



Special Meeting of Council

AGENDA

**Thursday 9 November 2017, 6:00pm
City of Stirling
25 Cedric Street, Stirling**

Constituent Members: Cities of Perth, Joondalup, Stirling, Vincent and Wanneroo
Towns of Cambridge and Victoria Park

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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 9 November 2017.

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
Town of Cambridge	Cr Andres Timmermanis	Cr Jo McAllister
City of Joondalup	Cr John Chester Cr Nige Jones	Cr Sophie Dwyer Cr Christine Hamilton-Prime
City of Perth	Cr Lexi Barton	Cr Janet Davidson
City of Stirling	Cr Karen Caddy Cr Joe Ferrante Cr Giovanni Italiano Cr Bianca Sandri	Cr Suzanne Migdale
Town of Victoria Park	Cr Claire Anderson	Cr Ronhhda Potter
City of Vincent	Mayor Emma Cole	Cr Jimmy Murphy
City of Wanneroo	Cr Samantha Fenn Cr Brett Treby	Cr Russell Driver Cr Domenic Zappa

FORMATION OF THE COUNCIL

The Tamala Park Regional Council was formed by 7 local governments in February 2006. The Tamala Park Regional Council operates according to an Establishment Agreement.

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 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;
- 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, Council members 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 (2007).

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



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

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 *9th November 2017*

By
(Council member signature)

Before me

.....
John Anthony Arias

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 one 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.



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: 9th November 2017

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: 9th November 2017

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: 9th November 2017

TPRC Members' Primary Returns

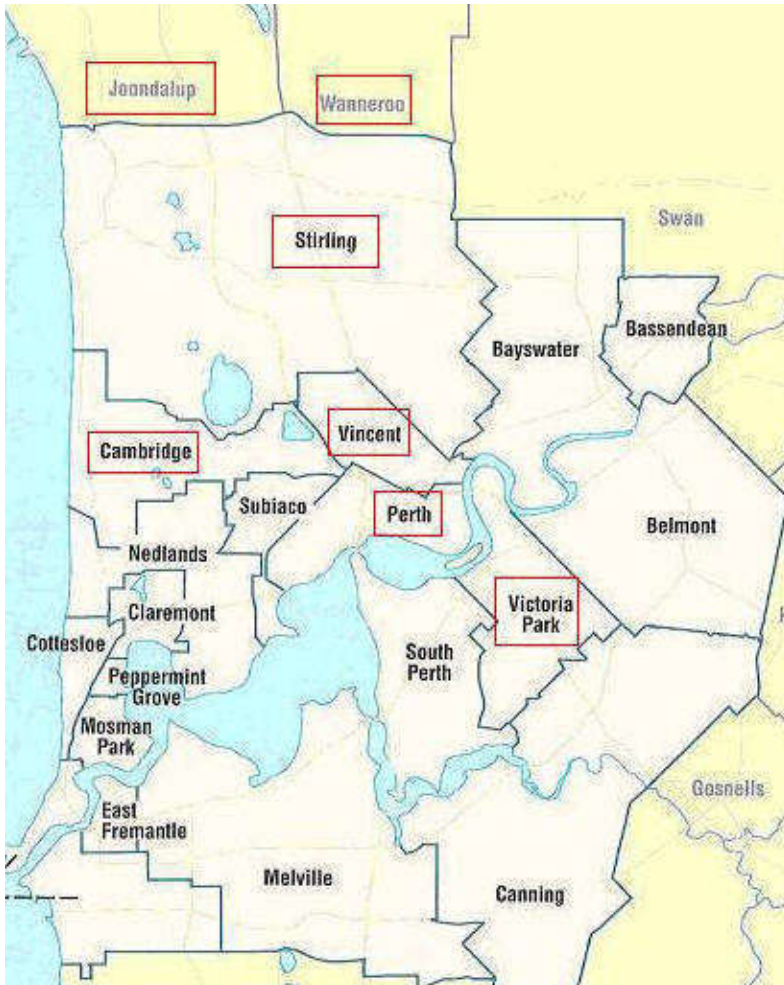
TPRC Council members are required to lodge primary returns and annual returns disclosing certain assets, income, interest, gifts, contribution or debt disposition set out in relevant legislation (part 5 division 6 Local Government Act).

TPRC Council members who have lodged annual returns since 1 July 2017 are not required to lodge a new primary return (Crs Caddy, Chester, Cole, Italiano and Treby).

All other Council members will need to lodge a primary return in the prescribed form, as distributed separately.

The primary return for new members is required to be completed within 3 months of the date of Council members' declaration of office, so the completion of returns should occur prior to 8 February 2018.

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).

Information Pack for Council Members

An information USB drive will be distributed to all new members at the meeting or by separate mail.

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. Council members 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. Council members 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 has 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 USB.

The TPRC Audit Charter was adopted on 27 April 2006 and reviewed on 17 August 2017 and is a reference document in the compendium of papers provided to Council as a USB.

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.

Recommendation

That in accordance with the provisions of the *Local Government Act 1995*, the following Council members be APPOINTED BY ABSOLUTE MAJORITY 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 a minimum of 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 terms of reference/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 and 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 23 November 2017 at the TPRC offices, commencing at 5:00pm.

Recommendation

That in accordance with the provisions of the *Local Government Act 1995*, the following Council members be **APPOINTED BY ABSOLUTE MAJORITY** 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.

Recommendation

That in accordance with the provisions of the *Local Government Act 1995*, the following Council members be APPOINTED BY ABSOLUTE MAJORITY 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

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

APPENDIX

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: *9th November 2017*

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: *9th November 2017*

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: *9th November 2017*