

Ordinary Meeting of Council

Minutes

Thursday 16 April 2020, 6:00pm

Due to the current pandemic situation, this meeting was conducted electronically.

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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	Cmr Andrew Hammond	Cmr Gaye McMath
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	Mayor Emma Cole	Cr Joanne Fotakis
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 Mayor Emma Cole Cmr Andrew Hammond Cr David Lagan Cr Suzanne Migdale Cr Bianca Sandri Cr Philippa Taylor Cr Andres Timmermanis Cr Brett Treby Cr Domenic Zappa
Alternate Members	Nil
Staff	Mr Tony Arias (Chief Executive Officer) Mr Simon O'Sullivan (Manager Project Coordination) Ms Vickie Wesolowski (Executive Assistant)
Apologies Councillors	Nil
Leave of Absence	Nil
Absent	Nil
Consultants	Mr Nigel Satterley (Satterley Property Group) Mr Charlie Lawlor (Satterley Property Group) Mr John Silla (Satterley Property Group) Mr Carl Buckley (Satterley Property Group) Ms Lena Kozak (Satterley Property Group)
Apologies Participant Councils' Advisers	Mr Stuart Jardine (City of Stirling) Mr John Giorgi (Town of Cambridge) Mr Anthony Vuleta (Town of Victoria Park) Mr Murray Jorgensen (City of Perth) Mr Daniel Simms (City of Wanneroo)
In Attendance Participant Councils' Advisers	Ms David MacLennan (City of Vincent) – arrived 6:19pm Mr Garry Hunt (City of Joondalup) Mr Stevan Rodic (City of Stirling)
Members of the Public	Nil
Press	Nil

1. OFFICIAL OPENING

The Chair declared the meeting open at 6:03pm and confirmed in accordance with Reg 14D of the *Local Government (Admin) Regs*, that this Meeting and future Council Meetings and Committee Meetings are to be held electronically via the Zoom platform. The intent is for this to continue while restrictions on gatherings are in place to manage the COVID-19 pandemic.

The Chair noted that given the change in how meetings are to be conducted and the Guidelines for Electronic Council Proceedings it may be appropriate for Council to resolve that the relevant Meeting Procedures of the TPRC Standing Orders be suspended:

Moved Cr Timmermanis, Seconded Cr Sandri.

That Council resolve that the following Meeting Procedures of the TPRC Standing Orders be suspended:

3.3 - Public Statement/Question Time (to enable public questions online and be replaced by Guidelines for Electronic Council Proceedings)

3.12 - Deputations (to enable Deputations at Council and to be replaced by Guidelines for Electronic Council Proceedings)

6.1 - Quorum to be Present (to enable attendance remotely, consistent with the amendments to the Local Government (Admin) Regs)

8.2 - Members to Occupy their Own Seats (as members are not required to occupy their own seats)

The Motion was put and declared CARRIED (12/0).

DISCLOSURE OF INTERESTS

Nil

2. PUBLIC STATEMENT/QUESTION TIME

Nil

3. APOLOGIES AND LEAVE OF ABSENCE

Nil

4. PETITIONS

Nil

5. CONFIRMATION OF MINUTES

Ordinary Meeting of Council – 20 February 2020

Moved Cr Timmermanis, Seconded Cr Migdale

That the minutes of the Ordinary Meeting of Council of 20 February 2020 be confirmed, and signed by the Chair, as a true and correct record of proceedings.

The Motion was put and declared CARRIED (12/0).

5A BUSINESS ARISING FROM MINUTES

Nil

6. ANNOUNCEMENTS BY CHAIR (WITHOUT DISCUSSION)

Nil

7. MATTERS FOR WHICH MEETING MAY BE CLOSED

10.1 *Built Form Partnership – Stage 18*

10.2 *Review of Development Manager's KPIs – Timeframes for Delivery of Informing Strategies*

10.3 *Development Management Agreement – Key People*

10.4 *Mindarie Regional Council Landfill Buffer - Groundwater Monitoring Briefing*

10.5 *Catalina Sales Office Opening Hours and Key Personnel - Temporary Changes – Late Item*

8. COUNCIL REPORTS

8.1 GUIDELINES FOR ELECTRONIC COUNCIL PROCEEDINGS

Moved Cr Lagan, Seconded Cr Chester.

[The recommendation in the agenda]

That Council APPROVES the Guidelines for Electronic Council Proceedings.

The Motion was put and declared CARRIED (12/0).

8.2 TPRC STANDING ORDERS LOCAL LAW 2006 - 'EN BLOC' MOTIONS

Moved Cr Timmermanis, Seconded Cr Sandri.

[The recommendation in the agenda]

That the Council:

1. APPROVES the use of 'en bloc' motions to deal with items of TPRC business, consistent with the *TPRC Standing Orders Local Law 2006*.

- 2. NOTES that a review of the TPRC Standing Orders is to be undertaken in order to reflect a more contemporary approach to Standing Orders and that a report will be prepared for Council’s consideration at its June 2020 meeting.**

The Motion was put and declared CARRIED (11/1).

For: Cr Anderson, Cr Caddy, Cr Chester, Cr Cole, Cmr Hammond, Cr Lagan, Cr Migdale, Cr Sandri, Cr Timmermanis, Cr Treby and Cr Zappa.

Against: Cr Taylor

8.3 BUSINESS REPORT – PERIOD ENDING 9 APRIL 2020

Moved Cr Lagan, Seconded Cr Treby.

[The recommendation in the agenda]

That the Council RECEIVES the Business Report to 9 April 2020.

The Motion was put and declared CARRIED (12/0).

8.4 STATEMENTS OF FINANCIAL ACTIVITY FOR THE MONTHS OF JANUARY & FEBRUARY 2020

Moved Cr Zappa, Seconded Cr Lagan.

[The recommendation in the agenda]

That the Council RECEIVES and NOTES the Statements of Financial Activity for the months ending:

- **31 January 2020; and**
- **29 February 2020.**

The Motion was put and declared CARRIED (12/0).

The recommendations for Items 8.5 and 8.6 were moved and seconded en bloc.

Moved Cr Treby, Seconded Cr Timmermanis.

8.5 LIST OF MONTHLY ACCOUNTS SUBMITTED FOR THE MONTHS OF JANUARY & FEBRUARY 2020

[The recommendation in the agenda]

That the Council RECEIVES and NOTES the list of accounts paid under Delegated Authority to the CEO for the months of January and February 2020:

- **Month ending 31 January 2020 (Total \$110,259.71)**
- **Month ending 29 February 2020 (Total \$631,327.02)**
- **Total Paid - \$741,586.73**

8.6 PROJECT FINANCIAL REPORT – FEBRUARY 2020

[The recommendation in the agenda]

That the Council RECEIVES the Project Financial Report (February 2020) submitted by the Satterley Property Group.

The Motions were put and CARRIED en bloc (12/0).

8.7 SALES AND SETTLEMENT REPORT – PERIOD ENDING 9 APRIL 2020

Moved Cr Zappa, Seconded Cr Treby.

[The recommendation in the agenda]

That the Council RECEIVES the Sales and Settlement Report to 9 April 2020.

The Motion was put and declared CARRIED (12/0).

8.8 DELEGATION TO CEO TO WRITE OFF BAD DEBTS

Moved Cr Lagan, Seconded Cr Cole.

[The recommendation in the agenda]

That the Council DELEGATES to the CEO authority to write off bad debts to the value of \$5,000, subject to administration steps to recover debts being unsuccessful.

Moved Cr Timmermanis, Seconded Cr Migdale.

[A Procedural Motion]

That the Council DEFER consideration of the proposed DELEGATION to the CEO authority to write off bad debts to the value of \$5,000, until further clarification is provided on the administration steps which are to be undertaken to recover the debts.

The Motion was put and declared LOST (4/8).

For: Cr Chester, Cr Migdale, Cr Taylor and Cr Timmermanis.

Against: Cr Anderson, Cr Caddy, Cr Cole, Cr Hammond, Cr Lagan, Cr Sandri, Cr Treby and Cr Zappa.

The original Motion (the recommendation in the agenda) was put and declared CARRIED by ABSOLUTE MAJORITY (12/0).

9. COMMITTEE REPORTS – MANAGEMENT COMMITTEE (12 MARCH 2020)

9.1 MANAGEMENT COMMITTEE – TERMS OF REFERENCE/DELEGATIONS

Moved Cr Timmermanis, Seconded Cr Chester.

[The recommendation in the agenda]

That the Management Committee recommends that Council APPROVES the Terms of Reference and Delegations to the Management Committee (March 2020) subject to the Terms of Reference being amended in accordance with Attachment A (dated 12 March 2020).

The Motion was put and declared CARRIED by ABSOLUTE MAJORITY (11/1).

For: Cr Anderson, Cr Caddy, Cr Chester, Cmr Hammond, Cr Lagan, Cr Migdale, Cr Sandri, Cr Taylor, Cr Timmermanis, Cr Treby and Cr Zappa.

Against: Cr Cole

9.2 SALES - MARKETING CAMPAIGN – APRIL TO JUNE 2020

Moved Cr Migdale, Seconded Cr Timmermanis.

[The recommendation in the agenda]

That the Management Committee ADVISE Council of its decisions made under Delegations 4, 8 and 9 at the April 2020 scheduled meeting.

The motion was put and declared CARRIED (12/0).

10 CONFIDENTIAL REPORTS

Moved Cr Zappa, Seconded Cr Sandri.

That Standing Orders be suspended to allow Confidential Items 10.1 to 10.5 to be discussed.

The Motion was put and declared CARRIED (12/0).

10.1 BUILT FORM PARTNERSHIP – STAGE 18 - CONFIDENTIAL

Moved Cr Migdale, Seconded Cr Timmermanis.

[The recommendation in the agenda]

That the Council NOTES:

- 1. Negotiations with Now Living/Terrace (J Corp Pty Ltd) to explore potential commercial terms for development of the Stage 18 grouped housing sites have not resulted in agreement to draft commercial terms being reached by the approved**

deadline of 31 March 2020 and negotiations with Now Living/Terrace (J Corp Pty Ltd) have ceased in accordance with Tender 05/2019 (Built Form).

2. In accordance with the Council’s decision of 20 February 2020, negotiations with Schlager Group/David Barr Architects and Josh Byrne and Associates, as the second-ranked tenderer for Tender 05/2019, have commenced to explore potential commercial terms for development of the Stage 18 grouped housing sites.
3. In accordance with the terms of Tender 05/2019, agreement on potential commercial terms with Schlager Group/David Barr Architects and Josh Byrne and Associates should be concluded by 16 June 2020 and a report will be provided to the Council in June 2020.

The Motion was put and declared CARRIED (12/0).

10.2 DEVELOPMENT MANAGER’S KEY PERFORMANCE INDICATORS – TIMEFRAMES FOR DELIVERY OF INFORMING STRATEGIES - CONFIDENTIAL

[The recommendation in the agenda]

That the Council APPROVES the following timeframes for delivery of the informing strategies required by the approved revised Development Manager Key Performance Indicators (dated February 2020):

No.	Informing Strategy	Timeframe for Delivery to TPRC
1	Catalina Annual Plan	May 2020
2	Monthly Progress Reports	Monthly from July 2020
3	Catalina Social Strategy	August 2020
4	Catalina Economic Strategy	November 2020
5	Catalina Built Environment Strategy	February 2021
6	Catalina Environmental Strategy	April 2021

Moved Cr Timmermanis, Seconded Cr Cole.

[An Alternative Motion]

That the Council APPROVES the following timeframes for delivery of the informing strategies required by the approved revised Development Manager Key Performance Indicators (dated February 2020):

No.	Informing Strategy	Timeframe for Delivery to TPRC
1	Catalina Annual Plan	May 2020
2	Monthly Progress Reports	Monthly from July 2020
3	Catalina Social Strategy	February 2021
4	Catalina Economic Strategy	September 2020
5	Catalina Built Environment Strategy	October 2020
6	Catalina Environmental Strategy	April 2021

The Motion was put and declared CARRIED (12/0).

10.3 DEVELOPMENT MANAGEMENT AGREEMENT – KEY PEOPLE – CONFIDENTIAL

[The recommendation in the agenda]

That the Council:

1. APPROVES the following replacement of key personnel pursuant to Clause 4.5 of the Development Management Agreement:

Name of Person	Position
Brenton Downing	General Manager – Development (WA)

Name of Replacement Person	Position
John Silla	General Manager – Development (WA)

2. ADVISES the Satterley Property Group that it NOTES Satterley's decision to make the position of Development Manager on the Catalina Project redundant and ACCEPTS the resulting revised staffing arrangement for a period of six months and REQUIRES that this arrangement be reviewed at the conclusion of this period consistent with the Development Management Agreement 2010.
3. REQUESTS the Satterley Property Group to provide further advice to demonstrate it has the required project background, resources and technical competencies applied to the Catalina Project to deliver TPRC objectives.

Moved Cr Timmermanis, Seconded Cr Chester.

[An Alternative Motion]

That the Council:

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

Name of Person	Position
Brenton Downing	General Manager – Development (WA)

Name of Replacement Person	Position
John Silla	General Manager – Development (WA)

2. **ADVISES the Satterley Property Group that it NOTES Satterley's decision to make the position of Development Manager on the Catalina Project redundant and ACCEPTS the resulting revised staffing arrangement for a period of three months and REQUIRES that this arrangement be reviewed at the conclusion of this period consistent with the Development Management Agreement 2010.**
3. **REQUESTS the Satterley Property Group to provide further advice to demonstrate it has the required project background, resources and technical competencies applied to the Catalina Project to deliver TPRC objectives.**

4. **ADVISES the Satterley Property Group of Council’s deep concern that it was not consulted before the position of Development Manager for the Catalina Project was made redundant.**

The Motion was put and declared CARRIED (11/1).

For: Cr Anderson, Cr Caddy, Cr Chester, Cr Cole, Cmr Hammond, Cr Lagan, Cr Sandri, Cr Taylor, Cr Timmermanis, Cr Treby and Cr Zappa.

Against: Cr Migdale

Item 10.5 was brought forward for consideration with the consent of Council.

10.5 LATE ITEM – CATALINA SALES OFFICE OPENING HOURS AND KEY PERSONNEL - TEMPORARY CHANGES – CONFIDENTIAL

Moved Cr Timmermanis, Seconded Cr Migdale.

[The recommendation in the agenda]

That the Council:

1. APPROVES opening the Catalina Sales Office only between 2.00pm and 5.00pm on weekends and by appointment-only at all other times on a temporary basis until 30 June 2020.
2. APPROVES the following replacement of key personnel pursuant to Clause 4.5 of the Development Management Agreement on a temporary basis until 30 June 2020:

Name of Person	Position
Terry Warby	Sales Representative

Name of Replacement Person	Position
Alan Abel	Sales Representative

3. REQUIRES the Satterley Property Group to provide a report for consideration at the Council’s June 2020 meeting on the proposed Sales Office opening hours and Sales Representative staffing to apply beyond 30 June 2020.

The Motion as amended was as follows:

That the Council:

1. **APPROVES opening the Catalina Sales Office only between 2.00pm and 5.00pm on weekends and by appointment-only at all other times on a temporary basis until 30 June 2020 or earlier to coincide with COVID-19 restrictions to display villages being lifted.**
2. **APPROVES the following replacement of key personnel pursuant to Clause 4.5 of the Development Management Agreement on a temporary basis until 30 June 2020:**

Name of Person	Position
Terry Warby	Sales Representative

Name of Replacement Person	Position
Alan Abel	Sales Representative

- 3. REQUIRES the Satterley Property Group to provide a report for consideration at the Council's June 2020 meeting on the proposed Sales Office opening hours and Sales Representative staffing to apply beyond 30 June 2020.**
- 4. ADVISES the Satterley Property Group of its concern about the adequacy of the CV provided for Alan Abel, and that in future CVs will need to be more comprehensive.**

The Motion was put and declared CARRIED (12/0).

10.4 MINDARIE REGIONAL COUNCIL LANDFILL BUFFER – GROUNDWATER MONITORING BRIEFING - CONFIDENTIAL

Moved Cr Chester, Seconded Cr Sandri.

[The recommendation in the agenda]

That the Council NOTE the Mandatory Audit Report (MAR) by the Mindarie Regional Council and the recommendations.

The Motion as amended was as follows:

That the Council:

- 1. NOTES the Mandatory Audit Report (MAR) by the Mindarie Regional Council and the recommendations.**
- 2. REQUESTS the CEO to provide additional advice on the results of the latest groundwater monitoring, including the POS production bores for the June 2020 Council meeting.**

The Motion was put and declared CARRIED (12/0).

Moved Cr Timmermanis, Seconded Cr Sandri.

That the Meeting be REOPENED to the public.

The Motion was put and declared CARRIED (12/0).

11. ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

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

Nil

13. URGENT BUSINESS APPROVED BY THE CHAIR

Nil

14. MATTERS BEHIND CLOSED DOORS

- 10.1 *Built Form Partnership – Stage 18*
- 10.2 *Review of Development Manager's KPIs – Timeframes for Delivery of Informing Strategies*
- 10.3 *Development Management Agreement – Key People*
- 10.4 *Mindarie Regional Council Landfill Buffer - Groundwater Monitoring Briefing*
- 10.5 *Catalina Sales Office Opening Hours and Key Personnel - Temporary Changes – Late Item*

15. GENERAL BUSINESS

Nil

16. FORMAL CLOSURE OF MEETING

The Chair declared the meeting closed at 8:15pm.

These minutes were confirmed at a meeting on

SIGNED this day of 2020

as a true record of proceedings.

CHAIR