

# Development Application

Lot 768 (58) Montana Crescent  
Alkimos, WA

PLANNING SOLUTIONS  
URBAN & REGIONAL PLANNING

PS



Prepared for  
Alkimos Combine Pty Ltd

December 2018

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<b>Job number</b>	5870	
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## Document control

<b>Revision number</b>	<b>File name</b>	<b>Document date</b>
Rev 0	181214 5870 DA Report - CX Alkimos	14 December 2018

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- Appendix 7: Bushfire Management Plan and Bushfire Risk Management Plan
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# 1 Preliminary

## 1.1 Introduction

Planning Solutions acts on behalf of Alkimos Combine Pty Ltd, the proponent of the proposed convenience store development at Lot 768 (58) Montana Crescent, Alkimos (**subject site**). The proposed convenience store subject of this application is located at the northern portion of Lot 768 (**development site**) as depicted on the development plans.

Planning Solutions has prepared the following report in support of an Application for Development Approval. This report will discuss various matters pertinent to the proposal, including:

- Background.
- Site details.
- Proposed development.
- Town Planning considerations.

The proposal involves the use and development of a fuel retailing convenience store on the development site, which forms part of the Alkimos Beach Gateway commercial precinct. The proposed convenience store will provide essential, uninterrupted fuel and convenience retailing services to the emerging Alkimos area, local community and patrons travelling along the surrounding road network (including Marmion Avenue).

The proposed development features a highly functional design and layout, suitable access arrangements, and will result in a high quality built form outcome consistent with the intent envisaged for the Alkimos Beach locality.

We respectfully request the Metro North-West Joint Development Assessment Panel (**JDAP**) grant approval to the proposed development.

## 1.2 Background

### 1.2.1 Meeting with local authority

Consultation and pre-lodgement engagement has occurred with the City of Wanneroo (**City**) with respect to the proposed development.

On 12 December 2018, Planning Solutions and representatives of the proponent attended a meeting with senior officers at the City, where the following matters were discussed and confirmed with respect to the proposal:

- Zoning interface – the subject site is designated ‘Commercial’ under the South Alkimos Local Structure Plan No 72 (**ASP72**) and is adjacent to land designated as ‘Mixed Use’ to the west. The interface between these zones was considered and established as part of the structure planning process.

- Land use – the proposed Convenience Store land use is a 'P' permitted use on the site, by virtue of the site's Commercial designation under the ASP72. In accordance with Clause 6.2.1 of the City's TPS2, the nature of the use is suitable.
- 24-hour trading - having regard to the context of the locality (ie no single houses adjacent to the development and the potential for mixed use development at the site immediately west of the development site), the City considers noise to be the primary consideration with regard to 24-hour trading. The City also acknowledges the existence of a tavern at the opposite side of Sanderling Street, which would be likely to operate during the night-time period.
- Building design – having regard to the Gateway South Local Development Plan No.39 (**LDP39**), the City is likely to require an opening to Sanderling Street which provides passive surveillance.
- Landscaping – the City requires an indication of verge landscaping to be provided on the development plans. We note Marmion Avenue road upgrades are imminent, therefore we are investigating the ultimate configuration of the Marmion Avenue verge and will indicate verge landscaping based on this.

The outcomes of the above meeting have informed refinement and finalisation of the development application.

### **1.2.2 Landcorp and Lendlease endorsement**

Consultation and collaboration has also occurred with both Landcorp and Lendlease through the design process for the proposed development, to ensure its composition and physical appearance aligns with the overall intent for the Alkimos Beach Gateway Commercial Design Guidelines. The guidelines do not form part of the local planning framework.

On 12 October 2018, Landcorp and Lendlease confirmed their endorsement of the proposed development plans, confirming the design of the proposal meets the intent for the Alkimos Beach estate.

## 2 Site details

### 2.1 Land description

Refer to **Table 1** below for a description of the land subject to this development application.

**Table 1 – Lot details**

Lot	Plan	Volume	Folio	Area (m <sup>2</sup> )
768	415096	2958	919	3,282

Refer **Appendix 1** for a copy of the Certificate of Title and Deposited Plan.

#### 2.1.1 Notifications and Encumbrances

The following encumbrances are listed on the Certificate of Title:

- Covenant burden to the City of Wanneroo, which restricts vehicular access along the entire lot frontage of Marmion Avenue and Sanderling Street, as depicted on Deposited Plan 415096.
- Notification (O031142) outlines the development site is located within the vicinity of a transport noise corridor and is currently affected, or may in the future be affected by transport noise.
- Restrictive Covenant (O031151) to Western Power which grants the construction, ownership and/or operation of an electricity distribution substation on the road reserve, as outlined on Deposited Plan 415096.

Refer to **Appendix 2** for a copy of the Notification document (O031142) and Restrictive Covenant documents (O031151).

### 2.2 Location

#### 2.2.1 Regional context

The development site forms part of the Alkimos Secondary Centre, located approximately 40km north-west of the Perth CBD, approximately 15km north-west of the Joondalup City Centre, and approximately 10km south-west of the Yanchep District Centre.

The development site has frontage to Marmion Avenue, a major north-south transport route of the metropolitan region linking Yanchep (north) to Trigg (south). The Butler train station is located approximately 1.85km south-east of the development site.

The development site is located within the municipality of the City of Wanneroo (**City**).



### 2.2.2 Local context, land use and topography

The development site is situated at the eastern fringe of the emerging Alkimos Beach Gateway commercial precinct, which comprises a range of established complementary commercial activities.

The development site is bounded by Sanderling Street to the north, Marmion Avenue to the east and the Montana Crescent to the west. Sanderling Street does not currently intersect with Marmion Avenue however, it is understood that the construction of this intersection is imminent. Sanderling Street is a recently constructed local road. A tavern and various commercial tenancies have been recently completed with frontage to Sanderling Street opposite the development site.

The locality is generally characterised by:

- The Alkimos Gateway Shopping Precinct located at Lot 3 (1) Graceful Boulevard, Alkimos Beach, to the north. The shopping precinct is comprised of various complementary commercial and retail uses.
- Vacant land directly south and west of the development site is currently undergoing works associated with lot creation.
- Undeveloped land and partially cleared vegetation east of the development site, at the opposite side of Marmion Avenue.
- Established dwellings further west, beyond vacant land approximately 75m from the development site.

The development site currently vacant, undeveloped and devoid of any vegetation. In terms of topography, the development site is generally flat.

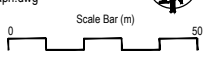
The development site is within walkable distance of public transport services along Marmion Avenue. Bus routes 490 and 491 provide connections to key locations including Yanchep, Two Rocks and Butler.

The development site fronts Marmion Avenue, currently a two-lane undivided carriageway with on-street cycle lanes on both sides of the road. Marmion Avenue in the vicinity of the development site carries on average in the order of 23,073 vehicles per day throughout 2017/18. Sanderling Street (a local access road) is currently in a cul-de-sac configuration, and does not connect to Marmion Avenue.

Refer **Figure 1**, aerial photograph.



**LEGEND**  
 - - - - - Development Site



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## 3 Proposed development

The proposal involves the use and development of a suitably designed fuel retailing convenience store facility at the development site comprising a high quality built form, including associated parking, access, landscaping and signage.

The proposed development will provide essential fuel and convenience retail services to the emerging Alkimos Beach community, meeting current and future demand. The proposed development is also suitably located to offer these services to the relatively high frequency of patrons travelling along Marmion Avenue, which is understood to connect to Sanderling street in the near future.

The proposed Caltex convenience store includes a retail building, comprising Caltex's 'The Foodary' format. The proposed development is attractively designed, utilising colours, artwork, treatments and materials consistent with what is envisaged for the Alkimos Beach estate, and has been the subject of a design review by Landcorp and Lendlease.

The overall development will result in a modern and attractive built form outcome which will contribute positively to the streetscape of Sanderling Street, with minimal impacts on the amenity of surrounding properties and future development to the west. Supporting expert assessment and reporting demonstrates the proposal's suitability with respect to acoustic, traffic and bushfire.

The following sub-section provides a detailed description of the proposed development.

### 3.1 Convenience Store

The proposed convenience store will provide the retail sale of fuel and associated convenience goods. Specifically, the proposed development comprises:

- A Caltex 'The Foodary' retail building of 220m<sup>2</sup> gross floor area (**GFA**) positioned at the northern aspect of the development site, orientated in a southern direction.
- Service yard and bin storage area along the western side of the retail building, contained within a 1.8m high enclosure which is substantially treated.
- A delivery/loading bay associated with the service yard and bin storage area, suitable for the movements of 12.5m service vehicles.
- Four light vehicle fuel bowsers with eight refuelling bays, and associated fuel canopy.
- Two underground fuel storage tanks, and an associated filling point appropriately positioned to accommodate the satisfactory/uninterrupted movements of Caltex's standard 17.2m fuel tankers.
- Eleven (11) shopfront car parking spaces for customers and staff (inclusive of one ACROD bay and one air/water bay).
- Various signage associated with the Caltex and The Foodary corporate imagery, including a 9m high ID sign fronting Marmion Avenue.

- High quality landscaping buffer along the development site's Montana Crescent and Sanderling Street frontages, and within the site itself. A total of approximately 420m<sup>2</sup> of landscaped areas are provided which represents 18.77% of the overall development site area.

The proposed retail building is located at the northern aspect of the development site, addressing Sanderling Street through a 0.5m to 2.6m setback with associated high-quality landscaping strip. The retail building is setback 9.95m to Montana Crescent. An existing pedestrian runs along the perimeter of the development site with crossings provided along crossovers to facilitate pedestrian movements.

The proposed fuel canopy is set back approximately 10.6m from Marmion Avenue. The fuel canopy is a visually permeable structure, supported by structural beams integrated into the bowsers (located centrally within the canopy itself). The positioning of the proposed convenience store and canopy integrates with the proposed crossovers to Montana Crescent, this allows for vehicles to manoeuvre through the development site in a safe and coordinated manner.

A minimum 5.7m wide landscaping buffer is provided along the site's Marmion Avenue frontage to enhance a level of aesthetic value. The proposed retail building is further surrounded by high quality planting to its northern, western and eastern frontages. The plant yard and bin storage area is located at the western side of the retail building, within a 1.8m high enclosure, with ventilated panels across the base of the enclosure. Staggered jarrah timber slats are integrated with the enclosure and transition into the retail building.

The proposed development is orientated towards the future Alkimos Beach estate and passing trade travelling along Marmion Avenue. A 9m high ID sign is proposed at the site's frontage to Marmion Avenue, to ensure there is sufficient exposure for patrons travelling along this road to identify the facility and ingress the development site in a safe and orderly manner.

## 3.2 Design and Built Form

The proposed retail building incorporates a range of architectural design features, which depart from the traditional convenience store format, and provide a positive contribution to the streetscape. These features include:

- An attractively designed retail building shopfront which incorporates 'The Foodary' rustic styles, materials (ie. cladding, brick panelling, etc) and associated earthy colour tones. This includes freestanding stools and a bench within the shopfront awning, increasing opportunities for activity.
- High quality landscaping and extensive foliage contributing to a softened interface with the street.
- Various external treatments and materials which create visual interest to Sanderling Street, Montana Crescent and Marmion Avenue. The primary orientation of the retail building has been specifically designed to ensure its compatibility and interface with future mixed-use development on lots on the opposite side of Montana Crescent is not compromised.
- The use of colours and external façade treatments (including public art) minimise the extent of blank walls visible to the public realm.

- An interesting and well-designed interface with Sanderling Street through the use of artwork, signage, staggered timber slats and landscaping. Signage proposed to the rear elevation will be attractively designed to reflect the offerings of the proposed development to the local community, whilst meeting the outcomes envisaged for the estate.
- Attractively designed awnings comprising various colours and materials, consistent with the Alkimos Beach design guidelines to create a comfortable external environment for pedestrians.
- Integrated signage which is sympathetic to the layout, design and context of the overall building, whilst maintaining its commercial purpose. The design of signage has been subject to review by Landcorp and Lendlease, and subsequently endorsed.
- A 8.9m high Caltex blade wall which protrudes vertically to the north-eastern side of the retail building, which overall enhances the proposed development's interface with Sanderling Street and creates a recognisable 'landmark' feature at the future entrance point to the Alkimos beach estate.

The proposed development provides eleven (11) non-refuelling car parking bays (inclusive of one ACROD bay and one air/water bay), and eight refuelling bays adjacent to petrol bowsers (two each side).

The proposed convenience store will operate 24 hours per day, 7 days per week and accommodate up to two staff on site at any one time.

Refer to **Appendix 3** for the development plans, which depict the proposed convenience store development.

### 3.3 Access and circulation

The proposed development and access arrangements are supported by a Traffic Impact Assessment (TIA) prepared by Transcore (refer **Appendix 4**). The TIA confirms the proposal is satisfactory from a traffic and access perspective, and that traffic generation associated with the proposed development will have an insignificant impact on the surrounding road network both under the current and future scenarios.

In terms of access, the development site is to be serviced by the following crossovers:

- 8.63m wide full movement crossover to Montana Crescent (northernmost crossover).
- 11.175m wide full movement crossover to Montana Crescent (southernmost crossover).

The proposed development provides a small scale retail fuel facility which will only cater for passenger vehicles. The facility is deliberately configured such that vehicles face the retail building when refuelling. The forecourt refuelling area interacts with the retail building in a manner which encourages a one-way circulation system for a high level of safety and functionality. The proposed access arrangements result in a safe and coordinated circulation system for the overall development and warrants approval accordingly.

Please note, the construction of Montana Crescent is currently being undertaken separate to this development application, in accordance with the approved subdivision WAPC reference 156278.

Refer to **Appendix 4** for the Traffic Impact Assessment prepared by Transcore.

### 3.4 Servicing arrangements

The proposed service station development has been designed for the safe and efficient movements of fuel tankers and service vehicles. The configuration and siting of onsite refuelling facilities and servicing areas is intended to maximise safety through the segregated movements and stopping of service vehicles, including a standard 17.2m Caltex fuel tanker and 12.5m delivery/waste collection vehicles.

Fuel tankers will enter the development site via the northernmost crossover to Montana Crescent, and navigate to the tanker fill points located to the east of the refuelling canopy, adjacent to the easternmost property boundary to Marmion Avenue. Fuel tankers will then proceed towards the southernmost crossover to Montana Crescent, travelling towards the south-western portion of the site and along the southern property boundary.

Delivery/waste collection vehicles will access the site via either crossovers to Montana Crescent, navigate towards the dedicated loading area to the western aspect of the retail building, and egress via either crossover to Montana Crescent.

The swept path modelling prepared by Transcore demonstrates the service vehicle movements do not affect any kerbing or structures. The proposed servicing arrangements are therefore safe, coordinated and acceptable.

Fuel tankers will generally make up to 2-4 deliveries per week, depending on retail fuel consumption and general demand. Deliveries generally take place during off-peak traffic periods to ensure minimal disturbance to the site's operations and traffic.

General stock deliveries and bin servicing will take place 1-2 times per week, although this may fluctuate depending on the time of year and demand for certain products. As depicted on the site plan, the loading area is situated at the western side of the retail building, away from the traffic flow of patrons and fuel tankers.

Refer to **Appendix 3** for the development plans and **Appendix 4** for the swept path modelling, contained within Transcore's TIA.

### 3.5 Stormwater

#### 3.5.1 Stormwater management

A conceptual stormwater management plan is provided at **Appendix 5** for the development site, demonstrating the proposed facility can cater a 1/100 year storm event, in accordance with the City of Wanneroo stormwater drainage design guidelines.

#### 3.5.2 Stormwater treatment

Stormwater runoff associated with the Caltex convenience store development will be treated through the use of a SPEL Purceptor system, which captures runoff within the forecourt area. The Purceptor is an underground collection system which treats stormwater by separating fuels, oils and other potential contaminants from stormwater runoff. The treated stormwater is then discharged into the site's main stormwater management system, while the captured contaminants are retained within a separate chamber for collection and removal off site.

Use of the SPEL Purceptor is a standard industry practice, and is generally implemented on all new fuel sites across Australia. A stormwater management plan can be provided post-approval in accordance with a condition of planning approval.

Refer **Appendix 6** for details regarding the SPEL Purceptor system.

### 3.6 Bushfire management

The development site is within a designated bushfire prone area in accordance with the Department of Fire and Emergency Services Map of Bushfire Prone Areas. Accordingly, a Bushfire Management Plan (**BMP**) and Bushfire Risk Management Plan (**BRMP**) have been prepared by Eco Logical to demonstrate appropriate bushfire risk management for the proposed development.

A Bushfire Attack Level (**BAL**) of BAL-12.5 was identified for the development site, with the BMP concluding that the bushfire protection requirements outlined in the BMP provide an adequate standard of bushfire protection for the proposed development in accordance with the relevant State Bushfire Protection Guidelines. These bushfire protection requirements include the maintenance of an Asset Protection Zone (**APZ**) over the development site, and extending the reticulated water supply to appropriate areas.

Refer to **Appendix 7** for the Bushfire Management Plan and Bushfire Risk Management Plan.

### 3.7 Noise management

An Environmental Noise Assessment has been undertaken by Lloyd George Acoustics (refer to **Appendix 8**) for the proposed development, noting 24 hour operation is proposed.

The assessment has modelled and assessed potential noise sources associated with the proposed development, and demonstrates the development will comply with the *Environmental Protection (Noise) Regulations 1997* at all times based on the existing site conditions and surrounding development.

The Environmental Noise Assessment also considered a conservative 'potential future scenario' for development at land west of the subject site, being a mixed use development consistent with its Mixed Use 'R100' classification under the South Alkimos LSP.

The future assessment indicates the loading bay noise from refrigerated trucks may exceed the night time assigned noise levels. The Environmental Noise assessment recommends delivery schedules for refrigerated trucks be restricted to 7am-10pm Monday to Saturday, or 9am-7pm on Sundays. This is acceptable to the operator.

Refer to **Appendix 8** for the Environmental Noise Assessment prepared by Lloyd George Acoustics.

### 3.8 Signage

The proposed convenience store development includes various advertising signage throughout the development site, comprising:

- One 9m high internally illuminated ID sign at the corner of Marmion Avenue and Sanderling Street. The proposed ID sign comprises a LED digital fuel price board and partner advertising panels detailing convenience offerings.
- Internally illuminated 'The Foodary' lettering integrated on the retail building shopfront, above the store entrance.
- One 1.9m by 1.2m 'Boost' internally illuminated fascia sign integrated on the retail building shopfront.
- One 1.2m by 1.5m promotional wall sign affixed to the eastern aspect of the retail building shopfront.
- One 2.2m by 2.65m 'Boost' internally illuminated fascia sign on the eastern elevation of the retail building.
- One 4.3m by 2.9m 'The Foodary' internally illuminated building fascia sign on the eastern elevation of the retail building.
- One 1.3m by 2.3m internally illuminated promotional sign, located adjacent to the northern most crossover to Montana Crescent.

The proposal incorporates high quality advertising signage that complements the architectural style and design of the retail building and canopy. The signage is consistent with Caltex's, 'The Foodary' and Boost corporate branding implemented on all new and refurbished sites across Australia.

Refer to **Appendix 3** for a copy of the development plans which depict the proposed signage.

### 3.9 Landscaping

The proposed development will incorporate landscaping along the boundaries of the development site and surrounding the retail building. A total of approximately 420m<sup>2</sup> of landscaped area is provided which represents 18.77% of the overall 2,237m<sup>2</sup> site area of the development site.

Landscaping is provided along the lot frontages and within the site, comprising a mixture of native species of low and medium scale. The proposed landscaping will enhance the overall presentation of the development and improve the visual appearance of buildings.

Indicative details of verge landscaping are provided on the landscaping plan. It is noted that road upgrades for Marmion Avenue adjacent to the development site are imminent. At the time of preparing this report, the precise details of the Marmion Avenue slip lane could not be obtained from the City. Therefore, the details of Marmion Avenue verge landscaping will be provided once the layout of the verge can be confirmed.

Refer to **Appendix 3** for the development plans, which contain a landscaping plan.



## 4 Statutory planning framework

### 4.1 Metropolitan Region Scheme

The development site is zoned 'Central City Area' under the Metropolitan Region Scheme (**MRS**). A review of MRS mapping indicates the development site is not affected by any reserve.

The development site fronts Marmion Avenue, which is reserved as a 'Other Regional Roads' reserve under the MRS. Marmion Avenue is identified as a Category 1 Other Regional Road under the MRS. The proposal does not include direct access to Marmion Avenue. The application is required to be referred to the Department of Planning, Lands and Heritage (**DPLH**) for a period of 30 days, in accordance with the process outlined within Table 1 of *Instrument of Delegation DEL2017/02*.

The proposed development is consistent with the provisions of the MRS and is appropriate to service the surrounding locality.

### 4.2 State Planning Policy 3.7: Planning in Bushfire Prone Areas

The Western Australian Planning Commission (**WAPC**) State Planning Policy 3.7 – Planning in Bushfire Prone Areas (**SPP3.7**) seeks to implement effective, risk-based land use planning and development to preserve life and reduce the impact of bushfires on property and infrastructure. The development site is situated within an area which is identified as being 'bushfire prone' by the Department of Fire and Emergency Services (**DFES**). Accordingly, the proposed development is required to comply with the relevant policy measures of SPP3.7 and associated documents.

A Bushfire Attack Level (**BAL**) assessment has been undertaken to determine the potential bushfire risk on the proposed development. The assessment concludes the development site is affected by a BAL rating of up to BAL-12.5.

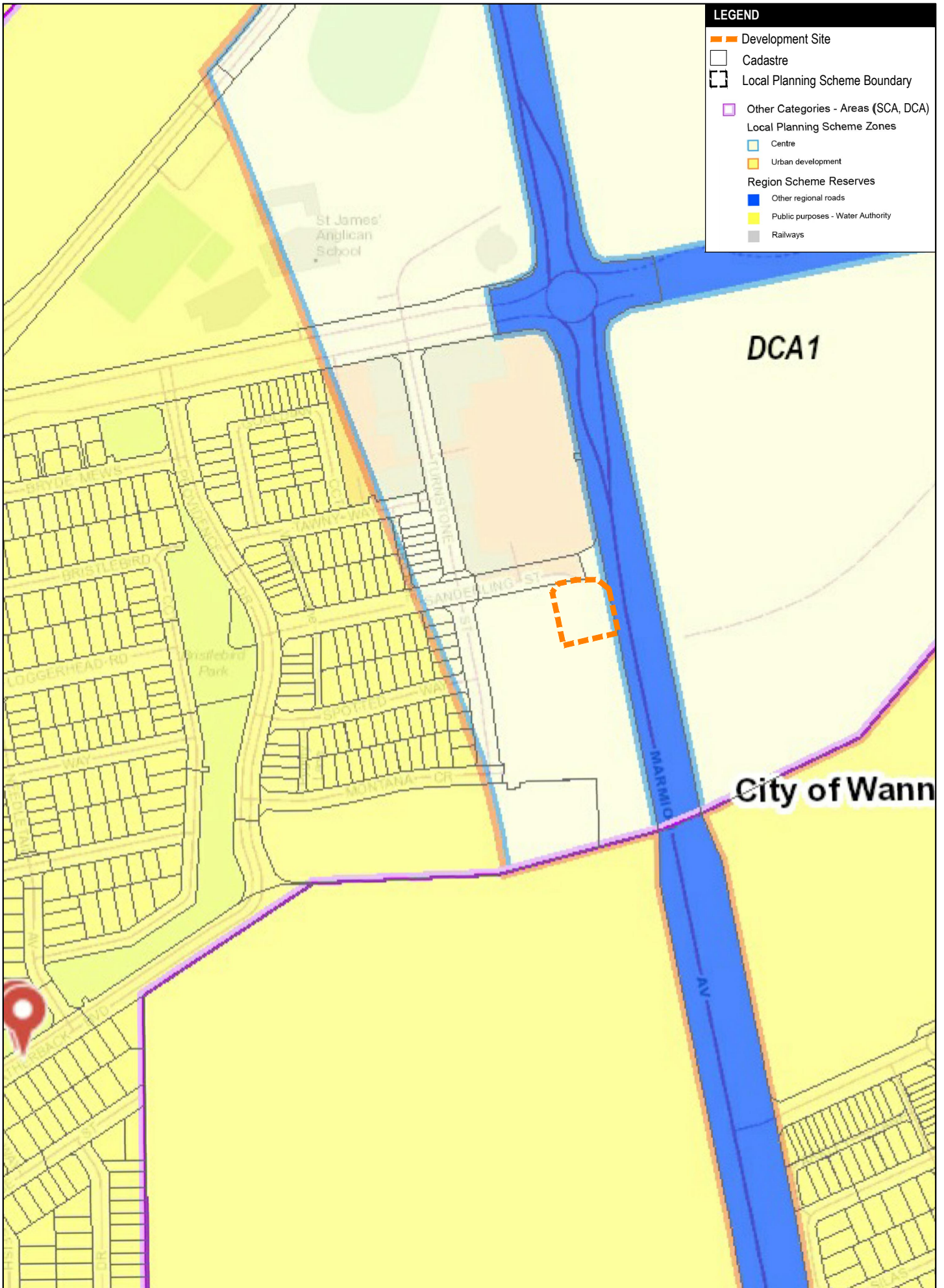
As the site achieves a rating of BAL-12.5, in accordance with the requirements of SPP3.7, a Bushfire Management Plan (**BMP**) and Bushfire Risk Management Plan (**BRMP**) has been prepared for the proposed development, which addresses all relevant requirements of SPP3.7. The BMP identifies a range of bushfire management measures, that on implementation, will enable all proposed areas to be developed with a manageable level of bushfire risk, whilst maintaining compliance with the SPP3.7 Guidelines.

Refer to **Appendix 7** for the Bushfire Management Plan and Bushfire Risk Management Plan.

### 4.3 City of Wanneroo Local Planning Scheme No.2

#### 4.3.1 Zoning

The development site is situated within the 'Centre' zone of the City's Local Planning Scheme No.2 (**LPS2**). Refer **Figure 2**, Zoning Map.



**LEGEND**

- Development Site
- Cadastre
- Local Planning Scheme Boundary
- Other Categories - Areas (SCA, DCA)
- Local Planning Scheme Zones**
- Centre
- Urban development
- Region Scheme Reserves**
- Other regional roads
- Public purposes - Water Authority
- Railways

**DCA1**

**City of Wann**

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SCALE 1: 4,000 @ A4  
 DATE 10 December 2018  
 FILE 02 181210 5870 Zoning Map.dwg  
 REVISION 1/DR/First Draft/21.11.2018

Scale Bar (m)  
 0 50 100

**ZONING MAP**  
 LOT 768 (58) MONTANA CRESCENT,  
 ALKIMOS, WA

**FIGURE**  
**02**

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The objectives of the 'Centre' zone is set out in Clause 3.13.2 of LPS2 as follows:

- a) *provide for a hierarchy of centres from small neighbourhood centres to large regional centres, catering for the diverse needs of the community for goods and services;*
- b) *ensure that the City's commercial centres are integrated and complement one another in the range of retail, commercial, entertainment and community services and activities they provide for residents, workers and visitors;*
- c) *encourage development within centres to create an attractive urban environment;*
- d) *provide the opportunity for the coordinated and comprehensive planning and development of centres through a Structure Plan process*

In accordance with Clause 3.13.3 of LPS2, no subdivision or development is to be carried out within the Centre Zone until an Activity Centre Plan / Structure Plan has been prepared and adopted under Part 4 of the Deemed Provisions.

The Alkimos-Eglinton District Structure Plan and the South Alkimos Agreed Local Structure Plan No.72 (**ASP72**) apply to the development site and are addressed in detail later in this report.

#### **4.3.2 Land use classification and permissibility**

The proposed land use is classified as Convenience Store, defined by LPS2 as:

**Convenience Store:** *means any land and or buildings used for the retail sale of convenience goods being those goods commonly sold in supermarkets, delicatessens and newsagents but including the sale of petrol and petroleum products and motor vehicle accessories and operated during hours which include but which may extend beyond normal trading hours and providing associated parking. The buildings associated with a convenience store shall not exceed 300m<sup>2</sup> gross leasable area*

The proposed development provides for the retail sale of convenience goods as well as the retail sale of fuel, and will operate 24 hours per day, 7 days per week. The facility also provides onsite car parking for staff and customers and the proposed retail building floor area is 220m<sup>2</sup>. The proposed development clearly satisfies the convenience store definition under LPS2.

The zoning table of LPS2 does not prescribe land use permissibility in the Centre zone. As noted above, land use permissibility is guided by a Structure Plan that applies to the site. We note that the South Alkimos Agreed Local Structure Plan No.72 designates a Commercial zoning to the land which corresponds to the Commercial zone of LPS2. The Convenience Store land use is a 'P' permitted use in the Commercial zone, meaning a use class that is permitted but which may be subject to any conditions that the local government may wish to impose in granting its approval.

Clause 6.2.1 of LPS2 notes the following with respect to permitted uses:

*If an application under the Scheme for Development approval involves a “P” use, the local government shall not refuse the application by reason of the unsuitability of that use, but notwithstanding that, the local government may in its discretion impose conditions upon the Development approval and if the application proposes or necessarily involves any building or other work, the local government upon considering that building or other work may exercise its discretion as to the approval or refusal and the conditions to be attached to the proposed development.*

The following sections assess the proposed development against the applicable legislation and policy framework.

### 4.3.3 Development Standards

Part 4 of LPS2 stipulates the general development requirements applicable to all development not subject to the Residential Design Codes. **Table 2** below provides an assessment against the requirements relevant to this proposal.

**Table 2– Assessment against the relevant development requirements under DPS2.**

Requirement	Provided	Compliance
<b>Cl. 4.7 – Setbacks for non-residential buildings</b>		
<p>4.7.1 <i>Subject to the provisions of Part 3 or as otherwise provided in this clause, non rural and non residential buildings shall be set back as follows:</i></p> <p>(a) <i>Street boundary – 6 metres;</i></p> <p>(b) <i>Side and rear boundaries – Nil.</i></p>	<p>The prescribed setback requirements for the subject site are identified by the provisions of the Gateway Local Development Plan No.39 (LDP39). LDP39 sets out a range of site-specific development provisions which apply to the development site.</p>	<p><b>Refer to Section 4.6 of this report.</b></p>
<p>4.7.2 <i>Where a lot has a boundary with two or more streets, the local government shall determine which of these streets may be considered secondary street boundaries. Setbacks to secondary street boundaries may be reduced by local government to 3 metres.</i></p>	<p>An assessment against the prescribed setback requirements of LDP39 are provided in section 4.6 of this report.</p>	
<p>4.7.3 <i>Where a non residential development is proposed to be located on a lot having a common boundary with a Residential Zoned lot, the side and rear setbacks shall not be less than:</i></p> <p>(a) <i>3 metres for buildings of one storey; or</i></p> <p>(b) <i>6 metres for buildings of two or more storeys.</i></p>		

<p>4.7.4 That portion of a lot within 3 metres of the street alignment shall only be permitted to be used for a means of access and landscaping.</p>	<p>The portion of the development site within 3m of Montana Crescent is used for access and landscaping.</p> <p>The portion of the development site within 3m of Marmion Avenue is used for landscaping.</p>	<p>✓</p>
<p>4.7.5 That portion of a lot between 3 metres of the street alignment and the building setback line shall only be permitted to be used for:</p> <p>(a) a means of access;</p> <p>(b) the loading and unloading of vehicles;</p> <p>(c) landscaping;</p> <p>(d) a trade display;</p> <p>(e) the daily parking of vehicles used by employees and customers of the development.</p> <p>No such area shall be used for the parking of vehicles displayed for sale or which are being wrecked or repaired or for the stacking or storage of materials, products or wastes.</p>	<p>The portion of development within 3m of Sanderling Street is used for landscaping.</p> <p>The portion of development within 3m of Montana Crescent is used for landscaping and access.</p> <p>The portion of development within 3m of Marmion Avenue is used for landscaping within the lot boundaries and Marmion Avenue verge.</p> <p>Development within 3m of either Sanderling Street, Montana Crescent and Marmion Avenue is not utilised for the parking of vehicles displayed for sale or which are being wrecked or repaired or for the stacking or storage of materials, products or wastes.</p>	<p>✓</p>
<p><b>Cl. 4.8 – Building facades for non rural and non residential development</b></p>		
<p>7.8.1 The façade or facades of all non rural and non residential development shall be of a high standard of architectural design and constructed in brick, masonry and/or plate glass or other approved material which in the opinion of Local government would not adversely impact on the amenity or streetscape of the area. Where metal clad walls are approved by Local government they shall have a factory applied paint finish.</p>	<p>The proposed Caltex convenience store will comprise the following high-quality features:</p> <ul style="list-style-type: none"> <li>• Substantial shopfront glazing to allow for permeability and a direct line of sight between the retail building and refuelling forecourt area.</li> <li>• Attractively designed awnings comprising various colours and materials.</li> <li>• High quality landscaping and extensive foliage that creates visual barriers, and encourages vitality.</li> <li>• Various external treatments and materials which create visual interest to Sanderling Street, Montana Crescent and Marmion Avenue. The primary orientation of the retail building has been specifically designed to ensure its compatibility and interface with future mixed-use development on lots on the opposite side of Montana Crescent is not compromised.</li> <li>• An interesting and well-designed interface with Sanderling Street and the public realm through the use of artwork, various colours, signage, staggered timber slats and landscaping. Signage proposed to the rear elevation will be attractively designed to reflect the offerings of the proposed development to the local community, whilst meeting the aesthetic value envisaged for the Alkimos Beach estate.</li> </ul>	<p>✓</p>

<p>4.8.2 <i>The facade or facades of all non rural and non residential development shall have incorporated in their design, integrated panels for the purpose of signage placement.</i></p>	<p>Signage panels are incorporated into the building façade for the purpose of signage placement, as depicted on the elevations.</p>	<p>✓</p>
<p><b>Cl. 4.9 – Traffic entrances</b></p>		
<p><i>The Local government may where it considers it desirable and in the interests of traffic safety, to reduce traffic hazards or otherwise to assist in the planning for vehicular traffic, direct the owner of any lot to limit access and egress or provide such additional access and egress as it requires to any premises.</i></p>	<p>The proposed development gains access via two full movement crossovers to Montana Crescent.</p> <p>The crossovers are located outside of a restrictive covenant which restricts access to Sanderling Street and Marmion Avenue, and as required by the Gateway South Local Development Plan No.39.</p> <p>The proposed crossovers have been appropriately designed to ensure they can service the needs of the proposed development and accommodate the movements of Caltex’s standard 17.2m fuel tankers, as demonstrated by the supporting Traffic Impact Assessment prepared by Transcore (Refer to <b>Appendix 4</b>).</p>	<p>✓</p>
<p><b>Cl. 4.12 – Service areas and access</b></p>		
<p><i>Provision shall be made for service access to the rear of all taverns, hotels, motels, shops, showrooms, restaurants, takeaway food outlets, drive through takeaway food outlets and other commercial uses as required by the Local government for the purpose of loading and unloading goods unless considered by the Local government to be undesirable in a particular instance.</i></p>	<p>A bin storage and loading area is provided at the western side of the retail building. The service area is screened from Sanderling Street and Montana Crescent by the proposed 1.8m high enclosure. The proposed 1.8m enclosure comprises a mixture of staggered timber slats and sections of treated Colorbond to soften its visual effect and add visual interest to both the Sanderling Street and Montana Crescent streetscapes</p> <p>The loading area is appropriately designed to cater for the movements of 12.5m service vehicles, which can reverse into the loading bay and egress the development site in forward gear. Refer to swept path plans contained at <b>Appendix 4</b>.</p>	<p>✓</p>

**Cl. 4.13 Storage and rubbish accumulation**

*All storage, including the storage of accumulated rubbish, shall be confined to within a building, or a suitably enclosed area screened from its immediate surrounds and any adjacent public street or road by normal viewing by a wall not less than 1.8 metres in height constructed of brick, masonry or other approved material. All storage of accumulated rubbish shall be located in a position accessible to rubbish collection vehicles and where vehicular access and car parking will not be adversely affected.*

The proposed bin storage area is enclosed by a 1.8m high enclosure, and accessed by a gate, not visible from any street.

The proposed enclosure has been substantially treated with high quality materials and finishes to ensure a satisfactory level of visual amenity is achieved. The design of the proposed enclosure has further been subject to, and endorsed by Landcorp and Lendlease.

✓

**Cl. 4.17 Landscaping requirements for non-rural and non-residential development**

*4.17.1 A minimum of 8% of the area of a development site shall be set aside, developed and maintained as landscaping to a standard satisfactory to the local government. In addition the road verge adjacent to the lot shall be landscaped and maintained to the satisfaction of the local government.*

The proposed development provides approximately 420m<sup>2</sup> of landscaped area, which represents approximately 18.77% of the overall 2,237m<sup>2</sup> development site area.

Landscaping is provided along the lot frontages, and within the development site, comprising a mixture of native species of low and medium scale. The proposed landscaping arrangements will enhance the overall presentation of the proposed retail building to the surrounding streetscapes, and enhance its external appearance / interface with Sanderling Street, which forms an integral part of the entrance point to the Alkimos Beach estate

Indicative details of verge landscaping are provided on the landscaping plan. It is noted that road upgrades for Marmion Avenue adjacent to the development site are imminent. At the time of preparing this report, the precise details of the Marmion Avenue slip lane could not be obtained from the City. Therefore, the details of Marmion Avenue verge landscaping will be provided once the layout of the verge can be confirmed.

A landscaping plan is included in the development plan package, contained at **Appendix 3**.

✓

<p>4.17.3 Landscaping shall be carried out and maintained on all those areas of a development site which are not approved for buildings, accessways, storage purposes or car parking. Alternatively, local government may require these areas to be screened from view of streets and other public places.</p>	<p>The proposed landscaping throughout the development site is of a high quality, as demonstrated by the landscaping plan contained within the development plans at <b>Appendix 3</b>.</p>	<p>✓</p>
<p>4.17.4 Landscape areas shall be designed and located to improve the visual appeal of the development from the street and other public spaces and the standard of amenity for those using the development. The use of endemic trees and shrubs are encouraged.</p>	<p>The proposed landscaping will enhance the overall presentation of the proposed development, and is consistent with the internal outcomes for the Alkimos Beach estate.</p>	<p>✓</p>
<p>4.17.5 Shade trees shall be planted and maintained in car parking areas designed within the wells at the rate of one tree for every four (4) car parking bays, to the local government's satisfaction.</p>	<p>The development provides a total 3 shade trees along the Lot frontages. Substantial landscaping is provided, and is concentrated in areas which will provide the greatest amenity benefit to the area.</p> <p>Shade trees cannot be provided along the shopfront bays, as this would obstruct the line of sight between the retail building and the forecourt, which would impact on the functionality and safety of the development.</p> <p>Discretion is therefore warranted.</p>	<p><b>Discretion</b></p>

Having regard to **Table 2** above, the proposed Caltex convenience store is consistent with the relevant development requirements contained within Part 4 of LPS2, and warrants approval accordingly.

#### 4.3.4 Car parking

Table 2 (Clause 4.14) – Car Parking Standards of LPS2 sets out the applicable car parking standards for various land uses. Table 3 below provides an assessment of the proposal against the relevant car parking requirements of LPS2.

**Table 3 – car parking assessment**

Land use	Parking standard	Required car bays	Provided
<p><b>Convenience store</b></p>	<p>7 bays / 100m<sup>2</sup> NLA</p> <p>Up to 50% of spaces can be provided in refuelling positions</p>	<p>220m<sup>2</sup> retailing building GFA / 100m<sup>2</sup></p>	<ul style="list-style-type: none"> <li>- 11 bays (inc 1 ACROD &amp; 1 air/water bay).</li> <li>- 8 refuelling bays.</li> </ul>
<p><b>Total</b></p>		<p><b>16 bays</b></p>	<p><b>19 bays</b></p>

Having regard to **Table 3**, the proposed car parking arrangements exceed those required by LPS2. The proposal warrants approval accordingly.



## 4.4 Matters to be considered

Clause 67 – Part 2 – Schedule 2 (deemed provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regulations)* details the matters to be given due regard by local government when considering development applications. **Table 4** below provides an assessment against matters relevant to this proposal.

**Table 4 – matters to be considered by local government**

Relevant matters to be considered	Comment
<i>(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;</i>	The Scheme and associated structure plan classify the subject site as Commercial. The proposed development is consistent with this classification, and therefore consistent with the aims and provisions of the local framework.
<i>(b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;</i>	This report demonstrates the proposed development generally complies with the City's local planning framework.
<i>(c) any approved State Planning Policy</i>	State Planning Policy 3.7 Planning in Bushfire Prone Areas is applicable to this proposal. The determined BAL for the site is BAL-12.5. In accordance with the BAL-12.5 rating, applicable construction standards set out by AS3959-2009 are to be applied.
<i>(g) any local planning policy for the Scheme area;</i>	This report demonstrates the proposed development generally complies with the City's local planning policies.
<i>(h) any structure plan, activity centre plan or local development plan that relates to the development;</i>	The development site is located within the South Alkimos Agreed Local Structure Plan No.39. This report demonstrates the proposed development complies with the requirements and overall long-term prospects of the applicable structure plan. Refer to section 4.5 of this report.
<i>(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;</i>	<p>The proposed development is entirely compatible with its setting for the following reasons:</p> <ul style="list-style-type: none"> <li>• The subject site is classified as Commercial under the City's LPS2 and associated structure plan. The proposed development is commercial in nature and a (P) permitted use on the land, consistent with this classification.</li> <li>• The proposal presents an attractive, high quality built form which enhances the overall appearance of the development site, and is consistent with the intent envisaged by the Alkimos Beach estate design guidelines.</li> <li>• The convenience store facility will provide essential fuel retailing and convenience services to the current and future population of Alkimos, which is currently in a state of growth and development.</li> <li>• Substantial co-consultant reporting and assessment demonstrate amenity impacts are capable of being managed.</li> </ul>

	<p>Having regard to the above, the nature of the proposed development is compatible with its surroundings, and poses no undue impact on the locality.</p>
<p>(n) the amenity of the locality including the following —</p> <ul style="list-style-type: none"> <li>(i) environmental impacts of the development;</li> <li>(ii) the character of the locality;</li> <li>(iii) social impacts of the development;</li> </ul>	<p><u>24-hour Trading</u></p> <p>The 24-hour operations of the proposed convenience store is acceptable and warrants approval for the following reasons:</p> <ul style="list-style-type: none"> <li>• The general layout/configuration of the facility minimises any risk of amenity impacts due to buffering from sensitive uses further west of the development site.</li> <li>• An Environmental Noise Assessment is provided at <b>Appendix 8</b> of this report, demonstrates the proposed development will comply with the Noise Regulations at all times.</li> <li>• 24-hour trading will result in an increased level of passive surveillance in the area during night time periods.</li> </ul> <p><u>Environmental Impacts</u></p> <p>The service station's stormwater runoff will be treated by a SPEL Purceptor system (a standard industry practice), which ensures fuels/oils are separated from runoff to prevent potential impacts.</p> <p>The facility will also incorporate the usage of a Stage 1 Vapour Recovery System, which ensures odours and fumes are appropriately captured and managed in accordance with standard industry practices.</p> <p>The Dangerous Goods licensing process also regulates the storage of fuels on the subject site, and requires substantial technical assessments to be prepared before such a licence and be issued.</p> <p><u>Character of the Locality</u></p> <p>The proposed land use is a (P) permitted use and entirely consistent with the development site's Commercial classification under the City's LPS2 and associated structure plans. The building design will provide a suitable entry statement to the estate via Marmion Avenue by providing an attractive and bespoke built form outcome, consistent with the intent of the Alkimos Beach estate design guidelines.</p> <p><u>Social Impacts</u></p> <p>The proposed development will not have any adverse social impacts on the surrounding locality for the following reasons:</p> <ul style="list-style-type: none"> <li>• The 24-hour operation of the convenience store and the use of CCTV ensures both active and passive surveillance of the surrounding area during all hours.</li> <li>• The convenience store will provide the retail sale of fuel and other associated convenience offerings to the local community and patrons travelling within the surrounding road network, both now and in the future.</li> <li>• The petrol station will continue to provide employment opportunities for inhabitants of the existing and emerging Alkimos community.</li> </ul>

<p>(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;</p>	<p>The proposed development generally complies with the specific landscaping standards of LPS2, as demonstrated earlier in this report. A landscaping plan is contained in the development plans at <b>Appendix 3</b>.</p>
<p>(s) the adequacy of —        (i) the proposed means of access to and egress from the site; and        (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;</p>	<p>As demonstrated in section 3.3 of this report and supporting Traffic Impact Statement prepared by Transcore (<b>Appendix 4</b>), the proposed access arrangements and servicing arrangements are satisfactory.</p>
<p>(t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;</p>	<p>The Traffic Impact Statement prepared by Transcore (<b>Appendix 4</b>) demonstrates that traffic generated from the proposed development will have minimal impact and can easily be accommodated by the surrounding road network.</p>

Having regard to **Table 4** above, the proposal appropriately addresses matters to be given due regard as set out in the deemed provisions. The proposal therefore warrants approval accordingly.

## 4.5 South Alkimos Agreed Local Structure Plan No.72

The South Alkimos Agreed Local Structure Plan No.72 (**ASP72**) guides development for the development site in accordance with Centre zoning under the City’s LPS2. The development site is classified as ‘Commercial’ under ASP72, which by virtue of section 5.1 of the ASP72 text, corresponds to the ‘Commercial’ zone of LPS2. The development site is located within Precinct 1 – Gateway of the ASP72.

Refer **Figure 3** – Structure Plan Map.

The overarching objective of the Commercial zone is set out by clause 2.7.2 of LPS2 as follows:

- a) *make provision for existing or proposed retail and commercial areas that are not covered currently by a Structure Plan;*
- b) *provide for a wide range of uses within existing commercial areas, including retailing, entertainment, professional offices, business services and residential.*

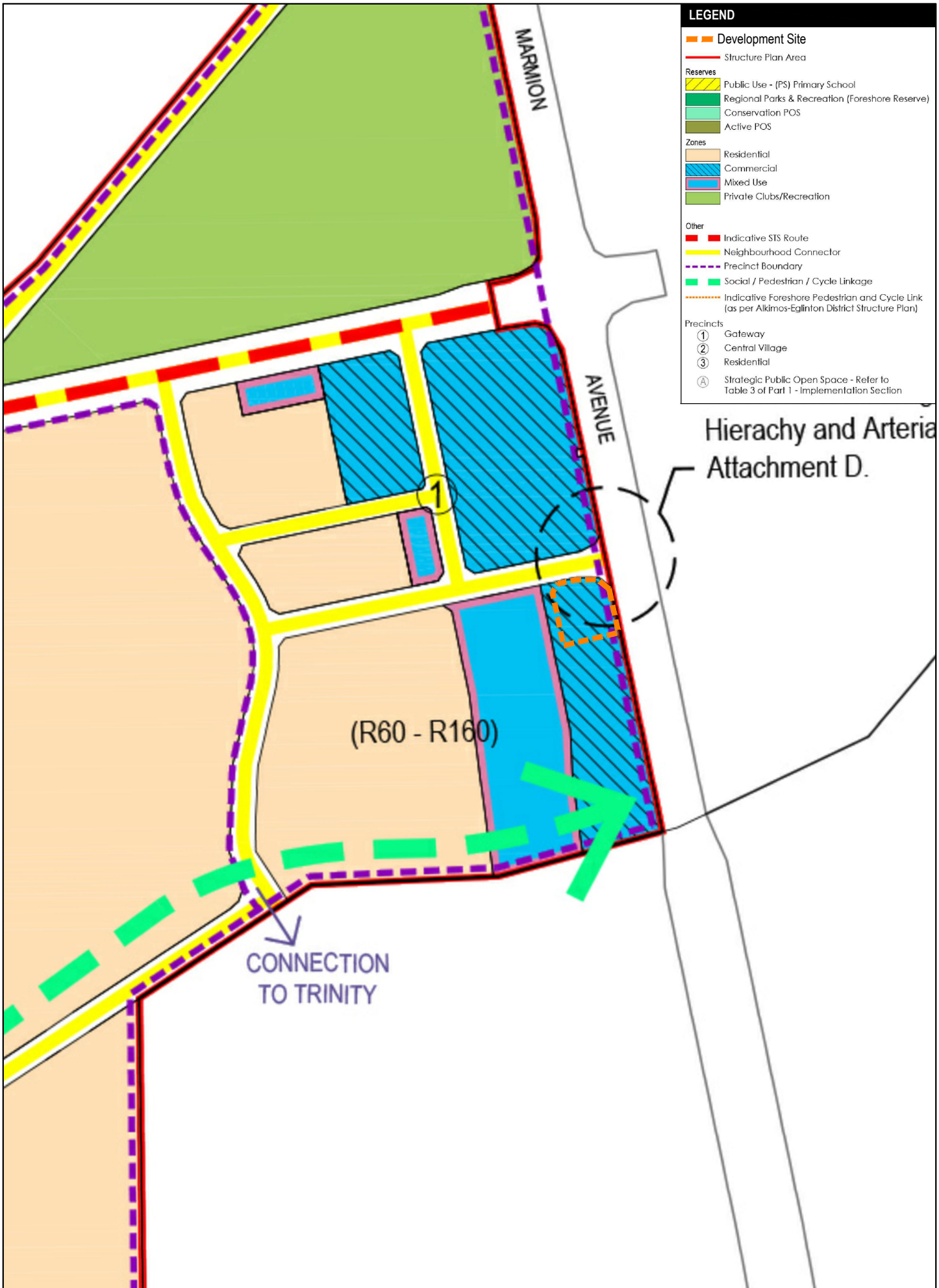
The proposal involves the use and development of a Caltex convenience store, which will form part of the emerging commercial precinct within Alkimos Beach estate. The proposed development is appropriately located at the eastern fringe of the estate where a direct connection with Marmion Avenue is planned to be constructed. The use will be suitably exposed to passing trade whilst remaining accessible to the emerging local community ensuring the effective delivery of essential convenience/fuel retailing services. The proposed convenience store will operate 24 hours to ensure essential, uninterrupted fuel and convenience retailing services are offered to the existing and emerging local community.

The proposed development is therefore consistent with the overall intent for the development site under ASP72, and warrants the City’s approval accordingly.

### 4.5.1 Land use permissibility

As noted above, the development site’s ‘Commercial’ classification under the ASP72 corresponds with the ‘Commercial’ zone of LPS2.

The 'Convenience Store' land use class is a 'P' permitted use within the 'Commercial' zone of ASP72, meaning the use is permitted at the development site.



**LEGEND**

- Development Site
- Structure Plan Area

**Reserves**

- Public Use - (PS) Primary School
- Regional Parks & Recreation (Foreshore Reserve)
- Conservation POS
- Active POS

**Zones**

- Residential
- Commercial
- Mixed Use
- Private Clubs/Recreation

**Other**

- Indicative STS Route
- Neighbourhood Connector
- Precinct Boundary
- Social / Pedestrian / Cycle Linkage
- Indicative Foreshore Pedestrian and Cycle Link (as per Alkimos-Eglinton District Structure Plan)

**Precincts**

- ① Gateway
- ② Central Village
- ③ Residential
- Ⓐ Strategic Public Open Space - Refer to Table 3 of Part 1 - Implementation Section

**Hierachy and Arterial Attachment D.**

(R60 - R160)

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#### 4.5.2 Retail floorspace provision

Pursuant to Clause 3.4.3 of LPS2, the ASP72 establishes a maximum retail floorspace area within the structure plan area. Table 1, Clause 5.3(a) of the ASP72 stipulated the maximum retail net lettable area (NLA) permitted within Precinct 1 – Gateway is 5000m<sup>2</sup>.

The proposed convenience store comprises 220m<sup>2</sup> NLA of retail floorspace, and is unlikely to exceed the prescribed NLA for the ASP72 area.

#### 4.5.3 Local Development Plans

Pursuant to Clause 6.1 of ASP72, Local Development Plans are to be prepared in accordance with LPS2, prior to the subdivision and/or development for land designated “Commercial” under the local structure plan, which require site specific development requirements.

The Gateway South Local Development Plan No.39 applies to the development site and is addressed in the subsequent section.

### 4.6 Gateway South Local Development Plan No.39

The Gateway South Local Development Plan No.39 (LDP39) has been prepared in accordance with the provisions of Clause 6.1 of ASP72 and Clause 52(1)a of the Deemed Provisions. LDP39 sets out a range of site-specific development provisions which apply to the entirety of Lots 768-772 Montana Crescent, Alkimos.

An assessment against the relevant development standards is provided in **Table 5** below.

**Table 5 – Assessment against Local Development Plan provisions**

LDP39 provision		Provided	Compliance
<b>Setbacks (min)</b>			
<i>Marmion Avenue</i>	<i>5.0m</i>	Fuel canopy – approximately 12.2m	✓
<i>Sanderling Street</i>	<i>Nil</i>	Retail building – 0.5m > 2.6m	✓
<i>Montana Crescent</i>	<i>3.0m</i>	Retail building – 9.995m Fuel canopy - 6.65m	✓
<b>Building Heights</b>			
<i>One (1) storey minimum – Three (3) storey maximum</i>		Proposed retail building measures 1 storey in height.	✓

<b>Building Orientation</b>		
<p><i>The Primary building orientation of buildings, including building entrances must be orientated as designated on the LDP</i></p>	<p>LDP39 designates the primary building orientation for the development site to Sanderling Street. The proposed retail building is orientated south from Sanderling Street and is acceptable for the following reasons:</p> <ul style="list-style-type: none"> <li>• The use of various colours, materials and finishes to the rear elevation of the retail building has been specifically designed in accordance with the relevant Alkimos Beach design guidelines, and promotes a suitable visual amenity outcome</li> <li>• The orientation of the retail building away from Sanderling Street appropriately responds to existing development (tavern) located along opposing side of Sanderling Street. The existing tavern does not have orientation to Sanderling Street.</li> <li>• The 24-hour operation of the proposed convenience store and the use of CCTV ensures surveillance of the surrounding area during all hours.</li> <li>• Providing an opening to the rear façade of the convenience store would not result in a good design outcome, as the window or opening would provide views into back of house areas. This is contrary to the intent of providing such an opening.</li> <li>• For operational security reasons, only one point of entry can be provided for the convenience store, and the point of entry is most appropriately provided at the shopfront which faces the forecourt.</li> </ul>	<b>Discretion</b>
<p><i>All lots are to provide window openings which overlook and provide passive surveillance onto the adjoining road reservations.</i></p>		

The proposed development is consistent with the provisions of the LDP39, and warrants approval accordingly.

## 4.7 City of Wanneroo Local Planning Policies

### 4.7.1 Local Planning Policy 4.6 – Signs Local Planning Policy

Local Planning Policy 4.6 – Signs Local Planning Policy (**LPP4.6**) stipulates the requirements and standards applicable to advertising signs. An assessment of the proposed signage is provided in **Table 6** below.

**Table 6 – signage assessment**

Signs Policy requirement	Provided	Compliance
<p><u>Wall signs shall</u></p> <ul style="list-style-type: none"> <li>• Be limited to a maximum of one sign per tenancy, per street frontage.</li> <li>• Not extend laterally beyond either end of the wall or protrude above the top of the wall.</li> <li>• Not exceed 25% in aggregate area on any one wall to a maximum of 8m<sup>2</sup>.</li> <li>• Be integrated with the building design.</li> </ul>	<p>The following wall signs are proposed:</p> <ul style="list-style-type: none"> <li>• One internally illuminated 'Boost' wall sign of 2.28m<sup>2</sup> integrated into the retail building shopfront.</li> <li>• One internally illuminated promotional wall sign of 1.8m<sup>2</sup> integrated into the eastern aspect of the retail building shopfront.</li> <li>• One internally illuminated 'Boost' wall sign of 5.83m<sup>2</sup> integrated into the eastern elevation of the retail building.</li> <li>• One internally illuminated 'Boost' wall sign of 12.47m<sup>2</sup> integrated into the eastern elevation of the retail building.</li> </ul> <p>The proposed wall signage to the retail building shopfront and northern retail building elevation have an aggregate area less than 8m<sup>2</sup>. Wall signage proposed to the eastern elevation of the proposed retail building comprises a total 18.3m<sup>2</sup> in area which exceeds the prescribed maximum 8m<sup>2</sup></p>	<p><b>Variation</b></p> <p>Refer further justification below.</p>
<p><b>Justification:</b></p> <ul style="list-style-type: none"> <li>• The two proposed wall signs affixed to the eastern elevation of the proposed retail building are orientated towards Marmion Avenue, a regional access road. Thus, it is considered the proposed wall signs have no impact on the Sanderling Street or recently constructed Montana Crescent streetscapes.</li> <li>• The proposed wall signs are suitably positioned to provide visibility to Marmion Avenue which contains the highest proportion of daily vehicles.</li> <li>• The size of the wall signage proposed is consistent with the bulk/scale of the retail building, and is considered to have minimal detrimental impacts on the amenity or character of Marmion Avenue.</li> </ul> <p>Accordingly, the signage is consistent with its surroundings and is unlikely to result in any visually intrusive impacts.</p>		
<p><u>Pylon signs shall</u></p> <ul style="list-style-type: none"> <li>• Be limited to a maximum of one per street frontage or one for every 40 metres of linear street frontage.</li> <li>• Not exceed 6m in height.</li> <li>• Not exceed 2.5m measured horizontally across the face of the sign.</li> <li>• Be located centrally within the lot and no closer than 3m to a side boundary.</li> </ul>	<p>The following pylon signs are proposed:</p> <ul style="list-style-type: none"> <li>• One 9m high, 2.15m wide internally illuminated fuel ID sign at the corner of Marmion Avenue and Sanderling Street.</li> <li>• One 1.3m high, 2.3m wide internally illuminated promotional sign, located adjacent to the northern most crossover to Montana Crescent.</li> </ul> <p>The proposed 9m fuel ID sign proposed exceeds the prescribed height of 6m. A variation in height is warranted.</p> <p>Notwithstanding, we note only one pylon sign is proposed per lot frontage and do not exceed 2.5m horizontally across the face of the sign.</p>	<p><b>Variation</b></p> <p>Refer further justification below.</p>



**Justification:** The proposed 9m high sign is appropriate and warrants approval for the following reasons:

- The single pylon sign is required to provide sufficient exposure to Marmion Avenue upon approach. A smaller sign may result in vehicles making sudden lane changes due to late identification of the proposed development.
- The larger sign incorporates various panels which contain important information relating to the price of fuels and other products offers by the facility, which minimises potential clutter throughout the site.
- The location of the pylon sign does not obtrude vehicle sightlines exiting Sanderling Street onto Marmion Avenue.
- The development site forms part of an emerging commercial precinct which comprises a range of complementary commercial activities. Signage is an essential component which characterises the amenity of the locality.

For the reasons outlined above, the proposed pylon sign should be considered on its merits and approved accordingly.

As demonstrated in the table above, the proposed signage is consistent with the requirements of LPP4.6. The variation sought to the proposed pylon sign is considered acceptable in the context of the development site along Marmion Avenue and, the future commercial locality. Having regard to **Table 5** above, the proposed signage warrants approval accordingly.

#### **4.8 Environmental Protection Authority Guidance Statement No.3 – Separation Distances between Industrial and Sensitive Land uses**

The Environmental Protection Authority (**EPA**) Guidance Statement No. 3 – Separation Distances between Industrial and Sensitive Land Uses (**EPA Guidance Statement No. 3**) provides generic buffer distances intended to mitigate impacts of industrial developments on sensitive land uses.

With regard to retail fuel developments (service stations etc.) proposing 24 hour operation, the EPA Guidance Statement No. 3 identifies potential impacts as gaseous, noise, odour and risk, and recommends a generic buffer distance of 200m. The buffers recommended by EPA Guidance Statement No. 3 are not absolute separation distances, but instead are default distances providing general guidance in the absence of site-specific technical studies.

**Table 7** below provides an assessment of the potential impacts from the operation of the proposed development, and provides justification to demonstrate the appropriateness of the development on the development site.

**Table 7 – Mitigation of potential amenity or environmental impacts**

Potential amenity or environmental impact	Mitigation methods
<p><b>Noise</b></p>	<p>An Environmental Noise Assessment has been prepared for the proposal, incorporating a comprehensive assessment of noise sources as required by the <i>Environmental Protection (Noise) Regulations 1997</i>. Refer to Appendix 8 for a copy of the Environmental Noise Assessment.</p> <p>The assessment notes refrigerated deliveries during night-time periods may result in minor exceedances, which can be mitigated through options to be verified by the operator. This may include (but is not limited to) switching off refrigeration units immediately upon arrival of delivery vehicles.</p> <p>The Environmental Noise Assessment confirms that noise generated by the proposed development will comply with the necessary noise requirements during all time periods (24-hour period), subject to the above mitigation measures, which are considered acceptable by the proponent.</p>
<p><b>Risk</b></p>	<p>As the proposed convenience store provides for the retail sale of fuel, the proponent must obtain a Dangerous Goods Storage and Handling Licence to store and sell petrol on the development site (post development approval). The is assessed and considered as part of obtaining the licence:</p> <ul style="list-style-type: none"> <li>• Separation distances to boundaries, public places, protected places and impact on adjoining properties.</li> <li>• Site accessibility for fuel delivery tankers and vehicles.</li> <li>• Spill containment.</li> <li>• Emergency preparedness and management.</li> <li>• Operator training.</li> <li>• Maintenance provisions.</li> <li>• Lighting.</li> <li>• Equipment to be installed.</li> </ul> <p>Accordingly, risk is appropriately assessed through the dangerous goods licensing process, which will follow the development approval process. The site has been designed to ensure it can obtain a Dangerous Goods and Handling Licence.</p>
<p><b>Odour/Gaseous</b></p>	<p>The underground fuel storage tanks will be equipped with a Stage 1 Vapour Recovery System. A Stage 1 Vapour Recovery System ensures all petrol vapours from the underground tanks are drawn back into the fuel tanker being emptied and returned to the supply terminal where the vapours are recondensed into liquid. Additionally, vapour recovery lines are connected to the fuel bowsers for further mitigation. This is reflected on the development plans.</p> <p>The dangerous goods licensing process assesses the likely impact from vapours/odours. Accordingly, the assessment of petrol vapours and odours is appropriately assessed and managed through the dangerous goods licensing process and will require implementation of appropriate design measures to mitigate potential risk impact.</p>

<p><b>Lighting</b></p>	<p>Potential sources of light spill from the proposed development are primarily the lighting of the retail building frontage, the petrol canopy, and any external lights throughout the forecourt area.</p> <p>It should be noted any light from the retail building is likely to be buffered by the forecourt area. Additionally, lights within the petrol canopy are baffled and orientated internally to ensure light spill is contained within the confines of the development site.</p> <p>The final design of lighting will be subject to, and regulated by Australian Standard 4282 – Control of Obtrusive Effects of Outdoor Lighting and any other relevant regulatory requirements. In addition to regulatory requirements, the layout/orientation of the development and the location/direction of the lighting will further control potential light spill.</p> <p>With consideration to existing residential development located approximately 75m west of the development site, lighting associated with the proposed development is considered to have minimal to nil impact on residents.</p>
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As demonstrated in **Table 7** above, the proposed development has been appropriately designed and sited to mitigate any potential amenity and environmental impacts on nearby properties and potential sensitive land uses in the immediate vicinity of the development site. Accordingly, a lesser separation distance has been demonstrated to be acceptable and is warranted.

## 5 Conclusion

This application seeks approval for the use and development of a Caltex convenience store on the development site, which is proposed to operate 24 hours a day, 7 days a week. The proposed development is suitably located within an emerging area identified for commercial development, and is suitably designed to provide a positive contribution to the emerging Alkimos Beach estate.

In summary, the proposal appropriately responds to all the relevant aspects of the planning framework and warrants approval for the following reasons:

- The proposed development will provide essential convenience/fuel retailing services to the current and emerging population of Alkimos, and patrons travelling along Marmion Avenue.
- The proposed development will deliver a use which is classified as a 'P' permitted use on the development site by virtue of the ASP72 demonstrating suitability / appropriateness of the use on the development site.
- The proposed development is designed to a high standard, and will result in a positive built form outcome for the site and the emerging Alkimos Beach estate. The proposed development design has been further scrutinised and endorsed by Landcorp and Lendlease, confirming the proposed development plans are consistent with the intent of the Alkimos Beach estate.
- The proposed development is supported by a Traffic Impact Assessment which demonstrates sound access arrangements.
- The proposed development is supported by a Bushfire Management Plan and Bushfire Risk Management Plan which demonstrates bushfire risk can be appropriately managed in accordance with State Policy.
- It has been demonstrated, through an Environmental Noise Assessment and comprehensive assessment against relevant EPA guidelines, that the proposed convenience store will achieve regulatory requirements and have minimal impacts on existing and potential future residential development.

Having regard to the above, the proposal clearly demonstrates the suitability of the proposed use for the development site. Accordingly, we respectfully request the Metro North-West JDAP grant approval for the proposed development.



# **Appendix 1**

## **Certificate of Title and Deposited Plan**



REGISTER NUMBER <b>768/DP415096</b>	
DUPLICATE EDITION <b>N/A</b>	DATE DUPLICATE ISSUED <b>N/A</b>

**RECORD OF CERTIFICATE OF TITLE**  
UNDER THE TRANSFER OF LAND ACT 1893

VOLUME **2958** FOLIO **919**

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.



REGISTRAR OF TITLES

**LAND DESCRIPTION:**

LOT 768 ON DEPOSITED PLAN 415096

**REGISTERED PROPRIETOR:**  
(FIRST SCHEDULE)

WESTERN AUSTRALIAN LAND AUTHORITY OF LEVEL 6/40 THE ESPLANADE PERTH WA 6000  
(AF 0031141 ) REGISTERED 4/12/2018

**LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:**  
(SECOND SCHEDULE)

1. \*EXCEPT AND RESERVING METALS, MINERALS, GEMS AND MINERAL OIL SPECIFIED IN TRANSFER 7033/1940.
2. \*COVENANT BURDEN CREATED UNDER SECTION 150 P&D ACT TO CITY OF WANNEROO - SEE DEPOSITED PLAN 415096
3. \*0031142 NOTIFICATION CONTAINS FACTORS AFFECTING THE WITHIN LAND. LODGED 4/12/2018.
4. \*0031151 RESTRICTIVE COVENANT TO ELECTRICITY NETWORKS CORPORATION REGISTERED 4/12/2018.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.  
\* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.  
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

**STATEMENTS:**

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: DP415096  
PREVIOUS TITLE: 2955-540  
PROPERTY STREET ADDRESS: 58 MONTANA CR, ALKIMOS.  
LOCAL GOVERNMENT AUTHORITY: CITY OF WANNEROO  
RESPONSIBLE AGENCY: WESTERN AUSTRALIAN LAND AUTHORITY

NOTE 1: DUPLICATE CERTIFICATE OF TITLE NOT ISSUED AS REQUESTED BY DEALING N475324

# P415096

<u>Lot Number</u>	<u>Part</u>	<u>Register Number</u>	<u>Section</u>
768		2958/919	
770		2958/921	

<u>Lot Number</u>	<u>Part</u>	<u>Register Number</u>	<u>Section</u>
769		2958/920	
9043		2958/922	

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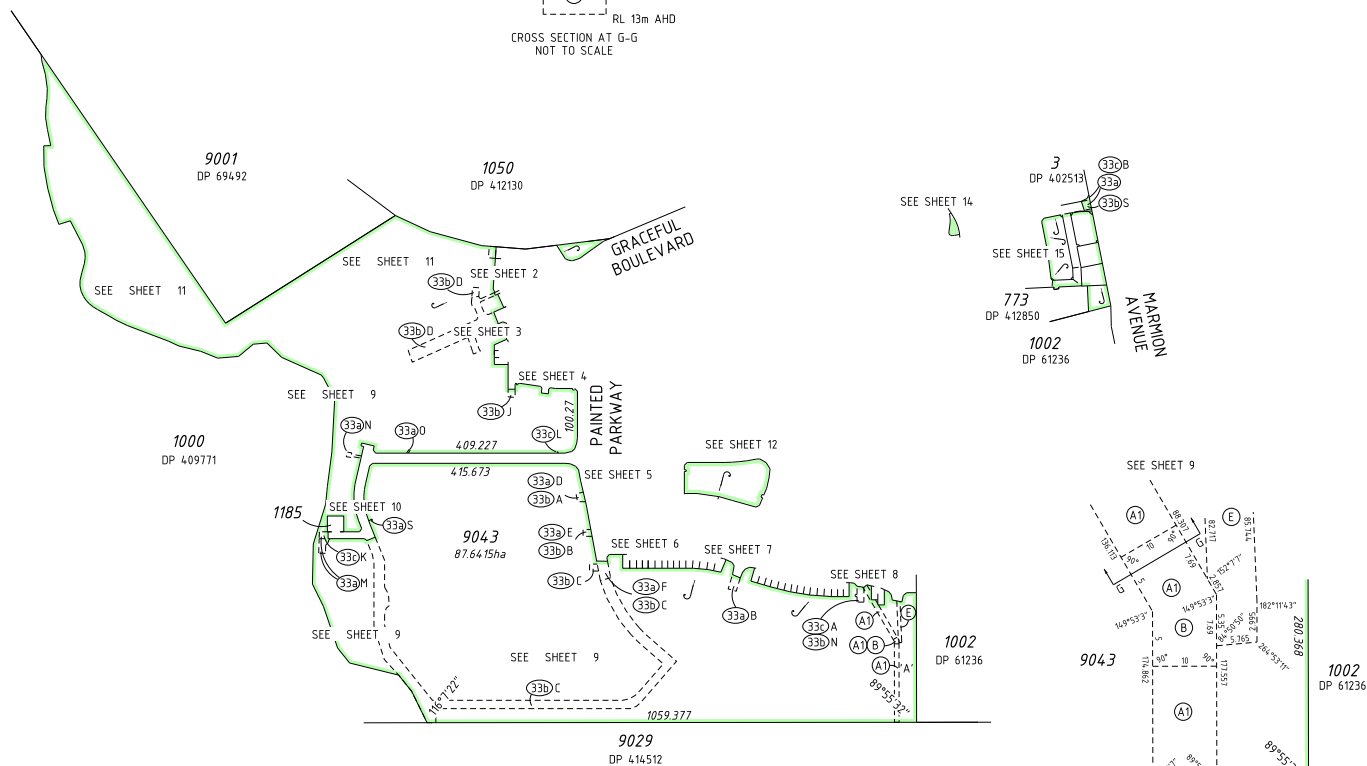
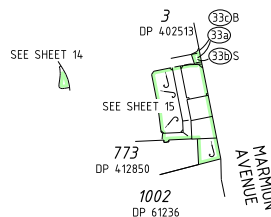
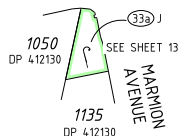
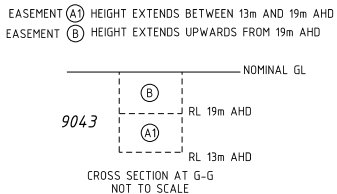


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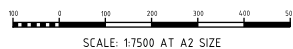
FOR INTERESTS AND NOTIFICATIONS SEE SHEET 16

SEE SURVEY SHEET(S) FOR SURVEY INFORMATION

SURVEY CARRIED OUT UNDER REG 26A  
SPECIAL SURVEY AREA GUIDELINES



REG 26A(1) - FINAL MARKING DEFERRED  
(APPROVAL D076-18 dated 29th October 2017; LANDGATE FILE 05337-2017)



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TYPE	FREEHOLD	S.S.A. YES/NO	
PURPOSE	SUBDIVISION		
PLAN OF	<p style="text-align: center;"><b>LOTS 768-770, 9043, ROAD, ROAD WIDENINGS, EASEMENT &amp; COVENANT</b></p>		
FORMER TENURE	D.O.L. FILE		
LOCAL AUTHORITY	LOT 9037 DP 412850 C/T 2955/540 CITY OF WANNEROO		
LOCALITY	ALKIMOS, JINDALEE		
FIELD RECORD	119912		
SURVEYOR'S CERTIFICATE - REG 54	I, LAURENCE JOHN GATTI hereby certify that this plan is accurate and is a correct representation of the - (a) *survey; and/or (b) *calculations from measurements recorded in the field records, [* delete if inapplicable] undertaken for the purposes of this plan and that it complies with the relevant written law(s) in relation to which it is lodged.		
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DATE			
I.S.C.	3-Dec-2018		
<b>EXAMINED</b>			
E. Milewska	15.11.2018	DATE	
<b>WESTERN AUSTRALIAN PLANNING COMMISSION</b>			
FILE	156278		
Delegated under S.16 P&D Act 2005			30-Nov-2018 DATE
<b>IN ORDER FOR DEALINGS</b>			
SUBJECT TO	SEC 168(1)(2)(3), 167, 150 OF THE P&D ACT SEC 1298A, 70A OF THE TLA Surrender Easement in Doc. N974781		
FOR INSPECTOR OF PLANS AND SURVEYS		4-Dec-2018 DATE	
<b>APPROVED</b> REG 26A (1)(4)			
INSPECTOR OF PLANS AND SURVEYS (S. 18 Licensed Surveyors Act 1909)		4.12.2018 DATE	
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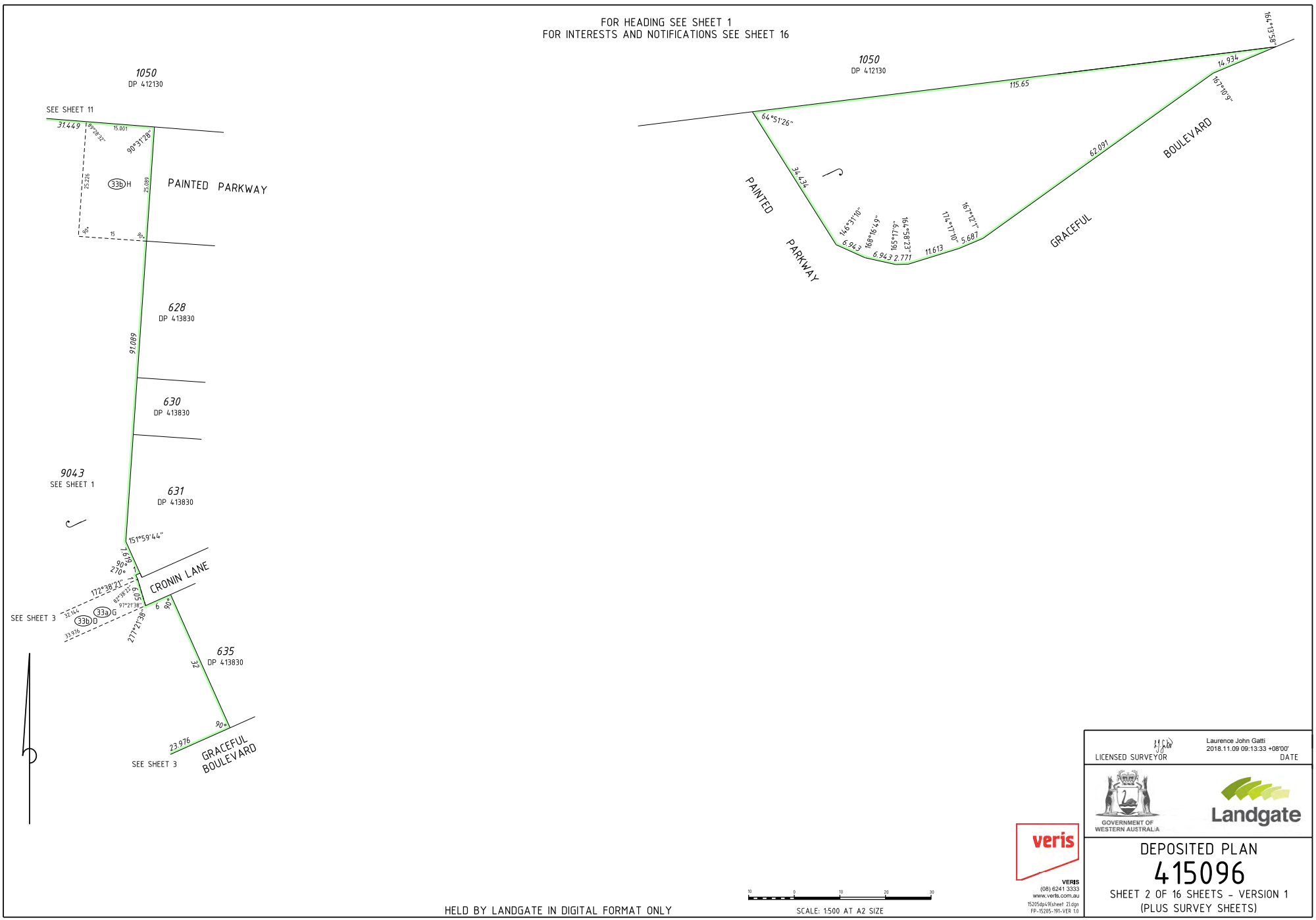


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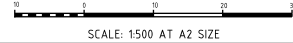
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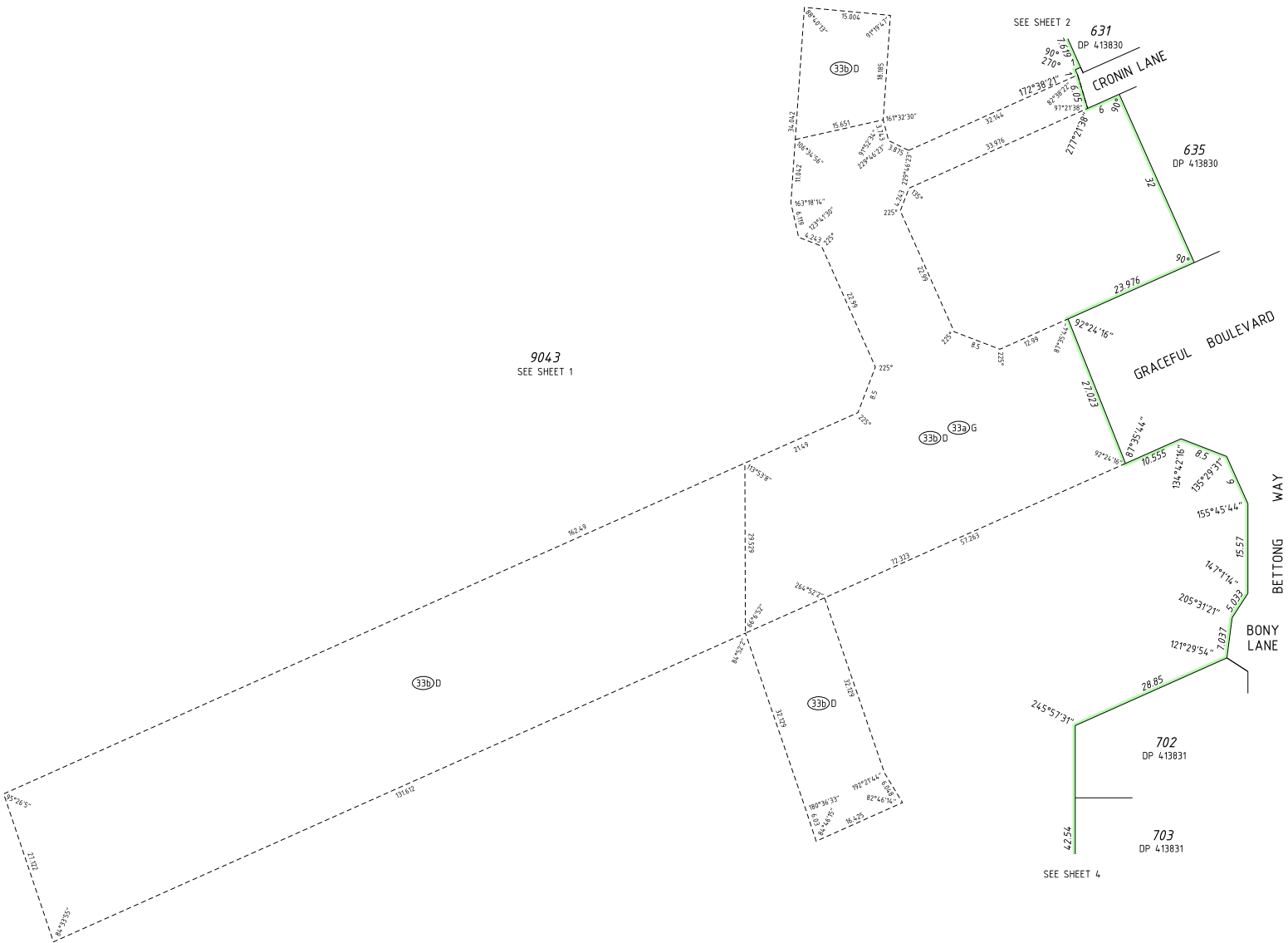


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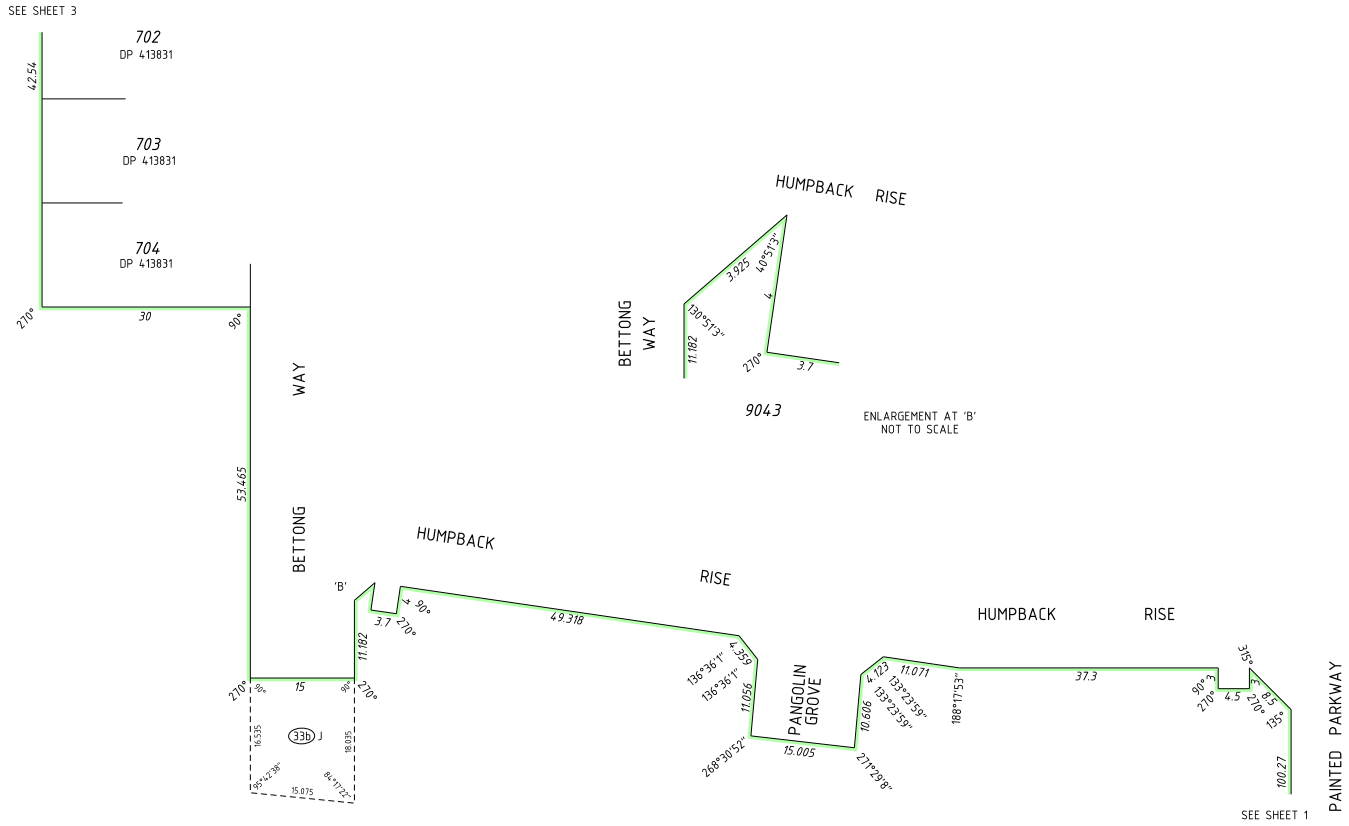
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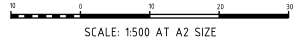


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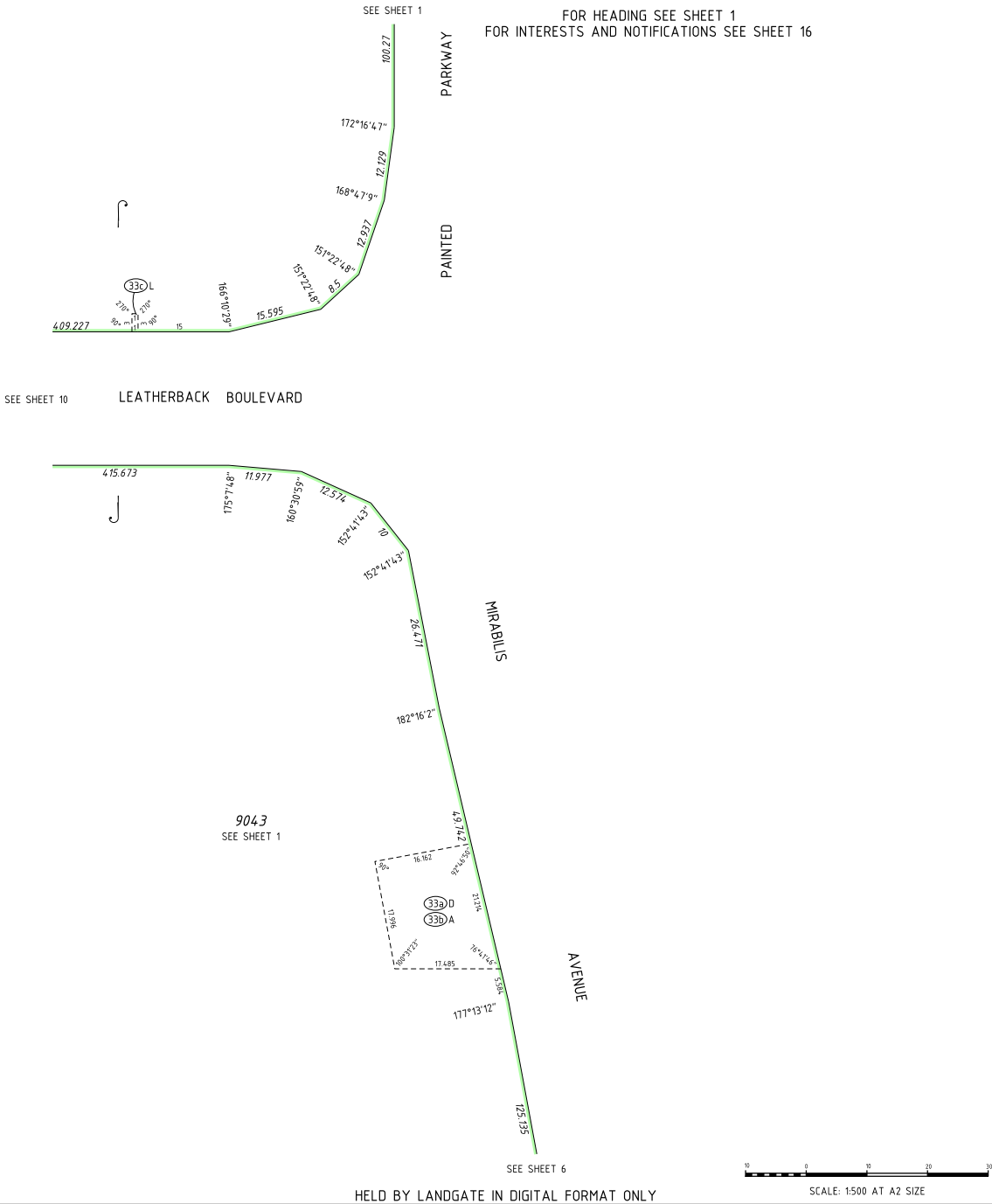
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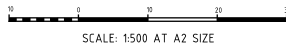
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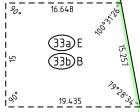


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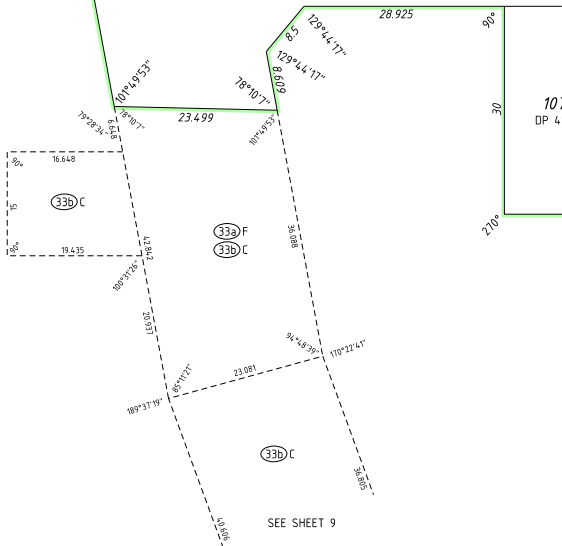
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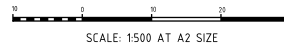
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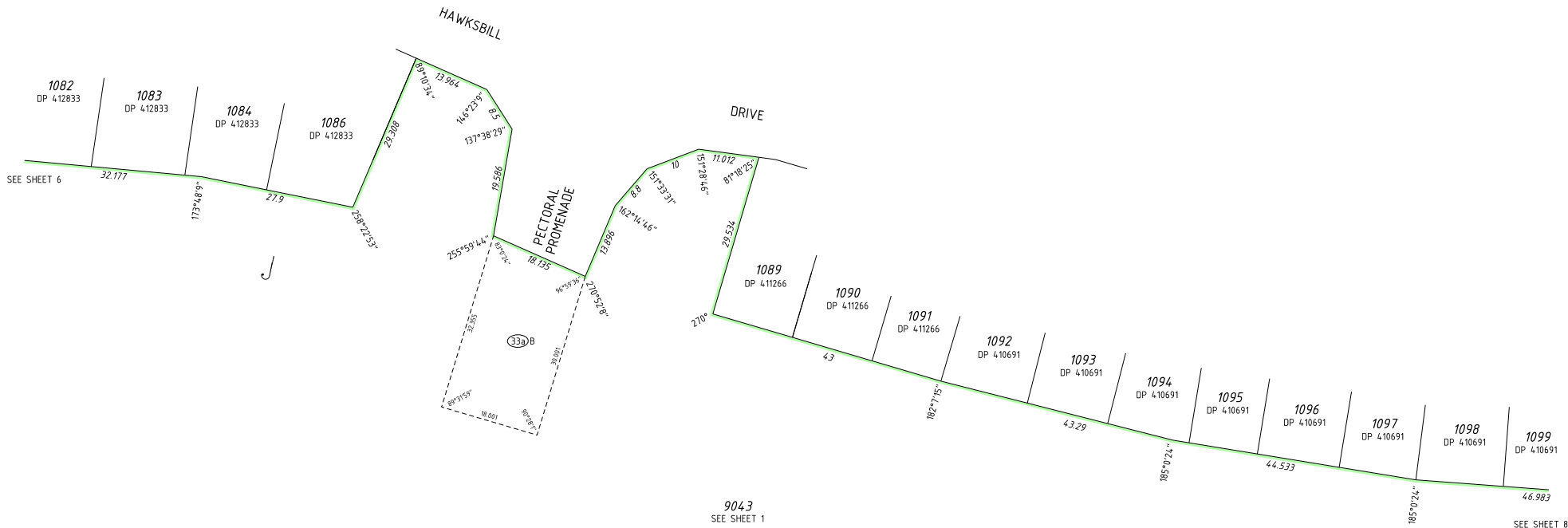
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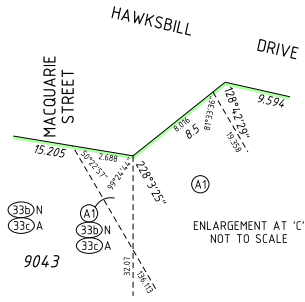
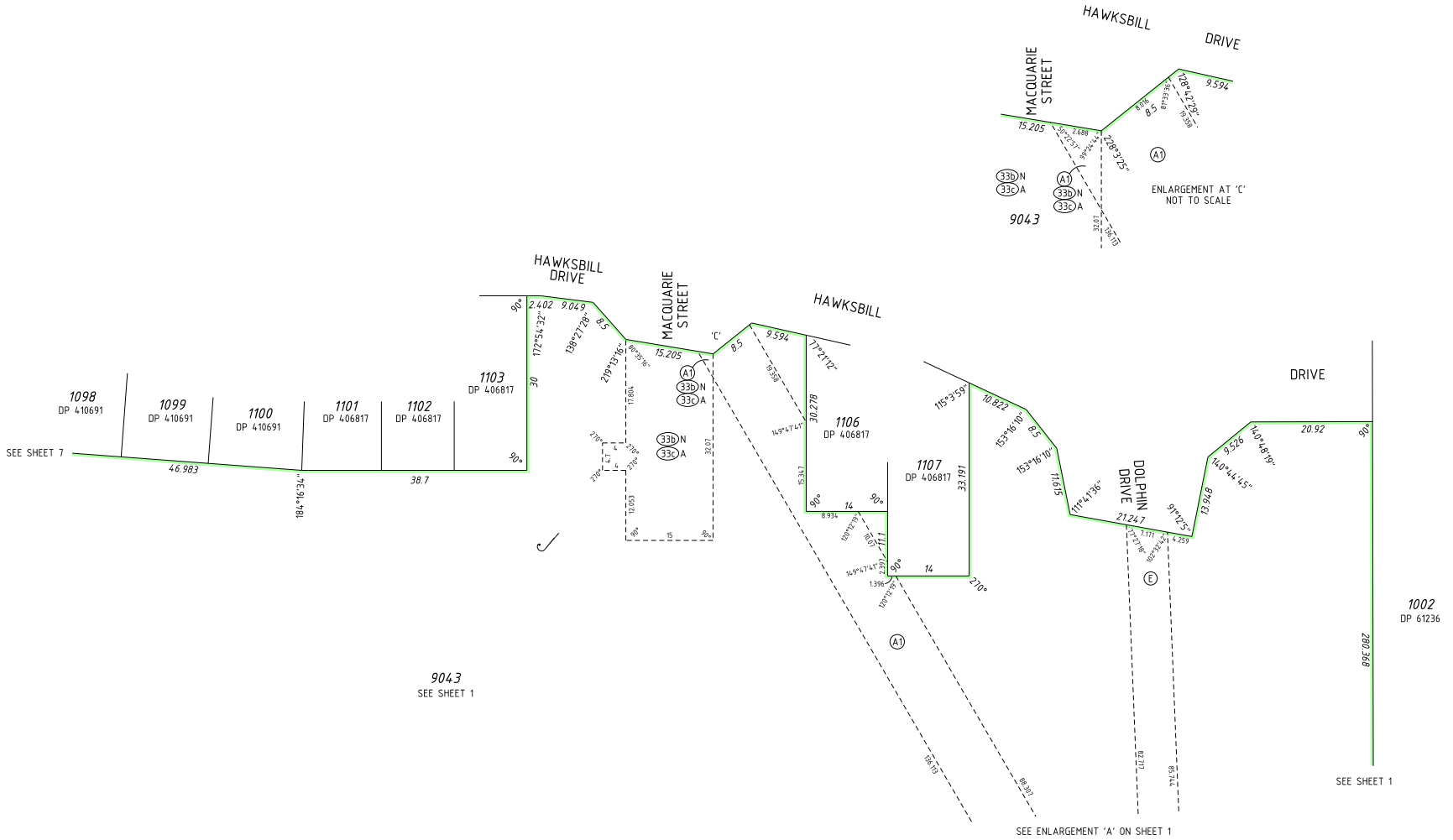
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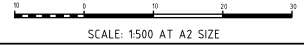
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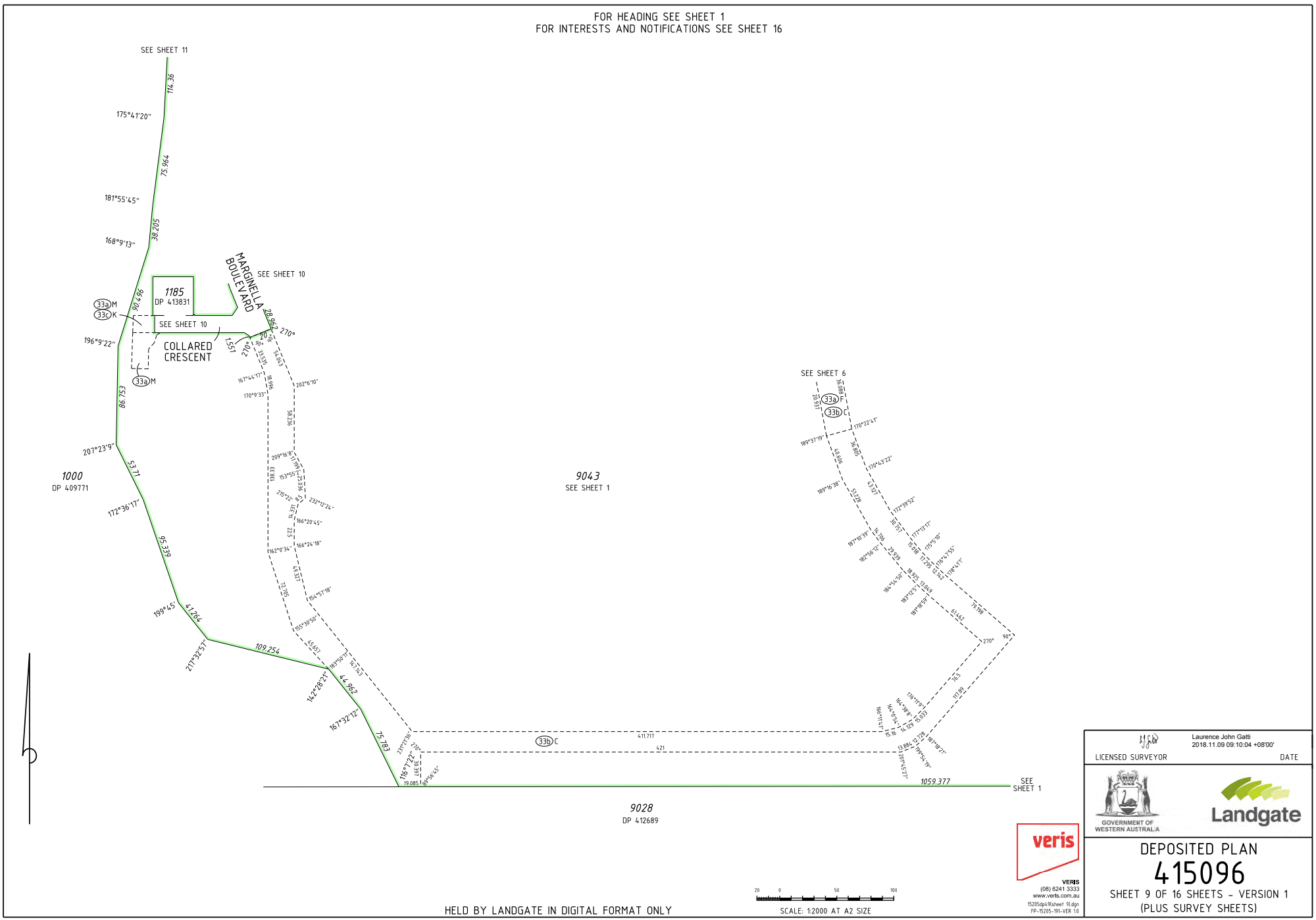
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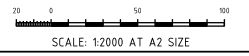
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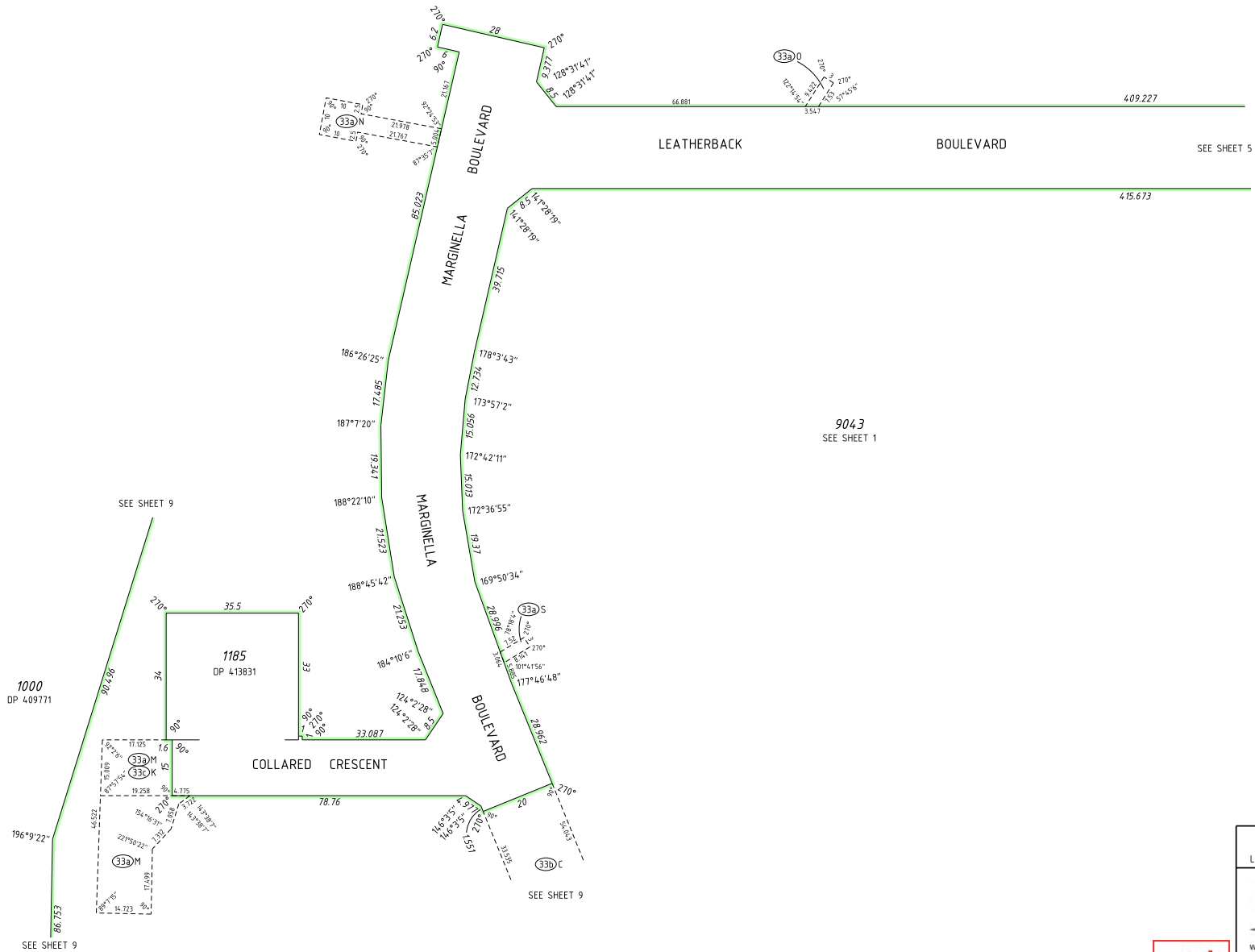


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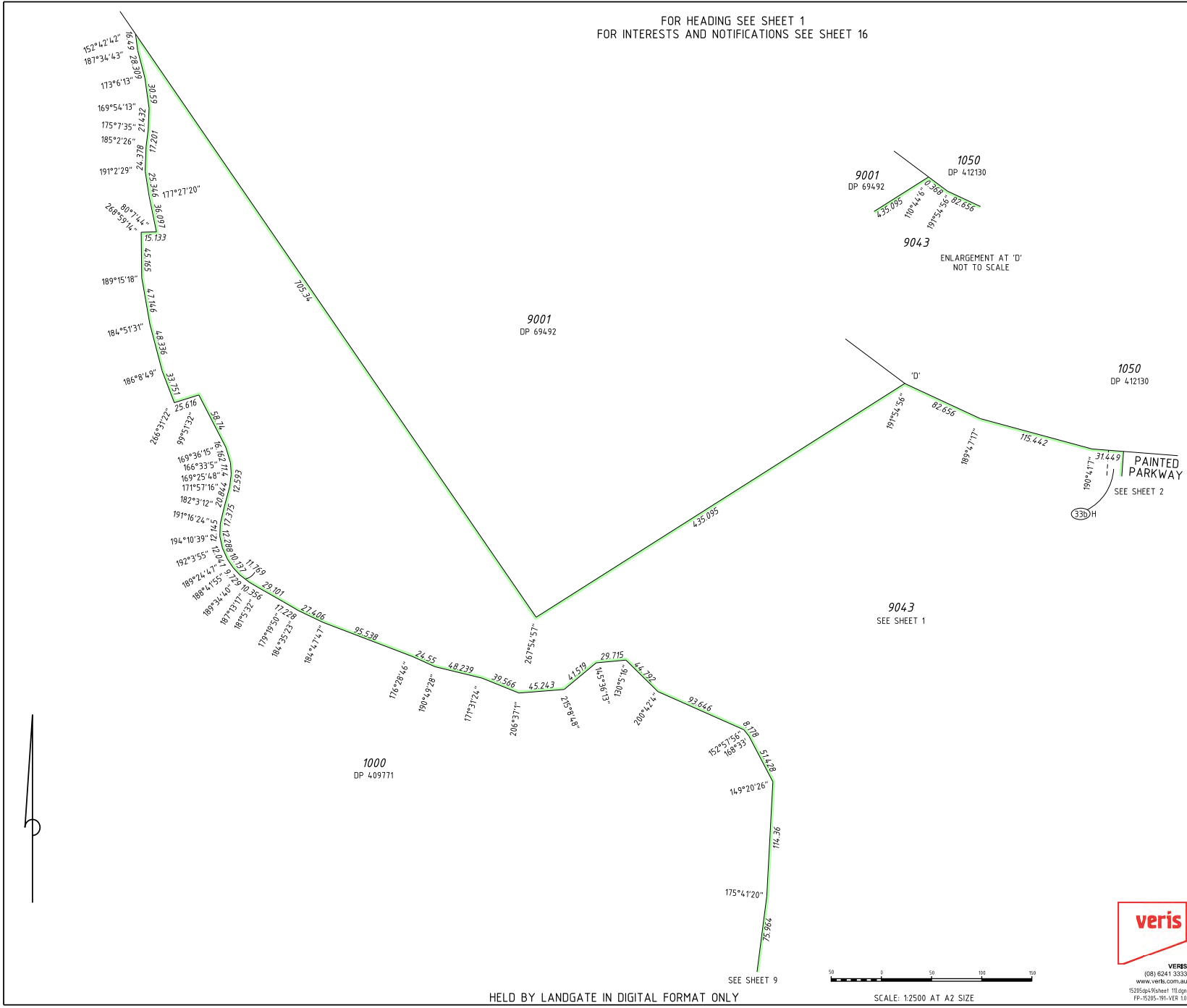
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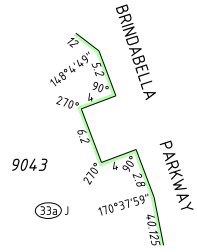
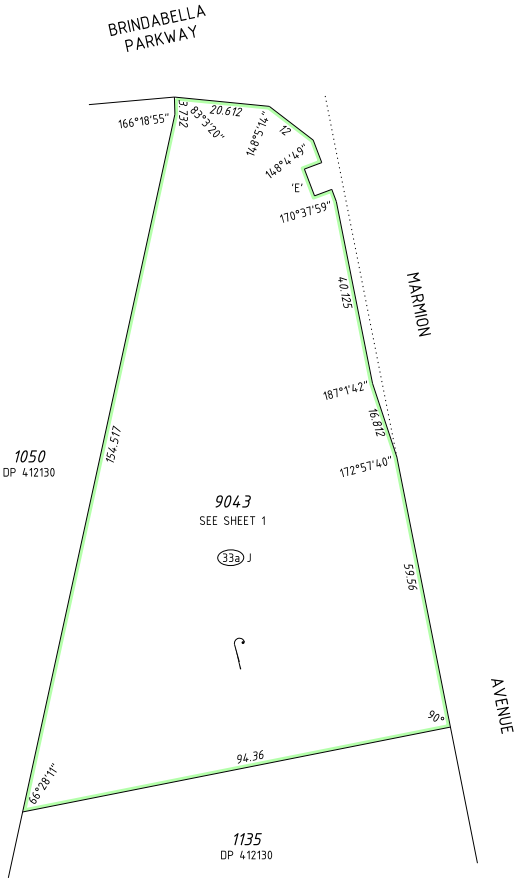
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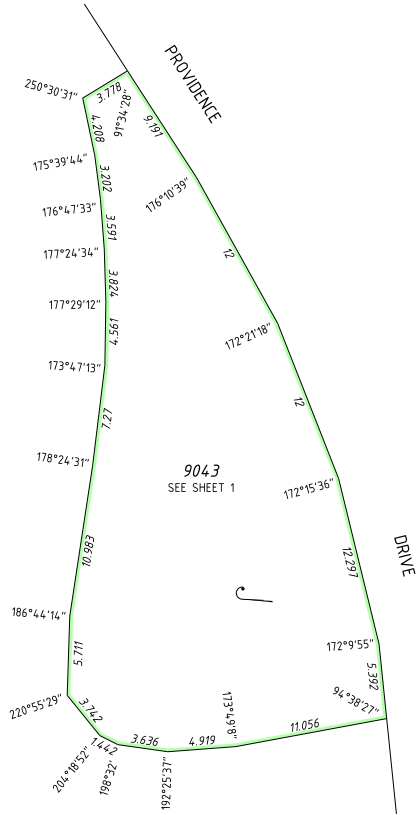
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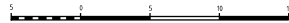
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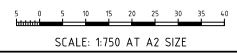
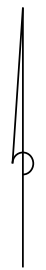
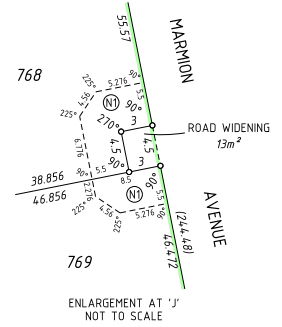
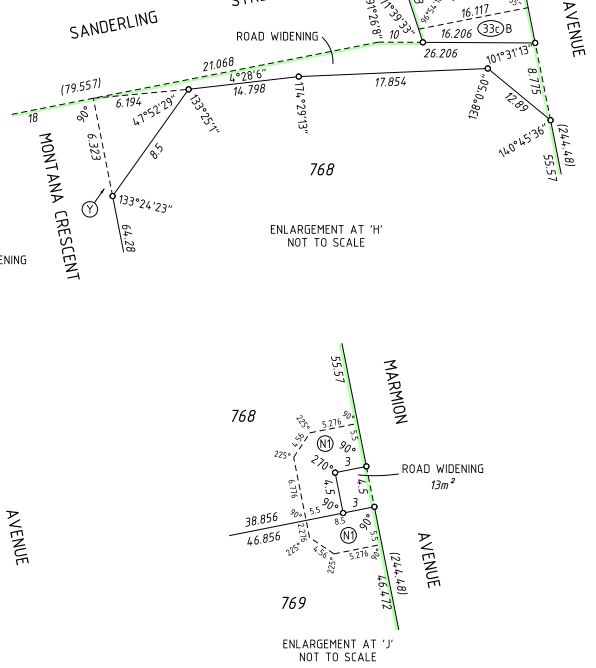
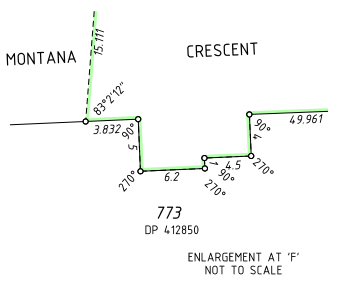
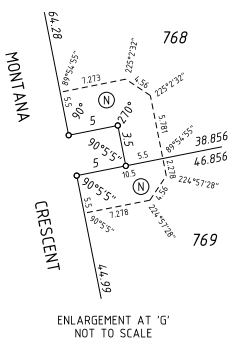
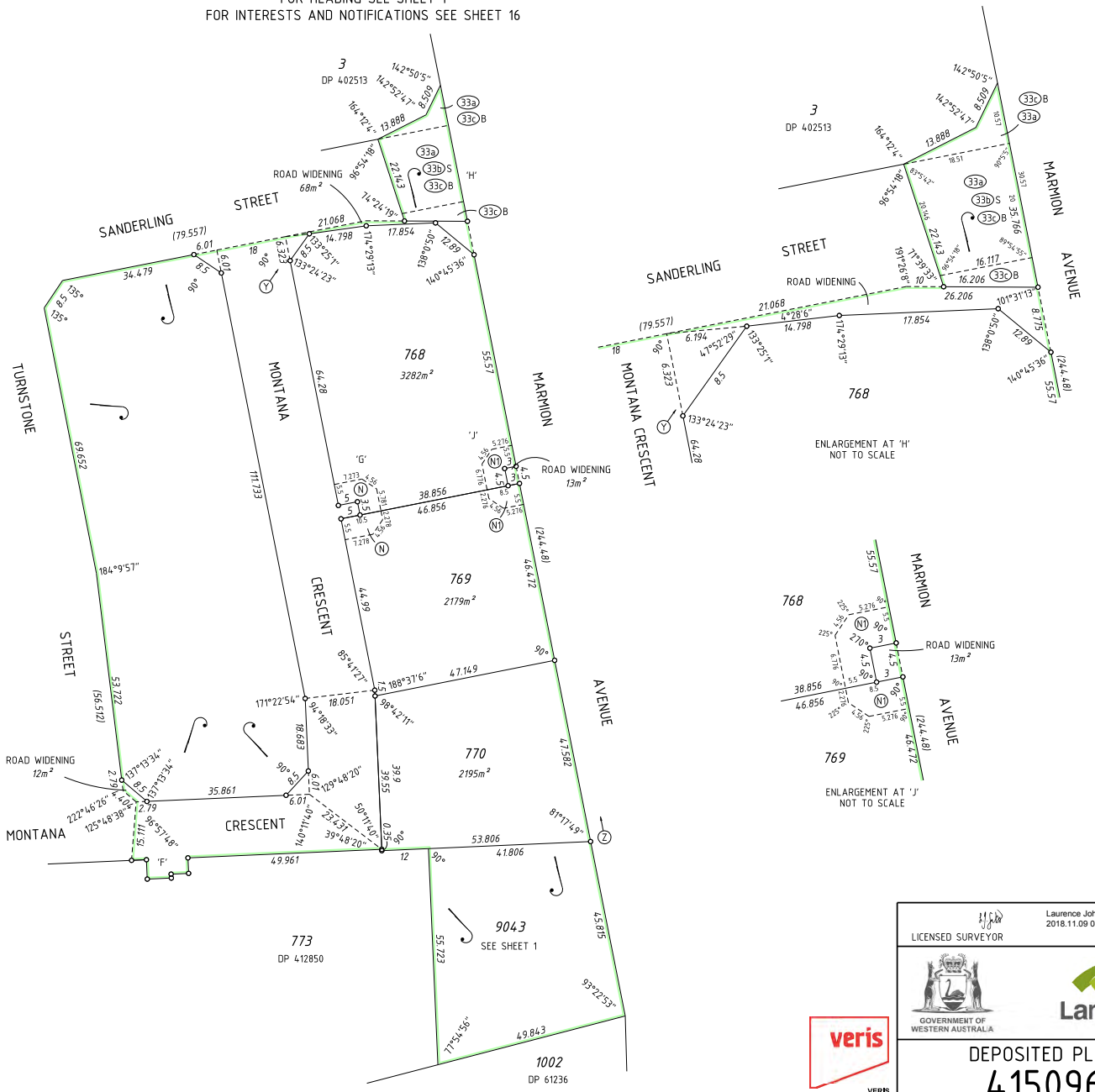
**VERIS**  
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DEPOSITED PLAN



**415096**

SHEET 14 OF 16 SHEETS - VERSION 1  
(PLUS SURVEY SHEETS)

FOR HEADING SEE SHEET 1  
FOR INTERESTS AND NOTIFICATIONS SEE SHEET 16



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 LAURENCE JOHN GATTI LICENSED SURVEYOR DATE	Laurence John Gatti 2018.11.09 08:13:04 +0800
 GOVERNMENT OF WESTERN AUSTRALIA	
<b>DEPOSITED PLAN</b> <b>415096</b> SHEET 15 OF 16 SHEETS - VERSION 1 (PLUS SURVEY SHEETS)	





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FP-9205-191-VER 10

FOR HEADING SEE SHEET 1

INTERESTS AND NOTIFICATIONS


SUBJECT	PURPOSE	STATUTORY REFERENCE	ORIGIN	LAND BURDENED	BENEFIT TO	COMMENTS
(E)	EASEMENT		DOC M206262	LOT 9043	WATER CORPORATION	
(A1)	EASEMENT		DOC M734163	LOT 9043	WATER CORPORATION	SEE CROSS SECTION G-G FOR HEIGHT LIMIT
(B)	EASEMENT		DOC M734163	LOT 9043	WATER CORPORATION	SEE CROSS SECTION G-G FOR HEIGHT LIMIT
(33b)S	EASEMENT (SEWERAGE & WATER SUPPLY)	SEC 167 OF THE P & D ACT REG 33(b)	DP 403766	LOT 9043	WATER CORPORATION	
(33a)J	EASEMENT (DRAINAGE)	SEC 167 OF THE P & D ACT REG 33(a)	DP 404349	LOT 9043	CITY OF WANNEROO	
(33a)M (33a)N (33a)O (33a)S	EASEMENT (DRAINAGE)	SEC 167 OF THE P & D ACT REG 33(a)	DP 407833	LOT 9043	CITY OF WANNEROO	
(33c)K (33c)L	EASEMENT (ELECTRICITY SUPPLY)	SEC 167 OF THE P & D ACT REG 33(c)	DP 407833	LOT 9043	ELECTRICITY NETWORKS CORPORATION	
(33a)B	EASEMENT (DRAINAGE)	SEC 167 OF THE P & D ACT REG 33(a)	DP 406817	LOT 9043	CITY OF WANNEROO	
(33b)N	EASEMENT (WATER SUPPLY)	SEC 167 OF THE P & D ACT REG 33(b)	DP 406817	LOT 9043	WATER CORPORATION	
(33c)A	EASEMENT (ELECTRICITY SUPPLY)	SEC 167 OF THE P & D ACT REG 33(c)	DP 406817	LOT 9043	ELECTRICITY NETWORKS CORPORATION	
(33a)D (33a)E (33a)F	EASEMENT (DRAINAGE)	SEC 167 OF THE P & D ACT REG 33(a)	DP 412834	LOT 9043	CITY OF WANNEROO	
(33b)C	EASEMENT (SEWERAGE)	SEC 167 OF THE P & D ACT REG 33(b)	DP 412834	LOT 9043	WATER CORPORATION	
(33b)A (33b)B	EASEMENT (SEWERAGE & WATER SUPPLY)	SEC 167 OF THE P & D ACT REG 33(b)	DP 412834	LOT 9043	WATER CORPORATION	
(33a)G	EASEMENT (DRAINAGE)	SEC 167 OF THE P & D ACT REG 33(a)	DP 413830	LOT 9043	CITY OF WANNEROO	
(33b)D	EASEMENT (SEWERAGE)	SEC 167 OF THE P & D ACT REG 33(b)	DP 413830	LOT 9043	WATER CORPORATION	
(33b)H	EASEMENT (WATER SUPPLY)	SEC 167 OF THE P & D ACT REG 33(b)	DP 413830	LOT 9043	WATER CORPORATION	
(33b)J	EASEMENT (SEWERAGE)	SEC 167 OF THE P & D ACT REG 33(b)	DP 413831	LOT 9043	WATER CORPORATION	
(33a)	EASEMENT (DRAINAGE)	SEC 167 OF THE P & D ACT REG 33(a)	DP 412850	LOT 9043	CITY OF WANNEROO	
(33c)B	EASEMENT (ELECTRICITY SUPPLY)	SEC 167 OF THE P & D ACT REG 33(c)	THIS PLAN	LOT 9043	ELECTRICITY NETWORKS CORPORATION	
(N) (N)	RESTRICTIVE COVENANT	SEC 129BA OF THE TLA	DOC O031151	LOTS 768 & 769	ELECTRICITY NETWORKS CORPORATION	FIRE SEPERATION
(Y) TO (Z)	COVENANT	SEC 150 OF THE P & D ACT	THIS PLAN	LOTS 768-770	CITY OF WANNEROO	NO ROAD VEHICLE ACCESS TO & FROM ADJACENT ROADS
	NOTIFICATION	SEC 70A OF THE TLA	DOC O031142	LOTS 768-770		CITY OF WANNEROO (TRANSPORT NOISE)

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Laurence John Gatti  
 2018.11.08 08:12:51 +0800  
 LICENSED SURVEYOR DATE

**DEPOSITED PLAN**  
**415096**  
 SHEET 16 OF 16 SHEETS - VERSION 1  
 (PLUS SURVEY SHEETS)


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 FP-15205-191-VER 1.0

THIS SURVEY SHEET WILL BE  
REPLACED BY THE SURVEY DATA

SURVEY CARRIED OUT UNDER REG26A  
SPECIAL SURVEY AREA GUIDELINES

LICENSED SURVEYOR

DATE



DEPOSITED PLAN  
**415096**  
SURVEY SHEET

HELD BY LANDGATE IN DIGITAL FORMAT ONLY





**Appendix 2**  
**Notification Document (0031142) & Restrictive Covenant**  
**Document (0031151)**

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INSTRUCTIONS-

1. If insufficient space in any section, Additional Sheet, Form B1, should be used with appropriate headings. The boxed sections should only contain the words "see page ..."
2. Additional Sheets shall be numbered consecutively and bound to this document by staples along the left margin prior to execution by the parties.
3. No alteration should be made by erasure. The words rejected should be scored through and those substituted typed or written above them, the alteration being initialled by the persons signing this document and their witnesses.

NOTES

1. **DESCRIPTION OF LAND**  
 Lot and Diagram/Plan/Strata/Survey-Strata Plan number or Location name and number to be stated.  
 Extent - Whole, part or balance of the land comprised in the Certificate of Title to be stated.  
 The Volume and Folio or Crown Lease number, to be stated.
2. **REGISTERED PROPRIETOR**  
 State full name and address of the Registered Proprietors as shown on the Certificate of Title and the address / addresses to which future Notices can be sent.
3. **LOCAL GOVERNMENT / PUBLIC AUTHORITY**  
 State the name of the Local Government or the Public Authority preparing and lodging this notification.
4. **FACTOR AFFECTING THE USE AND ENJOYMENT OF LAND**  
 Describe the factor affecting the use or enjoyment of land.
5. **ATTESTATION OF LOCAL GOVERNMENT / PUBLIC AUTHORITY**  
 To be attested in the manner prescribed by the Local Government Act or as prescribed by the Act constituting the Public Authority.
6. **REGISTERED PROPRIETOR'S EXECUTION**  
 A separate attestation is required for every person signing this document. Each signature should be separately witnessed by an Adult Person. The address and occupation of the witness must be stated.

EXAMINED

0031142:NR<sub>Ly</sub>

16 Nov 2018 11:31:36 Perth



**NOTIFICATION**

LODGED BY

**WESTERN AUSTRALIAN LAND AUTHORITY**  
 ADDRESS 6th Floor, Wasfarmers House  
 PHONE No. 40 The Esplanade  
 PERTH WA 6000  
 FAX No. Phone - 9482 7499  
 Fax - 9482 7401  
 REFERENCE No. 1801696  
 ISSUING BOX No. 172c

PREPARED BY

Veris  
 ADDRESS Level 10, 3 Hasler Road  
 OSBORNE PARK WA 6017  
 REF 15205-SGW5  
 PHONE No. (08) 6241 3333  
 FAX No. (08) 6241 3300

INSTRUCT IF ANY DOCUMENTS ARE TO ISSUE TO OTHER THAN LODGING PARTY.

3  
—  
4

TITLES, LEASES, DECLARATIONS ETC. LODGED  
 HEREWITH

1. _____	Received Items
2. _____	Nos.
3. _____	
4. _____	
5. _____	
6. _____	Receiving Clerk

Lodged pursuant to the provisions of the TRANSFER OF LAND ACT 1893 as amended on the day and time shown above and particulars entered in the Register.

THIS PAGE HAS INTENTIONALLY BEEN LEFT BLANK

WESTERN AUSTRALIA  
TRANSFER OF LAND ACT 1893 AS AMENDED.

ADDITIONAL PAGE TO NOTIFICATION

Dated

LOCAL GOVERNMENT / PUBLIC AUTHORITY ATTESTATION (Note 5)

Executed for and on behalf of the )  
**CITY OF WANNEROO** by authority of the Council )



Designation

**MARK DICKSON  
DIRECTOR**

Directorate

**PLANNING AND SUSTAINABILITY**

Name

REGISTERED PROPRIETOR/S SIGN HERE

Signed on behalf of the **WESTERN  
AUSTRALIAN LAND AUTHORITY** by  
person(s) authorised by its Board in  
accordance with section 45(2)(b) of the  
Western Australian Land Authority Act 1992.



Authorised Officer

**SARAH CHRISTINE RUSSELL**

Full Name of Authorised Officer (Print)



Authorised Officer

**Kylie Joanne Reeves**

Full Name of Authorised Officer (Print)

# NOTIFICATION UNDER SECTION 70A

DESCRIPTION OF LAND (Note 1)	EXTENT	VOLUME	FOLIO
As to Lots 768 to 770 inclusive on Deposited Plan 415096	WHOLE		

REGISTERED PROPRIETOR (Note 2)

WESTERN AUSTRALIAN LAND AUTHORITY of Level 6, 40 The Esplanade, Perth, Western Australia

MARK DICKSON  
DIRECTOR

LOCAL GOVERNMENT / PUBLIC AUTHORITY (Note 3)

CITY OF WANNEROO of 23 Dundobar Road, Wanneroo, WA 6065

FACTOR AFFECTING USE OR ENJOYMENT OF LAND (Note 4)

The lots are situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected by transport noise.

Dated this 1st day of November 2018 MD

LOCAL GOVERNMENT / PUBLIC AUTHORITY ATTESTATION (Note 5)

SEE PAGE TWO

REGISTERED PROPRIETOR/S SIGN HERE (Note 6)

SEE PAGE TWO

**Document Notes:**

IMPORTANT: THIS PAGE FORMS PART OF DOCUMENT [O031142] AND MAY CONTAIN REFERENCES TO AMENDMENTS OR CORRECTIONS TO THE DOCUMENT

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5/12/2018 15:29:44

Lot Sync dealing - time clock amended to match the in order for dealings of DP415096 - See letter

**INSTRUCTIONS**

1. This form may be used only when a "Box Type" form is not provided or is unsuitable. It may be completed in narrative style.
2. If insufficient space hereon Additional Sheet Form B1 should be used.
3. Additional Sheets shall be numbered consecutively and bound to this document by staples along the left margin prior to execution by the parties.
4. No alteration should be made by erasure. The words rejected should be scored through and those substituted typed or written above them, the alteration being initialled by the persons signing this document and their witnesses.

**NOTES**

1. Insert document type.
2. A separate attestation is required for every person signing this document. Each signature should be separately witnessed by an Adult Person. The full name, address and occupation of the witness must be stated.



EXAMINED

**0031151 RC**  
 16 Nov 2018 11:32:28 Perth

LODGED BY WESTERN POWER

ADDRESS 363-365 WELLINGTON STREET  
PERTH WA 6000

PHONE No. 9326 6308  
FAX No. 9225 2057

REFERENCE No. VOLUME 11 - EDM 46722845

ISSUING BOX No. BOX 184K (PERTH)

PREPARED BY AS ABOVE

ADDRESS

PHONE No.  
FAX No.

INSTRUCT IF ANY DOCUMENTS ARE TO ISSUE TO OTHER THAN LODGING PARTY

4  
—  
4

TITLES, LEASES, DECLARATIONS ETC LODGED HEREWITH

1. _____	Received Items
2. _____	Nos.
3. _____	
4. _____	
5. _____	
6. _____	Receiving Clerk

Registered pursuant to the provisions of the TRANSFER OF LAND ACT 1893 as amended on the day and time shown above and particulars entered in the Register.

**SIGNED** as Deed by the parties.

Signed on behalf of the WESTERN AUSTRALIAN LAND AUTHORITY by person(s) authorised by its Board in accordance with Section 45(2)(b) of the Western Australian Land Authority Act 1992.



**SARAH CHRISTINE RUSSELL**

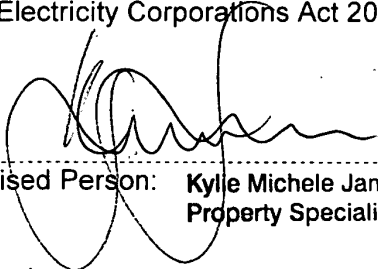
Authorised Officer



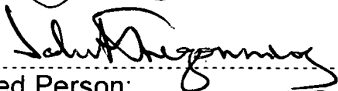
Authorised Officer

**Kylie Joanne Reeves**

Signed for and on behalf of the ELECTRICITY NETWORKS CORPORATION by persons authorised by its Board in accordance with Section 135(4) of the Electricity Corporations Act 2005.



Authorised Person: **Kylie Michele James**  
Property Specialist



Authorised Person: **John Alexander Tregonning**  
Senior Legal Counsel



**THE SCHEDULE**

**Part 1 – Date of Agreement:**

Dated this 12<sup>th</sup> day of November 2018

**Part 2 – Encumbrances (Burdened Land):**

Nil

WESTERN AUSTRALIA  
TRANSFER OF LAND ACT 1893 AS AMENDED

## BLANK INSTRUMENT FORM

### RESTRICTIVE COVENANT

(Note 1)

**THIS AGREEMENT** is made on the date in Part 1 of the Schedule:-

**WESTERN AUSTRALIAN LAND AUTHORITY** of Level 6, 40 The Esplanade, Perth, Western Australia, ("the Grantor", which expression includes its successors in title) of the one part;

and

**ELECTRICITY NETWORKS CORPORATION** of 363-365 Wellington Street, Perth, Western Australia, trading as Western Power, a statutory corporation established pursuant to the Electricity Corporations Act 2005, and a Public Authority for the purposes of section 129BA of the Transfer of Land Act 1893 ("the Grantee" which expression includes its successors and assigns ) of the other part;

#### RECITALS:

- A. The Grantor is the registered proprietor of an estate in Fee Simple free from encumbrances (except those described in Part 2 of the Schedule) in all the land being: - Lot 768 and 769 on Deposited Plan 415096 ("the Burdened Land")
- B. The Grantee owns and operates (or will construct, own and operate) an electricity distribution substation that may include a transformer or switchgear or both ("the Substation") on the road reserve adjacent to the area marked 'N' & 'N1' on Deposited Plan 415096 ("the Location").
- C. The Grantor covenants with the Grantee that the covenant set out in this Deed will burden the Burdened Land while the Grantee continues to own, operate or both own and operate, the Substation from the Location.

#### OBJECTIVE PART:

1. Recitals Included

All the recitals are included in the Operative Part as if each of them was repeated there in full.

2. Grantor's Covenants

The Grantor covenants with the Grantee not to construct, place or maintain or permit anyone else to construct, place or maintain a building or structure on the Burdened Land in the area marked 'N' & 'N1' on Deposited Plan 415096 unless the prior written consent of the Grantee is obtained to permit an appropriately fire rated building or structure on each occasion.

**Document Notes:**

IMPORTANT: THIS PAGE FORMS PART OF DOCUMENT [O031151] AND MAY CONTAIN REFERENCES TO AMENDMENTS OR CORRECTIONS TO THE DOCUMENT

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5/12/2018 15:29:50

Lot Sync dealing - time clock amended to match the in order for dealings of DP415096 - See letter