



TAMALA PARK
Regional Council

Ordinary Meeting of Council

MINUTES

Thursday 22 August 2013
City of Stirling, 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 Jim Adamos	
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	Cr Joshua Topelberg	
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.

TABLE OF CONTENTS

MEMBERSHIP.....	2
1. OFFICIAL OPENING.....	4
DISCLOSURE OF INTERESTS	4
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	5
9.1 BUSINESS REPORT – PERIOD ENDING 15 AUGUST 2013.....	5
9.2 STATEMENTS OF FINANCIAL ACTIVITY FOR THE MONTHS OF MAY & JUNE 2013	6
9.3 LIST OF MONTHLY ACCOUNTS SUBMITTED FOR THE MONTHS OF JUNE & JULY 2013.....	6
9.4 PROJECT FINANCIAL REPORT – JUNE 2013.....	6
9.5 SALES AND SETTLEMENT REPORT – PERIOD ENDING 1 AUGUST 2013.....	6
9.6 REVIEW OF PURCHASER TERMS AND CONDITIONS	7
9.7 TPRC DRAFT BUDGET FOR THE FINANCIAL YEAR 2013/2014.....	8
9.8 STAGE 8 BUILDERS ALLOCATION LOTS TENDER.....	8
9.9 ELECTED MEMBER ALLOWANCES	9
9.10 SPONSORED CHARITY HOME PROPOSAL	9
9.11 TPRC INVESTMENTS - INTERNAL CONTROL PROCEDURES	10
9.12 STAGE 9 - 11 BULK EARTHWORKS CONTRACT AWARD.....	10
9.13 LOT 1 BUILT FORM PROJECT DEVELOPMENT AGREEMENT - CONFIDENTIAL....	10
10. ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN	11
11. QUESTIONS BY ELECTED MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	11
12. URGENT BUSINESS APPROVED BY THE CHAIRMAN	11
13. MATTERS BEHIND CLOSED DOORS	12
14. GENERAL BUSINESS	12
15. FORMAL CLOSURE OF MEETING.....	12

PRESENT

Chairman	Cr Giovanni Italiano
Councillors	Cr Jim Adamos Cr Geoff Amphlett Cr Frank Cvitan Cr Dianne Guise Cr David Michael Cr Joshua Topelberg Cr Terry Tyzack Cr Rod Willox
Alternate Members	Nil
Staff	Mr Tony Arias (Chief Executive Officer) Mr Wayne Burns (Senior Projects Officer) Mrs Kylie Jeffs (Executive Assistant)
Apologies Councillors	Cr Corinne MacRae Cr Tom McLean Cr Trevor Vaughan
Leave of Absence	Nil
Absent	Nil
Consultants	Mr Brenton Downing (Satterley Property Group) Mr Aaron Grant (Satterley Property Group) Mr Nigel Satterley (Satterley Property Group)
Apologies Participant Councils' Advisers	Mr Garry Hunt (City of Joondalup) Mr Stuart Jardine (City of Stirling)
In Attendance Participant Councils' Advisers	Mr Said Hafez (City of Joondalup) Mr Jason Lyon (Town of Cambridge) Mr Len Kosova (City of Wanneroo) Mr Ross Povey (City of Stirling) Cr Stephanie Proud (City of Stirling)
Members of the Public	Nil
Press	Nil

1. OFFICIAL OPENING

At 6.08pm the Chairman declared the meeting of the Tamala Park Regional Council open.

DISCLOSURE OF INTERESTS

Disclosure of Interest forms were received as follows:

Satterley Property Group	Items 9.8 & 9.12	Impartial Interest
All 9 TPRC elected members present at meeting	Item 9.9	Impartial Interest
Cossill & Webley	Item 9.12	Impartial Interest

2. PUBLIC STATEMENT/QUESTION TIME

Nil

3. APOLOGIES AND LEAVE OF ABSENCE

Apologies were received from the following elected members:

- Cr Tom McLean
- Cr Corinne MacRae
- Cr Trevor Vaughan

4. PETITIONS

Nil

5. CONFIRMATION OF MINUTES

Ordinary Meeting of Council – 20 June 2013

Moved Cr R Willox, Seconded Cr D Michael

That the minutes of the Ordinary Meeting of Council of 20 June 2013 be confirmed, and signed by the Chairman, as a true and correct record of proceedings.

The Motion was put and declared CARRIED (9/0).

5A. BUSINESS ARISING FROM THE MINUTES

Nil

6. ANNOUNCEMENTS BY CHAIRMAN (WITHOUT DISCUSSION)

Nil

7. MATTERS FOR WHICH MEETING MAY BE CLOSED

Item 9.13 – Lot 1 Built Form Project Development Agreement

8. REPORTS OF COMMITTEES

The Chairman congratulated Cr Frank Cvitan on being elected to the role of Chairman of the TPRC Management Committee.

9. ADMINISTRATION REPORTS

9.1 BUSINESS REPORT – PERIOD ENDING 15 AUGUST 2013

Moved Cr R Willox, Seconded Cr D Guise

[The recommendation in the agenda]

That the Council RECEIVE the Business Report to 15 August 2013

The Motion was put and declared CARRIED (9/0).

9.2 STATEMENTS OF FINANCIAL ACTIVITY FOR THE MONTHS OF MAY & JUNE 2013

Subject to a modified balance sheet summary (as at 30 June 2013) being included in Item 9.2 on the agenda of the next meeting of Council scheduled for 17 October 2013.

Moved Cr F Cvitan, Seconded Cr G Amphlett

[The recommendation in the agenda]

That Council RECEIVE and NOTE the Statement of Financial Activity for the months ending:

- **31 May 2013; and**
- **30 June 2013.**

The Motion was put and declared CARRIED (9/0).

9.3 LIST OF MONTHLY ACCOUNTS SUBMITTED FOR THE MONTHS OF JUNE & JULY 2013

Moved Cr D Guise, Seconded Cr R Willox

[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 June and July 2013:

- **Month ending 30 June 2013 (Total \$3,213,783.76)**
- **Month ending 31 July 2013 (Total \$1,096,522.83)**
- **Total Paid - \$4,310,306.59**

The Motion was put and declared CARRIED (9/0).

9.4 PROJECT FINANCIAL REPORT – JUNE 2013

Moved Cr T Tyzack, Seconded Cr F Cvitan

[The recommendation in the agenda]

That the Council RECEIVE the Project Financial Report (June 2013) submitted by the Satterley Property Group.

The Motion was put and declared CARRIED (9/0).

9.5 SALES AND SETTLEMENT REPORT – PERIOD ENDING 1 AUGUST 2013

Mr Nigel Satterley (Satterley Property Group) provided an update on market conditions, lot sales and settlements and the status of the NBN.

Moved Cr D Michael, Seconded Cr J Adamos

[The recommendation in the agenda]

That the Council RECEIVE the Sales and Settlements Report to 1 August 2013.

The Motion was put and declared CARRIED (9/0).

9.6 REVIEW OF PURCHASER TERMS AND CONDITIONS

Note: Typographical error in 1(i), have been changed to 1(e), 1(f), 1(g) and 1(h).

Moved Cr D Guise, Seconded Cr R Willox

[The recommendation in the agenda]

- 1. APPROVE the following sales terms/conditions and incentives for all public release lots:-**
 - a) Use of the 2011 REIWA Offer and Acceptance Contract with Special Conditions and Annexures.
 - b) A \$5,000 deposit to be used in the Sales Contracts.
 - c) A 28 day finance approval period.
 - d) A 21 day settlement period from finance approval or the issue of titles, whichever is the later.
 - e) Waterwise front landscaping packages.
 - f) A \$2,000 rebate for all homes constructed with a minimum 1.5kW capacity photovoltaic solar power system.
 - g) Side and rear boundary fencing (behind the building line).
 - h) A non-potable water supply to all front loaded lots within Stages 4, 5 & 7 of Catalina.
 - i) Sales incentives (items 1e, 1f, 1g and 1h) being subject to homes being constructed in accordance with the approved Catalina Design Guidelines within 18 months of settlement for single storey homes and 24 months of settlement for two storey homes.
- 2. RESOLVE not to proceed with the Shared Bore Trial for front loaded lots within Stages 8 and 9 and not to extend to the trial to future stages until a review of the Shared Bore Trial has been completed.**
- 3. APPROVE the following sales terms/conditions and incentives for all builders allocation lots after Stage 8:-**
 - a) Use of the 2011 REIWA Offer and Acceptance Contract with Special Conditions and Annexures.
 - b) A \$5,000 deposit to be used in the Sales Contracts.
 - c) A 28 day finance approval period.

- d) A 21 day settlement period from finance approval or the issue of titles, whichever is the later.
 - e) Provision of a \$2,000 rebate for all homes constructed with a minimum 1.5kW capacity photovoltaic solar power system.
 - f) Provision of a \$2,000 cash rebate to builders, that provide side and rear boundary fencing and front landscaping with house and land packages.
 - g) Sales incentives (items 3e and 3f) being subject to homes being constructed in accordance with the approved Catalina Design Guidelines within 18 months of settlement for single storey homes and 24 months of settlement for two storey homes.
4. **REQUEST the SPG to review the sales terms/conditions and incentives for public release and builder allocation lots in twelve months and provide a report to Council.**

The Motion was put and declared CARRIED (9/0).

9.7 TPRC DRAFT BUDGET FOR THE FINANCIAL YEAR 2013/2014

Moved Cr G Amphlett, Seconded Cr J Adamos

1. **ADOPT the Budget for the Tamala Park Regional Council for the year ending 30 June 2014, incorporating:**
 - a. **Statement of Comprehensive Income, indicating an operating deficit of \$518,884.**
 - b. **Statement of Financial Activity, showing cash at end of year position of \$15,639,627.**
 - c. **Rate Setting Statement, indicating no rates levied.**
 - d. **Notes 1 to 27 forming part of the Budget.**
2. **ADOPT the Significant Accounting Policies as detailed in pages 14 -20.**
3. **ADOPT a percentage of 10% or \$5,000 whichever is the greater for the purposes of the reporting of material variances by Nature and Type monthly for the 2012/13 financial year, in accordance with Regulation 34(5) of the Local Government (Financial Management) Regulations 1996.**
4. **Authorise the CEO to arrange a finance facility for the purpose of ensuring that the TPRC has sufficient cash holdings to fund the proposed subdivision works for subsequent presentation to Council.**

The Motion was put and declared CARRIED (9/0).

9.8 STAGE 8 BUILDERS ALLOCATION LOTS TENDER

Satterley Property Group declared an impartial interest in this item.

Moved Cr D Guise, Seconded Cr F Cvitan

That the Council APPROVE the allocation of the Stage 8 Builder Allocation Lots in accordance with the terms and conditions of Tender 10/2013 as follows:-

- a. Lot Parcel A (exclusive of optional corner lots) to Homebuyers Centre,
- b. Lot Parcel B and Lots 475 and 482 to Platinum Homes.
- c. Lot Parcel C (inclusive of optional corner lots) to Affordable Living.
- d. Lot Parcel D (inclusive of optional corner lots) to Content Living.

The Motion was put and declared CARRIED (9/0).

9.9 ELECTED MEMBER ALLOWANCES

All nine elected members declared an impartial interest in this item.

Moved Cr D Guise, Seconded Cr R Willox

1. **An Annual Allowance for the Chairman of the Council to be \$19,000 per annum.**
2. **An Annual Attendance fee for the Chairman of the Council to be \$15,000 per annum.**
3. **An Annual Allowance for Deputy Chairman be 25% of the amount paid to the Chairman per annum.**
4. **An Attendance fee for Council members be an amount of \$10,000 per annum.**
5. **Council members do not claim separate telecommunications, IT allowances or travelling allowance to meetings.**
6. **A per meeting fee of \$140 for alternate Council members.**
7. **Fees to be reviewed following the next ordinary Council elections (next scheduled for October 2013) for the intent that the Council in place sets the fees that will apply in its tenure of office and is responsible for the budget allocations that will be needed to facilitate the payments.**
8. **Elected member allowances are to be made quarterly in arrears.**

The Motion was put and declared CARRIED BY ABSOLUTE MAJORITY (8/1).

For: Cr J Adamos, Cr G Amphlett, Cr F Cvitan, Cr D Guise, Cr G Italiano, Cr D Michael, Cr T Tyzack and Cr R Willox.

Against: Cr J Topelberg

9.10 SPONSORED CHARITY HOME PROPOSAL

Moved Cr G Amphlett, Seconded Cr J Adamos

1. **NOT PROCEED with tender number 03_2012 dated 30 June 2012 Charity Home proposal.**
2. **APPROVE Lot 192 Elsbury Approach for sale by public release, based on the public release sales process contained within the Lot Sale and Release Strategy, February 2013.**
3. **APPROVE the disposal of Lot 192 Elsbury Approach by Private Treaty in accordance with Section 3.58(3) and (4) of the Local Government Act 1995.**

4. **RECOMMEND** that the SPG investigate alternative locations and parameters for a charity home in the future consistent with the Council's Charity Home Sponsorship Policy (May 2012) .

The Motion was put and declared CARRIED (9/0).

9.11 TPRC INVESTMENTS - INTERNAL CONTROL PROCEDURES

Moved Cr F Cvitan, Seconded Cr T Tyzack

That the Council APPROVE the Internal Control Procedures (dated 22 August 2012) for the management of direct investments by the TPRC.

The Motion was put and declared CARRIED (9/0).

9.12 STAGE 9 - 11 BULK EARTHWORKS CONTRACT AWARD

Satterley Property Group and Cossill & Webley declared an impartial interest in this item.

Moved Cr T Tyzack, Seconded Cr R Willox

1. **ACCEPT** the Catalina Stage 9 - 11 bulk earthworks pricing submitted by R J Vincent for the lump sum value of \$4,068,334 (excluding GST), subject to the receipt of all necessary approvals.
2. **AUTHORISE** the Chairman and CEO to sign and affix the TPRC common seal to the Contract.

The Motion was put and declared CARRIED (9/0).

Moved Cr R Willox, Seconded Cr D Michael

That the meeting move behind closed doors at 6.25pm to allow confidential item 9.13 to be discussed.

The Motion was put and declared CARRIED (9/0).

9.13 LOT 1 BUILT FORM PROJECT DEVELOPMENT AGREEMENT - **CONFIDENTIAL**

1. **ACCEPT** the terms and conditions of the Development Agreement for the Lot 1 Built Form Project and **AUTHORISE** the CEO and Chairman to sign and seal the Development Agreement, subject to satisfactory advice being received from the Council's legal representatives.
2. **AGREE** to the appointment of the Senior Project Officer as the TPRC representative to the Project Control Group.
3. **DELEGATE** to the CEO authority to implement and manage the Development Agreement for the Lot 1 Built Form Project in accordance with the approved Project Budget and Program and the design concepts, commercial terms and administrative arrangements set out in the ABN Group's correspondence dated 31st May 2013.

Moved Cr T Tyzack, Seconded Cr F Cvitan with an amendment to recommendation 1 as follows:

1. **ACCEPT the terms and conditions of the Development Agreement with the ABN Group for the Lot 1 Built Form Project and AUTHORISE the CEO and Chairman to sign and seal the Development Agreement, subject to satisfactory advice being received from the Council's legal representatives.**
2. **AGREE to the appointment of the Senior Project Officer as the TPRC representative to the Project Control Group.**
3. **DELEGATE to the CEO authority to implement and manage the Development Agreement for the Lot 1 Built Form Project in accordance with the approved Project Budget and Program and the design concepts, commercial terms and administrative arrangements set out in the ABN Group's correspondence dated 31st May 2013.**

The Motion was put and declared CARRIED BY ABSOLUTE MAJORITY (9/0).

Moved Cr G Amphlett, Seconded Cr J Topelberg

That standing orders be reopened and the meeting doors be opened at 6.29pm.

The Motion was put and declared CARRIED (9/0).

The Chairman read aloud the recommendations for item 9.13 as follows:

1. ACCEPT the terms and conditions of the Development Agreement with the ABN Group for the Lot 1 Built Form Project and AUTHORISE the CEO and Chairman to sign and seal the Development Agreement, subject to satisfactory advice being received from the Council's legal representatives.
2. AGREE to the appointment of the Senior Project Officer as the TPRC representative to the Project Control Group.
3. DELEGATE to the CEO authority to implement and manage the Development Agreement for the Lot 1 Built Form Project in accordance with the approved Project Budget and Program and the design concepts, commercial terms and administrative arrangements set out in the ABN Group's correspondence dated 31st May 2013.

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 9.13 – Lot 1 Built form Project Development Agreement

14. GENERAL BUSINESS

Nil

15. FORMAL CLOSURE OF MEETING

The Chairman declared the meeting closed at 6.30pm.

These minutes were confirmed at a meeting on

SIGNED this day of 2013

as a true record of proceedings.

CHAIRMAN