

Meeting of Council

Thursday 17 February 2022

MINUTES

Online Zoom Meeting

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

TABLE OF CONTENTS

MEMBERSHIP	4
1. OFFICIAL OPENING	6
DISCLOSURE OF INTERESTS	6
2. PUBLIC STATEMENT/QUESTION TIME.....	6
3. APOLOGIES AND LEAVE OF ABSENCE.....	6
4. PETITIONS.....	6
5. CONFIRMATION OF MINUTES.....	6
5A. BUSINESS ARISING FROM MINUTES	6
6. ANNOUNCEMENTS BY CHAIR (WITHOUT DISCUSSION).....	6
7. ADMINISTRATION REPORTS AS PRESENTED (ITEMS 7.1 – 7.15)	7
7.1 BUSINESS REPORT – PERIOD ENDING 10 FEBRUARY 2022	7
7.2 STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2021 AND JANUARY 2022	7
7.3 LIST OF MONTHLY ACCOUNTS SUBMITTED FOR NOVEMBER 2021 – JANUARY 2022	7
7.4 PROJECT FINANCIAL REPORT – DECEMBER 2021	7
7.5 SALES AND SETTLEMENT REPORT – PERIOD ENDING 10 FEBRUARY 2022	8
7.6 TAMALA PARK REGIONAL COUNCIL MEETING PROCEDURES LOCAL LAW 2021.....	8
7.7 TPRC RESPONSE TO THE PROPOSED REFORM OF THE LOCAL GOVERNMENT ACT 1995.....	8
8. COMMITTEE REPORTS (ITEMS 8.1 – 8.6).....	9
CEO PERFORMANCE REVIEW COMMITTEE (10 FEBRUARY 2022)	9
AUDIT COMMITTEE (17 FEBRUARY)	9
8.3 TPRC FYE 2022 BUDGET REVIEW	9
8.4 COMPLIANCE AUDIT RETURN FOR YEAR ENDED 31 DECEMBER 2021	9
8.6 FINANCIAL MANAGEMENT SIGNIFICANT ACCOUNTING POLICY REVIEW 2022.....	9
9. ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN	10
10. QUESTIONS BY ELECTED MEMBERS OF WHICH DUE NOTICE HAVE BEEN GIVEN	10
11. URGENT BUSINESS APPROVED BY THE CHAIR.....	10
12. GENERAL BUSINESS.....	10
13. DECISION TO MOVE TO CONFIDENTIAL SESSION	10

13.1	CATALINA GREEN NEIGHBOURHOOD CENTRE – TENDER 08/2021	11
13.2	TPRC LANDHOLDING.....	12
8.1	PROCESS FOR THE APPOINTMENT OF TPRC CEO	12
8.2	CEO PERFORMANCE INDICATORS 2021-2022	13
14.	FORMAL CLOSURE OF MEETING	13

MEMBERSHIP

OWNER COUNCIL	MEMBER	ALTERNATE MEMBER
Town of Cambridge	Cr Andres Timmermanis	Cr Jane Cutler
City of Joondalup	Cr John Chester Cr Nige Jones	Cr Russ Fishwick Cr John Raftis
City of Perth	Cr Brent Fleeton	Cr Clyde Bevan
City of Stirling	Cr Tony Krsticevic Cr Suzanne Migdale Cr Bianca Sandri Cr Karlo Perkov	Cr David Lagan
Town of Victoria Park	Cr Bronwyn Ife	Cr Claire Anderson
City of Vincent	Cr Ashley Wallace	Cr Jonathan Hallett
City of Wanneroo	Cr Brett Treby Cr Glynis Parker	Cr Linda Aitken Cr Vinh Nguyen

PRESENT

Chair	Cr Bianca Sandri
Councillors	Cr John Chester Cr Brent Fleeton Cr Bronwyn Ife Cr Nige Jones (<i>from 6:27pm</i>) Cr Tony Krsticevic Cr Suzanne Migdale Cr Glynis Parker Cr Karlo Perkov Cr Brett Treby Cr Ashley Wallace
Alternate Members	Nil
Staff	Mr Jon Morellini (Chief Executive Officer) Mr Simon O'Sullivan (Manager Project Coordination) Ms Vickie Wesolowski (Office Manager) Mr Daniel Govus (Senior Governance Advisor – City of Stirling) Mr Jackson Mawby (Senior Governance Officer – City of Stirling)
Apologies Councillors	Cr Andres Timmermanis
Leave of Absence	Nil
Absent	Nil
Consultants	Mr Carl Buckley (Satterley Property Group) Mr Alan Abel (Satterley Property Group) Ms Julia Nelson (Satterley Property Group)
Apologies Participant Councils' Advisers	Mr David MacLennan (City of Vincent) Mr James Pearson (City of Joondalup) Mr John Giorgi (Town of Cambridge) 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)
Members of the Public	Nil
Press	Nil

1. OFFICIAL OPENING

The Chair declared the meeting open at 6:02pm.

DISCLOSURE OF INTERESTS

The Chief Executive Officer, Jon Morellini, declared a Financial Interest in Items 8.1 and 8.2 as he is currently employed as the temporary CEO of Tamala Park Regional Council.

2. PUBLIC STATEMENT/QUESTION TIME

Nil

3. APOLOGIES AND LEAVE OF ABSENCE

Apologies: Cr Andres Timmermanis

4. PETITIONS

Nil

5. CONFIRMATION OF MINUTES

Moved Cr Parker, Seconded Cr Krsticevic.

That the minutes of the Ordinary Meeting of Council of 9 December 2021 be CONFIRMED as a true and accurate record of proceedings.

That the minutes of the Special Meeting of Council of 15 December 2021 be CONFIRMED as a true and accurate record of proceedings.

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

5A. BUSINESS ARISING FROM MINUTES

Nil

6. ANNOUNCEMENTS BY CHAIR (WITHOUT DISCUSSION)

The Chair announced that Items 8.1 and 8.2 would be considered after Item 13.2 as they were confidential in nature and were required to be considered behind closed doors. A motion would be moved during Item 8 to facilitate this.

The Chair further advised that, having declared a Financial Interest in these Items, the CEO would remove himself from the room during consideration of these Items.

7. ADMINISTRATION REPORTS AS PRESENTED (ITEMS 7.1 – 7.15)

7.1 BUSINESS REPORT – PERIOD ENDING 10 FEBRUARY 2022

Moved Cr Migdale, Seconded Cr Treby.

[The recommendation in the agenda]

That the Council RECEIVES the Business Report to 10 February 2022.

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

7.2 STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2021 AND JANUARY 2022

Moved Cr Migdale, Seconded Cr Treby.

[The recommendation in the agenda]

That the Council RECEIVES and NOTES the Statements of Financial Activity for the months ending 31 December 2021 and 31 January 2022.

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

7.3 LIST OF MONTHLY ACCOUNTS SUBMITTED FOR NOVEMBER 2021 – JANUARY 2022

Moved Cr Migdale, Seconded Cr Treby.

[The recommendation in the agenda]

That the Council:

1. RECEIVES and NOTES the list of accounts paid under Delegated Authority to the CEO for November 2021 – January 2022:

November 2021 - \$2,068,852.34

December 2021 - \$8,601,643.95

January 2022 - \$344,048.74

Total Paid - \$11,014,545.03

2. APPROVES the CEO Credit Card Statement for November 2021 – January 2022.

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

7.4 PROJECT FINANCIAL REPORT – DECEMBER 2021

Moved Cr Chester, Seconded Cr Migdale.

[The recommendation in the agenda]

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

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

7.5 SALES AND SETTLEMENT REPORT – PERIOD ENDING 10 FEBRUARY 2022

Moved Cr Migdale, Seconded Cr Treby.

[The recommendation in the agenda]

That the Council RECEIVES the Sales and Settlement Report to 10 February 2022.

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

7.6 TAMALA PARK REGIONAL COUNCIL MEETING PROCEDURES LOCAL LAW 2021

Moved Cr Migdale, Seconded Cr Treby.

[The recommendation in the agenda]

That the Council:

- 1. REPEALS the Tamala Park Regional Council Standing Orders Local Law 2006.**
- 2. RESOLVES to make the Tamala Park Regional Council Meeting Procedures Local Law 2021 as detailed in Attachment 1 and that the Common Seal be affixed.**
- 3. Under section 3.12(5) of the *Local Government Act 1995*, AUTHORISES the publication of the Tamala Park Regional Council Meeting Procedures Local Law 2021 in the Government Gazette and the provision of a copy to the relevant Minister/s.**
- 4. Under section 3.12(6) of the *Local Government Act 1995*, AUTHORISES the giving of local public notice in relation to the Tamala Park Regional Council Meeting Procedures Local Law 2021.**

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

7.7 TPRC RESPONSE TO THE PROPOSED REFORM OF THE LOCAL GOVERNMENT ACT 1995

Moved Cr Migdale, Seconded Cr Treby.

[The recommendation in the agenda]

That the Council ENDORSES and FORWARDS the TPRC submission regarding the *Local Government Act 1995* proposed reforms to the Department of Local Government, Sport and Cultural Industries by 4 February 2022 and to WALGA by 12 January 2022.

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

8. COMMITTEE REPORTS (ITEMS 8.1 – 8.6)

CEO PERFORMANCE REVIEW COMMITTEE (10 FEBRUARY 2022)

Moved Cr Fleeton, Seconded Cr lfe.

That so much of Clause 3.2 of the Standing Orders Local Law 2006 be SUSPENDED that would prevent the CONSIDERATION of Items 8.1 and 8.2 after Item 13.

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

AUDIT COMMITTEE (17 FEBRUARY)

8.3 TPRC FYE 2022 BUDGET REVIEW

Moved Cr Treby, Seconded Cr Parker.

[The recommendation in the agenda]

That the Council ADOPTS the Budget Review with the variations for the period 1 July 2021 to 30 June 2022, as detailed in the Budget Analysis Worksheet attached to appendix 8.3.

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

8.4 COMPLIANCE AUDIT RETURN FOR YEAR ENDED 31 DECEMBER 2021

Moved Cr Fleeton, Seconded Cr Treby.

[The recommendation in the agenda]

That the Audit Committee recommends the Compliance Audit Return for the Tamala Park Regional Council for the year ended 31 December 2021 be ADOPTED, RECORDED in the minutes, CERTIFIED and SENT to the Director General of the Department of Local Government, Sport and Cultural Industries, in accordance with the Local Government Act and Regulations.

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

8.6 FINANCIAL MANAGEMENT SIGNIFICANT ACCOUNTING POLICY REVIEW 2022

Moved Cr Fleeton, Seconded Cr Treby.

[The recommendation in the agenda]

That the Audit Committee recommends that the Council APPROVES the Financial Management Significant Accounting Policy 2022.

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

9. ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

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

Nil

11. URGENT BUSINESS APPROVED BY THE CHAIR

Nil

12. GENERAL BUSINESS

Nil

13. DECISION TO MOVE TO CONFIDENTIAL SESSION

Moved Cr Fleeton, Seconded Cr Treby.

That:

1. Item 13.1 – Catalina Green Neighbourhood Centre – Tender 08/2021 be **CONSIDERED Behind Closed Doors** in accordance with Section 5.23(2)(c) of the Local Government Act 1995, which permits the meeting to be closed to the public for business relating to the following:
 - 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)); and*
 - e) *A matter that if disclosed would reveal –*
 - i) *information that has 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)).*

2. Item 13.2 – TPRC Landholding be **CONSIDERED Behind Closed Doors** in accordance with Section 5.23(2) of the Local Government Act 1995, which permits the meeting to be closed to the public for business relating to the following:
 - 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; and*
 - e) *A matter that if disclosed would reveal –*
 - i) *information that has commercial value to a person; or*

ii) information about the business, professional, commercial or financial affairs of a person.

3. Item 8.1 – Process for the Appointment of a TPRC CEO be **CONSIDERED Behind Closed Doors** in accordance with Section 5.23(2)(c) of the Local Government Act 1995, which permits the meeting to be closed to the public for business relating to the following:
 - 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)); and*
 - e) *A matter that if disclosed would reveal –*
 - i) *information that has commercial value to a person; or*
 - ii) *information about the business, professional, commercial or financial affairs of a person.*

4. Item 8.2 – CEO Key Performance Indicators 2021-2022 be **CONSIDERED Behind Closed Doors** in accordance with Section 5.23(2)(c) of the Local Government Act 1995, which permits the meeting to be closed to the public for business relating to the following:
 - 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)); and*
 - e) *A matter that if disclosed would reveal –*
 - i) *information that has commercial value to a person; or*
 - ii) *information about the business, professional, commercial or financial affairs of a person.*

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

At 6:24pm the meeting was closed to the public, and all attendees who were not required left the meeting prior to consideration of Item 13.1.

13.1 CATALINA GREEN NEIGHBOURHOOD CENTRE – TENDER 08/2021

Moved Cr Parker, Seconded Cr Chester.

That the Council:

1. **APPROVES** Lightpoint Nominees Pty Ltd as the preferred tenderer for Tender 08/2021 (Catalina Green Neighbourhood Centre) in accordance with its tender submission (dated January 2022).

2. **AUTHORISES** the Chief Executive Officer to progress a Contract of Sale for the sale of the Catalina Green Neighbourhood Centre Site (Proposed Lot 3128) to Lightpoint Nominees Pty Ltd for \$6,500,000 (excluding GST). The Contract of Sale is to include requirements related to the following:
 - (a) **Conformity** with Tender 08/2021 (Catalina Green Neighbourhood Centre);
 - (b) **Compliance** with the Lightpoint Nominees Pty Ltd tender submission (dated January 2022);
 - (c) **Satisfactory arrangements** to ensure the completed development generally accords with the development concept plans included in the Lightpoint Nominees Pty Ltd tender submission (dated January 2022), or an acceptable alternative plan.

- 3. RESOLVES that should the matters in Recommendation 2 not be satisfactorily progressed within sixty days of the date of the Council's decision, then the Council will reconsider the Tender.**

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

13.2 TPRC LANDHOLDING

Moved Cr Krsticevic, Seconded Cr Fleeton.

That the Council:

- 1. Proceeds with the confidential recommendation as outlined in the Confidential Agenda.**
- 2. Resolves that this report, attachments and resolution remain confidential in accordance with section 5.23(2)(d) of the *Local Government Act 1995*.**

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

8.1 PROCESS FOR THE APPOINTMENT OF TPRC CEO

Cr Nige Jones joined the Meeting at 6:27pm.

The Chief Executive Officer, Mr Jon Morellini, left the room.

Moved Cr Treby, Seconded Cr Chester.

That the Council:

- 1. UNDERTAKES the recruitment of a permanent TPRC CEO in accordance with the requirements of the CEO Model Standards (2021).**
- 2. ESTABLISHES a Selection Panel, which is to be the CEO Performance Review Committee and an independent person selected by the Selection Panel for the recruitment of the permanent TPRC CEO.**
- 3. APPROVES the Terms of Reference for the Selection Panel.**
- 4. DELEGATES authority to the Selection Panel all powers necessary to enable the Panel to undertake all aspects of the recruitment process including:**
 - a) The recruitment of an independent member to the Panel; and**
 - b) Appointment of a professional recruitment consultant.**
- 5. APPROVES the CEO Position Description (including Selection Criteria).**

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

8.2 CEO PERFORMANCE INDICATORS 2021-2022

Moved Cr Treby, Seconded Cr Migdale.

That the Committee recommends to Council that the Council and the CEO mutually agree on Performance Criteria for 2021-2022.

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

Moved Cr Migdale, Seconded Cr Treby.

That the meeting be REOPENED to the public.

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

At 6:29pm the meeting was reopened to the public.

14. FORMAL CLOSURE OF MEETING

The Chair declared the meeting closed at 6:30pm.