



## **Metro Inner Development Assessment Panel Related Information**

**Meeting Date and Time:** Tuesday, 6 August 2024; 9:30am  
**Meeting Number:** MIDAP/27

### **PART B – CITY OF STIRLING**

1. Declarations of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
  - 3.1 Lot 803 (No.499) Alexander Drive, Mirrabooka - Proposed Warehouse, Showrooms and Drive Through Fast Food Outlet – DAP/24/02655
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations



## **Attendance**

### **Officers in attendance**

Karina Bowater (City of Stirling)

Aida Sehic (City of Stirling)

### **Applicants and Submitters**

Terry McCoy (Woolworths)

Kris Nolan (Urbis)



## PART B – CITY OF STIRLING

### 1. Declarations of Due Consideration

### 2. Disclosure of Interests

Please note a standing declaration of interest, if the items on this agenda have been considered at the relevant local government council meeting, the local government DAP members acknowledge that in accordance with section 2.4.9 of the DAP Code of Conduct 2024 they have declared that they had participated in a prior Council meeting in relation an item being determined at this meeting. However, under section 2.1.2 of the DAP Code of Conduct 2024, they acknowledged that they are not bound by any previous decision or resolution of the local government and undertakes to exercise independent judgment in relation to any DAP application before them, which will be considered on its planning merits.

### 3. Form 1 DAP Applications

- 3.1 Lot 803 (No.499) Alexander Drive, Mirrabooka - Proposed Warehouse, Showrooms and Drive Through Fast Food Outlet – DAP/24/02655

#### 3.1.1 Deputations and Presentations

Terry McCoy (Woolworths) presenting in support of the recommendation for the application at Item 3.1. The presentation will be in favour of the development and outlining the functionality of the proposal and examples of other CFC's from around Australia. .

Kris Nolan (Urbis) presenting in support of the recommendation for the application at Item No. The presentation will be in favour of the development but requesting amendments, addition and deletion of conditions..

The City of Stirling may be provided with the opportunity to respond to questions of the panel, as invited by the Presiding Member.

#### 3.1.2 Additional Information

The Presiding Member notes an addendum to the agenda was published to include details of a DAP request for further information and responsible authority response in relation to Item 3.1, received on 5 August 2024.

### 4. Form 2 DAP Applications

Nil.

### 5. Section 31 SAT Reconsiderations

Nil.



## Presentation Request Form

Regulation 40(3) and DAP Standing Orders 2024 cl. 3.6

**Must be submitted at least 72 hours (3 ordinary days) before the meeting**

### Presentation Request Guidelines

Persons interested in presenting to a DAP must first consider whether their concern has been adequately addressed in the responsible authority report or other submissions. Your request will be determined by the Presiding Member based on individual merit and likely contribution to assist the DAP's consideration and determination of the application.

Presentations are not to exceed **3 minutes**. It is important to note that the presentation content will be **published on the DAP website** as part of the meeting agenda.

Please complete a separate form for each presenter and submit to [daps@dplh.wa.gov.au](mailto:daps@dplh.wa.gov.au)

### Presenter Details

|   |  |
|---|--|
| Name  | Terry McCoy  |
| Company (if applicable)                               | Woolworths   |
| Please identify if you have any special requirements: | <b>YES</b> <input type="checkbox"/> <b>NO</b> <input checked="" type="checkbox"/><br>If yes, please state any accessibility or special requirements:<br><a href="#">Click or tap here to enter text.</a> |

### Meeting Details

|                        |  |
|------------------------|--|
| DAP Name               | Metro Inner DAP  |
| Meeting Date           | Tuesday, 6 August 2024; 09:30am                            |
| DAP Application Number | DAP/24/02665   |
| Property Location      | Lot No. 803 (House Number 499) Alexander Drive, Mirrabooka |
| Agenda Item Number     | 3.1  |

### Presentation Details

|  |   |
|--|---|
| I have read the contents of the report contained in the Agenda and note that my presentation content <u>will be published</u> as part of the Agenda: | <b>YES</b> <input checked="" type="checkbox"/>  |
| Is the presentation in support of or against the <u>report recommendation</u> ? ( <i>contained within the Agenda</i> )                               | <b>SUPPORT</b> <input checked="" type="checkbox"/> <b>AGAINST</b> <input type="checkbox"/>                        |
| Is the presentation in support of or against the <u>proposed development</u> ?   | <b>SUPPORT</b> <input checked="" type="checkbox"/> <b>AGAINST</b> <input type="checkbox"/>                        |
| Will the presentation require power-point facilities?  | <b>YES</b> <input checked="" type="checkbox"/> <b>NO</b> <input type="checkbox"/><br><b>If yes, please attach</b> |
| Will you be attending in person or via electronic means  | <b>In person</b> <input checked="" type="checkbox"/><br><b>Online</b> <input type="checkbox"/>                    |



### Presentation Content\*

These details may be circulated to the local government and applicant if deemed necessary by the Presiding Member. Handouts or power points will not be accepted on the day.

|  |   |
|--|---|
| Brief sentence summary for inclusion in the Additional Information as part of the agenda | <i>The presentation will address:</i><br>Terry McCoy presenting in favour of the development and outlining the functionality of the proposal and examples of other CFC's from around Australia. |
|--|---|

In accordance with Clause 3.6.2 of the *DAP Standing Orders*, your presentation request must also be accompanied with a written document setting out the substance of the submission. If the presentation references documents that are contained within the responsible authority attachments, please consider referencing the attachment and not including a duplication of documents.

Please attach detailed content of presentation or provide below:-

Powerpoint attached.



# LOT 803 (NO.499) ALEXANDER DRIVE MIRRABOOKA





# PROPOSED DEVELOPMENT

Figure 1 – Subject Site Aerial



Table 2 – Site Details

| Component                             | Site Information   |
|---------------------------------------|--|
| Address                               | Lot 803 (No. 499) Alexander Drive, Mirrabooka                                  |
| Access                                | Alexander Drive  |
| Local Government                      | City of Stirling   |
| MRS Zone                              | Industrial   |
| City of Stirling LPS 3 Zoning         | Development  |
| Structure Plan                        | Lot 1 (House Number 501) Alexander Drive, Mirrabooka Local Structure Plan      |
| Structure Plan – Land Use Designation | Mixed Business   |
| Use Class and Permissibility          | Drive Through Fast Food Outlet – ‘D’   |
|                                       | Showroom – ‘P’   |
|                                       | Warehouse – ‘P’  |
|                                       | Office – ‘D’   |
| Area                                  | Warehouse: 7,850sq.m   |
|                                       | Office: 650sq.m  |
|                                       | Showroom tenancies comprising 2x 1,001sq.m tenancies and 1x 1,215sq.m. tenancy |
|                                       | Fast Food Outlet: 228sq.m.   |



# ROCHEDALE, QLD, WOOLWORTHS CFC













**CARRINGBAH,  
NSW,  
WOOLWORTHS CFC**



















## Presentation Request Form

Regulation 40(3) and DAP Standing Orders 2024 cl. 3.6

**Must be submitted at least 72 hours (3 ordinary days) before the meeting**

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Please complete a separate form for each presenter and submit to [daps@dplh.wa.gov.au](mailto:daps@dplh.wa.gov.au)

### Presenter Details

|   |  |
|---|--|
| Name  | Kris Nolan   |
| Company (if applicable)                               | Urbis  |
| Please identify if you have any special requirements: | <b>YES</b> <input type="checkbox"/> <b>NO</b> <input checked="" type="checkbox"/><br>If yes, please state any accessibility or special requirements:<br><a href="#">Click or tap here to enter text.</a> |

### Meeting Details

|                        |  |
|------------------------|--|
| DAP Name               | Metro Inner DAP  |
| Meeting Date           | Tuesday, 6 August 2024; 09:30am                            |
| DAP Application Number | DAP/24/02665   |
| Property Location      | Lot No. 803 (House Number 499) Alexander Drive, Mirrabooka |
| Agenda Item Number     | 3.1  |

### Presentation Details

|   |   |
|---|---|
| I have read the contents of the report contained in the Agenda and note that my presentation content <u>will be published as part of the Agenda</u> : | <b>YES</b> <input checked="" type="checkbox"/>  |
| Is the presentation in support of or against the <u>report recommendation</u> ? ( <i>contained within the Agenda</i> )                                | <b>SUPPORT</b> <input checked="" type="checkbox"/> <b>AGAINST</b> <input type="checkbox"/>                        |
| Is the presentation in support of or against the <u>proposed development</u> ?  | <b>SUPPORT</b> <input checked="" type="checkbox"/> <b>AGAINST</b> <input type="checkbox"/>                        |
| Will the presentation require power-point facilities?   | <b>YES</b> <input type="checkbox"/> <b>NO</b> <input checked="" type="checkbox"/><br><b>If yes, please attach</b> |
| Will you be attending in person or via electronic means   | <b>In person</b> <input checked="" type="checkbox"/><br><b>Online</b> <input type="checkbox"/>                    |



### Presentation Content\*

These details may be circulated to the local government and applicant if deemed necessary by the Presiding Member. Handouts or power points will not be accepted on the day.

|  |   |
|--|---|
| Brief sentence summary for inclusion in the Additional Information as part of the agenda | <i>The presentation will address:</i><br>Kris Nolan presenting in favour of the development but requesting amendments, addition and deletion of conditions. |
|--|---|

In accordance with Clause 3.6.2 of the *DAP Standing Orders*, your presentation request must also be accompanied with a written document setting out the substance of the submission. If the presentation references documents that are contained within the responsible authority attachments, please consider referencing the attachment and not including a duplication of documents.

Please attach detailed content of presentation or provide below:-

Memo attached.



# MEMO

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To: Francesca Lefante (Presiding Member)  
Clayton Higham (Deputy Presiding Member)  
Lee O'Donohue (Specialist Member)  
Cr Michael Dudek (Local Government Member, City of Stirling)

Cc: Karina Bowater (City of Stirling)

From: Kris Nolan - Urbis

Email: [knolan@urbis.com.au](mailto:knolan@urbis.com.au)

Date: 2 August 2024

**Subject: Lot 803 (No.499) Alexander Drive, Mirrabooka | DAP/24/02655**

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Dear Panel Members,

We write in respect to DAP/24/02655 application relating to the proposed Woolworths Customer Fulfillment Centre (**CFC**) at Lot 803 (No.499) Alexander Drive, Mirrabooka (**subject site**), which will be considered by the Metro-Inner Development Assessment Panel (**MIDAP**) on Tuesday, 6th August 2024.

The application for the warehouse (the CFC), has been progressed by our client, Fabcot Pty Limited (a subsidiary of Woolworths Group Limited (**Woolworths**)). The development application seeks to propose a CFC comprising 7,850sq.m., 650sq.m. of office space; and 12 associated direct-to-boot car parking bays and vehicle access and egress, landscaping and associated car parking.

The application also proposes three showroom tenancies and one drive through fast food outlet.

As part of the determination of the application, we seek the Panel's support for the amendment of condition 8 and 9, addition of a condition and deletion of conditions 12, 20 and 21. For the proposed modifications and deletions, the need and nexus associated with these conditions is contested in the context of the proposed operation of the CFC, technical advice and previous site works. This memo outlines our justification for the requested changes.

We enclose the following appendices:

- **Appendix A** - Notice of a classification of a known or suspected contaminated site given under section 15 of the *Contaminated Sites Act 2003*; and
- **Appendix B** - *Contaminated Sites Act 2003* Basic Summary of Records Search Response.

## CONDITIONS 8, 9, 12, 20, 21

We request amendment of conditions 8 and 9, the provision of one additional condition and deletion of conditions 12, 20 and 21. The rationale for these requests (and our suggested condition re-wording) is explained in **Table 1** below.



Table 1 – Requested amended, additional and deleted conditions

| Recommended Condition (s)   | Request and Comment   |
|---|---|
| <p><b><u>Condition 8</u></b></p> <p>Unless otherwise included as part of the Waste Management Plan and associated Acoustic Reports, delivery and service vehicles are not permitted to enter the site outside the hours 7.00am to 7.00pm Monday to Saturday and 9.00am to 5.00pm Sundays and public holidays.</p> | <p><b>Requested Actions:</b></p> <p>1) Amend the condition to read as follows:</p> <p><i>“Unless otherwise included as part of the Waste Management Plan and associated Acoustic Reports, <del>delivery and service</del> <b>waste</b> vehicles are not permitted to enter the site outside the hours 7.00am to 7.00pm Monday to Saturday and 9.00am to 5.00pm Sundays and public holidays”.</i></p> <p>2) Addition of a <b>new condition</b> to read as follows:</p> <p><i>Prior to construction of the approved use, the applicant must submit for approval by the City of Stirling an acoustic report prepared by an accredited acoustic engineer, which shall detail noise attenuation measures sufficient to ensure compliance of the approved use with the Environment Protection (Noise) Regulations 1997 (WA) as amended from time to time. The noise management plan as approved by the City of Stirling must be implemented at all times.</i></p> <p><b>Justification:</b></p> <p>It is noted that Condition 8 refers to “delivery and service vehicles”.</p> <p>The CFC <u>is reliant</u> on delivery vehicles to access the site on an ongoing basis (essentially 24/7), which is outside of the hours outlined in this condition, but critical to the functionality of the CFC.</p> <p>It is requested that this condition is updated to reflect that waste vehicles <u>only</u> are not permitted to access the site outside of the hours outlined in this condition.</p> <p>To address any potential noise issues associated with deliveries (noting however the nearest residence is approx 500m away), we are happy to provide an Acoustic Report to address any potential concerns from the subject site in proximity to its surrounding environment. We therefore request to add a condition outlining the requirement for the submission of an Acoustic Report prior to the construction of the approved use.</p> <p><b>On this basis, we request Condition 8 to be amended, and have requested that a condition be added for an Acoustic Report to be provided, as outlined above.</b></p> |
| <p><b><u>Condition 9</u></b></p> <p>Prior to the occupation of the development, architectural lighting</p>  | <p><b>Requested Actions:</b></p> <p>1) Amend the condition to read as follows:</p>  |

| Recommended Condition (s)  | Request and Comment  |
|--|--|
| <p>of the building and lighting under all awnings, parking areas, service areas, footpaths and entry and exit points is to be provided.</p>  | <p><i>“Prior to the occupation of the development, architectural lighting of the building and lighting under all awnings, parking areas, service areas, footpaths and entry and exit points is to be provided for <b>safety purposes</b>”.</i></p> <p><b>Justification:</b></p> <p>The rationale of this condition is currently unclear (though reads more aesthetic than functional), and it is recommended that this condition be amended for clarification reasons, ensuring that any lighting will be functional and related to the safety of workers, pedestrians and vehicles in proximity to the CFC.</p> <p>Adequate lighting for safety reasons will provide greater opportunities for passive surveillance, security and safety across the proposed development site.</p> <p><b>It is requested that the condition is amended to read as outlined above.</b></p> |
| <p><b><u>Condition 12</u></b></p> <p>Any outside lighting to comply with Australian/New Zealand Standards AS/NZS4282-2023 (as amended) for the control of obstructive effects of outdoor lighting and must not spill into any adjacent residential properties</p>  | <p><b>Requested Actions:</b></p> <p>1) Delete the condition entirely.</p> <p><b>Justification:</b></p> <p>The nearest residential properties are located approximately 500m to the northwest and southwest of the subject site, and as such, the subject site is not located adjacent to any residential properties.</p> <p>Furthermore, approved land uses in proximity to the subject site are more commercial in nature and would not be impacted by outdoor lighting from the proposed development.</p> <p>We believe that this condition is not pertinent to the proposed development, and therefore, recommend that this condition be removed entirely.</p> <p><b>It is requested that Condition 12 is deleted.</b></p>  |
| <p><b><u>Condition 20</u></b></p> <p>Unless demonstrated as unnecessary by a qualified expert, the design of management measures for the mitigation of landfill gas risks, including relevant building design features, is to be submitted as part of the Building Permit application to the satisfaction of the City of Stirling on advice from the Department of</p> | <p><b>Requested Actions:</b></p> <p>1) Delete conditions 20 and 21 entirely.</p> <p><b>Justification:</b></p> <p>Enclosed for your attention and record is a formal notice received from DWER (<b>Appendix A</b>) confirming the change in contamination status of the land at Lot 803 (subject site) to “Decontaminated”. Via a review of the Contaminated Sites Database (<a href="#">DWER Contaminated Sites Database</a>) one can see that only Lot 802 (to the west) remains classified as “contaminated - restricted use” and that pursuant to the attached</p>  |

| Recommended Condition (s)   | Request and Comment   |
|---|---|
| <p>Water and Environmental Regulation, to the satisfaction of the City of Stirling.</p> <p><b><u>Condition 21</u></b></p> <p>Prior to occupation of any component of the development the installation, testing and validation of landfill gas mitigation design features shall be completed, on advice from the Department of Water and Environmental Regulation, to ensure that any portion of the development is safe for use, to the satisfaction of the City of Stirling.</p> | <p>Basic Summary of Records (<b>Appendix B</b>) any obligations arising in respect of landfill gas monitoring are <b>relevant only to Lot 802</b>.</p> <p>We expect the proposed conditions 20 and 21 simply replicate conditions imposed on the previous development approval and do not take into account the subsequent efforts to remediate Lot 803 (to achieve a “decontaminated “status and removal from the database).</p> <p>Importantly the notice of classification for Lot 803 (attached) confirms that no further action is required for this site.</p> <p><b>As such, it is requested that Conditions 20 and 21 are deleted.</b></p> |

## CONCLUSION

In conclusion, we request changes to the conditions that will provide greater certainty for Woolworths in successfully delivering this important development.

We look forward to the meeting. We will be undertaking a deputation to the JDAP and would be pleased to answer any questions the panel may have.

Yours sincerely,



Kris Nolan  
 Director  
 +61 416 162 448  
[knolan@urbis.com.au](mailto:knolan@urbis.com.au)



**APPENDIX A - NOTICE OF A CLASSIFICATION OF A KNOWN OR SUSPECTED  
CONTAMINATED SITE GIVEN UNDER SECTION 15 OF THE *CONTAMINATED SITES  
ACT 2003***



Brett Chivers  
Hesperia  
PO Box 782  
Subiaco WA 6904

Your ref:

Our ref: DMO 12565

Enquiries: Bill Richmond

Phone: 1300 762 982

Fax: (08) 6364 7001

Email: [info@dwer.wa.gov.au](mailto:info@dwer.wa.gov.au)

Dear Sir/Madam

**NOTICE OF A CLASSIFICATION OF A KNOWN OR SUSPECTED CONTAMINATED SITE GIVEN UNDER SECTION 15 OF THE *CONTAMINATED SITES ACT 2003***

The site detailed below (the site), was classified by the Department of Water and Environmental Regulation (the department) under the Contaminated Sites Act 2003 (the Act) on 25/02/2014 as '*Possibly contaminated - investigation required*':

- Approximate Spatial Representation of LOT 9001 ON DEPOSITED PLAN 424564 known as 501 Alexander Dr Mirrabooka WA 6061
- Approximate Spatial Representation of LOT 803 ON DEPOSITED PLAN 424564 known as 501 Alexander Dr Mirrabooka WA 6061

Following the submission of a Mandatory Auditor's Report (MAR), the site has been reclassified.

This notification is being sent to you in accordance with section 15(1) of the Act on the grounds that you, as the recipient, are one or more of the following:

- (a) owner of the site (contact details sourced from the current certificate of title);
- (b) occupier of the site;
- (c) relevant public authority;
- (d) person who, in the CEO's opinion, there is particular reason to notify;
- (e) person who made the report under section 11 or 12; and
- (f) person who, in the CEO's opinion, may be responsible for remediation of a site classified as *contaminated – remediation required*.

**Site Re-Classification**

**Category of site classification:** Decontaminated

**Date of site classification:** 29/08/2023

**Reasons for classification:** This site was reported to the Department of Water and Environmental Regulation (the department) as per reporting obligations under section 11 of the 'Contaminated Sites Act 2003' (the Act), which commenced on 1 December 2006. The site was first classified under section 13 of the Act based on information submitted to the department by March 2011. The site has been classified again under section 13 of the Act to reflect additional technical information submitted to the department by July 2023.

The site was reported because, at the time of reporting, it comprised the eastern portion of a larger lot that had historically been used as a mixed putrescible and industrial landfill for approximately 20 years, from 1977 to 1997. The site has also been used for numerous other commercial/industrial facilities, including sale of landscaping supply, brickworks, and a concrete batching facility. Landfilling and some of the above commercial/industrial uses are land uses that have the potential to cause contamination, as specified in the guideline 'Assessment and management of contaminated sites' (Department of Water and Environmental Regulation, 2021).

Land adjacent to the west of this site is licensed under the 'Environmental Protection Act 1986' (EP Act) to operate as an inert landfill and to conduct gas extraction, monitoring and control. Groundwater monitoring has been undertaken at the adjacent landfill since 1989, as a requirement of the site's licence under the EP Act.

Groundwater monitoring and investigations found that groundwater beneath the landfill and across a wider area to the south-west of the landfill, has been impacted by the presence of landfill leachate. As the local groundwater flow direction is to the south west, this site is not impacted by the leachate plume at the adjacent landfill.

Contamination assessments comprising soil, groundwater and landfill gas investigations, and subsequent remediation works, were carried out at the site in 2022 and 2023 in order to comply with a condition that had been placed by a Joint Development Assessment Panel on the site as part of the planning approval process.

Groundwater investigations confirmed that groundwater flow direction at this site is towards the south west, and that the quality of groundwater beneath the site is consistent with up-gradient conditions.

Remediation of the site was carried out in 2023. Remediation works involved bulk excavation of all areas of buried waste fill at the site to the level of underlying natural soils, and screening of the excavated material to separate waste materials and soil.

Waste material was consolidated within the adjacent landfill site. Following validation sampling and analysis, some screened soils were re-used on the site as fill. On completion of remediation works, the final site condition included a 0.5 metre cover layer of either validated screened soil, or imported virgin soil, over the surface of remediated areas.

Landfill gas investigations on the lot adjacent to the west of this site indicated that landfill gases (methane, carbon dioxide and hydrogen sulfide) are being generated within the waste mass. A remediation action plan (RAP) for landfill gas mitigation was developed and implemented on the adjacent lot to prevent lateral migration of landfill gases beneath this site. The remediation strategy comprises an actively-vented gas interception system placed along the eastern boundary of the adjacent lot (outside this site). A site management plan (SMP) and an operational and maintenance manual for the gas interception system have been developed and implemented at the adjacent site. The SMP is supported by a legally binding agreement (deed) and a restrictive covenant on the title, capable of being transferred with ownership.

The investigations, remediation and validation works at the site, and investigations, remediation and ongoing management plans for the adjacent landfill to the west of this site, were the subject of an independent review by an accredited contaminated sites auditor. The auditor's review is documented in mandatory auditor's reports (MARs) dated 17 March 2022, 14 July 2023 and 28 July 2023. The department accepts the conclusions of the auditor that the site has been successfully remediated and is suitable for all land uses.

As the site has been successfully remediated and is suitable for all land uses, the site is classified as 'decontaminated'. Adjacent land to the west of this site has been classified separately, with a different classification under the Act.

The department, in consultation with the Department of Health, has classified this site based on the information available to the department at the time of classification. It is acknowledged that the

contamination status of the site may have changed since the information was collated and/or submitted to the department, and as such, the usefulness of this information may be limited.

In accordance with Department of Health advice, if groundwater is being, or is proposed to be abstracted, the department recommends that analytical testing should be carried out to determine whether the groundwater is suitable for its intended use.

#### **Other Relevant Information:**

Additional information included herein is relevant to the contamination status of the site and includes the department's expectations for action that should be taken to address potential or actual contamination described in the Reasons for Classification.

The Department of Health advises that this site is unlikely to be suitable for future development for sensitive land uses given its close proximity to an operational landfill.

#### **Action Required:**

No further management of the site in relation to contamination is currently required.

The department notes that the site is in an area zoned 'development' under the relevant town planning scheme. It is therefore possible that a potentially contaminating activity, industry or land use may take place at the site after 2023. For this reason, the department recommends that further assessment of potential contamination should be undertaken before any change in land use to a more sensitive land use (such as residential, primary school or childcare centre) in the future.

#### **General Information**

The nature and extent of contamination and any restrictions on the use of the land, if applicable, are listed in Attachment A.

Information relating to the classification of the site is also available by submitting a request for a summary of records (using Form 2) to: Department of Water and Environmental Regulation, Locked Bag 10, Joondalup DC, WA 6919. A fee of \$44 currently applies for a Basic Summary of Records. Forms are available from <https://www.wa.gov.au/organisation/departments/departments-of-water-and-environmental-regulation/contaminated-sites>.

In some instances the department has had to classify sites based on historical information. A site may be re-classified at any stage when additional information becomes available, for example where a new investigation or remediation report completed in accordance with the department's 'Contaminated Sites Guidelines' and the *National Environment Protection (Assessment of Site Contamination) Measure 1999*, is submitted to the department. The current site classification is the classification most recently conferred on the site.

#### **Memorial**

In accordance with section 58(3) of the Act, the department will give notice to Landgate to withdraw the current memorial(s) lodged against the Certificate(s) of Title relating to the site. Parcel(s) without a registration number or certificate of title will not have a memorial lodged against them until a certificate of title has been created. Once complete, confirmation of the lodgement of the memorial(s) will be forwarded to the following people:

- (a) each owner,
- (b) Western Australian Planning Commission;
- (c) CEO of the Department of Health;
- (d) Local Government Authority;
- (e) relevant scheme authority.



## Appealing the Site Classification

All site classifications given by the department are appealable. However, only certain people can lodge a valid appeal. The people who can lodge a valid appeal varies, depending on the classification category, as detailed in Fact Sheet 4: *Site classifications and appeals*. Appeals need to be lodged in writing with the Contaminated Sites Committee at Forrest Centre, Level 22, 221 St Georges Terrace, Perth WA 6000, within **45 days** of being given this notification. The appeal should set out the appellant's relationship to the site, and must include the grounds and facts upon which it is based. An appeal fee (currently \$66) applies.

To find out more about the appeal process, see the Contaminated Sites Committee website at <https://www.wa.gov.au/organisation/contaminated-sites-committee> or contact the office of the Committee on (08) 6364 7264.

For further information on all aspects of site classification, please refer to Fact Sheet 4 and the 'Contaminated Sites Guidelines', which are available from the department's website at <https://www.wa.gov.au/organisation/department-of-water-and-environmental-regulation/contaminated-sites> or by contacting the Contaminated Sites Information Line on 1300 762 982.

Yours sincerely



.....  
**Penny Woodberry, Manager**

CONTAMINATED SITES REGULATION  
Delegated Officer under section 91  
of the *Contaminated Sites Act 2003*

31/08/2023

Enc. Attachment A – Nature and Extent and Restrictions on Use.

[Fact Sheet 4: Site classifications and appeals](#)

[Fact Sheet 5: Buyer beware – buying and selling contaminated land](#)

[Form 6 – Land Owner's Disclosure Before Completion of Land Transaction](#)

## **ATTACHMENT A – Nature and Extent and Restrictions on Use**

- Approximate Spatial Representation of LOT 9001 ON DEPOSITED PLAN 424564
- Approximate Spatial Representation of LOT 803 ON DEPOSITED PLAN 424564

**Nature and Extent:** Following remediation, no contamination remains at the site.

**Restriction on Use:** There are no restrictions on use applicable to the site.

**APPENDIX B - *CONTAMINATED SITES ACT 2003* BASIC SUMMARY OF RECORDS  
SEARCH RESPONSE**



## Contaminated Sites Act 2003 Basic Summary of Records Search Response

Report generated at 02:09:19PM, 01/08/2024

### Search Results

Receipt No:

ID No: 82861

This response relates to a search request received for:

Lot 802

Mirrabooka, WA, 6061

Approximate Spatial Representation of LOT 802 ON DEPOSITED PLAN 424564 known as 501 Alexander Dr Mirrabooka WA 6061

This parcel belongs to a site that contains 1 parcel(s).

According to Department of Water and Environmental Regulation records, this land has been reported as a known or suspected contaminated site.

### Address

Lot 802

Mirrabooka, WA, 6061

Approximate Spatial Representation of LOT 802 ON DEPOSITED PLAN 424564 known as 501

### Parcel Status

**Classification:** 29/08/2023 - Contaminated - restricted use

#### Nature and Extent of Contamination:

Landfilling of household and industrial materials occurred at this site until 1997. A portion of the site is underlain by putrescible waste and other waste materials.

Elevated concentrations of iron, ammonia, hydrocarbons and per- and polyfluoroalkyl substances are present in groundwater beneath the site.

Landfill gases (such as carbon dioxide and methane) are being generated beneath the site by decomposition of waste materials.

#### Restrictions on Use:

The land use of the site is restricted to its current use as a closed landfill with hardstand area. The site should not be developed for a more sensitive use such as other commercial/industrial use, residential use, childcare centres or recreational open space, without further contamination assessment and/or remediation.

No slab-on-ground buildings or underground structures should be constructed at the site without further assessment of landfill gas risks.

The site (exclusive of the Gas Interception System easement) is to be managed in accordance with the provisions of the plan "Site Management Plan Lot 802 Victoria Road, Mirrabooka (Emerge Associates, July 2023)" and any future versions of that plan.

Ongoing management and maintenance of the Gas Interception System (GIS) at the site is required in perpetuity, or until the department confirms that ongoing operation of the GIS is no longer required, in accordance with the plan "Site Management Plan - Gas Interception System, Lot 802 Victoria Road, Mirrabooka (Emerge Associates, July 2023)" as agreed in the overarching Deed of Responsibility.

### Disclaimer

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## **Contaminated Sites Act 2003**

### **Basic Summary of Records Search Response**

Report generated at 02:09:19PM, 01/08/2024

Other than for analytical testing or remediation, groundwater abstraction is not permitted at this site because of the nature and extent of groundwater contamination.

#### **Reason for Classification:**

This site was reported to the Department of Water and Environmental Regulation (the department) as per reporting obligations under section 11 of the 'Contaminated Sites Act 2003' (the Act), which commenced on 1 December 2006. The site was first classified under section 13 of the Act based on information submitted to the department by May 2007. The site has been classified again under section 13 of the Act to reflect additional technical information submitted to the department by July 2023.

The site (comprising Lot 802 Alexander Drive, Mirrabooka) was reported because it was formerly part of a larger lot that was used as a mixed putrescible and industrial landfill for approximately 20 years, from 1977 to 1997. This is a land use that has the potential to cause contamination, as specified in the guideline 'Assessment and management of contaminated sites' (Department of Water and Environmental Regulation, 2021).

An area that includes the northern portion of this site, and an adjacent lot to the west of the site is licensed under the 'Environmental Protection Act 1986' (EP Act) to operate as an inert landfill and to conduct gas extraction, monitoring and control. Groundwater monitoring has been undertaken at the landfill since 1989, as a requirement of the site's licence under the EP Act. Groundwater monitoring and investigations found that groundwater beneath the landfill and across a wider area to the south-west of the landfill, has been impacted by the presence of landfill leachate. Current (and future landfilling) at the licensed premises is undertaken in the south-western portion of adjacent Lot 821, approximately 300 metres west of this site.

Contamination assessments comprising soil, groundwater and landfill gas investigations were carried out at the site in 2022 and 2023 in order to comply with a condition that had been placed by a Joint Development Assessment Panel as part of the planning approval process for the development of commercial premises on land located adjacent to the east of this site.

Landfill gas investigations focussed on the potential for gas generated within the waste mass on this site to impact land immediately to the east of the site, which is proposed for commercial development. Landfill gas investigations at the site's eastern boundary indicated that landfill gases (methane, carbon dioxide and hydrogen sulfide) are being generated within the waste mass.

Groundwater investigations found that groundwater near the western boundary of this site is impacted with substances indicative of landfill leachate. Nutrients, hydrocarbons, metals and per- and polyfluoroalkyl substances (PFAS) were found to be present in groundwater at concentrations exceeding assessment levels for non-potable use of groundwater, as published in the guideline 'Assessment and management of contaminated sites' (Department of Water and Environmental Regulation, 2021).

Remediation of adjacent lots to the east of this site was carried out in 2023. Remediation works involved bulk excavation of all areas of buried waste fill on the adjacent lots to the level of underlying natural soils, and screening of the excavated material to separate waste materials and soil. Waste material excavated from the adjacent lots was consolidated within the landfill mass at this site.

A remediation action plan (RAP) for landfill gas mitigation was developed and implemented to prevent lateral migration of landfill gases from beneath this site to affect the proposed adjacent commercial development. The remediation strategy comprises an actively-vented gas interception system (GIS)

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## **Contaminated Sites Act 2003**

### **Basic Summary of Records Search Response**

Report generated at 02:09:19PM, 01/08/2024

that has been installed within an easement along the eastern boundary of Lot 802. An operational and maintenance manual and site management plan for the GIS (GIS SMP) have been developed and implemented at the site. A further Site Management Plan (Lot 802 SMP) specific to the area outside the GIS easement, has been developed and implemented to address potential risks associated with historic landfill waste material buried on that portion of the site.

To ensure a long-term commitment to monitor and maintain the GIS, a legally binding agreement (deed), capable of being transferred with ownership, has been provided. The deed details the easement for access to the GIS components on all lots, and includes a restrictive covenant. The deed includes a commitment that responsibilities relating to operation of the GIS under the provisions of the GIS SMP can only cease when the department confirms that ongoing operation of the GIS is no longer required.

The investigations, gas interception system design, installation and testing, and the SMPs for the site, were the subject of an independent review by an accredited contaminated sites auditor. The auditor's review is documented in mandatory auditor's reports (MARs) dated 17 March 2022, 14 July 2023 and 28 July 2023. The department accepts the auditor's recommendation that the site is suitable for ongoing land use as a closed landfill and hardstand area subject to specific restrictions on use associated with ongoing operation and maintenance of the GIS.

The site is contaminated and is suitable for the current land use but may not be suitable for a more sensitive land use. Therefore, the site is classified as 'contaminated - restricted use'.

A memorial stating the site's classification will be placed on the certificate of title and will trigger the need for further investigations and risk assessment should the site be proposed for a more sensitive land use.

The department, in consultation with the Department of Health, has classified this site based on the information available to the department at the time of classification. It is acknowledged that the contamination status of the site may have changed since the information was collated and/or submitted to the department, and as such, the usefulness of this information may be limited.

#### **Other Relevant Information:**

Additional information included herein is relevant to the contamination status of the site and includes the department's expectations for action that should be taken to address potential or actual contamination described in the Reasons for Classification.

Where the land is part of a transaction - sale, mortgagee or lease agreement, the landowners **MUST PROVIDE WRITTEN DISCLOSURE** (on the prescribed Form 6) of the site's status to any potential owner, mortgagee (e.g financial institutions) or lessee at least 14 days before the completion of the transaction. A copy of the disclosure must also be forwarded to the department.

As a landfill, a portion of this site is currently licensed under Part V of the 'Environmental Protection Act 1986', to operate as an inert landfill and to conduct gas extraction.

The Department of Health advises that adjacent land to the east of this site is unlikely to be suitable for future development for sensitive land uses given its close proximity to an operational landfill.

#### **Action Required:**

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## ***Contaminated Sites Act 2003*** **Basic Summary of Records Search Response**

Report generated at 02:09:19PM, 01/08/2024

|   |   |
|---|---|
|   | Please refer to the restrictions on use applicable to the site.   |
| <b>Certificate of Title Memorial</b>    | Under the Contaminated Sites Act 2003, this site has been classified as "contaminated - restricted use". For further information on the contamination status of this site, please contact Contaminated Sites at the Department of Water and Environmental Regulation. |
| <b>Current Regulatory Notice Issued</b> | <b>Type of Regulatory Notice:</b> <i>Nil</i><br><b>Date Issued:</b> <i>Nil</i>  |
| <b>General</b>                          | No other information relating to this parcel.   |

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## Direction for Further Services from the Responsible Authority

Regulation 13(1)

### Guidelines

A DAP Member who wishes to request further services (e.g. technical advice and assistance or information in writing) from the Responsible Authority must complete this form and submit to [daps@dplh.wa.gov.au](mailto:daps@dplh.wa.gov.au).

The request will be considered by the DAP Executive Director and if approved, the Responsible Authority will be directed to provide a response to DAP Secretariat within the form.

It is important to note that **the completed form containing the query, response and any accompanying documentation will be published on the DAP website** as an addendum to the meeting agenda.

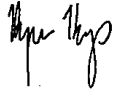
### DAP Application Details

|                        |  |
|------------------------|--|
| DAP Name               | MIDAP  |
| DAP Application Number | DAP/24/02655                                 |
| Responsible Authority  | City of Stirling                             |
| Property Location      | Lot 803 (No.499) Alexander Drive, Mirrabooka |

### Nature of technical advice or information required\*

|   |           |  |
|---|-----------|--|
| 1 | DAP query | Response to condition modifications from Kris Nolan (Urbis), attached. |
|   | Response  | See Below  |

### DAP Executive Director Authorisation

|              |   |
|--------------|---|
| Signature    |  |
| Date         | 5 August 2024   |
| Response Due | 6 August 2024; 9:30am   |

\* Any alternate recommendation sought does not infer a pre-determined position of the panel.

Following the submission of the City's Responsible Authority Report to the DAP Secretariat, the Applicant requested modifications to the City's recommended condition setting. Additionally, a request was received from the DAP in accordance with Regulation 13 of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

A summary of the Applicant's requested modifications is provided below:

- Modifications of Condition 8 and 9.
- Deletion of Condition 12, 20 and 21.
- Additional Condition: New Condition 9.

The City has undertaken a review of the requested modifications with a summary of the modifications provided below:

#### Amended Conditions

The following conditions have been modified or deleted in accordance with the Applicant's request:

- Conditions 8, 9, 12, 20, 21, new Condition 9, with all subsequent conditions renumbered accordingly.

For ease of reference, the City has included two versions of the recommended condition setting. One version includes track-changes with proposed modifications in blue (below), and the second version being a clean copy of the recommended condition setting (attached) which is to replace the original condition setting proposed as part of the City's Responsible Authority Report.

#### **Responsible Authority Recommendation**

That the Metro Inner DAP resolves to:

**Approve** DAP Application reference DAP/24/02665 and accompanying plans (as listed in Condition 3) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Stirling Local Planning Scheme No.3, and pursuant to Clause 24(1) and 26 of the Metropolitan Region Scheme, for the Commercial – Warehouse, Showrooms and Drive Through Fast Food Outlet at Lot 83, House Number 499 Alexander Drive, Mirrabooka, subject to the following conditions:

#### **Conditions**

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of four (4) years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. The development is to comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements and annotations detailed thereon. The plans approved as part of this application form part of the development approval issued and are listed below:

OFFICIAL

| Drawing Title                   | Date      | Sheet Number | Revision | Drawn By     |
|---------------------------------|-----------|--------------|----------|--------------|
| Cover page                      | June 2023 | N/A          | N/A      | Watson Young |
| Site Locality Plan              | June 2023 | TP01         | D        | Watson Young |
| Existing Conditions             | June 2023 | TP02         | D        | Watson Young |
| Site Masterplan                 | July 2023 | TP03         | E        | Watson Young |
| CFC Site Plan                   | July 2023 | TP04         | E        | Watson Young |
| CFC Roof Plan                   | July 2023 | TP05         | E        | Watson Young |
| CFC Office Floor Plan           | July 2023 | TP06         | E        | Watson Young |
| CFC Overall Elevations          | July 2023 | TP07         | E        | Watson Young |
| CFC Office Elevations           | July 2023 | TP08         | E        | Watson Young |
| CFC Typical Sections            | July 2023 | TP09         | D        | Watson Young |
| CFC 3D Perspectives             | July 2023 | TP10         | D        | Watson Young |
| Commercial Land Site Plan       | July 2023 | TP11         | E        | Watson Young |
| Tenancy 1 Floor & Roof Plan     | July 2023 | TP12         | E        | Watson Young |
| Tenancy 1 Elevations            | July 2023 | TP13         | E        | Watson Young |
| Tenancy 2 & 3 Floor & Roof Plan | July 2023 | TP14         | E        | Watson Young |
| Tenancy 2 & 3 Elevations        | July 2023 | TP15         | E        | Watson Young |
| Tenancy 4 Floor & Roof Plan     | July 2023 | TP16         | E        | Watson Young |
| Tenancy 4 Elevations            | July 2023 | TP17         | E        | Watson Young |
| 3d Perspectives                 | July 2023 | TP18         | D        | Watson Young |
| Streetscape Elevations          | June 2023 | TP19         | D        | Watson Young |
| Signage Details                 | June 2023 | TP20         | D        | Watson Young |
| Fencing Plan and Details        | June 2023 | TP21         | B        | Watson Young |
| Pedestrian Access Plan          | June 2023 | TP22         | B        | Watson Young |

4. The building permit submission is to include specific details relating to the incorporation of sustainable design features in accordance with Local Planning Policy 4.4 – Mixed Business Design Guidelines, to the satisfaction of the City of Stirling.
5. The development shall comply with the Waste Management Plan prepared by Talis dated 23 January 2024. The Waste Management Plan shall be complied with for the duration of the development, unless otherwise approved by the City of Stirling.



6. All blank expanses of ground floor external walls are to be treated with an anti-graffiti coating or an alternative material/finish, to reduce the likelihood of and improve ease of graffiti removal, to the satisfaction of the City of Stirling.
7. No goods or materials are to be stored, either temporarily or permanently, in the parking or landscape areas or within access driveways. All goods and materials are to be stored within the buildings or storage yards, where provided.
8. Unless otherwise included as part of the Waste Management Plan and associated Acoustic Reports, ~~delivery and service waste~~ vehicles are not permitted to enter the site outside the hours 7.00am to 7.00pm Monday to Saturday and 9.00am to 5.00pm Sundays and public holidays.
9. Prior to construction of the approved use, the applicant must submit for approval by the City of Stirling an acoustic report prepared by an accredited acoustic engineer, which shall detail noise attenuation measures sufficient to ensure compliance of the approved use with the *Environment Protection (Noise) Regulations 1997 (WA)* as amended from time to time. The noise management plan as approved by the City of Stirling must be implemented at all times.
10. Prior to the occupation of the development, architectural lighting of the building and lighting under all awnings, parking areas, service areas, footpaths and entry and exit points is to be provided ~~for safety purposes~~.

#### Construction Management

11. A Site Management Plan shall be submitted for approval to the satisfaction of the City of Stirling prior to the submission of a Building Permit. The Site Management Plan shall include but not be limited to measures relating to vibration, dust, noise, waste management, street tree protection zones, construction parking, traffic, storage of materials and site safety and security. The Site Management Plan is to be complied with for the duration of the construction of the development.
12. As part of the Building Permit submission, the development is to address the recommendations and control measures of the Bushfire Management Plan Technical Note prepared by Emerge Associates dated December 2023, to the satisfaction of the City of Stirling. The Bushfire Management Plan shall be complied with for the duration of the development.
- ~~13. Any outside lighting to comply with Australian/New Zealand Standards AS/NZS4282-2023 (as amended) for the control of obstructive effects of outdoor lighting and must not spill into any adjacent residential properties.~~

#### Legal

14. Prior to occupation of the development, a notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on Certificates of Title of the development. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state:

*“The land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is/may be subject to a Bushfire Attack Level (BAL) report. Additional planning and building requirements may apply to development on this land”.*

#### Engineering

15. Prior to the submission of the Building Permit application, engineering drawings and specifications are to be submitted to, and approved by, the City of Stirling generally in accordance with the Urban Water Management Plan Technical Note dated 10 November 2023 and all documents referred to within this note. Works are to be undertaken in accordance with the approved engineering drawings and specifications of the approved development plans, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system.
16. As part of the Building Permit submission, sufficient certification is to be submitted confirming the design of all on-site parking bays and associated access and on-site commercial vehicle manoeuvring all are compliant with the Australian Standards AS/NZS 2890.1, AS 2890.2 and AS/NZS 2890.6.3, to the satisfaction of the City of Stirling. The number of ACROD car parking bays and their design and layout are to comply with Australian Standards AS/NZS2890.6:2009 (Off-street Parking for People with Disabilities) and the Building Code of Australia (Volume 1 section D3.5).
17. Prior to occupation of the development, a minimum of 275 on-site car parking bays and related accessways shall be constructed and thereafter maintained in accordance with Australian Standard AS/NZS 2890.1, AS 2890.2 and AS/NZS 2890.6.3, to the satisfaction of the City of Stirling.
18. All pedestrian pathways providing wheelchair accessibility connecting all entries to buildings with the public footpath and car parking areas, to comply with Australian Standards AS/NZS1428.1-2009 (Design for access and mobility – General requirements for access – New building work).
19. Vehicular parking, manoeuvring and circulation areas indicated on the approved plan being sealed and drained to the satisfaction of the City of Stirling.
20. No walls, letterboxes or fences above 0.75 metres in height to be constructed within the 1.5 metres of where;
  - a. walls, letterboxes or fences adjoin vehicular access points to the site, or
  - b. a driveway meets a public street, or
  - c. two streets intersect, or
  - d. driveway meets a right of way, orunless further approval of Council is obtained.

#### Landfill Gas Mitigation

- ~~21. Unless demonstrated as unnecessary by a qualified expert, the design of management measures for the mitigation of landfill gas risks, including relevant building design features, is to be submitted as part of the Building Permit application to the satisfaction of the City of Stirling on advice from the Department of Water and Environmental Regulation, to the satisfaction of the City of Stirling.~~
- ~~22. Prior to occupation of any component of the development the installation, testing and validation of landfill gas mitigation design features shall be completed, on advice from the Department of Water and Environmental Regulation, to ensure that any portion of the development is safe for use, to the satisfaction of the City of Stirling.~~

#### Landscaping

23. Prior to occupation of the development, a minimum of 81 Advanced Trees must be planted on site in the area indicated on the approved plan and be thereafter maintained. Any existing on-site trees identified for retention will require replacement

with an Advanced Tree should removal be required. The Advanced Trees must be provided with a minimum nine (9) square metres of soil space and a minimum dimension of two (2) metres at ground level free of intrusions, to the satisfaction of the City of Stirling.

24. Prior to the occupation of the development, all landscaped areas are to be planted, reticulated and mulched in accordance with the approved Landscaping Plan and maintained thereafter in perpetuity, to the satisfaction of the City of Stirling, subject to the following amendments on the landscaping plan:
  - a. *Corymbia calophylla* is not to be used in pedestrian zones but can be used elsewhere.
  - b. All internal dimensions for planting diamonds are to be 1.5m from back of kerb to back of kerb.

#### Signage

25. All signage is to be located wholly within the exclusive lot boundaries of the development site, following any future road widening.
26. Signage must not flash, pulsate or chase, to the satisfaction of the City of Stirling.
27. Signage must not contain fluorescent, reflective or retro reflective colours or materials.
28. Signage shall not contain any discriminatory or offensive material and shall relate to the services and products available on-site only.

#### Public Art

29. Prior to the submission of an Occupancy Permit application:
  - a. A public art proposal for the subject development to the value of 1.0% of the construction value in accordance with City of Stirling Local Planning Policy 6.12 - Public Art on Private Land must be submitted to, and approved by, the City of Stirling. (refer to Advice Note)
  - b. The approved public art proposal shall be completed and installed by the developer and maintained thereafter by the owners of the development, in accordance with City of Stirling Local Planning Policy 6.12 - Public Art on Private Land, to the satisfaction of the City of Stirling.

#### **Advice Notes**

1. Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) of the *Planning and Development (Development Assessment Panels) Regulations 2011*.
2. In regard to the approved land uses, any proposal to change the land use may require further approval in accordance with the City of Stirling Local Planning Scheme No.3 and the *Planning and Development (Local Planning Schemes) Regulations 2015*.
3. The development is to be connected to the reticulated sewerage network.
4. This approval is not an authority to ignore any constraint to development on the land, which may exist through statute, regulation, contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development.



## Engineering

5. Proposed crossover configurations are subject to the approval of the City of Stirling Verge Control and Swimming Pool Business Unit. A 'Crossover Installation Application' is required to be submitted and approved prior to the commencement of the crossover installation.

## Environmental Health

6. Acid sulfate soils (ASS) risk mapping indicates that the site is located within an area identified as representing a moderate to low risk of acid sulfate soils occurring within three metres of the natural soil surface, but high to moderate risk of acid sulfate soils beyond three metres below the natural soil surface. Please refer to Department of Water and Environmental Regulation's acid sulfate soil guidelines for information to assist with the management of ground and/or groundwater disturbing works.  
<https://www.wa.gov.au/government/publications/treatment-and-management-of-soil-and-water-acid-sulfate-soil-landscapes>
7. The Department of Water and Environmental Regulation (DWER) and the Department of Health (DOH) have primary legislation requirements for the former landfill use remediation and management impacts of the site. The City of Stirling has secondary legislation requirements under local planning, building and health regulatory matters for ongoing and future management under relevant delegated legislation and other general matters. It is recommended that the following matters be complied with and addressed:

For general community liaison, local environmental health risk and potential complaint investigation purposes, provide the City with ongoing site contamination investigation information required by DWER and the DOH to confirm the current ongoing status of any site issues and remediation activities, including consideration (of impact on development of 499 Alexander Drive) of DA24/0287, amendment to the hard waste recycling facility licence located on the rear (parent) lot – 501 Alexander Drive, Mirrabooka.

- a. Commitment towards and creation of land title caveats or similar instruments and mechanisms to ensure ongoing management of the remediated landfill (and potential landfill activities on 501 Alexander Dr Mirrabooka as per outcome of DA24/0287) on the lot by the current and respective owners and tenants for the perpetuity of the site until the potential issues are declared non-existent by expert reporting. Review of ongoing land management should occur periodically as determined by relevant DWER, DOH and the City.
- b. Particular attention should be paid towards noise, fugitive odour, dust and other issues that may fall below DWER and DOH primary legislation requirements and thresholds that may still have the potential to cause residual local environmental and nuisance issues and become the subject of complaints under the City of Stirling delegated legislation including but not limited to:

Health Local Law 2009 odour nuisance provisions:

Irrespective of any DWER and DOH requirements, at no time both during site remediation, development, building construction and ongoing use of buildings for the perpetuity of the lots shall there be any odour nuisance caused to occupants of buildings and surrounding land uses. It is recommended that:

- a. Further confirmation or detailed odour assessment be achieved beyond current adhoc site excavation observations in the remediation plan and the results any of reporting be provided to the City at relevant stages of development.
- b. Unless technically demonstrated as unnecessary by a qualified expert, consideration be given towards design and orientation of building ventilation systems for the purpose of minimising potential future odour or gaseous emissions from the lots including but limited to:
  - Permanent passive ventilation of building air spaces and voids.
  - Orientation of air-condition system air intake points away from prevailing wind direction of odour sources.
  - Use of additional odour filtration systems or similar methods within air-conditioning systems.
  - Any ongoing testing and monitoring of the buildings.
  - The above building design elements should be demonstrated at the Building Permit Application stage.

Prevention and Abatement of Dust and Liquid Waste Local Law 2002:

- Stored piled soil and other materials and large land areas left for longer periods are prone to dust lift-off and will require greater than water treatment methods only such as the use of hydromulch or similar performance treatment. The remediation plan is to adopt this and reflected in the proposed Construction Environmental Management Plan (CEMP), which is to be submitted to the City for review.

Environmental Protection (Noise) Regulations 1997:

- During the entirety of the project works ranging from site remediation, development and construction periods, all noise generating activities capable of impacting on nearby residential areas are to occur only between 7am to 7pm Monday to Saturday (Not on Sundays or public holidays at any time unless approved). Note: the proposed CEMP is to be amended accordingly.
8. All construction works to comply with the requirements of *the Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997*. Noisy construction work outside the period 7:00am to 7:00pm Monday to Saturday and at any time on Sundays and Public Holidays is not permitted unless an approved Noise Management Plan for the construction site has been issued.
  9. The proposal should comply with the *Environmental Protection (Noise) Regulations 1997* in terms of all mechanical plant, air-conditioners, exhaust systems, car parking facilities, drive through service activities, vehicle loading and waste management activities.
  10. The proposal should comply with the *Environmental Protection (Noise) Regulations 1997* in terms of all mechanical plant, air-conditioners, exhaust systems, car parking facilities, drive through service activities, vehicle loading and waste management activities.

11. It is recommended that an acoustic report be provided prior to construction including but not limited to:
  - a. Any restaurant/tavern usage and associated night-time noise (music, events, alfresco and patrons).
  - b. Any public building uses e.g. cinema/function/gym centre music, patron and general activities.
  - c. 24-hour drive through service for food outlets and any liquor premises.
  - d. Waste management operations.
  - e. Loading and truck deliveries at night and early mornings.
12. Sufficient bin enclosures are to be provided for the various premises, which are required to comply with the requirements of the City's Waste Management Local Law 2010 including but not limited to:
  - a. Sufficient bin enclosure space combined or separate for each tenancy where relevant.
  - b. Floors sealed and drained to sewer outlets.
  - c. Tap and water supply within bin enclosures for washing bins.
  - d. Suitable fence screening and access for servicing.
13. All food premises activities are to comply with the *Food Act 2008*, Australian New Zealand Food Standards Code and City of Stirling Food Business Guide Design Construction Operation.

A Food Business Notification form is to be submitted for each premises with supporting plans and specifications of the food handling facilities for approval at the Building Permit Application stage or prior to installation and operation.

General considerations including but not limited to:

- a. Provision for food premises exhaust air discharge outlets above roof height of buildings and any surrounding residential uses to prevent nuisances and compliance with AS1668.2 provisions.
- b. Grease traps provided where required by the Water Corporation of WA, which are to be located externally of food premises unless positioned within enclosed and ventilated rooms that do not require service access via a food handling area.

#### Landscaping

14. An Advanced Tree is defined in Local Planning Policy 6.11 as *"a tree which requires planting in at least a 90 litre contained or greater size and which is at least two (2) metres in height and at least two (2) years of age"*.

#### Public Art

15. In relation to the Public Art condition requirement, please refer to the City of Stirling Developer's Guide to Public Art, the City of Stirling Public Art Masterplan and City of Stirling Local Planning Policy 6.12 - Public Art on Private Land. Based upon the estimated cost of development identified on the development application forms, the 1.0% public art contribution will equate to \$238,000.