

TAMALA PARK  
REGIONAL COUNCIL

# Meeting of Council

## AGENDA

Thursday 30 November 2006  
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

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**TAMALA PARK REGIONAL COUNCIL**

Councillors of the Tamala Park Regional Council are respectfully advised that the ordinary meeting of Council will be held in the Council Chambers of the City of Joondalup, 90 Boas Avenue, Joondalup, at 5pm on Thursday 30 November 2006.

The business papers pertaining to the meeting follow.

Your attendance is requested.

Yours faithfully

**R A CONSTANTINE**  
Chief Executive Officer

**MEMBERSHIP**

<b>OWNER COUNCIL</b>	<b>MEMBER</b>	<b>ALTERNATE MEMBER</b>
Town of Cambridge	Mayor Anderton	Cr Barlow
City of Joondalup	Mayor Pickard Cr John	Cr Fishwick * Cr Jacob *
City of Perth	Cr Evangel	Cr Sutherland
City of Stirling	Mayor Tyzack Cr Boothman Cr Clarey Cr Stewart	Cr Ham Cr Rose
Town of Victoria Park	Cr Nairn	Cr Skinner
Town of Vincent	Mayor Catania	Deputy Mayor Farrell
City of Wanneroo	Mayor Kelly Deputy Mayor Salpietro	Cr Treby Cr Roberts

**\* Declaration of office to be completed**

## **PRELIMINARIES**

### **1. OFFICIAL OPENING**

## **DISCLOSURE OF INTERESTS**

### **2. PUBLIC STATEMENT/QUESTION TIME**

### **3. APOLOGIES AND LEAVE OF ABSENCE**

- Cr Nick Catania (apology)
- Cr Trevor Clarey (apology)
- Cr Eleni Evangel (apology)
- Cr Troy Pickard (apology – absent from State)  
Cr Troy Pickard has provided written advice that he will be absent from the State.  
In accordance with the requirements of Section 52 of the Interpretation Act, the City of Joondalup Council has appointed Cr Russ Fishwick to act in the absence of Cr Pickard. The appointment was formally made at a Council meeting held on 21 November 2006.  
Cr Fishwick will complete a Declaration of Office, in the required form, prior to the commencement of the Council meeting.
- Cr Terry Tyzack (apology – absent from State)  
Cr Terry Tyzack (City of Stirling) has leave of absence from 27 November 2006 to 3 December 2006. NB: Cr Tyzack has provided written advice that he will be absent from the State.  
In accordance with the requirements of Section 52 of the Interpretation Act, the City of Stirling Council will appoint an alternate member to act in the absence of Cr Tyzack. The appointment will be formally made at a Council meeting held on 28 November 2006.
- Mr Garry Hunt (apology – absent from State)

### **4. PETITIONS**

### **5. CONFIRMATION OF MINUTES**

- Ordinary Meeting of Council – 5 October 2006

6. **ANNOUNCEMENTS BY CHAIRMAN (WITHOUT DISCUSSION)**
7. **MATTERS FOR WHICH MEETING MAY BE CLOSED**
8. **REPORTS OF COMMITTEES**
9. **ADMINISTRATION REPORTS**

## 9.1 BUSINESS REPORT – PERIOD ENDING 30 NOVEMBER 2006

### Report Information

Location: Not Applicable  
Applicant: Not Applicable  
Reporting Officer: Chief Executive Officer

### Recommendation

**That the Business Report to 30 November 2006 be received.**

### Report Purpose

To advise Council of matters of interest not requiring formal resolutions.

### Relevant Documents

Attachments: Nil  
Available for viewing at the meeting: Nil

### Background

The business of the Council requires adherence to many legislative provisions, policies and procedures that aim at best practice. There are also many activities that do not need to be reported formally to the Council but will be of general interest to Council members and will also be of interest to the public who may, from time to time, refer to Council minutes.

In context of the above, a Business Report provides the opportunity to advise on activities that have taken place between meetings. The report will sometimes anticipate questions that may arise out of good governance concerns by Council members.

### Comment

Since the last meeting of the Council the following several matters have been transacted or come to notice:

1. A liaison has been established with:
  - The project team of the Somerly development
  - The project team of the Mirvac Mindarie Keys development
  - The project team of the Burns Beach developmentWith the intent of sharing information relating to such items as infrastructure headworks, communications provision, traffic and pedestrian access numbers and proposals.
2. The first stage of the Negotiated Planning Solution with the WAPC has been completed satisfactorily (more detail in Item 9.2). Coordination was through the TPRC office, although the land subject of the first stage settlement does not come under the direct purview of TPRC.
3. Progress has been made for establishing a public purpose lot for the telecom site within Lot 9504 (previously Lot 118 Mindarie). This project is being coordinated by TPRC on behalf of landowners utilising surveyors engaged by TPRC.

4. Firebreaks have been arranged for part of the TPRC developable land west of Marmion Avenue.
5. The WAPC has been approached with respect to arrangements for the preparation of a management plan covering the coastal conservation reserve including Lot 9505 (89 hectares) recently transferred to the WAPC by the 7 TPRC constituent local governments.

## 9.2 RECEIPT OF FUNDS - TRANSFER OF PART LOT 118 MINDARIE TO WAPC

### Report Information

Location: Lot 118 (now Lot 9504, 9505 on deposited plan 52070)  
Applicant: Not Applicable  
Reporting Officer: Chief Executive Officer

### Recommendation

1. That Council NOTE the completion of the transfer of Lot 9505 on deposited plan 52070 to the West Australian Planning Commission (WAPC) as part of the Negotiated Planning Solution (NPS) affecting Lot 118 Mindarie.
2. The Council NOTE that compensation payments amounting to a total of \$16,221,439.17 (net) and GST of \$1,588, 715.60 has been received by the local government owners of the transferred land in equity shares and that the net sum of \$16,221,439.17 has been received by the TPRC in accordance with the TPRC Establishment Agreement and budget projections for the 2006/07 financial year.

### Report Purpose

- a) To advise completion of part of the Bush Forever settlement negotiated with the WAPC in respect of Lot 118 Mindarie.
- b) To advise completion of a covenant by all of the constituent Councils of the TPRC to transfer funds received as compensation from the WAPC in respect of Lot 9505 on plan 52070.

### Relevant Documents

Attachments: Schedule of payments made by WAPC to Local Governments; Deposited Plan 52070 showing Lot 9505 (transferred) and residual land Lot 9504  
Available for viewing at the meeting: Nil

### Background

All participant Councils of the TPRC have agreed a NPS with the WAPC in respect of land (previously) known as Lot 118 Mindarie. The first component of the land transfers required under the NPS, Lot 9505 on plan 52070, comprising 89.0990 hectares has now occurred.

Although the land is not subject to TPRC administration, the TPRC has been coordinating the transfer and receipt of compensation funds on behalf of constituent Councils.

The transfer of Lot 9505 to the WAPC was completed on 6 November 2006. Separate compensation payments (and GST at 10%) were made by cheque or electronic transfer to each of the constituent local governments on that day. The local government shares in the land transferred, together with details of the proportionate



land areas involved and individual payments are shown on the attachment titled ‘Schedule of Payments made by WAPC to Local Governments’.

The land transferred is marked Lot 9505 on deposited plan 52070 attached.

Transfer to the Crown Estate with accompanying compensation paid to the TPRC, was to have been completed on 1 July 2006. Delays in settlement by the WAPC resulted in negotiations for payment of interest from 1 July 2006 until settlement. In consequence, the total interest component added to the initial sale price of the land was \$334,283.17.

The TPRC Establishment Agreement provided that compensation should be remitted direct by the WAPC to the TPRC (refer below), however, discussions with the finance officers of the constituent Councils concluded that it would be a convenience to all participant local governments to have remittances passed through the accounts of each local authority inclusive of GST paid by the WAPC, and for a net payment of compensation to be then remitted to the TPRC.

**“8.1 Bush Forever Compensation Payments**

*Each Participant is to ensure that the amount of the State’s payment or payments of compensation to that Participant under the Bush Forever Policy in respect of the Land;*

- a) is paid to the TPRC directly by the State; or*
- b) is paid by the Participant to the TPRC within 14 days of:
  - i) the payment being received from the State by the Participant; or*
  - ii) the Operative Date,*whichever occurs later.”*

The final remittance from local governments into TPRC funds occurred on 17 November 2006.

**Comment**

The transfer of the land to the WAPC provides funding for the TPRC and also completes an objective of the metropolitan region scheme and the State Bush Forever policy by adding a substantial parcel of land west of Marmion Avenue, to the existing Crown reserve 35890 to provide a coastal conservation reserve connecting through to Neerabup National Park.

In terms of the TPRC budget impact for 2006/07, the following has now been achieved:

- Payment of compensation funds received by constituent local authorities to the TPRC municipal fund in satisfaction of clause 8.1 of the TPRC Establishment Agreement;
- Receipt of interest on funds from 1 July 2006 as provided in the budget;
- Recording of contributed funds by local authorities as contributed equity. The funds will be repayable to local authorities at a convenient future time; and
- Facilitating a budget objective to provide for operating costs for 2006/07 to be covered by interest receipts from the investment of contributed equity funds.

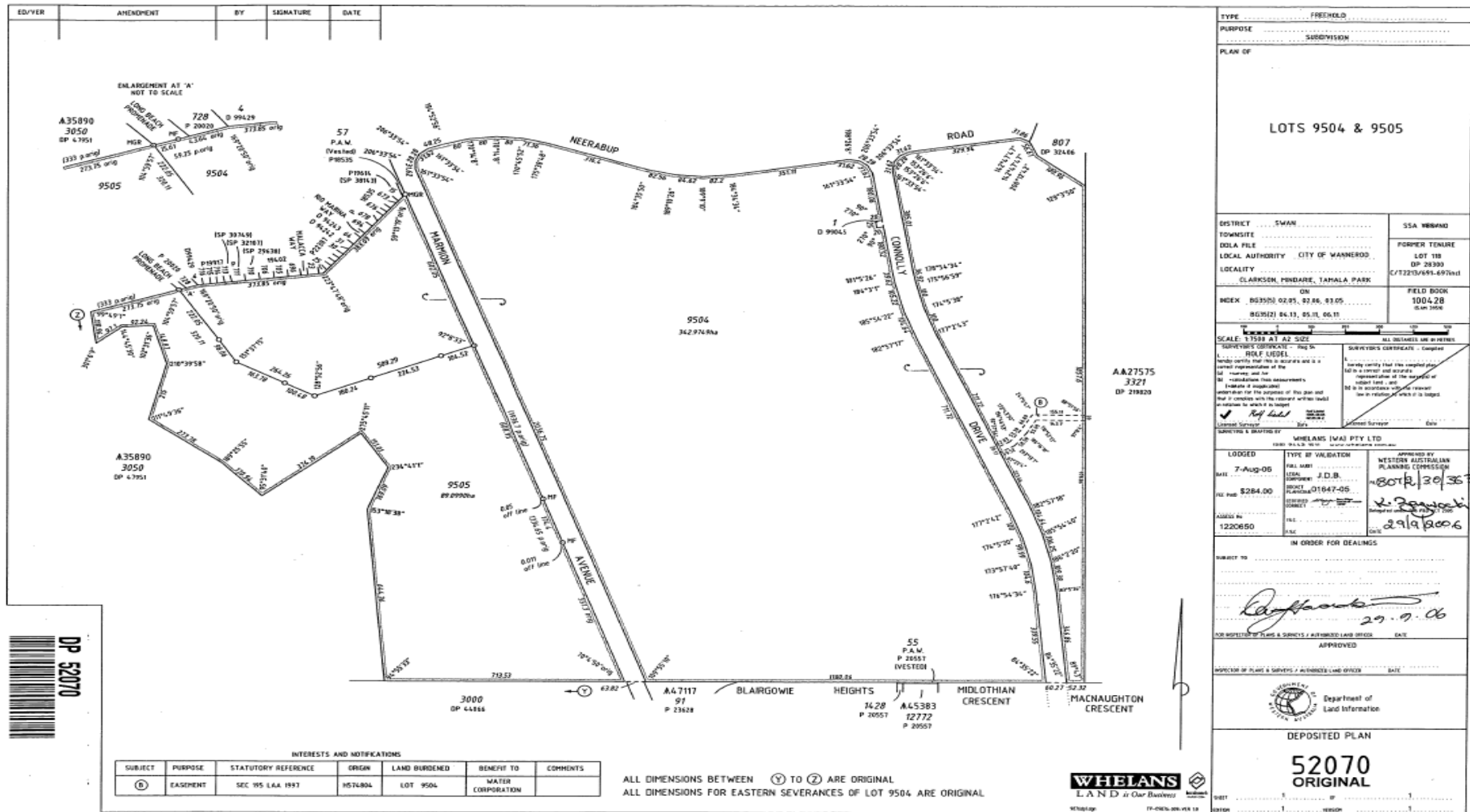
In terms of coordinating activity by all constituent local authorities, the following has been achieved:

- Common treatment of the sale of part of the Lot 118 Mindarie asset;
- Common treatment for GST relating to the compensation/sale price payments made by WAPC; and
- Common treatment of the funds paid by local authorities to the TPRC as contributed equity – shown as an asset in the books of account of each Council.

Attachment: Schedule of payments made by WAPC to Local Governments

Land Transfer to WAPC - Negotiated Planning Solution - Lot 118 Mindarie									
	Local Government Shares	Original land Value at Historical Cost	Value of Land Sold a Historical Cost	Residual land Value at Historical Cost	Sale Price	Interest 1/7/2006 to 5/11/2006	Pmt to TPRC	GST Invoice	Total to Local Govts By WAPC
Hectares		432.0739	89.0990	342.9749					
Town of Cambridge (1/12 share)	8.333333333	413,961.94	85,364.09	328,597.85	1,323,929.67	27,856.93	1,351,786.598	132,392.97	1,484,179.56
City of Joondalup (2/12 share)	16.66666667	827,923.88	170,728.18	657,195.70	2,647,859.33	55,713.86	2,703,573.195	264,785.93	2,968,359.13
City of Perth (1/12 share)	8.333333333	413,961.94	85,364.09	328,597.85	1,323,929.67	27,856.93	1,351,786.598	132,392.97	1,484,179.56
City of Stirling (4/12 share)	33.33333333	1,655,847.76	341,456.36	1,314,391.40	5,295,718.67	111,427.72	5,407,146.391	529,571.87	5,936,718.26
Town of Victoria Park (1/12 share)	8.333333333	413,961.94	85,364.09	328,597.85	1,323,929.67	27,856.93	1,351,786.598	132,392.97	1,484,179.56
Town of Vincent (1/12 share)	8.333333333	413,961.94	85,364.09	328,597.85	1,323,929.67	27,856.93	1,351,786.598	132,392.97	1,484,179.56
City of Wanneroo (2/12 share)	16.66666667	827,923.88	170,728.18	657,195.70	2,647,859.33	55,713.86	2,703,573.195	264,785.93	2,968,359.13
	<b>100</b>	<b>4,967,543.28</b>	<b>1,024,369.07</b>	<b>3,943,174.21</b>	<b>15,887,156.00</b>	<b>334,283.17</b>	<b>16,221,439.173</b>	<b>1,588,715.60</b>	<b>17,810,154.77</b>
		4,967,543.28	1,024,369.07	3,943,174.21	15,887,156.00	334,283.17	16,221,439.173	1,588,715.60	17,810,154.77

Attachment: Deposited Plan 52070 showing Lot 9505 (transferred) and Residual Land Lot 9504



### 9.3 GST RULING – TRANSFER OF LAND BY PARTICIPANT LOCAL GOVERNMENTS TO TPRC

#### Report Information

Location: Not Applicable  
Applicant: Not Applicable  
Reporting Officer: Chief Executive Officer

#### Recommendation

**That the action taken in seeking a private GST Ruling in respect of the proposed land transfer from participant local governments to the TPRC, in accordance with clause 7.1 of the Establishment Agreement, be ENDORSED.**

#### Report Purpose

To advise action taken in respect of a specific requirement of the TPRC Establishment Agreement concerning the transfer of land from constituent local governments to TPRC ownership for development purposes.

#### Relevant Documents

Attachments: Nil  
Available for viewing at the meeting: Nil

#### Background

The TPRC Establishment Agreement provides the following:

**“7.1 Transfer**

*When requested by the TPRC Council, the Participants are to transfer to the TPRC that part of the Land that is owned by the Participants.”*

The land referred to in clause 7.1 is all of the residential and urban deferred zoned developable land, together with any additional adjacent land, is rezoned from public open space for urban purposes.

The Establishment Agreement provided for transfer of land to the TPRC for the following reasons:

- As the legal vehicle operating for constituents the TPRC requires an ownership or other legal interest in the land in order to establish legislative backing for operations required by the TPRC corporate body by the TPRC decision-making body;
- Coordinated treatment of land issues including rate payments, grant applications, legal defence to claims, insurance, bush fire security etc;
- Ownership by TPRC eliminates the necessity for multiple reports, coordination of approvals, transfers and contract considerations by each local government with the prospect of project delays and potential deviations from plans and decisions made by the TPRC;
- Land ownership by one body will be conducive to productive and economic efficiency; and

- The TPRC Establishment Agreement containing the requirement for land ownership by the TPRC also facilitates equity adjustments amongst participants in the event of withdrawal of any participant or reorganisation of shares in the event of restructure of constituent Councils.

Prior to any request by the TPRC for transfer of land, a number of conditions would need to be satisfied including the completion of the Bush Forever negotiated settlement and clarification of GST issues relating to the transfer.

With respect to GST, the summary issues are as follows:

- Whether the transfer would be seen as a transaction requiring the application of GST law;
- Valuations required in the event that GST applies;
- The long and short term implications of application of GST method; and
- Cash flow implications in the event that GST must be paid on transfer of the land.

### **Comment**

There does not seem to be any available precedent to guide decision-making for the particular circumstance covered by clause 7.1 of the TPRC Establishment Agreement.

It is important that the GST position be established before any transfer of land occurs as a GST payment could be in the order of \$4M and cash flow implications could be significant.

The options for addressing this issue are to consult expert advisors or to proceed direct to an application for a Private GST Ruling.

The magnitude of the potential payment in this instance and the likelihood that any expert advice would still need to undergo review by the Taxation Department, has suggested that the most appropriate course of action is to proceed direct with an application for a Private GST Ruling.

Accordingly, the application for the Ruling has been lodged with the Taxation Department. The application has required a report on the issues involved in the proposed transfer of the land by participant Councils to the TPRC. The application has also necessitated providing the Taxation Department with a copy of the Establishment Agreement (and other papers).

It is proposed that the outcome of the Ruling application be awaited before the matter of transfer of land to the TPRC is further addressed by the Council.

Progress with the application will be advised in the Business Report for the next Council meeting.

**9.4 AUDIT COMMITTEE AGENDA ITEMS – FROM SCHEDULED MEETING  
(5 OCTOBER 2006)**

**Report Information**

Location: Not Applicable  
Applicant: Not Applicable  
Reporting Officer: Chief Executive Officer

**Recommendation**

**That Audit Committee items referred from the Audit Committee agenda of 5 October 2006 be DEALT with as items 9.4.1 to 9.4.4 on this (30 November 2006) agenda.**

**Report Purpose**

To advise listing of items referred for Council decision from the Audit Committee agenda of 5 October 2006.

**Relevant Documents**

Attachments: Audit Committee Agenda Items (of 5 October 2006) numbered 9.4.1 to 9.4.4

Available for viewing at the meeting:

**Background**

The Audit Committee agenda items listed for 5 October 2006 were unable to be transacted because of the absence of a quorum.

Included in the agenda items is an item and recommendations referring to the appointment of the External Auditor for the TPRC.

Regulations require this appointment to be completed by 30 November 2006.

Against the contingency that there may be further delay in progressing the recommendations for appointment of an External Auditor to the Council, it was decided to refer the agenda items concerning the appointment, together with the other agenda items requiring decision, to the Council meeting on 30 November 2006.

**Comment**

In context of the above, the following items are now listed for Council decision:

- Item 9.4.1 – Appointment of External Auditor
- Item 9.4.2 – Local Government Guidelines
- Item 9.4.3 – Audit Program 2006/07
- Item 9.4.4 – Review of the TPRC 2006/07 Budget

#### 9.4.1 APPOINTMENT OF EXTERNAL AUDITOR

##### Report Information

Location: Not Applicable  
Applicant: Not Applicable  
Reporting Officer: A/Chief Executive Officer

##### Recommendation

**That the proposal by Barrett & Partners for the appointment of partner Mr A Macri as auditor of the TPRC for the 2006/07 financial year to conduct the statutory audit of the books of account in accordance with the audit specification and the requirements of the LGA, for the base fee of \$5,000, be ADOPTED.**

##### Report Purpose

To report results of invitations to provide audit services to the TPRC.

##### Relevant Documents

Attachments: Nil

Available for viewing at the meeting: Submission by Barrett & Partners – DFK for provision of External Auditing Services;  
Submission by Bentleys MRI for provision of External Auditing Services.  
Request for Tender/Quotation External Audit Services

##### Background

The Council is required to appoint an auditor to review the annual report and financial statements of the Council. The audit appointment is required to be made by 30 November 2006 for the 2006/07 financial year.

At its inaugural meeting on 9 March 2006, the Council appointed an Audit Committee.

The Audit Committee on 27 April 2006 adopted an audit charter and a specification for appointment of an external auditor for the 2 financial years ending 30 June 2007.

The TPRC Council, on 27 April 2006 adopted recommendations from the Audit Committee to proceed to invite submissions for provision of audit services to the TPRC.

Formal invitations, issued in accordance with the Council's Procurement Policy, were sent to the Audit firms, which provide audit services to the constituent members of the TPRC.

Four audit firms are involved:

- Barrett & Partners – submitted a proposal prior to the requested close of date. The proposal is complete in all required detail.



- Bentleys MRI – submitted a proposal after the requested close of date (following a follow up request from the A/CEO). The proposal is complete in all required detail.
- Deloitte Touche Tomatsu - declined the invitation to make a submission.
- Haines Norton - have been appointed accounting consultants to the TPRC and have therefore declined to make a submission on the basis of a potential conflict of interest.

The submission from Barrett & Partners is for the appointment of Mr A D Macri as auditor to the TPRC. Mr Macri is a registered local government auditor.

The submission from Bentleys MRI is for the appointment of Mr M Hillgrove as auditor to the TPRC. Mr Hillgrove is a registered local government auditor.

The submitted proposal is to conduct the audit in accordance with the specification provided and in accordance with the requirements of the Local Government Act and supporting legislation.

The fees proposed for the audit are as follows:

<b>REQUIREMENT</b>	<b>BARRETT</b>	<b>BENTLEYS</b>
<b>EXTERNAL AUDITING SERVICES</b>	<b>YEAR 06/07</b>	<b>YEAR 06/07</b>
Fixed Lump Sum Fee Per Annum (Including GST)	<b>\$ 5000</b>	<b>\$ 5995</b>
Estimated Number of Hours	<b>45</b>	<b>38</b>
<b>HOURLY RATE FOR ADDITIONAL PROFESSIONAL WORK</b>		
Partner	\$ 165	\$ 300
Manager	\$ 132	\$ 250
Senior	\$ 110	\$ 110
Assistant	\$ 99	\$ 90

NB: A quotation of \$4,500 for audit of accounts for the year ending 30 June 2006 was received from Barrett's, however, the audit is not now required, as there are no accounts for the 2005/06 financial year, which require audit.

Barrett & Partners currently provide audit services to the following local governments:

- City of Armadale
- City of Cockburn
- City of Bayswater
- City of Belmont
- City of Rockingham
- City of Swan
- City of Nedlands
- City of Melville
- Shire of Kalamunda
- Shire of Mundaring
- Shire of York
- Town of Bassendean
- Town of East Fremantle

- Town of Mosman Park
- Town of Vincent
- Town of Victoria Park
- Town of Cambridge
- Western Metropolitan Regional Council
- Eastern Metropolitan Regional Council
- Southern Metropolitan Regional Council

Bentleys MRI currently provide audit services to the following local governments:

- City of Perth
- City of Gosnells
- Shire of Broome
- Shire of Halls Creek
- Pilbara Regional Council
- City of Fremantle

Bentleys have undertaken audits for other local governments.

**Comment**

Section 7.9 of the LGA requires that an appointment of an auditor be made by 30 November 2006 for the preceding financial year and that the audit for each year be completed by 31 December.

Since the Council resolutions proposing submissions for audit services, the end of the 2005/06 financial year has passed without any accounting transactions being recorded in the books of account of the TPRC. Notwithstanding the lack of any financial transactions, a strict reading of the LGA indicates that an audit for the year is required.

A letter has been directed to the Department of Local Government & Regional Development explaining that there are no financial accounts to audit for the year ending 30 June 2006 and proposing that it will be sufficient compliance with the LGA for an appropriate notation to be recorded in the minutes of the TPRC Council to that effect.

Barrett & Partners (Mr A Macri) has been advised of the letter to the Department of Local Government and has concurred with the proposition that the tender/quotation submitted should apply only for the 2006/07 financial year.

The Council Procurement Policy sets out a number of criteria for the evaluation of quotations and tenders. The evaluation matrix to apply (which was advised in the quotation documents is as follows). Applying the evaluation matrix to the 2 quotations received results are as follows:

<b>Description of Evaluation Criteria</b>	<b>Points Available</b>	<b>Weighting</b>	<b>Barrett</b>	<b>Bentleys</b>
a) Price	10	50%	(8) = 12	(6) = 9
b) Demonstrated experience in completing similar assignments	10	10%	(8) = 8.8	(8) = 8.8
c) Methodology for audit	10	10%	(8) = 8.8	(8) = 8.8

and communication				
d) Conformity with tender documents and specifications	10	10%	(8) = 8.8	(8) = 8.8
e) Skills and experience of key personnel	10	10%	(8) = 8.8	(8) = 8.8
f) Technical expertise	10	10%	(8) = 8.8	(8) = 8.8
<b>Total</b>		<b>100%</b>	<b>56</b>	<b>53</b>

*NB: Figures in brackets represent raw scores.*

<b>Rate</b>	<b>Description</b>
0	Inadequate or non appropriate offer, many deficiencies, does not meet criterion
2	Marginal offer, some deficiencies, partly meets criterion
4	Fair offer, few deficiencies, almost meets criterion
6	Good offer, no deficiencies, meets criterion
8	Very good offer, exceeds criterion
10	Outstanding offer, greatly exceeds criterion

Both submissions received are credible submissions from qualified local government auditors. Based upon the submissions and application of the evaluation matrix, Barrett & Partners – DFK, are recommended for approval as auditors to the Tamala Park Regional Council for the period covering the financial year ending 30 June 2007.

## 9.4.2 LOCAL GOVERNMENT GUIDELINES

### Report Information

Location: Not Applicable  
Applicant: Not Applicable  
Reporting Officer: A/Chief Executive Officer

### Recommendation

**That Local Government Guidelines 12 and 13 referred to in the report be NOTED and RECEIVED.**

### Report Purpose

To advise new guidelines issued by the Department of Local Government & Regional Development (DLGRD) addressing probity issues for local governments.

### Relevant Documents

Attachments: Local Government Guidelines 12 & 13 (issued April 2006)  
Available for viewing at the meeting: Nil

### Background

The DLGRD periodically issues guidelines to clarify matters that have been subject of recent question, debate or investigation.

Since the last Audit Committee meeting the following guidelines have been issued which address matters within the scope of audit adopted by the TPRC.

Guideline 12 – Elected Members' Relationship with Developers  
Guideline 13 – The Relationship Between Internal and External Audit

### Comment

Neither of the guidelines are of any immediate concern for the TPRC and are submitted only for reference and general information.

Attachment - Guideline 12: Elected Members' Relationship with Developers

## Elected Members' Relationship with Developers

### 1. Background

1 Elected members may face many pressures when dealing with development applications. Pressure can come from public opinion and the media but may also take the form of offers of gifts, benefits and donations or other lobbying techniques. The various decision-making roles that elected members have is also a complicating factor.

2 To protect the openness and transparency and perceived probity of council's decision making, elected members must understand the limitations on their decision-making role in relation to development applications. They should also avoid situations where they become too close to a development proposal, an applicant or objectors.

3 Local governments need to be proactive in developing ethical standards for elected members when dealing with development applications. The standards could also address the ground-rules for lobbying of elected members. Applicants and objectors should be informed of those standards.

4 The purpose of this guideline is to alert elected members to the risks associated with their role as a decision-maker on development applications and to provide guidance on those areas of risks. The guideline will assist local governments to develop and adopt procedures for elected members that will help to prevent unsubstantiated allegations and protect the integrity of the decision-making process.

5 This guideline is to be considered in conjunction with other publications relating to the governance practices of local government that need regular and detailed understanding by, and reinforcement with, elected members.

### 2. The Role of Elected Members in the Determination of Development Applications

6 Decisions made in relation to development applications are made under the local government's town planning scheme and the discretions allowed under that scheme.

Elected members must not lose sight of the fact that when making decisions on development applications they have to apply the rules and discretions, as they exist, not as they might want them to be. The local government will need to comply with the provisions of the legislation dealing with planning decisions.

7 The role of an elected member in the decision-making process is to determine the application on the information and recommendation provided by the professional staff. The role of the professional staff is to assess the application and provide an impartial, professional opinion and recommendation to the elected members. To avoid prejudicing the eventual decision, elected members must not make up their minds about a development application until they have read the officer's reports and heard all the debate.

8 Any involvement that an elected member has with a development application during its assessment has the potential to damage the integrity of the final determination. It is therefore important that elected members refrain from public comments that could be construed as support or opposition of an application. Similarly, during the public comment period of a development application, elected members should not be seen to be trying to influence the public by commenting on the application or signing petitions.

9 The opportunity for developers or applicants to outline their proposal to all elected members in a meeting setting such as a council or committee meeting or other forum, and for elected members to ask questions, should be encouraged. Developers or applicants need to be informed about the purpose of the meeting and the procedures that apply. Prior to a final decision being taken, professional staff should be given the opportunity to comment or advise on any additional matters raised during the meeting.

10 Procedures adopted by local governments for dealing with a development application must ensure a clear distinction between the task of staff assessing an application and the task of council determining an application. The procedure should minimise the

opportunity for the two roles to be confused and also ensure that those determining applications are not able to direct or unduly influence those carrying out the assessment and vice versa.

**3. Elected Members Meeting With Applicants Individually**

- 11 Lobbying is an acceptable and normal part of society. Opportunities for applicants to communicate with elected members should be encouraged as part and parcel of our democratic and accessible system of government.
- 12 Lobbying can take many forms. For example, an elected member who is approached in the local supermarket by a concerned resident may be lobbied to oppose a development on the promise of a vote in return. Lobbying may also simply involve an applicant emphasising the merits and the benefits the project will bring to the community or a section of the community. If an elected member believes there is a need to meet with a developer individually, to avoid the public perception of bias that can arise, the member should not agree to meet at a venue where it can be perceived that hospitality is being provided.
- 13 Lobbying on the merits and benefits of a proposal are all part of the healthy democratic process. However, problems arise when an elected member is lobbied to consider factors other than the relevant factors they should appropriately consider when determining the application as a decision-maker. Elected members need to understand the difference between appropriate and inappropriate lobbying and the risks associated if they fail to resist inappropriate lobbying.
- 14 Elected members must not, when lobbied, commit their vote on the proposal. Members may offer support or otherwise but as decision-makers they are obliged to consider all relevant facts, including the debate at the meeting, prior to making their decision. Elected members who commit their vote may be faced with claims of perceived bias.

**4. Elected Members Meeting With Applicants in the Company of Other Elected Members**

- 15 The occasion may arise when two or more elected members are approached by a developer or applicant to meet in an informal manner to discuss the proposal and gauge their reaction to certain aspects of the development. Such meetings risk the independence of those elected members as impartial decision-makers and can lead to the developer or applicant adopting the view that what was agreed at the meeting had the approval of council. Modifications “agreed” to at such meetings can form part of the process for determining the application thus allowing for the impartiality of the elected members at the meeting to be questioned and hence the integrity of the final determination of council to be challenged.
- 16 Information gained by the elected members at such meetings should be made available to the professional staff and other members as soon as practical. To use such information in a way designed to compromise the debate or contradict staff reports would be improper and could jeopardise the eventual decision.
- 17 The holding of informal meetings by councillors and staff with developers, especially where the developer or applicant provides hospitality can also allow for elected members to be accused of receiving inappropriate gifts or benefits.
- 5. Elected Members Attending Meetings Between Employees and Applicants**
- 18 Elected members may wish to attend meetings between professional staff and developers. Attendance by members at such meetings could be considered highly inappropriate and entail an improper incursion by the elected members into the role of the Chief Executive Officer (CEO) and his or her professional staff. Approval of elected members attending such meetings needs to be at the discretion of the CEO as the CEO is best placed to determine whether their attendance compromises his or her legislative role of providing advice and information to council.

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19 The role of the professional staff is to brief developers and investors on matters of detail, to discuss with them the particular application of council's adopted policies and procedures and planning instruments to their particular desired project, to assess development applications, and to consider all the various complex issues to be taken into account in strategic planning matters. The council is the decision-maker with the role of the professional staff to report on all those issues, and to provide recommendations and advice, in a full, free and frank manner. The council body needs to be assured that the decisions it makes are well informed, in accordance with all appropriate and relevant considerations and can stand later scrutiny, whether in the courts or by the public.

20 Elected members should refuse an invitation they receive from developers to attend meetings between professional staff and the developer. Although the developer may suggest that it is an opportunity for them to see what the issues are and they may say little or nothing, the mere presence of an elected member puts implied pressure on staff and otherwise inhibits a free and frank discussion with the developer. The presence of elected members at such meetings may raise expectations on the part of the developer for approval and result in unnecessary later conflicts.

21 The integrity of a local government will be improved where the role of the professional staff in assessing an application is clearly separated from the council's role of determining the application.

#### 6. Council as Both the Developer and Consenting Authority

22 Legislation requires local governments to determine their own development applications. This requirement places a greater obligation on local governments to ensure that the assessment and determination of their own applications is an objective and transparent process. This obligation applies irrespective of whether an application is proposing a commercial development or a community facility. Local governments must be able to demonstrate to other developers that the same rules apply to all.

p04.

23 Local governments must take every reasonable step to ensure that conflicts of interest that exists when preparing, assessing and determining their own applications are separated to the greatest extent possible. The minimum requirements for achieving separation would be that the employee responsible for managing a project would not be the same employee assessing the application and making a recommendation to council. Having regard to the cost of the project and the public interest in the matter, separation may require the engagement of a suitable independent expert to undertake the assessment.

#### 7. Being Offered a Gift or Benefit

24 Elected members may at some time during their term of office be offered a gift or benefit. The gift or benefit may be offered innocently in good faith or it could be an attempt to influence. The offer may be a donation to an election campaign in return for support of a development application. Establishing why a gift is offered can be difficult. The giver may have any number of motives, ranging over friendship, hospitality and gratitude, to bribery or extortion.

25 In a business context, gifts, benefits or donations are rarely offered to an individual for purely charitable or hospitable reasons. It may be the case if the gift or benefit is of little or no commercial value, such as a corporate memento or marketing trinket. However, in cases where the gift, benefit or donation has more than a token or nominal value, it is possible that it is offered to create a sense of obligation and even an expectation that something will be given in return. "There's no such thing as a free lunch", as the saying goes.

26 Feelings of obligation can arise with the acceptance of a free meal, ticket to a sporting or cultural event or discounts on commercial purchases. Once such a gift is accepted, an elected member's integrity can be compromised. If the giver later requests favourable treatment, it can be difficult to refuse.

- 27 It is easy to rationalise accepting gifts or benefits. Reasons commonly used include –
- everybody else does it,
  - the motivation of the giver is purely one of generosity, kindness or friendship,
  - the exchange of gifts and benefits harms no one,
  - gifts and benefits foster the development of beneficial business relationships, which encourage administrative efficiency by allowing red tape to be cut,
  - gifts and benefits are part of cultural rituals or practices and to refuse may cause offence.
- 28 These excuses ignore the concept of public duty. Elected members have a duty to ensure that government business is carried out with impartiality and integrity.
- 29 Examples of gifts and benefits that could be regarded as having a token or nominal value include cheap marketing trinkets or corporate mementos that are not targeted specifically at the business of a local government. Examples include –
- inexpensive pens and pencils
  - bottles of alcohol
  - notepads
  - key rings.
- 30 It should not be up to elected members to decide if a gift is of a token or nominal value, rather, guidance should be provided by local governments.
- 31 The following gifts and benefits have more than a nominal value –
- access to a private spectator box at a sporting or concert venue,
  - financial or other sponsorship,
  - tickets to sporting events or other entertainment,
  - preferential treatment, such as queue jumping,
  - use of facilities such as gyms and holiday homes,
- free or discounted travel and accommodation expenses,
  - free 'training excursions',
  - discounted products for personal use.
- 32 Codes of Conduct adopted by local governments require the disclosure of gifts accepted below the token value set out in the Code. Gifts offered above that value cannot be accepted. Refreshments and hospitality will be defined in the Code of Conduct and the maximum value set up to which refreshment and hospitality can be accepted.
- 33 Deciding where to draw the line between the proper and improper acceptance of gifts and benefits can be difficult. To maintain a high degree of integrity elected members should consider a position of not accepting any personal gifts.
- 34 Gifts accepted on behalf of the local government could not be considered as personal.
- 8. Conclusion**
- 35 It is vital that applicants, objectors, members of the community and other levels of government have trust in the ability of a local government to make a decision free of influence or the perception of influence. To achieve a high degree of trust local governments need to establish guidance for elected members on how they should undertake their town planning and development decision-making role in an objective and impartial manner.
- 36 The development of transparent decision making processes will encourage accountability and reduce the opportunities for allegations of influence or even worse, corruption. Part of that transparent process should be standards on how elected members deal with approaches from applicants and what gifts or benefits they may accept without prejudicing the trust a local government has achieved.



**Attachment - Guideline 13: The Relationship Between Internal and External Audit**

## The Relationship Between Internal and External Audit

### 1. Introduction

1 Many local governments have recognised the need to improve their internal auditing processes, and some have moved to contract out the internal audit function. Some have raised the question as to whether the external auditor or their professional company can undertake both the external and internal audit functions without compromising the integrity of both processes.

2 For the purposes of this guideline:

- The external auditor is the person appointed by the local government under the *Local Government Act 1995* to undertake an audit of the accounts and financial report for each financial year.
- The internal auditor is the person appointed by the local government to undertake an audit of the adequacy and effectiveness of the internal control structure and may include financial controls, legislative compliance, information systems, employment practices and risk management.

3 This guideline is intended primarily to identify those principles that local governments need to consider before entering into a contract for the appointment of an internal auditor and for establishing the relationship between internal and external audit.

### 2. Background Principles

4 Members of the auditing and accounting professions are only too aware of the necessity for auditors to be scrupulously independent in fact and appearance. The current standard on independence is explicit in that it states -

5 *"A member in public practice must both be, and be seen to be, free of any interest which is incompatible with objectivity."*

6 Accepted standards dictate that an external auditor should not undertake work of an internal audit nature that compromises or could be perceived to compromise the objectivity and independence of the external audit.

### 3. The Role of the Internal Auditor

7 The primary role of the internal auditor is to report to the Chief Executive Officer (CEO) on the adequacy and effectiveness of internal control processes and procedures. The scope of an internal audit would be determined by the CEO, with input from the audit committee, on the size of the local government's internal operations and the level of compliance to be achieved. The role differs from that of the external auditor who is appointed by council on the recommendation of the Audit Committee, to report independently to it, through the mayor/president and the CEO, on the annual financial statements. The external auditor's primary role is to decide whether the annual financial statements of a local government are free of material misstatement.

8 There are certain functions of the internal audit that complement the external auditor's role. As the external auditor plans for an effective audit they need to assess and determine whether to include the scope, procedures and outcomes of the internal audit.

9 An internal auditor's activities may include the following:

- (a) review of the internal control structure, monitoring the operations of the information system and internal controls and providing recommendations for improvements;
- (b) examination of financial and operating information that includes detailed testing of transactions, balances and procedures;

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- [c] a review of the efficiency and effectiveness of operations and services including non-financial controls of a local government;
  - [d] a review of compliance with laws, regulations and other external requirements, and with management policies and directives and any other internal requirements;
  - [e] a risk assessment with the intention of minimising exposure to all forms of risk on the local government; and
  - [f] specific tasks requested by management.
- 10 The CEO should refer reports of the internal auditor to the Audit Committee for consideration.
- 11 If the size of the local government's operations warrant it, an independent internal audit may be undertaken via a member of staff or an external contractor. If management is of the view that the appointment of an independent internal auditor is not warranted it may request the council to expand the role of its external auditor. The expanded role could include certain functions that are normally of an internal audit nature that will complement and reinforce the external audit such as items [a] and [b] above.

- 12 Local governments that do not establish an internal audit process but require a review of the financial management systems and procedures, may decide to use the services of the external auditor for that purpose. Such reviews are to be undertaken every four years in accordance with regulation 5(2)(c) of the *Local Government (Financial Management) Regulations 1996*. The review of financial management systems and procedures provides the external auditor with greater assurance of systems and procedures used to prepare the annual financial statements, and whether they provide information free of material misstatement.

#### 4. Conclusions

- 13 In conclusion, it is recommended that the external auditor or his or her professional company only undertake internal audit functions that complement the external audit and do not cloud the objectivity and independence of the external audit. An external auditor must not audit information prepared by them or their accounting practice, as this is considered incompatible with the standard of independence.

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### 9.4.3 AUDIT PROGRAM 2006/07

#### Report Information

Location: Not Applicable  
Applicant: Not Applicable  
Reporting Officer: A/Chief Executive Officer

#### Recommendation

**That the audit timetable and program for the period to August 2007 be ADOPTED.**

#### Report Purpose

To advise requirements and set dates for an audit program to satisfy statutory requirements.

#### Relevant Documents

Attachments: Audit Committee Timetable  
Available for viewing at the meeting: Nil

#### Background

The Local Government Act requires the appointment of an Audit Committee comprising at least 3 persons.

The Act and Regulations specify some particular functions to be undertaken by a local authority Audit Committee.

Functions relate to the appointment of external auditors and the provision of advice to the Council on a number of financial risk management and probity issues.

The financial risk management and probity issues are expected to be covered in the Council's audit charter.

For the TPRC, the combination of statutory obligations and the adopted audit charter require the Audit Committee to meet to review and report to the Council on the following matters:

1. The quarterly and annual financial statements;
2. The annual budget;
3. The statutory compliance return;
4. The adequacy of the audit charter and any specific audits that may be required to be subject of an audit program;
5. The policies of the Council relating to financial management.

The Act and Regulations also require the Audit Committee to meet with the external auditor at least once annually and to report to the Council on the meeting and any specific issues raised by the auditor in the audit report.

The functions of the Audit Committee, as outlined above, must be correlated with statutory dates and the meeting dates of the Council.

## **Comment**

In the ideal, the Audit Committee would meet at least two weeks prior to an ordinary Council meeting so that minutes of the Audit Committee meetings could be prepared and circulated with Council meeting agenda papers.

In practice, the Audit Committee meeting dates may need to be occasionally aligned to the same date as Council meetings to recognise the busy agendas of Council members.

An audit project timetable is provided for the Committee's consideration. The timetable presumes that the Audit Committee will meet during the previous month, or in the month, of a Council meeting and prior to a Council meeting, which correlates with dates for completion of statutory functions. The program assumes dates when the Council will meet in 2007. It is appreciated that the dates of Councils meetings may need to be adjusted when other Council commitments are established for the 2007 calendar year.

The program and timetable includes all of the items that are required under the Act, Regulations or audit charter.

The audit program suggests that a meeting of the Committee in September or October would normally concentrate on the review of policies and the audit charter, however, these matters are not listed for the current meeting as they have only recently been established by the Council.

**Agenda TPRC Meeting of Council – 30 November 2006**

**Attachment: Audit Committee Timetable**

Council/Audit Committee Meeting Dates 2007		2007	8	12	14	9	11	6						
Statutory Date		Jan-07	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec-07	
Appoint Auditor														
* <i>Appoint By</i>	30-Nov													
Compliance Return			Audit Cmttee	Council										
* <i>to be completed by</i>	31-Dec													
* <i>to Audit Cmttee &amp; Council Before</i>	31-Mar													
* <i>To Director General DLGRD Before</i>	31-Mar													
Quarterly Financials			Audit Cmttee	Council	NB1	Council			Audit Cmttee	Council			Audit Cmttee	Council
* <i>at 30/9; 31/12; 31/3; 30/6 each yr</i>														
Annual Financials									Audit Cmttee	Council				
<i>to Council to refer to Audit</i>														
* <i>to Auditor by</i>	30-Sep													
* <i>Auditor to report to Council by</i>	31-Dec											Audit	Council	
* <i>to DLGRD within 30 Days of receipt of Audit Rept</i>														
* <i>Council to accept Annual Report by</i>	31-Dec												Council	
Budget														
<i>Draft Bud</i>														
* <i>Earliest Date for Adoption</i>	1-Jun													
* <i>Budget Adoption by</i>	31-Aug													
* <i>to DLGRD within 30 Days of Adoption</i>														
Budget Review														
* <i>required by LG between 1Jan and 31 March</i>														
* <i>considered by Council within 30 Days of Review</i>			Audit Cmttee	Council										
* <i>to DLGRD within 30 Days of Council Review</i>														
Delegations to CEO														
* <i>Annual Review required</i>														
Investment policy														
Procurement Policy														
Audit Charter														
Councillor Returns & Gen CI Interests														
Code of Conduct													Audit	Council
Audit Charter													Audit	Council
Records Management Policy													Audit	Council
NB 1	The March Quarter Financial Statement to go direct to the Council													
NB 2	Shading suggests meeting in previous month and up to Council meeting date													

#### 9.4.4 REVIEW OF THE TPRC 2006/07 BUDGET

##### Report Information

Location: Not Applicable  
Applicant: Not Applicable  
Reporting Officer: A/Chief Executive Officer

##### Recommendation

**That it be proposed to the Council that the TPRC Audit Charter include a requirement for the Audit Committee to formally review the TPRC budget in the period 1 January – 31 March each year to satisfy the requirements of Regulation 33A of the Financial Management Regulations.**

##### Report Purpose

To advise recent amendments to local government financial management Regulations in respect of review of local authority budgets.

##### Relevant Documents

Attachments: Nil  
Available for viewing at the meeting: Nil

##### Background

It is normal practice for local governments to periodically review budgets, although there has been no specific legislative requirement for this to happen.

Recent amendments to regulations now formalise a requirement for a local authority to review its budget and to report the review to the Department of Local Government & Regional Development.

Specifically the amendment to Regulations made in March 2005 read as follows:

- a) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.
- b) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the Council.
- c) A Council is to consider a review submitted to it and is to determine whether or not to adopt the review, any parts of the review or any recommendations made in the review.
- d) Within 30 days after a Council has made a determination, a copy of the review and determination is to be provided to the Department.

##### Comment

It is expected that there will be a requirement to make some changes to the TPRC budget as part of the formal review process.

The review has been factored into the proposed audit program for 2007.

Although not specifically mentioned in the TPRC Audit Charter, it is suggested that the review of the TPRC budget should be perused by the Audit Committee prior to submission to the Council.

## 9.5 FINANCIAL REPORT (JULY – OCTOBER 2006)

### Report Information

Location: Not Applicable  
Applicant: Not Applicable  
Reporting Officer: Chief Executive Officer

### Recommendation

**That the financial statements for the period 1 July 2006 to 31 October 2006 be RECEIVED and NOTED.**

### Report Purpose

To comply with the requirements of Regulation 34: Financial Management Regulations 1996.

### Relevant Documents

Attachments: Income Statement by Nature and Type;  
Balance Sheet as at 31 October 2006;  
Available for viewing at the meeting: Nil

### Background

It is a requirement that a monthly statement of financial activity be prepared by local governments.

Monthly statements for the Tamala Park Regional Council have been constructed and are available for inspection.

The statements submitted herewith covers the year to date period 1 July 2006 – 31 October 2006.

### Comment

Statements submitted for Council information are as follows:

- Income Statement by Nature and Type
- Balance Sheet as at 31 October 2006

The income statement shows incurred expenditure against budget for the period to 31 October 2006. A preliminary review of budget allocations suggests that some formal adjustment to the budget may be needed in the first quarter 2007.

Income for the year anticipated monthly interest earning from the proceeds of sale of part Lot 118 Mindarie to the WAPC. The settlement with WAPC has been delayed but an agreement has been reach for interest at 6% to be added to the settlement amount. The overall target for revenue will, therefore, be reached within the financial year.

The financial report is submitted for information and receipt as part of the TPRC formal public record.



**Attachment: Income Statement by Nature and Type**

**TAMALA PARK REGIONAL COUNCIL  
STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD 1 JULY 2006 TO 31 OCTOBER 2006**

	NOTE	31 Oct 2006 Actual \$	31 Oct 2006 Y-T-D Budget \$	2006/07 Revised Budget \$	Variances Budget to Actual Y-T-D %
<b><u>Operating</u></b>					
<b>Revenues/Sources</b>					
Interest Earnings	1,2	241	72,299	660,000	(99.67%)
		241	72,299	660,000	
<b>(Expenses)/(Applications)</b>					
Employee Costs	1,2	-75,264	-116,778	-264,680	(35.55%)
Materials & Contracts		-7,402	-39,478	-206,170	(81.25%)
Utilities		0	0	-200	0.00%
Depreciation		0	0	-2,500	0.00%
Insurance		-1,625	-3,150	-4,650	(48.41%)
Other Expenditure		-26,475	-19,395	-26,470	36.50%
		-110,766	-178,801	-504,670	
<b><u>Adjustments for Non-Cash (Revenue) and Expenditure</u></b>					
Depreciation on Assets	2(a)	0	0	2,500	0.00%
<b><u>Capital Revenue and (Expenditure)</u></b>					
Purchase Furniture and Equipment	3	0	0	-3,500	0.00%
Contributed Equity	6	120,000	120,000	16,460,000	0.00%
<b>ADD</b>					
Net Current Assets July 1 B/Fwd	7	0	0	0	0.00%
Net Current Assets Year to Date	7	9,474	-6,007	16,614,330	0.00%

This statement is to be read in conjunction with the accompanying notes.

TAMALA PARK REGIONAL COUNCIL

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2006 TO 31 OCTOBER 2006

**1. SIGNIFICANT ACCOUNTING POLICIES**

The significant accounting policies which have been adopted in the preparation of this statement of financial activity are:

**(a) Basis of Accounting**

This statement has been prepared in accordance with applicable Australian Accounting Standards, other mandatory professional reporting requirements and the Local Government Act 1995 (as amended) and accompanying regulations (as amended).

**(b) The Local Government Reporting Entity**

All Funds through which the Council controls resources to carry on its functions have been included in this statement.

In the process of reporting on the local government as a single unit, all transactions and balances between those funds (for example, loans and transfers between Funds) have been eliminated.

**(c) Rounding Off Figures**

All figures shown in this statement, other than a rate in the dollar, are rounded to the nearest dollar.

**(d) Rates, Grants, Donations and Other Contributions**

Rates, grants, donations and other contributions are recognised as revenues when the local government obtains control over the assets comprising the contributions. Control over assets acquired from rates is obtained at the commencement of the rating period or, where earlier, upon receipt of the rates.

**(e) Goods and Services Tax**

In accordance with recommended practice, revenues, expenses and assets capitalised are stated net of any GST recoverable. Receivables and payables are stated inclusive of applicable GST.

**(f) Fixed Assets**

Property, plant and equipment and infrastructure assets are brought to account at cost or fair value less, where applicable, any accumulated depreciation or amortisation and any accumulated impairment balances.

**(g) Depreciation of Non-Current Assets**

All non-current assets having a limited useful life are systematically depreciated over their useful lives in a manner which reflects the consumption of the future economic benefits embodied in those assets.

Depreciation is recognised on a straight-line basis, using rates which are reviewed each reporting period. Major depreciation periods are:

Furniture and Equipment	4 to 10 years
Plant and Equipment	5 to 15 years
Infrastructure	30 to 50 years

**TAMALA PARK REGIONAL COUNCIL**

**NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY**

**FOR THE PERIOD 1 JULY 2006 TO 31 OCTOBER 2006**

**2. STATEMENT OF OBJECTIVE**

The Regional Council has a specific regional purpose which is:

- a) To undertake, in accordance with the objectives, the rezoning, subdivision, development marketing and sale of land comprising the developable portion of Lot 118 Mindarie; and
- b) To carry out and do all other acts and things which are reasonably necessary for the bringing into effect of the matters referred to in paragraph a).

The objectives of the Regional Council are:

- 1. To develop and improve the value of the land;
- 2. To maximise, and with prudent risk parameters, the financial return to the Participants;
- 3. To balance economic, social and environmental issues; and
- 4. To produce a quality development demonstrating the best urban design and development practice.

**3. ACQUISITION OF ASSETS**

<b>31 Oct 2006 Actual \$</b>	<b>2006/07 Revised Budget \$</b>
--	--

The following assets have been acquired during the period under review:

**By Program**

Furniture and Equipment	0	3,500
	0	3,500

**By Class**

Furniture and Equipment	0	3,500
	0	3,500

**4. DISPOSALS OF ASSETS**

There has been no disposal of assets in the period under review. No assets have been budgeted for disposal in this financial year.

**TAMALA PARK REGIONAL COUNCIL**

**NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY**

**FOR THE PERIOD 1 JULY 2006 TO 31 OCTOBER 2006**

**5. INFORMATION ON BORROWINGS**

No borrowings have been made in the period under review. No borrowings are budgeted for the 2006-07 financial year.

**6. CONTRIBUTED EQUITY**

The Council has budgeted to receive an amount of \$16,564,927 from member Councils during the 2006/07 financial year.

<b>7. NET CURRENT ASSETS</b>	<b>31 Oct 2006 Actual \$</b>	<b>Brought Forward 1-Jul \$</b>
<b>Composition of Estimated Net Current Asset Position</b>		
<b>CURRENT ASSETS</b>		
Cash - Unrestricted	14,541	0
Receivables	596	0
Inventories	0	0
	<u>15,137</u>	<u>0</u>
<b>LESS: CURRENT LIABILITIES</b>		
Payables and Provisions	<u>-5,663</u>	<u>0</u>
	9,474	0
Less: Cash - Restricted/Committed	<u>0</u>	<u>0</u>
<b>NET CURRENT ASSET POSITION</b>	<u><u>9,474</u></u>	<u><u>0</u></u>

**Attachment: Balance Sheet as at 31 October 2006;**

	<b>Oct 31, 2006</b>
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Current/Savings</b>	
A01100 - Cash at Bank	
A01101 - Unrestricted Municipal Bank	14,540.78
<b>Total A01100 - Cash at Bank</b>	<b>14,540.78</b>
<b>Total Current/Savings</b>	<b>14,540.78</b>
<b>Total Current Assets</b>	<b>14,540.78</b>
<b>TOTAL ASSETS</b>	<b>14,540.78</b>
<b>LIABILITIES</b>	
<b>Current Liabilities</b>	
<b>Accounts Payable</b>	
L01215 - SUNDRY CREDITORS	4,846.84
<b>Total Accounts Payable</b>	<b>4,846.84</b>
<b>Other Current Liabilities</b>	
2100 - Payroll Liabilities	
L2001 - PAYG Deductions	816.00
<b>Total 2100 - Payroll Liabilities</b>	<b>816.00</b>
2200 - Tax Payable	-595.89
<b>Total Other Current Liabilities</b>	<b>220.11</b>
<b>Total Current Liabilities</b>	<b>5,066.95</b>
<b>TOTAL LIABILITIES</b>	<b>5,066.95</b>
<b>NET ASSETS</b>	<b>9,473.83</b>
<b>EQUITY</b>	
L019001 - TVP Contributed Equity	10,000.00
L019002 - CP Contributed Equity	10,000.00
L019003 - TC Contributed Equity	10,000.00
L019004 - CJ Contributed Equity	20,000.00
L019005 - CW Contributed Equity	20,000.00
L019006 - TV Contributed Equity	10,000.00
L019007 - CS Contributed Equity	40,000.00
Net Income	-110,526.17
<b>TOTAL EQUITY</b>	<b>9,473.83</b>

**9.6 APPOINTMENT OF CONSULTANT FACILITATOR, ENQUIRY BY DESIGN WORKSHOP (18 & 19 JANUARY 2007) – ESTILL & ASSOCIATES**

**Report Information**

Location: Not Applicable  
Applicant: Not Applicable  
Reporting Officer: Chief Executive Officer

**Recommendation**

- 1. That Estill & Associates (Mr Linton Pike) be APPOINTED facilitator for the forthcoming Enquiry by Design Workshop to be held at the City of Wanneroo on 18 & 19 January 2007.**
- 2. That the appointment be in TERMS of the outline brief approved by the Council on 5 October 2006 and the response to the brief by Estill & Associates received 21 November 2006, the total cost (exclusive of GST) \$9,600.**

**Report Purpose**

To complete formalities for appointment of a facilitator for the forthcoming Workshop.

**Relevant Documents**

Attachments: Submission from Estill & Associates November 2006  
Available for viewing at the meeting: Council Minutes of 5 October 2006

**Background**

It is characteristic and necessary to have an independent facilitator managing the flow of business according to prescribed objectives at Enquiry by Design Workshops.

In the past the WAPC has been a major contributor to facilitation of Workshops involving public and local authority land.

The WAPC was approached to provide a facilitator for the TPRC Workshop, or alternatively, to arrange and contribute to the cost of an appropriate person for the role.

In the event, the WAPC is not adequately resourced to assist at this time and the Council approved a draft brief for appointment of an independent facilitator at the Council meeting of 5 October 2006.

The Council's Procurement Policy provides specific guidance for appointment of consultants for amounts above \$5,000. Those provisions are set out in Procurement Policy Item 5.4 as follows:

- *Quotations must be made in reference to:*
  - *A written brief defining the services required;*
  - *The deliverables from the consultancy;*
  - *The start and end time;*

- *The fee basis i.e. fixed, hourly, component completion;*
  - *The basis for any variation fees; and*
  - *Provisions for termination of services.*
- *Completion of a contract for consultancy services must be subject of a written agreement signed by the consultant and TPRC.*

The Council has provided further guidance in reference to delegations at its meeting on 3 August 2006 where the following delegation has been provided:

*Authority to appoint consultants for the provision of urban design, economic and statutory planning services in keeping with the objectives of the Council, subject to prior approval of the Council, and subject to there being a budget allocation for the consultancy.*

### **Comment**

The current economic climate has reduced the available resource numbers of people with skills for the tasks set out in the Council's brief.

A number of potential facilitators were contacted. Absence at the time of the Workshop or inability because of other commitments has significantly reduced options for a response to the Council brief.

The Urban Design Centre signified interest in providing facilitator services but their interest has been also sought in respect of professional design for the Workshop.

Estill & Associates have undertaken a number of commissions for local authorities including City of Swan, City of Wanneroo, City of Stirling, Town of Kwinana and have also been commissioned for large projects by a number of State Government agencies including the Department of Housing & Works, LandCorp and the DPI/WAPC.

Mr Linton Pike has a very strong reputation for achievement as facilitator at Enquiry by Design Workshops.

Initial consultations with Estill & Associates have resulted in considerable confidence by TPRC administration that Estill will more than adequately fulfil the consultant role.

The proposal by Estill is to fulfil the Council brief. The hours and costs contained in the submission are as follows:

- Pre-Workshop (20 hours)
  - Preparation, client meetings and briefings

- Workshop (32 hours) – 2 persons
  - Follow up report (8 hours)

**TOTAL COST - \$9,600 (exc GST)**

The consultant rates quoted in the submission are within normal ranges for this type of work.

The Workshop will include a portion of Government land adjacent to the Clarkson Rail Station. In consequence, a request has been made to the WAPC to make a contribution to the costs of engagement of the facilitator.

**Budget 2006/07 Item 145079 – Consultancy**

<b>ITEM</b>	<b>\$</b>
Budget Provision	70,460
Incurred & Committed	15,300
	<hr/>
	55,160
This Proposed Expenditure	9,600
Other Current Proposals (Item 9.7)	29,000
	<hr/>
	<b>16,560</b>



**Attachment: Submission from Estill & Associates November 2006**

**Proposal  
To  
Tamala Park Regional Council**

**Plan for, Facilitate and Report the Findings  
of the  
Tamala Park Enquiry By Design Workshop**

November 2006

Submitted by





## 1. INTRODUCTION

Estill & Associates Pty Ltd is pleased to submit this quotation to the Tamala Park Regional Council for the provision of services in relation to the facilitation of the Enquiry by Design Workshop for the Tamala Park Future Community Growth Area.

## 2. EXPERIENCE AND QUALIFICATIONS

**Linton Pike** *MBA, Grad Dip Bus, Dip Civ Eng, CMC, FIMC*

Estill is pleased to offer the services of Linton Pike as the facilitator for this workshop. Linton is a skilled facilitator who engages with the participants keeping the group focused on the task and motivated and directed towards identified outcomes. He has extensive facilitation experience and his use of On-the-Fly recording techniques allow workshop participants to clearly identify and address the issues and have direct, meaningful and immediate input into the workshop outcomes.

Linton joined Estill as a Director in March 1996. Since that time, he has worked with many public and private sector clients providing a broad range of services including group problem-solving, business and strategic planning, organisational change, public consultation, risk management, project management and performance management.

**Lisa Hamblin**

*Bachelor of Arts (Mass Communications) Specialising in Public Relations, Journalism & Marketing*

Lisa joined Estill & Associates in 2005. In her role, she has been involved in community and stakeholder consultation and engagement. Lisa has been responsible for project communication, requiring her to liaise with internal and external stakeholders including senior management and community members. Lisa has shown excellence in her project management responsibilities and strong coordination skills as displayed through the various stakeholder reference groups that she has been involved with.

Lisa has been involved with planning, attending and reporting workshops and meetings for many major projects.

Projects have included Mitchell Freeway Extension Project, Roe Highway Stage 7, Leighton Oceanside Parklands Redevelopment, City of Melville and City of Subiaco Black-Spot Programs, various Risk Assessment and Value Management workshops and Albany Waterfront Project.

Lisa worked extensively with the Roe 7 Alliance in the role of Community Relations Officer. In this role, Lisa was responsible for research and responding to stakeholder queries and handling public queries. Lisa assumed responsibility for writing, researching and designing an internal newsletter, 'Roving Reporter'; as well as assisting with an external newsletter. Lisa organised and attended community workshops and meetings and maintained an information website ([www.roe.7.com.au](http://www.roe.7.com.au)). Lisa was responsible for communicating project updates and environmental achievements to the client (Main Roads) and community.

In this position, Lisa regularly liaised with engineers to produce community information packs. Lisa was responsible for assessing current events and their potential impacts on the local community, writing and organising mail-out of community letters/notifications and planning and participating in community events



such as Grasstree salvaging and sale. Lisa also created and maintained the stakeholder database and drafted the media releases.

**3. SCOPE OF WORK**

The scope of work for the Enquiry By Design Workshop includes:

- Attend briefing meetings with client
- Prepare for Workshop
- Facilitation of two day workshop
- Prepare report on outcomes and issues

**4. QUOTATION**

Estill's quotation for facilitating the workshop, attendance at briefing meetings and preparation of workshop resources and outcome report is **\$10,560.00** inclusive of GST.

A breakdown of the above fee is as follows:

Component	Cost \$
Attend Client Briefing Meetings (4)	8 hours @ \$200 = \$1,600.00
Workshop preparation and document review including:	8 hours @ \$200 = \$1,600.00 4 hours @ \$80 = \$320.00
<ul style="list-style-type: none"> <li>• Agenda finalisation</li> <li>• Workshop preparation</li> <li>• Presenter liaison</li> <li>• Compile presentations</li> <li>• Final workshop logistics</li> <li>• Document pre-formatting</li> <li>• Workshop resources</li> </ul>	
Two Day Workshop	
<ul style="list-style-type: none"> <li>• Linton Pike</li> <li>• Lisa Hamblin</li> </ul>	16 hours @ \$200 = \$3,200.00 16 hours @ \$80 = \$1,280.00
Follow up report	8 hours @ \$200 = \$1,600.00
Net	\$9,600.00
GST	\$960.00
<b>Total</b>	<b>\$10,560.00</b>

**9.7 APPOINTMENT OF CONSULTANT DESIGN TEAM, ENQUIRY BY DESIGN WORKSHOP (18 & 19 JANUARY 2007)**

**Report Information**

Location: Not Applicable  
Applicant: Not Applicable  
Reporting Officer: Chief Executive Officer

**Recommendation**

- 1. That the brief for professional services be APPROVED.**
- 2. That the professional design team experienced in providing input to Enquiry by Design Workshops be APPOINTED for the TPRC Workshop for 18 & 19 January 2007.**
- 3. That the consultant team SATISFY the requirements of the Brief for Professional Services.**
- 4. That a Committee comprising the TPRC Chairman, TPRC CEO and representative of City of Wanneroo be APPOINTED to select the consultant team for the project.**

**Report Purpose**

To request Council authorisation for the appointment of a professional consultant (design team) to support the TPRC Enquiry by Design Workshop to be held 18 & 19 January 2007.

**Relevant Documents**

Attachments: Enquiry by Design Workshop Brief  
Available for viewing at the meeting: Urban Design Centre Proposal

**Background**

The Council has requested an Enquiry by Design Workshop be conducted to establish principles and values for the ongoing planning of the urban development at Tamala Park.

Workshops enable the input of a variety of stakeholders and the consideration of the most relevant principles of urban design including references to environment, economics, housing strategy, transport, energy conservation etc. The objectives of an Enquiry by Design Workshop are generally considered to be the following:

- Introduces the application of the principles of best practice, sustainable urban design to development in a participatory, non-binding setting;
- Tests any current plans and evolves them in accordance with those principles;
- Brings together professionals from the planning and development sector and other interested parties who will have the opportunity to debate and agree upon the best ways to achieve designs that reflect those principles;
- Allows participants to draw designs instead of just talking about them;

- Encourages participants to respond to the physical characteristics of an actual site by examining and reinforcing local characteristics and protecting natural features;
- Helps participants to understand the development opportunities and constraints of a site and those designs may be implemented; and
- Provides important feedback to assist in refining design principles and the policy and statutory framework through which they are applied.

It is important to include in Workshops a range of experts in aspects of urban design who can act as catalysts and design creators around the variety of issues brought forward for examination and resolution of the workshop.

The professional design team, additionally, needs to be well acquainted with the various Government and local government policies that will influence the final urban development. These policies are listed in design brief attached to this item.

Discussions with a number of stakeholders including the WAPC, City of Wanneroo, public utility authorities have confirmed the desirability for the professional and independent consultant team to assist workshop outcomes.

Inquiries to available consultants indicate that there will be considerable amount of preparatory work and final report writing necessary in addition to attendance of a consultant team at the 2 day workshop.

#### **Comment**

It seems that the range of costs to be expected is between \$20,000-\$30,000 depending upon preparatory material already available and the balance of work assigned to the workshop facilitator and the consultant team.

Approaches have been made for quotations. One completed submission has been received from the Urban Design Centre, details of which will be provided at the Council meeting (details are not agenda listed as other quotations may be forthcoming).

At this stage, it is requested that Council authorise the appointment of a consultant design team.

In view of the timing of the workshop, preceding the next available Council meeting, it may be necessary to delegate to a committee of (say):

- The Chairman Council representative),
- The TPRC CEO (Corporate representative) and
- CEO or Director at City of Wanneroo (local authority representative)

Authority to make an appointment in reference to the brief attached and for an amount less than (say) \$30,000.

#### **Budget 2006/07 Item 145079 – Consultancy**

<b>ITEM</b>	<b>\$</b>
Budget Provision	70,460
Incurred & Committed	15,300
	<hr/>
	55,160
This Proposed Expenditure	29,000
Other Current Proposals (Item 9.6)	9,600
	<hr/>
	<b>16,560</b>

**Attachment: Enquiry by Design Workshop Brief**

**BRIEF FOR PROFESSIONAL SERVICES SUPPORTING  
AN ENQUIRY BY DESIGN WORKSHOP FOR  
PART LOT 9504 TAMALA PARK**

**Background**

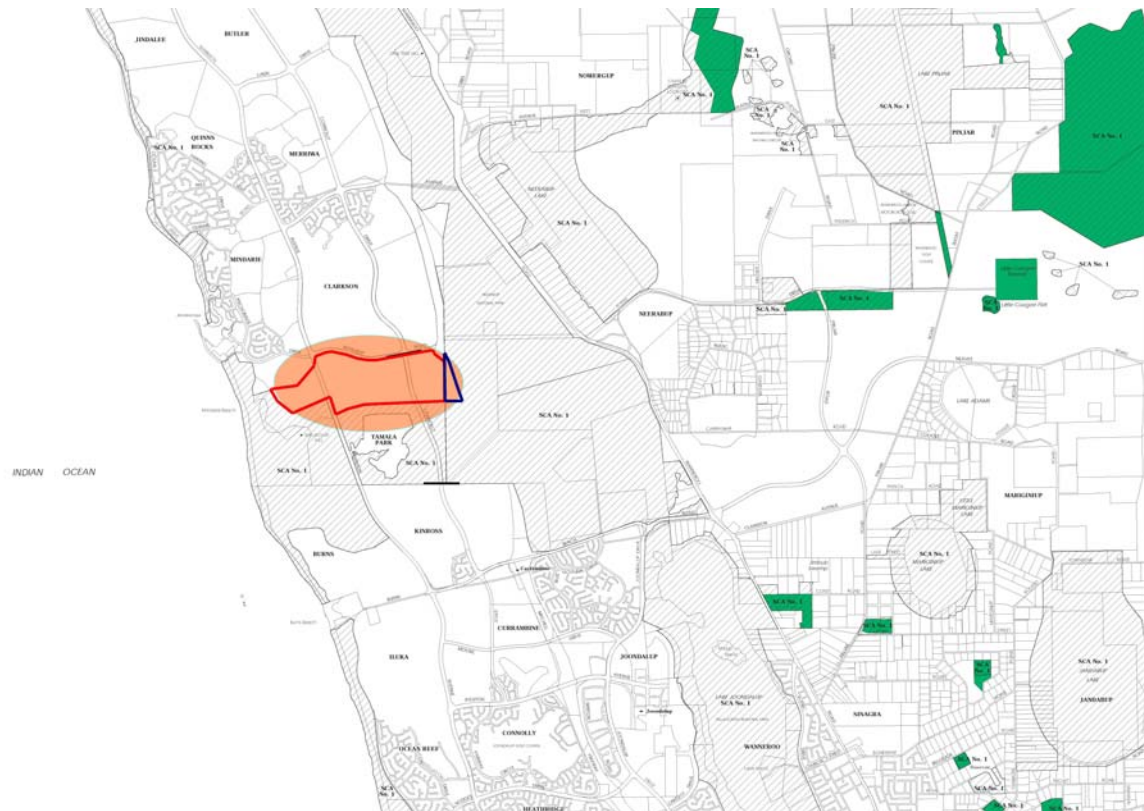
The Tamala Park Regional Council has been established to coordinate and manage the development of 180 hectares of urban land immediately south of Neerabup Road near the Clarkson Rail Station, the Indian Ocean foreshore and the Mitchell Freeway.

The land is currently vacant land. The land is surrounded by new suburbs in Somerly, Kinross, Mindarie Keys and Burns Beach.

Tamala Park is located in the northern corridor in an area where the West Australian Planning Commission expects intensive development to occur during the next 10-15 years. At the northern extremity of the corridor, new proposed developments of Alkimos and St Andrews will result in new developments providing for a population of more than 100,000.

Structure planning around Tamala Park has been completed within the context of the Metropolitan Region Planning Scheme. Major arterial and local distributor roads have been defined. Extensions to the northern suburbs railway past Tamala Park and the Mitchell Freeway to and north of Tamala Park are all in prospect.

The new Tamala Park development (known as the Tamala Park Future Community Growth Area) is uniquely situated in reference to the ocean, north-south and east-west transport distributors and large areas of regional open space and Bush Forever conservation reserves. The location is shown on the plan below:



The Tamala Park Regional Council expects to establish principles and values to guide detailed structure planning, which will commence during 2007.

The principles and values will be developed relative to objectives set out in the Tamala Park Regional Council Establishment Agreement which include the following:

1. To develop and improve the value of the land;
2. To maximise, within prudent risk parameters, the financial return to the Participants;
3. To balance economic, social and environmental issues; and
4. To produce a quality development demonstrating the best urban design and development practice.

The future urban development of Tamala Park is expected to express the general values of 'smart growth' policies practiced throughout the world. The TPRC will be open to consider any innovation that extends and improves on existing acknowledged 'best practice'.

The TPRC has scheduled an Enquiry by Design Workshop to be conducted 18 & 19 January 2007, at the City of Wanneroo administration centre (Dundebar Road, Wanneroo).

A variety of stakeholders have/will be invited to participate in the Workshop. These stakeholders will represent:

- Community
- Ownership
- Public utility interests
- Regulatory interest
- Professional urban development interests

#### **Material Already Available for the Workshop**

The following are available to provide partial background information for the Workshop:

- Background reports
- Traffic counts for major roads
- Zoning
- Public utility
- Communication
- Contour
- Some flora
- Some geological
- Retail and education catchments

Key stakeholders will provide specific information relative to their interest or disciplines.

#### **Facilitator for the Workshop**

A facilitator experienced in conducting Enquiry by Design Workshops and knowledgeable in relevant WA State and local authority policies concerning urban development, will be appointed for the 2 day Workshop.

### **Enquiry by Design Guidelines**

The TPRC Council, facilitator and stakeholders have been referred to the Enquiry by Design Workshop Process Guidelines published by the WAPC and available on the WAPC website at the following URL:

<http://www.wapc.wa.gov.au/Publications/28.aspx>

It is expected that the subject guidelines will be used as a guide for the TPRC Workshop.

### **Professional Services Required**

A team of professionally qualified experts in the fields of:

- Urban design
- Water sensitive and efficient design
- Landscape design
- Environmental buildings
- Residential lot and public place design

are required to provide input, guidance and act as catalysts for development of concepts, principles and values and indicative designs at the Workshop to be held 18 & 19 January 2007.

The design team will be expected to work with Workshop participants and the appointed facilitator to achieve the following outcomes:

- A recognition of the objectives of stakeholders and affected communities
- Site characteristics, opportunities and constraints
- Interface and integration with existing communities and infrastructure
- Opportunities for environmental conservation within the overall objective of an urban development
- Iterative design development through workshop sessions

Collaboration with the Workshop facilitator in the preparation of a report summarising Workshop activity and the principles, values and guidelines for ongoing development for structure planning for the site.

In providing input to the Workshop it is expected that the design team will have regard for existing Government policies and guidelines including the following:

- Liveable Neighbourhoods
- Wanneroo Smart Growth
- Wanneroo Local Housing Strategy
- Network City
- Wanneroo District Planning Scheme
- State Sustainability Strategy
- Metropolitan Region Scheme
- Bush Forever Policy
- Waste Management 2020
- Coastal Management Policy
- Cities for Climate Protection
- Agenda 21
- Telecommunications Strategy and Protocol



### **Response Required**

A proposal to provide professional services is described above noting, in particular:

- The technical expertise contained in the proposed design team
- Experience at Enquiry by Design Workshops/Charettes
- Workshop coordination experience
- Details of services to be provided
  - Preparation of background material
  - Provision of base maps, plans and aerial photographs
  - Liaison with the Workshop facilitator
  - Summary reports to be provided of Workshop sessions
  - Post-workshop reports and consultancy

### **Costs**

Respondents are requested to advise the total cost for the project.

If preferred, respondents may provide separate cost quotations for the appointment of individual team members representing specific disciplines.

Costs are to be submitted exclusive of GST.

Respondents are requested to indicate areas of cost saving relative to preparation of background material, base maps, plans and aerial photographs by the TPRC or other stakeholders.

### **Report Deliverables to Cover**

- Workshop preparation and activity
- Plans, sketch designs and concepts relative to each Workshop design session
- A final report summarising Workshop outcomes
- A report recommending further studies/steps for progressing the urban design of the project
- Hard copy reports (3 required).
- All reports significant plans, aerials and designs required on CD

### **Contract**

A commission awarded for services as described will be subject of a written contract signed by the consultant and the TPRC.

## 9.8 ABORIGINAL HERITAGE

### Report Information

Location: Not Applicable  
Applicant: Not Applicable  
Reporting Officer: Chief Executive Officer

### Recommendation

1. That the brief for aboriginal heritage site identification and investigation:
  - Part A Desk Top Study
  - Part B Site Survey Archaeological & Ethnographic Studybe APPROVED.
2. That the brief be ADVERTISED for responses to be advised to the Council at its meeting in February 2007.

### Report Purpose

To obtain approval to proceed with base research necessary for structure planning and approval for urban development of Lot 9504 on deposited plan 52070 Mindarie.

### Relevant Documents

Attachments: Draft Brief (Parts A & B)  
Available for viewing at the meeting: Nil

### Background

For all new large developments on vacant land, a number of approvals and clearances are required.

The Aboriginal Heritage Act 1972 requires a desk top study (minimum) and, potentially, archaeological and ethnographic studies with respect to identified and potential aboriginal heritage sites.

The Department of Indigenous Affairs has set out a number of guidelines for conducting the relevant studies.

A brief has been prepared using the guidelines as a base and is submitted as an attachment hereto.

The reports and studies that would emanate from a commission based on the brief would cover the requirements by regulatory authorities in respect of aboriginal heritage sites.

### Comment

The draft brief has been compiled in 2 parts.

The first is to complete a desk top study. The second part of the brief would only proceed in the event that the desk top study established the need to embark upon archaeological and ethnographic work.

The studies now proposed will need to be undertaken regardless of any other design work undertaken by the TPRC.

It is desirable to complete the aboriginal heritage site studies as quickly as possible in order that any potential issues can be identified and factored into more detailed planning.

A review of all past desk top studies, archaeological and ethnographic reports indicates that it is unlikely that there are any sites of significance in the TPRC development area.

Land that has recently been transferred by the TPRC to the Crown Estate (west of Marmion Avenue) is known to contain a significant aboriginal heritage site. The subject land is important to the TPRC because of the interface that will occur between the urban development and the reserve that is being established as an important coastal conservation reserve, west of Marmion Avenue.

The WAPC will soon be commencing a management plan for the coastal conservation reserve. This plan will include interface issues and it may be desirable to invite the WAPC to participate in a joint study of the WAPC land and the TPRC land west of Marmion Avenue to eliminate duplication of work and to enable a comprehensive study over the whole of the undeveloped land owed by the Crown and the local government participants.

On the extreme eastern section of the TPRC land, the State Government owns approximately 12 hectares, south of Clarkson Rail Station along the Mitchell Freeway alignment, which would normally be included in structure planning of the TPRC land. Again, there is a logical and economic advantage in including the State Government land in any aboriginal heritage site study undertaken for the TPRC.

In context of the above, it is proposed to invite the WAPC and other relevant State agencies to participate in aboriginal heritage site studies and make a relevant contribution to the cost of such studies.

In terms of the Council's Procurement Policy, it is required that a brief be prepared and approved by the Council. Accordingly, the attached brief is submitted for approval.

If approved, it is proposed to invite submissions from qualified consultants in January 2007.

**Attachment: Draft Brief (Parts A & B)**

**ABORIGINAL HERITAGE SITE IDENTIFICATION  
AND INVESTIGATION**

**Part A) Desktop Study**

**Part B) Site Survey Archaeological and Ethnographic Study**

**BACKGROUND**

**The Tamala Park Regional Council has been established to develop approximately 180 hectares of land in the northern corridor.**

The land is situated between the coast and the Mitchell Freeway alignment, south of Neerabup Road. A location plan is attached with the subject land bordered red and blue.

**The land is adjacent to extensive areas of Bush Forever land, which connects a major coastal conservation reserve to Neerabup National Park.**

The land for which the Tamala Park Regional Council is responsible is currently zoned Residential or Deferred Urban under the Metropolitan Region Scheme (MRS). Adjacent to the subject land is an area of approximately 12 hectares bordering the Mitchell Freeway alignment and shown blue on the plan. This land is owned by State Government agencies and will be included in structure plans for the overall development of the residential and deferred urban land parcel.

Marmion Avenue and Connolly Drive transect the land in a north-south axis. Between Marmion Avenue and Connolly Drive (immediately south of part of the developable land) is land used by the Mindarie Regional Council (MRC) for refuse disposal for 7 local governments.

The subject land is part of the original Lot 118 Mindarie, a land parcel of 432 hectares which was jointly owned by the 7 local authority participants of the MRC.

The land has been subject of a number of desk top, archaeological and ethnographic reports over the period 1983 to 2005.

**A previous report was commissioned in conjunction with a structure plan for an urban development, prepared for the owners by The Planning Group (2000). A series of reports have been commissioned by the MRC in conjunction with the MRC operations on and around a 22 hectare portion of land which has been licensed for refuse disposal operations. Additional reports have been compiled to support MRS Amendment 992/33 which dealt with the rezoning of a number of parcels of land in the corridor including the rezoning of part of the (then) Lot 118 Mindarie from Rural to Urban Deferred.**

The Tamala Park Regional Council is now progressing plans for urban development and expects to complete structure planning for the whole of the land in 2007.

The Tamala Park Regional Council has expressed the following objectives for development of the subject land:

1. To develop and improve the value of the land;

2. To maximise, within prudent risk parameters, the financial return to the Participants;
3. To balance economic, social and environmental issues; and
4. To produce a quality development demonstrating the best urban design and development practice.

## THE OBJECTIVES OF THE STUDY

### Part A) Desktop Study

The main objective of the Preliminary Aboriginal Heritage Investigation will be to:

- Identify any known or potential Aboriginal heritage issues that may affect the proposed development.
- Identify if any further research and/or consultation will be required to meet the requirements of the *Aboriginal Heritage Act 1972*.
- Make recommendations regarding the scope of any further research and/or consultation that may be required.

### Part B) [Subject to the results of (A)]

The main objective of the Ethnographic and Archaeological Aboriginal Heritage Investigation will be to:

- Identify any known or potential Aboriginal heritage issues that may affect the proposed development.
- Undertake research and/or consultation that may be required to meet the requirements of the *Aboriginal Heritage Act 1972*.
- Locate/record Aboriginal sites and any other Aboriginal heritage issues.
- Make recommendations regarding the management of the above sites, including any further research and/or consultation that may be required during or after the works component of the project.

Previous studies including studies of the MRC area:

[1988 Schwede – University of WA and Ethnographic assessment June and August 1988 – Whole of Lot 17 Mindarie \(now Lot 118\)](#)

Archaeological survey identified:

- a mythological Wagyl site on the northern rim parabolic dune ridge recorded – now as Mindarie Wagyl (ID 3567/SO2571)
- an isolated scatter of artefacts within the eastern section of the dune ridge.

Ethnographic investigations:

- involved Aboriginal consultants, long term residents
- site inspections;
- a review of all previously reported information.

[1992](#) - Additional surveys of the study area were undertaken in 1992 and determined that the area beyond the parabolic dune ridge does not contain any sites of Aboriginal significance (City of Wanneroo, 1994).

The ethnographic and archaeological site are located outside, but immediately adjacent to, the proposal area.

1999 - Alan Tingay & Associates report no 99/62 Environmental Assessment commissioned City of Wanneroo in Reference to MRS amendment 992/33 – proposal 2 – Rezoning pt lot 118 to deferred urban

Reviewed Schwede Study 1988 and further study 1992 and concluded:

- Mindarie Wagyl (ID 3567/SO2571) within MRC lease.
- The area beyond the parabolic dune ridge (i.e. the Urban Deferred land) does not contain any sites of Aboriginal significance (City of Wanneroo, 1994).
- The existing ethnographic and archaeological site are located (within the MRC lease) outside, but immediately adjacent to, the proposal area.

1999 - McDonald, Hales & Associates – Desktop Study of Previous Research

- Revealed the presence of ten Aboriginal sites within a 5 KI radius of Tamala Park

1999 - McQuade Identified two sites within the area of the MRC operations:

- Mindarie Wagyl (ID 3567/SO2571)
- Tamala Park Regional Council park Scarred Trees (ID 3407) *[sth east of the prominent Wagyl Dune (ID 3567)]*

2000 - David Robertson & Theresa Venz – Report May 2000 Study area MRC lease area between Marmion Ave (west) and Connolly Drive (east)

- Archaeological Survey completed by Kevin Edwards & David Robertson – March 2000
  - No Artefacts Found
  - Tamala Park Regional Council park Scarred Trees (ID 3407) not identified
  - A new scarred tree noted & recorded (50 M north of the crest of the prominent Wagyl Dune Ridge (ID 3567))
- Ethnographic survey and consultation with Aboriginal consultants (16) March & April 2000 – (GPS Plotting by BSD during consultation inspections):
  - Mindarie Wagyl (ID 3567) Plotted
  - Aboriginal consultant (1) reported presence of a waterhole and campsite north east of the Wagyl site at the base of the dune – both in buffer zone of Mindarie Wagyl (ID 3567/SO2571)
  - Aboriginal consultants (2) reported location of scarred Trees (ID 3407)

2005 - Australian Interaction Consultants (Prepared for Cardno BSD acting for MRC)

- Substantially reviewing and reiterating findings referred to in previous studies

## Part A) Desktop Study

### **BACKGROUND**

The main objective of the Preliminary Aboriginal Heritage Investigation will be to:

- Identify any known or potential Aboriginal heritage issues that may affect the proposed development.
- Identify if any further research and/or consultation will be required to meet the requirements of the *Aboriginal Heritage Act 1972*.
- Make recommendations regarding the scope of any further research and/or consultation that may be required.

## **STUDY AREA**

The study area is the area shown on the plan bordered blue and red and may be extended over further areas of the previous Lot 118 Mindarie west of Marmion Avenue, that are zoned POS, subject to negotiations with the West Australian Planning Commission, who will be preparing a Management Plan for the POS areas.

## **DESKTOP INVESTIGATION**

### ***Existing Aboriginal Reports Relating To The Study Area***

#### **Identification of Reports**

The consultant is to determine if any previous Aboriginal Heritage surveys have been undertaken which encompass, or may be otherwise relevant for, the study area. This is to include, but not be limited to, reference to reports held in the libraries of the following organisations, as relevant:

- Department of Indigenous Affairs (DIA)
- Other Government Departments
- Appropriate private organisations (e.g. mining companies)
- Universities
- Local Aboriginal Corporations

The consultant is to clearly state what sources have been investigated.

#### **Review of Reports**

If any reports are identified which may be relevant for the Study Area these are to be reviewed and the following points recorded:

- Summary of key findings
- Identification of the type of work undertaken in the area as part of previous heritage investigations
- Identification of any Aboriginal sites discussed in previous reports
- Summary of available information regarding location, nature, status on the Aboriginal Sites Register etc.
- Comment on the quality of previously prepared heritage reports (i.e. comment on the level of detail and reliability of previous investigations with specific reference to the current proposal)
- Analysis of the potential implications of any previously identified archaeological or ethnographic sites for the current proposal
- Identification of any individuals or groups who may need to be consulted regarding the current proposals.

### **Aboriginal Sites Register**

The consultant is to contact the DIA Aboriginal Sites Register section to determine if any sites have been previously recorded in the Study Area.

If any sites have been previously recorded the consultant is to document the following points:

- Summary of available information regarding location etc.
- Details on the access status to the Site File (i.e. Open/Closed)
- Identification of any implications for the proposed development

If there are any sites that have been identified as part of the review of previous reports, but have not been recorded in the Aboriginal Sites Register, the consultant is to:

- Prepare a schedule identifying these sites and the source of the information
- Prepare a site recording form for each of the above sites, based on the available documentary information. These forms are to be lodged with the proponent (who will be responsible for forwarding it to DIA).

### ***Preliminary Stakeholder Identification***

#### **Identification of Relevant Stakeholder Groups**

Based on readily available information, the consultant is to identify key Aboriginal organisations, groups and individuals who should be notified of the intent to develop the Study Area.

Organisations and groups that could be considered include:

- DIA Regional Office
- Land Councils
- Native Title Claimants
- Groups identified in any previous reports (as identified under 3.1)
- Representative Bodies
- Local Community Groups
- Chairpersons

#### **Initial Notification of Project**

*(Contract Manager to determine if this is to be included)*

The consultant is to contact relevant Aboriginal organisations, groups and individuals (as identified above) to:

- Advise and notify them of the current proposal
- Outline details of the current proposal

*(Subject to circumstances of the project brief, see Contract Manager to determine if this is to be included)*

- Determine if there are any general heritage issues the proponent should be aware of.



- Identify the scope of further consultation required, if any, for ethnographic and archaeological survey (including the identification of specific contacts for the purpose of future, detailed consultation.

The preliminary notification is not expected to include any detailed consultation regarding the identification of sites.

### **ABORIGINAL HERITAGE SURVEY**

If, based on the above research, the consultant concludes that an Aboriginal heritage survey will be required to investigate areas not previously surveyed, or to determine whether the proposed development will impact previously recorded Aboriginal sites, the consultant is to identify what type of survey will be necessary, that is:

- Site identification survey, which seeks to define all sites located
- Site avoidance survey, which enables the developer to proceed in areas in which sites can be avoided
- Work area clearance survey

### **PRELIMINARY REPORT**

At a minimum, the report on the Preliminary Aboriginal Heritage Investigation shall include the following information.

It is generally expected that the report will use the following headings in the sequence presented.

#### **Executive Summary**

The Executive Summary is to provide a *concise* summary suitable for consideration by both DIA and the Tamala Park Regional Council and is to include the following information:

- Background information about the place and the study
- An outline of any implications arising from the Aboriginal heritage investigations undertaken as part of this study
- Identification of any previously recorded sites
- A summary of any further action recommended to address Aboriginal Heritage issues

#### **REPORT**

##### **Area Assessed**

This is to include a description of the area directly affected by the current proposal and a description of the area covered by this report (if different). It is to include a clear location plan.

##### **Methodology**

An outline of the methodology employed by the Consultant in the preparation of the report.

## **Acknowledgements**

All organisations, groups and individuals consulted during the preparation of the report are to be appropriately acknowledged.

## **Previous Reports**

The consultant is to clearly state what sources have been investigated, and list any reports identified. This is to be followed by a brief summary of the key findings of each of these reports (as relevant to the current proposal) with specific reference to the points covered under clause 3.1.2 of this brief.

Where it is determined that reports have been previously prepared, but that these reports are not publicly accessible, this should be clearly noted.

## **Previously Recorded Sites**

The consultant is to record if any sites within the study area have been previously recorded in the Aboriginal Sites Register, and include details of these sites. In addition, the Site File access category/status should be noted.

## **Preliminary Stakeholder Identification**

The consultant is to clearly state what organisations, groups and individuals have been notified about the current proposal and/or should be consulted if further, more detailed investigation is undertaken.

The scope and outcomes of any preliminary consultation that may have been undertaken are to be summarised.

## **Implications for the Current Proposal and Recommendations Arising**

The consultant is to review the information collated and clearly state any known or potential implications for the current proposal.

Based on the desktop survey and preliminary stakeholder consultation, the consultant is to set out clear recommendations regarding:

- Any further research and/or consultation which may be required as part of the development of current proposals
- The professional skills required to undertake this work
- The nature of any physical survey that may be required
- The recommended study area for any physical survey that may be required
- The scope of consultation that may be required, including the names of recommended points of contact
- An indication of likely timeframes

## **Sites to be reported to the Aboriginal Site Register**

If there are any sites that have been identified as part of the review of previous reports, but have not been recorded in the Aboriginal Sites Register, the consultant is to document relevant information in a form suitable for the purposes of reporting a site to the Aboriginal Site Register. This should be included as a self-contained Appendix for submission to DIA by the proponent.

It is the consultant's responsibility to ensure that DIA's current standards for recording Aboriginal heritage sites are fully met.

## **REPORT FORMAT/STYLE**

Generally, referencing is to follow the format set out in the *Australian Style Manual: for Authors, Editors and Printers*, 5<sup>th</sup> edition, Australian Government Printing Services, Canberra, 1994.

## **COPIES OF REPORT**

5 bound and 2 unbound copies of the draft report are required.

5 bound and 2 unbound copies of the final report are required.

2 copies of the report on disc (pdf format)

All reports, including a copy to be lodged at the DIA, are to be submitted to Tamala Park Regional Council.

## **LIAISON AND PRESENTATION MEETINGS**

The consultant is to allow for the following meetings, in addition to any consultation specified above.

- i) A meeting in the first week of the contract to discuss details of the proposal with Mr R Constantine, Chief Executive Officer, of Tamala Park Regional Council, including relevant information about the scale/nature of the proposal and any issues relating to confidentiality.
- ii) The Consultant shall also allow for a meeting to present the final report to the Tamala Park Regional Council.

## **COPYRIGHTS AND CONFIDENTIALITY**

If the proposed development is confidential, the consultant is to adhere to any restrictions placed on the public discussion of the proposal by the proponent. The proponent is to approve the content of any written description or discussion of the project necessary for the purposes of this report.

If the Preliminary Aboriginal Heritage Survey identifies any sensitive information relating to Aboriginal culture and religious beliefs this should be presented only as necessary to guide further action required under the *Aboriginal Heritage Act 1972*.

All films, original drawings, photographs, electronic media and all copyright will rest with the Government of Western Australia (Note Regulation 10 (h) of the *Aboriginal Heritage Act 1972* in this regard).

## **REVIEW**

The final report will be reviewed by the Tamala Park Regional Council and the DIA.

The Consultant may be asked to make changes based on the reviewers' comments before the Preliminary Aboriginal Heritage Survey is finalised. Where the Consultant has concerns about any of the review comments these are to be resolved with the Contract Manager prior to the completion of the report.

## **TIME FRAME**

It is essential that the Consultant maintain a close working relationship with the Contract Manager and advise of progress regularly. Specific requirements are as follows:

- commencement within one (1) week of appointment;
- submission of a program showing critical dates within one (1) week of commencement;
- submission of the final report to be no later than four (4) weeks from date of commencement, unless varied by agreement with the Contract Manager.

## **PART B) SITE SURVEY ARCHAEOLOGICAL & ETHNOGRAPHIC STUDY**

NB: This part of the study will be contingent upon the outcome of Part A. Part B will not proceed if the Part A study indicates that no further survey work is required.

## **BACKGROUND**

The main objective of the Ethnographic and Archaeological Aboriginal Heritage Investigation will be to:

- Identify any known or potential Aboriginal heritage issues that may affect the proposed development.
- Undertake research and/or consultation that may be required to meet the requirements of the *Aboriginal Heritage Act 1972*.
- Locate/record Aboriginal sites and any other Aboriginal heritage issues.
- Make recommendations regarding the management of the above sites, including any further research and/or consultation that may be required during or after the works component of the project.

## **STUDY AREA**

The study area is the area shown on the plan bordered blue and red and may be extended over further areas of the previous Lot 118 Mindarie west of Marmion Avenue, that are zoned POS, subject to negotiations with the West Australian Planning Commission, who will be preparing a Management Plan for the POS areas.

## **SITE IDENTIFICATION SURVEY**

### **ETHNOGRAPHIC/ANTHROPOLOGICAL SURVEY - FIELDWORK**

The purpose and scope of this component of the contract is to:

- Undertake consultation with all people who have a valid interest in, are knowledgeable about and/or who have traditional rights and obligations in the study area
- Document all discussions and decisions by groups or individuals, including any limitations to information
- Identify sites (subject to any confidentiality issues as discussed under clause 7 of this brief)

- Document any recommendations and conditions voiced by the Aboriginal consultants
- Document any other relevant Aboriginal heritage issues
- Analyse the above information against the development proposal to provide the basis for the development of planning recommendations
- Collate all information required for the purpose of reporting a site to the Aboriginal Site Register (if applicable)

### **ARCHAEOLOGICAL SURVEY– FIELDWORK**

#### **The purpose and scope of this component of the contract is to:**

- Establish whether the study area contains physical evidence of past Aboriginal occupation and use
- Record, assess and make recommendations regarding the management of these sites, with specific reference to the proposed development
- Analyse the above information against the development proposal to provide the basis for the development of planning recommendations
- Collate all information required for the purpose of reporting a site to the Aboriginal Site Register (if applicable)

A framework and survey strategy should be developed prior to undertaking fieldwork. This should include:

- Rationale for proportion of project area actually surveyed, (i.e. sampling strategy).
- Size and distribution of sample units and how they were determined.
- Survey methodology.
- Mapping of areas to be surveyed.

Aboriginal people should be involved in the archaeological survey process. They may wish to have a say in determining the format in which the information is collected and eventual use to which it is put. Where these views may conflict with the requirements of the study brief, these will need to be negotiated with the Contract Manager prior to preparing the report.

### **REPORT**

At a minimum, the report on the Site Identification Survey shall include the following information.

It is generally expected that the report will use the following headings in the sequence presented.

#### **Executive Summary**

The Executive Summary is to provide a *concise* summary suitable for consideration by both the Department of Indigenous Affairs (DIA) and the Tamala Park Regional Council and is to include the following information:

- Background information about the place and the study
- An outline/summary of information arising from previous Aboriginal heritage reports
- Results of the ethnographic/anthropological and archaeological surveys

- A summary of recommendations that address Aboriginal Heritage issues identified as part of this study

## **REPORT**

### **Area Assessed**

This is to include a description of the area directly affected by the current proposal and, if different, a description of the area covered by this report. It is to include a broad/regional location plan as well as a detailed locality map.

### **Methodology**

An outline of the methodology employed by the Consultant in the preparation of the report.

### **Acknowledgements**

All organisations, groups and individuals consulted during the preparation of the report are to be appropriately acknowledged

### **Previous Reports**

It is generally expected that this section will be based on the findings of the separate desktop study undertaken for the study area.

The consultant is to clearly state what sources have been investigated, and list any reports identified. This is to be followed by a brief summary of the key findings of each of these reports (as relevant to the current proposal) and an analysis of the potential implications for the current proposal.

Where it is determined that reports have been previously prepared, but that these reports are not publicly accessible, this should be clearly noted.

### **Previously Recorded Sites**

It is generally expected that this section will be based on the findings of the separate desktop study undertaken for the study area.

The consultant is to record if any sites within the study area have been previously recorded in the Aboriginal Sites Register, and include details of these sites, as relevant to the current proposal. In addition, the Site File access category/status should be noted.

### **Ethnographic/Anthropological Survey**

The consultant is to clearly state what organisations, groups and/or individuals have been contacted to determine if any Aboriginal heritage issues are likely to affect the proposed development.

The outcomes of this consultation are to be summarised, including any recommendations and conditions voiced by the Aboriginal consultants.

## **Archaeological Survey**

The consultant should include full descriptions and discussion of:

- Background investigations and Aboriginal consultation
- Research framework, including survey and recording methods
- Results of field survey
- Analysis of field survey data, including descriptions of recorded artefacts
- Assessment of site(s) significance and recommendations for site(s) management

## **Findings of the Survey and Recommendations Arising**

The consultant is to clearly state all known or potential implications for the current proposal. These should be clearly supported by discussion and explanatory notes, where necessary.

Based on the fieldwork survey, consultation and analysis of the findings, the consultant is to set out clear recommendations for addressing any Aboriginal heritage issues identified for:

- Individual Aboriginal heritage sites
- The development area as a whole
- The study area (if different to the development area)

## **Sites to be reported to the Aboriginal Site Register**

If there are any sites that have been identified as part of the review of previous reports, but have not been recorded in the Aboriginal Sites Register, the consultant is to document relevant information in a form suitable for the purposes of reporting a site to the Aboriginal Site Register. This should be included as a self-contained Appendix for submission to DIA by the proponent.

It is the consultant's responsibility to ensure that DIA's current standards for recording Aboriginal heritage sites are fully met.

## **REPORT FORMAT/STYLE**

Generally, referencing is to follow the format set out in the *Australian Style Manual: for Authors, Editors and Printers*, 5<sup>th</sup> edition, Australian Government Printing Services, Canberra, 1994.

## **COPIES OF REPORT**

5 bound and 2 unbound copies of the draft report are required.  
5 bound and 2 unbound copies of the final report are required.  
2 copies of the report on disc (pdf format)

All reports, including a copy to be lodged at the DIA, are to be submitted to Tamala Park Regional Council.

## **COPYRIGHTS AND CONFIDENTIALITY**

If the proposed development is confidential, the consultant is to adhere to any restrictions placed on the public discussion of the proposal by the proponent. The proponent is to approve the content of any written description or discussion of the project necessary for the purposes of this report.

If the Preliminary Aboriginal Heritage Survey identifies any sensitive information relating to Aboriginal culture and religious beliefs this should be presented only as necessary to guide further action required under the *Aboriginal Heritage Act 1972*.

All films, original drawings, photographs, electronic media and all copyright will rest with the Government of Western Australia (Note Regulation 10 (h) of the *Aboriginal Heritage Act 1972* in this regard).

## **LIAISON AND PRESENTATION MEETINGS**

The consultant is to allow for the following meetings, in addition to any consultation specified above.

- A meeting in the first week of the contract to discuss the project with Mr R Constantine, Chief Executive Officer, Tamala Park Regional Council, including relevant information about the scale/nature of the proposal and any issues relating to confidentiality.
- Liaison with the Department of Indigenous Affairs to ensure that their standards and requirements are fully met.
- A meeting with Mr R Constantine, Chief Executive Officer, Tamala Park Regional Council following the review of the draft report and prior to the completion of the final report.
- The Consultant shall also allow for a meeting to present the final report to the Mr R Constantine and other interested parties.

## **REVIEW**

The final report will be reviewed by the Tamala Park Regional Council and the DIA.

The Consultant may be asked to make changes based on the reviewers' comments before the Preliminary Aboriginal Heritage Survey is finalised. Where the Consultant has concerns about any of the review comments these are to be resolved with the Contract Manager prior to the completion of the report.

## **TIME FRAME**

It is essential that the Consultant maintains a close working relationship with the Contract Manager and advises of progress regularly. Specific requirements are as follows:

- Commencement within one (1) week of appointment;
- Submission of a program showing critical dates within one (1) week of commencement;
- Submission of the final report to be 89 weeks from commencement on such other time as negotiated with the Contract Manager.



## 9.9 CONNOLLY DRIVE DEVELOPMENT

### Report Information

Location: Connolly Drive (Midlothian Crescent to Neerabup Road)  
Applicant: Not Applicable  
Reporting Officer: Chief Executive Officer

### Recommendation

**That the report be RECEIVED.**

### Report Purpose

To advise road construction works in Connolly Drive affecting the Tamala Park Regional Council developable land.

### Relevant Documents

Attachments: Detail Plan for MRS Amendment 992/33  
Available for viewing at the meeting: Nil

### Background

Regional structure planning in the northern corridor has established the main north-south distributor roads in the Clarkson area as Wanneroo Road, Connolly Drive and Marmion Avenue.

Both Marmion Avenue and Connolly Drive transect the local authority land comprising Lot 118 Mindarie. The Mitchell Freeway borders part of Government owned deferred urban land, which will be included in the structure plan for Tamala Park.

The Mitchell Freeway will be extended from Hodges Drive to Burns Beach Road by 2008. Extension past Burns Beach Road is not on any current official Main Roads time program.

For the foreseeable future, the Marmion Avenue, Connolly Drive and Wanneroo Road arteries will absorb most of the north-west traffic in the Clarkson area.

Marmion Avenue and Wanneroo Road are currently both carrying approximately 40,000 vehicles per day.

The City of Wanneroo is proposing to complete construction of Connolly Drive as a dual-carriageway between the City of Wanneroo/City of Joondalup border, which coincides with the southern boundary of Lot 118 Mindarie and Neerabup Road. The longitudinal distance is 1.4km. The portion of Connolly Drive is shown on the attached plan extending from Kinross south to Neerabup Road north.

Connolly Drive north of Neerabup Road is formed as a 4-lane dual carriageway road (in sections) into Jindalee. South of Lot 118 Mindarie, Connolly Drive is a single carriageway.

It is expected that the completion of the connection between Kinross and Clarkson will bring pressure to bear for the completion of the construction of Connolly Drive as a dual carriageway 4-lane road for its full length north of Burns Beach Road.

It is understood that the City of Wanneroo program, in general terms, is as follows:

- Tenders for construction authorised – 2 December 2006
- Award of tender – February 2007
- Construction works substantially complete – end May 2007

### **Comment**

The construction of Connolly Drive will have a number of immediate impacts:

- The TPRC developable land will immediately come into visible focus as a result of passing traffic at the rate of (suggested) 8,000 vehicles per day.
- Additional public utility services will be available off Connolly Drive.
- Mindarie Regional Council operations will become more visible.
- The southern part of the new road will pass through approximately 800m (north-south) of the Neerabup National Park connection potentially exposing a new part of the Park to unwanted intrusions, weed infestation etc.
- Government deferred urban land on the eastern side of the Tamala Park developable land, will increase in value. This land could, potentially, be acquired by the Tamala Park Regional Council for inclusion in the TPRC urban development.
- The availability of the road and other utility infrastructure in this location will widen possible development 'fronts' for the TPRC.

The design of the Connolly Drive extension will incorporate water sensitive urban design features. Stormwater runoff will not involve mainline piped drainage. City of Wanneroo has advised that shallow table drains for swale areas in the verge and median will be used for water runoff from paved areas. It is likely that the water sensitive urban design features demonstrated in Connolly Drive will eventually flow through to total urban development within Lot 118 Mindarie.

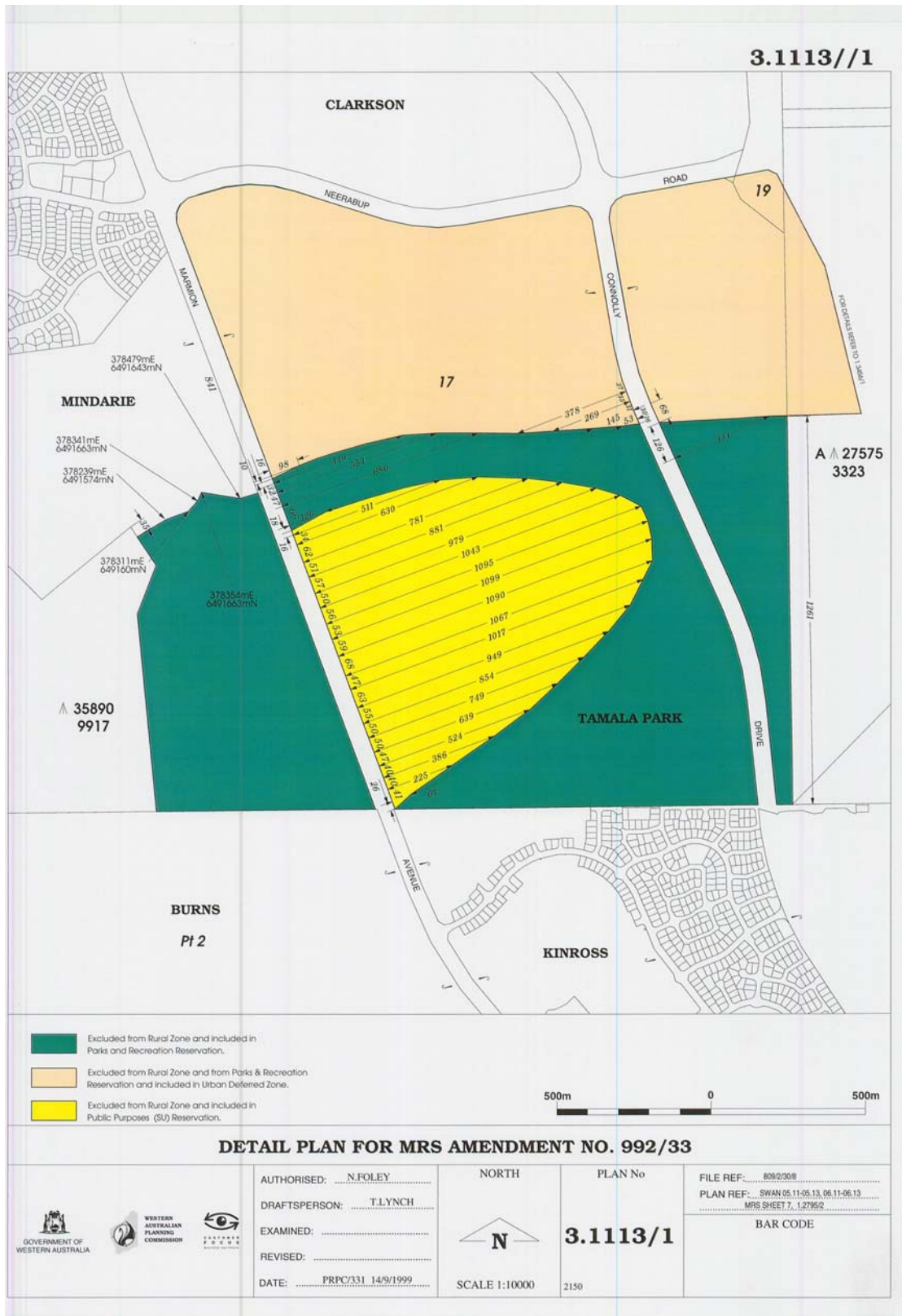
The construction of Connolly Drive will include a shared use pathway along the eastern alignment of the road.

It is likely that there will be 2 road connections from the east and 2 further connections from the west of the TPRC subdivisions to enable access onto this major north-south distributor road.

Connolly Drive will feature in the overall pedestrian and cycleway route connectors in the area. It is expected that the outline of these connections will emerge in discussions at the forthcoming Enquiry by Design Workshop in January 2007.

Under the City of Wanneroo District Planning Scheme No 2, there is a formula specified for contribution by developers to the district road network. At this stage the funding for the road is being provided from a Government grant and the issue of a developer contribution is to be addressed at a later date.

Attachment: Detail Plan for MRS Amendment 992/33



## **9.10 CONNOLLY DRIVE – PROVISION OF CONDUITS FOR OPTICAL FIBRE CABLING**

### **Report Information**

Location: Connolly Drive (Midlothian Crescent to Neerabup Road)  
Applicant: Not Applicable  
Reporting Officer: Chief Executive Officer

### **Recommendation**

- 1. That LIAISON be undertaken with the City of Wanneroo to incorporate the provision of optical fibre conduits in Connolly Drive, adjacent to the TPRC future urban development, in conjunction with the construction program for the 4-lane dual carriageway between Kinross and Neerabup Road.**
- 2. That subject to the net cost being less than \$35,000, the Council AGREE to pre-fund the provision of 2 x 50mm conduits and NEGOTIATE to reserve rights to on-sell or lease the conduits to authorised communication carriers to facilitate the provision of a high quality optical fibre communication network in the future TPRC urban development.**
- 3. That ARRANGEMENTS be made for design of the optical fibre network within the Connolly Drive road network for the purpose of obtaining quotes or tenders (as the case requires).**
- 4. That the results of 1, 2 and 3 above be REPORTED to the Council meeting on 8 February 2007.**

**NB: Absolute majority vote required (Item 2)**

### **Report Purpose**

To request authorisation for funding and provisioning of conduits for optical fibre in Connolly Drive to service the adjacent urban development by the TPRC.

### **Relevant Documents**

Attachments: Refer to Plan in Item 9.9  
Available for viewing at the meeting: Nil

### **Background**

Connolly Drive between Kinross and Neerabup Road will be constructed in the first half of 2007. The road will be a 4-lane dual carriageway road.

There is an optical fibre headworks service located at the corner of Neerabup Road and the Mitchell Freeway reserve near Clarkson Station. This headworks has potential to be a viable option to connect optical fibre services into the (Tamala Park Regional Future Community Growth Area) TAMFCGA.

Regardless of the eventual location of optical fibre headworks, conduiting will be required in Connolly Drive.

Ideally, conduit will be laid in a common trench with other services. This would minimise cost.

The next best alternative is to have trenching undertaken during the course of road construction. At worst, this cost would be approximately \$30 per lineal metre including material cost.

If surface infrastructure is located in the easement reserved for communication services requiring horizontal boring, the approximate cost per lineal metre will be \$80, with some (potential) loss of technical integrity of the service.

A decision to provide channelling and conduiting in conjunction with Connolly Drive construction, will need to be made prior to commencement of works in February 2007.

### **Comment**

Optical fibre services are highly desirable for the new TAMFCGA.

Section 14 of the Background paper for the Enquiry by Design Workshop agenda (accessible via the TPRC website), outlines many of the issues involved in providing optical fibre. Included in the paper, is the following:

*Possibilities are now being realised in a number of new estates for provision of the following:*

- *Fibre to the home*
- *Web site access through television screens*
- *Free to air satellite coverage*
- *Local intranet services*
- *IP telephony services*

*Added to this list are other possibilities, for example:*

- *Special offering contracts with local commercial outlets e.g. supermarkets, hardware stores etc for supply of goods or services through internet bookings supported by visual services i.e. camera visibility to the plumber or electrician facilitating understanding of problems and service requirements.*
- *Security monitoring points on street lighting infrastructure to enable passive monitoring of young school children using designated pedestrian routes to schools and parks also, passive surveillance of individual properties while occupants are away on holiday.*
- *The Tamala Park community could be owner of conduits with sufficient capacity for multiple carriers or provide optical fibre with carrying capacity to enable services by multiple providers to be delivered via the one fibre.*

*Current discussions with the provider of services to the Somerly, Burns Beach and Butler/Jindalee estates indicates interest and some thinking about the following:*

- *Remote Monitoring/Reading of electricity meters*
- *Remote management of solar Panel use and - to grid Electricity Generation*
- *Remote control of estate reticulation to homes, verges and Parks*

- *Remote soil sensing for reticulation guidance*
- *Security Cameras for passive estate monitoring of selected "Highly safe "Access ways through Estate*
- *Security cameras for home security services*
- *Local medical Centre - on line for emergencies or specific care (rehab, aged, post natal)*
- *Local Shopping and services (ordering, camera assisted selection/home repair assessment, delivery)*

A liaison has been established with Broadcast Engineering Services (BES), the providers of optical fibre to Somerly and Burns Beach. BES have a history of providing free of cost design advice for provision of optical fibre conduits and breakout pits. BES are prepared to make input to the design of optical fibre conduits for Connolly Drive adjacent to the future TPRC development areas.

The ideal alignment for positioning conduits has not been established at this stage, however, the likely cost would be in the order of \$30 per lineal metre – a total of \$21,000 to lay 2 x 50mm conduits that would provide for multiple service carriers.

The pre-funding of conduits by TPRC would be recovered by sale or lease to service carriers when the urban development is completed.

It is highly desirable to have conduiting providing at the same time as construction to ensure that the integrity of all of the infrastructure activity has been considered along with the opportunity of cost reductions.

The amount of \$21,000 is manageable for the TPRC and would be an investment that will be utilised in the short-term future. If authorised by the Council, arrangements will be made with the City of Wanneroo and BES to establish the ideal location and timeline for the provision of works for installation of conduits and associated breakout pits.

Preliminary analysis indicates that if the service is provided early in 2007 the road intersection design onto Connolly Drive would not subsequently require adjustment to more than one of the optical fibre breakout pits.

### **Budget**

There is no budget provision for infrastructure work. All work was anticipated in 2006/07.

Council approval of recommendations will require an absolute majority vote at this time. If approved, the necessary budget allocation will be included in a formal review of the budget in January 2007 for report to the Council in February 2007.

## 9.11 CHRISTMAS CLOSURE

### Report Information

Location: Not Applicable  
Applicant: Not Applicable  
Reporting Officer: Chief Executive Officer

### Recommendation

**That the TPRC administrative office be CLOSED over the Christmas period from 19 December 2006 to 4 January 2007 (inclusive).**

### Report Purpose

To advise and seek endorsement of a proposal to close the TPRC office over the Christmas period.

### Relevant Documents

Attachments: Nil  
Available for viewing at the meeting: Nil

### Background

Much of the TPRC administrative work anticipated over the period December/January relates to the forthcoming Enquiry by Design Workshop and to the preparation of base material for structure planning that will occur later in 2007.

Access to private consultants and professionals in Government offices is limited over the Christmas period because of the incidence of holiday absences and office closures.

In consequence of the above, the TPRC administration office may not be able to operate at an optimum level of efficiency and it is therefore proposed that the office close for the period when most professional and elected contacts will be unavailable.

### Comment

During the period proposed for closure, the Executive Assistant (Ms K Jeffs) will be absent on maternity leave and the Chief Executive Officer (Mr R Constantine) will take the opportunity of recreational leave.

Notwithstanding the above, the office will be attended for any essential matters by mobile phone and email.

## 9.12 ENQUIRY BY DESIGN WORKSHOP ARRANGEMENTS

### Report Information

Location: City of Wanneroo Administration Centre  
(23 Dundobar Road, Wanneroo)  
Applicant: Not Applicable  
Reporting Officer: Chief Executive Officer

### Recommendation

1. That arrangements for the Enquiry by Design Workshop (18 & 19 January 2007) be NOTED and ENDORSED.
2. That the City of Wanneroo be THANKED for making premises available for the Workshop without cost.
3. That AUTHORISATION be granted to incur expenditure for catering for Workshop participants (estimated at \$20 per head).

### Report Purpose

To advise arrangements for the Enquiry by Design Workshop authorised by the Council.

### Relevant Documents

Attachments: Workshop Invitation List  
Available for viewing at the meeting: Nil

### Background

The Council has requested that an Enquiry by Design (EBD) Workshop be held to establish principles and values to be employed in structure planning and detailed planning for the eventual development of the urban development at Tamala Park, this is now described as the *Tamala Park Future Community Growth Area* (TAMFCGA).

Enquiry by Design Workshops follow a characteristic pattern of:

- Preparation of background papers
- Presentation of essential issues and objectives at a Workshop opening session
- Workshop design sessions (reiterative)
- A closing summary of Workshop activity including principles and values proposed at the Workshop
- A Workshop report that is used to inform future plan work including consultants engaged through the whole process of structuring detailed planning.

A major advantage of Workshops is that all stakeholders have an opportunity to participate with input and to gather understanding of concepts advanced for an eventual consensus of desirable outcomes for the urban development.

The WAPC has conducted a number of important EBD Workshops and was invited to facilitate the TPRC Workshop. Unfortunately TPRC resources are not sufficient at this time to accommodate the TPRC request.



## Comment

Arrangements made for the Workshop are now as follows:

- 1) Date: 18 & 19 January 2007
- 2) Venue: City of Wanneroo Administration Centre (23 Dundobar Road, Wanneroo)
- 3) Facilitation Arrangements – negotiations with Estill & Associates (Mr Linton Pike)
- 4) Professional Design Input Team - negotiations with Urban Design Centre (CEO Ruth Durack)
- 5) Support Professional Planning Team – established from planning representatives of participant Councils
- 6) Background Papers – website established with draft papers and facilitation for input by stakeholders
- 7) Major local planning authority issues presentation – under arrangement by City of Wanneroo
- 8) Catering – utilising City of Wanneroo facilities (payment by TPRC)
- 9) Support plans – City of Wanneroo (payment by TPRC)
- 10) Invited stakeholders – refer attachment
- 11) Registrations received – 22 as at 24 November 2006
- 12) Pre-workshop site inspection - 12 January 2007 (NB: inspection will include MRC operations)

It may be expected that many stakeholders will focus on the commencement and concluding sessions and rely upon reiterative work by the design team to address critical factors to achieve the objectives stated at the outset session.

The Workshop will greatly benefit from attendance by elected and executive representation from all participant Councils, particularly at the commencement and closing sessions.

Registration for the Workshop is available through the TPRC website. Registration provides access toward the background material prepared by the TPRC and the contributed comments by other stakeholders.

**Attachment: Workshop Invitation List**

<b>Title</b>	<b>First Name</b>	<b>Last Name</b>	<b>Organisation</b>
Mayor	Marlene	Anderton	Town of Cambridge
	Elias	Ayad	City of Wanneroo
Cr	Kate	Barlow	Town of Cambridge
Mr	Kieron	Beardmore	Bush Forever Office
Mr	Chris	Bebich	DPI
Mrs	Fiona	Bentley	City of Wanneroo
Mr	Ian	Bignell	City of Stirling
Mr	Dennis	Blair	City of Wanneroo
Mr	Richard	Bloor	Education Department
Mr	Lewis	Bond	City of Perth
Mr	John	Bonker	Town of Victoria Park
Cr	David	Boothman	City of Stirling
Mr	Lindsay	Broadhurst	DPI (Urban Transport)
Mr	Jason	Buckley	Town of Cambridge
Ms	Joanne	Burgess	City of Stirling
	Marion	Cahill	North Metro Conservation Group
Mayor	Nick	Catania JP	Town of Vincent
Mr	Phil	Chapman	City of Wanneroo
Cr	Trevor	Clarey	City of Stirling
The Hon.	P	Collier MLC	
Mr	Rod	Constantine	Tamala Park Regional Council
Mr	Lindsay	Delahaunty	City of Stirling
The Hon.	Ed	Dermer MLC	Member for North Metropolitan Region
Mr	Frank	Edwards	City of Perth
Cr	Eleni	Evangel	City of Perth
Deputy Mayor	Steed	Farrell	Town of Vincent
Cr	Russel	Fishwick	City of Joondalup
Mr	Remo	Formato	City of Stirling
The Hon.	Graham	Giffard MLC	Member for North Metropolitan Region
Mr	John	Giorgi	Town of Vincent
Mr	Chris	Hair	DPI
The Hon.	Ray	Halligan MLC	Member for North Metropolitan Region
Cr	Brian	Ham	City of Stirling
Ms	Dorte	Hansen	Town of Victoria Park
Ms	Leanne	Hartley	Department of Water
Mr	Ed	Herne	City of Stirling
Mr	Tim	Hillyard	DPI
Mr	Garry	Hunt	City of Joondalup
Cr	Albert	Jacob	City of Joondalup
Cr	Michele	John	City of Joondalup
Mr	Charles	Johnson	City of Wanneroo
Mayor	Jon	Kelly JP	City of Wanneroo
Ms	Rochelle	Lavery	Town of Victoria Park
Ms	Eileen	Lawrance	Catholic Education Office
Ms	Sandra	McLeish	DPI
Mrs	Clare	Meyers	City of Stirling
Mr	Andrew	Moore	DPI
The Hon.	Judy	Moylan MP	
Cr	Vin	Nairn	Town of Victoria Park
The Hon.	A	O'Gorman MLA	
Mayor	Troy	Pickard	City of Joondalup
Mr	Linton	Pike	Estill & Associates Pty Ltd
Mr	Ross	Povey	City of Stirling
Mr	Kevin	Poynton	Mindarie Regional Council
The Hon.	J	Quigley MLA	

Mr	Tony	Radford	DPI
Mr	Hugh	Reason	Kinross Residents Association
Ms	Alix	Rhodes	City of Stirling
Cr	Tracey	Roberts	City of Wanneroo
Cr	Peter	Rose	City of Stirling
Deputy Mayor	Sam	Salpietro JP	City of Wanneroo
	Wijay	Sharmini	Department of Education
Mr	Alex	Sheridan	Town of Victoria Park
Mr	Ross	Sheridan	Department of Water
Mr	Daniel	Simms	City of Wanneroo
Cr	Rowena	Skinner	Town of Victoria Park
Cr	Bill	Stewart	City of Stirling
Cr	Michael	Sutherland	City of Perth
Mr	Doug	Swingler	Peter Moyes Anglican School
		TBA	City of Joondalup
		The Secretary	Burns Beach Ratepayers Association
Mr	Rod	Torrens	Western Power
The Hon.	Ken	Travers MLC	Member for North Metropolitan Region
Cr	Brett	Treby	City of Wanneroo
Mayor	Terry	Tyzack	City of Stirling
Mr	Ian	van der Heever	City of Perth
Dr	Mal	Washer MP	
The Hon.	G	Watson MLC	Member for North Metropolitan Region
Mr	Rainer	Volker	City of Stirling
Mr	Wayne	Wright	City of Wanneroo
Mr	Roman	Zagwocki	City of Wanneroo

### 9.13 ENQUIRY BY DESIGN WORKSHOP – REFERENCE MATERIAL (WEB)

#### Report Information

Location: Not Applicable  
Applicant: Not Applicable  
Reporting Officer: Chief Executive Officer

#### Recommendation

**That Council RECEIVE the demonstration of the available reference material contribution facility available through the TPRC website.**

#### Report Purpose

To acquaint the Council with the nature of information that has been prepared for the forthcoming Enquiry by Design Workshop and for future structure planning of the TPRC urban development.

#### Relevant Documents

Attachments: Nil  
Available for viewing at the meeting: Nil  
Web URL: [www.tamalapark.wa.gov.au](http://www.tamalapark.wa.gov.au)

#### Background

As a precursor to the Enquiry by Design Workshop, proposed for the TPRC development, it was necessary to gather some background material about the land, services available and prospects for development in keeping with the objectives set out in the TPRC Establishment Agreement.

At the time the Workshop is proposed, it was not practical or financially feasible to engage consultants for this task – which is the usual procedure.

As an alternative, existing available information of relevance was gathered in a standard format for web publication on the basis that the stakeholders for the Workshop, and the future development, might review the information, fill in gaps and correct errors.

#### Comment

This is a new approach to the development of previewing workshop information and could prove of interest for future projects. In the specific context of TPRC requirements it would be beneficial if TPRC elected members and support staff are aware of the web information, the means of access to the information and the opportunity to contribute to the final information package.

At the time of preparation of the agenda, a number of stakeholders have accessed the web reference data. However, there has been no substantial access by Council members or support staff.

Subject to the Council agreement, it is proposed to present a short (no longer than 5 minutes) demonstration of the working of the Workshop information web page during the Council meeting.

10. ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN
11. QUESTIONS BY ELECTED MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN
12. URGENT BUSINESS APPROVED BY THE CHAIRMAN
  - 12.1 COUNCILLOR QUESTIONS APPROVED BY THE CHAIRMAN
14. MATTERS BEHIND CLOSED DOORS
15. FORMAL CLOSURE OF MEETING