

**TAMALA PARK
REGIONAL COUNCIL**

Meeting of Council

AGENDA

**Thursday 15 October 2009
Town of Victoria Park, 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

TABLE OF CONTENTS

MEMBERSHIP	4
PRELIMINARIES.....	5
1. OFFICIAL OPENING	5
DISCLOSURE OF INTERESTS	5
2. PUBLIC STATEMENT/QUESTION TIME.....	5
3. APOLOGIES AND LEAVE OF ABSENCE	5
4. PETITIONS	5
5. CONFIRMATION OF MINUTES	5
5A. BUSINESS ARISING FROM THE MINUTES.....	5
6. ANNOUNCEMENTS BY CHAIRMAN (WITHOUT DISCUSSION).....	5
7. MATTERS FOR WHICH MEETING MAY BE CLOSED	5
8. REPORTS OF COMMITTEES.....	5
9. ADMINISTRATION REPORTS AS PRESENTED (ITEMS 9.1 – 9.20)	5
9.1 BUSINESS REPORT – PERIOD ENDING 30 SEPTEMBER 2009.....	6
9.2 STATEMENTS OF FINANCIAL ACTIVITY FOR THE MONTHS OF AUGUST 2009 AND SEPTEMBER 2009.....	8
9.3 LIST OF MONTHLY ACCOUNTS SUBMITTED FOR THE MONTHS OF AUGUST 2009 AND SEPTEMBER 2009.....	13
9.4 STRUCTURE PLAN – CONSULTANTS REPORT FOR THE PERIOD ENDING 6 OCTOBER 2009.....	16
9.5 TPRC STRUCTURE PLAN STATUS UPDATE.....	19
9.6 LOCAL GOVERNMENT AMENDMENT BILL 2009 – LEAVE OF ABSENCE (COUNCIL MEMBERS)..	21
9.7 MEETING SCHEDULE 2010.....	23
9.8 GST UPDATE.....	25
9.9 CONTAMINATED SITES CLASSIFICATION	28
9.10 CREDIT CARD POLICY	31
9.11 LAND ACQUISITION OF LOT 807 NEERABUP ROAD FROM MAIN ROADS WA	33
9.12 CONTRIBUTION TO PURCHASE INDICATORS SURVEY 2010 – STRATEGIC MARKETING & RESEARCH	35
9.13 VARIATION TO CONTRACT – CONSULTANT SERVICES AGREEMENT CSIRO.....	38
9.14 TAMALA PARK LEVEL 2 FLORA & VEGETATION SURVEY – SYRINX CONSULTANCY	41
9.15 ANNUAL REPORT FOR THE YEAR ENDED 30 JUNE 2009.....	43
9.16 TPRC ANNUAL FINANCIAL REPORT FOR THE YEAR 1 JULY 2008 TO 30 JUNE 2009	45
9.17 TPRC BANK ACCOUNT AUTHORISATIONS.....	47
9.18 LOT 9504 MINDARIE ZONED POS AND PUBLIC UTILITY – INCLUDING MRC LANDFILL	49
9.19 REVIEW OF THE AUDITOR’S REPORT FOR THE FINANCIAL YEAR ENDED 30 JUNE 2009.....	52
9.20 LOCAL GOVERNMENT ACT AMENDMENT 2009 – DEPUTIES FOR REGIONAL COUNCILS	54
10. ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN	57
11. QUESTIONS BY ELECTED MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN.....	57

Agenda TPRC Meeting of Council – 15 October 2009

12.	URGENT BUSINESS APPROVED BY THE CHAIRMAN.....	57
13.	MATTERS BEHIND CLOSED DOORS.....	57
14.	GENERAL BUSINESS	57
15.	FORMAL CLOSURE OF MEETING.....	57
	APPENDICES.....	58

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 Town of Victoria Park, 99 Shepperton Road, Victoria Park at 5.30pm on Thursday 15 October 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 – 13 August 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

9. ADMINISTRATION REPORTS AS PRESENTED (ITEMS 9.1 – 9.20)

9.1 BUSINESS REPORT – PERIOD ENDING 30 SEPTEMBER 2009

Report Information

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

Recommendation

That the Business Report to 30 September 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. **Structure Plan** – The Structure Plan has now been prepared in A3 format and was formally lodged with City of Wanneroo on 9 September 2009. Liaison with City of Wanneroo since that date has indicated that the documentation lodged is adequate for assessment and that preliminary review indicates public consultation requirements will focus on the statutory advertising required under the City of Wanneroo District Planning Scheme.
2. **Infrastructure Coordination Committee** – Approaches have been made to the Chairman of the committee offering the TPD as a pilot project for the new policies and processes to be developed by this important agency which has the objective of bringing together the various objectives of Government agencies dealing with land developments.
3. **Councillor Information Session (31 October 2009)** – The Council has been invited to make a presentation to Council members of the north/west zone

following Council elections on 17 October 2009. The TPRC presentation will be made in conjunction with the MRC as both businesses are owned by the same number of Councils on jointly owned land.

4. **Annual Audit** – The annual audit has been completed, the audit report received and the formal processes with respect to audit and completion of the annual financial report have been progressed as far as possible. A separate item on the agenda deals with formal receipt of the audit report.
5. **MRWA on Road Issues** - The ongoing initiative to provide access into the TPD from the northern freeway offramp at Neerabup Road and to provide effective crossings elsewhere in Neerabup Road, Connolly Drive and Marmion Avenue are continuing. Meetings with key officers of MRWA have indicated the possibility of success and further meetings will occur in October 2009. The results of which will be reported to the next Council meeting.
6. **Budget** – Budget formalities have been completed including lodgement of copies with DLGRD.
7. **TPRC Website** - The loss of software with computer facilities earlier in 2009 has required new web arrangements with independent support. The TPRC website will now be supported by WALGA Linking Councils and will be available in a new configuration from November 2009.
8. **Local Authority Comments on Structure Plan** – At the last Council meeting an extensive list of comments from local authority participant Councils was received. The Council requested any (required) update report. The consultants have now reviewed all of the comments and have made responses to Councils or have responded to the comments by amendments in the Structure Plan prior to lodgement.
9. **Coastal Conservation Committee** – The TPRC is represented on this Committee. The Committee is endeavouring to frame management arrangements for the coastal conservation reserve which lies between the Burns Beach development and the western cell of the Tamala Park proposed development. The area concerned is approximately 308 hectares. Negotiations to date suggest that coastal sections of the reserve will be accepted by City of Wanneroo and City of Joondalup as vested reserves, subject to conditions and that the remaining land will form some form of conservation reserve. Discussions have commenced about the possibility of including the major conservation areas in the TPD in any extended conservation park.
10. **Transitional Arrangements to CEO (Mr Tony Arias)** – Arrangements have been made for commencement of tenure as CEO by Mr Arias from 12 October 2009. Mr Arias has attended a number of meetings as part of transitional arrangements and information gathering about key issues concerning TPRC and TPRC current projects.

9.2 STATEMENTS OF FINANCIAL ACTIVITY FOR THE MONTHS OF AUGUST 2009 AND SEPTEMBER 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 31 August 2009 and 30 September 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 31 August 2009 and 30 September 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 September 2009 exceeding 10% were experienced in relation to the following:

Agenda TPRC Meeting of Council – 15 October 2009

Revenue	Revenue is \$25,000 less than budget at end of September 2009. Principally caused by the combination of depressed interest rates and a change in term of investments by extending investment periods to obtain more advantageous interest rates. It is expected that the deficiency will be redressed in the future months.
Employee Costs	Employee costs are expected to adjust in coming months. The under expenditure at this time is tied to budget possibilities for earlier take up of staff appointments.
Insurance	Insurance under expenditure is solely related to improved arrangements for time payment of premiums and will come into balance in November/December 2009.
Materials & Contracts Other	There is a general under expenditure through containment of budget costs and alternative methods to achieve outcomes.
Professional Consultant Fees	In total there is a \$30,000 excess to budget expenditure which has been occasioned by a rush of activity to complete the TPRC structure plan for formal lodgement. At this time there is no overall shortfall in the professional/consultant budget but the budget may provide an opportunity for some formal reduction as part of the mid-year statutory review based upon the possibility of some of the budget work being undertaken with local resources.

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

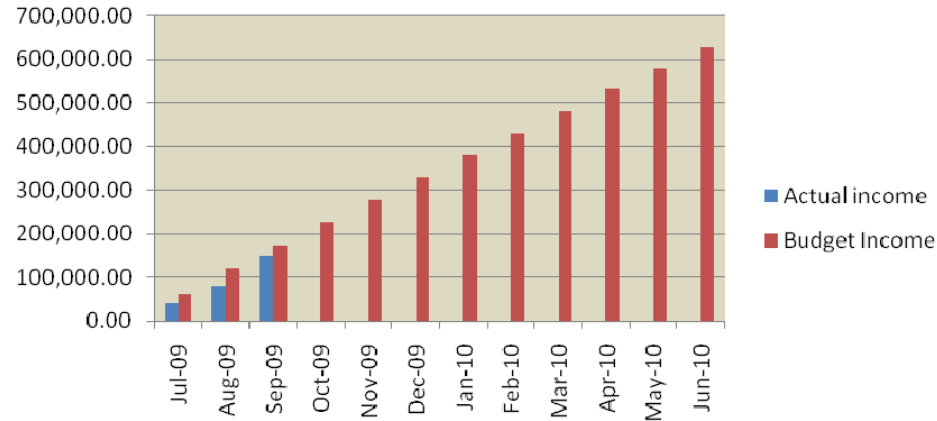
Financial Snapshot as at 30 September 2009

	Jul - Sep 09	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
Revenue					
Interest Earnings	147,653.05	0.00	147,653.05	100.0%	0.00
Revenue - Other	0.00	172,877.00	-172,877.00	0.0%	627,688.00
Total Revenue	147,653.05	172,877.00	-25,223.95	85.41%	627,688.00
Expenses					
Depreciation	0.00	-2.00	2.00	0.0%	-4,502.00
Employee Costs	-56,271.50	-70,903.00	14,631.50	79.36%	-445,449.00
Insurance	-9,387.88	-3,295.00	-6,092.88	284.91%	-4,250.00
Materials & Contracts MTC	0.00	0.00	0.00	0.0%	-2,700.00
Materials & Contracts Other	-28,375.53	-18,155.00	-10,220.53	156.3%	-267,858.00
Other	-24,625.00	-24,625.00	0.00	100.0%	-114,000.00
Professional/Consultant Fees	-162,885.72	-132,910.00	-29,975.72	122.55%	-565,799.00
Total Expenses	-281,545.63	-249,890.00	-31,655.63	112.67%	-1,404,558.00
Unclassified	0.00	0.00	0.00	0.0%	0.00
TOTAL	-133,892.58	-77,013.00	-56,879.58	173.86%	-776,870.00

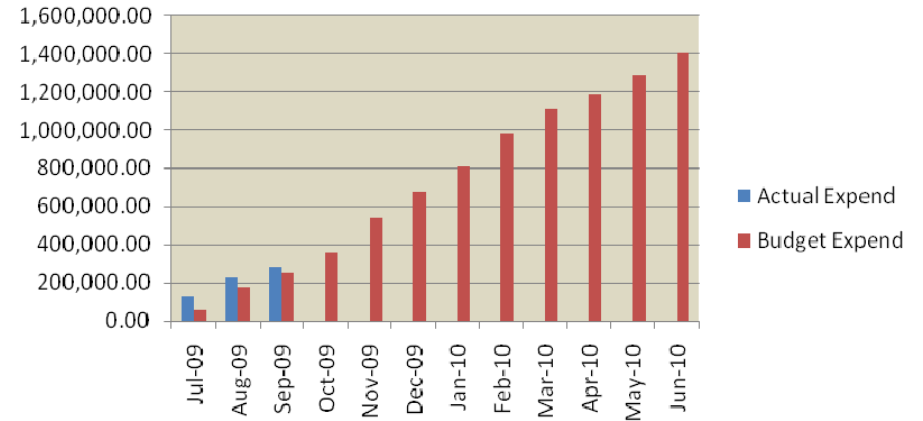
Balance Sheet Summary as at 30 September 2009

	Jun-08	Jun-09	Jul-09	Aug-09	Sep-09
Cash at Bank	17,300,798	17,342,484	17,269,909	17,239,324	17,234,896
Accounts Receivable	79,435	46,925	-	-	-
Other Current Assets	1,030	1,030	1,030	1,030	1,030
Total Current Assets	17,381,263	17,390,439	17,270,939	17,240,354	17,235,926
Fixed Assets	17,414	14,918	14,918	14,918	14,918
Total Assets	17,398,677	17,405,357	17,285,857	17,255,272	17,250,844
Less Current Liabilities/Prov	42,012	109,629	75,412	103,383	89,008
Net Assets	17,356,665	17,295,729	17,210,446	17,151,888	17,161,836

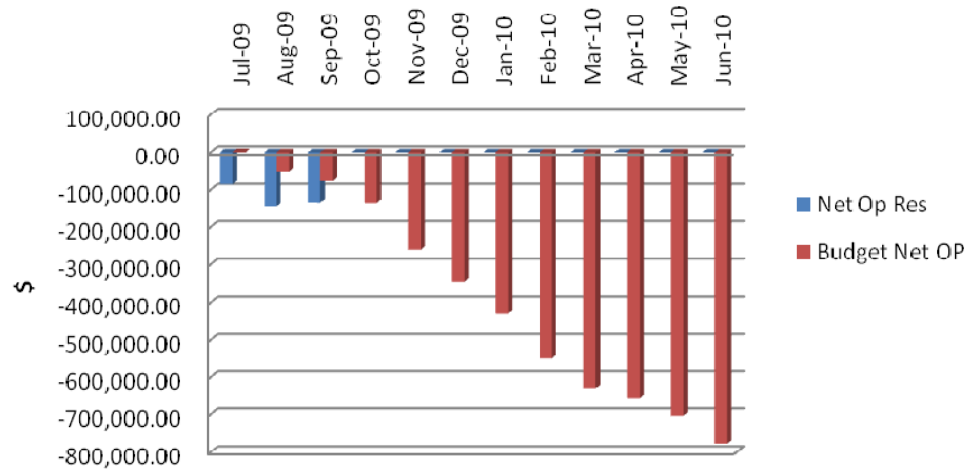
YTD Income V Budget by Month



YTD Exp V Budget by Month



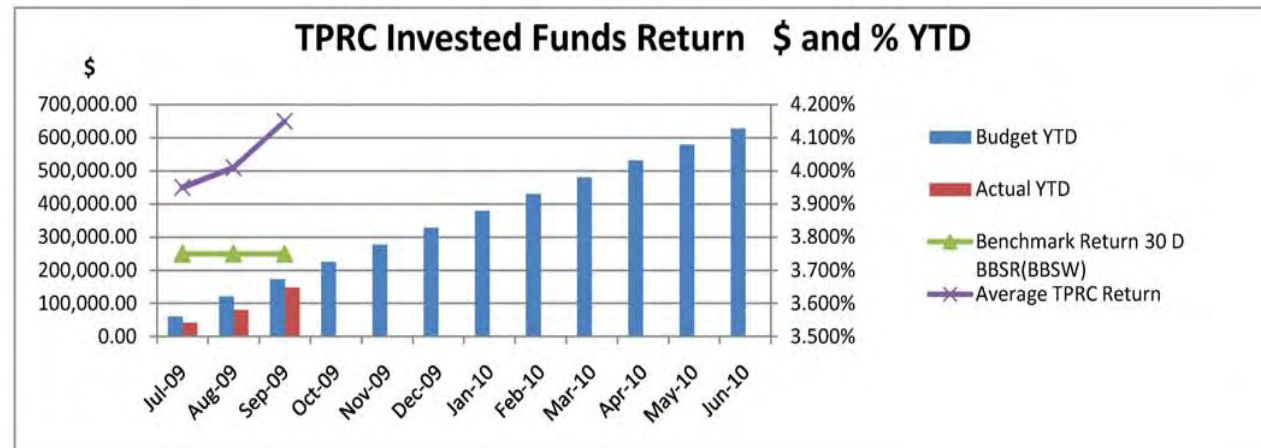
YTD Net Operating V YTD Budget Net Operating



Tamala Park Regional Council
TPRC Investments Summary

Fy 1 July 2009 - 30 June 2010

		Jul-09	Aug-09	Sep-09	Oct-09	Nov-09	Dec-09	Jan-10	Feb-10	Mar-10	Apr-10	May-10	Jun-10
Budget	I032030 · Interest on Investment	60,312.00	60,315.00	52,250.00	52,167.00	51,964.00	51,525.00	51,211.00	50,841.00	50,412.00	50,137.00	48,363.00	48,191.00
Actual	I032030 · Interest on Investment	41,707.29	38,191.43	67,754.33									
	Budget YTD	60,312.00	120,627.00	172,877.00	225,044.00	277,008.00	328,533.00	379,744.00	430,585.00	480,997.00	531,134.00	579,497.00	627,688.00
	Actual YTD	41,707.29	79,898.72	147,653.05									
Invested Funds													
A(-1+)	A01102 · Unrestricted At Call	40,477.97	20,527.73	206,658.65									
A(-1+)	A01106/7 · Fixed Term Deposits	17,227,006.58	17,172,478.39	17,022,478.39									
	Act Invest 09-10	17,267,484.55	17,193,006.12	17,229,137.04									
	Benchmark Return 30 D BBSR(BBSW)	3.750%	3.750%	3.750%									
	Benchmark Return 60 D BBSR(BBSW)	3.750%	4.000%	3.950%									
	Average TPRC Return	3.950%	4.010%	4.150%									



9.3 LIST OF MONTHLY ACCOUNTS SUBMITTED FOR THE MONTHS OF AUGUST 2009 AND SEPTEMBER 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 August 2009 and September 2009:

- **Month ending 31 August 2009 (Total \$88,682.05)**
- **Month ending 30 September 2009 (Total \$72,182.00)**
- **Total Paid \$160,864.05**

Voting Requirements

Simple Majority

Report Purpose

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

Relevant Documents

Appendix: Cheque Detail for Months Ending 31 August 2009 and 30 September 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
August 2009**

Date	Name	Description	Amount
03/08/2009	Pickard, Troy	Chairman Allowance - May/June/July 2009	-5,000.00
03/08/2009	Westpac	Bank fees for Cheque Account 193565 - August 2009	-26.75
06/08/2009	Collins, Paul	Elected member allowance for May/June/July 2009	-1,750.00
06/08/2009	Michael, David	Elected member allowance for May/June/July 2009	-1,750.00
06/08/2009	Pickard, Troy	Reimbursement parking & Trigg Island Cafe	-101.50
06/08/2009	Roberts, Tracey	Elected member allowance for May/June/July 2009	-2,125.00
06/08/2009	Rosano, Michele	Elected member allowance for May/June/July 2009	-1,750.00
06/08/2009	Smithson, Bob	Elected member allowance for May/June/July 2009	-1,750.00
06/08/2009	Vaughan, Trevor	Elected member allowance for May/June/July 2009	-1,750.00
06/08/2009	Withers, Simon	Elected member allowance for May/June/July 2009	-1,750.00
06/08/2009	Evangel, Eleni	Elected member allowance for May/June/July 2009	-1,750.00
06/08/2009	Italiano, John	Elected member allowance for May/June/July 2009	-1,750.00
06/08/2009	Catania, Nick	Elected member allowance for May/June/July 2009	-1,750.00
06/08/2009	Stewart, Bill	Elected member allowance for May/June/July 2009	-1,750.00
13/08/2009	Kylie Jeffs	KJ wages for period 20 July 2009 to 12 August 2009	-1,249.28
13/08/2009	Rod A Constantine	RC wages for period 20 July 2009 to 12 August 2009	0.00
13/08/2009	WALGSP	Superannuation contribution for period 30 July 2009 to 12 August 2009	-7,628.23
13/08/2009	Haines Norton	Accounting services for month of July 2009	-660.00
13/08/2009	LGIS Liability	Public Liability - First Instalment for contribution period 30 June 2009 to 30 June 2009	-1,045.00
13/08/2009	LGIS Workcare	Workcare first instalment for period 30 June 2009 to 30 June 2009	-4,196.50
13/08/2009	Telstra	Usage charges to 27 July 2009 and service & equipment rental	-130.36
13/08/2009	City of Stirling	Hire of MR1 SCC for PCG meetings in September 2009	-148.00
27/08/2009	WALGA	Advertisement of CEO position in West Australian & Australian	-19,593.77
27/08/2009	Kylie Jeffs	Wages for KJ for period 13/8/09 to 26/8/09	-1,249.28
27/08/2009	Rod A Constantine	RC wages for period 13/8/09 to 26/8/09	-2,519.06
27/08/2009	WALGSP	Superannuation contribution payment for period 13/8/09 to 26/8/09	-4,251.17
27/08/2009	Amcom	ADSL Direct for period 1/9/09 to 1/10/09	-79.00
27/08/2009	Haines Norton	Payment of invoices 2010-010115 & 010116	-990.00
27/08/2009	Kyocera Mita	BW and Colour copying charges to 16 July 2009	-165.81
27/08/2009	R A Constantine	Reimbursement for purchase of Reflex copying paper & tea/	-76.18
27/08/2009	TPG Town Planning & Urban Des	Tabec invoice for professional services relating to TP Structure	-1,232.00
27/08/2009	City of Stirling	Rent & Electricity for MR3 SCC for October 2009	-415.36
27/08/2009	City of Stirling	Hire of MR1 SCC for Meeting 17 August 2009	-58.50
27/08/2009	TPG Town Planning & Urban Des	Project Management & Prelim Client Stakeholder Consult, S	-18,241.30
			-88,682.05

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

Date	Name	Description	Amount
01/09/2009	Westpac	Banking fees for September 2009 on Cheque Account	-24.75
03/09/2009	MWH Global	Invoice 1 of 2 for PO 2009/53 Local Water Management Stra	-12,546.60
10/09/2009	Kylie Jeffs		-1,249.28
10/09/2009	Telstra	Office Telephones & Faxes - Usage charges to 27 August 2009	-143.41
10/09/2009	TPG Town Planning & Urban Design	Preparation of aerial perspective Tamala Park indicative	-4,000.00
10/09/2009	City of Stirling	Booking MR1 SCC 21 Sept 2009 - all day booking for audit	-312.00
10/09/2009	City of Stirling	MR1 SCC for 3 September 2009 for meeting with MRC	-39.00
10/09/2009	Rod A Constantine		-2,519.06
10/09/2009	WALGSP	Superannuation for period 27 August 2009 to 9 September 2009	-4,251.17
10/09/2009	Gerard Daniels	Final fee - recoverable expenses: courier, medical & police c	-19,389.00
14/09/2009	TPG Town Planning & Urban Design	Lodgement of Structure Plan with City of Wanneroo	-3,835.00
24/09/2009	Kylie Jeffs	Wages for period 10/9/09 to 23/9/09	-1,249.28
24/09/2009	Rod A Constantine	Wages for period 10/9/09 to 23/9/09	-2,519.06
24/09/2009	WALGSP	Superannuation contribution for period 10/9/09 to 23/9/09	-4,251.17
24/09/2009	Amcom	ADSL Direct for period 1/10/09 to 1/11/09	-79.00
24/09/2009	Haines Norton	Invoices 2010-011128/011129/011080	-6,270.00
24/09/2009	Kyocera Mita	Black/white & colour copying charges for August 2009	-166.41
24/09/2009	LGIS Property	Second instalment contribution for period 30/6/09 to 30/6/10	-1,393.08
24/09/2009	TPG Town Planning & Urban Design	Invoices 25863 & 25965	-7,400.25
24/09/2009	City of Stirling	MR1 SCC rent & electricity for November 2009	-396.48
24/09/2009	City of Stirling	Hire of MR1 SCC for October 2009 meetings	-148.00
			-72,182.00

9.4 STRUCTURE PLAN – CONSULTANTS REPORT FOR THE PERIOD ENDING 6 OCTOBER 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 6 October 2009 be RECEIVED.
2. That the Council NOTE that work to end of September 2009 is in accordance with the time program and project phases listed for the TPD structure planning project except that the formal submission of the Structure Plan was deferred from the 18 June 2009 meeting to facilitate participant local authorities reviewing and providing comments on the Structure Plan.

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

Each Ordinary meeting of Council from 4 December 2008

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

There are 3 stages of the Structure Plan to be completed:

- Stage 8 formal stakeholder consultation;
- Stage 9 preferred structure plan review process; and
- Stage 10 final endorsement of structure plan.

At this time the City of Wanneroo is undertaking preliminary assessment of the submitted Plan.

The City of Wanneroo will provide an initial response in December 2009.

The spring flora survey required as part of the conditions for lifting deferred urban development has been commissioned. The fieldwork has been completed and a preliminary draft report to support other environmental reports contained in the Structure Plan will be available prior to end October 2009.

Following receipt of the spring flora survey report, a review will be made of the current proposals for referring the Structure Plan to Federal environmental authorities.

The lead consultant (TPG) is reviewing outstanding work of sub-consultants. Specific attention is being given to the possibilities for the remaining work program for Creating Communities which will be finalized following initial feedback from City of Wanneroo. Potential exists for additional open days and/or for a series of promotion brochures to be prepared to advise details of the Structure Plan.

**Tamala Park Regional Council
Consultant Expense Summary
July through September 2009**

Expense	Jul - Sep 09	YTD Budget	\$ Over Budget	% of Budget	Annual Budget
E14 · OTHER PROPERTY & SERVICES.					
E145 · Administration					
E145079 · Consultancy					
E145400 · Structure Planning TPG Main					
E145401 · TPG Direct Component	26,120.10	0.00	26,120.10	100.0%	45,000.00
E145402 · TPG_Variation SP Options	32,100.00	21,150.00	10,950.00	151.77%	32,399.00
E145403 · Aerial Perspective Diagrams	0.00	3,700.00	-3,700.00	0.0%	3,700.00
E145405 · TPG Syrinx Component	4,241.60	4,400.00	-158.40	96.4%	4,400.00
E145406 · TPG Creating Communit Component	2,742.60	0.00	2,742.60	100.0%	0.00
E145408 · TPG Tabec Component	15,230.00				
E145409 · TPG Uloth & Assoc Component	23,617.00	23,000.00	617.00	102.68%	23,000.00
E145410 · TPG Pracsys Econ Component	0.00	0.00	0.00	0.0%	0.00
E145411 · TPG_Tabec_Varn_LotContourAnal	2,240.00	0.00	2,240.00	100.0%	0.00
E145412 · TPG Uloth & Associates -Var'n M	1,520.00				
E145400 · Structure Planning TPG Main - Other	3,636.36				
Total E145400 · Structure Planning TPG Main	111,447.66	52,250.00	59,197.66	213.3%	108,499.00
E145430 · Other Struct_PI Consultancies					
E145431 · CSIRO - Water Balance Design	0.00	0.00	0.00	0.0%	0.00
E145432 · Syrinx Env- Flora Fauna Study	0.00	0.00	0.00	0.0%	0.00
E145433 · Syrinx Env Mgt Rep-SP-992/33	0.00	0.00	0.00	0.0%	0.00
E145434 · Syrinx Env_Flora Targ Surv West	0.00	0.00	0.00	0.0%	0.00
E145435 · MWH_Local Water Mgmt Strategy	11,406.00	11,500.00	-94.00	99.18%	11,500.00
E145436 · Syrinx Lev 2 Flora Veget Surv	0.00	0.00	0.00	0.0%	45,000.00
E145437 · Landscaping & Env Detail Plan	0.00	0.00	0.00	0.0%	38,000.00
E145438 · Eng Contours post St PI Approva	0.00				48,000.00
E145430 · Other Struct_PI Consultancies - Other	0.00	0.00	0.00	0.0%	0.00
Total E145430 · Other Struct_PI Consultancies	11,406.00	11,500.00	-94.00	99.18%	142,500.00
E145440 · Env Innovation Consultancies					
E145441 · Sustainability Assessment Syst	0.00	0.00	0.00	0.0%	40,000.00
E145442 · Project Financial Planning/Viab	0.00	0.00	0.00	0.0%	10,000.00
E145443 · Hydrology Mgmt & Reuse	0.00	12,000.00	-12,000.00	0.0%	30,000.00
E145444 · Energy Generation-Application	0.00	0.00	0.00	0.0%	30,000.00
E145445 · Communication Systems	0.00	10,000.00	-10,000.00	0.0%	30,000.00
E145446 · MRC landfill Future Use/Integra	0.00	0.00	0.00	0.0%	25,000.00
Total E145440 · Env Innovation Consultancies	0.00	22,000.00	-22,000.00	0.0%	165,000.00
E145450 · Admin-Operational Consultancies					
E145451 · GST management	0.00				1,000.00
E145452 · Recruitment_Human Resources	0.00	30,000.00	-30,000.00	0.0%	38,000.00
E145450 · Admin-Operational Consultancies - Other	32,832.06				
Total E145450 · Admin-Operational Consultancies	32,832.06	30,000.00	2,832.06	109.44%	39,000.00
Total E145079 · Consultancy	155,685.72	115,750.00	39,935.72	134.5%	454,999.00

9.5 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 status report in relation to the TPRC Structure Plan be RECEIVED.

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

Ordinary Meeting of Council (13 August 2009): Item 9.11: Tamala Park Development – Formal Submission Local Structure Plan

Background

The Council at its last meeting considered the completed structure plan for the new urban development at Tamala Park.

Also considered at the meeting were local authority comments in relation to the structure plan.

The council resolved that the structure plan should be formally lodged and that authority for lodgment should be sought from the WAPC and MRWA, both of which authorities own land which has been included in the structure plan.

Comment

The structure plan documents were compiled in the format required for lodgment and lodged, together with the appropriate fee, with the City of Wanneroo on 9 September 2009.

To the extent relevant comments submitted by local authority participants were included in the Plan. Some comments are relevant to the ongoing development but are not required to be dealt with in relation to structure plan approval.

Neither the WAPC nor MRWA were able to provide a time at which their letters of approval would be forthcoming. The structure plan was therefore lodged without attached letters from MRWA. This will not affect the progress with the structure plan.

The City of Wanneroo has given a preliminary indication that their requirements for advertising will be confined to the statutory advertising requirements under the City of Wanneroo District Planning Scheme. This will mean an advertising period of 3 months.

Currently the City of Wanneroo are undertaking preliminary assessment of the structure plan. The City has a standard retention period of 42 days and it might therefore be expected that there will be some feedback available for the Council prior to the end of 2009.

TPG, TPRC office and Creating Communities are currently assessing further public consultation opportunities for report to the Council at the next meeting. Funds are available within the current contract budgets to facilitate additional open days and brochures and it would seem appropriate that the positive information that can be packaged for stakeholders should be prepared and made available to coincide with statutory advertising in 2010.

9.6 LOCAL GOVERNMENT AMENDMENT BILL 2009 – LEAVE OF ABSENCE (COUNCIL MEMBERS)

Report Information

Location: Not Applicable
Applicant: Not Applicable
Reporting Officer: Chief Executive Officer File Reference: 20.9.1184

Recommendation

- 1. That the changes to the LGA in respect of leave of absence by Council members from ordinary Council meetings be NOTED.**
- 2. That the request for leave of absence form be ADOPTED for use by the Council and Council members.**

Voting Requirements

Simple Majority

Report Purpose

To advise LGA changes affecting councillor leave of absence arrangements.

Relevant Documents

Appendix: Leave of Absence Application Form (LGA provisions on reverse side of form)
Available for viewing at the meeting: Nil

Policy Reference

N/A

Local Government Act/Regulation

Local Government Act Section 2.25 – Attendance at meetings

Previous Minutes

Ordinary meeting of Council (26 February 2009) - Item 9.5: Apologies and leave of absence proposed TPRC Council protocol

Background

An amendment has been made to the LGA to clarify councillor requirements in relation to leave of absence from Council members.

Attitudes and practice have variously suggested that a leave of absence could be granted at a meeting without a prior Council resolution, that approvals could be granted retrospectively, that attendances of deputies connoted an advice of leave of absence and that a notice of apology was the same as an application for a leave of absence. It is understood that other interpretations have also been suggested from time to time.

The amendment to Section 2.25 of the Act now provides a very clear requirement.

Leave can be granted to a councillor in respect of a Council meeting by a Council resolution:

1. At a Council meeting before the event;
2. At a Council meeting where a member is present but seeks leave from the remaining part of the meeting;
3. For 6 or more consecutive meetings if those meetings are held within a 3 month period;
4. For 6 consecutive meetings;
5. In the case of 3 and 4 above, for a greater number of consecutive meetings if approved by the Minister;
And;
6. If a Council member is absent for 3 consecutive meetings over a period greater than 3 months or absent from 3 consecutive meetings within a 2 month period and also absent from the next consecutive meeting, without leave being granted,
Then;
The Council member is disqualified.

The Council resolution authorising the leave of absence must be included in the minutes of the meeting at which authorisation was given.

If an application for leave of absence is not approved the reason for refusal must be stated in the minutes.

A councillor is required to state a reason required for leave of absence.

Comment

The Act amendment provides a necessary clarification.

The Act now provides a significant distinction between a formal request for a leave of absence and an apology for non-attendance of a councillor at a Council or other meeting.

In order to provide Council members with some certainty about the matter put forward for decision under a Council leave of absence request it may be prudent to adopt a standard format in which a request for leave of absence can be made.

A short format is suggested in the attachment form headed 'Request for Leave of Absence' which is designed for ease of use for Council members, and as a supporting record for Council agendas and minutes. It is recommended for adoption and use by councillors and the Council.

9.7 MEETING SCHEDULE 2010

Report Information

Location: Not Applicable
Applicant: Not Applicable
Reporting Officer: Chief Executive Officer File Reference: 13.44.657

Recommendation

1. That the schedule of meetings dates be **APPROVED** for 2010 as follows:
 - 18 February 2010 (Town of Cambridge)
 - 15 April 2010 (City of Joondalup)
 - 24 June 2010 (City of Perth)
 - 19 August 2010 (City of Stirling)
 - 14 October 2009 (Town of Victoria Park)
 - 16 December 2009 (Town of Vincent)
2. That the schedule of meeting dates be **ADVERTISED** as required by the LGA.
3. That the commencement time for meetings **BE 5.30pm**.
4. That Council meetings be **HELD** on a rotational basis at participant Council premises.

Voting Requirements

Simple Majority

Report Purpose

To set ordinary Council meeting dates for 2010 to facilitate advertising by the LGA.

Relevant Documents

Appendix: Schedule of meetings 2010
Available for viewing at the meeting: Nil

Policy Reference

N/A

Local Government Act/Regulation

- Local Government Act Section 5.25(g)
- Local Government Administrative Regulation 12 - Publication of meetings open to public

Previous Minutes

- Ordinary meeting of Council (6 December 2007) – Item 13.4: Meeting dates 2008
- Ordinary meeting of Council (4 December 2008) – Item 9.5: Meeting dates 2009
- Ordinary meeting of Council (5 October 2006) – Item 9.5: Meeting dates for 2006/07

Background

Councils are required to advertise dates of all Council and some other classes of meetings where delegated authority of the Council may be exercised. Advertising is required to provide the opportunity for members of the public to attend meetings and be informed about governance of the local authority. Where an advertised meeting date is changed re-advertising is required.

In the case of a Regional Council advertising occurs by publication in a newspaper circulating in the Regional Council area, by publication on the notice board on each of the participant local governments and publication of each of the libraries of the participant Councils.

Comment

Council meeting are mainly held on a Thursday, non-coincident with meetings of the MRC and the North Zone meetings of WALGA. A schedule of meeting dates which satisfies the above criteria is shown in the appendix and is submitted for approval of the Council.

The Council has previously set the time for commencement of meeting of 5.30pm as this seems to suit the convenience of most Council members.

Meetings have previously been held at participant Council premises on a rotational basis. This provides an equal opportunity for each of the Councils to host the Regional Council and the greatest opportunity over a period of 12 months for residents and ratepayers of all of the participant local authorities to attend at least one Council meeting.

9.8 GST UPDATE

Report Information

Location: Not Applicable
Applicant: Not Applicable
Reporting Officer: Chief Executive Officer File Reference: 12.172.464.0

Recommendation

1. That the status report on GST issues relative to transfer of land from the TPRC local authority participants be RECEIVED.
2. That a further status report be PROVIDED to the Council within a period of 12 months.

Voting Requirements

Simple Majority

Report Purpose

To provide a status report on GST issues relating to transfer of land by local authorities to the TPRC.

Relevant Documents

Appendix: Nil
Available for viewing at the meeting: GST ruling with minutes of Council meeting – 11 October 2007

Policy Reference

N/A

Local Government Act/Regulation

- Local Government Act: Section 3.58 – Disposal of Property
- A New Tax Systems (GST) Act 1999 – Division 11

Previous Minutes

- Ordinary meeting of Council (30 November 2006) - Item 9.3: GST ruling – Transfer of land by participant local governments to TPRC
- Ordinary meeting of Council (11 October 2007) - Item 9.7: GST Ruling

Background

The TPRC was established to manage the urban development of a portion of jointly owned land by 7 local governments which are the participants of both the TPRC and MRC. The original landholding by the 7 Councils was 432 hectares which has been reduced by the transfer of 90 hectares to the Crown under a BushForever settlement agreed in November 2006. The TPRC has received compensation payment for the transferred land. The funds received have been used to generate income to provide operating expenses for the Council. The capital has been preserved for the land development which will commence following approval of structure plans.

The TPRC Establishment Agreement (clauses 7.1 and 7.2) deal specifically with transfer of participant's land to the TPRC and provide that the transfer will be made when called for by the TPRC, at a time convenient to the TPRC.

When the Council was first formed it was proposed that the land to be developed by the TPRC be immediately transferred to TPRC ownership.

Preliminary inquiries indicated a potential immediate and non-rebateable GST liability should transfer occur.

It was decided to seek a GST ruling on the liability for GST tax payments if the participants transferred land to TPRC. The ruling was sought for a normal transfer and a margin scheme transfer.

The Ruling has now been issued under date 3 August 2007.

The Ruling advises that GST will be payable on the transfer of land.

The Ruling goes on to explain that if the TPRC proposes to sell subdivided lots using the margin scheme then GST will be calculated using the margin scheme when the participant Councils transfer land to the TPRC.

When the land is in ownership of TPRC costs incurred for development of the land will attract normal GST, which will be rebateable to the TPRC.

The various aspects of GST law are dealt with in detail in the Ruling which is attached to the Council minutes of 11 October 2007.

Comment

The ATO has undertaken a detailed study of the TPRC Establishment Agreement and has received advice of how a proposed land transfer would be dealt with in the books of account of the TPRC and of each of the participant Councils.

The TPRC obtained market valuations of the urban deferred and residential zoned land in 2005/06 for the purpose of negotiating a BushForever settlement and compensation payments from WAPC. These valuations were used to make a preliminary assessment of GST liability. The liability based on a transfer under the margin scheme was \$4.3M. A greater sum would apply under a normal GST transaction.

The GST payable on transfer is non-rebateable. The ATO ruling determined that if the margin scheme is used later sales of developed land will also need to be made using the margin scheme.

Following a detailed examination of the ATO ruling and ongoing discussions with taxation professionals it was determined that there would be no advantage for, and a considerable cash flow disadvantage to, the TPRC in requesting transfer of land from participant Councils pursuant to clause 7.1 and 7.2 of the Establishment Agreement.

Other matters which came into focus through the process of dealing with the GST issue were:

1. There is no administrative or financial imperative for a transfer to be made prior to development of land and the packaging of land for final sale to the public.
2. In the event that the Council is disposed to sell super lots in partially developed form the Council will be disadvantaged in price negotiations since developers purchasing land in partially developed form will discount prices if their purchase involves a non-rebateable GST payment.

3. Any disadvantage to local governments in respect of landholding costs could be obviated by an annual refund to local governments of any rates paid in respect of the land.
4. Many of the issues raised in the ATO ruling have a wider effect on the development industry and may produce future changes to the GST Act which could favour the TPRC operation.
5. Ongoing discussions with the ATO indicated that participants' land could be transferred to the TPRC under a Trust arrangement without incurring any GST liability. This would leave options open for use of either the margin scheme or normal GST which would then be payable when developed lots are transferred to urban development purchases of the land with the consequence that TPRC's cash flow benefits are maximized.

During the two years since the taxation ruling GST legislation and rulings have been monitored for any change providing a potential disbenefit or benefit for TPRC. No such change in law or rulings has occurred and the best course of action still available to TPRC is to refrain from requesting transfer of participants' land to maximize flexibility in deciding to market super lots or individual developed lots to purchasers and to conserve available cash for optimum utilization and benefit of the TPRC.

The TPRC has been periodically approached by taxation professionals suggesting a commission be offered by TPRC to study optional GST outcomes. This is considered unnecessary at this time in light of the already received ATO ruling and the certain option of a transfer under trust which has been a process approved by the ATO for development schemes similar to that being undertaken by TPRC.

This is a status report and it is recommended that ongoing monitoring of the GST position occur with a further status report in 12 months time.

9.9 CONTAMINATED SITES CLASSIFICATION

Report Information

Location: Not Applicable
Applicant: Not Applicable
Reporting Officer: Chief Executive Officer File Reference: 11.108.243.0

Recommendation

1. That a formal application be **MADE** to the DEC for a declaration that the notice issued under the Contaminated Sites Act in respect of Lot 9504 Mindarie which contains the TPRC proposed urban development land relates to the MRC landfill site only and not to the TPRC urban deferred and residential zoned land.
2. That the application be **BASED** upon a survey diagram prepared by Whelans Surveyors and Planners.
3. That the MRC and the local authority owners of the land be **REQUESTED** to formally support the application to DEC.

Voting Requirements

Simple Majority

Report Purpose

To provide a status report in relation to a possible hazardous site classification for part of the TPRC urban development land.

Relevant Documents

Appendix: Extract of notification advice from DEC in relation to part Lot 9504 Mindarie
Available for viewing at the meeting: Nil

Policy Reference

N/A

Local Government Act/Regulation

Contaminated Sites Act (2003) – Section 15

Previous Minutes

- Ordinary meeting of Council (9 August 2007) - Item 9.11: Lot 9504 on Plan 52070 - Tamala Park, Notice of a Classification of a known or suspected contaminated site under Section 15 of the Contaminated Sites Act 2003
- Ordinary meeting of Council (11 October 2007) - Item 9.5: Lot 9504 on Plan 52070 - Tamala Park, Notice of a Classification of a known or suspected contaminated site under Section 15 of the Contaminated Sites Act 2003

Background

The contaminated sites legislation was promulgated in 2007 and required owners, lessees and occupiers of contaminated sites to provide notice of potential contamination to the DEC.

The 7 municipalities which are participants of the MRC and TPRC jointly owned Lot 118 Mindarie which, following a NPS with the WAPC became Lot 9504 and 9505 Mindarie.

Lot 9504 comprised all of the land in which the two Regional Councils have an interest. Because of the use of part of Lot 9504 as a sanitary landfill by MRC, the MRC was required to advise the DEC of possible contamination of part of the land because of the nature of its use under license from the DEC.

The DEC is required to issue notices in relation to the legal description of land. In this case Lot 9504 which includes both the landfill and the urban deferred and residential land which is being planned for development by the TPRC.

The DEC issued a notice classifying Lot 9504 as a 'possibly contaminated – investigation required' site on 18 July 2007.

Comment

The Mindarie landfill is subject of an annual license issued by the DEC. The license requires that the landfill operates in a manner that does not pollute the environment. There are a series of conditions attached to the license in relation to prevention of leachate into groundwater by lining of the site, management of gas generated within the landfill, covering of the landfill at regular intervals and, generally, health and pollution avoidance measures set at a high standard by the DEC in consultation with community groups.

Additionally, the MRC has engaged CSIRO to undertake extensive monitoring of groundwater in the area. The work by CSIRO is undertaken in reference to a sophisticated groundwater model anticipating all contingencies that might occur over the long term (the current model has the capacity for projection for 100 years).

In the event that Lot 9504 is subdivided into an urban development component and a landfill and landfill buffer component, it is likely that the possibly contaminated site classification will be confined to the landfill area only. On that basis the TPRC has arranged for survey of Lot 9504 but has not progressed the survey to subdivision stage. An application has been made to the DEC for lifting of the classification of the component of the land not used for landfill purposes. The application is under consideration by DEC.

It is not a convenient time to seek a formal subdivision to separate the landfill from the remaining land because:

- Part of the MRC leased land has been included in the TPRC Structure Plan to leverage possibilities contained in the NPS with the WAPC from 2006 which essentially provides that some land below the northern boundary of the POS zone which is coincident with the MRC lease boundary may be removed from the zone based upon a logical line for separation of land uses defined by the TPRC Structure Plan.
- Subdivision will change obligations of the land owners and the two Regional owners with respect to requirements of a variety of public agencies.
- Subdivision will alter the value of the land with associated additional rates, utility charges and other costs and may also have an impact on flexibility in dealing with the deferred urban component of the land in reference to GST liabilities.

The TPRC Structure Plan has been presented for assessment by the City of Wanneroo noting that the classification of Lot 9504 as a possibly contaminated site – investigation required.

Progress with the Structure Plan should not be impeded by the classification and the application now before the DEC will need to be resolved in conjunction with the approval process for the TPRC Structure Plan.

Notwithstanding all comments above, it may now be appropriate to submit a survey to the DEC requesting that the TPRC development land be excluded from any notice restriction under the contaminated sites legislation.

A formal application to DEC to withdraw the application of the already issued notice from the TPRC project land will require support from MRC as it is likely that the request will generate a requirement upon MRC to provide information demonstrating no contamination risk from the landfill and the extent of monitoring that will be required in the future.

A formal application will also require signing by the seven local authority participants of MRC and TPRC in their separate status as fee simple landowners of the subject site.

9.10 CREDIT CARD POLICY

Report Information

Location: Not Applicable
Applicant: Not Applicable
Reporting Officer: Chief Executive Officer File Reference: 4.123.760.29

Recommendation

1. That the credit card policy dated 27 August 2009 submitted as part of the agenda be **APPROVED**.
2. That the policy be **REVIEWED** in December 2010.

Voting Requirements

Simple Majority

Report Purpose

To advise a credit card policy for TPRC and to seek Council endorsement for the policy.

Relevant Documents

Appendix: TPRC Credit Card Policy (dated 27 August 2009)
Available for viewing at the meeting: Nil

Policy Reference

TPRC Policy - Credit Cards 27 August 2009

Local Government Act/Regulation

N/A

Previous Minutes

Ordinary meeting of Council (18 June 2009) - Item 8.6: Authorising corporate credit card use by the CEO appointee post 12 October 2009

Background

Corporate credit cards, properly used, can add flexibility to operations, reduce administration expense and provide a convenient measure to meet and control expenses for intrastate and overseas obligations.

Local authorities characteristically provide corporate credit cards for senior personnel and for Council members required to undertake Council business away from WA.

In preparation of a contract covering employment of senior staff the Council recently authorized the use of a corporate credit card for the newly appointed CEO.

Comment

Corporate credit cards require use within a policy framework. A number of credible policies are available and have been reviewed. Out of the review a credit card policy suitable for TPRC has been developed and is attached in full for perusal by the Council.

The essential elements of the policy are:

- Objectives
 - Fulfil all statutory requirements of the Local Government Act with respect to the use of corporate credit cards.
 - To adopt best practice in developing a clear and comprehensive policy on the use of corporate credit cards.
- Principal features included in the policy
 - Credit cards to be issued by the Council's banker to the TPRC administration.
 - A recipient of a credit card will be required to acknowledge the Council policy and terms of use of the card.
 - Normal 100 point bank check requirements will be followed.
 - The credit card may not be used for personal use.
 - There will be no reward system attached.
 - The holder of the card may not use the card for cash advances.
 - A review of credit card account use is made by an independent person on a monthly basis.
 - Credit card use must be reconciled and charged to TPRC accounts monthly.
 - Credit cards are attainable to the TPRC in advance of cessation of duties by employees.
 - Credit card policy and usage is included as an Audit Committee review item.
 - Credit card policy and use is included as part of the annual review by TPRC external auditors.

The proposed policy is comprehensive and provides adequate internal control and operational guidelines for protection of the TPRC corporation while facilitating benefits for TPRC operations and convenience for cardholders. The policy is recommended for adoption.

9.11 LAND ACQUISITION OF LOT 807 NEERABUP ROAD FROM MAIN ROADS WA

Report Information

Location: Lot 807 Neerabup Road
Applicant: Not Applicable
Reporting Officer: Chief Executive Officer File Reference: 5.5.1060.0

Recommendation

1. That Council **CONFIRM** previous negotiations and **REITERATE** its resolution to acquire Lot 807 Neerabup Road from Main Roads WA for an amount of \$2M.
2. That the necessary formalities to facilitate transfer of the land to TPRC be **COMPLETED**.
3. That Council **NOTES** the subject land has been included as part of the land to be developed by TPRC in the Structure Plan submitted to City of Wanneroo for approval.

Voting Requirements

Absolute Majority

Report Purpose

To advise final arrangements for acquisition of Lot 807 Neerabup Road from MRWA.

Relevant Documents

Appendix:
Available for viewing at the meeting: Nil

Policy Reference

N/A

Local Government Act/Regulation

Local Government Act: Section 3.58 – Disposal of Property

Previous Minutes

- Ordinary meeting of Council (16 October 2008) - Item 9.4: Business Plan for a Major Land Transaction
- Ordinary meeting of Council (26 February 2009) - Item 9.1(4): Land valuations
- Ordinary meeting of Council (16 April 2009) - Item 9.1: Status of Land Negotiations with MRWA
- Ordinary meeting of Council (13 August 2009) - Item 9.10: Status report Land Availability ex-MRWA

Background

MRWA land at the junction of Neerabup Road and Mitchell Freeway comprises 1.8 hectares. In 2008 MRWA and Western Power proposed a land transaction to provide the land to Western Power for use as a network distribution sub-station site.

TPRC deemed the site unsuitable for a sub-station and together with the WAPC negotiated for the land transaction to be directed to an acquisition by TPRC and for TPRC to facilitate a sub-station site for Western Power in an alternative location.

Western Power have agreed that a suitable alternative site is within the local authority joint landholding near the existing MRC landfill.

Arrangements for TPRC to provide a sub-station site for Western Power are tied to a Western Power undertaking to use the funds saved from purchase of a sub-station site at commercial rates for undergrounding transmission lines between sub-station sites in the vicinity of the Tamala Park development.

Negotiations with MRWA have resulted in an agreed price of \$2M for transfer of the land to TPRC. The price agreement follows valuations being obtained by MRWA and TPRC. The price of \$2M is somewhat less than the negotiated price between MRWA and Western Power.

By arrangement with Government agencies, the subject land has been included in all of the investigative work undertaken by TPRC and its consultants in compiling the structure plan for the development of the urban and deferred urban land south of Neerabup Road. This includes heritage studies, flora and fauna surveys and structure plan design.

Comment

The land transaction was originally scheduled to be completed in April 2009. Main Roads WA advised in April 2009 that its planning staff were re-examining the configuration of freeway on/off ramps at Neerabup Road and requested delay in the land transfer until the re-assessment had been completed.

MRWA have now advised that the design review by traffic engineers has resolved that Lot 807 may be transferred to TPRC. MRWA are now anxious to complete the transaction as soon as possible to meet their budget requirements.

A settlement date of 18 March 2010 has been proposed. This will allow adequate time for completion of necessary documentation and transfer arrangements. The transfer price is \$2M payable on settlement. These arrangements have been agreed with MRWA on the basis of previous Council commitments, the satisfactory completion of a Business Plan and the resolution of the Council to proceed to implement the Business Plan.

It will be arranged that MRWA prepare the necessary formal documentation. The transfer of 1.8 hectares of MRWA land will be to the TPRC.

The major portion of the land within the Tamala Park proposed development is still in freehold ownership of the 7 participating Councils. This portion comprising approximately 169 hectares.

Additionally 8.8 hectares of land will be acquired from the WAPC. The acquisition of this land by TPRC is to be delayed until such time as approval of the structure plan, including environmental approvals, has been obtained. The potential use of the land and land value can then be ascertained with reasonable certainty. Obtaining environmental approvals and structure plan approval will also determine if the land can be converted from deferred urban zoning to urban zoning.

Provision was made in the 2008/09 budget for purchase of the land. The funding has been carried forward to 2009/10, sufficient to cover the full purchase price.

So far as the acquisition of Lot 807 is concerned, all of the preliminary work and Council approvals have been completed/obtained. This is a final status report.

9.12 CONTRIBUTION TO PURCHASE INDICATORS SURVEY 2010 – STRATEGIC MARKETING & RESEARCH

Report Information

Location: Not Applicable
Applicant: Not Applicable
Reporting Officer: Chief Executive Officer File Reference: 1.103.630

Recommendation

1. That the Council **AGREE** syndicate involvement in market research targeting the reasons that attract purchasers to new estates through participation in a study to be undertaken by Strategic Marketing & Research (SMR) in 2010 at an estimated cost of between \$3,000-\$5,000.
2. That SMR be **INVITED** to provide a presentation of its 2009 study results to the Council and to discuss TPRC input to the proposed study in 2010.

Voting Requirements

Simple Majority

Report Purpose

To request Council consideration of a contribution to market research to assist branding and strategic marketing decisions for the TPRC urban development project.

Relevant Documents

Appendix: Australia on the Move Publication – Residential Development Council – Property Council;
SMR Strategic Marketing Research – Property Development Marketing Profile
Available for viewing at the meeting: Nil

Policy Reference

N/A

Local Government Act/Regulation

N/A

Previous Minutes

Nil

Background

The Property Council has recently published '*Australia on the Move*' a comprehensive assessment of new dwelling requirements and trends market demand for dwellings and urban growth areas for the short and medium term covering all Australian states.

The report includes the following fast facts:

- 21.5 million currently live in Australia, to grow by 27% to 28 million within 20 years.
- 330,000 permanent population increase annually.
- 70% of people live in and around capital cities.
- Capital cities will capture 80% growth.
- Market undersupplied, especially multi-unit residential housing.

Western Australia's annual population growth is expected to be in excess of 50,000 annually and Perth WA is expected to be one of the fourth largest growth centres in the nation.

Amongst the conclusions from the study are that:

- The current chronic under supply of housing stock will worsen without responsive planning;
- Housing affordability remains a key issue;
- Housing needs are changing and will need to match household trends;
- There is an urgent need for increased townhouses and apartments;
- A rethink on middle ring suburbs is needed; and
- Purchases of dwellings do respond to specific values and enticements demonstrated or available in new developments.

Comment

The Chairman, CEO and representatives from the structure planning team recently attended a presentation on 'Australia on the Move' data and related data by a local marketing agency – Strategic Marketing & Research (SMR). The SMR data presented is summarized as follows:

Background on SMR:

SMR conducted an independent research study across 19 estates in May 2009 which included the following:

Perth's Northern Suburbs

1. Somerley – Clarkson
2. Brighton Estate – Butler
3. Carramar Golf Estate – Carramar
4. Vale – Aveley
5. Ellenbrook

Mandurah

10. Mariners Cove – Mandurah
11. Meadow Springs – Meadow Springs
12. Port Bouvard – Wannanup

Perth's Southern Suburbs

6. The Ridge – Baldivis
7. River Gums – Baldivis
8. Baldivis Central – Baldivis
9. Settlers Hills – Baldivis

South West

13. Kingston – Australind
14. Woodcrest Rise – College Grove
15. Dalyellup – Dalyellup
16. Treendale – Australind
17. Vasse Newton – Vasse
18. Ibis Gardens – Busselton
19. Port Geographe - Busselton

SMR received 800 returned surveys which represented a 4% response rate. The research sought to determine:

- Brand awareness of the estate developer
- How residents heard about their estate
- Where else they looked when seeking to purchase
- What were the motivating reasons for choosing their estate i.e. price, presentation etc
- What was important when choosing an estate i.e. reputable developer, environmental initiatives, sense of community etc

- What facilities and amenities they had at their estate
- What additional amenities and facilities residents would like
- Their perceived change in value for their property
- The impact of the economy on resident's lives over the next 12 months
- Would they buy again in the next 12 months and why?
- What they would be seeking to purchase i.e. house configuration
- What incentives would encourage them to purchase
- Would they buy from the same developer?
- Occupation and lifestyle demographics

SMR are proposing to undertake a similar study in 2010. In relation to the 2010 study they have advised:

While the study was independently conducted in 2009, SMR is seeking expressions of interest from developers to be involved in a similar programme in 2010 on a syndicate basis. This means that between 10-12 developers will pay a nominal fee of \$3000 - \$5000 to be included in the research. This fee will permit the developers to have input into the types of questions, as well as the estates that will be targeted.

As part of this fee each developer will receive a complete report of the research findings.

Relevance to the Tamala Park Project

TPRC will need to develop some branding, a marketing strategy and related programs for focus of the values of the project to potential purchasers.

The marketing strategy needs to start with a strategic focus setting out the objectives for the development and the intrinsic advantages for living or developing businesses at Tamala Park.

The detail of a marketing/PR plan will need to be developed over time and will need to identify target markets incentives, timelines, pricing mechanisms and many other items that will provide a coherent, consistent and successful projection of Tamala Park as a desirable place for investment in assets, lifestyle and/or business.

SMR are willing to make a presentation to the Council of the research approach that they developed in 2009 and will carry forward to the proposed further research to be undertaken in 2010.

The opportunity for TPRC to engage as part of the syndicate to support the research proposed by SMR will potentially provide useful information to inform the TPRC future marketing objectives and strategies and will provide an immediate opportunity to test out the values built into the structure plan now presented for approval.

The price contribution required to join the syndicate is modest at \$3,000-\$5,000. In the event the Council is prepared to strongly consider this opportunity the way forward will be:

- Receive a presentation by SMR of the 2009 research study.
- Discuss the objectives of the 2010 proposed research study.
- Develop with SMR specific benefits from a contribution to the 2010 study for TPRC.
- Agree and understand timelines and availability of research results to TPRC.

9.13 VARIATION TO CONTRACT – CONSULTANT SERVICES AGREEMENT CSIRO

Report Information

Location: Not Applicable
Applicant: Not Applicable
Reporting Officer: Chief Executive Officer File Reference: 11.108.1151.0

Recommendation

That the consultant services Agreement 2008093039 between CSIRO and TPRC in relation to water management analysis options and reports be VARIED as proposed in Variation Agreement 1 with a consequential reduction in the GST exclusive amount payable by TPRC from \$72,131 to \$51,818.

Voting Requirements

Absolute Majority

Report Purpose

To formally approve a variation to contract for consultant services by CSIRO (original date 8 September 2009) reducing the deliverables under the contract and consequentially adjusting the value of the contract from an amount of \$72,131 (ex GST) to an amount of \$51,818 – a reduction of \$19,313 (ex GST).

Relevant Documents

Appendix: Variation agreement document 1
Available for viewing at the meeting: Consultant services agreement 2008093039

Policy Reference

TPRC Purchasing Policy

Local Government Act/Regulation

Local Government (Financial Management) Regulations

Previous Minutes

- Ordinary meeting of Council (19 June 2008) – Item 9.9: CSIRO
- Ordinary meeting of Council (21 February 2008) – Item 9.7: Water Balance Study - CSIRO

Background

In 2008 the Council considered the proposal to work with CSIRO to undertake a water balance study for the proposed urban development at Tamala Park. The objective at that time was to study the underground aquifer, estimate the impact of the development on the aquifer and also to calculate the volume of water that could potentially be recycled, recharged into the subsurface aquifer within the general constraint that potable water use within the area should be reduced by a minimum of 50% compared with existing average metropolitan consumption and that the existing subsurface aquifer should be protected and enhanced within viable operational parameters.

The Council agreed this objective and a contract was formulated with CSIRO. The intent of the contract was to have deliverables provided within a timeframe that would allow useful information to inform structure plan design.

The services to be provided and the deliverables from the contract are as follows:

Services

The purpose of this project is to identify the cost effective IUWM options to achieve an annual potable water consumption target of 90KL per person within the TPRC urban development. Options to be considered include demand management, rainwater tanks, use of aquifers for water storage, greywater recycling, stormwater harvesting and wastewater recycling. The following analysis will be undertaken by CSIRO:

1. Understand characteristics of the site in terms of water flows, geology, spatial and temporal distribution of potential sources and uses.
2. Define the base urban water management scenario.
3. Define four or five alternative urban water management scenarios based on the constraints and opportunities identified as part of (1) above.
4. Total water cycle analysis of base scenarios and alternatives to quantify supply reliability, potable water use and life cycle costs.

This expected outcome of the analysis will help us identify the preferred urban water management option that has the potential to meet study objectives.

Deliverables

The expected outcome of the analysis will help us identify the preferred urban water management option that has the potential to meet study objectives.

CSIRO will deliver the outcomes in a report which will summarise:

- a) Hydrological and geological characteristics of the site and constraints and opportunities on urban water management.
- b) Performance of the business as usual urban water management option in terms of potable water use and life cycle costs.
- c) A list of plausible urban water management options that have the potential to meet the objectives of the study.
- d) Performance assessment of alternatives to the business as usual urban water management option in terms of potable water use, supply reliability and life cycle costs.
- e) The process followed to identify the most cost-effective mix of IUWM options that can achieve the 90KL per person per year consumption target.

CSIRO have produced periodic status reports and a final report on the substantial deliverables in April 2009.

Comment

The work undertaken by CSIRO is of high quality and has been extremely useful in preparing water management plan that is contained within the TPRC formal structure plan.

Notwithstanding the capacity of CSIRO and the quality of work performed, there was difficulties experienced in synchronising the work commissioned from CSIRO with the overall structure plan task. Essential this was because of some delays in application of resources by CSIRO but fundamentally because the structure planning project moved ahead of the original plan for the

CSIRO work to be completed before or in the early stages of the work required of a number of the disciplines involved in the preparation of the structure plan.

It was agreed with CSIRO that it would be advisable to withdraw some components of work from the original contract at this stage. The specific work withdrawn the definition of water management options in detail and the undertaking of costings of options. This work will still need to be completed but the appropriate time for the work to be undertaken now, given that the structure plan has been lodged, is post approval of the structure plan when detailed subdivision and infrastructure installation work is being planned.

A variation agreement has been prepared and exchanged between TPRC and CSIRO.

The agreement is attached as an appendix and the Council is requested to formally endorse the action taken in seeking the variation and negotiating the change to the contract price from \$72,131 to \$51,818.

9.14 TAMALA PARK LEVEL 2 FLORA & VEGETATION SURVEY – SYRINX CONSULTANCY

Report Information

Location: Not Applicable
Applicant: Not Applicable
Reporting Officer: Chief Executive Officer File Reference: 18.121.624.0

Recommendation

1. That the Council NOTE that a spring (level 2) flora and vegetation survey has been commissioned for the deferred urban land included in the Tamala Park proposed urban development.
2. That action taken in commissioning the survey be ENDORSED.

Voting Requirements

Simple Majority

Report Purpose

To advise the TPRC Council of a commission for a level 2 flora and vegetation survey covering the deferred urban land within the TPD.

Relevant Documents

Appendix: Nil
Available for viewing at the meeting: Nil

Policy Reference

TPRC Delegation Register (authorising expenditure)
TPRC Purchasing Policy

Local Government Act/Regulation

N/A

Previous Minutes

Various Minutes (most recent – Council meeting 18 June 2009 (Item 9.5 - in reference to the content of the TPRC Structure Plan)

Background

Requirements for structure plans include:

- A flora and fauna survey of Greenfield developments identifying rare and priority species;
- An environmental management plan; and

The surveys and plans mentioned above have been completed and lodged with the City of Wanneroo and the Department of Environment & Conservation.

When the land west of Marmion Avenue was zoned Deferred Urban under MRS Amendment 992/33 there was a condition imposed upon any further rezoning that a spring flora survey be undertaken to inform the environmental management plan. The existing residential zoned land was excluded from this requirement as part of the agreements reached in a NPS Bush Forever settlement completed with the WAPC in 2006.

During the course of desktop studies of previous work and the initial field surveys it was suggested by the environmental consultants that there may be sufficient information available from recent surveys and reports to obviate a further spring survey for the TPRC management plan. The environmental reports and the environmental management plan were prepared drawing on past information.

Upon review the DEC and City of Wanneroo have both confirmed that in context of the condition of attaching to MRS Amendment 992/33, and the possibility of changed conditions from the time of previous flora surveys in the area, that a spring survey is required.

In order to have the survey completed in the current season a proposal for the necessary work was requested from Syrinx who have been consultants for the remaining flora and environmental studies for the TPRC structure plan. Syrinx have been able to schedule the work and a contract for a level 2 flora and vegetation survey that would meet the DEC guidelines has been commissioned.

The field survey work has now been completed and a report is in preparation.

The work commissioned will include a follow up survey in February 2010 to complement the report information with survey data on seed production from flora in the area.

Comment

The survey commissioned will meet all of the possible requirements of environmental authorities in respect of the MRS condition for lifting deferred urban zoning and will also update all previous surveys and, potentially, provide further useful data for the TPRC environmental management plan.

The project cost including all field survey work in spring 2009 and the seeding season 2010 and reporting to meet guidelines by the DEC and City of Wanneroo is \$45,294.70 (ex GST).

Budget provision for the work was originally made in 2008/09. Budget provisions within the general budget for consultancies in 2009/10 is sufficient to meet the cost of the project.

9.15 ANNUAL REPORT FOR THE YEAR ENDED 30 JUNE 2009

Report Information

Location: Not Applicable
Applicant: Not Applicable
Reporting Officer: Chief Executive Officer File Reference: 4.144.49.0

Recommendation

That the annual report of the TPRC for the year ended 30 June 2009 be ADOPTED.

Voting Requirements

Absolute Majority

Report Purpose

To review the draft annual report for the TPRC for the year ended 30 June 2009.

Relevant Documents

Attachments: Draft format of TPRC Annual Report 2008/09
Available for viewing at the meeting: Nil

Policy Reference

N/A

Local Government Act/Regulation

- Local Government Act 1995: S5.3 Requires Local Government to prepare an annual report, with prescribed inclusions, for each financial year.
- Local Government Act 1995: S5.4 Requires Local Government to accept the Annual Report by 31 December.
- Local Government Act 1995: S5.5 Requires availability of report to be advertised following report adoption by Local Government.
- Local Government (Audit) Regs 1996: Reg 14 Compliance Audit Item.

Previous Minutes

- Ordinary meeting of Council (4 December 2008) - Item 9.8: Annual Report
- Ordinary meeting of Council (16 October 2008) - Item 9.7: Annual Report
- Ordinary meeting of Council (11 October 2007) - Item 8.2: TPRC Annual Report for the year 1 July 2006 to 30 June 2007

Background

The Council has a statutory obligation to provide an annual report of its operations including the following:

- Report by the Chairman of the Council
- Report by the CEO
- Detail of completion of statutory requirements

- Detail of expenses paid to members
- An outline of the Council Future Plan
- The audit report and completed financial report of the Council for the year under review

The annual financial report is to be made available for public inspection.

Comment

The TPRC annual report for the year ending 30 June 2009 will be the third annual report produced by the Council. For public information, the report contains a large volume of data relative to the Council formation and operation and the entire Future Plan is included to provide maximum exposure of the Council's vision and proposals for public information.

The report is required to be adopted by the Council by 31 December in each year and a copy of the adopted report must be provided for the Executive Director of the Department of Local Government.

The current report contains the complete TPRC Future Plan as many people will have limited knowledge of the work and objectives of the TPRC and the annual report is an ideal vehicle to assist promotion of the Council and the proposed urban development of Tamala Park.

The annual report contains the audit report and the annual financial report both of which have been completed. The current agenda contains a separate item in relation to the annual financial report (refer item 9.16).

The report will be referred to the Audit Committee for review and comments from the Committee. Any comments or recommendations will be presented for Council consideration particularly in relation to the financial information contained in the report.

9.16 TPRC ANNUAL FINANCIAL REPORT FOR THE YEAR 1 JULY 2008 TO 30 JUNE 2009

Report Information

Location: Not Applicable
Applicant: Not Applicable
Reporting Officer: Chief Executive Officer File Reference: 12.66.48.0

Recommendation

That the financial report for the year ended 30 June 2009 be RECEIVED and INCLUDED in the annual report of the TPRC Council.

Voting Requirements

Simple Majority

NB: The Local Government Act does not require adoption of the annual financial report by absolute majority. However, the annual financial report is an integral part of the annual report of the Council specified in Section 5.54 of the Act, which is required to be adopted by 31 December each year. The annual report does require adoption by an absolute majority vote.

Report Purpose

To provide for review the audited financial report of the TPRC for the year ended 30 June 2009.

Relevant Documents

Appendix: Audited Financial Report for the year ended 30 June 2009
Available for viewing at the meeting: Nil

Policy Reference

TPRC Audit Charter: Scope includes review of annual financial report and recommendation of adoption by the Council

Local Government Act/Regulation

- Local Government Act 1995: S6.4 - Requires Local Government to prepare annual Financial Report in prescribed form; balanced accounts and Financial report for preceding year to be submitted to Auditor by 30 September
- Local Government Act 1995: S7.2 - Requires accounts and financial report to be audited by an auditor appointed [according to prescribed procedures] by the Local Government
- Local Government Act 1995: S7.9 - Requires Auditor to provide report on accounts and financial report to Chairman, CEO and Minister by 31 December
- Regs - Local Government (Audit) 1996 R 9 Sets out Criteria for Conduct of Audit
- Guideline 18 - Financial Ratios - Describes Financial Ratios required in financial reports
- Regs - Local Government (Financial Management) 1996: R36-49 prescribes report inclusions
- Regs - Local Government (Financial Management) 1996: R50 - CEO to forward copy of Financial Report to Executive Director within 30 Days of Audit
- Local Government (Audit) Regs 1996: Reg 14 Compliance Audit Item

Previous Minutes

Ordinary meeting of Council (14 August 2008) – Item 9.9: Annual Financial Report for the year 1 July 2007 to 30 June 2008 – receipt of financial report and referral to Audit Committee

Background

A financial report is required to provide a comprehensive outline of financial activities of the TPRC for the public record and public inspection.

A series of legislative requirements must be observed in preparing the annual financial report.

The Council Audit Charter requires review of the report by the Audit Committee.

The report must be completed by 30 September, submitted for audit and included in the Council annual report for adoption no later than 31 December.

Comment

The accounts for the financial year have been balanced, the financial report prepared and the accounts and report submitted to the Auditor for review.

The Auditor has completed audit of the documents and is in process of writing the required management report which is required to be presented to the Chairman of the Council, the CEO and the Minister for Local Government.

It is expected the management report will be available for review by the TPRC Council meeting on 15 October 2009 and as time permits by the TPRC Audit Committee.

The financial report indicates close compliance with budget projections for the year. The accounts are in balance and a surplus of income over expenditure has been achieved and is carried forward for future requirements of the Council. At the commencement of the 2006/07 financial year participant Councils were requested to provide \$120,000 seed funding to meet Council financial obligations in advance of receipt of funds for compensation for land transfers to the State. The compensation funds have now been received from transfer of 90 hectares of rural/Bush Forever/POS land have been paid to the Council by participant Councils as contributed equity. These funds total \$16,221,439 and continue to form the total of contributed equity funds held by the Council. The initial seed funding of \$120,000 provided by Councils has been refunded. The Council Establishment Agreement provides that the contributed equity funds now held will provide for the initial operating and capital cost requirements to start the urban development of the Tamala Park land.

The net operating surplus from Council operations in the previous financial year was \$880,236. During the 2008/09 financial year the Council agreed that an amount equivalent to rate payments made by participant local authorities for the TPD land should be reimbursed to Councils. The TPRC Establishment Agreement does not provide specifically for the reimbursement nor is there a legal liability upon TPRC to make the payment. The TPRC Establishment Agreement does, however, enable a distribution of surplus funds to participant local authorities and a refund equivalent to rates totalling \$73,251 was made in the 2008/09 financial year. The total refund of rates now paid to participating Councils is \$150,393.

The retained surplus funds from 2008/09 operations total \$12,314.

9.17 TPRC BANK ACCOUNT AUTHORISATIONS

Report Information

Location: Not Applicable
Applicant: Not Applicable
Reporting Officer: Chief Executive Officer File Reference: 8.158.72.4

Recommendation

That the following authority be GIVEN for transaction of TPRC bank and investment accounts:

- a) **That CEO together with one of the Chairman, Deputy Chairman or Executive Assistant for payment of accounts, transfer of monies between accounts and transfer of funds to or from investment accounts;**
- b) **That in absence of the CEO that the Chairman, Deputy Chairman and Executive Assistant (3 persons) be required to transact payments and transfers from accounts.**

Voting Requirements

Simple Majority

Report Purpose

To respond to a specific request from Westpac Bank and other financial institutions for Council authorisation for banking authorities.

Relevant Documents

Appendix: Nil
Available for viewing at the meeting: Nil

Policy Reference

Nil

Local Government Act/Regulation

Nil

Previous Minutes

Nil

Background

The Council policy provides for the CEO and Executive Assistant, together, to undertake transactions, within normal law and local government regulations, in respect of TPRC bank and investment accounts.

Specific requests have been obtained from Westpac Bank for updated Council authorisations for persons able to transact TPRC accounts.

The appointment of a new CEO provides the opportunity for refreshing the existing Council authorities.

Comment

It is normal for at least 2 persons to operate bank accounts and otherwise transact financial instruments on behalf of Councils. The following is recommended that will satisfy legislative and operational requirements:

- a) That CEO together with one of the Chairman, Deputy Chairman or Executive Assistant for payment of accounts, transfer of monies between accounts and transfer of funds to or from investment accounts;
- b) That in absence of the CEO that the Chairman, Deputy Chairman and Executive Assistant (3 persons) be required to transact payments and transfers from accounts.

The new authorities will apply for currently appointed and elected officers, to Mr Tony Arias as the new CEO from 12 October 2009, and to the Chairman and Deputy Chairman elected following the 17 October 2009 Council elections. The current CEO (Mr R A Constantine's) authorities will be cancelled with effect from 12 October 2009. The elected members authorities will also be cancelled from the completed of elected office – this will include office bearers whose term expires 16 October 2009.

9.18 LOT 9504 MINDARIE ZONED POS AND PUBLIC UTILITY – INCLUDING MRC LANDFILL

Report Information

Location: Lot 9504 Mindarie
Applicant: Not Applicable
Reporting Officer: Chief Executive Officer File Reference: 18.121.624.9

Recommendation

1. That TPRC PROPOSE to the joint landowners, the MRC and the WAPC that TPRC coordinate and fund a study on the future use of Lot 9504 Mindarie (south of the existing boundary of that part of Lot 9504 which is zoned Urban Deferred) under the MRS.
2. That a project plan for the study be DEVELOPED by TPRC together with resources required and possible stakeholder consultation.

Voting Requirements

Simple Majority

Report Purpose

To advise the need and proposals for a study of the future use of part of Lot 9504 Mindarie.

Relevant Documents

Appendix: Extract of items from a proposed project management plan
Available for viewing at the meeting: Nil

Policy Reference

N/A

Local Government Act/Regulation

N/A

Previous Minutes

Ordinary meeting of Council (8 February 2007) - Item 9.5: Proposed Planning Study - Future use of the Completed Mindarie Regional Council Landfill Site (Part Lot 9505 Tamala Park)

Background

Lot 9504 currently comprises 342.9 hectares of land jointly owned by the 7 local governments who are participants in TPRC and MRC.

151 hectares of the landholding is leased to MRC. 168 hectares is proposed for part of the TPRC urban development and the remaining land is designated public open space. There is a general expectation in some quarters that the whole of the MRC lease area including 57 hectares public utility zoned land will eventually be transferred to the Crown as public open space or in reference to the State Government BushForever policy.

Previous suggestions for planning possible uses for the MRC closed landfill and other portions of the POS and public utility zoned land forming part of Lot 9504 have not advanced because of inadequate allocation of resources and because of focus on existing utilitarian and economic uses of the subject land.

In the TPRC philosophy and in expressions made in planning documents, the MRC closed landfill and other parts of the public utility land have been seen as important in supporting service provision to the future Tamala Park community and to the wider region.

Specifically the land is important in reference to:

- Water management – specifically the abatement of any risk to underground hydrology and the potential for water harvesting and water treatment for services to the TPRC urban development;
- Providing space for energy generation through use of solar appliances;
- Managing the visual amenity to be provided to residents within the TPRC urban area;
- Developing a continuum of fauna and flora values to ensure that the natural amenity of open space areas on 3 sides of the TPRC site are maintained and provide a point of difference for the TPRC estate; and
- Management of the buffer requirements for the continuation of the MRC license to operate a landfill at Tamala Park.

Comment

The MRC have recently completed an engineering plan for the final landfill profile for the MRC landfill operation which is expected to be completed by 2020. The Plan in its current form requires a continued use of buffer land, part of which is within the TPRC proposed urban development.

Staging of the TPRC urban development should facilitate ongoing MRC requirements. Notwithstanding the buffer issue, other matters relating to access and visual amenity, sharing of services and complementary activity in relation to the provision of infrastructure and rehabilitation of natural areas is necessary.

In the broader sense, Lot 9504 requires future planning for its use post landfill.

Suggestions relating to future use have focused on uses related to conservation, energy generation, active recreation, education, and leisure uses related to conservation and enjoyment of natural bush areas.

A study is needed covering all of the metrics, risks, social and economic benefits that can be derived from this very large tract of land. Its economic and social servicing potential is immense given its critical location in the Perth coastal urban corridor and its connection to other regional open space areas and the coastline.

Attached is an extract of items from a proposed project management plan. The outline provides an indication of the considerable amount of work required for the study. The outline itself will need to be expanded with input from Government and community stakeholders.

It is important to the TPRC development that substantial progress be made with the planning of that part of Lot 9504 that is not part of the TPRC development land but it important to the TPRC project.

The responsibility for the study does not currently fall within the stated responsibilities of the TPRC, MRC or any joint arrangements in place with the local authority landowners.

Post use for waste management the TPRC future community will be the most important stakeholder. It is therefore appropriate that TPRC take a lead in managing the study for future use of the site.

Resourcing of a study from local government owners has been suggested in the past and has been found to be problematic. Resourcing through TPRC will be a certain option over time and will provide minimum delay in progressing work.

It is suggested that MRC and the joint landowners be approached for authority to proceed with coordination of a detailed study of the future use of the site and acknowledgement that TPRC resources should be applied to the study.

9.19 REVIEW OF THE AUDITOR'S REPORT FOR THE FINANCIAL YEAR ENDED 30 JUNE 2009

Report Information

Location: Not Applicable
Applicant: Not Applicable
Reporting Officer: Chief Executive Officer File Reference: 12.19.382.0

Recommendation

1. That the Auditor's report for the financial year ended 30 June 2009 be RECEIVED.
2. That it be noted that the Audit report DOES NOT NOTE or make recommendations on any matter requiring attention arising from the annual Audit for the year ended 30 June 2009.
3. That the Auditors report be REFERRED for review by the TPRC Audit Committee.

Voting Requirements

Simple Majority

NB: When the annual report for the year ended 30 June 2009, containing the annual financial report and the auditor's report, is adopted by the Council, voting must be by absolute majority.

Report Purpose

To facilitate review of the auditor's report and a meeting with the external auditor as required by Regulation.

Relevant Documents

Attachment: Audit Report for Financial Year ended 30 June 2009
Available for viewing at the meeting: Nil

Policy Reference

TPRC Audit Charter 6(f) and (h)

Local Government Act/Regulation

- Local Government Act Sect 7.9(3) – Auditor is to provide a copy of the audit report within 30 days of completion to the Chairman, the CEO and the Minister
- Local Government Act S 7.12 (3) - Local Government required to take action on matters raised in Audit Report
- Local Government (Audit) Regulations 10.4 – Auditor may prepare a Management Report in addition to the Audit Report and copy to Chairman, the CEO and the Minister

Previous Minutes

Nil

Background

The Audit Committee is charged with the review of the Auditor's report.

For the financial year ending 30 June 2009 there are no adverse comments raised by the external auditor. Nevertheless the review should be undertaken. The Auditor has indicated that he will attend upon the committee to discuss any issue of concern, if required.

Comment

The statutory obligation for the auditor to meet with the Local Government at least once per annum has been discharge through meetings of the audit partner and senior audit manager with the CEO. These meetings addressed Strategic and management issues and were conducted independently from the meetings of TPRC staff with the team conducting the annual audit.

Formal receipt of the audit report is recommended.

9.20 LOCAL GOVERNMENT ACT AMENDMENT 2009 – DEPUTIES FOR REGIONAL COUNCILS

Report Information

Location: Not Applicable
Applicant: Not Applicable
Reporting Officer: Chief Executive Officer File Reference: 20.9.1184.

Recommendation

1. That it be **RECOMMENDED** to participant Councils that they do not appoint deputies under the new provisions of the Local Government Act (Amendment 2009) and instead, continue to use the permissible provisions of the Interpretation Act to appoint deputies on an as-required basis.
2. That the Minister for Local Government be **REQUESTED** to urgently provide for the interim application of a regulation under Section 5.98 (2) of the LGA to enable payment of an attendance fee for a Council member deputising for a Regional councillor.

Voting Requirements

Simple Majority

Report Purpose

To report and recommend upon needed amendments to allow for and remunerate deputies for Regional Councils.

Relevant Documents

Attachment: Deed of Variation Establishment Agreement (draft)
Available for viewing at the meeting: Nil

Policy Reference

N/A

Local Government Act/Regulation

- Local Government Amendment Act 2009
- Local Government Act Section 3.64
- Local Government Act Part 5 Division 8

Previous Minutes

Nil

Background

The LGA has not provided for appointment or payment of deputies to Regional Councils.

The TPRC Establishment Agreement was made and approved in 2006.

The Establishment Agreement provides participant councils would nominate a prescribed number of council members to be members of the TPRC.

Provision was made in the Establishment Agreement for a participant Council to also appoint deputy members.

A review of law revealed that the local Govt Act provided no power for appointment of deputies for Regional Council members.

A saving provision in the Interpretation Act allows that a Corporation able to appoint a person to perform an act can appoint a person to act in place of a “regular” member/appointee. However this provision requires an “each time” specific authorisation and the circumstance requiring the authorisation must fit specific requirements set out in the Interpretation Act.

No provision in either the Local Government Act Interpretation Act allowed a regional Council to pay an attendance fee to a deputy.

A participant Council authorising a member as a deputy under the Interpretation Act might be able to meet the expense of a Councillor authorised to attend a Regional Council meeting, but the very specific nature of the fee provisions of the Local Government Act (Division 8 part 5) preclude a payment to an (Interpretation Act appointed) deputy of a per meeting attendance fee or if the Council had elected to pay an annual fee – the annual fee.

This unsatisfactory position was advised to the DLGRD in 2006 with a Council endorsed request for an act amendment to:

- Provide that a participant Council
 - Could appoint deputy members to a Regional Council.
- That a Regional Council
 - Continue to have the single election to either pay appointed members a per meeting attendance fee or an annual fee as with non Regional Councils: and
 - If an annual fee for normal members is adopted to be able to elect to pay a deputy a per meeting (not annual) attendance fee.

The simple reason for this request is to vary the method of payment of fees is to mitigate the different position that applies with Regional and other Councils under the existing system that limits permissible attendance fees to an annual or per meeting fee – but not any mix of both.

The contrast position is this:

A Local Govt Council	
# pays 12 members a n annual attendance fee of \$7000 = the fee covers all deputy attendances by members for other members.	\$ 84,000 TOTAL
A Regional Council	
# pays 12 members an annual attendance fee of \$7000 - for just one attendance of each deputy at a council meeting per year	\$ 84,000
the additional payment is	\$ 84,000
Total Regional Council	\$168,000 TOTAL

The LGA Amendment 2009 now passed by both Houses of Parliament and will come into force on a date yet to be advised.

The Act amendment provides for appointment of deputies to Regional Councils but makes no provision for payment of fees and therefore, in net terms, does little to redress the difficulties that have existed and which have been subject of the requests for remedy to the DLGRD.

Comment

Since the TPRC Establishment Agreement already provides for appointment of deputy members, the Agreement could be used without further amendment.

Notwithstanding an amendment has been drafted to limit the number of deputies that could be appointed to one deputy per ordinary Council member. This would preclude logistical problems with multiple appointments for each Council member and promote consistency of representation from participant Councils. The draft Amendment is available for viewing.

The difficulties relating to payment of deputies has not been resolved and the options available to the Council are as follows:

1. Assume payment provision apply as with any appointed member. This may prove to be illegal and could have adverse financial consequences – see example in previous section where additional costs could be added to a Regional Council's members' attendance expenses.
2. Revert payments to ordinary members to a per-meeting attendance fee. This would considerably reduce the level of payment and could be considered inequitable in relation to the amount of work and quality of input required by Council members.
3. Do not appoint deputy members under the LGA but continue to rely upon the provisions contained in the Interpretation Act. This would leave the obligation for payment of members expenses with the nominating Council, however, an opportunity does exist utilising an amendment to section 5.98 of the Act to request the Minister to allow in Regulations for a per-meeting attendance fee by councillors at Regional Council meetings NB: this is not the prime purpose of the amendment to section 5.98 which intends to regularise a fee for members attending meetings such as the WALGA or MWAC meetings representing the Council or local government.
4. Request the Minister to suspend the operation of the inadequate amendment for deputies to Regional Councils until such time as further amending legislation is adopted.
5. Seek an interpretation from the relevant court as to the application of part 8 division 5 of the LGA in the hope that a ruling would allow a per-meeting or annual attendance fee payment. This is not a good option when the obvious remedy is to fix the deficiency in the legislation.

The difficulty for the TPRC is shared by a further 9 Regional Councils in WA.

As the most expedient and risk averse option it is recommended that the participant Councils be requested to not appoint deputies under the LGA but instead continue to use the permissible provisions of the Interpretation Act to appoint deputies on an as-required basis and to contemporaneously request the Minister for Local Government to urgently provide for the interim application of a regulation under Section 5.98 (2) of the LGA to enable payment of an attendance fee for a Council member deputising for a Regional councillor.

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