

Policy

Standard Conditions of Planning Approval



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To ensure that conditions of planning approval are applied in a consistent format, are recognised publicly, and reflected in Council officers' reports and the minutes of Council.

Adopted:	27/08/1997 #219
Last reviewed:	27/09/2006 #519 28/04/2010 #105 11/07/2012 #163
Legal Authority:	Local Government Act Section 2.7 – The Role of Council Planning and Development Act 2005 Town Planning Scheme #2

Policy:

The following conditions of approval, within the scope of Town Planning Scheme No 2 and relating to matters of land use, development and subdivision represent the Standard Conditions of the City of Kwinana.

(Note: Where a Standard Condition includes the annotation “()” the appropriate number of vehicle parking bays, physical area of landscaping, number of days, etc. specific to the proposed development shall be inserted.)

1. The use, management and development of the land being in accordance with the terms and provisions of Town Planning Scheme No 2
2. The premises being kept in a neat/tidy condition at all times by the owner/occupier to the satisfaction of the City of Kwinana.
3. Stormwater drainage from roofed and paved areas being disposed of on site.
4. The applicant shall implement dust control measure for the duration of site works to the satisfaction of the City of Kwinana.
5. Construction shall not be commenced until the applicant has paid the appropriate fees and lodged construction documents with the City of Kwinana and a building licence has been issued.
6. Crossovers to be located and constructed to the specifications and satisfaction of the City of Kwinana.

7. () square metres (5%) of the subject site to be landscaped and maintained to a high standard to the satisfaction of the City of Kwinana within () days of the practical completion of construction.
 8. () square metres (5%) of the subject site to be landscaped and maintained to the satisfaction of the City of Kwinana.
 9. A landscaping plan which outlines the proposed species and location of vegetation and proposed reticulation layout is required to be submitted to the City of Kwinana for approval at the building licence stage.
 10. A landscaping bond or bank guarantee of \$() (\$9.50 per square metre) shall be paid to the City of Kwinana at the building licence stage.
 11. The provision of () vehicle parking bays of the dimensions 5.5 x 2.5 metres, to be clearly marked on the ground and constructed of bitumen, brick or concrete and drained to the satisfaction of the City of Kwinana.
 12. Vehicle Parking Bays at 90 degrees to kerb shall be of the dimensions 5.5 x 2.5 metres and bays parallel to kerb shall be of the dimensions 6.0 x 2.5 metres.
 13. Landscaping areas, vehicle parking spaces, accessways, etc. are to be installed prior to occupying the proposed development and maintained thereafter by the owner/occupier to the satisfaction of the City of Kwinana.
 14. All vehicle parking to be accommodated within the boundaries of the subject lot.
 15. Crossover(s) shall be of concrete construction and located to the specifications and satisfaction of the City of Kwinana.
 16. Access/egress to the subject lot being only from ().
 17. The facade of the building on the principal frontage of the lot shall be constructed of brick, stone, masonry or concrete or other material deemed satisfactory by the City of Kwinana.
 18. All existing and proposed trafficked routes within the subject lot being sealed and drained to Comply with City of Kwinana trafficable area specifications.
 19. All non-trafficable and lay-down area within the subject lot being sealed and drained to comply with City of Kwinana non-trafficable and lay-down area specifications.
 20. Unused portions of the lot are to remain unused and suitably landscaped/covered to prevent dust lift-off.
 21. The lot being paved and drained to comply with the following requirements:
 - i. All regularly trafficked areas to be sealed and drained to comply with the City of Kwinana's 'Specification for Pavement and Drainage of Trafficable Areas';
 - ii. All storage and/or lay down areas to be sealed and drained to comply with the City of Kwinana's 'Specification for Pavement and Drainage of Trafficable Areas';
 - iii. Unused portions of the lot to remain unused and suitably landscaped/covered to prevent dust lift-off.
- Details to be submitted to and approved by the City of Kwinana prior to the issue of a building licence application.
22. Any proposed fencing shall be installed to a minimum standard of black coated PVC chain mesh and frame to the satisfaction of the City of Kwinana.

23. Existing fencing is to be upgraded to a minimum standard of black coated PVC chain mesh and frame to the satisfaction of the City of Kwinana.
24. The approval of the West Australian Planning Commission must be gained prior to the commencement of development and the issue of a building licence.
25. The proposed storage vessels being enclosed within concrete bunds sufficient in capacity to contain the entire contents of any such storage vessel in the event of leakage.
26. The bunded area being connected to a separate drainage system.
27. The installation of barriers between the storage vessel/s and trafficable areas to the satisfaction of the City of Kwinana.
28. The ground beneath the storage vessels being graded to enable spills and water to flow away from the vessel.
29. The provision of an adequate water supply for fire fighting purposes.
30. All future activities or changes of use of the () shall receive Council's Planning approval prior to undertaking of works or occupancy.
31. Any bore is to be licensed with the Department of Water, and shall be located and installed to the satisfaction of the City of Kwinana.
32. Prior to the occupation of the residence it shall be connected to a water storage tank with a minimum capacity of 91,000 litres. Unless the residence is connected to an operating bore and then the City of Kwinana may permit the minimum tank capacity to be 20,000 litres.
33. The proposed development to be screen landscaped from the roadway and adjoining lots to the satisfaction of the City of Kwinana.
34. No construction or excavation shall be undertaken within the easement of the Dampier to Perth Natural Gas Pipeline.
35. Retention of at least the front 15 metres of indigenous vegetation including ground cover.
36. Replanting/reinstatement of indigenous vegetation within the front 15 metres of the subject lot.
37. No indigenous tree, scrub or other substantial vegetation may be removed from outside the building envelope except which are deemed by the City of Kwinana to be diseased or dangerous, for the purposes of a firebreak construction and the construction of an approved accessway.
38. The development shall comply with the provisions of the Bush Fires Act (Advice Note).
39. The land is to be managed in such a manner as to avoid the land being laid bare of vegetation resulting in loose erodible conditions. For the said vegetation that has to be removed to make way for housing, fences, firebreaks, outbuildings and accessway construction, the City of Kwinana's approval shall be deemed as Council's written consent to remove that vegetation.
40. No excavation/fill within the wetlands on the rear portion of the lot without approval of the City of Kwinana.

41. No further clearing of wetlands vegetation in the area as shown on the attached plan without the approval of the City of Kwinana.
42. Replanting of vegetation indigenous to the locality in the area shown on the attached plan.
43. No more than () (#) horse shall be kept on the property at any one time.
44. Horses are to be kept within the paddocks and stables only as shown on the attached approved plan.
45. The keeping of horses is to be managed in accordance with the approved Equine Management Plan (EMP) to the satisfaction of the City of Kwinana.
46. The property is to be registered as an Equine Premise with application/licence documents and the prescribed fee being submitted to the City of Kwinana Environmental Health Services for approval.
47. Out buildings may be constructed of materials other than brick, stone, masonry or concrete provided the colour and texture produces a neutral non glaring finish e.g. olive, brown etc.
48. All buildings and developments which require the issue of a licence or involve the removal of vegetation shall be constructed within the confines of the Building Envelope.
49. No more than 2 dogs may be kept on site.
50. The minimum standard of front boundary fencing shall be:

Posts - tantalite treated pine not less than 100-150mm in diameter being not less than 750mm in the ground and 1200mm above ground. The posts are to be installed vertically and well consolidated in positions not exceeding 2750mm apart.

Corner posts and posts at changes of direction of fence alignment to be strutted to the satisfaction of the City of Kwinana's Manager Engineering and Facility Services.

Wires - ten SWG high tensile galvanised (or bonded) equivalent to the satisfaction of the City of Kwinana's Engineer. The top wire to be installed by running through holes bored in posts being 75mm below the under side of the top rails.

The middle wire to be installed by running through holes bored in posts 300mm below the top wire, the lower wire to be installed by running through holes bored in posts being 300mm below the middle wire. All wires to be strained to the satisfaction of the City of Kwinana's Manager Engineering and Facility Services. As an alternative the City of Kwinana may approve mesh in lieu of wire.
51. All other boundary fences shall be of a rural or open nature and shall exclude asbestos, pickets, sheet iron and any other material which in the opinion of the City of Kwinana would detract from the amenity of the area.
52. Fencing within or at the edge of the building envelope may be of any material which does not detract from the amenity of the area and shall be a neutral, non glaring colour which blends with the surroundings.
53. All residences and carports shall be of stone or masonry construction unless the express approval of the City of Kwinana is obtained to vary this requirement.
54. The existing dwelling being demolished and the materials removed from the lot within sixty (60) days of occupation of the new dwelling.

55. No person within the Special Residential Zone shall;
Park or allow to remain stationary for more than four hours consecutively:
- (i) More than one Commercial Vehicle.
 - (ii) Any vehicle which due to size or load is not capable of being housed in a domestic garage approved by Council.
 - (iii) A vehicle which together with its load exceeds 3 metres in height.
 - (iv) Repair, clean or service a commercial vehicle unless such work is carried out whilst the vehicle is in a domestic building.
 - (v) Park or allow to remain stationary a commercial vehicle or a load capacity exceeding 2 tonnes.
56. On site effluent disposal systems shall be nutrient retentive and be located wholly within the confines of the building envelope.
57. No clearing of vegetation outside the prescribed building envelope.
58. The residence being relocated so that it falls wholly within the confines of the building envelope.
59. The proposed development being connected to a potable water supply to the satisfaction of the City of Kwinana.
60. The sole occupant(s) of the ancillary accommodation shall be members of the family of the occupiers of the main dwelling only. A notice shall be placed on the Certificate of Title in the form of a Section 70A to advise prospective landowners of this requirement.
61. The ancillary accommodation is not to be occupied by more than two persons.
62. The ancillary accommodation shall be connected to the same effluent disposal system as the main dwelling. Details being submitted with the building licence application.
63. The ancillary accommodation shall not incorporate any laundry facilities as this type of facility is to be shared with that of the main dwelling.
64. () square metres (8%) of the subject site to be landscaped and maintained to a high standard thereafter to the satisfaction of the City of Kwinana within () days of the practical completion of construction.
65. () square metres (8%) of the subject site to be landscaped and maintained to a high standard thereafter to the satisfaction of the City of Kwinana.
66. The development being subject to an annual licence i.e. the applicant to re-apply for renewal of approval by the 1st of (insert month) of each calendar year.
67. Compliance with the definition of Home Occupation under Town Planning Scheme No 2
- "home occupation" means an occupation or profession carried on in a dwelling house by a person resident therein that:
- a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury or prejudicial affection due to the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water, or waste products;

- b) does not entail the employment of any person not a member of the occupier's family, except in the case of a professional person;
 - c) does not occupy an area greater than 20 square metres;
 - d) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located;
 - e) is not advertised by a sign not exceeding 0.2 square metres in area;
 - f) does not give rise to any pedestrian or vehicular traffic substantially beyond that which is normal to the neighbourhood in which it is located;
 - g) is so conducted that, with the exception of a sign complying with paragraph (e) hereof, no indication is given that the house is used for other than residential purposes;
 - h) does not involve the use of commercial vehicles exceeding 1 tonne in weight for the delivery and collection of materials to or from the premises;
 - i) does not require the outdoor storage of materials or supplies; and
 - j) has been granted planning approval of Council for a specified period.
68. An acoustic consultant's report on the proposed development shall be obtained, addressing the potential increased noise levels and the methods by which they can be attenuated so as not to increase the level of noise in the environment in excess of that permitted by the provisions of the Environmental Protection Act and Regulations.
69. Any fencing within the front setback area is to be visually permeable above 1.2 metres to the satisfaction of the City of Kwinana.
70. Essential facilities, such as clothes drying facilities, store area and bin storage areas being installed prior to occupying the proposed development and maintained thereafter by the owner/occupier to the satisfaction of the City of Kwinana.
71. Compliance with the Local Government Act requirements covering Swimming Pools.
72. Compliance with the provisions of the Offensive Trades Licence issued under the Health Act.
73. The shed/outbuildings shown on the submitted site plan shall not be used for habitable or commercial purposes.
74. Areas of landscaping which are to be included as part of the minimum 5% requirement shall be located primarily within the front of the subject lot.
75. The proponent is required to ensure that at least 50% of proposed landscaped areas are vegetated using mature/advanced species which are no less than 1.5 metres in height.
76. Landscaping being provided within parking areas at a rate of 1 tree per 4 bays to provide shade for parked cars and to soften the impact of paved carparking viewed from adjacent sites and roads.
77. Appropriate landscaping, including mature/advanced species, shall be used to screen service, storage and other areas as determined by the City of Kwinana's Planning Department.
78. Verges adjacent to industrial sites are to be landscaped / turfed and maintained to a high standard thereafter to the satisfaction of the City of Kwinana's.

79. All proposed effluent disposal systems are to be nutrient retentive. Conventional septic systems are no longer permitted within the Industrial Area.
80. Proposed development shall not discharge wastewater to the environment or be used as a 'wet industry' without the prior approval of the City of Kwinana and Department of Environment and Conservation.
81. All proposed settling and storage ponds are to be constructed to the satisfaction of the City of Kwinana, so as to prevent infiltration of effluent rich waste water into the groundwater, and to prevent the export of nutrients off-site or into adjacent waterways.
82. All loading / unloading or batching areas are to be suitably bunded. Such areas are to be constructed of impermeable surfaces, with all drainage being captured and treated on-site.
83. Permanent signage shall be professionally designed, constructed, finished, installed and maintained thereafter to the satisfaction of the City of Kwinana.
84. Signage to be securely fixed to the structure by which it is supported to the satisfaction of the City of Kwinana and maintained in a safe condition.
85. The sign being kept clean and free from unsightly matter including graffiti at all times by the owner/occupier to the satisfaction of the City of Kwinana.
86. The sign is not be constructed of reflective materials.
87. Glass shall not be used in the sign.
88. Paper, cardboard, cloth or other readily combustible material shall not form part of, or be attached to the sign.
89. No other signage to be erected other than signs exempted from Council Planning Approval pursuant to Clause 6.17.3 of the Town Planning Scheme No 2.
90. All signage associated with the business is to be removed upon vacancy of the premises.
91. Signs are to be located wholly within the confines of the lot boundary and not within road reserve.

Footnotes:

1. The applicant is advised that all future development must be submitted to the City of Kwinana prior to the commencement of works or alteration of land use.
2. This approval is issued under the delegated approval powers of Clause 32 of the Metropolitan Region Scheme.
3. The applicant is advised this approval is made without prejudice to any decision made by the West Australian Planning Commission.
4. The applicant should note the application has been referred to the West Australian Planning Commission for determination.
5. This decision has been made by the City of Kwinana Officers under delegated powers in order to speed up the decision making process. Should you be aggrieved by the decision or conditions imposed, you may request Council to reconsider the decision by

lodging a request with the Chief Executive Officer within 14 days of the date of the decision.

6. Should the applicant be aggrieved by the decision or any condition imposed, then an appeal should be lodged either with the State Administrative Tribunal within 28 days of the date of this decision.
7. The applicant is further advised that this is not a building licence the City of Kwinana issues to enable construction to commence. A building licence is a separate Council requirement and construction cannot be commenced until a building licence is obtained.
8. Compliance with the Environmental Protection Act and Regulations in regard to noise levels.
9. The applicant should ensure that the proposed development complies with all other relevant legislation, including but not limited to, the Environmental Protection Act 1986 and Regulations, Health Act 1991 and Regulations, and the Building Code of Australia.
10. It should be noted the landscaping bond will be refunded upon the satisfactory installation of the required landscaping work.
11. The provisions of the Government Sewerage Policy limit the volume of on site waste water disposal. Any proposal to increase the plumbing fixtures shown on the approved plan or establishment of industry which is likely to create additional waste water loading may necessitate connection to sewer. All such proposals require the approval of the City of Kwinana.
12. The applicant is advised that () has been gazetted as an Important Regional Road under the Metropolitan Region Scheme.
13. This approval is valid for () only. If development is not completed within this period a fresh approval must be obtained before commencing or continuing with the development.
14. Complaints received due to the business resulting in increase in traffic, noise emission, disturbance to or loss of amenity to the area may be considered as a basis for non renewal.
15. The activity to comply with the requirements of the Department of Community Development and the City of Kwinana's Health Department.
16. Please find enclosed an endorsed copy of the amended building envelope.
17. No dwelling or carport roof or outbuilding shall be constructed of highly reflective materials.
18. All residences and carports shall be of stone or masonry construction unless the express approval of the City of Kwinana is obtained to vary this requirement.
19. No signage shall be erected other than signs exempted from Council planning approval pursuant to Clause 6.14.3 of Town Planning Scheme No 2 (copy enclosed).
20. For the purpose of a firebreak required by a regulation or local law except that in order to preserve the amenity of the area, the City of Kwinana may at its discretion, vary the position of any required firebreak to avoid destruction of vegetation or due to the physical features of the subject land.

21. No boundary or internal fence shall be constructed of asbestos, metal sheeting or wooden pickets, unless approved by the City of Kwinana.
22. In respect of Condition () above, the applicant should note that while plant selection is the prerogative of the landowner, the City of Kwinana encourages the use of species indigenous to the locality, as these will reduce the maintenance requirement and water demand.
23. A landscaping plan is required to be submitted at the building licence stage which outlines the proposed species and location of vegetation.
24. With regards to condition () above if, in the opinion of the City of Kwinana, any lot is over grazed or severely degraded it may order the removal of any or all stock, either temporarily or permanently, until remedial works are carried out by landowner/s to render the land stable.
25. The applicant should note that this is not a Keeping of Horses and Equine Premise licence the City of Kwinana issues to register the property as an Equine Premise and the number of horses kept. A keeping of Horses and Equine Premise licence is a separate City of Kwinana requirement and horses cannot be kept until this licence is obtained.
26. The development to comply with the requirements of the Explosive and Dangerous Goods Act 1961-1967 and Flammable Liquids Regulations 1967 and thereby require the approval of the Department of Mineral and Petroleum Resources' Flammable Liquids Section.
27. The subject land falls within the boundaries of the Jandakot Underground Water Pollution Control Area and as such the applicant is to comply with the requirements of the Department of Environment in respect of groundwater draw and land use.
28. The subject lot falls within the boundaries of the Serpentine Public Water Supply Area and as such the applicant is to comply with the requirements of the Department of Environment, in respect of groundwater draw.

Additional Information:

1. The Standard Conditions shall be reflected in Council Officer Reports and the Minutes of Council.
2. The list of Standard Conditions shall be made available for inspection by the public at all times.
3. The Manager Planning Services may impose Standard and Non Standard Conditions of Planning Approval (within the scope of Town Planning Scheme No 2) consistent with the Instrument of Delegation and subject to the Clauses wherein which the applicant may request Council to reconsider any condition imposed.