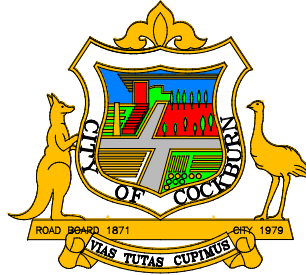


# CITY OF COCKBURN



## SPECIAL COUNCIL MEETING

## MINUTES

FOR

**THURSDAY, 17 NOVEMBER 2016**

These Minutes are subject to Confirmation

Presiding Member's Signature

\_\_\_\_\_

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



# CITY OF COCKBURN

## SUMMARY OF MINUTES OF SPECIAL COUNCIL MEETING HELD ON THURSDAY, 17 NOVEMBER 2016 AT 7:00 PM

---

---

	Page
1. DECLARATION OF MEETING.....	1
2. APPOINTMENT OF PRESIDING MEMBER (IF REQUIRED) .....	1
3. DISCLAIMER (READ ALOUD BY PRESIDING MEMBER) .....	2
4. ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER).....	2
5 (SCM20161117) - APOLOGIES & LEAVE OF ABSENCE.....	2
6 (SCM20161117) - PUBLIC QUESTION TIME .....	2
7. DECLARATION BY COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS CONTAINED IN THE BUSINESS .....	2
8 (SCM20161117) - PURPOSE OF MEETING .....	2
9. COUNCIL MATTERS.....	3
9.1 <u>(MINUTE NO 5959)</u> (SCM20161117) - TECHNICAL DISCUSSION BETWEEN THE CITY OF COCKBURN AND EXTERNAL PARTIES INVOLVED IN THE CONSTRUCTION OF ROE HIGHWAY STAGE 8 (163/004) (S CAIN) (ATTACH) .....	3
10. <u>(MINUTE NO 5960)</u> (SCM20161117) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995).....	6
11 (SCM20161117) - CLOSURE OF MEETING.....	6



# CITY OF COCKBURN

## MINUTES OF SPECIAL COUNCIL MEETING HELD ON THURSDAY, 17 NOVEMBER 2016 AT 7:00 PM

---

### PRESENT:

#### ELECTED MEMBERS

Mr L Howlett	-	Mayor (Presiding Member)
Mrs C Reeve-Fowkes	-	Deputy Mayor
Mrs L Sweetman	-	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
Mr J Ngoroyemoto	-	Governance & Risk Co-ordinator
Mrs A. Santich	-	Media & Communications Officer
Mrs B. Pinto	-	PA to Directors – Finance & Corp. Services/Governance & Comm. Services

### 1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.00 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 Elders of the Nyungar Nation, both past and present and extend that respect to Indigenous Australians who are with us tonight.

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

Nil.



**3. DISCLAIMER (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 (SCM20161117) - APOLOGIES & LEAVE OF ABSENCE**

Clr Kevin Allen	-	Apology
Clr Chamonix Terblanche	-	Apology
Clr Bart Houwen	-	Apology

**6 (SCM20161117) - PUBLIC QUESTION TIME**

Nil.

**DEPUTATIONS**

Mayor Howlett invited a deputation from Kate Kelly, Save Beeliar Wetlands to brief the Council in relation to Item 9.1 – Technical Discussion between the City of Cockburn and External Parties involved in the Construction of Roe Highway Stage 8.

Mayor Howlett thanked the deputation for their brief.

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

Nil

**8 (SCM20161117) - PURPOSE OF MEETING**

The purpose of the meeting is to:

Allow technical discussion between City of Cockburn Administration and external parties who are involved in the construction of Roe Highway, Stage 8.



## 9. COUNCIL MATTERS

### 9.1 **(MINUTE NO 5959) (SCM20161117) - TECHNICAL DISCUSSION BETWEEN THE CITY OF COCKBURN AND EXTERNAL PARTIES INVOLVED IN THE CONSTRUCTION OF ROE HIGHWAY STAGE 8 (163/004) (S CAIN) (ATTACH)**

#### **RECOMMENDATION**

That Council:

- (1) authorises the City's officers to liaise with parties involved in the construction of the Roe Highway project for the purposes of receiving and providing technical information; and
- (2) notes that the primary means of providing information to Elected Members from these meetings will be via information briefings.

#### **COUNCIL DECISION**

MOVED Clr S Portelli that Council:

- (1) authorises the City's officers to liaise with parties involved in the construction of the Roe Highway project for the purposes of receiving and providing technical information;
- (2) notes that the primary means of providing information to Elected Members from these meetings will be via information briefings; and
- (3) is to be briefed on all information received, even if it does not support the City's position.

#### **MOTION LAPSED FOR WANT OF A SECONDER**

MOVED Mayor L Howlett SECONDED Deputy Mayor C Reeve-Fowkes that Council:

- (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.

**CARRIED 6/1**



Clr Steve Portelli requested votes for and against the motion to be recorded:

FOR: Mayor Logan Howett, Deputy Mayor Carol Reeve-Fowkes,  
Clr Lyndsey Sweetman, Clr Phil Eva, Clr Stephen Pratt, Clr  
Lee-Ann  
AGAINST: Clr Steve Portelli

### **Reason for Decision**

It is incumbent on the Council to ensure that every avenue is exhausted in terms of its objection to Roe 8 and/or the Perth Freight Link before it gives consideration to any requests that are put before the City's Administration that would allow dialogue to commence with any party.

### **Background**

The City has a formal position that does not support the construction of the Perth Freight Link / Roe Highway Stage 8. At the June 2016 Ordinary Council Meeting Council resolved:

*"That Council requires all matters relating to the Roe Highway (Stage 8) and/or the Perth Freight Link projects to be referred to the Council for its consideration and determination"*

While the primary intent of this decision was to ensure matters requiring decisions came before Council, the decision also means staff can't readily access information about the project, even on an informal basis, in order to provide information to Elected Members.

### **Submission**

The project builders (Building Roe 8) have sought to have a meeting with City staff, as outlined in the Attachment.

### **Report**

The State Government has reportedly let contracts for the construction of the Roe 8 section of the Perth Freight Link. A consortia called Building Roe 8 will oversee this phase of the road project.

As with any major project there will be issues that will require the contractor and government agencies to have a dialogue with the City. While respecting Council's position, it is not practical to refer each such request to have discussions back to Council for its approval.





The alternative would be for City staff not to have any dialogue with these parties; however, this would mean that Elected Members and the community would have to rely on other sources for ongoing information about the project.

The recommendation in this report recognises that the City needs to have ongoing access to information about the project; as well as be able to keep Elected Members informed on a more continuing basis outside of the normal Council meeting cycle.

### **Strategic Plan/Policy Implications**

#### **Leading and Listening**

- Deliver sustainable governance through transparent and robust policy and processes

### **Budget/Financial Implications**

N/A

### **Legal Implications**

The State Government has reportedly signed contracts for the construction works associated with construction of Roe Highway Stage 8.

### **Community Consultation**

N/A

### **Risk Management Implications**

If Council does not endorse the recommendation it will be impractical for staff to keep them informed on the development of this project.

### **Attachment(s)**

Email from the Stakeholder Relationship Manager for Building Roe 8 dated 10 Nov 16.

### **Advice to Proponent(s)/Submissioners**

No advice has been sent to the project builder at this time.

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

Nil.



10. **(MINUTE NO 5960) (SCM20161117) - 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 Clr S Pratt SECONDED Clr P Eva that the recommendation be adopted.

**CARRIED 7/0**

11 **(SCM20161117) - CLOSURE OF MEETING**

7.30 pm.

