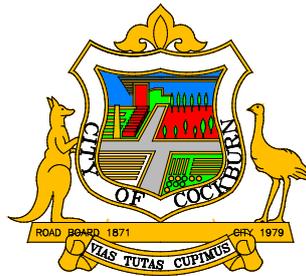


CITY OF COCKBURN



SPECIAL COUNCIL MEETING

AGENDA PAPER

FOR

THURSDAY, 2 FEBRUARY 2017

CITY OF COCKBURN

SUMMARY OF AGENDA TO BE PRESENTED TO THE SPECIAL COUNCIL MEETING TO BE HELD ON THURSDAY, 2 FEBRUARY 2017 AT 6:00 PM

	Page
1. DECLARATION OF MEETING.....	1
2. APPOINTMENT OF PRESIDING MEMBER (IF REQUIRED)	1
3. DISCLAIMER (TO BE READ ALOUD BY PRESIDING MEMBER).....	1
4. ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER).....	1
5. APOLOGIES & LEAVE OF ABSENCE.....	1
6. PUBLIC QUESTION TIME	1
7. DEPUTATIONS	1
8. PETITIONS	1
9. DECLARATION BY COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS CONTAINED IN THE BUSINESS	1
10 (SCM 02/02/2017) - PURPOSE OF MEETING	1
11. COUNCIL MATTERS.....	2
11.1 (SCM 02/02/2017) - ROE 8 ALLIANCE CONTRACT - LOCAL TRAFFIC MANAGEMENT (007/008; 163/004) (C SULLIVAN).....	2
12. (SCM 02/02/2017) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995).....	5
13. CLOSURE OF MEETING.....	6

CITY OF COCKBURN**AGENDA TO BE PRESENTED TO THE SPECIAL COUNCIL
MEETING TO BE HELD ON
THURSDAY, 2 FEBRUARY 2017 AT 6:00 PM**

- 1. DECLARATION OF MEETING**
- 2. APPOINTMENT OF PRESIDING MEMBER (If required)**
- 3. DISCLAIMER (To be read aloud by Presiding Member)**

Members of the public, who attend Council Meetings, should not act immediately on anything they hear at the Meetings, without first seeking clarification of Council's position. Persons are advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.
- 4. ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (by Presiding Member)**
- 5. APOLOGIES & LEAVE OF ABSENCE**
- 6. PUBLIC QUESTION TIME**
- 7. DEPUTATIONS**
- 8. PETITIONS**
- 9. DECLARATION BY COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS CONTAINED IN THE BUSINESS**
- 10 (SCM 02/02/2017) - PURPOSE OF MEETING**

The purpose of the meeting is to authorise the Chief Executive Officer to engage with the parties involved in the design and construction of the Roe 8/Perth Freight Link.

11. COUNCIL MATTERS

11.1 (SCM 02/02/2017) - ROE 8 ALLIANCE CONTRACT - LOCAL TRAFFIC MANAGEMENT (007/008; 163/004) (C SULLIVAN)

RECOMMENDATION

That Council authorise the City's Chief Executive Officer or his delegates to liaise with any party involved in the design or construction of the Roe Highway Stage 8 or any other aspect of the Perth Freight Link project where consultation is considered necessary for the mitigation of risk to the residents of the City and the effectiveness of the road network managed and owned by the City.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

At the Special Council Meeting of 17 November 2016 (Minute No. 5959) Council resolved as follows:

- (1) *not authorise the City's Chief Executive Officer or any other officer to liaise with any party involved in the planning, construction or otherwise of the Roe Highway from the Kwinana Freeway to Coolbellup Avenue, Coolbellup or the Stock Road/Forrest Road Interchange or any other aspect of the Perth Freight Link; and*
- (2) *review the matter at a later date on the determination of any legal actions that are underway before the Federal Court or the High Court of Australia or any other jurisdiction.*

Submission

N/A

Report

Since Council's consideration of this matter the City's staff have not engaged directly with any party involved in the construction of Roe Highway / Perth Freight Link. However, with the progress being made

on this project this position has ongoing ramifications for the City in its capacity to manage the interests of residents.

Council's resolution specified that this matter could be reconsidered after determination of legal action in the Federal and High Court. The Save Beeliar Wetlands (SBW) group's application before the High Court was concluded in December 2016. An application by SBW on 9 January 2017 for an interim injunction in the Federal Court was also rejected and work continues on the construction of the project. On 31 January, the group resolved to withdraw their remaining proceedings before the Federal Court.

The City also has advice that there is still an outstanding appeal to the Commonwealth Minister for Aboriginal Affairs, under the *Torres Strait Islander Heritage Protection Act 1984*. While the City contributed to this appeal the City is still waiting on advice from the Commonwealth representative on the status of the review, however, there is no certainty as to when it will be concluded.

The SBW has vowed to continue to oppose construction in the lead up to the 11 March 2017 State election. The group, which is coordinating the ongoing protest movement, has a primary area of focus on the construction base being prepared off Hope Road.

While all of the legal action / review on this matter have not been fully concluded, the uncertainty surrounding the timing of any remaining action does not assist the City's staff in managing ongoing risks around the project. For instance, in order to mitigate the risk to contractors and protesters along Hope Road the City's staff needs to consult with the project consortium, The Roe 8 Alliance, on establishing appropriate traffic management measures in this location.

The Roe 8 Alliance are also at the planning stage where new roads connect with existing roads and noise walls are undergoing final design work. Under normal circumstances this would involve significant consultation with the City's engineering officers to ensure that the City's residents are not compromised by poor planning decisions and also to ensure that the city optimises any potential benefits from the project.

The project is divided into three areas as shown below:

- Area 1 – Karel Avenue to Bibra Drive
- Area 2 – Bibra Drive to Coolbellup Avenue
- Area 3 – Coolbellup Avenue to Stock Road.

City officers need to discuss the following topics for each Area with the Alliance:

- Extent of works along the City of Cockburn roads.

- Provision for pedestrians and cyclists, including connectivity between the Principal Shared Paths and the local government infrastructure.
- Placement and asset maintenance requirements for noise mitigation structures.
- City of Cockburn pavement requirements.
- Street Lighting requirements where existing overhead powerlines will be undergrounded.

While the outcome of the State election may see an end to the Roe 8 project, in the interim period the City's staff need to be in a position to engage with the designers and contractors to ensure the best interests of residents are represented.

Strategic Plan/Policy Implications

Moving Around

- Improve connectivity of transport infrastructure

Leading & Listening

- Deliver sustainable governance through transparent and robust policy and processes
- Strengthen our regional collaboration to achieve sustainable economic outcomes and ensure advocacy for funding and promote a unified position on regional strategic projects
- Provide for community and civic infrastructure in a planned and sustainable manner, including administration, operations and waste management

Budget/Financial Implications

No budget implications for the 2016/17 budget by engaging in consultation with the relevant parties but there may be costs to the City should traffic controls or modifications to the local road network be required during the project that would not be funded by the State.

Legal Implications

Section 5.42 of the Local Government Act 1995 refers, this provision allows for matters to be delegated to the Chief Executive Officer for finalisation.

Community Consultation

Public consultation cannot be undertaken until City officers are able to engage with the parties involved in the design and construction of the

Roe 8 project to determine what impacts will happen during the works on local infrastructure.

Risk Management Implications

There are already serious potential traffic control risks for vehicles and pedestrians on the local road network impacted by the project works to date. Reports of traffic congestion and construction vehicle movements impeding local traffic access on Hope Road, Progress Drive and generally in the Bibra Lake area. Without engagement and consultation with the road construction contractors, the City is limited in what safety precautions that can be placed on the local road network for the protection of residents.

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/A

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

12. (SCM 02/02/2017) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)

RECOMMENDATION

That Council is satisfied that resolutions carried at this Meeting and applicable to items concerning Council provided services and facilities, are:-

- (1) integrated and co-ordinated, so far as practicable, with any provided by the Commonwealth, the State or any public body;
- (2) not duplicated, to an extent Council considers inappropriate, services or facilities as provided by the Commonwealth, the State or any other body or person, whether public or private; and
- (3) managed efficiently and effectively.

COUNCIL DECISION

13. CLOSURE OF MEETING