



TAMALA PARK
REGIONAL COUNCIL

Ordinary Meeting of Council

MINUTES

Thursday 21 February 2008
Town of Vincent, 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

MEMBERSHIP

OWNER COUNCIL	MEMBER	ALTERNATE MEMBER
Town of Cambridge	Mayor Simon Withers	
City of Joondalup	Cr Albert Jacob Mayor Troy Pickard	
City of Perth	Cr Eleni Evangel	
City of Stirling	Cr Paul Collins Cr John Italiano Cr David Michael Cr Bill Stewart	Cr Kathryn Thomas Cr Terry Tyzack
Town of Victoria Park	Mayor Trevor Vaughan	
Town of Vincent	Mayor Nick Catania	Cr Steed Farrell
City of Wanneroo	Cr Tracey Roberts Cr Bob Smithson	Cr Alan Blencowe Cr Frank Cvitan

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.

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PRESENT

Chairman	Cr Troy Pickard
Deputy Chairman	Cr Tracey Roberts
Councillors	Cr Nick Catania (departed meeting at 7.05pm) Cr Paul Collins Cr Eleni Evangel (arrived at 5.40pm and departed meeting at 7.15pm) Cr John Italiano Cr Albert Jacob Cr David Michael Cr Bob Smithson Cr Bill Stewart (departed meeting from 6.55pm to 6.58pm) Cr Trevor Vaughan Cr Simon Withers
Alternate Members	Nil
Staff	Rod Constantine (Chief Executive Officer) Kylie Jeffs (Minute Clerk)
Apologies Councillors	Nil
Leave of Absence	Nil
Absent	Nil
Consultants	Nil
Apologies Represented Councils' Advisers	Mr Charles Johnson (City of Wanneroo)
In Attendance	Mr Lewis Bond (City of Perth) Mr John Bonker (Town of Victoria Park) Mr Jason Buckley (Town of Cambridge) Mr John Giorgi (Town of Vincent) Mr Garry Hunt (City of Joondalup) Mr Jason Lyon (Town of Cambridge)
Members of the Public	Nil
Press	Nil

1. OFFICIAL OPENING

The meeting was declared open at 5.35pm.

DISCLOSURE OF INTERESTS

Mr R Constantine declared a financial interest in the CEO Performance Review Item which was discussed under item 12 – Urgent Business Approved by the Chairman.

2. PUBLIC STATEMENT/QUESTION TIME

Nil

3. APOLOGIES AND LEAVE OF ABSENCE

Cr Eleni Evangel requested a leave of absence for the period 25 February 2008 to 14 March 2008 inclusive.

Moved Cr Michael, Seconded Cr Smithson

That leave of absence from Council and other meetings be granted to Cr Eleni Evangel for the period 25 February 2008 to 14 March 2008 inclusive.

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

4. PETITIONS

Nil

5. CONFIRMATION OF MINUTES

Ordinary Meeting of Council - 6 December 2007

Moved Cr B Stewart, Seconded Cr P Collins

That the minutes of the Ordinary Meeting of Council of 6 December 2007 be confirmed, and signed by the Chairman, as a true and correct record of proceedings.

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

Special Meeting of Council – 23 January 2008

Moved Cr B Stewart, Seconded Cr P Collins

That the minutes of the Special Meeting of Council of 23 January 2008 be confirmed, and signed by the Chairman, as a true and correct record of proceedings.

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

6. ANNOUNCEMENTS BY CHAIRMAN (WITHOUT DISCUSSION)

- The Chairman advised that the names of councillors voting for and against each motion will be recorded in meeting minutes except that where a vote is unanimous the recording of Councillor's names may be optional as voting will be reflected in the record of meeting attendance.
- The Chairman advised that as a result of his attendance at the recent Green Cities conference, a contact from the Green Building Council of

Australia has been invited to meet with the Chief Executive Officer Mr R Constantine in the near future to discuss Green Star principles and particularly the developing of Green Star principles and guidelines for residential buildings.

- The Chairman advised he has received a notice of rescission of a part of a Council Resolution to be raised under Item 12 - Urgent Business Approved by the Chairman.

7. MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil

8. REPORTS OF COMMITTEES

Audit Committee Meeting – 21 February 2008

Audit Committee Meeting Item 9.1 TPRC Budget Review – 1 July 2007 to 30 June 2008 at 31 January 2008

Committee Recommendation

Moved Cr B Stewart, Seconded Cr J Italiano

The Committee recommends to Council:

That the Budget Review for the period 1 July 2007 to 30 June 2008 (as at 31 January 2008) be RECEIVED, NOTED and FORWARDED to the Department of Local Government and Regional Development.

The Motion was put and declared CARRIED by absolute majority vote (12/0).

Audit Committee Meeting Item 9.2 Local Government Compliance Audit for Year Ended 31 December 2007

Committee Recommendation

Moved Cr B Stewart, Seconded Cr J Italiano

The Committee recommends to Council:

That the Compliance Audit Return for the TPRC for the year ended 31 December 2007 be ADOPTED, RECORDED in the minutes, CERTIFIED and SENT to the Executive Director as required by the Local Government Act and Regulations.

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

Audit Committee Meeting Item 9.3 Audit Charter & Annual Audit Plan

Committee Recommendation

Moved Cr B Stewart, Seconded Cr J Italiano

The Committee recommends to Council:

That the TPRC Audit Committee Charter and annual Audit Plan be CONFIRMED.

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

9. ADMINISTRATION REPORTS

9.1 BUSINESS REPORT – PERIOD ENDING 31 JANUARY 2008

Moved Cr A Jacob, Seconded Cr T Roberts

[The Motion recommended in the agenda]

That the Business Report to 31 January 2008 be RECEIVED.

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

9.2 STATEMENTS OF FINANCIAL ACTIVITY FOR THE MONTHS DECEMBER 2007 AND JANUARY 2008

Moved Cr D Michael, Seconded Cr T Vaughan

[The Motion recommended in the agenda]

That the Council RECEIVE and NOTE the Statement(s) of Financial Activity for the months ending 31 December 2007 and 31 January 2008.

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

9.3 LIST OF MONTHLY ACCOUNTS SUBMITTED FOR THE MONTHS DECEMBER 2007 AND JANUARY 2008

Moved Cr T Vaughan, Seconded Cr E Evangel

[The Motion recommended in the agenda]

That the Council RECEIVE and NOTE the list of accounts paid under Delegated Authority to the CEO for each of the months December 2007 and January 2008:

- **Month ending 31 December 2007 (Total \$29,988.15); and**
- **Month ending 31 January 2008 (Total \$23,695.36)**
- **Total Paid \$53,683.51**

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

9.4 DISTRIBUTION OF EQUITY REQUEST – MUNICIPAL RATES LOT 9504 (PART) REQUEST – TOWN OF CAMBRIDGE

Moved Cr E Evangel, Seconded Cr N Catania

[The Motion recommended in the agenda]

- 1) That, pending transfer from participant local authorities to the TPRC of the developable land described in the TPRC Establishment Agreement, a funds distribution of capital from TPRC be made to participant local authorities equivalent to the rates levied for Lot 9504 less rates attributable to the proportion of land leased to MRC.
- 2) The payment in part (1) one of the motion to be made while the rate assessment is based on the calculation method defined in the TPRC Establishment Agreement and if the rate assessment changes, the matter be reconsidered by the Council.

The Motion was put and declared CARRIED by absolute majority (7/5).

For: Crs N Catania, E Evangel, J Italiano, T Pickard, T Roberts, T Vaughan and S Withers.

Against: Crs P Collins, A Jacob, D Michael, B Smithson and B Stewart.

9.5 ABORIGINAL HERITAGE STUDY – LOT 9504 & SURROUNDS, ETHNOGRAPHIC & ARCHAEOLOGICAL REPORT – AUSTRALIAN INTERACTION CONSULTANTS

Moved Cr N Catania, Seconded Cr A Jacob

[The Motion recommended in the agenda]

- 1) That the Council RECEIVE the report from Australian Interaction Consultants dated November 2007.
- 2) That the Council NOTE the recommendations of the report with the qualifications set out in the comments section of the agenda for this item.
- 3) That Councils purchasing and contract policy be ADJUSTED to include the requirement for a cultural material contingency plan and for Council staff and contracting personnel to be made aware of their obligations under the Aboriginal Heritage Act.
- 4) That the reports be INCLUDED as reference material for future structure planning of the TPD land.

Moved Cr D Michael, Seconded Cr E Evangel that the Motion be amended by the addition of a clause 5 to read as follows:

- 1) That the Council RECEIVE the report from Australian Interaction Consultants dated November 2007.
- 2) That the Council NOTE the recommendations of the report with the qualifications set out in the comments section of the agenda for this item.
- 3) That Councils purchasing and contract policy be ADJUSTED to include the requirement for a cultural material contingency plan and for Council staff and contracting personnel to be made aware of their obligations under the Aboriginal Heritage Act.

- 4) That the reports be **INCLUDED** as reference material for future structure planning of the TPD land.
- 5) That Cr N Catania be included in team consultations by TPRC regarding aboriginal heritage issues in recognition of his relevant negotiation experience.

The Amendment and Amended Motion were put and declared CARRIED (7/5).

For: Crs N Catania, E Evangel, D Michael, T Pickard, T Roberts, B Stewart and T Vaughan

Against: Crs P Collins, J Italiano, A Jacob, B Smithson and S Withers

9.6 STRUCTURE PLAN BRIEF – ITEMS ARISING FROM SPECIAL COUNCIL MEETING 23 JANUARY 2008

Recommended:

That the report be NOTED and the Council CONFIRM the requirement for the matters covered in the report to be included in the brief for structure planning for the TPD.

Moved Cr B Stewart, Seconded Cr P Collins that the Motion be amended to read as follows:

- 1) That tenders be **INVITED** to conduct structure planning for the development of the Tamala Park land including (subject to agreement by the State Government) of the State Government land at the junction of Neerabup Road and Mitchell Freeway.
- 2) That the structure planning brief requirements be **BASED** upon Schedule 5 and part 6 of the amended development brief submitted to and approved by this meeting with inclusion of the following items:
 - **Background to the TPRC and the development;**
 - **Summary of and reference to planning audits for the area;**
 - **Previous structure planning for the TPRC land; and**
 - **Completed and in progress studies relating to the TPRC land.**

The Amendment and Amended Motion were put and declared CARRIED (12/0).

9.7 WATER BALANCE STUDY – CSIRO

Moved Cr T Vaughan, Seconded Cr A Jacob

[The Motion recommended in the agenda]

That the Council ENDORSE the proposal for a water balance study for the TPD.

Cr N Catania retired from the meeting at 7.05pm during debate and before voting on this item.

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

9.8 MINDARIE REGIONAL COUNCIL – COMPLETED LANDFILL STUDY

Moved Cr A Jacob, Seconded Cr B Smithson

[The Motion recommended in the agenda]

- 1) **That the report be NOTED.**
- 2) **That the brief for structure planning for the TPRC site INCLUDE REFERENCE to the desired use of part of the completed MRC landfill for recreation/leisure/servicing activity for the TPD and include considerations for consequential traffic movements and access to the site.**
- 3) **In advance of completion of the MRC inputs in April 2008, that a working group be ESTABLISHED of representatives of the participant local authorities to consider possible uses and issues to be taken up in a comprehensive brief for use of the completed MRC landfill.**

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

9.9 PRESENTATION ITEMS DEFERRED FROM MEETING 23 JANUARY 2008

Moved Cr P Collins, Seconded Cr B Stewart

That the item relating to Presentation Item Deferred from Meeting 23 January 2008 be HELD OVER to the next Council meeting to be held on 24 April 2008.

Cr E Evangel retired from the meeting at 7.15pm during debate and before voting on this item.

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

9.10 INDICATIVE PROJECT CASH FLOW – DEVELOPMENT LOT 9504 MINDARIE

Moved Cr P Collins, Seconded Cr B Stewart

That the item relating to Indicative Project Cash Flow - Development Lot 9504 Mindarie be HELD OVER to the next Council meeting to be held on 24 April 2008.

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

For: Crs P Collins, J Italiano, A Jacob, D Michael, T Pickard, T Roberts, B Smithson, B Stewart and T Vaughan

Against: Cr S Withers

9.11 CEO GROUP (TPRC) MEETINGS

Moved Cr B Stewart, Seconded Cr D Michael

[The Motion recommended in the agenda]

That Council RECEIVE and ENDORSE the proposals for CEO Group (TPRC) meetings.

Moved Cr P Collins, Seconded Cr B Smithson that the Motion be amended to read as follows:

That Council RECEIVE and ENDORSE the proposals for CEO Group (TPRC) meetings subject to the Council meeting agenda being distributed to TPRC Council members, prior to the CEO's meeting.

The Amendment and Amended Motion were put and declared CARRIED (10/0).

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

- *New Standard Agenda Items*

Moved Cr P Collins, Seconded Cr T Pickard

That a 'General Business' item be incorporated into the order of business and appear after 'Item 13 - Matters Behind Closed Doors' and that a 'Business Arising from Meeting' item be incorporated into the order of business and appear after the 'General Business' item.

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

- *CEO Performance Review*

Mr R Constantine declared a financial interest in the CEO Performance Review Item and departed the meeting at 7.48pm.

The Chairman distributed a written proposal and quotation from WALGA (Workplace Solutions) dated 15 February 2008 for assisting the Council or an appointed Committee with the CEO performance review.

Moved Cr D Michael, Seconded Cr T Roberts

- 1) That Council establish a CEO Performance Review Committee comprising Cr J Italiano, Cr T Pickard, Cr T Roberts, Cr B Smithson, Cr B Stewart and Cr S Withers.
- 2) That Workplace Solutions (WALGA) be appointed to assist the process of the CEO performance review in accordance with their submission and for the quoted sum of \$4,000.
- 3) That the Committee be convened for appointment of a Chairman and for commencement of the review process.

The Motions were put and declared CARRIED (10/0).

Mr R Constantine returned to the meeting at 7.54pm.

- *Notice of Rescission*

Moved Cr S Withers, Seconded Cr A Jacob

That a notice of rescission for Item 13.6 of the 6 December 2007 ordinary Council meeting, in relation to Elected Member Allowances be given, specifically the part of the resolution that reads as follows:

- i) Elected member allowances be reviewed in June 2008.

The Motion was put and declared LOST for want of an absolute majority Vote (6/4).

For: Cr P Collins, Cr J Italiano, Cr A Jacob, Cr T Pickard, Cr B Smithson and Cr S Withers

Against: Cr D Michael, Cr T Roberts, Cr B Stewart and Cr T Vaughan

13. MATTERS BEHIND CLOSED DOORS

Nil

14. FORMAL CLOSURE OF MEETING

The Chairman declared the meeting closed at 8pm.

These minutes were confirmed at a meeting on

SIGNED this day of 2008

as a true record of proceedings.

CHAIRMAN