



Ordinary Meeting of Council

Thursday 19 August 2021

MINUTES

City of Wanneroo
23 Dundobar Road, Wanneroo

These Minutes were confirmed as a true and correct record of proceedings at a meeting held on 14 October 2021.

Signature:
Chair

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MEMBERSHIP

OWNER COUNCIL	MEMBER	ALTERNATE MEMBER
Town of Cambridge	Cr Andres Timmermanis (DEPUTY CHAIR)	Cr Gary Mack
City of Joondalup	Cr John Chester Cr Phillipa Taylor	Cr Christopher May Cr Suzanne Thompson
City of Perth	Cr Brent Fleeton	Cr Clyde Bevan
City of Stirling	Cr Karen Caddy (CHAIR) Cr David Lagan Cr Suzanne Migdale Cr Bianca Sandri	Cr Karlo Perkov
Town of Victoria Park	Cr Claire Anderson	
City of Vincent	Cr Joanne Fotakis	Cr Alex Castle
City of Wanneroo	Cr Brett Treby Cr Domenic Zappa	Cr Natalie Sangalli Cr Vinh Nguyen

PRESENT

Chair	Cr Karen Caddy
Councillors	Cr Claire Anderson Cr John Chester Cr Joanne Fotakis Cr David Lagan Cr Suzanne Migdale Cr Bianca Sandri Cr Philippa Taylor Cr Brett Treby
Alternate Members	Cr Clyde Bevan (arrived 6:18pm)
Staff	Mr Jon Morellini (Chief Executive Officer) Mr Simon O’Sullivan (Manager Project Coordination) Ms Gemma Tonkin (Executive Assistant) Ms Vickie Wesolowski (Executive Assistant)
Apologies Councillors	Cr Brent Fleeton Cr Andres Timmermanis Cr Domenic Zappa
Leave of Absence	Nil
Absent	Nil
Consultants	Mr Alan Abel (Satterley Property Group) Mr Carl Buckley (Satterley Property Group) Ms Julia Nelson (Satterley Property Group) Mr John Silla (Satterley Property Group)
Apologies Participant Councils’ Advisers	Mr John Giorgi (Town of Cambridge) Mr Stuart Jardine (City of Stirling) Mr David MacLennan (City of Vincent) Mr James Pearson (City of Joondalup) Ms Michelle Reynolds (City of Perth) Mr Daniel Simms (City of Wanneroo) Mr Anthony Vuleta (Town of Victoria Park)
In Attendance Participant Councils’ Advisers	Mr Stevan Rodic (City of Stirling) Ms Noelene Jennings (City of Wanneroo)
Members of the Public	Nil
Press	Nil

1. OFFICIAL OPENING

The Chair declared the meeting open at 6:12pm.

DISCLOSURE OF INTERESTS

Nil

2. PUBLIC STATEMENT/QUESTION TIME

Nil

3. APOLOGIES AND LEAVE OF ABSENCE

Apologies: Crs Fleeton, Timmermanis & Zappa

4. PETITIONS

Nil

5. CONFIRMATION OF MINUTES

Special Meeting of Council – 19 July 2021

Moved Cr Treby, Seconded Cr Chester.

That the minutes of the Special Meeting of Council of 19 July 2021 be confirmed, and signed by the Chair, as a true and correct record of proceedings.

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

5A BUSINESS ARISING FROM MINUTES

Nil

6. ANNOUNCEMENTS BY CHAIR (WITHOUT DISCUSSION)

Cr Bevan joined the meeting at 6:18pm.

The Chair welcomed the new CEO, Jon Morellini, and new Executive Assistant, Gemma Tonkin to the TPRC. She also acknowledged the hard work and success of the outgoing CEO, Tony Arias, and Executive Assistant, Vickie Wesolowski.

7. ADMINISTRATION REPORTS AS PRESENTED (ITEMS 7.1 – 7.5)

7.1 BUSINESS REPORT – PERIOD ENDING 12 AUGUST 2021

Moved Cr Chester, Seconded Cr Sandri.

[The recommendation in the agenda]

That the Council RECEIVES the Business Report to 12 August 2021.

The Motion was put and declared CARRIED (10/0).

7.2 PROJECT FINANCIAL REPORT – JUNE 2021

Moved Cr Treby, Seconded Cr Fotakis.

[The recommendation in the agenda]

That the Council RECEIVES the Project Financial Report (June 2021) submitted by the Satterley Property Group.

The Motion was put and declared CARRIED (10/0).

7.3 SALES AND SETTLEMENT REPORT – PERIOD ENDING 12 AUGUST 2021

Moved Cr Sandri, Seconded Cr Migdale.

[The recommendation in the agenda]

That the Council RECEIVES the Sales and Settlement Report to 12 August 2021.

The Motion was put and declared CARRIED (10/0).

7.4 STATEMENTS OF FINANCIAL ACTIVITY FOR THE MONTHS OF JUNE AND JULY 2021

Moved Cr Chester, Seconded Cr Migdale.

[The recommendation in the agenda]

That the Council RECEIVES and NOTES the Statements of Financial Activity for the months ending 30 June 2021 and 31 July 2021.

The Motion was put and declared CARRIED (10/0).

7.5 LIST OF MONTHLY ACCOUNTS SUBMITTED FOR THE MONTHS OF JUNE - JULY 2021

Moved Cr Lagan, Seconded Cr Migdale.

[The recommendation in the agenda]

That the Council:

1. **RECEIVES and NOTES** the list of accounts paid under Delegated Authority to the CEO for the months of June and July 2021:

Month ending 30 June 2021 (Total \$10,642,844.22)

Month ending 31 July 2021 (Total \$478,929.35)

Total (\$11,121,773.57)

2. **APPROVES** the CEO Credit Card Statement for the period June - July 2021.

The Motion was put and declared CARRIED (10/0).

8. COMMITTEE REPORTS 8.1 - 8.14

MANAGEMENT COMMITTEE (15 JULY 2021)

The recommendations for Items 8.1 - 8.4 were moved and seconded en bloc.

Moved Cr Treby, Seconded Cr Fotakis.

8.1 CATALINA BEACH BUILDERS DISPLAY VILLAGE 2 – MODIFICATION TO DISPLAY BUILDERS REBATE TERMS

[The recommendation in the agenda]

That Council APPROVES the modification of Condition 4 of the commercial terms and conditions for the sale of lots in the Catalina Beach Builders Display Village 2, (approved by the Council on 10 December 2020) as follows:

4. **Practical completion of the Display Home is to be 65 weeks for a single-storey dwelling and 73 weeks for a double-storey dwelling from settlement or the date of development approval for the Catalina Beach Display Village 2, whichever occurs the latest.**

8.2 LOT PRICING POLICY 2021

[The recommendation in the agenda]

That the Council APPROVES the Lot Pricing Policy 2021 for public release lots at Catalina.

8.3 PURCHASER TERMS AND CONDITIONS – CATALINA GREEN

[The recommendation in the agenda]

That the Council:

1. **APPROVES** the following Purchaser Terms/Conditions and Incentives for all public and builder release lots in Catalina Green for the period to August 2022:
 - 1.1 **Use of the REIWA Offer and Acceptance Contract with Special Conditions and Annexure.**
 - 1.2 **A \$2,000 deposit to be used in the Sales Contracts.**
 - 1.3 **A finance approval period of 60 days, where finance is required.**
 - 1.4 **A 21-day settlement period from finance approval or the issue of titles, whichever is the later.**
 - 1.5 **A waterwise landscaping package to the front garden.**
 - 1.6 **A \$2,000 rebate for all homes constructed with a minimum 3.0kw capacity photovoltaic solar power system, with an additional \$1,000 rebate paid where the system includes integrated battery storage.**
 - 1.7 **Side and rear boundary fencing (behind the building line).**
 - 1.8 **A \$1,000 rebate for all homes that include appropriate WELS rated fittings and fixtures.**
 - 1.9 **Sales incentives (Items 1.5 – 1.8) subject to homes being constructed in accordance with the approved Catalina Green Design Guidelines within 24 months of settlement for single storey homes and 30 months of settlement for two storey homes.**
2. **REQUESTS** the Satterley Property Group to review the Purchaser Terms/Conditions and Incentives for Catalina Green lots and provide a report to the Council for consideration in August 2022.

8.4 PROJECT FORECAST (2021)

[The recommendation in the agenda]

That the Council:

1. **RECEIVES** the Project Forecast (2021), prepared by the Satterley Property Group.
2. **REQUESTS** the Satterley Property Group to identify opportunities to increase lot income and reduce development costs in order to maximise financial returns to the member Councils while delivering environmental, social and economic objectives and provide a report on this matter for consideration at the Council's October 2021 meeting.

The Motions were put and declared CARRIED (10/0).

AUDIT COMMITTEE (5 AUGUST 2021)

8.5 TPRC DRAFT BUDGET FOR FYE 2022

Moved Cr Migdale, Seconded Cr Treby.

[The recommendation in the agenda]

That the Council:

1. ADOPTS the Budget for the Tamala Park Regional Council for the year ending 30 June 2022, incorporating the following statements:
 - (a) Statement of Comprehensive Income, indicating an operating deficit of \$819,050.
 - (b) Statement of Financial Activity, showing surplus at end of year position of \$24,847,853.
 - (c) Rate Setting Statement, indicating no rates levied.
2. ADOPTS 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 2021/2022 financial year, in accordance with Regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*.

The Motion as amended was as follows:

1. **ADOPTS the Budget for the Tamala Park Regional Council for the year ending 30 June 2022, incorporating the following statements:**
 - (a) **Statement of Comprehensive Income, indicating an operating deficit of \$848,348.**
 - (b) **Statement of Financial Activity, showing surplus at end of year position of \$28,436,856.**
 - (c) **Rate Setting Statement, indicating no rates levied.**
2. **ADOPTS 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 2021/2022 financial year, in accordance with Regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*.**

The Motion was put and declared CARRIED BY ABSOLUTE MAJORITY (10/0).

8.6 TAMALA PARK REGIONAL COUNCIL MEETING PROCEDURES LOCAL LAW 2021

[The recommendation in the agenda]

That the Council:

1. NOTES the Notice of the Chair, in accordance with Section 3.12 of the *Local Government Act 1995* and the *Local Government (Functions and General) Regulations 1996*, of the purpose and effect of Tamala Park Regional Council (TPRC) Meeting Procedures Local Law 2021.
2. APPROVES the Tamala Park Regional Council (TPRC) Meeting Procedures Local Law 2021, for the purposes of public advertising, under section 3.16 of the *Local Government Act 1995*; and INVITES submissions to the Tamala Park Regional Council Meeting Procedures Local Law 2021 by way of a state-wide public notice.

3. AUTHORISES a copy of the proposed Tamala Park Regional Council Meeting Procedures Local Law 2021 to be sent to the Minister for Local Government, Sport and Cultural Industries under section 3.12 of the *Local Government Act 1995*.
4. NOTES that the matter will be referred back to Council for consideration following advertising in accordance with (2) above and consideration of submissions.

Moved Cr Sandri, Seconded Cr Migdale.

That Council DEFERS the Tamala Park Regional Council Meeting Procedures Local Law 2021 to the October Council meeting and REQUESTS the CEO to seek clarification of the potential modification of Part 9.1.

The Motion was put and declared CARRIED (10/0).

The Chair was handed to Cr Treby for Item 8.7.

8.7 PAYMENT OF DISTRIBUTIONS POLICY

Moved Cr Migdale, Seconded Cr Sandri.

[The recommendation in the agenda]

That the Council APPROVES the Payment of Distributions Policy (2021).

The Motion as amended was as follows:

That Council APPROVES the Payment of Distributions Policy, with the following changes:

- Objectives be updated to include an additional objective: TPRC will seek, to the extent possible, to provide member Councils with predictable and smoothed distributions from year to year.
- Catalina Project Forecast section be updated to include the following statement: TPRC will provide Member Councils with updated distribution forecasts in January - March of every year to help inform their budget-setting process.

The Motion was put and declared CARRIED (10/0).

The Chair was returned to Cr Caddy for the remainder of the meeting.

The recommendations for Items 8.8 and 8.9 were moved and seconded en bloc.

Moved Cr Lagan, Seconded Cr Anderson.

8.8 AUDIT COMMITTEE AUDIT CHARTER & ANNUAL AUDIT PLAN REVIEW

[The recommendation in the agenda]

That Council APPROVES the TPRC Audit Charter (2022) and ADOPTS the Audit Plan 2021/2022.

8.9 CREDIT CARD STATEMENT

[The recommendation in the agenda]

That the Audit Committee RECEIVES the statement summary for the CEO credit card for the period May - June 2021.

The Motions were put and declared CARRIED (10/0).

9. ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

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

Nil

11. URGENT BUSINESS APPROVED BY THE CHAIR

Nil

12. GENERAL BUSINESS

Nil

13. DECISION TO MOVE TO CONFIDENTIAL SESSION

Moved Cr Migdale, Seconded Cr Treby.

That the Council:

Move into Closed Session and exclude members of the press and public from the meeting of the Closed Session and access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld. This action is taken in accordance with Section 5.23 of the *Local Government Act 1995*, as items 13.1 - Annual Marketing Plan FYE 2022, 13.2 - Civil Works Contract Extension, 13.3 - Development Management Agreement - Key Personnel, 13.4 MRC Landfill Buffer - Groundwater Monitoring Results Update and 13.5 Sale of TPRC Landholding come within the following provisions:

c) *a contract entered into, or which may be entered into, by the TPRC and which relates to a matter to be discussed at a meeting (section 5.23(2)(c));*

- d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; or*
- e) *a matter that if disclosed, would reveal –*
 - i) *Information that has a commercial value to a person; or*
 - ii) *Information about the business, professional, commercial or financial affairs of a person where the information is held by, or is about, a person other than the TPRC (section 5.23(2)(e)).*

The Motion was put and declared CARRIED (10/0).

The recommendations for Items 13.1, 13.3 and 13.4 were moved and seconded en bloc.

Moved Cr Migdale, Seconded Cr Lagan.

13.1 CONFIDENTIAL: ANNUAL MARKETING PLAN FYE 2022

[The recommendation in the agenda]

1. **APPROVES** the Annual Marketing Plan FYE 2022, prepared by the Satterley Property Group.
2. **ADVISES** the Satterley Property Group that marketing expenditure will be reviewed and monitored in line with market conditions and the requirements of the Project and the Project Budget FYE 2022, as approved.
3. **ACCEPTS** that the Development Manager’s Key Performance Indicator (February 2020) requiring the preparation of an Annual Marketing Plan has been achieved.

13.3 CONFIDENTIAL: DEVELOPMENT MANAGEMENT AGREEMENT – KEY PEOPLE

[The recommendation in the agenda]

That the Council **APPROVES** the following replacement of key personnel pursuant to Clause 4.5 of the Development Management Agreement:

Name of Person	Position
Bryony Yuill	Marketing

Name of Replacement Person	Position
Rosanne Cagorski	Marketing

13.4 CONFIDENTIAL: MINDARIE REGIONAL COUNCIL LANDFILL BUFFER – GROUNDWATER MONITORING RESULTS UPDATE

[The recommendation in the agenda]

That the Council **RECEIVES** the report on the Mindarie Regional Council Landfill Buffer – Groundwater Monitoring.

The Motions were put and declared CARRIED (10/0).

13.2 CONFIDENTIAL: EXTENSION OF CIVIL CONSTRUCTION RATES CONTRACT

Moved Cr Lagan, Seconded Cr Migdale.

[The recommendation in the agenda]

That the Council APPROVES a 12-month extension to the contract with RJ Vincent and rates schedule (dated 17 June 2021) in accordance with the terms of Tender 04/2019 (Earthworks and Subdivision Works).

The Motion was put and declared CARRIED (10/0).

Satterley Property Group left the meeting at 7:05pm.

13.5 CONFIDENTIAL: SALE OF TPRC LANDHOLDING

Moved Cr Fotakis, Seconded Cr Sandri.

[The recommendation in the agenda]

That the Council RECEIVES the report, dated 8 July 2021.

The Motion as amended was as follows:

That the Council:

- 1. RECEIVES the report, dated 8 July 2021.**
- 2. REQUESTS the CEO to provide a report on the process and resources necessary to guide its consideration of the potential sale of all/portion of the TPRC landholding and comply with the legislative requirements. Including obtaining an independent valuation of the Catalina landholding to ascertain current market value.**
- 3. REQUESTS the CEO to schedule a Councillor workshop to be held in November 2021.**

The Motion was put and declared CARRIED (10/0).

13.6 CONFIDENTIAL: CIVIL ENGINEERING CONSULTANCY SERVICES TENDER 04/2021 - LATE ITEM

Moved Cr Sandri, Seconded Cr Treby.

[The recommendation in the agenda]

That the Council:

- 1. ACCEPTS the Cossill & Webley tender submission (dated July 2021), for the provision of civil engineering consultancy services in accordance with Tender 4/2021 (Catalina Civil Engineering Consultancy Services).**
- 2. REQUIRES Satterley Property Group to further review the alternative fee structure proposed in Cossill & Webley’s tender submission (dated July 2021) and provide a recommendation on whether it will provide a more favourable outcome for the Council.**
- 3. DELEGATES authority to the Chief Executive Officer to determine the fee schedule that is to form the basis of the civil engineering term contract.**

The Motion was put and declared CARRIED (10/0).

Moved Cr Sandri, Seconded Cr Migdale.

That the Meeting be REOPENED to the public.

The Motion was put and declared CARRIED (10/0).

14. FORMAL CLOSURE OF MEETING

The Chair declared the meeting closed at 7:11pm.