

CITY OF ARMADALE

A G E N D A

OF DEVELOPMENT SERVICES COMMITTEE TO BE HELD IN THE COMMITTEE ROOM, ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON MONDAY, 16 MARCH 2009 AT 7:00 PM.

A meal will be served at 6:15 pm

PRESENT:

APOLOGIES:

OBSERVERS:

IN ATTENDANCE:

DISCLAIMER

The Disclaimer for protecting Councillors and staff from liability of information and advice given at Committee meetings to be read by the Chairman.

DECLARATION OF MEMBER'S INTERESTS

QUESTION TIME

Minimum time to be provided – 15 minutes (unless not required).

CONFIRMATION OF MINUTES

RESOLVED

Minutes of the Development Services Committee Meeting held on 16 February 2009, to be confirmed.

Moved Cr _____
Carried/Lost ()

ITEMS REFERRED FROM INFORMATION BULLETIN – ISSUE No.4/2009

The following items were included for information in the “Development Services” section -

- **Outstanding Matters & Information Items**
Report on Outstanding Matters - Development Services Committee
- **Information Items**
Community Heritage Advisory Committee Meeting Minutes 18/9/08
- **Health**
Health Services Manager’s Report for the month of January 2009
- **Planning**
Planning Services Manager’s Report for the month of January 2009
Reviews before the State Administrative Tribunal (SAT)
Town Planning Scheme No.4 - Amendment Action Table
Planning Applications Monthly Statistics – January 2009
Subdivision Applications - WAPC Approvals/Refusals – January 2009
Subdivision Applications - Rpt on Lots Registered for 05/06, 06/07, 07/08 & 08/09
PAW Closure Report - Significant Actions during January 2009
Road Naming Report 2008/09 & consequential action of Council Recommendation
Compliance Officer’s Report for the month of January 2009
- **Building**
Building Services Manager’s Report for the month of January 2000
Building Applications Monthly Statistics – January 2009

If any of the items listed above requires clarification or a report for a decision of Council, this item is to be raised for discussion at this juncture.

DEVELOPMENT SERVICES COMMITTEE

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16 MARCH 2009

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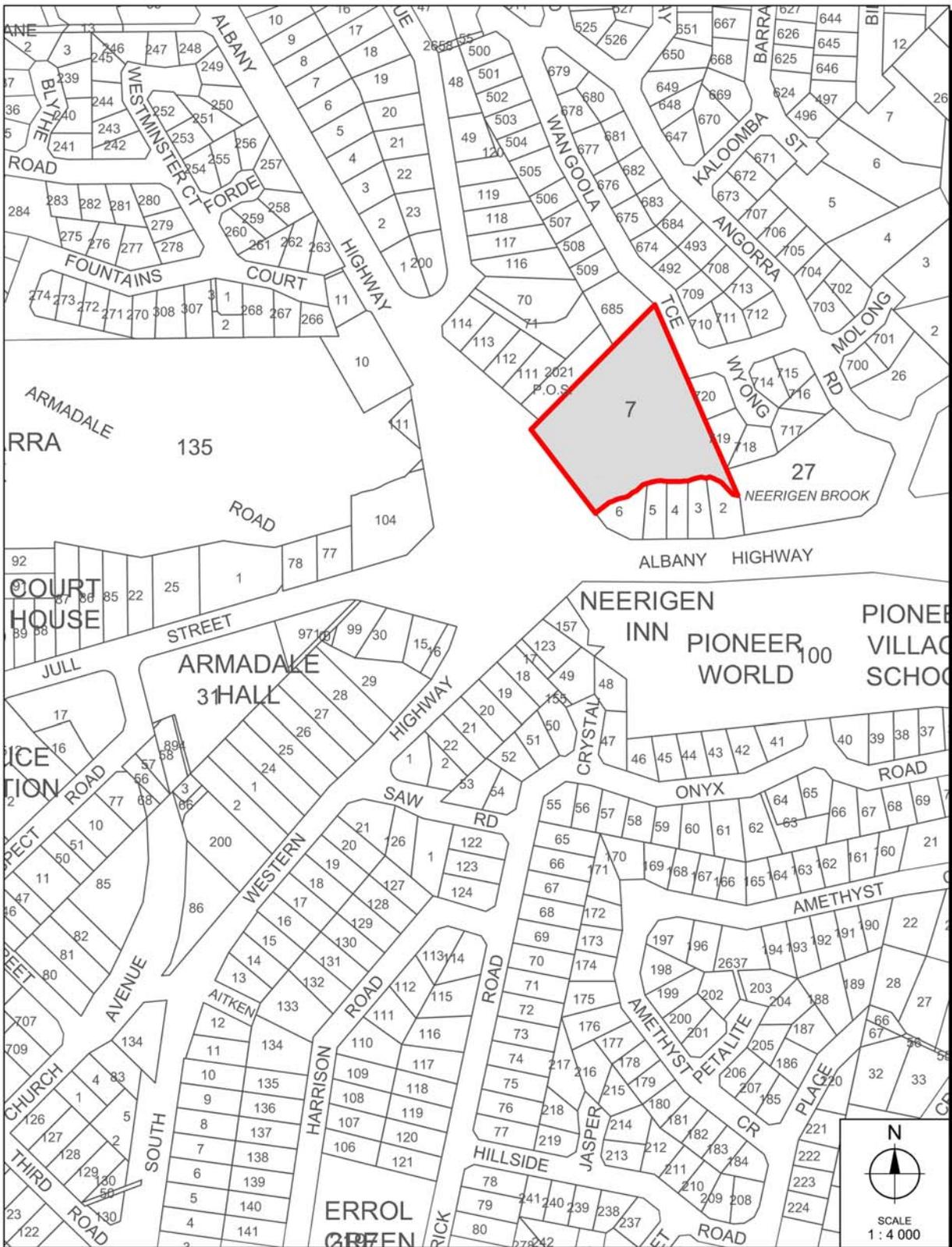
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LOCATION PLAN
LOT 7 ALBANY HIGHWAY, ARMADALE

***PROPOSED 34 MULTIPLE DWELLING COMPLEX –
LOT 7 (3258) ALBANY HIGHWAY, ARMADALE (WIRRA WILLA GARDENS)***

WARD : NERRIGEN
APPLN NO. : 10.2008.409.1
DATE : 10 March 2009
REF : PRR
RESPONSIBLE : EMPS
MANAGER
APPLICANT : Dykstra Planning
LANDOWNER : Bobs Your Uncle P/L
SUBJECT LAND : Property size 1.3860ha
ZONING
MRS : Urban
TPS No.4 : Residential R15/25 –
Additional Use No.36

In Brief:

- The City received an application for 41 multiple dwellings on Lot 7 (3258) Albany Highway, Armadale in April 2007. Being a heritage listed property, there were a number of issues with the application.
- The application was resubmitted in August 2008, with the number of multiple dwellings reduced to 34 and a greater amount of information in respect of the gardens.
- The application was advertised for 21 days and 18 submissions were received. Seven of the submissions were from government agencies and service authorities. 12 submissions objected to the proposal.
- Recommend that Council approve the application, subject to appropriate conditions.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Development – “To balance the needs of development with sustainable economic, social and environmental objectives”.

Legislation Implications

Planning and Development Act 2005
Metropolitan Region Town Planning Scheme Act 1959
Metropolitan Region Scheme
Town Planning Scheme (TPS) No.4

Council Policy / Local Law Implications

Local Planning Strategy 2005

Budget / Financial Implications

Nil.



AERIAL PHOTOGRAPH
LOT 7 ALBANY HIGHWAY, ARMADALE

Consultation

- ◆ Development Control Unit.
- ◆ Technical Services.
- ◆ Community Heritage Advisory Committee.
- ◆ Advertised for public comment for 21 days.
- ◆ Australian Heritage Council.
- ◆ Heritage Council of Western Australia.
- ◆ Main Roads Western Australia.
- ◆ Service Authorities.

BACKGROUND

Wirra Willa Gardens is a property of some considerable heritage merit. Lot 7 Albany Highway, Armadale is listed in the City's Municipal Heritage Inventory as a class A+ site and containing a private garden developed in a 1940's paradise garden style, developed and expanded over a period of 80 years by a number of different landowners. The garden was listed on the Register of the National Estate in 1980 and includes a number of exotic trees and plants uncommon in the Perth region.

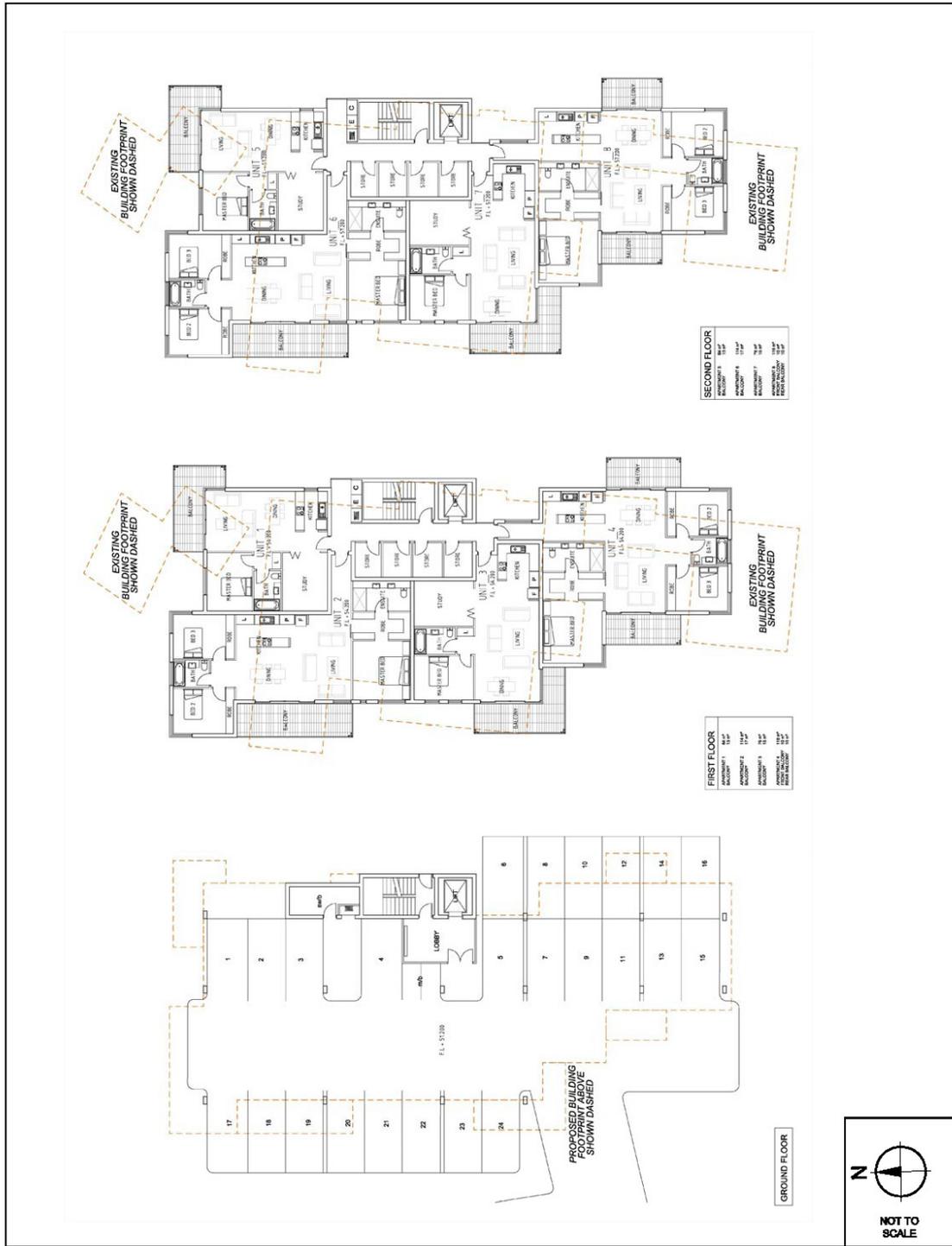
The previous owners were struggling to manage the site by themselves and were trying to expand their options. They gave Council the opportunity to purchase the property, however it was determined that Council was not in a financial position to take on a management role. So, a submission was made during advertising of TPS No.4 (submission M3), requesting that additional uses be granted on the site that normally wouldn't be considered within a 'Residential' zone. Council resolved (D160/9/04) to allow the discretionary consideration of a Restaurant, Café, Reception Centre, Retail Garden Centre and incidental tourism related uses on site when considering the new Scheme.

In May 2005, the WAPC advised that the (then) Minister for Planning and Infrastructure would not approve TPS No.4 until such time as several changes had been made. One of those changes required the City to:

“add a Special Development Zone or other appropriate text provision on the Lot on the north-east corner of the Albany Highway and South West Highways intersection, with a range of options including medium density residential, tourism, café and tearooms - with priority being given to preserving the gardens and having an appropriate landmark development for the site on entry to the town”.

It is noted that originally, medium density residential development did not form part of the additional use provisions recommended to Council when the public submission made in relation to TPS No.4 was considered. It was only by the requirement of the (then) Minister that medium density residential development was added, presumably at the urging of the (then) owner.

The Residential Design Codes of Western Australia (RD-Codes) consider 'medium density' codes to include R30, R35, R40, R50 and R60. Given TPS No.4 has no coding higher than R40 in the 'Residential' zone, the 'Additional Use' provisions were subsequently altered to also allow discretionary consideration of *“limited residential development up to a maximum density of R40”* based on the (then) Minister's requirements. The properties surrounding the subject site are coded R15/25.



FLOOR PLAN
LOT 7 ALBANY HIGHWAY, ARMADALE

The City originally received a development application in April 2007 for the development of 41 multiple dwellings. After assessing the application, the City had a number of concerns with the original proposal, including the density proposed and the lack of any supporting information from a qualified person relating to the gardens themselves. The applicant took all the comments made by the City and other external agencies and revisited the proposal.

The applicant came back to the City in August 2008. Because the revisions to the plans and additional information to consider was so extensive, including a reduction in the overall number of units to 34, it was as if the application was a different proposal and the City required the application process to begin again. The application is now referred to Council for determination.

DETAILS OF PROPOSAL

It is important to establish at the outset that the gardens themselves would be preserved as part of this proposal. 4565m² of the 1.3860ha site would be set aside as a 'Priority Botanical Conservation Area' and 17 individual trees outside the conservation area have been identified as significant, with 15 of those 17 trees worthy of retention. It is the intention of the developer to strata title the site if the development were approved, so that each tenant owns their unit with the grounds becoming common area and maintained by the Body Corporate. Each tenant would then be responsible in part for the upkeep of the heritage gardens and professional landscapers would be appointed by the Strata Body.

Lot 7 Albany Highway Armadale is a relatively steep site sitting adjacent to the intersection of Albany Highway, South Western Highway and Armadale Road. It derives vehicular access from a slip road at the end of Derry Avenue adjacent to Albany Highway. The southern boundary of the property is the centreline of the Neerigen Brook. The applicant proposes the development of 34 multiple dwellings on the area of subject site not containing the gardens, with the development proposed in two sections. Development on the lower section of the property is proposed at four storeys (with four dwellings per storey for a total of 16 dwellings), consisting of 8 two bedroom and 8 three bedroom apartments with an undercroft car park. The rear units are two storey with 18 two bedroom apartments.

24 car parking bays are proposed in the 4 storey undercroft (with 12 bays in tandem formation) and 28 bays are proposed in carports adjacent to the two storey units, for a total of 52 car parking bays. 8 visitor bays are also located at various positions throughout the site.

The developer is also proposing initiatives such as the use of roof water, grey water and stormwater run off from hard surfaces to provide additional water for the gardens. In the past the gardens have relied on the Neerigen Brook and an on-site bore, however it has been identified that there is not enough water at present to fully maintain the gardens through the Neerigen Brook and on-site bore.

A number of structures also exist on site, other than those proposed to be demolished (the main dwelling, carport and shed). These include a second shed, pergolas, a pump house and a studio that sits on top of an undercroft garage. No mention has been made of upgrades to these structures in the applicant's submission however the structures will also need to be considered as relevant to the proposal.

COMMENT

Australian Heritage Council (AHC)

The AHC confirmed that the Wirra Willa Gardens was entered in the Register of the National Estate (RNE) in 1980. The AHC advised that places in the RNE are protected under the *Environment Protection and Biodiversity Conservation Act 1999* from Commonwealth actions which are likely to have a significant impact on the environment anywhere. Ministerial approval is required for actions on Commonwealth land where those actions are likely to have a significant impact and is also required for actions outside Commonwealth land that are likely to have a significant impact on Commonwealth land.

In this regard the Wirra Willa Gardens is not in Commonwealth ownership and the proposed actions have been put forward by non-Commonwealth agencies. The AHC pointed out that there are no requirements under the *Australian Heritage Council Act 2003* for proponents to seek AHC approval for actions likely to affect RNE listed places. Finally, the AHC noted that Wirra Willa is not included in the National Heritage List or the Commonwealth Heritage List and that the developer has appropriately contacted the Heritage Council of Western Australia.

Heritage Council of Western Australia (HCWA)

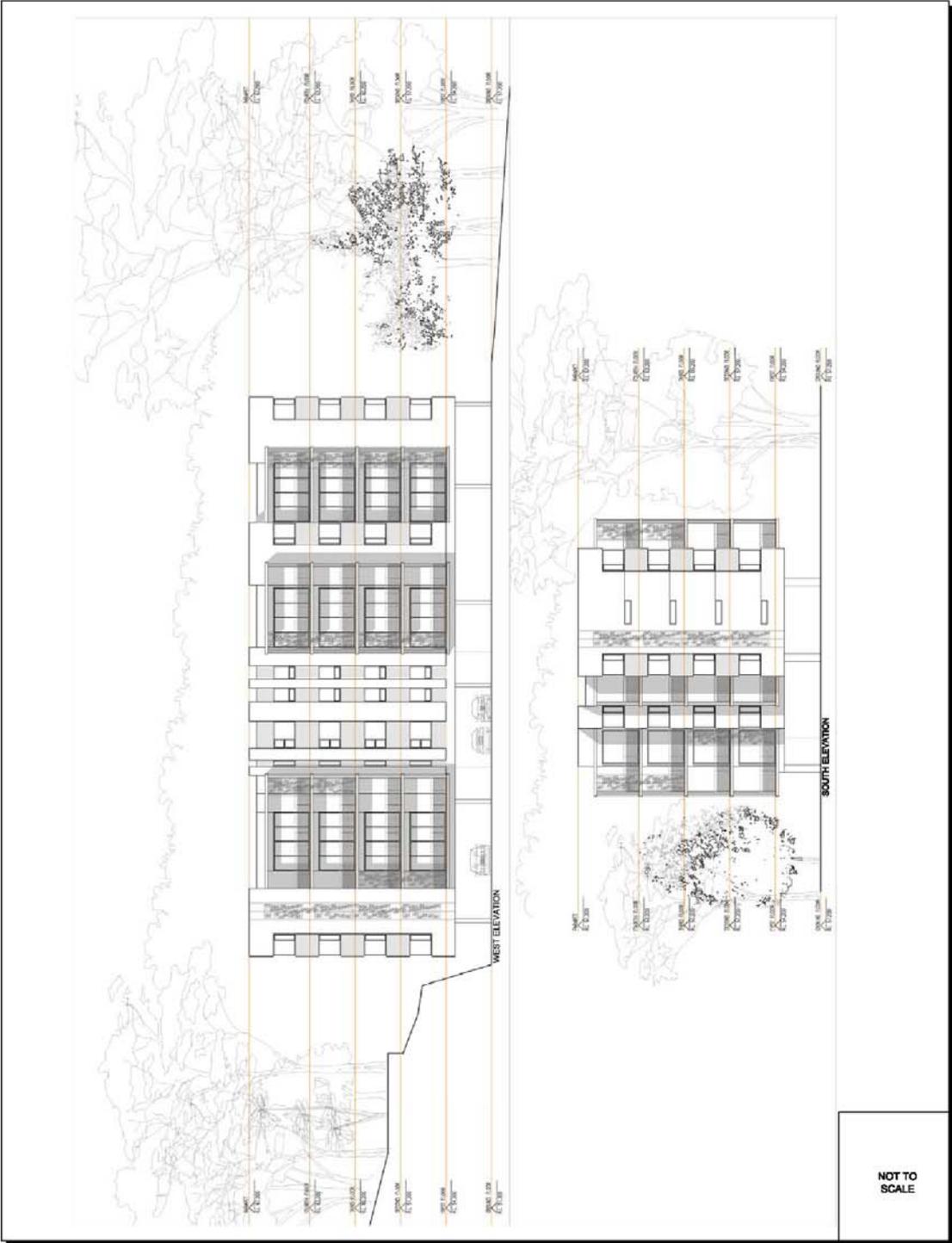
The HCWA considered the proposal on 16 December 2008. The HCWA negotiated extensively with the applicant and owner and revisions were made to the plans in respect of the orientation of the four storey portion of the development. Essentially the location and design were revised to better fit within the footprint of the existing structures on site as it was felt this would lessen the impacts on site. With that issue satisfactorily addressed, the HCWA outlined that the proposed removal of the *Corymbia Citriodora* (Lemon Scented Gum) was not supported but that in general the development could be supported subject to stringent conditions.

Firstly, the HCWA require that a Heritage Agreement be entered into. The agreement would link back to the aboriculturalist report, a conservation plan and a Management Plan. The HCWA have outlined the issues the Management Plan should cover, essentially reproducing the recommendations of the Aboriculturalist report in respect of actions prior to site clearance works, tree management during site clearance and construction works and matters to be addressed at the completion of development works. The details are outlined later in the report.

The HCWA also made it clear that the development is supported on the basis of a strata survey being granted that is supported by a strata management group. A Conservation Plan is also required to be prepared and submitted to the satisfaction of the Director of the Heritage Council and is also discussed later in the report.

Community Heritage Advisory Committee (CHAC)

Council's CHAC considered the proposal as amended and advised that it was not supported. The concern is that the scale of the development takes away from the aesthetic value of the gardens and subsequently the heritage value of the place. CHAC also noted that it was considered an inappropriate development for one of the main "gateways" to the City and that the appearance of the multiple dwellings was dated, unattractive and not sympathetic to the heritage gardens.



ELEVATION PLAN
LOT 7 ALBANY HIGHWAY, ARMADALE

Main Roads Western Australia (MRWA)

MRWA advised that they had no objection to the proposal as long as the following conditions are imposed:

- No earthworks shall encroach into the Albany Highway road reserve.
- No stormwater drainage shall be discharged onto the Albany Highway road reserve.
- Provision shall be made for vehicular access from Wangoola Terrace.
- The applicant shall make good any damage to the existing verge vegetation within the Albany Highway road reservation.
- Redundant driveways will be removed and the verge and its vegetation made good at the applicant's cost.

The City has written to MRWA in respect of the third dot point, noting that it would be unlikely to impose this condition. The site is steep and the level difference between Wangoola Terrace and the end of the rear driveway is 8m over a distance of 10m, which makes connecting the driveway difficult. In addition, the site does not have direct access to Albany Highway, but rather to the slip road at the end of Derry Avenue, reducing the need for a secondary access point. Finally, the public submissions actually noted that they were supportive of the fact there was no vehicular access to Wangoola Terrace. To date, the City has not received a response from MRWA regarding this issue.

MRWA also noted that the applicant may want to consider noise attenuation measures such as double glazing to reduce traffic noise from the adjacent highway.

Development Control Unit (DCU)

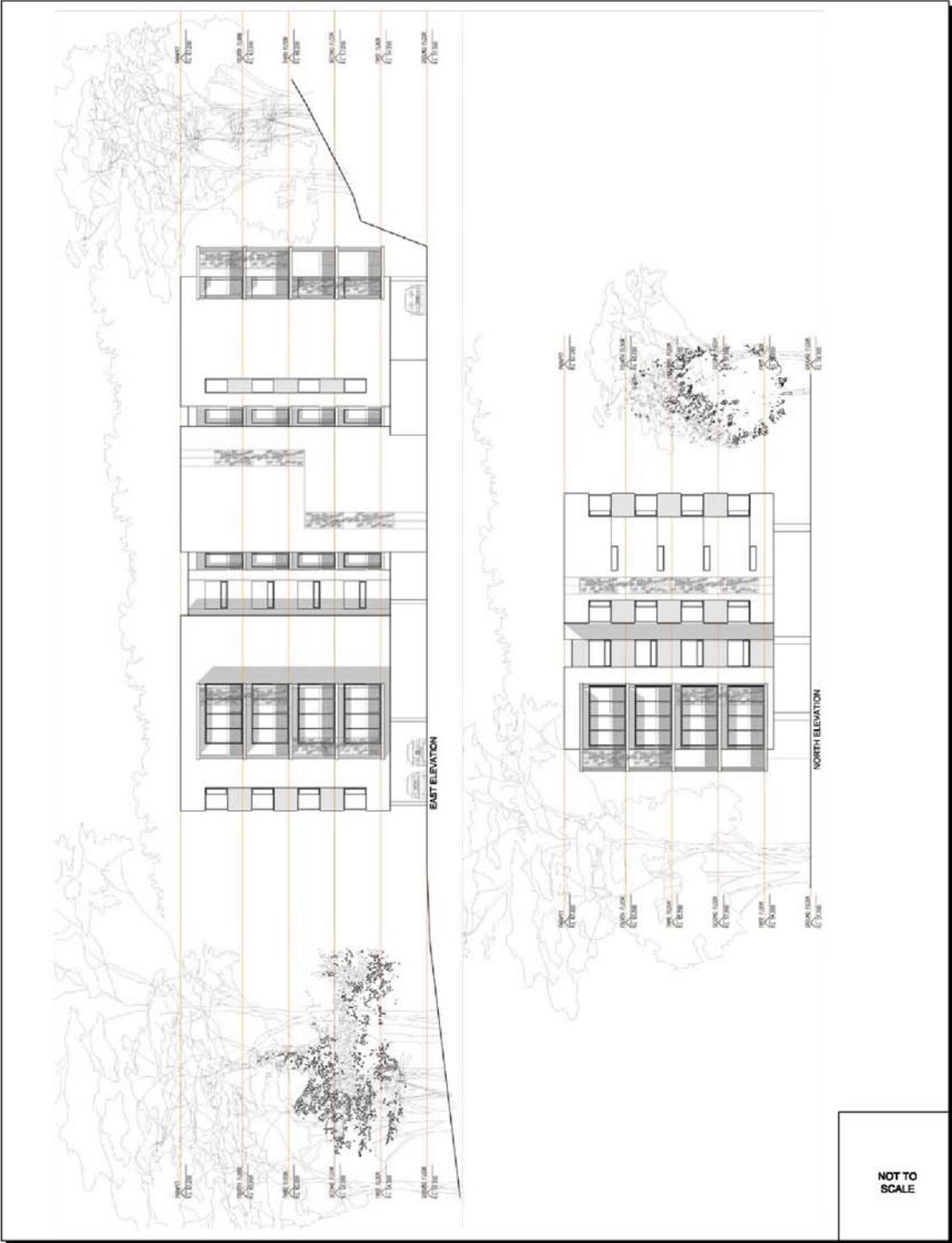
At its meeting on 14 August 2008, DCU discussed the proposal and a number of issues were raised. These issues have been addressed via amended plans.

Technical Services

Parks and Reserves

Council's Parks and Reserves Department advised that the developer is to inform the City in writing of any works to be done to any of the trees outlined as significant in the aboriginalist report.

Prior to any development commencing, the 'Priority Conservation Area' and any individual trees outside the main conservation area, are to be fenced off using suitable fencing materials to prevent vehicles and materials accessing or using the area. Signs to be strategically placed advising that the area is a 'no go area' for vehicles and material storage.



ELEVATION PLAN
LOT 7 ALBANY HIGHWAY, ARMADALE

Engineering

Engineering queried the following issues and detailed plans would need to be provided to address those issues should the application be approved.

- ◆ A geotechnical report is required to identify the substrata and its classification, determine the water table level for the site, recommend remedial measures to have the site reclassified as a Class A or Class S in accordance with AS 2870-1996 (amended);
- ◆ A stormwater management plan is required;
- ◆ Crossovers, driveways, car parking, and vehicle manoeuvring spaces shall be constructed to the satisfaction of the City;
- ◆ A cash-in-lieu contribution for footpath construction is required; and,
- ◆ An erosion control plan is to be submitted.

Waste

Waste services have advised that on site waste pick up will be possible. The waste collection vehicle is to drive into the site, collect the rubbish bins alongside the section of driveway just past the driveway intersection, reverse into the driveway it has just passed and then exit the site in forward gear. Rubbish bins will be brought to the collection point by strata management, via a car and trailer setup or similar.

Public Advertising

The proposed application was advertised for 21 days, closing on 11 November 2008. This advertising was carried out by way of two signs on-site, notification to relevant agencies and letters to affected and nearby landowners.

Total No. of submissions received	:	18
No. of submissions of conditional support/no objection	:	6
No. of submissions of objection	:	12

Refer to Confidential Attachment “B1” of the Agenda for location plan of submitters.

The issues raised by the submissions have been summarised and recommendation made on each submission in Attachment “A1” of the Agenda.

It is noted that seven of the 18 submissions were received from government agencies, service providers and the Community Heritage Advisory Committee. A petition containing 115 signatures was also received. The prayer of the petition reads:

*“I’d like to strongly object to the proposed development of Lot 7 (3258) Albany Highway, Armadale. The proposed development sign has not been posted in view of the general public and should have been more **visible to the public** and not tucked away and hidden from view. These gardens on the property are the most unique in WA they are still unknown to some and must continue to be **protected by the Council** and the **Heritage Listing** that they have. There seems to have been a secret agenda towards the development proposal as nothing has been announced or commented on in the local paper and again the sign was not in view for all to see. Below are the names of people who also agree to stop the proposed development of the above mentioned property. To maintain and preserve the unique gardens”.*

It is noted that there were two signs placed on site, one at the driveway entrance to the property and one where the property abuts Wangoola Terrace. When inspected, both signs were easily visible from the public realm.

The main issues raised in the submissions, together with a comment on each issue are outlined below.

Key Issues

- 1. The four storey building is too high and will destroy the aesthetics and ambience of the area.*

Comment

Wangoola Terrace, the road immediately behind the development, sits at a level of 73m and the top of the four storey building would be at a level of 67.2m. Therefore, in effect, the building is 5.8m below the level of Wangoola Terrace. On a flat site there would be some concern as to the height of the building looking out of place within the landscape.

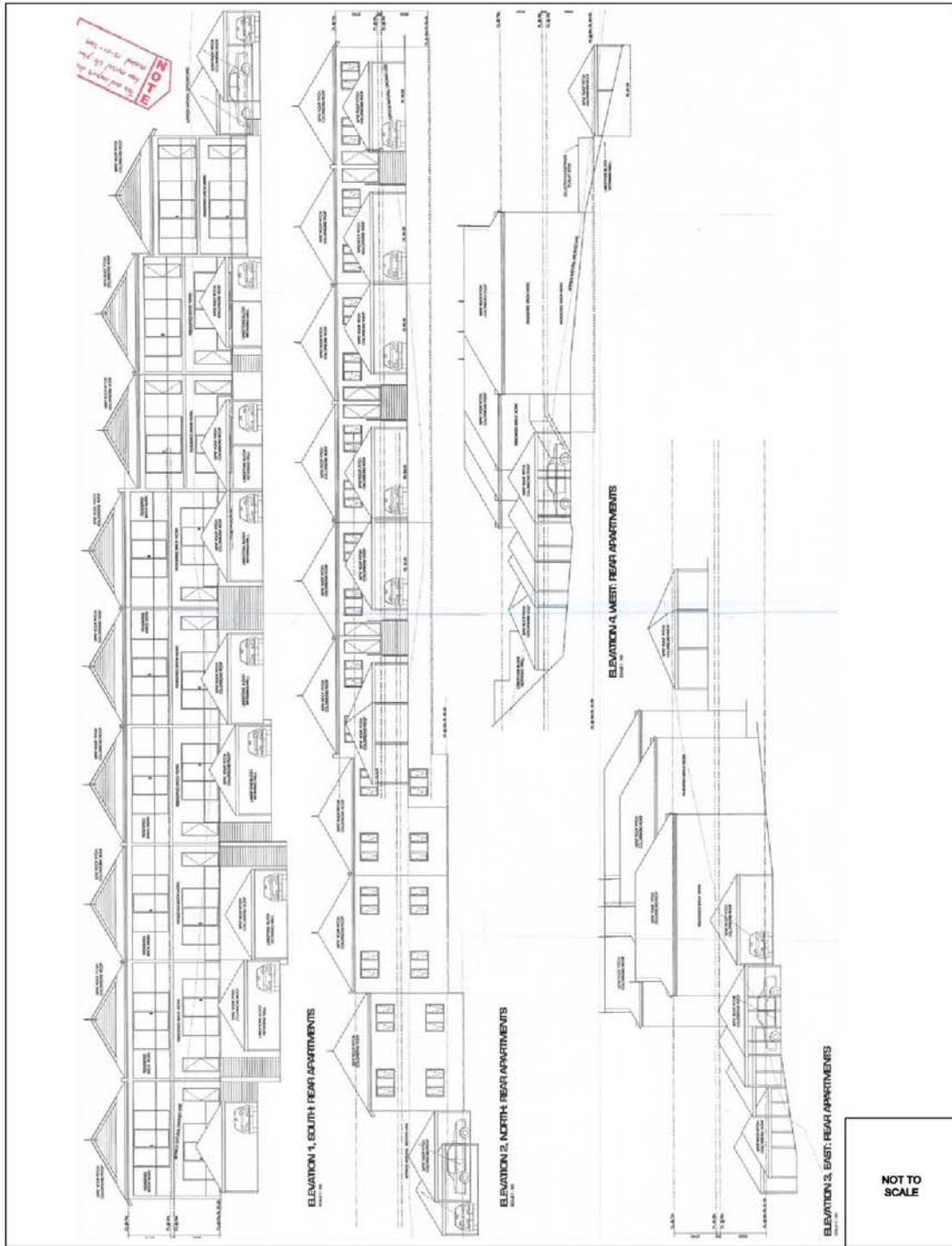
However the topography of the site creates a situation where all the houses immediately around the four storey building are higher than the proposed building will be and the fact that it is four storey becomes less of an issue. The application meets the setback requirements in terms of the Residential Design Codes of Western Australia for a building of that height, and there are no limitations on height in place in terms of policy.

In respect of impact on amenity and ambience, it is noted that if the development were not proposed as four storeys the units would be spread out over the site, creating a bigger footprint and meaning less of the existing trees would be able to be maintained. The form of development chosen has been done so deliberately to lessen the impact on the site.

Whilst the form of development is not common and could therefore be considered out of place in that sense, the site's size, location, topography and vegetation make it a somewhat unique case. The development would not sit within a single residential streetscape. It would be isolated by reason of the site topography and as previously outlined, the surrounding residences sit at a level higher than the roofline of the proposed four storey building. Given as much vegetation as possible will be retained, it is difficult to pursue an argument that the amenity will be detrimentally affected.

Recommendation

That the issue is not supported.



ELEVATION PLAN
LOT 7 ALBANY HIGHWAY, ARMADALE

2. *Noise and privacy issues caused by the development.*

Comment

As is the case for everyone, compliance with the Environmental Protection (Noise) Regulations 1997 will be required. The development meets the privacy setbacks specified by the Residential Design Codes of Western Australia and as such privacy is considered to have been adequately addressed.

Recommendation

That the issue is not supported.

3. *Traffic will be an issue at the intersection of Albany Highway and Derry Avenue.*

Comment

The applicant has provided a traffic study that demonstrates the number of extra vehicle trips per day will not affect the level of service provided in the surrounding road network. As such the development is unlikely to have a detrimental affect on the existing road network.

Recommendation

That the issue is not supported.

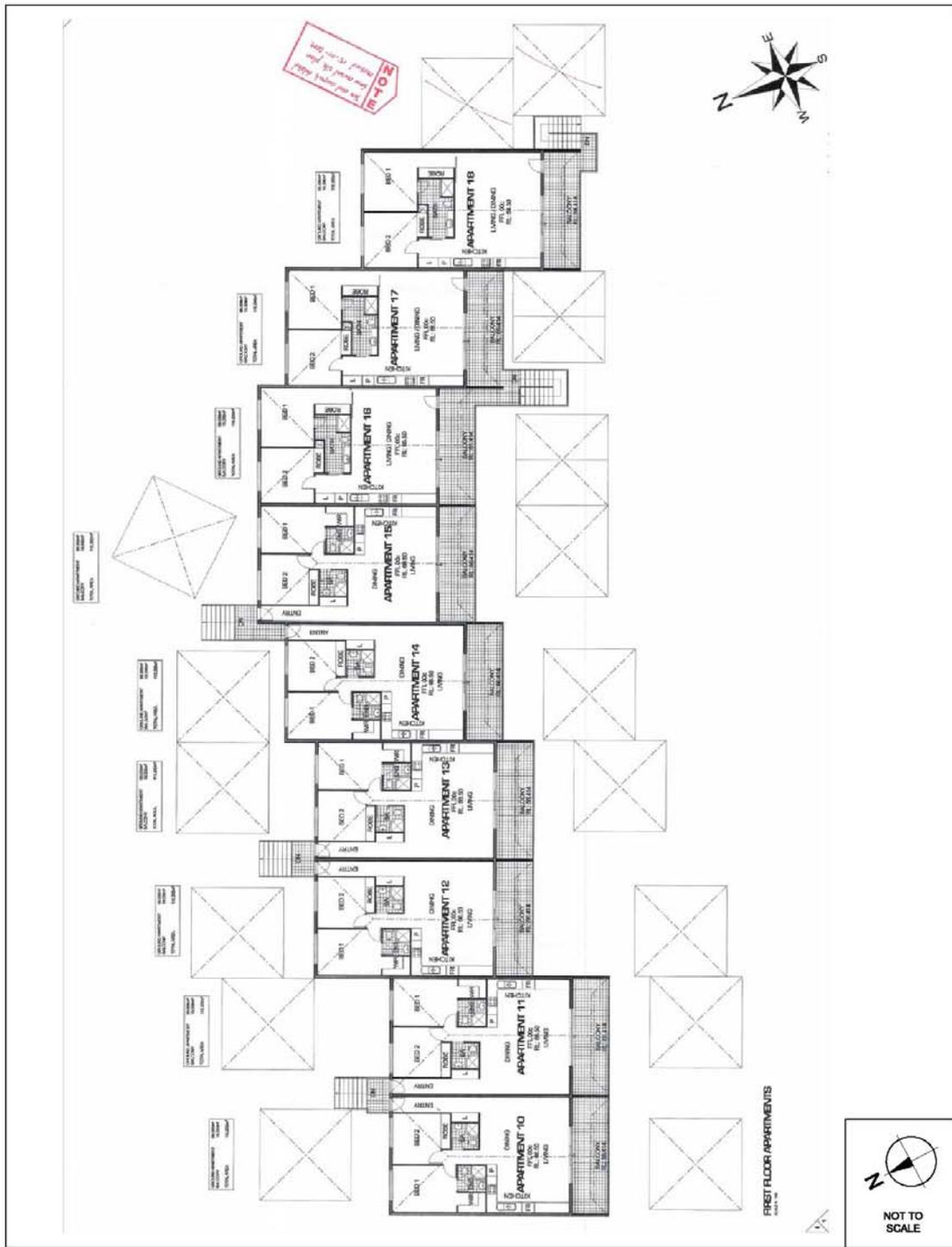
4. *The heritage gardens will be ruined.*

Comment

TPS No. 4 requires that any development on Lot 7 is contingent upon the retention of the gardens. The gardens themselves will be set aside as a "Priority Botanical Conservation Area" and specific individual trees have been identified and marked for protection. If the development were approved, the approval would be conditional upon the gardens being maintained and improved from their current state, which would be enforced by the City.

Recommendation

That the issue is not supported.



FLOOR PLAN
LOT 7 ALBANY HIGHWAY, ARMADALE

5. *Concerns regarding the appearance and size proposed retaining walls.*

Comment

The retaining is required as cuts would be made into the side of hill in respect of the development. This immediately reduces visibility from surrounding areas. However those residents located directly opposite the walls may have some view of them, but this would be partially obscured by trees and the two storey units. The retaining walls would need to be certified by a qualified structural engineer and would be constructed accordingly.

In respect of appearance of retaining, it is agreed that certain types of material would be inappropriate for the site. If the application is approved it is believed necessary to specify that retaining materials which tie in with the site should be used. That is, light coloured limestone is inappropriate on a site characterised by red clays and existing garden walls made of darker coloured rock. Red earthy tones should be utilised for retaining and rock pitching.

Recommendation

That the issue be supported in part.

ANALYSIS

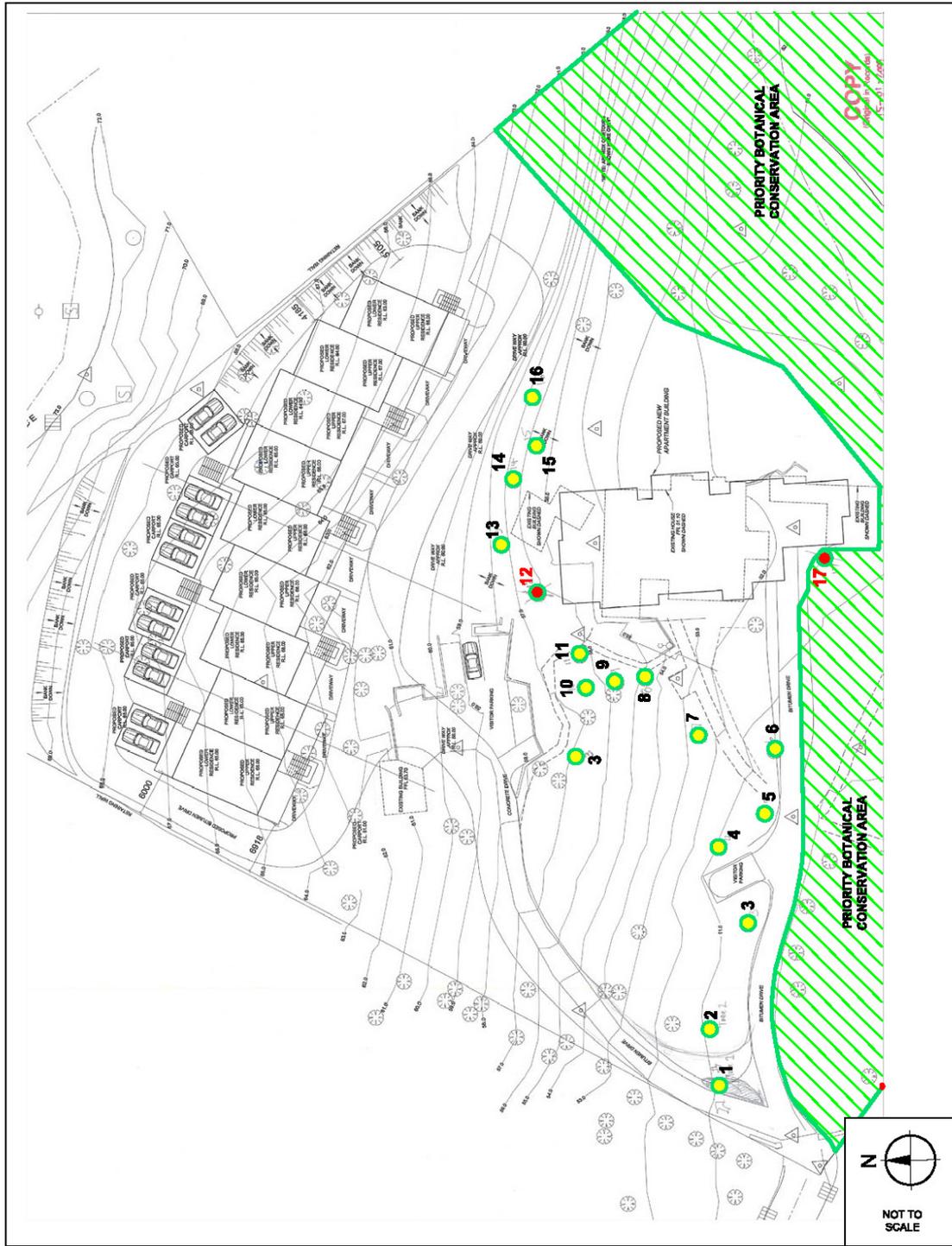
Town Planning Scheme No.4

Density

Firstly Council should determine whether the manner in which the City has interpreted the Additional Use provisions relating to the subject site is appropriate. The provisions state that Council can consider “*limited residential development up to a maximum density of R40*”. The difficulty inherent in this provision is the use of the word ‘limited’. There is no supporting information as to how “limited” development at R40 should be.

Officers agreed that because the allowance of development up to R40 is contingent on the protection of the Wirra Willa Gardens, the garden area itself should be excluded from the density calculation. The applicant had the site surveyed and then examined by an aboriculturalist. This combination determined that the gardens totalled approximately 4565m² of the site and that this area should be set aside as a ‘Priority Botanical Conservation Area’.

So instead of having the entire area of the property (1.3860ha) included in the development area in terms of the density calculation, the City indicated that the 4565m² conservation area should be removed from the total, leaving a figure of 9295m². The RD-Codes require an average of 250m² per multiple dwelling at a density of R40, so this would equate to 37 dwellings on a 9295m² site (instead of 55 dwellings on a 1.3860ha site). The application is for 34 multiple dwellings and was therefore deemed by officers to meet the criteria for “*limited residential development up to a maximum density of R40*”.



TREE SURVEY PLAN
LOT 7 ALBANY HIGHWAY, ARMADALE

Residential Design Codes of Western Australia (RD-Codes)

Car Parking

Parking is required at a rate of 0.35 spaces per dwelling, plus 0.015 spaces per square metre of plot ratio area, to a maximum of two spaces per dwelling with at least one space provided for the exclusive use of each dwelling. Not less than 10% of the required spaces are to be provided for the exclusive use of visitors where there are more than four dwellings.

For 34 dwellings, 0.35 spaces per dwelling equates to 11.9 bays. The plot ratio of the development (total area of all floors) is 3208m², which at 0.015 spaces per square metre equates to 48.12 bays. Therefore a total of 60.02 car parking bays are required for the development. The applicant has identified 62 bays which meets this requirement. In respect of the 10% requirement for visitor parking 6 visitor bays are needed and the applicant has identified 8 visitor bays out of the 60. This leaves 52 bays for residents, which more than meets the requirement for at least one bay per dwelling. As such, the parking requirements have been met.

Storage

It is noted that although the four storey portion of the development has provided storage areas for each multiple dwelling, storage areas have been omitted for the two storey portion of the development. The RD-Codes require each multiple dwelling to have an enclosed lockable storage area due to the limited space in smaller dwellings and it is considered critical that these areas are provided, so tenants do not store materials in carports to the detriment of the amenity of the area. As such if the development is approved, a Condition requiring the addition of store rooms which comply with the RD-Code for the two storey portion of the site should be imposed.

The Wirra Willa Gardens

The Wirra Willa gardens are listed in the City's Municipal Heritage Inventory as an A+ site. The gardens were developed and expanded over an 80 year period by a number of different owners, including the original designers Leah Whitehead and Evelyn Broadhead, as well as the Marsh, Hargraves and Barrett families. The formal garden was originally designed in the 1940's paradise garden style, exhibiting characteristics typical of the style such as informal planning, picturesque arrangement of both native and exotic species and the use of simple structural elements and topography to create effect.

The garden is divided into a number of smaller spaces, differentiated by plant species and stylistic features such as parterres, fences and archways. Some of the exotic flora on site includes golden ash, claret ash, persimmons, choris, magnolia, camellias, rhododendrons and azaleas. Many species of plant found in the garden are poorly represented in Western Australia but survive here due to the unique micro-climate of the site. It is worthy to note that the gardens sit opposite several heritage buildings in Pioneer Village, the Narrogin Inne and the Muckcross tearooms. The development could take advantage of these surrounding heritage structures for guidance in terms of design features, should Council feel it appropriate.

No details have been received in respect of the various incidental structures around the site. In addition to the residence, carport and shed that are to be demolished, there is a second shed / one car garage, pergolas, a pump house and a studio that sits on top of an undercroft garage. These structures are in various states of disrepair and if they are to be retained, should be upgraded to fit in with the new development. A condition should be imposed on any approval given in this regard.

Aboriculturalist Report

An aboriculturalist has examined the subject site and has prepared a report in respect of the gardens. It is noted that the applicant is proposing the removal of two trees (marked 12 and 17 on the aboriculturalist plan) that were considered unsafe by the aboriculturalist. In respect of tree 12 (*Eucalyptus Rudis*), the aboriculturalist report indicates that the tree “*has previously shed a large number of major limbs, with the development of advanced levels of decay and subsequent cavities within the resultant wounds that extend into the main branch structure, therefore reducing the localised mechanical structural strength and the stability of the remaining attached limbs*”. As such its removal seems necessary to address safety concerns.

The removal of the *Corymbia Citriodora* identified as tree 17 on the aboriculturalist plan has not been supported by the HCWA. The correspondence from the HCWA does not elaborate on why the removal of this tree is not supported, although it can be presumed given the nature of the HCWA that its removal is opposed on the basis of aesthetic and heritage grounds. In respect of tree 17, the aboriculturalist report indicates that it was “*displaying significant limb failure and excessive limb loading and therefore represents a high level of risk to the proposed surrounding targets*”. Whilst the City respects the HCWA’s decision not to support the removal of the tree, for the reasons above it is recommended that the developer be allowed to proceed with the removal of tree 17 should the application be approved.

No mention has been made by the aboriculturalist or the applicant in respect of a third tree (the *Gelditsia Triacanthos* identified as tree 1 on the aboriculturalist plan) which is situated near the entrance and which appears to require removal to accommodate the driveway as presently proposed. It appears that it would be possible to retain tree 1 in a median island with one way traffic passing either side and given it has been identified as a significant specimen the City would recommend that the driveway be suitably diverted around the tree if the development is approved.

The aboriculturalist report explains that there is clear evidence that mature trees are more sensitive to contractor pressure than young or semi-mature specimens, as younger trees can adapt to new ground conditions by producing new roots. As such, in order to give mature trees the best chance of survival, specific actions to avoid detrimental tree damage from commencement of operations through to completion of works must be established. The report recommends the following, which would be included in a Management Plan if the development was approved:

Prior to site clearance works:

- All trees identified for retention shall be clearly marked and an exclusion zone erected using strong fencing, preferably around the drip line of the tree (or group of trees) with conspicuous signage identifying that the fenced off area is a tree protection zone.
- The fencing material shall be maintained throughout the period of construction and should not be breached.
- Any remedial works which require the removal of lower limbs to facilitate access by large machinery or to alleviate the level of risk to the contract staff shall be carried out by a competent arborist to the relevant Australian Standards.
- If trees are growing close together, any felling and root removal shall be done with care to avoid damage to the retained trees.

Tree management during site clearance and construction works:

- All heavy machinery shall keep outside the tree protection zone, with any roots damaged or torn with a diameter of 50mm or more cleanly severed to initiate occlusion.
- No building materials are to be stored or disposed of within the tree protection zones, with provisions implemented so that building chemicals do not come into contact with the root rhizosphere or the roots themselves.
- Any excavations to be carried out within close proximity to the tree protection zone or within the zone to install services are to be carried out under the strict supervision of an arboriculturalist so that root damage is kept to a minimum, with under boring implemented where required to reduce root damage.
- Where the extent of construction works have resulted in a nominated tree becoming structurally unstable or within a location to render the tree a high level of risk to property and/or persons, the contractor shall inform the works supervisor for further instructions.
- Excavated soil shall not be stored or built up around or within the protection zone of the trees.
- Any damage to protected trees during the preliminary stages of site clearance or during the construction works shall be reported immediately to the site supervisor with remedial works carried out by a qualified arborist to the relevant Australian Standard.
- The laying of surface material (paving or asphalt paths and roadways) within the root plate spread of any trees shall take into consideration the cultural requirements of the tree, particularly in relation to moisture and oxygen levels, with the retention of a suitable open surface area.
- Any compaction within the root plate zone of protected trees to lay paving shall be carried out using a plate compactor only.

Completion of development works:

- The retained trees shall be inspected by a qualified arboriculturalist on completion of development works to ascertain their health, structure and any remedial works which may improve the health and future safe useful life expectancy of the trees.
- It would be advisable that a periodic inspection of the trees on an annual basis is implemented to monitor any decline of the canopy, with remedial works implemented if required to improve overall foliage biomass.
- All remedial works recommended on completion of the development shall be carried out by a competent arborist to the relevant Australian Standard.

Site Management Plan

In addition to the requirements of the arboriculturalist report listed above being entered into the Management Plan, the HCWA have supported the proposal on the condition of the following also being implemented through the Management Plan:

Tree management during site clearance and construction works:

- The Camellia species located along the eastern wall of the existing dwelling shall be relocated during development under guidance of an arboriculturalist and shall be replanted on the eastern wall of the proposed new apartment block in a similar arrangement.
- Great care shall be taken during construction of the new buildings to protect the gardens located to the rear of the existing dwelling, including the bamboo stands and the 'white garden', and ensure that the proposed extended driveway does not impact on the sustainability of these plantings.
- Specimen plantings along the north boundary shall be retained for screening purposes and for interpretation of the original setting.

Completion of development works:

- The ongoing management of the garden should allow for ongoing access to the plant specimens for horticultural research and propagation purposes.
- Final materials and colour palette to be provided prior to the issue of a Building Licence.
- Details about the location of waste, sewerage, communications and power services to be provided prior to the issue of a Building Licence.

Conservation Plan

The HCWA require that a Conservation Plan also be submitted to the satisfaction of the Director of the Heritage Council, prior to the issue of a Building Licence. The Conservation Plan is to be prepared by a suitably qualified landscape architect or similar professional. The Conservation Plan is to identify what is required to ensure the flourishing of the paradise style garden in an urban residential strata setting and should make policy statements in relation to effective ongoing management and care of the gardens and its identified cultural heritage significance. The City supports this requirement and a condition should be imposed upon any approval issued in this regard.

Heritage Agreement

A Heritage Agreement has been required by the HCWA should the development be approved. The agreement would be required to link the Conservation Plan, Arboriculturalist Report and the Management Plan back to the preservation of the heritage values of the place.

The City agrees with the imposition of this condition should the application be approved and the applicant should contact the HCWA for further details in this regard.

Strata Body

A number of issues have been identified as being appropriate to address through the strata body formed if the development and a subsequent strata application are approved and new titles created. Whilst the City would have no involvement in the strata body itself, given the complex nature of this proposal it is necessary to list those issues that are to be addressed through the strata body and condition the submission of any plans that would need to be utilised by the strata body. Those issues include:

Waste collection – including the preparation of a Waste Management Plan addressing the placement of bins on collection day and the manner in which they are transported from the multiple dwellings to the collection point.

Garden maintenance – including the preparation of a Garden Management Plan and the appointment of professional gardeners. The Garden Management Plan is to include a landscape plan which addresses issues such as upgrades to the existing gardens; placement of barbecues, gazebos, benches and other common use structures; lighting within communal areas; the provision and maintenance of pathways, including additional pedestrian links between the multiple dwellings and the garden areas; the maintenance of botanical integrity; the provision and maintenance of retaining walls; and issues specified within the arboriculturalist report.

Water management – including the preparation of a Stormwater Management Plan; a reticulation plan for the garden areas and maintenance of reticulation; use and maintenance of a grey water system; use and maintenance of storage tanks for stormwater runoff from roofs; use and maintenance of any pumps for groundwater or water from the Neerigen Brook; measures to ensure no deleterious material enters the Neerigen Brook; and maintenance of any flush kerbing utilised for the purpose of additional water for the gardens.

Parking areas – ensuring parking spaces are allocated to specific units, in particular tandem bays, so as to avoid tenants blocking vehicles in when parked.

Drying areas – ensuring that owners correctly utilise drying areas so as not to detract from the aesthetic value of the site by hanging washing in areas visible from the public domain.

Traffic Study

The applicant submitted a traffic study with the original application for 41 units. The study found that 41 units would generate 250-300 vehicle trips per day, which would be added to the slip road section of Derry Avenue before entering Albany Highway. The traffic study found that this would have no significant impact on the level of service provided by Derry Avenue or the intersection of Derry Avenue and Albany Highway. Given the current proposal is for 34 units instead of 41, it can be derived that these figures are an over-estimation and that because they were not an issue for 41 units, the figures will not be an issue for 34 units.

It is noted that the report recommended that a formal turning head be placed at the end of the Derry Avenue slip road as traffic that does not want to enter the development will have no means to turn around, as the site is intended to be gated. It also seems necessary to establish better right-of-way instruction where the slip road meets the Derry Avenue / Albany Highway intersection (i.e. painted lines, signage etc), as it is difficult to determine whether a car travelling north on Derry Avenue from the development site or a car turning into Derry from Albany Highway has right-of-way.

OPTIONS

1. Council may approve the application for 34 multiple dwellings on Lot 7 (3258) Albany Highway, Armadale subject to appropriate conditions.
2. Council may refuse the application for 34 multiple dwellings on Lot 7 (3258) Albany Highway, Armadale giving reasons why.

CONCLUSION

The issue with many heritage properties is the greater maintenance costs associated with them. In this case, maintaining the Wirra Willa gardens was proving too much for a single owner. The previous owners approached Council with a submission in respect of TPS No.4 in order to allow consideration of some business type uses on site in order to generate more capital. The addition of 34 multiple dwellings on site would certainly mean the gardens had more contributors in respect of finance and would therefore be able to be kept to a higher standard.

Whilst the concerns of the general public are understandable when dealing with a form of development that is not seen very often, the application has been deemed to meet the requirements of TPS No.4 and the RD-Codes. Obviously given the complex nature of the proposal the development will require a significant number of conditions to address various issues, but providing these are monitored carefully there would be no problems. As such, it is recommended Council approve the application in accordance with Option 1.

RECOMMEND

That Council:

- 1. Approve the application for 34 multiple dwellings at Lot 7 (3258) Albany Highway, Armadale, subject to the following conditions:**
 - a) Detailed plans are to be submitted to the satisfaction of the Executive Director Development Services demonstrating:**
 - i) The appearance of the proposed development;**
 - ii) Store rooms to the specifications of the Residential Design Codes of Western Australia added for the two storey units; and,**
 - iii) Upgrade works in respect of all incidental structures on site (including the second shed / one car garage, pergolas, the pump house and the studio on top of an undercroft garage) to fit in with the development. If the structures are not upgraded, they are to be removed.**
 - b) A schedule of external colours and materials shall be submitted to and approved by the Executive Director Development Services. The development to be completed and maintained in accordance with the approved schedule to the satisfaction of the Executive Director Development Services.**
 - c) The Aboriculturalist Report prepared by Mr Charles Aldous-Ball (November 2007 – copy attached) shall be complied with, including the annual inspection and remedial works, to the satisfaction of the Executive Director Development Services.**
 - d) A Heritage Agreement shall be entered into with the Heritage Council of Western Australia and the City of Armadale. The agreement is required to link the Conservation Plan, Aboriculturalist Report and the Management Plan back to the preservation of the heritage values of the place, and implemented thereafter, to the satisfaction of the Heritage Council of Western Australia and the Executive Director Development Services.**

- e) **A Conservation Plan shall be submitted identifying what is required to ensure the flourishing of the paradise style garden in an urban residential strata setting. The Conservation Plan should make policy statements in relation to effective ongoing management and care of the gardens and its identified cultural heritage significance, and be implemented thereafter, to the satisfaction of the Heritage Council of Western Australia and the Executive Director Development Services.**
- f) **A Construction Management Plan shall be submitted addressing the site management conditions recommended by the Aboriculturalist Report and the Heritage Council of Western Australia, to the satisfaction of the Executive Director Development Services.**
- g) **A Garden Management Plan shall be submitted addressing the upgrades to the existing gardens; placement of barbeques, gazebos, benches and other common use structures; the provision and maintenance of pathways, including additional pedestrian links between the multiple dwellings and the garden areas; the maintenance of botanical integrity; and the provision and maintenance of retaining walls. The Garden Management Plan will also make reference to the Conservation Plan required by Condition 1e) and the Landscape Plan required by Condition 1h), and shall be implemented thereafter, to the satisfaction of the Executive Director Development Services.**
- h) **Submission of a comprehensive landscape plan (including the verge) to the satisfaction of the Executive Director Technical Services. Such plan shall include plant species (predominantly West Australian natives), numbers, location, container size and method of irrigation of the landscaped areas. The landscape plan shall be approved and all landscaping installed and maintained, to the satisfaction of the Executive Director Development Services.**

- i) A Water Management Plan shall be submitted addressing reticulation for the garden areas and maintenance of reticulation; use and maintenance of a grey water system; use and maintenance of storage tanks for stormwater runoff from roofs; use and maintenance of any pumps for groundwater or water from the Neerigen Brook; measures to ensure no deleterious material enters the Neerigen Brook; and maintenance of any flush kerbing utilised for the purpose of additional water for the gardens. The Water Management Plan shall also make reference to the Stormwater Management Plan required by Condition 1k) and the Erosion Control Plan required by Condition 1p), and implemented thereafter, to the satisfaction of the Executive Director Development Services.**
- j) A geotechnical report is required to identify the substrata and its classification, determine the water table level for the site, and recommend remedial measures to have the site reclassified as a Class A or Class S in accordance with AS 2870-1996 (amended) to the satisfaction of the Executive Director Technical Services.**
- k) Submission and implementation of a Stormwater Management Plan in accordance with water sensitive design principles to the satisfaction of the Executive Director Technical Services.**
- l) Crossovers, driveway, car parking and vehicle manoeuvring spaces shall be constructed, drained, sealed, kerbed (unless flush kerbing is to be utilised for garden irrigation purposes), marked and continuously maintained in accordance with the approved site plan to the satisfaction of the Executive Director Technical Services.**
- m) Existing crossovers to be removed and all kerbing / footpaths to be reinstated to the specifications and satisfaction of the Executive Director Technical Services.**
- n) A cash-in-lieu payment for footpath construction being paid to the City, within 30 days of commencement of construction, at the rate of 5 metres of footpath per unit, to the satisfaction of the Executive Director Technical Services.**
- o) An Erosion Control Plan shall be submitted to the satisfaction of the Executive Director Technical Services.**

- p) A cul-de-sac-head shall be constructed at the end of Derry Avenue as recommended by the Traffic Study prepared by Uloth and Associates (January 2008 – copy attached) to the satisfaction of the Executive Director Technical Services.**
- q) A Give-Way sign and appropriate line markings to be added to the northbound lane of the slip road where it meets the Derry Avenue / Albany Highway intersection to the satisfaction of the Executive Director Technical Services.**
- r) Retaining materials are to be earthy tones, such as reds and browns to the satisfaction of the Executive Director Development Services. Materials such as limestone are not acceptable.**
- s) Retention of trees specifically identified on the approved site plan to the satisfaction of the Executive Director Development Services. Tree 1 to be retained with the driveway modified to include a traffic island or similar so as to retain the tree within.**
- t) With the exception of fencing within the front setback area, internal fencing and other property boundary fencing shall be 1.8m high measured from the new ground level / top of retaining walls and constructed to a minimum standard of masonry, “Colorbond” or fibro cement painted in a colour to complement the proposed development, to the satisfaction of the Executive Director Development Services.**
- u) Details of fencing within the front setback area or fronting the public realm (i.e. Wangoola Terrace, Derry Avenue or the adjacent Public Open Space) demonstrating permeable visibility are to be submitted. The fencing shall be completed and maintained in accordance with the approved plan to the satisfaction of the Executive Director Development Services.**
- v) Any walls or fencing fronting the public realm (i.e. Wangoola Terrace, Derry Avenue or the adjacent Public Open Space) are to be treated with an anti-graffiti finish to the satisfaction of the Executive Director Development Services.**
- w) A Lighting Plan showing lighting to pathways, car parking areas and the communal grounds shall be submitted and approved to the satisfaction the Executive Director Development Services. All lighting to be installed and operated as per approved plan.**

- x) **A Waste Management Plan to be submitted to and approved by the Executive Director Technical Services and development to occur in accordance with those plans.**
 - y) **Drying areas are to be screened from public view to the satisfaction the Executive Director Development Services.**
 - z) **Visitor parking spaces shall be clearly marked and clearly signposted to the satisfaction of the Executive Director Technical Services.**
 - aa) **Air conditioning units, compressors and other equipment related to utilities to be screened from public view and positioned so as to avoid any adverse effects, including noise, on the occupants of nearby residential properties to the satisfaction of the Executive Director Development Services.**
 - bb) **A commemorative plaque to be placed in a prominent position outlining the history and significance of the place, the wording of which to be to the satisfaction of the Executive Director Development Services.**
 - cc) **The Strata Management Body is to manage the following issues:**
 - ♦ **The implementation and ongoing maintenance required in respect of the issues covered by Conditions 1c), d), e), g), h), i), o), s), w), x), y), and aa);**
 - ♦ **Car parking bay allocation, with tandem bays to be utilised by one dwelling only;**
 - ♦ **Bin collection from units and placement near the entrance for collection on collection days; and,**
 - ♦ **the appointment of professional gardener.**
 - dd) **All conditions are to be complied with prior to exercising the right of this approval, to the satisfaction of the Executive Director Development Services.**
2. **In addition to the standard advice notes, advise the applicant be advised that:**
- a) **The removal of trees 12 (*Eucalyptus rudis*) and 17 (*Corymbia citriodora*) is acceptable.**
 - b) **Compliance with the Environmental Protection (Noise) Regulations 1997 is required.**

- c) **A demolition licence shall be submitted to the City's Building Department prior to removal of any structures on the subject site.**
 - d) **The development proposal is supported on the basis that an application will be made for a strata subdivision that keeps the Priority Botanical Conservation Area and the ground in general in common ownership.**
 - e) **Compliance with the Main Roads Department conditions as indicated in their letter dated 5 June 2007, reference number 07/3058 (D07#81927) (copy attached), with the exception of Condition 3.**
 - f) **With regard to Condition 1a)I, the heritage buildings opposite the subject site (namely Pioneer Village, the Narrogin Inne and the Muckcross Tearooms) should be considered in respect of additional architectural features and detail for the proposed development.**
 - g) **With regard to Condition 1b), please note that Zinalume, metallic or white coloured finishes are not permitted.**
 - h) **With regard to Condition 1h), please refer to the City's Landscaping Guidelines – Screening, Landscaping Guidelines – Grouped Dwellings and the Landscaping Guidelines – Plants to Avoid to assist you to formulate a satisfactory landscaping proposal. Copies of these documents are available on the City's website at: www.armadale.wa.gov.au/publications/**
3. **Note the petition received and advise the petition organiser of Council's decision.**

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REVIEW OF POLICY ADM 11 AND ENG 9

WARD : ALL
DATE : 3 March 2009
REF : IM/RVD
RESPONSIBLE : EDDS
MANAGER

In Brief:-

- A review of policies included in the Policy Manual has been undertaken.
- While Policy ENG 9 relating to Managing Phytophthora Dieback should be confirmed without modification, policy ADM 11 – Vesting of Crown Reserves in Urban Areas requires some amendments. The review of the latter policy has also identified the need for a more comprehensive policy to guide planning for recreational areas in new suburbs.
- Recommend that Council endorse policy ENG 9 - Managing Phytophthora Dieback and the amended Policy ADM 11 - Vesting of Crown Reserves in Urban Areas and note the need for a specific policy to outline the recreational planning requirements to apply in developing areas.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Development- “To balance the need of development with sustainable economic, social and environmental objectives”.

Legislation Implications

Local Government Act 1995

Council Policy / Local Law Implications

Policy Manual

Budget / Financial Implications

Nil.

Consultation

- ♦ Manex

BACKGROUND

At its meeting of 4 March 2003 Council formally adopted the Policy Manual and endorsed the associated Procedures for Developing, Amending and Reviewing policies.

Part 3 of the Procedures states:

“A review of every policy is to be made every three years by the relevant Executive Director, with a third of the policies reviewed each year.”

DETAILS OF PROPOSAL

Policies ENG 9 – Managing Phytophthora Dieback and ADM 11 – Vesting of Crown Reserves in Urban Areas require review in accordance with Council procedure.

Policy ENG 9 - Managing Phytophthora Dieback and its associated Management Practice, have been reviewed and their continuing relevance is confirmed. No amendments are required to the policy which is detailed in *Attachment “A2” of the Agenda, (refer Summary of Attachments - yellow page)*.

Policy ADM 11 Vesting of Crown Reserves in Urban Areas and the associated Schedule, remain relevant, however, the review has identified areas of suggested amendment to up-date terminology and cross reference to new policies and the town planning scheme. The wording has also been amended where required for clarification and consistency. Amendment to the Community Facilities site area requirement from “up to 2000m²” to “2000m² minimum” brings it into line with the WAPC Liveable Neighbourhoods policy – although this matter should be further reviewed for adequacy in the future. (The policy with suggested amendments is detailed in *Attachment “A2” of the Agenda, (refer Summary of Attachments - yellow page)*).

In undertaking the review of ADM 11 it became apparent that there was a gap in policy relating to open space planning. While the policy was intended to ensure that Council was protected against having to accept vesting of land of little utility to the community, there is now a need to give for greater guidance on the City’s future open space needs. In discussion between the City’s Directorates it has become apparent that a more comprehensive open space policy would be required to assist in giving officers guidance in planning the City’s expanding new suburbs.

To some extent the framework for appropriate open space planning is now provided through the WAPC’s Liveable Neighbourhoods policy. However, the City may need to vary from this and if so it would be appropriate for a policy to be prepared as a Local Planning Policy (prepared and advertised by the procedures set out in the Town Planning Scheme) rather than as a procedural Local Government Act policy.

Accordingly it is proposed that Policy ADM 11 be amended as necessary to meet its procedural purpose but that a new policy be prepared under the Town Planning Scheme to provide guidance in the preparation of structure plans specifically in respect of:

- The location, size and design of playing areas
- Car parking requirements
- Surveillance requirements
- Future management requirements – including co-location preference
- Servicing requirements
- Policy provisions in excess of Liveable Neighbourhoods requirements.

COMMENT

It would be possible to expand the current policy to comprehensively address the need for greater guidance in the planning of structure plans. This could lead the City into policy areas at odds with the WAPC Liveable Neighbourhoods policy and if matters came to appeal the absence of an appropriately prepared and advertised planning policy could leave the City exposed. Accordingly the preparation of a specific planning policy on the City's recreational planning needs is proposed.

OPTIONS

Council could:

1. Adopt the policy with minor amendments and prepare a future planning policy to include identified omissions.
2. Adopt the policy with more significant additions relating to land and management requirements.
3. Not adopt Policy ADM 11.

CONCLUSION

ADM 11 has been reviewed in accordance with Council procedure and suggested amendments made. In view of the recent experience in providing assistance in the planning for the recreation areas in the new areas of Harrisdale, Piara Waters and the Wungong Urban Waters area it is considered timely to provide a more thorough review of the policy through the Local Planning Policy process. Notwithstanding this need, it is still desirable to maintain the current policy with its more limited objectives in accordance with Option 1.

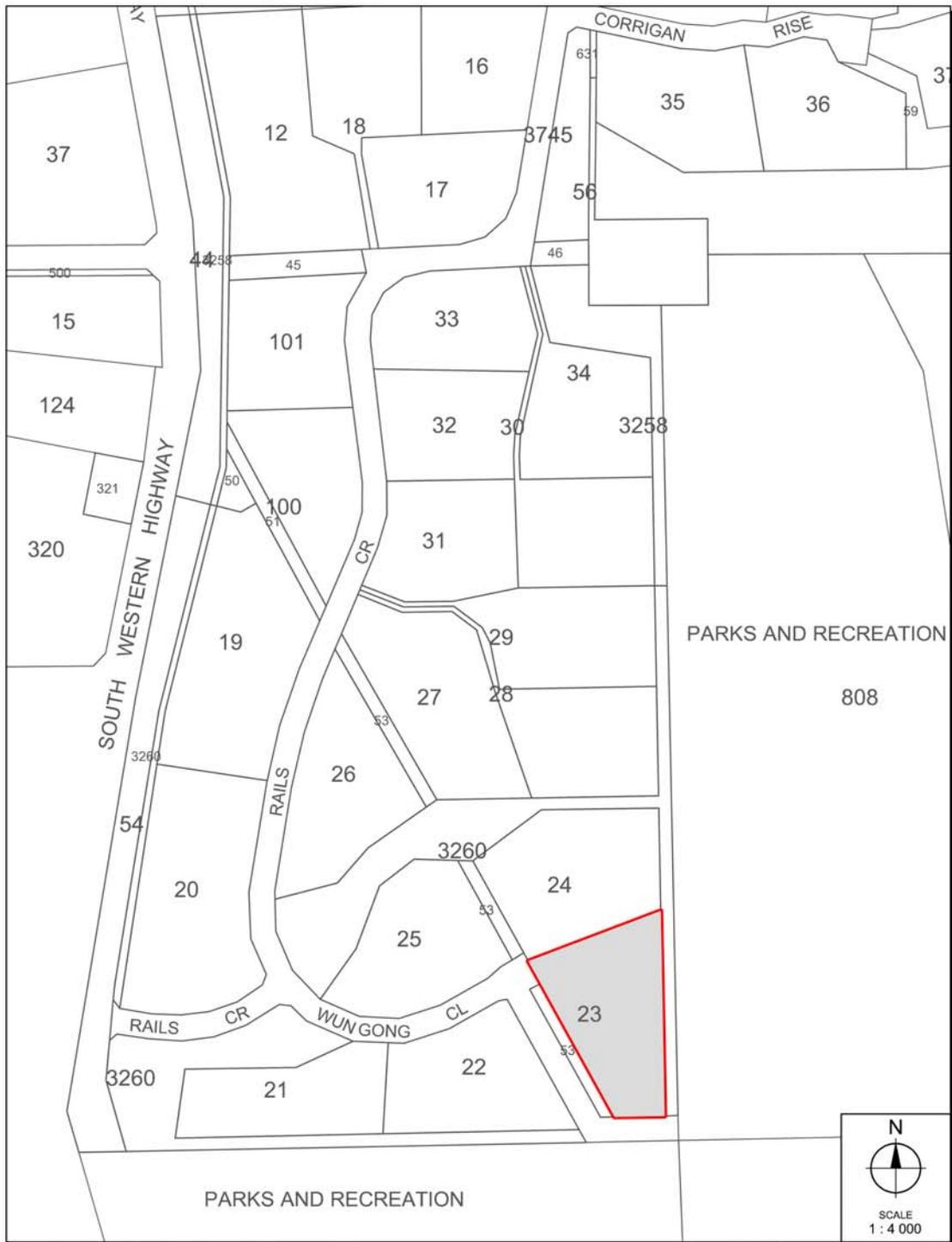
The policies, as reviewed, should continue to apply and operate until March 2012 or such earlier date as Council may determine from time to time.

RECOMMEND

That Council:

1. **Endorse policy ENG 9 - Managing Phytophthora Dieback and the amended Policy ADM 11 - Vesting of Crown Reserves in Urban Areas, as detailed in Attachment A2'' of the Agenda; and**
2. **Note the need for a specific policy to outline the recreational planning requirements to apply in developing areas.**

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LOCATION PLAN
LOT 23 (5) WUNGONG CLOSE, WUNGONG

COMMERCIAL VEHICLE PARKING – LOT 23 (5) WUNGONG CLOSE, WUNGONG

WARD : NEERIGEN
APPLN No. : 10.2008.624.1
DATE : 9 March 2009
REF : EMPS
RESPONSIBLE MANAGER : EDDS
APPLICANT : B A Maring
LAND OWNER : B A & T J Maring
SUBJECT LAND : Property size 11502m²
ZONING
MRS : Rural
TPS No.4 : Rural Living 1

In Brief:-

- Request to park an excavator on Lot 23 Wungong Close, Wungong.
- One objection received as a result of advertising.
- Recommend that the application be refused.

Officer Interest Declaration

Nil.

Strategic Implications

To balance the needs of development with suitable economic, social and environmental objectives.

Legislation Implications

Planning & Development Act 2005
Town Planning Scheme No.4
Environmental Protection (Noise) Regulations 1977

Council Policy / Local Law Implications

Council Policy 4.4.6 Commercial Vehicle Parking
City of Armadale Environment, Animals and Nuisance Local Laws 2002

Budget / Financial Implications

Nil. Legal costs may be incurred.

Consultation

Property owners in the immediate vicinity of the subject site.



AERIAL PHOTOGRAPH
LOT 23 (5) WUNGONG CLOSE, WUNGONG

BACKGROUND

Numerous complaints have been received in regard to this property from a neighbour in respect to activities conducted on the property, by the previous and current owners. The City is currently investigating various matters relating to the shed recently constructed on the property, including compliance with approval conditions.

The proposed commercial vehicle has been on the property for a period of time prior to this application being received, however it was being used for earthworks in relation to the erection of the approved shed and other works on the land.

A complaint was received in January 2008 from a neighbour, in relation to disturbing the amenity of the neighbourhood outside the prescribed times of use of the vehicle. Whilst the allegation was not able to be substantiated by Council officers, the matter was dealt with in broad terms by the City's Health Department and no further action was deemed necessary at that time. The neighbour has raised numerous issues about the location, colour, height and size of the shed, landscaping, noise, use of machinery, etc.

DETAILS OF PROPOSAL

The applicant proposes to park a Mitsubishi Excavator on a Rural Living 1 zoned property. The vehicle will remain parked on the premises at all times. It is intended that the vehicle be used for landscaping and beautification of the property.

The vehicle fits within the definition of a commercial vehicle and is not an exempted vehicle under the Scheme.

COMMENT

Results of Advertising

In accordance with Council's Policy 4.4.6 Part 3, the proposal was advertised (via letters) to the owners of three properties in proximity to the subject property. ***Refer to Confidential Attachment "B2" of the Agenda for location plan of submitters.***

Number of residents canvassed	3
Number of responses received	3
Number of objections received	1
Number of submissions of no objection	2

An objection regarding noise and dust pollution was received from the neighbour who had previously made a complaint to the City. The objection also states that the vehicle (and other machinery) is constantly being used, including "many weekends and across almost all Saturdays & Public Holidays." The submission specifies that the specific concerns through the constant use of the excavator are:

- "Excessive noise pollution;
- Excessive dust pollution;
- Aesthetically unappealing;
- General Disruption of personal life;
- Not in keeping with the semi rural lifestyle of the suburb."

The two other submissions do not object to the excavator and advise that the request is reasonable.

Town Planning Scheme No. 4

Clause 5B.4.5 of TPS No. 4 states:

“No person shall park a commercial vehicle except for immediate delivery or loading purposes normally associated with a domestic or rural use, unless approved by the City except in accordance with the following requirements:

- (a) on-site provision for garaging or parking of the vehicle behind the front building setback line, is to be made in a manner satisfactory to the City; and*
- (b) the amenity of the neighbourhood is not to be prejudicially affected by the emission of light, noise, vibration, smell, fumes, smoke or dust.”*

The proposed vehicle could comply with Part (a) of Clause 5B.4.5 of TPS No.4, as the vehicle can be housed behind the front building setback line or enclosed in the shed on the property. However, the landowner may not be able to comply with Part (b) of Clause 5B.4.5, in terms of the impacts of noise from the vehicle on an adjoining landowner. It could be argued that the amenity of the neighbourhood has been prejudicially affected by the emission of noise and dust as outlined in the neighbour’s complaints and submission.

An applicant is required to demonstrate that their proposal complies with the requirements of the City’s TPS No.4. The applicant has not submitted any detailed information to support the application or address the issue of noise. The landowner is aware that noise related to the use of the vehicle is a concern for their neighbour. It would be difficult to apply suitable conditions that would address this issue.

OPTIONS

1. Council could conditionally approve the application.
2. Council could refuse the application on the grounds that it does not comply with the provision of the Town Planning Scheme as the use of the vehicle will prejudicially affect the amenity of the neighbourhood. If the application is refused, then Council should resolve to allow a period of grace for the vehicle to be removed and institute legal proceedings for breaching provisions of the TPS No.4, if the vehicle isn’t removed.

CONCLUSION

Although the proposed commercial vehicle does comply with some of the Scheme provisions in terms of housing the vehicle, based on complaints received from one neighbour it would seem that the use of the vehicle prejudicially affects the amenity of the neighbourhood by the emission of dust and noise. Therefore it is recommended that the application be refused in accordance with Option 2 above.



PHOTO OF EXCAVATOR FOR
LOT 23 (5) WUNGONG CLOSE, WUNGONG

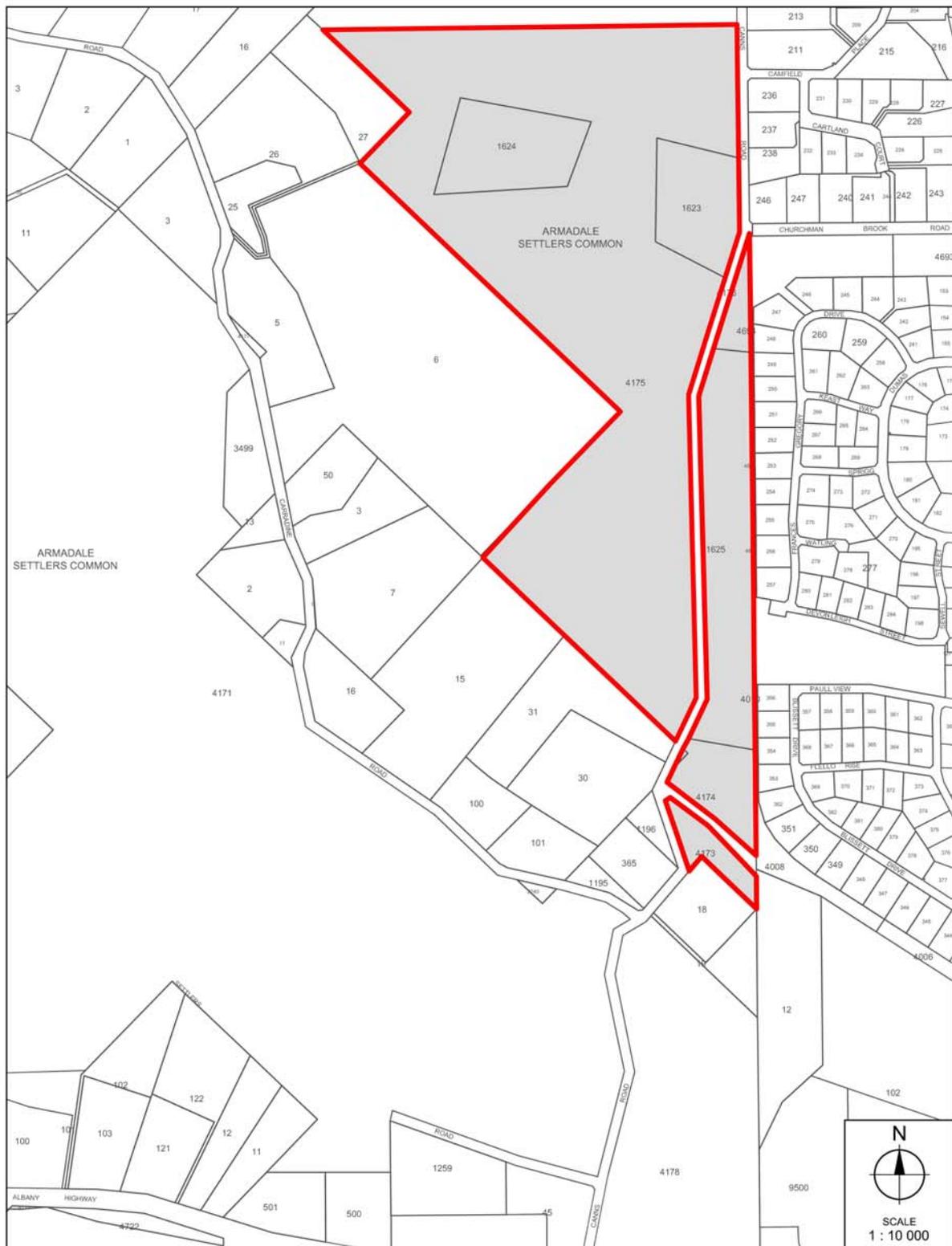
RECOMMEND

That Council:

- 1. Refuse the application to park a Mitsubishi Excavator at Lot 23 (5) Wungong Close, Wungong for the following reasons:**
 - a) The use of the vehicle prejudicially affects the amenity of the neighbourhood by the emission of dust and noise; and**
 - b) The applicant has not demonstrated that the proposal can comply with Clause 5B.4.5(b) of the City's Town Planning Scheme No.4.**
- 2. Provide the landowner a period of grace (i.e. two weeks) in which the landowner is to remove the vehicle from the property.**
- 3. Authorise the Senior Liaison and Compliance Officer and/or the Liaison and Compliance Officer to institute legal proceedings, subject to legal advice, against Mr & Mrs Maring, the owner of Lot 23 (5) Wungong Close, Wungong for contravening the provisions of the City of Armadale Town Planning Scheme No.4 for:**
 - Undertaking Commercial Vehicle Parking use without the consent of the Council.**
- 4. Authorise the Senior Liaison and Compliance Officer and/or liaison and Compliance Officer to swear the appropriate Prosecution Notices on behalf of Council.**

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LOCATION PLAN
ARMADALE SETTLERS COMMON EAST

EXPENDITURE OF FUNDS FROM LEGAL AGREEMENTS AND CASH-IN-LIEU IN THE VICINITY OF THE EASTERN PORTION OF ARMADALE SETTLERS COMMON

WARD : NEERIGEN & JARRAH

FILE NO. SUB/127415

DATE : 5 March 2009

REF : RVD

RESPONSIBLE : EDDS
MANAGER

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Out aims are to:

- enhance the qualities and benefits of our natural and built environment;
- maintain and improve physical infrastructure to meet the needs of the local community;
- facilitate a wide range of social and cultural experiences; and
- promote and market the City locally, nationally and internationally

In Brief:

- Further to a resolution of Council the City has received the following consultants reports for the eastern portion of the Armadale Settlers Common:
 - Trail network plan and interpretation sign manual;
 - Bushland condition enhancement plan; and
 - Cultural heritage report.
- Five projects have been identified that can be implemented from money received in lieu of open space. A number of administrative matters need to be resolved before the projects can be implemented.
- Recommend that:
 - the Minister for Lands be requested to amalgamate the gravel reserves with the Common land and amend the purpose to “Parks, Passive Recreation and Conservation”, so that the Minister for Planning can then be requested to approve the use of money received in lieu of open space to implement the six projects; and
 - the Cultural Heritage Report be received.

Legislation Implications

Planning and Development Act 2005, particularly Section 154 relating to expenditure of cash-in-lieu funds.

Land Administration Act 1997

Council Policy / Local Law Implications

COMD 2 Community consultation
Armadale Settlers Common Strategic Directions Document
Strategic Trails Network Plan



AERIAL PHOTOGRAPH
ARMADALE SETTLERS COMMON EAST

Budget / Financial Implications

It is proposed that funding for the proposals outlined in this report comes from money received in lieu of open space.

The ongoing maintenance costs of about \$4,500 per annum will be included in the Technical Services Directorate budget process.

Consultation

- ◆ Internal consultation including Manager Parks, Manager Engineering & Design, Community Development Officer - Seniors/ Disability, Executive Manager Planning Services, Museum Curator, and Environmental Officer.
- ◆ External consultation with the Armadale Settlers Common Management Committee who in turn consulted with the Bedforddale Volunteer Bush Fire Brigade.

BACKGROUND

At its meeting of 17 December 2007 Council considered a report regarding the expenditure of funds from legal agreements and cash-in-lieu in the vicinity of the eastern portion of the Armadale Settlers Common and resolved that Council (D150/12/07):

1. *Approve expenditure of Public Open Space Trust Funds obtained from the legal agreement covering the former Lot 53 Churchman Brook Road to implement Proposals (i), (iv) and (v) as described in this agenda subject to favourable comments from consultations, obtaining the necessary approvals and the costs (excluding staff time) not exceeding \$4,500.*
2. *Endorse letting of a consultancy to develop interpretive trails on the eastern portion of the Armadale Settlers Common.*
3. *Recommit expenditure of Public Open Space Trust Funds to Development Services Committee following receipt of the consultant's report.*

Resolution 1 concerning proposals (i) and (v) related to improving the accessibility and signage from the former Lot 53 to the Armadale Settlers Common and have been implemented, and the outcome of efforts to implement proposal (iv) (a walk trail in Water Corporation land) has been reported in the Information Bulletin.

Resolution 2 related to proposals (ii) and (iii) which were described in the Minutes of the November 2007 meeting as follows:

- (ii) *Develop interpretive walking trails in the eastern portion of Armadale Settlers Common that highlight the areas cultural and natural heritage with at least one trail catering for wheelchair access; and*
- (iii) *Implement measures to enhance or protect the condition of bushland, particularly along the trails.*

Accordingly a consultants brief was prepared seeking a Cultural Heritage Report to assist with interpretation, a Bushland Condition Enhancement Plan, and a Trail Network Plan and Interpretation Signage Manual (*provided under separate cover to this report*). The final report was received by the City in February 2009.

The November 2007 Council Minutes detailed funds potentially available for implementation of works in the Armadale Settlers Common and provided detail as to the constraints that applied to expenditure of the funds. A summary of funding currently available and the constraints that apply to expenditure of the funds appears in Table 1 below.

Table 1: Potentially available funds for development of Armadale Settlers Common (East)

Source of funds (all Lot numbers are former lot numbers)	Notes and constraints	Amount currently available*
Lot 53 Churchman Brook Road, Bedfordale	Funds from a legal agreement to be used to provide for the recreational needs of the subdivided lots in the district/area. No approvals needed to expend funds.	\$32,999
Lot 56 Churchman Brook Road, Bedfordale	Section 154 of the Planning and Development Act 2005 applies.	\$19,910
Lot 123 Canns Road, Bedfordale	Section 154 of the Planning and Development Act 2005 applies.	\$147,000
Lot 681 Canns Road, Bedfordale	Section 154 of the Planning and Development Act 2005 applies. Amount not yet determined, but value to be for about 1.1ha of land, so is likely to be in the order of hundreds of thousands of dollars.	n.a
TOTAL	More than	\$199,909

* The amount currently available shown in the table above assumes that 30% of the cash-in-lieu money has been allocated to strategic recreation projects for all funds where Section 154 applies. However, 30% of the legal agreement funds have not been set aside.

Section 154 of the *Planning and Development Act 2005* outlines different options for expenditure of money received in lieu of open space. In relation to expenditure of the above moneys Clause (c) states that the moneys may be applied:

(c) *with the approval of the Minister, for the improvement or development as parks, recreation grounds or open spaces generally of any land in that locality vested in or administered by the local government for any of those purposes; or...*

Most of the eastern portion of Armadale Settlers Common is Reserve 4127 which under the *Land Administration Act 1997* is a C class reserve vested in the City of Armadale for the purpose of “Parks & Recreation”. However, Armadale Settlers Common also includes reserves 25023 and 25022 which are C class reserves vested in the City of Armadale for the purpose of “Gravel”. Both gravel reserves are subject to project proposals in this report, and are reserved for Parks and Recreation under the Metropolitan Region Scheme.

The Armadale Settlers Common Strategic Directions Document was endorsed by Council in February 2006. Being a Strategic Directions Document many recommendations are unfunded. The following recommendations relate to the upgrading the recreational experience that can be achieved at the Common:

Table 2: Extract from Armadale Settlers Common Strategic Directions Document

No.	Recommendation	Priority	Cost*	Key Performance Indicator
10.2	Facilitate further research on the identification of cultural heritage values	5	\$1,000	Report on cultural heritage values compiled
11.1	Audit potential walking tracks for standards and erosion management and determine upgrade requirements and cost	1	\$2,500	Report completed
11.2	Undertake a comprehensive safety audit of public access areas within ASC	2	\$1,500	Report completed
11.3	Establish signposted, named walking trails in the Common with informative signage at trail heads as indicated in Figure 6.5	2	approx \$1,000 per trail head	Number of trails completed.
11.5	Update and redistribute ASC brochure.	2	\$2,000	Increased number of visitors to ASC

* The costs shown above are out of date (were prepared in 2004) and were only ever intended to be indicative.

The Armadale Settlers Common Strategic Directions Document also includes a number of recommendations relating to improving the condition of the bushland (e.g. by mapping bushland condition and removing weeds), and recommendations relating to protection of good condition bushland from threats (e.g. dieback treatment and signage). These recommendations would be relevant in areas of high recreational value or use.

In April 2005 Council adopted a Strategic Trails Network Plan.

DETAILS OF PROPOSAL

It is proposed the projects derived from the Armadale Settlers Common (East):

- ◆ Trail Network Plan and Interpretation Signage Manual; and
- ◆ Bushland Condition Enhancement Plan;

be implemented using funds from the legal agreement and money available from cash-in-lieu funds, as described in Table 3 below:

Table 3: Project proposals for expenditure of cash-in-lieu funds at Armadale Settlers Common (East)

Project description	Estimated cost	Source of funds (as per Table 1)
a) Construct a 2m wide wheelchair accessible trail (limestone with a pea gravel surface) (see Trail Network Plan Appendix 4).	\$150,000	Cash-in-lieu
b) Prepare text & finalise layout for signs, install entry signage, interpretive signage and trail markers (see Trail Network Plan Figure 3).	\$78,000	Lot 53 Legal agreement and Cash-in-lieu.
c) Install resting areas furniture (see Trail Network Plan Figure 3 - Budgeted for 9 seats, 4 tables and 4 shelters).	\$35,000	Cash-in-lieu
d) Install gate at entrance A (Lot 681 Canns Rd)	\$4,500	Cash-in-lieu
e) Implement weed control as per Bushland Condition Enhancement Plan (see Figure 4 and Table 3) and Revegetation as per Bushland Condition Enhancement Plan (see Figure 5 Areas D, E & F and Table 4)	\$25,000	Lot 53 legal agreement
TOTAL	\$292,000	

It is proposed that the City write to the Minister for Planning seeking approval for the expenditure of the cash-in-lieu funds for the projects in accordance with the above table.

Given the involvement of the Armadale Settlers Common Management Committee in developing the abovementioned proposals, the core approach of providing information will be used as the appropriate level of consultation (see Council Policy COMD2 Community consultation) for implementation of the above projects.

It is also proposed to write to the Minister for Lands requesting that the reserves for Gravel be amalgamated into the larger Armadale Settlers Common reserve and that the purpose of the reserve be amended to “Parks, Passive Recreation and Conservation”.

It is recommended that the Cultural Heritage Report be received.

COMMENT AND ANALYSIS

Wheelchair accessible path

Lot 681 (251) Canns Road is currently being subdivided and road works that will provide vehicular access to the entry sign A (Figure 3 of Trail Network Plan and Interpretation Signage Manual) are currently in progress. At entry sign A, there are good views across the Swan Coastal Plain. Combined with signage that can be viewed by both wheelchair bound and able bodied people, the proposed path is likely to provide a region-wide drawcard for not only disabled people but also for the elderly who are a growing segment of the population. The developer of Lot 681 is required to install fencing, trail/dieback signage, etc. as part of the Town Planning Scheme No. 4 provisions for this structure planning area.

The quotation for construction of the wheelchair accessible path of \$150,000 provides for a red asphalt path 2m wide constructed on a limestone base so as to minimise the likelihood of introducing dieback. The path would typically cost around \$1,000 per annum to maintain.

Alternatively the path could be constructed of cement stabilized limestone to a thickness of 100 to 120 mm with a pea gravel surface for a cost of \$110,000. However, a pea gravel surface would require regular maintenance after two or three years at an annual cost of about \$7,700 per annum. The higher capital cost of a red asphalt path would soon be offset by increased maintenance costs.

In either case path design will have regard to recreational trail design principles (e.g. as developed by the US Department of Transportation). All works will be undertaken consistent with Council's dieback policy.

It is intended that grant funding opportunities be investigated to assist with development of the wheelchair accessible trail. Any savings achieved through gaining grant funds will be able to be utilised in future public open space development.

Amalgamating gravel reserves and changing the purpose of Armadale Settlers Common

Some of the proposed projects occur within Reserves 25022 and 25023 (Lots 1623 and 1624) which are vested in the City for Gravel, including installation of an entry sign, installation of two interpretive signs, park furniture, weed control and revegetation. Section 154 of *Planning and Development Act 2005* can be interpreted to mean that the Minister can only approve the use of money received in lieu of open space in areas vested for parks, open space or recreation. The gravel reserves are no longer required for gravel. Therefore, it is appropriate to change the purpose of the gravel reserves now.

Changing the purpose of the gravel reserves presents an opportunity to amalgamate the reserves with the larger Reserve 4127 and to change its purpose to reflect its current use for Parks, Recreation and Conservation, for which it is already reserved.

It would be important to initiate this process before writing to the Minister for Planning.

Available funds versus cost of proposed works

The cost of proposed works of \$292,000 exceeds the \$199,909 currently available.

Subdivision works have progressed significantly on Lot 681 Canns Road Bedfordale. It is therefore anticipated that condition 17 of the subdivision approval will be dealt with soon, which requires “*Provision of five percent (1.134 ha) public open space cash-in-lieu contribution in accordance with section 152 of the Planning and Development Act 2005; such being utilised for open space and recreational facilities within the locality. (Local Government)*”.

In the current market, it is considered likely that the cash-in-lieu contribution would from Lot 681 Canns Road will easily cover the difference between the total project cost and funds currently available. If the amount raised does not cover the cost of proposed works, a further report will be provided to Council so that the proposed works can be prioritised.

In the interim it is recommended that the relevant approvals be sought.

Bushland Condition Enhancement Plan

The Bushland Condition Enhancement Plan focuses efforts on areas which are likely to have an increased public profile as a result of use of the proposed trails, and then focuses on the priority weeds of concern. This targeted approach is considered appropriate.

The works that are proposed (i.e. revegetation) are clearly improvement works and so it is considered that they are eligible to be funded from the money received in lieu of open space.

Cultural Heritage Report

The Cultural Heritage Report was commissioned to help provide information that could be used on interpretive signage. Despite significant research effort, few documents were found that include reference to the eastern part of the Armadale Settlers Common.

The Cultural Heritage report includes recommendations. With the exception of recommendation six concerning signage to the nearest washrooms and recommendation nine concerning inclusion of Armadale Settlers Common East into the Heritage Country Trails booklet, all other recommendations are implemented by implementing the *Trail Network Plan and Interpretation Signage Manual* and the *Bushland Condition Enhancement Plan*.

As there are no washrooms in the vicinity, and construction of toilet facilities is probably not warranted at this location, recommendation six is not proposed to be implemented.

Implementation of recommendation nine depends on the Heritage Country Trails booklet being reviewed. Should the booklet be reviewed, the new trail would be considered for inclusion.

Staff resources to implement projects

Staff resources to implement the projects have been included in the costs, because the project cannot be implemented without additional staff. Eight thousand dollars has been allowed in project b) to prepare and install the signage. Work to be done includes preparation of the text, finalisation of the layout of each sign, and supervision to ensure that all signs are manufactured and installed to the required standard.

In order to ensure the language used in signage is appropriate (i.e. jargon free) it is proposed that the City's Public Relations Coordinator would approve all signage text. The Armadale Settlers Common Management Committee will also be provided with an opportunity to comment on the final signs.

Four thousand dollars has been included in project e) Bushland Condition Enhancement Plan for development and supervision of weed control and revegetation contracts which are expected to be required over a two or three year period.

Alignment with other Council documents

Implementation of the projects proposed is consistent with the recommendations of the Armadale Settlers Common Strategic Directions document and the Strategic Trail Network Plan.

OPTIONS

1. Council could resolve to pursue the administrative processes necessary to implement the proposed projects, and then implement the projects.
2. Council could choose not to approve implementation of one or more of the project proposals, or choose a different path surface.
3. Council could suggest other proposals that should be pursued.

CONCLUSION

Implementation of the proposed projects should result in a high standard facility of regional significance for wheelchair users and will provide an enhanced experience for walkers using the Armadale Settlers Common (East). Walking is the most popular recreational activity in the City of Armadale and walking provides multiple benefits to both the walkers and the community in improved public health. The proposals are considered to be an appropriate use of moneys received in lieu of public open space. This report identifies a number of administrative matters that need to be dealt with before the projects can be implemented, and it is intended that these be dealt with as soon as practicable.

RECOMMEND

That Council:

1. Write to the Minister for Lands requesting that Reserves 25022 and 25023 be amalgamated with Reserve 4127 and that a Management Order for the amalgamated land be created vesting care, control, and management to Council with the Reserve Purpose being “Parks Recreation and Conservation”.
2. Agree to surrender its Management Order or Vesting for Reserves 25022, 25023 and 4127 in order to facilitate implementation of Resolution 1 above.
3. Pursuant to Section 154 of the Planning and Development Act 2005, requests the Minister for Planning’s approval to spend \$292,000 of the POS Cash In Lieu funds held or about to be received by Council from nearby subdivisions towards improvements to Armadale Settlers Common, the details of which are provided in the following Table:

Project description	Estimated cost
a) Construct a 2m wide wheelchair accessible trail (limestone with a pea gravel surface).	\$150,000
b) Install entry signage, interpretive signage and trail markers	\$78,000
c) Install resting areas furniture (see Trail Network Plan Figure 3).	\$35,000
d) Install gate at entrance A (Lot 681 Canns Rd)	\$4,500
e) Implement weed control as per Bushland Condition Enhancement Plan (see Figure 4 and Table 3) and revegetation (see Figure 5 Areas D, E & F and Table 4).	\$25,000

4. Implement the projects described in Resolution 3 above, subject to approval being received from the Minister for Planning.
5. Receive the Cultural Heritage Report.

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LOCATION PLAN
LOT 3861 BURNS ROAD, ARMADALE

***POS STRATEGY – PROPOSED RESERVE IMPROVEMENT WORKS – STAGE 2
(PRECINCT D) – COASTAL PLAIN SOUTH 2***

WARD : NEERIGEN
DATE : 6 March 2009
FILE No. : P16804
REF : JLQ
RESPONSIBLE : EDDS
MANAGER
LANDOWNER : City of Armadale
SUBJECT : Lot 3861 Burns Road, Armadale
LAND
ZONING
MRS : Industrial
TPS No.4 : General Industry

In Brief:

- Council at its meeting 21 July 2008 (CS79/7/08) resolved to accept a tender valued at \$650,000 (inc GST) for the sale of Lot 3061 Burns Road, Armadale.
- Monies available minus acquittals (purchase price, costs and GST) and 30% for Capital projects, is \$394,800.
- The POS Working Group has been working on the priority list and expenditure of funds for Precinct D of the POS Strategy, at a total cost of \$406,500.
- Recommend that Council endorse the priority list and schedule of works for the Reserves in Precinct D of the POS Strategy.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Building our community – Improve the quality of life in our residential neighbourhoods by:
Optimising the use of the community buildings, facilities and Reserves.

Development – To balance the needs of development with sustainable economic, social and environmental objectives.

Legislation Implications

Planning & Development Act 2005
Guidelines for the Administration of Section 20A “Public Recreation” Reserves
Local Government Act, 1995

Council Policy/Local Law Implications

Nil.



AERIAL PHOTOGRAPH
LOT 3861 BURNS ROAD, ARMADALE

Budget/Financial Implications

It is proposed that Precinct D be the second precinct to have funds spent on upgrading existing reserves, as there are funds already available from the prior sale of Lot 3861 Burns Road, Armadale. There are no remaining lots to be sold in this precinct as Lot 3861 Burns Road, Armadale is the only property that was identified within the Public Open Space (POS) Strategy as having disposal potential.

Consultation

- ◆ Corporate Services Directorate.
- ◆ Public Open Space (POS) Strategy Working Group (Executive Director Development Services, Manager Parks, Manager Recreation Services, Executive Manager Planning Services, POS Project Officer, Senior Environmental Officer and Community Services.)
- ◆ Department for Planning & Infrastructure (DPI) – State Land Services.

BACKGROUND

Council at its meeting of 1 November 1999 resolved to initiate a Public Open Space (POS) Strategy as part of the City's public open space land rationalisation. The purpose of the Strategy was to provide a holistic approach to the provision of Public Open space throughout the City. The City was divided into precincts and progressed in a staged manner.

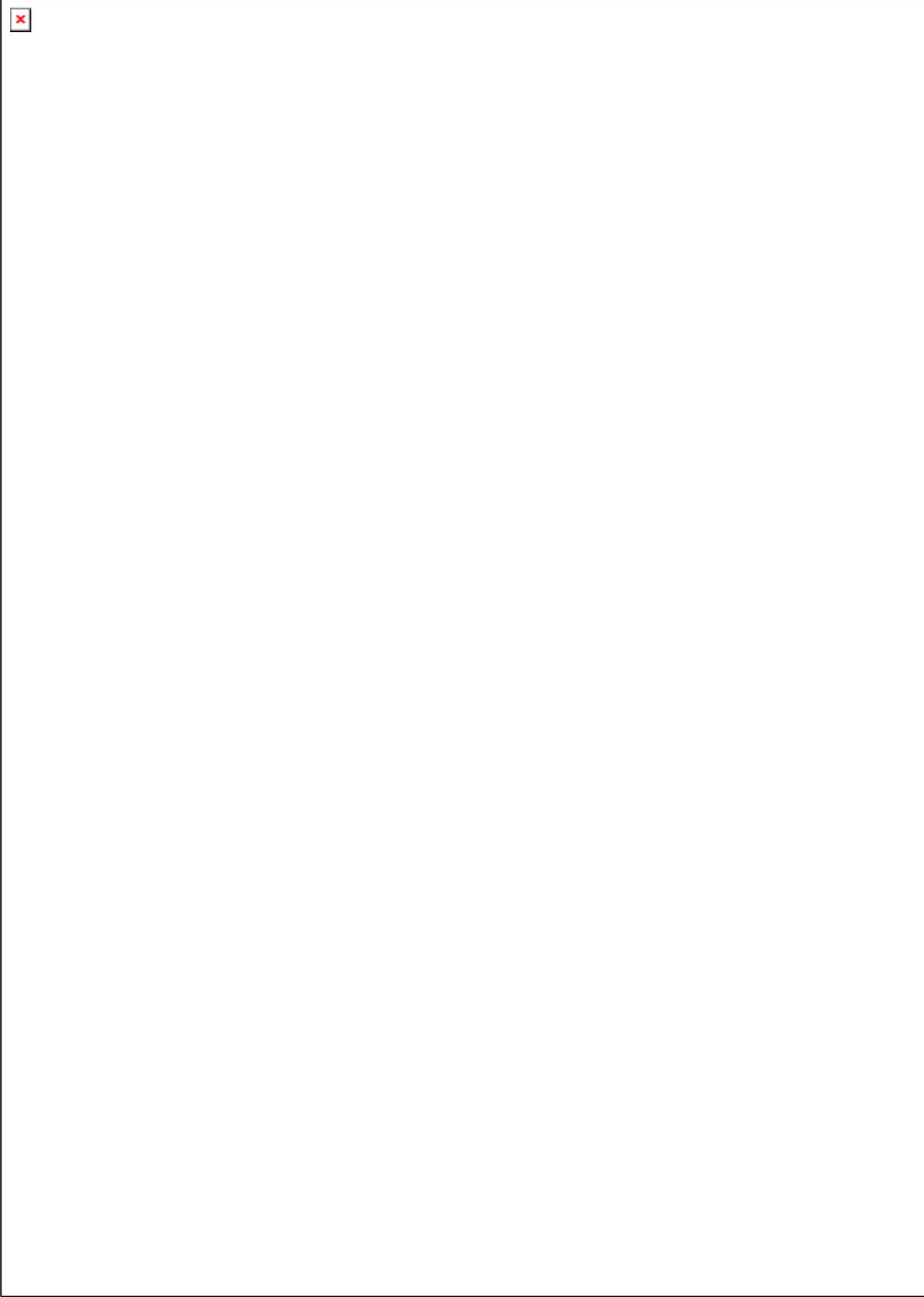
Lot 3861 Burns Road, Armadale was acquired by the City from the Crown at 5% of the unimproved market value as advised by the Valuer General in accordance with the State Government's Land Administration & Registration Practice Manual. The disposal of this Reserve by the City was at market value, which generates funds for the improvement and development of POS areas.

State Government Guidelines require that funds generated from the sale of reserves must be used to either purchase replacement land of equal area and suitability, or spent on capital improvements to recreation land in the vicinity of the land sold. Council has established an appropriate account to meet this requirement and the expenditure of funds is considered on a precinct basis, as agreed with DPI.

DPI has advised that funds generated must be used in the same precinct and be used for upgrades to existing POS or for the purchase of alternative POS. The City was granted permission to spend 30% of the funds from the POS Strategy on Capital Recreation Projects (strategic recreation initiatives), in accordance with Council's resolution at its meeting on 10 July 2006 (CS75/7/06).

Precinct D is bounded by Armadale Railway Line to the west of the site, Armadale Road to the north, South Western Highway to the east and Fletcher Park to the south. It is the second precinct to have progressed to the point where monies can be expended on park improvements.

A Ward Councillor information session was convened on the 15th December 2008 to discuss the Precinct D park proposals and to provide Councillor's with a briefing on the progress of the POS Strategy. Suggestions and feedback provided by the Councillors at the information session has been included into the park proposals.



DETAILS OF PROPOSAL

It is proposed that Council adopt the schedule of works in Precinct D. Work is to be completed based on the ranking of the parks and availability of staff, contractors, materials and completion of works in Memorial Park. Where possible works are to be completed in their entirety according to the parks ranking. There are no other POS lots for disposal within Precinct D.

It is proposed to engage contractors for scheduled work in the 2009/10 Financial year and to also commence the scheduled works in this Financial year. Funds are available at present and commencement of the schedule of works in the 2009/10 Financial year takes into account prior commitments made by Parks and Reserves Service for the 2008/09 Financial Year. Additionally, it increases Council's purchasing power as many of the works can be contracted together thus utilising economies of scale.

The disposal/sale of Lot 3861 Burns Road, Armadale, which was previously a 20A Reserve being Reserve 34702, successfully sold for \$650,000 (inc. GST). It is estimated that the net funds (after allowing for purchase costs, GST, settlement costs and a 30% allocation towards capital projects of a regional nature) generated from the sale of the property in Precinct D will approximate \$394,800. Of the 30% allocation towards capital projects, which equates to \$169,200, a total of \$100,000 is dedicated to a youth activity area in accordance with the City's 15 Year Plan.

There are four (4) parks within Precinct D and each of the four (4) parks have been selected for improvement works at a total estimated cost of \$406,500. The POS Strategy Working Group, comprising officers from Technical Services, Community Services and Development Services Directorates was convened to establish a priority list for improvement works. A summary of the priority list and works schedule is as follows and presented *at Attachment "A3" of the Agenda, (refer Summary of Attachments - yellow page)* is a more detailed schedule of the proposed works.

Budget Year	Estimated Expenditure			Estimated Revenue Funding			
	Rank	Reserve	Amt\$	Sale of Ex POS Lands (minus Acquittals & 30% Capital Projects)	T/F from cash-in-lieu Footpaths Reserve	Other Revenues	Total
2009/10	1	Memorial Park	110,000				
2009/10	2	Minnawarra Park	195,000				
2009/10	3	Fletcher Park	76,500			Possible Grant	
2009/10	4	Alderson Park	25,000				
				394,800	Being Considered		
		Grand Total	406,500	394,800	-	-	394,800

The above Table identifies a minor shortfall in funding to complete all the scheduled works to the value of \$11,700. This would affect the ability to deliver proposed works at Alderson Park. As Alderson Park has been identified as the fourth priority lot for improvements works by the Public Open Space Working Group, works within this reserve are likely to be delayed at this stage. The City is currently considering options for possible grant applications for the proposed works (particularly proposals in Fletcher Park) and possible Footpath Cash-In-Lieu contributions.

It is also noted that when developing the POS Strategy, Council resolved that it would not spend monies on POS improvements until funds had actually become available whether that be from the sale of ex-POS lots, transfers from reserve accounts, etc.

COMMENT

The main objective of improvement works was to ensure that works were readily visible to the public and to increase the usability of the parks. The POS Strategy Working Group has set a list of criterion to evaluate the priority selection for the proposed works, these include the following principles:

- ◆ Parks to be completed in their entirety, where possible;
- ◆ Improvements to be readily visible;
- ◆ Upgrades to incorporate other Council Strategies i.e. Playground Strategy;
- ◆ Access, safety and crime prevention principles to be included;
- ◆ Improvements must be sustainable; and
- ◆ Improvements to match the characteristics of the area.

Each park was analysed utilising the above mentioned principles and the POS Working Group resolved that the priority list be ranked in accordance with *Attachment “A3” of the Agenda, (refer Summary of Attachments - yellow page)*.

The majority (97%) of monies required to expend on improvement works are available. The shortfall of \$11,700 is considered to be minimal and will be resolved through grants, POS Cash-in-lieu or reduction in works. Alternatively, the shortfall in funds may be addressed administratively.

Council, at its meeting of 10 July 2006 (CS75/7/06) considered use of POS funds for strategic purposes. At this meeting Council resolved to write to the Minister for Planning and Infrastructure and Lands seeking support for a strategic approach to the use of funds derived from cash-in-lieu and from the sale of POS land to enable one third of the funds to be allocated to strategic recreation initiatives. On the 12 June 2008 the Minister for Planning and Infrastructure wrote to the City advising of support for the use of 30% of funds from the sale of POS for capital recreation projects, which were clearly demonstrated to be of benefit to residents in the municipality.

Council’s 15 year plan commits \$100,000 for a Youth Activity Area, to be deducted from Precinct D as a part of the 30% Capital Recreation Projects (Strategic Recreation Initiatives). Subsequently, the remaining balance to be expended on other Capital Recreation Projects by the City is \$69,200.

OPTIONS

1. Council could resolve to endorse the priority list and schedule of works for Precinct D of the POS Strategy.
2. Council could modify the priority list or schedule of works for Reserves in Precinct D of the POS Strategy.
3. Refuse the priority list and schedule of works for Precinct D of the POS Strategy and retain the funds for use at a later date.

CONCLUSION

Given that the proposal to expend funds from the sale of the former 20A Reserve is the next logical stage of the POS Strategy and Council’s previous resolutions on the intended sale of the land, Option 1 is recommended.

RECOMMEND

That Council:

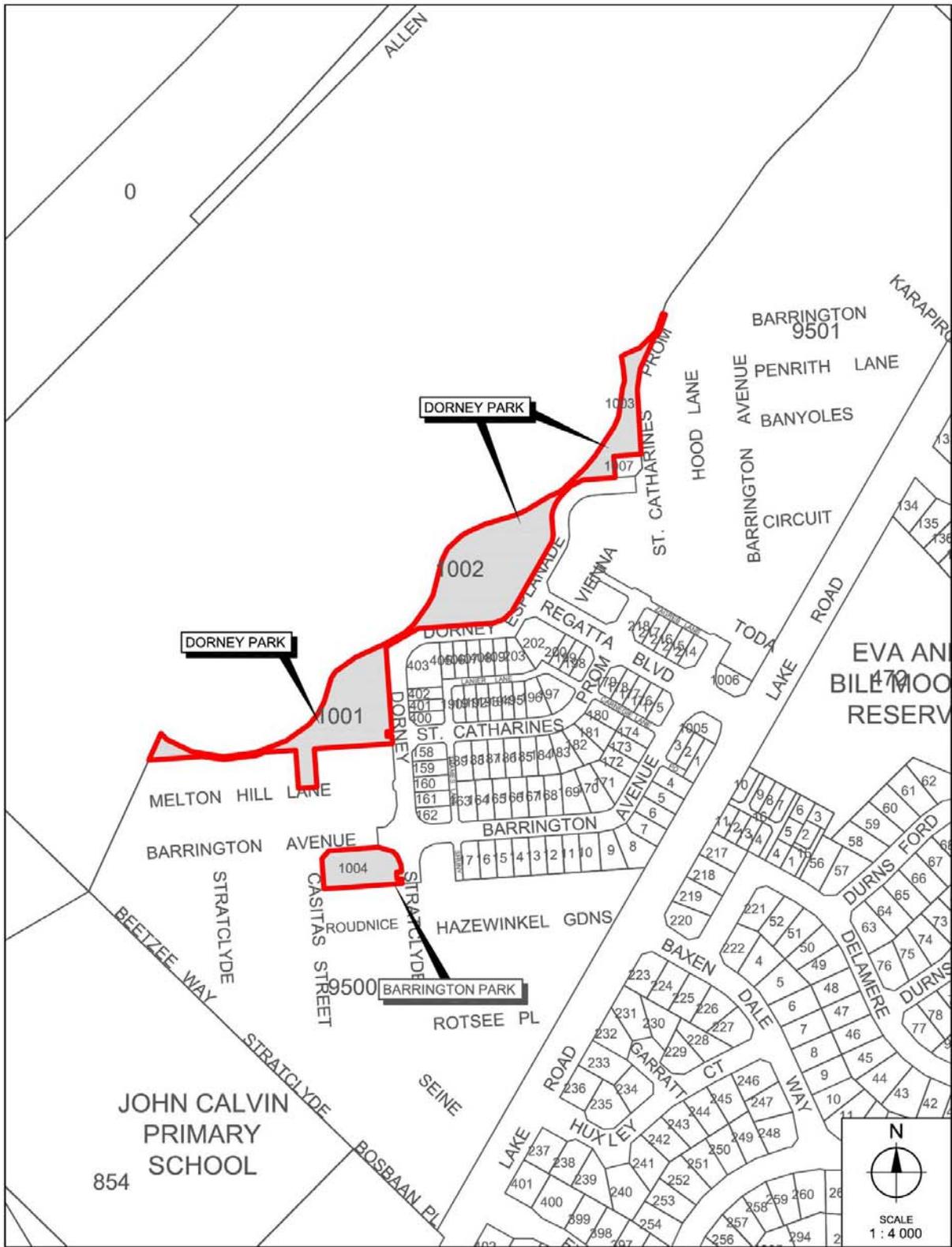
1. **Endorse the Priority List/Schedule of Works on Reserves in Precinct D of the POS Strategy and presented at Attachment “A3” of the Agenda;**
2. **Approve \$406,500 (matching Revenues & Expenditures) being listed for consideration of funding in the 2009/10 Budget to commence the proposed reserve improvement works in Precinct D of the POS Strategy, as per the following Table, ie.**

Budget Year	Estimated Expenditure			Estimated Revenue Funding			
	Rank	Reserve	Amt\$	Sale of Ex POS Lands (minus Acquittals & 30% Capital Projects)	T/F from cash-in-lieu Footpaths Reserve	Other Revenues	Total
2009/10	1	Memorial Park	110,000				
2009/10	2	Minnawarra Park	195,000				
2009/10	3	Fletcher Park	76,500			Possible Grant	
2009/10	4	Alderson Park	25,000				
				394,800	Being Considered		
		Grand Total	406,500	394,800	-	-	394,800

3. **Note that amounts of \$100,000 and \$69,200 from the sale of Lot 3861 Burns Road, Armadale will be transferred to the accounts for the Youth Activity Area and Capital Recreation Projects (Strategic Recreation Initiatives) respectively.**

**** ABSOLUTE MAJORITY REQUIRED**

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LOCATION PLAN
LOTS 1001 TO 1004 DORNEY ESPLANADE, CHAMPION LAKES

REQUEST TO NAME PUBLIC OPEN SPACE AREAS – CHAMPION LAKES ESTATE

WARD : HERON
FILE REF : PLU/APA/4
DATE : 3 March 2009
REF : MK
RESPONSIBLE MANAGER : EMPS
APPLICANT : Plan-E/Landcorp
LAND OWNER : Crown
SUBJECT LAND : Property size:
Lot 1001 - 5312m²
Lot 1002 - 6707m²
Lot 1003 - 2184m²
Lot 1007 - 367m²
ZONING MRS : Urban
TPS No.4 : ARA

In Brief:-

- A request has been submitted by the estate's developer for the Council to formally name the public open space areas on the eastern side of the Champion Lakes foreshore and a small local park on Barrington Avenue.
- Three possible names are suggested for the Committee's consideration for the shore line park:
 - a) The Esplanade
 - b) Dorney Park
 - c) Champion Lake Esplanade
- The name Barrington Park is suggested for the local park on Barrington Avenue.
- The proposed park names are relevant to the park's proximity to the Champion Lake shore (i.e. an esplanade) and/or link to the name of the road abutting the parks (Dorney Esplanade, Barrington Avenue).

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Aims for:

Building our Community to:

- Cultivate community pride and ownership of the City's direction.

Developing our City to:

- Sustain and maintain the distinctive character of the City.

Legislation Implications

The Geographic Names Committee has no jurisdiction over the naming of local public open space. However, they appreciate being advised of any naming or re-naming so they can update the information in the street directory.



AERIAL PHOTOGRAPH
LOTS 1001 TO 1004 DORNEY ESPLANADE, CHAMPION LAKES

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

The developer should be responsible for the cost of erecting signs in the parks to the specification of the Executive Director Technical Services. The City will be responsible for maintenance of the signs, following the developer's maintenance period.

Consultation

The Armadale Redevelopment Authority raise no objection to the proposals.

BACKGROUND

In April 2007, Council approved the road names for the Champion Lakes estate. The proposed road names have a rowing theme which acknowledges international standard rowing facilities located throughout the world and comply with the Geographic Names Committee (GNC) criteria.

DETAILS OF PROPOSAL

A request has been submitted by a representative of the developer for the three pockets of public open space (POS) on the eastern side of Champion Lakes and one POS area on Barrington Avenue to be named (refer attached location map). Landcorp seek this action at this time so that the names of the POS can be included in marketing literature for the estate and in support of the creation of community identity and sense of place for new residents.

Continuing with the theme of international rowing facility related names and to provide a connection to the names of the roads that provide access to the POS, the developers have chosen the names: Dorney Park, The Esplanade, St Catherine's Park and Barrington Park.

COMMENT

Development of the POS by the developer is almost complete with the installation of soft and hard landscaping, shade structures, other park equipment and furniture having already occurred (*see attached photographs*). *Refer to copy of the site plans in Attachment "A4" of the Agenda*.

The proposed park names are relevant to the park's proximity to the Champion Lake shore (i.e. an esplanade) or link to the name of the road abutting the park (Dorney, St Catherine's, Barrington). However, it is not considered appropriate to name the three pockets of the linear shore line POS separately. The linear nature and connectivity of the POS area means that maintenance of the POS will be generally carried out simultaneously and having three names for what will eventually become a single asset and a continuous linear park will be confusing. Accordingly, it is recommended that a single name be applied to the shore line POS area.



VIEW OF BBQ AREA AND SHADE STRUCTURES
ON LOT 1001 (SOUTHERN END OF FORESHORE PARK)



VIEW OF LOT 1001 HARD AND SOFT LANDSCAPING
(SOUTHERN END OF FORESHORE PARKS)



VIEW ALONG FORESHORE DUAL USE PATH ON WESTERN SIDE (LAKESIDE) OF FORESHORE PARK



VIEW OF WATERFEATURES ON LOT 1002
LOOKING EAST FROM LAKE EDGE



VIEW OF WATER FEATURES ON LOT 1002
LOOKING EAST FROM LAKE EDGE



VIEW OF LANDSCAPING WORKS COMMENCED ON
LOT 1003 (NORTHERN END OF PARK)

ANALYSIS

Careful consideration should be given to the naming of the City's parks. The name can have a significant influence on the future development and sense of community within an area. The use of a suburb name or street name for such a facility is generally supported as it assists with ease of identification (especially for visitors and users who may not be fully familiar with the area) and is generally recognized and accepted by the local community. As Champion Lakes is a regional recreation facility, the POS areas abutting the foreshore will attract people from outside of the local area so it is considered important to apply a name that helps people to locate the park.

Council has requested that policies be developed relating to the naming of Parks, Places and Buildings within the City. Officers are currently investigating options for such policies and resourcing of any procedures relating to naming requirements. A draft policy should be forwarded to Council for consideration in the near future.

It is considered to be appropriate to progress the naming of these parks prior to drafting of a Park Naming policy, as the parks have already been fully developed/landscaped and the estate is currently being marketed. It will help to create a sense of community and place if the parks are already named before the bulk of the residents move in to the estate.

OPTIONS

1. Council could name the POS areas as suggested by the developer.
2. Council could name the three pockets of POS using one name. Suggested names are:
 - a) Dorney Park (the POS fronts Dorney Esplanade)
 - b) The Esplanade (a linear park for walking along a foreshore)
 - c) Champion Lakes Esplanade (to provide a connection with the location of the park on the foreshore of Champion Lakes).
3. Council could choose other names that it considers to be more appropriate.
4. Council could defer consideration of the request, until a Policy is drafted for the naming of Buildings and Parks within the City.

CONCLUSION

A single name should be applied to the linear POS area. The name Dorney Park is recommended as it provides a link to the name of the street on which the park is situated and will aid people unfamiliar with the area to easily locate the park. The name Barrington Park is supported for the local park on Barrington Avenue.

RECOMMEND

That Council:

- 1. Approve the name Dorney Park for the linear public open space on the eastern shore of Champion Lakes and the name Barrington Park for the local park on Barrington Avenue (*as identified on the attached plan*).**
- 2. Advise the applicant that signage for the parks shall be erected by the developer at its cost to the specification of the Executive Director Technical Services.**
- 3. Advise the Geographic Names Committee of the approved names for inclusion in Streetsmart.**

Moved Cr _____
Carried/Lost ()

LATE ITEMS

COUNCILLORS' ITEMS

EXECUTIVE DIRECTOR DEVELOPMENT SERVICES REPORTS

In view of likely confidential aspects of this Report, public and staff in attendance, other than Chief Executive Officer and Executive Director Development Services, may be requested to retire from the meeting.

MEETING DECLARED CLOSED AT _____

DEVELOPMENT SERVICES COMMITTEE

SUMMARY OF “A” ATTACHMENTS

16 MARCH 2009

ATT NO.	SUBJECT	PAGE
BUILDING		
HEALTH		
PLANNING		
A1	Copy of Schedule of Submissions – Lot 7 Albany Hwy, Armadale (Wirra Willa Gardens)	78
A2	Copy of Policy ENG 9 – Managing Phytophthora Dieback & Copy of Policy ADM 11 – Vesting in Crown Reserves in Urban Areas	86
A3	Copy of Priority List / Schedule of Works on Reserves in Precinct D of the POS Strategy	91
A4	Copy of Site Plans re naming of POS areas – Champion Lakes Estate	96

SCHEDULE OF SUBMISSIONS			
DEVELOPMENT APPLICATION – 34 MULTIPLE DWELLINGS – LOT 7 ALBANY HWY, ARMADALE (WIRRA WILLA)			
NO	NAME & ADDRESS	AFFECTED PROPERTY	RECOMMENDATION
1	F Polack 3242 Albany Hwy MT NASURA WA 6112	Same.	<p>1.1 Supported. The whole development is centred on the principle of retaining the gardens. 4565m² of the site is set aside specifically to protect the gardens. This is the area along the Neerigen Brook. Further, an arboriculturalist has identified 15 trees outside the conservation area that are worthy of protection, or in some cases transplanting. It is noted that the gardens are on privately owned land.</p>
2	E & S Wallis 1 Derry Ave MT NASURA WA 6112	Same.	<p>2.1 Not Supported. The proposal is at a density of R40, which is classified as 'medium density' within the Residential Design Codes of Western Australia (RD-Codes). Whilst the highest density that could be approved in the immediately surrounding area is R30 if a property has two street frontages or R40 if abutting a pedestrian access way, Town Planning Scheme No.4 (TPS No.4) allows consideration of "limited" development up to R40 on the subject site.</p> <p>2.2 Not Supported. The City cannot base a decision on the type of tenant that may or may not move into a development and how long they may or may not stay.</p> <p>2.3 Supported in Part. The development would be required to comply with the Environmental Protection (Noise) Regulations 1997 if it is approved. The development meets the privacy setbacks applicable under the RD-Codes. The development itself will benefit from some screening from the vegetation retained on site. The amount of retaining has been reduced and earth banking introduced in place. It is noted that retaining is necessary in respect of a cut into the hillside, so will mostly be visible only once standing in front of them on the subject site itself.</p> <p>2.4 Noted. The City only advertises the proposal after an application has been submitted and an assessment has been conducted to determine whether the application can be considered under TPS No.4.</p> <p>2.5 Supported in Part. The depth of the foundations has not been calculated. This would need to be done if Planning Approval was granted and a Building</p>

SCHEDULE OF SUBMISSIONS			
DEVELOPMENT APPLICATION – 34 MULTIPLE DWELLINGS – LOT 7 ALBANY HWY, ARMADALE (WIRRA WILLA)			
NO	NAME & ADDRESS	AFFECTED PROPERTY	RECOMMENDATION
			<p>Licence Application was to be submitted. Obviously, the foundations would need to comply with the Building Codes of Australia.</p> <p>2.6 Supported. The gateway at the entrance is to be retained.</p> <p>2.7 Not Supported. The traffic study supplied by the applicant demonstrates that the additional traffic generated by the development will not adversely affect the level of service provided by the road network.</p> <p>2.8 Supported in part. A cul-de-sac head would be provided if the development was approved. The spur road at the end of Derry Avenue, the footpath and the land around the Neerigen Brook are all within the Albany Highway road reserve at that point, so some remodelling could be accommodated.</p> <p>2.9 Not Supported. Refer to response for 1.1.</p> <p>2.10 Not Supported. Council considered purchasing the property when it was for sale several years ago. Unfortunately it was not feasible for Council to take on the costs associated with high level of maintenance the property requires.</p> <p>2.11 Not Supported. If the development is approved, a detailed construction management plan would be required and a site supervisor would enforce that plan. This would outline exactly what could and could not be done and would be enforceable by the City as a condition of any planning approval issued.</p> <p>2.12 Noted. The 3D images provided are indicative only.</p> <p>2.13 Supported in Part. The City cannot base a decision on the way that tenants may or may not conduct themselves. If approved, a condition of approval would require the management of the development and gardens to be enforced through the strata body. When buying into the development, owners would know that they will be responsible for in respect of contributions toward the upkeep of the gardens.</p>
		<p>the other end of Albany Highway or through the underpass? How will people who use the path be affected?</p> <p>2.9 Do we need to sacrifice WA's only paradise garden for commerce? Will future generations look back at this development as a desecration of a beautiful area?</p> <p>2.10 Could the City purchase the garden and incorporate it into Minnawarra Park to preserve it? Will the garden be open to the public? What is the feasibility of the gardens being maintained by the City? An admission fee could be charged.</p> <p>2.11 If it goes ahead, who will be on site each day to stop developers destroying things they shouldn't? What will the deterrents be, as these days most developers are just happy to pay the fine?</p> <p>2.12 The projected images show the development surrounded by trees. It will not be possible to retain so many large trees, so the pictures seem to be nothing more than a publicity stunt.</p> <p>2.13 How will the development be affected by the close proximity of the Narragin Inn, with alcohol being easily available to so many people? Will this cause a trouble hot spot? The existing apartment blocks in the City are an eyecore and trouble spots, what guarantee do we have that this won't be a repeat? How will the development be maintained 20 years from now when the developer's have made their money and are long gone?</p> <p>2.14 Nothing has been said about the destruction of the native flora. Also, nothing has been said about fauna. We have seen many owls and other bird life as well as animals. Has there been any contact with conservation authorities?</p> <p>2.15 We would like to point out historically, someone had the vision to set aside Kings Park, and did not profit from it. Wirra Willa could be a similar example.</p>	

SCHEDULE OF SUBMISSIONS			
DEVELOPMENT APPLICATION – 34 MULTIPLE DWELLINGS – LOT 7 ALBANY HWY, ARMADALE (WIRRA WILLA)			
NO	NAME & ADDRESS	AFFECTED PROPERTY	RECOMMENDATION
		RESUMÉ OF SUBMISSION	
			<p>2.14 Not Supported. The trees are located on land zoned Residential under TPS No.4 and there is no restriction on removing trees where a development envelope is not defined, where they are not heritage listed or protected by order. Most of the trees on the property could be removed.</p> <p>2.15 Noted. If the private owner was willing to sell and the state government was willing to purchase and subsequently maintain the gardens and the Metropolitan Region Scheme and local Town Planning Scheme were amended appropriately at the state government's expense to reserve the land then it may be possible. This seems an unlikely scenario.</p>
3	S Seery 3 Wangoola Tee MT NASURA WA 6112	Same.	<p>3.1 Given the advanced state of this proposal, are we to assume Council is in favour of this development? If so say so and we will know our replies are worthless. No developer would risk expenditure to the extent required to validate this application on the mere chance that approval would be forthcoming. Why is it only now at this late stage that we hear of it?</p> <p>3.2 For Council to consider at any length such an act of vandalism is beyond belief. This is an environmental issue and any application to destroy what is in essence a heritage asset belonging to the community negates any such application receiving further consideration by Council.</p> <p>3.3 The amount of traffic at the nearby intersection would be polluting the air and we have this property as a carbon neutral sink nearby to counteract some of that damage. We need more trees, not less. Health grounds are just one reason why this application should be rejected.</p> <p>3.1 Not Supported. Council reserves its decision until it considers the report put in front of it. Every developer making an application involving a discretionary land use takes the risk of having the application refused. The application was advertised for public comment once the City was satisfied the application could be considered in respect of TPS No.4.</p> <p>3.2 Not Supported. Refer to response for 1.1. Council must consider every application on its merits.</p> <p>3.3 Supported in Part. If approved, a condition would be imposed requiring the submission of a landscape plan. The plan would have to include replacement trees for those removed. The trees could enhance screening.</p>

SCHEDULE OF SUBMISSIONS DEVELOPMENT APPLICATION – 34 MULTIPLE DWELLINGS – LOT 7 ALBANY HWY, ARMADALE (WIRRA WILLA)				
NO	NAME & ADDRESS	AFFECTED PROPERTY	RESUMÉ OF SUBMISSION	RECOMMENDATION
4	R & S McElwee 3 Wyong Plc MT NASURA WA 6112	Same.	<p>4.1 Proposal is not conducive to the ambience of the hills.</p> <p>4.2 Aerial photographs appear enhanced and believe the depiction of the buildings to be inaccurate.</p> <p>4.3 Proposed development will entice a transient population.</p> <p>4.4 Increased traffic and noise factors.</p> <p>4.5 Proposed retaining walls are too big, completely out of character with the area, will look like a prison wall.</p> <p>4.6 Do not believe any guarantee of garden maintenance since they have already deteriorated since the new owner took over.</p> <p>4.7 Some development could take place, but this should be minimal, not on the scale proposed.</p> <p>4.8 Surely there is some risk to the waterway as a result of the proposal?</p> <p>4.9 The proposal smacks of commercialism with no regard whatsoever to the surroundings, residents and wildlife.</p>	<p>4.1 Supported in Part. If the four storey component wasn't at the low point of the property, cut into the hill side and screened by trees this would be true. The only other developments of this nature are west of the Armadale central business district. As it is, the development will be significantly screened and additional planting can be required.</p> <p>4.2 Noted. Refer to response for 2.12.</p> <p>4.3 Not Supported. Refer to response for 2.2.</p> <p>4.4 Not Supported. Refer to responses for 2.3 and 2.7.</p> <p>4.5 Not Supported. Refer to response for 2.3.</p> <p>4.6 Supported in Part. Not Supported. Refer to response for 2.13.</p> <p>4.7 Not Supported. Development is limited to R40 and the gardens are excluded from the developable area of the site. The proposal meets the requirements for R40 development</p> <p>4.8 Not Supported. Appropriate management measures would be imposed on any approval to ensure no deleterious material enters the Neerigen Brook.</p> <p>4.9 Not Supported. The applicant has put forward a proposal that it believes addresses all the issues in an appropriate manner.</p>
5	E Baker 2 Wyong Pl MT NASURA WA 6112	Same.	<p>5.1 Submission four (4) duplicated. Refer to issues above.</p>	<p>5.1 Submission four (4) duplicated. Refer to responses above.</p>
6	P & P Vogel 11 Wangoola Tee MT NASURA WA 6112	Same.	<p>6.1 We are not in support as we believe the proposal will spoil the tranquillity of the area and destroy what little bushland remains around us.</p> <p>6.2 This would turn the area into a crowded housing development which is exactly what nearby residents do not want.</p>	<p>6.1 Not Supported. Refer to response for 2.14.</p> <p>6.2 Not Supported. Refer to response for 2.1.</p>

SCHEDULE OF SUBMISSIONS			
DEVELOPMENT APPLICATION – 34 MULTIPLE DWELLINGS – LOT 7 ALBANY HWY, ARMADALE (WIRRA WILLA)			
NO	NAME & ADDRESS	AFFECTED PROPERTY	RECOMMENDATION
7	C & G Plug 1 W'yang Plc MT NASURA WA 6112	Same.	<p>RESUMÉ OF SUBMISSION</p> <p>7.1 We live in a quiet cul-de-sac and love the ambience of our bush setting which is perfect for our retirement home. The surroundings are ideal with an abundance of birdlife, bandicoots etc. The Neerigen Brook is an important factor. The development will have a huge impact on the natural bush as clearing of trees will be unavoidable. We have not seen any environmental management plan prepared as part of the proposal. No other management plans are in place to safeguard surrounding residents.</p> <p>7.2 At the moment the bushland provides some buffer to reduce traffic noise from the highway and this will be reduced by clearing activities.</p> <p>7.3 Great concern regarding the retaining wall along the north eastern boundary. Large equipment will need to be used, possibly rock breakers. How will contractors construct the wall without causing damage to surrounding residences? What will be the long term effects on surrounding properties as ground conditions change? It is well documented that clay and granite conditions such as these are extremely difficult to build on and in our opinion a wall this high is not suitable for the site. Driving around the area shows numerous retaining walls, much smaller, with extensive movement and cracking, how will this be avoided? We request access to the engineering details for the retaining wall to be able to present them to a qualified engineer of our choice for a second opinion, at the cost of the developer.</p> <p>7.4 Will Derry Avenue be able to cope with the increased traffic flow, especially at the time of construction?</p> <p>7.5 What impact will construction activities have on nearby residents? We request that construction management plans (dust, noise, vibration and environmental) be made available to surrounding residents.</p> <p>7.6 We moved here to get away from multi storey buildings and close neighbours and to enjoy the tranquility of the area and as such we are opposed to the development.</p> <p>RECOMMENDATION</p> <p>7.1 Noted. Management plans are normally submitted to address conditions of a planning approval.</p> <p>7.2 Supported in Part. Refer to response for 3.3.</p> <p>7.3 Supported in Part. Refer to response for 2.5. No engineering details have been submitted, as these would come with a Building Licence application should planning approval be given. It is suggested the submitter contact the developer directly.</p> <p>7.4 Not Supported. Refer to response for 2.7.</p> <p>7.5 Supported in Part. Refer to response for 2.5.</p> <p>7.6 Noted.</p>

SCHEDULE OF SUBMISSIONS			
DEVELOPMENT APPLICATION – 34 MULTIPLE DWELLINGS – LOT 7 ALBANY HWY, ARMADALE (WIRRA WILLA)			
NO	NAME & ADDRESS	AFFECTED PROPERTY	RECOMMENDATION
8	R & W van der Laan 5 Wangoola Tee MT NASURA WA 6112	Same.	<p>RESUMÉ OF SUBMISSION</p> <p>8.1 We are shocked and disappointed that there is an application for multi-storey apartments on a bushland foothills property. We understand that some of the gardens will be maintained, but feel the units will destroy their setting and subsequently ruin the enjoyment of the garden.</p> <p>8.2 We expect that as soon as the development is complete, the garden maintenance budget will be cut back until they are of little value.</p> <p>8.3 Whilst we are thankful there is no entrance to the development from Wangoola Terrace, we are disappointed that our view over the valley will be blemished by the proposed apartments which would not look out of place in the back streets of the city centre.</p> <p>8.4 Disappointed the City did not take the opportunity to purchase the property and combine it with Lions Park. It would have made an ideal setting for a tourist area or restaurant / museum etc.</p> <p>8.5 Concerned that given the current economic situation the units will be built on a tight budget with little regard for appearance.</p> <p>8.6 Urge the Council to reject the proposal and ensure the land is used for a purpose that benefits the community. If Council does approve the development, we encourage the approval to be granted with the following conditions:</p> <p>8.6.1 That the budget for the gardens be sufficient, and maintained at a sufficient level to adequately maintain the gardens. (The previous owner of the property did acknowledge to us that there is a lot of work in maintaining the gardens and that it really requires a full time gardener. This would mean that a budget in the order of \$75,000 per year would be appropriate).</p> <p>8.6.2 That the new apartments are screened from the surrounding houses by trees or vegetation or other natural means.</p> <p>8.6.3 That the standard of the apartments is kept high in fitting with the beauty of the area. (Imposing a five star green rating may assist in this condition).</p> <p>8.1 Not Supported. Refer to response for 2.1.</p> <p>8.2 Supported in Part. Refer to response for 2.13.</p> <p>8.3 Not Supported. Views are not owned and therefore cannot be considered as planning basis for refusal.</p> <p>8.4 Noted. Refer to response for 2.10.</p> <p>8.5 Noted. If approved the development would have a condition imposed requiring the submission of a colour and material schedule relative to external surfaces. The development would have to be built in accordance with the approved schedule.</p> <p>8.6 Not Supported. Council must consider every application on its merits.</p> <p>8.6.1 Supported. Refer to response for 2.13.</p> <p>8.6.2 Supported. Refer to response for 3.3.</p> <p>8.6.3 Supported in Part. Refer to response for 8.5.</p>

SCHEDULE OF SUBMISSIONS DEVELOPMENT APPLICATION – 34 MULTIPLE DWELLINGS – LOT 7 ALBANY HWY, ARMADALE (WIRRA WILLA)				
NO	NAME & ADDRESS	AFFECTED PROPERTY	RESUMÉ OF SUBMISSION	RECOMMENDATION
9	A Ehlers 5 Wyong Plc MT NASURA WA 6112	Same.	9.1 Only concern is how many of the established trees will be removed. We do not want to look out at a 'sea of roofs'. It would be a shame to see them destroyed just for increased housing density. A lot of input is required into the aesthetic appeal of the development, ugly is not an option.	9.1 Supported. Refer to responses for 3.3 and 8.5.
10	J & G Beech 16 Wangoola Tee MT NASURA WA 6112	Same.	10.1 The suggestion of a four storey development is totally out of context with the area, as even a two storey development is somewhat unusual to see. Two storey individual houses with gardens would be more appropriate. Ten such houses would be appropriate for the size of the block and would enhance the atmosphere of the gardens.	10.1 Not Supported. Refer to response for 2.1.
11	C Hagan 18 Bilkurra Wy MT NASURA WA 6112	Same.	11.1 This will destroy an important entrance to the City of Armadale. No matter what the developers say it is impossible to build a high rise development that would be invisible behind the trees and therefore it will become another eyesore. The property should be kept as is for its beauty alone. 11.2 Armadale needs to shake off its low socio-economic tag, not add to it. The development will put too many people too close together and too close to the tavern, which will cause all sorts of issues. 11.3 This form of development is not needed in Armadale. I do not object to the two storey component but a four storey building is abhorrent and devastating. Do not do this to the entrance to Armadale.	11.1 Not Supported. Refer to responses for 2.1 and 3.3. 11.2 Not Supported. Refer to response for 2.13. 11.3 Not Supported. Refer to response for 8.6.
12	WestNet Energy PO Box 8491 PERTH BC 6849	Service Provider.	12.1 No objections subject to standard conditions.	12.1 Noted.
13	Water Corporation PO Box 1525 CANNING VALE DC WA 6970	Service Provider.	13.1 No objections subject to standard conditions.	13.1 Noted.
14	Western Power Locked Bag 2511 PERTH WA 6001	Service Provider.	14.1 No objections subject to standard conditions.	14.1 Noted.
15	Main Roads PO Box 6202 EAST PERTH WA 6892	State Government Agency.	15.1 The proposed development is acceptable to Main Roads subject to Conditions.	15.1 Noted.

SCHEDULE OF SUBMISSIONS				
DEVELOPMENT APPLICATION – 34 MULTIPLE DWELLINGS – LOT 7 ALBANY HWY, ARMADALE (WIRRA WILLA)				
NO	NAME & ADDRESS	AFFECTED PROPERTY	RESUMÉ OF SUBMISSION	RECOMMENDATION
16	Australian Heritage Council GPO Box 787 CANNBERRA ACT 2601	Federal Government Agency.	16.1 There is no requirement under the Australian Heritage Council Act 2003 for proponents to seek approval for actions likely to affect Register of the National Estate listed places.	16.1 Noted.
17	Heritage Council of WA PO Box 6201 EAST PERTH WA 6892	State Government Agency.	17.1 The removal of the Corymbia Citriodora (lemon scented gum) is not supported. 17.2 The development in general is supported subject to the provision of a Heritage Agreement, Management Plan, survey strata subdivision application and a Conservation Plan.	17.1 Not Supported. The tree has been identified as dangerous by a qualified aboriginalist and it would be irresponsible of the City to insist upon its retention. 17.2 Supported. The conditions imposed by the HCWA are reasonable.
18	Community Heritage Advisory Committee City of Armadale Locked Bag 2 ARMADALE WA 6992	Local Advisory Body.	18.1 The development is not supported as the proposed scale takes away from the aesthetic value of the gardens and subsequently the heritage value of the place. 18.2 The appearance of the development is not suitable for one of the entrances to the City. The development is dated, unattractive and not sympathetic to the heritage gardens.	18.1 Not Supported. Refer to response for 2.1. 18.2 Supported in Part. Refer to response for 8.5.



POLICY

ENG 9 – Managing Phytophthora Dieback

Management Practice

ENG 9

Relevant Delegation

N/A

1. Rationale

The City's vision is for a place combining city living within a beautiful bushland setting, with the associated aim of enhancing the qualities and benefits of our natural and built environment.

Dieback is known to be a significant threat to bushland in the City of Armadale. Dieback affects not only Jarrah trees but an array of native vegetation, ecosystems and their dependent fauna and flora assemblages.

The threat of dieback is cross tenure, both in bushland found in City of Armadale reserves, Crown lands and private property. Dieback is also a threat to a number of industries such as the avocado and cut wildflowers industries.

The dieback pathogen *Phyophthora cinnamomi* is spread by soil and water movement. Any activities which involve the spread of soil have the potential to spread dieback.

Whilst the symptoms of dieback are treatable with the fungicide Phosphite, there is no cure.

2. Policy

Council seeks to protect native vegetation within the Local Government area by minimising the risk of introducing and spreading the pathogen in accordance with current Management Practices.

Related Local Law

Local Government Property Local Law

Related Policies

ENG 14

Related Budget Schedule

N/A

Last Reviewed

7 July 2007

Next Review Date

July 2009

Authority

Council Meeting of 4 March 2003 (C6/2/03)
7 June 2005 (T49/05/05)
Council Meeting of 7 September 2007 (T53/7/07)



POLICY

**ADM 11 – Vesting of Crown Reserves
in Urban Areas**

Management Practice

N/A

Relevant Delegation

N/A

1. Rationale

To establish clear guidelines for the determination of whether or not Council should accept the vesting of unvested Crown reserves.

2. Policy

The City will accept management responsibility for Crown Reserves in Urban areas when:-

- a) Such reserves are ~~located in the Urban Release Areas and are part of the adopted Outline Development Plan.~~ identified as public open space in an adopted Structure Plan.

or

- b) The reserve is Public Open Space that does not form part of (a) above but satisfies the criteria as outlined in the following Schedule.

Acceptance of the management responsibility for Crown reserves in Rural areas shall be based on each individual application.

Related Local Law	N/A
Related Policies	N/A
Related Budget Schedule	N/A

Last Reviewed	19 April 2004
Next Review Date	4 March 2007

Authority	Council Meeting of 4 March 2003 (C6/2/03) 19 April 2004 (CS14/4/04)
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SCHEDULE

ADM 11 – Vesting of Crown Reserves in Urban Areas

SOCIAL/RECREATIONAL CRITERIA

Adequate provision of different types of POS

The adequacy of open space for active and passive recreation should be considered in accordance with Table 1 and the comments below.

Except where Regional Open Space is in part designated as District or Neighbourhood Open Space, active and passive recreation needs should be adequately catered for before setting aside parkland for Regional Open Space purposes.

Table 1: Park types, key recreational functions, adequacy provisions and specific suitability criteria.

Park Type	Area	Key recreational functions	Adequacy/provision criteria	Specific suitability criteria & notes
Local	Less than 4000m ²	Children’s playgrounds and resting places, small intimate places		Should not be accepted unless there are inadequate Neighbourhood Parks <u>or is part of linear public open space.</u> Other criteria as per Neighbourhood Parks
Neighbourhood	4-5000m ²	Children and adolescents play areas (eg Skateboards, kites, playgrounds) resting places, small intimate places	Maximum 400m walk, from most dwellings, serves about 600 houses. District Distributors and other major roads should be identified as barriers to walking.	Should have at least 75% of boundary with surveillance (ie houses facing park). Soil types should be suitable for facilities such as playgrounds etc.
District	2.5-4 ha	Grassed areas for informal games, organised sport, hard surfaces for games such as netball.	Maximum 600m walk, from most dwellings, serves about 1,800 houses.	Should preferably be associated with schools. Adequate water supply (eg groundwater) needs to be available. Soil types must be capable of supporting grassed <u>playing fields</u> areas. Natural and human made differences in elevation <u>are</u> desirable, but site needs to be able to have flat areas for sporting fields.
Community facilities sites	Up to 2000m ² <u>minimum</u>	Indoor recreation (eg playgroups, sporting and meeting places/community centres.	Maximum 600m walk from most dwellings, serves about 1,800 houses.	<u>Should be of sufficient area for multi-purpose building, car parking, landscaping and play equipment.</u>

Suitability criteria (ie Quality)

Open space primarily set aside in response to Functional and environmental criteria (see below) can only be included as part of Social/Recreational Open Space if their roles and functions are compatible. For example, a watercourse buffer that is not steep and vegetated may provide a Local Park function. Multiple use of Public Open Space should be maximised.

All Public Open Space to be included as part of Social/Recreational Open Space should ~~must~~ not:

- Be located under powerlines unless it can be demonstrated as having significant recreational value (eg as linear public open space);
- Have steep grades (more than 1:12);
- Be geologically unstable, prone to waterlogging or have unsuitable fill or materials (eg stones) that would inhibit development.

Open space that has the above characteristics should not be accepted unless it has a particular functional or environmental value (see Functional and environmental criteria below).

The shape of the open space is a consideration for all park types, but no specific criterion has been developed.

FUNCTIONAL AND ENVIRONMENTAL CRITERIA

Sites selected based on functional and environmental criteria fulfil a specific function such as environmental protection, environmental management, linear open space or cultural heritage protection by virtue of the site's characteristics or location.

Unless otherwise indicated, land area and vegetation condition is not a criterion ~~for the following~~ where it falls into the following categories:

1. ~~Is~~ the land lies within the historical extent of the Forrestfield, Guildford or Swan Vegetation Complexes and covered with more than 1200m² of vegetation in Fair to Good condition (ie weed cover less than 20%)?
2. ~~Is~~ the land is within:
 - 50m of the centreline of a drain or watercourse with permanent water; or
 - 50m of the high water mark of a Conservation category wetland; or
 - 50m of the high water mark of a lake covered by the Environmental Protection (Swan Coastal Plain Lakes) Policy 1992; or
 - 30m of a seasonally flowing drain or watercourse; or
 - 10m of a drain or watercourse that flows in response to specific rainfall events.
3. ~~If~~ the land has vegetation in Fair to Good Condition and lies within the Environmental Protection (Peel Inlet – Harvey Estuary) Policy 1992 area ~~indicate a yes response only if~~ and where:
 - The land cannot be protected by other means; or
 - The land is to be given up as part of subdivision.
4. ~~Is~~ the land is valuable as a fauna link? ~~(see Draft Green Link Strategy Plan)~~ (See Green Links on Town Planning Scheme No. 4 Special Control Area Map 1).
5. ~~Is~~ the land is required for urban stormwater quality management purposes?

6. ~~Is~~ the land is adjacent to existing publicly owned bushland (eg owned or vested in the City or part of the Jandakot or Darling Range Regional Park)? . If so, identify if there be benefit in locating public open space next to the Regional Park as a buffer. If the land is bushland vegetation in Fair to Good condition (ie weed cover less than 20%) it should be accepted.
7. ~~Is~~ the land is identified as significant from a social, cultural, historical, scientific or landscape perspective (Check Municipal Heritage Inventory, Aboriginal Sites Register, Australian Heritage Council Heritage Places Inventory, ~~Commission Register, City of Armadale Rural Strategy~~-Town Planning Scheme No. 4 Special Control Area Map 1).
8. ~~Does~~ the area contains locally significant stands of trees or trees identified as significant by Local Planning Policy PLN 2.4 Tree Preservation.
9. ~~Does~~ the land forms part of an existing or potential network of linear open space or trails (eg walking, cycling or bridle paths).

ECONOMIC CRITERIA

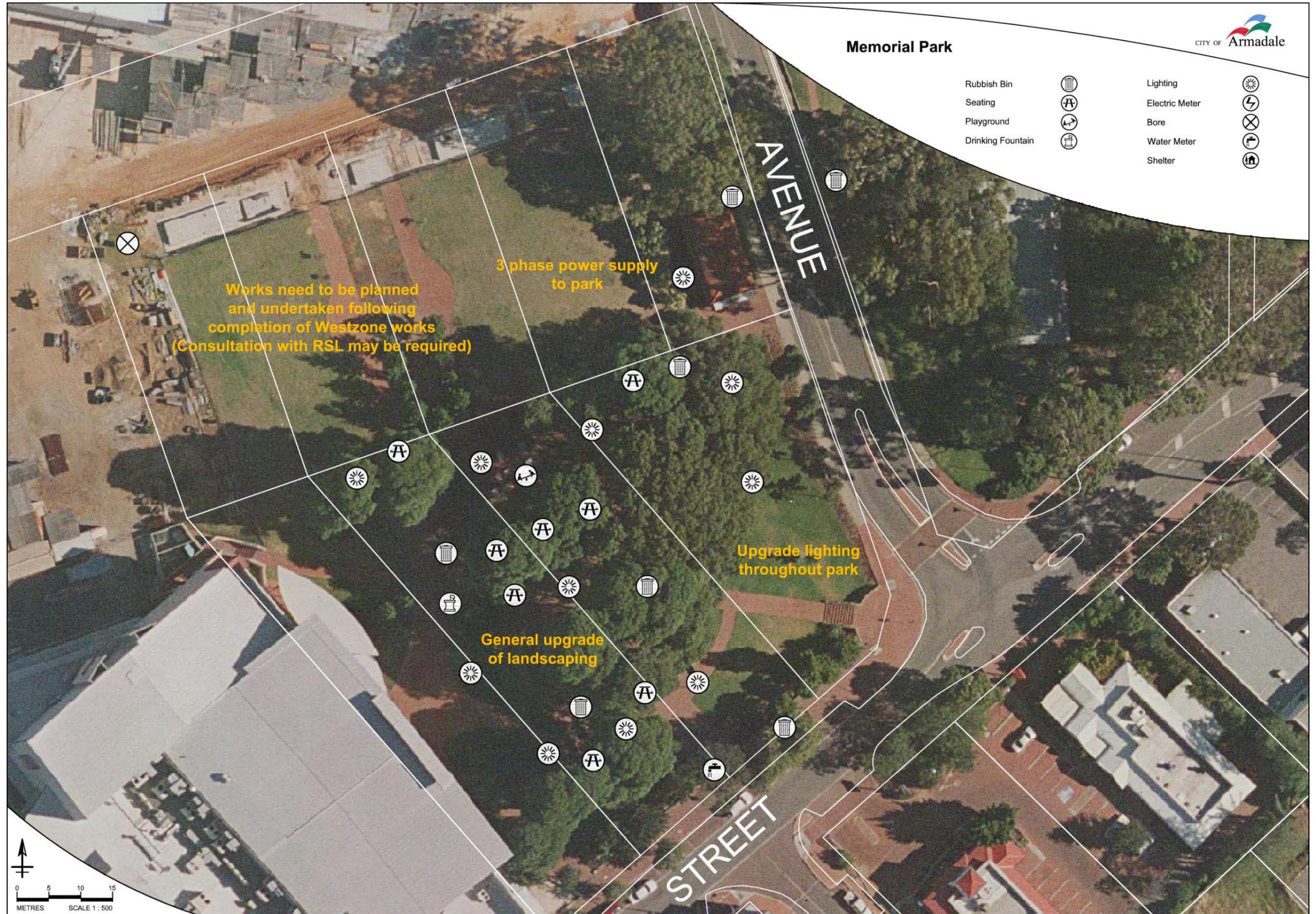
The following economic criteria should be utilised in determining the location and arrangement of Public Open Space:

- Public Open Space that can serve both Functional/Environmental purposes and Social/Recreational purposes in a compatible manner should be identified. Multipurpose Public Open Space is preferable to single-purpose open space (ie integration of POS functions should be maximised).
- Where Functional open space (eg for vegetation protection) of less than 4000m² is identified, opportunities to expand it so that it can also fulfil Social/Recreational Open Space needs as well should be accepted and sought.
- District Open Space should preferably be associated with schools to maximise usage. Shared facilities are preferable, and opportunities for partnerships in management should be identified.
- Soil types and the presence of materials such as stones, rubble and the like are considerations for Neighbourhood and District Open Space because these adversely affect the economics of park development/maintenance.

For new structure plans and subdivisions, the following principles should be applied:

- Sharing of facilities owned by the City of Armadale, State Government, Commonwealth Government and private organizations is encouraged.
- Acquisition costs should be minimised.
- Developer contributions to the enhancement of POS should be maximised, subject to assessment of the new assets consistent with the Management Practice associated with Policy ENG 13 Asset Management Vision.
- ~~Accept~~ cash-in-lieu of POS may be accepted in cases where there is already adequate POS, or POS is less than 4000m² and cannot be joined to existing POS.

Reserve Priority (1=Highest)	Reserve Priority validation	Location	Reserve Type	Proposed Works	Works Priority (1=Highest)	NEW or Asset Pres	Funding Year	Proposed Funding				TOTAL	
								POS Funds	Grant	CoA Municipal	Other (e.g. Cash-in- lieu)		
1	Existing Asset Base	Memorial Park	High use Park - venues for significant events									\$110,000	
	High Profile			1	Upgrade lighting throughout the Park, including uplighting of significant trees and historic building	1		2009/10	\$110,000	\$0			\$0
	Central			2	Three phase power supply to park/check if Have-a- Cupa building has power.					\$0			\$0
	Community Value			3	General upgrade of landscaping.								\$0
	High Public Use				<i>Note - Works need to be planned and undertaken following completion of Westzone works (consultation with RSL may be required).</i>								\$0
													\$0
													\$0
				Sub Totals				110,000	0	0	0	110,000	
2	High Profile	Minnawarra Park	High use Park - venues for significant events	1	Upgrade lighting throughout the Park, including uplighting of significant trees & historic buildings	1		2009/10	\$90,000				\$90,000
	Central			2	Disabled access pathways (gazebo to History House Toilets and Gazebo to Orchard Ave)	2			\$20,000				\$20,000
	Strategically Important			3	Provide power supply to History House gardens (area between the historic buildings and the lake) - power supply needed for events/concerts	3			\$10,000				\$10,000
	Existing Asset Base			4	Additional seating.	4			\$10,000				\$10,000
	Significant Events Venue			5	Fountain Upgrade or New Fountain.	5			\$35,000				\$35,000
	Community Value			6	New Bollards.	6			\$30,000				\$30,000
	High Public Use												\$0
													\$0
				Sub Totals				\$195,000	\$0	\$0	\$0	\$195,000	
3	Environmentally	Fletcher Park		1	Revegetation of creekline adjoining treated Ecological Community.	1		2009/10	\$76,500	Possible			\$76,500
	Significant Vegetation				Area approximately 8500m ²							\$0	
												\$0	
												\$0	
								\$76,500	\$0	\$0	\$0	\$76,500	
4	Local Park	Alderson Park		1	Upgrade Play Equipment	7		2009/10	\$20,000				\$20,000
	Limited Surveillance of Park			2	Minor Landscaping / Seating	7			\$5,000				\$5,000
	Adjoining Dale Cottages												\$0
													\$0
													\$0
								\$25,000	\$0	\$0	\$0	\$25,000	
TOTALS								\$406,500	\$0	\$0	\$0	\$406,500	





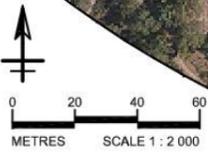
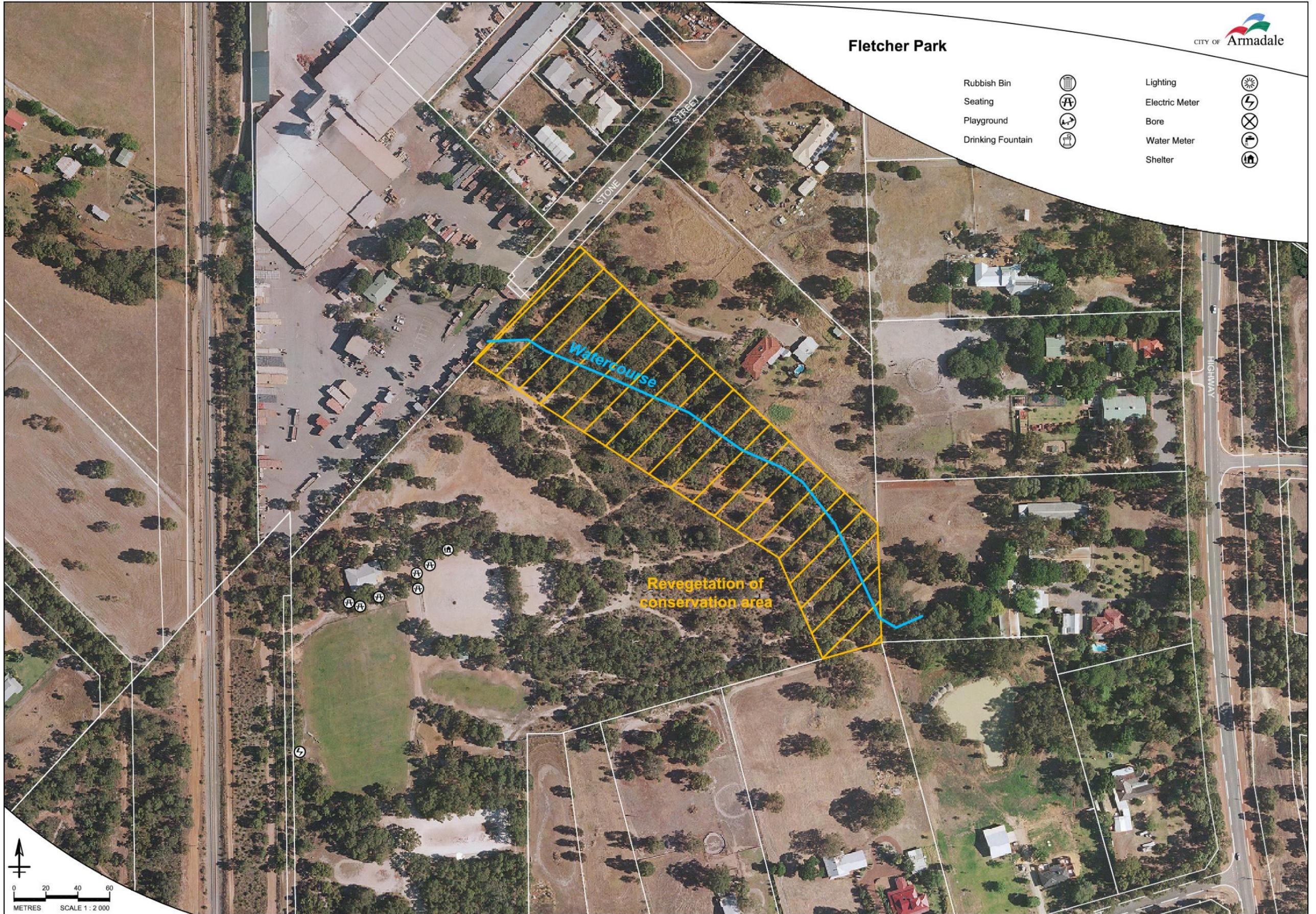
Fletcher Park



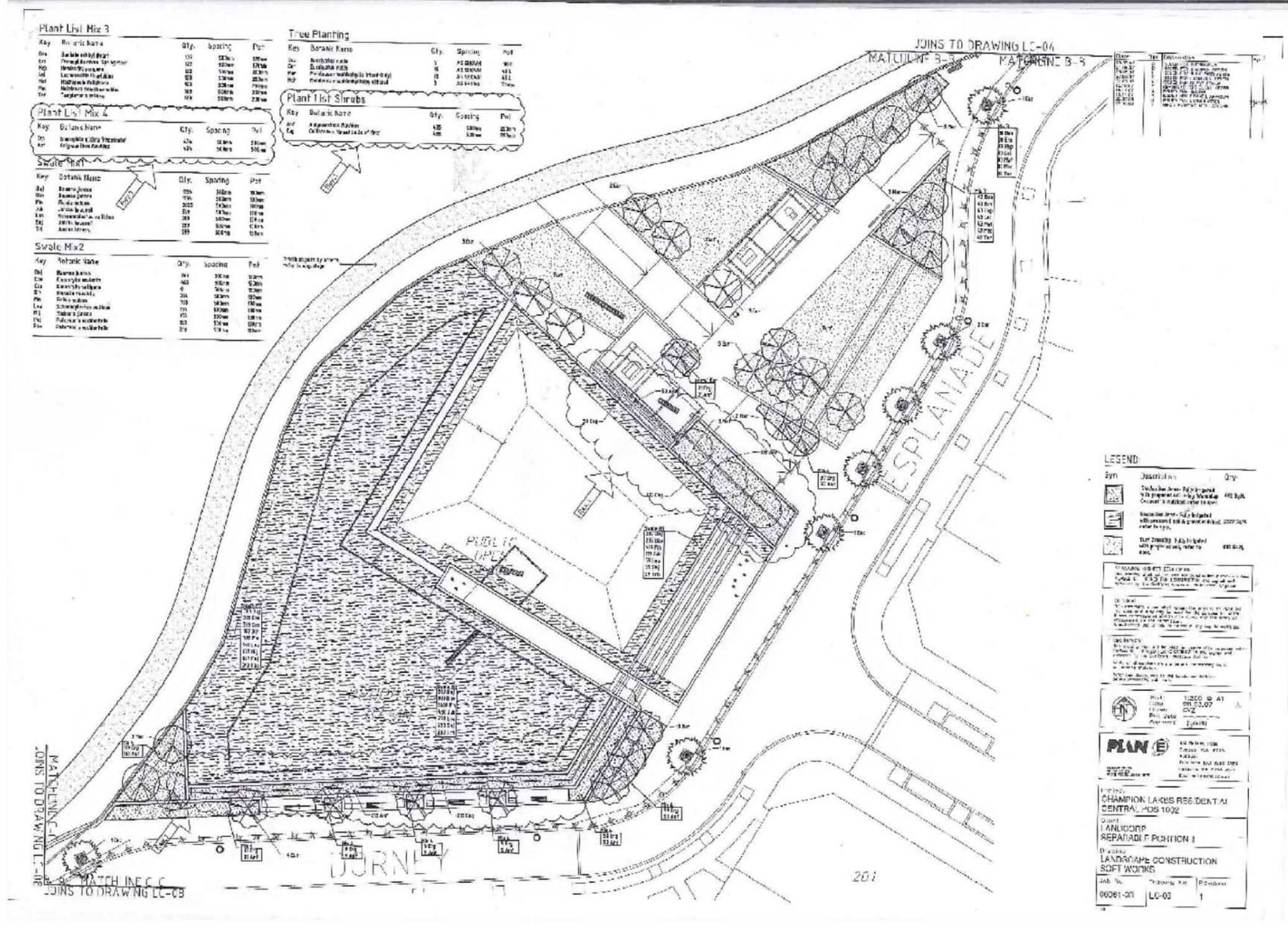
- Rubbish Bin
- Seating
- Playground
- Drinking Fountain



- Lighting
- Electric Meter
- Bore
- Water Meter
- Shelter







Plant List Mix 3

Key	Botanic Name	Qty.	Spacing	Per
Dr	Drumstick Tree	10	20m	100%
Dr	Drumstick Tree	10	20m	100%
Dr	Drumstick Tree	10	20m	100%
Dr	Drumstick Tree	10	20m	100%
Dr	Drumstick Tree	10	20m	100%

Plant List Mix 4

Key	Botanic Name	Qty.	Spacing	Per
Dr	Drumstick Tree	10	20m	100%
Dr	Drumstick Tree	10	20m	100%

Swale Mix 1

Key	Botanic Name	Qty.	Spacing	Per
Dr	Drumstick Tree	10	20m	100%
Dr	Drumstick Tree	10	20m	100%
Dr	Drumstick Tree	10	20m	100%
Dr	Drumstick Tree	10	20m	100%
Dr	Drumstick Tree	10	20m	100%

Swale Mix 2

Key	Botanic Name	Qty.	Spacing	Per
Dr	Drumstick Tree	10	20m	100%
Dr	Drumstick Tree	10	20m	100%
Dr	Drumstick Tree	10	20m	100%
Dr	Drumstick Tree	10	20m	100%
Dr	Drumstick Tree	10	20m	100%

Tree Planting

Key	Botanic Name	Qty.	Spacing	Per
Dr	Drumstick Tree	10	20m	100%
Dr	Drumstick Tree	10	20m	100%

Plant List Shrubs

Key	Botanic Name	Qty.	Spacing	Per
Dr	Drumstick Tree	10	20m	100%
Dr	Drumstick Tree	10	20m	100%

LEGEND

Sym	Description	Qty
[Symbol]	Decorative concrete paving with perimeter curb and drainage	400 sqm
[Symbol]	Decorative concrete paving with perimeter curb and drainage	400 sqm
[Symbol]	Decorative concrete paving with perimeter curb and drainage	400 sqm

NOTES

1. All work to be done in accordance with the approved plans and specifications.
2. All materials to be used shall be of the highest quality and shall be approved by the Engineer.
3. All work to be done in accordance with the approved plans and specifications.
4. All work to be done in accordance with the approved plans and specifications.

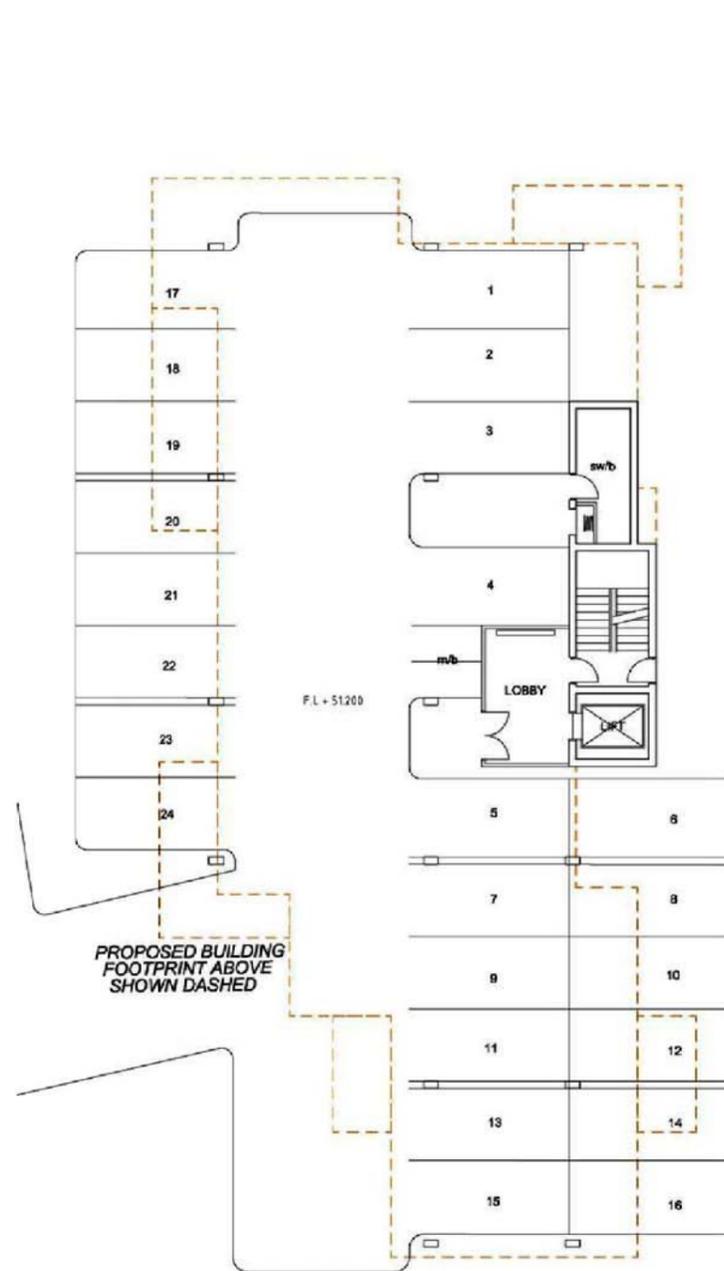
PLAN E

CHAMPION LAKES RESIDENTIAL CENTRAL POS 1002

LANDSCAPE CONSTRUCTION SOFTWARE

Job No: 06081-03 Drawing No: LC-03

SITE PLAN
LOT 1002 DORNEY ESPLANADE, CHAMPION LAKES



GROUND FLOOR

FIRST FLOOR

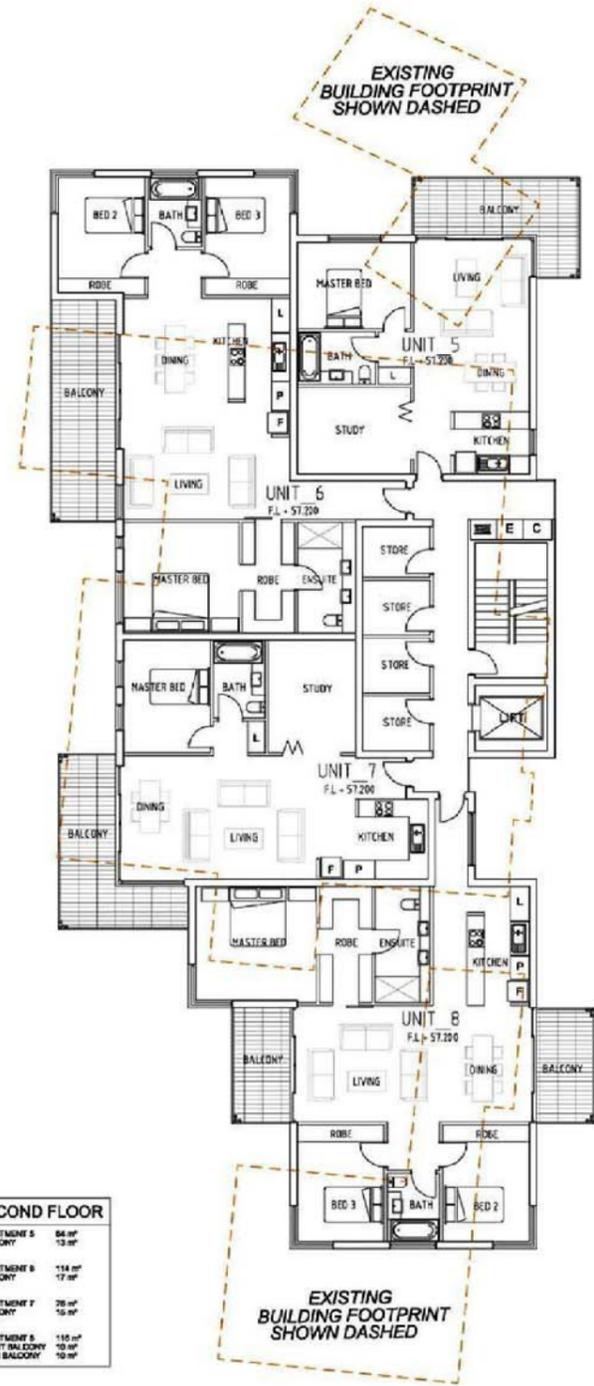
APARTMENT 1	64 m ²
BALCONY	13 m ²
APARTMENT 2	116 m ²
BALCONY	17 m ²
APARTMENT 3	75 m ²
BALCONY	19 m ²
APARTMENT 4	118 m ²
FRONT BALCONY	12 m ²
REAR BALCONY	19 m ²



EXISTING BUILDING FOOTPRINT SHOWN DASHED

SECOND FLOOR

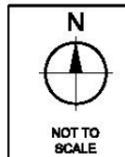
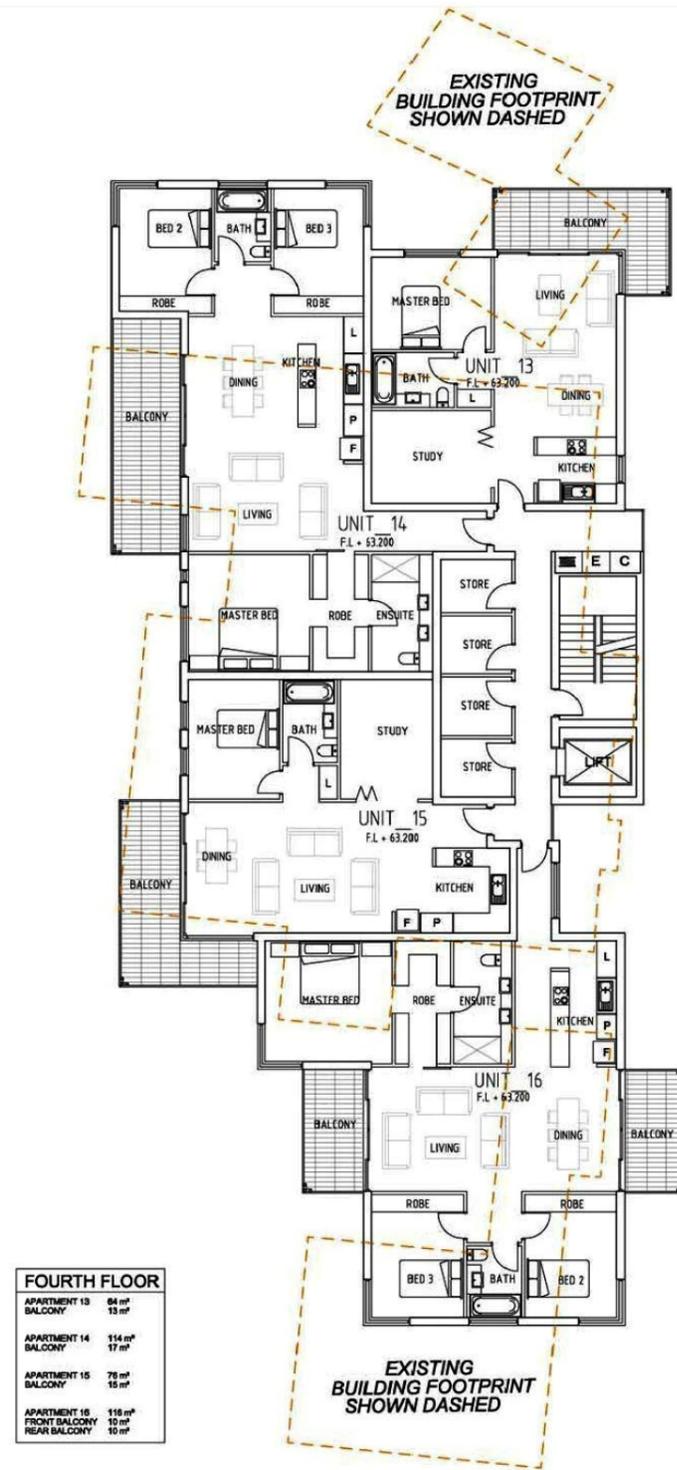
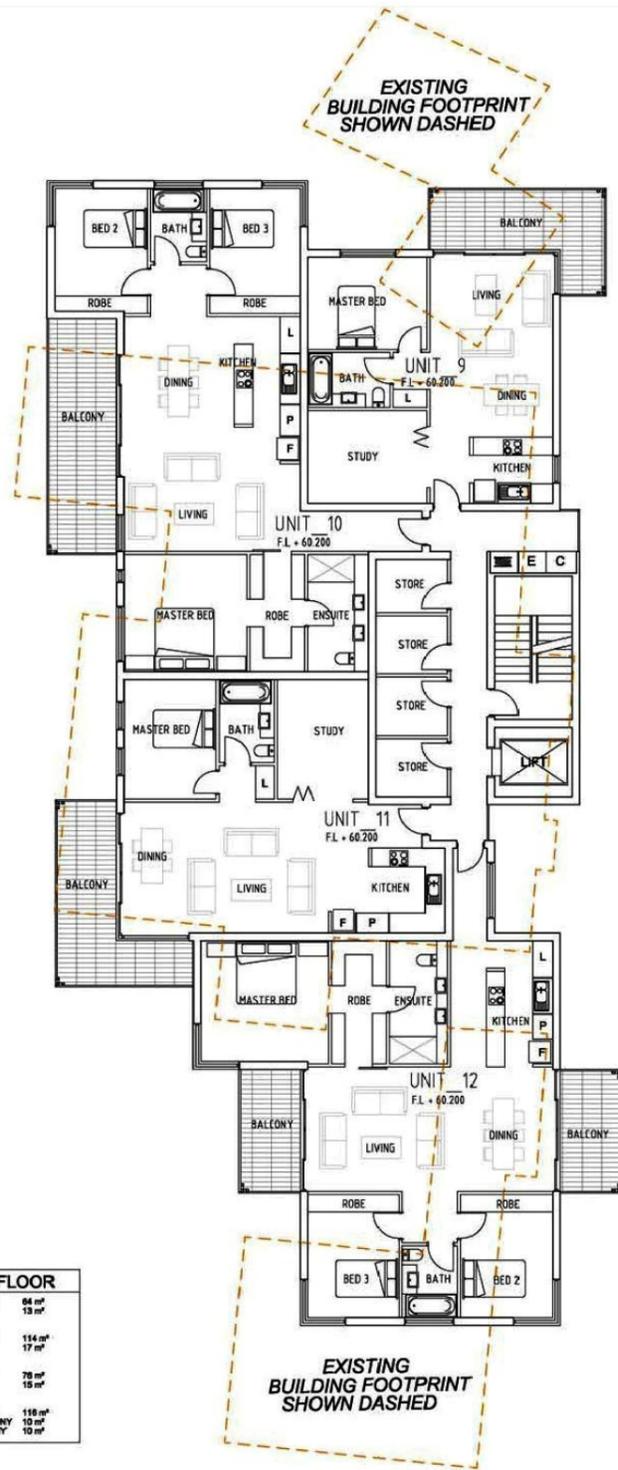
APARTMENT 5	64 m ²
BALCONY	13 m ²
APARTMENT 6	114 m ²
BALCONY	17 m ²
APARTMENT 7	76 m ²
BALCONY	19 m ²
APARTMENT 8	115 m ²
FRONT BALCONY	10 m ²
REAR BALCONY	19 m ²



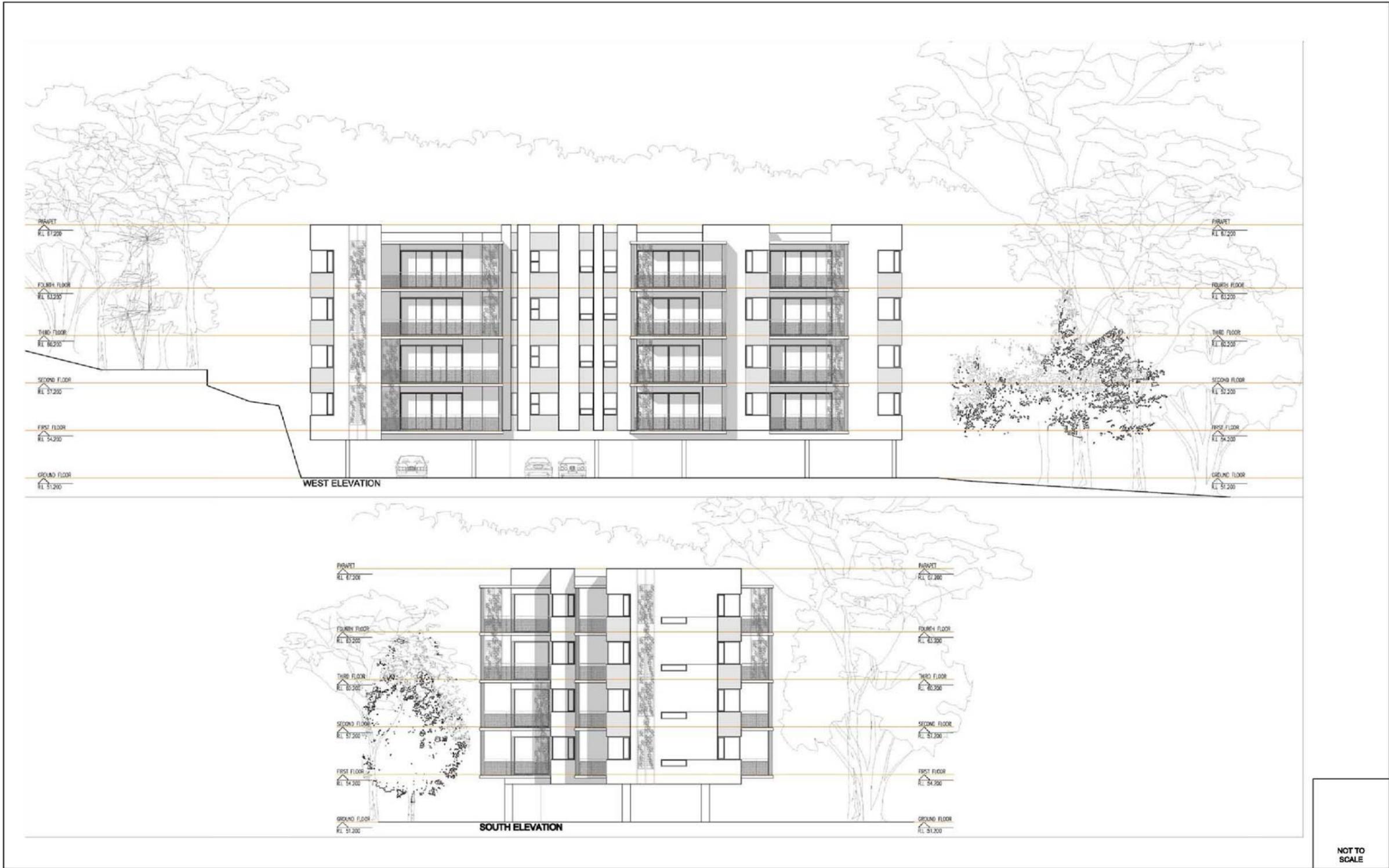
EXISTING BUILDING FOOTPRINT SHOWN DASHED



FLOOR PLAN
LOT 7 ALBANY HIGHWAY, ARMADALE



FLOOR PLAN
 LOT 7 ALBANY HIGHWAY, ARMADALE



ELEVATION PLAN
LOT 7 ALBANY HIGHWAY, ARMADALE



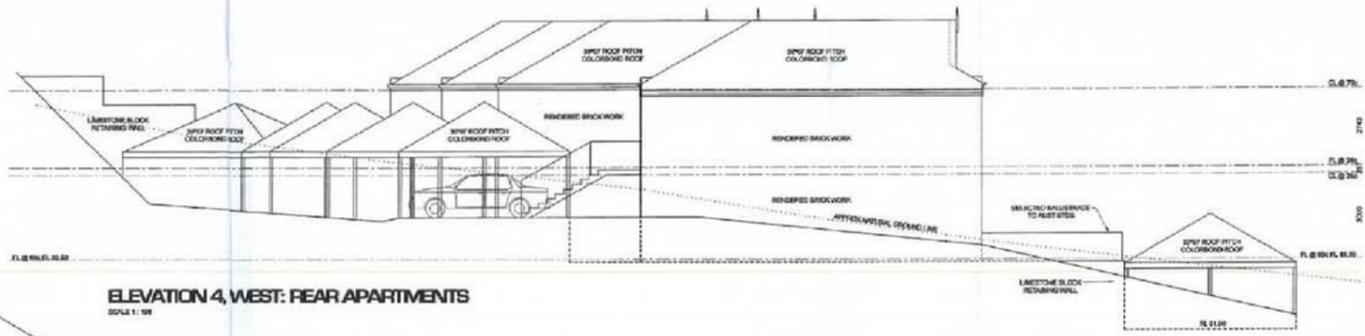
ELEVATION PLAN
LOT 7 ALBANY HIGHWAY, ARMADALE



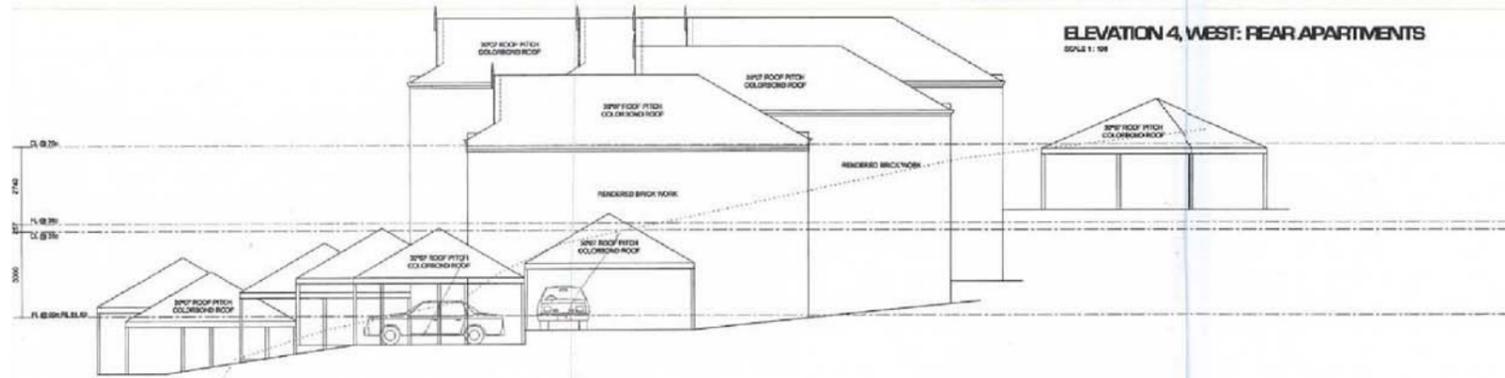
ELEVATION 1, SOUTH: REAR APARTMENTS
SCALE 1:100



ELEVATION 2, NORTH: REAR APARTMENTS
SCALE 1:100



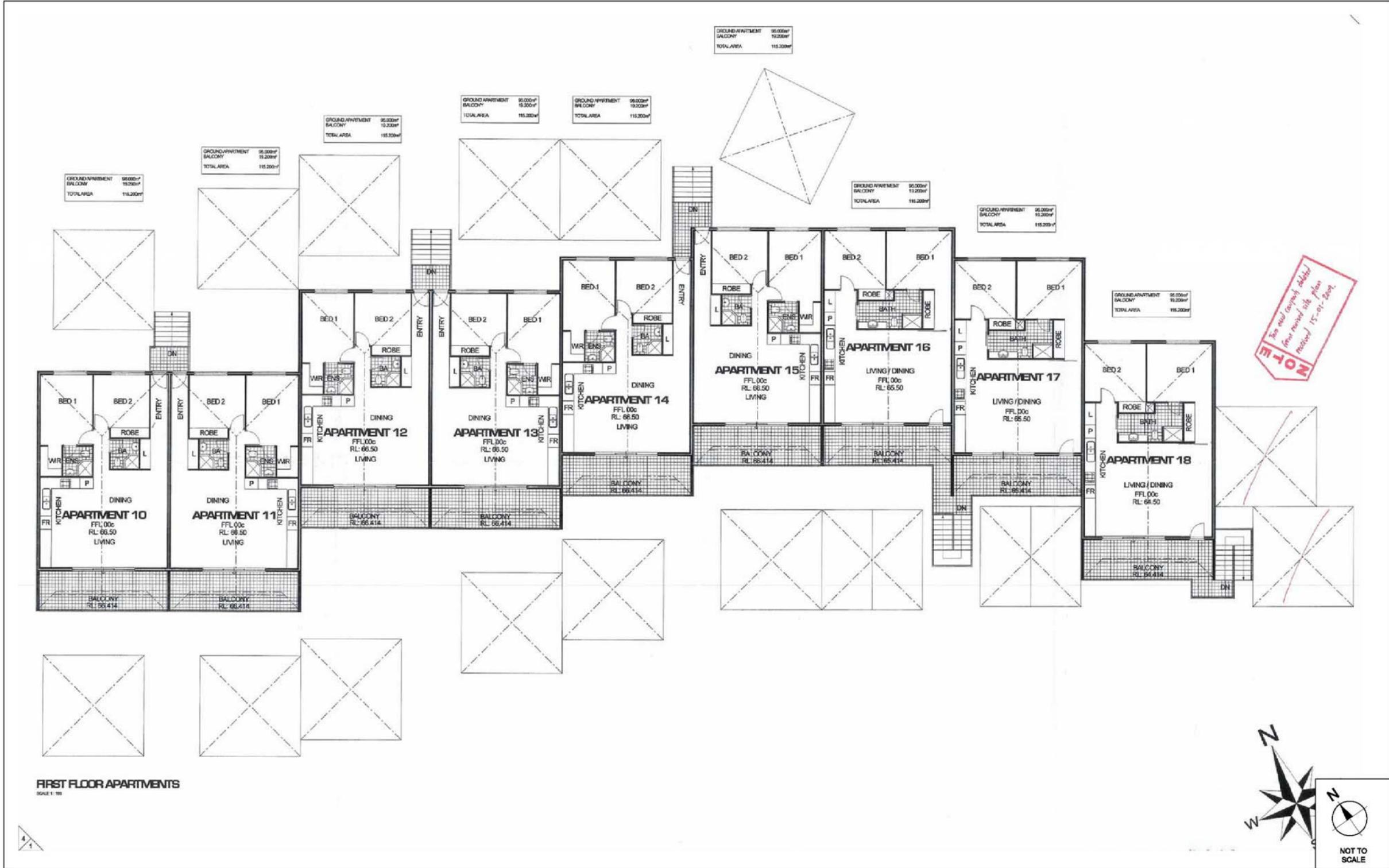
ELEVATION 4, WEST: REAR APARTMENTS
SCALE 1:100



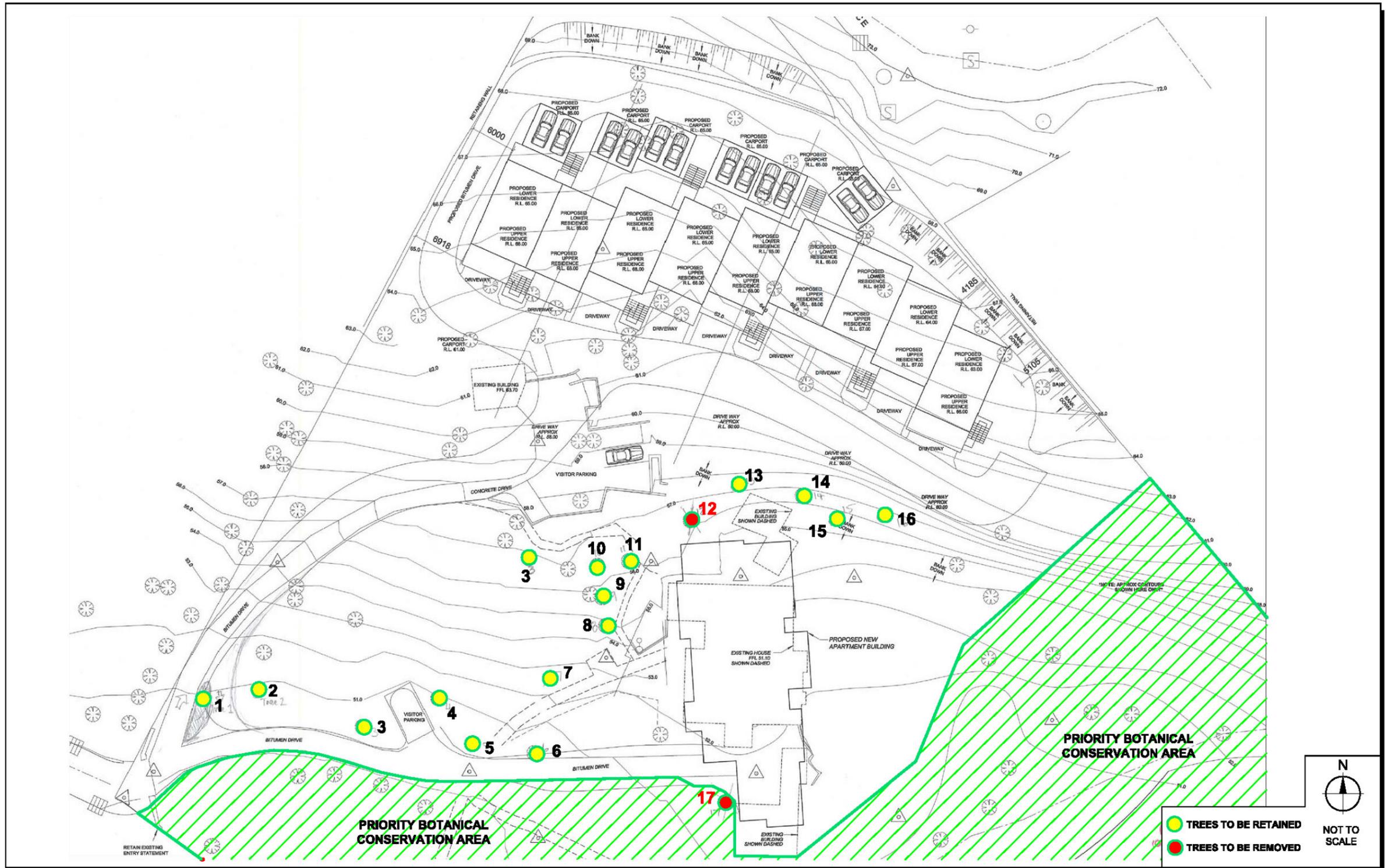
ELEVATION 3, EAST: REAR APARTMENTS
SCALE 1:100

NOT TO SCALE

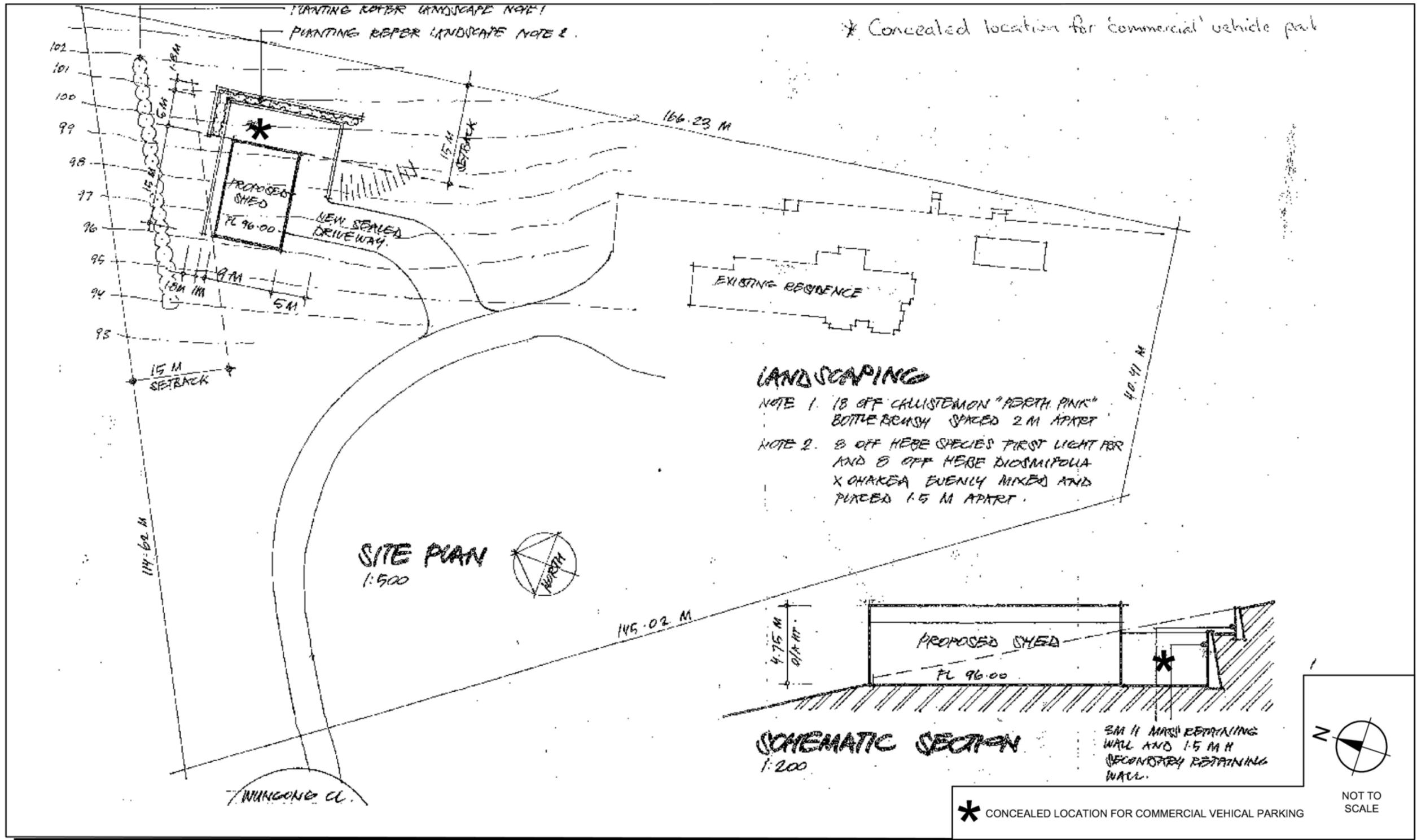
ELEVATION PLAN
LOT 7 ALBANY HIGHWAY, ARMADALE



FLOOR PLAN
LOT 7 ALBANY HIGHWAY, ARMADALE



TREE SURVEY PLAN
LOT 7 ALBANY HIGHWAY, ARMADALE



SITE PLAN
LOT 23 (5) WUNGONG CLOSE, WUNGONG



