the Balance of the Remuneration payable for the Term" to;  
"The TPRC may terminate the Officer's employment at any time for any reason prior to the expiry of the Term by paying to the Officer the Balance of the Remuneration not exceeding twelve months" to align with industry standards.

An Alternative recommendation:

**That the Council:**

1. **OFFERS** Mr Arias a further Contract of Employment as TPRC CEO (subject to same terms and conditions with the exception of section 10.2(a)(ii)) for a period of three (3) years commencing 12 October 2019.
2. **MODIFIES** the Termination clause in the contract, section 10.2(a)(ii) that states, "The TPRC may terminate the Officer's employment at any time for any reason prior to the expiry of the Term by paying to the Officer the Balance of the Remuneration payable for the Term" to:  
"The TPRC may terminate the Officer's employment at any time for any reason prior to the expiry of the Term by paying to the Officer the Balance of the Remuneration not exceeding twelve months" to align with industry standards.
3. **REQUESTS** a report be presented to Council providing a strategy on succession planning and knowledge retention for the CEO.
4. **NOTES** that compliance with the Salaries and Allowances Tribunal Determination as specified in Section 5.39(7) of the *Local Government Act 1995* has not been satisfied given Mr Arias' status as a "preserved CEO".

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

Moved Cr Treby, Seconded Cr Hammond.

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

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

The CEO, Councils' Officers and Consultants joined the meeting.

The recommendations for Confidential Items 9.11 to 9.13 were read out as follows:

**9.11 CATALINA FRONT LANDSCAPING SERVICES TENDER (TENDER 2/2019) - CONFIDENTIAL**

*That the Council ACCEPTS the LD Total Front Landscaping tender submission (dated February 2019), for the provision of front landscaping services in accordance with Tender 2/2019 (Catalina Front Landscaping Services, dated February 2019).*

**9.12 REVIEW OF PROJECT MILESTONES FYE 2019 - CONFIDENTIAL**

*That the Council:*

- 1. RECEIVES the Satterley Property Group report on Project Milestones (February 2019).*
- 2. ACCEPTS that Development Managers Key Performance Indicators (June 2014), 2.10 - Completion of two six-monthly Milestone reviews and acceptance of the reviews has been Achieved.*
- 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 it is required to provide a report to Council for the June 2019 meeting as to how these milestones will be satisfactorily addressed so that they do not adversely affect the Project.*

**9.13 CEO FURTHER CONTRACT OF EMPLOYMENT – CONFIDENTIAL**

*That the Council:*

- 1. OFFERS Mr Arias a further Contract of Employment as TPRC CEO (subject to same terms and conditions with the exception of section 10.2(a)(ii)) for a period of three (3) years commencing 12 October 2019.*
- 2. MODIFIES the Termination clause in the contract, section 10.2(a)(ii) that states, "The TPRC may terminate the Officer's employment at any time for any reason prior to the expiry of the Term by paying to the Officer the Balance of the Remuneration payable for the Term" to:*  
*"The TPRC may terminate the Officer's employment at any time for any reason prior to the expiry of the Term by paying to the Officer the Balance of the Remuneration not exceeding twelve months" to align with industry standards.*

3. *REQUESTS a report be presented to Council providing a strategy on succession planning and knowledge retention for the CEO.*
4. *NOTES that compliance with the Salaries and Allowances Tribunal Determination as specified in Section 5.39(7) of the Local Government Act 1995 has not been satisfied given Mr Arias' status as a "preserved CEO".*

**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**

- 9.11 *Catalina Front Landscaping Services Tender (Tender 2/2019) - Confidential*
- 9.12 *Review of Project Milestones FYE 2019 - Confidential*
- 9.13 *CEO Further Contract of Employment – Confidential*

**14. GENERAL BUSINESS**

Cr Timmermanis requested that attachments relating to confidential items be marked as "Confidential" and be circulated to Councillors with agendas to allow for full consideration of the relevant information prior to Council meetings.

**15. FORMAL CLOSURE OF MEETING**

The Chairman declared the meeting closed at 8:26pm.

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

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

as a true record of proceedings.

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CHAIRMAN