



Shire of Busselton
Geographie Bay

Council Agenda

22 July 2009

ALL INFORMATION AVAILABLE IN VARIOUS FORMATS ON REQUEST

SHIRE OF BUSSELTON

AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 22 JULY 2009

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SHIRE OF BUSSELTON

MEETING NOTICE AND AGENDA – 22 JULY 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, 22 July 2009, commencing at 5:30 pm.

Your attendance is respectfully requested.

NIGEL BANCROFT
ACTING CHIEF EXECUTIVE OFFICER

7 July 2009

A G E N D A

1. **ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE**

2. **OPENING PRAYER**

The Opening Prayer will be delivered by Pastor Grant Hendry of the Busselton Baptist Church.

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 the Council held on 8 July 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 REVIEW OF THE BIODIVERSITY INCENTIVES STRATEGY FOR PRIVATE LAND IN THE BUSSELTON SHIRE

SUBJECT INDEX:	Local Planning Policies
APPLICATION NUMBER:	NA
STRATEGIC INITIATIVE:	4.1.1 Create opportunities for community involvement in the maintenance of, and the improvement to, the natural environment.
BUSINESS UNIT:	Strategic Planning and Sustainability
SERVICE:	Strategic Land Use Planning
DATE OF COMPLETION:	28 August, 2009
VOTING REQUIREMENT:	Simple Majority
PROPOSAL:	Adoption of the Draft Revised Biodiversity Incentives Strategy for Community Consultation.
LOT SIZE:	NA
ZONE:	NA
POLICIES:	<i>SPP No. 6.1 - Leeuwin Naturaliste Ridge Policy</i> <i>Local Rural Planning Strategy</i> <i>WAPC DC Policy 3.4 Subdivision of Rural Land</i> <i>WAPC DC Policy 3.7 Fire Planning</i> <i>Busselton Wetlands Conservation Strategy</i>
ATTACHMENT(S):	A. Draft Revised Strategy (available on the Shire Website's and Councillors' Portal in electronic version of Attachments to this Agenda) B. Summary of differences between current and revised draft biodiversity values criteria.

PRÉCIS

This report presents for the Council's consideration a draft revised *Biodiversity Incentives Strategy*. The review provides for an updated policy framework through consideration of changes to better align the Strategy with: related legislation and local policy framework; state agency reporting models; and to introduce improvements to the layout, wording and specific provisions of the Strategy. Development of the draft involved extensive consultation with key stakeholders.

It is recommended that the Council adopt the draft revised Strategy for community consultation for a period of 42 days. The full revised strategy is available on the Shire's website and the Councillors' Portal as part of the Agenda Attachments. Hard copies are available on request.

PROPOSAL / BACKGROUND

The *Biodiversity Incentives Strategy for Private Land in the Busselton Shire* (BIS) was adopted in 2002. The Strategy was prepared with the aim of providing a package of planning and financial incentives to landowners who voluntarily choose to protect and manage biodiversity values on their property. Essentially the Strategy offers two types of incentives to achieve the long-term preservation of biodiversity values: subdivision incentives; and rate rebates.

The incentives were not designed as direct compensation for a perceived loss of property rights; rather they provide encouragement for the voluntary protection of remnant vegetation and wetland biodiversity values using a combination of rezoning, voluntary conservation covenants and management agreements.

The most significant incentive offered is an additional subdivision opportunity for lots with high biodiversity value. The degree of 'biodiversity value' is determined using specific criteria that relate to the area, type, condition and function of remnant habitat on the property. This incentive requires the land to be rezoned to the 'Bushland Protection' zone and be placed under conservation covenant, together with a range of other management plans relating to fire, pest and weed management. The biodiversity value criteria were supplemented with a detailed list of operational guidelines that are used to guide each application through the process.

A number of lots with high quality biodiversity values may not qualify for the additional subdivision incentive and/or the owners may not wish to pursue this opportunity. A rate rebate incentive was therefore included as an alternative incentive. Similarly, the level of rebate varies with the level of voluntary protection. Under the Strategy a 50% rate rebate was offered proportional to the area of bushland/wetland protected under a voluntary conservation covenant. A 35% proportional rate rebate was offered for landholders willing to enter into a fixed term (10 year) management agreement in association with a 'Land for Wildlife' Membership.

Since the adoption of the current BIS, 4 property owners have successfully pursued the subdivision incentives resulting in 181 ha of bushland being protected by rezoning to 'Bushland Protection' with conservation covenant. A further 6 properties are currently in the process of being rezoned.

The number of properties enjoying rate rebates, though, has remained fairly constant at 10 for the past 4 years.

The current BIS includes a recommendation that it be reviewed after 5 years of operation. The undertaking of this review reflects that recommendation.

A draft revised strategy is included as Attachment A. Some key information on the review process is set out in the sections that follow. The following, though, is a brief summary of the key differences between the current and revised draft strategy –

- * changes to the biodiversity values criteria which are summarised in Attachment B, the key emphasis of which is to increase the scope of the BIS to protect regionally rare and significant habitat, especially on the highly-cleared Swan Coastal plain portions of the Shire;
- * extending the 50% rate rebate to landowners that enter into a 10 year management agreement (currently 35%); and
- * refining the subdivision criteria to allow flexibility on the location of building envelopes where there are no conservation impacts, and including additional guidance on minimising the impact of building envelopes on habitat and nearby agricultural activities.

Review Objectives

The objectives of the review were to:

- * Examine the compatibility of the Strategy in relation to other planning mechanisms.
- * Examine ways of streamlining the subdivision incentive.
- * Consult with stakeholders to determine their views with respect to vegetation protection and the Strategy.
- * Identify barriers to the incentives and ways in which they can be made more attractive.
- * Explore additional planning mechanisms and incentives the Shire could use to protect biodiversity.
- * Review options for revising the biodiversity values criteria and their implications.
- * Revise the Strategy document, making it easier for landholders to read and use.

Review Process

The proposed review process includes four phases comprising of:

Phase 1: Planning Mechanism Review

Phase II: Landholder Interviews and Biodiversity Values Criteria Review

Phase III: Workshop and Report Findings

Phase IV: Revised Strategy

A detailed description and statistical analysis of the review process has been included as Attachment 'B' to this report. A summary of the process is provided below.

The first phase of the review comprised of a review of the current Strategy document and its compatibility with other planning policies and mechanisms (i.e. State Planning Policies, WAPC Development Control policies, the Scheme etc.) This was undertaken by the project consultants through consultation with stakeholders that play a role in the implementation of the Strategy.

Stakeholders included representatives from the key planning agencies (e.g. DPI, DEC and the Shire), peak stakeholder organisations (e.g. GeoCatch), and a planning consultant. Some stakeholders formed part of the project reference group who were engaged for various tasks and activities during the review process. Tasks completed by the reference group included:

- * Review of the research methodology.
- * Recommendations on additional stakeholders and documents to be consulted.
- * Review of the key documents produced (Mattiske Consulting report and the Issues and Opportunities paper).
- * Provision of information by individual members as questions arose within their respective areas of expertise.

The Council was also briefed on the study process and objectives during this stage.

During Phase II the appointed project consultants made use of a sampling strategy approach whereby a targeted group of land owners were interviewed to determine their views with respect to: barriers to the incentives and the Strategy; barriers to managing the bushland and wetlands on their properties; attitudes and perceptions of the Strategy; and additional incentives and means of support. The biodiversity values criteria of the Strategy were also reviewed during this stage by Mattiske Consulting who prepared a separate report outlining their recommendations.

Phase III comprised a community stakeholder workshop drawn from 23 groups and various agencies. The workshop provided a mechanism for key community stakeholders to be briefed on the project and provide input to the Strategy review. The workshop focussed on two issues, namely: Biodiversity Values Criteria Review; and Protective Planning Mechanisms (i.e. conservation covenants, zoning, and the management agreement). An 'Issues and Opportunities Paper' (IOP) was drafted following the workshops and put out for comment to those who have contributed to it. The IOP was considered by the technical reference group prior to development of the draft Strategy.

Phase IV comprised of the review of the Strategy document based on the findings and recommendations outlined in the Issues and Opportunities report and feedback subsequently received.

STATEMENT OF IMPACT

Conservation incentives under the BIS are applied for by land owners on a voluntary basis. Where landowners seek such incentives they will need to consider the potential impacts and not proceed if they perceive this not to be in their interest. The draft revised strategy provides for an expansion of the incentives on offer.

CONSULTATION

Formulation of the draft revised Strategy has involved discussions and consultation with the following stakeholder groups:

Department for Planning and Infrastructure – South West Planning Division
Department of Environment and Conservation
The National Trust of WA
GeoCatch
Best Farms
Busselton Naturalists Club
Cape-to-Cape Catchment Group
Shire of Busselton Environmental Reference Group
South West Biodiversity Project
WA Farmers Federation Busselton Branch,
Shire Staff (Strategic Planning and Sustainability Department and the Legal Division)
Project Consultants
Sample of Local Residents (residing in rural area)

Upon adoption of the draft revised Policy for community consultation the Policy will be advertised in accordance with clause 103 of the Scheme, however, a consultation period of greater than the minimum is proposed (i.e. 42 days rather than 21 days). It is envisaged that consultation will consist of –

- * Posting of information on the Shire's website;
- * An article in the Bay to Bay newsletter;
- * Several references in Council for Community;
- * A release to the media;
- * Writing of letters to all stakeholders involved in earlier consultation; and
- * An invitation for any interested parties to attend a briefing session.

STATUTORY ENVIRONMENT

The current Strategy has been adopted as a local planning policy pursuant to the Scheme. The review process will therefore need to follow the local planning policy process set out in clause 103 of the Scheme.

POLICY IMPLICATIONS

Leeuwin Naturaliste Ridge Statement of Planning Policy 6.1 (LNRSP)

The policy area of the *LNRSP* area extends from the near shore waters of Cape Naturaliste to Cape Leeuwin and inland to Bussell Highway and the eastern extent of town sites found along the highway. The LNRSP was gazetted in 1998 prior to the endorsement of the Strategy, which occurred in 2002.

The LNRSP includes a number of Land Use Strategies which facilitates the subdivision of land with significant conservation values in return for the protection of the conservation values in perpetuity. Lots are required to be rezoned to the 'Conservation' zone, which prohibits agricultural activities. The creation of

conservation lots shall continue, where required, to be considered in the Leeuwin-Naturaliste Ridge policy area in accordance with State Planning Policy 6.1 Leeuwin-Naturaliste Ridge (land use strategy 3.4 and 3.8).

The Scheme does, however, allow for lots within the LNRSP policy area to be rezoned to the 'Bushland Protection' zone where the introduction of limited agricultural uses will not have an adverse impact on the conservation values of the site.

One of the key contributions of the current Strategy is to introduce specific biodiversity value criteria which provide a benchmark for the classification of a site's biodiversity conservation value in order for the subdivision concession to be applied.

It is considered that the review document is not in conflict with any of the LNRSP provisions but provide more detailed guidance. To this end it must be noted that the revised Strategy will ultimately need to be endorsed by the WAPC.

Local Rural Planning Strategy (LRPS)

The LRPS is the principal strategic guidance for the subdivision and development of rural land in the Shire and has been adopted by both the Council and the WAPC for that purpose. The draft revised strategy is consistent with the LRPS.

WAPC Development Control Policy DC 3.4 - Subdivision of Rural Land – 2008

This policy sets out the principles which will be used by the WAPC in determining applications for the subdivision of rural land including for conservation purposes. The draft revised Strategy is considered to be consistent with DC3.4.

WAPC Development Control Policy DC 3.7 – Planning for Fire – 2008

This policy seeks to ensure adequate fire protection for new subdivisions and related developments by proper strategic land use planning, good subdivisional layout, and development criteria.

The major changes introduced by this policy are:

- a) The use of bush fire hazard assessment from a fire protection perspective to determine the nature and extent of controls necessary to reduce fire risks inherent in the subdivision and development of land.
- b) The adoption of objectives, performance criteria and acceptable solutions which must be met to reduce fire risks (contained in Planning for Bush Fire Protection (2001) published by FESA or any adopted National Guidelines).
- c) The incorporation of model town planning scheme provisions relating to bush fire protection based on the model scheme text.

The draft review is not considered to be in conflict with this DC policy as clause 90 of the Scheme relating to the 'Bushland Protection' zone includes provisions requiring submission of a Bush Fire Management Plan.

Busselton Wetlands Conservation Strategy

The Busselton Wetlands Conservation Strategy is the principal strategic planning guidance for the Busselton Wetlands as adopted by the WAPC. Because it is referenced in the State Planning Framework Policy (SPP1), it has additional weight and must therefore be given due regard by the Shire. Both the current and revised draft strategies are inconsistent with this Strategy (which sets out an alternative range of incentives in the affected area) and, as such, the wetlands area is excluded from the area subject of both the current and revised draft BIS.

FINANCIAL IMPLICATIONS

The cost and benefit to the Shire is dependent on the number of new lots created through the subdivision incentive and the number of landholders taking up the rate rebate incentive.

So far there have been 4 new lots created and the Shire currently pays approximately \$2,500 in rate rebates to 11 Landowners who have accessed the rate rebate incentive.

The draft revised Strategy proposes that the additional rates generated by Bushland Lots created under this Strategy shall be placed in an Environmental Projects Fund to help fund the program. Should that recommendation be accepted, guidelines would need to be prepared for use of these funds; but it is envisaged that the focus would be support for conservation efforts on bushland lots.

The direct financial implications of the recommendations of this report are limited to the costs associated with undertaking the review of the Strategy and presenting that reviewed document to the Council for consideration for adoption. Those costs will be able to be met using existing, budgeted resources. Advertising of the revised Strategy will also be undertaken using existing resources.

STRATEGIC IMPLICATIONS

The Shire of Busselton *Strategic Plan 2006 - 2011* ("Strategic Plan") has adopted five key strategic focus areas which include 'Natural and Environmental Wellbeing'. A strategic objective of this focus area is to promote an environmental awareness, ownership and action within the community and the organisation.

The Shire's *'Biodiversity Incentive Strategy for Private Land'* is recognised as an important contributing mechanism to meet this strategic objective. Its primary goal is to secure the long-term preservation of areas of remnant vegetation featuring significant biodiversity values through the application of necessary statutory controls. The ongoing monitoring, review and improvement of this strategy where necessary to improve its effectiveness, relevance and success should therefore be supported.

The review is, more specifically, considered to be consistent with the relevant Strategic Objectives of the Shire of Busselton's Strategic Plan 2006-2011:

- 2.3 *Ensure development of the Shire recognises the unique character of the region and successfully balances the pressures of development and the protection of our rural and coastal amenities.*
- 4.3 *To minimise the adverse environmental impact of the activities of the Shire of Busselton and to encourage local businesses and the community to adopt practices that reduce their ecological footprint.*

Other outcomes of the Strategic plan are not considered to be compromised by the proposal.

OFFICER COMMENT

This review offers an opportunity to update and improve the current Strategy from a statutory, operational and technical perspective. It is considered that the objectives of the review has been generally achieved and incorporated into a revised document that will provide a sound basis for community consultation. The revised Strategy document has been redrafted and revised in terms of its structure and content. Considerable effort was put into it to create a compact document that is easier to read and use.

The Strategy was examined in relation to other planning mechanisms and found not to be conflicting in any way as highlighted in the report.

The review process recommends the inclusion of a fast track procedure for the subdivision incentive if the proposed subdivision layout and associated development does not impact on the biodiversity value where these are clearly of a high order. It is further recommended that the requirement for a professional flora survey be waived in this instance. This aspect is considered to be an important component in reducing the overall processing time frame and cost involved in the scheme amendment as most surveys are required to be undertaken during spring. Where the proposed subdivision layout is likely to impact on biodiversity value on the extent of that value requiring confirmation then the 'alternate' track must be followed, which is the existing path.

The revised Strategy includes 'Additional Terms and Conditions' that relate to matters such as vegetation requirements; lot configuration; building envelopes; access; fire management and weed and pest management. These guidelines outline the operational approach to the subdivision incentive and provide necessary information to assist a landholder in putting together a proposal that is likely to be supported by the Shire provided that the remnant vegetation meets the basic biodiversity value criteria. These design guidelines are to be read in conjunction with clause 90 of the Scheme relating to the 'Bushland Protection' zone.

Consultation with stakeholders formed a key consideration of the review. Valuable feedback was obtained during this process for inclusion in the Issues and Opportunities Paper which formed the main reference for the revised Strategy.

CONCLUSION

It is recommended that the Council adopts the draft revised *Biodiversity Incentive Strategy for Private Land in the Busselton Shire* for community consultation. The draft revised Strategy can then be further considered by the Council after consultation.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The officer recommendation including the advertising of the Policy in the local press will be implemented within four weeks of adoption.

OFFICER RECOMMENDATION

That the Council adopts the draft revised *Biodiversity Incentive Strategy for Private Land in the Busselton Shire* at Attachment A to this report for community consultation pursuant to Clause 103 of District Town Planning Scheme No. 20 with the comment period being a minimum of 42 days.

13.2 DRAFT ENVIRONMENTAL MANAGEMENT PLAN FOR LOCKE ESTATE
(CONSIDERATION TO ADOPT THE PLAN FOR COMMUNITY CONSULTATION
PURPOSES)

SUBJECT INDEX:	Environmental Management Plans, Impacts Studies and Reports
STRATEGIC INITIATIVE:	4.1.2.1 Ensure adequate framework of reserve and foreshore management plans.
BUSINESS UNIT:	Strategic Planning
SERVICE:	Environmental Planning
DATE OF COMPLETION:	1/10/2009
VOTING REQUIREMENT:	Simple Majority
ATTACHMENT(S):	A. Draft Environmental Management Plan: Locke Estate

PRÉCIS

In August 2008, the Council requested the preparation of an Environmental Management Plan (EMP) for Locke Estate. Responses were sought to prepare a plan in accordance with the project brief. The successful respondent was Ecological Australia Pty Ltd who commenced work on the plan in December 2008.

The Draft EMP for Locke Estate has now been prepared and is recommended to the Council for adoption for community consultation purposes.

BACKGROUND

At the 27 August 2008 Council meeting it was resolved (C0808/265):

1. *That the Shire informs the Department for Planning and Infrastructure of its intention to seek to retain the management of Reserve 22674 as per recommendation 1 of the report presented to the Council on 27 February 2008, "the Future Use of the Locke Estate" (the previous report).*
2. *That the Shire undertakes an Environmental Management Plan to the value of \$30,000 over reserve 22674 to ensure the protection of remnant vegetation, identification of degraded areas suitable for development and the retention and enhancement of habitat for the Western Ringtail Possum as outlined in recommendations 3,4 & 5 of the previous report.*
3. *That a detailed infrastructure and services survey, up to the value of \$15,000, be undertaken over the Reserve 22674 as per recommendation 9 of the previous report.*
4. *That a report in relation to the progress of these studies be presented back to the Council by September 2009 and if the studies have been completed by then, that a subsequent recommendation for the use of the land be included in that report.*

This report relates to point 2 of the above resolution only. A subsequent report addressing the other points is expected to be presented for the Council's consideration in September 2009.

Point 2 of the resolution reflected earlier community consultation which had identified that environmental management of the site was a non negotiable item that needed to be addressed in looking at the future use and management of the Locke Estate. It was considered that the environmental management plan would need to –

- * ensure environmental values of the reserve are not impacted upon, in particular habitat of the Western Ringtail Possum,
- * identify areas suitable for development,
- * identify how the Shire can ensure sustainable management into the future.

It was also considered that the methodology for the EMP and associated studies should be developed in consultation with local DEC / GeoCatch / Geographe Catchment Council offices.

Following the Council resolution, a project brief was developed by the Shire and comment sought from the organisations listed above before being finalised and advertised. Ecological Australia Pty Ltd was selected to develop the Draft Management Plan. Ecological commenced work on the project in December 2008.

A draft EMP has now been received to the satisfaction of the staff (see attachment A).

The draft EMP makes several recommendations on how the remaining high value areas can be protected and maintained for the long term. The Locke Estate Reserve is a highly significant reserve for the Western Ringtail Possum. The unprotected status of the remnant peppermint stand on the Locke Reserve coupled with the high WRP conservation values of this 'A class' reserve mean that a valuable component of an important, threatened and declining population of a threatened species is exposed to significant but unnecessary conservation risk.

The draft EMP has identified the condition of the vegetation remaining on the reserve which has led to a recommendation for creating a 'Conservation Area' – see map 3, Appendix C, with the aim of enhancing the natural values and suitable WRP habitat on site. The identified conservation area and coastal foreshore are areas where development should not occur. While remaining areas of the Reserve are where development can occur, WA Peppermint vegetation should be retained, where possible, as it still forms part of the Western Ringtail Possum Habitat.

The EMP also makes recommendations under the broader headings of erosion control, climate change and sea level rise, dieback, vegetation protection and enhancement, feral and domestic animals, weed control, fauna, stormwater and water quality, access, public use, facilities and infrastructure, interpretation and education, heritage and fire risk and control.

The draft EMP does not make recommendations regarding the future of the Locke Estate in other respects, such as the future tenure or development of the land. Instead, the EMP is intended to provide guidance regarding the environmental factors that should be considered when the Council comes to make decisions regarding these other factors.

It is considered by staff that the report therefore meets the requirements of the project brief and the Council recommendation (C0808/265) to prepare an Environmental Management Plan for the Locke Estate. The Draft Plan is therefore recommended for adoption for community consultation purposes.

CONSULTATION

During development of the EMP informal consultation occurred between the consultants and key stakeholders including;

- * Leaseholders of the Locke Estate
- * Shire of Busselton; (Recreation, Community Infrastructure, Planning)
- * Shire of Busselton Environmental Reference Group
- * Department of Environment and Conservation (DEC);
- * GeoCatch (Geographe Catchment Council);
- * Busselton Dunsborough Environment Centre;

Two workshops were held on Tuesday 3 March 2009; one for the community in which Leaseholders and the general community were invited and one for agencies. The methodology for how the consultation occurred and the results of the consultation process are contained in Appendix D of the draft EMP.

Prior to presenting this report to the Council, a preliminary draft of the EMP was made available to participants of the Locke Estate EMP workshop. This was not intended to be a separate opportunity to comment on the substance of the plan, but was an opportunity for parties that may be affected by the Plan to identify any factual errors.

This report seeks adoption of the Draft Plan for the next stage in the consultation process which is to formally advertise and seek comment on the plan for a period of 28 days. Submissions received on the plan will be considered and may result in recommended changes to the plan. The recommended changes will be reported back for the Council's consideration at the end of the submission period and in parallel with a report on the Locke Estate more broadly which is expected to occur in September 2009.

STATUTORY ENVIRONMENT

Management Plans are adopted by the Council pursuant to Clause 3.54 of the Local Government Act which provides the Shire with powers to control and manage land vested in the Shire.

The Shire of Busselton District Town Planning Scheme No 20 identifies the subject reserve as zoned for Recreation and the current purpose of the reserve is recreational camp sites and group holiday accommodation. The draft EMP is consistent with these designations and aims to improve management of the natural values of the reserve.

POLICY IMPLICATIONS

This Draft Management Plan is supported by the following Shire of Busselton Policies and Strategies:

- * Shire of Busselton Environment Strategy (2004) – Action 1.12 "Continue to prepare and implement reserve management plans" clearly supports the development and implementation of this plan. Actions 2.1 "Identify high risk and degraded foreshore areas" and 2.3 "Progressively prepare and implement coastal rehabilitation and management plans" also provide support to this plan.

FINANCIAL IMPLICATIONS

It is proposed that high priority actions in the plan be implemented in 1-2 years and these actions are estimated to cost \$13,500. The actions requiring funding include contribution to the preparation of a fire management plan, rehabilitation of foreshore and degraded areas and, signage.

Another high priority action identified in the draft report is that stabilisation measures, as recommended in Department of Planning and Infrastructure Report No. 424 – '*Locke Estate Busselton, Investigation of Beach Stabilisation*' (2004), - be implemented. This will require funding from the state coastal protection program and the strategy recommends that it be a high priority in order to protect this shire managed asset.

This recommendation is contrary to a previous Council decision where the position was put that;

In the case of the Locke Estate, the Shire has no asset that requires it to protect at the future ratepayers' expense. To do so would expose the future ratepayers to considerable ongoing expense that cannot be justified to those ratepayers as they are not projected to be receiving a commensurate amount of direct benefit. (DPI will co-fund the initial capital works but there is no guarantee of any assistance thereafter. Historically, the state has followed similar cost-shifting models and historically, local government has merely accepted the State's policy position).

The management order requires the management of the land (the land being what is left after mother nature performs her annual erosion and accreting exercise. Accordingly, the shire will need to be mindful of this reality when assessing the merits of proposed development within the reserve.

The Council resolved C0802/075 on 27 February 2008;

That the DPI be informed that the proposed construction shall not proceed at this juncture and the Shire's planned contribution will instead be redirected to the new town beach groynes to help offset the significant increase in cost (from that provided by the DPI initially).

It is recommended that the Strategy proceed to advertising as proposed with inclusion of advice on the current position. When the Council considers the submissions on the EMP in September the recommendation in relation to coastal protection works may need to be modified according to the Council's determination of the matter.

It is proposed that medium priority actions be implemented in the 3-5 year term. The medium term actions requiring funding are estimated to cost \$9,500 and include foreshore planting, vermin control, information brochure and interpretive signage.

It is recommended that funding be allocated in the 2010/11 and 2011/12 financial years to assist implementation of the high and medium priority actions.

It is expected that most of the low priority and ongoing actions will be accommodated within the existing Environment Management Plan Implementation budget, and through staff involvement and ongoing management by the Lessees.

STRATEGIC IMPLICATIONS

Preparation and implementation of this management plan supports many Natural and Environmental Well Being objectives under the Shire of Busselton's Strategic Plan 2006-2011 including:

- * 'Foster a culture of environmental awareness, ownership and action within the community and the organisation';
- * 'Ensure that communities are provided with a balance of active and passive open space'; and
- * 'To minimise the adverse environmental impact of the activities of the Shire of Busselton and to encourage local businesses and the community to adopt practices that reduce their ecological footprint'.

OFFICER COMMENT

Whilst the EMP is focused on environmental management, rather than the broader issues associated with the future use and management of the Locke Estate, there are a number of recommendations that will need to be taken into account in determining its future use and management. The key recommendations of the draft in that regard are:

- * Determine appropriate coastal setbacks for lease areas and for development;

- * Removal of redundant infrastructure;
- * Revegetation with native plants in areas where redundant infrastructure is removed and where beach access is not required;
- * Water use planning, to determine areas that may be watered sustainably without impact to the native vegetation and to learn how to use bore water efficiently;
- * Preventing entry of domestic cats and dogs to the reserve;
- * Controlling vermin such as rabbits and foxes;
- * Control of environmental weeds;
- * Preventing any direct impacts to conservation areas whether they be tenants or contractors etc;
- * Allowing entry to the reserve for the purpose of heritage survey and ongoing environmental monitoring; and
- * Preparing a fire management plan.

The arrangements for the future management of the Locke Estate will need to address the issues identified in any adopted management plan. In particular, any future leases will need to clearly set out responsibilities for implementing all aspects of the management plan. Some responsibilities may be retained by the Shire, others passed onto future lessees. The details will need to be worked out as part of the broader process. It is envisaged, however, that there would be a collaborative approach, with a need for some form of overarching management body providing for communication and coordination between lessees and between lessees and the Shire.

There are two aspects of the draft EMP that may require particular consideration by the Council after consultation: coastal setbacks and conservation areas.

With respect to coastal setbacks, the draft EMP does not identify particular coastal setback lines, either for lease areas, or for development (which could be different lines). Instead, it recommends that coastal management works be undertaken as were recommended by DPI in 2004 and that coastal setbacks be applied according to the effect that such works will have on future coastal erosion. The Shire would need to determine on a full sustainability basis whether such works are actually going to occur before determining the applicable coastal setback lines. If such works are not undertaken, some of the lease areas within the reserve may be reduced in the long term such that they would not provide sufficient areas for continuation of the current use. Predictions for coastal erosion of an unprotected coastline towards the western end of the reserve are that the coastline could erode to within 100 metres of Caves road within the next 50 years. This eventuality could however be identified in the final EMP and

planned around if the Council retains its position not to undertake the coastal protection works.

With respect to conservation areas, the report recommends that they be protected for the long term. It is envisaged that these areas would be identified with appropriate fencing/barrier and signage to alert visitors to the reserve that these areas are to be protected. No further development would be allowed in these areas. Where there is existing development, the existing use could continue as long as the activity associated with that development is contained within a designated area and does not spread further into the conservation area. The conservation area and designated areas within it would be shown on a map as an attachment to the legal agreement between the Shire and the Lessees.

CONCLUSION

It is considered by staff that the report meets the requirements of the project brief and the Council recommendation (C0808/265) to prepare an Environmental Management Plan for the Locke Estate. The Draft Plan is now recommended for adoption for community consultation purposes.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Following the Council's adoption of the EMP for community consultation purposes the Draft Plan will be advertised for a period of 28 days. Any submissions received within that time period will be considered and the Draft Management Plan, with proposed changes, will be referred back for the Council's consideration at the close of the community consultation period. It is expected that this will occur in September 2009.

OFFICER RECOMMENDATION

1. That the draft Environmental Management Plan for Locke Estate be adopted under Clause 3.54 of the Local Government Act for the purposes of formal consultation of 28 days involving advertising and inviting public comment on the document, subject to the inclusion of advice in the report on the current Shire position in respect to Coastal Management Works.
2. That, the Draft Plan be referred back for the Council's consideration following consultation with any recommendation in respect to Coastal Management Works subject to a whole of life cost/benefit analysis.

13.3 YALLINGUP BEACH CARAVAN PARK - BOUNDARY ENCROACHMENTS

SUBJECT INDEX:	Planning Enquiries / Crown Land Admin
APPLICATION NUMBER:	N/A
STRATEGIC INITIATIVE:	5.1.3 Ensure regulatory requirements are met.
BUSINESS UNIT:	Lifestyle Development
SERVICE:	Statutory Planning
DATE OF COMPLETION:	22 August 2009
VOTING REQUIREMENT:	Simple Majority
PROPOSAL:	To resolve encroachments of Yallingup Beach Caravan Park development and use in adjoining reserves
LOT SIZE:	1.44 ha
ZONE:	Special Purpose – Caravan Park – Roads, Recreation, Public Purpose
POLICIES:	N/A
ATTACHMENT(S):	<ol style="list-style-type: none">1. Location Plan2. Scheme Map showing adjoining reserves applicable to subject site3. Site Plan – Encroachments identified4. Proposed Boundary adjustment5. Approximate areas of proposed encroachments to be included in Caravan Parks

PRÉCIS

Yallingup Beach Caravan Park is located on Lot 4567 Yallingup Beach Road. The site is zoned Special Purpose – Caravan Park. There have been long standing issues involved with boundary encroachments into the adjoining reserves, the resolution of which has been ongoing since 1996.

The lessee of the Yallingup Beach Caravan Park requested the Council to consider requesting the then Department of Land Administration (DOLA) to initiate amalgamation of those portions of the Yallingup Beach Road Reserve (that have various building and barbeque encroachments constructed) with Lot 4567 in the late '90s.

The Shire has previously dealt with the issue in May 2002 however implementation was delayed due to the "Hammond Claim" over Reserve 24622.

There are further encroachments into Lots 4338 and 4120 (Reserve 24622), which is vested in the Shire for public recreation. There is also an encroachment post 1999 into Reserve 37300 which is vested in the Shire for the bush fire brigade depot.

The Council has previously agreed to the preparation and implementation of a licence over the 'encroachments' in the road reserve. However, the lessee at the

time had advised that due to management and liability issues, 'exclusivity' over the encroachments is required.

The Yallingup Progress Association has previously expressed concerns on the encroachments. The Council has previously considered their concerns but has generally supported changing the lease/lot boundaries to resolve the matter.

The Department for Regional Development and Lands (DRDL) leases Lot 4567 to the current operator of the caravan park and following settlement of the "Hammond Claim" in 2007, has requested the consideration of various issues by the Council to progress resolution of the encroachments.

It is recommended that the Council request DRDL to undertake the appropriate steps to amalgamate those portions of the Yallingup Beach Road Reserve, that have various building and other encroachments constructed on it, with Reserve 31917. Further, that the Council support the access easement over Lot 4906 (Reserve 31917), as previously resolved by the Council and that the amalgamation of those portions of Lots 4338 and 4120 (Reserve 24622) that have buildings and associated infrastructure with Lot 4567 and also support a boundary adjustment with Lot 4720 (Reserve 37300).

A retrospective planning approval for the development in the encroachment areas should be required to resolve outstanding development issues. Any support for a realignment of any of the boundaries would require the establishment and maintenance of an ongoing firebreak, rehabilitation and revegetation of the adjoining reserves and possibly the relocation of existing buildings and infrastructure.

Once the encroachments have been resolved, it is recommended that the Council supports Reserve 24622 being included into the adjoining Leeuwin – Naturaliste Ridge national park.

PROPOSAL / BACKGROUND

The Yallingup Beach Caravan Park operates on an existing lease with the State Government for Lot 4567. This lease is long overdue for review, the delay relating predominantly to the "Hammond Claim" and the outstanding encroachments.

Since 1996, the Council has been dealing with the issue of the alleged encroachments of the Yallingup Beach Caravan Park into adjoining recreation and road reserves. The land has been surveyed by the Department of Land Administration (DOLA) which confirmed the encroachments.

The Reserves identified by DOLA at the time were Yallingup Beach Road Reserve, Lots 4338 and 4120 (Reserve 24622) and Lot 4906 (Reserve 31917).

- 1. That the lessee of the Yallingup Caravan Park and the Department of Land Administration be advised that Council is supportive of a concept for*

resolution of the current boundary encroachments by the Caravan Park into adjoining Reserves 24622, 31917 and the Yallingup Beach Road Reserve that involves the following major components as shown on Attachment 1.

- a) *issue a licence to occupy for that portion of the Yallingup Beach Road reserve within which barbecue is located on the basis of a commercial lease fee backdated to commencement of the current lease and also restricting use of the area for the use of barbecues only and no further structures on that area.*
 - b) *Relocation of the timber paling fence to a location inside the road reserve vegetation within three (3) months of Council's resolution on this matter as shown on Attachment 1.*
 - c) *Caravan Park lease boundary to be modified to include the areas existing encroachment with this being subject to lease payments for those areas covered by the encroachment backdated to the commencement of the encroachment or issue of the lease to the current lessee, whichever is the latter.*
 - d) *An easement be provided to the lessee of the Caravan Park over that portion of reserve 31917 currently used for access to the Caravan Park for the purpose of access, with the existing gravelled access and parking to be formalised and sealed primarily at the cost of the lessee.*
 - e) *Preparation of a management plan for Reserve 31917 by a Committee consisting of Council, Yallingup Community representatives and the lessee of the Caravan Park that achieves the following principals.*
 - protection of remnant vegetation;
 - fencing to restrict vehicular access;
 - selective removal of undergrowth to improve recreation value of the reserve
 - identification of a site for the provision of an entry statement to the Caravan Park on the common boundary of the caravan park / reserve
 - ongoing maintenance of the reserve within the parameters set in the management plan to be by the lessee of the Caravan Park.
 - Acknowledgement that the reserve is available for general public passive recreation use including by patrons of the Caravan Park.
2. *That representatives of the Yallingup Community be invited to participate in the preparation of the management plan for Reserve 31917.*

After further liaison with the lessee the Council resolved on 22 August, 2001 (CO18/425):

1. *That Council advertise its intent, pursuant to Section 56 of the Land Administration Act, the portion of road reserve located various building and*

barbecue encroachments constructed on Yallingup Beach Road Reserve be closed and amalgamated with Reserve 24622.

2. *That subject to all Council costs associated with the road closure being met in advance by the applicant (i.e. Lessee of the Yallingup Beach Caravan Park).*
3. *That the proposed road closure be advertised in a locally circulating newspaper for a period of 35 days and that all the relevant utilities, adjoining owners and Yallingup Progress Association be advised in writing of the proposal.*
4. *That if no objections are received that the Department of Land Administration be asked to proceed with the closure of the portion of Yallingup Beach Road Reserve and amalgamated with Reserve 24622.*
5. *That if any objections to the proposal are received, that matter be referred back to Council.*
6. *That the Geographic Names Committee is advised of the changes.*
7. *That the Lessee of the Yallingup Beach Caravan Park be advised of 1. above.*

After advertising the proposal and receiving objection to the proposed boundary adjustments the Council at its 1 May, 2002 (CO205/134) resolved to:

1. *That Council advise Menelle Holdings Pty Ltd that it accepts the offer of \$2,500 as an ex-gratia payment to Council in relation to this matter and commits to spend these funds in improvements to Yallingup Hall or its precinct.*
2. *That, once the ex-gratia payment is received, Council advise the Department of Land Administration that it supports the closure of the road reserve shown on the attached plan and its amalgamation with the adjoining reserve 24622 subject to:*
 - (a) *There being no further or additional development in the area to be closed, and this area to be used for recreation purposes only, subject to point (b) with restriction to be referred to in the lease document for the site;*
 - (b) *The house located on the "to be closed" area be demolished at the end of its life. It is not to be renovated or replaced in that location, this to be addressed in the extended lease.*
 - (c) *All costs of the amalgamation, lease amendments, survey and incidentals be met by the applicant (Menelle Holdings) and that Council be indemnified by these costs.*

(d) That the lessee be bound to maintain the vegetation buffer where it exists on the land in question.

3. *That submitters and the applicant be advised of the above.*
4. *That Director, Planning & Building Services includes the closed portion of road in the Town Planning Scheme omnibus amendment as per Reserve 24622.*

The lessee wrote to the Shire on 11 February, 2003 accepting the terms of the above Council resolution but implied that he would not make any payments till the "Hammond Claim" had been resolved by DOLA.

In August 2003, the lessee was informed of an encroachment onto Lot 4906 (Reserve 37300) which is already occupied by the Yallingup Coastal Volunteer Bush Fire Brigade. At the time the Yallingup Coastal Bush Fire Brigade requested a re-alignment of the boundary to achieve a practical use of that portion of Lot 4906 (Reserve 37300) that would provide a buffer between the two developments and provide some additional parking for fire fighters. There was no proposed change to land area for either party. This was supported by the Shire and a letter was accordingly sent to the Department of Land Information but no further action was taken due to the 'Hammond Claim'.

In March 2004 the Shire wrote to the lessee of the Caravan Park providing conditional support for the encroachment of the Caravan Park onto Lot 4906 (Reserve 37300) as follows:

- * *The Land is described as portion of Reserve 37300 as shown on the attached plan*
- * *That use of the Land by the Yallingup Beach Caravan Park, specifically camping bays 8-10, be permitted only when all other camping bays are being used.*
- * *That upon finalisation of the boundary rationalisation applicable to the Caravan Park and other reserves, then this agreement ceases.*
- * *That use and enjoyment by the Caravan Park over the Land may be withdrawn at any time at the discretion of the Yallingup Coastal Bush Fire Brigade or the Shire of Busselton.*

In December 2007, the DRDL notified the Shire of Busselton that:

In October 2007 actions in the Supreme Court initiated by the Hammond family in relation to the use of the land at Yallingup were dismissed by agreement.

STATEMENT OF IMPACT

This has been a long standing issue for the Shire hampered by the now resolved "Hammond Claim". The Council is now in a position to make recommendations to the State in relation to resolving the boundary encroachments.

CONSULTATION

Original consultation was undertaken with the Yallingup Progress Association and Mr Garth Hammond. The views expressed were that the Council should be sensitive to community views when undertaking changes to reserves.

Consultation was undertaken in accordance with resolution C018/425 whereby the proposal was advertised in the Council for Community Page on Wednesday 17 October, 2001. Correspondence was forwarded to residents, the Department of Aboriginal Affairs and major service providers living in close proximity to the proposal which asked for their comments on the proposal.

The lessee of the Caravan Park at the time was given the opportunity to discuss this matter on numerous occasions with a final agreement being reached in February 2003 to resolve this matter.

The Shire has contacted the Yallingup Coastal Bush Fire Brigade and they have maintained their position for a boundary realignment on their reserve.

The Shire has requested comment from the Yallingup Residents Association as they have expressed concern about the encroachments in the past. They are supportive in the identification of a clear boundary between the caravan park and the reserve, have requested an appropriate fire break between the same and have a strong desire to see Reserve 24622 become part of the National Park.

The Shire has also requested comment from the Yallingup LCDC as they have also commented on encroachments into Reserve 24622 in the past. They do not support the encroachments and expressed concern that the caravan park has continued to expand over the years, further they are keen to see Reserve 24622 become part of the national park. They support a redefined boundary that accommodates appropriate fire management controls.

The DRDL has confirmed that they have commenced renegotiating the lease and will be seeking to resolve the encroachments as part of this process.

STATUTORY ENVIRONMENT

The encroachments identified above are inconsistent with Clause 18 of the Scheme, there is also the issue of trespass, illegal development and land use that has not been approved.

The DRDL has confirmed that should the Council support the boundary adjustments that they can be dealt with under the Land Administration Act 1997.

POLICY IMPLICATIONS

There are no existing policy requirements identified that are relevant to this proposal.

FINANCIAL IMPLICATIONS

There has been a considerable amount of officer time spent on the encroachment issue over the years. Should the Council support that any or all of the encroachments be included in the caravan park then all costs incurred should be borne by the Lessee. The Shire is now in a position to collect funds that have already been agreed to be paid.

The Shire considers that it is not in the best interests of the Shire to pursue any fees for the encroachments into Reserve 24622 as the total area of the encroachments is considered to be relatively small in relation to the existing leased area the costs to ascertain any outstanding fees would likely be consumed in the process.

The Shire has no power to lease on Lot 4960 (Reserve 31917) and Lot 4720 (Reserve 37300) and therefore is not in a position to seek any retrospective lease fees.

STRATEGIC IMPLICATIONS

To enhance safety and be proactive in reducing Fire Hazards the Shire sees it as a priority to ensure that the Yallingup Beach Caravan Park has the appropriate fire breaks between the development and the adjoining reserves. In the case of reserves the Council needs to be in a position where it is confident that any use of the land reflects the purpose for that reserve and is legally authorised.

Resolution of the encroachments as proposed will be consistent with the Strategic foci of Business and Economic Wellbeing and Natural and Environmental Wellbeing.

OFFICER COMMENT

The Yallingup Beach Caravan Park has encroached onto adjoining reserves for many years and resolution has been delayed by the now resolved "Hammond Claim". These encroachments have been used for commercial purposes to the benefit of the Yallingup Beach Caravan Park. It is recommended that the Shire recoup fees which are due from the Council resolution in 2002 but recommends that CPI increases be added to the agreed fee.

Previous resolutions by the Council have generally only dealt with the encroachments to the road reserve because of the outstanding "Hammond Claim" and it is recommended the State requested to action these. The encroachment onto the Yallingup Coastal Bush Fire Brigade site can be resolved by a boundary

realignment, with no change to either lot areas and is able to be carried out as a separate process as a boundary adjustment.

A draft management plan for Reserve 31917 was prepared by the lessee in accordance with one of the Council resolutions but was not endorsed by the Council because of the ongoing "Hammond Claim". Staff advise that the management plan is still relevant and applicable but may require some minor changes. It is proposed that these changes be made and the plan be advertised once again, and should there be no objections, that plan be endorsed. The Shire continues to support the placing of an easement on Lot 4906 (Reserve 31917) for access to the Yallingup Beach Caravan Park in accordance with the previous Council resolution.

The final siting of any boundaries should be considered against appropriate fire management controls and generally be consistent with the proposed boundary adjustment provided by the Shire. The existing boundary is generally defined by post and rail style fencing situated along various sections of the existing caravan park. On the ground this is generally irregular and inconsistent, offering a poor delineation between the Yallingup Beach Caravan Park and the reserves. At some locations this is at the precipice and others well back.

On site assessment suggests that the majority of the buildings falling within the existing encroachments can remain. At least one cottage however, has one its corners abutting the precipice, this cottage will need to be moved for fire management control. There may also be other buildings which will need to move to comply with fire management controls.

The encroachments have resulted in a degradation of the reserves, with the removal of native vegetation along with weed infestation. As part of any resolution dealing with the encroachments fencing will be required to clearly define the boundary and delineate the caravan park from the adjoining reserves. Any resolution would also require the implementation of a rehabilitation and revegetation plan endorsed by the Shire.

Uniform fencing should be provided on all boundaries abutting the reserves, it is considered that post and wire to a height of 1.2 metres is most appropriate. Fire access gate/s for fire management purposes should be placed at agreed strategic locations.

A site visit has revealed an old pump station in Lot 4338 (Reserve 24622) where water is being taken from Yallingup Brook. The lessee has been in contact with the Department of Water in relation to gaining an appropriate licence. The Shire supports the placing of an easement on Lot 4338 (Reserve 24622) to enable access to water.

It is considered that the most appropriate way to deal with the development in the encroachments is to have the lessee lodge a retrospective development application. Conditions can therefore be imposed to ensure that all the encroachments and appropriate rehabilitation and revegetation be completed to the satisfaction of the Shire. A planning consent creates the opportunity for the

imposition of conditions and compliance can be maintained in accordance with the requirements of the scheme.

In view that the matter has been protracted and left unresolved for many years it is proposed to establish a time line for any action. Any payments are to be made in an appropriate time. Should this not occur then the lessee should be required to remove all encroachments within a 2 month period. Should this not be attended to, then the Shire will work with the State to have any development within the encroachments removed and charge the lessee accordingly.

The Shire has provided a proposed boundary adjustment plan showing a draft revised boundary for the Yallingup Beach Caravan Park. This would still be subject to survey and minor variation but generally results in an adequate separation between the existing buildings and infrastructure and the reserves to allow for fire management. Further, this would generally only result in the trimming of existing vegetation rather than any removal.

The total land area that the Shire proposes be amalgamated with Lot 4567 is approximately 0.14 ha. The portions to amalgamate with Reserve 31917 or other appropriate reserve, amount to approximately 0.04 ha. The current Director of the company holding the Caravan Park lease is keen to move forward to resolve the issues as described above.

However, should the Council resolve not to recommend to DRDL to support the boundary adjustments as proposed, it would be incumbent upon the Council to as a minimum require the following in finalization of the matter.

- * the lessee to remove all development from the encroachments;
- * rehabilitate areas where the vegetation has been removed; and
- * provide uniform fencing to the adjoining reserves.

CONCLUSION

The advice of the Council resolution will be communicated to the DRDL and the applicant within two weeks of the Council resolution with finalization of follow-on requirement proposed within two months.

Because of the nature of the issue and the encroachments affecting various reserves the Shire recommends that finer details be determined under delegation by way of assessment of a retrospective development application.

The Council has generally supported the encroachments into the road reserve previously, this intent has generally been extended to other encroachments but it is recognised that conditions will be required. A planning consent offers a vehicle for appropriate conditions to be applied and a mechanism via the Scheme to ensure that the conditions are carried through to the satisfaction of the Shire.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

That any payments that are due be paid within 2 months, and a retrospective development application be lodged within 3 months of the Councils resolution.

OFFICER RECOMMENDATION

1. That Menelle Holdings Pty Ltd be advised that the Shire accepts an offer of \$2,500 subject to CPI increases from 2003, as an ex-gratia payment to the Shire in relation to the matter of encroachments onto the Yallingup Beach Road Reserve and commits to spend these funds in improvements to the local reserves, Yallingup Hall or its precinct. Should no payment be received within two months of this resolution then the Shire will commence proceedings to have any development within the Yallingup Beach Road Reserve removed.
2. That, once the ex-gratia payment is received, the Council advise the Department of Regional Development and Lands that it supports the closure of the road reserve shown on the attached plan and its amalgamation with the Reserve 31917 or other reserve as advised by the Department of Regional Development and Lands subject to:
 - (a) There being no further or additional development in the area to be closed, and this area to be used for recreation purposes only, subject to point (b) with restriction to be referred to in the lease document for the site;
 - (b) The house located on the "to be closed" area be demolished at the end of its life or as part of any redevelopment of the Caravan Park, whichever is the sooner. It is not to be renovated or replaced in that location. This requirement to be addressed in the extended lease.
 - (c) All costs of the amalgamation, lease amendments, survey and incidentals be met by the applicant (Menelle Holdings) and further that the Shire be indemnified against any other related costs.
 - (d) That the lessee be bound to maintain the vegetation buffer where it exists on the land in question.
3. That Menelle Holdings Pty Ltd be advised that they are required to lodge a retrospective development application for the development on the encroachments into the Yallingup Beach Road Reserve, Lot 4906, Lot 4338, Lot 4120 and Lot 4720 within three months from the date of this resolution.
4. That the boundary adjustment between Lot 4567 and Lot 4720 (83.05m²) where there will be no change to either lot areas, as shown on attachment 'E', be supported. The Department for Regional Development and Lands is to be notified of this resolution and request that the boundary realignment be undertaken as soon as possible.

5. That the DRDL be advised that the amalgamation of various portions of Reserve 24622 as identified on attachment 'E', and including approximately 990m² on the SW boundary and 420m² on the Southern Boundary of Lot 4567 with Lot 4567, is supported.
6. That the Council endorse that Reserve 24622 be included into the Leeuwin Naturaliste National Park once the encroachments have been resolved and further that the Department for Regional Development and Lands be notified accordingly.
7. That submitters and the applicant be advised of the above.
8. That should Menelle Holdings Pty Ltd not be prepared to pursue the relevant conditions above within the allocated timeline, then the Council will require that Menelle Holdings Pty Ltd remove all buildings and infrastructure from the Yallingup Beach Road reserve, Lots 4338, 4120 and 4906 at their expense within three months, rehabilitate and revegetate all reserves where affected by the encroachments to the satisfaction of the Shire of Busselton.

14. SYSTEMS AND INFORMATION REPORT**14.1 INTERIM ACCOMMODATION STRATEGY FOR THE BUSSELTON PUBLIC LIBRARY AND CONSTRUCTION OF COMMUNITY RESOURCE CENTRE (LOTTERIES HOUSE)**

This report had not been finalised at the time of Agenda preparation because it may need to be refocused as a consequence of a Councillor briefing/presentation on this matter, scheduled to be held on 8 July 2009. The report will be circulated via an Addendum to this Agenda prior to the Council Meeting on 22 July.

15. COMMUNITY INFRASTRUCTURE REPORT**15.1 ROAD DEDICATION - BUSSELL HIGHWAY, YALYALUP (LUDLOW DEVIATION)**

SUBJECT INDEX:	Thoroughfares
STRATEGIC INITIATIVE:	5.1.3 Ensure regulatory requirements are met.
BUSINESS UNIT:	Infrastructure Development
SERVICE:	Land matters
DATE OF COMPLETION:	21 days from Council resolution
VOTING REQUIREMENT:	Simple majority
ATTACHMENT(S):	A - DP 18908 B - DP 19312

PRÉCIS

This report seeks the concurrence of the Council for the dedication of the land contained in Deposited Plans 18908 and 19312 as road, pursuant to section 56 of the Land Administration Act 1997. This is to meet Main Roads WA's proposal to formalise the excision and dedication of the land contained in the plans.

BACKGROUND

Prior to the early 1990s, the alignment of Bussell Highway through Ludlow was along what is now Tuart Drive. The current alignment of Bussell Highway is on what may be referred to as the "Ludlow Deviation".

The Shire has received advice from Main Roads WA as follows:

"Roadworks associated with the realignment of (Bussell Highway) through the Ludlow Deviation were completed in the early 1990's. Formal resumption and compensation of the freehold properties were subsequently finalised around that time, however, the formalities of excision and dedication of the land required from the whole section of the highway was not finalised.

A section of highway falls within the Shire of Busselton, and in order to comply with the Land Administration Act 1997 Regulations, it is a requirement that the Local Authority grant its approval to the dedication of the land as road and as a consequence the Department of Planning and Infrastructure require a copy of Council's concurrence. It would be appreciated if Council could consider this matter at its next meeting and advise whether it is in agreement with the proposal."

During the early 1990s, Main Roads WA consulted with the Shire regarding the realignment of Bussell Highway. At the Council meeting held 14 September 1992, the Council resolved (W92/0618), "that Council support the Main Roads in its efforts to acquire land for the Ludlow deviation provided it can get agreement from the land owners".

In order to comply with the requirements of the *Land Administration Act 1997* and the processes of Department for Planning and Infrastructure, Main Roads WA now seeks the support of the Shire for the road dedication action.

The land that is affected by the proposal is along the current "Ludlow Deviation" in two sections:

- (a) an approximate 1.8km section from the district boundary with the Shire of Capel (DP 18908); and
- (b) an approximate 2.8km section from the Tuart Drive intersection (DP 19312).

CONSULTATION

Nil.

STATUTORY ENVIRONMENT

Land Administration Act 1997, section 56 "Dedication of roads".

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil. In the letter to the Shire (Doc ID I116391), Main Roads WA "will indemnify the Shire of Busselton against all costs and charges in respect of the dedication action."

STRATEGIC IMPLICATIONS

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

- | | |
|----------------------------|---|
| 1. Strategic Focus: | Organisation Well Being |
| Strategic Objective: | To manage the business of the Shire in a responsible and accountable manner utilising organisational sustainability principles. |
| Strategic Initiative: | Ensure regulatory requirements are met. |

OFFICER COMMENT

The construction of Bussell Highway to the "Ludlow Deviation" alignment was completed during the early 1990s. However, the formal process of dedicating the land as public road remains.

To ensure that the land is legally dedicated as public road, the reporting officer recommends that the Council supports Main Roads WA's proposal.

The Officer Recommendation is expressed in the terms required by the Department for Planning and Infrastructure for the road dedication action to occur.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Within 21-days of the Council resolution, a letter is to be forwarded to Main Roads WA that details the resolution of the Council.

OFFICER RECOMMENDATION

That the Council concurs to the dedication of the land contained in Deposited Plans 18908 and 19312 (as Agenda Attachments A and B to this item) as road under section 56 of the *Land Administration Act 1997*.

15.2 LAYMAN ROAD - VERGE/ENTRY STATEMENT UPGRADE

SUBJECT INDEX:	Asset Management
STRATEGIC INITIATIVE:	2.1.4 Ensure community assets are effectively managed and maintained to capture both short term requirements and whole of life costs
BUSINESS UNIT:	Infrastructure Development
SERVICE:	Development Control
DATE OF COMPLETION:	Dependant on the Council Resolution
VOTING REQUIREMENT:	Simple Majority
ATTACHMENT(S):	A - Map of Layman Road

PRÉCIS

This report identifies the requirements, approximate costs and program for the potential upgrading of the road verges of Layman Road between Peel Terrace (Ford Road intersection) and Navigation Way (formerly Armitage Drive).

BACKGROUND

This report is in response to a resolution of the Council meeting on the 11 February 2009 (C0902/039) as follows:

"That the CEO report to the Council on how the Shire can upgrade the verges of Layman Road from the roundabout at Armitage Drive (renamed Navigation Way) 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".*

CONSULTATION

As the Resolution is directly related to Shire assets, service levels, the environment and budgets directly related to the road reserves, consultation was limited to Shire staff within the Community Infrastructure directorate and Lifestyle directorate (environment). Staff advice related to engineering requirements and costs for drainage, footpaths and roads with Parks and Gardens staff providing advice on service levels and costs to implement and manage the reserves. Environmental Planning responded to wetland issues and potential future development.

STATUTORY ENVIRONMENT

There are no statutory requirements for the implementation of an entry statement to the described section of Layman Road.

POLICY IMPLICATIONS

Policy 244/V1 (current) - Nature Verges for Urban Areas. Any recommendations or works to be carried out would be in accordance with Policy requirements.

FINANCIAL IMPLICATIONS

Should the Council endorse Officer Recommendation 1 there would be no financial implications.

No funds or resources have been budgeted for works along Layman Road in FY09/10, other than the current maintenance budget.

Should the Council endorse Officer Recommendation 2 an approximate budget allocation of \$ 468,000 would be required over a three to four year period from FY 12/13 to FY 15/16, in order to construct the footpath on the northern side of Layman Road, in accordance with the five year capital plan. Developer contributions would be available to offset a proportion of this cost.

STRATEGIC IMPLICATIONS

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

- 1. Strategic Focus:** **Community and Social Well Being:**

Strategic Objectives: Facilitate and assist in the development of quality community facilities and services.

Strategic Initiative: Build community vitality and a sense of place through nodal design and development.
- 2. Strategic Focus:** **Built and Physical (Infrastructure) Well Being:**

Strategic Objective: To develop and maintain the Shire's assets and built environment to maximize public benefit now and into the future.

Strategic Initiative: Manage and maintain the Shire's assets for the amenity of the Community.
- 3. Strategic Focus:** **Natural and Environmental Well Being:**

Strategic Objective: Ensure that communities are provided with a balance of active and passive open space.

Strategic Initiative: Ensure the integration of the natural habitat in urban neighbourhoods.

Ensure maintained open space in current and future urban areas.

- 4. Strategic Focus:** **Organisational Well Being:**
- Strategic Objective: To manage the business of the Shire in a responsible and accountable manner utilising organisational sustainability principles.
- Strategic Initiative: Build organisational capacity through continuous service review and improvement.

OFFICER COMMENT

Layman Road provides an entry to Busselton from an easterly direction and is generally used by local residents residing to the east of Busselton's CBD and a percentage of tourists entering via the tourist route from Capel (Tuart Drive and Wonnerup Road). It is classified as a rural road with the majority of the Southern side being farmland or wetlands. The current vegetation would be viewed as appropriate for this type of road.

To provide some understanding of the existing section of road verge, a current observation has been made of the existing condition.

CURRENT CONDITION AND MAINTENANCE:

Southern side -

- * The southern section of this road is made up of isolated peppermint trees planted to the back slope of the drain for most of the length.
- * A drain forms the majority of the roadside and takes stormwater from the urban developments north of the road for infiltration into the existing water table.
- * The drain is blanket sprayed to minimise weed infestation on an occasional basis and cannot be readily slashed due to gradients and waterlogging.

Northern side –

- * The northern side of this road has recently been planted with peppermint trees in random plantings.
- * Most of the road reserve is made up of an assortment of grasses and is mowed on a reasonably regular basis.
- * The roadside is unirrigated.
- * The western end of the roadside forms a drain and cannot be maintained by slashing due to the gradients and waterlogging and has isolated patches of samphire.

COST CONSTRAINTS ON IMPROVING BASIC INFRASTRUCTURE - (DRAINS AND PATHS)**Southern side -**

To backfill the existing drain on the southern side the estimated requirements would be:-

- * Provide a detailed design of stormwater requirements flowing into the existing open drain.
- * Provide detailed design of infiltration methods for stormwater pipes i.e. subsoil or butt jointed pipes of a suitable dimension inclusive of aggregates and geo textile materials and suitable back fill soils.
- * Implement the siting of pipe work inclusive of manholes, bubble ups, pipe work, culverts, outfalls, materials, traffic management, etc.
- * To provide a design and construction with the volumes anticipated, the estimated cost may be in the vicinity of \$150 to \$250 per metre considering existing hydrology and potential risk of back flows.
- * Back flow through a piped design may require additional land acquisition north of the project to be used to compensate and is a further cost.
- * As a conservative estimate costs for the southern section (drain and infill only) would be in the vicinity of \$309,000 to \$515,000 for 2.06km (final costs may exceed this once design is complete).
- * An alternative long term plan may be to wait for future rezoning of the agricultural land on the southern side and make this a developer requirement for infill. (Only some adjacent land may be rezoned due to wetland strategy requirements).
- * A further point to consider is having the existing swale converted into a piped network will reduce the basic principals of water sensitive urban design, i.e. the stormwater will not be treated in the swales to reduce nutrient loading but will have to be treated elsewhere, which would again incur additional cost and potential land purchases for water treatment.

Northern side –

To improve the drainage by piping and back fill to the western end will be required to support the dual use path for approx 400 metres. This can be done in two ways:-

- * As land is developed adjacent to the remaining drain, the developer provides infill adjacent to the road reserve as a contribution but could take many years to finalise, or

- * The Shire provides capital cost to carry out the infill out of works budget with approximately 400 metres at an estimated \$250 per metre. To supply and backfill would be \$100,000.

To implement a dual use path for the length of the road reserve, the current situation is:-

- * A dual use path is on the current 5 year plan and is made up of four sections.
- * The estimated cost to provide a dual use path for the entire length is approximately \$368,000 (following drain back fill completion).
- * All works have been identified in year three of the five year plan, but considering costs, has been deferred until suitable topography levels, grants and demand exists.

DESCRIPTION OF WORKS

LONG TERM VISION - SOUTHERN SIDE OF ROAD

Along the entire length of road reserve, keeping the rural/urban landscape objective as an entry statement shall apply; this will be made up of the following:-

- * The drain shall remain until such a time as the approved sections of adjacent agricultural land is rezoned and a condition of development requires the developer to infill those portions (subject to planning conditions).
- * Further planting of endemic paperbarks are provided in isolated groupings and planted to the top of the back slope of drain (subject to nature verge policy).
- * A weed control program to eradicate exotic weeds in the base of the drain when planted out with sedges to provide suitable nitrogen and phosphorous removal/locking (conforming with Local Government International Council for Local Environmental Initiatives and Vasse Wonnerup wetlands water quality improvement programs/plans).
- * The embankments above the groundwater level is planted out with suitable endemic planting for stabilisation (nature verge policy).
- * A suitable maintenance budget should apply for pruning, weed control and plant replacement as necessary (subject to Council).

Note: If portion of drain is in filled in future, the above description provides for trees to remain following back fill.

LONG TERM VISION FOR NORTH SIDE OF ROAD

Along the entire length of road reserve keeping in context the rural/urban landscape objective as an entry statement shall apply, this will be made up of the following:

- * A dual use path to meander through peppermint trees (part of strategic link from Wonnerup to CBD).
- * The existing peppermint trees shall remain as parkland planted (rural/urban landscape).
- * The remaining area shall be planted out in low growing endemic native species either by seedlings and mulched to give a colourful showcase of local flora (nature verge policy).
- * No irrigation will be used to provide sustainable water usage (local government ICLEI program for water conservation).
- * A suitable maintenance budget shall apply for pruning, weed control and plant replacement as necessary (Council).
- * A suitable budget is provided to complete drain infill to western end for the dual use path to connect (Council) or at time of planning (4 years) developer has contributed to portions.

PROGRAM OF WORKS***Southern side –*****2010/2011**

- * Provide budget next year to undertake weed control program (Navigation Way to Ford Road) - estimated cost \$20,000.
- * Provide budget next year to order and plant seedlings of sedges, paperbark trees and native shrubs (Navigation Way to Ford Road) - estimated cost \$40,000.

2011/2012

- * Implement weed control program (Navigation to Ford Road).
- * Provide budget next year to continue weed control program - estimated cost \$15,000.
- * Order seedlings and plant out seedlings to entire length of drain (sedges, paperbarks and shrubs).

- * Provide budget next year for re-order and planting additional amount of seedlings for failed sites (30%) - estimated cost \$18,000.

2012/2013

- * Continue weed control program.
- * Provide budget next year to continue weed control program - estimated cost \$12,000.
- * Replant failed sites along entire length of drain.

2013/2014

- * Implement weed control program.
- * Provide annual budget (ongoing) years to maintain weed control - estimated cost \$15,000.

Northern side –

2010/2011

Paths

- * Provide budget next year to design dual use path between Navigation Way and Webb Street - estimated cost \$10,000.
- * Provide budget next year to construct dual use path between Navigation Way and Avocet Boulevard - estimated cost \$81,000.

2011/2012

Paths

- * Implement design of dual use path between Navigation Way and Webb Street.
- * Construct dual use path between Navigation Way and Avocet Boulevard.
- * Provide budget next year for dual use path between Avocet Boulevard and Wilmott Street - estimated cost \$75,000.

Planting

- * Provide budget next year for nature verge planting and mulching between Navigation Way and Avocet Boulevard - estimated cost \$20,000.

Drains

- * Provide budget next year to design western end of drain - estimated cost \$8,000.

2012/2013Paths

- * Construct dual use path between Avocet Boulevard and Wilmott Street.
- * Provide budget next year for dual use path between Wilmott Street and Webb Street - estimated cost \$95,000.

Planting

- * Implement nature verge planting and mulching between Navigation Way and Avocet Boulevard.
- * Provide budget next year for nature verge planting between Avocet Boulevard and Wilmott Street - estimated cost \$18,000.

Drains

- * Design drainage system for western end (Webb Street to Ford Road).
- * Provide budget next year for infill of drain to western end (Webb Street to Ford Road) - estimated cost \$100,000.

Maintenance

- * Provide maintenance budget for nature verge (Navigation Way to Avocet Boulevard) - estimated cost \$10,000.

2013/2014Paths

- * Construct dual use path between Wilmott Street and Webb Street.
- * Provide budget next year for dual use path between Webb Street and Ford Road - estimated cost \$117,000.

Planting

- * Implement nature verge planting and mulching between Avocet Boulevard to Wilmott Street.
- * Provide budget next year for nature verge planting and mulching between Wilmott Street and Webb Street - \$22,000.

Drains

- * Construct drain infill to western end (Webb Street to Ford Road).

Maintenance

- * Provide extended maintenance budget for nature verge (Navigation Way to Wilmott Street) - estimated cost \$15,000.

2014/2015Paths

- * Construct dual use path between Webb Street and Ford Road.
- * Implement nature verge planting and mulching between Wilmott Street and Webb Street.

Planting

- * Provide budget next year for nature verge planting and mulching between Webb Street and Ford Road - estimated cost \$25,000.

Maintenance

- * Provide extended maintenance budget for nature verge (Navigation Way to Webb Street) - estimated cost \$20,000.

2015/2016Planting

- * Implement nature verge planting and mulching between Webb Street and Ford Road.

Maintenance

- * Provide extended maintenance budget (ongoing) for nature verge (Navigation Way to Ford Road) - estimated cost \$22,000.

COST OF OVERALL WORKS**Southern side -
2011/2012 - 2013/2014**

A total of \$105,000 will be required inclusive of maintenance as part of establishment works.

Northern side -**2011/2012 - 2015/2016**

A total of \$576,000 will be required inclusive of drainage infill, dual use path system and maintenance as part of establishment works.

COST OF ANNUAL WORKS

2011/12	\$151,000
2012/13	\$176,000
2013/14	\$180,000
2014/15	\$169,000
2015/16	\$45,000
TOTAL	\$721,000

As part of the landscape and infrastructure establishment, the maintenance works form part of the implementation works to both north and south of the roadsides.

The ongoing maintenance figures apply following completion of staged works.

Southern side -

2014/2015 - \$15,000 pa.

Northern side -

2016/2017 - \$22,000 pa.

From the report set out above it can be deduced there are 2 main requirements to the report -

1. Landscaping and implementation maintenance - \$253,000.
2. Dual use path and required infill - \$468,000.

Given the fact that Layman Road is not on any existing planning document or planning strategy as an entry statement and considering the majority of vehicles enter Busselton via the Causeway, it is not recommended that implementation of the outlined works be undertaken.

As an entry statement the Causeway would be a preferred site to allocate landscape funds to and is part of the existing Busselton Townsite Guide Plan (2004).

It would however be beneficial to pursue the provision of a foot path or DUP along the northern section of Layman Road. This has been identified on the five year capital plan and would provide a strategic link between the CBD and residents to the East of Busselton and Wonnerup. The timelines as detailed above are on the basis of the Council resolution. However it is suggested that the DUP go ahead in accordance with the five year capital works plan and associated timing.

Layman Road is currently classified as a rural road and consists of farmland and wet lands to the Southern side. The current level of landscaping and maintenance is consistent with this rural environment. There is also potential for further

development along the road which would also result in upgrading of the verge adjoining by the developer.

Currently the funds to implement the works this financial year have not been provided in the budget.

Although no cost benefit ratio has been completed on the upgrading of the landscaping along Layman Road it is considered more prudent to upgrade areas that would have a potentially more widespread benefit to the whole population and greater number of tourists.

A further suggestion would be to combine this 'idea' of increased landscaping to Layman Road into 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; thus 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) approach to upgrading the area as a whole.

The use of piping along Layman Road as opposed to the current swale drains would reduce the current effectiveness of the system in nutrient stripping the water before it enters the wetlands.

TIMELINE/S FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Should the Council support Officer Recommendation 1, there would be no timeline for the implementation of a landscaping upgrade.

Should the Council support Officer Recommendation 2 to pursue the construction of the footpath along the northern side of Layman Road, this would be aligned to the five year capital works plan and completed over a three to four year period from FY 12/13 to FY 15/16.

OFFICER RECOMMENDATION

1. That the Council does not endorse the proposal to upgrade the road verges, Layman Road between Navigation Way and Peel Terrace.
2. That the Council support the long term staged building of a dual use path (as detailed in the five year capital plan) as a strategic link between Busselton and Wonnerup and that this be considered for funding as part of the outcome of the preparation of a Bike Plan pursuant to Council Resolution C0905/187.

15.3 FIVE YEAR CAPITAL PROJECTS PLAN 2010 - 2015

SUBJECT INDEX:	Financial Management
STRATEGIC INITIATIVE:	2.1.2 Manage and maintain the Shire's assets for the amenity of the Community.
BUSINESS UNIT:	Infrastructure Development.
SERVICE:	Infrastructure Development.
DATE OF COMPLETION:	29 July 2009
VOTING REQUIREMENT:	Simple Majority.
ATTACHMENT(S):	A – Summary – Five Year Capital Projects Plan. B - Shire of Busselton 5 Year Capital Projects Programmes.

PRÉCIS

The purpose of this report is to inform the Council of the annual review of the Five Year Capital Projects Plan for the periods from FY 2010/11 – 2014/15 inclusive. The report reflects the five year strategic objectives of the Council and allows continual development of annual budgets, corporate plan and business plans.

BACKGROUND

The proposed Five Year Capital Projects Plan has been divided in the following categories:-

1. Foreshore Protection.
2. Townscape.
3. Cycle Facilities.
4. MRWA(Main Roads WA) Direct Grant.
5. MRD Road Project Grant.
6. Roads To Recovery Grant.
7. Busselton Road Initiative.
8. Footpaths.
9. Street Drainage.

The priority of these projects under the above-mentioned categories was determined utilizing various types of engineering indicators to classify and rank projects in order of priority. For the majority of the categories (with the exception of the Roads Programmes) the indicators used included items such as: - Use and Quality Measures, Contributions, Grants, Budget and Benefit Cost Ratio.

The indicators used above are constantly reviewed to ensure that projects prioritized are economically viable, sustainable and address the needs of the community.

The proposed Five Year Capital Roads Program has received more attention in terms of determining order of priority, due to numerous variables involved in prioritizing projects.

The proposed Five Year Capital Roads Programme (made up from MRWA Direct Grant, MRD Road Project Grant and Busselton Road Initiative) is based on roads priority needs and the Shire's Roads and Asset Management Plan. As well as a funding model that was developed to meet the needs of the community based on funding sources and requirements. Sources of income included State Direct Grant, Regional Road Group Grants, Roads to Recovery Grants, supplementary Roads to Recovery Grants, Busselton Road Initiative and road contributions.

State and Federal Black Spot funding for projects was not taken into consideration when compiling the Five Year Capital Roads Plan because it is dependent upon traffic accident statistics rather than road deterioration/condition assessment.

Table 1: Historically values for the black spot program

<i>Year</i>	<i>Black Spot Program Value</i>
<i>2003/04</i>	<i>\$ 74,000</i>
<i>2004/05</i>	<i>\$ 1,457,000</i>
<i>2005/06</i>	<i>\$ 643,000</i>
<i>2006/07</i>	<i>\$ 426,000</i>
<i>2007/08</i>	<i>\$88,533</i>
<i>2008/09</i>	<i>\$0,00</i>

The Five Year Capital Road Program model is based on a road classification/condition cost benefit ratio and ranked by cost per km weighted for urban and rural, traffic volume and mix, economic, safety and environmental factors.

The road projects included into the Five Year Capital Road Program have been assessed on the following criteria:

- * the Shires ROMAN data;
- * previous 5 year road program plans;
- * customer and councillor requests;
- * projects nominated from Infrastructure Services; and
- * visual inspections.

It needs to be noted that the Shire has over 1,100 kilometres of road network. The roads reviewed for capital works was primarily based on the Shire's ROMAN Asset database. This database is continually being updated as information is received. It is intended to review the five year capital road program annually to determine changes in road use or condition due to:

- * additional commercial and residential development;
- * deterioration of road surface or pavements;
- * information from updated ROMAN data.

A summary of the works types is within the Five Year Capital Projects Plan (Attachment A).

It should be noted that these projects are quoted in current dollar values.

A capital program for each year and category detailing the project, section, type of works, estimated budget and source of funds has been prepared and is attached for information purposes.

When the Shire is notified of successful black spot applications, these are then added to the annual capital roads program.

The proposed five year program has been distorted with the budget constraints being imposed for the 2009/2010 FY. This has caused projects identified for implementation in 2009/2010 that could not be accommodated in the allotted funding being moved down the remaining financial years. Evidence of this is reflected in the proposed five year programme.

CONSULTATION

The development of the capital program has occurred with consultation of Community Infrastructure officers.

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 will assist in the development of the plan for the future of the district.

Section 6.2 of the Local Government Act 1995 requires local governments to prepare annual budgets. This program will assist annual budget preparation.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The proposed Five Year Capital Projects Plan identifies the capital requirements for Foreshore Protection, Townscape, Cycle Facilities, Roads Projects, Footpaths and Street Drainage. As well it defines the scope of works and sources of funds to achieve the strategic objectives in the Strategic Plan 2006 - 2011. The Five Year Capital Project Plan for roads has been developed in accordance with the Asset Management Roads Plan.

It must be noted that grant funding sourced for projects reflected in the Five Year Capital Projects Plan are subject to approval from the various funding agents and therefore not guaranteed.

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 to capture both short term requirements and whole of life costs.

OFFICER COMMENT

That the proposed Five Year Capital Projects Plan provides significant guidance for shire officers for proposed Infrastructure Development within the Shire. The plan allows for logical development of future projects that can be linked or constructed in conjunction with the proposed capital road upgrade program.

That the Projects Plan provides for orderly procurement of resources, materials, land requirements and advanced design.

That the proposed five year program has been distorted with the budget constraints being imposed for the 2009/2010 FY. This too caused projects identified for implication in 2009/2010 that could not be accommodated in the allotted funding being moved down the remaining financial years. Evidence of this is reflected in the proposed five year programme.

Furthermore that it must be noted that the amounts budgeted under Foreshore Protection are only based on rehabilitation work and does not allow for any mayor coastal work such as Town Beach Groynes, etc.

That the Five Year Capital Projects Plan is to be reviewed annually to accommodate changes in project priorities and assist in defining the following financial year's capital works program.

That the annual review process of the Five Year Capital Projects Plan will ensure that the plan maintain its currency and support the basis of securing grant funding and contributions for the implementation of projects.

That it be noted that grant funding are applied for on an annual basis from the various funding agents, these funding streams are not guaranteed and therefore only used as a guide when compiling the Five Year Capital Plan.

TIMELINE/S FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The project plan will be used internally on an ongoing basis, due to the project plan being subject to review on an annual basis.

OFFICER RECOMMENDATION

1. That the Council endorse the FY2010/11 – 2014/15 Five Year Capital Project Plan (as attached) as a general reference for planning of the future capital works within the Shire.
2. That the Five Year Capital Projects Plan is to be reviewed annually to accommodate changes in project priorities.

15.4 MONAGHAN'S ROUNDABOUT - RENAMING PORTION OF DOWNGRADED BUSSELL HIGHWAY

SUBJECT INDEX:	Land Administration
STRATEGIC INITIATIVE:	2.1.3 Work with developers to ensure community sensitive townsite and neighbourhood layouts and functionality
BUSINESS UNIT:	Infrastructure Development
SERVICE:	Development Control
DATE OF COMPLETION:	20 January 2010
VOTING REQUIREMENT:	Simple Majority
ATTACHMENT(S):	A – Map

PRÉCIS

This report seeks the Council's approval to rename the portion of the downgraded Bussell Highway following the construction of a roundabout on the corner of Bussell Highway and Caves Road (known as Monaghan's corner) to Monaghan's Way.

BACKGROUND

Main Roads have constructed a new roundabout on the corner of Bussell Highway and Caves Road. As a part of these works a section of both Caves Road and Bussell Highway have been re-aligned to intersect at a new roundabout resulting from this an old section of Bussell Highway has been left as an unnamed service road.

As a part of this project Main Roads improved the parking facilities on the old section of Bussell Highway that remains as a service road to the shops located at the corner known to locals as Monaghan's corner.

This old section of Bussell Highway as detailed on the attached plan now requires renaming. As a result the Geographic Names Committee has given consent to naming this section of service road Monaghan's Boulevard or Monaghan's Way.

CONSULTATION

Subject to the Council's approval for this proposal, Shire officers will consult the residents of the old portion of Bussell Highway and all emergency services. The proposed change will be advertised in a locally circulating newspaper for a period of 35 days, seeking comments from the public and submitting any objections to Council.

This proposal is supported by the Department of Land Information (DLI) once all residents have been advised and given adequate time frame to submit a response and rationale is provided for this change.

STATUTORY ENVIRONMENT

Part 2 Clause 26 of the Land Administration Act 1997 requires the Shire to request the Minister for Lands to approve the renaming of a road once Council approval is given.

POLICY IMPLICATIONS

Council Policy 141/3 "Street Names" ensures compliance with the Geographic Names Committee's Guiding Principles of Nomenclature. This Policy deals with the application of new names generally, however it does state that *"all names must be submitted to the Geographic Names Committee for confirmation and official status"*.

FINANCIAL IMPLICATIONS

This matter will require the cost of administration, advertising fees and the replacement of signage.

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 Initiative: | Work with developers to ensure community sensitive townsites and neighbourhood layouts and functionality. |

It is appreciated that a change of road name may be an inconvenience initially in this instance.

OFFICER COMMENT

The construction of the roundabout at Bussell Highway and Caves Road has resulted in an unnamed section of road that services both local shops and neighbouring residential area. Shire Officers recommend naming this section of road Monaghan's Way given the local significance of the shop corner being known to locals as Monaghan's corner.

TIMELINE/S FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Advertise within one month of the Council resolution.

Return objections to the Council within one month or otherwise notify Minister for Lands within one month of close of advertising.

OFFICER RECOMMENDATION

1. That the proposal to rename portion of downgraded Bussell Highway to Monaghan's Way, as supported by Geographic Names Committee, be advertised in a locally circulating newspaper for a period of 35 days inviting public comment.
2. That affected landowners, residents and emergency services be advised in writing of the proposal and invited to comment.
3. That providing no objections are received from the public for the change of road name, the CEO request the Minister for Lands, approval to rename portion of downgraded Bussell Highway to Monaghan's Way.

15.5 REVIEW OF COMMUNITY INFRASTRUCTURE TECHNICAL SPECIFICATIONS

SUBJECT INDEX:	Corporate Management - Policy Procedures and Manuals
STRATEGIC INITIATIVE:	2.1.2 - Manage and maintain the Shire's roads for the amenity of the community
BUSINESS UNIT:	Infrastructure Development
SERVICE:	Development
DATE OF COMPLETION:	22 August 2009
VOTING REQUIREMENT:	Simple majority
ATTACHMENT(S):	1. Technical Specifications Sections 1, 2, 3, 4, 5, 6, 7, 9a, 9b, 9c, 9d, 9e and 9f are provided electronically as attachments on the Councillors' Portal and the Shire's web page. Hard copies will be provided on request. 2 Updated policy 179/3.

PRÉCIS

The purpose of this report is to seek the Council's endorsement of the review of the Community Infrastructure Technical Specifications and related Policy 179/3 which has been updated.

BACKGROUND

In accordance with Policy 179/3 and the Corporate Plan, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9a, 9b of the Technical Specifications have been revised. Section 10 will be reviewed and updated in 2009/10.

The main contributors to the changes have included:-

- * Liveable Neighbourhoods (Oct 2007) – Western Australian Planning Commission;
- * Better Urban Water Management (2008) - Western Australian Planning Commission WAPC / Dept of Water (DoW);
- * Recently completed manual from Dept of Water Stormwater Management Manual;
- * Institute of Public Works Engineers Australia (IPWEA) generic technical specifications currently in draft form for consultation - Western Australian Planning Commission (WAPC) & IPWEA;
- * A revision and extension to the landscape section(s) addressing broader issues relating to public open space and other Shire managed lands.

The current policy 179/3 is shown below:-

Shire of Busselton Policy Manual

179/3 TECHNICAL SERVICES - STANDARD SPECIFICATIONS

The Chief Executive Officer will maintain engineering Standards and Specifications for:

SECTION	STANDARDS AND SPECIFICATIONS	REVIEW
1	<i>Guidelines and Administration Requirements for Subdivisions and Developments</i>	<i>February (Odd Years)</i>
2	<i>Designs and Plans for Roads, Earthworks, Paths, Storm Water Drainage and Landscape Works</i>	<i>February (Odd Years)</i>
3	<i>Construction - Earthworks, Storm Water Drainage, Roads and Other Pavements</i>	<i>October (Even Years)</i>
4	<i>Vehicle Crossovers</i>	<i>December (Even Years)</i>
5	<i>Bushfire Protection and Prevention Facilities - Rural and Special Rural Areas</i>	<i>May (Even Years)</i>
6	<i>Property Development - Technical Requirements and Guidelines for Earthworks, Drainage and Parking</i>	<i>August (Even Years)</i>
7	<i>Requirements and Guidelines for Road, Drain and Path Maintenance and Reinstatements</i>	<i>April (Even Years)</i>
8	<i>Requirements and Guidelines for Reserve Development, Foreshore Works and Tree Management</i>	<i>April (Even Years)</i>
9 (a)	<i>Landscaping, Revegetation and Stabilisation</i>	<i>November (Odd Years)</i>
9 (b)	<i>Street/Road Verge – Landscaping, Revegetation and Stabilisation</i>	<i>June (Odd Years)</i>
10	<i>Bonds, Contributions and Fees for Subdivisions and Developments</i>	<i>April (Odd Years)</i>

NB: *Section 9 (b) Street/Road Verge – Landscaping, Revegetation and Stabilisation be reviewed in June 2001, and thereafter at two-year intervals.*

All Engineering Standards and Specifications are to be progressively reviewed and presented to Council on a biennial basis for approval. If, however, any proposed changes to content are minor, then the Chief

Executive Officer may adopt those changes in consultation with SEG without referral to Council until a further review in two years.

Individual Sections are to be prepared in book form for use by Council staff, Consultants, developers, contractors and the community.

CONSULTATION

Consultation has been limited to Shire staff in the Community Infrastructure and Lifestyle Development directorates in revising the documents. Feedback from developers based on implementation of the current specifications has also been considered.

The technical specifications are based on and will reflect the other 'guiding documents' that have had extensive consultation prior to implementation including but not limited to:-

- * Liveable Neighbourhoods (Oct 2007) – Western Australian Planning Commission;
- * Better Urban Water Management (2008) - Western Australian Planning Commission WAPC / Dept of Water (DoW);
- * Recently completed manual from Dept of Water Stormwater Management Manual;
- * Institute of Public Works Engineers Australia (IPWEA) generic technical specifications (currently in draft form for consultation) - Western Australian Planning Commission (WAPC) & IPWEA.

STATUTORY ENVIRONMENT

The technical specifications are statutory documents for the Shire of Busselton and are based on the Planning and Development Act 2005 under which Council regulates works in subdivisional development.

PLANNING AND DEVELOPMENT ACT - DESIGN AND SUPERVISION

Where proposals for the subdivision of land in a district include the provision of streets for use by the public, and the proposals have been approved, the owner of the land shall cause these streets to be constructed and drained to the satisfaction of the Council. This requires the services of a Consulting Engineer, appointed by the developer.

The Planning and Development Act 2005 Part 10-Subdivision and development control reads as follows:

- "170. Local government to be provided with specifications for roads and waterways

- (1) Before a person who is subdividing land commences to construct and drain roads or construct artificial waterways shown in the diagram or plan of survey, that person is to give to the local government –
 - (a) drawings showing longitudinal and cross sections of the proposed road or artificial waterway;
 - (b) specifications of the proposed road or artificial waterway; and
 - (c) such other information including information relating to levels, drainage, nature of soil, and physical features as the local government requires.

- (3) The local government may, by written notice, require the person subdividing the land -
 - (a) to amend the drawings or specifications or both; and
 - (b) to comply with such further conditions as the local government thinks fit to impose in respect of the proposed road or waterway,

for the purpose of ensuring that the construction and drainage of the road or construction of the artificial waterway is consistent with the approval of the Commission.

- (4) Without limiting the powers conferred on a local government by subsection (3), where.
 - (a) a person delivers drawings and specifications of a proposed road or artificial waterway to a local government under subsection (1); and
 - (b) the proposed road or artificial waterway, if constructed in accordance with those plans and specifications, would not satisfy the minimum standards fixed under section 169 applicable to the proposed road or artificial waterway,

The local government is to by written notice require the person to so amend the drawing or specifications, or both, as to cause the proposed road or artificial waterway to satisfy those minimum standards."

Council has delegated its powers, pursuant to clause 95 (Delegation of Authority) of the Shire of Busselton District Town Planning Scheme No 20, to the Chief Executive Officer with sub delegation to the Director of Community Infrastructure (Shire Engineer). "Shire's Officer" hereafter refers to the Director or his/her authorised representatives.

POLICY IMPLICATIONS

The existing Policy 179/3 requires a review of the technical specifications on a biennial basis. Currently the technical specifications provide comments related to various policies including developer's contributions.

The intent of the review of the technical specification is to remove policy comments throughout the documents and form a basic technical document with links to other sources i.e. as mentioned in the background of this report, that contain policy information.

For clarity, sections 8, 9a and 9b of the current specifications have been revised into sections 9a, 9b, 9c, 9d, 9e and 9f.

FINANCIAL IMPLICATIONS

Any financial implications in the technical specification will relate to updated Best Management Practices (BMP) for design and construction practices and are not identified as a financial hindrance to the developer but provide an overall improved asset for the Shire.

STRATEGIC IMPLICATIONS

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

- 1. Strategic Focus: Community and Social Well Being:**
 - Strategic Objectives: Facilitate and assist in the development of quality community facilities and services.
 - Strategic Initiative: Build community vitality and a sense of place through nodal design and development.

- 2. 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 Initiative: Work with developers to ensure community sensitive townsite and neighbourhood layout and functionality

OFFICER COMMENT

Annexure "A" includes the reviewed and amended technical specifications. Section 10 – Bonds, Contributions and Fees for Subdivisions and Developments will be reviewed and updated in 2009/10.

It is considered the technical specifications will require some further synergies in amendments over time in relation to the guiding documents. The amended technical specifications will replace the existing specifications on the Shire's external website upon endorsement of the Council. Further amendments will be undertaken in accordance with Policy 179/3.

Upon endorsement of the Council, Policy 179/3 will be amended removing Section 8, 9a and 9b and replacing them with Sections 9a, 9b, 9c, 9d, 9e and 9f.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The reviewed technical specifications are attached as Annexure "A", and the timeline for replacement of the existing technical specifications shall be upon the Council's endorsement of the amendments or any further changes required prior to endorsement.

OFFICER RECOMMENDATION

1. That the Council endorse the amended technical specifications 1, 2, 3, 4, 5, 6, 7, 9a, 9b, 9c, 9d, 9e and 9f (Agenda Attachment "A").
2. That the Council endorse the changes to Policy 179/3. (Agenda Attachment "B").

16. **COMMUNITY AND ORGANISATIONAL DEVELOPMENT REPORT**

Nil.

17. **CHIEF EXECUTIVE OFFICER'S REPORT**

Nil.

18. **MOTIONS** of which notice has been given

Nil.

19. **CONFIDENTIAL REPORTS**

Nil.

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

21. **QUESTIONS FROM MEMBERS WITHOUT NOTICE**

22. **NEXT MEETING**

Wednesday, 12 August 2009, commencing at 5.30 p.m.

23. **CLOSURE**

