



TAMALA PARK
Regional Council

Ordinary Meeting of Council

MINUTES

Thursday 12 April 2012
Town of Cambridge, 6.00pm

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
City of Vincent
City of Wanneroo

MEMBERSHIP

OWNER COUNCIL	MEMBER	ALTERNATE MEMBER
Town of Cambridge	Cr Corinne MacRae	
City of Joondalup	Cr Geoff Amphlett Cr Tom McLean	
City of Perth	Cr Eleni Evangel	
City of Stirling	Cr Giovanni Italiano (CHAIRMAN) Cr David Michael Cr Terry Tyzack Cr Rod Willox	Cr Stephanie Proud
Town of Victoria Park	Mayor Trevor Vaughan (DEPUTY CHAIRMAN)	Cr David Ashton
City of Vincent	Mayor Alannah MacTiernan	
City of Wanneroo	Cr Frank Cvitan Cr Dianne Guise	Cr Bob Smithson Cr Stuart Mackenzie

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

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PRESENT

Chairman	Cr Giovanni Italiano
Councillors	Cr Geoff Amphlett Cr Frank Cvitan Cr Eleni Evangel Cr Dianne Guise Cr Alannah MacTiernan Cr Tom McLean Cr David Michael Cr Terry Tyzack Cr Trevor Vaughan
Alternate Members	Cr Simon Withers
Staff	Mr Tony Arias (Chief Executive Officer) Mr Wayne Burns (Senior Projects Officer) Mrs Kylie Jeffs (Executive Assistant)
Apologies Councillors	Cr Corinne MacRae Cr Rod Willox
Leave of Absence	Nil
Absent	Nil
Consultants	Mr Aaron Grant (Satterley Property Group) Mr Peter Miller (Satterley Property Group) Mr Nigel Satterley (Satterley Property Group)
Apologies Participant Councils' Advisers	Nil
In Attendance Participant Councils' Advisers	Mr Lewis Bond (City of Perth) Mr John Giorgi (City of Vincent) Mr Garry Hunt (City of Joondalup) Mr Jason Lyon (Town of Cambridge) Mr John Paton (City of Wanneroo) Cr Stephanie Proud (City of Stirling) Mr Ross Povey (City of Stirling)
Members of the Public	Nil
Press	Nil

1. OFFICIAL OPENING

At 6.00pm the Chairman declared the meeting of the Tamala Park Regional Council open.

DISCLOSURE OF INTERESTS

Nil

2. PUBLIC STATEMENT/QUESTION TIME

Nil

3. APOLOGIES AND LEAVE OF ABSENCE

Apologies were received from Cr Corinne MacRae and Cr Rod Willox.

4. PETITIONS

Nil

5. CONFIRMATION OF MINUTES

Ordinary Meeting of Council – 16 February 2012

Moved Cr E Evangel, Seconded Cr T McLean

That the minutes of the Ordinary Meeting of Council of 16 February 2012 be confirmed, and signed by the Chairman, as a true and correct record of proceedings.

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

5A. BUSINESS ARISING FROM THE MINUTES

Nil

6. ANNOUNCEMENTS BY CHAIRMAN (WITHOUT DISCUSSION)

The TPRC CEO Mr Tony Arias advised that formal advice had been received from the Town of Cambridge advising Cr Corinne MacRae would be absent for the TPRC Council meeting and Cr Simon Withers was appointed alternate member.

7. MATTERS FOR WHICH MEETING MAY BE CLOSED

Item 9.9 – TPRC Finance Facility

Item 9.12 – Stage 1 Application for Title and Transfer Documentation – Power of Attorney

Item 9.13 – Development Managers – Key Performance Indicators

8. REPORTS OF COMMITTEES

- Audit Committee Meeting – 16 February 2012
- CEO Performance Review Committee Meeting – 16 February 2012
- Management Committee Meeting – 22 March 2012

9. ADMINISTRATION REPORTS

9.1 BUSINESS REPORT – PERIOD ENDING 31 MARCH 2012

Moved Cr D Michael, Seconded Cr T McLean

[The recommendation in the agenda]

That Council RECEIVE the Business Report to 31 March 2012.

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

9.2 STATEMENTS OF FINANCIAL ACTIVITY FOR THE MONTHS OF FEBRUARY AND MARCH 2012

Moved Cr D Guise, Seconded Cr F Cvitan

[The recommendation in the agenda]

That Council RECEIVE and NOTE the Statement of Financial Activity for the months ending 29 February 2012 and 31 March 2012.

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

9.3 LIST OF MONTHLY ACCOUNTS SUBMITTED FOR THE MONTHS OF FEBRUARY & MARCH 2012

Moved Cr T McLean, Seconded Cr E Evangel

[The recommendation in the agenda]

That the Council RECEIVE and NOTE the list of accounts paid under Delegated Authority to the CEO for the months of February and March 2012:

- **Month ending 29 February 2012 (Total \$119,344.02)**
- **Month ending 31 March 2012 (Total \$1,361,207.07)**
- **Total Paid - \$1,480,551.09**

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

9.4 PROJECT FINANCIAL REPORT - MARCH 2012

Moved Cr T Tyzack, Seconded Cr F Cvitan

[The recommendation in the agenda]

That Council RECEIVE the Project Financial Report (March 2012) submitted by the Satterley Property Group.

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

9.5 STAGE 1 SALES REPORT

Mr Nigel Satterley was invited to update the Council on the sales report for Stage 1 at the Catalina Estate and the current condition of the property market.

It was agreed that Mr Satterley would provide advice to the next meeting of Council in June 2012 on the possibility of advancing the development of the rail cell.

Moved Cr D Guise, Seconded Cr D Michael

[The recommendation in the agenda]

That Council RECEIVE the Stage 1 Sales Report.

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

9.6 STAGE 3 MEDIUM DENSITY ALLOCATION - COMMERCIAL TERMS

Mr Nigel Satterley was invited to provide clarification to the Council on the Put Option Deed.

Moved Cr T Tyzack, Seconded Cr G Amphlett

[The recommendation in the agenda]

1. **APPROVE the use of Put Option Deeds, to dispose of Stage 3 medium density builders allocation lots, in accordance with terms outlined in SPG letter dated 29 March 2012.**
2. **APPROVE the release of Medium Density (Cottage) Lots Tender - Stage 3 lots in accordance with the approved Allocation Procedure.**

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

9.7 STATUS REPORT: NON-POTABLE WATER SUPPLY SYSTEM

Mr Nigel Satterley was invited to address the Council on water sustainability including the third pipe scheme.

[The recommendation in the agenda]

1. RECEIVE the Development Manager's update (dated 12 March 2012) of progress of design and approval of the proposed Catalina non-potable water supply scheme.
2. APPROVE the construction of infrastructure within Stage 2 to future proof the connection of lots to a non-potable water supply scheme.

Moved Cr A MacTiernan, Seconded Cr E Evangel an addition to the recommendation as follows:

1. **RECEIVE the Development Manager's update (dated 12 March 2012) of progress of design and approval of the proposed Catalina non-potable water supply scheme.**
2. **APPROVE the construction of infrastructure within Stage 2 to future proof the connection of lots to a non-potable water supply scheme.**
3. **That Satterley Property Group PROVIDE a comprehensive report on water reuse options for the third pipe scheme for the TPRC Council meeting to be held on 21 June 2012.**

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

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

9.8 DELEGATION AUTHORITY

Moved Cr T Tyzack, Seconded Cr D Michael

[The recommendation in the agenda]

That Council APPROVE the modification to Delegation 32, as shown in the Delegation Register 2011/12.

Moved Cr D Guise, Seconded Cr F Cvitan an addition to the recommendation as follows:

1. **That Council APPROVE the modification to Delegation 32, as shown in the Delegation Register 2011/12.**
2. **That Council ENSURE the Delegation Register is audited and reported to the TPRC Audit Committee.**

The Motion for amendment was put and declared CARRIED BY ABSOLUTE MAJORITY (11/0).

The Motion as then amended was put and declared CARRIED BY ABSOLUTE MAJORITY (11/0).

Moved Cr E Evangel, Seconded Cr D Guise that agenda Item 9.10 – Sales Office & Information Centre – Builders Brief be discussed next.

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

9.10 SALES OFFICE AND INFORMATION CENTRE – BUILDERS BRIEF

[The recommendation in the agenda]

1. APPROVE the Builders Brief for the Catalina Sales Office and Information Centre, subject to the following modifications:-
 - a) Inclusion of the following sustainability features:-
 - A building with a minimum 5 star energy efficiency rating;
 - A building which demonstrates sound solar orientation design;
 - Photovoltaic panels (min 1kW); and
 - Sound waste management construction practices.
 - b) Inclusion of the requirement for a product which reflects the values of the Catalina brand.
 - c) Inclusion of the requirement for a quality product which demonstrates best practice in urban design, development practice and innovation.
 - d) The selection criteria being modified to include sustainability and innovation criteria.
2. AUTHORISE tendering for the design and construction of the Catalina Sales Office and Information Centre, subject to the above modifications being satisfactorily completed.

Moved Cr G Amphlett, Seconded Cr T McLean amendments to the recommendation as follows:

1. **APPROVE the Builders Brief for the Catalina Sales Office and Information Centre, subject to the following modifications:-**
 - a) **Inclusion of the following sustainability features:-**
 - A building with a minimum 6 star energy efficiency rating;
 - A building which demonstrates sound passive solar design;
 - Photovoltaic panels (min 1kW); and
 - Sound waste management construction practices.
 - b) **Inclusion of the requirement for a product which reflects the values of the Catalina brand.**
 - c) **Inclusion of the requirement for a quality product which demonstrates best practice in urban design, development practice and innovation.**
 - d) **The selection criteria being modified to include sustainability and innovation criteria.**

2. **AUTHORISE tendering for the design and construction of the Catalina Sales Office and Information Centre, subject to the above modifications being satisfactorily completed.**

9.11 STAGE 1 SUBDIVISION CLEARANCES

Moved Cr F Cvitan, Seconded Cr D Guise

[The recommendation in the agenda]

1. **APPROVE the use of Lot 807 as security by the City of Wanneroo for the outstanding Stage 1 subdivisional works, and the required deed and caveat with the City of Wanneroo.**

2. **AUTHORISE the Chairman and CEO to sign the required deed and caveat with the City of Wanneroo for the outstanding Stage 1 subdivisional works.**

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

Moved Cr D Guise, Seconded Cr F Cvitan that the meeting move behind closed doors at 7.00pm to allow the confidential items 9.9, 9.12 & 9.13 to be discussed.

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

9.9 TPRC FINANCE FACILITY – **CONFIDENTIAL**

Moved Cr T Tyzack, Seconded Cr T McLean

[The recommendation in the agenda]

1. **APPROVE the Westpac Banking Corporation financing proposal (dated 26 March 2012).**

2. **AUTHORISE the advertising of the Westpac Banking Corporation financing proposal (dated 26 March 2012) as a local public notice in accordance with Section 6.20(2) of the Local Government Act.**

3. AUTHORISE the CEO to finalise the agreement of the Westpac financing proposal (dated 26 March 2012).
4. AUTHORISE the Chairman and CEO to sign and execute the necessary documents.
5. Should the Westpac financing proposal (dated 26 March 2012) not be finalised, AUTHORISE the CEO to request the Participants to make a financial contribution of \$5,000,000 in accordance with the Clause 8.3 of the Establishment Agreement in proportions set out in Schedule 1 of the Establishment Agreement. The contribution is to be made by the Participants by September 2012.

Moved Cr S Withers, Seconded Cr T Vaughan an amendment to the recommendation as follows:

1. **APPROVE the Westpac Banking Corporation financing proposal (dated 26 March 2012).**
2. **AUTHORISE the advertising of the Westpac Banking Corporation financing proposal (dated 26 March 2012) as a local public notice in accordance with Section 6.20(2) of the Local Government Act.**
3. **AUTHORISE the CEO to finalise the agreement of the Westpac financing proposal (dated 26 March 2012).**
4. **In the event the CEO is unable to finalise agreement with Westpac APPROVE the National Australia Bank financing proposal dated 3 April 2012, or as otherwise negotiated by the CEO and carry out the required advertising in accordance with Section 6.20(2) of the Local Government Act.**
5. **AUTHORISE the Chairman and CEO to sign and execute the necessary documents.**
6. **Should the financing proposals (referred to above) not be finalised, AUTHORISE the CEO to request the Participants to make a financial contribution of up to \$5,000,000 in accordance with the Clause 8.3 of the Establishment Agreement in proportions set out in Schedule 1 of the Establishment Agreement. The contribution is to be made by the Participants by July 2012.**

The Motion for amendment was put and declared CARRIED BY ABSOLUTE MAJORITY (11/0).

The Motion as then amended was put and declared CARRIED BY ABSOLUTE MAJORITY (11/0).

9.12 STAGE 1 APPLICATION FOR TITLE AND TRANSFER DOCUMENTATION – POWER OF ATTORNEY - CONFIDENTIAL

Moved Cr S Withers, Seconded Cr G Amphlett

[The recommendation in the agenda]

That Council RECEIVE the Status Report - Stage 1 Application for Title and Transfer Documentation – Power Of Attorney.

Moved Cr D Guise, Seconded Cr F Cvitan an addition to the recommendation as follows:

1. **That Council RECEIVE the Status Report - Stage 1 Application for Title and Transfer Documentation – Power Of Attorney.**
2. **That Council immediately SEEK a third independent legal opinion (from senior counsel) on all issues of concern, including GST.**

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

The Motion as then amended was put and declared (11/0).

9.13 DEVELOPMENT MANAGERS – KEY PERFORMANCE INDICATORS – CONFIDENTIAL

Representatives from the Satterley Property Group departed the meeting at 7.30pm.

Moved Cr T Tyzack, Seconded Cr A MacTiernan

[The recommendation in the agenda]

That Council APPROVE the revised Development Managers Key Performance Indicators 2012, as provided in Appendix 9.13.

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

Moved Cr A MacTiernan, Seconded Cr F Cvitan that standing orders be reopened and the meeting doors be opened at 7.33pm.

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

The Chairman then announced the recommendations for items 9.9, 9.12 and 9.13 in turn.

10. ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

11. QUESTIONS BY ELECTED MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

12. URGENT BUSINESS APPROVED BY THE CHAIRMAN

Nil

13. MATTERS BEHIND CLOSED DOORS

Item 9.9 – TPRC Finance Facility

- Item 9.12 – Stage 1 Application for Title and Transfer Documentation – Power of Attorney
- Item 9.13 – Development Managers – Key Performance Indicators

14. GENERAL BUSINESS

Deputy Chairman Cr T Vaughan thanked the members of the Management Committee for their work in finalising the Key Performance Indicators.

15. FORMAL CLOSURE OF MEETING

The Chairman declared the meeting closed at 7.35pm.

These minutes were confirmed at a meeting on

SIGNED this day of 2012

as a true record of proceedings.

CHAIRMAN