

1. INTRODUCTION

Clause 68(2) of the deemed provisions of Town Planning Scheme No.2 states that in determining an Application for Development Approval, the City may grant its approval with or without conditions or refuse to grant its approval, giving its reasons.

2. STATEMENT OF INTENT

The City uses approval conditions and footnotes in respect of applications for Development Approval on any land within the Scheme Area. The purpose of this Planning Procedure is to list the approval conditions and footnotes that may be applied in respect of applications for Development Approval, as set out in Appendix 1.

Notwithstanding the approval conditions or footnotes listed in this Planning Procedure, the City may modify any approval condition or footnote or impose any alternative approval conditions or footnote after considering the nature of the particular application.

This Planning Procedure should be read in conjunction with Planning Policy 7.3, *Cockburn Sound Catchment*, which contains additional standard conditions not included in this Procedure.

3. INTERPRETATIONS

For the purpose of this Planning Procedure, the following term shall have the same meaning as in Town Planning Scheme No.2:

Council means the Council of the City of Rockingham.

Scheme Area covers the whole of the area of land and waterways of the local government district of the City of Rockingham as shown on the Scheme Map.

4. ADOPTION

This Planning Procedure was adopted by the City on 7 March 2017.

Appendices

1. Conditions and Footnotes for Development Approvals

Appendix 1

Part 1 - Administrative Conditions

Condition No.	Condition
General	
1.	<p>Within months after the grant of the approval, the applicant must submit to the City of Rockingham, for its approval, a <<XX>> plan which addresses the following matters:</p> <p>(a);</p> <p>(b);</p> <p>(c); and</p> <p>(d);</p> <p>[no later than]</p> <p>[prior to the issue of a building permit for this development]</p> <p>[a plan is to be submitted to, and approved by the City of Rockingham]</p>
2.	<p>All development must be carried out in accordance with the approved plans [and drawings] as listed below <<,including any amendments to those plans [and drawings] as shown in red>>:</p> <ul style="list-style-type: none"> - xx plan, Drawing No.xx, dated xx; - <<list all plans to be approved>> <p>save that, in the event of an inconsistency between the approved plans and a requirement of the conditions set out below, the requirement of the conditions shall prevail.</p>
3.	<p>This Approval does not authorise or approve the use of any of the tenancies. A separate development approval must be obtained for the occupation of any tenancy, prior to the occupation of the tenancy.</p>
4.	<p>The development must be designed and all works must be carried out in accordance with the <<name of Document or approved Management Plan>> prepared by <<author of Document or approved Management Plan>> and dated <<date of Document or approved Management Plan>>, for the duration of development.</p>
Amalgamation	
5.	<p>Prior to applying for a Building Permit, arrangements must be made to the satisfaction of the City of Rockingham for the amalgamation of lot <<X>> and lot <<Y>> into one Certificate of Title. The amalgamation must be completed prior to occupation of the development.</p>
Developer Contributions	
6.	<p>Prior to development commencing, arrangements must be made to the satisfaction of the City of Rockingham for the landowner/applicant to contribute towards the costs of providing the Administration and Community Infrastructure items pursuant to clause 5.5.14 of the City of Rockingham Town Planning Scheme No.2.</p>
Covenants and Easements	
7.	<p>Prior to applying for a Building Permit, a Restrictive Covenant must be registered on the Certificate of Title for the land, pursuant to section 70A of the <i>Transfer of Land Act 1893</i> or section 6(1) of the <i>Strata Titles Act 1985</i>.</p> <p>This Covenant must include the following detail:</p> <p><i>"At least one occupant of each aged or dependent persons' dwelling must be a physically dependent person or aged over 55, or the surviving spouse of that person."</i></p>

Part 2 - Drainage and Site Works Conditions

Condition No.	Condition
Drainage	
8.	<p>Prior to applying for a Building Permit, a Stormwater Management Plan must be prepared by a suitably qualified engineer showing how stormwater will be contained on-site and those plans must be submitted to the City of Rockingham for its approval.</p>

	<p>All stormwater generated by the development must be managed in accordance with Planning Policy 3.4.3 - Urban Water Management to the satisfaction of the City of Rockingham.</p> <p>The approved plans must be implemented and all works must be maintained for the duration of the development.</p>
Site Works	
9.	<p>Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures must be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.</p>
10.	<p>Trees, shrubs taller than 2m and grasstree plants (XANTHORRHOEACEAE family) must be retained (unless specifically identified for removal on the approved plans) and, during the construction period, measures for their retention must be taken in accordance with Australian Standard AS 4970—2009, <i>Protection of trees on development sites</i>. These measures are to be detailed in a vegetation retention management plan to the satisfaction of the City of Rockingham.</p> <p>Prior to applying for a Building Permit, arrangements must be made to the satisfaction of the City of Rockingham for the relocation of all grasstree plants that are specifically identified for removal.</p>
Works in Road Reserve	
11.	<p>Prior to the occupation of the development, the existing crossover must be removed and the verge, footpath, kerbing and landscaping must be reinstated to the satisfaction of the City of Rockingham.</p>

Part 3 - Carparking, Bicycle Parking and End of Trip Facilities

Condition No.	Condition
Carparking	
12.	<p>The carpark must:</p> <ul style="list-style-type: none"> (i) provide a minimum of <<XX>> car parking spaces; (ii) be designed, constructed, sealed, kerbed, drained and marked in accordance with User Class <<XX>> of Australian/New Zealand Standard AS/NZS 2890.1:2004, <i>Parking facilities, Part 1: Off-street car parking</i> prior to applying for a Building Permit; (iii) provide <<XX>> car parking space(s) dedicated to people with disabilities, which are designed, constructed, sealed, kerbed, drained and marked in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, <i>Parking facilities, Part 6: Off-street parking for people with disabilities</i> and which are linked to the main entrance of the development by a continuous accessible path of travel designed and constructed in accordance with Australian Standard AS 1428.1—2009, <i>Design for access and mobility, Part 1: General Requirements for access—New building work</i>; (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and (v) comply with the above requirements for the duration of the development.
13.	<p><<XX> on-street car parking spaces must be provided for short-term parking along <<XX>> and <<YY> Streets.</p> <p>The car parking spaces must:</p> <ul style="list-style-type: none"> (i) be designed, constructed, sealed, kerbed, drained and marked in accordance with Australian Standard AS 2890.5—1993, <i>Parking facilities, Part 5: On-street parking</i>; (ii) be approved by the City of Rockingham prior to applying for a Building Permit; (iii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and comply with the above requirements for the duration of the development.

14.	Prior to applying for a Building Permit, a cash contribution, calculated in accordance with clause 4.15.6 of the City of Rockingham Town Planning Scheme No.2, must be provided to the City of Rockingham for <<number of cash-in-lieu parking spaces required (Waterfront Village)>> car parking spaces in accordance with clause 4.15.2.1 of the City of Rockingham Town Planning Scheme No.2
15.	The approved residential visitor car parking bays must be clearly delineated (by road marking and signage) and available for use, free of cost, to bona fide visitors of the occupants of the dwellings the subject of this approval, for the duration of the development. The visitor car parking bays must be recorded as such on the strata plan and no by-law pursuant to the <i>Strata Titles Act 1985</i> shall be made that assigns or permits the exclusive use of any visitor car parking bay to any strata lot. Parking within such bays may be time restricted.
Bicycle Parking and End-of-Trip Facilities	
16.	In accordance with City of Rockingham Planning Policy 3.3.14 - <i>Bicycle parking and End of Trip Facilities</i> , <<XX>> short-term bicycle parking spaces and four long-term bicycle parking spaces must be provided for the development. The bicycle parking spaces must be designed in accordance with AS2890.3—1993, <i>Parking facilities, Part 3: Bicycle parking facilities</i> and must be approved by the City of Rockingham prior to applying for a Building Permit and constructed prior to occupancy of the development. The bicycle parking spaces must be retained and maintained in good and safe condition for the duration of the development.
17.	In accordance with City of Rockingham Planning Policy 3.3.14 - <i>Bicycle parking and End of Trip Facilities</i> , <<XX>> secure hot-water shower, change room and clothing lockers must be provided for the development which must be designed in accordance with that Policy and approved by the City of Rockingham prior to applying for a Building Permit and constructed prior to occupancy of the development. The showers, change rooms and lockers must be retained and maintained in good and safe condition for the duration of the development

Part 4 - Fire and Emergency Conditions

Condition No.	Condition
18.	Prior to the occupation of the <<dwelling/development>>, the private driveway as shown on <<insert plan name>> must be constructed in accordance with the following requirements: <ul style="list-style-type: none"> (a) minimum trafficable surface of 4 metres; (b) minimum horizontal clearance of 6 metres; (c) minimum vertical clearance of 4.5 metres; (d) maximum grade over 50 metres or less of 1 in 10; (e) minimum weight capacity of 15 tonnes; (f) maximum crossfall of 1 in 33; (g) minimum inner radius of curves of 8.5 metres; (h) turn around area for 3.4 Urban Tanker series fire appliance as shown on the plan; (i) passing bays located every 200 metres, having a minimum length of 20 metres and minimum width of 2 metres; and (j) all weather surface (i.e. compacted gravel, limestone or sealed). The private driveway must be maintained in accordance with these requirements and in a good and safe condition for the duration of the development.
19.	Prior to the occupation of the <<dwelling/development>>, the Emergency Access Way as shown on <<insert plan name>>, must be constructed in accordance with the following requirements

	<ul style="list-style-type: none"> (a) minimum trafficable surface of 6 metres; (b) minimum horizontal clearance of 6 metres; (c) minimum vertical clearance of 4.5 metres; (d) maximum grade over 50 metres or less of 1 in 10; (e) minimum weight capacity of 15 tonnes; (f) maximum crossfall of 1 in 33; (g) minimum inner radius of curves of 8.5 metres; and (h) must be sign-posted [size, words]. <p>The Emergency Access Way must be maintained in accordance with these requirements and in a good and safe condition for the duration of the development.</p>
20.	<p>Prior to the occupation of the <<dwelling/building>> easement(s) in accordance with sections 195 and 196 of the <i>Land Administration Act 1997</i> for the benefit of <<insert who>> are to be placed on the certificate(s) of title of <<insert lots>> specifying access rights. Notice of this easement(s) is to be included on the diagram or plan of survey (deposited plan). The easements are to state as follows:</p> <p><i>"Public access easement for the purpose of a bushfire emergency access way" and/or Bush Fire Access Route."</i></p>
21.	<p>Prior to the occupation of the dwelling, the fire service access route as shown on <<insert plan name>>, must be constructed in accordance with the following requirements</p> <ul style="list-style-type: none"> (a) all weather surface (i.e. compacted gravel, limestone or sealed); (b) dead ends not permitted; (c) minimum trafficable surface of 6 metres; (d) minimum horizontal clearance of 6 metres; (e) vertical clearance of 4.5 metres; (f) maximum grade over 50 metres or less of 1 in 10; (g) minimum weight capacity of 15 tonnes; (h) maximum crossfall of 1 in 33; (i) minimum inner radius of curves of 8.5 metres; (j) turn around areas designed to accommodate 3.4 Urban Tanker series appliances and to enable them to turn around safely every 500 metres; (k) erosion control measures and long-term maintenance arrangements in place; (l) access to public road network every 1,000 metres; (m) allow for two way traffic; and (n) must be sign posted [size, words]. <p>The Fire Service Access Route must be maintained in accordance with those requirements and in a good and safe condition for the duration of the development.</p>
22.	<p>Prior to the occupation of the dwelling, the gate(s) on the <<Emergency Access Way/Fire Service Access Route>> as shown on <<XXXX>>, must be installed on site in accordance with the following requirements:</p> <ul style="list-style-type: none"> (a) minimum width to accommodate a 3.4 Urban Tanker fire appliance; and (b) access to be restricted via a lock using the common key system. <p>The gate(s) and gate lock(s) on the <<Emergency Access Way/Fire Service Access Route>> must be maintained in accordance with those requirements and in a good and safe condition for the duration of the development.</p>
23.	<p>Prior to the occupation of the dwelling, the dwelling must be connected to a reticulated water supply in accordance with the specifications of the Water Corporation.</p> <p>The reticulated water supply must be maintained in accordance with those requirements and in working condition for the duration of the development.</p>

24.	<p>Prior to occupation of the <<dwelling/building>>, a water tank with a minimum capacity of 10,000 litres, reserved solely for the purpose of fire fighting, must be installed on site. The tank must:</p> <ul style="list-style-type: none"> (a) be sited above ground and constructed of concrete or metal; (b) be located within 60 metres of the outer edge of the <<dwelling/building>>; (d) be fitted with both a 55mm cam-lock fitting with a full-flow valve and a 125mm Storz coupling with a full-flow valve; (e) have all above ground water pipes constructed of non-corrodible and non-combustible materials; (f) have a hardstand turn around area, suitable for a 3.4 Urban Tanker fire appliance, provided within 3 metres of the water tank; and (g) be readily identifiable from the building or appropriate signage be provided pointing to the location of the water supply. <p>If the water tank has a tank stand, that stand must be constructed of non-combustible materials and heat shielding of the stand must be provided.</p> <p>The water tank must be maintained in accordance with these requirements and be in working condition for the duration of the development.</p>
25.	<p>The <<dwelling/building>> must be designed, constructed and maintained to BAL-<<XX>> as specified in <i>Australian Standard AS3959-2009: Construction of Buildings in Bushfire-Prone Areas</i> (AS3959).</p> <p>Prior to issuing a Building Permit, amended plans must be submitted to the City of Rockingham demonstrating the building has been designed to the required BAL as specified in AS3959. The building must be maintained in accordance with the specified requirements of the BAL for the duration of the development.</p>
26.	<p>Prior to occupation of the <<dwelling/building>>, the Asset Protection Zone (APZ), as depicted in <<plan name>> of the <<report name>> prepared by <<report author>>, dated <<insert date>>, must be installed on the site in accordance with the following requirements:</p> <ul style="list-style-type: none"> (a) maximum Fine Fuel Load of 2 tonnes per hectare; (b) tree crowns must be a minimum of 10 metres apart, not located within 2 metres of a building or overhanging a building, with no dead material being within the tree crowns or on the boles; (c) shrubs must not be located within 2 metres of a building; (d) fences and sheds must be constructed of non-combustible material; and (e) sheds must not contain flammable materials. <p>The APZ must be maintained in accordance with these requirements and in a good and safe condition for the duration of the development.</p>
27.	<p>Prior to applying for a Building Permit, a plan must be submitted to and approved by the City of Rockingham to determine the vegetation to be cleared and retained within the Asset Protection Zone. The plan is to be based on an accurate survey showing the location and canopy spread of the vegetation. The vegetation to be retained and removed is to be determined at a site inspection attended by City Officers and the applicant's suitably qualified Arborist and bushfire consultant. Where possible, all vegetation proposed for removal is to be replaced like for like outside of the Asset Protection Zone, consistent with Bushfire Management Plan requirements.</p> <p>All vegetation removed from within the Asset Protection Zone is to be in accordance with the approved plan.</p>
28.	<p>Prior to occupation of the <<dwelling/building>>, the Hazard Separation Zone, as depicted in <<plan name>> of the <<report name>> prepared by <<report author>>, dated <<insert date>>, must be installed on the site in accordance with the following requirements:</p> <ul style="list-style-type: none"> (a) the maximum Fine Fuel Load (less than 6mm diameter for dead material and less than 3 mm for live material) must be reduced to and thereafter maintained at:

	<ul style="list-style-type: none"> (i) between five and eight tonnes per hectare for jarrah/marri dominated forest and woodlands; (ii) between 12 and 15 tonnes per hectare in mallee heath; (iii) below 15 tonnes per hectare in karri forest; and <p>(b) tree crowns must be a minimum of 10 metres apart with no dead material within the tree crowns or boles.</p> <p>The hazard separation zone must be maintained in accordance with these requirements and in a good and safe condition for the duration of the development.</p>
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Part 5 - Environmental Health and Servicing

Condition No.	Condition
Waste Collection	
29.	<p>Prior to applying for a Building Permit, a Waste Management Plan must be prepared and include the following detail to the satisfaction of the City of Rockingham:</p> <ul style="list-style-type: none"> (i) the location of bin storage areas and bin collection areas; (ii) the number, volume and type of bins, and the type of waste to be placed in the bins; (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and (iv) frequency of bin collections. <p>All works must be carried out in accordance with the Waste Management Plan and maintained at all times, for the duration of development.</p>
30.	<p>Prior to applying for a Building Permit, a bin storage area must be designed with a size suitable to service the development and screened from view of the street to the satisfaction of the City of Rockingham.</p> <p>The bin storage area must be constructed prior to the occupation of the development and must be retained and maintained in good condition for the duration of the Development.</p>
31.	<p>Prior to the applying for a Building Permit, the bin storage area must be designed so that it is refrigerated and sealed to ensure the suppression of odour and ease of access for servicing to the satisfaction of the City of Rockingham.</p> <p>The bin storage area must be constructed prior to the occupation of the development and be retained and maintained in good condition for the duration of the development.</p>
32.	<p>Prior to occupation of the development, public rubbish bin facilities must be provided adjacent to the shop frontage so as to be convenient to pedestrians, but positioned so as not to obstruct pedestrian movements, to the satisfaction of the City of Rockingham. Public rubbish bin facilities must be emptied daily, continuously maintained in good condition and the surrounding area kept free of litter thereafter for the duration of the development.</p>
Wastewater	
33.	<p>Prior to the occupation of the development, a washdown area must be constructed to the satisfaction of the City of Rockingham. The washdown area must be constructed of hardstand, bunded, graded, roofed and be serviced by a petrol and oil separator suitable for connection to Water Corporation sewer mains.</p> <p>Washdown areas, including petrol and oil separators, must be maintained for the duration of the development.</p>
Exhaust Facilities	
34.	<p>Prior to the issue of a Building Permit, exhaust facilities associated with the proposed restaurant must be designed in accordance with Australian Standard AS 1668.2—2002, <i>The use of ventilation and air conditioning in buildings, Part 2: Ventilation design for indoor air containment control (excluding requirements for the health aspects of tobacco smoke exposure)</i> and be fitted with filtration and odour suppression devices to the satisfaction of the City of Rockingham.</p>

	The exhaust facilities must be installed prior to the occupation of the development and must be thereafter maintained to the satisfaction of the City of Rockingham for the duration of the development.
Water	
35.	Prior to occupation of the development, the development must be supplied with a potable drinking water supply that meets the Australian Drinking Water Guidelines. Written confirmation of compliance with the Australian Drinking Water Guidelines is to be provided to the satisfaction of the City of Rockingham.
Noise Nuisance	
36.	Prior to applying for a Building Permit, an Acoustic Report which demonstrates that all mechanical services associated with the proposed development and any other noise source, including noise emanating from Licensed Premises, will comply with the <i>Environmental Protection (Noise) Regulations 1997</i> , must be submitted to and approved by the City of Rockingham.
37.	Prior to the occupation of the development, a Final Acoustic Assessment must be prepared and provided to the City of Rockingham which demonstrates to City's satisfaction, that the completed development. complies with the <i>Environmental Protection (Noise) Regulations 1997</i> . The Final Acoustic Assessment must include the following information: (a) noise sources compared with the assigned noise levels as stated in the <i>Environmental Protection (Noise) Regulations 1997</i> , when the noise is received at the nearest "noise sensitive premises" and surrounding residential area; (b) tonality, modulation and impulsiveness of noise sources; and (c) confirmation of the implementation of noise attenuation measures. Any further works must be carried out in accordance with the Acoustic Report and implemented as such for the duration of the development.
38.	Access of delivery vehicles and the operation of forklifts is only permitted between the hours of 7:00am and 7:00pm from Monday to Saturday (inclusive) and between 9:00am and 7:00pm on Sunday and public holidays, for the duration of the development.
Light Nuisance	
39.	Prior to the occupation of the development, a final illumination report must be prepared which demonstrates to the satisfaction of the City of Rockingham, that the completed development complies with the requirements of Australian Standard AS/NZS 4282:2019, <i>Control of the obtrusive effects of outdoor lighting</i> .
40.	Floodlighting must not be illuminated after 10:00pm or before 7:00am on any day. All illumination must be confined to the land in accordance with the requirements of Australian Standard AS/NZS 4282:2019, <i>Control of the obtrusive effects of outdoor lighting</i> , at all times, for the duration of the development.

Part 6 - Residential, Rural and Heritage Development

Condition No.	Condition
Residential	
41.	Prior to applying for a Building Permit, the standard of finish to the wall(s) built up to boundaries must be to the satisfaction of the adjoining owner(s) or, in the case of a dispute, to the satisfaction of the City of Rockingham.
42.	Prior to applying for a Building Permit, fencing nominated on the approved plan must be 50% visually permeable above 1.2 metres and must thereafter be constructed, retained and maintained in good condition to the satisfaction of the City of Rockingham for the duration of the development.

43.	<p>Prior to applying for a Building Permit, the openings to <<insert description of openings>>, marked in red on the approved plans, must be designed in accordance with the following Privacy Screening requirements:</p> <ul style="list-style-type: none"> (i) consist of fixed obscure glazing not able to be opened; or (ii) have a sill height not less than 1.6 metres above floor level; or (iii) be reduced in size to not exceed 1.0m² in aggregate on the same wall; or (iv) be deleted. <p>These Privacy Screening requirements must be implemented for the duration of the development to the satisfaction of the City of Rockingham.</p>
44.	<p>Prior to applying for a Building Permit, the <<insert side of balcony to be screened>> side of the balcony to <<insert the location of the balcony>>, marked in red on the approved plans, must be designed with permanent vertical screening to a minimum height of 1.6 metres above floor level.</p> <p>This screening must be implemented for the duration of the development, to the satisfaction of the City of Rockingham.</p>
45.	<p>Prior to applying for a Building Permit, an enclosed, lockable storage area of not less than 4m² in area, with a minimum length of 1.5m and a maximum height of 2.1 metres located within the same building as its respective dwelling, must be designed for each <<grouped/multiple>> dwelling.</p> <p>Each lockable storage area must be implemented for the duration the development, to the satisfaction of the City of Rockingham.</p>
46.	<p>Above-ground meter boxes must not be located in a street setback area for the duration of the development.</p>
Rural	
47.	<p>The development may only be used for domestic storage and must not be used for habitation for the duration of the development.</p>
48.	<p>Without prior written approval from the City of Rockingham, clearing of vegetation outside of the approved Building Envelope must not be undertaken at any time, other than for the purpose of providing an Asset Protection Zone, a firebreak or a vehicular access way.</p>
Heritage	
49.	<p>Prior to applying for a Building Permit, an archival record of existing buildings on the site must be submitted to and approved by the City of Rockingham and the State Heritage Office.</p> <p>Prior to the occupation of the development, the archival record shall include measured drawings and an archival photographic record and must be prepared in accordance the State Heritage Office's 'Guide to preparing an archival record (State Heritage Office, 2012)</p>

Part 7 - Landscaping

Condition No.	Condition
50.	<p>Prior to applying for a Building Permit, a Landscaping Plan to the satisfaction of the City of Rockingham must be prepared and must include the following detail:</p> <ul style="list-style-type: none"> (i) the location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area; (ii) any lawns to be established and areas to be mulched; (iii) any natural landscape areas to be retained; (iv) those areas to be reticulated or irrigated; and (v) proposed upgrading to landscaping, paving and reticulation of the street setback area and all verge areas. <p>The landscaping, paving and reticulation must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City of Rockingham for the duration of the development.</p>

Part 8 - Design Elements (City Centre)

Condition No.	Condition
51.	All doors facing the <<insert street name where doors must be kept unlocked>> frontage of the building must be kept unlocked during all hours when the subject premises is trading.
52.	Street awnings must be provided to <<insert name of all streets the building abuts>> across the full width of the proposed building at a minimum 2.5m wide, with lighting being provided under the street awnings.
53.	The proposed roller blinds to the Outdoor Eating Area must be of a transparent nature, to the satisfaction of the City of Rockingham, for the duration of the development.
54.	Public or customer access must be from <<name of street(s)>> Streets, for the duration of the development.
55.	Prior to applying for a Building Permit, all service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, must be designed to be located away from public view and/or screened, and this design must be provided to, and approved by, the City of Rockingham
56.	The proposed alfresco dining area being must be kept in a clean and tidy condition to the satisfaction of the City of Rockingham, for the duration of the development.
57.	Prior to applying for a Building Permit, a schedule of the colour and texture of the building materials must be provided to the satisfaction of the City of Rockingham, demonstrating that the proposed development complies with the requirements of <i>Planning Policy 3.2.5 – Development Policy Plan - Waterfront Village Sector</i> . The development must be finished in accordance with the schedule provided and approved by the City of Rockingham, prior to occupation of the development.
58.	Prior to applying for a Building Permit, the applicant must demonstrate to the satisfaction of the City of Rockingham that ground floor glazing fronting <<insert name of all streets the building abuts>> has a minimum visible light transmission rate of at least 79% and a maximum visible reflectivity rate of 9% in order ensure that a commercial, interactive frontage is available to the development from <<XX>> and <<XX>> Streets. The glazing must be thereafter be installed and maintained to the satisfaction of the City of Rockingham for the duration of the development.
59.	In accordance with the requirements of <i>Planning Policy <<XX>></i> , entries and window frontages facing the street of ground floor tenancies must not be covered, closed or screened off (including by means of dark tinting, shutters, curtains, blinds, roller doors or similar), to ensure that a commercial, interactive frontage is available to the development from <<XX>> and <<YY>> Streets, for the duration of the development.
60.	Prior to applying for a Building Permit, a Sign Strategy must be prepared (which must include the information required by <i>Planning Policy 3.3.1, Control of Advertisements</i>) to the satisfaction of the City of Rockingham and it must thereafter be implemented for the duration of the development.

Part 9 - Home Occupations/Home Business/Cottage Industry

Condition No.	Condition
61.	All materials and/or equipment used in relation to the <<"Home Occupation/Home Business">> must be stored within the residence, shed and/or rear yard, behind property fences, for the duration of the development.
62.	Clients must not be permitted to attend the premises except by appointment and, with an interval of at least 15 minutes between clients.
63.	Clients are not permitted to attend the premises at any time.
64.	No more than two people are to be employed in connection with the Home Business if they are not members of the occupier's household at any time.

65.	Any person not a member of the occupier's household must not be employed in connection with the Home Occupation at any time.
66.	The retail display, sale or hire of goods directly to customers is not permitted on-site, unless the goods are ordered by customers via telephone or internet sales that are dispatched via post.
67.	The <<"Home Occupation/Home Business">> must only be operated from the <<name of occupation room>>.
68.	A maximum of 1 (one) advertising sign is permitted. The advertising sign must not exceed 0.2 square metres in area.
69.	The <<"Home Occupation/Home Business">> must only operate between the hours of 9:00am and 5:00pm, Monday, Tuesday, Wednesday, Friday and Saturday and between the hours of 9:00am and 7:00pm on Thursday and not at all on any Sunday or public holiday
70.	There must be no commercial deliveries or customers/clients visiting the site outside of the approved hours of operation.

Part 10 - Commercial Vehicle Parking

Condition No.	Condition
71.	This approval is specific to the applicant and cannot be transferred to any other person or to any other site.
72.	The Commercial Vehicle must be parked entirely within the property and behind the street setback area or parked at the rear of the residence and screened from view from any public street, reserve and neighbouring lot, whenever the Vehicle is present on the property.
73.	Major repairs must not be carried out on-site, the verge or the street, at any time. Minor servicing, including small mechanical repairs and adjustments and cleaning (except degreasing) that generates easily-contained liquid waste may be carried out on-site.
74.	All vehicle wash-down wastewater must be disposed of onsite, in accordance with <i>the Unauthorised Discharge Regulations 2004</i> , at all times.
75.	The Commercial Vehicle must not be started after 10.00pm or before 7.00am on any occasion.

Part 11 - Display Home Centre

Condition No.	Condition
76.	<p>Prior to occupation of the development, the following must be installed and thereafter maintained in a good and safe condition to the satisfaction of the City of Rockingham for the duration of the development [duration that the development is used as a Display Home Centre]:</p> <ul style="list-style-type: none"> (i) car parking designed in accordance with User Class <<XX>> of Australian/New Zealand Standard AS/NZS 2890.1:2004, <i>Parking facilities, Part 1: Off-street car parking</i>, including <<XX>> car parking space(s) dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, <i>Parking facilities, Part 6: Off-street parking for people with disabilities</i>, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, <i>Design for access and mobility, Part 1: General Requirements for access—New building work</i>; (ii) crossovers; and (iii) a 1.5m wide footpath connecting the car park and each display home.

77.	<p>Upon the cessation of the Display Home Centre at the development, the following must be undertaken to the satisfaction of the City of Rockingham:</p> <ul style="list-style-type: none"> (a) the office or transportable building must be removed; (b) all hard-stand material must be removed from the car parking area and the land stabilised to prevent dust nuisance; and (c) all signage associated with the development must be removed.
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Part 12 - Bulk Earthworks Conditions

Condition No.	Condition
General	
78.	This approval is valid for a period of <<XX>> years only, commencing from the date of issue of this approval.
79.	After the expiry of this approval period no development, including any works the subject of this approval are to be undertaken, except for any rehabilitation works in accordance with Condition <<XX>>.
80.	The development must comply with the approved <<Earthworks/Filling/Excavation Management Plan>> dated <<XX XXX>>, including all management commitments, for the duration of the development.
Prior to Commencement	
81.	(i) Seal Access The access road on Lot <<XX XX>> Road must be sealed for a distance of 50 metres into the site.
82.	(ii) Traffic Management A traffic management plan must be submitted to and approved by the City of Rockingham.
83.	(iii) Fence maintenance A perimeter fence must be constructed around the perimeter of the site which must be constructed from post and wire, with warning signs identifying the extraction area, and unauthorised entry must be prohibited and prevented for the duration of the development.
84.	(iv) Weed Management Plan A Weed Management Plan must be submitted to and approved by the City of Rockingham.
85.	(v) Asbestos Management Plan An asbestos management plan must be submitted to and approved by the City of Rockingham.
86.	(vi) Groundwater Sampling plan Prior to the commencement of any works, a groundwater sampling plan prepared by a suitably qualified person must be submitted to the City of Rockingham for approval addressing: <ul style="list-style-type: none"> (a) sampling locations; (b) sampling frequency; (c) sampling methodology (including collection, preservation and storage and testing (depth to groundwater and quality)); (d) data management and reporting; and (e) details of the person/group that will undertake sampling.
87.	(vii) Acid Sulfate Soils An Acid Sulfate Soils Assessment form and if required as a result of the self-assessment, an Acid Sulphate Soils Report and Acid Sulphate Soils Management Plan must be submitted to and approved by the Department of Environment Regulation.

88.	<p>(viii) Pre-works geotechnical report</p> <p>A pre-works geotechnical report prepared by a suitably qualified person must be submitted to the City of Rockingham for approval and this report must address:</p> <p>(a) fill material composition and quality; and</p> <p>(b) on-site drainage.</p>
89.	<p>(ix) Landscaping Plan</p> <p>A landscaping plan must be:</p> <p>(a) prepared by a suitably qualified and experienced consultant and address measures to screen the extractive industry from <<X>> Road;</p> <p>(b) submitted to and approved by the City of Rockingham.</p>
On-going Requirements	
90.	<p>(i) Vehicle Access</p> <p>(a) All<<extractive industry/construction>>traffic access and egress must be obtained from the existing access point at Lot <<XX>> <<XX>> Road.</p>
91.	<p>(ii) Haulage Vehicles</p> <p>(a) All haulage vehicles must be numbered and the operator's name must be clearly shown on fleet haulage vehicles to enable clear identification of trucks by motorists and residents.</p>
92.	<p>(iii) Excavation Setbacks</p> <p>(a) All <<excavation works/earthworks>> must be setback not less than:</p> <p>(i) <<XX>> metres from the existing dwellings on Lot <<XX>> <<XX>> Road, <<XX>>, <<except where a noise bund is constructed in accordance with an Acoustic Consultants Report that demonstrates compliance with the <i>Environmental Protection (Noise) Regulations 1997</i>>>;</p> <p>(ii) 40 metres from the front lot boundary to <<XX>> Road; and</p> <p>(iii) 20 metres from all other lot boundaries;</p>
93.	<p>(iv) Groundwater</p> <p>(a) The groundwater sampling plan must be implemented consistent with Groundwater Sampling and Analysis - A field guide (Geoscience Australia) and be observed and carried out at all times.</p> <p>(b) <<excavation works/earthworks>> must maintain a minimum vertical separation distance of 2 metres to the Maximum Groundwater Level. The applicant is required to undertake baseline monitoring to ensure the Maximum Groundwater Level can be determined.</p> <p>(c) No dewatering is to occur.</p> <p>(d) No drainage, stormwater or any other matter shall be deposited into or allowed to enter Bush Forever Area <<XX>>.</p>
94.	<p>(v) Fuel Storage</p> <p>The above ground hydrocarbon storage facility is to be bunded with impervious bunds having a maximum capacity of 110% of the hydrocarbon store capacity, unless otherwise approved by the City of Rockingham in writing.</p>
95.	<p>(vi) Hours of Operation</p> <p>(a) No works are to be conducted other than between 7:00am and 7:00pm from Monday to Saturday inclusive and no works at all are to be conducted on any public holiday or Sunday.</p> <p>(b) No crushing work or blasting is to be conducted:</p> <p>(i) prior to 7:00am or after 7:00pm from Monday to Friday inclusive; or</p> <p>(ii) on any Saturday, Sunday or public holiday.</p> <p>(c) No trucks or other vehicles are to enter or exit the <<extraction/earthworks>> area outside of the permitted hours of operation specified in paragraphs (a) or (b) above.</p>

96.	<p>(vii) Noise Management</p> <p>(a) The Noise Management Plan prepared by <<XXXX>> dated <<<XXX>>> and approved by the City of Rockingham must be observed and performed in accordance with the tenor of its provisions.</p> <p>(b) If an Officer of the City of Rockingham inspects the site and is satisfied that any of the operations on-site are generating an unreasonable amount of noise, or that any of those operations are not compliant with any of the conditions relating to noise emissions (including non-compliance with the noise management measures included in the noise management plan), the City of Rockingham may direct in writing that:</p> <p>(i) an amended noise management plan be submitted and approved by the City of Rockingham; or</p> <p>(ii) the activities on the site be brought into compliance with this approval, as the case may be.</p> <p>In this condition “an unreasonable amount of noise” means noise which exceeds the levels assigned by the <i>Environmental Protection (Noise) Regulations 1997</i>. (c)All vehicles, equipment and machinery used on the site must not use reversing beepers unless those beepers are required for the safe conduct of operations on the site (in accordance with the provisions of the <i>Occupational Safety and Health Regulations 1996 (WA)</i> and the <i>Environmental Protection (Noise) Regulations 1997 (WA)</i>) or it is demonstrated to the written satisfaction of the City of Rockingham that no acceptable alternative exists. Any reversing alarm on any vehicle, piece of equipment or machinery shall be broad-band reversing alarms, for example, “croakers”.</p>
97.	<p>(viii) Dust Management</p> <p>(a) The Dust Management Plan prepared by <<XX>> dated <<XXXX>> and approved by the City of Rockingham, must be observed and performed in accordance with the tenor of its provisions;</p> <p>(b) At all times sufficient water must be accessible on-site to enable dust suppression, and if necessary, water must be transported by tanker onto the site;</p> <p>(c) When winds are sufficiently strong to negate the effects of the dust management, suppression and mitigation measures contained in the Dust Management Plan, all operations on the site must cease until conditions improve and compliance can be achieved;</p> <p>(d) all:</p> <p>(i) stockpiles of materials on the site; and</p> <p>(ii) access roads to and all trafficable areas on the site, must be watered down or treated and maintained in a manner which prevents or minimises the generation of airborne dust;</p> <p>(e) If the City of Rockingham considers that the works are generating an unreasonable amount of dust, or that any operations are not compliant with the approved Dust Management Plan, the City or Rockingham may direct in writing that:</p> <p>(i) an amended Dust Management Plan be submitted to it for approval; or</p> <p>(ii) the activities on the site be brought into compliance with this approval, as the case may be.</p> <p>In this condition “an unreasonable amount of dust” means visible dust crossing the site’s boundary and visibly excessive dust on the site.</p>
98.	<p>(ix) Traffic Management Plan</p> <p>The Traffic Management Plan approved by the City of Rockingham, must be observed and performed in accordance with the tenor of its provisions, including the following measures:</p> <p>(a) haulage vehicles are not permitted to park along <<XX>> Road at any time;</p>

	<p>(b) all haulage vehicles used for sand haulage must have enclosed bodies to prevent the spillage of sand and limestone on public roads; and</p> <p>(c) a stop sign must be maintained at the exit point on Lot <<XX>>.</p>
99.	<p>(x) Weed Management Plan The Weed Management Plan prepared by <<XX>> dated <<XXXX>> and approved by the City of Rockingham must be observed and performed in accordance with the tenor of its provisions.</p>
100.	<p>(xi) Acid Sulphate Soil Management Plan Where an Acid Sulphate Soils Management Plan is required to be submitted to the City of Rockingham, all works shall be carried out in accordance with the approved management plan.</p>
101.	<p>(xii) Asbestos Management Plan The Asbestos Management Plan prepared by <<XX>> dated <<XXXX>> and approved by the City of Rockingham must be observed and performed in accordance with the tenor of its provisions.</p>
Annual Reporting Requirements	
102.	<p>(i) Annual Reporting By 30 June each year, a report must be provided to the City of Rockingham which report must be in the form (and contain the content) approved in writing by the City, which report must provide details of the operations of the approved development for the preceding calendar year including, but not limited to:</p> <p>(a) the progress of the work;</p> <p>(b) the progress of any rehabilitation work undertaken or completed;</p> <p>(c) whether the provisions of each of the plans referred to in these Conditions have been complied with;</p> <p>(d) in the event of any non-compliance with the provisions of any of the plans referred to in these Conditions, details of each non-compliance; and</p> <p>(e) the number and type of complaints received from the public and the responses made to those complaints</p>
103.	<p>(ii) City to provide Comments The City of Rockingham may provide to the operator its comments and any recommendations as to how the operation of the site or the use of the site might be changed in order to address any matter identified in the annual report.</p>
104.	<p>(iii) Applicant to Alter Operations If the operator agrees with any of the comments or recommendations made by the City of Rockingham, the City may direct the operator in writing to so alter the operation of the site or the use of the site and the operation of the site or the use of the site shall thereafter be carried out in accordance with that direction.</p>
Complaints Procedure	
105.	<p>(i) A telephone number or numbers and an email address or addresses must be maintained through which a complaint concerning the development may be made at any time.</p> <p>(ii) The owners and occupiers of properties within 500 metres of any boundary of the site must be advised not less than once every calendar year in writing of the telephone number or numbers and the email address or addresses through which a complaint may be made.</p> <p>(iii) A complaints log must be kept in which the following is to be recorded:</p> <p>(a) the date and time of each complaint made and received;</p> <p>(b) the means (telephone or email) by which the complaint was made;</p> <p>(c) any personal details of the complainant that were provided or, if no details were provided a note to that effect;</p> <p>(d) the nature of the complaint;</p>

	<p>(e) the steps or actions taken in response to each complaint (and when those steps or actions were taken), including any follow-up contact with the complainant;</p> <p>(f) if no actions or steps were taken in relation to the complaint or enquiry, the reasons why no action or steps were taken;</p> <p>(iv) A response must be made to every complaint received as soon as possible but in any event within 3 working days after receipt of the complaint.</p> <p>(v) The complaints log must be provided to the City of Rockingham within 1 working day after receipt of a request from the City that it be provided.</p> <p>(vi) A copy of any report prepared and submitted to the Department of Environment and Regulation (as required by and forming part of the operator's monitoring and reporting requirements contained in any licence or approved issued by the Department) must be provided to the City of Rockingham concurrently with the report being provided to the Department.</p>
Rehabilitation	
106.	<p>(i) This Condition applies where the land or part of the land is shown on the approved plans as being divided into stages in numerical sequence.</p> <p>(ii) No excavation work is to be commenced on the second or any subsequent stage unless:</p> <p>(a) all excavation work on the previous stage has ceased; and</p> <p>(b) rehabilitation work on the previous stage has commenced.</p> <p>(iii) A Post Geotechnical Report certifying that all landfill works have been carried out in accordance with the Pre-Works Geotechnical Report must be submitted to the City of Rockingham [by xx]</p> <p>(iv) All rehabilitation work specified in the approved Rehabilitation Plan must be completed no later than 6 months after the earlier of:</p> <p>(a) the expiry of the approval period; and</p> <p>(b) the lapse of this approval.</p>

FOOTNOTES

- F1 This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application a fresh application for Planning Approval must be submitted to the City.
- F2 This Approval supersedes the previous Approval dated <<date of superseded approval>>.
- F3 Approval to commence development must be separately obtained under the provisions of the Metropolitan Region Scheme. Your application has been forwarded to the Western Australian Planning Commission for determination. Approval should be obtained prior to the issue of a building licence.
- F4 The car parking requirement for this development has been calculated as <<insert calculated minimum car parking requirement>> car parking spaces (this includes spaces dedicated for people with disabilities). The proposed development provides a total of <<insert number of car parking spaces proposed>> car parking spaces which <<"meets the minimum car parking requirement as is deemed acceptable/has a shortfall of car parking spaces required for the development, which has been deemed acceptable">>.
- F5 With respect to Condition insert cash-in-lieu car parking condition number, the applicant and owner should refer to Planning Policy 3.3.4, *Cash-in-Lieu of Carparking*, which provides guidance on the calculation of the cash contribution.
- F6 The interpretation of <<insert TPS2 word requiring interpretation>> in Town Planning Scheme No.2 is as follows:

[insert Scheme interpretation]

- F7 The development should comply with <<"Planning Policy 3.3.10 - *Home Occupations and Home Businesses*, Planning Policy 3.3.13 - *Parking of Commercial Vehicles in a Residential Zone*">>, a copy of which is attached to this approval.
- F8 The development must comply with Schedule <<Schedule number "4,5">> (relating to Planning Unit <<Planning Unit "3,4,5,6,7,'Warnbro Dunes'">> of the Rural Land Strategy) of Town Planning Scheme No.2, a copy of which is attached to this approval.
- F9 The development must comply with the *Health (Public Building) Regulations 1992*; the applicant and owner should liaise with the City's Health Services in this regard.
- F10 The development must comply with the *Food Act 2008*, the *Food Safety Standards* and Chapter 3 of the *Australian New Zealand Food Standards Code (Australia Only)*; the applicant and owner should liaise with the City's Health Services in this regard.
- F11 The development must comply with the *Public Health Act 2016* with respect to 'offensive trades'; the applicant and owner should liaise with the City's Health Services in this regard.
- F12 Stable construction must comply with the *Health Local Laws 1996*; the applicant and owner should liaise with the City's Health Services in this regard.
- F13 The disposal of wastewater into the Water Corporation's sewerage system must be with approval of the Water Corporation; the applicant and owner should liaise with the Water Corporation in this regard.
- F14 The disposal of wastewater on-site must be with the approval of the City; the applicant and owner should liaise with the City's Health Services in this regard.
- F15 The existing effluent disposal system servicing the dwelling may need to be upgraded or a separate system installed; the applicant and owner should liaise with the City's Health Services in this regard.
- F16 The development must comply with the *Health (Skin Penetration Procedure) Regulations 1998* and the *Code of Practice for Skin Penetration Procedures*; the applicant and owner should liaise with the City's Health Services in this regard.
- F17 The development must comply with the *Health (Hairdressing Establishment) Regulations 1974* and the *Code of Practice for Hairdressing Procedures*; the applicant and owner should liaise with the City's Health Services in this regard.
- F18 The development must comply with the *Activities in Public Places and Thoroughfares and Trading Local Law 2001* with respect to outdoor eating areas; the applicant and owner should liaise with the City's Health Services in this regard.
- F19 The development must comply with section 400 of the *Local Government (Miscellaneous Provisions) Act 1960* and the *Street Verandahs Local Law 2000* relating to encroachments into the road reserve; the applicant and owner should liaise with the City's Building Services in this regard.
- F20 A Building Permit must be obtained for all retaining walls prior to construction; the applicant and owner should liaise with the City's Building Services in this regard.
- F21 A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building; the applicant and owner should liaise with the City's Building Services in this regard.
- F22 With respect to Condition insert landscaping condition number, the applicant and owner should liaise with the City's Land Infrastructure and Development Services to confirm requirements for landscaping plans.

- F23 All works in the road reserve, including construction of a crossover or footpath, installation of on-street carparking spaces, planting of street trees, bicycle parking devices, street furniture and other streetscape works and works to the road carriageway must be to the specifications of the City; the applicant and owner should liaise with the City's Land Infrastructure and Development Services in this regard.
- F24 A Licence to Take Water for the use of groundwater may need to be obtained; the applicant and owner should liaise with the Department of Water in this regard.
- F25 The development must comply with the *Environmental Protection (Controlled Waste) Regulations 2004*; the applicant and owner should liaise with the Department of Environment Regulation in this regard.
- F26 The development must comply with the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*; the applicant and owner should liaise with the Department of Environment Regulation in this regard.
- F27 The development must comply with the *Aboriginal Heritage Act 1972*; the applicant and owner should liaise with the Department of Indigenous Affairs in this regard.
- F28 The installation of security cameras linked to the City's security camera surveillance system should be considered, to provide surveillance of the proposed facility and public areas adjacent to the development.
- F29 The applicant is advised that in respect of Condition 8, a Stormwater Management Plan will require compliance with Planning Policy 3.4.3 - Urban Water Management. The applicant is encouraged to discuss the specific policy requirements with the City prior to the submission of the plan.