

## 16.2 REQUEST MANAGEMENT ORDER FOR LAND IN THE KARRATHA INDUSTRIAL ESTATE

<b>File No:</b>	<b>A89206, A89233</b>
<b>Responsible Executive Officer:</b>	<b>Director Development Services</b>
<b>Reporting Author:</b>	<b>Manager Regulatory Services</b>
<b>Date of Report:</b>	<b>4 April 2014</b>
<b>Applicant/Proponent:</b>	<b>Nil</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachment(s)</b>	<b>1. Aerial photos of subject lots 2. Main Roads Correspondence</b>

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### **PURPOSE**

For Council to consider requesting specific Unallocated Crown Lands within the Karratha Industrial Estate be placed under management orders to enable effective enforcement of the Shire's local laws and prevention of nuisance in those areas.

### **BACKGROUND**

The Shire's Regulatory Service has received numerous council requests relating to trucks breaking down, or heavy machinery being stored on vacant land within the Karratha Industrial Estate. Most noticeable was the informal truck breakdown area located on the southern portion of Lot 4936 Karratha Road (entered from Orkney Rd, opposite Brookes Hire) which has been the subject of several councillor requests. A second informal breakdown area, which is not as frequently used is located at Lot 4901 Coolawanyah Rd (between the Gwen Creek crossing and "Double R" Heavy Vehicle Repairs).

Both lots are unallocated crown land (UCL), coming under the management of State Land Services. Although the Shire has local laws relating to the parking of vehicles, including commercial vehicles in the Karratha Industrial Estate, these apply only to roads and road reserves, and do not extend to parking on UCL. As such, where a vehicle is stored within the lot boundary of the UCL, the local laws cannot be applied as this is not under the care or control of the Shire.

The cause of this problem is a combination of growth of businesses in the Karratha Industrial Estate out-growing their current lot footprint, and a lack of suitable truck breakdown areas within close proximity to the Karratha Industrial Estate. Several companies have already recognised this as an issue for their heavy vehicle fleet and have made alternate arrangements to lease land for vehicle storage. To support good behaviour of businesses, Regulatory Services takes a firm but fair approach to enforcement at the two illegal truck breakdown areas. Failure to act would create an uneven playing field for those businesses who are compliant.

#### *L4936 KARRATHA RD (OPPOSITE BROOKES HIRE)*

This site has been used as a temporary lay down area for over five years. In recent months, a number of complaints have been received regarding the use of this area initially by vehicle hire companies located adjacent to the lot, and more recently by drivers who are using the area to break down road trains. The Shire's Ranger Service has limited powers of enforcement in regard to this property, however has an arrangement with the State Land

Services (SLS) to undertake action on their behalf. This involves the Rangers issuing a written warning and then providing details of the truck/trailer to SLS, who then write to the owner advising them to cease and desist from utilising the area for storage or breaking down of trucks. Unfortunately the Rangers are unable to obtain delegated authority from SLS, so cannot issue any infringement notices on their behalf. Our role is evidence and information gathering only, with commencement any enforcement action being determined by SLS

This is a cumbersome process as there are new trucks and companies which utilise the area, once the existing offenders are moved on from the lot. Again, the Rangers have to go through the same process to commence enforcement action, which is both frustrating to the Ranger Service, but also retains the unsightly appearance of the area.

*LOT 4901 COOLAWANYAH RD KIE (NEXT TO DOUBLE R HEAVY EQUIPMENT REPAIRS)*

Due to trucks being moved on from the Orkney Road site, this area is now being utilised to break down and store trucks. The site is not suitable for breakdown of longer trucks due to the camber and un-evenness of the site. However there is an increasing number of single trailers which are being stored on this site which are extending into vegetated areas (causing degradation of vegetation and dust issues). Although this is not as visible to members of the public as the Orkney Road site, this will create further issues for the Shire over time.

To provide for easier enforcement of local laws in these areas, SLS officers have suggested to the Shire's Ranger Service that it may be possible for the Shire to seek a management order over each lot, which will enable Ranger Services to issue on the spot warnings and then infringements, and provide a uniform approach to enforcement, in line with other areas within the Shire. This would circumvent the current process and enable a more rapid response to Councillor and resident complaints regarding truck parking within the Karratha Industrial Estate. It is proposed that the management orders for both reserves include the uses of recreation, drainage and parkland, and not include any reference to vehicle parking.

Provision of a short term truck breakdown area servicing up to 9 B-triple road trains (15000m<sup>2</sup>) has been provided in the Gap Ridge Industrial Estate as part of the development, however advice from some truck operators is that it is located too far away from the Karratha Industrial Estate to be viable for use by businesses operating in the area.

As part of the management order request, Council could consider formalising part of one of the reserves to become a designated truck breakdown area. The Orkney Road site is relatively flat and could be suited towards development of a permanent truck breakdown area, however this would prove costly for the Shire to seal the area, and would possibly limit future development potential of the Lot as a whole. Based on the current size of the cleared area on this lot (approx 6200m<sup>2</sup>), if the Shire was to formalise the truck breakdown area and seal with bitumen, the total cost would be in the order of \$171,000, utilising Shire staff and materials. This figure is based on the current area utilised and does not include ongoing maintenance costs which are expected to be significant.

Furthermore, this area is only half the size of the truck breakdown area provided in Gap Ridge which is at capacity. It is likely that additional land area in this reserve would be required (double to triple the current size), which would then blow out these costs further (\$500,000 plus). If additional lighting, ablutions and waste facilities were provided, this would cost Council closer to the \$1.6 million suggested by Main Roads WA.

The Shire's Co-ordinator of Works and Technical Services has indicated that this is not an expense that the Shire should bear, is no core shire business, and has recommended that the land instead be revegetated back to its natural state. To prevent further degradation and use of the area, signage will need to be installed, together with other physical preventative

measures (such as ripping the site and installation a double graded bund along property edge) to prevent entry to the area by trucks and other vehicles should the signage be ignored.

Main Roads are responsible for Road Train Assembly Areas which provide a suitable and safe environment where drivers can stop and reconfigure their vehicles according to their permit requirements (ie travelling from one Restricted Access Vehicle (RAV) networks to a more restrictive RAV network). These are provided in Carnarvon, Exmouth and Broome, however there is no such facility between Carnarvon and Broome located along North West Coastal Hwy. An informal truck breakdown area is provided at the rear of the Truck Stop on the corner of Madigan Road and North West Coastal Hwy.

Correspondence to Main Roads highlighting this problem and requesting a resolution was sent in February 2013 highlighting the problems in the Shire as a whole. Main Roads response was that they had insufficient funds to undertake the works at that time, and that the movement of large trucks within the Shire, to areas such as the Burrup Peninsula and Cape Lambert, was accommodated by the existing RAV network. Main Roads also noted that the haphazard parking of trucks adjacent to internal roads in the KIE are a direct result of insufficient capacity of the premises within the estate.

Breakdown of road trains continues to be an issue within all areas of the Shire, not just the Karratha Industrial Estate. The Shires Infrastructure division together with Regulatory Services will continue to lobby and liaise with Main Roads WA to find and develop a more suitable lay down area for heavy haulage vehicles to use in the Shire. Until that time, the Shire's Ranger Service will continue its education and enforcement role. Once the management order is in place, the Rangers will commence issuing infringements where vehicles and plant are parked on the reserve (\$250 penalty for driving or parking on a reserve). Although this preferred option is likely only to move the problem, it does provide a quicker and standardised response to complaints from both councillors and members of the public.

Should Council determine not to take management control over these reserves, another enforcement option available to the Shire is to utilise the provisions of the Town Planning and Development Act 2005, and prosecute offenders. Maximum court imposed penalty is \$5,000.

#### **LEVEL OF SIGNIFICANCE**

In accordance with Council Policy CE-8 Significant Decision Making Policy, this matter is considered to be of moderate significance in terms of parties affected and Council's ability to perform its role.

#### **COUNCILLOR/OFFICER CONSULTATION**

Consultation has taken place between the Shire's Ranger Service and Infrastructure Services. Discussions have also taken place with officers from State Land Services.

#### **COMMUNITY CONSULTATION**

No community consultation is required. These areas are currently illegally being used (ie without the land owners permission) as truck break-down areas. As the officers recommendation indicates that the use of the areas does not change, no community consultation is intended to take place.

Signage will be installed at both sites to advise truck drivers of the change in use of the site. After such time, any remaining trailers or equipment will be treated as abandoned and due process to remove these items will be followed.

## **STATUTORY IMPLICATIONS**

The Shire's *Parking and Parking Facilities Local Law 2010* prohibits parking on a reserve other than an area specifically set aside for that purpose. Furthermore the local laws prohibit parking in contravention of installed parking signage.

## **POLICY IMPLICATIONS**

There are no policy implications.

## **FINANCIAL IMPLICATIONS**

If Council were to adopt the Officers Recommendation, this would require the installation of signage at both sites, and use of a grader to rip the site and install a double bund. These installation of signage would be absorbed in the Rangers current signage budget. The Co-ordinator of Works and Technical Services advised that the costs for both the maintenance grader and operator are already incorporated into the Infrastructure Services Budget.

If Council was to adopt the alternate recommendation and designate the Orkney Road Site for the purpose of breaking down trucks and road trains, the Co-ordinator Infrastructure Services has indicated that \$171,000 would be required to adequately seal the area to minimise dust nuisance and provide a safe area to park. This is not currently budgeted for and would need to be included in the 2014/15 "new initiatives". There are also significant costs associated with the ongoing maintenance of this type of facility.

## **STRATEGIC IMPLICATIONS**

This item is relevant to the Council's approved Strategic Community Plan 2012-2022 and Corporate Business Plan 2012-2016. In particular the Operational Plan 2013-2014 provided for this activity:

Our Program:	1.f.6.1	Maintain a visible ranger presence to enhance community safety perception
Our Services:	1.f.6.1.2	Undertake investigation and enforcement action as a result of patrols

## **RISK MANAGEMENT CONSIDERATIONS**

There are no risk management considerations applicable.

## **IMPACT ON CAPACITY**

There is no impact on capacity or resourcing to carry out the Officer's recommendation.

## **RELEVANT PRECEDENTS**

There are no relevant precedents related to this matter, however Council has sought amendments to management orders of reserves previously

## **VOTING REQUIREMENTS**

Simple Majority

## **OPTIONS:**

### Option 1

As per Officer's recommendation.

### Option 2

That Council by SIMPLE Majority pursuant to Section 3.18 of the *Local Government Act 1995* RESOLVES to MAINTAIN current enforcement actions in relation to the site, relying on State Land Services to issue letters to offending companies;

### Option 3

That Council by SIMPLE Majority pursuant to Section 3.18 of the *Local Government Act 1995* RESOLVES to UNDERTAKE no enforcement actions in relation to the site, relying on State Land Services regulate use of their land;

### Option 4

That Council by SIMPLE Majority pursuant to Section 3.18 of the *Local Government Act 1995* RESOLVES to;

1. REQUEST the Minister of Lands issue a Management Order for Lot 4936 Karratha Road, Karratha Industrial Estate, permitting the use of the land for drainage, parkland, recreation and truck break down (24 hour stopping) purposes only.
2. REQUEST the Minister of Lands issue a Management Order for Lot 4901 Coolawanyah Road, Karratha Industrial Estate, permitting the use of the land for drainage, parkland and recreation purposes only.
3. Provide funding of \$171,000 from the 2014/15 budget to permanently seal the cleared area currently being used as a truck break down area at Lot 4936 Karratha Road, Karratha Industrial Estate.

### **CONCLUSION**

Illegal parking of trucks, truck trailers and heavy equipment continues to create a dust and visual nuisance necessitating action by the Shire's Ranger Service. The current enforcement mechanisms are time consuming and reliant on third parties to effect change. Obtaining a Management Order over the sites will enable a uniform approach to proactive enforcement.

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### **OFFICER'S RECOMMENDATION**

That Council by SIMPLE Majority pursuant to Section 3.18 of the *Local Government Act 1995* RESOLVES to:

1. **REQUEST the Minister of Lands issue a Management Order for Lot 4936 Karratha Road, Karratha Industrial Estate, permitting the use of the land for drainage, parkland and recreation purposes only.**
2. **REQUEST the Minister of Lands issue a Management Order for Lot 4901 Coolawanyah Road, Karratha Industrial Estate, permitting the use of the land for drainage, parkland and recreation purposes only.**
3. **LOBBY the Minister for Transport to locate and construct a Road Train Assembly Area within the Shire which is of suitable size to meet the growing needs of the transport industry within the Shire.**
4. **SUPPORT the continued action of the Shire's Regulatory Services with regard to the enforcement of the Shire's Parking Local Laws.**