

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.

**Lot 60, 394 Robertson Road, Cardup
Proposed Retrospective and Prospective Concrete Product
Manufacturing Facility- General Industry**

**Form 1 – Responsible Authority Report
(Regulation 12)**

DAP Name:	Metro Outer JDAP	
Local Government Area:	Shire of Serpentine Jarrahdale	
Applicant:	Harley Dykstra Pty Ltd	
Owner:	Kandalee Pty Ltd and Mecca Holdings Pty Ltd	
Value of Development:	\$10.5 million <input checked="" type="checkbox"/> Mandatory (Regulation 5) <input type="checkbox"/> Opt In (Regulation 6)	
Responsible Authority:	Shire of Serpentine Jarrahdale	
Authorising Officer:	Andrew Trosic	
LG Reference:	PA23/198	
DAP File No:	DAP/23/02462	
Application Received Date:	10 March 2023	
Report Due Date:	28 August 2023	
Application Statutory Process Timeframe:	90 Days	
Attachment(s):	<ol style="list-style-type: none"> 1. Development Plans 2. Summary of Submissions 3. Clause 67 Assessment 4. Peer Review of Environmental Noise Assessment 5. Peer Review of Vibration Report 6. Council Resolution 7. Prevention Notice 	
Is the Responsible Authority Recommendation the same as the Officer Recommendation?	<input type="checkbox"/> Yes	Complete Responsible Authority Recommendation section
	<input type="checkbox"/> N/A	
	<input type="checkbox"/> No	Complete Responsible Authority and Officer Recommendation sections

Responsible Authority Recommendation

Ensure that there is an appropriate delegation for the RAR.

Where there is a Council resolution, this is the Responsible Authority Recommendation. If the Council resolution differs from the Officer recommendation, the Officer Recommendation section of this report also needs to be completed.

Where local government officers have delegation to provide the RAR to the DAP secretariat, the Officer Recommendation section in the body of the report can be deleted and only the section below needs to be completed.

That the Insert DAP Name resolves to:

1. **Choose Accept/Refuse** that the DAP Application reference Insert DAP reference number is appropriate for consideration as a “insert use type” land use and compatible with the objectives of the zoning table in accordance with Clause no. of the LG Name Choose scheme details Planning Scheme No. no.; Delete this point unless the application is for a ‘use not listed’ in the zoning table.
2. **Choose Approve/Refuse** DAP Application reference Insert DAP reference number and accompanying plans (Plan No, Rev No - if applicable) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (delete for WAPC applications), and the provisions of Clause no. of the LG Name Choose scheme details Planning Scheme No. no., Choose Conditions/Reasons details:

Choose Conditions/Reasons If a refusal, please delete points 1 and 2 below.

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme. Include for LG RARs where land is zoned 'Urban' under the MRS and the conditional Clause 26 of the MRS apply. Delete if a separate decision of the WAPC is needed.
2. This decision constitutes planning approval only and is valid for a period of Number years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
- 3.

Advice Notes

Please consider carefully the need for advice notes and ensure that they are relevant to and amplify the recommended approval. Where advice notes are used, please do not refer to specific condition numbers unless absolutely necessary.

- 1.
- 2.

Reasons for Responsible Authority Recommendation

Details: outline of development application

Region Scheme	Metropolitan Region Scheme
Region Scheme - Zone/Reserve	Industrial and Rural
Local Planning Scheme	Shire of Serpentine Jarrahdale Town Planning Scheme No.2
Local Planning Scheme - Zone/Reserve	Urban Development and Special Use
Structure Plan/Precinct Plan	Cardup Business Park Local Structure Plan
Structure Plan/Precinct Plan - Land Use Designation	Industry General
Use Class and permissibility:	Refer to Land Use section
Lot Size:	47.39 hectares
Existing Land Use:	Industry
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 Refer to SPP3.7 for further information
Swan River Trust Area	No

Proposal:

The development application seeks approval for a retrospective concrete product manufacturing facility (as detailed in **attachment 1**), proposed to be located adjacent to the separately approved Permacast concrete batching facility, as depicted below:

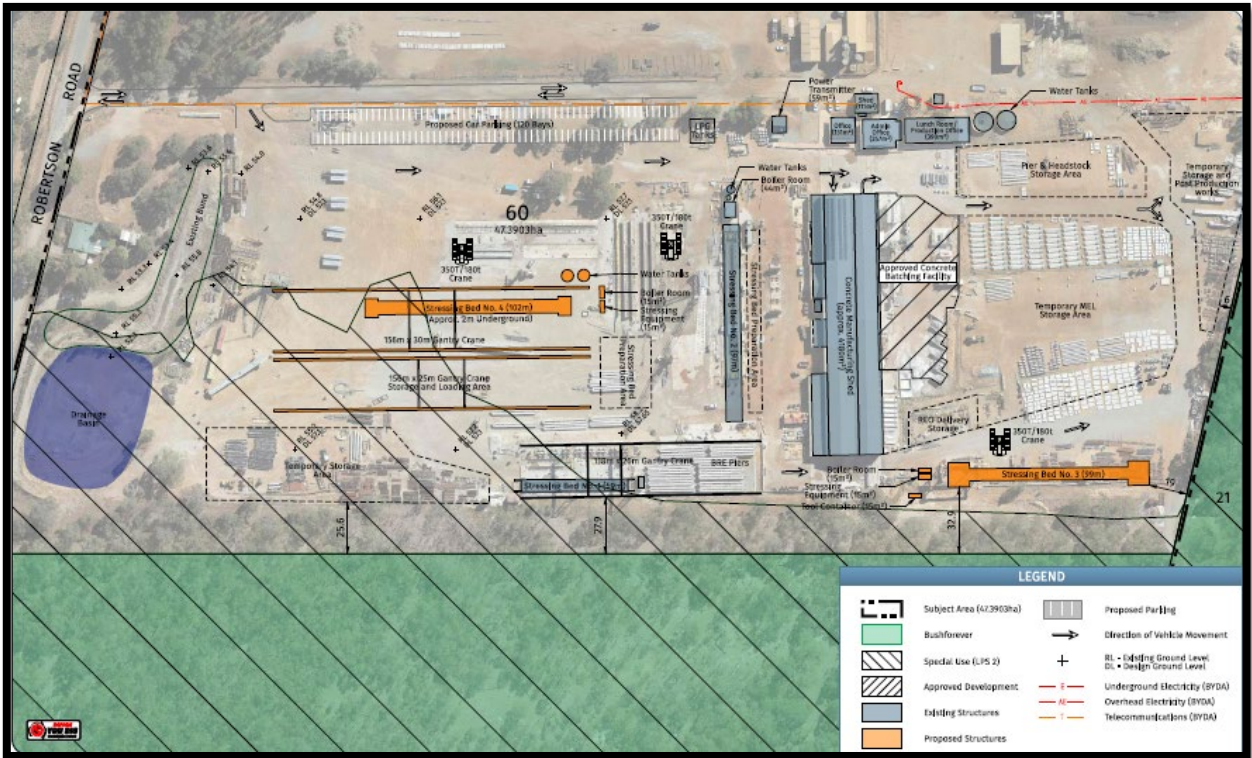


Image 1: Site development plan

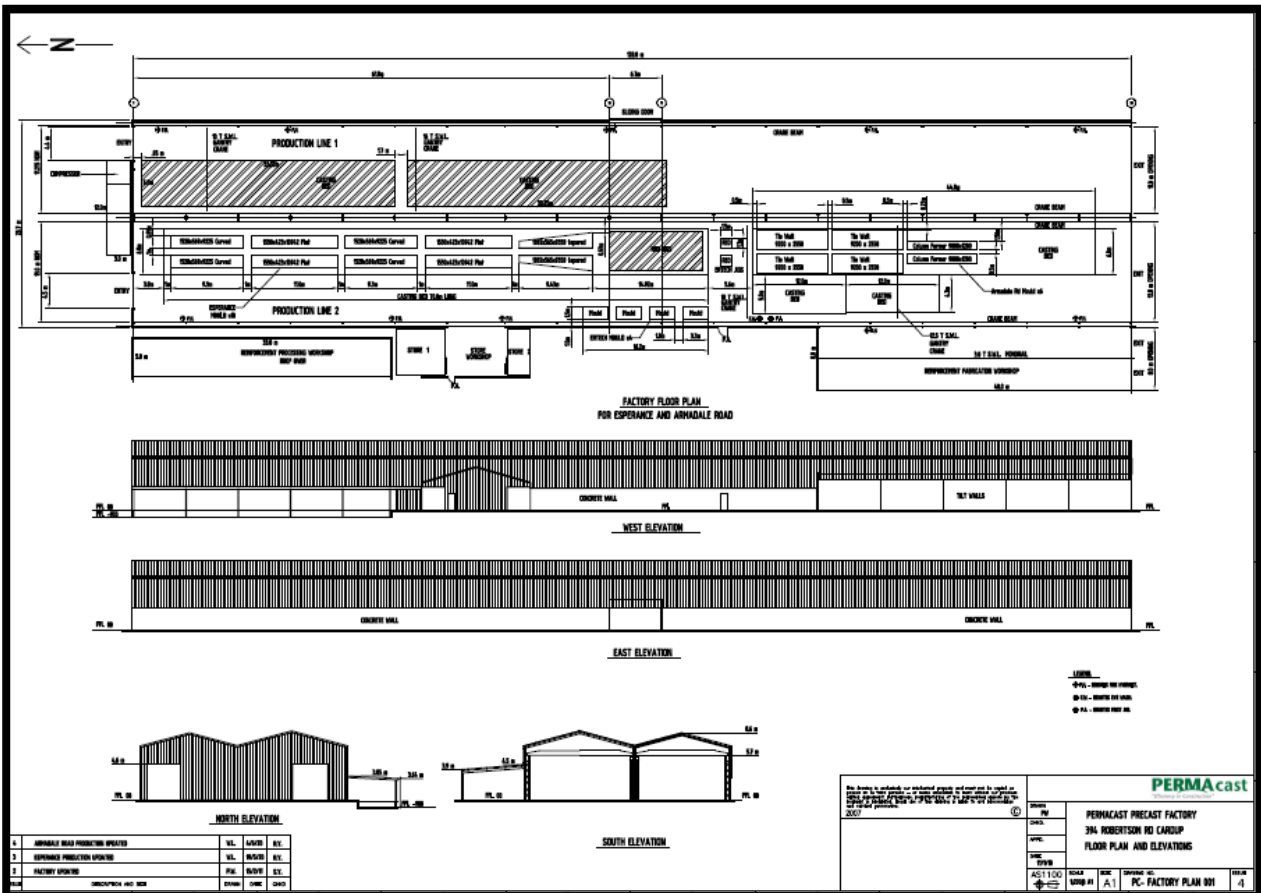


Image 2: Concrete casting workshop

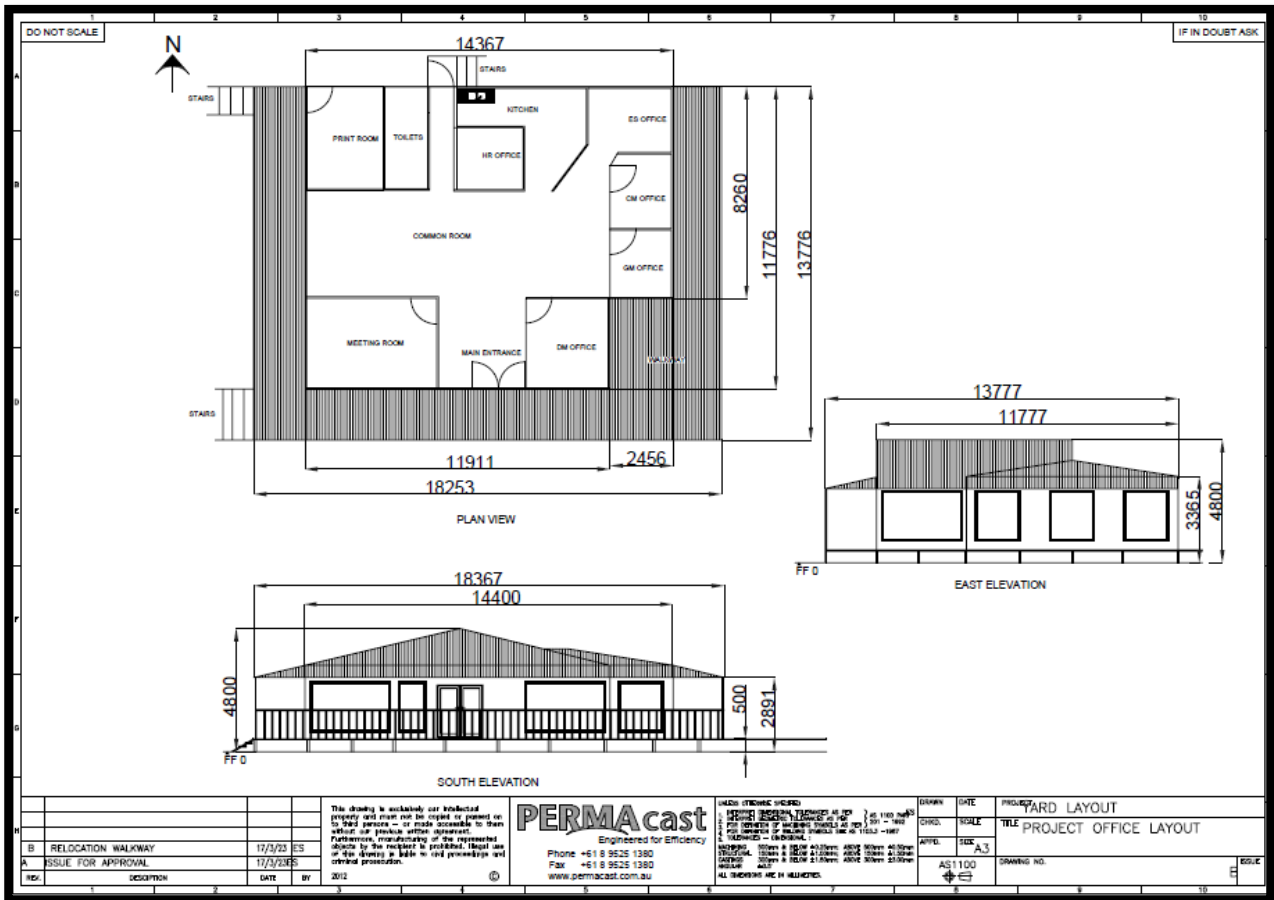


Image 3: Administration office

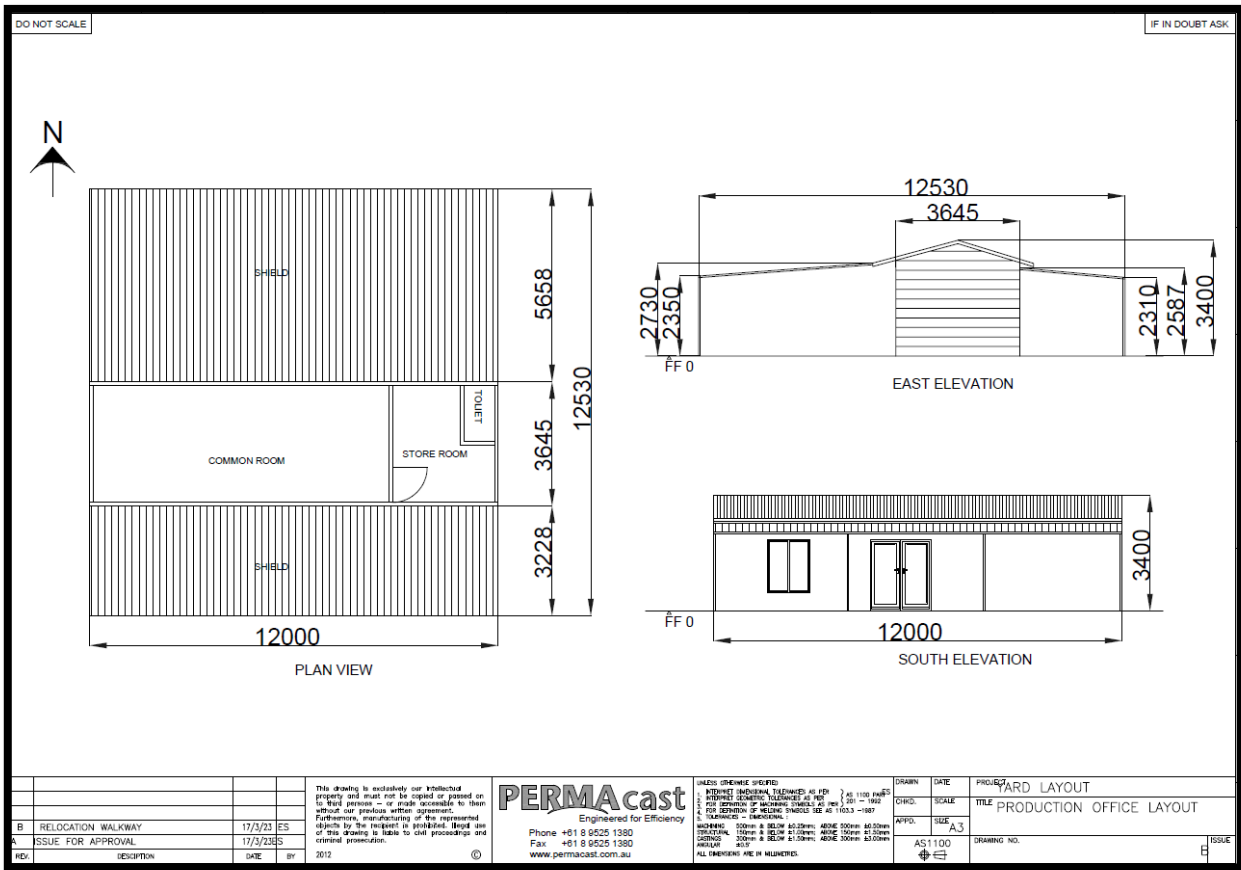


Image 4: Production office

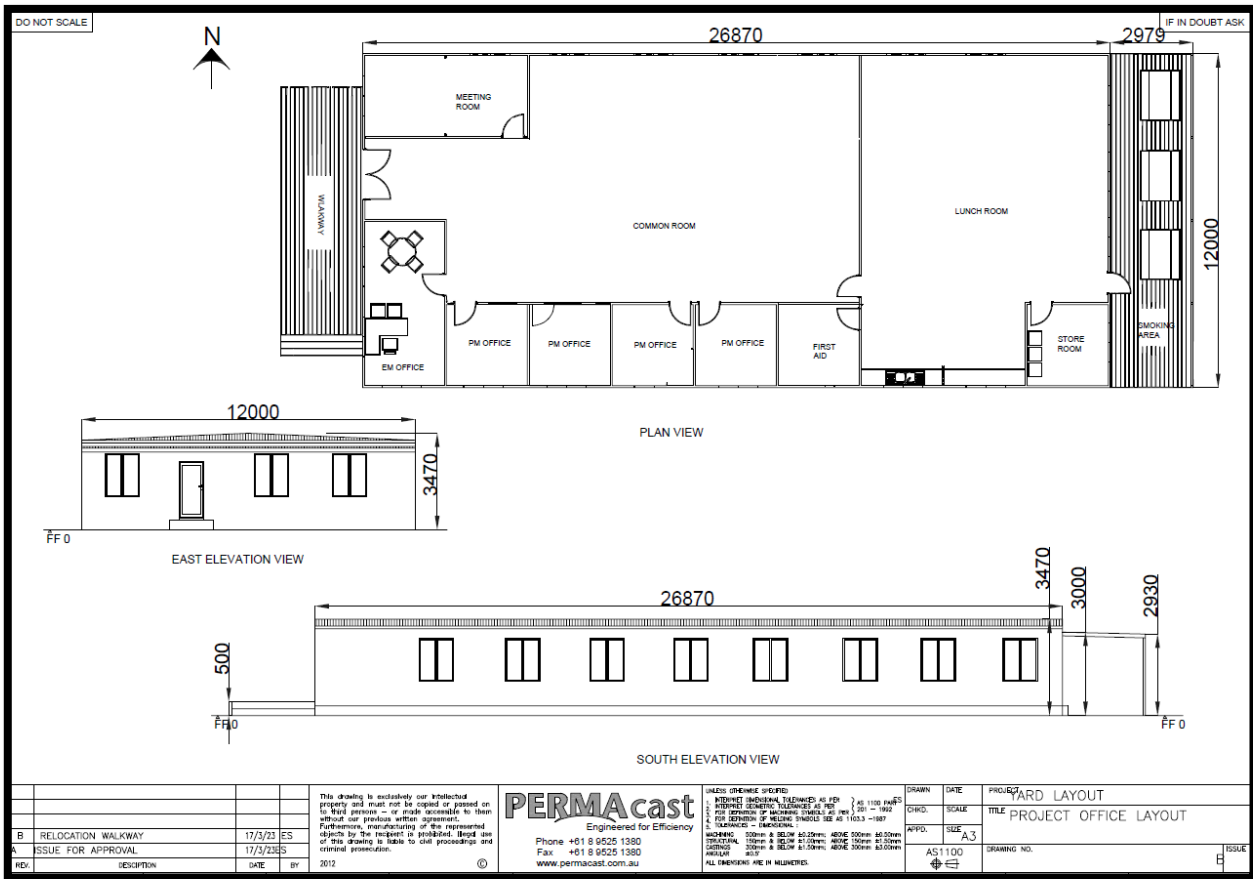


Image 5: Lunch room

The proposed development comprises of:

- Retrospective approval for an enclosed concrete casting workshop (also referred to as concrete manufacturing shed) with a floor area of 4,180m² adjacent to the west side of the approved concrete batching facility.
- Retrospective approval for four stressing beds and associated gantry cranes.
- Retrospective approval for temporary administration office, production office and lunchroom located to the north of the concrete casting workshop. Also, a boiler room, stressing equipment building and tool container are to be constructed to the south east of the concrete manufacturing shed.
- Retrospective approval for stormwater retarding basin located to the west near the Robertson Road frontage. An open V drain along the south of the development area is proposed to divert stormwater to the retarding basin.
- No new vehicle access is required while 120 car parking spaces will be provided.
- No vegetation removal is required.

The concrete casting process involves precast concrete being poured into a reusable mould or form, cured in a controlled environment, then lifted in place. The main stages in the manufacturing process are described as follows:

- Production of reinforced cages (i.e. steel frames) and main connections undertaken onsite.

- Cages are then lowered using a spreader beam and crawler crane into moulds (which are mostly fabricated offsite) that are positioned on a casting bed.
- Concrete produced from the onsite batching plant is delivered via agitator trucks which connect to a pump which pours the concrete into the moulds containing cages.
- Concrete in the moulds is then compacted on the stressing beds using vibrators.
- Curing of the concrete is then accelerated using steam generated from a boiler. Each stressing bed has its own water boiler system.
- Concrete components are then lifted out of the moulds for finishing works and then taken to storage for delivery.

Note that on average, Permacast can produce 200 tonnes of concrete per day.

Background:

Complaints and planning issues

Since March 2023, a number of complaints have been received from nearby landowners to the subject land, alleging noise and/or vibration impacts from activities that are adversely affecting the amenity of the area. These complaints have continued throughout the year, as shown following:

- 1 March 2023: Noise and/or vibration complaint
- 26 May 2023: Noise and/or vibration complaint
- 7 June 2023: Noise and/or vibration complaint
- 14 June 2023: Noise and/or vibration complaint
- 20 June 2023: Noise and/or vibration complaint
- 28 June 2023: Noise and/or vibration complaint
- 28 June 2023: Noise and/or vibration complaint
- 26 July 2023: Noise and/or vibration complaint
- 28 July 2023: Noise and/or vibration complaint

It is noteworthy, upon review of aerial photography, to see the unlawful development that has occurred and which coincided with the documented complaints. This is shown following:



Image 6: 4 January 2021



Image 7: 30 August 2022. Note new stressing bed being built with no Shire or DWER approval. Located close to the western boundary, and orientated in such a way that noise is directed in an east west direction.



Image 8: 29 April 2023. Continued expansion evident.

Previous to these complaints being received, an analysis of the planning background to the subject land found that a limited set of planning approvals had been issued, none of which dealt with the operations that were underway. This being the general industry (concrete product making). The planning approvals found to be on foot for the subject land were:

1. Impregnation plant and debarker for pine logs; small mill; kilns, planing machine and store (approved 1977).
2. Construction and installation of softwood sawmill and hammermill with waste storage bin (approved 1980).
3. New building for a sawmill and storage shed (approved in 1983).
4. Construction shed for a treatment plant (approved in 1985).

It was also found that in 2015, an application had been made that attempted to legitimize the Permacast operations on the subject land. This application was discontinued, for reasons of concerns pertaining to expected changes in the planning framework and the issue of protecting extents of bush forever on the subject land.

More recently, two approvals were issued, both of which were unrelated to the general industry (concrete product making) operations underway:

1. Wet concrete batching plant (approved 2021).
2. Retrospective approval for Laydown Area and Associated Vegetation Removal (approved 9 June 2023).

In accounting for the above, Officers raised concerns with the operator and their representative on a number of occasions. These include:

- 1 October 2021: Advising the DWER submission received on the wet concrete batching plant, which included reference to current operations on the site. Specifically:

“The site was identified by the Department as a potential prescribed premises through its light industries inspection program through the Pollution Response Unit. The occupier has had verbal preliminary discussions with Department Officers, including from the Process Industries

sector regarding a works approval application. No application has been received by the Department to date.”

- 20 July 2022: Advising that the Shire still has no record for a legal approval for the subject land, pertaining to general industry (concrete product manufacturing). Also, the Shire could not find evidence of a DWER works approval or licence to operate the concrete product manufacturing use, which is a regulated prescribed premise;
- 27 July 2022: Advising the Shire had become aware of new unlawful works underway;
- 3 March 2023: Advising the Shire was concerned about complaints being received, alleging very serious amenity impacts. Shire requested that:

“in the absence of a planning approval for any of the activities currently underway, [Officers] would feel more comfortable to have activities cease until such time that all approvals have been determined.”

Following this correspondence, a retrospective development application was received. Council’s General Compliance and Enforcement Policy provides, in respect of enforcement options, that:

“The Shire may take no enforcement action after an investigation where: (inter alia) the individual or entity has discontinued or removed the unauthorised development or has obtained the relevant approval(s);”

In this regard, where planning approval for unauthorized development is not secured, an enforcement step will need to be considered. This reflects the Council Policy position as referenced above.

In terms of planning background context, the following Image shows the approvals status for the land:

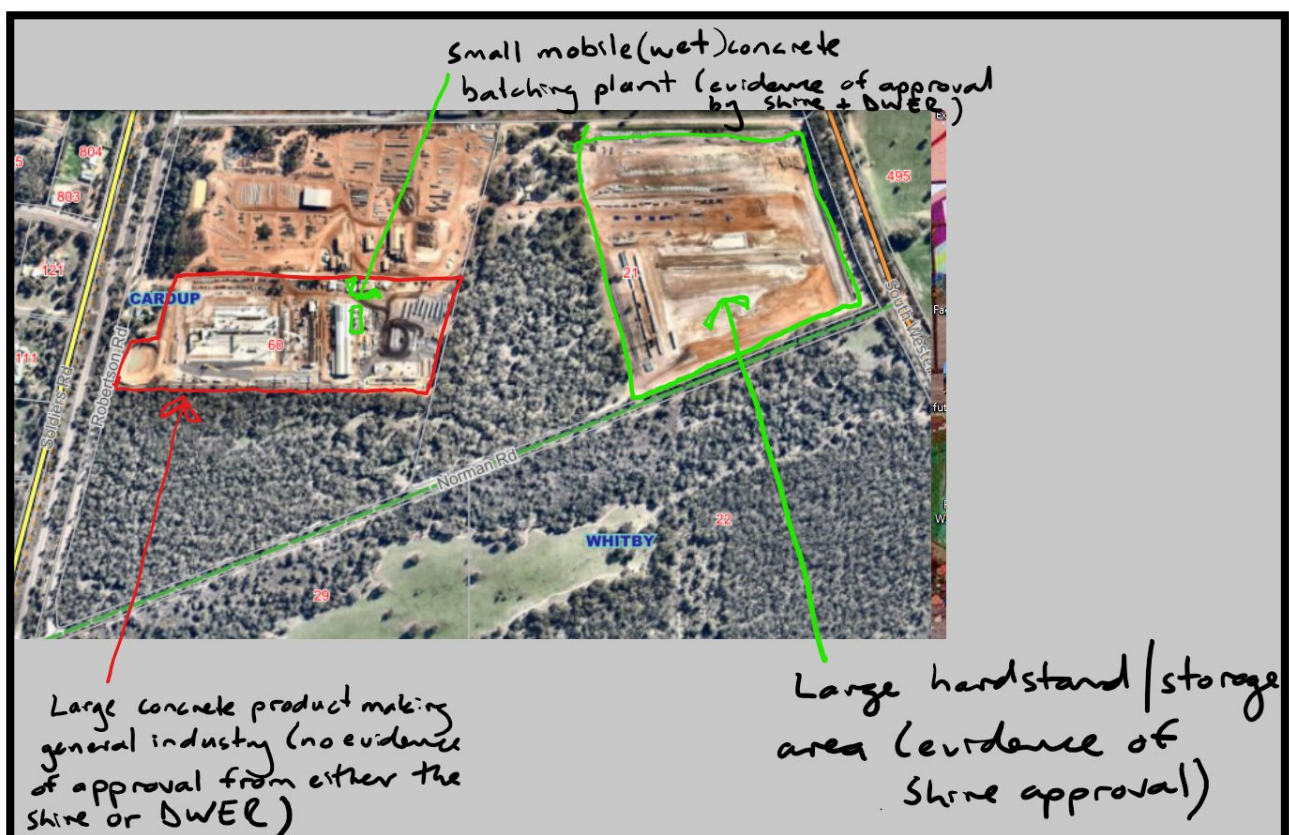


Image 9: Approvals Status for the Land

DWER Action - Prevention Notice

The Shire was advised on 9 August 2023 that the Department of Water, Environment and Regulation (DWER) had issued a Prevention Notice, against the Permacast operation located at Lot 60 (No. 394) Robertson Road, Cardup.

The prevention notice is a result of evidence gathered by the DWER, pertaining to:

- Stormwater appearing to be contaminated by cement materials and cement truck washdown water, being discharged into an unlined basin on the Premises and flowing from the Premises into the surrounding environment;
- The concrete stressing beds on the west side of the land, emitting noise and vibration causing health and amenity impacts;
- Evidence of dust being generated and leaving the premises;
- Noise levels exceeding that of the assigned levels permitted for the nearby noise sensitive areas.

The notice requires immediate action by Permacast to deal with waste (the stormwater aspect) and prevent pollution (pertaining to noise, vibration and dust). The prevention notice imposes four requirements, in order to achieve this. This includes the prevention of all works occurring within the area denoted as the Restricted Area (refer following), until such time that suitable emission control measures have been implemented and the restricted area has been removed, or a licence to operate a prescribed premise has been granted under s57 of the *Environmental Protection Act*.

It is noted that an applicant has the right to seek a review of a Prevention Notice pursuant to s103 of the *Environmental Protection Act*.

It is also important to note that, even if the requirements of a Prevention Notice were met, and a licence to operate was granted under the *Environmental Protection Act*, there is still a need for development approval under the Shire's planning framework, which is enacted pursuant to the *Planning and Development Act 2005*.

The prevention notice is contained within **attachment 7**.

Existing Development

The subject site is 47.39ha in size and zoned 'Urban Development' and 'Special Use' (Concrete casting operations; manufacture and distribution of timber related products) under the Shire of Serpentine Jarrahdale Town Planning Scheme No.2 and designated 'Industry General' under the LSP.

The site is located within a part of Cardup that features a mix of rural, industrial and land conservation uses. Adjoining land uses are as follows:

- North (426 Robertson Road): Colli Timber and Hardware factory.
- South (opposite side of Norman Rd): 'Bush Forever Area' and Mundijong District Structure Plan area (Whitby Precinct A Local Structure Plan area).
- West (opposite side of Robertson Road / railway line): rural residential area located within the Special Rural zone.
- East: laydown area at Lot 21 South Western Highway which forms part of the Permacast operations and beyond (on the opposite side of the highway) at 1151 South Western Highway is a large rural property used for animal grazing and does not contain a dwelling.

The site was initially developed in the 1980s for the purpose of a timber mill business. The site is currently utilised by Permacast concrete distribution business and the Permapole timber processing business.

The original shed on site was developed between 1983 and 1985, with an extension to the shed being developed in 2009. Various ancillary site works associated with the business operations have taken place over the years since the site was originally developed, with the yards being utilised for the storage of products and materials. The southern portion of the lot contains bush forever as depicted below.

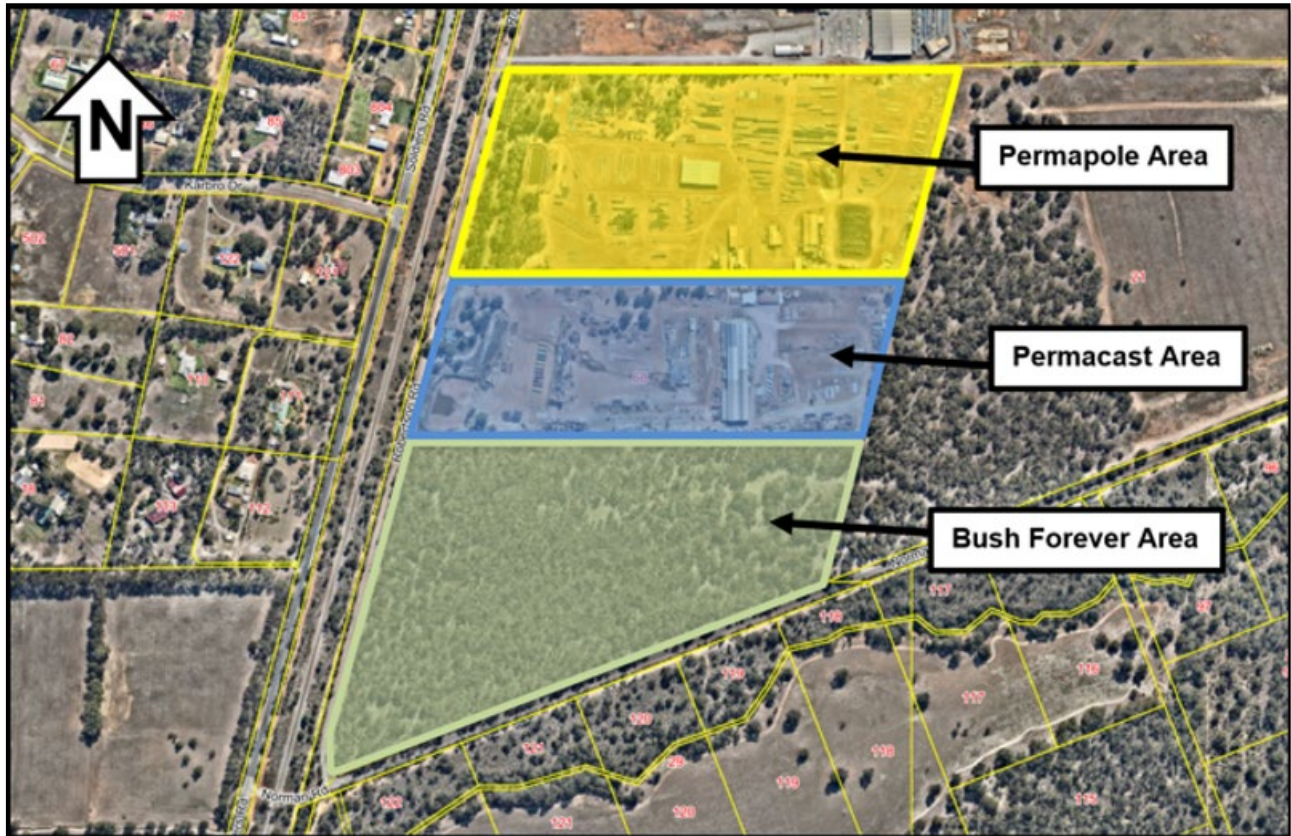


Image 10: Aerial image with existing use overlay

Council at its 16 August 2021 Ordinary Council Meeting (OCM) approved a concrete batching plant on the subject site. This was a new proposal, that was assessed on its merits as per the planning framework. Several conditions were appealed to the State Administrative Tribunal where on 13 December 2021 following a s31 Reconsideration Order by the SAT, an amended approval was granted by Council.

During the time of the Officer assessment of the concrete batching plan, it had come to the Shire's attention that the concrete manufacturing activities had already occurred. The applicants during this time agreed that they would submit an application for planning approval to validate the works and use. As voluntary compliance was forthcoming, in accordance with Council Policy-General Compliance and Enforcement no enforcement action was taken by Officers. The Shire, however, reached out to the Department of Water and Environment (DWER) to address the issue due to non-compliance with the Environment Protection Act 1986. The DWER have advised that they are still investigating the matter.

Legislation and Policy:

Legislation

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Environmental Protection (Noise) Regulations 1997*
- *Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998*

State Government Policies

- Guidance for the Assessment of Environmental Factors (in accordance with the Environmental Protection Act 1986) Separation Distances between Industrial and Sensitive Land Uses
- Environmental Protection Authority Draft Environmental Assessment Guideline for Separation Distances Between Industrial and Sensitive Land Uses (Guidance Statement)
- State Planning Policy 2.8: Bushland Policy for the Perth Metropolitan Region (SPP2.8)
- State Planning Policy 3.7: Planning in Bushfire Prone Areas (SPP3.7).
- State Planning Policy 4.1: Industrial Interface

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS2)
- Shire of Serpentine Jarrahdale Draft Local Planning Scheme No. 3 (LPS3)
- Local Planning Strategy
- Local Planning Policy 1.4 - Public Consultation on Planning Matters Policy
- Local Planning Policy 1.6 - Public Art for Major Developments
- Local Planning Policy 4.11 - Advertising Policy
- Local Planning Policy 4.16 - Tree Retention and Planting

Structure Plans/Activity Centre Plans

Cardup Business Park Local Structure Plan (LSP)

Public Consultation

Community consultation was carried out in accordance with the Shire's Local Planning Policy 1.4: Public Consultation for Planning Matters (LPP1.4) for a period of 21 days, from 28 March 2023 - 25 April 2023 as follows:

- An advertisement placed on the Shire's Community Engagement page on the Website;
- Letters were sent to surrounding landowners within a 1km radius of the site.

During the consultation period, nine submissions were received, which include eight objections and one letter of support. Full details of the submissions together with the applicant's response and Officer comments are contained within **attachment 2**. The concerns raised in the objections are summarised below and addressed under the relevant headings of the report.

- Noise and vibration impacts;

- Dust and particle impacts;
- Light impacts;
- Amenity impacts due to operational hours;
- Water usage, stormwater and drainage management;
- Traffic impacts; and
- Visual amenity.

In addition, the application was referred to relevant State Government Departments for a period of 42 days. The full comments received are also contained within **attachment 2** and summarised below:

Referrals/consultation with Government/Service Agencies

Department of Biodiversity, Conservation and Attractions (DBCA)

DBCAs raised the following in their submission (amongst other things):

'DBCA supports the following recommendations that were provided by the Department of Planning Lands and Heritage's Policy Planning Manager, that,

- *No development, whether existing or proposed, is approved on that site where there is a risk of adverse impacts to bushland within Bush Forever area 361 and 350.*
- *Drainage infrastructure to serve the existing, proposed, and future development of Lot 60 is to be located outside Bush Forever area 361 and 350 with no overflow or discharge to be directed into any Bush Forever area.*
- *The existing drains and all drainage infrastructure that extends into the Bush Forever areas be decommissioned and remediated.*
- *All rubbish, structures, building materials and any other deleterious matter be removed from Bush Forever area 361.*
- *Remove and decommission the alternative/private access to Norman Road on the boundary of Lots 60 and 21 within the Bush Forever area and remediate the site.*
- *Update the Dust Management Plan to ensure that the Bush Forever sites are protected from dust.*
- *Provide fencing along the boundary of the development to restrict access into the Bush Forever area.'*

Officer Comment: DBCA comments are noted and should the application be supported then it is recommended that conditions of approval state that no buildings, works and vegetation removal are permitted within the Bush Forever area and an updated Stormwater Management Plan stating that there be no discharge of stormwater into the Bush Forever area.

Department of Fire and Emergency Services (DFES)

DFES raised the following in their submission (amongst other things):

"An updated assessment against the current Guidelines has not been provided and there will continue to be lack of clarity over compliance if submissions are made against the former policy framework documents.

It is critical the bushfire management measures within the BMP are refined to ensure they are accurate and can be implemented to reduce the vulnerability of the development to bushfire.

1. *The development design has not demonstrated compliance to -*

- *Element 1: Location,*

- *Element 3: Vehicular Access and*
- *Element 4: Water.”*

Officer Comment: The DFES comments are noted and should the application be supported then it is recommended that a condition of approval require an updated Bushfire Management Plan undertaken against version 1.4 of the Guidelines for Planning in Bushfire Prone Areas.

Department of Health (DoH)

The application was referred to the Department of Health who stated:

“In relation to the management of wastewater on site, DoH is unable support the proposal as there appears to be no information on the wastewater treatment system, disposal area, or number of staff that use site amenities. Therefore, to support the proposal, the following needs to be provided:

- 1. The number of staff on site.*
- 2. Details of the existing onsite wastewater treatment and disposal method.*
- 3. Evidence the above have been approved by the DoH”.*

Officer Comment: The DoH comments are noted and should the application be supported then it is recommended that a condition of approval require the submission and approval of an application for the treatment of sewage and the disposal of effluent and liquid wastes.

Department of Planning Lands and Heritage (DPLH)- Bush Forever Team

The DPLH advised amongst other things as follows:

“The development is not supported as the drainage associated with the development is diverted to Bush Forever area 361 - Norman Road Bushland, Whitby/Cardup and Bush Forever area 350 - Byford to Serpentine Rail/Road Reserve and Adjacent Bushland which is likely to be currently adversely impacting the bushland within the Bush Forever areas.

Bush Forever area 361 is within Lot 60, south of the development and within Lot 21 east of the development. Bush Forever area 361 contains Forrestfield vegetation complex, which only 6 percent of the original extent on the Swan Coastal Plain Portion of the Perth Metropolitan Region (Bush Forever study area) is proposed for protection in Bush Forever (Bush Forever Audit 2021, WAPC). The site is also inferred to contain state listed (under the Biodiversity Conservation Act 2016) threatened ecological communities (TEC) 20b Eastern Banksia attenuate and/or Eucalyptus marginata woodlands and 3b Eucalyptus calophylla – Eucalyptus marginata woodlands on sandy clay soils and federally listed (under the Environment Protection and Biodiversity Conservation Act 1999) Banksia Woodlands of the Swan Coastal Plain TEC. Bush Forever 354 immediately south of Norman Road is known to contain the 20b and 3b TEC and declared rare flora (DRF).

Bush Forever area 350 is west to the development, abutting Lot 60 within the Robertson Road reserve and in the railway reserve. This part of Bush Forever area 350 contains Guildford vegetation complex, which only 3 percent of the original extent on the Swan Coastal Plain Portion of the Perth Metropolitan Region is proposed for protection within Bush Forever (Bush Forever Audit 2021, WAPC). TEC 3b and DRF are mapped adjacent to Lot 60 within Bush Forever area 350.

Other concerns:

- *The aerial photography shows rubbish, structures, or other deleterious matter in the Bush Forever area near the eastern side of Lot 60 and western side of Lot 21.*
- *The alternative access to Norman Road as noted in the Bushfire Management Plan (Appendix G), and visible on aerial photography has cleared Bush Forever area 361 bushland inconsistent with SPP 2.8.*
- *The Dust Management Plan (Appendix D) does not consider dust impacts on the bushland or provide any dust management measures to protect bushland within the adjacent Bush Forever areas.*

As such the development is not supported and it is recommended that:

- *No development, whether existing or proposed, is approved on that site where there is a risk of adverse impacts to bushland within Bush Forever area 361 and 350.*
- *Drainage infrastructure to serve the existing, proposed, and future development of Lot 60 is to be located outside Bush Forever area 361 and 350 with no overflow or discharge is to be directed into any Bush Forever area.*
- *Decommission the existing drains and all drainage infrastructure that extends into the Bush Forever areas and do all things necessary to facilitate the return of that land to natural bushland.*
- *Remove all rubbish, structures, building materials and any other deleterious matter from Bush Forever area 361.*
- *Remove and decommission the alternative/private access to Norman Road on the boundary of Lots 60 and 21 within the Bush Forever area and return the land to natural bushland.*
- *Update the Dust Management Plan to consider the surrounding Bush Forever areas as a sensitive receptor that must be protected from dust impacts, with no visible dust allowed to settle on vegetation within any Bush Forever area.*
- *Provide fencing along the boundary of the development and Bush Forever area to restrict access and delineate between the approved industrial activities and Bush Forever areas.*
- *Please note the Bush Forever boundary modification as part of MRS amendment 1380/57 was subject to negotiations with the landowners of Lot 60 and 21. These negotiations included an agreement for the removal of all drainage flows and infrastructure, rubbish, buildings and access out of Bush Forever, remediating the site to natural bushland and ceding the Bush Forever within Lots 60 and 21 to the Crown free of cost. Land Use Planning Policy considers this Development application to be inconsistent with that agreement.*

Officer Comment: The BDCA comments are noted however no buildings and works are proposed within the Bush Forever area. Regardless, should the application be supported then it is recommended that conditions of approval stating that no vegetation removal is permitted and require an updated Stormwater Management Plan with no stormwater runoff or drainage into the Bush Forever Site 361 and remediation of any informal drains in the Bush Forever Site 361.

Department of Water and Environmental Regulation (DWER)

The Department has identified that the retrospective concrete manufacturing facility at Lot 60 Robertson Road in Cardup has the potential for impacts on environment and water resource values and management. In principle the Department does not object to the proposal, however key issues and recommendations are provided below and these matters should be addressed.

Issue

Industry Regulation

Advice

The Department regulates emissions and discharges from the construction and operation of prescribed premises through a works approval and licensing process, under Part V, Division 3 of the Environmental Protection Act 1986 (EP Act).

The categories of prescribed premises are outlined in Schedule 1 of the Environmental Protection Regulations 1987.

The EP Act requires a works approval to be obtained before constructing a prescribed premises and makes it an offence to cause an emission or discharge from an existing prescribed premises unless they are the holder of a works approval or licence (or registration) and the emission is in accordance with any conditions to which the licence or works approval is subject.

The Environmental Protection Act 1986 requires a works approval to be obtained before constructing a prescribed premises and makes it an offence to cause an emission or discharge unless a licence or registration (for operation) is held for the premises.

The Department has not received an application for a works approval or licence for the facility described in development approval application to date. As such, the Department recommends that the applicant lodge an application for a works approval with the Department. The applicant is advised to refer to the information and Guideline: Industry Regulation Guide to Licensing available at <http://www.der.wa.gov.au/our-work/licences-and-works-approvals> or if they have queries relating to works approvals and licences to contact the Department at info@dwer.wa.gov.au or 6364 7000 for information on the application for a works approval.

The application will also need to demonstrate compliance with the general provisions of the EP Act and all relevant regulations e.g. Environmental Protection (Noise) Regulations 1997 and Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998.

Part of Lot 60 is a prescribed premises under Part V of the Environmental Protection Act 1986 (EP Act) under works approval W6658/2022/1 as a Category 77 Concrete Batching facility. The Works approval holder is Ransberg Pty Ltd trading as WA Premix. At the time the works approval was granted it was considered that the Permacast facility was not within the scope of the application and therefore was not assessed. The works approval is for the construction of a concrete batching facility only, once constructed the works approval holder is required to apply for Registration of the premises under Regulation 5B of the Environmental Protection Regulations 1987 (EP Regulations). At this time the Department has not received an Environmental Compliance Report required under condition 2 of the works approval confirming the concrete batching facility has been constructed in accordance with the works approval or a registration application from the works approval holder.

Please note that this advice is provided based on information provided. Should this information change, the works approval and/or licensing requirements may also change. Applicants are encouraged to contact the Department at the above contact details to clarify requirements, should there be changes to information.

Issue

Environmental Acoustic Report

Advice

The Department's Environmental Noise Branch has reviewed the development application document, as well as the Environmental Noise Assessment report prepared by Lloyd George Acoustics. Please find the Department's Environmental Noise Branch report attached as a separate document.

Issue

Stormwater Management

Advice

The proponent should manage stormwater in accordance with the 'Decision process for stormwater management in WA (DoW 2016)' and the 'Stormwater Management Manual for Western Australia (DoW 2004–2007)'. Specifically,

- *The first 15 mm of stormwater runoff from roads and carpark areas should be designed to undergo water quality treatment via biofiltration.*
- *The proposed open channel drains should be constructed as vegetated biofiltration swales. Vegetated biofiltration swales will increase at-source infiltration, potentially improve the quality of runoff, reduce erosion and potentially reduce the required size of drainage basins. Vegetated biofiltration areas should be lined with amended soil with a PRI of at least 10. The amended soil should have a minimum thickness of 300 mm.*

Other issues concerning the Stormwater Management Plan are,

- *Section 3.5 - Drainage Basin, proposes an overflow outlet arrangement from the site's drainage basin however no details are presented.*
- *The Stormwater Management Plan provided uses the Perth Groundwater Atlas to determine the maximum groundwater level (MGL) The use of the Perth Groundwater Atlas to determine MGL for stormwater infrastructure design is not supported as those MGLs are based on levels for May when MGLs are lower. The Atlas is a resource to assist drillers, irrigators and householders and give them an indication of the locations and depth needed to drill and install groundwater bores. Therefore, this resource should not be used to determine maximum groundwater levels (MGLs).*
- *The Department prefers the use of historical MGL levels as it gives a higher degree of confidence in drainage basin design given the natural variations in yearly rainfall and likely increase in groundwater levels that occur through development. The Department's Lower Serpentine Region hydrological studies indicate a historical MGL in the west of the lot of approximately 48 metres AHD and 55 m AHD in the east of the lot and these levels should be used when determining inverts of drainage basins and biofiltration basins. Alternatively, the proponent may provide an on-site winter MGL and correlate this with a nearby Departmental long-term monitoring bores to determine an on-site MGL.*

Issue

Groundwater

Advice

The subject lot is located within the Serpentine groundwater area (Byford 3 subarea) as 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, is subject to licensing by the Department.

The issuing of a groundwater licence is not guaranteed but if issued will contain a number of conditions that are binding upon the licensee. Please contact the water licensing section on 9550 4222 for further advice.

It is important to note that the Serpentine groundwater area is currently fully allocated and therefore there is no water available for licensing from the deeper Leederville or Cattamarra Coal Measures aquifers in the area. An application for a licence to construct a bore to take water from these aquifers would likely be refused.

There is also limited availability for licensing from the Superficial (shallower, water table Byford 3) aquifer. Owners considering using groundwater for irrigation purposes should contact the licensing section at the Department's Mandurah office on 9550 4222 for further advice.

Where the Department has a statutory role, planning applications should be considered prior to the Department issuing any relevant permits, licenses and/or approvals.

In the event that the applicant determines that a works approval or licence application is required under Part V of the Environmental Protection Act 1986 (EP Act), 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.

In the event there are modifications to the proposal that may have implications on aspects of environment and/or water management, the Department should be notified to enable the implications to be assessed.

Advice on Noise Assessment

Introduction

This advice has been prepared for the Shire of Serpentine Jarrahdale in response to a request for comment made to the Department of Water and Environmental Regulation (DWER) dated 27 March

2023 on a retrospective development application for a concrete manufacturing facility at Lot 60 (No. 394) Robertson Road, Cardup.

Advice

The Department of Water and Environmental Regulation's Environmental Noise Branch (ENB) has reviewed the development application document, as well as the noise assessment report prepared by Lloyd George Acoustics (LGA). Based on LGA's report the concrete products manufacturing facility consists of two cranes, two trucks and two telehandlers, as well as four stressing beds (two existing and two proposed). LGA's noise modelling indicated that noise emissions from the concrete products manufacturing facility would be able to comply with the daytime assigned noise levels at the neighbouring residences when each individual stressing bed is running independently, or during certain scenarios where there will be more than one stressing bed running together.

ENB has identified the following issues:

1. Based on Section 4.6 of the Development Application, the concrete products manufacturing facility will commence production from 6:00am and will continue until 6:00pm. However, the operational hours quoted in LGA's report are stated as between 7:00am and 7:00pm. It should be noted that the time before 7:00am is classified as night-time by the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations). If the morning operational hour specified in the application document is correct, LGA's assessment of the noise compliance with the daytime assigned noise levels would be incorrect. Noise from the facility would need to also comply with the night-time assigned noise levels.
2. Both the application document and LGA's report did not indicate if the concrete products manufacturing operation will occur on Monday-Saturday only (excluding Sunday and Public Holidays). Again, daytime noise assigned levels are different for Sunday and Public holidays, and LGA's assessment results do not apply to these days;
3. It is noted that there are existing operations within the PERMAcast site, such as the batching plant(s). Noise from the concrete products manufacturing facility is likely cumulative with the noise generated by the existing operations. PERMAcast needs to demonstrate compliance of the cumulative noise emission levels from its site with the Noise Regulations, not only the noise from the concrete products manufacturing facility alone;
4. Similarly, while the operations of the stressing beds and the vehicle operations were modelled separately, it is likely that they will be operating at the same time and hence the noise levels from those operations would also be cumulative. While the noise levels produced by the vehicle operations are much lower than those for the stressing bed operations, it is likely that more combinations of stressing beds operating would exceed the assigned levels when the cumulative noise is considered;
5. It is noted in section 3.2.4 of the LGA report that, for modelling purposes, the ground absorption for the entire area was considered to be at 100% (e.g. consistent with a grass covered surface). As the ground, particularly near the noise sources, appears to be at the very least, made of hard-compacted material, this would result in an underestimation of the predicted noise levels at the receivers; and
6. Noise from the concrete products manufacturing facility, particularly the stressing beds can be tonal, of which the adjustment for tonality may be required for the noise compliance assessment. It does not seem that LGA has conducted a tonality assessment in its report.

Limitations

Technical expert advice in any field is subject to various limitations. Important limitations to the advice include:

- No attempt was made to verify the noise data collected by LGA between September and November 2022 to determine the sound power levels of the plant; and
- No computer modelling was undertaken to verify LGA's modelled noise contours.

Officer Comment: It is agreed that the submitted Environmental Noise Assessment does not demonstrate that noise emissions from the proposed concrete manufacturing facility will not have adverse impact on the amenity of residences on the western side of Soldiers Road. Should the application be supported however, it is recommended that conditions of approval require an updated site plan clearly stating that no buildings, works and vegetation removal are permitted within the Bush Forever area and an updated Stormwater Management Plan stating that no drainage or stormwater runoff is discharged into the Bush Forever area.

It is noted in the DWER submission that a licence or registration (for operation) is required to be held for the premises, which does not currently exist.

Main Roads Western Australia (MRWA)

MRWA have advised as follows:

In response to your correspondence received on 29 March 2023, Main Roads has reviewed the application and is unable to provide a recommendation at this point in time.

Please provide the following items:

- *Revised development application and/or documentation that includes all land used for retrospective activities as well as proposed development being consistent.*

Reason for information

Submitted documents do not include a consistent application area. The Transport Impact Assessment (TIA) includes both Lots 60 & 21 whereas other documents include only Lot 60. Either the application is to be amended to include Lot 21 or alternatively, the TIA is to be amended to reference only Lot 60 and demonstrate how the site will operate independently of Lot 21.

- *Revised TIA that addresses the following comments.*
 - *The swept path analysis drawings must show road edge lines, road names and north arrow for better review of the drawings. From the submitted drawings it is not possible to understand the road edge lines / marking as the aerial image is either pixelated or the road surface is covered by trees / bushes.*
 - *Additional swept path analysis drawings to be provided to show the trucks carrying concrete beams making a right turn from Norman Road to South Western Highway.*
 - *Swept paths sheets 4 & 5 - Shows that the vehicle is required to encroach to the opposite lane or on the road edge line. Swept paths to be updated to avoid such situations.*
 - *Swept Paths Sheets 6 & 7 - Both tracking shows that the vehicle is required to drive outside the asphalt line both on the Norman Road and the South Western Highway. Please clarify how this additional paved area is going to be achieved,*
- on the South Western Highway?*
- *Swept Paths - Sheets 6 & 7 - These swept path analysis drawings shows a significant encroachment of the left turn vehicle to the southbound traffic lane of the South Western Highway and the vehicle continues to drive about 45m on the opposite lane before it drives on the allocated lane.*
- *Firstly, a full encroachment to the opposite lane is not acceptable.*
 - *Secondly, it cannot be expected that the southbound vehicles on South Western Highway to give way approximately 45m in advance of the junction when these trucks are making a left turn.*

Please update the junction design to avoid such situations.

- Total HV% or volumes also to be shown in Figure 6-3 to Figure 6-7. It is difficult to verify the volumes used. The full movement summary tables should be included.
- Section 6.1.1 shows the South Western Highway / Norman Road junction with a 15m long left turn pocket lane / auxiliary lane on the Norman Road approach, however there is no pocket lane that currently exist. Please clarify.

Reason for information

To address technical matters and ensure the safe and efficient operation of the State Road Network.

- An intersection treatment warrant analysis for the South Western Highway / Norman Road intersection. A warrants spreadsheet is available on Main Roads Western Australia's website:

<https://www.mainroads.wa.gov.au/technical-commercial/technical-library/road-traffic-engineering/guide-to-road-design/mrwa-supplement-to-austroads-guide-to-road-design-part-4/#mctoc 1ebke3nn5ukd>

Reason for information

The development seeking approval is serviced by heavy vehicle which may warrant changes to the intersection of South Western Highway/ Norman Road to ensure safe and efficient operation of the State Road network.

Officer Comment: It is agreed that there is an inconsistency with submitted documentation and that Swept path analysis drawings show significant encroachment into the opposite lane at the junction of South Western Highway and Norman Road. This is a significant safety concern, in a road environment of 100km/hr designated speed limit. Should the application be supported then it is recommended that a condition of approval require the upgrade of the intersection of South Western Highway and Norman Road to the satisfaction of Main Roads.

Design Review Panel Advice

N/A

Planning Assessment:

Clause 67 of the Deemed Provisions lists matters to be considered in the determination of development applications. A full assessment was carried out against the current planning framework in accordance with Clause 67 of the Deemed Provisions which can be viewed within **attachment 3**.

Land Use

The Concrete Manufacturing Facility falls within the land use category of 'Industry General' in accordance with TPS2, which is defined as:

"Industry General - means an industry other than a cottage, extractive, hazardous, light, noxious, rural or service industry."

The site is zoned 'Urban Development' and 'Special Use' (Concrete casting operations; manufacture and distribution of timber related products) under TPS2, as depicted below. The majority of the development is located within 'Urban Development' zone portion of the site.

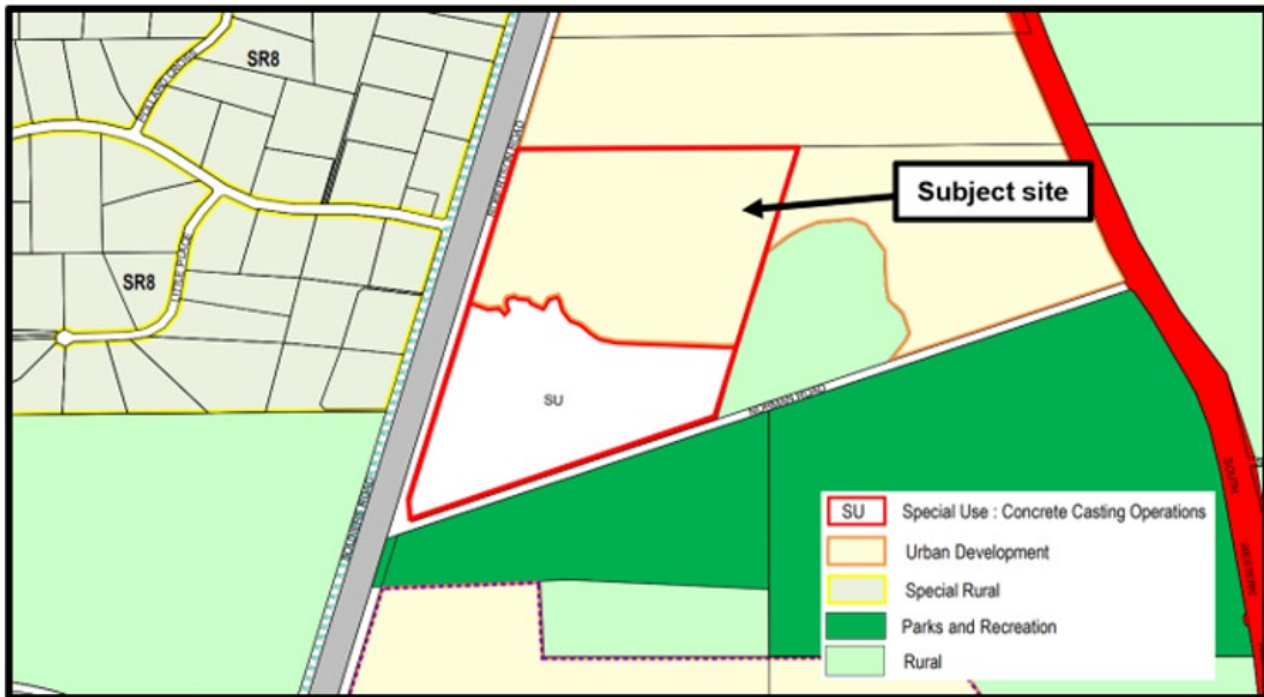


Image 11: Split zoning of the property under TPS2

Land use and development within the 'Urban Development' zone is guided by Structure Plans. In this case, the proposal falls within the Cardup Business Park Local Structure Plan (LSP) which is further considered later in the report.

The development site is designated as 'Industry General' under the LSP. Under Table 1 – Zoning Table of TPS2, the land use of 'Industry General' is a 'P' use meaning had the LSP designation been the zone, the land use would be permitted. Such structure plan is required to be given due regard to as part of the assessment process. Where a use is permitted, an assessment is required against the physical works component of a proposal, including the processes and operations involved.

Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS2)

Clause 5.18 of TPS2 states that, "*The purpose of the Urban Development zone is to provide for the orderly planning of large areas of land in a locally integrated manner and within a regional context, whilst retaining flexibility to review planning with changing circumstances.*" The objective is facilitated through the preparation of Structure Plans which guide the land use permissibility and development.

As previously mentioned, the majority of the subject site falls within the Cardup Business Park LSP and is zoned 'Industry General'. The purpose and intent of the zone under TPS2 is as follows:

"The purpose and intent of the General Industry zone is to provide for industries which require large areas of land for their operation".

While the site is a large land area, the process and operations involved (being Cement product manufacturing works (5000 tonnes to 150000 tonnes per year) requires a buffer distance of 500-1000m based on production.

As per the EPA Guidance Statement No.3 (separation Distances between Industrial and Sensitive Land Uses), given that the processes and operation involved are at the medium limit of the spectrum that is identified, it is recommended a separation distance of 750m would be a starting point.

Industry	Description of industry	DoE Licence or Registration category (*)	Key Government agencies for advice or approvals	Code of Practice (CoP) / environmental requirements	Impacts					Buffer distance in metres and qualifying notes
					Gaseous	Noise	Dust	Odour	Risk	
Cement product manufacturing works	concrete or cement is mixed, prepared or treated – up to 5000 tonnes per year	√ (77)	DoIR, WRC, local gov't	√		√	√			300-500, depending on size
	concrete or cement is mixed, prepared or treated – from 5000 to 150 000 tonnes per year	√ (77)	DoIR, WRC, local gov't	√		√	√			500-1000, depending on size
	concrete or cement is mixed, prepared or treated – greater than 150 000 tonnes per year	√ (77)	DoIR, WRC	√		√	√			1000-1500, depending on size

Image 12: Separation Distance Requirements

A 750m buffer, taken from the proposed location of the physical works, shows that the land is not sufficiently large enough to accommodate the standard separation distance for the proposal. Specifically, a number of sensitive premises are affected on the west side of Soldiers Road. Also, future residential development associated with the approved Whitby Structure Plan, and planning underway for Lot 30 Soldiers Road, would be affected.

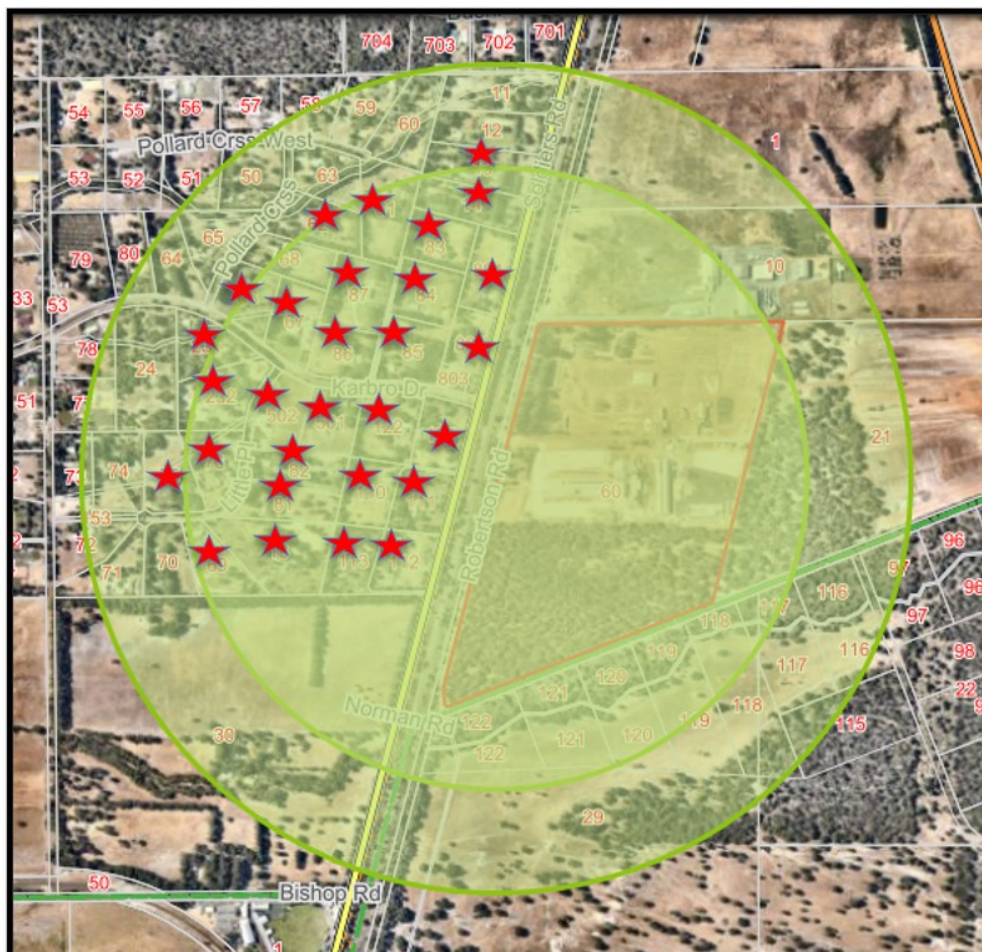


Image 13: 750m and 1,000m separation distance superimposed over aerial image

Shire of Serpentine Jarrahdale Draft Local Planning Scheme No.3 (LPS3)

The majority of the site where the development is proposed to be zoned 'Industrial Development' under LPS3. The proposed concrete manufacturing facility would fall within the 'Industry' land use category under LPS3, which is defined as follows:

Industry – means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes -

- (a) the storage of goods;
- (b) the work of administration or accounting;
- (c) the selling of goods by wholesale or retail;
- (d) the provision of amenities for employees;
- (e) incidental purposes"

The 'Industry' land use is a 'D' land use within the 'Industrial Development' zone, which means that the use is not permitted unless the local government has exercised its discretion by granting development approval. This would require a merits based assessment to be performed against both the use component and the physical works component of the proposal.

Notwithstanding the above, it is important to note that part of stressing beds no. 1 and no. 4, the temporary storage area and the drainage basin are located within the 'Rural' zone and the use of 'Industry' is a prohibited land use within the zone.

The most recent 'Modification 173' to draft LPS3 however, seeks to amend Scheme Map 2 by adjusting the boundary between the 'Industrial Development' zone and the 'Rural' zone of Lot 60 Robertson Road, Cardup and Lot 21 Norman Road, Cardup to match the 'Industrial' and 'Rural' zones under the Metropolitan Region Scheme. The gazettal of draft LPS 3 is imminent.

Shire of Serpentine Jarrahdale Local Planning Strategy (February 2022)

'Section 5.2- Industrial' of this strategy identifies two industrial areas within the Shire of Serpentine Jarrahdale including the Cardup Business Park. The objectives of this section of the strategy seek to (among others) '*Facilitate local employment opportunities and improve employment self-containment and self-sufficiency*' and '*Develop well designed industrial areas with a high level of amenity*'.

The proposed concrete manufacturing facility is considered to meet the objective in relation to generating employment opportunities, however, has failed to demonstrate that the operation will not have a significant impact on the amenity of residences on the western side of Soldiers Road in terms of noise, dust and vibration impacts. This issue is discussed in greater detail in the 'Noise' and 'Vibration' sections of the report.

Cardup Business Park Local Structure Plan (LSP)

As previously stated, the application site is designated as 'Industry General' under the LSP. According to the Table 1 – Zoning Table of TPS2, the land use of 'Industry General' is a permitted land use in the 'General Industry' zone.

The LSP states (amongst other things):

"General industrial land uses encompass a wide range of activities that may or may not result in emissions that could affect the amenity levels considered acceptable in residential areas or other nearby sensitive land uses. The extent of emissions from a particular activity will depend on site and process specific factors such as the scale of the operation, plant processes and emission controls, storage of raw material and waste, local wind patterns and topography.

The design of the facility and the process controls and management measures are a significant consideration when determining potential impacts and/or appropriate separation distances.

Under the EPA Guidance Statement, it is recognised that the design of a facility and the process controls and management measures implemented within the facility can mitigate potential impacts”.

The proposal includes activities which generate noise, dust and vibration activities, as per the EPA Guidance Statement that identifies noise and dust as associated impacts. The applicant has provided an acoustic assessment and vibration report for the development in addition to a Dust Management Plan (DMP). There are 29 sensitive receptors located in the 750m separation distance from the activities as seen in the previous Image.

To assist the Shire in its merits based assessment of the proposal, the acoustic assessment and vibration report were peer reviewed by independent consultants. The consultants concluded that the technical reports submitted did not adequately demonstrate that the development can be undertaken in a manner which will not result in adverse amenity impacts to nearby sensitive receptors and the broader locality. In terms of the DMP, the measure to address the dust generating activities were not based upon site specific information. These matters are discussed in greater detail later in the report.

State Planning Policy 2.8: Bushland Policy for the Perth Metropolitan Region (SPP2.8)

The aim of SPP2.8 is to provide a framework to ensure bushland protection and management issues within the Perth Metropolitan Region are appropriately addressed and integrated with broader land use planning. Bush Forever area 361 is located in the southern portion of the property. No part of the development is located within the vegetated extents of the bush forever site, resulting in the protection of the significant bushland, consistent with SPP2.8.

State Planning Policy 4.1: Industrial Interfaces

The purpose of this policy is to seek to prevent conflict and encroachment between industrial and sensitive land uses. The policy recognises that industrial activities generate dust, noise and odour in addition to other off-site impacts. The policy specifically states that:

“To address adverse off-site impacts and/or safety risks, consideration must also be given to planning the interface between land uses in order to provide a compatible transition. Industries with greater impacts should have more extensive protection and stronger interface measures to minimize the impact area.

An impact area identifies land surrounding industrial land uses that is currently, or is expected in the future to be affected by off-site impacts and/or safety risks. The extent and delineation of an impact area is determined through the technical assessment of impacts”.

Clause 6.2.1- Defining an impact area specifically states:

“Where proposals have potentially detrimental impacts, including off-site impacts which extend beyond zone and reserve boundaries, mitigation and management through the introduction of compatible zones, reserves and land uses should be considered.

Where it is anticipated that there will be adverse impacts on nearby sensitive land uses, it will need to be demonstrated that adequate mitigation or management of offsite impacts and/or safety risks can be achieved by way of management plans or similar”

In this regard, the impact area of the proposed development is located within the 750m radius based on the Separation Guidelines. There are approximately 29 sensitive receptors within the separation distance. Based on the comments obtained within the peer review, it has not been demonstrated that the noise, dust and vibrating activities of the proposed development can be undertaken in a manner which does not adversely impact upon the impact area of the development.

Furthermore, 6.1.3 of the policy 'Compatible Zones, Reserves and Land Uses states:

“To ensure industrial impacts are avoided, mitigated or managed, where necessary, compatible zones, reserves and land uses should be provided to allow for a gradual land use transition between and sensitive land uses.

Compatible zones, reserves and land uses are typically those considered to be more accommodating or tolerant of, industrial offsite impacts and/or safety risks and help maintain operations certainty for industry. The inclusion of sensitive land uses in compatible zones and reserves should be considered on a case by case basis, and supported only if it can be demonstrated that the use is compatible, and the industrial impacts can be avoided, mitigated or managed. Compatible zones and reserves may include Light Industry, Service Commercial, Commercial, Rural Enterprise, Rural, Mixed use and Public Open Space, among others.

The development adjoins rural residential areas to the west as previously mentioned and land to the south and southwest, designated residential within the Mundijong Whitby District Structure Plan. As such, based on the policy, these are not compatible zones. This a significant issue as there are offsite impacts resulting from the development that will result in adverse amenity impacts upon the locality. The information contained within the peer review ultimately concludes that the development cannot be undertaken in a manner to adequately address off site impacts.

The policy also provides commentary under the following headings:

“Industrial Development Zones

Planning for industrial Development zones should have consideration for the provisions of a compatible transition between industrial and sensitive zones, reserves and land uses. The Industrial Development zone should seek to contain the impact area because land uses are often unknown. Where offsite impacts are unable to be managed within the extent of the zone, the impact area should be accommodated with compatible zones and reserves to provide an appropriate interface”.

As mentioned above, the impact area of the development goes beyond the boundary of the site. The rural residential properties to the west and residential designated properties to the south are not considered as compatible zones. The impacts from emissions generated by the development are considered to cause adverse amenity impacts. As detailed before the peer review of the technical documents provide no certainty that the development can be managed in a manner to adequately address offsite impacts.

Officers consider that the development is inconsistent with SPP4.1.

Separation Distances between Industrial and Sensitive Land Uses

The primary purpose of the Environmental Protection Authority (EPA) ‘*Guidance for the Assessment of Environmental Factors (in accordance with the Environmental Protection Act 1986) Separation Distances between Industrial and Sensitive Land Uses*’ (the Guidelines) seeks to protect sensitive land uses from unacceptable impacts on amenity that may result from industrial activities, emissions and infrastructure.

The key impacts for this type of industry according to the Guidance Statement are noise and dust. Appendix 1: Separation Distances between Industrial and Sensitive Land Uses of the ‘Guidelines’ sets out the buffer distances for various industrial land uses and the table below shows the buffer distance required for ‘Cement product manufacturing works’.

Industry	Description of industry	DoE Licence or Registration category (*)	Key Government agencies for advice or approvals	Code of Practice (CoP) / environmental requirements	Impacts					Buffer distance in metres and qualifying notes
					Gaseous	Noise	Dust	Odour	Risk	
Cement product manufacturing works	concrete or cement is mixed, prepared or treated – up to 5000 tonnes per year	√ (77)	DoIR, WRC, local gov't	√		√	√			300-500, depending on size
	concrete or cement is mixed, prepared or treated – from 5000 to 150 000 tonnes per year	√ (77)	DoIR, WRC, local gov't	√		√	√			500-1000, depending on size
	concrete or cement is mixed, prepared or treated – greater than 150 000 tonnes per year	√ (77)	DoIR, WRC	√		√	√			1000-1500, depending on size

Image 14: Separation Distance Requirements

The proposed concrete manufacturing facility is estimated to produce 72,800 tonnes of concrete per year and therefore according to the table, a separation distance of between 500m-1000m is required. Given that the estimated production of concrete is about half of the maximum limit of 150,000 tonnes per year, then it is considered that 750m is a more appropriate separation distance. The Image and map following show the extent of the 750m and 1000m separation distances measured from the western edge of the subject site.

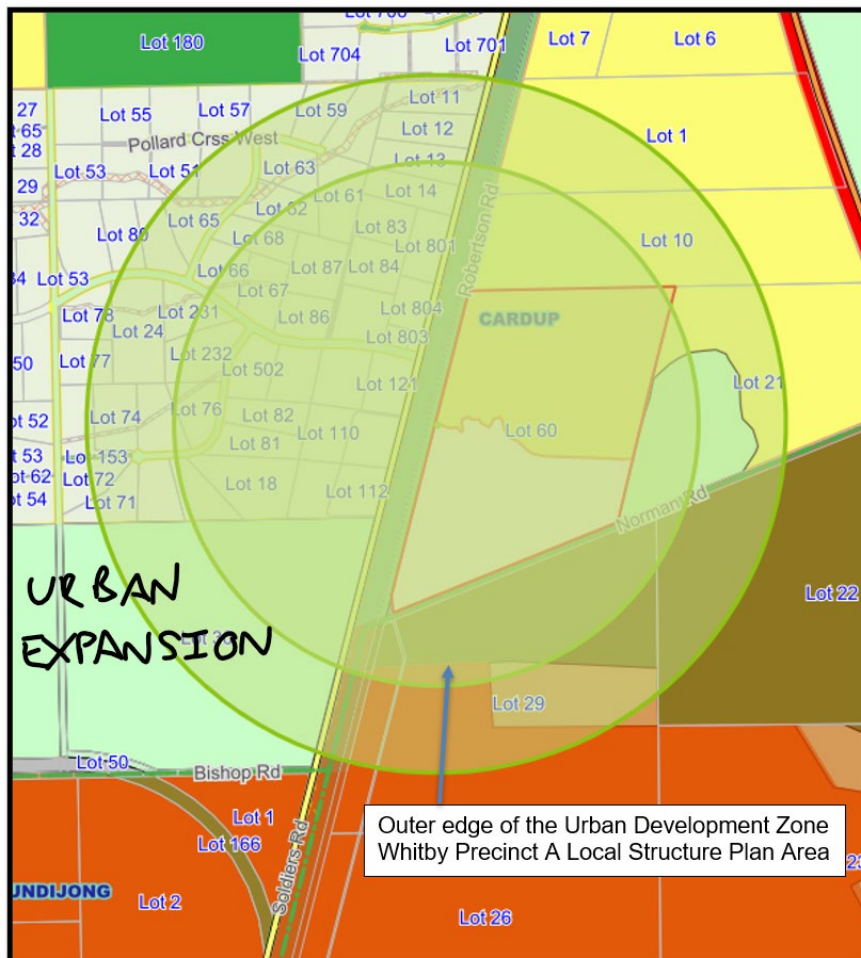


Image 15: 750m and 1,000m separation distance superimposed over zoning map

Image 13 and Image 15 show that rural residential properties to the west on the opposite side of Soldiers Road and a section of the Mundijong District Structure Plan (Whitby Precinct A) area to the south-west are located within the 750m separation distance area. Therefore, serious consideration must be given to the potential impact that dust and noise emissions will have on nearby sensitive land uses. This is particular, noting that no approval has been obtained for the development, which would ordinarily be a process to help reveal key issues and configure development so that it is further removed from the sensitive development interfaces that exist.

Noise

An 'Environmental Noise Assessment' (ENA) has been provided in order to address noise impacts against the prescribed standards of the *Environmental Protection (Noise) Regulations 1997*. The assessment gives regard to noise emissions from cranes, trucks, forklifts and stressing beds at neighbouring properties between the operating hours of 7.00am to 7.00pm. The nearest residence is located on the west side of Soldiers Road at a distance of approximately 150m from the site as shown on the aerial Image below.



Image 16: Overview of noise model.

The results of the noise modelling show compliance for night and day time vehicle operations as shown in the two tables below.

Table 4-1: Night Vehicle Operations (L_{A10}), dB(A)

Receiver	Total	Night-time Assigned Noise Level	Assessment
390 Soldiers Road	36	38	Complies
440 Soldiers Road	37	38	Complies
7 Karbro Drive	38	38	Complies

Image 17: Vehicle operations- night**Table 4-2: Daytime Vehicle Operations (L_{A10}), dB(A)**

Receiver	Total	Daytime Assigned Noise Level	Assessment
390 Soldiers Road	37	48	Complies
440 Soldiers Road	39	48	Complies
7 Karbro Drive	40	48	Complies

Image 18: Vehicle operations- day

The table below shows that compliance is not achieved for stressing beds 1, 2 and 4 operating independently during the day:

Table 4-3: Stressing Bed Operations (L_{A10}), dB(A)

Receiver	Stressing Bed 1 (existing)*	Stressing Bed 2 (existing)*	Stressing Bed 3 (proposed)*	Stressing Bed 4 (proposed)*	Daytime Assigned Noise Level
390 Soldiers Road	49	48	44	48	48
440 Soldiers Road	51	48	44	50	48
7 Karbro Drive	51	50	44	50	48

*Includes a +5 dB adjustment for tonality

Image 19: Stressing bed individual operations.

The table below also shows that compliance is not achieved for stressing beds 1, 2 and 4 when operating concurrently with vehicle noise:

Receiver	Vehicles and Stressing Bed 1 (existing)*	Vehicles and Stressing Bed 2 (existing)*	Vehicles and Stressing Bed 3 (proposed)*	Vehicles and Stressing Bed 4 (proposed)*	Daytime Assigned Noise Level
390 Soldiers Road	49	49	45	48	48
440 Soldiers Road	51	49	45	50	48
7 Karbro Drive	51	50	45	50	48

*Includes a +5 dB adjustment for tonality

Image 20: Stressing bed operations and vehicles.

The ENA states that the proposed upgrades to the Permacast operations are predicted to exceed the assigned night period levels at the nearby premises as determined by the *Environmental Noise Protection (Noise) Regulations 1997* with the operation of stressing beds 1, 2 and 4 being the cause of this exceedance.

The ENA states however, that compliance with the assigned noise levels can be achieved by using large barriers such as double / triple storey shipping containers and ensuring that mobile plant and equipment operate as far from the residences to the west as practicable. Other recommended measures include any equipment that is noisier on one side, be orientated in such a way that the noisier side faces away from residences and where equipment is located onsite, such should take advantage of any barriers that exist between the site and residences.

In order to assess the veracity of the assessment and management measures, Reverberate Acoustic were engaged under the *Planning and Development Regulations 2009* to peer review the submitted acoustic assessment to assess the accuracy of the methodology and overall measurements obtained. The peer review identified and concluded as follows:

Peer Review

The 'Environmental Noise Assessment' dated 14 July 2023 was peer reviewed by Reverberate Consulting which is summarised by Officers as follows and can be viewed in **attachment 4**:

Pre 7:00am noise sources

The Lloyd George Acoustics (LGA) report states that two trucks and two telehandlers have been assessed during the 7:00am period, however, there has been no discussion about whether they use reversing alarms or other potential noise sources such as air brakes or movement alarms. Further, these noise sources have been modelled as 'area sources' which inevitably 'average' out noise emissions and underestimate the intrusive noise emission from the site. Also, the modelling used assumes that all mobile noise sources are equally dispersed and not co-locating in the western or most sensitive part of the site.

Ground Absorption

The LGA report has used a ground absorption factor of 0.8 for site (broken ground), however given that the site has mobile equipment continuously driving over bare ground making it hard then the site should have ground absorption factor of 0. This factor should also be applied to water bodies while ground around Soldiers Road should be treated as 0.65 due to dry areas with minimal grass cover.

Assigned Levels

The controlling limit for emissions from the site is the Assigned Level as defined by the *Environmental Protection (Noise) Regulations 1997* and is applicable at all potentially affected neighbours. The night time Assigned Level is applicable for a defined subset of noise emissions from the site prior to 7:00am.

The LGA report states that the influencing factor for 440 Soldiers Road is 3 dB. This calculation is based on 30% of the land within the 450m outer radius of noise sensitive receptors being an industrial land type. However, it has been calculated that only 12.3% of the land within the 450m outer radius is an industrial land type and therefore the influencing factor is only 1 dB. Consequently, the assigned noise level will be 2dB lower and therefore the overall forecast noise from the site will be 2 dB greater than the assigned levels and hence too high.

Adjoining Industrial Activity

The land to the north of Permacast is zoned industrial and there is potential for industrial neighbours on this land. As the proposed Permacast activities are in an industrial estate, no industrial operator must significantly contribute to industrial noises as the nearest neighbouring houses. This means that each industrial operation, including the Permacast operation must emit a noise no greater than 5 dB below the assigned level. To prevent significant noise contribution at the nearby residences, this has a revised noise emission of 31dB before 7am and 41 dB after 7am. These criteria are 7 dB lower than the Assigned Level criteria used by LGA.

Post 7am Noise Sources

The modelling scenarios have assumed that the stressing beds do not operate simultaneously. It is noted that this is one of the dominant daytime noise sources so any simultaneously stressing operations will noticeably increase noise emissions from the site.

Modelling Using ISO 9613

Noise modelling in Western Australia, as stated by DWER, is commonly undertaken using CONCAWE algorithm while the meteorological conditions used by LGA were developed for the CONCAWE algorithm. Where LGA uses ISO 9613 then need to justify its use as outlined DWER.

Shipping Containers Used as Noise Barriers

The shipping containers to be used as a prime method of shielding noise appear to be located so as to interfere with Permacast operations; are temporary and liable to be moved; may corrode; may not withstand high winds when stacked; and may create additional workplace hazards.

The peer review concludes as follows:

- *The Assigned level for the surrounding neighbours appears to be 2 dB too high.*
- *The resulting noise emission criteria appear to be 7 dB too high.*
- *The ground absorption coefficients appear to be unrealistically high, resulting in an underestimate of forecast noise levels.*
- *No management measures have been discussed to limit the operation to only one stressing bed out of the proposed four stressing beds.*
- *An 'area source' has been used to model mobile equipment operations in the western yard area of the site. This implies that the equipment will always be equispaced around the yard. The applicant has not demonstrated how this is to be achieved.*
- *There has been no discussion about reversing beepers or other potential noise sources used on mobile equipment at the site.*
- *The LGA modelling algorithm used to forecast environmental noise from the site was ISO 9613.*

- *LGA has not justified the departure from the commonly used CONCAWE algorithm.*
- *Use of shipping containers as a noise control method.*

Officers consider that the LGA report fails to demonstrate that the proposed concrete manufacturing facility will not generate noise levels that will have a negative impact on the amenity of nearby residences.

Dust

The applicant has provided a Dust Management Plan (DMP) to fulfill the Shire of Serpentine Jarrahdale's *Dust and Building Waste Local Law 2017*. The DMP considers the proposal against the wider operations occurring on site but does not include the approved concrete batching plant.

The DMP identifies that the nearest sensitive receptors to the wider operations is the rural residential development along Soldiers Road to the west of the site. The DMP identifies the following dust sources:

- Vehicle movement within the site; and
- Wind erosion of exposed surfaces.

In summary, the following methods of mitigating dust impacts are proposed within the DMP:

- Notice to be erected onsite providing details of the site manager to be contacted to address any complaints;
- Induction for all employees including information on potential dust sources, dust management plan, speed limits onsite and staying on designated roads, and reporting procedures for dust issues;
- All surfaces are to be constructed to a hardstand standard;
- A water cart located onsite to water down the area to minimise dust during summer;
- Reticulation for the gravel road area to be used when dust is observed;
- Vehicle speeds will to be restricted to no more than 10 km/hr on the site to minimise dust lift off;
- Maintain a complaints register;
- Visual monitoring of dust throughout the day during operations and a logging sheet for reference and proof of compliance;
- Observation of excessive dust lift onsite to be reported and investigated and halt work within the proximity of the dust until cause of dust is addressed and increase dust mitigation measures (e.g. additional watering of exposed areas);
- If complaint received, then investigate incident to determine validity of complaint (including a check of wind direction and speed) and if required halt work until cause of dust is addressed.

The DMP states that wind data from the site indicates that the prevailing wind direction is easterly in the morning and south westerly in the afternoon during summer, with lighter winds from the northeast occurring during the winter months. However, the DMP does not consider site specific meteorological conditions including katabatic winds moving east to west across the Scarp.

Given the concrete casting operations are within the 750m buffer distance of sensitive uses to the west (the closest approximately 150m away), it is considered that insufficient information has been provided to demonstrate that the dispersion of dust and concrete particles during katabatic wind events will not have an adverse impact on the amenity and health of nearby residents.

Vibration

A 'Vibration Monitoring Report' (VMR) has been provided in order to address the potential impact of vibrations on residences on the west side of Soldiers Road. The VMR explains that human exposure limits for vibration are normally defined in terms of a multiplying factor that is applied to the base curves defined in *AS 2670.2:1990 Evaluation of Human Exposure to Whole Body Vibration and Part 2: Continuous and Shock Induced Vibration in Buildings (1 to 80 Hz)*.

Vibration measurements were taken on public land between the Permacast facility and residences to the west and the results show that existing vibration levels are below relevant criteria and there is no change to these levels when the stressing beds start operating.

Officers, however, note that the VMR only tested stressing beds 1 and 2 and these tests were not taken on the same day. Therefore, the VMR has not demonstrated that the operation of multiple stressing beds at the same time will not result in vibrations levels that will not have an adverse impact on the amenity of residences on the west side of Soldiers Road or will not cause structural damage.

To assist the Shire in its merits based assessment, Reverberate were engaged to peer review the assessment and concluded as follows:

Peer Review

The 'Vibration Report' dated 30 June 2023 was peer reviewed by Reverberate Consulting which concluded as follows and can be seen as **attachment 5**:

- *The report is a monitoring report. It does not forecast vibration nor confirm that those vibrations are acceptable.*
- *Vibration from Stressing Bed 1 and SB 2 have been measured. There is no comment whether the vibration from SB 3 & SB 4 are expected to be similar, higher, or lower. Consequently, there is no justification of any such conclusion.*
- *There is no assessment of vibration from other sources closer to the residences, e.g., mobile equipment, or the loading/stacking/unstacking/removing of product near this boundary.*
- *It is not clear whether the measurements presented in the report are clear vibration signals, background vibration or equipment error. There is an apparent discrepancy in the data in that SB 2, having the higher apparent PCPV vibration, has the lower rms vibration, compared to SB1.*
- *We understand that LGA took vibration measurements close to stressing beds, and that this data has not been presented. The inclusion of any such valid data, along with the measurement locations, and forecasts at the neighbours may be able to resolve some of the confusion outlined above.*

Based on the findings of the peer review, it is considered that the submitted Vibration Report is inconclusive and cannot be relied upon to demonstrate that the development will not result in vibrations that will be detrimental to the amenity of nearby residences.

Traffic

Access to Lot 60 is proposed to be taken via the existing crossover on Robertson Road, which is currently utilised by the two existing industries of Permacast and Permapole. The existing driveway is approximately 14m in width and is constructed of a hardened gravel sub-base material which allows for heavy vehicle movements. Access and egress to Lot 21 (i.e. associated laydown area) will be predominantly from Norman Road with internal site access from Lot 60 into Lot 21 occasionally required for large bridge products.

The submitted Traffic Impact Assessment (TIA) estimates a maximum of 128 (i.e. 64 in and 64 out) trucks movements per day. This number includes anticipated trips generated for future increase in staff and delivery vehicles for Lot 60 (i.e. existing concrete batching plant and proposed concrete manufacturing facility) and Lot 21 (laydown / storage area). These trip numbers include approximately 29 vehicles in the AM peak hour and 29 vehicles in the PM peak hour period. A summary of the total number of the total estimated trips to be generated is shown in the table below:

	AM Peak Hour		PM Peak Hour		Daily	
	In	Out	In	Out	In	Out
Trucks	10	9	10	9	38	38
Total	19		19		76	

Table 6-2 Estimated Trip Generation - Lot 21

	AM Peak Hour		PM Peak Hour		Daily	
	In	Out	In	Out	In	Out
Trucks	5	5	5	5	26	26
Total	10		10		52	

Table 6-3 Total Trip Generation (Lot 60 + Lot 21)

	AM Peak Hour		PM Peak Hour		Daily	
	In	Out	In	Out	In	Out
Trucks	15	14	15	14	64	64
Total	29		29		128	

Image 21: Estimated Trip Generation

The route of transport of the trucks from the site would be from Robertson Road to Norman Road, to South Western Highway and then to various sites as detailed below:

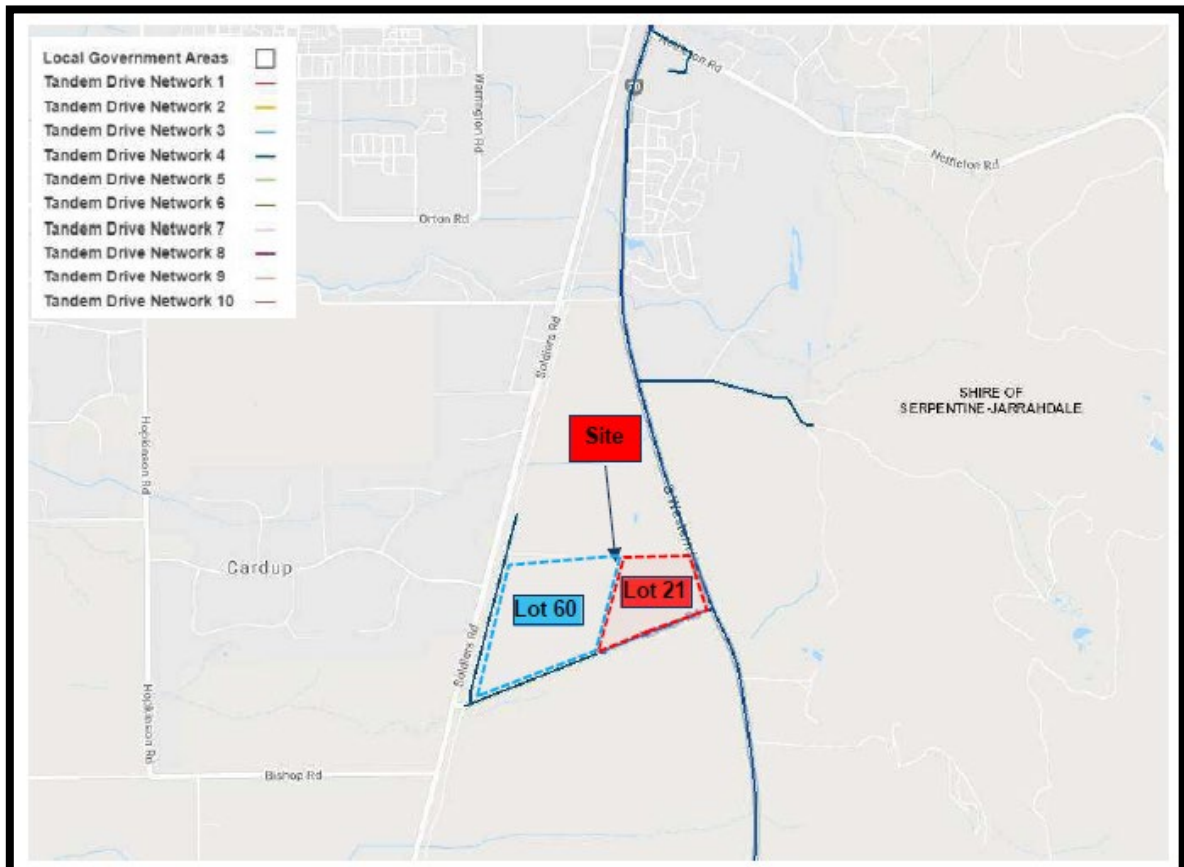


Image 22: RAV network and proposed route of vehicles associated with the proposal

South Western Highway, Robertson and Norman Road are all on the RAV4 network and therefore are suitable for facilitating trucks associated with the development. Robertson Road and Norman Road are Access and Local Distributor roads respectively and have an indicative traffic volume capacity of up to 4,000 vehicles per day (vpd). The TIA states that Norman Road on average facilitates 451 vpd and it is expected this is similar for Robertson Road. Therefore, the current traffic volumes are significantly lower than the traffic volume capacity for these roads. Consequently, the local road network is capable of accommodating the additional 128 trucks movements per day that will be generated by the development without having adverse traffic flow impacts, as identified in the TIA.

It is noted that Court Grammar School is located 1km to the south of the site along Soldiers Road and it is considered that vehicle associated with the proposal would not adversely impact on the operation of the school and its traffic movements as trucks associated with the proposal will be confined to the RAV network along Norman Road and thereby not travelling past the school.

Although the increased trips generated by the development will not result in the unsafe movement of traffic on the road network, it is noted that the length of road used by the applicant along Robertson and Norman Road by the RAV vehicles has the potential to rapidly deteriorate the road surface resulting in road safety concerns for users. In this regard, to ensure this is addressed, using the West Australian Local Government Association - Accelerated Pavement Depreciation calculation, a condition has been recommended requiring an annual maintenance contribution of based on an Accelerated Pavement Depreciation Audit be submitted each year if the development is approved.

Regarding vehicle safety at intersections, the applicant has provided initial swept paths at the intersections of the main site access point and Robertson Road, Robertson Road/ Norman Road and Norman Road/South Western Highway to demonstrate that the RAV heavy trucks can enter and exit these intersections safely and remain lane compliant.

Notwithstanding the above, the swept path analysis diagram below shows that the 45m Jinker truck (when turning left or right and entering South Western Highway from Norman Road) significantly encroaches into the opposite lane and beyond for a considerable distance. The TIA states that the 45m long Jinker trucks operate occasionally during periods of delivering larger products off-site and exit Norman Road onto South Western Highway under escort and the road will be temporarily closed during egress operations. However, full encroachment into the opposite lane is not acceptable and that it cannot be expected for vehicles on South Western Highway to give way. Should the application be supported then it is recommended that a condition of approval require the upgrade of the intersection of South Western Highway and Norman Road to the satisfaction of Main Roads.

Figure 3-11 Norman Road / South Western Highway Intersection Jinker Truck)



Image 23: 45m Jinker truck swept path diagram- left turn from Norman Road onto South Western Highway

Figure 3-12 Norman Road / South Western Highway Intersection (Southbound) -Jinker Truck

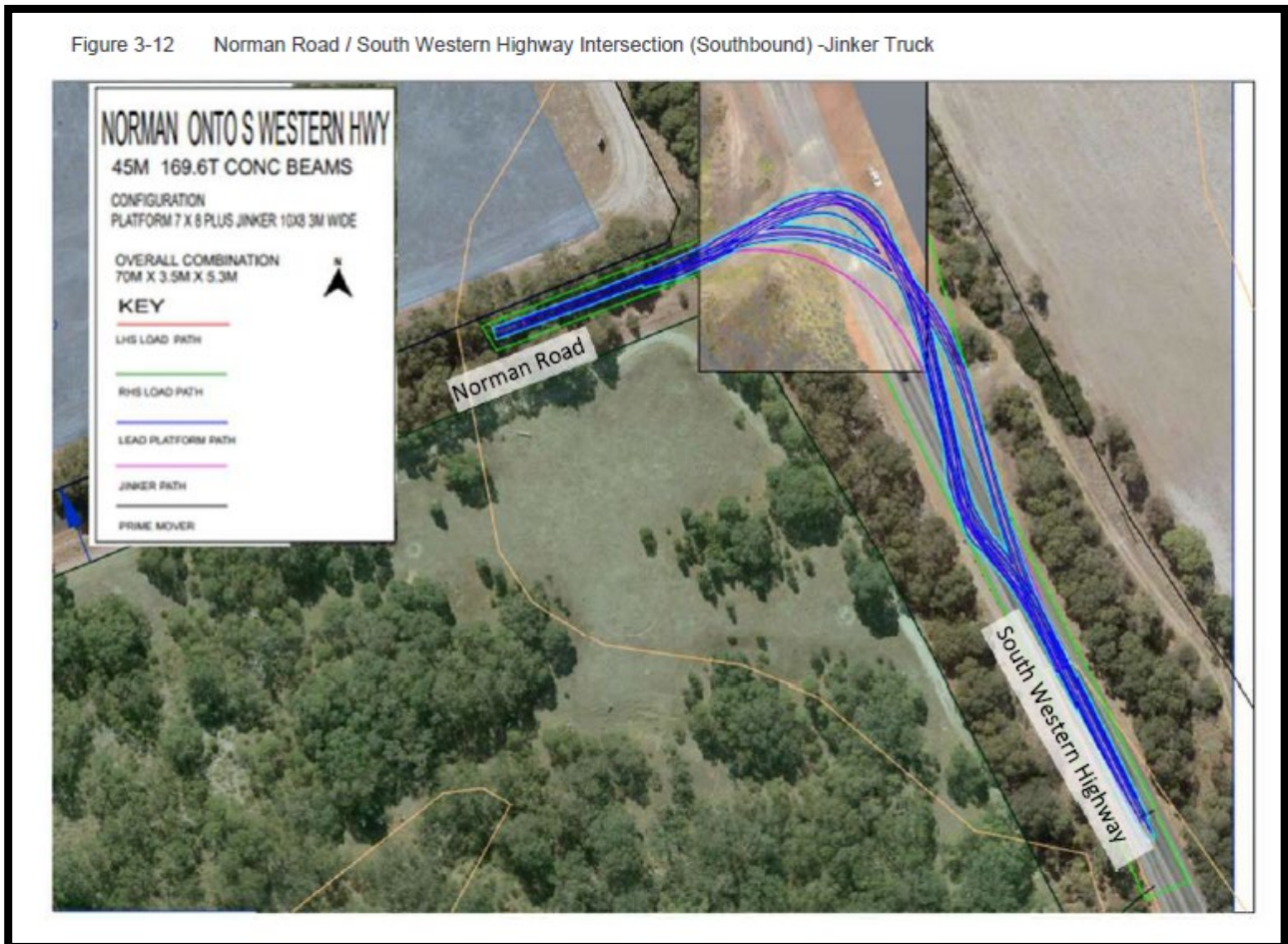


Image 24: 45m Jinker truck swept path diagram- right turn from Norman Road onto South Western Highway

Visual Amenity

Clause 67 of the Deemed Provisions, specifically K, L, M, N and P all relate to the form and amenity of the development that is required to be assessed.

The development area is set back from all property boundaries as follows:

- Stressing Bed No. 4- 166m from the Robertson Road street frontage and further west is the railway line and Soldiers Road with strips of bushland in between.
- Administration office- 290m from the north side boundary with separation provided by 'Permapole' which operates on the subject site.
- Stressing Bed No. 1- 263m from the south side boundary (i.e. Norman Road) with separation provided by 'Bush Forever 361' which is a large area of native bushland.
- Stressing Bed No. 3- 19m from the east rear boundary with further substantial separation from South Western Highway provided by Lot 21 Norman Road which is held in contiguous ownership and includes Bush Forever land in the western section and a large cleared laydown area in the eastern section.

Given the above, it is evident that most of the development will not be highly visible when viewed from surrounding roads and properties. However, the retarding basin and some cranes are visible when viewed from the Roberson Road frontage as shown by the photo below.



Image 25: view of the subject site from Robertson Road

Notwithstanding the above, the 'Cardup Business Park Local Structure Plan', Clause 7.10 - Landscaping of TPS2 and Part 4 of the Draft LPS3 stipulate that the local government may require landscaping to be provided for any new development to enhance the appearance of the streetscape and public realm. The front of the site (including the drainage basin) adjacent to Robertson Road to the west and Bush Forever land to the south has largely been cleared of vegetation. Therefore, should the application be supported then it is recommended that a condition of approval require a landscape plan to show planting within the frontage and around the drainage basin.

Stormwater

A Stormwater Management Plan (SMP) has been prepared and submitted as part of this application. The SMP expands upon another SMP that was developed for the site in 2014 (2014 SMP). The SMP was developed in accordance with the *Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998*.

2014 SMP:

The 2014 SMP identifies a number of best management practices for development of this kind, to which development on the site intends to conform to. These practices are as follows:

- Measures to manage water balance including practices to promote local infiltration and detention;
- Measures to maintain and if possible, enhance water quality such as:
- Practices to control scour, erosion and sedimentation;
- Strategies to control stormwater run-off pollution;
- Approaches to minimise pollution and encourage wastewater recycling;
- Measures to promote water conservation;
- Measures to maximise permeable surfaces and to minimise runoff; and
- Measures to utilise natural drainage features.

The scope of the updated version of the SMP addresses the site hydrology with the current form of development. The 'Catchment Analysis' section of the report section of the updated SMP states that the site is divided into three sub-catchments based on existing drainage arrangements and natural topography as follows:

- Sub catchment 1: (area 3.21 ha) currently drains to the Bush Forever site. It is proposed to divert the flow into the existing drainage basin in the west via combination of open channel and underground pipe. The open channel will meander to suit the site conditions in order to minimise disturbance to the existing Bush Forever site with a section of underground pipe to avoid vegetation removal.
- Sub catchment 2: (area 7.33ha) consists of concrete manufacturing shed, a precast fabrication yard and a hardstand area and surface runoff is directed to the drainage basin in the west.
- Sub catchment 3: (area 1.73ha) located at the northern end of the site which contains the access driveway and carpark and falls east to west. An open channel abutting the driveway conveys surface runoff to the west and passes under the driveway through a 300-diameter reinforced concrete pipe culvert and disperses the flow to bushland onsite.

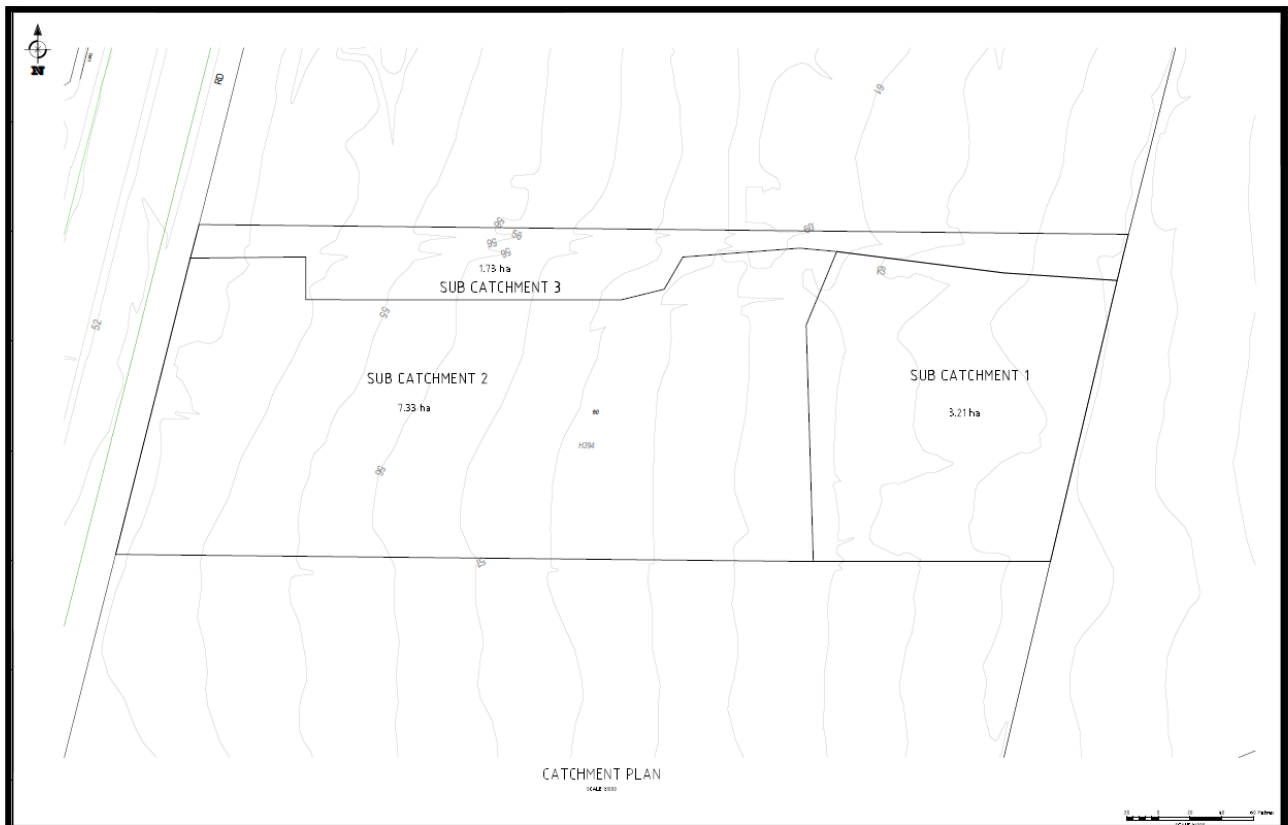


Image 26: Catchment Plan

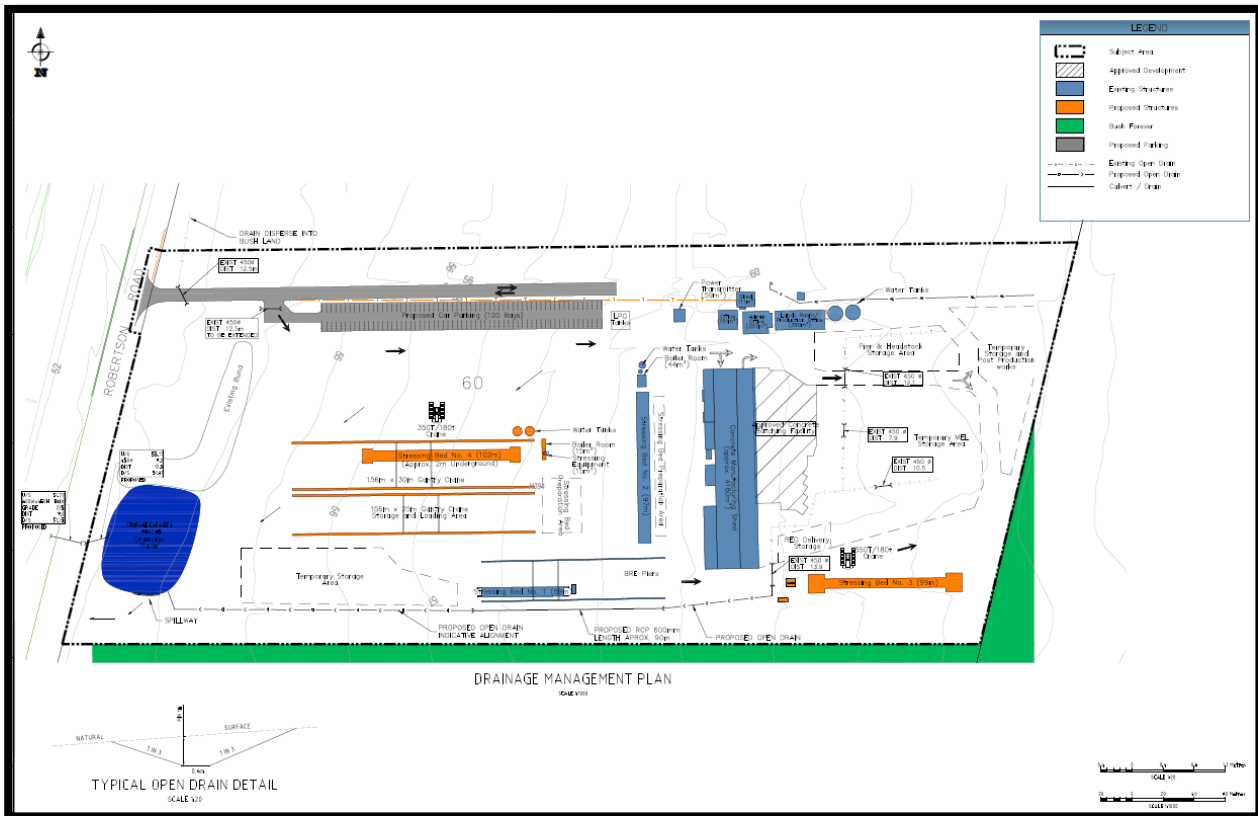


Image 27: Drainage Management Plan

The drainage basin located to the west near Robertson Road has a capacity of 16,500m³ to an average depth of 3.5m and is used for dust suppression and wheel washing. Historically the drainage basin did not overflow however an outlet arrangement is proposed as a contingency measure.

‘DRAINS’ engineering software was used for design and analysis of stormwater management and concludes that the site requires a storage volume of 3088m³ to retain a 1% AEP storm event while the drainage basin onsite has a capacity of 16500m³. Therefore, no outflow from Catchments 1 and 2 will occur as the basin has adequate stormwater capacity to store the surface runoff. Outflow from Catchment 3 flows through bushland and is dispersed within the site and not onto public land or neighbouring properties.

Notwithstanding the above, the SMP is silent on the characteristics of water coming from the various casting and washdown processes and if or how the wastewater will be separated from the stormwater. Therefore, should the application be supported then it is recommended that a condition of approval require require an updated SMP to ensure that contaminated / polluted stormwater does not escape from the site.

State Planning Policy 3.7: Planning in Bushfire Prone Areas (SPP3.7)

The intent of SPP3.7 is, *“to implement effective, risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure”*. This is facilitated through objectives, which in summary are as follows:

- *“Avoid any increase in the threat of bushfire to people, property and infrastructure. The preservation of life and the management of bushfire impact are paramount.*
- *Reduce vulnerability to bushfire through the identification and consideration of bushfire risks in decision-making at all stages of the planning and development process.*
- *... Ensure that ... development applications take into account bushfire protection requirements and include specified bushfire protection measures.”*

The submitted Bushfire Management Plan (BMP) states that the stressing bed, tool container and boiler room (which are located within the BAL-FZ area of the development site) do not involve buildings that will contain people but rather simply concrete pads with some potential steel supports, tool container and boiler room and no Asset Protection Zone is required. All other development is located outside the BAL 40 and BAL FZ as shown by the BAL Contour Map below.

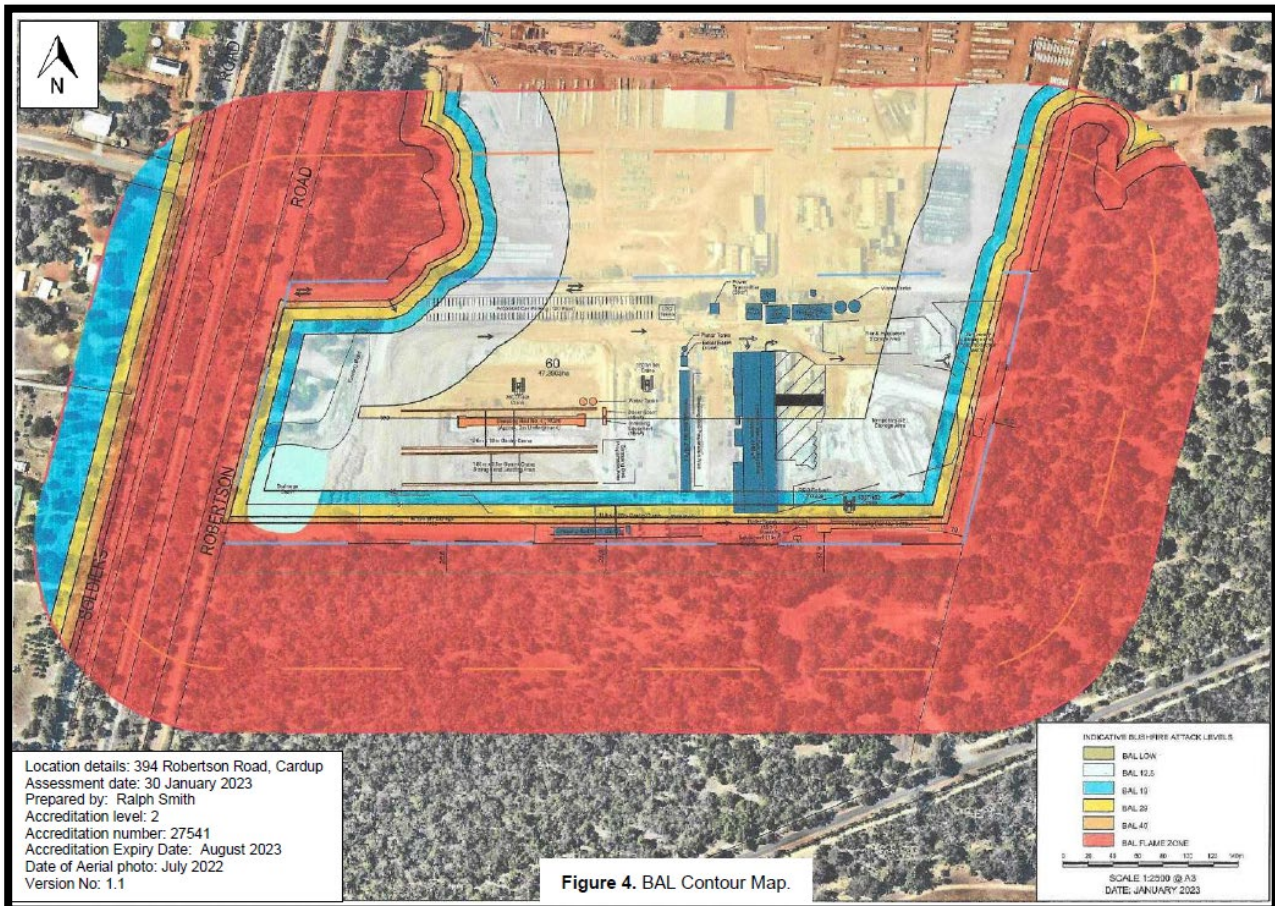


Figure 4. BAL Contour Map.

Image 28: BAL Contour Map

The BMP also states that the concrete facility is classified as a Class 8 building by the National Construction Code (NCC) and that it must be noted that under building legislation, bushfire related construction requirements do not apply to Class 4 to 9 buildings in designated bushfire prone areas.

The BMP also identifies that multiple access points are available with primary access from Robertson Road and alternative access via Norman Road. As the site is large and cleared then there may not be a need to evacuate during a bushfire management emergency on neighboring properties. Further, the site is already serviced with bores and water tanks that comply with State Government requirements.

Note that the central section of the site which contains the temporary administration office, production office and lunchroom (located to the north of the concrete casting workshop and stressing beds) are not located within a Bushfire Prone Area.

Notwithstanding the above, DFES has advised that the submitted BMP has been assessed against version 1.3 of the Guidelines which were rescinded in December 2021 and not version 1.4 of the Guidelines. Not having a BMP that has been assessed against version 1.4 of the

Guidelines creates a degree of risk assessment that has not been assessed. As such, the development in terms of bushfire risk planning cannot be supported.

Car Parking

'Table V - Parking Requirements' of TPS2 requires General Industry use to provide one car parking space per employee or staff member. The submitted planning report states that currently there are between 60-70 staff associated with overall operations including office and administration, forklift operators and crane operators however staffing is expected to increase gradually over the coming years. The TIA states that there will be 100 employees.

Officers in undertaking an inspection of the site on 6 July 2023 observed car parking and staff numbers above these numbers. It is estimated that at least 300 cars were parked, with a least 300 staff noted when Officers asked the question about staff numbers on that day.

The scale and overall intensity of this development is considered to cause unacceptable amenity impacts on the locality. Its significant expansion in recent months, has generated significant complaints associated with excessive noise and vibration impacts being experienced by nearby sensitive development. Based on the independent expert review of submitted studies, there is significant concerns held about the development and its operations causing impacts on the public health and amenity of the locality.

Conclusion:

The application seeks approval for a retrospective concrete manufacturing facility expanding the existing industries operating on site. Production of 73,000 tonnes of concrete per year requires a buffer distance of 750m from sensitive receptors while the nearest residences are located 150m to the west on the opposite side of Soldiers Road. Further, Urban Development zoned land (part of the Whitby Precinct A Local Structure Plan area) located to the south west is also with the buffer distance area. The key proposal has failed to demonstrate that noise, vibration and dust emissions generated by the concrete manufacturing facility will not have adverse impact on the amenity of nearby sensitive land uses located within the buffer distance area and is therefore recommended for refusal.

Should the DAP refuse the application, Officers will proceed to undertake the necessary enforcement action to bring about the cessation of the development. It will be important to address this as a matter of priority in the event the application is refused.

If the application is approved, Officers will focus upon the regulation of development according to the conditions imposed by the DAP.

Alternatives

This section should identify whether the proposal is capable of being determined differently to the Officer Recommendation.

If so, discuss the key elements and matters that are required to be considered by the decision-maker in forming that view (if the scheme provides for variations, it may be helpful to refer to criteria under that clause/s).

A summary of the considerations required to exercise discretion should be included. These should refer to the relevant scheme, policy or other provisions and the circumstances where this may be applied. This discussion may refer to the entire decision or, if an approval, to one of more of the recommended conditions.

An alternate recommendation may be sought by a DAP member under Regulation 13. The overview is important to ensure DAP members, along with other stakeholders, are aware of any specific matters that may need to be addressed if an alternative to the recommendation is to be considered.

Officer Recommendation

It is recommended that the Metro Outer Joint Development Assessment Panel resolves to:

- 1. That the Metro Outer Joint Development Assessment Panel Refuse DAP Application reference DAP/23/02462 and accompanying plans (attachment 1) 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. 2, for the following reasons:**
 - a. Insufficient information has been provided to demonstrate that development will not result in unacceptable and adverse amenity impacts on residences within the separation distance between industrial and sensitive land uses in terms of noise, vibration and dust.**
 - b. Insufficient information has been provided to demonstrate that an adequate standard of bushfire protection for the development has been achieved to preserve life and reduce damage to property and infrastructure.**
 - c. Cardup Business Park Local Structure Plan states under Part 1 Table A row 2 that; Any impacts of development with respect to emissions (i.e. Dust, gas, odour, light, fumes and noise) shall be managed in accordance with the Environmental Protection Authority Guidance for the Assessment of Environmental Factors No. 3 Separation Distances between Industrial and Sensitive Land Uses (EPA 2005). The information submitted with the application demonstrates that emissions are unable to be managed in accordance with the guidance statement, specifically noise. Having due regard to the Structure Plan under Clause 27 of the deemed provisions, the application should be refused.**
 - d. Cardup Business Park Local Structure Plan states under Part 1 Table A row 9 that; Appropriate interfaces/treatment that protect and maintain environmental values shall be provided along the boundaries of any Bush Forever sites. Subdivision and development applications shall provide details and illustrations of these treatments. The information submitted with the application does not confirm that an appropriate interface / treatment has been provided to the adjoining Bush Forever site. Having regard to the structure plan under Clause 27 of the deemed provisions the application should be refused.**
 - e. The development is inconsistent with State Planning Policy 4.1 - Industrial Interface as follows:**
 - i Emissions and impacts from the development extends beyond the boundaries of the site.**
 - ii The impact area of the development is not considered as a compatible zone.**
 - iii The development does not properly mitigate or manage impacts on health and amenity of people within the locality as it exposes them to noise, dust and vibration emissions.**

Reasons for Officer Recommendation

The application seeks approval for a retrospective concrete manufacturing facility expanding the existing industries operating on site. Production of 73,000 tonnes of concrete per year requires a buffer distance of 750m from sensitive receptors while the nearest residences are located 150m to the west on the opposite side of Soldiers Road. Further, Urban Development zoned land (part of the Whitby Precinct A Local Structure Plan area) located to the south west is also within the buffer distance area. The key proposal has failed to demonstrate that noise, vibration and dust emissions generated by the concrete manufacturing facility will not have an adverse impact on the amenity of nearby sensitive land uses located within the buffer distance area and is therefore recommended for refusal.