

3.10 ADDITIONS TO RECREATION-PRIVATE (WATER PARK EXPANSION) - LOTS 1 AND 4 NEAVES ROAD, BULLSBROOK (DA286-15)

Ward: (North Ward) (Statutory Planning)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

KEY ISSUES

- A planning application has been received by the City seeking approval for the next stage of expansion of the "Outback Splash" water park off Neaves Road, Bullsbrook.
- The next stage comprises swimming pool facilities, additional slides, a lifeguard tower, incidental shade structures, pump houses and improvements to existing and additional pathways and the relocation of existing mazes and Australian animal exhibits.
- The land is zoned 'Rural' under the Metropolitan Region Scheme (MRS) and 'General Rural' under the City's Local Planning Scheme No.17 (LPS17). The proposal falls within the use class of 'Recreation-Private', which is a 'D' use within the 'General Rural' zone.
- The application was referred to various external referral agencies for comment. All referral agencies have indicated support or provided no comment. With regard to the additions to the Recreation-Private facility, the Western Australian Planning Commission (WAPC) has advised that the application will also need to be determined by them pursuant to the Metropolitan Region Scheme (MRS).
- The application was advertised to residents within a 1km radius of the subject lot. A total of 5 submissions were received with 3 submissions objecting to the proposal. The issues raised in the objections relate to:
 - traffic,
 - water management; and
 - noise.
- The application included acoustic assessments relating to noise levels associated with the operations of the Outback Splash at the Maze facility. The City's environmental health staff reviewed these assessments which indicated that noise levels will exceed the prescribed noise levels under the *Environmental Protection (Noise) Regulations 1997*.
- In order to address the matters relating to noise, the applicant provided a noise management plan. The noise management plan was assessed by City staff and the measures and strategies outlined in the plan were considered to be deficient to mitigate against the modelled noise levels associated with the proposal.

It is recommended that the Council resolve to refuse the proposed expansion of the "Outback Splash" water park on Lots 1 and 4 (No.'s 1635 & 1625) Neaves Road, Bullsbrook because:

- the application has not satisfactorily outlined how the expanded facility will mitigate against the anticipated levels of noise the facility will generate; and
- in the absence of satisfactory details of noise management measures, it is considered that the facility will generate an unreasonable level of noise that will have an adverse impact on the amenity of surrounding residential properties.

AUTHORITY/DISCRETION

Council may resolve to recommend approval of the application (with or without conditions) or refuse the proposed development. If the applicant is aggrieved with the decision of Council a right of appeal may exist in accordance with Part 14 of the *Planning and Development Act 2005*.

BACKGROUND

Applicant:	Eli Barlow
Owner:	P and N Woodcock Pty Ltd (<i>Directors: Paul and Nicole Woodcock</i>)
Zoning:	LPS17 - General Rural MRS - Rural
Strategy/Policy:	POL-TP-126 Building and Development Standards – Rural zones POL-TP-129 Building and Development Standards – Vehicle Parking
Development Scheme:	Local Planning Scheme No.17
Existing Land Use:	Recreation-Private 'D'
Lot Size:	Lot 1 - 126,396m ² ; Lot 4 - 15,647m ²
Use Class:	Additions to existing Recreation- Private 'D'

DETAILS OF THE PROPOSAL

The application seeks planning approval for additions to the existing Recreation-Private facility located at Lots 1 and 4 (No.'s 1635 & 1625) Neaves Road, Bullsbrook. These additions consist of the following particulars:

- A 300mm splash pool for toddlers;
- A 450-1000mm landing/splash pool;
- 5 small toddler slides;
- 2 flume raft slides and 1 body slide;

- A ProSlide Pipeline Wave Slide;
- 2 take-off slide towers;
- 2 pump houses;
- A lifeguard tower;
- A number of shade structures;
- The provision for a 100m² water maze and Water Wars play area; and
- Improvements to existing and additional pathways and the relocation of existing mazes and Australian animal exhibits.

DESCRIPTION OF SITE

Lots 1 and 4 (No.'s 1635 & 1625) Neaves Road, Bullsbrook are approximately 142,070m² in total area, with Lot 1 measuring 126,396m² and Lot 4 measuring 15,674m² in area. The southern boundary of Lots 1 and 4 abut Neaves Road and the eastern and northern lot boundaries of Lot 1 and 4 abut Della North and Pine Roads respectively. The subject lots contain the Outback Splash at the Maze Family Fun Park, hardstand car parking and existing native vegetation. The topography of the site is relatively flat.

SITE HISTORY/PREVIOUS APPROVALS

The subject lots have had various planning approvals granted since 27 April 1982 when the City first approved extensions to the Recreation-Private facility then operating as Sequoia Park Maze. Of particular reference to this application are the following approvals;

- DA-886/2012 – Water Playground, Toilet and Changeroom, Maze and Park (approved under delegated authority on 8 March 2013)
- DA-886/2012A – Modification to approval to commence development (approved under delegated authority 19 September 2013)
- DA-849/2014 – Proposed additions to Recreation Private (Approved at OCM 25 April 2015)

OTHER RELEVANT PREVIOUS DECISIONS OF COUNCIL

- DA-849/2014 – Proposed additions to Recreation Private (Approved at OCM 25 April 2015)

APPLICANT'S SUBMISSION

In support of the proposed development, the applicant has provided the following justification:

"The purpose of this application is to seek planning approval for the expansion of the Outback Splash water park attraction at 1635 Neaves Road Bullsbrook.

In line with the successful approval and construction of the water playground and ablution facilities in 2013, we now seek to add a splash pool play area and two slide towers with 4 additional slides. Approved in March 2013, the water playground development included a small splash pad, which is yet to be constructed and has been redesigned. The planned developments will better serve our existing guests and position the venue for growth well into the future, providing the City of Swan with one of Perth's premier family attractions.

The proposed new wet attractions will allow our existing customer base to have a better guest experience with increased access to attractions and reduced wait times. Our facility will cater for a wider demographic and attract additional visitation to the City of Swan. Included in the proposal is a 300m splash pool featuring a children's 4-lane and pro racer slide, a twister and bowl slide and a number of toddler play features. Also in the proposal is two tower structures that act as starting platforms for one feature raft slide and 3 flume waterslides that run out into a tapered landing pool."

PUBLIC CONSULTATION

The application was advertised for public comment to all property owners within a 1km radius of the subject site and a sign was erected onsite for a period of 21 days in accordance with City policy. A total of 5 submissions were received during the official comment period. Three (3) submissions objected to the proposed development and 2 submissions indicated non-objection. The submissions objecting to the development were raised the following concerns:

- Additional levels of traffic the additions to the recreation-private facility will create;
- Amount of water the recreation-private facility will use; and
- Noise levels operation of the recreation-private facility will generate;

These submissions will be addressed in the Details section of the report.

CONSULTATION WITH OTHER AGENCIES AND/OR CONSULTANTS

This application was referred to the following organisations for comment as part of the referral process:

- APA Group – No comment.
- Department of Lands –In principle support subject to conditions.
- Dampier to Bunbury pipeline corridor - No objection in principle; Recommend conditions relating to the Dampier to Bunbury Gas Pipeline be imposed.

- Department of Planning (infrastructure and land use planning) – No objection.
- Western Australian Planning Commission – WAPC have advised that the application will need to be determined by the Western Australian Planning Commission (WAPC) under the Metropolitan Region Scheme (MRS) in addition to being determined under the City of Swan Local Planning Scheme No. 17.
- Department of Water – No comment provided.
- Department of Environmental Regulation – Advised that a permit to clear native vegetation is required in accordance with the Environmental Protection Act 2006.
- Department of Parks and Wildlife – Advised that a clearing permit under the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 will be required for clearing of native vegetation.
- Main Roads Western Australia – Advised that the intersection of Neaves Road and Della North Road will require further improvements to accommodate the expected increase in traffic. (this matter has been addressed in the previous DA-849-14)
- Department of Health – Support subject to endorsed deposited plan of the approved amalgamation being lodged with WAPC.

DETAILS

The subject lots are zoned 'Rural' under the MRS and 'General Rural' under the City's LPS17. The use class 'Recreation-Private' is a 'D' (Discretionary) use within the General Rural zone. The objectives of the General Rural zone are to:

- a) Facilitate the use and development for a range of productive rural activities, which will contribute towards the economic base of the region;
- b) Provide for a limited range of compatible support services to meet the needs of the rural community, but which will not prejudice the development of land elsewhere which is specifically zoned for such development;
- c) Ensure the use and development of land does not prejudice rural amenities, and to promote the enhancement of rural character; and
- d) Ensure that development and land management are sustainable with reference to the capability of land and natural resources.

It is noted that the Outback Splash already has planning approval and the Outback Splash at the Maze facility has been in operation since 1982. The assessment and determination of the activities' compliance with the objectives of the zone have been undertaken and resolved as part of previous applications.

The proposal to expand the facility does however need to be considered with respect to any potential impact on rural amenities and this will be discussed further in the report.

Policy –TP-126 Building and Development Standards – Rural Zones

The proposal has been assessed against the development standards of the City's POL-TP-126: Building and Development Standards – Rural Zones. The policy prescribes the following setbacks for development on lots zoned 'General Rural';

- Setback from front boundary – 30m;
- Setback from side boundary – 20m; and
- Setback from rear boundary -30m

Assessment of the application indicates that the proposed development complies with the side and rear lot boundaries setbacks. It is noted that the proposed pump room located adjacent to the proposed Children's pool is closer to the front boundary than the required setback of 30m. This setback variation can be supported as the pump house is a relatively minor structure and will not adversely impact on the existing streetscape of Neaves Road in terms of bulk and scale. It is also noted that other structures of similar size such as poolside shade structures have been approved with closer setbacks to Neaves Road than the location of the proposed pump house.

The applicant has advised that the existing and proposed building areas for Lots 1 and 4 Neaves Road total 1,979m² which is approximately 1.36% of total site coverage. This complies with the permitted maximum 10% site coverage specified in POL-TP-126.

POL-TP-129 – Vehicle Parking Standards

The applicant has advised in writing that the additions to the Outback Splash at the Maze will accommodate a maximum of 2000 patrons and 25 staff members. A total of 540 parking bays and 16 coach bays formed part of the previous DA-849/14 that was approved at the Ordinary Council Meeting held on 25 April 2015. The number of parking bays provided onsite meets the required provision for the use class 'Recreation-Private' under POL-TP-129.

Summary of submissions

A number of issues were raised during the advertising period. The issues raised have been addressed below.

Traffic

Several submissions received during the advertising period have raised concerns regarding additional levels of traffic generated as a result of the proposed additions to the existing Recreation-Private facility. Particular concern was expressed regarding the potential for Pine Road being used as an alternative exit for vehicles wanting to access Neaves Road.

As part of the previous application for additions to the Outback Splash facility consisting of additional parking bays and entrance building approved at Council on 25 April 2015, the applicant submitted a traffic assessment prepared by Auswide Traffic Engineers. The report reviewed the current situation and considers the potential impact the proposed additional number of parking bays will have on the existing traffic pattern. The traffic assessment anticipates that the additional levels of car based traffic as a result of the expansion of parking facilities will generate additional but moderate levels of car trips to and from Outback Splash at the Maze and that the additional trips could be accommodated at nearby intersections without significantly impacting on intersection

performance or increasing waiting times at the Della North Road and Neaves Road intersection.

The traffic assessment also considered that car traffic would be directed from the Pine Road exit on to Della North Road instead of continuing on Pine road and using it as an alternative route to Neaves Road. In order to accommodate the expected increases in vehicle traffic on Della North Road, modifications in the form of road widening to Della North Road and a section of Pine Road was imposed as a condition of approval for the previous approval. In addition to this, the previous approval also conditioned within 12 months from the date of the previous approval (4 May 2015) the applicant/owner is to undertake a review of the traffic access and egress to the site and submit the review, inclusive of any recommendations, to the City of Swan for approval. In light of this, the concerns relating to traffic are considered to be addressed.

Water Usage

A submission from an adjoining landowner raised concern regarding the amount of water the Outback Splash facility would use, stating that a creek running through their property had run dry at approximately the same time the commencement of the Outback Splash component of the Outback Splash at the Maze facility commenced operations.

As part of the information supplied for the development application the applicant has stated that the Outback Splash at the Maze facility currently has a water license for 55,000KI of water and the total projected water consumption of the Outback Splash at the Maze facility (inclusive of the water park additions) is 51,845KI. The application was referred to the Department of Water for comment who provided no comment on the proposal. Given that the development is operating within the parameters of its water license, the City will not comment further on the matter of water usage.

Noise

In order to address a condition of an earlier planning approval as well as more recent public concern with noise from an expanded facility an acoustic assessment has been submitted. The most recent version of this was received by the City on 9 October. This assessment identifies instances of likely breach of the *Environmental Protection (Noise) Regulations 1997* and subsequently a proposed management plan to address these was submitted by the applicant on 6 November.

The key noise reduction measures suggested by the noise management plan are:

- Putting up signs and requiring staff to ensure that patrons don't scream;
- Applying plywood to the side of shade structures located at ground level around the park;
- Installing 2 plexiglass screens at the bottom of one of the side pools;
- Having vegetation onsite to ameliorate noise impacts;
- A complaint procedure where a staff member will measure noise levels if a complaint is received;
- Noise auditing by an acoustic consultant; and
- Environmental noise training for all executive staff and managers.

City staff consider the proposed management plan to be unsatisfactory for the following reasons:

- No indication of qualifications or expertise of the person preparing the noise management plan;
- Unrealistic expectation that staff or signage will prevent patrons from talking loudly or screaming while using the waterslides at the park;
- Putting plywood on the side of shade structures will have a negligible effect on reducing the noise levels received at nearby residences
- Acoustic reduction values given for plywood in the report are not indicative of the actual reduction in noise levels received at nearby residences;
- Putting 2 sheets of plexiglass either side of one of the proposed pools will have a negligible effect on reducing the noise levels receive at nearby residences;
- Acoustic reduction values given for plexiglass are not given of the actual reduction in noise levels at nearby houses;
- No acoustic barriers were suggested for the 'Kidz' waterslide area of the park despite it too being a source of screaming and continuous crowd noise;
- Natural barriers such as vegetation will have a negligible effect on reducing the noise level received at nearby residences;
- The complaints procedure does not advise what the staff member would use to measure the noise level, where they would measure the noise level, against what value the noise level would be compared against or what level of qualification in noise measurement the staff member would need to have to do this competently;
- The noise management plan does not advise what type of environmental noise management training the executive management and duty managers would undertake or how this would be implemented; and
- There was no rigorous modelling or calculations in the noise management plan that showed that any of its suggested remedies would actually reduce the noise received at Residence 4 by 8 decibels so that the new proposal would comply with Environmental Protection (Noise) Regulations 1997 as requested by the City.

As the proposed management plan has not satisfactorily demonstrated that noise can be mitigated to comply with the *Environmental Protection (Noise) Regulations 1997* City staff cannot be confident the facility will not generate an unreasonable level of noise that will adversely affect the amenity of surrounding residential properties. Accordingly refusal of the application is recommended.

OPTIONS AND IMPLICATIONS

Option 1 Council may resolve to grant approval for the proposed Extensions to the "Outback Splash" water park on Lots 1 and 4 (No.'s 1635 & 1625) Neaves Road, Bullsbrook subject to conditions.

Implications: The applicant will be able to proceed with the development.

This is not the recommended option.

Option 2: Council may resolve to refuse the proposed Extensions to the "Outback Splash" water park on Lots 1 and 4 (No.'s 1635 & 1625) Neaves Road, Bullsbrook because:

- the application has not satisfactorily outlined how the expanded facility will mitigate against the anticipated levels of noise the facility will generate; and
- in the absence of satisfactory details of noise management measures, it is considered that the facility will generate an unreasonable level of noise that will have an adverse impact on the amenity of surrounding residential properties.

Implications: If the application is refused, the applicant will have a right of appeal to the State Administrative Tribunal.

This is the recommended option.

CONCLUSION

The application proposes various additions to the Outback Splash at the Maze facility relating to swimming pool facilities, additional slides, a lifeguard tower, incidental shade structures, pump houses and improvements to existing and additional pathways and the relocation of existing mazes and Australian animal exhibits. The subject lots are zoned 'General Rural' under LPS 17 and the use class 'Recreation-Private' is a discretionary use in the general rural zone. The Outback Splash at the Maze facility has an existing planning approval.

The application was advertised to surrounding landowners for comment. A total of 5 submissions were received, of which 3 objected to the proposal citing increased levels of traffic associated with the proposed development, with one of the submissions objecting to the amount of water the recreation-private facility will use and noise associated with the proposed expansion of the water park. Issues relating to increased traffic have been addressed to the satisfaction of the City in the previous approval and the applicant has advised that the projected water usage associated with the extension of the water park will be within the confines of their existing water licence.

The proposed noise management plan for the facility is not considered to incorporate adequate measures to mitigate against unreasonable levels of noise that will have an adverse impact on the amenity of surrounding residential properties.

Accordingly it is recommended that the application be refused.

ATTACHMENTS

Location plan and map of submitter's properties

Site plan

Elevations

STRATEGIC IMPLICATIONS

Nil

STATUTORY IMPLICATIONS

Local Planning Scheme No.17

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That the Council resolve to:

- 1) Refuse to grant approval to the proposed Additions to Recreation-Private (Water Park Expansion) at Lots 1 and 4 Neaves Road, Bullsbrook for the following reasons:
 1. The levels of noise associated with the proposed additions to Recreation-Private (Water Park Expansion) are considered to be "Unreasonable Noise" under the *Environmental Protection (Noise) Regulations 1997*.
 2. The noise management plan provided by the applicant is considered insufficient to address the Unreasonable Noise.
- 2) Advise the applicant/owner and all those who lodge a submission of the Council's decision accordingly.
- 3) Advise the Western Australian Planning Commission (WAPC) of Council's decision.

MOTION that the Council resolve to:

- 1) Approve the proposed Additions to Recreation-Private (Water Park Expansion) at Lots 1 and 4 Neaves Road, Bullsbrook subject to the following conditions:
 1. This approval is for 'Additions to Recreation-Private' (Expansion of Water Park) as illustrated on the submitted plans stamped date received by the City of Swan on 21 April 2015.
 2. Within 6 months of the date of this approval the applicant/owner is to prepare and submit to the City of Swan an acoustic assessment, by a suitable qualified consultant, to demonstrate compliance with *Environmental Protection (Noise) Regulations 1997*.
 3. Prior to the commencement of works onsite, the owner/applicant is required to submit a formal application to endorse the deposited plan for the amalgamation of Lots 1 and 4 Neaves Road, Bullsbrook to the Western Australian Planning Commission (WAPC reference 149867).
 4. A site management plan must be submitted to and approved by the City prior to commencement of works onsite. The site management plan is to address the following concerns: noise from carrying out work, plant equipment and trucks; hours of operation, light, dust, protection of existing roads, paths, services, site security, drainage, vibration management, fill, excavation and traffic management that relates to any works to take place on the site.
 5. Provision must be made for access and facilities for use by people with disabilities in accordance with provisions of the Building Code of Australia and AS 1428.1.
 6. Use of the site for the purpose approved shall not commence until an Occupancy Permit is issued.

7. All stormwater is to be collected and contained onsite. No stormwater is to be discharged from the property into other land or reserves. Stormwater drainage plans are to be included at submission of building permit application.
8. The drainage system of the site must be designed for a 1 in 5 year storm (minimum). An overland flow path must be provided for potential internal system failure.
9. No fluid, other than uncontaminated stormwater is to enter any stormwater drain without the prior approval from the City and the Environmental Protection Authority.
10. Temporary construction fencing is to extend along the corridor boundary to prevent construction activity from encroaching into the Dampier to Bunbury natural gas pipeline corridor (DBNGP). The fence must be installed prior to any earthworks commencing and a DBP Third Party Works Officer must attend site to verify compliance with this condition.
11. Post construction the boundaries of the DBNGP are to be fenced with a permanent barrier to stop any encroachment into the DBNGP corridor by patrons and staff of Outback Splash.
12. There is to be no use of vibrating/compacting equipment within 20 metres of the DBNGP pipelines.
13. An approved effluent disposal system must be installed prior to the occupation of any building the subject of this approval.
14. All external lighting shall comply with the requirements of AS 4282 – Control of Obtrusive Effects of Outdoor Lighting.
15. Prior to the commencement of any works, plans and specifications of the aquatic facility must be submitted to the Department of Health WA and written approval received from the Executive Director of Public Health, Plans and specifications which reflect those submitted to the Department of Health WA are to accompany the Building Permit application to the City of Swan.
16. Approval from the Department of Mines and Petroleum for the storage of chemical/dangerous goods in accordance with the Dangerous Goods Regulations must be sought. For further advice contact the Duty Inspector of the Explosives and Dangerous Goods Division on 9222 3333.
17. All development works are to be carried out in accordance with control of noise practices set out in Section 6 of AS 2436-2010. No works shall commence prior to 7.00 am without the City's approval.
18. Earthworks over the site and batter must be stabilised to prevent sand blowing, and appropriate measures must be implemented within the time and in the manner directed by the City in the event that sand is blown or drifts from the site.
19. The carrying on of the development must not cause a dust nuisance to neighbours. Where appropriate such measures as installation of sprinklers, use of water tanks, mulching or other land management systems should be installed or implemented to prevent or control dust

nuisance, and such measures shall be installed or implemented within the time and in the manner directed by the City's Manager of Health & Building if it is considered that a dust nuisance exists.

20. The premises shall be kept in a neat and tidy condition at all times to the satisfaction of the City.
21. The applicant is to ascertain the location and depth of any services that may interfere with this development. Any adjustment to these services required as part of this approval, must be arranged by the applicant prior to works commencing on the site. Any adjustment must be approved by the relevant service authorities and will be at the applicant's expense.
22. No fill, construction materials, rubbish or other deleterious matter shall be deposited in the Bush Forever Area 97.
23. No Drainage or run-off is permitted into Bush Forever Area 97.
24. In order to comply with the City of Swan Provision of Public Art Policy POL-LP-1.10, the owner(s) or applicant on behalf of the owner(s) shall within 28 days of the grant of this approval elect either:
 - a) To pay the City the sum of \$20, 000 which equates to 1% of the construction cost of the development, in lieu of providing on-site Public Art (option 1); or
 - b) Seek approval from the City for an artist to provide Public Art on the development site to a minimum value of \$20,000. (option 2)

If the election is option 2:

- a) The owner(s) or applicant on behalf of the owner(s) within a further 28 days following the election (or such longer period agreed by the City) must seek approval from the City for a specific Public Art work including the artist proposed to undertake the work. The City may apply further conditions regarding the proposed Public Art;
 - b) No part of the development may be occupied or used unless the Public Art has been installed in accordance with an approval granted by the City.
 - c) The Public Art must be maintained during the continuation of the development; and
 - d) Prior to the lodgement of a Building Permit application a Notification pursuant to Section 70A of the Transfer of Land Act must be lodged against the certificate of title to the land on which the development is to be carried out, to make the proprietors and prospective purchasers aware of the preceding condition.
25. Any development, which is not in accordance with the application (the subject of this approval) or any condition of approval, will require further approval by the City.

- 2) Advise the applicant/owner and all those who lodged a submission of the Council's decision and relevant advice notes pertaining to the approval.
- 3) Advise the Western Australian Planning Commission (WAPC) of Council's decision.
- 4) Record the reason for changing the staff recommendation is the conditions attached to the approval will address the City's concerns and this development is a valuable tourism and community attraction for the City of Swan.

(Cr Bailey - Cr Färdig)

RESOLVED UNANIMOUSLY TO:

- 1) Approve the proposed Additions to Recreation-Private (Water Park Expansion) at Lots 1 and 4 Neaves Road, Bullsbrook subject to the following conditions.
 1. This approval is for 'Additions to Recreation-Private' (Expansion of Water Park) as illustrated on the submitted plans stamped date received by the City of Swan on 21 April 2015.
 2. Within 6 months of the date of this approval the applicant/owner is to prepare and submit to the City of Swan an acoustic assessment, by a suitable qualified consultant, to demonstrate compliance with *Environmental Protection (Noise) Regulations 1997*.
 3. Prior to the commencement of works onsite, the owner/applicant is required to submit a formal application to endorse the deposited plan for the amalgamation of Lots 1 and 4 Neaves Road Bullsbrook to the Western Australian Planning Commission(WAPC reference 149867).
 4. A site management plan must be submitted to and approved by the City prior to commencement of works onsite. The site management plan is to address the following concerns: noise from carrying out work, plant equipment and trucks; hours of operation, light, dust, protection of existing roads, paths, services, site security, drainage, vibration management, fill, excavation and traffic management that relates to any works to take place on the site.
 5. Provision must be made for access and facilities for use by people with disabilities in accordance with provisions of the Building Code of Australia and AS 1428.1.
 6. Use of the site for the purpose approved shall not commence until an Occupancy Permit is issued.
 7. All stormwater is to be collected and contained onsite. No stormwater is to be discharged from the property into other land or reserves. Stormwater drainage plans are to be included at submission of building permit application.
 8. The drainage system of the site must be designed for a 1 in 5 year storm (minimum). An overland flow path must be provided for potential internal system failure.

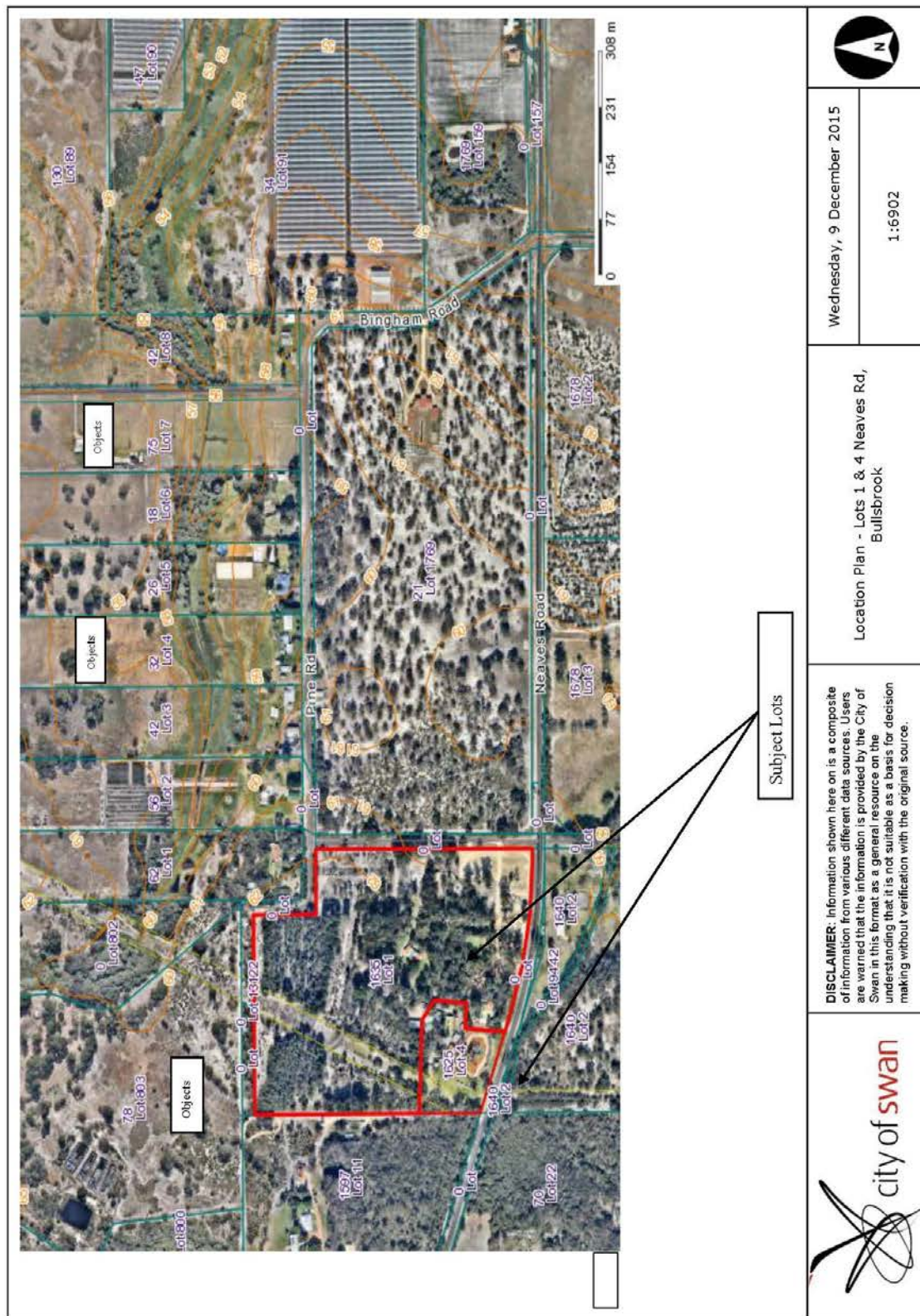
9. No fluid, other than uncontaminated stormwater is to enter any stormwater drain without the prior approval from the City and the Environmental Protection Authority.
10. Temporary construction fencing is to extend along the corridor boundary to prevent construction activity from encroaching into the Dampier to Bunbury natural gas pipeline corridor (DBNGP). The fence must be installed prior to any earthworks commencing and a DBP Third Party Works Officer must attend site to verify compliance with this condition.
11. Post construction the boundaries of the DBNGP are to be fenced with a permanent barrier to stop any encroachment into the DBNGP corridor by patrons and staff of Outback Splash.
12. There is to be no use of vibrating/compacting equipment within 20 metres of the DBNGP pipelines.
13. An approved effluent disposal system must be installed prior to the occupation of any building the subject of this approval.
14. All external lighting shall comply with the requirements of AS 4282 – Control of Obtrusive Effects of Outdoor Lighting.
15. Prior to the commencement of any works, plans and specifications of the aquatic facility must be submitted to the Department of Health WA and written approval received from the Executive Director of Public Health, Plans and specifications which reflect those submitted to the Department of Health WA are to accompany the Building Permit application to the City of Swan.
16. Approval from the Department of Mines and Petroleum for the storage of chemical/dangerous goods in accordance with the Dangerous Goods Regulations must be sought. For further advice contact the Duty Inspector of the Explosives and Dangerous Goods Division on 9222 3333.
17. All development works are to be carried out in accordance with control of noise practices set out in Section 6 of AS 2436-2010. No works shall commence prior to 7.00 am without the City's approval.
18. Earthworks over the site and batter must be stabilised to prevent sand blowing, and appropriate measures must be implemented within the time and in the manner directed by the City in the event that sand is blown or drifts from the site.
19. The carrying on of the development must not cause a dust nuisance to neighbours. Where appropriate such measures as installation of sprinklers, use of water tanks, mulching or other land management systems should be installed or implemented to prevent or control dust nuisance, and such measures shall be installed or implemented within the time and in the manner directed by the City's Manager of Health & Building if it is considered that a dust nuisance exists.
20. The premises shall be kept in a neat and tidy condition at all times to the satisfaction of the City.

21. The applicant is to ascertain the location and depth of any services that may interfere with this development. Any adjustment to these services required as part of this approval, must be arranged by the applicant prior to works commencing on the site. Any adjustment must be approved by the relevant service authorities and will be at the applicant's expense.
22. No fill, construction materials, rubbish or other deleterious matter shall be deposited in the Bush Forever Area 97.
23. No Drainage or run-off is permitted into Bush Forever Area 97.
24. In order to comply with the City of Swan Provision of Public Art Policy POL-LP-1.10, the owner(s) or applicant on behalf of the owner(s) shall within 28 days of the grant of this approval elect either:
 - a) To pay the City the sum of \$20, 000 which equates to 1% of the construction cost of the development, in lieu of providing on-site Public Art (option 1); or
 - b) Seek approval from the City for an artist to provide Public Art on the development site to a minimum value of \$20,000. (option 2)

If the election is option 2:

 - a) The owner(s) or applicant on behalf of the owner(s) within a further 28 days following the election (or such longer period agreed by the City) must seek approval from the City for a specific Public Art work including the artist proposed to undertake the work. The City may apply further conditions regarding the proposed Public Art;
 - b) No part of the development may be occupied or used unless the Public Art has been installed in accordance with an approval granted by the City.
 - c) The Public Art must be maintained during the continuation of the development; and
 - d) Prior to the lodgement of a Building Permit application a Notification pursuant to Section 70A of the Transfer of Land Act must be lodged against the certificate of title to the land on which the development is to be carried out, to make the proprietors and prospective purchasers aware of the preceding condition.
25. Any development, which is not in accordance with the application (the subject of this approval) or any condition of approval, will require further approval by the City.

- 2) Advise the applicant/owner and all those who lodged a submission of the Council's decision and relevant advice notes pertaining to the approval.
- 3) Advise the Western Australian Planning Commission (WAPC) of Council's decision.
- 4) Record the reason for changing the staff recommendation is the conditions attached to the approval will address the City's concerns and this development is a valuable tourism and community attraction for the City of Swan.









Site plan and elevations



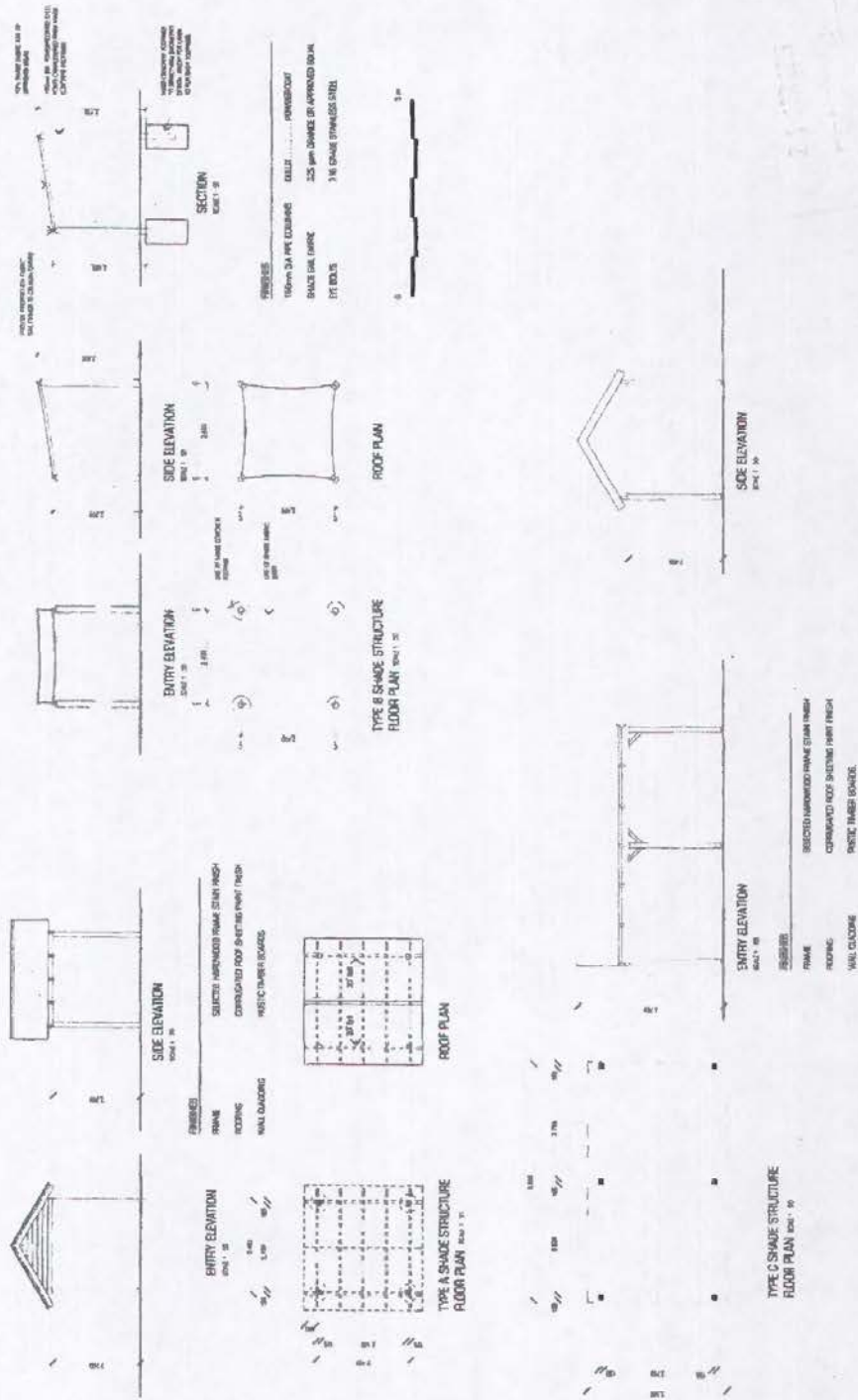
SPLASH POOL ZONE
OUTBACK SPLASH
1635 NEAVES ROAD, BULLSBROOK WESTERN AUSTRALIA

0 5 10m

DWG NO G2551 DA-0861 19.02.2015

anq
ALAN GRIFFITH ARCHITECT

Site plan and elevations



STAGE 3 SHADE STRUCTURES OUTBACK SPLASH 1635 NEAVES ROAD, BULLSBROOK WESTERN AUSTRALIA

