



MINUTES

DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE MEETING

Wednesday 10 October 2018

6.00pm

City of Albany Council Chambers

**CITY OF ALBANY
COMMUNITY STRATEGIC PLAN (ALBANY 2023)**

VISION

Western Australia's most sought after and unique regional city to live, work and visit.

VALUES

All Councillors, Staff and Volunteers at the City of Albany will be...

Focused: on community outcomes

This means we will listen and pay attention to our community. We will consult widely and set clear direction for action. We will do what we say we will do to ensure that if it's good for Albany, we get it done.

United: by working and learning together

This means we will work as a team, sharing knowledge and skills. We will build strong relationships internally and externally through effective communication. We will support people to help them reach their full potential by encouraging loyalty, trust, innovation and high performance.

Accountable: for our actions

This means we will act professionally using resources responsibly; (people, skills and physical assets as well as money). We will be fair and consistent when allocating these resources and look for opportunities to work jointly with other directorates and with our partners. We will commit to a culture of continuous improvement.

Proud: of our people and our community

This means we will earn respect and build trust between ourselves, and the residents of Albany through the honesty of what we say and do and in what we achieve together. We will be transparent in our decision making and committed to serving the diverse needs of the community while recognising we can't be all things to all people.

TERMS OF REFERENCE

(1) **Functions:** The Committee is responsible for:

Development Services:

The delivery of the “*Liveable Environmental Objectives*” contained in the City of Albany Strategic Plan:

- Advocate, plan and build connected, liveable communities.
- Create a community that supports people of all ages and backgrounds.
- Create vibrant neighbourhoods which are safe yet retain our local character and heritage.

Infrastructure Services:

The delivery of the “*Clean and Green Objectives*” contained in the City of Albany Strategic Plan:

- To protect and enhance our pristine natural environment.
- To promote environmental sustainability.
- To promote our region as clean and green.

(2) **It will achieve this by:**

- (a) Developing policies and strategies;
- (b) Establishing ways to measure progress;
- (c) Receiving progress reports;
- (d) Considering officer advice;
- (e) Debating topical issues;
- (f) Providing advice on effective ways to engage and report progress to the Community; and
- (g) Making recommendations to Council.

(3) **Membership:** Open to all elected members.

(4) **Meeting Schedule:** Monthly

(5) **Meeting Location:** Council Chambers

(6) **Executive Officers:** Executive Director Infrastructure and Environment, Executive Director Development Services

(7) **Delegated Authority:** None

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1. DECLARATION OF OPENING

The Chair declared the meeting open at **6:00pm**

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

“Heavenly Father, we thank you for the peace and beauty of this area. Direct and prosper the deliberations of this Council for the advancement of the City and the welfare of its people. Amen.”

“We would like to acknowledge the Noongar people who are the Traditional Custodians of the Land.

We would also like to pay respect to Elders both past and present”.

3. RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Mayor D Wellington

Councillors:

Member	P Terry
Member	S Smith
Member	A Goode JP
Member	A Moir
Member	R Sutton (Deputy Chair)
Member	E Doughty
Member	R Stephens
Member	R Hammond

Staff:

Chief Executive Officer	A Sharpe
Executive Director Development Services	P Camins
Executive Director Infrastructure and Environment	M Thomson
Executive Director Corporate Services	M Cole
Meeting Secretary	J Cobbold
Manager Planning and Land Information	J van der Mescht
Manager City Reserves	Jacqui Freeman

Apologies:

Member	B Hollingworth
Member	J Shanhun Chair
Member	T Sleeman
Member	G Stocks

4. DISCLOSURES OF INTEREST

Name	Committee/Report Item Number	Nature of Interest
Councillor R Sutton	DIS122	Impartiality. Councillor Sutton is a member of the Working Committee for Great Southern Motor Plex Group

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE - NIL

6. PUBLIC QUESTION TIME

6:02pm - Francesco Lombardo – Lot 5 Lowana Drive Gledhow – DIS124

6:03pm - Ron McTaggart – Lot 4 Lowana Drive Gledhow - DIS124

6:07pm - Bob Van Den Berg – DIS123 – Spoke against – Tabled – Annexe A

6:10pm - Margaret McNab – DIS123 – Spoke against

6:13pm - Jane Jefferies – 1251 Warrenup Road Green Range – DIS123 – Spoke against

6:17pm - Tony Harrison – Little Grove – DIS123 – spoke against

6:21pm - Chris Metcalfe – Pfeiffer Rd Manypeaks – DIS123 – Spoke for

6:25pm - Julie DeJong – HH Architects - DIS127 –Spoke for

7. PETITIONS AND DEPUTATIONS - Nil

8. CONFIRMATION OF MINUTES

DRAFT RESOLUTION

**MOVED: COUNCILLOR STEPHENS
SECONDED: COUNCILLOR GOODE**

THAT the minutes of the Development and Infrastructure Services Committee meeting held on 12 September 2018, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 9-0

9. PRESENTATIONS - Nil

10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS - Nil

DIS122: PROPOSED LAND PURCHASE – LOT 5780 DOWN ROAD SOUTH, DROME. ALBANY MOTOR SPORTS PARK

Land Description	: Lot 5780, 54 Down Road South, Drome
Proponent	: City of Albany
Owner	: Susan Page
Business Entity Name	: N/A
Attachments	: GHD Feasibility Study – Albany Motor Sports Park Preliminary Business Plan
Report Prepared By	: Executive Director Infrastructure & Environment (M Thomson)
Responsible Officers:	: Executive Director Infrastructure & Environment (M Thomson) Executive Director Corporate Services (M Cole)

CONFIDENTIAL REPORT

This Report will be considered behind closed doors in accordance with section 5.23 (2)(e) of the Local Government Act 1995, being a matter that if disclosed, would reveal information that has a commercial value to a person.

Councillor Sutton declared an Impartiality Interest in this item. Councillor Sutton remained in the Chamber and participated in the discussion and vote for this item, but requested that Mayor Wellington take the Chair for this item. Mayor Wellington then took the Chair.

DIS122: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR DOUGHTY
SECONDED: COUNCILLOR SUTTON**

THAT the Confidential Responsible Officer Recommendation be ADOPTED.

CARRIED 8-1

Record of Vote

Against the Motion: Councillor Terry

7.38.32PM

DIS122: RESOLUTION

**MOVED: COUNCILLOR DOUGHTY
SECONDED: COUNCILLOR SUTTON**

THAT the meeting COME OUT FROM BEHIND CLOSED DOORS.

CARRIED 9-0

7.09.43PM

DIS122: RESOLUTION

**MOVED: COUNCILLOR GOODE
SECONDED: COUNCILLOR HAMMOND**

THAT the meeting is CLOSED TO THE PUBLIC in accordance with section 5.23 of the *Local government Act 1995*, section 5.23(2)c, being a matter that if disclosed, would reveal information that has a commercial value to a person, to consider:

DIS122: - Proposed Land Purchase – Lot 5780 Down Road South, Drome. Albany Motor Sports Park

CARRIED 9-0

DIS123: LAKE MULLOCULLOP RECREATIONAL USE

Land Description	: City of Albany Managed Reserve 16367 (Lake Mullocullop).
Proponent / Owner	: City of Albany (Land vested in the care and control of the City of Albany).
Attachments	: Confirmation of Heritage Listing. UWA literature review.
Report Prepared By	: Manager City Reserves (J Freeman)
Responsible Officers:	: Executive Director Infrastructure & Environment (M Thomson)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme: 1:** Leadership & **3:** Clean, Green and Sustainable
Objective: 1.3: To engage effectively with our community.
3.1: To protect and enhance our natural and built environment in a changing climate.
 - **Community Priority:**
 - 1.3.1: Develop structures and processes that engage the community and engender community confidence, and trust that their input is valued and used to inform decisions and priorities.
 - 3.1.2: Sustainably protect and enhance our iconic coastline, reserves and flora and fauna by delivering projects and programs that reflect the importance of our coastline and natural reserves.

In Brief:

- Reference is made to Council resolution item DIS035 - August 2017 and DIS092 - May 2018.
- The purpose of this report is to update Council on the progress of conditions under DIS035.
- Lake Mullocullop otherwise known as Warriup Lake was listed as a Registered Aboriginal Site as of August 2018 for mythological reasons.
- Representatives from Department of Land, Planning and Heritage (DPLH) have stated that the activity of water skiing is not considered to have an impact under the WA Heritage Act as it does not create any ground disturbance.
- A literature review has been undertaken by UWA to develop and establish an ongoing annual environmental monitoring program.

Maps and Diagrams:



Lake Mullocullop – Warriup Road, Green Range

RECOMMENDATION

DIS123: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR DOUGHTY
SECONDED: COUNCILLOR GOODE**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED: 7-2

Against the motion – Councillor Terry and Councillor Moir

DIS123: RESPONSIBLE OFFICERS RECOMMENDATION

THAT Council, in accordance with the resolution DIS035, August 2017:

1. NOTE that the conditions specified in resolution DIS035 have been progressed and officers will notify the Department of Transport to proceed with the gazettal process.

BACKGROUND

2. The resolution of Council made at the Ordinary Council Meeting held on 22nd August 2017 is as below:

“THAT Council SUPPORT the gazettal of Lake Mullocullop by the Department of Transport for the purpose of allowing the operation of speed boats, excluding jet skis, subject to the following:

- 1) *That the City monitor the use of the lake and review the requirement for a permit system twelve months after gazettal;*
- 2) *That City staff consult with the local Noongar Community and adequately address any concerns raised concerning the use of the lake;*
- 3) *An annual environmental monitoring program be developed by the City. The results of the monitoring shall be reviewed every two (2) years;*
- 4) *That Council temporarily permit the use of Speed Boats (excluding jet skis) pending the Department of Transport gazettal process being undertaken.”*

3. The table below outlines the progress of items 1-4 in item 2.

Item	Status	Actions
1)	Quote and methodology received from UWA	To implement 12 months after gazettal
2)	Completed	Ensure approvals gained as per the Aboriginal Heritage Act. Undertake annual environmental monitoring. Specify restricted times for Water-Skiing.
3)	Quote and methodology received from UWA	Gather baseline information once gazettal process commenced with annual monitoring to be undertaken

4)	Not allowed unless gazetted	Signage installed notifying no Speed Boats prohibited
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4. The committee recommendation in May 2018 was to provide a report to Council following the assessment by the DPLH in relation to the registration of Aboriginal sites at Lake Mullocullopp.
5. After determination by the DPLH, Lake Mullocullopp has been added to the register of Aboriginal Sites under the Aboriginal Heritage Act. A spokesperson for DPLH has indicated that water skiing could still be permitted on the lake without approval under the Aboriginal Heritage Act, although any installation of infrastructure relating to this activity, such as water markers and signage will need to be assessed if within the registered site's boundaries.
6. A detailed review of literature (data) relating to the ecological and environmental effects of motorboats and skiing has been undertaken by UWA (see attached) which will guide base line monitoring of identified possible impacts once the gazettal process commences. It should be noted with water-skiing currently prohibited on the lake, monitoring of impacts from water-skiing is not possible.

DISCUSSION

7. Once the gazettal process to allow water-skiing has commenced, the following environmental monitoring will be undertaken:
 - a) Baseline data to be collected and determined from the literature review includes:
 - b) Establishment of baseline Hydro Carbon (PAH) levels in the lake and at least one other in a similar lake nearby that has no history of Water Skiing.
 - c) Establishment of Shoreline Vegetation monitoring plots with plots in both the areas of shoreline close to and effected by waves from the boats and areas of the lake away from the area used by boats and therefore not (or significantly less) effected by the boat waves.
 - d) Invertebrate monitoring next to the shoreline in both affected and unaffected areas of the shoreline. This will determine if there is a significant impact on migratory bird species based on changes to their food sources.
8. A lake nearby located on private property will be used as a control site for comparison between lakes with and without the activity of water skiing. The resident has provided approval.
9. A permit has been issued to a resident with a scientific background to undertake research and monitoring for the presence of freshwater fish in the lake.
10. An additional bird survey will be undertaken in February 2019. Initial data is showing that spring and summer are important months for birds at the lake, although the impacts of water-skiing cannot be determined at this time.
11. The City Reserves staff are continuing consultation with the local Aboriginal community to identify appropriate stories and other information for use on interpretive signage at numerous City of Albany sites and interpretive signage will be installed at Lake Mullocullopp once this process is finalised.

GOVERNMENT & PUBLIC CONSULTATION

12. Ongoing consultation with the Department of Planning, Land and Heritage regarding the Heritage Information Submission and requirements under the Aboriginal Heritage Act.
13. Consultation with UWA Centre of Excellence in Natural Resource Management with regard to the monitoring program and Department of Transport during the gazettal process.

STATUTORY IMPLICATIONS

- 14. A person shall not drive a motor boat or tow a water skier in navigable waters except in areas gazetted for that purpose and during times which the area may be used under the Navigable Waters Regulations 1958, Section 48(a).
- 15. Following gazettal, the City may implement a permit system under the *City of Albany Property Local Law 2011*.
- 16. Voting requirement for this item is **SIMPLE MAJORITY**.

POLICY IMPLICATIONS

- 17. Not applicable to this report.

RISK IDENTIFICATION & MITIGATION

- 18. It is acknowledged that it is vital that the City establishes a framework to effectively, efficiently and transparently manage areas of public land vested in its care and control.
- 19. The risk identification and categorisation relies on the City’s Enterprise Risk and Opportunity Management Framework

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Reputation Having addressed the previous issues identified including the Heritage Information Submission and without identifying any further impediments to the use of the lake for water-skiing failing to make a determination poses a reputational risk to the City.</p>	Likely	Moderate	High	Council follows through with its resolution as at August 2017.
<p>Opportunity: The opportunity to allow all the community access to the lake for its cultural and recreational values</p>				

FINANCIAL IMPLICATIONS

- 20. Costs associated with the collection of baseline data for environmental monitoring, in the order of \$15,000.
- 21. Cost to undertake monitoring the use of the lake, \$5,000.
- 22. Installation of interpretive signage and enforcement signage, \$3,000.
- 23. Funds are available in the current operational budget.

LEGAL IMPLICATIONS

- 24. Not applicable

ENVIRONMENTAL CONSIDERATIONS

- 25. Noting previous reports on this matter, there are no additional or new environmental implications. If water skiing is re-established as a permitted use this will provide an opportunity for monitoring of any possible impacts to occur.

ALTERNATE OPTIONS

- 26. If Council deem conditions not be satisfied to progress they may choose to seek further information from officers before proceeding with the gazettal process.

CONCLUSION

27. This report recommends supporting the gazettal process for Lake Mullocullop for a restricted season with ongoing monitoring to determine any environmental impacts.

Consulted References	:	<ul style="list-style-type: none">• Local Government Act 1995• Navigable Waters Regulations 1958
File Number (Name of Ward)	:	CR.COC.42 (Kalgan Ward)
Previous Reference	:	OCM 22 August 2017 - DIS035 & DIS039 OCM 22 May 2018 - DIS092

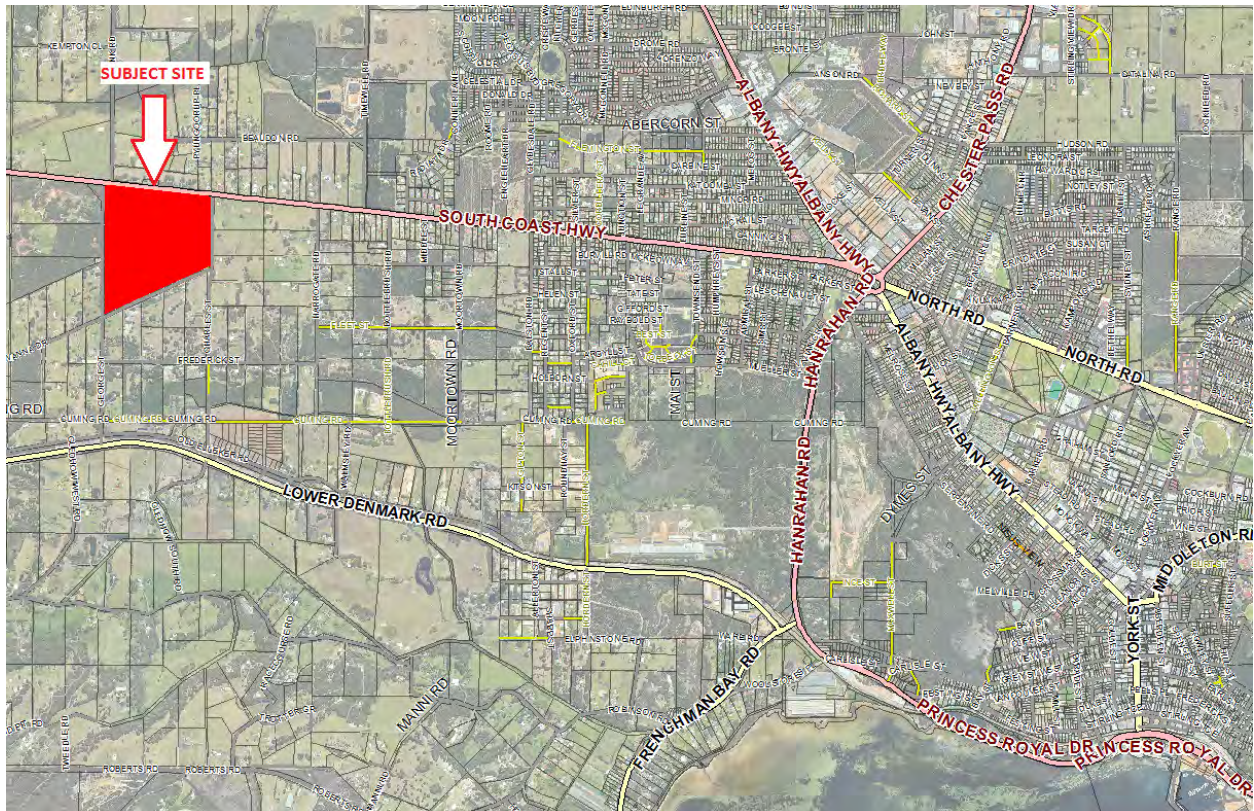
DIS124: LOCAL STRUCTURE PLAN NO.18 – LOT 16 SOUTH COAST HIGHWAY, LOTS 9, 15 & 110 GEORGE STREET, LOTS 17, 202 & 203 CHARLES STREET, LOTS 4, 5 & 8 LOWANNA DRIVE AND LOTS 200 & 201 PEARSON PLACE, GLEDHOW.

Land Description	: Lot 16 South Coast Highway, Lots 9, 15 & 110 George Street, Lots 17, 202 & 203 Charles Street, Lots 4, 5 & 8 Lowanna Drive and Lots 200 & 201 Pearson Place, Gledhow.
Proponent	: Ayton Baesjou
Business Entity Names	: Commissioner of Main Roads L & R Spaanderman J & D Lister M Kinnear T Harman & A Gostelow T & N Schoof F & J Lombardo R & E McTaggart K Mullally & D Webb Q Knight T Burgess
Attachments	: 1. Map - Local Structure Plan No.18 2. Report - Local Structure Plan No.18 3. Schedule of Submissions and Recommendations
Supplementary Information & Councillor Workstation Report Prepared By	: Senior Planning officer – Strategic Planning (A Nicoll)
Responsible Officers:	: Executive Director Development Services (P Camins)

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. The application for consideration proposes a structure plan to guide future subdivision and development of land in the Gledhow area.
3. In making a decision on the proposed structure plan, the Council is obliged to draw conclusion from its adopted *Albany Local Planning Strategy 2010* and *Community Strategic Plan – Albany 2030*. The structure plan complies with strategic planning for the following reasons:
 - a) The Albany Local Planning Strategy (2010) seeks to encourage the development of the Structure Plan area for 'Rural Residential' (Min 1ha) lots.
 - b) The *Albany Community Strategic Plan – Albany 2030* recommends a proactive planning service that supports sustainable growth while reflecting our local character and heritage (Community Priority: 5.1.2).

Maps and Diagrams: Subject Site – Lot 16 South Coast Highway, Lots 9, 15 & 110 George Street, Lots 17, 202 & 203 Charles Street, Lots 4, 5 & 8 Lowanna Drive and Lots 200 & 201 Pearson Place, Gledhow.



In Brief:

- The Local Structure Plan No.18 proposes to guide the subdivision and development of land bound by South Coast Highway, George Street, Lowanna Drive and Charles Street, Gledhow.
- Land within the structure plan area is partly zoned 'Rural Residential' and partly zoned 'General Agriculture'.
- The Department of Planning Lands and Heritage requested structure planning of the land, to form a consolidated Rural Residential area and to accord with the Albany Local Planning Strategy. The proposal therefore does not conflict with the current moratorium on amendments to rezone or intensify agriculture land.
- Council is requested to consider submissions pertaining to the Local Structure Plan No.18, and to recommend that the Western Australian Planning Commission support the structure plan subject to modifications.

RECOMMENDATION

DIS124: COMMITTEE RECOMMENDATION

**Moved: Councillor Wellington
Seconded: Councillor Moir**

THAT the Officers Recommendation be ADOPTED.

CARRIED: 9-0

DIS124: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council, pursuant to section 75 of the *Planning and Development Act 2005* and Regulation 20. (2)(e) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:

1. Recommend that the Western Australian Planning Commission APPROVE Local Structure Plan No.18 subject to the following modifications:

a) The following conditions are placed on the structure plan map:

- *At the subdivision stage, require the certification of a BAL Contour Map, prior to clearance of titles.*
- A notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

“This lot is in close proximity to existing agriculture activities and may be adversely affected by virtue of odour, noise, dust and/or light emissions from that land use.”

- Pursuant to Section 150 of the *Planning and Development Act 2005*, at the subdivision stage of Lots 8, 9, 110 and 15, a covenant preventing vehicular access onto George Street being lodged on the certificate(s) of title at the full expense of the landowner/applicant. The covenant is to specify:

“No vehicular access is permitted to and from George Street”.

- Pursuant to Section 150 of the *Planning and Development Act 2005*, at the subdivision stage of Lots 15, 16 and 17, a covenant limiting vehicular access onto South Coast Highway being lodged on the certificate(s) of title at the full expense of the landowner/applicant. The covenant is to specify the following for each lot:

Lot 15

“Access to and from South Coast Highway is to be via a single constructed crossover”.

Lot 16

“Access to and from South Coast Highway is to be via a single constructed crossover”.

Lot 17

“Access to and from South Coast Highway is not permitted. Access to and from Lot 17 is to be via Charles Street”.

- a) A notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificate(s) of title of the proposed lot(s) 8, 9, 110, 15, 16 and 17. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

“The lot(s) are situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected by transport noise.”

- At the subdivision or development approval stage, habitable development proposed within the 60dB area is to undertake a detailed acoustic assessment and determination of appropriate mitigation treatments as per the *State Planning Policy 5.4 – Road and Rail Transport Noise and freight Considerations in Land Use Planning*.
 - Ceding and development of the internal road (Pearson Place) indicated on the structure plan map is to occur at the subdivision stage of Lots 4, 5, 8, 9 and 110.
- b) Existing conditions or notes on the structure plan map being deleted or modified as follows:
- ~~Proposed ring road acoustic setback no dwellings~~ **Noise sensitive zone.**
 - ~~Rural Residential acoustic setback (dwelling exclusion area)~~ **Noise sensitive zone.**
 - ~~Proposed ring road reserve~~ **Possible Ring Road alignment area.**
 - ~~Proposed Ring Road Land Requirement~~ **Possible Ring Road alignment area.**
 - Ring Road reserve **alignment area, proposed** to be acquired by MRWA
 - ~~No dwellings permitted north or west of Acoustic Setback~~
2. Forward structure plan documentation and submissions to the Western Australian Planning Commission with a request that the Commission grant approval to the structure plan (with modifications).
3. Advise the applicant/owner and those who lodged a submission of the Council decision accordingly.

BACKGROUND

4. *Local Planning Scheme No. 1* was gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes.
5. In 2016, a proposal to rezone land in Gledhow from the ‘General Agriculture’ zone to the Rural Residential’ zone was referred to the Western Australian Planning Commission for endorsement. The WAPC advised that a Structure Plan should be prepared, prior to considering the proposal to rezone the land in Gledhow.
6. Subsequently, a new proposed Structure Plan was submitted, and seeks to identify potential subdivision opportunities for land bounded by George Street, South Coast highway, Charles Street and Lowanna Drive.
7. The City of Albany advertised the proposed Local Structure Plan No.18 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.
8. At the close of advertising, the City of Albany received seven (7) submissions commenting on the proposed structure plan.
9. Council is requested to consider the submissions received and determine whether to recommend that the Commission support the structure plan with modifications.

DISCUSSION

10. The structure plan indicates:
 - a) Existing lot layout;
 - b) Future Albany Ring Road development area;
 - c) Proposed dwelling exclusion area due to noise associated with future Albany Ring Road;

- d) Restricted access to South Coast Highway and future Ring Road (George Street); and
 - e) Location of a future internal access (loop) road.
11. The Structure Plan does not show how the land could potentially be subdivided. The Structure Plan simply indicates constraints from which subdivision and development is to comply. For example, the structure plan identifies:
- a) A minimum 1ha lot size;
 - b) Access requirements; and
 - c) Development exclusion areas.
12. In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, unless the Commission otherwise agrees, Structure Plans do not necessarily need to show future lot layout.
13. As part of the advertising process, the following key comments were received:
- a) Rural residential amenity may be impacted on by agricultural activities in the area.
 - b) There should be no future access to George Street (future Ring Road).
 - c) Future access to South Coast Highway should be limited.
 - d) Housing should be developed to attenuate noise from the transport corridors in accordance with the *State Planning Policy 5.4 – Road and Rail Transport Noise and freight Considerations in Land Use Planning*.
 - e) A BAL Contour Map is required to be prepared in accordance with the methodology detailed in the Planning for Bushfire Guidelines, at the subsequent stage of planning.

Agriculture – Land Use Impact

14. It was commented that future landholders might voice concern about existing and potential agricultural activities on surrounding land.
15. It is therefore recommended that the following condition is placed on the Structure Plan map:
- a) *A notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: "This lot is in close proximity to existing agriculture activities and may be adversely affected by virtue of odour, noise, dust and/or light emissions from that land use."*

Access George Street and South Coast highway

16. Main Roads WA requested that there be no future access onto George Street (future Ring Road) and that access to South Coast highway be limited to existing crossovers.
17. It is therefore recommended that the following conditions are placed on the structure plan map:
- a) *Pursuant to Section 150 of the Planning and Development Act 2005, at the subdivision stage of Lots 8, 9, 110 and 15, a covenant preventing vehicular access onto George Street being lodged on the certificate(s) of title at the full expense of the landowner/applicant. The covenant is to specify: "No vehicular access is permitted to and from George Street".*

- b) *Pursuant to Section 150 of the Planning and Development Act 2005, at the subdivision stage of Lots 15, 16 and 17, a covenant limiting vehicular access onto South Coast Highway being lodged on the certificate(s) of title at the full expense of the landowner/applicant. The covenant is to specify the following for each lot:*

Lot 15 – *“Access to and from South Coast Highway is to be via a single constructed crossover”.*

Lot 16 – *“Access to and from South Coast Highway is to be via a single constructed crossover”.*

Lot 17 – *“Access to and from South Coast Highway is not permitted. Access to and from Lot 17 is to be via Charles Street”.*

Noise Attenuation

18. Main Roads requested that:

- a) Lots fronting South Coast Hwy and George Street have notifications on the title advising that they are in the vicinity of a transport corridor; and
- b) Future dwellings being constructed to the appropriate standard to mitigate road and freight route noise.

19. It is therefore recommended that the following conditions are placed on the structure plan map:

- a) a) A notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificate(s) of title of the proposed lot(s) 8, 9, 110, 15, 16 and 17. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: “The lot(s) are situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected by transport noise.”
- b) At the subdivision or development approval stage, habitable development proposed within the 60dB area is to undertake a detailed acoustic assessment and determination of appropriate mitigation treatments as per the State Planning Policy 5.4 – Road and Rail Transport Noise and freight Considerations in Land Use Planning.

Bushfire

20. DFES commented that:

- a) Given the lot layout and development design do not form a material consideration of the Structure Plan, it is recommended that a BAL Contour Map is required to be prepared in accordance with the methodology detailed in Appendix 3 of the Guidelines at the subsequent stage of planning.

21. It is therefore recommended that the following condition is placed on the structure plan map to inform decision makers at the subdivision stage:

- a) At the subdivision stage, require the certification of a BAL Contour Map, prior to clearance of titles.

22. Council is requested to consider the submissions pertaining to the Local Structure Plan No.18, and to recommend that the Western Australian Planning Commission support the structure plan subject to modifications.

GOVERNMENT & PUBLIC CONSULTATION

23. The Structure Plan No.18 was advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

24. Submissions were received from government agencies and members of the public. Submissions have been provided to the Councillors as an original and as summarised in the attached Schedule of Submissions.

25. Commentary on the submissions has been provided in this report item and in the attached Schedule of Submissions.

STATUTORY IMPLICATIONS

26. Local Structure Plans undergo a statutory process in accordance with Schedule 2, Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
27. Schedule 2, Part 4, clause 19 requires the local government to consider the submissions made within the period specified in the notice advertising the structure plan.
28. Schedule 2, Part 4, clause 20 requires the local government to prepare a report to the Western Australian Planning Commission, including a recommendation on whether the proposed structure plan should be approved by the Commission.
29. Voting requirement for this item is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

30. There are no policy implications relating to the proposed structure plan.

RISK IDENTIFICATION & MITIGATION

31. The risk identification and categorisation relies on the City's Enterprise Risk & Opportunity Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation. The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.	Possible	Minor	Low	If the Structure Plan is not supported by the WAPC the City may be required to make modifications.
Opportunity: Increase opportunity for infill subdivision and development.				

FINANCIAL IMPLICATIONS

32. If the local government does not provide a recommendation and report on the structure plan, to the Commission, the Commission may take reasonable steps to obtain the services or information on its own behalf. All costs incurred by the Commission may, with the approval of the Minister, be recovered from the local government as a debt due to the Commission.

LEGAL IMPLICATIONS

33. There are no legal implications directly relating to this item.

ENVIRONMENTAL CONSIDERATIONS

34. There are no environmental implications pertaining to the subject land.

ALTERNATE OPTIONS

35. Council may consider alternate options in relation to the structure plan, including;
- Recommend, with justification, that the Western Australian Planning Commission not approve the proposed structure plan; or
 - Recommend that the Western Australian Planning Commission approve the proposed structure plan without modification; or
 - Recommend that the Western Australian Planning Commission approve the proposed structure plan subject to additional modifications.

CONCLUSION

36. A new proposed structure plan submitted, seeks to identify opportunities and constraints for future subdivision and development of land encompassed by George Street, South Coast highway, Charles Street and Lowanna Drive.
37. The structure plan was advertised and provisions have subsequently been recommended to address issues raised.
38. Council is requested to agree to recommend that the Western Australian Planning Commission approve the structure plan subject to modifications.

Consulted References	:	1. <i>Local Planning Scheme No.1.</i> 2. <i>Local Planning Strategy 2010.</i> 3. <i>State Planning Policy 5.4– Road and Rail Transport Noise and freight Considerations in Land Use Planning.</i>
File Number (Name of Ward)	:	LSP18 (Vancouver Ward)
Previous Reference	:	Nil

DIS125: MIDDLETON BEACH ACTIVITY CENTRE- CONSIDERATION OF DESIGN GUIDELINES

Land Description	: Lot 8888 Flinders Parade and Lots 660 and 661 Marine Terrace, Middleton beach
Proponent / Owner	: Western Australian Land Authority.
Business Entity Name	: LandCorp
Attachments	: Draft Design Guidelines
Supplementary Information & Councillor Workstation Report Prepared By	: Manager Planning and Land information Services (Jan van der Mescht)
Responsible Officers:	: Executive Director Development Services (P Camins)

STRATEGIC IMPLICATIONS

1. When exercising discretion in relation to planning matters, the pertinent strategic document is the *Albany Local Planning Strategy*.
2. This proposal is consistent with the strategic direction set in the *Albany Local Planning Strategy (2010)*. The Albany Local Planning Strategy seeks to encourage the development of tourism uses that integrate with the City's unique natural landscape.
3. This item relates to the following elements of the City of Albany Strategic Community Plan:
 - **Theme: 5** - A connected and safe built environment.
 - **Objective: 5.1** - To develop vibrant neighbourhoods which retain local character and heritage.
 - **Community Priority: 5.1.2** - Provide proactive planning and building services that support sustainable growth while reflecting our local character and heritage.

Maps and Diagrams: Subject Site – Middleton Beach Activity Centre SU25



In Brief:

- The draft Middleton Beach Activity Centre Design Guidelines (the Design Guidelines) have been prepared by LandCorp.
- The Design Guidelines have been prepared to guide development and built form within the Middleton Beach Activity Centre (MBAC).
- The Design Guidelines apply to any hotel, all short stay, residential and mixed-use development within the Middleton Beach Activity Centre.
- The purpose of the Design Guidelines is to ensure the delivery of high quality design outcomes that respond to the landform and enhance the overall character of the area.
- The Design Guidelines are required by *Local Planning Scheme No. 1* to be adopted by the City of Albany prior to development of any buildings on the site.
- The MBAC Structure Plan approved by the WAPC in January 2017 further expands and reiterates the requirement and role of the Design Guidelines.
- It is considered that the Design Guidelines should be adopted as a Local Planning Policy in order to be a proper planning instrument and have a statutory affect.
- Council endorsed the guidelines for advertising at the OCM of 27 February 2018, public consultation subsequently occurred in accordance with the deemed provisions contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- The public comment period commenced on 9 April 2018 and concluded on 21 May 2018. The consultation also included 2 workshop sessions that was held on 12 and 13 April 2018.
- During consultation 14 submissions were received. These submissions included comments on both the design guidelines and the Foreshore management plan.
- A detailed submission was also received from the Middleton Beach Group.
- The guidelines have been reviewed in light of the submissions received and a number of modifications are being proposed to address the matters raised.
- It is recommended that the Middleton Beach Activity Centre Design Guidelines Policy be proceeded with subject to the proposed modifications.

RECOMMENDATION

DIS125: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR HAMMOND**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED: 9-0

DIS125: RESPONSIBLE OFFICERS RECOMMENDATION

THAT Council:

1. In accordance with Schedule 2, Part 2, Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to PROCEED WITH the Middleton Beach Activity Centre Design Guidelines *Policy* with modifications (as set out as an attachment to this item),
2. APPROVES the placement of a notice of the resolution to proceed with the policy in a newspaper circulating in the Scheme area.

BACKGROUND

4. The Middleton Beach Activity Centre Design Guidelines (the Design Guidelines) have been prepared by Hames Sharley on behalf of LandCorp.
5. Council endorsed the guidelines for advertising at the OCM of 27 February 2018, public consultation subsequently occurred in accordance with the deemed provisions contained in the Planning and Development (Local Planning Schemes) Regulations 2015.
6. The consultation also included 2 workshop sessions that was held on the 12th and 13th of April 2018. A further meeting was held with the Middleton Beach group on the 18th of April 2018 to discuss their preliminary concerns and ideas.
7. The Community Information Sessions was attended by about 50 members of the public.
8. During consultation 14 submissions were received. These submissions included an extensive submission from the Middleton Beach Group.

DISCUSSION

9. The submissions received and especially the submission from the Middleton Beach Group was quite detailed and can assist greatly in improving the document.
10. The comments as summarized were mainly centred around the following (for more detail please refer to the complete submission that is attached);
 - a) The guidelines were felt to be too generic in nature and should have been more specific to Middleton Beach and its unique qualities e.g. its climate and overall local built and natural environments.
 - b) Greater differentiation between development controls and guidelines are required.
 - c) The Inclusion of sections that deal with the following is required; Public Art, Active Transport, Climate Responsive Design and Passive Solar Design and Aging in Place.
 - d) The Indicative Concept Plan should not be referred to as the preferred Concept but rather as one of many options.
 - e) The Building Envelope Diagrams are not consistent with the MBAC Structure Plan and Scheme provisions for SU25.
11. The guidelines have been reviewed in light of these comments. The modifications are detailed in the attached schedule of modifications.
12. The majority of the changes suggested improves the certainty, legibility and usability of the document and have been incorporated into the Guidelines.
13. The Middleton Beach Working Group that includes DPLH, and GSDC have also reviewed the comments and provided input into the draft document and has recommended further modifications.
14. The Office of the Government Architect that now also forms part of DPLH have also provided comment on the document and modifications required.

15. The Design Guidelines can now be finalised subject to the proposed modifications being agreed to and completed.
16. It is recommended that the Middleton Beach Activity Centre Design Guidelines Policy be proceeded with subject to the proposed modifications.

GOVERNMENT & PUBLIC CONSULTATION

17. The public comment period commenced on the 9th April 2018 and concluded on the 21st of May 2018. The consultation also included 2 Community Information Sessions that was held on the Thursday evening 12th of April and Friday morning 13th of April 2018.
18. The Community Information Sessions were attended by about 50 members of the public.
19. During consultation 14 submissions were received. These submissions included an extensive submission from the Middleton Beach Group.
20. The members of the Middleton Beach Working Group, comprising of LandCorp, DPLH, City of Albany, and GSDC have reviewed and provided input into the document and the proposed modifications.
21. The Office of the Government Architect has also reviewed and provided comment on the guidelines and the proposed modifications.

STATUTORY IMPLICATIONS

22. The Western Australian Planning Commission's draft *State Planning Policy No. 7: Design of the Built Environment* has been drafted to address the design quality of the built environment within Western Australia.
23. The LPS1, under "Special Use Area 25" and the MBAC Structure Plan both include provisions requiring the preparation of the design guidelines, and all subsequent development to be in compliance with the design guidelines.
24. In order to be classified as a proper planning instrument, the design guidelines should be adopted as a Local Planning Policy. On this basis, the guidelines are required to be processed in accordance with procedure detailed in part 2 clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
25. Voting requirement for this item is **SIMPLE MAJORITY**.

POLICY IMPLICATIONS

26. Nil

RISK IDENTIFICATION & MITIGATION

27. The risk identification and categorisation relies on the City's Enterprise Risk and Opportunity Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Reputation</p> <p>Risk: There is a risk that the Guidelines will not adequately deal with all the required matters to ensure the desired outcome for the MBAC area. This may then reflect negatively on the City.</p>	Likely	Moderate	High	Widely consulting with all parties who may be affected and all relevant public authorities should adopting appropriated changes should mitigate the risk in this regard.
<p><i>Opportunity: widely consulting on the content will add further value to the expert and professional advice and knowledge that has already been harnessed in the preparation of the Design Guidelines.</i></p>				

FINANCIAL IMPLICATIONS

28. There are no financial implications beyond what has already been budgeted for advertising.

LEGAL IMPLICATIONS

29. There are no legal implications relating to this policy.

ENVIRONMENTAL CONSIDERATIONS

30. There are no environmental implications relating to this policy.

ALTERNATE OPTIONS

31. Council may consider alternate options in relation to this item, such as resolving:

- a) To refuse to proceed with the guidelines.

CONCLUSION

32. The design guidelines have been prepared in accordance with the requirements of LPS1 and the MBAC structure plan.

33. The guidelines have been reviewed in light of the submissions received during consultation and a number of modifications are being proposed to address the matters raised.

34. It is recommended that the Middleton Beach Activity Centre Design Guidelines Policy be proceeded with subject to the proposed modifications.

Consulted References	:	<i>Draft State Planning Policy No. 7 Planning and Development (Local Planning Schemes) Regulations 2015. Local Planning Scheme Number 1</i>
File Number (Name of Ward)	:	Frederickstown
Previous Reference	:	DIS 077 OCM of 27 February 2018

DIS126: SUBDIVISION AND DEVELOPMENT GUIDELINES 2018

Land Description	: City of Albany
Proponent	: City of Albany
Owner	: City of Albany
Business Entity Name	: N/A
Attachments	: Draft Subdivision and Development Guidelines Policy
Supplementary Information & Councillor Workstation	N/A
Report Prepared by	: Development Engineer (Alan Millar)
Responsible Officer	: Executive Director Planning & Development (Paul Camins)

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. In making a decision on the proposed amendment, the Council is obliged to draw conclusion from its adopted *Albany Local Planning Strategy 2010* and *Community Strategic Plan – Albany 2030*.

In Brief

- The current City of Albany Subdivision and Development Guidelines have been in place since 2009. In order to align with current legislation and best minimum engineering standards, the COA Guidelines have been updated as an addendum to IPWEA's *Local Government Guidelines for Subdivisional Development Nov 2017*.

RECOMMENDATION

DIS126: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR STEPHENS
SECONDED: COUNCILLOR MOIR

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED: 9-0

DIS126: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council APPROVE AND ENDORSE the Subdivision and Development Guidelines Policy.

BACKGROUND

3. The City of Albany Subdivision and Development Guidelines are used extensively as the basis for the design and construction of all civil infrastructure within the City of Albany. Since 2009, there has been a growing need to update the Guidelines to provide ongoing improvements.
4. The Institute of Public Works Engineering Australasia's (IPWEA) *Local Government Guidelines (Nov 2017)* has been selected as the basis for the guideline document for the COA (and is strongly encouraged by the Department of Planning, Lands and Heritage and IPWEA) with the updated COA Guidelines being an addendum to this document.

5. Adopting the IPWEA Guidelines ensures:

- Current legislation is met;
- Best minimum engineering standards;
- Consistency across other local governments within the state;
- Greater clarity (more comprehensive than the COA 2009 Guidelines); and
- Ongoing updates every 2 years (as a commitment by IPWEA).

DISCUSSION

6. The proposed policy has been prepared for adoption in order to provide the City of Albany with a policy position to guide the application of the Subdivisions and Development Guidelines.
7. The policy is proposed to be reviewed every two (2) years to align with IPWEA's commitment to update the local government guidelines every two (2) years.
8. A number of the local engineering and development consultancies were advised of the revised guidelines and were supportive of the changes.

GOVERNMENT & PUBLIC CONSULTATION

9. A draft City of Albany Subdivision and Development Guidelines 2018 was referred to City Engineering and the Reserves team for comment. The guidelines were also sent to local engineering consultancies specialising in land development, including Wood & Grieve Engineers (WGE) and WSP (formally known as OPUS International Consultants).
10. A presentation on the Guidelines was also carried on 18 July, 2018 by Alan Millar as part of an Engineers Australia event. The purpose of the presentation was to inform professionals within the development industry of the changes to the 2009 Guidelines, and for general discussion and feedback. The event and support for the updated Guidelines was well received. The attendees included representatives from the following companies:
 - Wood & Grieve Engineers;
 - WSP;
 - GHD;
 - PMMC Consulting;
 - Bio Diverse Solutions;
 - Southern Ports Authority;
 - Edge Planning & Property;
 - Shire of Denmark; and
 - Ayton Baesjou Planning

STATUTORY, FINANCIAL, LEGAL IMPLICATIONS

11. There are no statutory, financial or legal implications.
12. Voting requirement for this item is **SIMPLE MAJORITY**.

POLICY IMPLICATIONS

13. The proposed policy aims to replace the City of Albany Subdivision and Development Guidelines 2009.

RISK IDENTIFICATION & MITIGATION

14. The following indicates the risk to the City in making a decision to support or not support the Policy:

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation. <i>Policy position may have an impact on business operations.</i>	<i>Possible</i>	<i>Minor</i>	<i>Low</i>	<i>Policy has been consulted with companies in the industry</i> <i>Provisions within the Policy have been included to be in accordance with the minimum and recommended engineering requirements</i>
Opportunity: <i>Increase consistency and establish a higher standard of development.</i>				

FINANCIAL IMPLICATIONS

15. There are no financial implications beyond what has already been budgeted for advertising.

LEGAL IMPLICATIONS

16. There are no legal implications relating to adoption of the policy.

ENVIRONMENTAL CONSIDERATIONS

17. There are no environmental matters pertaining to this item.

ALTERNATE OPTIONS

18. Council has the following alternate options in relation to this item, which are:

- To resolve that the draft policy is unacceptable and refuse adoption.
- To resolve to amend the proposed policy prior to adoption.

CONCLUSION

19. The City of Albany Subdivision and Development Guidelines are used extensively as the basis for the design and construction of all civil infrastructure within the City of Albany.
20. Since 2009 there has been a growing need to update the Guidelines to provide ongoing improvements.
21. The revised policy has been updated and reviewed in accordance with the *Local Government Guidelines for Subdivisional Development Nov 2017*.
22. Council is requested to adopt the revised policy.

Consulted References	:	<i>Local Government Guidelines for Subdivisional Development Nov 2017</i>
File Number (Name of Ward)	:	All
Previous Reference	:	NIL

DIS127: LOCAL DEVELOPMENT PLAN NO.6 – LOT 215 SPENCER STREET, ALBANY.

Land Description	: Lot 215, Spencer Street, Albany
Proponent	: Edge Planning
Business Entity Name	: Activ Foundation Inc
Attachments	: 1. Existing Local Development Plan Map 2. Proposed Local Development Plan Map 3. Proposed Local Development Plan Provisions 4. Proposed Local Development Plan Document 5. Amended proposed Local Development Plan Map 6. Specific and detailed plans for future development 7. Schedule of Submissions and Recommendations Submissions
Supplementary Information & Councillor Workstation Report Prepared By	: Senior Planning officer – Strategic Planning (A Nicoll)
Responsible Officers:	: Executive Director Development Services (P Camins)

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in considering a new Local Development Plan. A Local Development Plan means a plan setting out specific and detailed guidance for a future development.
2. A Local Development Plan has been endorsed (2012) to guide development of Lot 215 Spencer Street. The plan shows the potential for mixed uses, including offices, car parking and residential allotments (X10).
3. This report considers a new Local Development Plan (No.6) to modify the existing endorsed Local Development Plan by:
 - a) Reducing the amount of residential allotments from 10 to 7;
 - b) Creating a new access road and additional crossovers from Frederick Street;
 - c) Removing a vehicular right of access based on in-principle agreement with the owner of 28 Stirling Terrace and replacing with a pedestrian link connecting Spencer Street with 28 Stirling Terrace;
 - d) Modifying car parking; and
 - e) Replacing existing provisions and map with a new set of provisions and map.
4. The new Local Development Plan proposes to retain:
 - a) The office land use adjacent to Spencer Street;
 - b) Existing building facades;
 - c) A service corridor and footpath at the southern side of the subject site;
 - d) A view corridor between Frederick Street and the University of Western Australia campus (former post office).
5. In making a decision on the proposed modified Local Development Plan, the Council is obliged to draw conclusion from its adopted *Albany Local Planning Strategy 2010* and *Community Strategic Plan – Albany 2030*.
6. The Local Development Plan complies with the Albany Community Strategic Plan, which recommends a proactive planning service that supports sustainable growth while reflecting our local character and heritage (Community Priority: 5.1.2).

7. The Local Development Plan complies with the *Albany Local Planning Strategy 2010*, which seeks to support urban infill development based on compatibility of land uses and infrastructure capacity (Strategic Direction 8.3.3).

Maps and Diagrams: Subject Site – Lot 215 Spencer Street, Albany.



In Brief:

- The subject site is zoned 'Residential' (R60), with an additional use (AU12) allowance for to accommodate high density residential (R60) and additional uses, including shop and office use fronting Spencer Street.
- In accordance with the City's Scheme:
 - the shop and office uses may only be located in the buildings fronting Spencer Street; and
 - a substantial part of the office building to the south, and the original façade of building on the corner of Spencer and Frederick Streets are to be retained.
- A new Local Development Plan map and provisions have been prepared to facilitate:
 - A shift from small lots (high density – 60 dwellings/hectare – 150m²) to medium lots (40 dwellings/hectare - 220m²). This change is required by the proponents who contend that there is a limited market in Albany for the smaller (150m²) lots.
 - Access off Frederick Street.
- Landholders in the locality submitted the following comments:
 - The proposed plan is needed to promote development of the site;
 - Views from Frederick Street should be protected;
 - The plan should consider heritage impacts;

- Access off Frederick Street should not be permitted;
- A walkway on the southern boundary should be gated for security;
- Housing design should reflect the character of existing development;
- Additional parking is necessary for the offices fronting Spencer Street.
- Council is recommended to support the new proposed local development plan subject to additional modifications. Reasons for recommending support include:
 - The plan represents the characteristics of the subject site and surrounding influences;
 - The plan promotes infill development considerate of protecting and enhancing the amenity of the locality.

RECOMMENDATION

DIS127: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR WELLINGTON
SECONDED: COUNCILLOR MOIR

THAT the Responsible Officers Recommendation be ADOPTED.

CARRIED: 9-0

DIS127: RESPONSIBLE OFFICER RECOMMENDATION

1. THAT Council, pursuant to Regulation 59. (1) of *the Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to amend the Local Development Plan (Spencer Street Albany) subject to the following:
 - a) It is recommended that the following proposed provision is deleted. Until such time that a Building Permit is issued to demolish a building, it is not appropriate to suggest that existing buildings may be demolished.

~~9. Provided Provisions 2, 6 and 7 are addressed, there is scope for demolition of the existing buildings on Lots M1 and M2, with details to be set out in a Development Application and a Demolition Permit.~~
 - b) It is recommended that amendments are made to the following proposed provisions, to ensure that enough car parking is provided to accommodate commercial activity at proposed sites M1 and M2, whilst ensuring the building façade at M2 is maintained:
 40. The four existing on-street car parking spaces in Spencer Street, adjoining the LDP site, provide an off-set for on-site car parking on Lots M1 and M2. In particular, the off-set is two car parking spaces for Lot M1 and two car parking spaces for Lot M2.
 42. Two car parking spaces are provided in the common property, to the south of Lot M2, to support development on Lot M2. The City will consider tandem parking in the common property, to the south of Lot M2, where suitable arrangements have been made at the Development Application stage to the satisfaction of the City.
 43. Car parking design is to ensure that cars can enter and exit the driveway/common property, located between Lots M1 and M2, in a forward gear.

~~43. The City will consider varying the car parking standards for the non-residential component on Lots M1 and M2 if suitable arrangements are made for reciprocal parking.~~

~~44. The City will consider a variation of up to 10% of the car parking standards on Lots M1 and M2 given the site's city centre location.~~

~~45. Development proposals generating additional car parking requirements may be required to make a cash in lieu payment for car parking.~~

4745. Further to LPS1 Schedule 2 for AU12 and Condition 2(a), dDevelopment of Lots M1 and M2 is to incorporate commercial land uses such as 'office' and 'shop' on the ground floor for the section of the buildings fronting Spencer Street. A minimum of 60m² of commercial floorspace **net lettable area (NLA)** is required per Lot.

46. Without demolition of any part of the existing building on Lot M1, floor space limitations exist due to limited available space to develop car parking. The following scenarios may apply:

- Combination of commercial on ground floor and residential on second floor. Maximum commercial floorspace of 60m² NLA along with two car parking spaces for residential use to address the R-Codes.
- Commercial floorspace and no residential. Maximum commercial floorspace is 120m² NLA.

4847 ~~With demolition of parts of the existing buildings on Lots M1 and M2, are to be used for office accommodation or other non-residential use approved by the City. Car parking has been~~ **may be** provided on the LDP for a maximum of ~~270~~**150**m² ~~gross floor area (NL~~**GFA)** of non-residential use on Lot M1 ~~(if there is no residential component)~~ and a maximum of ~~210~~**150**m² of NLA ~~GFA~~ of non-residential use on Lot M2 ~~(if there is no residential component)~~. **Should the residential component be greater, the commercial floorspace is required to correspondingly be reduced to address LPS1 car parking requirements. Any increase in GFA will require the provision of additional car parking or other arrangements to the satisfaction of the City. Alternatively, satisfactory arrangements to expand the non-residential GFA on either Lot M1 or M2 can be considered if a smaller non-residential GFA is being used on the other Mixed Use lot and access to car parking bays can be secured to the satisfaction of the City.**

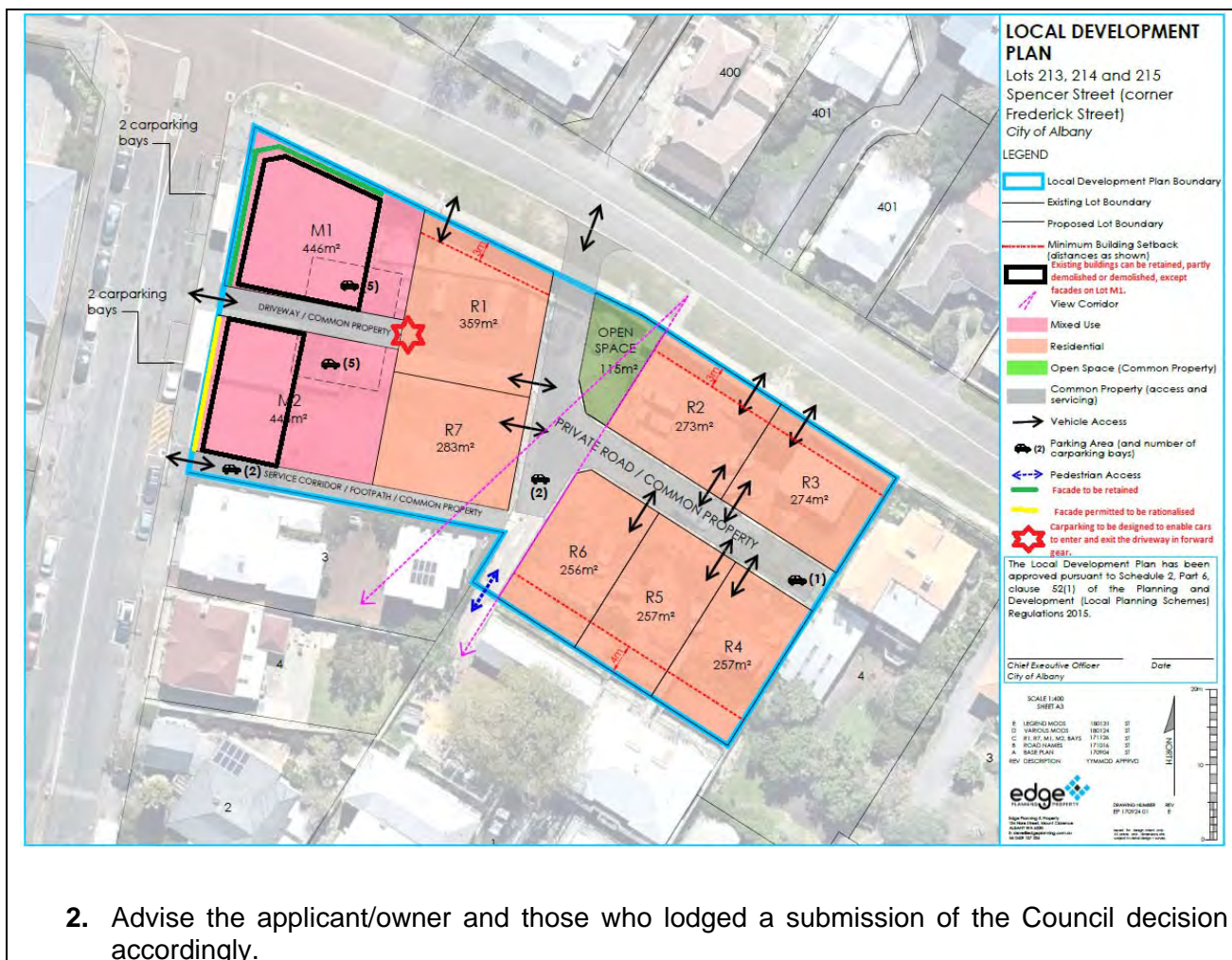
c) It is recommended that the following condition is included to address security concerns:

As a condition of development approval, a security gate is to be developed in the 'service corridor', on the eastern side of proposed car parking bays.

d) It is recommended that the following amendments are made to the local development plan map:

Text **(in red)** and illustrated amendments are shown on the following plan to ensure:

- Building façade on Lot M1 is retained;
- Carparking is designed to ensure cars can enter and exit the site in forward gear; and
- The façade on Lot M2 being rationalised.



2. Advise the applicant/owner and those who lodged a submission of the Council decision accordingly.

BACKGROUND

- A Local Development Plan was adopted by the City in 2012 to encourage and guide the development of a mixture of land uses at the subject Lot 215 Spencer Street.
- Planning for the site has not managed to attract investment or development. It has been argued that the main access off Spencer Street is too narrow (4m) for vehicles to enter and exit and that market demand for high density lots is limited.
- A new plan has been submitted to the City to show modifications, including alternative access off Frederick Street and an increase in lot sizes from 170m² to 270m².

DISCUSSION

- The subject site adjoins the Albany City Centre and a range of uses including residential, tourist accommodation, commercial and community. The historic Norman House and Cheyne's Cottage are located to the south of the site, along with new student accommodation, at 28 Stirling Terrace.
- The new Local Development Plan map and provisions propose to replace the existing (2012) Local Development Plan. The following is a list of key modifications:
 - Reducing the amount of residential allotments from 10 to 7;
 - Creating a new access road and additional crossovers from Frederick Street;
 - Removing a vehicular right of access based on in-principle agreement with the owner of 28 Stirling Terrace, with instead a pedestrian link connecting Spencer Street with 28 Stirling Terrace;

- d) Modifying car parking; and
 - e) Replacing existing provisions and map with a new set of provisions and map.
13. The modifications propose to respond to market demand by supporting larger lots. Specific and detailed plans have been provided to show attractive design outcomes considerate of new proposed provisions. Provisions seek to ensure:
- a) Design, scale and form consistent with surrounding development including historic listed buildings;
 - b) 25° roof pitch, for all new dwellings;
 - c) Materials and colours consistent with surrounding development;
 - d) Building height in accordance with standards applicable to residential lots in the locality. Dwellings fronting Frederick Street are to be single storey in height at the street frontage (northern boundary);
 - e) Maintaining a view corridor from Frederick Street to the Penny Post building and existing oak tree on adjoining Lot 212 (No. 28) Stirling Terrace.
 - f) Adequate standard of light, winter sun, privacy and amenity; and
 - g) Passive surveillance where possible to the public domain through the provision of major openings and habitable rooms.
14. The proposed changes comply with *Local Planning Scheme No. 1* provisions, which include limiting commercial uses to buildings fronting Spencer Street, ensuring original building parts and facades fronting Spencer and Frederick Streets are retained and ensuring car parking is provided to reflect land use characteristics.
15. Landholders in the locality submitted comment asserting that:
- a) The proposed plan is needed to promote development of the site;
 - b) Views from Frederick Street should be protected;
 - c) The plan should consider heritage impacts;
 - d) Access off Frederick Street should not be permitted;
 - e) A walkway on the southern boundary should be gated for security;
 - f) Housing design should reflect the character of existing development;
 - g) Additional parking is necessary for the offices fronting Spencer Street.
16. The following paragraphs discuss the comments received in more detail.

Support

17. There are a number of submissions submitted recommending support for the new Local Development Plan for various reasons including:
- a) The site is currently an eyesore;
 - b) Development will add to the housing choice in Albany's CBD;
 - c) The proposed plan considers heritage and promotes infill;
 - d) The plan is realistic and seeks to conform to surrounding land use.

Views

18. It was commented that the City should develop a local law to protect views and that an existing car parking area should not be replaced by a dwelling which will take away views.
19. It is recommended that comments pertaining to views be dismissed.
20. Development on land zoned residential is governed by the State of Western Australia's 'R-Codes'. The R-codes support development subject to compliance with height limitations,

regardless of loss of views. Views to prominent landscape features may be taken into consideration where development seeks to vary from height limits. The proposed Local Development Plan seeks to ensure that development does not exceed height limits set by the R-Codes.

Heritage

21. It was commented that a Heritage Impact Assessment should occur to determine if development impacts on the historical characteristics of the area.
22. It is recommended that comments pertaining to heritage be dismissed.
23. The Local Development Plan proposes to conserve heritage assets by;
 - a) Ensuring building design is in keeping or consistent with building characteristics of the area and the City of Albany Historic Town Design Policy;
 - b) Ensuring the facade of any building fronting Spencer Street is designed to complement the appearance of the existing buildings.
 - c) The existing facades of the building on Lot M1 are to remain unaltered with the exception of the removal of the later and intrusive verandah and window additions.
 - d) Ensuring restoration work to existing buildings is authentic and based on documentary and physical evidence.
24. It is recommended that the following provision is deleted as a demolition permit has not been issued.
 - a) ~~Provided Provisions 2, 6 and 7 are addressed, there is scope for demolition of the existing buildings on Lots M1 and M2, with details to be set out in a Development Application and a Demolition Permit.~~

Access

25. It was commented that access to the subject site should not occur via Frederick Street because of transport safety concerns.
26. It is recommended that comments pertaining to access be dismissed.
27. Frederick Street is designed specifically to provide access to dwellings and as a link to higher order streets such as Marine Drive and York Street. The section of road fronting the subject lot is straight meaning satisfactory line of site for vehicles entering the street.
28. The following provision has been proposed to ensure an attractive street frontage:
 - a) *The proponent is responsible for installing street trees bordering the site for the Frederick Street frontage to the satisfaction of the City.*

Security

29. It was commented that the service corridor, which is located on the southern portion of the site should be gated for security reasons.
30. It is recommended that the following condition is included to ensure a gate is developed on the east side of proposed car parking bays, to address security concerns:
 - a) *As a condition of development approval, a security gate is to be developed in the 'service corridor', on the eastern side of proposed car parking bays.*

Housing Design

31. It was commented that development should be attractive.
32. It is recommended that comments pertaining to building design be noted.
33. The Local Development Plan proposes the following provisions to ensure development is appealing:

- a) Built form, materials and colours should generally be consistent across Lots R1 - R 7 inclusive and complement surrounding and nearby buildings including historic listed buildings. External materials can include painted or rendered masonry, timber weatherboard or cement-cladding. Development should be sympathetic in form, size, bulk and setback to surrounding Frederick Street properties.
- b) Use of unpainted or non-rendered face brick is not permitted.
- c) Roof pitch for all new dwellings to be a minimum of 25 degrees with the roof ridges generally running north-south to optimise view corridors to the harbour. Small sections of flat roofs may be permitted if they facilitate 'good' design.
- d) Unpainted 'Zincalume' roofing is required for all buildings. Roofing tiles are not permitted.
- e) All dwellings on Lots R1-R7 inclusive are to be provided with a garage and/or carport constructed in materials to complement the dwelling.

Parking

34. It was commented that there appears to be limited car parking for proposed commercial areas (M1 and M2).
35. The proposed Local Development Plan seeks to utilise an existing car parking area for residential development. The existing car parks service the commercial buildings fronting Spencer Street. The Local Development Plan proposes that car parking is developed elsewhere on-site to service commercial activity.
36. The City is not confident that car parking can be provided to comply with Scheme standards due to vacant land availability and access constraints. The *Local Planning Scheme No. 1* requires the development of 1 car park for every 30m² of office floor space and 1 car park for every 20m² of shop floor space. It is recommended that portions of the existing buildings are demolished to accommodate car parking and/or limitations are placed on the available amount of commercial floorspace.
37. The City discussed these issues with the proponent and the following amended provisions are recommended:

Without demolition of any part of the existing building on Lot M1, floor space limitations exist due to limited available space to develop car parking. The following scenarios may apply:

- *Combination of commercial on ground floor and residential on second floor. Maximum commercial floorspace of 60m² NLA along with two car parking spaces for residential use to address the R-Codes.*
- *Commercial floorspace and no residential. Maximum commercial floorspace is 120m² NLA.*

With demolition of parts of the existing buildings on Lots M1 and M2, office accommodation may be provided on the LDP for a maximum of 270m² NLA of non-residential use on Lot M1 (if there is no residential component) and a maximum of 210m² NLA of non-residential use on Lot M2 (if there is no residential component). Should the residential component be greater, the commercial floorspace is required to correspondingly be reduced to address LPS1 car parking requirements.

GOVERNMENT & PUBLIC CONSULTATION

38. In accordance with Clause 59 (3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the procedure for advertising an amendment to a Local Development Plan is the same as for making a Local Development Plan:-
 - (1) *The local government must, within 28 days of preparing a local development*

plan or accepting an application for a local development plan to be assessed and advertised –

- (a) advertise the proposed Local Development Plan in accordance with subclause (2); and*
- (b) seek comments in relation to the proposed local development plan from any public authority or utility service that the local government considers appropriate.*

- 39. Local Development Plan No.6 was advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- 40. Ten (10) submissions were received from government agencies and members of the public. Submissions have been provided to the Councillors as an original and as summarised in the attached Schedule of Submissions.
- 41. Commentary on the submissions has been provided in this report item and in the attached Schedule of Submissions.

STATUTORY IMPLICATIONS

- 42. The *Planning and Development (Local Planning Schemes) Regulations 2015* identify the following statutory processes for amending a Local Development Plan that has been approved. A Local Government may amend a Local Development Plan as outlined in the *Planning and Development (Local Planning Schemes) Regulations 2015* as follows:-

59. Amendment of local development plan

- 1) A local development plan may be amended by the local government.*
- 2) A person who owns land in the area covered by a local development plan may request the local government to amend the plan.*
- 3) The procedures for making a local development plan set out in this Part, with any necessary changes, are to be followed in relation to an amendment to a local development plan.*
- 4) Despite subclause (3), the local government may decide not to advertise an amendment to a local development plan if, in the opinion of the local government, the amendment is of a minor nature.*
- 5) An amendment to a local development plan does not extend the period of approval of the plan unless, at the time the amendment is approved, the local government agrees to extend the period.*

- 43. Voting requirement for this item is **SIMPLE MAJORITY**
- 44. Following endorsement of a Local Development Plan, a proposal to subdivide or develop the land may be undertaken.

POLICY IMPLICATIONS

- 45. There are no policy implications relating to the proposed modified Local Development Plan.

RISK IDENTIFICATION & MITIGATION

46. The risk identification and categorisation relies on the City's Enterprise Risk & Opportunity Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation. <i>Development may not occur.</i>	<i>Possible</i>	<i>Minor</i>	<i>Low</i>	<i>If no development occurs, the proponent has a right to apply to amend the plan.</i>
Opportunity: <i>Increase opportunity for infill development.</i>				

FINANCIAL IMPLICATIONS

47. There are no financial implications pertaining to the proposed modified Local Development Plan.

LEGAL IMPLICATIONS

48. There are no legal implications directly relating to this item.

ENVIRONMENTAL CONSIDERATIONS

49. There are no environmental considerations that need to be taken into account for the subject site.

ALTERNATE OPTIONS

50. Council may consider alternate options in relation to the local development plan, including;
- Approving the proposed local development plan subject to no modifications or additional modifications; or
 - Not approving the proposed local development plan and giving reasons why.

CONCLUSION

51. Local Development Plan No.6 is proposing changes to an existing plan and provisions endorsed in 2012.
52. Modifications proposed include:
- Reducing the amount of residential allotments from 10 to 7;
 - Creating a new access road and additional crossovers from Frederick Street;
 - Removing a vehicular right of access based on in-principle agreement with the owner of 28 Stirling Terrace, with instead a pedestrian link connecting Spencer Street with 28 Stirling Terrace;
 - Modifying car parking; and
 - Replacing existing provisions and map with a new set of provisions and map.
53. The proposed local development plan modifications were advertised and comments were received pertaining to parking, access, heritage, views, security and building design.
54. This report item recommends that amendments are made to proposed provisions, to ensure compliance with Scheme provisions (e.g. car parking) can be achieved.
55. The Local Development Plan recognises the site's context and the site is both suitable and capable of accommodating a mixture of uses, including offices and residential development.
56. Implementation of the Local Development Plan will positively contribute to the area's amenity and provide an important supply of housing within the Albany central area.

57. Council is requested to consider submissions and agree to support the proposed Local Development Plan No.6, which proposes modifications to the 2012 endorsed Local Development Plan.

Consulted References	:	1. <i>Local Planning Scheme No. 1</i> 2. <i>Albany Local Planning Strategy (2010)</i>
File Number (Name of Ward)	:	LDP6 (Frederickstown Ward)
Previous Reference	:	Nil

DIS128: REGIONAL ROAD GROUP COMMODITIES FUNDING SUBMISSIONS

Proponent / Owner : City of Albany
Report Prepared By : Manager City Engineering (D King)
Responsible Officers: : Executive Director Works & Services (M Thomson)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme:** Clean Green and Sustainable.
 - **Objective:** To build, maintain and renew city assets sustainably.
 - **Community Priority:** Design, construct and maintain infrastructure cost effectively in a manner that maximises its life, capacity and function.

In Brief:

- The Great Southern Regional Road Group (GSRRG) administers a number of State and Federal road funding schemes. These include State Road Project funding, State and Federal Blackspot and State Commodities Funding.
- Report DIS108 outlined the proposed funding submissions for these funding streams for the 2019/20 financial year.
- Additional funds have been made available to the Commodities Funding stream and this has resulted in a potential for additional funding.
- This report seeks to note amendments to the Commodities funding applications.

RECOMMENDATION

DIS128: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR DOUGHTY
SECONDED: COUNCILLOR HAMMOND

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED: 9-0

DIS128: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council NOTE the additional 2019/20 Great Southern Regional Road Group Commodities Funding Applications as indicated in Table 1.

BACKGROUND

2. Main Roads WA, in cooperation with Local Government, develops and manages the road network to meet the needs of the community. The State provides road funds for a number of programs administered by the State Road Funds to Local Government Advisory Committee. The Great Southern Regional Road Group (GSRRG) coordinates an annual application process to determine the distribution of these funds. Currently there are four sources of road funding available through this process.
3. Identified Roads of Regional Significance (Roads 2030) are eligible for Road Project Grants. State funding is spread across 10 WA Regional Road Groups and is based on a percentage (27%) of the vehicle licence fee revenue which varies from year to year.

4. Commodity Routes Supplementary Funding (CRSF) is provided for roads which are not Roads of Regional Significance (Roads 2030) but where there is a significant high priority transport task associated with the transport of a commodity.
5. Commodities Routes Funding is distributed according to project ranking with no regional constraints. CRSF funding provides two thirds (67%) of total project costs and is limited to a maximum of \$250,000 per submitted project. The pool of funding for 2019/20 and 20/21 is \$5M (\$2.5M per year)

DISCUSSION

6. With the preparation and annual review of the Long Term Financial and Asset Management Plans a 10 year Forward Capital Works Program has been prepared identifying projects and allocating grant funding and the City's own resources in successive financial years.
7. For the Commodities Funding stream, an additional \$10m over two years has been made available from Royalties for Regions for Commodity Routes for 2019/20 and 20/21. This brings the total pool to \$15M.
8. The increase in the funding has resulted in alterations to the process and project eligibility.
9. The first \$10M of the \$15M pool requires no contribution from Local Government and all road types are eligible, but restricted to roads carrying significant agricultural freight.
10. For the first \$10M, the individual project funding cap has been raised from \$250,000 to \$1,000,000
11. Once the first \$10M is fully allocated, the balance of \$5M is subject to rules applying to previous annual CRSF programmes. In this instance the council would be required to contribute 1/3 of the funding.
12. Nomination are being called for both the 2019/20 and 2020/21.

13. Projects proposed for the Commodities funding application are shown in Table 1 below.

Description	Details	Budget	Available Industry Contribution	CRSF funding request
*Mindijup Road SLK 0-5.6	Shoulder Widening	\$129,500	\$43,167	\$86,333
*Mindijup Road SLK 5.6-6.23	Reconstruction and Seal	\$294,350	\$98,117	\$196,233
*Chillinup Road SLK 21.22-26.22	Reconstruction and Seal	\$997,730		\$997,703
*South Stirling SLK 0-4.47	Reconstruction	\$521,253		\$521,253
*Mettler Road SLK 0-3.2	Reseal	\$125,736		\$125,736
*Mettler Road SLK 3.38-14.00	Gravel Resheet	\$389,509		\$389,509
*Homestead Road SLK 0-5.0	Reseal	\$186,000		\$186,000
Palmdale Road SLK 0.00-9.00	Shoulder Widening	\$208,125	\$69,375	\$138,750
Palmdale Road SLK0.00-9.00	Reseal	\$432,000		\$432,000

Table 1 – Commodities Funding Application for 2019/20

*Eligible for the balance \$5M funding pool if not allocated to the first \$10M. Note, in this instance a 1/3 contribution will be required from industry or council.

GOVERNMENT & PUBLIC CONSULTATION

14. No consultation required.

STATUTORY IMPLICATIONS

15. Under section 3.18 of the *Local Government Act 1995*, the City of Albany is to satisfy itself that the services and facilities it provides are managed effectively and efficiently.

POLICY IMPLICATIONS

16. This document complies with the Council adopted Asset Management Policy, Strategy and Plan – Roads along with the Long Term Financial Plan.
17. The annual application (document) complies with the rules and guidelines governing the Great Southern Regional Road Group allocations for road funding and therefore no additional government consultation has been conducted.

RISK IDENTIFICATION & MITIGATION

18. The risk identification and categorisation relies on the City's Enterprise Risk and Opportunity Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Finance. Failure to make funding application would result in the City of Albany missing out on a state funding contribution to the road renewal program.	Almost Certain	High	Extreme	Forward planning through adoption of 10 year financial plan to identify opportunities for funding in advance. Note: Consequence high due to potential cost impact in accordance with the RMF
Opportunity: To maximise road funding through the GSRRG				

FINANCIAL IMPLICATIONS

19. Cost associated with this item will be included in the 2019/20 review of the ten year financial plan and will be incorporated into the 2019/20 and 20/21 budgets.

LEGAL IMPLICATIONS

20. There are no legal implications related to this report.

ENVIRONMENTAL CONSIDERATIONS

21. There are no direct environmental considerations relating to this report.

CONCLUSION

22. It is recommended that the proposed funding list in Attachment 1 be adopted.

Consulted References	:	Local Government Act 1995
File Number (Name of Ward)	:	All Wards
Previous Reference	:	WS121 DIS108

11. **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN - NIL**
12. **MEETING CLOSED TO THE PUBLIC**
13. **CLOSURE** There being no further business the Chair declared the meeting closed at **7:39pm**

*Took during
question
time.
10 Oct 2018*

Bob Van Den Berg re Mullocullup Reserve Lake

No surprise I would like to comment on the ongoing issue of gazetting the lake for water skiing

One reason given to continue skiing has been because we have been doing it for over 30 years. So what other things had we been doing for a long time but not any more

Driving without seat belts

Smoking in restaurants, and in front of our children

Driving unlicensed vehicles on beaches in the city of Albany

Driving at 60kmh on all roads in the City

Parking on York st for as long as we like.

Would the argument have carried any weight in preventing stopping those activities, not likely

The executive summary of the UWA report commissioned by the city says in short

Existing studies found higher levels of chemical contamination in sediments in lakes where power boating occurred and evidence of bank erosion caused by boating activity. So what makes the council think this lake will be any different. Do we have to try it for 12 months and then confirm it. The fact is power boats, especially in increased numbers will affect the lake as they most likely already have.

So what about safety of the public and the cities liability

As per the minutes council meeting of 27/10/15 " in discussion with DOT it was determined that the lake does not meet the minimum standards required for gazettal and it is suggested that council

prohibit motorized watercraft from the reserve” That’s pretty unambiguous.

The council has already publicly declared its position on the risks regarding the danger of skiing on the lake by the posting of the sign, I will refresh your memory on what it says.

WARNING

THIS IS NOT A GAZETTED SKI AREA

HIDDEN HAZARDS MAY EXIST WITH A RISK OF SERIOUS INJURY OR DEATH

Shallow water

Submerged hazards

Now that view by the city is in the public domain. Like a picture you regret on facebook you can’t get it back. We know that the lake does contain submerged hazards and areas of shallow water Are we to believe that by some bureaucratic miracle these dangers will just vanish when the dept of transport gazettes the lake for skiing. So if someone damages their boat, or worse suffers an injury or death who will the compensation lawyers come to to seek redress. After all the city and DOT are encouraging people to undertake an activity which they previously said carries a risk of injury or death on a water body which does not meet the minimum standards.

Is it not time for common sense to prevail. Vote no and stop the gazettal process. Go to the next full council meeting and rescind the motion to gazette the lake and end this waste of resources.