WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION North Metropolitan Zone

MINUTES

20 March 2008

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NORTH METROPOLITAN ZONE OF THE WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION

To be held at the City of Joondalup Boas Avenue, Joondalup (Conference Room 1)

> Thursday, 20 March 2008 Commencing at 6:00pm

AGENDA

1. ATTENDANCE AND APOLOGIES

(1) ATTENDANCE:

City of Stirling Cr T (Terry) Tyzack

Cr E (Elizabeth) Re

City of Wanneroo Cr F (Frank) Cvitan (Chairperson)

Cr T (Tracey) Roberts

Cr L (Laura) Gray (Arrived at 6.05pm)

Cr P (Paul) Miles

Mr C (Charles) Johnson, Chief Executive Officer
Ms K (Karen) Caple, Director Governance & Strategy

City of Joondalup Cr T (Tom) McLean

Cr R (Russ) Fishwick

Cr K Hollywood

Mr G (Garry) Hunt, Chief Executive Officer Mr I (Ian) Cowie, Director Governance & Strategy

Secretariat Mrs N (Nicky) Barker, Coordinator Governance (City of Wanneroo)

WALGA Mr T (Tony) Brown, Executive Manager Governance and Strategy

Mr J (James) McGovern, Policy Manager Local Government Advisory Service

Deputations Mr B (Barry) Sargeant, Director General (Department of Racing, Gaming & Liquor)

Observers Cr B Smithson, City of Wanneroo

Cr D Newton, City of Wanneroo

Ms A (Amanda) Bostock , Executive Officer to CEO (City of Wanneroo)

(2) APOLOGIES:

City of Stirling Cr D (David) Boothman

Cr W M (Bill) Stewart

Mr S (Stuart) Jardine, Chief Executive Officer

Mr A (Aaron) Bowman, Manager Council Support/Compliance

City of Wanneroo Cr M (Maureen) Grierson

City of Joondalup Mayor T (Troy) Pickard

2. ANNOUNCEMENTS

Nil

3. CONFIRMATION OF MINUTES

MOTION Cr Miles/Cr Re

Cr Miles as mover of the motion was not present at the meeting of 31 January 2008, however as there were no objections to the minutes received from the floor, the motion is carried.

That the Minutes of the meeting of the North Metropolitan Zone held on Thursday, 31 January 2008 be confirmed as a true and accurate record of the proceedings.

CARRIED

4. BUSINESS ARISING FROM MINUTES

4.1 31 January 2008

Zone Agenda Item 8.3. Recognition of Local Government in the Australian Constitution

Following discussions with respect to the above matter, the following Motion was carried:

MOTION

Mayor Pickard/Mayor Boothman

That the North Metropolitan Zone lobby WALGA to raise the desire to achieve constitutional recognition of local government with the Australian Local Government Association and the Commonwealth Government.

CARRIED

Correspondence in accordance with this Motion was subsequently forwarded to WALGA and a response received is attached to the agenda.

4.2 31 January 2008

Zone Agenda Item 8.4. Rating of Land Used for Charitable Purposes

Following discussions with respect to the above matter, the following Motion was carried:

MOTION

Mayor Boothman/Cr Stewart

That WALGA continue to pursue as a matter of priority with the State Government the enactment of amendments to the charitable exemption provisions of the Local Government Act 1995 to bring clarity, consistency and fairness to the legislation.

CARRIED

Correspondence in accordance with this Motion was subsequently forwarded to WALGA and a response received is attached to the agenda.

MOTION Cr Miles/Cr Fishwick

That the North Metropolitan Zone Committee ACCEPT for noting, the correspondence received from WALGA on the Recognition of Local Government in the Australian Constitution and Rating of Land Used for Charitable Purposes.

CARRIED

5. DEPUTATIONS/PRESENTATIONS

5.1 Department of Racing, Gaming & Liquor

At the North Metropolitan Zone meeting held on 29 November 2007, the Zone agreed to a request by the Department of Racing, Gaming and Liquor to present a deputation with respect to the matter of small bar licences.

The Chair welcomed Mr Barry Sargeant, Director General of the Department of Racing, Gaming and Liquor.

Mr Sargeant gave a brief overview of the new legislation.

The State Government's reform of the Liquor Control Act, which came into effect on 7 May 2007, saw the introduction of a new category of liquor licence – "The small bar licence" category. This category allows for the creation of intimate venues, such as wine bars or bistro-style establishments where the impact on the surrounding community is as low as practicable.

Questions from the floor covered issues such as the requirement to serve food at the venue, the maximum number of patrons allowed, who the license would apply to and how would the premises be policed?

Mr Sargeant clarified that there was no requirement to serve food under this category of license and the maximum number of patrons was 120. The category only applies to commercial licenses and not recreational or sporting clubs and the police would be the front line people to control venues as with other licensed premises.

Further information can be obtained on the Department website: www.rgl.wa.gov.au.

5.2 WALGA

At the North Metropolitan Zone meeting held on 31 January 2008, discussion took place in relation to the Systemic Sustainability Taskforce. As part of this discussion, it was suggested that WALGA be invited to make a presentation to the Zone with respect to the Systemic Sustainability study.

The Chair welcomed Mr T (Tony) Brown, Executive Manager Governance and Strategy, WALGA who briefly spoke on the draft report, "The Journey: Sustainability into the Future". An Executive Summary has been provided by WALGA and is attached for information. Further information is available from Mr Brown on tbrown@walga.asn.au or 9213 2051.

Submissions on the draft report are due by 15 April 2008 and a further opportunity will be provided by WALGA through a report to the next Zone meeting for a coordinated response from the Zone, due by 04 June 2008.

1. Executive Summary

The public release of this Paper is a concluding stage of the extended research, investigation and consultation process known as the Systemic Sustainability Study for Local Government in Western Australia.

The beginnings of those processes can be dated from 2004 when, as part of the lead-up to the 2005 State election both major political parties made statements heralding the future reform of the Local Government Sector. This resulted in a 2004 AGM motion requesting the WA Local Government Association (WALGA) to conduct a Structural Reform forum. The consequent forum, held in November 2005 featured Jeff Kennett sharing his experience in Victoria and Brian Dollery of New England University who presented a number of versions of 'cooperative regionalism', which were positively received by the audience.

The Northern Country Zone of WALGA held its AGM/ Conference in March 2005 on the theme 'Amalgamate, Cooperate or Disintegrate'. The 2005 WALGA AGM passed a resolution for WALGA to lead the development of a framework that would assist individual Councils to review, debate and consider the future sustainability of Local Government and to ensure the framework encompassed the assessment of economic, social capabilities and capacities of individual communities and regions. In late 2005 WALGA appointed a three-member panel chaired by Professor Greg Craven, then of Curtin University of Technology to research and investigate the sustainability of Local Government in Western Australia.

This Systemic Sustainability Study Panel (The SSS Panel) was supported by the commissioning of a report by Access Economics, *Local Government Finances in Western Australia* (June 2006). Based on the analysis by Access Economics and from their extensive consultation with Local Government representatives from throughout WA, the Panel framed 41 Recommendations for further action. The Association formed a Taskforce of its State Council to oversee the process. This Taskforce resolved to carry forward the SSS Panel recommendations. The Panel Report *In Your Hands* (The SSS Panel Report) was released in December 2006 and referred for further input from an industry forum 'The Journey' in April 2007. The WALGA Taskforce then convened 5 Working Parties made up of Councillors and senior Local Government managers from across the State. These Working Parties addressed the following themes from the SSS Panel Report:

- leadership for change
- finance
- revenue
- services
- capability.

The working parties concluded their investigations and reported to the WALGA Taskforce in December 2007 and January 2008. This paper is constructed around the outputs of these working parties, with Sections dealing with each of the identified themes.

This is a unique exercise in the experience of Local Government in Australia. It is the first time that such an extensive evidence based evaluation of the Local Government sector has been initiated and concluded by the sector.

It arises in a particular context. In all other States of Australia (and in New Zealand) there has been externally imposed reform of Local Government. In Australia, this reform has been driven by State Governments. The common characteristic in all cases has been structural reform and forced amalgamation of Local Governments to generate greater efficiency through the creation of economies of scale.

The window of opportunity for Local Government in Western Australia has been narrowing throughout the duration of the Systemic Sustainability Study. The WA State Government has honoured its commitment to refrain from imposing reform during the current term of government. But with an election due no later than the first quarter of 2009, the threat of external intervention is renewed. WALGA has also been aware that failing to initiate a determined and disciplined response by Local Government risks testing the patience of the State Government. In April 2007, despite a State Government agreement to fund a voluntary reform process within Local Government, the Queensland Government moved with enforced change.

The five working parties achieved high levels of agreement around the direction for reform in Local Government. In July 2007 a workshop consisting of the WALGA Executive Team and working party members was convened to establish the level of alignment between the frameworks emerging in their respective areas. The result of the discussion was a Vision Statement to guide the continuing efforts of the working parties:

"Local Government will implement and maintain a governance model that integrates effective service delivery (on a regional basis) with appropriate political representation (on a local basis)."

The Vision was based on the outcome of consultations to that point which had been reported in the SSS Panel Report, confirmed at the April 2007 Forum, and repeatedly expressed in the course of the working parties' efforts.

The firmly held view, based on this combined effort, was that the core strength of Local Government lies in its representational base for the aspirations and expectations of local communities.

While for numerous and pressing reasons reform was absolutely necessary, measures which sacrificed this strength should not be advocated.

This conviction, based as it is on a combination of evidence and opinion, has led to the proposal for a major shift in the functional arrangements for delivery of services by Local Government. In this plan that major shift in the platform for delivery of services and functions is designated 'The Regional Model'. A separate Section of this paper elaborates on the framework for this model and includes three pre-feasibility analyses evaluating the model for its usefulness in service areas common to Local Governments. Each of the Sections arising from the working parties explores the implications of failing to undertake decisive reform built around a combination of local, regional and state-wide service platforms.

A key driver for a move to The Regional Model is the recognition of the increasing difficulties faced by Local Governments in securing the numerous skills sets, many of them required as a prerequisite for delivery of services and functions stipulated by law as the responsibility of Local Government as a sector. This dynamic and the internal and external pressures of an increasingly competitive labour market in WA were matters focused upon by the SSS Panel in its report.

The Capability Section addresses these drivers for change. The Section introduces a Discussion Paper, which appears as an appendix to the paper, on the possible creation of a Local Government Standards Office to pursue best practice in ethical and operational performance.

Associated with the capability issues confronting the sector are the mounting pressures surrounding service expectations in the communities to which Local Governments owe primary loyalty. Arising from a variety of sources, Local Governments are under increasing pressure to improve the quality of existing services and to assume responsibility for an increasing range of services into the future. These pressures are evidenced by the extraordinary efforts of individual Local Governments to respond to their communities' needs for services as diverse as primary health care to telecommunications, none of which lie within the traditional range of services delegated to Local Government. The shift to The Regional Model and its potential benefits from this perspective are canvassed in the Services Section of this paper.

Of central importance to the capacity of Local Government to meet its obligations for delivery of a wide range of services of high quality, is the all important matter of resourcing. At the core of this discussion is the revenue raising capacity of the sector. The Revenue Section discusses these matters at length and proposes a range of innovations as part of The Regional Model. These include:

- Enhanced capacity for Local Governments to create trading entities to generate income from services delivery.
- Adoption of best practice models for rate setting; the fixing of fees and charges; and the administration of grants.
- New best practice for the setting of development charges.
- Increased use of prudentially managed debt as a means to address appropriate issues such as replacement and renewal of community infrastructure.
- The creation of a Local Government Independent Assistance Commission to support and advise Local Governments in their efforts to achieve best practice standards in all areas.

These recommendations are closely linked with a range of measures discussed in the Finance Section. The proposed Assistance Commission is seen as supporting significant improvement in the ability of Local Government to achieve:

- Sector wide adoption of long term (10 year) financial plans.
- Increased transparency by annual reporting to communities on achievements against these plans.
- Markedly improved standards of infrastructure and asset management with mapping, management and funding to be achieved through adoption of The Regional Model.

This Section also contains the proposal for a Local Government Finance Authority to operate state-wide as a financial vehicle to leverage the significant buying power of Local Government and to apply resourcing to key strategic areas, most notably addressing the infrastructure backlog which presents as a major vulnerability and challenge to the credibility of Local Government.

The achievement of change to The Regional Model will entail significant ongoing leadership. The range of associated issues and suggested mechanisms are

explored in the Leadership for Change Section of the paper. This Section also contains an outline of the final opportunity for input on the final form of this paper which is summarised here:

- Whilst further discussion and input is encouraged on this Draft Paper, further extensive debate on the contents of the Final Paper is not proposed.
- Opportunity for the details of specific proposals and the manner of their implementation to be discussed and agreed.
- The proposals in this paper should be taken as clear statements of intent.
- As with the SSS Panel Report this paper represents public disclosure on the state of Local Government in WA. It cannot now be undone.
- The paper will be open for comment for a period of 6 weeks concluding April 15, 2008.
- Suggestions for the amendment and enhancement of proposals for achievement of their intended purposes are most welcome, as are additional proposals directed to the identified issues.
- Local Governments will be offered opportunity for input through WALGA processes. Members of the public may comment in writing to Tim Lane at tlane@walga.asn.au or via telephone to 9213 2029.
- Comments will be considered and the final draft paper submitted to the WALGA State Council meeting of June 4, 2008 seeking endorsement of the final document.

Achievement of The Regional Model will not occur without genuine commitment by Local Governments to properly support and strategically engage with the Regional Model. For this reason it is positioned as the key outcome of the 10 Year Plan. Many of the recommendations in this paper entail amendment to the Local Government Act 1995 and Regulations. Others propose the creation of new institutional arrangements to support the change process and to consolidate its outcomes. To assist Local Governments in confronting the challenges posed in the 10 Year Plan a Sustainability Checklist has been developed and appears in the Models and Tools Section of the paper. Appendices include a number of substantial reports upon which major recommendations are based.

A Summary of Recommendations is also provided as a reference. These recommendations are organised according to theme area; identifying a provisional order for their delivery across the 10 Year Plan; and highlighting those requiring legislative change.

The challenges to Local Government embodied in the 10 Year Plan and its Regional Model are not avoided in this paper. They are substantial but overcoming them is considered central to the retention of quality of life for the community served by Local Government. While acknowledging the excellent efforts of many Local Governments in grappling with the identified issues, the approach to date is in the nature of ad hoc responses to endemic issues of great significance to the current and future generations.

A hidden feature of external intervention by State Governments to force structural change, usually through amalgamations of Local Governments, is their distraction value. The focus is upon Local Government but rarely upon the deficiencies in planning and funding of services by the State and Commonwealth Governments

and the private sector. Repeatedly in this paper the fiscal imbalance impacting upon Local Government and associated increasing cost transfers and service demands raised as key issues requiring debate and resolution. The Regional Model poses a significant opportunity by advocating Local Government's role as a catalyst for change in these underlying dynamics.

By avoiding the challenges posed in this paper Local Government will fail to consolidate its position as a responsible and competent partner in the collaborative effort required to reverse current trends and secure greater sustainability into the future.

MOTION Cr Fishwick /Cr Roberts

That the Deputations provided by the Department of Racing, Gaming and Liquor and WALGA be ACCEPTED.

CARRIED

6. MATTERS REFERRED TO WALGA

6.1 Status Report on Matters Referred to WALGA State Council for Action

As a means of increasing communication and providing feedback to the North Metropolitan Zone Committee a schedule has been prepared on matters referred to WALGA State Council for action.

MOTION Cr Tyzack/Cr McLean

That the status report be received.

CARRIED



North Metropolitan Zone STATUS REPORT March 2008

Zone	Agenda Item	Zone Resolution	WALGA Response	Up- date	WALGA Contact
North M	2008 January 31 Zone Agenda Item 8.1 Review of Fire & Emergency Services Levy Administration Fee	 That WALGA make representation to the Minister for Emergency Services to establish a reasonable ongoing basis for the calculation of the administrative fee paid to local authorities to collect the FESA levy. That the administrative fee be based on a fee per property, which is increased annually in line with some accepted index, eg. CPI, Local Government Cost Index or a percentage of amounts raised by the levy. 	The Association has written to the Minister of Emergency Services requesting that indexing be applied to the Administration fee paid to Local Government to collect the Emergency Services Levy. Awaiting response.	March 08	Jodie Holbrook Policy Manager Community Ph: 9213 2044 Email: jholbrook@walga.asn.au
North M	2008 January 31 Zone Agenda Item 7.1\ Beach Health Study Highlights Dangers of Storm Water Agenda Item 7.4 – Zone Meeting 27 September 2007	A enquiry was raised as to whether any further progress had been made as a result of discussions with the Water Corporation and Department of Water, as indicated in the WALGA Response. WALGA representatives advised that no further information had been forthcoming to date. An enquiry was also made as to why the Department of Health had not been approached by WALGA in relation to this issue. The Chairperson confirmed that this query would be taken on notice, and that WALGA would be requested to approach the Department of Health in relation to this matter.	The request for the involvement of the Department of Health has been both noted and addressed. Preliminary discussions with the Department of Water indicate no further action has been taken by them, and that the Swan Catchment Council will not fund any future work in relation to the outcomes of the report. A meeting of the relevant agencies, including Local Government Environmental Health Officers, has been arranged, and the issue will also be raised with the respective Ministers (Health, Water, and Environment) at the earliest opportunity. The outcomes of the meeting and future progress on this issue will be provided in the Environment Key Activities Report within the State Council Agenda.	March 08	Mark Batty Executive Manager Environment and Waste Ph: 9213 2078 mbatty@walga.asn.au

North M	2008 January 31 Zone Agenda Item 7.1\ "Requirements by the Department of Conservation and Environment for Environmental Offsets When Clearing Permits are Sought for Public Works on Reserved Land" Agenda Item 7.5 – Zone Meeting 29 November 2007	Clarification was sought from WALGA representatives with respect to the degree of urgency that was being assigned to this issue. Concern was expressed in relation to the comment contained in the WALGA response that a working group was to be established to investigate the process of managing roadside conservation assets. The primary issue of concern to Local Government was the fact that the need to provide environmental offsets prior to permission being granted for clearing was significantly delaying vital roadworks. It was emphasised that this was an issue of critical importance to the City of Wanneroo. WALGA representatives confirmed that this issue was also of major concern to many rural local governments, and that the Minister was fully aware of these concerns. WALGA was currently working with the Minister to develop a proposal to divide the State into three separate zones (two rural, one metropolitan), with specific guidelines for each zone. Another proposal that may be considered is the identification of all unconstructed, gazetted road reserves, with a view to using these areas as offsets against road reserve clearing applications. The working group was scheduled to meet on Tuesday, 5 February 2008.	The regulations in relation to the clearing of vegetation are quite clear, including the need to provide offsets. To this end, the Association continues to lobby for a legislative review of the Act. The City of Wanneroo is developing a Local Biodiversity Strategy, the endorsement of which will be agreed under the State Local Government Climate Change and Sustainability Partnership Agreement (2007). In order to formalise a considered response, the Association has sought an update on the status of the City of Wanneroo Local Biodiversity Strategy as the successful development and timely implementation of a Local Biodiversity Strategy would alleviate much of the concerns of the City about requirements for offsets, as these issues and opportunities would be identified early in the planning process, not at the road construction stage of subdivisional development.	March 08	Mark Batty Executive Manager Environment and Waste Ph: 9213 2078 mbatty@walga.asn.au
North M	2008 January 31 Zone Agenda Item 8.4 Rating of Land Used for Charitable Purposes	That WALGA continue to pursue as a matter of priority with the State Government the enactment of amendments to the charitable exemption provisions of the <i>Local Government Act</i> 1995 to bring clarity, consistency and fairness to the legislation.	The Association has advised the Minister for Local Government of its disappointment at the decision for no changes to the Act, as the Local Government sector was looking for some certainty in respect to this issue. This decision merely maintains the status quo and does not solve the problem. Problems arise from uncertainty pertaining to what is defined as charitable purposes, which is separate from the not-for-profit category. The Association will continue to advocate on this issue.	March 08	Tony Brown Executive Manager Governance and Strategy Ph: 9213 2051 tbrown@walga.asn.au
North M	2008 January 31 Zone Agenda Item 8.3 Recognition of Local Government in the Australian Constitution	That the North Metropolitan Zone lobby WALGA to raise the desire to achieve constitutional recognition of local government with the Australian Local Government Association and the Commonwealth Government.	An agenda item has been prepared for the April 2008 State Council Agenda.	March 08	Wayne Scheggia Deputy CEO Ph: 9213 2024 wscheggia@walga.asn.au

North M	2007 November 29	That the North Metropolitan Zone Committee REQUEST WALGA	The Association wrote to ALGA in early January 2008.	March	Jodie Holbrook
	Zone Agenda Item 7.4	to again raise the issue of funding citizenship ceremonies with	Awaiting response.	80	Policy Manager Community
	Reimbursement of Local	ALGA, with the objective of further lobbying the Commonwealth			Ph: 9213 2044
	Government Costs Incurred in	Government to change its position on this matter.			Email: jholbrook@walga.asn.au
	the Administration and				
	Operation of Citizenship				
	Ceremonies.				
North M	2007 November 29	That the North Metropolitan Zone Committee seeks the Western	This item has been referred to the April 08 Governance Policy Team	Mar	Tony Brown
	Zone Agenda Item 7.3	Australian Local Government Association's support to lobby the	meeting.	80	Executive Manager Governance
	Use of Differential Rating to	State Government to amend the current legislative provisions in			& Strategy
	Discourage the Holding of	relation to differential rating to enable a differential rate to be			Phone: 9213 2051
	Undeveloped Land	applied on the basis of the length of time a property has remained			Email: tbrown@walga.asn.au
		in an undeveloped state.			

7. REPORTS FROM MEMBER COUNCILS

7.1 Draft Perth Coastal Planning Strategy – Presentation Request by Department of Planning & Infrastructure

By WALGA

IN BRIEF

Seeking an opportunity for representatives from the Department of Planning & Infrastructure (DPI) to present the draft Perth Coastal Planning Strategy.

BACKGROUND

The WA Planning Commission's (WAPC) draft Perth Coastal Planning Strategy has been prepared and coordinated by the DPI. This document will be released for public comment in the very near future. The DPI requests an opportunity, as part of its public consultation phase, to make a presentation to the Metropolitan Zones impacted by the proposed strategy.

MOTION Cr Re/Cr Tyzack

That the North Metropolitan Zone extend an invitation to the DPI to present the draft Perth Coastal Planning Strategy, as part of the public consultation process, to the Zone meeting scheduled for Thursday, 22 May 2008.

CARRIED

7.2 Energy Efficient Street Lighting

By City of Joondalup

IN BRIEF

The City of Joondalup has reviewed recent publications relating to the energy efficiency of street lighting.

One of these documents was the 'Improved Street Lighting Study for Greenhouse and Safety benefits: Institutional and Technical Review by Sage Consulting Engineers and commissioned by WALGA.

It is believed that there is opportunity for WALGA to continue to play an active role in lobbying the State Government to address the barriers that are preventing local government from retrofitting existing lighting towards more energy efficient street lighting.

BACKGROUND

The Western Australian Local Government Association and the Sustainable Energy Development Office commissioned an Institutional and Technical Review of current street lighting in Western Australia with the primary aim of upgrading street lighting to Australian Standards in the most energy efficient way. The report by Sage Consulting 'Improved Street Lighting Study for Greenhouse and Safety Benefits' was released in June 2007.

This report identified that 'it is possible for local government to halve energy consumption of street lighting with no drop in performance. An option is to improve street lighting to AS/NZS 1158 and still achieve energy savings'.

This review provides a sound basis for using energy efficient lighting in future projects and programs but did not make significant progress towards addressing the considerable problem of owned and operated lighting across much of the metropolitan area.

COMMENT

The City of Joondalup, along with many other similarly planned and aged metropolitan councils, has a huge legacy of poorly designed lighting systems using inefficient lamps which are owned and operated by Western Power. The local government had no say in the choice of lighting and lamp technology at the time of subdivision and the conversion of these systems now will require a considerable capital investment either by Western Power or the local government or both to adequately address the lighting standard and greenhouse gas issue.

This issue, common to all metropolitan councils will require a high level governmental approach to resolve. The City of Joondalup believes that WALGA is well-placed to represent local governments from across the metropolitan area and work with Western Power and State Government to find a solution for improving the energy efficiency of existing street lighting.

This would continue the good work that WALGA has already done through their recently released institutional and technical review.

MOTION Cr McLean/Cr Fishwick

With the consent of the Mover and Seconder the motion was amended to include the word "strongly" before lobbying.

That the North Metropolitan Zone recommends that WALGA considers *strongly* lobbying the State Government to address the issue of improving the energy efficiency of existing street lighting across the metropolitan area.

CARRIED

7.4 Amendment to the Application of s33 of the Bushfires Act 1954

By City of Wanneroo

IN BRIEF

- Currently the crown is exempt from the application of Section 33 of the Bushfires Act 1954, under which Local Government can require owners of land to clear or plough a firebreak.
 Due to this, many state government agencies neglect their responsibility to install a suitable firebreak which places the community and property at risk.
- This matter has been considered in a number of government reports, including the Community Development and Justice Standing Committee (CDJSC) 'Inquiry into Fire and Emergency Services Legislation' where although it was recognized that to bind the crown may render Section 33 unworkable, the recommendations included that the emergency services act is to bind the crown (Recommendation 4) and that Local Government should retain it's ability to issue fire-break and hazard reduction notices and exercise enforcement powers under Section 33
- As there has been no implementation of the recommendations of these reports in relation to binding the crown, it is recommended that WALGA lobby the state government to amend the Bushfires Act 1954, to allow the application of Section 33 to State Government bodies and instrumentalities

BACKGROUND

Local Government is currently responsible in part for fire mitigation activities with the application of the Bushfires Act 1954, under which Local Government can require owners of land to clear or plough a firebreak (S33). Despite this, the Crown is not bound by this Act, and a number of Western Australian Local Governments, including the City of Wanneroo have had significant issues in working with state government agencies to take responsibility for mitigation of fire risk by getting them to install suitable firebreaks. This means that state government instrumentalities are not taking sufficient responsibility for bushfire mitigation, and sets a negative example to surrounding land owners which are expected to comply with the provisions of the Act, and may set these land owners at unnecessary risk in addition to the community at large.

Local Government is currently able to issues notices under Section 33(1) of the Bushfires Act 1954, requiring an owner of land to plough or clear a fire break. Currently under this Act, the state is exempt for having to undertake firebreak and other mitigation works on it's land, as the Bushfires Act 1954 does not generally bind the Crown. In addition, general legal advice previously received by the City of Wanneroo indicates that the Section 33 generally implies that the Crown is excluded from the operation of this section unless specifically prescribed. In addition, Section 34 of the Act provides entry to crown land for the purpose of clearing or burning firebreaks. As this section specifically provides for burning on Crown Land in specific circumstances, it is likely that as this is specified, the intention is that Section 33 then does not apply to Crown Land.

There have been a number of both Commonwealth and State reports which have looked at the role of risk reduction in fire mitigation and management which supports in principal the consistency in the application of mitigation works such as are able to be required under Section 33, including the Council of Australian Governments (COAG) Inquiry on Bushfire Mitigation and Management (1994) and the Community Development and Justice Standing Committee report Inquiry into Fire and Emergency Services Legislation.

The COAG report notes as part of consistent themes in it's report is that a greater emphasis on resources and activities should be directed towards prevention activities including fuel reduction, protective burning, and the roles and responsibilities of Local Government have been something which has increasing importance in these activities.

Consideration of if the Emergency Services Act should bind the crown was considered in the Community Development and Justice Standing Committee report 'Inquiry into Fire and Emergency Services Legislation', and the exemption of the state from having to undertake firebreak or other fire mitigation works was a major consideration in the discussion. The main comments in the report related to the lack of equity and accountability of the state and the resultant impact on neighbouring properties. The report recognized that there were a number of inherent issues in the application of binding the crown to the Emergency Services Act, including potential financial, practical and environmental implications of fire break and fire mitigation works and as a result, the Committee:

"supported the emergency services Act binding the Crown for reasons of equity and consistency, however is aware that if, for instance, the Bush Fires Act 1954 is amended to bind the Crown, there would be a risk of it becoming unworkable. It is suggested however that the Acts be repealed and re-drafted, allowing the State the opportunity to develop flexible legislation that enables land owners and land managers to use fire prevention tools in addition to, or as an alternative to, fire-breaks."

FESA as part of it's corporate position and recommendations to the inquiry recommended that provision be made to bind the Crown to an emergency services act, of which the greatest impact will be the ability to ensure a consistent approach to fire management as the state will no longer be exempt from having to undertake firebreaks, and/or other fire mitigation works upon it's land.

Although there has been a general recognition that there will be significant implementation issues, there is a recognition generally of the need to bind the crown in relation to fire management.

Submissions to the inquiry which were cited in the final report, which supported binding the Crown in relation to fire management included:

Association of Volunteer Bush Fire Brigades

Mr Peter Cann A/Director Country North FESA

Western Australian Farmers Federation

Pastoralists and Graziers Associations

Dampier VFRS

Local Government submissions cited which support binding the crown included:

Town of Victoria Park

Shire of Manjimup

Shire of Mundaring

City of Wanneroo

City of Bunbury

Submissions from Local Government in particular cite the issues associated with equity, and placing the community at risk with firebreaks not being installed on tracts of crown land and reserves.

COMMENT

The recommendations of the Community Development and Justice Standing Committee report 'Inquiry into Fire and Emergency Services Legislation' supports an amalgamation of the Fire Brigades Act 1942, the Bushfires Act 1954 and the Fire and Emergency Services Authority of Western Australia Act 1998 into one consolidated act, and binding the crown. The intent from the report is to bind to crown, and for Local Government to retain responsibility for exercising enforcement powers under the legislation (similar to the intent of Section 33) but also recommends providing flexibility in the application of fire management and prevention tools in addition to firebreaks.

However, given the lack of implementation of the recommendations in relation to binding the Crown, in the interim, Local Government is left with addressing significant issues associated with equity for land owners, reduction of genuine risks, and the installation of firebreaks. Some state government agencies have partnered with Local Governments in some instances to address fuel loads or install firebreaks, however, many use the exemptions under the Bushfires Act 1954, as an excuse to not engage around fire management planning.

Although in particular regions such as the Kimberley, Pilbara or remote areas of the state, there are significant logistical issues with the implementation of Section 33, in many other areas including areas in the rural-urban fringe there should be no need for the provisions of Section 33 not to bind the Crown.

In the absence of FESA implementing the recommendations of the Community Development and Justice Standing Committee Inquiry report, and consolidating the legislation in a way in which binds the crown, it is recommended that North Zone refer this matter to State Council for a decision, recommending that WALGA lobby the State Government to amend the Bushfires Act 1954, with specific reference to the application of Section 33 binding the Crown to enable Local Government to enforce the provisions of the Section to reduce the risk and impact of fire to property and the community.

MOTION Cr Roberts/Cr Gray

That North Zone refer this matter to WALGA State Council, recommending that WALGA State Council lobby the State Government for an amendment to Section 33 of the Bushfires Act 1954 to bind the Crown, enabling Local Governments to issue notices under Section 33 to State Government instrumentalities for the clearing of firebreaks.

CARRIED

8. WALGA STATE COUNCIL AGENDA – MATTERS FOR DISCUSSION

(Zone delegates to consider the Matters for Decision contained in the WALGA State Council Agenda and put forward resolutions to Zone Representatives on State Council)

Matters of Particular Interest on State Council Agenda

Nil

MOTION Cr Miles/Cr McLean

That the WALGA State Council Agenda be received.

CARRIED

9. WALGA STATE COUNCIL MEMBERS' REPORTS

Nil

10. GENERAL BUSINESS

Nil

11. DATE, TIME & PLACE OF NEXT MEETING

The next meeting of the North Metropolitan Zone will be held at the City of Wanneroo on Thursday, 22 May 2008, commencing at 6.00pm.

12. CLOSURE

There being no further business the Chairperson declared the meeting closed at 7.55pm.



Ordinary Meeting of Council

MINUTES

Thursday 24 April 2008 Town of Cambridge, 5.30pm

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 Town of Vincent City of Wanneroo

MEMBERSHIP

OWNER COUNCIL	MEMBER	ALTERNATE MEMBER
Town of Cambridge	Mayor Simon Withers	
City of Joondalup	Cr Albert Jacob Mayor Troy Pickard	
City of Perth	Cr Eleni Evangel	
City of Stirling	Cr Paul Collins Cr John Italiano Cr David Michael Cr Bill Stewart	Cr Kathryn Thomas Cr Terry Tyzack
Town of Victoria Park	Mayor Trevor Vaughan	
Town of Vincent	Mayor Nick Catania	Cr Steed Farrell
City of Wanneroo	Cr Tracey Roberts Cr Bob Smithson	Cr Alan Blencowe Cr Frank Cvitan

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.

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PRESENT

Chairman Cr Troy Pickard

Deputy Chairman Cr Tracey Roberts

Councillors Cr Nick Catania

Cr Paul Collins Cr Eleni Evangel

(departed meeting at 6.24pm and returned at 6.26pm)

Cr John Italiano

Cr Albert Jacob (departed meeting 6.26pm)

Cr David Michael Cr Bob Smithson Cr Bill Stewart

(departed meeting at 6.38pm and returned at 6.40pm)

Cr Trevor Vaughan Cr Simon Withers

Alternate Members Nil

Staff Rod Constantine (Chief Executive Officer)

Kylie Jeffs (Minute Clerk)

Apologies Councillors Nil

Leave of Absence Nil

Absent Nil

Consultants Nil

Apologies Represented Councils' Advisers

Nil

In Attendance Mr Lewis Bond (City of Perth)

Mr Brian Callander (Town of Victoria Park)
Mr Jason Buckley (Town of Cambridge)
Mr John Giorgi (Town of Vincent)
Mr Garry Hunt (City of Joondalup)
Mr Charles Johnson (City of Wanneroo)
Mr Jason Lyon (Town of Cambridge)

Members of the Public Nil

Press Nil

1. OFFICIAL OPENING

The meeting was declared open at 5.53pm.

DISCLOSURE OF INTERESTS

- Cr Bill Stewart declared an interest affecting impartiality for Item 8 due to his support for Mr Rod Constantine's award of Freeman of the City of Stirling.
- Cr Troy Pickard declared an interest affecting impartiality for Item 9.5 due to his previous working relationship with one of the potential tenderers of tender number 18.121.624 1/2008.
- Cr Paul Collins declared an interest affecting impartiality for Item 9.5 as he has had business dealings with a number of the potential tenderers.
- Cr John Italiano declared an interest affecting impartiality for Item 9.5 due to his knowledge of one of the potential tenderers of tender number 18.121.624 1/2008.
- Cr Bill Stewart declared an interest affecting impartiality for Item 9.5 due
 to him being a Councillor of the City of Stirling when Mr Tony Vallelonga
 served as Mayor (Mr Vallelonga is the major shareholder of Davco
 Holding Pty Ltd). Davco Holding Pty Ltd was issued with a tender
 package attended the tender briefing session for tender number
 18.121.624 1/2008.

2. PUBLIC STATEMENT/QUESTION TIME

Nil

3. APOLOGIES AND LEAVE OF ABSENCE

Cr David Michael requested a leave of absence for the period 1 May 2008 to 28 June 2008 inclusive.

Moved Cr E Evangel, Seconded Cr J Italiano

That leave of absence from Council and other meetings be granted to Cr David Michael for the period 1 May 2008 to 28 June 2008 inclusive.

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

4. PETITIONS

Nil

5. CONFIRMATION OF MINUTES

Ordinary Meeting of Council – 21 February 2008

Moved Cr B Stewart, Seconded Cr P Collins

That the minutes of the Ordinary Meeting of Council of 21 February 2008 be confirmed, and signed by the Chairman, as a true and correct record of proceedings, subject to an amendment in Item 12 paragraph 1 to change the words 'Business Arising from the Meeting' to 'Business Arising from the Minutes' and the words 'after General Business' to 'after Confirmation of Minutes'.

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

Special Meeting of Council – 13 March 2008

Moved Cr T Vaughan, Seconded Cr P Collins

That the minutes of the Special Meeting of Council of 13 March 2008 be confirmed, and signed by the Chairman, as a true and correct record of proceedings.

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

6. ANNOUNCEMENTS BY CHAIRMAN (WITHOUT DISCUSSION)

 The Chairman advised that the CEO Performance Review Committee had met to discuss the feedback from Council members on the KRA assessments previously distributed by Workplace Solutions. The feedback has also been discussed with TPRC CEO Mr R Constantine.

A report will be presented to the next meeting of Council noting satisfaction with the performance of the TPRC CEO for the assessment period of October 2006 to October 2007 and recommending salary CPI increases in accordance with contract.

7. MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil

8. REPORTS OF COMMITTEES

CEO Performance Review Committee Meeting Minutes - 13 March 2008

Moved Cr B Stewart, Seconded Cr T Roberts

That the minutes of the CEO Performance Review Committee meeting of 13 March 2008 be confirmed, and signed by the Chairman, as a true and correct record of proceedings.

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

9. ADMINISTRATION REPORTS

9.1 BUSINESS REPORT - PERIOD ENDING 31 MARCH 2008

Moved Cr E Evangel, Seconded Cr A Jacob

[The Motion recommended in the agenda]

That the Business Report to 31 March 2008 be RECEIVED.

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

9.2 STATEMENTS OF FINANCIAL ACTIVITY FOR THE MONTHS FEBRUARY 2008 AND MARCH 2008

Moved Cr P Collins, Seconded Cr T Vaughan

[The Motion recommended in the agenda]

That the Council RECEIVE and NOTE the Statement(s) of Financial Activity for the months ending 29 February 2008 and 31 March 2008.

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

9.3 LIST OF MONTHLY ACCOUNTS SUBMITTED FOR THE MONTHS FEBRUARY 2008 AND MARCH 2008

Moved Cr B Stewart, Seconded Cr P Collins

[The Motion recommended in the agenda]

That the Council RECEIVE and NOTE the list of accounts paid under Delegated Authority to the CEO for each of the months February 2008 and March 2008:

- Month ending 29 February 2008 (Total \$100,680.14); and
- Month ending 31 March 2008 (Total \$42,875.95)
- Total Paid \$143,556.09

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

9.4 INDICATIVE PROJECT CASH FLOW - DEVELOPMENT LOT 9504 MINDARIE

[The Motion recommended in the agenda]

- 1) That the draft project cash flow be NOTED.
- 2) That a review of the project cash flow be UNDERTAKEN periodically and reported during the planning phase for the project at 6 monthly intervals or more often, as changed circumstances may require.

Moved Cr P Collins, Seconded Cr J Italiano that the Motion be amended by the addition of a clause 3 to read as follows:

- 1) That the draft project cash flow be NOTED.
- 2) That a review of the project cash flow be UNDERTAKEN periodically and reported during the planning phase for the project at 6 monthly intervals or more often, as changed circumstances may require.
- 3) That future project cash flows be SUBMITTED to the Council as confidential items.

Cr A Jacob retired from the meeting at 6.26pm during debate and before voting on this item.

The Amendment and Amended Motion were put and declared CARRIED (11/0).

9.5 TENDER STATUS REPORT - STRUCTURE PLANNING LOT 9504, MINDARIE

Cr T Pickard, Cr P Collins, Cr J Italiano and Cr B Stewart declared an interest affecting impartiality for item 9.5.

Moved Cr D Michael, Seconded Cr T Vaughan

[The Motion recommended in the agenda]

That the report be RECEIVED.

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

9.6 STRUCTURE PLAN EVALUATION – PART LOT 9504 MINDARIE

[The Motion recommended in the agenda]

- 1. That subject to (2) the Council APPROVE the listed schedule of items for evaluation of the tenders for structure planning of Part Lot 9504 Mindarie and adjacent land.
- 2. That in lieu of Council meeting prospective appointees on 15 May 2008, the Council AWAIT completion of a recommendation by the tender evaluation panel or, alternatively, appoint a Council representative to the evaluation panel.
- 3. That an alternative evaluation timetable PROVIDE a 2-week contingency period and that, if necessary, the schedule be brought back to the Council with an alternative date for the Council to resolve the appointment of a success tenderer.

Moved Cr P Collins, Seconded Cr J Italiano that the Motion be amended as follows:

- 1. That the Council APPROVE the project schedule for evaluation of the tenders for structure planning of Part Lot 9504 Mindarie and adjacent land as shown in appendix item 9.6.
- 2. That Council INVITE all tenderers to present a PowerPoint presentation to TPRC Council on 15 May 2008 of 20 minutes with up to 10 minute question time on the same terms and directions as decided by the TPRC CEO.
- 3. That Council ENDORSE the tender evaluation panel of:
 - CEO Tamala Park Regional Council R Constantine
 - CEO Town of Cambridge J Buckley
 - CEO Town of Vincent J Giorgi
 - Director of Planning City of Stirling R Povey
 - Project Officer City of Perth L Bond

The Amendment and Amended Motion were put and declared CARRIED (11/0).

9.7 NEGOTIATIONS FOR ACQUISITION OF LAND – CORNER NEERABUP ROAD, MITCHELL FREEWAY - CLARKSON

[The Motion recommended in the agenda]

- 1) That the WAPC be FURTHER REQUESTED to proceed with an Improvement Plan for the Main Roads WA and DPI land comprising 10.8 hectares at the corner of Neerabup Road and the Mitchell Freeway at Clarkson and to NEGOTIATE the sale of the subject land to the TPRC in keeping with the tenor of the Negotiated Planning Solution between the WAPC and the owners of Lot 118 (now Lot 9504) Mindarie dated 27 September 2006.
- 2) That in the absence of a substantive response by 1 May 2008 (i.e. the closing date for submissions for structure planning) a DEPUTATION comprising the Chairman and representatives of the TPRC be ARRANGED with the WAPC to advance progress with a land transfer or some other mutually agreed solution that includes arrangements relating to shared involvement in structure planning for the Government land.
- 3) That respondents to the TPRC invitation to tender for consultancy services for structure planning be kept ADVISED of the progress of negotiations referred to in (1) and (2) above.

Moved Cr P Collins, Seconded Cr B Smithson that the Motion be amended as follows:

- 1) That the WAPC be FURTHER REQUESTED to proceed with an Improvement Plan for the Main Roads WA and DPI land comprising 10.8 hectares at the corner of Neerabup Road and the Mitchell Freeway at Clarkson and to NEGOTIATE the sale of the subject land to the TPRC in keeping with the tenor of the Negotiated Planning Solution between the WAPC and relevant agencies and Government Ministers and the owners of Lot 118 (now Lot 9504) Mindarie dated 27 September 2006.
- 2) That in the absence of a substantive response by 1 May 2008 (i.e. the closing date for submissions for structure planning) urgent DEPUTATIONS comprising the Chairman and representatives of the TPRC be ARRANGED with the WAPC to advance progress with a land transfer or some other mutually agreed solution that includes arrangements relating to shared involvement in structure planning for the Government land.
- 3) That respondents to the TPRC invitation to tender for consultancy services for structure planning be kept ADVISED of the progress of negotiations referred to in (1) and (2) above.

The Amendment and Amended Motion were put and declared CARRIED (11/0).

NB: In discussion on this item it was it was noted that under the agenda sub-heading 'Previous Minutes' the date '12 April 2008' should read '12 April 2007'.

9.8 NEERABUP ROAD

Moved Cr D Michael, Seconded Cr T Vaughan

[The Motion recommended in the agenda]

- 1. That the Council RECEIVE and NOTE the advice from MRWA in reference to the request for consideration of realignment of Neerabup Road to the southern boundary of the TPD.
- 2. That solutions to minimise the barrier created by Neerabup Road and other arterial roads surrounding the TPD land including potential solutions raised through the EBD process CONTINUE to be investigated through the structure planning.

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

9.9 WESTERN POWER – LAND ACQUISITION

[The Motion recommended in the agenda]

- 1. That the TPRC NEGOTIATE with Western Power and WAPC for the acquisition of the Main Roads WA land at the corner of Neerabup Road and the Mitchell Freeway for the following outcomes:
 - That the intent of the 2006 NPS be respected and TPRC be given priority rights in negotiation for the MRWA land at the corner of Neerabup Road and the Mitchell Freeway; and
 - That the TPRC recommend to the landowners of Lot 9504 Mindarie that a site within Lot 9504, preferably on the southern border of the land adjacent to or within land zoned POS be provided free of cost on the basis that:
 - The money saved by Western Power in acquiring a 1 hectare site for commercial value be used to underground transmission lines to the substation on the site provided free of cost.
 - That the Public Transport Authority work with the TPRC and other local planning agencies to provide such vehicle parking as is necessary in a solution that includes multi-purpose use of land.

Moved Cr P Collins, Seconded Cr T Roberts that the Motion be amended as follows:

- 1. That the TPRC NEGOTIATE with Western Power, WAPC and relevant Government Ministers for the acquisition of the Main Roads WA land at the corner of Neerabup Road and the Mitchell Freeway for the following outcomes:
 - That the intent of the 2006 NPS be respected and TPRC be given priority rights in negotiation for the MRWA land at the corner of Neerabup Road and the Mitchell Freeway; and
 - That the TPRC recommend to the landowners of Lot 9504 Mindarie that a site within Lot 9504, preferably on the southern border of the land adjacent to or within land zoned POS be provided free of cost on the basis that:
 - The money saved by Western Power in acquiring a 1 hectare site for commercial value be used to underground transmission lines to the substation on the site provided free of cost.

 That the Public Transport Authority work with the TPRC and other local planning agencies to provide such vehicle parking as is necessary in a solution that includes multi-purpose use of land.

The Amendment and Amended Motion were put and declared CARRIED (11/0).

10. ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN
Nil

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

Nil

12. URGENT BUSINESS APPROVED BY THE CHAIRMAN

Nil

13. MATTERS BEHIND CLOSED DOORS

Nil

14. GENERAL BUSINESS

Cr B Smithson raised a concern over the large number of kangaroos entering and leaving the Tamala Park area. The TPRC CEO is to assess the situation and make constructive recommendations as appropriate.

15. FORMAL CLOSURE OF MEETING

The Chairman declared the meeting closed at 7.40pm.

These minutes were confirmed at	a meeting on	
SIGNED this	day of	2008
as a true record of proceedings.		
	CHAI	RMAN



Special Meeting of Council

MINUTES

Thursday 15 May 2008 City of Joondalup, 5pm

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 Town of Vincent City of Wanneroo

MEMBERSHIP

OWNER COUNCIL	MEMBER	ALTERNATE MEMBER
Town of Cambridge	Mayor Simon Withers	
City of Joondalup	Cr Albert Jacob	
	Mayor Troy Pickard	
City of Perth	Cr Eleni Evangel	
City of Stirling	Cr Paul Collins	Cr Kathryn Thomas
	Cr John Italiano	Cr Terry Tyzack
	Cr David Michael	
	Cr Bill Stewart	
Town of Victoria Park	Mayor Trevor Vaughan	
Town of Vincent	Mayor Nick Catania	Cr Steed Farrell
City of Wanneroo	Cr Tracey Roberts	Cr Alan Blencowe
	Cr Bob Smithson	Cr Frank Cvitan

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.

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PRESENT

Chairman Cr Troy Pickard

Deputy Chairman Cr Tracey Roberts

Councillors Cr Nick Catania

Cr Paul Collins

Cr John Italiano – from 5.22pm

Cr Bob Smithson Cr Bill Stewart

Cr Trevor Vaughan - from 5.20pm

Cr Simon Withers

Alternate Members Cr Terry Tyzack (alternate member for Cr David Michael)

Staff Rod Constantine (Chief Executive Officer)

Kylie Jeffs (Minute Clerk)

Sean Lynch (City of Joondalup)

Apologies Councillors Cr Eleni Evangel

Cr Albert Jacob

Leave of Absence Cr David Michael

Absent Nil

Consultants Representatives from the following organisations that

submitted a tender for the provision of consultancy services for

structure planning (tender number 18.121.624 1/2008):

• Development Planning Strategies

Greg Rowe & Associates

RPS Koltasz Smith

TPG Town Planning & Urban Design

Apologies Councils'

Advisors

Charles Johnson (City of Wanneroo)

Councils' Advisors

In Attendance

Lewis Bond (City of Perth)

Jason Buckley (Town of Cambridge) Mark Dickson (City of Wanneroo)

John Giorgi (Town of Vincent) – from 5.50pm Ross Povey (City of Stirling) – from 5.24pm

Members of the Public Nil

Press Nil

PRELIMINARIES

Chairman Cr Troy Pickard said an opening prayer before the commencement of the meeting.

1. OFFICIAL OPENING

The meeting was declared open at 5.15pm.

DISCLOSURE OF INTERESTS

Cr Terry Tyzack declared an interest affecting impartiality for Item 6 as he had previously applied for a position of employment with Greg Rowe & Associates.

2. PUBLIC STATEMENT/QUESTION TIME

Nil

3. APOLOGIES AND LEAVE OF ABSENCE

Apologies were received from the following councillors:

- Cr Eleni Evangel
- Cr Albert Jacob

Cr David Michael has a leave of absence for the period 1 May 2008 to 28 June 2008 inclusive.

4. ANNOUNCEMENTS BY CHAIRMAN (WITHOUT DISCUSSION)

The Chairman advised that the format of the meeting would alternate between open and closed session, due to competing tendering companies presenting to Council.

5. MATTERS FOR WHICH MEETING MAY BE CLOSED

Item 6 – Purpose of the Meeting: To receive presentations from tenderers for structure planning for the Tamala Park development.

6. PURPOSE OF THE MEETING

Moved Cr T Roberts, Seconded Cr N Catania

That the meeting be CLOSED to allow a presentation from TPG Town Planning & Urban Design to be received by all members of Council and the following officers; R Constantine, K Jeffs, S Lynch, J Buckley, M Dickson and L Bond at 5.18pm.

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

Consultants present from TPG Town Planning & Urban Design were as follows:

- David Caddy (TPG Town Planning & Urban Design)
- Michael Chappel (representing sub-consultant Pracsys)
- Andrew Howe (TPG Town Planning & Urban Design)
- Debbie Kuh (representing sub-consultant Syrinx)
- Darren Levey (representing sub-consultant Uloth)
- Donna Shepheard (representing sub-consultant Creating Communities)

At 5.20pm TPG Town Planning & Urban Design gave a PowerPoint presentation based on the following items from their tender response:

- 1. Capability of the tenderer's practice and personnel;
- 2. Approach and methodology to the project;
- 3. Proposals for management of the project;
- 4. Community consultation for the project; and
- 5. Time issues

A brief question time followed the presentation.

Moved Cr T Roberts, Seconded Cr P Collins

That the presentation from TPG Town Planning & Urban Design be RECEIVED.

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

Moved Cr B Smithson, Seconded Cr T Vaughan

That the meeting be RESUMED in open session at 5.47pm.

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

Moved Cr T Roberts, Seconded Cr N Catania

That the meeting be CLOSED to allow a presentation from RPS Koltasz Smith to be received by all members of Council and the following officers; R Constantine, K Jeffs, S Lynch, J Buckley, M Dickson, L Bond, J Giorgi and R Povey at 5.57pm.

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

Consultants present from RPS Koltasz Smith were as follows:

- Julian Croudace (representing sub-consultant Ecoscape)
- Steve McDermott (representing sub-consultant GHD)
- Linton Pike (representing sub-consultant Estill & Associates)
- Lee Rodda (RPS Koltasz Smith)
- Troy Rodrigues (representing sub-consultant GHD)
- Steve Rolls (representing sub-consultant RPS Environment)
- Larry Smith (RPS Koltasz Smith)
- Neil Thom (RPS Koltasz Smith)

At 5.59pm RPS Koltasz Smith gave a PowerPoint presentation based on the following items from their tender response:

- 1. Capability of the tenderer's practice and personnel;
- 2. Approach and methodology to the project;
- 3. Proposals for management of the project;
- 4. Community consultation for the project; and
- 5. Time issues

A brief question time followed the presentation.

Moved Cr N Catania, Seconded Cr T Tyzack

That the presentation from RPS Koltasz Smith be RECEIVED.

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

Moved Cr B Stewart, Seconded Cr T Roberts

That the meeting be RESUMED in open session at 6.30pm.

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

Moved Cr T Roberts. Seconded Cr B Smithson

That the meeting be CLOSED to allow a presentation from Development Planning Strategies to be received by all members of Council and the following officers; R Constantine, K Jeffs, S Lynch, J Buckley, M Dickson, L Bond, J Giorgi and R Povey at 6.43pm.

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

Consultants present from Development Planning Strategies were as follows:

- Frank Arangio (Development Planning Strategies)
- Andrew Beveridge (representing Murdoch University)
- Paul Conti (representing sub-consultant ContiConsult)
- Judd Dyer (Development Planning Strategies)
- John Griffiths (Development Planning Strategies)
- David Leszenko (representing sub-consultant MacroPlan)
- Graham Meredith (Development Planning Strategies)
- Marie Verschuer (representing sub-consultant Estill & Associates)

At 6.44pm Development Planning Strategies gave a PowerPoint presentation based on the following items from their tender response:

- 1. Capability of the tenderer's practice and personnel;
- 2. Approach and methodology to the project;
- 3. Proposals for management of the project;
- 4. Community consultation for the project; and
- 5. Time issues

A brief question time followed the presentation.

Moved Cr N Catania, Seconded Cr T Roberts

That the presentation from Development Planning Strategies be RECEIVED.

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

Moved Cr N Catania, Seconded Cr T Roberts

That the meeting be RESUMED in open session at 7.25pm.

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

Cr Terry Tyzack declared an interest affecting impartiality as he had previously applied for a position of employment with Greg Rowe & Associates.

Moved Cr B Stewart, Seconded Cr B Smithson

That the meeting be CLOSED to allow a presentation from Greg Rowe & Associates to be received by all members of Council and the following officers; R Constantine, K Jeffs, S Lynch, J Buckley, M Dickson, L Bond, J Giorgi and Ross Povey at 7.31pm.

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

Consultants present from Greg Rowe & Associates were as follows:

- Greg Rowe (Greg Rowe & Associates)
- Greg Salter (Cameron Chisholm Nicol)
- Darren Evans (Greg Rowe & Associates)
- Luke Montgomery (Greg Rowe & Associates)

At 7.32pm Greg Rowe & Associates gave a PowerPoint presentation based on the following items from their tender response:

- 1. Capability of the tenderer's practice and personnel;
- 2. Approach and methodology to the project;
- 3. Proposals for management of the project;
- 4. Community consultation for the project; and
- 5. Time issues

A brief question time followed the presentation.

Moved Cr T Tyzack, Seconded Cr P Collins

That the presentation from Greg Rowe & Associates be RECEIVED.

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

Moved Cr N Catania, Seconded Cr P Collins

That the meeting be RESUMED in open session at 8.04pm.

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

 The TPRC CEO Mr R Constantine was asked to request tenderers to provide electronic copies of the four PowerPoint presentations for elected members.

•	It was noted that the original timeline targeting a recommendation report
	to the ordinary TPRC Council meeting on 19 June 2008 for appointment
	of a consultant would be retained.

7. FORMAL CLOSURE OF MEETING

The Chairman declared the meeting closed at 8.10pm.

These minutes were confirmed at a med	eting on	
SIGNED this	day of 2	2008
as a true record of proceedings.		
-	CHAIRMAN	