



Shire of Busselton
Geographe Bay

Council Agenda

11 February 2009

ALL INFORMATION AVAILABLE IN VARIOUS FORMATS ON REQUEST

SHIRE OF BUSSELTON

AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 11 FEBRUARY 2009

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SHIRE OF BUSSELTON

MEETING NOTICE AND AGENDA – 11 FEBRUARY 2009

TO: THE SHIRE PRESIDENT AND COUNCILLORS

NOTICE is given that a meeting of the Council will be held in the Council Chambers, Administration Building, Southern Drive, Busselton on Wednesday 11 February 2009 commencing at 5:30 pm.

Your attendance is respectfully requested.

ANDREW MACNISH
CHIEF EXECUTIVE OFFICER

27 January 2009

A G E N D A

1. ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE
2. OPENING PRAYER
3. PUBLIC QUESTION TIME
4. SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE
5. APPLICATIONS FOR LEAVE OF ABSENCE

6. **CONFIRMATION OF MINUTES**

6.1 Minutes of an Ordinary Meeting of Council held on 28 January 2009.

7. **ANNOUNCEMENTS** by the Presiding Member without discussion

8. **PETITIONS AND MEMORIALS**

9. **DECLARATION OF DUE CONSIDERATION**

The Presiding Member will request Councillors to acknowledge, in accordance with Clause 8.1 of the Standing Orders, that they have given due consideration to the matters contained within the Agenda.

10. **DECLARATIONS OF INTERESTS**

11. **PRESENTATIONS BY PARTIES WITH AN INTEREST**

12. **BUSINESS FROM PREVIOUS MEETING**

13. LIFESTYLE DEVELOPMENT REPORT**13.1 APPLICATION TO KEEP MORE THAN TWO CATS (BEING FIVE) AT LOT 31, 33 CAMPION WAY, QUINDALUP**

FILE NO:	CAT1
PROPOSAL:	Approval to keep five cats at Lot 31, 33 Campion Way, Quindalup WA 6281 under the Cat Local Laws
POLICIES:	Nil
ATTACHMENT(S):	A. Application to keep more than two cats B. Copies of neighbours' comment

PRÉCIS

Determination by the Council of an application to keep more than two cats at Lot 31, 33 Campion Way, Quindalup, is required pursuant to the Cat Local Law.

BACKGROUND

The applicant has two cats at the premises registered until 31 March 2009. The owner is seeking permission to keep three additional cats, in addition to the two registered cats above, thus giving a total of five cats (three x female and two x male).

On 28 November 2008, at a directions hearing in relation to an appeal arising from refusal of the original application, the applicant agreed to forward a letter to the Shire confirming additional measures he would undertake by 19 December 2009, eg – animals being de-sexed, keeping them indoors unless on leash. (To date the Shire has not received any correspondence from the applicant on those related matters). On the basis of these undertakings the appeal has been deferred to allow the Council time to consider the application.

On 8 and 12 January 2009, the Shire received two complaints from the applicant's neighbours. One alleged there were 10 cats living at the applicant's property and wandering onto their property attacking wildlife. Another neighbour alleged there were nine cats living at the applicant's property wandering the streets at large attacking and eating wildlife.

Over the past six months, Ranger and Fire Services have received complaints relating to the number of cats at the applicant's property and the killing of wildlife. One of these complainants was a Dunsborough Police Officer, who observed one of the applicant's cats with a possum in its mouth.

During this period two cat infringements were issued against the applicant for breaches of the cat local laws, after the applicant failed to reduce the number of cats at the property.

The application is for three additional cats, which would bring the legal number of cats residing at the respective premises to five. There have been recent reports that there are 10 cats on the property.

As the property is opposite a Wetland Reserve the primary concern is the preservation of native fauna as well as nuisance and inconvenience to neighbouring properties.

CONSULTATION

On receipt of the original application, notices were sent out to adjoining neighbours informing them the Shire had received an application to keep more than two cats at 33 Campion Way, Quindalup, allowing the neighbours to make comment within 14 days regarding the application. Two neighbours replied, objecting to the application. Comments from neighbours are reproduced as Attachment 2.

STATUTORY ENVIRONMENT

Shire of Busselton Cat Local Laws Part 2 Section 5, require a permit for a person to keep more than two cats on a premises. In determining an application the following issues are required to be considered:

- (a) The physical suitability of the premises for the proposed use;
- (b) The suitability of the zoning of the premises for the proposed use;
- (c) The environmental sensitivity and general nature of the location surrounding the premises for the proposed use;
- (e) The likelihood of a cat causing nuisance, inconvenience, or annoyance to the occupiers of adjoining land;
- (f) The likely effect on the amenity of the surrounding area of the proposed use;
- (g) The likely effect on the local environment including any pollution or other environmental damage which may be caused by the proposed use;
- (h) The applicant's infringement history with the Local Government or any other Local Government; and
- (i) Such other factors which the local government may consider to be relevant in the circumstances of the particular case. The applicant's infringement history with the local government.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

If the application is refused the applicant may continue to have the decision reviewed by SAT which will give rise for associated costs.

STRATEGIC IMPLICATIONS

The proposed recommendation is consistent with the strategic objective to enhance safety and security in a healthy environment.

OFFICER COMMENT

The application to keep more than two cats is not supported for the following reasons as related to the matters to be considered above:

a) & c) The location of the site is adjoining an area of environmental sensitivity and the inability of the applicant to contain cats on the premises currently.

e) & f) The comments from local residents and complaints received in respect to the matter indicates that it is likely that approval of the application would result in a local nuisance.

h) The applicant has been previously infringed for breaching the Cat Local Law.

TIMELINE/S FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Notification of the applicant within 1 week of the Council's decision.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That the application to keep more than two cats at Lot 31, 33 Campion Way, Quindalup, is refused on the grounds of environmental sensitivity and general nature of the location surrounding the applicant's premises and the potential for continuing nuisance, inconvenience, and annoyance to the occupiers of adjoining land and lack of suitable means to prevent cats leaving the premises.

13.2 APPLICATION TO KEEP MORE THAN TWO DOGS (BEING FOUR) AT 18 KOOKABURRA WAY, BUSSELTON

FILE NO: DOG5
PROPOSAL: Application to keep more than four dogs at Lot 110, 175 Kookaburra Way, Vasse, under the DOG ACT 1976
POLICIES Nil
ATTACHMENT(S): Memorandum of Understanding

PRÉCIS

Determination by the Council of an application to keep more than two dogs at Lot 110, 175 Kookaburra Way, Vasse. The application is recommended for approval.

BACKGROUND

The applicant, has two male dogs currently registered until 31 October 2009. The owner is seeking permission to keep two additional female dogs

In April 2008 the Shire received a complaint that up to 10 cats and eight dogs are residing on the premises of 175 Kookaburra Way, Vasse. The Shire Officers investigated the complaint by inspecting the property and observed nine cats and eight dogs at the time. The applicant was requested to reduce the number of dogs and cats to the prescribed amount of cats and dogs (being two dogs and two cats). The applicant did initially respond to the request and reduced the number of animals for a short period of time, however the Shire received further information approximately four months later that the number of animals on the subject property had increased. The Shire Officers attended the property and observed eight dogs at the time and requested the number of dogs be reduced to the prescribed number of dogs (two).

An application for approval to keep in excess of two dogs at the premises was refused and this decision was appealed to the State Administrative Tribunal.

A Mediation meeting was arranged between the applicant and the Shire. A memorandum of understanding resulted from the mediation meeting agreeing on conditions to be presented to the Council to seek a permit to keep more than two dogs. The respective conditions are outlined below and in the attached memorandum of understanding.

CONSULTATION

Notices were sent out to adjoining neighbours advising of the lodged application to keep more than two dogs and requesting feedback on the application within 14 days. No objections to the application to keep more than two dogs were received.

STATUTORY ENVIRONMENT

Shire of Busselton Dog Local Laws section 8.0 and Dog Act 1976 part V S26 deals with limitation as to number of animals permitted to be kept on a premises.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There will be no significant additional financial implications from the application.

STRATEGIC IMPLICATIONS

The proposed recommendation is consistent with the strategic objective to enhance safety and security in a healthy environment.

OFFICER COMMENT

The application to keep more than two dogs is supported subject to the imposition of conditions as set out in the recommendation.

TIMELINE/S FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Notify the applicant within one week of the Council's decision

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That the application to keep more than two dogs at Lot 110, 175 Kookaburra Way, Vasse, for the respective dogs Sally, Maltese Cross Shih-tzu, Female and Lambsy Maltese Cross Shih-tzu, Female is approved subject to the following conditions.

1. The permit only relates to the dogs Lambsy, Sally, Woofy and Peachy;
2. The two female dogs Lambsy and Sally are to be sterilized within 30 days of this decision;
3. The two male dogs Woofy and Peachy are not to be used for breeding purposes at any address;
4. The dogs are kept registered at all times;

5. The dogs are confined to the property - means for confining dogs within the property do not include the means whereby a dog may be tethered/chained within the premises;
6. Premises will be deemed not to be adequately fenced if there is more than one escape of a dog/s from the premises;
7. Dogs to be walked on a leash unless in a dog exercise area;
8. The keeper will have during the term of the permit adequate space for the exercise of the dogs;
9. The property is kept clean of dog excrement;
10. The Shire receives no complaints from residents in the area, concerning a noise or wandering problem;
11. The permit holder will not substitute or replace any dog once that dog dies or is permanently removed from the premises; and
12. The Shire must be advised should you change your address or your dog/s dies.

14. SYSTEMS AND INFORMATION REPORT

Nil.

15. COMMUNITY INFRASTRUCTURE REPORT**15.1 SOUTHERN DRIVE PATH PETITION RESPONSE**

FILE NO: SOU249

ATTACHMENT(S): Nil

PRÉCIS

This report seeks that the Council does not construct a path along Southern Drive, which is a position contrary to that requested by the petition presented to the Ordinary Meeting of the Council on the 9 July 2008.

BACKGROUND

The Council received a petition from residents of Southern Drive requesting the construction of a path along the Southern Drive.

This report details the Council's decision of 9 July 2008 (C0807/198):

That in accordance with the provisions of Clause 10.2 c of the Standing Orders, Council receives the petition and refers it to the CEO for a report back to Council.

The Shire has developed a Five Year Capital Path Program for path construction based on priority needs and the Shire's Path Asset Management Plan. This plan has been established based on connectivity (joining paths), high use areas such as those around schools, shopping centres, consideration to safety such as placement of paths near high speed/high traffic volume roads, and cost effectiveness of placing the path which includes the use of contributions for paths. This forms the basis of the prioritisation and budget process for the forthcoming financial years.

The current path plan has considered the path along Southern Drive, however other footpath projects received higher priority and consequently the path along Southern Drive was not recommended. Currently the path along Southern Drive is ranked in priority as footpath number 40 (which would be potentially constructed in approximately nine years time). The Path Plan is continuously reviewed, adjusting any of the criteria for path section with recent data and recommendation then made for budget consideration.

CONSULTATION

The development of the path program has occurred with consultation of Community Infrastructure Officers with inputs from the Access and Inclusion Committee, community members, development applicants and community groups.

STATUTORY ENVIRONMENT

Section 5.56 of the Local Government Act 1995 requires the local government to plan for the future of the district. This program assists in the development of the plan for the future of the district.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The path program identifies the capital requirements for construction and sources of funds to achieve the strategic objectives in the Strategic Plan 2006 - 2011. The five year capital path program has been developed in accordance with the advertised five year financial plan and the Path Asset Management Plan.

STRATEGIC IMPLICATIONS

This proposal is considered relevant to the Shire's Strategic Plan 2006 - 2011:

1. Strategic Focus:

Built and Physical (Infrastructure) Well Being:

Strategic Objective:

To develop and maintain the Shire's assets and built environment to maximise public benefit now and into the future.

Strategic Initiatives:

Ensure community assets are effectively managed and maintained through improvement of asset base.

OFFICER COMMENT

The current Five Year Capital Path Program has identified 75 pathways with an estimated construction value exceeding \$3.2 million. This program traditionally receives between \$210k and \$240k annually, therefore the current program would be completed in 14 (plus) years. The Five Year Capital Path Program is continually reviewed and forms the basis for formulating the Capital Path Program for the following financial years. All requests received by the Shire from residents, tourists, developers, business owners, Shire staff and Councillors are considered. The requests for path upgrades, far outweigh the Shire's ability to fund these programs so the works are prioritised using the a matrix of use measure, economic, safety, environmental and cost efficiency to achieve an overall project ranking score.

The original ranking of the footpath was based on the construction being aligned behind the kerb on the north east side of the road.

A further preliminary assessment of the Southern Drive path proposal has been undertaken. The recommended alignment would be through the river reserve closer to the river bank with linkages back to Southern Drive as this would provide greater functionality and community benefits. This improved the path's ranking score through an increase in the path's safety by a reduction in proximity to vehicle traffic, potential recreational usage, opportunities for commuter usage to the industrial area and as an environmental boundary between the grassed reserve and the revegetation along the river.

According to the Shire's assessment criteria matrix, based on the preliminary work Southern Drive ranking has improved its score to 9.0 and as such places its priority at number 15. This qualifies the path to be constructed in financial year 2011/12.

Ultimately the Council adopts the budget and retains the ability to include lower priority projects, however this would be at conflict with the balanced assessment methodology used to ensure equity of construction.

TIMELINE/S FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The implementation of the Officer Recommendation can be undertaken immediately.

VOTING REQUIREMENT

Simple majority.

OFFICER RECOMMENDATION

That a path along Southern Drive be included on the Five Year Capital Path Program and be prioritised against all path projects in accordance with the ranking system.

16. COMMUNITY AND ORGANISATIONAL DEVELOPMENT REPORT

16.1 SMALL LOCAL PROJECTS FUND 2008/09 - NO. 11

FILE NO: GRT8
ATTACHMENT(S): A. Request and supporting documentation

PRÉCIS

The following allocations of funds for expenditure from the Small Local Projects Budget allocation have been proposed. Funds are available and expenditure is permissible under the Local Government Act 1995.

No	Councillor Making Request	Amount	Recipient	Purpose for which funds will be used
11	Cr David Binks	\$1,000	Alexandra Cousins	Funding to assist participation in Associated and Catholic Colleges 2009 Netball Tour to Hawaii.

BACKGROUND

Council's Policy No. 202/1 is applicable.

CONSULTATION

Not applicable

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Council's Policy No. 202/1 is applicable.

FINANCIAL IMPLICATIONS

On 13 August 2008, the Council resolved (C0808/237) to amend Policy 202/1 to facilitate an equal portion of any monies budgeted for small local projects to be available to each Councillor.

Although there are sufficient funds available in the total 2008/09 SLP Budget Allocation, sufficient funds are not available within the portion nominally allocated in the current financial year for recommendation for disbursement by Councillor Binks.

STRATEGIC IMPLICATIONS

Nil

STAFF COMMENT

Nil

TIMELINE/S FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Immediate.

VOTING REQUIREMENT

Simple majority.

OFFICER RECOMMENDATION

That the Council determines whether there is sufficient merit in Cr Binks' proposal to approve the funds recommended by Cr Binks, although outside of the money available for him to recommend for disbursement in accordance with Council policy 202/1.

17. CHIEF EXECUTIVE OFFICER'S REPORT**17.1 DUNSBOROUGH PLAYING FIELDS AND RECREATION AREAS****FILE NO:** 18367**ATTACHMENT(S):****PRÉCIS**

The playing fields on the corner of Caves Road and Dunsborough Lakes Drive, Dunsborough were developed in the mid 90's. The facility includes an oval and active playing curtilage, club rooms, change rooms, netball courts, cricket nets and skate park.

The oval is extensively used for active recreation by the general community and represents the only effective facility of its type in the area. According to the sporting groups, the oval's considerable use has reached maximum capacity. The winter condition of the oval supports this view.

The abutting Dunsborough Lakes development is structure planned to host two active recreation ovals created as part of Lots 4 and 10 Commonage Road. These areas are, however, planned to be provided in the medium to long term and may, without intervention, be at least five years from development. Even this is subject to the condition of the real estate market.

The recent State's Royalties for Regions (R4R) funding announcement presents a timely opportunity to bring together key considerations impacting the future expansion of playing field space at the Dunsborough Lakes facility. This item recommends the R4R funding be used to construct a new oval south of the existing one. (Note that another agenda item is being developed to come before the Council that offers other options for utilising this new funding in the current financial year).

BACKGROUND

The Shire has experienced considerable population growth in recent times. So much so that the Dunsborough playing fields have reached their capacity and probably did so two years ago. The Dunsborough area serves not only the population township but also the areas to the Cape, to Yallingup and across Commonage Road to Anniebrook. While the Dunsborough population is recorded at around 5,000 at present, its collector districts as described could soon swell to around 8,000 and there are no active sport facilities at all in the district other than those in Dunsborough.

Heavy winter traffic begins to render the playing space substandard prior to the warmer weather that allows regeneration. This occurs each year and without careful ongoing oversight, could cause injury. It already has caused re-fixturing. This is not a sustainable situation going forward and as such, the Council should determine a future position

For over two years, discussion and negotiations have proceeded with the Department of Education and Training (DET) regarding the possibility of a land-swap that hopefully ultimately would have facilitated funds to pay for an additional oval. There was never any alternative revenue source identified or budgeted.

It would be fair to say that the time it has taken in dealing with the DET has caused frustration but that the process has been complicated by the non-ceding of their eventual school site, (Greenfields Road). With the very recent announcement of the State's R4R funding (\$1.263m), there is an opportunity to expend money to immediately address the issue.

CONSULTATION

There has been ongoing discussion with the Dunsborough Lakes sporting group user representatives which included discussion on a concept proposal for the DET project. In addition, nearby or interested residents were invited by the Shire to a Community Information and Feed Back session on 16 April 2007 to discuss the proposed development.

STATUTORY ENVIRONMENT

There are no statutory implications for the Shire to reconstruct its existing oval. It would be prudent for the Shire to submit and assess a development application to construct a new oval as this would require clearing (and thus a referral to the DEC for a possible clearing permit). The option covering a land swap and furthermore, a possible development of the DET's earmarked school site would need to address a range of statutory matters and although achievable with willing parties (the Shire and the State), this complexity would require an elapsed time running into a number of years.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Whilst much of this item relates to a conceptual or future direction for the playing fields, cost is always a factor as is its timing. The following schedule offers indicative costs for various possible project components:

Reconstructing the existing playing field	\$1m
Constructing a new oval	\$1m
Filling (and compacting) the dam and piping the creek	\$0.8m
Relocating netball courts	\$0.25m
Fill for construction readiness for DET school	\$1.4m*

* potentially offset by negotiations with DET should it be proved their existing earmarked school site not be fully (earthworks) ready for construction.

There is no funding for any capital work relating to the above for the current financial year. The R4R funding (\$1.263m) is available immediately and ideally (from the State's perspective) but not necessarily have to be spent in the current financial year. As these funds are unbudgeted, committing any of them requires an absolute majority.

STRATEGIC IMPLICATIONS

Strategic objective and initiatives in the Shire's Corporate Plan are:

- * To ensure that communities are provided with a balance of active and passive open space.
- * To ensure the integration of the natural habitat in urban neighbourhoods.
- * To ensure maintained open space in current and future urban areas.

There is a specific reference in the Corporate Plan (5.1.6.1) to the progressing of the Dunsborough Lakes sporting oval project and given the opportunity to 'break in' to this complex project, the item's recommendation separates its potential continuance for the Council's determination.

OFFICER COMMENT

There are three related issues to consider in establishing a future position (and hence a plan on how to arrive there) in relation to alleviating the current Dunsborough playing fields problem. These are discussed in detail below:

1. Reconstruction of the existing playing fields

As part of the budget process, the Council agreed to provide funding to progress the reconstruction of the existing playing fields. A consultant has been appointed to prepare a design to upgrade the sub soil and replace the turf in order to improve the playing surface. New reticulation and a sub surface draining system will also be installed. Quotes are currently being sought to put in a budget item for next financial year to undertake this work. At this time, an approximate costing is estimated to be in the vicinity of \$1m.

In addition, the Federal Government has granted \$176,000 to upgrade lighting at the oval and surrounds.

Reconstructing the existing oval would render it inoperable for the period required for earthworks and returfing. This is problematic in the sense that users would have to relocate and options for this locally are very restricted (and perhaps, prohibitive). Ideally, there would need to be an alternative playing space constructed prior to reconstructing the existing oval thus helping to address this logistical quandary.

2. Construction of a New oval (possibly shared with DET)

There are two variations for developing a new oval south of the existing oval. A new oval could simply be constructed on Lot 3003 with perhaps the utilisation of some of the abutting Reserve land depending upon the exact location, size and orientation of the oval. A playing field (or portion thereof) conforms to the Reserve's recreational purpose.

One option would be to locate the oval immediately south of the existing one. There would need to be some clearing and potentially, relocation of the netball courts and possibly the skate-park. Importantly, there would be no need to fill the dam further south, (refer to Attachment 1)

Should a new oval's location be considered for the southern end of Lot 3003 (ie extending down to the current entry road into the Naturaliste Leisure centre car park, thus leaving the netball courts and skate park untouched, the existing dam would need to be filled. This conforms to the masterplan for Lot 3003 to accommodate a primary school and promote the shared use of the new oval.

These discussions have progressed with the DET to the point it would entertain a land swap. A new school site excised from Lot 3003 for its currently earmarked primary school site land just south of the subject site. Importantly, the DET have stipulated the new site must be construction ready meaning it would need to be earthworked with a raised ground level. (Refer to Attachment 2). The DET estimate this to cost \$1.4m. The DET note the school for at least seven years and hence a balance for the outgoing of extra funds (\$0.8m) now to build over the dam would have to be amortised against the risk the land swap did not eventuate.

This item recommends a new oval be located where a future a school might be located hence all that would be lost would be the turf (and even this could be cut and rolled for reuse.

The attached letter dated 12 December from Halsall & Associates (HA) (Attachment 3) notes the timeframes involved for both options. The Shire is able to construct a new oval immediately (although HA suggests preparing a DGP and this would require some nine months to finalise and adopt).

If the oval was positioned over the existing dam, far more extensive earthworks would be required and this would be more costly and take longer but, it would readily allow the future relocation of the primary school.

If the Council wanted to signal its intention to progress with the DET land-swap (and new school site and oval over the existing dam), HA suggest a DGP would need to be prepared and a process of consultation and then land tenure adjustment prior or in parallel with very extensive earthworks. Whilst this could all take approximately four years, it would offer some longer term certainty and create a future revenue stream from the rezoned and redeveloped land along Dunsborough Lakes Drive (cnr Greenfields Rd) currently earmarked for the primary school. This site could be utilised for higher density living thus proving to be more

affordable than the current housing product. This agenda item recommends a feasibility be progressed for this eventuality.

In conclusion, and for discussion purposes, it would be helpful to note the oval only possibility as Option 2(a) and the full DET land swap deal as Option 2(b). Option 2a has two possibilities:

- (i) locate the oval by having to move the netball courts (the skate park may be able to remain) but leaving the dam as is.
- (ii) locating the oval on top of the existing dam.

3. Accelerated provision of the medium term structure planned oval(s)

The Dunsborough Lakes Development Guide Plan (DGP) requires provision of an active open space site in a location at the southern end of the DGP area, (refer Attachment 4). Recent amendments to the Scheme also require the preparation and endorsement by the Shire of a developer contributions plan (DCP) prior to the clearance of subdivision in this area (which is only a portion of the Dunsborough Lakes area - other portions are currently unaffected and a significant number of additional lots could be released without the need for a DCP).

The Shire would seek to secure the transfer and development of the active open space via the DCP. Given the shortage of open space in the Dunsborough area, it is also envisaged that the Shire would, in negotiating the DCP, seek to secure the early provision of the active open space relative to other contributions that the DCP will provide for (it is envisaged that the DCP will provide for, or provide for contributions towards, a wide range of community facilities as set out in the Shire's *Community Facilities Implementation Policy*).

Whilst officers understand that a draft DCP is under development and there have been broad-based discussions with the developers regarding it, a draft has not yet been provided to the Shire. As such, officers are unable to advise when the DCP may be completed and the timing will be largely dependent upon the developers.

It should also be noted that the economic uncertainties of recent times and their effects on land sales and the development industry generally add to the uncertainty as to when the DCP may be forthcoming (i.e. in simple terms - we do not know when the developer will be seeking clearance for lots in the respective portion of Dunsborough Lakes). Unless the developer seeks clearance for additional lots, there is nothing the Shire can do to compel the developer to bring the DCP forward.

The Shire could seek to bring forward negotiation of the DCP, or enter into some pre-negotiations to allow for access to the proposed open space area before the DCP is finalised, but initial discussions with representatives of the developers indicate this would be difficult in the current climate. One scenario might be that the Shire lease the land from the developer, develop the active open space itself (or share the costs with the developer) and recover the costs associated with that development from developer contributions over time. There would, however, be a number of risks associated with such an arrangement and the means of managing

those risks (probably through a legal agreement) may prove to be as complex as the negotiation of the DCP itself.

It should be noted that each of the three options have logistical implications that would mean they would not be ready to play on in 2009. Given the oval's recent history, users will have to adapt their usage accordingly.

Option 1 would require a period of nine months inclusive of summer for new turf to 'take'. Ideally turf planting takes place in September such that it has all summer to 'take' and preceding this ten weeks is required for earthworks and reticulation construction.

Option 2 requires immediate attention for a new oval then facilitates the reconstruction of the existing oval. The issue of whether the Shire progresses a future land-swap would be helpful at this juncture (and hence a full feasibility could be commissioned) or it could be held in abeyance for the time being.

Option 3 could be solely dependent upon the Dunsborough Lakes developer's development schedule or if an agreement can be reached to access the land early (i.e. prior to subdivision and ceding), the shire servicing and constructing the oval(s) and its cost (or have this offset from other developer contributions for the estate). Earthworks and turf growing parameters would still apply.

Whilst the Council has previously resolved to have the reconstruction works designed as a matter of priority, their implementation will require no use of the fields and relocating sporting fixtures becomes problematic.

TIMELINE/S FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

As above

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

ABSOLUTE MAJORITY DECISION REQUIRED

Option 2(a)(i) is recommended such that the netball court be relocated further west and a new oval be built as soon as possible in the area north of the dam but not over the dam; without the need for the preparation of a DGP, refer Attachment 4). This will require all of the R4R funds of \$1.263m.

Once this new oval becomes operational, the reconstruction of the existing playing fields shall occur and as such, capital funds of \$1m will be placed in the draft budget accordingly for 09/10 and these to be refined as further detailed costings are to hand.

Meanwhile the scope for a full financial feasibility report be prepared for achieving the full land swap proposal including redevelopment revenues for the Greenfields Rd DET school site and quotes be obtained to conduct this feasibility and these be presented for 2009/10 budget consideration.

Negotiations with the Dunsborough Lakes developers should proceed in a manner that facilitates the availability and construction readiness of at least one of the two future (DGP) structure planned ovals by the time any decommissioning of the new oval is required to facilitate any land swap agreement to relocate and construct the new primary school.

Should the relocation of the school site be favoured, this 'oval availability continuity/linkage' be placed in the Shire's Leisure Services Plan. If the relocation of the school site is not favoured, then as a priority, the DCP reflect the provision of lighting for the newly constructed oval.

18. MOTIONS of which notice has been given**18.1 UPGRADING OF LAYMAN ROAD VERGES**

NoM NO: 08/09: 15
FILE NO: LAY401

Councillor Ian Stubbs has given notice of his intention to move the following motion at the Council Meeting on 11 February 2009:

MOTION

"That the CEO report to the Council on how the Shire can upgrade the verges of Layman Road from the roundabout at Armitage Drive to Peel Terrace in order to make the section of road more attractive as a main entrance to Busselton. The report to contain, amongst other things, the following:

- * a description of the works required to be carried out;*
- * a program as to when the works can be carried out; and*
- * an estimate of the total cost and the amount needed annually to implement the program of works."*

Comment:

Layman Road is a major entrance road into Busselton yet the section from Armitage Drive to Peel Terrace is badly in need of work to improve its appearance. The motion aims to enable the Council to consider a plan of works to carry out the upgrade.

STAFF COMMENT (Community Infrastructure Directorate)

Upgrading the landscaping in this area is supported, however the road is currently classified as a rural road and its presentation reflects this. Reclassification would provide direction as to the standard and specification of what level of landscaping would be justified. Furthermore, any detailed description of works to be prepared would require a more exact articulation of the type of appearance or presentation that was desired.

Functionally, considerable research and design would be required to review the drainage system along Layman Road.

The section being described is 3km long (and may be best suited to a staged approach) and depending on the extent and type of the newly desired presentation, could result in an expensive capital and maintenance exercise.

Currently CI does not have the funds or resources to develop such a plan or program this financial year.

Without understanding the scope of works or the eventual upgrade, the maintenance figures cannot be established.

One option may be to propose that a provisional sum (PS) be included in the 2009/10 budget deliberations to provide a design for the upgrade of this area, which would enable an accurate costing and detailed project and implementation plan. The PS could include a nominal figure to perform some preliminary beautification works.

A further suggestion would be to combine this project with an overall arterial roads (e.g. the various entrances into Busselton among others) landscaping master plan in order to provide a 'standard or themed' approach across the shire and develop a long term plan to the upgrade and landscaping of these areas. This may even include roads such as the Bussell highway although under the control of MRWA. This would provide a staged (budgeted) and more strategic approach to upgrading the area as a whole.

Shire officers are currently reviewing the service levels to parks and gardens within the Shire and will establish a design set of maintenance levels for the Shire's reserves (which would require endorsement by the Council). This may indicate a funding and resource gap which if bridged via funding via by the Council, should in general raise the standards of presentation throughout the Shire.

18.2 FORD ROAD

NoM NO: 08/09: 16
FILE NO: FOR217

Councillor Ian Stubbs has given notice of his intention to move the following motion at the Council Meeting on 11 February 2009:

MOTION

"That the CEO provide the Council with a report on Ford Road to enable the Council to determine what action, if any, it wishes to take in relation to the construction of Ford Road. The report to contain, amongst other things, the following:

- * the current status of the Ford Road project.*
- * detail of any designs and cost estimates prepared.*
- * detail of the processes involved to obtain the appropriate environmental approvals along with a suggested timetable and cost estimates should the Council wish to seek the approvals.*
- * detail of any other issues which would need to be addressed by the Council should it wish to progress the project further."*

COMMENT:

The Ford Road proposal has been around for a long time. One of the most common questions I am asked is 'when will the Council be constructing Ford Road'. I believe the Council needs to be provided with an up-to-date report on this project so that the Council can determine what action, if any, it wishes to take, or whether it wants to announce it will not be progressing the project any further.

STAFF COMMENT (Community Infrastructure Directorate)

Officers will be able to provide a detailed report on Ford Road however due to the current resource implications, this will be targeted to be provided to the Council Meeting of 25 March 2009.

19. **CONFIDENTIAL REPORTS**

20. **NOTICES OF MOTION** proposed for consideration at a future Meeting

21. **QUESTIONS FROM MEMBERS WITHOUT NOTICE**

22. **NEXT MEETING**

Wednesday, 25 February 2008, commencing at 5.30 p.m.

23. **CLOSURE**

