

Form 1: Responsible Authority Report (Regulation 12)

Notes for Author

This template is provided to assist in the formulation of a Responsible Authority Report (RAR) for a Development Assessment Panel (DAP) application under Regulation 12 of the *Planning and Development (Development Assessment Panel) Regulations 2011*. This template should be used for all RARs under r.12 except for applications for a review of the original decision or a reconsideration of the original decision, please use the State Administrative Tribunal (SAT) Reconsideration template for those reports.

This template contains guidance to assist the author prepare a report that is comprehensive, succinct and addresses the key issues required for a decision to be made under the relevant Local Planning Scheme and Region Scheme (where applicable). The guidance notes should be deleted once the RAR is prepared and do not form part of the report.

The RAR template also provides for some sections to be deleted if they are not required. Where other sections are not relevant to a particular report and there are no specific notes, please insert either “not relevant” or “not applicable” under those headings.

Where the RAR template is submitted to a Council meeting, please note:

- The officer’s recommendation may be placed either first or last in accordance with the usual requirements of the Council meeting.
- For the submission of the RAR to the DAP Secretariat, the heading “Responsible Authority Recommendation” must contain the Council’s recommendation.
- If the officer recommendation is different from the Council recommendation, this should be shown under the heading “Officer Recommendation”.
- The “Reasons for Responsible Authority Recommendation” section should be completed after the Council meeting and should reflect why the recommendation differs from the reasons as shown in the minutes of the Council meeting.
- Where local government officers have delegation to provide the RAR to the DAP secretariat, only the “Responsible Authority Recommendation” should be completed and the “Officer Recommendation” section can be deleted.

Craft Brewery and Restaurant – Lot 201 (1248) Karnup Road, Serpentine

At its meeting on 29 August 2022, the Metro Outer Development Assessment Panel resolved as follows:

That the consideration of DAP application DAP/22/02223 be deferred until 28 November 2022, in accordance with section 5.10.1a of the DAP Standing Orders 2020, for the following reasons:

- *Scale of proposal and use definition in relation to the brewery element of the proposal in the context of the rural zone;*
- *Appropriateness of selected site building location within the lot in the context and character of the rural setting*
- *Location and appearance of other required structures (ie sewage tanks) and impact on the surrounding amenity*
- *Waste and water storage tanks volume and location*
- *Potable water supply, amount, treatment and disposal*
- *Combined consideration of restaurant and brewery wastewater systems (disposal volumes, storage and water quality performance) in the context of the site water balance including potential impact on the groundwater and surface water systems;*
- *Details of site landfill requirements, levels and location;*
- *Landscaping plan inclusive of vegetation clearing required*
- *Details of upgrades required to Primary access and the proposed secondary access and associated impacts onsite vegetation.*

A deferral was sought by the Shire and the applicant at the MODAP meeting held on 29 November 2022 as there had been significant delays in submitting the additional information in time to assess, consult with the community and report back. MODAP at the meeting resolved as follows:

That the Metro Outer Joint Development Assessment panel DEFERS the application for a Use Not Listed Craft Brewery and Restaurant at its 29 November 2022 as contained within attachment 1 for no more than 125 days, being or before 3 April 2023 for the following reasons

- *To enable the further information received on 9 November 2022 to be assessed according to the planning framework and processes*

The additional information has been addressed and reflected in the submitted RAR and is to be read in conjunction with the 29 August 2022 RAR presented to MODAP.

Form 1 – Responsible Authority Report
(Regulation 12)

DAP Name:	Metro Outer JDAP	
Local Government Area:	Shire of Serpentine Jarrahdale	
Applicant:	Taylor Burrell Barnett	
Owner:	Bright Tank Property Pty Ltd	
Value of Development:	\$7 million <input type="checkbox"/> Mandatory (Regulation 5) <input checked="" type="checkbox"/> Opt In (Regulation 6)	
Responsible Authority:	Shire of Serpentine Jarrahdale	
Authorising Officer:	Andrew Trosic	
LG Reference:	PA22/383	
DAP File No:	DAP/22/02223	
Application Received Date:	10 May 2022	
Report Due Date:	3 April 2023	
Application Statutory Process Timeframe:	90 Days	
Attachment(s):	1. Initial Plans 2. 29 August 2022 RAR 3. 29 August MODAP Minutes 4. 29 November 2022 RAR 5. 29 November 2022 Minutes 6. Additional Information 7. Summary of Submissions 8. DWERs Updated Comments on Environmental Noise Assessment 9. Biological Assessment 10. Waste Management Plan 11. Bushfire Management Plan 12. Council Minutes	
Is the Responsible Authority Recommendation the same as the Officer Recommendation?	<input type="checkbox"/> Yes	Complete Responsible Authority Recommendation section
	<input type="checkbox"/> No	Complete Responsible Authority and Officer Recommendation sections

Responsible Authority Recommendation

TBA

Background

Region Scheme	Metropolitan Regional Scheme
Region Scheme - Zone/Reserve	Rural
Local Planning Scheme	Shire of Serpentine Jarrahdale Town Planning Scheme No.02
Local Planning Scheme - Zone/Reserve	Rural
Structure Plan/Precinct Plan	N/A
Structure Plan/Precinct Plan - Land Use Designation	N/A
Use Class and permissibility:	Brewery – Use Not listed Restaurant - Discretionary 'SA'
Lot Size:	43.24 hectares
Existing Land Use:	Single Dwelling
State Heritage Register	No
Local Heritage	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Heritage List <input type="checkbox"/> Heritage Area
Design Review	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Local Design Review Panel <input type="checkbox"/> State Design Review Panel <input type="checkbox"/> Other
Bushfire Prone Area	Yes
Swan River Trust Area	No

Original Proposal:

The Form 1 DAP application, formally accepted by the Shire of Serpentine Jarrahdale for assessment on 28 April 2022 and considered by the Metro Outer Development Assessment Panel (MODAP) at its 29 August 2022 meeting is summarised as follows:

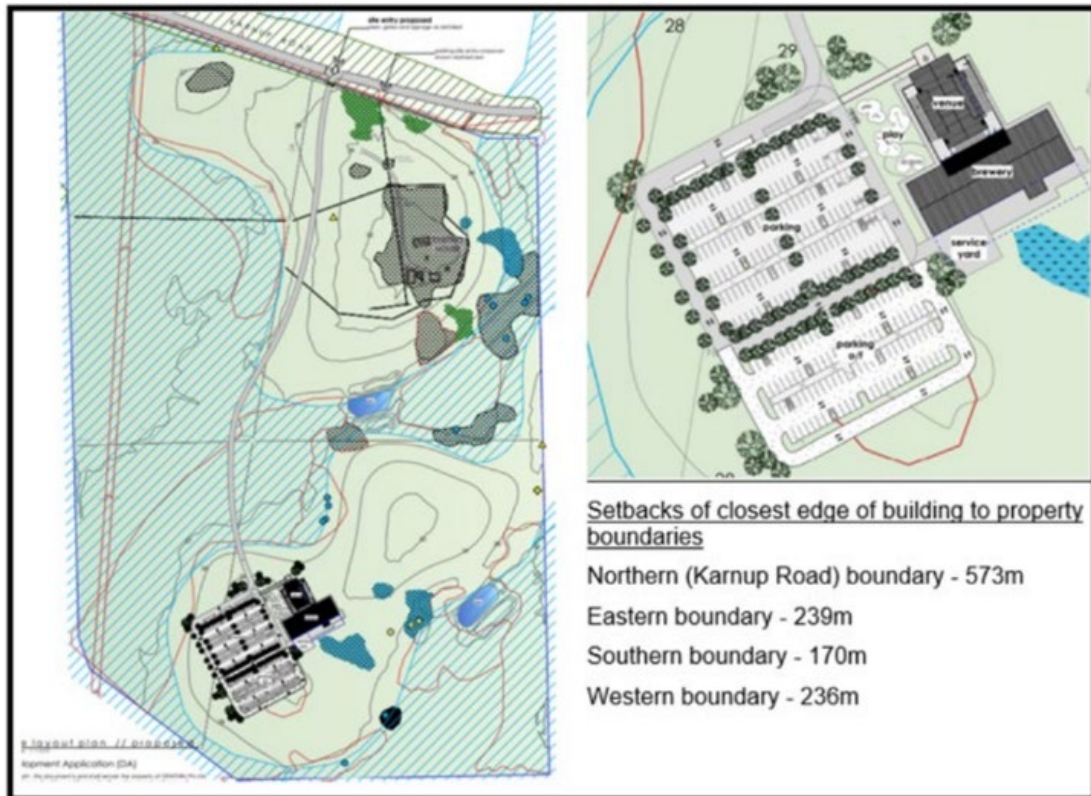
The proposed development seeks approval for a craft brewery and restaurant. The initial proposal for the restaurant component of the application comprised as follows:

- A two storey restaurant, encompassed within a steel heritage structure of hall like proportions. This heritage structure was originally from the State's southwest, in use as part of early 20th century rail operations;
- Bar, drinking, dining, and lounge areas of approximately 700m², and a 400m² outdoor terrace eating area;
- An outdoor play area extending to the west of the restaurant;
- A single two-way crossover from Karnup Road with a 6m internal driveway providing vehicular connection to the proposed Restaurant and craft brewery;
- An entry statement (including a feature sign at the Karnup Road Entry);
- Vegetation clearing;
- 251 marked and sealed car parking area and two coach parking bays;
- Hours of operation: Thursday to Friday 11am to 10pm; Saturday to Sunday 8am to 10pm and Monday (selected public holidays) 11am to 10pm;
- Landscaping;
- 33 staff employed.

The initial craft brewery component of the proposal comprised as follows:

- A 1,400m² commercial brewing facility with approximately 50m² dedicated as office space. This building is attached to the southern side of the repurposed steel heritage hall structure comprising the restaurant;
- Production of one million litres of beer in year one, increasing to five million litres in year five being full capacity;
- Three staff employed.

Site plan for the proposal and perspectives of the proposal are shown following and can be viewed within **attachment 1**:



Original site plan



Design Perspectives

Metro Outer Development Assessment Panel Meeting – 29 August 2022

The Shire prepared a Responsible Authority Report (RAR) to the MODAP which considered the initial proposal at its 29 August 2022 meeting which can be viewed in **attachment 2**. After consideration of the proposed development, the following procedural motion was moved by the MODAP:

“That the consideration of the DAP Application That the consideration of DAP application DAP/22/02223 be deferred until 28 November 2022, in accordance with section 5.10.1a of the DAP Standing Orders 2020, for the following reasons:

- *Scale of proposal and use definition in relation to the brewery element of the proposal in the context of the rural zone;*
- *Appropriateness of selected site building location within the lot in the context and character of the rural setting*
- *Location and appearance of other required structures (ie sewage tanks) and impact on the surrounding amenity*
- *Waste and water storage tanks volume and location*
- *Potable water supply, amount, treatment and disposal*
- *Combined consideration of restaurant and brewery wastewater systems (disposal volumes, storage and water quality performance) in the context of the site water balance including potential impact on the groundwater and surface water systems;*
- *Details of site landfill requirements, levels and location;*
- *Landscaping plan inclusive of vegetation clearing required*
- *Details of upgrades required to Primary access and the proposed secondary access and associated impacts onsite vegetation”.*

Minutes of the MODAP meeting can be seen within **attachment 3**. Following the deferral, the applicant sought to obtain the additional information, however, due to the amount of information required faced delays. The additional information was submitted on 9 November 2022. As a result, the Shire and the applicant agreed for the matter to be deferred to allow the Shire to undertake the required referral of the additional information to the relevant State Government departments and surrounding communities and to then to report back to Council and MODAP. MODAP was presented a RAR at its 29 November 2022 meeting which can be viewed in **attachment 4** and resolved as follows:

“That the Metro Outer Joint Development Assessment panel DEFERS the application for a Use Not listed Craft Brewery and Restaurant at its 29 November 2022 as contained within attachment 1 for no more than 125 days, being or before 3 April 2023 for the following reasons:

- *To enable the further information received on 9 November 2022 to be assessed according to the planning framework and processes”*

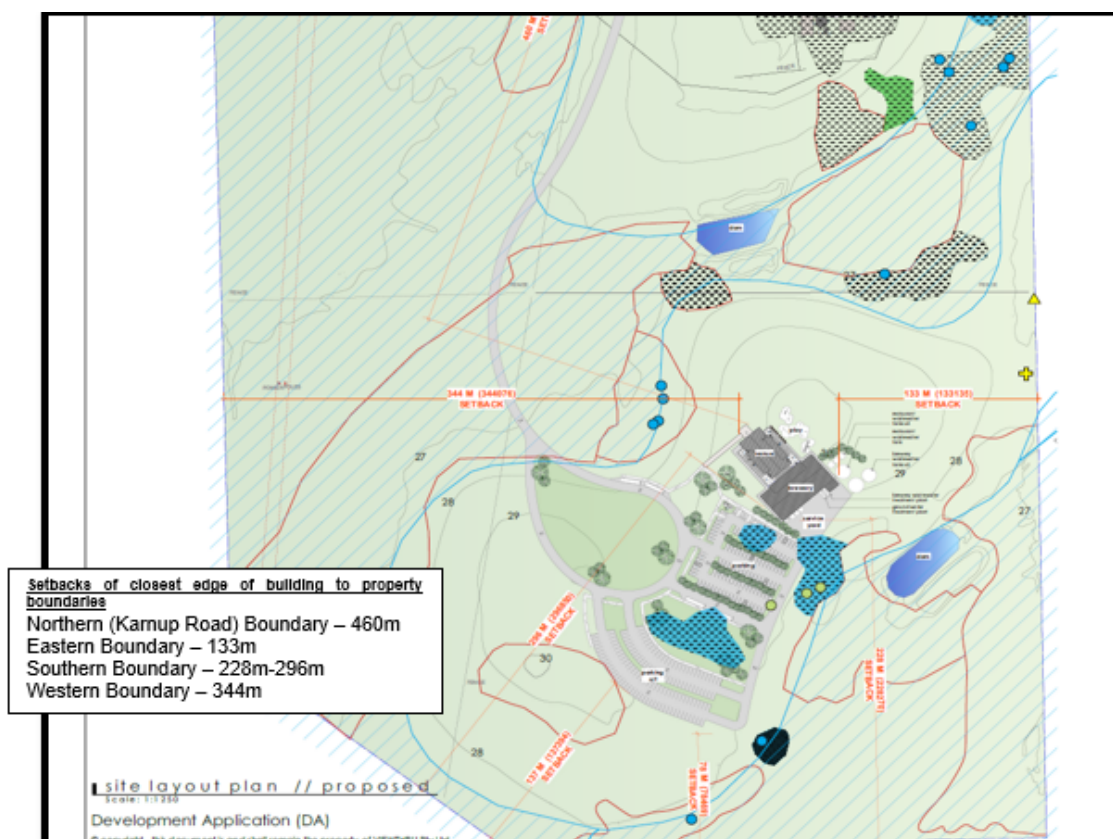
Minutes of the 29 November 2022 MODAP meeting can be seen in **attachment 5**.

Revised Proposal Resulting from Additional Information

As a result of the request for additional information by the MODAP, the proposal has been amended as follows which can be viewed within the additional information submitted as contained within **attachment 6**. This has been specifically done in the following manner:

- Reducing the maximum throughput of the brewery from five-million litres to two-million litres.
- Relocating the restaurant and brewery structures north-east of the previously proposed location.
- Reducing the floor area of the brewery from 1,400m² to 1000m². The height of the brewery has been increased slightly to accommodate the brewing tank specifications.
- Minor adjustments to the orientation of the restaurant to take advantage of northern sunlight to the outdoor dining/picnic area/beer garden and children's playing equipment, whilst also maintaining views east towards the scarp.
- Splitting the carparking into two separate areas with additional landscaping included. Additional landscaped areas surrounding the carparks will be used to retain existing vegetation and accommodate underground sewer wastewater treatment infrastructure
- A modified vehicular and pedestrian access network to provide connection between the two carparking areas, restaurant and brewery service yard.
- Location of the brewery wastewater treatment plant and groundwater treatment plant structures at the rear of the brewery service yard.

Revised site plan below:



Updated Site Plan

The additional information includes an updated Nutrient Irrigation Management Plan (NIMP), Site and Soil Evaluation Report, Environmental Noise Report, Environmental Assessment Report a Technical Note relating to road upgrades a Landscape Masterplan and an accompanying Planning Report Addendum.

Legislation and Policy:

Statutory Environment

Legislation

- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015
- Environmental Protection (Noise) Regulations 1997

State Government Policies

- South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million
- Metropolitan Region Scheme
- State Planning Policy 2.5 - Rural Planning
- State Planning Policy 3.7 - Planning in Bushfire Prone Areas
- Environmental Protection Authority Environmental Assessment Guideline for Separation Distances Between Industrial and Sensitive Land Uses

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2
- Draft Shire of Serpentine Jarrahdale Local Planning Scheme No. 3
- Shire of Serpentine Local Planning Strategy
- Local Planning Policy 1.4 - Public Consultation for Planning Matters (LPP1.4).

Consultation:

Second Public Consultation

The original application was advertised between 13 May 2022 to 10 June 2022 to surrounding landowners within 1km radius of the subject site, in accordance with LPP1.4 - Consultation for Planning Matters. The application was also advertised on the Shire's website for the same period and a sign placed onsite.

At the conclusion of that first round of consultation, 60 submissions were received, six of these were from State Government Departments. Of the submissions received, 27 provided support or raised no concerns and 33 raised objections.

The revised proposal arising from the additional information was then readvertised, consistent with the standard process where a proposal is amended from that originally advertised. This occurred between 15 November 2022 to 6 December 2022 to surrounding landowners within 1km radius of the

subject site, in accordance with LPP1.4 - Consultation for Planning Matters. The application was also advertised on the Shire's website for the same period.

At the conclusion of the second round of consultation, 12 submissions were received, four of these were from State Government Departments. Of the community submissions received, two provided support and six raised objections. The objections and concerns relate to the following issues, which are discussed in the relevant headings of the report in conjunction with the Officer assessment

- Increase road traffic and safety concerns;
- Amenity impacts (noise, traffic, odour);
- Environmental impacts (wetlands);
- Wastewater volumes;
- Nutrient export risk on the Peel Harvey Estuary; and
- Increase in car parking bays.

A summary of all public and stakeholder submissions received from the second round of consultation, including Officer and applicant responses, can be viewed within **attachment 7**.

Department of Primary Industries and Regional Development (DPIRD)

'The Department of Primary Industries and Regional Development (DPIRD) objects to the proposal for the following reasons:

- *State Planning Policy 2.5 - Rural Planning in section 5.5 states the following:*

WAPC policy is to:

support small scale tourism opportunities, such as bed and breakfast, holiday house, chalet, art gallery, micro-brewery and land uses associated with primary production, within the rural zone;

The proposed restaurant will have a seating capacity of 1,000 and the brewery at full production will annually produce two-million litres of beer. This is a large development, and it cannot be described as a small-scale tourism opportunity or micro-brewery.

- *The Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 (TPS2) states in Clause 5.10.1 the following:*

The purpose and intent of the Rural zone is to allocate land to accommodate the full range of rural pursuits and associated activities.

The proposed restaurant and brewery are not rural pursuits and due to their large size, cannot be regarded as associated activities.

- *The Shire of Serpentine-Jarrahdale Draft Town Planning Scheme No. 3 have the following objectives for the Rural zone:*

To provide for the maintenance or enhancement of specific local rural character.

- *To protect and accommodate broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use.*
- *To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies including groundwater, to protect sensitive areas especially the natural valley and watercourse systems from damage.*
- *To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone.*
- *To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.*

Due to the magnitude of the proposed restaurant and brewery it is not possible to classify these as secondary uses to agriculture.

The application for the proposed restaurant and brewery (non-rural land uses) does not demonstrate benefit or compatibility with surrounding rural uses. For example, the extra vehicle movements into the property and traffic on rural roads associated with the brewery and restaurant will be significantly greater than that of the surrounding rural land.

DPIRD assessed the revised Nutrient Irrigation Management Plan (NIMP) that includes the waste generation, treatment, and disposal aspects of the NIMP. This assessment is limited to nutrient generation and offtake and DPIRD would like to provide the following comments:

The proposed brewery waste treatment and irrigation is acceptable, and sufficient nutrient offtake will occur with a perennial ryegrass and sorghum combination, if harvested annually by mechanical means. However, annual re-sowing of these crops will be required. DPIRD notes that the proposed pod irrigation system will only suit crops with a low growth height and is therefore not suitable for the irrigation of sorghum.

It is unclear whether the proponent has committed to adequate winter storage requirements over the June-July period at full operating capacity. The proposed infrastructure (specifically winter storage tanks) should be sized to contain the volume of effluent generated over the June-July period at full production capacity of 2 million litres per year. DPIRD recommends that storage should also be available for August as rainfall often exceeds evaporation during this period.

Planning approval should be conditional on the proponent obtaining the required licences from the Department of Water and Environmental Regulation for prescribed premises (Category 25 and 54) licences and works approval'.

Officer Comment

The development is considered to be consistent with the objective of the Rural zone under TPS 2 and the prevailing framework which has been drafted to include non-rural uses such as a Brewery and Restaurant land uses.

Officers have assessed the application against the objective of the Rural zone and State Planning Policy 2.5 - Rural Planning further in the report and consider the development consistent with the planning framework. Craft breweries and wineries, for example in the Swan Valley, Geographe and Margaret River regions of the State, are commonplace uses within Rural areas and represent a key and defining element of the Rural zone. Location within rural areas takes consideration of the inputs required to the processes, and also water qualities that contribute the natural minerals and elements to create unique tasting products. This is discussed further in the Officer assessment of the report.

In terms of the revised NIMP, Officers will impose a condition seeking for an alternative crop to be planted to replace sorghum. No irrigation is proposed to occur between April and September. As such, there is no need to include storage capacity of brewery wastewaters for the August period as the waters during this time are proposed to be stored.

Department of Water and Environmental Regulation (DWER)

DWER's full submission can be viewed within the Summary of Submission attachment. An extract from the submission has been included following:

'Thank you for providing the amended development application for a proposed brewery and restaurant received with correspondence dated 14 November 2022 for the Department of Water and Environmental Regulation (Department) to consider.

The Department has reviewed the application and its position remains that it is unable to support the application in its current form, due to significant uncertainty around the site's capacity to accommodate this development within relevant environmental and water standards.

Consistent with previous correspondence, dated 26 August 2022, it is recommended that the Shire appropriately considers potential risk of granting any planning approval in the absence of certainty with regard to assessment and approvals under Part V of the Environmental Protection Act 1986 (EP Act). Should the EP Act process yield a substantially modified, or unsuccessful, result for this proposal, this could result in significant misalignment of legislative approvals. It should be noted the proponent withdrew an application for a works approval in August 2022, and the Department is yet to receive an amended application.

Further to the above, through this planning process the proposal has not demonstrated nutrient targets of the Peel Harvey catchment can be achieved, which departs from the requirements of the Environmental Protection Peel Inlet - Harvey Estuary Policy (EPP) (EPA, 1992) and State Planning Policy 2.1 (SPP 2.1) Peel Harvey Coastal Plain Catchment (WAPC, 2003).

As such, it is recommended the Shire defer decision-making on this proposal until such time as the EP Act process has been substantially progressed or concluded, to ensure a greater level of certainty for the Shire and the proponent.

In addition, the Department understands the amended development application is to be resubmitted to the Department of Health for assessment, as an application for approval is required for the brewery wastewater treatment

apparatus in addition to the restaurant sewage treatment apparatus. This further identifies the need to holistically consider necessary approvals associated with this proposal, given its location upon a seasonally inundated site of transmissive soils, traversed by a major drain connecting to the Peel-Harvey Estuary system'.

Officer Comment

The updated NIMP demonstrates compliance with the EPP nutrient targets. Minor amendments have been recommended. The development will be subject to a separate licensing process under Part V of the *Environmental Protection Act 1986* where it will be subject to further assessment by DWER.

Water Corporation

Water Corporation provided comments, which are summarised below from their submission:

- Subject land is remote from water and wastewater services;
- Subject area falls within Serpentine Drainage Catchment in the Mundijong Drainage District, a rural drainage system. The Serpentine Branch Drain runs along the western boundary of the subject site;
- Rural drains are not designed to give flood protection at all times and some inundation of land can be expected. Water Corporation maintains its existing drains to ensure they are capable of clearing water from adjacent rural properties within three days of a storm event, where contours and internal drainage make this physically possible;
- To determine flood level, the developer should contact DWER regarding the Drainage and Water Management Plan which includes the subject area;
- Developments within this catchment are required to contain the flows from a one-in-one-hundred-year storm event on site. Discharge to Water Corporation drains must be compensated to pre-development levels. No adverse discharge or runoff from the subject land would be allowed into Water Corporation drainage system;
- Developer is required to fund the full cost of protecting or modifying any of the existing infrastructure which may be affected by the proposed development;
- In accordance with Section 90 of the *Water Services Act 2012*, whenever development is proposed near Water Corporation assets, the applicant/developer/owner needs approval prior to construction. This should be done by submitting an Approval of Works application;
- Proposal will require approval by the WC Building Services section prior to commencement of works. Infrastructure contributions and fees may be required to be paid prior to approval being issued.

Officer Comment

A condition has been imposed to require the submission of a Stormwater Management Plan, to demonstrate how the development meets predevelopment flow rates and incorporate best practice water sensitive urban

design measures. The Stormwater Management Plan is required to be submitted and approved prior to issue of a Building Permit. Conditions have also been imposed relating to the agency requests.

Department of Health (DoH)

The DoH provided the following comments:

Wastewater Management

As highlighted in the DoH's previous correspondence, this site is captured under the Government Sewerage Policy (2019) and has large sewage sensitive areas that restrict the use of available land for disposal of wastewater generated from the brewery and restaurant. The DoH is of the opinion that effective management of both systems (especially the effluent disposal for the brewery), has not been adequately demonstrated in the documentation. The DoH is therefore not able to support this proposal until the following has been provided or demonstrated:

- 1. Sizing of both onsite wastewater treatment and disposal areas in consideration of the requirements of the Government Sewerage Policy (2019), and to ensure that the minimum setbacks as per the policy are met.*
- 2. Scaled drawings for the restaurant wastewater leach drain disposal system need to be shown in the plan design. The proposed area appears to be sized for the restaurant patronage and staff numbers; however, this requires confirmation.*
- 3. Further details on the proposed brewery wastewater system including confirmation that it is sized to peak and non-peak performance and scaled drawings of the proposed brewery effluent disposal area.*
- 4. Further details are required of any proposed use of wastewater recycling for brewery use for further assessment in accordance with the Department's Guidelines for the Non-potable Uses of Recycled Water in Western Australia.*
- 5. Areas that may require fill over locations that are subject to inundation and/or flooding in a 10 percent annual exceedance rainfall event should not be used as a disposal area.*

When the above have been demonstrated, a separate application to install the restaurant and brewery onsite wastewater systems will be required to be submitted to local government for assessment prior to submission to the DoH for assessment and approval. Furthermore:

- 1. Both wastewater treatment systems will be required to have engineer certification as part of the application, to ensure the prescribed water quality criteria for each system is met, please see link: https://ww2.health.wa.gov.au/Articles/A_E/Certification-for-installation-of-wastewater-treatment-systems*
- 2. If the treated wastewater is intended to be recycled for beneficial purposes within the brewery, a separate Recycled Water Quality Management Plan*

(RWQMP) may be required in accordance with the “Application Process for approval of a recycling water scheme”:
https://ww2.health.wa.gov.au/Articles/A_E/Application-process-for-approval-of-recycling-water-scheme

The DoH also recommends the proponent contact the Department of Water and Environmental Regulation to determine if these systems fall into their criteria requiring assessment; and encourages the proponent to ensure the design of the proposed wastewater systems can accommodate any proposed future expansion without increasing a risk to public health.

Drinking Water Management

The proposal to ensure a water supply which meets potable water quality as specified under the Australian Drinking Water Quality Guidelines - 2011.

Officer Comment

Officers consider that these requirements can be addressed through the DoH and DWER regulatory processes separate to this approval. Updates to the SSE however, have been recommended to address the confirmations requested in the DoH submission pertaining to the effluent disposal irrigation strategy

Planning Assessment of Additional Information

1 Scale of proposal and use definition to the brewery element of the proposal in the context of the Rural zone

In the opinion of Officers, the applicant has demonstrated, through the additional information, the suitability of the development within the ‘Rural’ zone. In that it is consistent with the prevailing framework under the draft Shire of Serpentine Jarrahdale Local Planning Scheme No. 3 (LPS3) where the ‘Brewery’ use is a discretionary use and as a result is an expected form of development within the ‘Rural’ zone. Furthermore, the applicant has identified several other facilities within the rural areas of the Shire as follows:

- Millbrook Winery;
- King Road Brewery;
- Tattarang Springs.

In terms of scale, the applicant has reduced the scale of the brewery footprint to 1,000sqm from 1,400sqm and maximum throughput from five-million litres to two-million litres. The development footprint covers less than 4% of the total area of the property (property size is 43.2ha). The scale of the development in addition to proposed landscaping and design treatments makes the proposal consistent with elements of the rural character of the locality.

The plans that were referred to the community showed an increase in car parking bays, however, the applicant has since updated the plan after consultation to reduce and reflect the initial 251 bays in a split configuration.

Under Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS 2), there is no Brewery definition or other land uses applicable for this component

of development. The development was therefore classified as a 'Use Not listed' under TPS 2. For such a development to be considered suitable in the 'Rural' zone, the development must be considered consistent with the objective of the 'Rural' zone, and also have regard to scale, balance of land use and potential amenity impacts.

The objective of the 'Rural' zone under TPS 2 is 'to allocate land to *'accommodate the full range of rural pursuits and associated activities conducted in the Scheme Area'*.

TPS2 does not define a 'rural pursuit', the general definition as determined by State Administrative Tribunal (SAT) is something relating to or a characteristic of the country as cited in (*Attwell and City of Albany [2009] WASAT 38*). The development will function as a place of entertainment and leisure for the rural community, as well as for visitors, and can be regarded as carrying out an associated activity that supports rural pursuits in part.

Another consideration of a development being consistent with the objectives of the zone, is assessing the development's impact upon existing and future rural pursuits being undertaken on rural land within the locality. A position considered in *Blast-Tech Australia and Shire of Serpentine Jarrahdale (2020) WASAT 157*. The development is not sterilising the use of the remainder of the land to be used for various rural pursuits as the land is already comprised through the wetlands and seasonal inundation.

More broadly, the overall development is considered to cover approximately 4% of the overall site which is 43.2ha in size. The development is proposed to be setback adequately from lot boundaries and the form of development proposed seeks to capture the expected forms of rural development within the Shire. The development will be subject to management plans associated with noise and nutrient irrigation management to ensure rural amenity is protected and environmental values of the land are managed appropriately.

In terms of the brewery component, as mentioned previously, likely noise emissions are from the mechanical services associated with the operation (exhaust fans) and not specifically from the production of beer process. The DWER are generally satisfied with this statement as previously advised. A condition requiring an updated acoustic assessment to be submitted once the mechanical plant has been selected has been imposed to address this likely noise source. Noise control strategies will need to be recommended to be included within the NMP to ensure any mechanical plant associated with the brewery will be managed to meet the assigned levels of the *Environment Protection (Noise) Regulations 1997* (Noise Regulations).

In terms of odour from the brewing process, as stated in the previous report, this is often attributed to the boiling phase of the brewing process. During this period, hops are added to the boil which typically emits an odour. This has been recognised by the brewing industry. For this reason, the proposal has included a closed kettle boiler system. In this style of operation, the steam vapour released by the boiling process is routed through a condenser where the steam is condensed back into water and sent to drain or reused in the brewing process as heating water, ultimately avoiding the release of steam into the atmosphere,

removing the potential of odour emanating from the site. Officers are satisfied that the closed system will adequately address the potential of odour being generated from the development.

Wastewaters generated by the brewery component is addressed in a later section of the report. The wastewaters once undergone treatment onsite will be irrigated to a level which meets the nutrient targets of the Peel Harvey Catchment. The development will be subject to a Nutrient Irrigation Management Plan which will also be required to be reviewed as part of DWER's licensing requirements of the development as part of a separate process under the *Environment Protection Act 1986*.

As noise, odour and waste waters are proposed to be managed by management plans to ensure the amenity of the locality is not adversely impacted upon, Officers consider the development will not impact upon rural pursuits occurring on rural land within the locality. Therefore, demonstrating consistency with the objective of the 'Rural' zone.

In regard to the current strategic framework and the prevailing planning framework, the subject site remains 'Rural' under draft LPS3 and designated as 'Rural' land under the LPS. The objectives of the Rural zone are as follows:

- i. To provide for the maintenance or enhancement of specific local rural character.*
- ii. To protect and accommodate broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use.*
- iii. To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies including groundwater, to protect sensitive areas especially the natural valley and watercourse systems from damage.*
- iv. To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone.*
- v. To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses."*

The objectives of the 'Rural' area under the LPS are to provide for a full range of rural uses, tourism, rural enterprise and the preservation of the rural character. In this regard, the proposed development introduces non rural uses within the 'Rural' zone that will serve the rural community and also provide for rural tourism opportunities to develop within the area. As mentioned in the previous report, the draft LPS 3 and LPS have been formed by introducing non-rural uses such as a 'Brewery' and 'Restaurant' land uses as development appropriate within the 'Rural' zone. The definition of 'Brewery' under draft LPS 3 is as follows:

Means a premises the subject of a producers license authorising the production of beer, cider or spirits granted under the Liquor Control Act 1988

The proposed brewery is considered to meet this definition under draft LPS 3. In terms of preservation of rural character, Officers are satisfied that the development as previously discussed will not adversely impact upon rural amenity and the environmental value site and broader region due to robust management plans and the siting of the development.

2 Appropriateness of selected site, building location within the lot in context and character of the rural setting

Additional information and Officer assessment

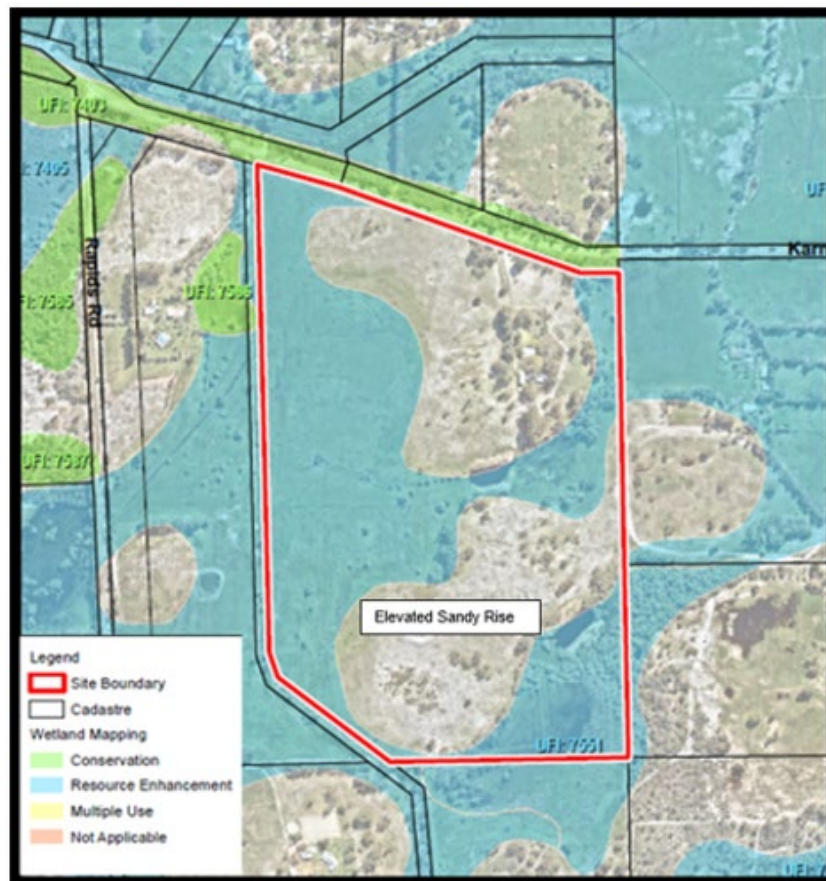
The applicant has proposed minor modifications to the development to address the concerns raised by the MODAP and community. The minor modifications are as follows:

- Restaurant and brewery structures relocated north-east of the previous location. This provides a 296m separation to the south-western property boundary, and in excess of 450m separation between the development and nearest dwelling to the south-west of the site. Approximately 420m separation is provided between the development and the nearest residential dwelling to the north-west
- Separation of the parking bays into two smaller car park areas, and incorporation of additional design features to soften the visual impact of the car parks. Approximately 300m separation is provided between the carpark and nearest dwelling to the south-west of the site. Existing screening vegetation within the southern portion of the site will be retained and enhanced with additional landscaping, significantly obscuring the view of the development from the adjoining property.

The applicant has advised that the restaurant and brewery buildings have been specifically designed to suit the rural character of the area. The restaurant will be housed in a repurposed vintage rail structure from Collie, comprising a mix of Australia steel, recycled brick, natural finish decking and substantial glazing to provide an open and inviting appearance whilst still achieving an overall appearance that suits the rural aesthetic of the area.

The site is located within a rural area of the Shire. The site forms part of a locality comprising of rural characteristics such as the presence of mature dense vegetation, large rural properties, large rural buildings, wetlands and a range of rural pursuits being undertaken on land within the locality, including rural living.

The site, as previously advised, contains two sandy rises and wetlands located within the lower lying areas of the property. The development to protect the wetland has been proposed on a sandy rise towards the rear of the site to maximise distance from Karnup Road and separation from groundwater. Refer to following image:



Subject Site

In terms of the setbacks of the development to the boundaries as a result of the relocation, they have varied slightly from the earlier proposal. The development has been drawn closer to the eastern boundary, however, still maintains adequate distances to boundaries of the site, removing possible impacts of the development from neighbouring properties. The setbacks to boundaries are listed as follows:

Boundary	Initial Setbacks	Revised Setbacks
North	573m	460m
East	239m	133m
south	170m	228m
West	236	344m

Officers consider that the site, due to the presence of natural mature vegetation and significant setbacks to boundaries, provides for a suitable location for the development to be undertaken to manage the potential of adverse impacts to the existing rural landscape. Officers also note that the brewery shed is proposed to be increased by 1.06m in height. The existing vegetation onsite and surrounding the property is still considered to adequately screen the development from neighbouring properties, with minimal filtered views possible of the development.

In terms of the form of development, as previously reported, will appear rural in nature with the design of the building seeking to mimic rural style development and utilise colours, materials and fenestration to provide for a visually appealing building as seen below:



Perspectives of the Development

In terms of the environmental impacts resultant from the wastewaters associated with the brewery and restaurant, through the submission of a revised Nutrient Irrigation Management Plan it has been demonstrated that the site is suitable to irrigate treated brewery wastewaters due to compliance with the Nitrogen and Phosphorous level targets of the Peel Harvey Environment Protection Policy (EPP). The submitted NIMP and DWER's recommended amendments are discussed later in the report.

An updated acoustic assessment has also been submitted to reflect the minor changes to the setbacks which can be viewed within **attachment 6**. The acoustic assessment was referred to the DWER for assessment who advised (**attachment 8**) as follows (amongst other things):

"The proposed functions and operational scenarios of the hospitality venue (restaurant) attached to the north side of the brewery. The proposed functions and operational scenarios of the hospitality venue have not changed in the addendum. Therefore, the only change to the noise emission

levels at the neighbouring noise sensitive receivers from the restaurant is due to the relocation of the hospitality venue, which is now about 100m closer to the two closest residential buildings to the east and north east, but about 100m farther away from the closest noise sensitive premises to the south west. It can be expected that noise emission levels from the proposed development will be increased at the neighbouring noise sensitive premises located to the east and north east and decreased to the south west, when compared with the original development application lodged in April 2022. The noise modelling results from GHFs updated report confirm this expectation.

ENB notes that the changes of the buffer distance from the proposed hospitality venue to each of the neighbouring noise sensitive premises are not very significant. Hence the changes to the modelled noise emission levels at the closest neighbouring noise sensitive premises are also not significant. All the assessment conclusions and noise mitigation and management measures proposed in the original development application documents are still valid”.

DWER’s assessment of the revised acoustic assessment demonstrates that as significant setbacks are able to be maintained, coupled with management measures, determines a general suitability for managing impacts upon rural amenity. The NMP will ensure that the development complies with the Noise Regulations and act as a mechanism to respond to complaints and refine the provisions within the NMP to address any reoccurring complaints of excess noise.

Road upgrades which are discussed further in the report have also been proposed to ensure the intersection of the property with Karnup Road performs at a level which can ensure vehicles can manoeuvre into and out of the site without causing an impact on the safety of the immediate network.

Officers are satisfied that the additional information has demonstrated that the site is suitable and the location of the buildings on the sandy rise appropriate for the proposed development to manage impacts upon rural amenity by way of management plans.

3 Location and appearance of other required structures (i.e sewage tanks) and impacts on the surrounding amenity

4 Waste and water storage tanks volume and location.

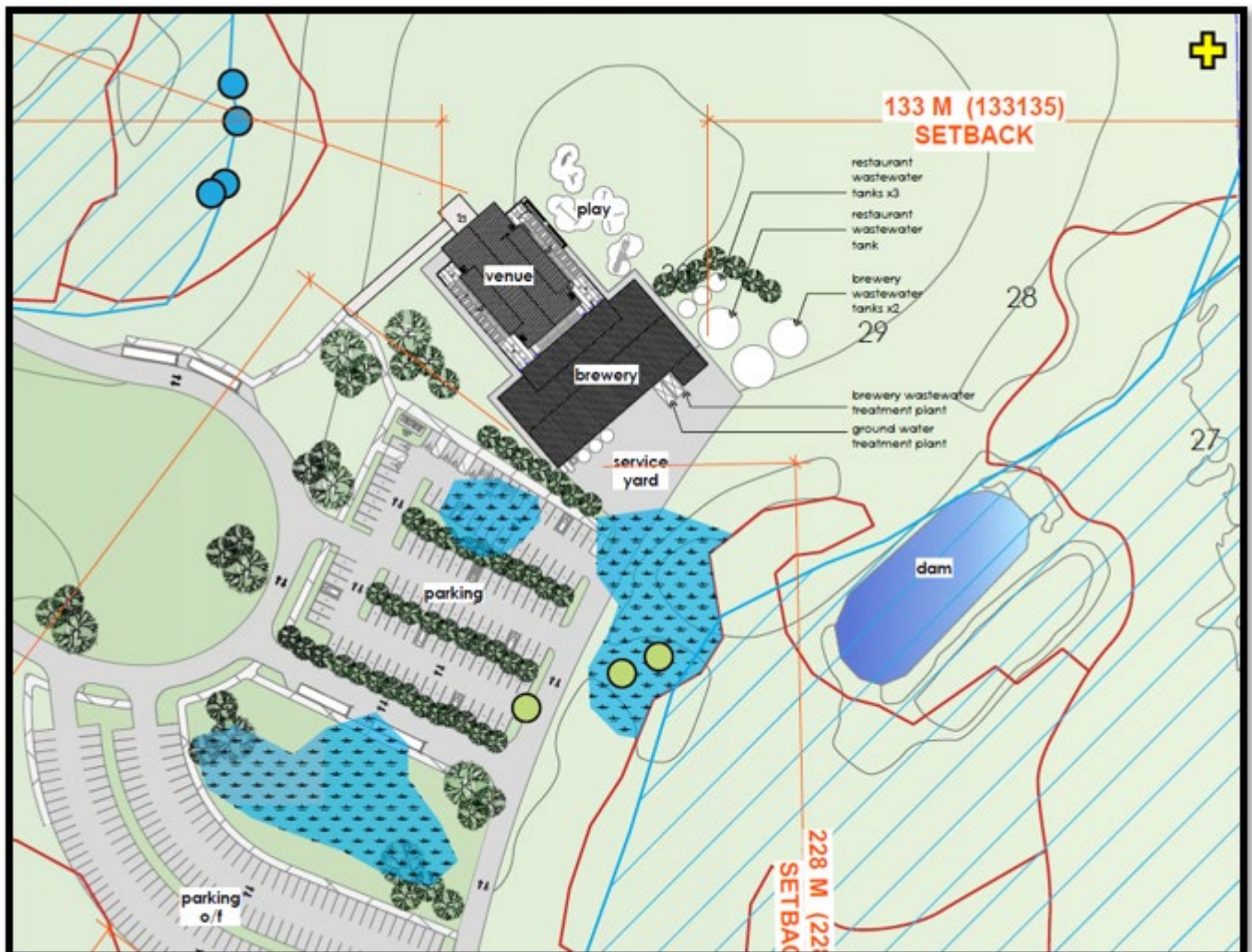
Additional information and Officer assessment

An updated site plan has been provided by the applicant depicting a range of tanks proposed to manage both restaurant and brewery wastewaters. In relation to the restaurant, four tanks have been proposed [one x steel tank 230kl 10.4m diameter x 2.9m height and three x poly tanks (corrugated) 50KL 4.6m diameter x 3.5m height].

In terms of the brewery, two tanks have been proposed (one x steel or plastic tank 260kl 10.7m diameter x 2.9m height and one x steel or plastic tank 215Kl 9.7m diameter x 2.9m height).

The updated site plan also depicts the location of the wastewater treatment plant for the restaurant and brewery which is located to the rear of the brewery building.

The tanks have been located on the eastern side of the brewery and are proposed to be screened with mature landscaping. The tanks are set back more than 100m from the property boundary to the east and will be screened completely from Karnup Road. The tanks even if viewed from vistas through the proposed landscaping would appear commonplace in the setting as large tanks are a form of development typical in rural areas (water and firefighting purposes). The updated site plan can be seen in the following image in addition to images of the tanks proposed:



Location of Wastewater Tanks for the Brewery and Restaurant



TYPICAL APPEARANCE OF STEEL TANKS



TYPICAL APPEARANCE OF POLY TANKS

5. Potable water supply, amount, treatment and disposal

Additional information and Officer assessment

The applicant has advised, through the additional information, that as a result of the reduction in maximum throughput of beer being reduced to two-million litres, a total of 30,000 KI of potable water is required for both the restaurant and the brewery. The applicant has applied for a total of 50,000KL with the DWER to be extracted from the Leederville Aquifer. As part of the suite of the additional information, the applicant has provided a groundwater resource allocation report to demonstrate that the groundwater allocation is available.

The regulatory authority responsible for issuing licenses to extract groundwater from the aquifer belongs to DWER and not a Shire process. The applicant has based their water requirements on their operational needs and also on the basis that during the wetter months of the year wastewaters will be recycled through the development. Reducing the need to extract water from the aquifer.

In terms of DWERs assessment process in respect to water licensing applications, DWER consider a number of matters prescribed under the *Rights in Water and Irrigation Act 1914* as part of their assessment of water licensing applications process. These include whether a proposed take and use of water is:

- in the public interest
- ecologically sustainable
- environmentally acceptable
- not prejudicial to other current and future needs for water
- unlikely to have a detrimental effect on another person
- unable to be provided for by another source
- in keeping with:
 - local practices
 - relevant by-laws
 - plan approved under Part III Division 3D Subdivision 2
 - relevant previous decisions of the Minister
- consistent with
 - land use planning instruments
 - requirements and policies of other government agencies
 - intergovernmental agreements or arrangements.

Submissions were received by the community relating to the drawdown of the water and impacts to existing supplies. In this regard, Officers advise that the water to be extracted is deeper than the Superficial Aquifer where surrounding properties draw water from. The Leederville Aquifer is confined from the Superficial aquifer and the draw down is not considered to impact existing water supplies from the Superficial Aquifer.

In terms of treatment and disposal, the water extracted is proposed to undergo a treatment of reverse osmosis through a filtration system. Brine from the reverse osmosis system is proposed to be removed to an offsite liquid disposal site.

6 Combined consideration of restaurant and brewery wastewater systems (disposal volumes, storage and water quality performance) in the context of the site water balance including potential impact on the groundwater and surface water systems

Additional information and Officer assessment

A revised NIMP has been submitted to demonstrate the revised volumes, storage and quality of wastewaters associated with the brewery production once treated. The NIMP also focuses more so than the previous iteration on storing and recycling wastewaters in the wetter months of the year as opposed to being irrigated onsite due to likely water logging.

The applicant has also submitted a revised Site and Soil Evaluation (SSE) report prepared in accordance with the Government Sewerage Policy which examines the environmental aspects of the site in relation to sewerage collection, treatment, and onsite disposal to ensure adequate performance and management over time.

In terms of the revised wastewaters generated by the brewery, the updated NIMP identifies that the following quantities of wastewaters are expected in year one and year five:

Month	Wastewater Volumes	
	Year 1 (2023) kL/month	Year 5 (2028) kL/month
January	366	732
February	434	868
March	334	668
April	334	668
May	334	668
June	234	468
July	234	468
August	234	468
September	334	668
October	366	732
November	434	868
December	434	868
Total	3170	6440

Wastewater Quantities

Based on the above quantities, the development is expected to generate annual nutrient loads as follows:

Parameter	Average mg/L	Annual Load (kg/yr)		Annual Load * (kg/ha/yr)	
		Year 1	Year 5	Year 1	Year 5
Chemical Oxygen Demand (COD)	3063	9863	19725	1351 (2.26 kg/ha/day)	2702 (7.38 kg/ha/day)
Biological Oxygen Demand (BOD ₅)	1870	6021	12043	825 (2.26 kg/ha/day)	1649 (5.39 kg/ha/day)
Total Suspended Solids (TSS)	370	1191	2382	163	326
Total Kjeldahl Nitrogen	56	181	363	25	46.7
Total Phosphorus	12	39	77	5.3	10.59

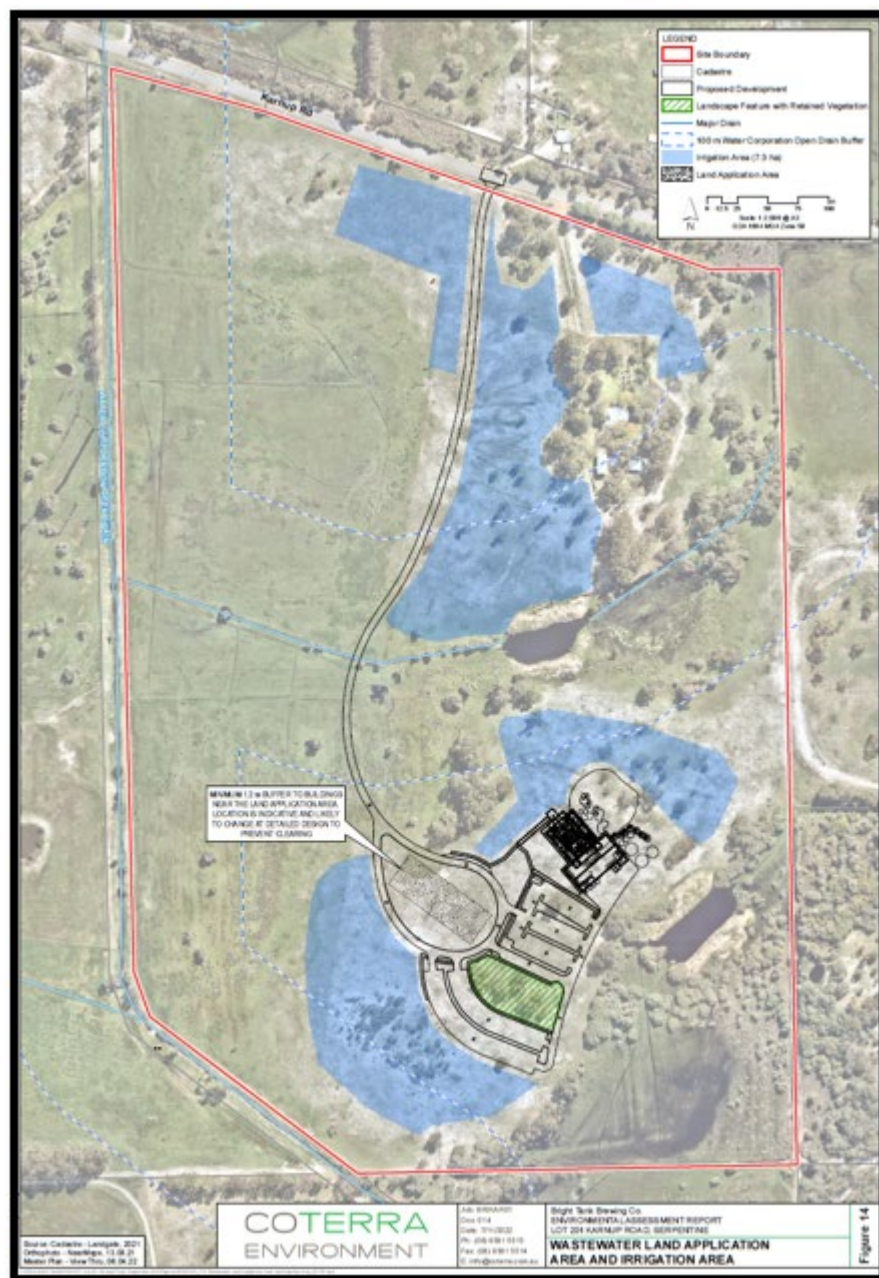
Yearly Loads: Pre-Treatment

The updated NIMP demonstrates that using the Precipitation and Membrane Bioreactor (MBR) processes, there will be a reduction of approximately 80% in Total Phosphorous (TP), less than 10mg/L of Total Suspended Solids (TSS) and Total Nitrogen (TN) will be reduced by 10mg/l. Post treatment loads can be seen below:

Parameter	Average mg/L	Annual Load (kg/yr)		Annual Load (kg/ha/yr)	
		Year 1	Year 5	Year 1	Year 5
Chemical Oxygen Demand (COD)	Not available	Not available	Not available	Not available	Not available
Biological Oxygen Demand (BOD ₅)	<10	<32	<64	<4.4 (0.01 kg/ha/day)	<10.5 (0.03 kg/ha/day)
Total Suspended Solids (TSS)	<10	<32	<64	<4.4	<8.8
Total Kjeldahl Nitrogen	<46	<148	<296	<20.3	<40.6
Total Phosphorus	<2.4	<8	<16	<1.1	<2.1

Under the EPP, strict application rates of TN and TP are required to be adhered where wastewaters are to be used for irrigation purposes once treated. In this regard the EPP sets the threshold for TN and TP. For TN the EPP prescribes 45/kg/ha/yr and for TP 6.5 kg/ha/yr. Using the proposed onsite treatment processes, the NIMP demonstrates that TN in the first year is 20.3kg/ha/yr and 40.6kg/ha/yr in year five. TP is 1.1kg/ha/yr in the first year and 2.1kg/ha/yr in year five. The NIMP demonstrating the wastewaters are compliant with the EPP and are of a quality suitable for irrigation purposes.

In terms of irrigation, an area of 7.3 hectares has been identified where the wastewaters once treated will be irrigated as captured below:



7.3 ha of Irrigation Areas

The area is proposed to be banded to prevent surface runoff to the low lying areas of the site which previously advised are mapped wetlands. Irrigation of the dedicated area is not proposed to occur during the months of April to September to reduce the hydraulic loading to land when rainfall exceeds evapotranspiration rates. As such, the hydraulic loading is expected to be reduced by 50% during these months. The revised NIMP indicates that approximately 234m³ of wastewater storage will be required in year one of operations (June and July periods) and 468 Kl of storage by year five.

The applicant as stated in the previous report has proposed to plant crop and pasture species, to further strip nutrients from the wastewaters once irrigated to reduce the level of nutrients leaving the site. In this regard, the applicant has proposed to plant sorghum and ryegrass within the irrigation areas. These crops have a high capacity to remove nutrient from the irrigated waters. The NIMP demonstrates that ryegrass annually can remove significant amounts of Nitrogen and Phosphorous whilst Sorghum can uptake levels of Nitrogen and Phosphorous per year. DPIRD, however, in their submission has advised that the proposed irrigation system will only suit crops with low growth height, the planting of sorghum is not suitable as a result. This will be addressed through a condition of approval replacing Sorghum as a crop to be used. The NIMP will also require to demonstrate how the crop will be harvested and resown.

A monitoring program is still proposed which includes soil, groundwater and surface water monitoring to detect any impacts (if any) from the wastewaters being used for irrigation.

Although the NIMP has been prepared to demonstrate that the brewery wastewaters, once treated, will meet the EPP targets, it does not demonstrate how all onsite sources of nutrients (brewery and restaurant wastewaters) will meet the water quality rates for the site through treatment. DWER despite their objection recommended the NIMP to be updated to also reflect this to identify the capability of the site in dealing with the overall wastewaters generated. Officers consider that the NIMP be amended to reflect this requirement from DWER which will form a condition of approval. The NIMP will be conditioned to ensure that the nutrient targets of the EPP are met at all times.

The DWER have also recommended that the 'Total Volumes' of wastewaters generated from the development reflected in Table 7 of the NIMP be rectified as this should reflect 4,072 Kl (as opposed to 3,170kl) for year one and 8,144kl (as opposed to 6,440kl). Officers consider that the NIMP be amended to also reflect this requirement from DWER which will form a condition of approval.

In terms of the restaurant, reticulated sewage service is not available at the site and as a result the development will be relying upon an onsite wastewater management system. Using the provisions of the *Health Regulations 1974*, the hydraulic loading of the development has been estimated as follows based on 2,000 guests per day and 30 support staff per day:

Site	No. of People	Daily Flow (L/Person/day)	Total Daily Hydraulic Load (L/day)
Tavern/Restaurant patrons	2000	35	70,000
Staff	30	70	2,100
Total			72,100

Daily Hydraulic Loading

The wastewater will be treated with a site specific Aquarius Secondary Treatment System as detailed below. The system will treat the wastewater to standards outlined in AS/NZS 1546.3 On-site domestic wastewater treatment units Secondary treatment systems.

- Raw sewage will be pumped to the in ground collection pit;
- Grinder pumps from the collection pit will pump wastewater to the 230KL holding tank;
- The holding tank will then pump the wastewaters to the sequential batch reactor 375KL, where prescribed aeration volume will be injected via two tsurumi jet aerators;
- Flocculation will then take place at the same time. This will help in the breakdown of phosphorus and the coagulation of organic matter when settling;
- During aeration a period of anoxic will take place to starve the wastewater of oxygen, forcing the micro-organisms to feed on the nitrogen;
- After the prescribed aeration volume and aeration time, the process then moves into settling;
- Once the settling of the activated sludge is finished, a prescribed amount of activated sludge is pumped back to the holding tank to assist in the anaerobic process;
- The treated effluent is then decanted from the SBR to the polish tank, further anoxification takes place and the effluent is then pumped through the multi media filters to remove any fine particles and a final polish organics;
- Once pumped through the media filters, effluent is then disinfected into the irrigation tank and ready for irrigation to leach drains. A minimum contact time of 45 mins is required to achieve required free available chlorine levels for disinfection.

Subsequent to the treatment process being undertaken, the updated NIMP states that the wastewaters prior to being irrigated will meet the following wastewater quality targets as set within the aforementioned Australian and New Zealand standards:

Parameter	Water Quality Target
BOD	<20mg/L
TSS	<30mg/L
TN	<15mg/L
TP	<5mg/L
Cl2	0.2 – 2.0 ppm
pH	6.5 – 8.5

Treated Wastewater Quality Targets

As such, as the wastewaters once treated will be of a higher standard and as there is adequate separation between the groundwater and irrigation area the SSE has demonstrated that impacts to the groundwater and surface water from the restaurant wastewaters will be adequately managed.

The DWER have also sought for amendments to the SSE be undertaken similar to that of the NIMP. The DWER recommend the SSE includes all nutrient inputs of the brewery and restaurant within the nutrient balance to demonstrate that combined, meet the EPP nutrient targets. Officers consider that as the NIMP is required to be updated to address this issue, the updates to the SSE can also occur to ensure consistency.

The DWER have also recommended confirmation on how wastewaters from the secondary treatment system will be discharged as it references both via irrigation and leach drains. Furthermore, to include a contingency plan if the wastewater treatment fails. This will be a recommended condition through an updated SSE. This is supported to ensure the document is consistent.

The DoH have also sought clarity on a range matters associated with the wastewaters which can be addressed through the separate DWER and DoH licensing processes which occur subsequent to the planning approval process.

7. Details of site landfill requirements, levels and location

Additional information and Officer assessment

The submitted updated NIMP indicates that six groundwater monitoring bores were installed onsite in September 2022 to gauge the clearance to groundwater from the natural surface. The results obtained showed that the average clearance to groundwater from natural surface across all bores was 1.1m. the monitoring bore nearest the sewage land application area had a clearance to groundwater of 2.23m from natural surface indicating the sewage land application area does not require any fill.

The applicant has further advised that certain areas within the brewery wastewater dedicated irrigation areas may need up to 0.5m fill to achieve the required 1.5m separation to groundwater requirement. The applicant using a conservative approach has estimated approximately half of the irrigation area

may need to be filled by a half a metre. A total of 16,500m³ (3.3ha x 0.5m) may be required.

Officers are generally satisfied with the monitoring results in the updated NIMP, however, as stated in the earlier report, there are low lying areas within irrigation Area 1 which requires fill to maintain the 1.5m separation to groundwater as prescribed by DWER. The NIMP does not identify these areas as requiring immediate fill which Officers consider necessary. As such, a condition will be imposed requiring an updated NIMP which shows the areas to be filled to meet the 1.5m separation requirement and the source of the fill to ensure the fill is either 'clean fill' or 'uncontaminated fill' as defined under the Department of Water Environment Regulations Landfill Waste Classification and Waste Definitions 1996. It should also be noted that the applicant seeks to bund the irrigation areas to stop the potential of treated wastewater moving outside of the dedicated area.

8 Landscaping plan inclusive of vegetation clearing required

Additional information and Officer assessment

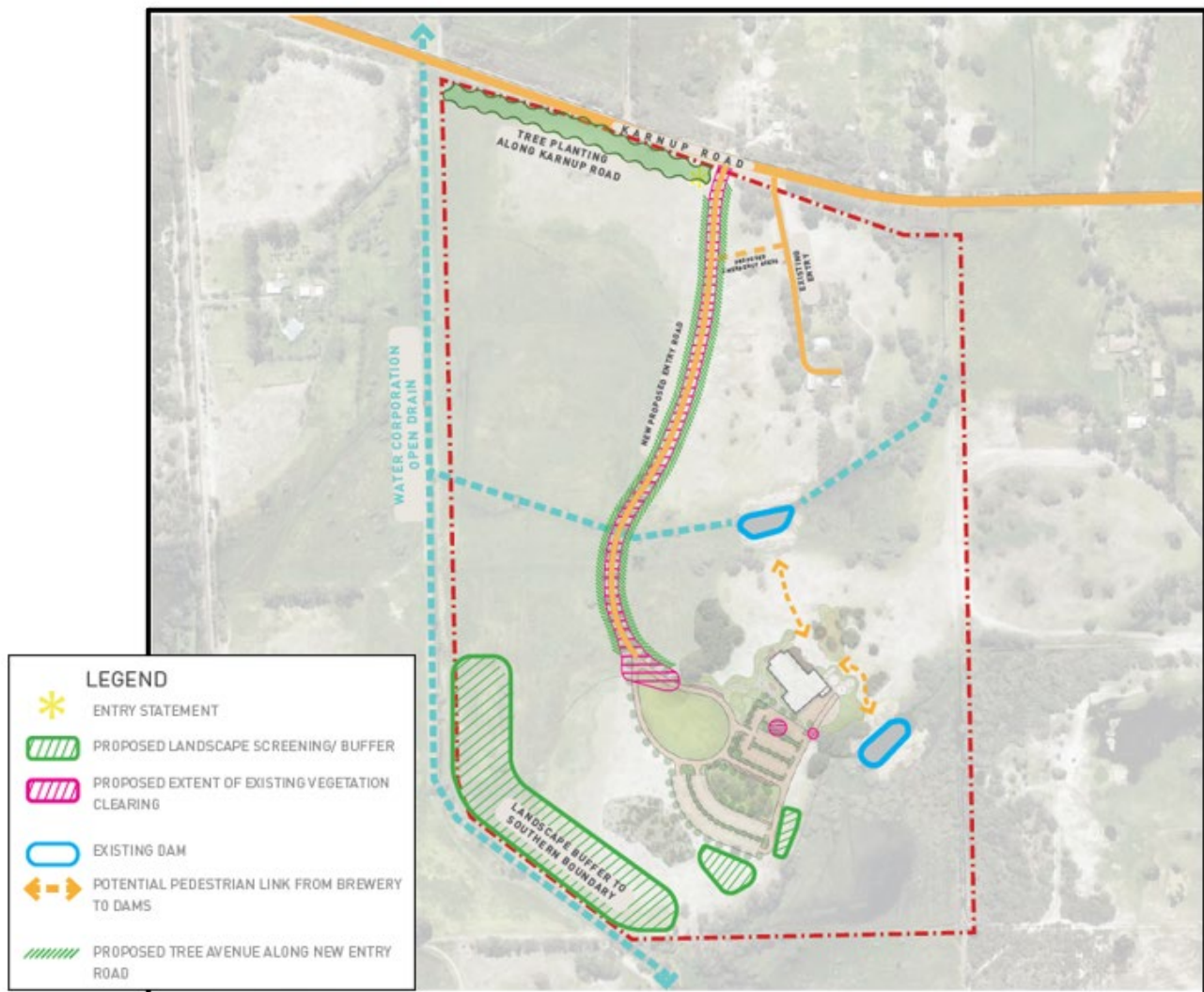
A Landscape Masterplan was prepared to detail the landscaping for the development. The landscape design was prepared to complement the features of the existing vegetation within the site. A mix of native flowering plants, substantial tree planting and a hardscape palette which reflects the rural character of Serpentine. The plan also provides for screening from vistas across the immediate area.

In terms of vegetation to be removed, as the applicant has slightly modified the location of the development, approximately 0.15ha of vegetation is proposed to be removed as opposed to the initial 0.45ha proposed. The species to be removed are as follows:

- 0.001 ha of *Kunzea glabrescens* (Kg (P)) – Completely Degraded condition
- 0.086 ha of *Melaleuca preissii* – *Juncus kraussii* (MpJk (P)) – Completely Degraded condition
- 0.056 ha of *Corymbia calophylla* (Cc (P)) – Completely Degraded condition
- 0.007 ha of *Corymbia calophylla* – *Eucalyptus marginata* (CcEm (P)) – Completely Degraded condition

The submitted masterplan seeks to implement landscaping which provides for screening to the south, east and west and also to improve the visual appearance of the development. The use of native species will complement the existing natural vegetation in the immediate better reflecting the rural landscape.

Landscaping is also proposed to occur along Karnup Road and along the internal access road. Details of proposed landscaping concepts are below:



Landscaping Masterplan for Site

In terms of screening, a landscape buffer has been proposed to the southern boundary and adjoining the southern car park to the south and east. Landscaping is also proposed within the car parking areas to soften the appearance of the hard surface.



Landscaping Masterplan for Development

Officers consider the extensive landscaping proposed will reduce the appearance of the proposed development. The use of existing vegetation onsite with the proposed landscaping provides for a more natural appearance. Officers are satisfied with the proposed landscaping.

In terms of clearing, the vegetation to be removed is significantly reduced from the initial 0.45ha proposed. Officers consider that the small amount to be cleared will not impact the landscape values of the site and broader locality and the proposed landscape plan seeks to replace the vegetation removed.

9 Details of upgrades required to Primary access and the proposed secondary access and associated impacts on site vegetation.

Additional information and Officer assessment

A technical assessment of the development against Austroads Guide to Road Design was undertaken by QTM traffic engineers and submitted by the applicant as part of the additional information. The assessment concluded that to service the development, a basic left turn manoeuvre into the site (BAL) from Karnup Road is required and a basic right turn manoeuvre into the site from Karnup Road will suffice. The applicant however in response to the Shire's requests for upgrades to the primary access, has proposed a channelised left turn (CHL) and auxiliary right turn in (AUR) as per Main Roads WA design requirements. The applicant has also relocated the entrance to the site further east slightly to avoid conflict with the adjoining residence to the north. Conceptual layout of upgrades below:



Conceptual Road Upgrades

Officers are generally satisfied with the proposed CHL which will allow for vehicles to move safely in an east-west direction along Karnup Road. However, the proposed AUR treatment is not supported. It is acknowledged that the upgrades associated with an AUR allows for vehicles to pass queuing vehicles turning into the site. Due to the frequency of heavy vehicles using Karnup Road, the rural nature of the locality where at night there is minimal lighting available and as a large majority of patrons of the development will be new to the area, a CHR is supported as it provides for adequate line markings which appropriately directs vehicles to pass queuing vehicles.

As stated above and in the previous report, providing for a clearly marked intersection is particularly important in this instance as Karnup Road carries a significant proportion of heavy vehicles, with a RAV4 network existing north-south along South Western Highway and along Karnup Road between Kwinana Freeway and Hopeland Road. Further, as of right vehicles can move freely through the area, as is noted to occur given connectivity between South Western Highway and Kwinana Freeway. It is therefore likely that a heavy vehicle will have to pass queuing vehicles turning into the site and also commercial vehicles turning into the property. Providing for a CHR will signal to drivers the changed road environment and the movements required to manoeuvre through the intersection.

In terms of tree clearing as a result for the upgrades, minimal removal will be required to achieve the CHL, it is noted that pruning of existing trees will be required to be undertaken to achieve the necessary sightlines for oncoming vehicles. Officers note any vegetation to be removed on the road reserve as part of this process can be replaced onsite directly where it has been removed to provide screening and also to maintain the rural character.

In regard to the secondary access for emergency purposes, this has been proposed to remove the need for any clearing onsite. Officers are satisfied that the proposed secondary access is suitable to provide for patrons to escape in

an east or west direction in the instance there is a fire in the locality. The submitted Bushfire Management Plan however, will be required to be amended as well to reflect the proposed secondary access. This forms a condition of approval.

Conclusion:

The additional information submitted demonstrates that the development is consistent with the existing and prevailing planning framework.

In regard to the environment, the updated NIMP demonstrates compliance with the EPP Nutrient target rates within the Peel Harvey Coastal Plain Catchment with the assistance of a Cropping Plan. Officers consider the NIMP including its additional management measures and recommended updates will ensure that the environmental values of the wetlands onsite and of the broader Peel Harvey Plain Catchment are not adversely impacted upon.

In terms of rural amenity, the development has demonstrated through an Environmental Noise Assessment that the development will be compliant with the assigned levels of the *Environment (Noise) Regulations 1997*. The development, by way of siting and design in addition to the proposed management measures, is considered to adequately manage potential adverse impacts from the development upon the rural amenity. Subject to additional intersection upgrades to Karnup Road and other relevant conditions, Officers support the proposal

Officer Recommendation

That the Metro Outer Joint Development Assessment panel resolves to:

- 1 **Accept** that the DAP Application reference DAP/22/02223 is appropriate for consideration as a "Use Not Listed – Brewery and a Restaurant and compatible with the objectives of the zoning table in accordance with Clause 5.10 of the Shire of Serpentine Jarrahdale Town Planning Scheme No.02
- 2 **Approve** DAP Application reference DAP/22/02223 for a Use Not Listed - Brewery and a Restaurant and accompanying plans (attachment 6, 9-11) 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 Shire of Serpentine Jarrahdale Town Planning Scheme No.02 subject to the following conditions:

Conditions

- a. Prior to issue of a Building Permit, detailed plans being submitted to and approved by the Shire, depicting full upgrade to the development's main driveway intersection with Karnup Road as follows:

- i. The intersection being a right and left channelisation intersection turn type in accordance with Main Roads Western Australia Supplement to Austroads Guide to Road Design-Part 4;
- ii. Full lighting of the intersection, taking account of providing safe illumination during all hours of operation.

Once approved, the applicant must undertake and complete the intersection works prior to the commencement of operations.

- b. Prior to the issue of a Building Permit, an amended Bushfire Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. This must include the following:
 - i. Location of the second access/egress point connecting to the internal driveway of the development to only be used for emergency purposes. This should be gated at all times until needed;
 - ii. Preparation of a Bushfire Emergency Evacuation Plan in accordance with Clause 5.5.4 of the Guidelines for Planning in Bushfire Prone Areas.

Once approved, the Bushfire Management Plan must be implemented prior to the use occurring.

- c. The vehicle parking areas, accessways and crossover must:
 - i. be designed in accordance with the relevant Australian/New Zealand Standard;
 - ii. Include a minimum of 251 car parking bays;
 - iii. Include a suitable number of car parking spaces dedicated to people with disability designed in accordance with the relevant Australian/New Zealand Standard;
 - iv. be constructed, sealed, kerbed, drained, marked and thereafter maintained.

Plans depicting these works are to be submitted to and approved by the Shire prior to the issue of a Building Permit. The works are to be completed prior to operation of the development, and thereafter maintained.

- d. Prior to the issue of a Building Permit, a Lighting Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale. The Lighting Plan shall demonstrate the provision of lighting to all access ways, car parking areas, the exterior entrances to all buildings and the extent to which light from all external light sources is cast. The Lighting Plan must demonstrate lighting not causing an adverse amenity impact on the surrounding area. Once approved, lighting is to be installed and maintained in accordance with the Plan.
- e. Prior to the issue of a Building Permit, a colours and materials schedule is to be submitted to the satisfaction of the Shire of Serpentine Jarrahdale for approval. The schedule must include all external colours and material finishes of the building. External finishes must be sympathetic to the natural rural tones of the Shire and elevate the rural landscape of the locality.

- f. Prior to the issue of Building Permit, an updated Environmental Noise Assessment must be submitted to include modelling of noise associated with mechanical plant of both the Restaurant and Brewery, once these have been selected. The acoustic assessment must include recommendations to further reduce noise from mechanical plant of the Brewery and Restaurant. Recommendations must be included within a Noise Management Plan and where associated with construction requirements, integrated into plans submitted for a Building Permit.
- g. Prior to the issue of Building Permit, a Noise Management Plan being prepared by a suitably qualified person(s) and submitted to the Shire of Serpentine Jarrahdale for approval. The Noise Management Plan must include all measures proposed to reduce noise emission from the development, including limiting of music to not exceed 83db at the perimeter of the internal space and also operational measures to deal with exceedances. Once approved, the plans are to be integrated into the plans submitted for a Building Permit and maintained in its entirety.
- h. Hours of operation of the brewery and restaurant components (not including the production element) are to occur only between 11am-10pm on Monday public holidays, Thursday-Friday 11am-10pm and Saturday-Sunday 8am-10pm.
- i. The use of outdoor speakers before 12pm and after 10pm is not permitted. No indoor music is to occur after 10pm.
- j. Prior to the issue of a Building Permit, the applicant shall submit and have approved plans depicting the proposed art piece consistent with Local Planning Policy 1.6. Upon approval of the plans, the art piece is to be installed and thereafter maintained to the satisfaction of the Shire.
- k. Prior to the issue of a Building Permit, a Stormwater Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Stormwater Management Plan must be developed in accordance with Local Planning Policy 2.4: Water Sensitive Urban Design Guidelines. The Stormwater Management Plan is to address stormwater for all areas of the development and also ensure that natural surface water flow is maintained. The approved Stormwater Management Plan shall be implemented and thereafter maintained to the satisfaction of the Shire.
- l. Prior to the issue of a Building Permit, an amended Nutrient Irrigation Management Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale. The amended Nutrient Irrigation Management Plan must demonstrate the following:
 - i. The 7.3 ha of irrigation area maintain a 1.5 metre separation to winter groundwater at all times;
 - ii. Any fill required to be brought to site to achieve this will be required to be clean as defined within the Department of Water Environment Regulations Landfill Waste Classification and Waste Definitions 1996 and identified on a plan;

- iii. Wastewater storage increased onsite to cater for storage between the months of June-August based on year five volumes of production. Any above ground tanks must be screened from view at all times;
- iv. How suspended solids are removed from the wastewater system;
- v. Replace sorghum as part of the species to be planted in the irrigation areas;
- vi. How the crop will be harvested and resown;
- vii. Amend Table 7 to reflect actual total volume of wastewaters generated by the brewery for year one being 4,072 kL and Year five 8,144 kL;
- viii. Amend the NIMP to include all sources of nutrients associated with the brewery and restaurant wastewaters and demonstrate compliance with the Peel Harvey Environment Protection Policy.

Any works required as a result of updating the NIMP is required to be reflected in building plans to be submitted and undertaken before the use commences.

- m. Prior to the issue of a Building Permit, a revised Landscape Management Plan is to be submitted to the satisfaction of the Shire of Serpentine Jarrahdale for approval. The Landscape Management Plan shall incorporate mature trees where screening has been proposed to a minimum height of 1.5m. Once approved, the Landscape Management Plan must be implemented prior to the use commencing and maintained.
- n. Prior to the issue of Building Permit, an updated Waste Management Plan must be submitted demonstrating the design of the bin store area to the satisfaction of the Shire of Serpentine Jarrahdale. The design and specifications of the waste area must be designed in accordance with the Shire of Serpentine Jarrahdale Health Local Law and be appropriately screened from view.
- o. Prior to the issue of a Building Permit, a Mosquito Management Plan being submitted to the Shire of Serpentine Jarrahdale for approval. Once approved, the Plan shall be implemented in its entirety.
- p. Prior to the use occurring the internal driveway is to be sealed and drained to the satisfaction of the Shire of Serpentine Jarrahdale.
- q. Prior to the submission of a Building Permit, an updated Traffic Impact Assessment be submitted demonstrating the following:
 - i. The route busses and commercial vehicles will take to access the site within the boundaries of the Shire;
 - ii. Turning templates depicting the manoeuvring of these vehicles through intersections to demonstrate lane compliance.
 - iii. Include recommendations for upgrades where it has been identified that vehicles cannot remain lane compliant.

Any upgrades required to be undertaken to intersections will be subject to detailed designs approved by the Shire. Any upgrades identified must occur prior to the use occurring to the satisfaction of the Shire.

- r. Prior to the issue of a Building Permit, an amended Soil Site Evaluation report be submitted to and approved by the Shire of Serpentine Jarrahdale. The amended Soil Site Evaluation must demonstrate the following:
 - i. Contingency plan in the instance the wastewater treatment fails;
 - ii. Confirmation on how the wastewaters are to be discharged;
 - iii. Updated figures to reflect the updated NIMP.

Reasons for Officer Recommendation

As detailed in the report.