

SUMMARY OF SUBMISSIONS

PA22/383 - Karnup Road, Serpentine 1248 (L201) 32802 - JDAP - Restaurant and Brewery - PA22/383

Submitter	No	Submitter Comments	Officer Comment
Department of Primary Industries		<p>The Department of Primary Industries and Regional Development (DPIRD) objects to the proposal for the following reasons:</p> <ul style="list-style-type: none"> 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; <p>The proposed restaurant will have a seating capacity of 1000 and the brewery at full production will annually produce 2 million litres of beer. This is a large development, and it cannot be described as a small-scale tourism opportunity or micro-brewery.</p> <ul style="list-style-type: none"> 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 	<p>Noted: this has been addressed in the body of the report and the 29 August 2022 Council Report</p> <p>Officers are satisfied that the development meets the objectives of the Rural zone. Importantly the development also meets the prevailing planning framework.</p>

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Ordinary Council Meeting - 20 February 2023

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Submitter	No	Submitter Comments	Officer Comment
		<p>of 2 million litres per year. DPIRD recommends that storage should also be available for August as rainfall often exceeds evaporation during this period.</p> <p>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.</p>	<p>Noted, however two different processes under separate legislation.</p>
DWER		<p>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.</p> <p>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.</p> <p>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.</p> <p>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).</p> <p>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.</p>	<p>The revised NIMP submitted shows compliance with the EPP targets. The throughput has been reduced from 5 million to 2 million reducing the amount of waste water produced. A condition of approval has however been sought to ensure a revised NIMP is submitted showing all nutrient sources from the brewery and restaurant and compliance with the EPP. Additional updates have also been recommended.</p>

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		<p>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.</p> <p>Further detailed advice upon the proposal is provided as follows.</p> <p>Issue</p> <p>Industry Regulation</p> <p>Advice</p> <p>The Department regulates emissions and discharges from the construction and operation of prescribed premises through a works approval and licensing process, under Part V of the Environmental Protection Act 1986 (EP Act).</p> <p>The categories of Prescribed premises are outlined in Schedule 1 of the Environmental Protection Regulations 1987.</p> <p>The EP Act requires a works approval to be obtained before constructing a prescribed premise and makes it an offence to cause an emission or discharge unless a licence is held for the premises.</p> <p>The provided development referral request was reviewed in relation to works approval and licence requirements under Part V Division 3 of the EP Act.</p> <p>Based on the information provided, the proposed operation's design capacity will cause the premises to be a prescribed premise as per Schedule 1 of the Environmental Protection Regulations 1987 (Regulations) for the following categories:</p>	<p>Noted: the applicant is aware of this as it is a separate process.</p>

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Category	Category description	Production or design capacity
25	Alcoholic beverage manufacturing: premises on which an alcoholic beverage is manufactured and from which liquid waste is or is to be discharged onto land or into waters.	350 kL or more per year of beverage produced
54	Sewage facility: premises on which sewage is treated (excluding septic tanks) or from which treated sewage is discharged onto land or into waters	More than 100 cubic meters per day

The EP Act makes it an offence to undertake any work which causes a premise to become, or become capable of being, a Prescribed Premises unless the work is undertaken in accordance with a works approval. It is also an offence under the EP Act to cause an emission or alter the nature or volume of waste, noise or odour from the Prescribed Premises, unless done so in accordance with a works approval or licence or a registration (for operation) is held for the premises.

More information regarding this activity can be found with the [Industry Regulation fact sheet – Beverage manufacturing](#) (DWER, 2018) (Fact Sheet).

The occupier will also need to comply with the Environmental Protection (Noise) Regulations 1997 irrespective of whether the premises is prescribed or not.

As previously detailed, the Department has concerns that the site is not be suitable for a brewery and restaurant of this size and capacity given the volumes of brewery and restaurant wastewater that will be produced requiring on-site disposal.

Although the amended application now proposes to store and recycle some brewery wastewater between April to September, the Department still has concerns with hydraulic loading and capacity, proposed wastewater treatment and disposal technology, and combined volumes of wastewater (brewery and restaurant) requiring on-site disposal throughout the year. If the above matters are not resolved, it is unclear whether the Department would be able to grant a works

The revised NIMP submitted shows compliance with the EPP targets. The throughput has been reduced from five million to two million reducing the amount of waste water produced. A condition of approval has however been sought to ensure a revised NIMP is submitted showing all nutrient sources from the brewery and restaurant and compliance with the EPP amongst other updates.

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		<p>approval for the proposal as articulated in previous scoping meeting and correspondences.</p> <p>The Department notes the proponent has previously submitted an application for works approval in May 2022 and that the Department had requested further information. The proponent subsequently withdrew the application in August 2022 and the Department is yet to receive an amended works approval application.</p> <p>Issue</p> <p>Nutrient Export Risk – Peel-Harvey Catchment</p> <p>Advice</p> <p>The proposal is located within the Peel-Harvey catchment and the proposed development (that would include the irrigation and discharge of brewery and restaurant wastewaters onto land, and the application of fertiliser to proposed crops), has the potential to export significant nutrient loads to the Peel-Harvey Estuary System. Subsequently this development application is subject to the following state policies:</p> <ul style="list-style-type: none"> • 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). <p>The Peel-Harvey EPP establishes phosphorous loading targets for the Peel-Harvey catchment to be adhered to by new or expanding proposals. To comply with these total loading targets, new (or expanding) operations within the Serpentine River catchment would be required to achieve an export rate for total phosphorous (TP) of 0.29kg/ha/year, as specified within the Department's report Hydrological and nutrient modelling of the Peel-Harvey catchment (DoW, 2011).</p> <p>The Department's modelling report has also established nutrient input (or application) rates for the Peel-Harvey catchment to achieve the necessary nutrient</p>	<p>Minimal vegetation is proposed to be removed. The clearing is supported under TPS 2. Clearing under the <i>Environment Protection Act 1986</i> is a separate process.</p>

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		<p>export loads. These need to be less than 6.5 kg/ha/year for phosphorous and less than 45 kg/ha/year for nitrogen.</p> <p>As per Department of Primary Industries and Regional Development (DPIRD) soil mapping, this site is on Bassendean Sand (sandplain and broad extremely low rises with imperfectly drained deep or very deep grey siliceous sands) which is poorly nutrient retentive. These areas are generally not suitable for annual and perennial in-ground horticulture (including irrigated pasture) due to the high nutrient export risk. Therefore, advice should be sought from DPIRD.</p> <p>The onus of proof will rest with the proponent to demonstrate any proposal meets the objectives of the aforementioned policies and guidance through the preparation and submission of a suitable Nutrient and Irrigation Management Plan (NIMP) to support the development application.</p> <p>The application included an amended NIMP and Site and Soil Evaluation (SSE) report that provided details as to how the proposed development's nutrient inputs will be managed to achieve target rates. However, the NIMP and SSE is to include all on-site sources of nutrients (brewery and restaurant wastewater, and any applied fertiliser), and demonstrate how these nutrients will be managed across the development site to meet target rates for the Peel-Harvey catchment.</p> <p>Further comments on the NIMP and SSE report are found below at Attachment 1.</p> <p>Issue</p> <p>Native Vegetation Protection</p> <p>Advice</p> <p>Under section 51C of the Environmental Protection Act 1986 (EP Act), clearing of native vegetation is an offence unless:</p> <ul style="list-style-type: none"> • it is undertaken under the authority of a clearing permit • it is done after the person has received notice under Section 51DA(5) that a clearing permit is not required 	<p>Noted: However, this is subject to a separate regulatory process.</p> <p>Noted: Amendments have been recommended to the NIMP and SSE to show all nutrients generated by the development and compliance with the SSE.</p>

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		<ul style="list-style-type: none"> the clearing is subject to an exemption <p>Exemptions for clearing that are a requirement of written law, or authorised under certain statutory processes, are contained in Schedule 6 of the EP Act. Exemptions for low impact routine land management practices outside of environmentally sensitive areas (ESAs) are contained in the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (the Clearing Regulations).</p> <p>Based on the information provided, should development approval be issued, the proposal is likely to be exempt from the requirement for a clearing permit under Regulation 5, Item 1 of the Clearing Regulations.</p> <p>Note that this exemption does not apply prior to development approval being issued.</p> <p>If the proposed clearing for the bushfire protection zone is considered by the Shire to be appropriate, and clearing of native vegetation for this purpose is specified within the Development Approval, it is likely to be exempt under Regulation 5, Item 1.</p> <p>This exemption is described in the Departments ‘A Guide to the Exemptions and Regulations for Clearing Native Vegetation’. It is the applicant’s responsibility to determine compliance with these exemptions and therefore whether a clearing permit is required. If there is uncertainty, then the precautionary principle should be applied, and it is recommended applicants apply for a clearing permit.</p> <p>If further clarification is required, please contact the Department’s Native Vegetation Regulation section by email (admin.nvp@dwer.wa.gov.au) or by telephone (6364 7098).</p>	<p>Noted: Amendments have been recommended to the NIMP and SSE to show all nutrients generated by the development and compliance with the SSE</p>

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		<p>Issue</p> <p>Groundwater Licence</p> <p>Advice</p> <p>The subject lot is located within the Serpentine Groundwater Area (Serpentine 3 Subarea) which is proclaimed under the Rights in Water and Irrigation Act 1914. Any groundwater abstraction in this proclaimed area for purposes other than domestic and/or stock watering taken from the Superficial aquifer, would be subject to licencing by the Department.</p> <p>The Department acknowledges an application for a licence to construct a bore and to take water from the Leederville resource has been submitted and is currently under assessment. The Serpentine 3, Leederville resource is close to fully allocated, however the requested 50,000 kilolitres per annum was available at the time of application.</p> <p>The Department notes that the amended development application states that 30,000 kilolitres per annum will be required due to the proposed reduced volume of beer to be produced. The applicant may therefore be required to provide revised groundwater requirements.</p> <p>The issuing of a groundwater licence is not guaranteed and is dependent on the Part V EP Act process being substantially progressed or concluded, and subsequent planning approval. If a licence is issued, it will contain a number of conditions that are binding upon the licensee. Please contact the water licensing section on 9550 4222 or www.water.wa.gov.au/licensing for further guidance.</p> <p>Issue</p> <p>Noise Assessment Report</p> <p>Advice</p> <p>Please see Attachment 2 for the Department's technical review of the amended Environmental Noise Report dated 17 October 2022 prepared by Gabriels Hearne Farrell Pty Ltd.</p>	

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The advice provided in this communication does not prejudice and must not be considered to infer the outcome of the EP Act licence and works approval process.

At this point, the Department recommends the proposal is not supported, and that consultation include the advice of the Department of Health and DPIRD.

Page/Section	Topic	Issue	Suggested changes
Nutrient and Irrigation Management Plan – dated November 2022			
Page 2, Section 2.1	Background	The nutrient inputs for the proposed development is to include all sources of nutrients including brewery and restaurant wastewaters and fertiliser application, and demonstrate how water quality rates for the site will be achieved.	Update water quality inputs to include brewery wastewater, restaurant wastewater (sewerage and kitchen wash water) and fertiliser.
Page 13, Section 3.6	Groundwater Licence	This section states that an application has been submitted to the Department for the take of 50,000 kilolitres per annum from the Leederville aquifer. However, the Development Application Addendum document states that 30,000 kilolitres per annum is now required due to the proposed reduction of volume of beer to be produced. The applicant may therefore be required to provide revised groundwater requirements.	Amend this section to reflect the actual groundwater requirements as well as amending the licence application for the reduced water requirements.
Page 20, Table 7	Expected Wastewater Quantity	The total volumes in table 7 for Year 1 and Year 5 appear to be incorrect. In addition, the volumes from April to September within the table do not appear to be reduced by 50%.	The correct total for Year 1 should be 4,072 kL (rather than 3,170 kL) and Year 5 should be 6,144 kL (rather than 6,440 kL). Corrections to be made.
Page 20, Table 8	Calculated Yearly Loads – Pre treatment	If the total volumes were incorrect in Table 7, correction to the calculations in Table 8 and so on is required. In addition and as detailed above, the nutrient inputs are to also include the annual loads of the restaurant wastewater as this is a source of N and P that is to be demonstrated and managed on-site within the target rates. Update all tables herein with all nutrient inputs.	Corrections to be made for all tables detailing rates and loads.

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In addition, buffers and setbacks are required between proposed irrigation areas and low lying and wetland areas.</td><td></td></tr> <tr> <td colspan="4">Site and Soil Evaluation Report – dated October 2022</td></tr> <tr> <td>Page 15, Section 3.2</td><td>Proposed Treatment Systems</td><td>Please demonstrate how this commercial wastewater system will achieve water quality targets for the Peel-Harvey catchment? A nutrient balance taking into consideration all nutrient inputs (brewery, restaurant and fertiliser) for the site's proposed activities should be included to determine the site's capacity to manage the land use based on highly transmissive soils and high groundwater.</td><td>Update and provide a table to include nutrient inputs from all the proposed activities and demonstrate how the site can manage within water quality target rates of the Peel-Harvey catchment.</td></tr> <tr> <td>Page 16, Table 7</td><td>Hydraulic Loading</td><td>It appears that the daily hydraulic loading is for sewerage per person and does not include the kitchen's washing wastewater. As the restaurant can hold up to 2,000 patrons per day, that would be a considerable amount of glass and dishwashing wastewater that is not accounted for in the hydraulic loading.</td><td>The hydraulic loading and nutrient inputs is to include kitchen wastewater.</td></tr> </tbody> </table> <table border="1"> <thead> <tr> <th>Page/Section</th><th>Topic</th><th>Issue</th><th>Suggested changes</th></tr> </thead> <tbody> <tr> <td>Page 19, Section 3.4</td><td>Disposal Area</td><td>This section describes the treated effluent to be used as irrigation. 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DWER (Noise)		<p>1. Introduction</p> <p>This advice was prepared for the Shire of Serpentine Jarrahdale in response to a request for comment dated 14 November 2022 on the updated information for a JDAP Application – Restaurant and Brewery at 1248 Karnup Road, Serpentine.</p>	Noted: Development will be subject to a Noise Management Plan																																				

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		<p>2. Documentation</p> <p>In support of this request, the Shire made the following documents available which form the basis of this technical expert advice. The Shire did not request any specific advice.</p> <table><tr><th>Material / document name</th><th>Author</th><th>Date</th></tr><tr><td>Environmental Noise DA Report: Proposed Brewery – 1248 Karnup Rd, Serpentine (Proj No. 22004) – Prepared for Bright Tank Brewery Co.</td><td>Gabriels Hearne Farrell Pty Ltd</td><td>17/10/2022</td></tr><tr><td>Addendum to Development Application – DAP reasons for Deferral Bright Tank Brewing – Proposed Brewery (Use Not Listed) and Restaurant: Lot 201 (1248) Karnup Road, Serpentine</td><td>Taylor Burrell Barnett</td><td>9/11/2022</td></tr><tr><td>Environmental Noise DA Report: Proposed Brewery – 1248 Karnup Rd, Serpentine (Proj No. 22004) – Prepared for Bright Tank Brewery Co.</td><td>Gabriels Hearne Farrell Pty Ltd</td><td>17/02/2022</td></tr><tr><td>Development Application: Lot 201 (1248) Karnup Road, Serpentine – Restaurant and Brewery (Use Not Listed) – prepared for Bright Tank Brewery Co.</td><td>Taylor Burrell Barnett</td><td>20/04/2022</td></tr></table> <p>3. Advice</p> <p>At the request of the Shire of Serpentine Jarrahdale, the Environmental Noise Branch (ENB) of the Department of Water and Environmental Regulation reviewed the Environmental Noise DA Report prepared by Gabriels Hearne Farrell Pty Ltd (GHF), as well as the Development Application, and provided a Technical (Review) Report to the Shire on 8 June 2022. Since then, the developer has revised the proposal to reduce the size and scale of the proposed brewery, as well as relocate the development north-east and split the carpark in two separate areas.</p>	Material / document name	Author	Date	Environmental Noise DA Report: Proposed Brewery – 1248 Karnup Rd, Serpentine (Proj No. 22004) – Prepared for Bright Tank Brewery Co.	Gabriels Hearne Farrell Pty Ltd	17/10/2022	Addendum to Development Application – DAP reasons for Deferral Bright Tank Brewing – Proposed Brewery (Use Not Listed) and Restaurant: Lot 201 (1248) Karnup Road, Serpentine	Taylor Burrell Barnett	9/11/2022	Environmental Noise DA Report: Proposed Brewery – 1248 Karnup Rd, Serpentine (Proj No. 22004) – Prepared for Bright Tank Brewery Co.	Gabriels Hearne Farrell Pty Ltd	17/02/2022	Development Application: Lot 201 (1248) Karnup Road, Serpentine – Restaurant and Brewery (Use Not Listed) – prepared for Bright Tank Brewery Co.	Taylor Burrell Barnett	20/04/2022	
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		<p>ENB's review of the proposed addendum indicates that there is no change to the structure and design of the large hospitality venue (restaurant) attached to the north side of the brewery. The proposed functions and operational scenarios of the</p> <p>Advice on the updated Environmental Noise DA Report for the proposed restaurant and brewery development – 1248 Karnup Rd, Serpentine, prepared for the Shire of Serpentine Jarrahdale Department of Water and Environmental Regulation 2</p> <p>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 100 m closer to the two closest residential buildings to the east and northeast, but about 100 m farther away from the closest noise sensitive premises to the southwest. 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 northeast and decreased to the southwest, when compared with the original development application lodged in April 2022. The noise modelling results from GHF's updated report confirm this expectation.</p> <p>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. As such, the comments and advice ENB noted in the Technical (Review) Report dated 8 June 2022 are still valid.</p> <p>4. Limitations</p> <p>Technical expert advice in any field is subject to various limitations. Important limitations to the advice include:</p>	

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Submitter	No	Submitter Comments	Officer Comment
Department of Health		<p>The DoH provides the following comment:</p> <p>Wastewater Management</p> <p>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:</p> <ol style="list-style-type: none"> 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. <p>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:</p>	<p>The sewerage waste water system for the restaurant has been based on 2,000 patrons visiting the site and the waste waters on the overall reduced throughput. The SSE demonstrates that the restaurant wastewaters once treated will meet the relevant Australian and New Zealand standards.</p> <p>An updated SSE however has been sought to align with generally align with DWER comments.</p>

SUMMARY OF SUBMISSIONS

PA22/383 - Karnup Road, Serpentine 1248 (L201) 32802 - JDAP - Restaurant and Brewery - PA22/383

Submitter	No	Submitter Comments	Officer Comment
		<ol style="list-style-type: none"> 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 <p>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.</p> <p>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.</p>	
Water Corporation		<p>Thank you for referring the additional information to the Corporation for comment.</p> <p>The advice provided previously (attached below) is still relevant and should be considered as part of the Shire's and the DAP determination.</p> <p><u>Servicing</u></p> <p>The subject land is remote from water and wastewater services.</p> <p><u>Drainage</u></p> <p>The subject area falls within the 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.</p>	<p>Noted: development will be subject to a Stormwater management Plan.</p>

SUMMARY OF SUBMISSIONS

PA22/383 - Karnup Road, Serpentine 1248 (L201) 32802 - JDAP - Restaurant and Brewery - PA22/383

Submitter	No	Submitter Comments	Officer Comment
		<p>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.</p> <p>To determine the flood level the developer should contact the Department of Water and Environmental Regulations regarding the Drainage and Water Management Plan which includes the subject area.</p> <p>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 our drainage system.</p> <p><u>Protection of Services</u></p> <p>It should be noted that an existing drainage channel is located in close proximity to the subject land (plan attached). Due consideration will be required when developing in this area. The 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. For information about this application please follow this link:</p> <p>https://www.watercorporation.com.au/home/builders-and-developers/working-near-our-assets/approval-for-works</p> <p><u>General</u></p> <p>This proposal will require approval by our Building Services section prior to commencement of works. Infrastructure contributions and fees may be required to be paid prior to approval being issued.</p>	<p>Noted:</p>

SUMMARY OF SUBMISSIONS

PA22/383 - Karnup Road, Serpentine 1248 (L201) 32802 - JDAP - Restaurant and Brewery - PA22/383

Submitter	No	Submitter Comments	Officer Comment
		For further information about building applications, the developer should follow this link: https://www.watercorporation.com.au/home/builders-and-developers/building/lodging-a-building-application	
A17300		I fully support the proposal of a restaurant and brewery. The location is perfect, it provides for a place for the community to take their families and friends for social interaction without having to drive to Mandurah, Baldivis or Perth. We have very little like facilities in our district.	Noted
A53000		We object. We strongly object to the application and proposal for a Craft Brewery and Restaurant at 1248 Karnup Road, Serpentine and support our Shires previous decision on this matter agreeing in full with the reasons cited by them. Additionally, the proposed site adjoins our back boundary (Northern corner) and we are concerned about the following potential impacts Environmental Noise: <ul style="list-style-type: none"> • Related to brewery operations and delivery trucks etc • Outdoor entertainment facilities with music and large crowds of people • Large carparking areas 	Noise appears to generally comply with the Environmental Protection (Noise) Regulations 1997. The development will be subject to a strict Noise Management Plan to further reduce noise emissions from the development. Service delivery vehicles are to occur during operating hours only. Nothing before 7am or after 7pm. Car parking areas will be screened from view from all vistas by the presence of existing and proposed vegetation.

SUMMARY OF SUBMISSIONS

PA22/383 - Karnup Road, Serpentine 1248 (L201) 32802 - JDAP - Restaurant and Brewery - PA22/383

Submitter	No	Submitter Comments	Officer Comment
		<p>Ground Water Reserves:</p> <p>In the 35 years we have lived on our property we have noticed a significant drop in ground water levels due to sub-divisions, increased population and warming climate and drought and several mature Red Gums and Jarrahs in the area have died. We feel the water resources a Brewery would take would greatly compound this problem going forward and negatively impact our fragile environment.</p> <p>Rural Zoning</p> <p>We understand that our property and the proposed Brewery site fall directly within a rural buffer zone. We greatly value our current rural lifestyle and the peace and quiet the area affords us. It is our home and sanctuary. Surely a large 'Brewery and Restaurant' is not Rural but a Commercial or Light Industrial enterprise even if they do run a few sheep on the side?</p> <p>Local Business Impact</p> <p>The Serpentine community is looking forward to the 'Serpentine Tavern' reopening soon and will enthusiastically support this small business. The proposed brewery is a franchised big business with no invested interest in our Serpentine heritage, rural identity or established locals who will become reluctant neighbours.</p>	<p>This is a separate process, no approval has been granted by DWER. The applicant is seeking to extract water from the Leederville Aquifer which is confined from the superficial aquifer.</p> <p>The development is considered to meet the existing and prevailing planning framework. This is addressed within the report.</p> <p>Noted, however not a planning consideration.</p>
A50200		<p><u>Traffic Issues</u> - Roads inadequate and dangerous</p> <p>More drunken / dangerous drivers</p> <p><u>Social Issues</u> – Noise, lights, anti social drinkers</p> <p><u>Rural area</u> – Industry in farming area. People came here for lifestyle and quiet</p>	<p>Road upgrades are being proposed. Officers have recommended channelised left and right turns to safely allow vehicles to queue to enter site and for vehicles including trucks to pass.</p> <p>The development will be subject to a Noise Management Plan and Lighting Plan to ensure that the rural amenity is maintained.</p>
A33200		We strongly support the proposal of a restaurant and brewery.	Noted

SUMMARY OF SUBMISSIONS

PA22/383 - Karnup Road, Serpentine 1248 (L201) 32802 - JDAP - Restaurant and Brewery - PA22/383

Submitter	No	Submitter Comments	Officer Comment
		<p>Serpentine is very lacking social / entertainment businesses.</p> <p>The other positive is the employment it will provide for locals.</p>	
A21914		<p>We would like to raise our further objection to the proposed above-mentioned DA and revisions in the DA.</p> <p>Overall we do not believe an industrial scale cannery belongs in a rural zone. We appreciate that the costs of setting up in a rural zone may be significantly cheaper than an industrial area but the impact this will have on existing residents should be a priority.</p> <p>Whilst the shire has expressed a desire to encourage tourism, which we support, we cannot disregard or ignore that our rural land is/has been, predominantly used for cattle and equine activities so future development must be of a scale and nature to compliment this.</p> <p>We acknowledge that the Developers have made concessions to nearby landholders in their revised DA but we believe there are still issues serious enough to warrant the rejection of this DA.</p> <p>After reviewing the amendments, we have the following concerns:</p> <ol style="list-style-type: none"> 1. The original car park was set for 251 vehicles, now it's 324 plus 2 coach parking bays. An explanation is required for the increase when the general guidance after the first DA from both the Shire and JDAP, was to scale back the excessive size of the project. 2. By moving the entry east, to avoid the opposite neighbouring driveway, the proposed emergency access (now also linked to the existing driveway) appears to be approximately 35m from the main entry. <p>As someone who was a volunteer firefighter for the SJ community for 20 years, I know from experience that a running fire will cross that distance very quickly with no hope of being able to safely evacuate a 1,000 person venue.</p> <ol style="list-style-type: none"> 3. The revised document states 16,500 cubic meters of overburden will be required to raise some lower reticulated areas to 1.5m above the water table. 	<p>The development is considered to meet the existing and prevailing framework as discussed in the body of the report.</p> <p>The applicant has amended the site plan to reflect the 251 bays initially proposed.</p> <p>The Guidelines for Planning in Bushfire Prone Areas requires emergency access in two different directions, the proposed emergency access meets this. The development will also be subject to an Emergency Evacuation Plan which will prescribe that the venue is closed on high fire rating days.</p>

SUMMARY OF SUBMISSIONS

PA22/383 - Karnup Road, Serpentine 1248 (L201) 32802 - JDAP - Restaurant and Brewery - PA22/383

Submitter	No	Submitter Comments	Officer Comment								
		<p>Based upon a 6 axle semi 42.5t GML that can carry 19 cubic meters, this will require about 870 trucks coming and going into that location on what can be a busy section of Karnup Road with limited visibility.</p> <p>4. What noise control methods and procedures are to be implemented to ensure they comply with the modelling predictions?</p> <p>5. There are many conflicting and contradicting values and statements between the original and revised DA submissions. Both documents are over 500 pages so we can accept some errors but there are too many discrepancies at this very early stage for us to have confidence that the project will be managed professionally should it be approved.</p> <p>6. Bright Tank (Matthew Moore) in a media interview (on public record) was reported to speak as if this DA was a given to be approved which I find to be a sign of disrespect to the process. He also mentioned his intentions to accommodate a distillery and winery in the future despite all feedback to date indicating concerns for the size of the operation.</p>	<p>The development will be required to be subject to a Traffic Management Plan during the construction phase of the development to ensure passing motorists are aware of the development.</p> <p>The development will be subject to a Noise Management Plan</p> <p>Noted</p> <p>This is not part of this application.</p>								
A32900		<p>Please find attached a summary of our strong objections and concerns regarding the revised Development Application PA22/383, Proposed Restaurant and Brewery, Lot 201, 1248 Karnup Rd, Serpentine.</p> <table border="1"> <tr> <td>DA Addendum</td><td>Overview & Revised Development Plans Page 1</td><td>Brewery Footprint reduced by 30%</td><td>Height has been increased by 1.66m ie visual impact is now greater</td></tr> <tr> <td></td><td>Page 1</td><td></td><td>Carpark has increased from 251 bays to 324 plus 2 coach bays</td></tr> </table>	DA Addendum	Overview & Revised Development Plans Page 1	Brewery Footprint reduced by 30%	Height has been increased by 1.66m ie visual impact is now greater		Page 1		Carpark has increased from 251 bays to 324 plus 2 coach bays	<p>The development will be screened with the existing vegetation on and adjoining the site providing at minimum filtered views of the development</p> <p>The plans have been amended to reflect 251</p>
DA Addendum	Overview & Revised Development Plans Page 1	Brewery Footprint reduced by 30%	Height has been increased by 1.66m ie visual impact is now greater								
	Page 1		Carpark has increased from 251 bays to 324 plus 2 coach bays								

SUMMARY OF SUBMISSIONS

PA22/383 - Karnup Road, Serpentine 1248 (L201) 32802 - JDAP - Restaurant and Brewery - PA22/383

Submitter	No	Submitter Comments				Officer Comment
			Page 1	"Beer Brewing is a recognised agribusiness"	A 1000 seat restaurant is not a recognised rural activity	The development is considered to meet the existing and prevailing framework
			Page 3	SJ Shire draft LPS3	Future development is not mentioned as a priority over existing/historical activities within the SJ Shire rural zones ie cattle and equestrian pursuits	The draft LPS 3 is a seriously entertained documents and required to be given consideration in decision making.
			Page 4	Spent Grain	Stable fly is a declared pest under the Biosecurity and Agricultural Management Act of 2007. Control measures for on-sold spent grain (in conflict with recommended control measures unless removed regularly) to local farmers has not been identified in terms of minimising the proliferation of this pest which has both economic and implications	The development will be subject to a Waste Management Plan. The WMP will be prepared in accordance with the relevant Local Law which will address this issue.
				Reference to current size and scale of alcohol production facilities within the Shire is misleading if it is being used to suggest there is already a precedence.	Millbrook refer to themselves as "small-batch" and represent only about 3% of the total Fogarty Group business. King Road Brewery does not have an industrial cannery attached to its tourism outlet.	The development is considered to meet the existing and prevailing framework.

SUMMARY OF SUBMISSIONS

PA22/383 - Karnup Road, Serpentine 1248 (L201) 32802 - JDAP - Restaurant and Brewery - PA22/383

Submitter	No	Submitter Comments				Officer Comment
		Noise	Appendix C	Revised environmental noise report	Whilst the modelling report indicates compliance, it needs to be noted that crowd noise, multiple car doors shutting, ambient music and live entertainment are not expected nor common place in a rural setting.	<p>The development is considered to meet the existing and prevailing framework. The large setbacks to boundaries of the development are appropriate to manage noise and the development will be subject to a NMP.</p> <p>Noted</p> <p>This is required as a condition of approval.</p> <p>Fill will be required to be imported to site to ensure all irrigation areas meet the 1.5m separation requirement.</p> <p>Storage of brewery wastewaters will occur between April-September.</p>
		Size & Scale	Appendix D	Comparison to King Road Brewery of 1520m2 vs Bright Tank of 2100m2	Far fewer dwellings surrounding this location, single storey profile, no residential driveways opposite business entrance and closest neighbour are twice the distance from the site compared to Bright Tank.	
		Nutrient Irrigation Management Plan	Appendix E	Public health	Mosquito management plan not submitted.	
		Site & Soil Evaluation	Appendix F 2.8.4	The majority (4 of the 6) of the groundwater monitoring bore holes gave a groundwater depth of less than the required 1.5m	Misleading to use an average of the two bores closest to site (0.73 & 2.32) to deliver a combined figure of 1.53m bgl	
				Reference re: "peak groundwater levels generally	Provision for storage tanks mentions the capacity for 2 months in June & July.	

SUMMARY OF SUBMISSIONS

PA22/383 - Karnup Road, Serpentine 1248 (L201) 32802 - JDAP - Restaurant and Brewery - PA22/383

Submitter	No	Submitter Comments				Officer Comment	
				occur in September to October"		<p>The proposed emergency access driveway meets the bushfire planning framework as it provides access in an east and west direction.</p> <p>A very small portion of the site is proposed to be cleared due to the slight relocation of the development. The vegetation clearing meets the TPS 2 requirement.</p> <p>Operating hours will be conditioned 11am-10pm on Monday public holidays only, Thursday-Friday 11am-10pm and Saturday-Sunday 8am-10pm</p> <p>The development is subject to a Bushfire Management Plan and Emergency Evacuation Plan.</p>	
		Access upgrades	Appendix H	Public safety and fire management	It is likely that in the event of a running bush fire, 20-30m distance between access roads is inadequate and 1000 patron and staff could not be evacuated safely.		
		Biological Assessment	Appendix 3 4.1.4	Phascogales – not included in report	Phascogales were identified at 409 Rapids Road the 27/10/22. Fauna report and photo sent to DBCA. Conservation status listed as "vulnerable and conservation dependent"		
		Personal	3.3.2	Reference to 'standard business' hours	The commonly accepted definition in Australia is 9-5pm 5 days a week. The combined business hours of both operations, 7 days/week means no reprieve for neighbours.		
				Fire safety	The proximity of the site and the nature of the business presents an increased bush fire risk to surrounding residents who are likely to be more safety conscious through living in a rural setting than outside visitors who may also be smoking and drinking.		

SUMMARY OF SUBMISSIONS

PA22/383 - Karnup Road, Serpentine 1248 (L201) 32802 - JDAP - Restaurant and Brewery - PA22/383

Submitter	No	Submitter Comments				Officer Comment	
		Consultation		The representative for Taylor Burrell Barnett indicated to the MODAP panel on 29/8/22 that neighbours had been consulted.	This may be the case for some residents however the owners of the property most impacted by the DA, 409 Rapids Road, have never been contacted/consulted.		Development has been advertised in accordance with Local Planning Policy 1.4: Public Consultation for Planning Matters
A32700		<p>I submit for council further consideration as property owner of 494 Rapids Road Serpentine. I object again to the above application and as amended on the following grounds:</p> <ol style="list-style-type: none"> 1. Karnup Road traffic issues – with the amount of additional traffic projected this will become a death trap. Huge doubt in the minds of decision makers must be addressed more than beyond any doubt of absolute safety. 2. Effect on wetlands area – all serious concerns from Government Agencies (RAMSAR) advice must be absolutely satisfied that no ill effects will occur. All decision makers should be very clear all these issues are satisfied including the amended plan for water storage in winter months . If Council not 100% sure issues resolved, then they should reject. 3. Actual water consumption – this is most serious and where will the responsibility/liability be if this additional water usage to produce beer does in fact come to fruition and affect the water table? As current studies show, a serious problem by 2030 with current water usages. 				<p>Road upgrades have been proposed and conditioned appropriately.</p> <p>The NIMP will be required to comply with the EPP targets and will be subject to updates as detailed in the report.</p> <p>The applicant seeks to extract water from the Leederville Aquifer. This will be subject to approval by DWER who are the regulatory body of this process are. The applicant based on their operational needs have estimated an amount of 30,000kl required a total of 50,000 kl is proposed to be applied for.</p>	

SUMMARY OF SUBMISSIONS

PA22/383 - Karnup Road, Serpentine 1248 (L201) 32802 - JDAP - Restaurant and Brewery - PA22/383

Submitter	No	Submitter Comments	Officer Comment
		<p>4. Waste water controls – the decision makers must have completed all due diligence and take advice from the appropriate advisory agencies after the first negative reports provided the control of potential increase of mosquitos, stable fly are also issues needing to be addressed.</p> <p>5. Lack of infrastructure within the Shire to monitor and control every day situations that will arise out of alcohol fuelled traffic accidents (estimated 2000 extra vehicles on a Saturday and Sunday) noise issues, disturbances requiring police attendance, general unacceptable social behaviour etc.</p> <p>6. This proposal is not in accordance with Council policy of rural pursuits and to claim own grown beef and other produce on this land is unachievable and without experience or knowledge.</p> <p>7. For this total application contract of \$7M (to allow to go above Council decision) what financial information has been discovered to guarantee the applicants have the resources to complete such a project?</p> <p>I make this decision to oppose once again this application and urge Council to follow the same decision they previously made in rejecting the proposal.</p> <p>Also Council should influence MODAP to come to the same rejection conclusion.</p>	<p>The development will be subject to a Mosquito Management Plan and Waste Management Plan to address these issues.</p> <p>The development will be subject to road upgrades prior to commencement.</p> <p>The development is considered to meet the existing and prevailing planning framework.</p> <p>No such information has been requested or submitted as part of this process.</p> <p>Noted.</p>
A32801		<p>As owners of property on Rapids Road, Serpentine we thank you for the opportunity to make this further submission to object to the proposed development at Lot 201, 1248 Karnup Road, Serpentine.</p> <p>We continue to object to the proposed development because of the following two major concerns:</p> <p>1. In our submission to the Shire of Serpentine Jarrahdale of 10 June, 2022 we outlined the potential undesirable consequences that the proposed irrigation of land at Lot 201, 1248 Karnup Road may have on the Peel-Harvey Estuary. The WA Department of Primary Industries and Regional Development indicated the proposed development at this site could not be deemed an appropriate rural pursuit. Furthermore, the proposed development does not align with the S-J</p>	<p>The submitted NIMP complies with the EPP targets and will need to comply with these targets at all times and will be subject to updates.</p>

SUMMARY OF SUBMISSIONS**PA22/383 - Karnup Road, Serpentine 1248 (L201) 32802 - JDAP - Restaurant and Brewery - PA22/383**

Submitter	No	Submitter Comments	Officer Comment
		<p>Shire's categorization of a rural pursuit. Therefore, as a non-rural pursuit, the potential for nutrients applied as fertilizer to the irrigated land to ultimately end-up in the Peel-Harvey Estuary, as detailed in our submission of 10 June, 2022, has not been fully addressed.</p> <p>2. We would expect that relevant Agencies will be requested to monitor that all MODAP and S-J Shire recommendations to be carried out before and during the proposed development are executed in full?</p> <p>If the Agencies are unable to give assurances they have the financial resources and qualified personnel to perform both these immediate and long-term tasks, the proposed development should be rejected.</p> <p>We thank you for consideration of this submission.</p>	<p>The development is considered to comply with the existing and prevailing planning framework.</p> <p>Conditions of approval have to be adhered to at all times. The Shire's compliance team will regulate non compliance with any conditions of approval if approved.</p>