



TAMALA PARK
REGIONAL COUNCIL

Ordinary Meeting of Council

MINUTES

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

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.

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PRESENT

Chairman	Cr Troy Pickard
Councillors	Cr Nick Catania Cr Paul Collins (from 5.45pm) Cr Eleni Evangel Cr John Italiano Cr David Michael (from 6pm, departed 6.50pm) Cr Tracey Roberts Cr Michele Rosano Cr Bob Smithson Cr Bill Stewart Cr Trevor Vaughan
Alternate Members	Nil
Staff	Rod Constantine (Chief Executive Officer) Kylie Jeffs (Minute Clerk)
Apologies Councillors	Cr Simon Withers
Leave of Absence	Nil
Absent	Nil
Consultants	Ms Erica Urquiaga (Gerard Daniels) Mr Tony Taylor (Gerard Daniels) Mr Murray Casselton (TPG Town Planning & Urban Design) Mr Jeff Malcolm (TPG Town Planning & Urban Design) Mr Brett Wood Gush (TPG Town Planning & Urban Design)
Apologies Represented Councils' Advisers	Mr John Giorgi (Town of Vincent)
In Attendance	Mr Lewis Bond (City of Perth) Mr John Bonker (Town of Victoria Park) Mr Mark Dickson (City of Wanneroo) Mr Garry Hunt (City of Joondalup) Mr Ross Povey (City of Stirling)
Members of the Public	Nil
Press	Nil

PRELIMINARIES

1. OFFICIAL OPENING

The meeting was declared open at 5.43pm.

DISCLOSURE OF INTERESTS

Cr Roberts declared an interest affecting impartiality for Item 9.7 (Coastal Conservation Reserve) as she owns a block of land (Lot 507 Glensanda Way, Mindarie) within the reserve.

2. PUBLIC STATEMENT/QUESTION TIME

Nil

3. APOLOGIES AND LEAVE OF ABSENCE

Apologies were received from Cr Simon Withers.

4. PETITIONS

Nil

5. CONFIRMATION OF MINUTES

- Ordinary Meeting of Council – 16 April 2009
- Special Council Meeting – 14 May 2009

Ordinary Meeting of Council – 16 April 2009

Moved Cr T Roberts, Seconded Cr M Rosano

That the minutes of the Ordinary Meeting of Council of 16 April 2009 be confirmed, and signed by the Chairman, as a true and correct record of proceedings.

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

Special Meeting of Council – 14 May 2009

Moved Cr T Vaughan, Seconded Cr M Rosano

That the minutes of the Special Meeting of Council of 14 May 2009 be confirmed, and signed by the Chairman, as a true and correct record of proceedings.

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

5A. BUSINESS ARISING FROM THE MINUTES

Nil

6. ANNOUNCEMENTS BY CHAIRMAN (WITHOUT DISCUSSION)

The Chairman advised that he, Mr Rod Constantine (CEO) and Mr Jeff Malcolm (TPG) attended a meeting recently with representatives from the DPI including Bruce MacDonnell (Executive Director Urban Policy), Andrew Montgomery (Director Urban Growth Management), Neil Foley (Director of Urban Place Planning) and Reinier Minny (Manager Metro Strategic Planning North West).

He advised that the DPI were impressed with the Tamala Park Structure Plan and saw an opportunity to bring other Government agencies together to address issues to progress the Tamala Park development.

The new Chairman of the Commission expressed a desire to be briefed and the TPRC will present to the Chairman in the near future.

The Chairman also advised that a Committee that has been recommenced is the Infrastructure Coordination Committee (WAPC). The Tamala Park Structure Plan could be a first item for the Committee to address with representatives of all agencies.

It was noted that a meeting date with MRWA was still in the process of being set.

7. MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil

8. REPORTS OF COMMITTEES

Minutes of the Audit Committee Meeting – 11 June 2009

Moved Cr B Stewart, Seconded Cr T Roberts:

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.

The motion was put and declared carried (10/0).

Minutes of the Project Steering Committee Meeting – 11 June 2009

Moved Cr B Stewart, Seconded Cr P Collins:

The Committee recommends to Council:

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.

The motion was put and declared carried (10/0).

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

Cr D Michael arrived during discussion on this item.

The Committee recommends to Council:

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).

Moved Cr B Stewart, Seconded Cr N Catania that the recommendation be amended in Item 8.3 and Item 8.4 to read as follows:

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 with the following addition to the Position Profile:

- *Insertion under Key Responsibilities - Legal Functions*
'Responds to the specific requirements for a CEO as stated in the Local Government Act and associated legislation and to legal decisions and directions of the TPRC Council performing its legal/statutory functions'.

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, Cr Paul Collins and Cr Simon Withers 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.

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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.

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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.
4. That the position be ADVERTISED electronically immediately following Council ratification of the advertising proposals (scheduled 18 June 2009).

The motion was put and declared carried (11/0).

9. ADMINISTRATION REPORTS

9.1 BUSINESS REPORT – PERIOD ENDING 31 MAY 2009

Moved Cr D Michael, Seconded Cr M Rosano:

[The recommendation in the agenda]

That the Business Report to 31 May 2009 be RECEIVED.

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

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

Moved Cr J Italiano, Seconded Cr T Vaughan

[The recommendation in the agenda]

That the Council RECEIVE and NOTE the Statement of Financial Activity for the months ending 30 April 2009 and 31 May 2009.

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

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

Moved Cr E Evangel, Seconded J Italiano

[The recommendation in the agenda]

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**

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

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

Moved Cr B Smithson, Seconded D Michael

[The recommendation in the agenda]

- 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.**

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

9.5 TAMALA PARK DEVELOPMENT LOCAL STRUCTURE PLAN

[The recommendation in the agenda]

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.**

Moved Cr P Collins, Seconded M Rosano that a further Item 5 be added to the recommendation as follows:

1. **That the report and structure plan document for Lot 9504 Mindarie be RECEIVED.**
2. **That the structure plan be APPROVED for 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.**
5. **That a report be PRESENTED to the next Council meeting making recommendation for use of a sustainability tool to assess the Structure Plan.**

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

9.6 CONTRACT VARIATION REQUEST - TPG

Cr D Michael departed the meeting before consideration of this item.

Moved Cr T Vaughan, Seconded Cr N Catania

[The recommendation in the agenda]

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)

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

9.7 COASTAL CONSERVATION RESERVE

Cr Roberts declared an interest affecting impartiality for Item 9.7 (Coastal Conservation Reserve) as she owns a block of land (Lot 507 Glensanda Way, Mindarie) within the reserve.

[The recommendation in the agenda]

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.

Moved Cr P Collins, Seconded Cr B Smithson that a further Item 4 be added to the recommendation as follows:

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.
4. That TPRC ENDORSE the following elements in relation to the Coastal Conservation Reserve:
 - i) The reserve not be used for recreation activity;
 - ii) The provision of a walking path network where appropriate;
 - iii) The provision of a beach access through the reserve appropriately scaled infrastructure and amenities.

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

9.8 CEO DRAFT CONTRACT FOR EMPLOYMENT

Moved Cr B Stewart, Seconded Cr M Rosano

[The recommendation in the agenda]

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.

The Motion was 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

Nil

13. MATTERS BEHIND CLOSED DOORS

Nil

14. GENERAL BUSINESS

Nil

15. FORMAL CLOSURE OF MEETING

The Chairman declared the meeting closed at 7.05pm.

These minutes were confirmed at a meeting on

SIGNED this day of 2009

as a true record of proceedings.

CHAIRMAN