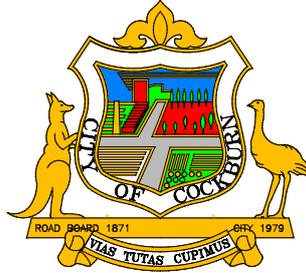


# CITY OF COCKBURN



## SPECIAL COUNCIL MEETING

## MINUTES

FOR

**THURSDAY, 2 FEBRUARY 2017**

These Minutes are subject to Confirmation

Presiding Member's Signature

\_\_\_\_\_

Date: \_\_\_\_\_



# CITY OF COCKBURN

## SUMMARY OF MINUTES OF SPECIAL COUNCIL MEETING HELD ON THURSDAY, 2 FEBRUARY 2017 AT 6:00 PM

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## CITY OF COCKBURN

### MINUTES OF SPECIAL COUNCIL MEETING HELD ON THURSDAY, 2 FEBRUARY 2017 AT 6:00 PM

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#### PRESENT:

##### ELECTED MEMBERS

Mr L Howlett	-	Mayor (Presiding Member)
Mrs C Reeve-Fowkes	-	Deputy Mayor
Mrs L Sweetman	-	Councillor
Dr C Terblanche	-	Councillor
Mr S Portelli	-	Councillor
Ms L Smith	-	Councillor
Mr S Pratt	-	Councillor
Mr P Eva	-	Councillor

##### IN ATTENDANCE

Mr S. Cain	-	Chief Executive Officer
Mr D. Green	-	Director, Governance & Community Services
Mr S. Downing	-	Director, Finance & Corporate Services
Mr C. Sullivan	-	Director, Engineering & Works
Mr D. Arndt	-	Director, Planning & Development
Ms M. Tobin	-	Executive Manager, Strategy & Civic Support
Mrs S Seymour-Eyles	-	Manager, Corporate Communications
Mrs J. Klobas	-	PA to the CEO
Mrs B. Pinto	-	Executive Assistant, Finance & Corporate Services / Governance & Community Services

#### 1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 6.02 pm and welcomed all those present.

He acknowledged the Nyungar People who are the traditional custodians of the land on which the meeting is being held and pay respect to the Elder of the Nyungar Nation, both past and present and extend that respect to Indigenous Australian who are with us tonight.

#### 2. APPOINTMENT OF PRESIDING MEMBER (If required)



Nil

**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)**

Nil

**5. APOLOGIES & LEAVE OF ABSENCE**

Nil

**6 (SCM 02/02/2017) - PUBLIC QUESTION TIME**

ITEMS IN WRITING, ON THE AGENDA  
Annette McGovern, Spearwood

Item 11.1 – ROE 8 ALLIANCE CONTRACT - LOCAL TRAFFIC MANAGEMENT

Q1 The report within the Agenda for this SCM, states that City officers need to discuss certain issues (then lists them) with the Roe 8 Alliance. Why did Council not get adequately involved in the submission period when the EPA as Regulatory Authority for the works was assessing the Referral?

A1 The Council at its 8 September 2011 meeting resolved to lodge an objection to the proposed works during the EPA's Public Environmental Review process, based on the following significant environmental impacts:

- fragmentation of the wetland environment, loss of endangered and vulnerable species,
- habitat loss, fauna deaths and weed intrusion into adjoining vegetation resulting in long term degradation;
- an inadequate environmental offset package that will result in a net environmental disbenefit;
- generation of acid sulphate soils;
- the loss of healthy, diverse and productive environmental open



space areas that will impact on the quality and amenity of the Beeliar Regional Park for future generations;

- more than 64 percent of Graceful Sun Moth's habitat being removed;
- the loss of 78 hectares of habitat for the endangered Carnaby's Black Cockatoo;
- the loss of 73 hectares of the vulnerable Forest Red Tailed Black Cockatoo habitat;
- the loss of 90 hectares of potential habitat for the Rainbow Bee Eater; and
- the complete loss of Floristic Community Type's BahS and CcAf.

Q2. Or is Council indicating that it did get involved, but that its involvement was ineffective and inefficient?

A2 As indicated above the Council was actively involved during the EPA's Public Environmental Review process, stating its opposition to the proposed road works on environmental grounds.

Q3. Your report also states "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. Please explain why you mention "under normal circumstances" here and in the biased FAQ document on the Council internet home page, when this isn't an activity requiring approval from Council, rather the WA EPA is the governing body which assesses and places conditions or particular manners on a referral?

A3. Main Roads WA has responsibility for a large number of major roads not only within the City of Cockburn, but across Perth and the state. These are often the major freeways and highways that form the basis of regional traffic movement. Any time one of the roads is proposed to be constructed, or indeed upgraded, there is very close consultation between Main Roads WA and the affected local government. This recognises for example that State Government roads connect on to local roads; State government roads can impact existing and planned footpaths and cycle paths; State Governments roads can often generate major noise impacts, needing to be addressed through noise walls. Ratepayers expect the local government to closely involve itself in such deliberations, to ensure the most optimal outcome is achieved for the local community.



ITEMS IN WRITING, ON THE AGENDA  
 Robyn O'Brien, Munster

Item 11.1 – ROE 8 ALLIANCE CONTRACT - LOCAL TRAFFIC MANAGEMENT

Questions taken on Notice as Mrs O'Brien was not present at the Meeting.  
 These Questions on Notice will be responded to in writing.

**7. DEPUTATIONS**

Nil

**8. PETITIONS**

Nil

**9. DECLARATION BY COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS CONTAINED IN THE BUSINESS**

Nil

**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 (MINUTE NO 5990) (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**

MOVED Cllr S Portelli SECONDED Cllr P Eva that the recommendation be adopted.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0**

**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 Beelias 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. (MINUTE NO 5991) (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**

MOVED Deputy Mayor C Reeve-Fowkes SECONDED C/r C Terblanche that the recommendation be adopted.

**CARRIED 8/0**

**13. CLOSURE OF MEETING**

Meeting closed at 6.13pm.

