

TAMALA PARK
Regional Council

Special Meeting of Council

AGENDA

Thursday 28 November 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

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TAMALA PARK REGIONAL COUNCIL

Councillors of the Tamala Park Regional Council are respectfully advised that the special meeting of Council will be held in the Council Chambers at the City of Stirling, 25 Cedric Street, Stirling at 6.00pm on Thursday 28 November 2013.

The business papers pertaining to the meeting follow.

Your attendance is requested.

Yours faithfully



TONY ARIAS
Chief Executive Officer

MEMBERSHIP

Owner Council	Member	Alternate Member (if appointed)
Town of Cambridge	Cr Louis Carr	
City of Joondalup	Cr Geoff Amphlett Cr Tom McLean	
City of Perth	Cr Janet Davidson OAM JP	Cr Jim Adamos
City of Stirling	Cr Giovanni Italiano JP Cr David Michael Cr Terry Tyzack Cr Rod Willox AM JP	Cr Elizabeth Re JP
Town of Victoria Park	Mayor Trevor Vaughan	
City of Vincent	Cr Joshua Topelberg	
City of Wanneroo	Cr Brett Treby Cr Dianne Guise	Cr Frank Cvitan Cr Hugh Nguyen

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.

FORMATION OF THE COUNCIL

Tamala Park Regional Council was formed by 7 local governments following procedures set down in Section 3.64 of the Local Government Act. Promulgation of the Council was made by notice in the Government Gazette on 3 February 2006. The Tamala Park Regional Council operates according to an Establishment Agreement, which forms the basis of the approval for the Council's existence.

The Council comprises 12 members made up from the 7 participant local governments listed below. Decision-making, assets and liabilities are in accordance with ownership shares of each of the Councils in a parcel of land described as Lot 9504 (formerly Lot 118 Mindarie). The current schedule of ownership shares and voting entitlements is as follows:

Council	Project Shareholding Joint Development Shares	Voting
Town of Cambridge	1/12	1 vote
City of Perth	1/12	1 vote
Town of Victoria Park	1/12	1 vote
City of Vincent	1/12	1 vote
City of Joondalup	2/12	2 votes
City of Wanneroo	2/12	2 votes
City of Stirling	4/12	4 votes

TAMALA PARK REGIONAL COUNCIL ESTABLISHMENT AGREEMENT

A summary of provisions is as follows:

- Clause 1: Records ownership shares in Lot 9504 land and defines the portion of Lot 118 that is subject to the Tamala Park Regional Council regional purpose;
- Clause 2: Records the name of the Council - the Tamala Park Regional Council;
- Clause 4: Records the regional purpose as:
 - a) to undertake, in accordance with the objectives, the rezoning, subdivision, development, marketing and sale of the Land; and
 - b) to carry out and do all other acts and things which are reasonably necessary for the bringing into effect of the matters referred to in paragraph (a) of this clause.
- Clause 5: Sets out the objectives of the Council as the following:
 - a) to develop and improve the value of the Land;
 - b) to maximise, within prudent risk parameters, the financial return to the Participants;
 - c) to balance economic, social and environmental issues; and
 - d) to produce a quality development demonstrating the best urban design and development practice.

- Clause 6.1: Provides for the participants to appoint members to the Council;
- Clause 6.2: Effectively sets the normal term of office at two years expiring Friday before the normal local government election date;
- Clause 6.3: Provides for election of the Chairman and deputy chairman for (up to) 2 years by the Council;
- Clauses 6.4/6: Sets out the role of Chairman, Deputy Chairman and Council – provisions follow the roles set out in the Local Government Act;
- Clause 7: Requires participants to transfer to the Tamala Park Regional Council their interest in the 'Regional Purpose' land;
- Clause 8: Requires payment of rates to the City of Wanneroo when land is subdivided and in order for dealing;
- Clause 8: Provides that certain compensation payments received by participant Councils under the State's Bush Forever policy are assigned to the Regional Council and the circumstances when other contributions may be requested by the Tamala Park Regional Council;
- Clause 9: Deals with financial distributions to participants;
- Clause 10: Provides that the Tamala Park Regional Council may borrow funds;
- Clause 11: Deals with withdrawal conditions and essentially requires any withdrawal to be by common agreement;
- Clause 12: Provides that a participant may divest all or part of its ownership interest to other participants at market value;
- Clause 13: Deals with the winding up of the Council and the division of assets and liabilities; and
- Clause 14: Deals with dispute resolution and facilitates arbitration as a last resort.

DECLARATION BY ELECTED MEMBER OF COUNCIL

Prior to the TPRC Council meeting, Councillors will need to make a Declaration in the form shown on the next page.

In view of the large number of members, it has been proposed that all elected members and deputies could undertake the swearing in ceremony in unison prior to the meeting.

LOCAL GOVERNMENT (RULES OF CONDUCT) REGULATIONS 2007

The declarations to be made by Council members are required to cite, and for Council members to agree to abide by, the Local Government (Code of Conduct) Regulations which came into effect on 20 October 2007.

Individual declaration forms will be provided to Council members at the meeting for signing.

The full text of the regulations is included in the CD information pack so that Council members may be aware of the code referred to in their declarations.



Form 7
Local Government Act 1995
Local Government (Constitution) Regulations 1998 [reg.13(1)(c)]

DECLARATION BY ELECTED MEMBER OF COUNCIL

Declaration by elected member

I
of

Copy Only

having been elected to the office of Councillor of the Tamala Park Regional Council declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgement and ability, and will observe the *Local Government (Rules of Conduct) Regulations 2007*.

Declared at *City of Stirling*
25 Cedric Street
Stirling WA 6021

On the *28th November 2013*

By
(Council member signature)

Before me

John Anthony (Tony) Arias
.....
(Name) (Signed)

PRELIMINARIES

Procedure for Election of Chairman and Deputy Chairman

The Local Government Amendment Act 2006 provides for the election of Chairman and Deputy Chairman by Regional Councils.

The voting system requires, in summary, the following:

- Nominations to be made for the position of Chairman or Deputy Chairman in writing either before the meeting or at the meeting. Where the person nominated is not the party making the nomination, the person nominated must signify acceptance of the nomination.
- Where there is more than 1 nomination, ballot papers are prepared by drawing lots to determine the order of names which appear on the ballot paper.
- Ballot papers must be marked in some unique way. The Council members must be advised that the returning officer has marked the ballot papers.
- Ballot papers are distributed and members mark their single choice of a candidate by a tick beside the candidate's name.

Voting First Time

1. A candidate who receives the greatest number of votes is the successful candidate.
2. Where after counting two or more candidates have an equality of votes so that a declaration of a successful candidate under paragraph 1 is not possible then the meeting is adjourned by the CEO for a period:
 - In the case of the election of the Chairman for a period between 15 minutes and 7 days.
 - In the case of the election of the Deputy Chairman – to a special meeting of the Council to be held within 7 days (and does not exclude a meeting following closely after the meeting at which the first vote was taken).

Voting Second Time

When the meeting reconvenes (Chairman) or at the special meeting convened (Deputy Chairman) the ballot for election from continuing candidates is taken and the candidate with a majority of votes is declared and elected.

In the event of an equality of votes between two or more members so that one member cannot be declared elected with a majority of votes then lots are drawn in accordance with regulations to determine a successful candidate.



**TAMALA PARK
Regional Council**

Local Government Act 1995
Schedule 2.31

NOMINATION FORM

CHAIRMAN

I,
being a Councillor of the Tamala Park Regional Council nominate
Councillor
for the position of Chairman of the Tamala Park Regional Council.

Signed

Dated this 28th November 2013

DEPUTY CHAIRMAN

I,
being a Councillor of the Tamala Park Regional Council nominate
Councillor
for the position of Deputy Chairman of the Tamala Park Regional
Council.

Signed

Dated this 28th November 2013

ACCEPTANCE OF NOMINATION

I,
the person nominated above advise that I am willing to be nominated
for the Office of Chairman/Deputy Chairman of the Tamala Park
Regional Council.

Signed

Dated this 28th November 2013

TPRC Members Primary Returns

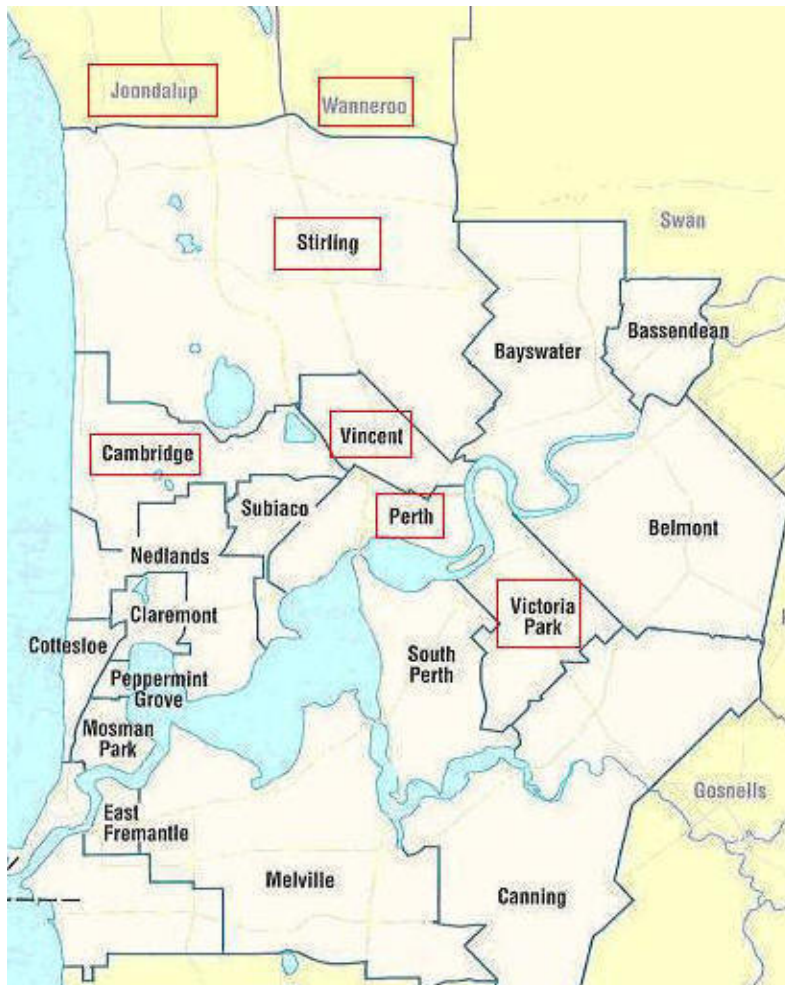
TPRC Council members are required to lodge primary returns and annual returns disclosing certain assets, income, interest, gifts, contribution or debt disposition set out in relevant legislation (part 5 division 6 Local Government Act).

TPRC Councillors who have lodged annual returns since 1 July 2011 are not required to lodge a new primary return (Crs Amphlett, Guise, Italiano, McLean, Michael, Topelberg, Tyzack, Willox and Vaughan).

All other Council members will need to lodge a primary return in the prescribed form, as distributed and also shown in the appendix to this agenda.

The primary return for new members is required to be completed within 3 months of the date of Councillor’s declaration of office. At this stage, it is anticipated that all Council members will make the declarations on 28 November 2013, so that the completion of returns must occur prior to 27 February 2014.

Returns should mirror most of the information contained in the primary or annual returns prepared by council members for the local governments they represent except that with respect to real property, the return must include any property within the TPRC regional area or in a local government adjacent to any of the TPRC participant Councils. To assist members, the plan below shows the TPRC local governments and adjoining local governments.



*Note:
The Shires of
Chittering
and
Gingin
adjoin
Wanneroo.*

A written acknowledgement will be provided following receipt of returns. Returns are documents that must be made available as public information (if required).

The preferred position is that all primary returns are prepared for acknowledgement on 28 November 2013.

All continuing Council members will be required by legislation to submit an annual return for the period ending 30 June 2014.

Information Pack for Council Members
(CD Appendix)

An information CD will be distributed to all new members containing the following documents:

- Local Government Act
- Local Government Guidelines
- TPRC Previous Council Minutes
- Local Government (Rules of Conduct) Regulations 2007
- TPRC Code of Conduct
- Standing Orders Local Law
- TPRC Future Plan
- TPRC Annual Report
 - 2008/09
 - 2009/10
 - 2010/11
 - 2011/12
- TPRC Budget
 - 2010/11
 - 2011/12
 - 2012/13
 - 2013/14
- TPRC Establishment Agreement
- Meeting Schedule 2014
- Tamala Park Local Structure Plan (Part 1: Statutory Section) – July 2011
- Disclosure of Interest Form
- Primary Return Form
- Audit Charter
- Audit Plan
- Delegation Register

1. OFFICIAL OPENING

The Chief Executive Officer to declare the meeting open.

The Chief Executive Officer to advise any apologies received and any advices from participant Councils for attendance of substitute members.

2. ELECTION OF CHAIRMAN

An elected member may nominate themselves or another elected member in writing prior to the meeting. Nominees must provide written or oral acceptance of the nomination.

A pro-forma nomination form is provided in the preliminary section of this agenda (page 8).

If more than one nomination is received the Chief Executive Officer is to conduct a secret ballot in accordance with the relevant provisions of the Local Government Act. Councillors vote as if they are voting at an ordinary (Council vacancy) election.

Swearing in of the Elected Chairman

Before acting as Chairman, the Chairman-elect is to make a Declaration of Office, similar to the Declaration form on page 6 of this agenda.

Following completion of the declaration procedure, the Chairman is to assume the Chair and conduct the balance of the meeting.

3. ELECTION OF DEPUTY CHAIRMAN

An elected member may nominate themselves or another elected member in writing prior to the meeting. Nominees must provide written or oral acceptance of the nomination.

A pro-forma nomination form is provided in the preliminary section of this agenda (page 8).

If more than one nomination is received the Chief Executive Officer is to conduct a secret ballot in accordance with the relevant provisions of the Local Government Act. Councillors vote as if they are voting at an ordinary (Council vacancy) election.

Swearing in of Deputy Chairman

The Deputy Chairman is to make a Declaration of Office, similar to the Declaration form on page 6 of this agenda.

4. DISCLOSURE OF INTERESTS

5. PUBLIC STATEMENT/QUESTION TIME

6. APOLOGIES AND LEAVE OF ABSENCE

7. **PETITIONS**

8. **CONFIRMATION OF MINUTES**

Not applicable

9. **BUSINESS ARISING FROM THE MINUTES**

10. **ANNOUNCEMENTS BY CHAIRMAN (WITHOUT DISCUSSION)**

11. **MATTERS FOR WHICH MEETING MAY BE CLOSED**

12. **ELECTION OF COMMITTEES**

12.1 Audit Committee

Each local government is required by Section 7.1A of the Local Government Act to appoint an Audit Committee. The Audit Committee must comprise at least 3 persons, 2 of whom are to be Council members. The Council have previously appointed 5 members to the Audit Committee.

Audit Committees have certain statutory functions and also perform functions set out in any audit charter adopted by the Council. There is a reference document in the compendium of papers that will be provided to Council as a CD appendix to this agenda.

The TPRC Audit Charter was adopted on 27 April 2006 and reviewed on 11 October 2007 and is a reference document in the compendium of papers provided to Council as a CD appendix to this agenda.

The TPRC Audit Charter requires the Audit Committee to meet a minimum of 3 times per year. The Audit Committee meetings are timed to coincide with the completion of certain statutory requirements. The audit timetable and associated standard agenda items provided to Council as a CD appendix to this agenda.

In accordance with the provisions of the Local Government Act 1995, sections 2.28, 5.8 and 5.10, APPOINTS BY ABSOLUTE MAJORITY the following five Council members to the Audit Committee:

Members:

1. ***Cr***
2. ***Cr***
3. ***Cr***
4. ***Cr***
5. ***Cr***

(The Chair is elected at the next Audit Committee Meeting)

12.2 Management Committee

At its meeting of 19 August 2010 the Council approved the establishment of a Management Committee, comprising six members.

The Management Committee was established to progress and monitor the project. In order for the Project to run in a timely and efficient manner the Management Committee has been delegated authority to manage and to make decisions. This recognises the need for expedient decision making to achieve program/milestones and the commercial sensitivities that will arise from such a business venture.

The TPRC Management Committee delegations are as follows:

1. *Recommending to Council the Project Annual Plan, Project Budget and Project Milestones.*
2. *The establishment and variation of key performance indicators which will be used to measure the performance of the Development Manager.*
3. *Monitoring the Approved Project Budget (including any proposed variations to the Approved Project Budget).*
4. *Stage-by-stage cost determination and review.*
5. *Monitoring the Project's strategy, plans or concepts.*
6. *Monitoring the marketing and sales program for the Project.*
7. *Approval of sales schedules (including pricing) prior to the release of a stage of the Project.*
8. *Contracts to be entered into by any party with a value less than \$3,000,000.*
9. *Monitoring the Approved Project Program (including any proposed variations to the Approved Project Program).*
10. *The appointment of Project consultants and contractors with a value less than \$3,000,000.*
11. *The location of Stages of subdivision including the number of lots, Display village(s) (size, mix and locality).*
12. *Approval to the lodgement of Subdivision Applications with the Western Australian Planning Commission.*
13. *Approval to marketing strategy and program.*
14. *Monitoring the implementation of TPRC objectives.*
 - 14.1 *Generally monitor the performance of the Development Manager;*
 - 14.2 *Generally progress the Project.*
15. *To provide regular confidential updates on progress to the Council.*
16. *Approval of the methods for the sale of project stages, from the sales procedures approved by the Council*

Note: A meeting of the Management Committee is scheduled for Thursday 5 December 2013 at the City of Vincent, commencing at 5.30pm.

In accordance with the provisions of the Local Government Act 1995, APPOINTS BY ABSOLUTE MAJORITY the following six Council members to the Management Committee:

Members:

1. **Cr**
2. **Cr**
3. **Cr**
4. **Cr**
5. **Cr**
6. **Cr**

(The Chair is elected at the next Management Committee Meeting)

12.3 CEO Performance Review Committee

The CEO Performance Review Committee comprises five members for the purpose of:

- a. Reviewing the Chief Executive Officer's performance in reference to the CEO employment contract;
- b. Reporting on each review to the Council to satisfy the provisions of the Act and Regulations;
- c. Developing key result areas for the forthcoming 12 month period; and
- d. Reviewing any other relevant matters in the Chief Executive Officer's contract or in the process for annual review.

In accordance with the provisions of the Local Government Act 1995, APPOINTS BY ABSOLUTE MAJORITY the following five Council members to the CEO Performance Review Committee:

Members:

1. **Cr**
2. **Cr**
3. **Cr**
4. **Cr**
5. **Cr**

(The Chair is elected at the next CEO Performance Review Committee Meeting)

13. REPORTS OF COMMITTEES

Not applicable

14. ADMINISTRATION REPORTS AS PRESENTED (NIL)

Not applicable

15. ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

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

17. URGENT BUSINESS APPROVED BY THE CHAIRMAN

18. MATTERS BEHIND CLOSED DOORS

19. GENERAL BUSINESS

20. FORMAL CLOSURE OF MEETING

APPENDICES