

**TAMALA PARK
REGIONAL COUNCIL**

Meeting of Council

AGENDA

**Thursday 18 June 2009
City of Perth, 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 respectfully advised that the ordinary meeting of Council will be held at the City of Perth, Council House, 27 St George's Terrace, Perth at 5.30pm on Thursday 18 June 2009.

The business papers pertaining to the meeting follow.

Your attendance is requested.

Yours faithfully



R A CONSTANTINE
Chief Executive Officer

MEMBERSHIP

OWNER COUNCIL	MEMBER	ALTERNATE MEMBER
Town of Cambridge	Mayor Simon Withers	
City of Joondalup	Cr Michele Rosano 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.

PRELIMINARIES

PRAYER

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 April 2009
Special Council meeting – 14 May 2009

5A. BUSINESS ARISING FROM THE MINUTES

6. ANNOUNCEMENTS BY CHAIRMAN (WITHOUT DISCUSSION)

7. MATTERS FOR WHICH MEETING MAY BE CLOSED

8. REPORTS OF COMMITTEES

Minutes of the Audit Committee Meeting – 11 June 2009

The Committee recommends to Council:

Changes proposed to the draft budget were as follows:

- *The addition of Office Refurbishment & Development item - \$20,000*
- *E145089: Computer software purchases – increased to \$10,000*
- *E145075: Promotions to be increased to \$100,000*
- *E145061: Legal Expenses to be increased to \$70,000*
- *E145079: Consultancy to be split in the aggregate between E145079, E145081 (Professional Retainer) & E145083 (Research) and the aggregate allocation be \$500,000*

1. That the TPRC draft budget proposals as amended for the financial year 1 July 2009 - 30 June 2010 be RECEIVED.
2. That the budget proposals report be FURTHER CONSIDERED at the Council meeting on 13 August 2009.

Minutes of the Project Steering Committee Meeting – 11 June 2009

8.1 TPRC Project Management Vision & Partnership Agreement Components – TPRC Project Development

The Committee recommends to Council:

That the CEO PREPARE for the Committee's consideration a detailed Project Plan for contemporaneous development of the TPRC Expression of Interest for project management of the Tamala Park project and the review of the TPRC Future Plan.

8.2 Legal Issues

The Committee recommends to Council:

1. That the report be RECEIVED for the purpose of assisting discussions on the appointment of a legal firm through an Expression of Interest.
2. That the following legal firms be ADDED to the list of possible firms to assist the Council with finalising a partnership arrangement with a suitable party:
 - Kott Gunning
 - McLeods

8.3 Project Management/Other Professional Advisers

The Committee recommends to Council:

That for the PURPOSE of discussing the appointment of:

- Probity Auditors; and
- Partnership process facilitators

that an Expression of Interest be prepared for future consideration of the Committee.

Minutes of the CEO Performance Review Committee Meeting – 11 June 2009

8.1 Appointment of Recruitment Consultant – Confirmation of Arrangements and Timetable

The Committee recommends to Council:

1. That the Council NOTE that Gerard Daniels (Mr Tony Taylor) have been formally appointed recruitment consultants for the engagement of the TPRC CEO.
2. That Council NOTE the details of the proposal by Gerard Daniels dated 1 May 2009 and subsequent letters of 3 June 2009.

3. That the Council ENDORSE the proposals for general communication and update reports of the executive search process for all TPRC Councillors.
4. That timing proposals as amended and contained in paragraph 3 under the Comment section of the report commencing 5 June 2009 and concluding with formal sign off of all matters (including the appointment of a CEO) by 24 August 2009.

8.2 CEO Position Profile

The Committee recommends to Council:

That the position profile and competency profile for the position of CEO TPRC as contained in the Appendix be APPROVED as amended.

8.3 CEO Performance Criteria & Performance Indicators

The Committee recommends to Council:

That the Performance Criteria and Performance Indicators for the position of TPRC CEO as contained in the Appendix be APPROVED as amended.

8.4 Appointment of Interview (and Documentation) Panel

The Committee recommends to Council:

That a selection panel made up of 4 members of the TPRC comprising the Chairman, Deputy Chairman and one representative from City of Stirling and one Mayoral representative from one of the remaining Councils be SELECTED to undertake specific functions of the selection process including:

- a. Reviewing shortlisted candidates and agreeing the candidates who will progress to final interviews.
- b. Undertaking the final interviews of selected candidates and making a recommendation to TPRC for appointment.
- c. Reviewing and recommending on the offer of employment and remuneration package and making recommendations to TPRC for approval.

8.5 CEO Remuneration Package

The Committee recommends to Council:

That the Council APPROVE advertising of the remuneration package for the Chief Executive Officer of TPRC in the range of \$200,000 to \$295,000 inclusive of superannuation and other components of remuneration.

8.6 CEO Draft Contract for Employment

The Committee recommends to Council:

1. That the model contract of employment for Local Government officers be NOTED for inclusion or exclusion of specific provisions.
2. That a further report on contract development be PROVIDED for the next meeting of the Committee or next Council meeting on 18 June 2009, whichever first occurs.
3. That the draft CEO Employment Agreement as amended be PREPARED and presented to Council for consideration.
4. That a further report including a legal review of the contract be PROVIDED to the next meeting of Council on 18 June 2009.

8.7 CEO Recruitment – Advertisement for Position Applicants

The Committee recommends to Council:

1. That the draft advertisement submitted as amended be APPROVED.
2. That advertisement in The West Australian newspaper and The Australian newspaper on 27 June 2009 be APPROVED. That the advertisements be printed in colour.
3. That the position be ADVERTISED electronically immediately following Council ratification of the advertising proposals (scheduled 18 June 2009).

9. ADMINISTRATION REPORTS AS PRESENTED (ITEMS 9.1 – 9.7)

9.1 BUSINESS REPORT – PERIOD ENDING 31 MAY 2009

Report Information

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

Recommendation

That the Business Report to 31 May 2009 be RECEIVED.

Voting Requirements

Simple Majority

Report Purpose

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

Relevant Documents

Attachments: 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

1. Since the last Council meeting there have been:
 - Two meetings of the Project Control Group (looking at details of the structure plan and timetable);
 - A special Council meeting held 14 May 2009;
 - Two Project Steering Committee meetings;
 - Two CEO Performance Review Committee meetings (appointment of new CEO); and
 - One Audit Committee meeting.

Formal minutes of all committees have been kept and distributed.

2. Liaison has occurred with MRC regarding the integration of the closed landfill with the TPRC development.

3. The CEO and Deputy Chair (Cr Roberts) have attended meetings of the Coastal Advisory Committee which is currently reviewing reserves to be created for recreation and conservation purposes and the components of a management plan for the reserve.
4. Meetings have been held with the Public Transport Authority and representatives of the Minister of Transport in relation to transport movement issues.
5. Additional environmental surveys and reports have been commissioned in respect of land west of Marmion Avenue based upon an assessment of information requirements needed to ensure swift passage of the environmental review by statutory authorities.
6. The Environmental Management Plan required for the application for lifting of deferred urban zoning of the land east of Marmion Avenue has been completed and reviewed.

In general, work during the past 2 months has been focused on ensuring that the timetable for production of the structure plan, with all its component parts, is completed for presentation to the Council on 18 June 2009.

9.2 STATEMENTS OF FINANCIAL ACTIVITY FOR THE MONTHS OF APRIL 2009 AND MAY 2009

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 30 April 2009 and 31 May 2009.

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 30 April 2009 and 31 May 2009

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 May 2009 exceeding 10% were experienced in relation to the following:

Governance Expense	There is a 14% under expenditure created through no funds being utilised for conference expenses to date.
Employee costs	The budget anticipated employment of a project manager from January 2009. The appointment of this additional staff member is yet to be made.
Insurance	Insurance premiums have increased past expectations with a consequence of an addition \$1,488 cost for the year. This will be partially offset by an anticipated credit of \$240 in respect of workers compensation premiums charged in 2007/2008.
Materials & Contracts Other	There is a general under expenditure through containment of budget costs and alternative methods to achieve outcomes. Accommodation expenses are in excess of budget because of arrangements for advance payments for bookings. It is expected that annual expenditure will be on target.
Professional consultant fees	The 2008/09 budget provided for all potential contingency expenditures for a range of consultancies. In the event the structure plan consultant contracts were some \$200,000 less than provided and other consultancies have been achieved at a lesser figure than provided in the budget. It is expected that at the end of the financial year the overall expenditure for professional consultant fees will be 60-62% of budget with approximately \$90,000 carried forward to 2009/10.

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

Financial Snapshot as at 30 April 2009

	Jul '08 - Apr 09	Budget	\$ Over Budget +(- Under) Budget	% of Budget	Annual Budget
Revenue					
Interest Earnings	855,090.84	904,094.00	-49,003.36	94.58%	1,053,095.00
Other Revenue	920.50				
Total Revenue	856,011.14	904,094.00	-48,082.86	94.68%	1,053,095.00
Expenses					
Depreciation	0.00	-2.00	2.00	0.0%	-4,502.00
Employee Costs	-191,702.97	-264,324.00	72,621.13	72.53%	-328,414.00
Insurance	-5,498.50	-4,250.00	-1,248.50	129.38%	-4,250.00
Materials & Contracts MTC	-527.27	-700.00	172.73	75.32%	-2,700.00
Materials & Contracts Other	-23,882.25	-81,729.00	57,846.75	29.22%	-93,348.00
Other	-81,366.17	-85,375.00	4,008.83	95.3%	-114,000.00
Professional/Consultant Fees	-439,440.92	-874,377.00	434,936.18	50.26%	-1,047,200.00
Total Expenses	-742,417.88	-1,310,757.00	568,339.12	56.64%	-1,594,414.00
Unclassified	0.00	0.00	0.00	0.0%	0.00
TOTAL	113,593.26	-406,663.00	520,256.26	-27.93%	-541,319.00

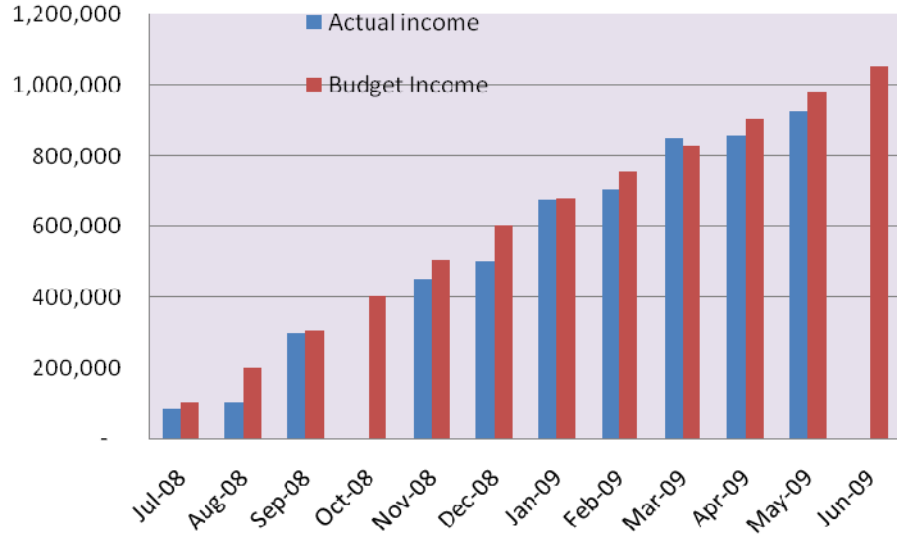
Financial Snapshot as at 31 May 2009

	Jul '08 - May 09	Budget	\$ Over + (- Under) Budget	% of Budget	Annual Budget
Revenue					
Interest Earnings	921,767.24	978,713.00	-56,945.76	94.18%	1,053,095.00
Other Revenue	920.50				
Total Revenue	922,687.74	978,713.00	-56,025.26	94.28%	1,053,095.00
Expenses					
Depreciation	0.00	-2.00	2.00	0.0%	-4,502.00
Employee Costs	-209,643.67	-293,369.00	83,725.33	71.46%	-328,414.00
Insurance	-5,498.50	-4,250.00	-1,248.50	129.38%	-4,250.00
Materials & Contracts MTC	-527.27	-700.00	172.73	75.32%	-2,700.00
Materials & Contracts Other	-27,973.96	-84,434.00	56,460.04	33.13%	-93,348.00
Other	-100,991.17	-114,000.00	13,008.83	88.59%	-114,000.00
Professional/Consultant Fees	-499,642.74	-954,723.00	455,080.26	52.33%	-1,047,200.00
Total Expenses	-844,277.31	-1,451,478.00	607,200.69	58.17%	-1,594,414.00
Unclassified	0.00	0.00	0.00	0.0%	0.00
TOTAL	78,410.43	-472,765.00	551,175.43	-16.59%	-541,319.00

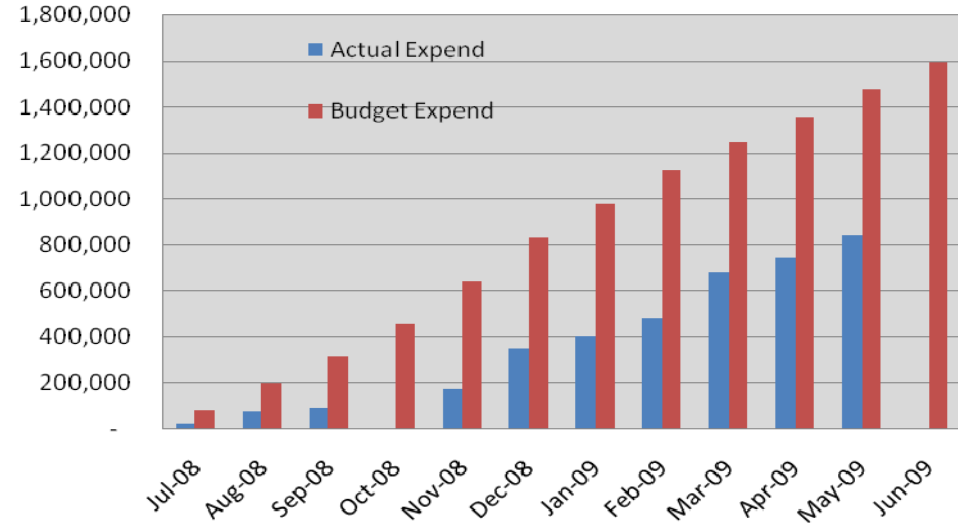
Balance Sheet Summary as at 31 May 2009

Balance Sheet Summary	Jun-08	Dec-08	Apr-09	May-09
Cash At bank	17,300,798	17,585,972	17,464,376	17,456,194.95
Accounts receivable	79,435	404	96	96.27
Other Current Assets	1,030	1,030	1,030	1,030.00
Total Current assets	17,381,263	17,587,406	17,465,310	17,457,129
Fixed Assets	17,414	17,414	17,414	17,414.23
Total Assets	17,398,677	17,604,820	17,482,724	17,474,543
Less Current Liabilities	42,012	99,574	12,466	39,467.29
Net Assets	17,356,665	17,505,247	17,470,258	17,435,076

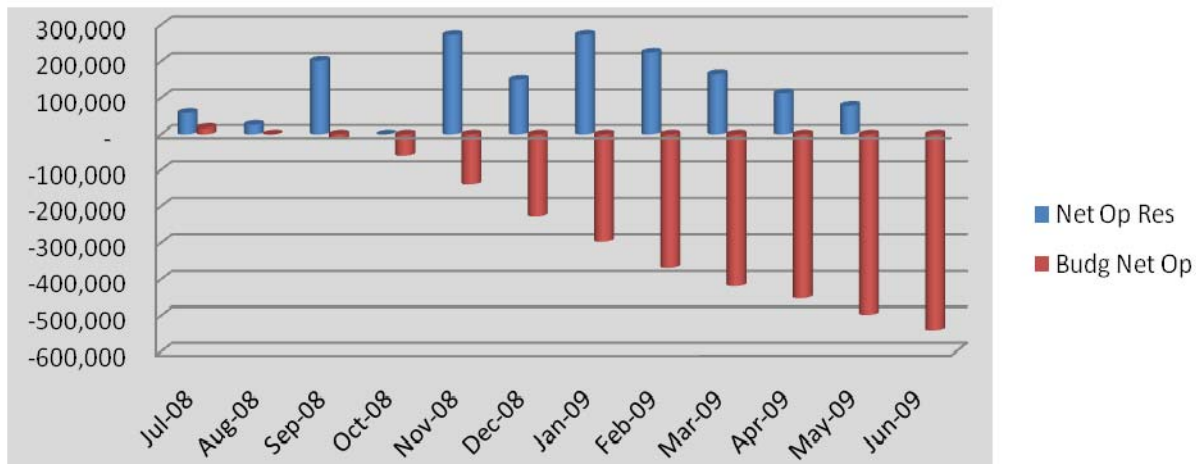
YTD Income V Budget by Month



YTD Exp V Budget by Mnth



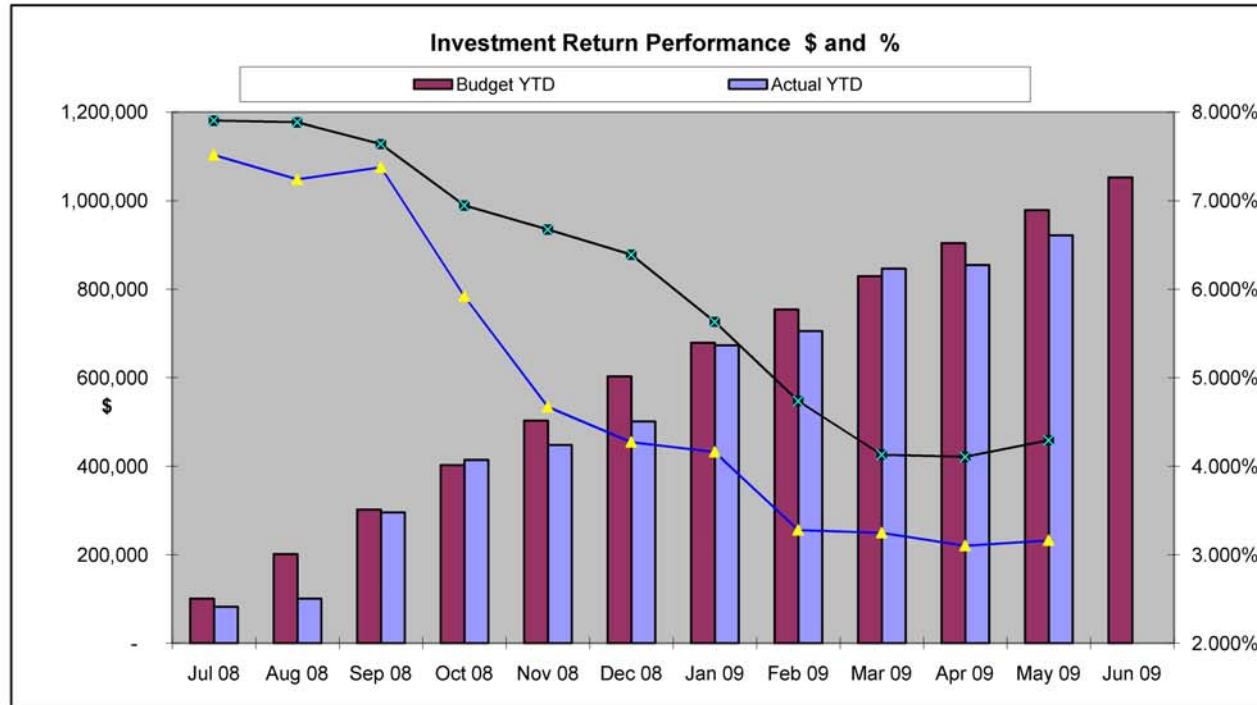
YTD Net Operating V YTD Net Operating



Agenda TPRC Meeting of Council – 18 June 2009

**Tamala Park Regional Council
Investment Summary July 2008 through May 2009**

	Jul 08	Aug 08	Sep 08	Oct 08	Nov 08	Dec 08	Jan 09	Feb 09	Mar 09	Apr 09	May 09	Jun 09
Budget I032030 · Interest on Investment	100,637	100,731	100,634	100,558	100,285	99,810	75,947	75,549	75,121	74,822	74,619	74,382
Actual I032030 · Interest on Investment	82,280	18,495	194,674	118,401	34,107	53,146	171,951	32,216	141,505.61	8,316.13	66,676.60	
Budget YTD	100,637	201,368	302,002	402,560	502,845	602,655	678,602	754,151	829,272	904,094	978,713	1,053,095
Actual YTD	82,280	100,775	295,449	413,850	447,956	501,102	673,053	705,269	846,775	855,091	921,767.24	
Invested Funds												
A(-1+) A01102 · At Call	25,685	123,847	286,727	274,991	199,491	91,317	3,382	112,410	129,312	372,241	282,936.21	
A(-1+) A01106 · Fixed Term Deposits	17,413,755	17,273,512	17,292,043	17,408,980	17,442,138	17,480,700	17,652,586	17,464,690	17,382,580	17,085,964	17,151,945	
Actual Invest 08-09	17,439,440	17,397,359	17,578,770	17,683,971	17,641,629	17,572,017	17,655,968	17,577,101	17,511,891	17,458,205	17,434,881	
Benchmark Return 30 d bbsr(bbsw)	7.518%	7.242%	7.380%	5.920%	4.670%	4.270%	4.160%	3.280%	3.250%	3.103%	3.163%	
Benchmark Return 60 d bbsr(bbsw)	7.628%	7.230%	7.352%	5.750%	4.650%	4.300%	4.250%	3.350%	3.350%	3.090%	3.158%	
Average Return	7.904%	7.885%	7.642%	6.947%	6.674%	6.390%	5.630%	4.736%	4.128%	4.105%	4.290%	0.000%



9.3 LIST OF MONTHLY ACCOUNTS SUBMITTED FOR THE MONTHS OF APRIL 2009 AND MAY 2009

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 April 2009 and May 2009:

- **Month ending 30 April 2009 (Total \$56,341.40)**
- **Month ending 31 May 2009 (Total \$93,113.85)**
- **Total Paid \$149,455.25**

Voting Requirements

Simple Majority

Report Purpose

Submission of the list of payments made under the CEO's Delegated Authority for the months ending 30 April 2009 and 31 May 2009.

Relevant Documents

Appendix: Cheque Detail for Months Ending 30 April 2009 and 31 May 2009
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 by Council, budget procurement and other Policies.

Payments are subject of review by TPRC Accountants Haines Norton following

completion of each months accounts.

There have been no unusual payment in the periods under review that warrant specific comment.

**Tamala Park Regional Council
Summary Payment List
April 2009**

Date	Name	Description	Amount
01/04/2009	Westpac Bank	Monthly bank Fees - April 2009	-22.25
09/04/2009	Telstra	Office Telephones & Faxes - usage and line rental to 27 Marc	-138.81
09/04/2009	Workplace Solutions	Consultancy - TPRC CEO Performance Review 2008	-3,000.00
09/04/2009	City of Stirling	Rental and electricity for R3 SCC for May 2009	-398.48
09/04/2009	Kylie Jeffs	KJ wages for period 26/3/09 to 8/4/09	-1,169.68
09/04/2009	R A Constantine	Reimbursement for surge protectors & stamps	-160.00
16/04/2009	Rod A Constantine	wages for period 26/3/09 to 8/4/09	0.00
16/04/2009	Rod A Constantine	RC backpay wages for period 11/10/08 to 25/3/09 with 10% s	0.00
23/04/2009	Kylie Jeffs	KJ wages for period 9/4/09 to 22/4/09	-1,169.68
23/04/2009	Rod A Constantine	RC wages for period 9/4/09 to 22/4/09	0.00
23/04/2009	WALGSP	superannuation payment for period 9/4/09 to 22/4/09	-7,618.72
23/04/2009	WALGSP	superannuation for period 26/3/09 to 8/4/09 inc backpay for R	-16,343.56
23/04/2009	Amcom	ADSL direct 512k/512k for period 1/5/09 to 1/8/09	-79.00
23/04/2009	Haines Norton	Accounting services fees for February 2009	-860.00
23/04/2009	Kyocera Mita	Photocopying - for period 28/2/09 to 28/3/09	-103.93
23/04/2009	City of Stirling	Rent and electricity for R3 SCC for June 2009	-415.36
23/04/2009	City of Stirling	Rental R1 SCC for PCG meeting 12/5/09	-74.00
30/04/2009	Syrinx	Syrinx invoices 0828-004 and 0828-005	-24,990.13
			<u><u>-56,341.40</u></u>

**Tamala Park Regional Council
Summary Payment List
May 2009**

Date	Name	Description	Amount
01/05/2009	Pickard, Troy	Feb/Mar/April 2009 elected member allowance	-5,000.00
04/05/2009	Westpac Bank	Bank Service Fees May 2009	-21.25
07/05/2009	Collins, Paul	Elected member allowance for Feb/Mar/April 2009	-1,750.00
07/05/2009	Michael, David	Elected member allowance for Feb/Mar/April 2009	-1,750.00
07/05/2009	Roberts, Tracey	Elected member allowance for Feb/Mar/April 2009	-2,125.00
07/05/2009	Rosano, Michele	Elected member allowance for Feb/Mar/April 2009	-1,750.00
07/05/2009	Smithson, Bob	Elected member allowance for Feb/Mar/April 2009	-1,750.00
07/05/2009	Vaughan, Trevor	Elected member allowance for Feb/Mar/April 2009	-1,750.00
07/05/2009	Withers, Simon	Elected member allowance for Feb/Mar/April 2009	-1,750.00
07/05/2009	Evangel, Eleni	Elected member allowance for Feb/Mar/April 2009	-1,750.00
07/05/2009	Italiano, John	Elected member allowance for Feb/Mar/April 2009	-1,750.00
07/05/2009	Stewart, Bill	Elected member allowance for Feb/Mar/April 2009	-1,750.00
07/05/2009	Catania, Nick	Elected member allowance for Feb/Mar/April 2009	-1,750.00
07/05/2009	Kylie Jeffs	KJ Wages payment for period 23/4/09 to 6/5/09	-1,169.68
07/05/2009	Rod A Constantine	RC Wages payment for period 23/4/09 to 6/5/09	0.00
07/05/2009	WALGSP	Superannuation contribution for period 23/4/09 to 6/5/09	-7,618.72
07/05/2009	Telstra	Usage charges to 27/4/09 & service/equipment rental to 27/5	-124.34
07/05/2009	TPG Town Planning & Urban Des	TPG Creating Communities Component- subconsultant fees	-11,104.19
07/05/2009	TPG Town Planning & Urban Des	Liaise with TPRC & project team; ongoing review of public co	-32,295.12
07/05/2009	Haines Norton	Accounting services for months of March and April 2009	-1,320.00
07/05/2009	Macri Partners	Interim Audit for TPRC for year ending 30 June 2009	-2,200.00
07/05/2009	R A Constantine	Reimbursement for copying paper	-51.90
21/05/2009	Kylie Jeffs	Wages for KJ for period 7/5/09 to 20/5/09	-1,169.68
21/05/2009	Rod A Constantine	Wages for RC for period 7/5/09 to 20/5/09	-2,460.01
21/05/2009	WALGSP	Superannuation contribution payment for period 7/5/09 to 20/	-4,322.71
21/05/2009	City of Stirling	Hire of Meeting Room 1 SCC for 9/8/09 PCG meeting & 11/8	-148.00
21/05/2009	City of Stirling	Rental & Electricity costs for MR3 SCC for July 2009	-434.24
21/05/2009	Amcom	ADSL direct for period 1/8/09 to 1/7/09	-79.00
21/05/2009	City of Stirling	Content filtering, firewall, spam filtering & antivirus Jan 09 to ,	-330.00
21/05/2009	Haines Norton	Preparation and lodgement of BAS for quarter ending 31/3/09	-330.00
21/05/2009	Kyocera Mita	Photocopying - B/W & Colour copying charges for period up 1	-95.41
21/05/2009	R A Constantine	Reimbursement for Dell Optiplex Desktop PC & Parking at Ci	-214.60
21/05/2009	Survey Graphics	E145111 · Plans - Preparation of a basic terrain model to fac	-3,000.00
			-93,113.85

9.4 STRUCTURE PLAN – CONSULTANTS REPORT FOR THE PERIOD ENDING 10 JUNE 2009

Report Information

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

Recommendation

- 1. That the report from TPG on consultant activity relative to structure planning for the period ending 10 June 2009 be RECEIVED.**
- 2. That the Council NOTE that work to end of May 2009 is in accordance with the time program and project phases listed for the TPD structure planning project.**

Voting Requirements

Simple Majority

Report Purpose

To provide the Council with an update of consultant activity relative to the TPD structure plan program.

Relevant Documents

Appendix: TPG Summary Report of Activity from Consultants
Available for viewing at the meeting: Nil

Policy Reference

N/A

Local Government Act/Regulation

N/A

Previous Minutes

Ordinary meeting of Council – 4 December 2008 (Item 9.6 – Structure Plan Consultants Report for the Period Ending 26 November 2008)
Ordinary meeting of Council – 26 February 2009 (Item 9.8 - Structure Plan Consultants Report for the Period Ending 18 February 2009)
Ordinary meeting of Council – 16 April 2009 (Item 9.5 - Structure Plan Consultants Report for the Period Ending 18 February 2009)

Background

The contract for structure planning required a periodic report for Council information on progress with each stage of structure plan activity. The consultants have scheduled reports to coincide with Council meetings.

Comment

Following the Council meeting on 26 February 2009 and the Special Council meeting on 12 March 2009 the structure plan has been reviewed to achieve the outcomes requested from those meetings. The results were reported to a Council meeting on 16 April 2009 where it was requested that a special meeting be held on 14 May 2009 to consider the first draft of the structure plan.

The draft structure plan was issued for review on 1 May 2009.

A considerable amount of work has been undertaken in examining contours to redefine the grades in critical areas, particularly roadways, the central greenway and for building lots.

A number of meetings have been held with Government agencies in relation to road issues and environmental matters.

Additional consultancy work has been authorized to examine the relative costs for cut and fill compared with additional building costs that would be the responsibility of purchaser's of land.

All consultants and sub-consultants have concentrated on completing final reports for inclusion in the structure plan. There have been a number of meetings with the City of Wanneroo to ensure that the format of the structure plan is suitable for review and progressing to approval. These meetings have also led to an agreement about submission of the structure plan defining precincts that will need detailed development plans to be submitted at a later stage.

Agenda TPRC Meeting of Council – 18 June 2009

**Tamala Park Regional Council
Consultant Expense Summary
July 2008 through May 2009**

	Jul '08 - May 09	Budget	\$ Over Budget	% of Budget	Jul '08 - May 09	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
Expense									
E14 · OTHER PROPERTY & SERVICES.									
E145 · Administration									
E145079 · Consultancy									
E145400 · Structure Planning TPG Main									
E145401 · TPG Direct Component	115,122.98	144,503.00	-29,380.02	79.67%	115,122.98	144,503.00	-29,380.02	79.67%	158,478.00
E145402 · TPG_Variation SP Options	0.00	0.00	0.00	0.0%	0.00	0.00	0.00	0.0%	48,950.00
E145405 · TPG Syrinx Component	80,858.00	96,074.00	-15,216.00	84.16%	80,858.00	96,074.00	-15,216.00	84.16%	99,346.00
E145406 · TPG Creating Communit Component	96,176.32	124,032.00	-27,855.68	77.54%	96,176.32	124,032.00	-27,855.68	77.54%	124,032.00
E145407 · TPG Douglas Partners Component	42,145.45	54,999.00	-12,853.55	76.63%	42,145.45	54,999.00	-12,853.55	76.63%	54,999.00
E145408 · TPG Tabec Component	9,095.28	9,620.00	-524.72	94.55%	9,095.28	9,620.00	-524.72	94.55%	9,620.00
E145409 · TPG Uloth & Assoc Component	7,893.09	48,860.00	-40,966.91	16.16%	7,893.09	48,860.00	-40,966.91	16.16%	48,860.00
E145410 · TPG Pracsys Econ Component	31,687.28	34,365.00	-2,677.72	92.21%	31,687.28	34,365.00	-2,677.72	92.21%	35,445.00
E145411 · TPG_Tabec_Varn_LotContourAnal	3,409.09	15,000.00	-11,590.91	22.73%	3,409.09	15,000.00	-11,590.91	22.73%	15,000.00
Total E145400 · Structure Planning TPG Main	386,387.49	527,453.00	-141,065.51	73.26%	386,387.49	527,453.00	-141,065.51	73.26%	594,730.00
E145430 · Other Struct_PI Consultancies									
E145431 · CSIRO - Water Balance Design	6,545.45	72,131.00	-65,585.55	9.07%	6,545.45	72,131.00	-65,585.55	9.07%	72,131.00
E145432 · Syrinx Env- Flora Fauna Study	46,761.00	50,288.00	-3,527.00	92.99%	46,761.00	50,288.00	-3,527.00	92.99%	50,288.00
E145433 · Syrinx Env Mgt Rep-SP-992/33	22,946.00	23,199.00	-253.00	98.91%	22,946.00	23,199.00	-253.00	98.91%	23,199.00
E145434 · Syrinx Env_Flora Targ Surv West	17,020.30	19,297.00	-2,276.70	88.2%	17,020.30	19,297.00	-2,276.70	88.2%	19,297.00
E145435 · MWH_Local Water Mgmt Strategy	0.00	0.00	0.00	0.0%	0.00	0.00	0.00	0.0%	16,100.00
E145430 · Other Struct_PI Consultancies - Other	0.00	229,255.00	-229,255.00	0.0%	0.00	229,255.00	-229,255.00	0.0%	229,255.00
Total E145430 · Other Struct_PI Consultancies	93,272.75	394,170.00	-300,897.25	23.66%	93,272.75	394,170.00	-300,897.25	23.66%	410,270.00
E145079 · Consultancy - Other	2,727.27	0.00	2,727.27	100.0%	2,727.27	0.00	2,727.27	100.0%	0.00
Total E145079 · Consultancy	482,387.51	921,623.00	-439,235.49	52.34%	482,387.51	921,623.00	-439,235.49	52.34%	1,005,000.00
Total E145 · Administration	482,387.51	921,623.00	-439,235.49	52.34%	482,387.51	921,623.00	-439,235.49	52.34%	1,005,000.00
Total E14 · OTHER PROPERTY & SERVICES.	482,387.51	921,623.00	-439,235.49	52.34%	482,387.51	921,623.00	-439,235.49	52.34%	1,005,000.00
Total Expense	482,387.51	921,623.00	-439,235.49	52.34%	482,387.51	921,623.00	-439,235.49	52.34%	1,005,000.00
Net Income	-482,387.51	-921,623.00	439,235.49	52.34%	-482,387.51	-921,623.00	439,235.49	52.34%	-1,005,000.00

9.5 TAMALA PARK DEVELOPMENT LOCAL STRUCTURE PLAN

Report Information

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

Recommendation

1. That the report and structure plan document for Lot 9504 Mindarie be RECEIVED.
2. That the structure plan be APPROVED of the purpose of ongoing discussion and negotiations with Government agencies relating to design and infrastructure provision.
3. That the structure plan document be CIRCULATED to TPRC participant Councils requesting review and comments (prior to formal submission of the document to City of Wanneroo) by 30 July 2009.
4. That the document in final form be SUBMITTED to the Council meeting scheduled for 13 August 2009 for formal adoption.

Voting Requirements

Simple Majority

Report Purpose

To report progress with the local structure plan for Lot 9504 Mindarie.

Relevant Documents

Appendix (previously distributed): Local structure plan Lot 9504 Mindarie (statutory section);
Local structure plan Lot 9504 Mindarie (explanatory section);
Local structure plan Lot 9504 Mindarie (appendices)
Available for viewing at the meeting: Nil

Policy Reference

N/A

Local Government Act/Regulation

N/A

Previous Minutes

Special Council meeting – 14 May 2009

Background

The commission for structure planning for Lot 9504 Mindarie was finalized in August 2008.

Work has proceeded through TPG as lead consultant culminating in a draft structure plan being submitted to a special meeting on 14 May 2009.

At the 14 May 2009 meeting the substance of the structure plan was generally agreed subject to minor changes which have now been incorporated or evaluated and included in an appropriate form.

The structure plan has now been circulated electronically to all participant Councils with copies to all CEO's and other officers involved on TPRC committees.

Comment

TPG – Town Planning & Urban Design have advised the following with respect to the status of the structure plan:

- *Advice as to the status of draft Tamala Park LSP.*
- *What information/matters remain outstanding and need to be included in the draft LSP prior to formal lodgement with the City of Wanneroo.*
- *A response to the points raised at the most recent TPRC workshop held at the City of Stirling on the 14 May 2009.*
- *Any other matters which need to be brought to the attention of the TPRC in respect of the draft LSP.*

These matters are addressed in turn below.

Status of Draft LSP

The draft LSP is predominantly complete and has been distributed in order to meet the specified project timeframe and to allow for its consideration at the TPRC meeting on the 18 June 2009. It has not at this stage been desktop published and is not intended to be the final version that will be lodged with the City of Wanneroo. Proper integration through the detailed editing and full integration of sub-consultant reports and additional figures will be required before the draft LSP is finalised, desktop published and lodged with the City of Wanneroo.

Outstanding Information / Matters

The final traffic and transport report being prepared by Uloth and Associates is yet to be completed. This section of the draft LSP will need to be updated, along with any other related modifications. More discussion, particularly in relation to the proposed Freeway off ramp and the results of traffic modelling will be required to be included within the draft LSP.

The draft LSP must be finalised through a desktop publishing process, including the sourcing of more images for desired centre and dwelling form and typologies.

Greater integration of text and outcomes is required, particularly in relation to the Public Open Space (POS) and Local Water Management Strategy (LWMS) sections of the draft LSP. Once undertaken this will ensure that the final LSP document will have greater internal ease of flow and synergy.

An updated executive summary will be provided upon completion of the LSP document, in addition to other updates and refinements as required.

Response to Previous Points Raised at Workshop held on 14 May 2009

Three issues arose at the most recent TPRC workshop at the City of Stirling on the 14 May 2009. These are dealt with in turn below.

- 1. Investigate the opportunity to undertake a sustainability assessment of the structure plan using an appropriate assessment tool. This is to be flagged in the structure plan text but it was acknowledged that it may be necessary to address post-consideration of the final draft of the structure plan on the 30 June 2009.**

TPG considers that it is generally unadvisable to use a proprietary system for assessments as it provides little opportunity for international open comparison. It is noted that EDAW, ARUP and others have these tools but they tend to be black boxes, which cannot be interrogated, compared or legitimately publicised. It is noted also that Landcorp's sustainability section also has the same view of proprietary assessment systems. The generally preferred approach is to determine a standard level of resource consumption eg. water, power, rubbish, Co2 and then identify targets or expected reductions based on the technology proposed within the development.

TPG have also done this benchmarking before on other projects and have also assessed walkability and qualitatively assessed items like social interaction.

The preferred approach to the sustainability assessment process can be discussed further with the TPRC in due course.

- 2. Whether the most north - western block in the central western precinct (opposite the shopping centre) should be depicted as either mixed use or business zone at this location instead of a medium/high density residential block in this location.**

There is a significant level change (4 – 5 metres) between the road and this site, such that it would appear to be more viable to have the medium/high-density residential utilizing the views than cutting and retaining down 5 metres to create a commercial site. This is especially as the commercial site would not have a service road and would back onto the retained conservation area. In general terms TPG think that the commercial use of this site could be a very poor outcome.

- 3. The provision of active open space in the northern half of the eastern cell was queried by Cr Collins as not much is shown in this area. His concern related to whether or not the needs of the residential community in the medium-high density area would be met.**

The Green Link through this area will provide additional community recreation space although we note that it has been discussed previously that the Green Link in this area may need to be narrowed to create an appropriate mixed use environment. In addition, a reasonably large community park has been retained opposite the activity centre, which could be expanded to provide a space big enough to kick a ball (this could include a space of 40 x 55 metres to provide for footy kicking or soccer mini-matches). The issue of open space provision will need to be discussed extensively with the City of Wanneroo to determine the level of open space provision that is desirable and manageable. If necessary, additional open space could be identified at the detailed area planning level.

Other Matters for Consideration

- The TPRC must consider the names to be associated with each of the four precincts.*
- Whether or not it would be desirable to accommodate any district level facilities within the development area to enhance service provision and saleability.*
- The preferred civil design and earthworks model, although it is noted that this can be a matter that is resolved in later stages of the development.*

At the most recent Project Control Group Committee meeting held on 9 June 2009 it was suggested that rather than adopt the structure plan on 18 June 2009, as shown in the project gantt chart, that

some time should be provided for participant Council technical officers to make a preliminary review of the final document and feedback any comments for review with the final document at the following Council meeting scheduled for 13 August 2009.

The document, following formal adoption by the Council will then be submitted for review by the local planning authority (the City of Wanneroo) and, subsequently, by the Ministry for Planning.

9.6 CONTRACT VARIATION REQUEST - TPG

Report Information

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

Recommendation

That variations to the TPG contract for TPG input to the structure plan project be **APPROVED** as follows:

Stage 4 - Preparation of structure plan options	\$14,500
Stage 5 – preliminary client and stakeholder consultation	\$14,500
Stage 6 – Develop preferred structure plan	\$ 7,500
Project Management	\$ 7,500
TOTAL	\$44,000 (+ GST)

Voting Requirements

Simple Majority

Report Purpose

To seek approval for a variation of contract request submitted by TPG.

Relevant Documents

Appendix: Fee variation request from TPG dated 4 May 2009
Available for viewing at the meeting: Nil

Policy Reference

N/A

Local Government Act/Regulation

N/A

Previous Minutes

N/A

Background

The Council and TPG agreed a contract for structure planning based upon a brief supplied by the TPRC. The value of the contract which included sub-consultant fees was \$583,889. The TPG component of the contract was \$174,328.

The project was broken down into 10 stages and 30 component parts. Each of the stages was detailed for inputs and completed work. Specific reports, attendances at meetings and liaison with external parties were listed in detail.

Comment

TPG have now submitted a request for a contract fee variation for nominated stages of their work.

The summary of variations requested is as follows:

Stage 4 - Preparation of structure plan options	\$14,500
Stage 5 – preliminary client and stakeholder consultation	\$14,500
Stage 6 – Develop preferred structure plan	\$ 7,500
Project Management	\$ 7,500

The detail of variations requested by TPG is contained in their letter attached dated 4 May 2009. The variation request is supported based upon work actually undertaken through specific Council requests.

Structure Plan Options

The original plan was to have 3 structure plan options prepared. One to be selected and signed off at one Council meeting. In the event a number of iterations of options were prepared over ordinary and special Council meetings involving considerable extra work and time. All of these options were requested by the Council and/or TPRC administration office.

Client & Stakeholder Liaison

Work relating to this variation request involved the Department of Education & Training and Government agencies involved in road, traffic and environmental matters. All of the meetings were additional to the original project plan and all were considered necessary in order to test options for best possible structure plan outcomes. The Council has been progressively advised of this additional work and has received specific reports and optional plans and proposals in relation, particularly, to road traffic matters involved in crossing solutions for Marmion Avenue, Neerabup Road, Connolly Drive and a possible reconfiguration of a proposed underpass of Neerabup Road. Also, plans have been prepared for negotiation for a non-standard access off the freeway offramp leading onto Neerabup Road.

Development of Preferred Structure Plan

The project schedule anticipated a draft structure plan being presented at one Council meeting and approved at a following meeting. In the event, this process has extended over 4 meetings with the attendant additional work required in planning, design and project management. The schedule and additional work have been progressively agreed by the Council.

Project Management

The aggregate of additional work listed above has required a greater volume of coordination of sub-consultant activity and liaison, documentation and negotiation with government agencies and the TPRC. The quantified additional work and meetings has been reviewed with consultants and has been agreed as reasonable in the context of the quantum of work and as a percentage of the project management allocation in the original contract.

The TPG letter sets out in some detail the particulars of the variation request which is endorsed by the TPRC administration office.

9.7 COASTAL CONSERVATION RESERVE

Report Information

Location: West of Marmion Avenue
Applicant: Not Applicable
Reporting Officer: Chief Executive Officer File Reference:

Recommendation

1. That the report be **RECEIVED**.
2. That TPRC involvement in management planning for the coastal conservation reserve be **ENDORSED**.
3. That the request of the Coastal Advisory Committee to the Cities of Wanneroo & Joondalup to confirm their positions with respect to a dual use path between Mindarie Keys and Burns Beach and future vesting of beachfront areas, be **SUPPORTED**.

Voting Requirements

Simple Majority

Report Purpose

To advise progress with planning the future of the coastal conservation reserve west of Marmion Avenue.

Relevant Documents

Appendix: Tamala Park Coastal Conservation Reserve Pamphlet
Available for viewing at the meeting: Nil

Policy Reference

N/A

Local Government Act/Regulation

N/A

Previous Minutes

N/A

Background

West of Marmion Avenue the State Government has been accumulating land which will be reserved for a combination of recreation and conservation purposes.

The land comprises existing Crown reserves, 90 hectares ceded by the local government owners involved in the TPD project as part of a BushForever NPS, and a further 140 hectares which the WAPC is acquiring from Peet & Co – Burns Beach development.

In total the coastal conservation reserve will comprise more than 300 hectares of land bounded on the south by the Burns Beach development, Marmion Avenue to the east and the southern boundary of the TPD - north.

The WAPC is in the process of assembling the land for vesting in Government agencies and/or local authorities. The WAPC role will be transitory. Management and budget responsibility for various areas will be allocated and management plans will then be prepared by the agencies receiving vesting of land parcels.

The coastal conservation committee comprises representatives as follows:

Chairman

Mr Albert Jacob MLA Cr Tracey Roberts	Member for Ocean Reef City of Wanneroo
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Members

Ms Glenda Blake	City of Joondalup
Mr Rod Constantine	Tamala Park Regional Council
Mr John Deck	Proxy for Mr Bruce Sutherland, member from Burns Beach Residents Association
Mr Nelson Hinchcliff	Peet Limited
Ms Jacqui Maguire	Department of Environment & Conservation (DEC)
Mr Mike Norman	Joondalup Community Coastcare Forum
Mr Ross Parker	WAPC Property Management Services
Mr David Wake	Quinns Environment Group

The Committee has met on 3 occasions. A technical advisory committee has also been established and meets on an 'as required' basis.

Comment

The land comprising the coastal reserve will eventually link through land reserved for public open space within the MRC lease through to Neerabup National Park. In the aggregate the linked reserves will comprise approximately 1300 hectares and will be the major connected regional reserve in the northern corridor.

All of the reserves are of importance to the TPD. The coastal conservation reserve is critically important:-

- It is within the view cone of much of the TPD land;
- It adjoins beach areas that will be accessed by the TPD community for bathing, fishing, surfing, recreational use;
- It will provide a connection of coastal walk/cycle paths from existing points at Burns Beach and Mindarie Keys;
- It will provide the opportunity for preservation of aboriginal cultural heritage;
- It will provide an opportunity for preservation of important flora communities and natural coastal bushland as part of the State BushForever policy; and
- With care and careful management it will add great aesthetic recreation and economic value for the TPD and future TPD and wider community.

At this time the following has occurred:

1. Both the City of Wanneroo and City of Joondalup have formally expressed interest in a path connection being established between Mindarie Keys and Burns Beach.

2. The pressure of residential development in the near vicinity has resulted in wider use of the reserve and some damage by motorized vehicles particularly 4WD recreation vehicles.
3. A number of accessways have been barred to unwanted access using large boulders provided by MRC.
4. An education program has commenced using signage along Marmion Avenue and pamphlets (see attachment) pointing to the conservation value of the reserve.
5. The Department of Planning & Infrastructure has commissioned a coastal engineering investigation of the foreshore between Burns Beach and Mindarie Keys to record the nature of the coastline and identify areas that may be suitable for future location of beach bathing facilities.
6. It has been ascertained that State agencies do not have budget allocations for any preliminary flora and fauna surveys or heritage investigations and that these surveys and studies normally occur after the nature of the reserve has been decided and responsibility for future management has been accepted.

TPRC representatives have emphasized the need for:

- Early flora and fauna studies. These are necessary to put in context any rare or priority findings within the TPRC land;
- The recreation value of the reserve for use by TPD residents;
- A hard wall interface between the southern boundary of the TPD and the reserve with controlled parking and access points to prevent unwanted intrusion by 4WD vehicles and to assist control of weed infestation and retain stormwater within the TPD;
- An early resolution of beach access through the coastal conservation reserve servicing the future TPD; and
- A pathway through the reserve linking Mindarie Keys and Burns Beach.

A number of matters will need early clarification to support promotional material that will be developed for the TPD.

At present there is a view that a coastal pathway may be provided in a north/south link close to the coast between Mindarie Keys and Burns Beach. Part of the pathway has already been constructed north of Burns Beach in relatively gentle contours. Between the northern point of the pathway and Mindarie Keys the contours change markedly and become very pronounced. Although it would be possible from an engineering point of view to create a combination of at grade and elevated pathways, the cost would seem to be prohibitive and any elevated pathway would exclude a large section of the public – i.e. cyclists, parents with prams, disabled and wheelchairs.

There has been a view articulated that a surf lifesaving facility may be located toward the southern end of the reserve. The coastal engineering report suggests that this would be inappropriate as the first 1.7km of coastline north from Burns Beach is a 'perched' beach characterized by narrow foreshore areas and rock close to the surface of the water and extending onto open beach areas. The logical place for the development of any concentrated beach bathing facility would be at the northern end of the reserve within the City of Wanneroo and closer to Mindarie Keys. Unfortunately this area has no easy access from Mindarie Keys and would need parking facilities and an access way through the reserve. A conservation status of the reserve would not welcome a large parking area within the confines of the reserve and the nearest existing roadway to areas suitable for beach bathing is Long Beach Promenade.

It is possible that a preferred pathway connecting Mindarie Keys and Burns Beach could follow a route along the southern boundary of the TPD branching to areas of flora rehabilitation (existing blowout areas) areas of historical interest (Wokalup Hill) and the mythical Wagyl site, areas of geological interest (the parabolic dune coincident with the Wagyl site) and areas containing flora identified as having particular conservation or interest value and then onto Marmion Avenue south to

the northern boundary of the Burns Beach development connecting to the western most part of the development and an existing dual use pathway.

All of these matters are complicated by interest groups currently using the reserve for 4WD use and access to fishing points along the coast.

At the last meeting of the Coastal Advisory Committee the coastal reserve community advisory committee resolved a request of the Cities of Joondalup & Wanneroo to resolve their support for dual use paths through the reserve and also to indicate their preparedness to accept vesting of part of the reserve to support future beach recreation activities.

In the process of completing environmental reports for TPRC purposes, it has been possible to arrange a flora survey of the 90 hectares of land which were transferred by TPRC Councils to the State Government. Some flora species previously thought to be rare have been found within the area surveyed. The reports of the survey will be made available to the DEC, City of Wanneroo and the WAPC to assist the future planning and determination of the nature of the reserve i.e. recreation, conservation etc.

This report is provided to inform the Council of management planning for a reserve which will have economic and conservation importance to the TPD over a long period of time. The TPRC will need to have a continuing involvement in planning the future reserve and also with its connection to the public open space land within the MRC lease area which is still in joint ownership of the 7 local authorities comprising both the TPRC and the MRC.

ADDENDUM – AGENDA TPRC COUNCIL MEETING – 18 JUNE 2009

9.8 CEO DRAFT CONTRACT FOR EMPLOYMENT

Report Information

Location: Not Applicable
Applicant: Not Applicable
Reporting Officer: Chief Executive Officer File Reference: 22.140.937.18

Recommendation

That the report be RECEIVED and it be NOTED that Woodhouse Legal have agreed to have a final document expressing the Council's requirements in relation to the contract of employment available prior to advertising of the position on 27 June 2009.

Voting Requirements

Simple Majority

Report Purpose

To advise status of work in relation to the proposed contract of employment of the TPRC CEO.

Relevant Documents

Appendix: Draft Employment Agreement (as previously distributed – 16 June 2009)
Available for viewing at the meeting: Nil

Local Government Act/Regulation

LGA Section 5.36 – Local Government Employees
LGA Section 5.39 – Contains provisions for contracts of CEO's
DLGRD Best Practice Guideline Number 10

Previous Minutes

CEO Performance Review Committee meeting – 11 June 2009

Background

At the CEO Performance Review Committee meeting held 11 June 2009 the following recommendation was made for Council consideration:

- 1. That the model contract of employment for Local Government officers be NOTED for inclusion or exclusion of specific provisions.*
- 2. That a further report on contract development be PROVIDED for the next meeting of the Committee or next Council meeting on 18 June 2009, whichever first occurs.*
- 3. That the draft CEO Employment Agreement as amended be PREPARED and presented to Council for consideration.*

4. *That a further report including a legal review of the contract be PROVIDED to the next meeting of Council on 18 June 2009.*

Contract provisions for the TPRC CEO contract of employment have been reviewed by the CEO Performance Review Committee at meetings in May and June 2009.

At the meeting 11 June 2009 the essential elements of the contract were agreed by the Committee and it was requested that the draft contract document be reviewed by legal advisers prior to publication.

Comment

Mr Tony Taylor (Gerard Daniels) and the CEO TPRC (Rod Constantine) have discussed Council requirements with Mr John Woodhouse of Woodhouse Legal.

Mr Woodhouse has reviewed the required contract provisions and the drafts prepared to date.

It has been identified that wording within the contract needs review. Mr Woodhouse has indicated that all of the provisions required by the Council are understood and are clear, in intent, in the draft submitted but may require some rewording for an improved legal construction.

Two matters have been raised for specific review:

1. The clause required restricting the CEO taking an appointment with a contractor engaged by the TPRC or by a major competitor. This clause relates to law concerning restriction of trade. Mr Woodhouse is currently resolving the appropriate wording for the contract to ensure that the intent of the Council will have the required effect.
2. Clause 10.2 Termination by Council: Any Reason
This clause allowed that the Council may terminate the officer's employment for any reason by giving 6 months notice in writing or payment in lieu. The clause went on to say 'that the Council **shall** approve a payment to the officer of up to the value of 1 year's remuneration.....'

It has been agreed with Mr Woodhouse that his work on the contract document should change the word 'shall' to 'may' as this more in keeping with the Local Government legislation which refers specifically to payments to employees on severance of contract.

The contract in Woodhouse Legal final form will be distributed to Council members prior to advertising of the position on 27 June 2009.

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