

Attachment 8 – Without Prejudice Conditions and Advice Notes

Conditions

1. The development, once commenced, is to be carried out in accordance with the approved plans at all times, unless otherwise authorised.
2. Prior to lodging an application for a building permit, either (i) Lots 177, 178 and 179 are to be amalgamated into a single lot on a Certificate of Title; or (ii) the owner entering into a legal agreement with the Town prepared by the Town's Solicitors at the owner's cost agreeing to complete the amalgamation of Lots 177, 178 and 179 into a single lot within 12 months of the issue of a building permit.
3. Prior to the commencement of development, the applicant/owner is to contribute a sum of 1% of the value of the construction value towards public art, and submit amended plans for the public art contribution to the satisfaction of the Town, approved by the Western Australian Planning Commission (refer to related advice notes).
4. The café shall be occupied by the staff and occupiers of the Nursing Home only, and their associated visitors.
5. For the life of the development, unless otherwise approved by the Western Australian Planning Commission, the approved Waste Management Plan to be implemented to the satisfaction of the Town.
6. Any recommended measures of the Acoustic Report and Noise Management Plan shall be implemented prior to occupancy or use of the development and maintained thereafter, to the satisfaction of the decisionmaker.
7. Certification from an acoustic consultant shall be provided to the Town that the measures identified in the Acoustic Report and Noise Management Plan have been undertaken to the Town's satisfaction and that compliant with the *Environmental Health (Noise) Regulations 1997* is achieved, prior to occupancy or use of the development.
8. Provision being made for a 1.5 metre by 1.5 metre truncation where the proposed access leg intersects the front property boundary. The truncation area should remain free of any obstructions that would inhibit its provision in conjunction with any future subdivision of the lot.
9. Prior to lodging an application for a building permit, details of the security intercom system/garage security gates for access to the car parking bays are to be provided to the satisfaction of the Town of Victoria Park.
10. Prior to lodging an application for a building permit, all plant equipment, air conditioning units, hot water systems, water storage tanks, service metres, bin storage areas and clothes drying facilities must be located to minimise any visual and noise impact on the occupants of nearby

properties and screened from view from the street. Design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved by the Town.

11. Existing trees located within the verge are a Town asset and as such must be retained except where otherwise approved for removal by the Town.
12. Prior to the occupation or use of the development, all car parking spaces together with their access aisles to be clearly paved, sealed, marked and drained in accordance with AS2890.1 and thereafter maintained to the satisfaction of the Town.
13. Prior to lodging an application for a building permit, a plan shall be submitted detailing the location of all external light, to the satisfaction of the Town. The lighting plan and subsequent lighting installed must demonstrate that any light spill to adjoining properties is minimised to acceptable levels and is in compliance with AS4282:1997. Lighting in accordance with the approved plan is to be installed prior to occupation of the building.
14. Prior to lodging an application for a building permit, a landscaping plan detailing size, location and type of planting to be provided to the satisfaction of the Town.
15. Prior to the occupation of the development, all landscaping is to be completed and thereafter maintained to the satisfaction of the Town.
16. All windows and doors to street frontages are to be provided with clear glazing, and are not to be subsequently obscured by alternative window treatments, signage or internal shelves, to the satisfaction of the Town.
17. Prior to occupation or use of the development, the redundant crossover/s as shown on the approved plans, must be removed and the verge and kerb reinstated at the cost of the owner to the specification and satisfaction of the Town.
18. Prior to lodging an application for a building permit, stormwater disposal plans, details and calculations must be submitted for approval by the Town and thereafter implemented, constructed and maintained to the satisfaction of the Town.
19. Prior to lodging an application for a building permit, the applicant must submit and have approved by the Town, and thereafter implement to the satisfaction of the Town, a construction management plan addressing the following matters:
 - a) How materials and equipment will be delivered and removed from the site;
 - b) How materials and equipment will be stored on the site;
 - c) Parking arrangements for contractors;
 - d) Construction waste disposal strategy and location of waste disposal bins;
 - e) Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;
 - f) How risks of wind and/or water borne erosion and sedimentation will be minimised during and after the works;
 - g) Construction traffic and pedestrian management; and
 - h) Other matters likely to impact on the surrounding properties.

20. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.
21. The signage, if illuminated, must not be moving, pulsating, flashing, incorporate animation or movement into their design or structure, to the satisfaction of the Town.
22. At all times provision must be made onsite for the storage and collection of garbage and other solid waste. A waste storage and collection area must be graded, drained and screened from public view, and the garbage collected regularly, to the satisfaction of the Town.
23. The movement of delivery vehicles and activities outside buildings are to be limited to the house of 7.00am to 7.00pm Monday to Fridays and 8.00am to 5.00pm Saturdays.

Advice Notes

1. Any amendments or modifications to the approved drawings forming part of this development approval may require the submission of an application for amendment to development approval and reassessment of the proposal.
2. A separate application is to be submitted to the Town's Street Improvement business unit for approval prior to construction of a new crossover. To submit a crossover application please complete a 'Crossover Installation Application Form' and refer to the 'Crossover Installation Package'. Both documents are available from the Town's website.
3. In regards to the public art contribution, payment being:
 - a. Payment directly to the Town which will be placed in the Town's Community Art Reserve with the funds being used by the Town to provide public art within the same Town Planning Scheme Precinct; or
 - b. Payment to the Town of a bond to the value of the contribution, on the basis that the owner/applicant is to provide public art on the development site in accordance with the procedures outlined in the Town's Developer Public Art Handbook, which includes the submission of details for approval by Council. The public art is to be completed and installed to the satisfaction of the Town prior to the occupation of the development, at which time the bond will be refunded by Council. The public art is to be maintained thereafter by the owner/occupiers; or
 - c. The applicant/owner entering into a legal agreement with the Town prepared by the Town's solicitors at the cost of the owner/applicant, undertaking to provide public art on the development site in accordance with the procedures outlined in the Town's Developers Public Art Handbook, which includes the submission of the details for approved by Council. The public art is to be completed and installed to the satisfaction of the Town prior to the occupation of the development. The public art is to be maintained thereafter by the owners/occupiers.
4. With regards to Condition 3, the Town requests the proposed public art be presented to the Town's Public Advisory Group for modifications. Please refer to comments in the Town's report to Council

(under Engagement heading) on the public art proposal and the Town's Public Advisory Group comments on the selected professional artist and artwork's context.

5. With regards to Condition 4, it is recommended to ensure that the café operates ancillary to the predominate "Nursing Home" use.
6. With regards to Condition 14, the proposed *Lepidosperma gladiatum* on the landscaping plan to be located away from pedestrian traffic areas due to sharp-edged foliage and the selection of *Erythrina indica* as a street tree to be discussed with Town's Urban Forest Strategy staff.
7. With regards to Condition 15, relating to implementation and maintenance of landscaping and reticulation, the landscaping and reticulation maintenance schedule to be provided with the landscape plans to grounds manager.
8. A building permit is required to be obtained from the Town prior to commencement of any work in relation to this development approval.
9. Prior to the occupation of the development, any alterations, relocation or damage of existing infrastructure within the road reserve must be completed and reinstated to the specification and satisfaction of the Town of Victoria Park.
10. Sound levels created are not to exceed the provisions of the Environmental Protection (Noise) Regulations 1997.
11. Car park ventilation to be designed to ensure that the carbon monoxide build up in the parking area does not exceed the requirements in accordance with the Health Act (Carbon Monoxide) Regulations 1975 and the Town of Victoria Park Health Local Law 2003.
12. The applicant is required to submit a Food Business Registration/Notification form to Council's Environmental Health and Regulatory Services in order to register the food business under the Food Act 2008. Annual food risk assessment fees may apply. The form can be downloaded from the Council's website.
13. As this will be deemed a public building for the purposes of the Health (Public Buildings) Regulations 1997, the applicant is required to submit a Form 1 – Application to Construct, Extend or Alter a Public Building, together with floor plans to Environmental Health Services for approval, prior to commencing operation. For further information please refer to the Town's website or contact Environmental Health Services on (08) 9311 8111.
14. All fencing to be provided in accordance with the *Dividing Fences Act* and all boundary fencing behind the front building line to be a minimum of 1.8 metres and a maximum of 2.4 metres in height (or such other height agreed to in writing by the relevant adjoining land owners) at any point along the boundary, measured from the highest retained ground level.
15. The existing boundary fencing should not be removed, until such time as the required new fencing is to be erected.

16. All stormwater drainage shall be designed and signed by a certified Hydraulic Engineer. An overland flow path is to be included in the design to ensure diversion of stormwater from the developments during storm events.

17. A Work Zone Permit application is to be submitted to and approval issued the Town, prior to any works or temporary storage on a public thoroughfare (including roads, parking bays, footpaths or verges). To download an application form and for further information, please refer to the Town's website or contact the Town's Street Improvement business unit on (08) 9311 8111. It is noted that a Work Zone permit may not be permitted along some sections of Duncan Street and Shepperton Road.

18. Private companies engaged for removal of waste to adhere to Environmental Protection (Noise) Regulations 1997, which stipulate a variety of control measures such as certain decibels levels for various times of day, characteristics of noise and certain noisy activities that are allowed within a given time frame.

Commented [LS1]: @Christy Neems can you please assist with formatting, to have even spacing within condition list?

Commented [CN2R2]: Yay!! Fixed it !! 😊

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