

TAMALA PARK
Regional Council

Meeting of Council

AGENDA

Thursday 17 February 2011
City of Wanneroo, 5.30pm

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
Town of Vincent
City of Wanneroo

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TAMALA PARK REGIONAL COUNCIL

Councillors of the Tamala Park Regional Council are advised that the ordinary meeting of Council will be held in the Council Chambers at the City of Wanneroo, 23 Dundobar Road, Wanneroo at 5.30pm on Thursday 17 February 2011.

The business papers pertaining to the meeting follow.

Your attendance is requested.

Yours faithfully



TONY ARIAS
Chief Executive Officer

MEMBERSHIP

OWNER COUNCIL	MEMBER	ALTERNATE MEMBER
Town of Cambridge	Mayor Simon Withers	
City of Joondalup	Cr Geoff Amphlett Cr Tom McLean	
City of Perth	Cr Eleni Evangel	
City of Stirling	Cr Leonie Getty Cr Giovanni Italiano (CHAIRMAN) Cr David Michael Cr Stephanie Proud	
Town of Victoria Park	Mayor Trevor Vaughan	
Town of Vincent	Mayor Nick Catania	
City of Wanneroo	Cr Dianne Guise Cr Glynis Monks (DEPUTY CHAIRMAN)	Mayor Jon Kelly Cr Brett Treby

NB: Although some Councils have nominated alternate members, it is a precursor to any alternate member acting that a Council carries a specific resolution for each occasion that the alternate member is to act, referencing Section 51 of the Interpretation Act. The current Local Government Act does not provide for the appointment of deputy or alternate members of Regional Councils. The DLGRD is preparing an amendment to rectify this situation.

PRELIMINARIES

1. OFFICIAL OPENING

DISCLOSURE OF INTERESTS

2. PUBLIC STATEMENT/QUESTION TIME

3. APOLOGIES AND LEAVE OF ABSENCE

4. PETITIONS

5. CONFIRMATION OF MINUTES

Council meeting – 16 December 2010

5A. BUSINESS ARISING FROM THE MINUTES

6. ANNOUNCEMENTS BY CHAIRMAN (WITHOUT DISCUSSION)

7. MATTERS FOR WHICH MEETING MAY BE CLOSED

8. REPORTS OF COMMITTEES

- *CEO Performance Review Committee Meeting – 16 December 2010*
- *Management Committee Meeting – 17 February 2011*
- *Audit Committee Meeting – 17 February 2011*

9. ADMINISTRATION REPORTS AS PRESENTED (ITEMS 9.1 – 9.10)

9.1 BUSINESS REPORT – PERIOD ENDING 31 JANUARY 2011

Report Information

Location: Not Applicable
Applicant: Not Applicable
Reporting Officer: Chief Executive Officer File Reference: N/A

Recommendation

That the Business Report to 31 January 2011 be RECEIVED.

Voting Requirements

Simple Majority

Report Purpose

To advise Council of matters of interest not requiring formal resolutions.

Relevant Documents

Appendix: Nil
Available for viewing at the meeting: Nil

Background

The business of the Council requires adherence to many legislative provisions, policies and procedures that aim at best practice. There are also many activities that do not need to be reported formally to the Council but will be of general interest to Council members and will also be of interest to the public who may, from time to time, refer to Council minutes.

In context of the above, a Business Report provides the opportunity to advise on activities that have taken place between meetings. The report will sometimes anticipate questions that may arise out of good governance concerns by Council members.

Comment

Coastal Conservation Committee – The purpose of the Committee is to frame management arrangements for the coastal conservation reserve, between the Burns Beach development and the western cell of the Tamala Park proposed development. The area is approximately 308 hectares.

The Committee met on 24 January 2011 and was presented with a revised draft Establishment Plan for the land.

The draft Establishment Plan proposes the majority of the land to be a Conservation Park managed by the Department of Environment and Conservation. It is likely the foreshore area would be managed by the City of Wanneroo and the City of Joondalup, consistent with municipal boundaries, with conditions attached to that management. The main purpose of the land will be for conservation purposes with limited passive recreation associated with use of the beach area. The timeframe for public release of the report is April/May 2011.

The Committee has agreed to a number of recommendations included in the draft Establishment Plan.

9.2 STATEMENTS OF FINANCIAL ACTIVITY FOR THE MONTHS OF DECEMBER 2010 AND JANUARY 2011

Report Information

Location: Not Applicable
Applicant: Not Applicable
Reporting Officer: Chief Executive Officer File Reference: 12.66.401.0

Recommendation

That the Council RECEIVE and NOTE the Statement of Financial Activity for the months ending 31 December 2010 and 31 January 2011.

Voting Requirements

Simple Majority

Report Purpose

Submission of the Statement(s) of Financial Activity required under the Local Government Act.

Relevant Documents

Appendix: Monthly Statement of Financial Activity for the months ending 31 December 2010 and 31 January 2011
Available for viewing at the meeting: Nil

Local Government Act/Regulation

- Local Government Act 1995: Sect 6.4(1): Financial Report Required
- Local Government (Financial Management) Regulations 1996: Regulation 34 Composition of Report
- Local Government (Financial Management) Regulations 1996: Regulation 34 (5) Material Variance Reports [10%]
- Local Government (Audit) Regulations 1996: Regulation 14 Compliance Audit Item

Background

It is a mandatory requirement that the Council receives, reviews and records in the Regional Council's public minutes a statement of financial activity showing annual budget estimates and the figures for budget estimates, income and expenditure and variances at the end of each month. The report is also to show the composition of assets and other relevant information.

Comment

The detailed Statements contained in the Appendices reflect the budget proposals and direction adopted by the Council.

Variances at January 2011 exceeding 10% were experienced in relation to the following:

Agenda TPRC Meeting of Council – 17 February 2011

Interest Earnings	This reflects the timing of maturity of investments. There are 2 significant investments maturing in February 2011. The budgeted earnings from interest is expected to be met.
Employee Costs	The positive variance relates to employee costs for proposed Project Manager (yet to be appointed).
Materials & Contracts Other	The positive variance in expenditure is partly due to timing of payments. The budgeted expenditure will be met.
Professional Consultant Fees	The positive variance in expenditure is partly due to timing of payments. The budgeted expenditure will be met.

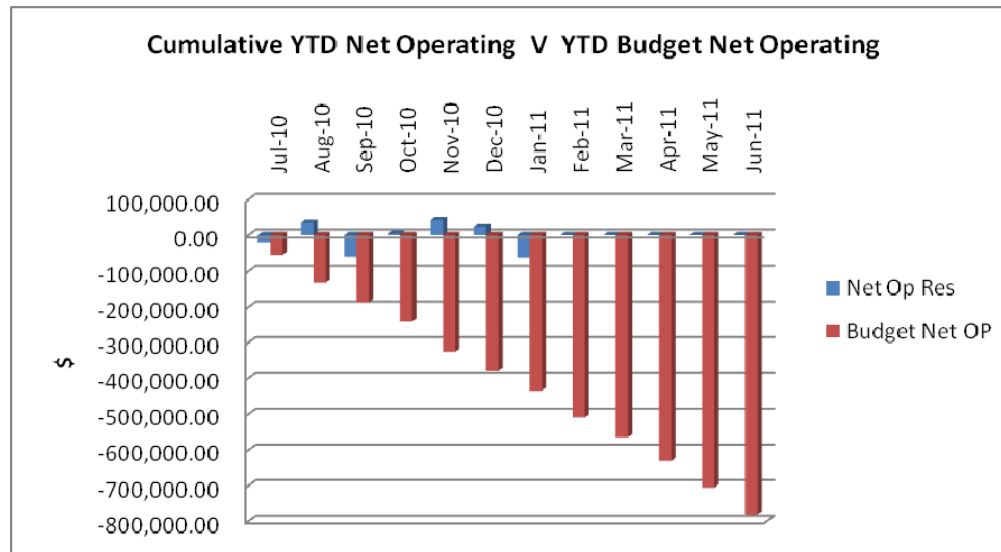
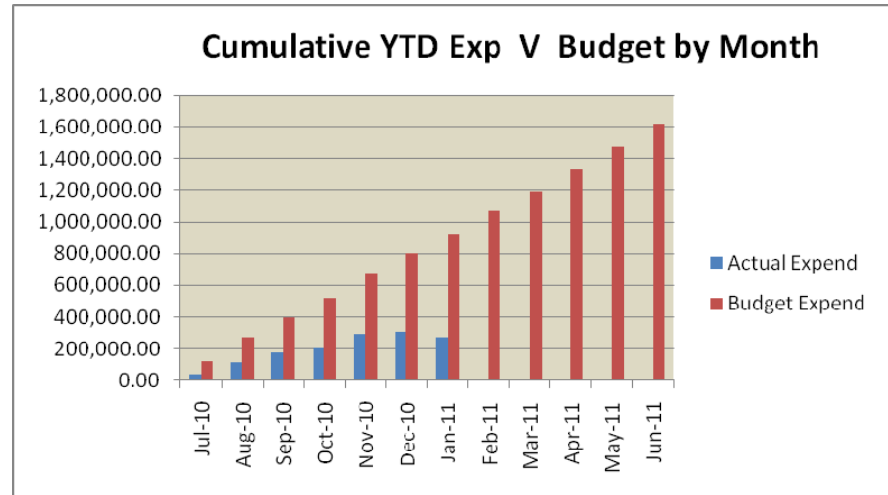
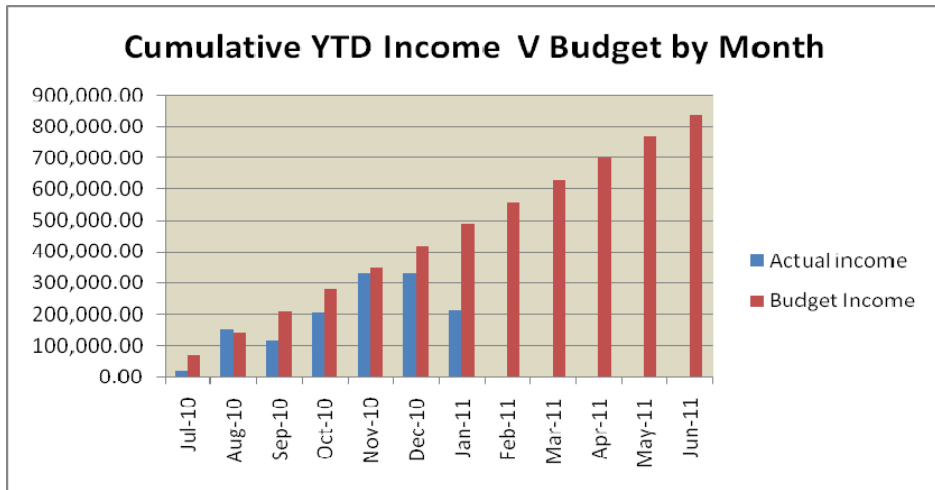
The information in the appendices is summarised in the tables below.

Financial Snapshot as at 31 January 2011

	Jul 1, '10 - Feb 3, 11	YTD Budget	\$ Over Budget	+/- Variance	Annual Budget
Revenue					
Interest Earnings	364,430.67	496,455.25	-132,024.58	26.59%	838,236.00
Other Revenue	1,250.93	0.00	1,250.93	0.0%	0.00
Revenue - Other	0.00	0.00	0.00	0.0%	
Total Revenue	365,681.60	496,455.25	-130,773.65	73.66%	838,236.00
Expenses					
Loss on Disposal of Assets	0.00	0.00	0.00	0.0%	
Depreciation	0.00	0.00	0.00	0.0%	-4,502.00
Employee Costs	-220,144.73	-313,968.81	93,824.08	29.88%	-529,983.00
Insurance	-4,008.10	-4,143.46	135.36	3.27%	-7,005.00
Materials & Contracts MTC	0.00	-1,000.00	1,000.00	100.0%	-1,000.00
Materials & Contracts Other	-36,331.94	-256,515.89	220,183.95	85.84%	-439,710.00
Other	-54,749.71	-56,075.88	1,326.17	2.36%	-118,499.99
Professional/Consultant Fees	-76,133.75	-301,298.89	225,165.14	74.73%	-508,800.00
Utilities	0.00	-5,913.14	5,913.14	100.0%	-10,000.00
Expenses - Other	0.00	0.00	0.00	0.0%	
Total Expenses	-391,368.23	-938,916.07	547,547.84	58.32%	-1,619,499.99
Unclassified	0.00	0.00	0.00	0.0%	0.00
TOTAL	-25,686.63	-442,460.82	416,774.19	94.19%	-781,263.99

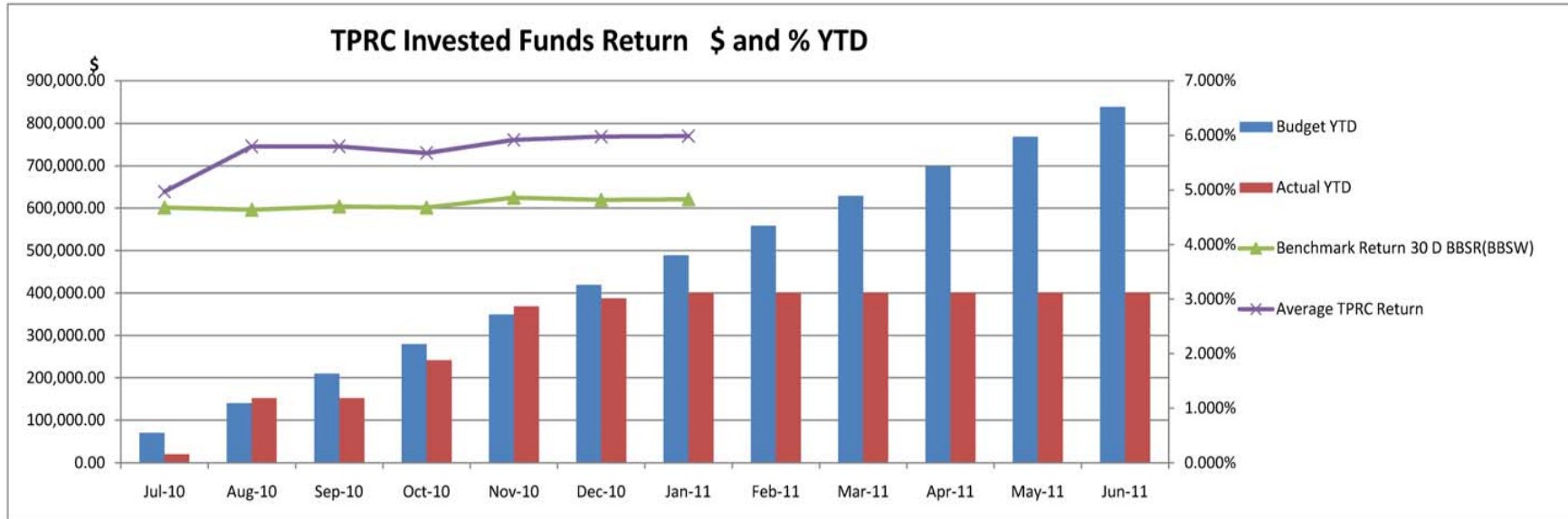
Balance Sheet Summary as at 31 January 2011

	Jan 31, 11	June 30, 10	\$ Change	% Change	Jan 31, 11
Cash and Investments	15,126,425.54	15,225,077.15	-98,651.61	-0.65%	17,164,082.72
Accounts receivable	0.00	36,364.68	-36,364.68	-100%	0.00
Other Current Assets	1,030.00	1,030.00	0.00	0.00%	1,030.00
Total Current assets	15,127,455.54	15,262,471.83	- 135,016.29	-0.89%	17,165,112.72
Fixed Assets	2,018,762.88	2,013,762.88	5,000.00	0.25%	14,918.05
Total Assets	17,146,218.42	17,276,234.71	- 130,016.29	-0.75%	17,180,030.77
Less Current Liabilities	45,985.17	64,156.65	-18,171.48	-28.32%	96,340.57
Less Long Term Liabilities	6,918.42	6,918.42	0.00	0.00%	2,429.11
Total Liabilities	53,336.28	157,665.94	-104,329.66	-66.17%	101,098.03
Net Assets	17,093,314.83	17,205,159.64	- 111,844.81	27.57%	17,081,261.09



**Tamala Park Regional Council
TPRC Investments Summary
1 July 2010 - 31 January 2011**

		Jul-10	Aug-10	Sep-10	Oct-10	Nov-10	Dec-10	Jan-11	Feb-11	Mar-11	Apr-11	May-11	Jun-11
Budget	I032030 · Interest on Investment	69,853.00	69,853.00	69,853.00	69,853.00	69,853.00	69,853.00	69,853.00	69,853.00	69,853.00	69,853.00	69,853.00	69,853.00
Actual	I032030 · Interest on Investment	20,383.00	132,052.00	0.00	88,842.49	127,212.02	18,876.73	13,392.00					
	Budget YTD	69,853.00	139,706.00	209,559.00	279,412.00	349,265.00	419,118.00	488,971.00	558,824.00	628,677.00	698,530.00	768,383.00	838,236.00
	Actual YTD	20,383.00	152,435.00	152,435.00	241,277.49	368,489.51	387,366.24	400,758.24	400,758.24	400,758.24	400,758.24	400,758.24	400,758.24
Invested Funds													
A(-1+)	A01102 · Unrestricted At Call	19,884.12	76,953.61	19,539.90	51.55	5,083.62	72,250.02	43,391.85					
A(-1+)	A01106/7 · Fixed Term Deposits	15,075,550.14	15,075,549.00	15,075,549.00	15,075,550.00	15,075,550.00	15,075,550.00	15,075,550.00					
	Act Invest 09-10	15,095,434.26	15,152,502.61	15,095,088.90	15,075,601.55	15,080,633.62	15,147,800.02	15,118,941.85	0.00	0.00	0.00	0.00	0.00



9.3 LIST OF MONTHLY ACCOUNTS SUBMITTED FOR THE MONTHS OF DECEMBER 2010 AND JANUARY 2011

Report Information

Location: Not Applicable
Applicant: Not Applicable
Reporting Officer: Chief Executive Officer File Reference: 12.66.401.0

Recommendation

That the Council RECEIVE and NOTE the list of accounts paid under Delegated Authority to the CEO for the month of December 2010 and January 2011:

- **Month ending 31 December 2010 (Total \$58,212.79)**
- **Month ending 31 January 2011 (Total \$39,960.12)**
- **Total Paid - \$98,172.91**

Voting Requirements

Simple Majority

Report Purpose

Submission of the list of payments made under the CEO's Delegated Authority for the months ending 31 December 2010 and 31 January 2011.

Relevant Documents

Appendix: Cheque Detail for Months Ending 31 December 2010 and 31 January 2011

Available for viewing at the meeting: Nil

Local Government Act/Regulation

- Local Government Act 1995: Sect 5.42 - Delegation given for Payments
- Local Government (Financial Management) Regulations 1996: Regulation 13(1) - Monthly Payment list required
- Local Government (Audit) Regulations 1996: Regulation 13 - Compliance Audit Item

Background

A list of accounts paid under delegation or submitted for authorisation for payment is to be submitted to the Council at each meeting.

It is a specific requirement of Regulations that list state the month (not the period) for which the account payments or authorisation relates.

Comment

Payments made are in accordance with authorisations from Council, approved budget, TPRC procurement and other relevant policies.

Payments are reviewed by TPRC Accountants Haines Norton following completion of each months accounts.

**Tamala Park Regional Council
Summary Payment List
December 2010**

Date	Num	Name	Description	Amount
01/12/2010	CH-200210	Westpac	Bank Charges Cheque Account December 2010	-23.20
02/12/2010	ET-730	Employee Costs	Wages for period 18/11/10 to 01/12/10	-7,079.67
02/12/2010	ET-727	WALGSP	KJ superannuation for period 18/11/10 to 1/12/10	-131.16
02/12/2010	ET-728	National Australia Bank	TA SS superannuation contribution for period 18/11/10 to 1/12/10	-1,424.57
02/12/2010	ET-729	National Australia Bank	TA 9 per cent contribution for period 18/11/10 to 1/12/10	-936.81
02/12/2010	ET-724	Kyocera Mita	Colour/black & white copying charges to 18/10/10	-343.61
02/12/2010	ET-725	Macri Partners	Audit Fees - Audit for year ended 30/06/10 & attending Audit committee Mtg	-5,214.00
02/12/2010	ET-726	Telstra	TA mobile usage to 13/11/10 and service charges 14/11/10 to 13/12/10	-63.11
02/12/2010	CH-200200	City of Stirling	Rent & Electricity MR3 SCC for January 2011	-396.48
15/12/2010	CH-200211	Westpac Bank	CEO and EA credit card payment December 2010	-2,613.75
16/12/2010	ET-742	ATO	IAS Payment for November 2010	-6,724.00
16/12/2010	ET-746	Employee Costs	Wages for period 02/12/10 to 15/12/10	-7,079.67
16/12/2010	ET-743	National Australia Bank	TA Salary Sacrifice super for period 2/12/10 to 15/12/10	-1,424.57
16/12/2010	ET-744	National Australia Bank	TA 9% super for period 2/12/10 to 15/12/10	-936.81
16/12/2010	ET-745	WALGSP	KJ 9% super for period 2/12/10 to 15/12/10	-131.16
16/12/2010	ET-732	Amcom	ADSL Direct 1/1/2011 to 1/2/2011	-79.00
16/12/2010	ET-733	Eco Logical Australia	Mitigation & Offset Implementation Plan (Prep of Catalina Offsets Strategy)	-6,765.00
16/12/2010	ET-734	Haines Norton	Hanies Norton invoice 2011-026240	-770.00
16/12/2010	ET-735	Landgate	Conveyancing Expenses - Cadastral Data as requested by McMullen Nolan Surveyors	-511.50
16/12/2010	ET-736	Lloyd George Acoustics	Consulting services (attend mtgs at DPI & update report after requests from Govt agencies)	-3,146.00
16/12/2010	ET-737	McMullen Nolan	Surveyors Fees - Ortho plan for TPD as requested by CLE	-660.00
16/12/2010	ET-738	Officeworks	Stationery	-86.16
16/12/2010	ET-739	T Arias	Parking reimbursements	-76.60
16/12/2010	ET-740	Telstra	TPRC office Landline usage charges to 27/11/10 & call charges to 27/11/10	-128.35
16/12/2010	ET-741	WALGA	WALGA Invoice I2689745	-1,021.11
30/12/2010	ET-753	Employee Costs	Wages for period 16/12/10 to 29/12/10	-7,079.67
30/12/2010	ET-750	National Australia Bank	TA Salary Sacrifice superannuation for period 16/12/10 to 29/12/10	-1,424.57
30/12/2010	ET-751	National Australia Bank	TA 9% superannuation for period 16/12/10 to 29/12/10	-936.81
30/12/2010	ET-752	WALGSP	KJ 9% superannuation for period 16/12/10 to 29/12/10	-131.16
30/12/2010	ET-748	Haines Norton	Accounting Services for January 2011	-770.00
30/12/2010	ET-749	Telstra	TA mobile phone usage to 13/12/10 and service charges to 13/1/11	-104.29
				<u>-58,212.79</u>

**Tamala Park Regional Council
Cheque Detail
January 2011**

Date	Num	Name	Description	Amount
04/01/2011	CH-200206	Westpac	Bank Fees Cheque Account January 2011	-19.50
13/01/2011	ET-761	Employee Costs	Wages for period 30/12/10 to 12/1/11	-7,108.15
13/01/2011	ET-758	National Australia Bank	TA 9% superannuation for period 30/12/10 to 12/1/11	-936.81
13/01/2011	ET-759	National Australia Bank	TA Salary Sacrifice superannuation for period 30/12/10 to 12/1/11	-1,424.57
13/01/2011	ET-760	WALGSP	KJ Superannuation for period 30/12/10 to 12/1/11 (includes \$3.82 relating to holiday leave amoun...	-138.80
13/01/2011	ET-755	Amcom	ADSL Direct 512/512k for period 1/2/11 to 1/3/11	-79.00
13/01/2011	ET-756	Eco Logical Australia	Eco Logical Invoices 8594 & 8598	-3,552.27
13/01/2011	ET-757	Telstra	TPRC office equipment rental and call charges to 27/12/10	-132.32
13/01/2011	CH-200205	Westpac Bank	CEO and EA credit card payment January 2011	-124.75
17/01/2011	ET-763	Qantas	Flights for Cr Italiano, Cr Monks & CEO to Adelaide (27/3 to 1/4/11) to attend the 2011 UDIA conference	-1,296.00
27/01/2011	ET-771	Employee Costs	Wages for period 13/1/11 to 26/1/11	-7,127.19
27/01/2011	ET-773	Employee Costs	Backpay to KJ to 10/7/10 in line with pay increase after perf review paid 27/1/11	-917.12
27/01/2011	ET-767	National Australia Bank	TA Salary Sacrifice Superannuation for period 13/1/11 to 26/1/11	-1,424.57
27/01/2011	ET-768	National Australia Bank	TA 9% Superannuation for period 13/1/11 to 26/1/11	-936.81
27/01/2011	ET-769	WALGSP	KJ 9% Superannuation for period 13/1/11 to 26/1/11 (includes back pay to 10/7/10)	-229.85
27/01/2011	ET-770	Australian Taxation Office	BAS for period October to December 2010	-3,642.00
27/01/2011	ET-764	All Occasions Management	Crs Italiano & Monks & TA to attend UDIA National Congress 2011 (Adelaide)	-6,909.00
27/01/2011	ET-766	Marketforce	Catalina Workshop Facilitation & Preparation	-2,750.00
27/01/2011	ET-765	Neverfail	Water Bottles & Dispenser	-99.00
27/01/2011	Debit	Telstra	TA mobile usage, call and service charges to 13/1/11	-86.07
27/01/2011	CH-200201	City of Stirling	Rent & Electricity MR3 SCC for February 2011	-377.60
27/01/2011	CH-200202	City of Stirling	Rent MR3 SCC for March 2011	-434.24
27/01/2011	CH-200203	City of Stirling	Hire MR1 SCC for CEO Group Mtg 7/4/11	-136.50
27/01/2011	CH-200204	City of Stirling	Hire MR1 SCC for CEO Group Mtg 10/2/11	-78.00
				-39,960.12

9.4 LOCAL GOVERNMENT COMPLIANCE AUDIT FOR YEAR ENDED 31 DECEMBER 2010

Report Information

Location: Not Applicable
Applicant: Not Applicable
Reporting Officer: Chief Executive Officer File Reference: 13.127.229.0

Recommendation

That the Compliance Audit Return for the TPRC for the year ended 31 December 2010 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.

Voting Requirements

Simple Majority

Report Purpose

To submit for adoption the TPRC Local Government Compliance report for the year ended 31 December 2010.

Relevant Documents

Appendix: Compliance Audit Return for Tamala Park Regional Council 2010
Available for viewing at the meeting: Nil

Policy Reference

TPRC Audit Charter: Duties and Responsibilities of Audit Committee Clause 6 - To review the statutory compliance return and make a recommendation on its adoption to the Council.

Local Government Act/Regulation

- Local Government Act 1995: Section 7.13 Minister may require Compliance Audit
- Local Government (Audit) Regulations 1996: Regulation 13-15 Audit items and Procedure

Previous Minutes

- Council Meeting – 11 February 2010 (Item 9.12 – Local Government Compliance Audit for Year Ended 31 December 2009)
- Council Meeting – 26 February 2009 (Item 9.10 - Local Government Compliance Audit for year ended 31 December 2008)
- Audit Committee Meeting – 21 February 2008 (Item 9.2 - Local Government Compliance Audit for year ended 31 December 2007)
- Council Meeting - 12 April 2007 (Item 9.6 - Compliance Audit Return – Year Ended 31 December 2006)

Financial/Budget Implications

Nil

Background

The Minister for Local Government has required that all Local Governments complete a compliance return in reference to the statutory obligations of Councils, Council Members, and the Local Government. The Compliance return requires answers to specific questions which seek performance answers and comments relative to specific provisions of the Local Government Act and Regulations.

The Compliance return is one of the tools to assist Local Governments and the Minister to understand how the local government is functioning and to promote a minimum standard of response to the statutory obligations set down in legislation.

The Compliance audit is to be:

- Conducted for the period 1 January to 31 December each year;
- Presented to the Council at a meeting of the Council;
- Adopted by the Council;
- Recorded in the minutes of the meeting at which it is adopted; and
- A certified copy with the relevant section of the Council minutes and any additional information explaining or qualifying the compliance audit is to be submitted to the Executive Director (DLGRD) by 31 March.

Comment

The compliance return is broken down into the following parts:

- Commercial Enterprises by Local Governments
- Delegation of Power/Duty
- Disclosure of Interest
- Disposal of Property
- Finance
- Local Government Employees
- Local Laws
- Meeting Process
- Miscellaneous provisions
- Official Conduct
- Tenders for Providing Goods and Services

Some items mentioned in the return are not relevant to operations of the TPRC for the return period. These have been noted 'N/A'.

There was no adverse finding in reference to the Compliance Audit for the year ended 31 December 2010.

The Audit Committee is to consider the Compliance Audit report for the year ended 31 December 2010 at its meeting of 17 February 2011. An update on the Audit Committee considerations of the Compliance Audit will be provided at the meeting.

In summary there are no compliance issues of concern to be reported.

9.5 TPRC BUDGET REVIEW – 1 JULY 2010 TO 30 JUNE 2011

Report Information

Location: Not Applicable
Applicant: Not Applicable
Reporting Officer: Chief Executive Officer File Reference: 13.127.229.0

Recommendation

1. That the report be RECEIVED.
2. That the Council APPROVE the following expenditure and the budget being MODIFIED accordingly:
 - a. Legal Expense – E145061, - expenditure of \$40,000 reallocated to PROPERTY DEVELOPMENT, Surveyors Fees E145065.
 - b. Environmental Innovations E145443 to E145446, expenditure of \$95,000 reallocated to PROPERTY DEVELOPMENT, Preliminary Engineering Design E145070.
 - c. Consultancy - Other E145079, expenditure of \$50,000 to PROPERTY DEVELOPMENT, Preliminary Engineering Design E145070.
 - d. Branding/Marketing – E145042, expenditure of \$30,000 reallocated to PROPERTY DEVELOPMENT, Subdivision Design – Stage 1- E145072.
 - e. Environmental Management Plans – E1450074, expenditure of \$15,000 reallocated to PROPERTY DEVELOPMENT, Subdivision Design – Stage 1- E145072.

Voting Requirements

Absolute Majority

Report Purpose

Submission of the Budget Review prescribed by Regulation.

Relevant Documents

Appendix: Income Statement Summary July 2010 through to January 2011
Available for viewing at the meeting: Nil

Policy Reference

N/A

Local Government Act/Regulation

- Local Government Act 1995: S 6.2 Requires budget and allows regulations
- Local Government (Financial Management) Regs 1996: Reg 33A Review Required by 31 March and Copy to Department within 30 Days
- Local Government (Audit) Regs 1996: Reg 13 Compliance Audit Item
- Local Govt Circular No 6 -2006: Suggesting Budget Review Format

Previous Minutes

- Council Meeting - 11 February 2010 (Item 9.13 – TPRC Budget Review – 1 July 2009 to 30 June 2010 at 11 February 2010)
- Council Meeting – 26 February 2009 (Item 9.11 – TPRC Budget Review – 1 July 2008 to 30 June 2009 at 26 February 2009)

Financial/Budget Implications

No budget allocation. Review of variances of TPRC 2010/11 budget.

Background

As part of the TPRC budget adoption a 10% Variance for Income/Expenditure was determined a material variance. Income and expenditure, which is greater than the material variance, is explained in the review.

The current review follows a format suggested in Local Government Department circular 6 - 2006.

Comment

A review of all the items of the approved TPRC budget for 2010/11 has been undertaken. The schedule at Appendix 9.5 details the actual expenditure, year to date, projected actual and expected variances for all cost items. Those items with a material variance (greater than 10%) are highlighted.

Income

Interest from investment which is the major source of income for the Council is expected to be \$850,000 for 2010/11, slightly above budget estimate of \$838,236, and within the agreed 10% variance.

Expenditure

The significant material variances to items of expenditure are as follows:

ADMINISTRATION

Salaries – Basic Costs and Salaries Superannuation – E145005 and E145007, there is expected to be a \$50,000 variation. The positive variance relates to employee costs for proposed Project Manager (yet to be appointed).

Legal Expense – E145061, there is expected to there is expected to be a \$40,000 variation. It is proposed to reallocate these funds to PROPERTY DEVELOPMENT, Surveyors Fees E145065.

CONSULTANT EXPENSE

Environmental Innovations E145443 to E145446, expenditure of \$95,000 on these items is proposed to be deferred to 2011/12.

Consultancy - Other E145079 there is a saving of \$50,000.

It is proposed to reallocate these funds (\$145,000) to PROPERTY DEVELOPMENT, Preliminary Engineering Design E145070.

PROPERTY DEVELOPMENT

Branding/Marketing – E145042, there is expected to be a \$30,000 variation.

Environmental Management Plans – E1450074, there is expected to there is expected to be a \$15,000 variation.

It is proposed to reallocate these funds from *Branding/Marketing* – E145042 (\$30,000) and *Environmental Management Plans* – E1450074 (\$15,000) to PROPERTY DEVELOPMENT, Subdivision Design – Stage 1- E145072.

As indicated above it is necessary to reallocate budget funds in the following area in order to progress the project and meet project milestones;

1. Surveyors Fees E145065 – current budget \$15,000, proposed budget \$55,000.
2. Preliminary Engineering Design E145070 current budget \$30,000, proposed budget \$175,000.
3. Subdivision Design – Stage 1- E145072 current budget \$75,000, proposed budget \$120,000.
4. Funds for the above items can be met from savings from existing budget items, as detailed above.

The additional expenditure relating to planning, engineering and survey reflects the substantial work required to achieve TPRC milestones for Stage 1. It also reflects the advanced nature of the planning and design for Stage 1 subdivision area.

CAPITAL

In relation to capital expenditure the budget provided \$120,000 for the fitout and furnishing of the TPRC office premises, no changes are expected in relation to this item.

Summary

Overall it is expected that operating income will increase by approximately \$12,000. There are a number of budget items which are to be underspent, however, it is necessary to reallocate these budget funds to Surveyors Fees, Preliminary Engineering Design and Subdivision Design – Stage 1 in order to progress the project and meet project milestones, as indicated in this report. The net income will change from -\$781,263 to -\$ 715,124.

Capital expenditure for the year is not likely to change from budget.

The Audit Committee is to consider the Budget Review report at its meeting of 17 February 2011. An update on the Audit Committee considerations of the Budget Review will be provided at the meeting.

9.6 MINDARIE REGIONAL COUNCIL BUFFER

Report Information

Location: Not Applicable
Applicant: Not Applicable
Reporting Officer: Chief Executive Officer File Reference: 18.121.624

Recommendation

1. Advise the MRC that it NOTES the pull-back of the buffer zone for 31 December 2010 has not been achieved.
2. Advise the MRC of TPRC concerns and potential implications of the buffer 'pull back' targets agreed in February 2010 not being achieved.
4. REQUEST the MRC to complete the contour of the northern face of the landfill commence as quickly as possible so that treatment of that face and rehabilitation can be undertaken on a staged basis to provide the best opportunity possible to change the aesthetic presentation of the northern area of the landfill viewable from the TPRC development.
5. Request MRC to provide advice to the TPRC on current planning for the 'pull back' of the MRC buffer zone.

Voting Requirements

Simple Majority

Report Purpose

To advise the TPRC on the status of the MRC buffer.

Relevant Documents

Appendix: Letter from MRC (reference D/11/712)
Available for viewing at the meeting: Nil

Policy Reference

N/A

Local Government Act/Regulation

N/A

Previous Minutes

Council Meeting – 11 February 2010 (Item 9.6 – Mindarie Regional Council Buffer)
Council Meeting - 13 August 2009 (Item 9.12 – Mindarie Regional Council Buffer)

Financial/Budget Implications

No budget allocation.

Background

The MRC leases 151 hectares from the 7 constituent Councils, immediately south of the TPRC landholding, for the purpose of a landfill site.

In the renegotiation of the MRC lease good neighbour provisions were included which recognised the necessity for the MRC and the TPRC to work together.

In the MRC lease provision was made for retention of a buffer of 500m from the operating face of the MRC landfill, which is consistent with DEC requirements. The buffer currently extends 250 metres into the Tamala Park land area.

At its meeting of February 2010 the Council resolved to note the pull-back of the MRC buffer zone is as follows:

- Current – buffer approximately 250m north of the lease boundary;
- 31 December 2010 – buffer approximately 150m north of the lease boundary;
- 31 December 2015 – buffer approximately 100m north of the lease boundary;
- 31 December 2016 – buffer pulled back to the lease boundary; and
- 31 January 2021 – (landfill closed) – no buffer zone required.

It also requested the MRC to complete the contour of the northern face of the landfill site as quickly as possible so that treatment of that face and rehabilitation could be undertaken on a staged basis to provide the best opportunity possible to change the aesthetic presentation of the northern area of the landfill viewable from the TPRC development. Also to undertake immediate works to stabilise the northern stockpile and implement a landscape plan.

Comment

The MRC has advised that the 31 December 2010 buffer target has not been achieved and it is now likely to be February/March 2011. This has been as a consequence of lower volumes being received by the landfill.

The current TPRC Structure Plan anticipates the initial stages of development adjacent Neerabup Road and not directly impacted by the buffer zone. In considering the current buffer zone the TPRC considered that the buffer requirements of MRC could be managed through the staged urban development.

However, it was considered important that the MRC adhere to revised buffer program and that the MRC acknowledge that these are current minimum targets.

The stages of the project south of the 'green link' could be significantly impacted by delays in the 'pull back' of the buffer zone as the WAPC will not approve subdivision applications of land within the buffer zone. A further consequence is that the treatment and landscaping of the northern face will also be delayed. This could affect purchaser perceptions of the Tamala Park project.

Discussions are going with the MRC office to determine any potential changes to the agreed buffer zone pull back and any potential impacts on the TPRC development.

9.7 FUTURE PLAN 2011 - 2013

Report Information

Location: Not Applicable
Applicant: Not Applicable
Reporting Officer: Chief Executive Officer File Reference: 4.121.251.0

Recommendation

That the Council RECIEVE the report on submission the draft Future Plan 2011-2013 and that this matter be the subject of a further report when the Tamala Park Project Cashflow has been determined.

Voting Requirements

Absolute Majority

Report Purpose

To advise status of the TPRC Plan for the Future 2011-2013.

Relevant Documents

Attachments: List of submissions received on TPRC Future Plan; LSP objectives
Available for viewing at the meeting: Nil

Previous Minutes

- Council Meeting - 16 December 2010 (Item 9.6 – Future Plan 2011-2013)
- Council Meeting - 14 June 2007 (Item 9.4 – Future Plan)
- Council Meeting - 9 August 2007 (Item 9.9 – Future Plan)
- Council Meeting - 8 June 2006 (Item 9.4 - Setting out requirements and proposal for the TPRC Future Plan)
- Council Meeting - 8 March 2006 (Item 9.5 - Approving the TPRC Enquiry by Design workshop as part of the process of informing the TPRC Future Pan)

Local Government Act/Regulation

- LGA Section 1.3(3). Intent of Act: Includes Planning to meet the needs of current and Future Generations.
- LGA Section 5.53. Annual Reports: A summary of the Plan for the Future to be included.
- LGA Section 5.56. Plan for the Future: Requires L Auth to prepare in accordance with regulations, for a minimum of 2 years.
- LGA Section 5.94. Plan for the Future: Public may inspect.
- LGA Section 6.2. Plan for the Future : Budget to have regard for:
 - Local Government (Administration) Regulations 1996 Regulation 19C Prescribes Form, Consultation Required, Revision Period; and
 - Local Government (Administration) Regulations 1996 Regulation 19D Prescribes Public Advertising for Plan and Modifications upon revision.

Financial/Budget Implications

Expenditure under this matter will be incurred under item E145029 (Advertising Public/Statutory):

Budget Amount:	\$6,000
Spent to Date:	\$3,573
Balance:	\$2,427

The requirements for advertising will be met under the existing budget allocation.

Background

A Future Plan is a legal requirement pursuant to Section 5.56 of the Local Government Act.

The Future Plan is intended to provide a three year outlook of the activities of the Tamala Park Regional Council (TPRC). It is also intended to make reference to the broad objectives of the Council, the proposed use of Council resources and the involvement of the community.

At its meeting of 16 December 2010 the Council endorsed the draft Future Plan 2011-2013 document for the purpose of advertising for public response. It also adopted the following proposals for public consultation;

- Advertised in local newspapers.
- Advised on participant Council noticeboards.
- Web site.
- Participant Local Government responses canvassed.

Comment

As required by Council the Future Plan was advertised in local newspapers, on participant Council noticeboards, TPRC Web site and participant Local Government responses canvassed.

To date five responses have been received, all from participant Councils. Submissions were received from:

- City of Joondalup
- City of Perth
- City of Stirling
- Town of Vincent
- City of Wanneroo

A summary of the comments received is attached at Appendix 9.7. The comments of an editorial nature can be readily addressed in the Future Plan. There are a number of comments which could involve significant changes, particularly relating to the Financial Summary of the Future Plan and the potential inclusion of LSP Objectives and KPI's relating to the Objectives.

The draft Future Plan currently includes the TPRC objectives stated in the Establishment Agreement, which are as follows:

- To develop and improve the value of the Land;

- To maximise, within prudent risk parameters, the financial return to the Participants;
- To balance economic, social and environmental issues; and
- To produce a quality development demonstrating the best urban design and development practice.

The City of Wanneroo has recommended that the Objectives contained in Part 1 (Statutory section) of the LSP (refer to Appendix 9.7) be included in the Future Plan, with appropriate KPI's. At this stage the Part 1 provisions (including the Objectives) have not been approved by the WAPC and be modified. Given that the Part 1 provision of the LSP are subject to review, it may be prudent to await the WAPC's consideration of the Part 1 provisions and the nominated Objectives prior to including these in the Future Plan.

The Financial Summary is dependent on the project cash flow currently being prepared in conjunction with the Development Manager. This is expected to be completed in March 2011 and presented for the Council's consideration at its April 2011 meeting.

Given the significant implications of the project cash flow of the Future Plan – Financial Summary, it may be prudent that adoption of the Future Plan should be reconsidered by the Council when the project cash flow has been determined. This would also enable the matter of the LSP Objectives and possible inclusion in the Future Plan to be further considered.

9.8 TPRC STRUCTURE PLAN STATUS UPDATE

Report Information

Location: Not Applicable
Applicant: Not Applicable
Reporting Officer: Chief Executive Officer File Reference: 18.121.624

Recommendation

That the Council RECEIVE the status report in relation to the TPRC Structure Plan.

Voting Requirements

Simple Majority

Report Purpose

To advise status with Structure Plan approval.

Relevant Documents

Appendix: Nil
Available for viewing at the meeting: Nil

Policy Reference

N/A

Local Government Act/Regulation

N/A

Previous Minutes

Various Council meetings – most recent 16 December 2010 (Item 9.5 – TPRC Structure Plan Status Update)

Financial/Budget Implications

Expenditure under this matter will be incurred under item E145401 (Structure Planning – Direct Component):

Budget Amount:	\$45,000
Spent to Date:	\$1,300
Balance:	\$43,700

The finalisation of the LSP will be met under the existing budget allocation.

Background

The Council at its meeting on 13 August 2009 considered the completed Structure Plan for the urban development at Tamala Park.

The Structure Plan was considered by the City of Wanneroo on 4 May 2010 at which time Council resolved to support a modified Structure Plan, subject also to a number of modifications being effected prior to final approval. It also resolved to refer the Structure Plan to the Western Australian Planning Commission for approval.

Comment

The Western Australian Planning Commission has not yet determined the Structure Plan. The following issues have been delaying the approval of the Structure Plan:

1. The Department of Environment and Conservation (DEC) position on the Graceful Sun Moth (GSM). The GSM is declared specially protected fauna under the WA Wildlife Conservation Act 1950. It is listed as endangered under the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act).

The DEC has recently released formal advice on the Graceful Sun Moth which will enable the WAPC to determine LSP.

2. The Department of Environment and Conservation (DEC) review of the Environmental Management Plans.

DEC has requested modifications to the EMP. These are not significant in nature and generally involve clarification. The EMP has been modified and resubmitted to DEC, which has now approval to the EMP.

3. Approval of a Local Water Management Strategy (LWMS) by the Department of Water (DoW). The DoW has indicated support for the revised LWMS. The City of Wanneroo raised a number of issues on the revised LWMS. These have been addressed in the revised LWMS and submitted to the City of Wanneroo.
4. Finalisation of Part 1 provisions of LSP. The WAPC has requested modifications to the Part 1 provisions by the City of Wanneroo. The City is presently reviewing the WAPC requirements.

Advice from the WAPC is that the Tamala Park LSP should be determined during February 2011.

The WAPC is to consider the lifting or Urban Deferred Zoning for the land east of Marmion Avenue and clearance of the Minister for the Environment conditions of approval at its 22 February 2011 meeting.

9.9 CEO PERFORMANCE REVIEW 2010

Report Information

Location: Not Applicable
Applicant: Not Applicable
Reporting Officer: Chief Executive Officer File Reference:

Recommendation

That the report submitted by Workplace Solutions advising results of the CEO performance review 2010 be RECEIVED.

Voting Requirements

Simple Majority

Report Purpose

To receive a report from consultants on work commissioned by the Council.

Relevant Documents

Appendix: CEO Annual Appraisal Report 2010
Available for viewing at the meeting: Nil

Policy Reference

Not applicable

Local Government Act/Regulation

Local Government Act requires performance review for the CEO and all employees annually.

Previous Minutes

Council meeting – 26 February 2009 (Item 8 – Minutes of the CEO Performance Review committee meeting 26 February 2009)

Financial/Budget Implications

Expenditure under this matter will be incurred under item E145079 (Consultancy - Other):

Budget Amount:	\$50,000
Spent to Date:	\$4,400
Balance:	\$45,600

Background

The Council approved WALGA Workplace Solutions to assist the Council with the CEO review.

The CEO Performance Review Committee has completed the annual CEO performance review.

Comment

The CEO Performance Review Committee met on 16 December 2010 and resolved to recommend the WALGA Workplace Solutions report.

9.10 STRUCTURE PLAN REFERRAL - ENVIRONMENTAL PROTECTION & BIODIVERSITY CONSERVATION ACT

Report Information

Location: Not Applicable
Applicant: Not Applicable
Reporting Officer: Chief Executive Officer File Reference: 18.121.624.9

Recommendation

That Council RECEIVE the report.

Voting Requirements

Simple Majority

Report Purpose

To provide a status report on the referral of the Structure Plan to the Department of Environment, Water, Heritage and the Arts (DEWHA) under the Environment, Protection and Biodiversity Conservation Act 1999 (EPBC Act).

Relevant Documents

Appendix: Letter from DSEWPAC dated 25 January 2011
Available for viewing at the meeting: Nil

Policy Reference

N/A

Local Government Act/Regulation

N/A

Previous Minutes

N/A

Financial/Budget Implications

Expenditure under this matter will be incurred under item E145448 (EPBC Act Management):

Budget Amount: \$50,000
Spent to Date: \$33,210
Balance: \$16,790

The finalisation of EPBC approval will be met under the existing budget allocation.

Background

The EPBC Act requires referral of any proposals that may impact on endangered species to the Department of Sustainability, Environment, Water, Population and Communities (SEWPAC). Field surveys undertaken for the TPD identified potential habitat for Carnaby's Cockatoo and Graceful Sun Moth, both are listed as endangered under the EPBC Act.

At its meeting of February 2010 the Council approved the referral of the Structure Plan and Environmental Management Plan to the SEWPAC.

The referral will need to demonstrate that acceptable environmental outcomes can be achieved for the project. It will need to address the following issues:

- The extent and quality of Carnaby's black cockatoo foraging and breeding habitat onsite and in the offset area.
- The significance of potential impacts to the Graceful sun moth.
- Mitigation measures proposed within the site to reduce impacts.

The Management Committee approved the draft Offset and Mitigation Management Strategy for discussions with the Department of Sustainability, Environment, Water, Population and Communities (SEWPAC) at its meeting of 18 November 2010.

The Offset and Mitigation Management Plan has been developed to provide further detail on the measures proposed by TPRC to mitigate impacts to matters of national environmental significance. The following key offset and mitigation measures are proposed;

Carnaby's Black Cockatoo

- *Marmion Avenue conservation area, 13.3ha will be retained and managed for conservation.*
- *Provision of Foraging Species in Streetscape, Road Reserves and Local Open Space Reserves. Native trees suitable for Carnaby's Black-Cockatoo will be utilised in streetscapes throughout the development area.*
- *Bush Forever site (west of coastal reserve). This contains 16.5ha of potential Carnaby's Black-Cockatoo habitat. It forms part of the Coastal reserve (91ha), which has already been ceded to the WAPC.*
- **Acquisition and Conservation of Further Regional Habitat**
The Offset and Mitigation Management Plan discusses the possibility of the TPRC acquiring a parcel of land that is between 200 and 250ha in size remote from the site.
In discussions with SEWPAC's officers it was advised that the acquisition of a further conservation may be required. SEWPAC's position on other projects has been consistent in requiring regional offsets. SEWPAC's recent practice has been at least 6ha for every 1ha lost (6:1).

Graceful Sun Moth

- *POS site on the western portion of the site comprising 0.5 ha. The site contains Graceful Sun Moth habitat in good condition.*
- *The Western Offset contains approximately 35.2ha of potential Graceful Sun Moth habitat in very good condition. It forms part of the Coastal reserve, 91ha of land to the west of the site which has already been ceded to the WAPC.*

Comment

SEWPAC has provided notification on the decision on the referral (Appendix 9.11). SEWPAC has advised that the referral can be assessed on the basis of preliminary documentation (documentation submitted) and provided for the documentation to be published/advertised. The Department has further advised that the proposed action is a controlled action and as such requires assessment and approval by the Minister for Sustainability, Environment, Water, Population and Communities before it can proceed.

The basis of the decision that this matter is a controlled action is on the following:

- Listed threatened species and communities;
- It will clear 72.5 hectares of foraging habitat for the endangered Carnaby's Black Cockatoo; and
- It will clear approx 5.5 hectares of habit for the endangered Graceful Sun Moth.

The TPRC is now required to publish the referral and mitigation strategy and the information be available for public comment for 20 business days. Public comments on the referral will be lodged with the TPRC and then forwarded to SEWPAC with a summary of comments on any submissions. Once the TPRC has provided a summary of comments and responses together with the original documentation and any changes. SEWPAC will make a decision on whether the proposed action can be approved or not would be expected within 40 business days.

The advertisement was published in the West Australian newspaper on Saturday 5 February 2011. The Referral and Mitigation Strategy has been posted on the TPRC website. Copies of the documentation has also been forwarded to the City of Wanneroo library.

10. ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN
11. QUESTIONS BY ELECTED MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN
12. URGENT BUSINESS APPROVED BY THE CHAIRMAN
13. MATTERS BEHIND CLOSED DOORS
14. GENERAL BUSINESS
15. FORMAL CLOSURE OF MEETING

APPENDICES