

## 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.

# STREET NAME, STREET NO. (LOT NO.) SUBURB – PROPOSED APPLICATION DESCRIPTION

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

<b>DAP Name:</b>	Metro Outer JDAP	
<b>Local Government Area:</b>	Shire of Serpentine Jarrahdale	
<b>Applicant:</b>	Taylor Burrell Barnett	
<b>Owner:</b>	Bright Tank Property Pty Ltd	
<b>Value of Development:</b>	\$7 million <input type="checkbox"/> Mandatory (Regulation 5) <input checked="" type="checkbox"/> Opt In (Regulation 6)	
<b>Responsible Authority:</b>	Shire of Serpentine Jarrahdale	
<b>Authorising Officer:</b>	Andrew Trosic	
<b>LG Reference:</b>	PA22/383	
<b>DAP File No:</b>	DAP/22/02223	
<b>Application Received Date:</b>	10 May 2022	
<b>Report Due Date:</b>	19 August 2022	
<b>Application Statutory Process Timeframe:</b>	90 Days	
<b>Attachment(s):</b>	<ol style="list-style-type: none"> <li>1. Plans</li> <li>2. Schedule of Submissions</li> <li>3. Applicants Response to Submissions</li> <li>4. Initial Nutrient Irrigation Management Plan</li> <li>5. Revised Nutrient Irrigation Management Plan</li> <li>6. Environmental Noise Assessment</li> <li>7. DWERs Comments on Environmental Assessment</li> <li>8. Biological Assessment</li> <li>9. Environment Assessment</li> <li>10. Traffic Impact Assessment</li> <li>11. Waste Management Plan</li> <li>12. Bushfire Management Plan</li> <li>13. Council Minutes</li> <li>14. Clause 67 Checklist</li> </ol>	
<b>Is the Responsible Authority Recommendation the same as the Officer Recommendation?</b>	<input type="checkbox"/> Yes	Complete Responsible Authority Recommendation section
	<input type="checkbox"/> No	Complete Responsible Authority and Officer Recommendation sections

## Responsible Authority Recommendation

That the Metro Outer Joint Development Assessment panel

- 1 **REFUSE** DAP Application reference DAP/22/02223 for a Use Not Listed - Brewery and a Restaurant and accompanying plans (attachments 1,3-12) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the Shire of Serpentine Jarrahdale Town Planning Scheme No.02 subject to the following conditions:
  - a The Development due to size and scale is inconsistent with the objectives of the Rural zone under the Shire of Serpentine Jarrahdale Town Planning Scheme No.02;
  - b he development, through the submission of the Nutrient Irrigation Management Plan, has not satisfactorily demonstrated that it can be undertaken without impacting the environment.

## Details: outline of development application

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

## Proposal:

### Proposed Development

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

- A two storey restaurant, encompassed within a steel heritage structure of hall like proportions. This heritage structure was originally from the State's southwest, in use as part of early 20<sup>th</sup> century rail operations;
- Bar, drinking, dining, and lounge areas of approximately 700m<sup>2</sup>, and a 400m<sup>2</sup> outdoor terrace eating area;
- An outdoor play area extending to the west of the restaurant;
- A single two-way crossover from Karnup Road with a 6m internal driveway providing vehicular connection to the proposed Restaurant and craft brewery;
- An entry statement (including a feature sign at the Karnup Road Entry);
- Vegetation clearing;
- 251 marked and sealed car parking area and two coach parking bays;
- Hours of operation: Thursday to Friday 11am to 10pm; Saturday to Sunday 8am to 10pm and Monday (selected public holidays) 11am to 10pm;
- Landscaping;
- 33 staff employed.

The craft brewery component of the proposal comprises as follows:

- A 1,400m<sup>2</sup> commercial brewing facility with approximately 50m<sup>2</sup> dedicated as office space. This building is attached to the southern side of the repurposed steel heritage hall structure comprising the restaurant;
- Production of one million litres of beer in year one, increasing to five million litres in year five being full capacity;
- Three staff employed.

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

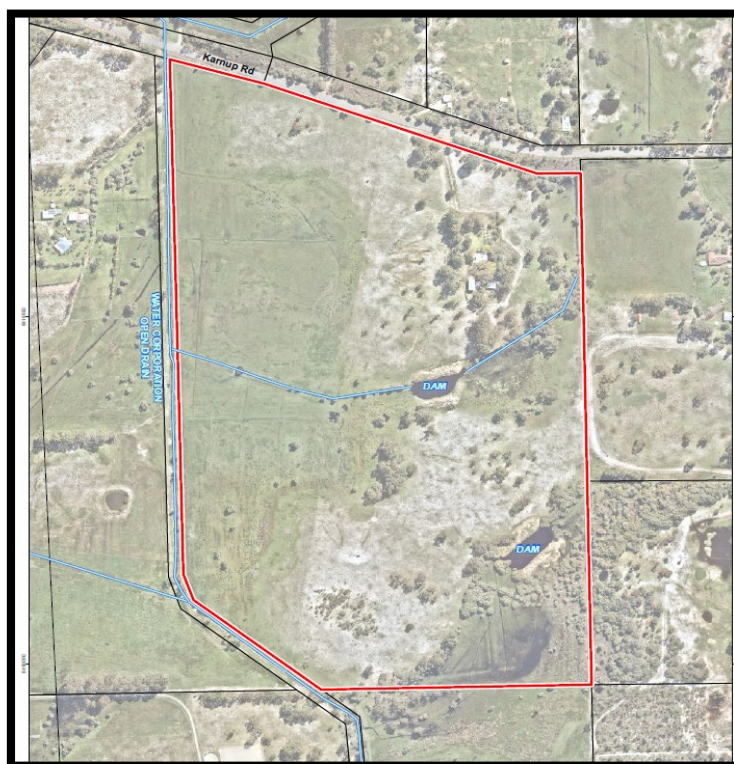


**Design Perspectives**

## Background:

The site, approximately 43ha in area, is zoned 'Rural' under the *Shire of Serpentine Jarrahdale Town Planning Scheme No.2* (TPS2). The site contains a dwelling in the north-eastern corner of the site and two dams in the eastern portion of the property. The site fronts Karnup Road along its northern boundary and abuts a Water Corporation drainage line on the western boundary which connects to another drainage line which later discharges into the Serpentine River.

The general locality to the east, south and west of the site are used for a range of rural purposes including horse agistment and racing stables. The site contains sandy rises elevated approximately 5 - 6m above the existing low-lying areas. Aerial image of site below:



**Lot 201 (1248) Karnup Road, Serpentine**

The low-lying areas of the subject site is mapped as a Resource Enhancement Wetland (REW). The wetland is approximately 17.5 hectares in area and extends across several surrounding properties. A Conservation Category Wetland (CCW) is located along the northern boundary, comprising of an area of approximately 19.1 hectares and extends into the properties west of the subject site. Aerial image of site below shows wetlands and sand rises:



**Wetlands Onsite**

### **Legislation and Policy:**

## **Statutory Environment**

### Legislation

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

### State Government Policies

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

### Local Planning Framework

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

## Consultation:

### Public Consultation

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

At the conclusion of the consultation, 60 submissions, 6 of these were from State Government Departments. Of the submissions received, 27 provided support or raised no concerns and 33 raising objections. The objections and concerns relate to the following issues, which are discussed in the relevant headings of the report in conjunction with the officer assessment:

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

A summary of all public and stakeholder submissions, including Officer comment, can be viewed within **attachment 2**. The applicant has provided a response to the submissions received in **attachment 3**.

### Referrals/consultation with Government/Service Agencies

#### Department of Primary Industries and Regional Development (DPIRD)

DPIRD raised their objection for the following reasons, which are summarized from their submission:

- The scale of the proposal being considered large, and not aligned with State Planning Policy 2.5;
- The development not being considered a rural pursuit or associated activity, and not being consistent with the Rural zone;
- Despite utilizing primary products in the brewing process, the scale of the development not considered to represent a secondary use to agriculture;
- The development not being considered to demonstrate benefit or compatibility with surrounding rural uses;
- Concerns about the capacity of wastewater management, especially in high rainfall events;
- Insufficient evidence provided to demonstrate that groundwater level or quality will not be affected by trade waste leaching, or plant growth by waterlogging;
- Potential inadequate separation to groundwater.

### Officer Comment

Officers have assessed the application against the objective of the Rural zone and State Planning Policy 2.5 - Rural Planning further in the report and consider the development consistent with the planning framework. Craft breweries and wineries, for example in the Swan Valley, Geographe and Margaret River regions of the State, are

commonplace uses within Rural areas and represent a key and defining element of the Rural zone. Location within rural areas takes consideration of the inputs required to the processes, and also water qualities that contribute the natural minerals and elements to create unique tasting products.

An updated Nutrient Irrigation Management Plan has been submitted which removes irrigation occurring in the winter months and has provided a cropping plan to further demonstrate that nutrients will be removed from the site once the wastewaters have been irrigated within the elevated areas. This is in order to meet the nutrient targets of the Peel Harvey Protection Environment Protection Policy. Conditions have also been imposed relating to the agency requests.

#### Department of Water and Environmental Regulation (DWER)

DWER raised their objection for the following reasons, which are summarized from their submission:

- The Department regulates emissions and discharges from the construction and operation of prescribed premises through a works approval and licensing process, under Part V of the Environmental Protection Act 1986 (EP Act).
- 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 premise and makes it an offence to cause an emission or discharge unless a licence is held for the premises.
- Concerns relating to the site not being adequately sized and suitable for on-site wastewater disposal given the large daily wastewater volumes requiring disposal even during the wet winter months i.e up to 678kL/day of blackwater and up to 678kL/day of brewery wastewater has been proposed as needing disposal.
- Concerns relating to the depth to the highest winter water table in the irrigation areas, given that a 1.5m separation distance is required.
- The site and soil evaluation report concludes “there are no site constraints to an on-site wwtp”, despite very shallow groundwater (<1m) and very permeable Bassendean sands (>4.5 m/d) with next to no ability to retain phosphorus. It is proposed to store some wastewater over winter, however no detail of winter storage or off-site disposal is proposed.
- The Department has concerns that the site may not be suitable for a brewery of this size given the volumes of wastewater that will be produced requiring on-site disposal.
- A 5000kL/pa brewery will produce up to 678 kL/day of wastewater and there is an intention to irrigate all year round even when rainfall exceeds evaporation, and the site is saturated. In these conditions all applied wastewater will simply percolate below the root zone to groundwater in the sandy areas or run off site into drains or wetlands in the inundated areas.
- The Department’s concerns with hydraulic loading and capacity, proposed wastewater treatment and disposal technology, and combined volumes of wastewater requiring on-site disposal throughout the year, were raised with the applicant and consultant during a meeting in July 2021, and further detailed provided within correspondence dated 3 August 2021. Without predetermining

any application which may be submitted, if the above matters are not resolved, it is unclear whether the Department would be able to grant a works approval for the proposal as articulated in the scoping meeting and correspondence.

- The submitted NIMP no information on nutrient removal and does not demonstrate that the input and export target rates with management practices can be met for nitrogen and phosphorus.

#### Officer Comment

The applicant has submitted a revised Nutrient Irrigation Management Plan (NIMP) to address concerns raised by DWER. The revised NIMP although generally compliant shows a slight exceedance in Nitrogen and Phosphorous in year five. A condition for an updated NIMP, and associated management measures has been imposed to demonstrate compliance with the targets set at all levels of production. It should also be noted that the applicant and DWER are working together to address the matter further. Officer also advise that the development will be required to be licensed under Part V of the Environmental Protection Act 1986 (EP Act) which is a separate process regulated by DWER.

#### Department Biodiversity Conservation Attraction (BDCA)

BDCA raised the following comments, which are summarized from their submission:

- The Geomorphic Wetlands (Swan Coastal Plain) dataset maps a Resource Enhancement Wetland (UFI 7551) on portions of Lot 201;
- BDCA and DWER have recently undertaken a review of the environmental values of the wetlands currently mapped in the Geomorphic Wetlands of the Swan Coastal Plan (GWSCP) dataset using available data;
- Draft revised mapping indicates much of this wetland is likely to have values commensurate with a Multiple Use (MU) wetland, including portions of the wetland located north, west and south of the restaurant and brewery, with a vegetated portion of the wetland in the south east corner of Lot 201 having values commensurate with Conservation Category Wetland (CCW);
- The restaurant and brewery are located more than 100 metres from the portion of UFI 7551 which has been identified as having values commensurate with CCW;
- The irrigation Area 2 is located approximately 50 metres from the portion of UFU 7551 which has been identified as having values commensurate with CCW, and approximately 30 metres from the current REW boundary (the portion which has been identified as having values commensurate with MU);
- It is BDCA's expectation that the Shire of Serpentine Jarrahdale and DWER will review the Nutrient and Irrigation Management Plan and consider if the separation distance between irrigation area 2 and the portion of the wetland UFI 7551 located to the south east of the irrigation area is adequate;
- BDCA also expects that the Shire of Serpentine Jarrahdale will consider any other environmental issues associated with the proposal.

#### Officer Comment

Officers are satisfied that the updated Nutrient Irrigation Management Plan (NIMP) submitted demonstrates that the craft brewery wastewaters, with the assistance of the

proposed cropping plan, will meet the nutrient targets of the Peel Harvey Protection Environment Protection Policy. Furthermore, the updated NIMP reflects that irrigation of the wastewaters onsite will not be occurring during the winter months, to avoid waterlogging and manage the risk of nutrient discharge into the environment. Officers consider that based on the updated NIMP, the proposed setbacks of the development to the wetlands are adequate. Conditions have also been imposed relating to the agency requests.

#### Department of Fire Emergency Services (DFES)

DFES raised the following comments, which are summarized from their submission:

- It is noted the BMP has been prepared in accordance with V1.3 of the Guidelines. V1.3 of the Guidelines has been rescinded and DFES have assessed the BMP against version 1.4 of the Guidelines;
- DFES notes commentary within the BMP coversheet regarding the proposal not being considered a vulnerable land use. Tourism land uses such as the proposed restaurant and brewery facility are specifically identified as a vulnerable tourism land use as prescribed by Element 5 of the Guidelines;
- Vulnerable land uses located in designated bushfire prone areas require special consideration, especially as visitors may be unfamiliar with their surroundings and bushfire impacts;
- Consequently, and in accordance with our advisory role, DFES have highlighted in the assessment below the residual bushfire risks associated with the tourism development and compliance with the bushfire protection criteria to aid decision making;
- As the proposed building is to be a Class 9, plans will need to be provided to DFES Built Environment Branch for assessment as required by Regulation 18B of the Building Regulations 2012;
- The proposed building will exceed 500m<sup>2</sup>, therefore fire hydrant coverage to this building will be required in accordance with DFES Operational Requirements and as per Australian Standard AS2419. This will require fire pumps and tanks given the site location. The building also requires a fire hose reel system to be installed as per Australian Standard AS2444;
- Given the proposed development application has the potential to increase the threat of bushfire to people, property and infrastructure, the decision maker should ensure the bushfire risk and hazard reduction/bushfire protection measures are established and understood before making a determination;
- Decision maker should require that the BMP addresses the policy requirements of SPP3.7 and the Guidelines to inform decision making.

#### Officer Comment

The applicant has submitted an updated Bushfire Management Plan which address the concerns raised by DFES. Conditions have also been imposed relating to the agency requests.

#### Water Corporation

Water Corporation the following comments, which are summarized from their submission:

- Subject land is remote from water and wastewater services;

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

#### Officer Comment

A condition has been imposed to require the submission of a Stormwater Management Plan, to demonstrate how the development meets predevelopment flow rates and incorporate best practice water sensitive urban design measures. The Stormwater Management Plan is required to be submitted prior to issue of a Building Permit. Conditions have also been imposed relating to the agency requests.

#### Department of Health (DoH)

DoH indicated they were not supportive of the proposal for the following reasons, which are summarized from their submission:

- Disposal areas appear located near potential areas of flooding, onsite dams and winter creek/drain;
- Disposal area/s need to be designed with a minimum 100 metre setback from sewage sensitive areas, including the dams;
- Proposal needs to demonstrate as to whether there is a creek or drain running through the property with appropriate setbacks from the disposal area/s.
- Where areas of land become inundated, (if) land fill is used for these areas, they should not be used for disposal areas. Where the use of fill is proposed to achieve separation distances, proponents may be required to provide additional information to demonstrate that solutions are effective and do not impact on other lots through water diversion;
- Separation from the base of the irrigation lines or disposal drains require a minimum of 1.5 metres vertical setback from the highest winter water tables;

- The disposal areas should be dedicated areas that are kept separate and unencumbered by trafficable vehicles, livestock and people;
- To ensure onsite wastewater treatment plants accommodates peak daily volumes and non-peak volumes, water quality criteria and life of the system (15 years) is required to be Engineering Certified. It was noted in the report volumes were averaged especially in relation to the brewery process;
- Compliance with the provisions of the Food Act 2008 and related code, regulations and guidelines;
- All public access areas (dining areas, etc.) are to comply with the provisions of the Health (Miscellaneous Provisions) Act 1911, related regulations and guidelines and in particular Part VI - Public Buildings;
- The subject land is in a region that can experience significant problems with nuisance and disease carrying mosquitoes. The proponent must ensure proposed infrastructure and site works do not create additional mosquito breeding habitat.

#### Officer Comment

An updated NIMP has been submitted by the applicant addressing concerns raised by DoH. Conditions have also been imposed relating to the agency requests.

#### **Planning Assessment:**

##### Land Use:

The proposed development falls within two separate land uses under TPS2. The restaurant component of the proposal is considered to fall under the 'Restaurant' land use which is defined as follows:

*Restaurant- 'Means a building wherein food is prepared for sale and consumption within the building and the expression shall include a licensed restaurant, and a restaurant at which food for consumption outside the building is sold where the sale of food for consumption outside the building is sold where the sale of food for consumption outside the building is not the principal part of the business'*

Under TPS2 a 'Restaurant' land use is an 'SA' use, meaning that the Council may, at its discretion, permit the use after notice of the application has been given in accordance with Clause 64 of the Deemed Provisions.

In terms of the craft brewery component, this activity does not reasonably fit within any listed land use under TPS2. Clause 3.2.5 states as follows:

*3.2.5 If the use of land for a particular purpose is not specifically mentioned in the zoning table and cannot reasonably be determined as falling within the interpretation of one of the use categories, the Council may:*

- a) determine that the use is not consistent with the objectives and purpose of the particular zone and is therefore not permitted; or*
- b) determine that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of Clause 64 of the Deemed Provisions in considering an application for planning consent.*

An assessment of the craft brewery component of the proposal as a 'Use Not Listed' has been assessed against the objective of the 'Rural' zone which is provided further

in the report. The development is considered to be consistent with the objectives of the 'Rural' zone.

Under Draft Local Planning Scheme No. 3 (LPS3), the subject land is identified to remain zoned 'Rural' whereby the restaurant component of the proposal falls within the Restaurant/Café land use which is listed as an 'A' land use under LPS3. This means it is a land use that can be considered, subject to advertising occurring, in accordance with Clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015.

In terms of the craft brewing component of the proposal, LPS3 includes a new land use category of 'Brewery' which is defined as:

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

The development will be subject to such license associated with the production of beer and therefore falls within this category. The land use is a 'A' land use which means it can be considered in the zone, subject to advertising occurring, as aforementioned. Appropriateness of development is also associated with a merits-based assessment against the scale and intensity of development.

### Zone Objectives

The subject site is zoned 'Rural' under TPS2. The purpose and intent of the 'Rural' zone specified in clause 5.10.1 of TPS2 is to *"allocate land to accommodate the full range of rural pursuits and associated activities conducted in the Scheme Area."*

While TPS2 does not define a 'rural pursuit', the general definition as determined by SAT is something relating to or a 'characteristic of the country' as cited in (*Attwell and City of Albany [2009] WASAT 38*).

The development is considered as an associated activity as it provides a form of development which will serve the rural community, providing a place of entertainment and leisure. This is considered to assist in the carrying out of rural pursuits within the rural area.

Officers also consider that the development does not conflict with the objective of the zone as the development is not considered to impact upon the carrying out of existing rural activities already occurring within the locality. Officers have recommended conditions with appropriate robust management plans to ensure the development will operate alongside the existing activities occurring in the area.

### Car Parking

Table V - Car Parking of TPS2 provides minimum standards for car parking bays dependant on land use which have been calculated in the table below. It is worth noting that there are no standards for a 'Brewery' under TPS2. As this component of the development is not open to the public, parking requirements for this component of the development is based on staff requirements. Parking calculation as follows:

Land Use	Assumption	Car Parking Requirement
Restaurant (1,000 pax)	1 bay per 4 persons	250 bays
Brewery (5 staff members)	Based on number of staff	5 bays
<b>Total bays required</b>		<b>255 bays</b>
<b>Total bays provided</b>		<b>251 (inc. 6 ACROD bays &amp; 8 motorcycle bays)</b>
<b>Proposed shortfall</b>		<b>4 bays</b>

### TPS 2 - Parking Requirements

Although the development proposes a minor shortfall and a number of staff from the restaurant will likely utilise a number of the bays provided, the use of coaches/busses will reduce the reliance of the parking bays onsite. Therefore, it is likely that the parking bays available onsite will be adequate to service the development.

In terms of draft Local Planning Scheme No.3, the parking requirements for the 'Restaurant' land use is '1 bay per 4m<sup>2</sup> of dining, drinking and/or lounge areas and 1 bay per 4m<sup>2</sup> of public assembly areas. There is no parking requirement for the proposed brewery under LPS3. Parking requirements for the brewery will be based on staffing requirements. As such, based on a dining, drinking and/or lounge area 983.5m<sup>2</sup> and staffing requirements for the brewery a total of 251 bays is required. A total of 251 bays has been provided and is therefore compliant.

### Draft Local Planning Scheme No.3 (LPS3) and Local Planning Strategy (LPS)

The subject site is to remain 'Rural' under LPS3 and designated as 'Rural' land under the LPS. The objectives of the Rural zone are as follows:

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

The objectives of the Rural area under the LPS are to provide for a full range of rural uses, tourism, rural enterprise and the preservation of the rural character. LPS emphasises the importance of protecting large rural lot sizes for agriculture.

It is considered that the proposed development introduces non rural uses within the 'Rural' zone that will serve the rural community and also provide for rural tourism opportunities to develop within the area. Importantly, the draft LPS 3 and LPS have been formed by introducing non-rural uses such as a 'Brewery' and 'Restaurant' land uses as development appropriate within the 'Rural' zone.

In terms of rural character, Officers consider the proposal is larger than a number of surrounding developments in the locality. However, the applicant has proposed to set the buildings and activities of the development approximately 573m from the street in a location which is screened from neighbouring properties, ultimately drawing the activities away from the street, protecting the visual amenity of the public domain. The development will be subject to robust Traffic Management, Lighting and Noise Management Plans, to ensure the development does not impact upon the rural amenity of the area.

In terms of environment, the development has posed to irrigate fully treated waters generated by the brewery production onsite within elevated areas of the site. The updated Nutrient Irrigation Management Plan (NIMP) submitted for the proposal generally demonstrates that the wastewaters, prior to being used for irrigation will be treated to significantly reduce the concentration of nutrients to generally meet the Peel Harvey Protection Environment Protection Policy nutrient targets. Officers, however, have requested an updated NIMP through a condition of approval be submitted as there is slight exceedance in Nitrogen and Phosphorous levels in year 5 of operations. More broadly however, Officers are satisfied with the additional management measures included in the revised NIMP to ensure the values of the environment are protected.

#### State Planning Policy 2.5

The purpose of this policy is to protect and preserve Western Australia's rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape values. The relevant objectives of the policy to this proposal are to:

- *support existing, expanded, and future primary production through the protection of rural land, particularly priority agricultural land and land required for animal premises and/or the production of food;*
- *priority agricultural land is to be preserved for that purpose due to its proximity to major population centres; and (e) conversion of land from priority agriculture to other uses must be appropriately planned in strategies or schemes, where such conversion is required as a matter of State significance.*

Officers note that the site has not been designated as 'Priority Agricultural Land' within DPIRD's Land Capability Mapping tool. The Bassendean Soils do not support intensive agricultural pursuits/primary production. Furthermore, the site is heavily constrained through the presence of the wetlands onsite, therefore restricting the types of rural uses occurring. The placement of livestock and horse agistment onsite is limited due to the sensitive nature of the site. The site therefore provides an opportunity for appropriate non rural uses to occur.

In terms of the introduction of non-rural uses, clause 5.8 of SPP 5.8 states as follows:

*The introduction of sensitive or incompatible land uses such as additional housing or accommodation in rural areas can compromise rural land uses and effectively sterilise rural land. Incompatible land uses may also include uses that are acceptable in a rural zone but have a negative impact on other rural land uses. There is a need*

*to ensure that existing rural land uses are protected, and landholders are able to exercise their operational needs effectively and appropriately*

The SPP2.5 ultimately requires consideration of ensuring compatibility between land uses and is focused on the need to assess potential impacts that may arise from non-rural activities on nearby rural land use and include such matters as traffic volumes, amenity, visual compatibility and noise.

Officers consider the proposed development is consistent with SPP 2.5 in that it introduces non rural uses that can operate alongside the existing rural activities occurring in the area. Rural amenity is proposed to be maintained through robust management plans relating to noise, traffic and nutrient management.

#### State Planning Policy 2.1 (SPP2.1) Peel-Harvey Coastal Plain Catchment

The subject site is located within the Peel-Harvey catchment area. The policy ensures that changes to land use within the catchment to the Peel-Harvey Estuarine System are controlled so as to avoid and minimise environmental damage. Land uses which are likely to drain towards the Peel-Harvey Estuarine System should be managed to reduce or eliminate nutrient export from the land.

The proposed development seeks to produce approximately 1,000,000 litres of beer in first year production. Building to 5,000,000 litres in the fifth year. The application states for every one litre of beer produced 10 litres of wastewater is produced. The effluents from individual process steps in the brewing process are variable. For example, bottle washing results in a large wastewater volume, but it contains only a minor part of the organics discharged from the brewery process. Effluent from fermentation and filtering are high in organics/biochemical oxygen demand, however, generally low in volume. The wastewater volumes for the proposal generated in years one to five are indicated below:

Month	Wastewater Volumes	
	Year 1 (2023) kl/month	Year 5 (2028) kl/month
January	366	1830
February	434	2170
March	334	1670
April	167	835
May	167	835
June	117	585
July	117	585
August	117	585
September	167	835
October	366	1830
November	434	2170
December	434	2170
<b>Total</b>	<b>3,070</b>	<b>20,360</b>

**Expected Wastewater Quantity**

To deal with the volumes of wastewater generated by the proposal, the applicant submitted a Nutrient Irrigation Management Plan (**attachment 4**) which proposes the construction of a wastewater treatment system to be installed onsite to treat only the

brewery production wastewaters for irrigation onsite. The treatment system seeks to remove all phosphorous and separate solids, treating water to a standard that can be used to irrigate to land. The NIMP indicates that the system can remove 70-99% of suspended solids, and reduce phosphorous by 80%. Pre-treatment concentrations and loads of wastewaters are captured in the below table:

Parameter	Average mg/L	Annual Load (kg/yr)		Annual Load * (kg/ha/yr)	
		Year 1	Year 5	Year 1	Year 5
Chemical Oxygen Demand (COD)	3063	9,710	49,314	971 (2.65 kg/ha/day)	4931 (13.5 kg/ha/day)
Biological Oxygen Demand (BOD <sub>5</sub> )	1870	5,928	30,107	593 (1.62 kg/ha/day)	3,010 (8.25 kg/ha/day)
Total Suspended Solids (TSS)	370	1,172	5,957	117	596
Total Kjeldahl Nitrogen	56	179	907	18	91
Total Phosphorus	12	38	193	3.8	19

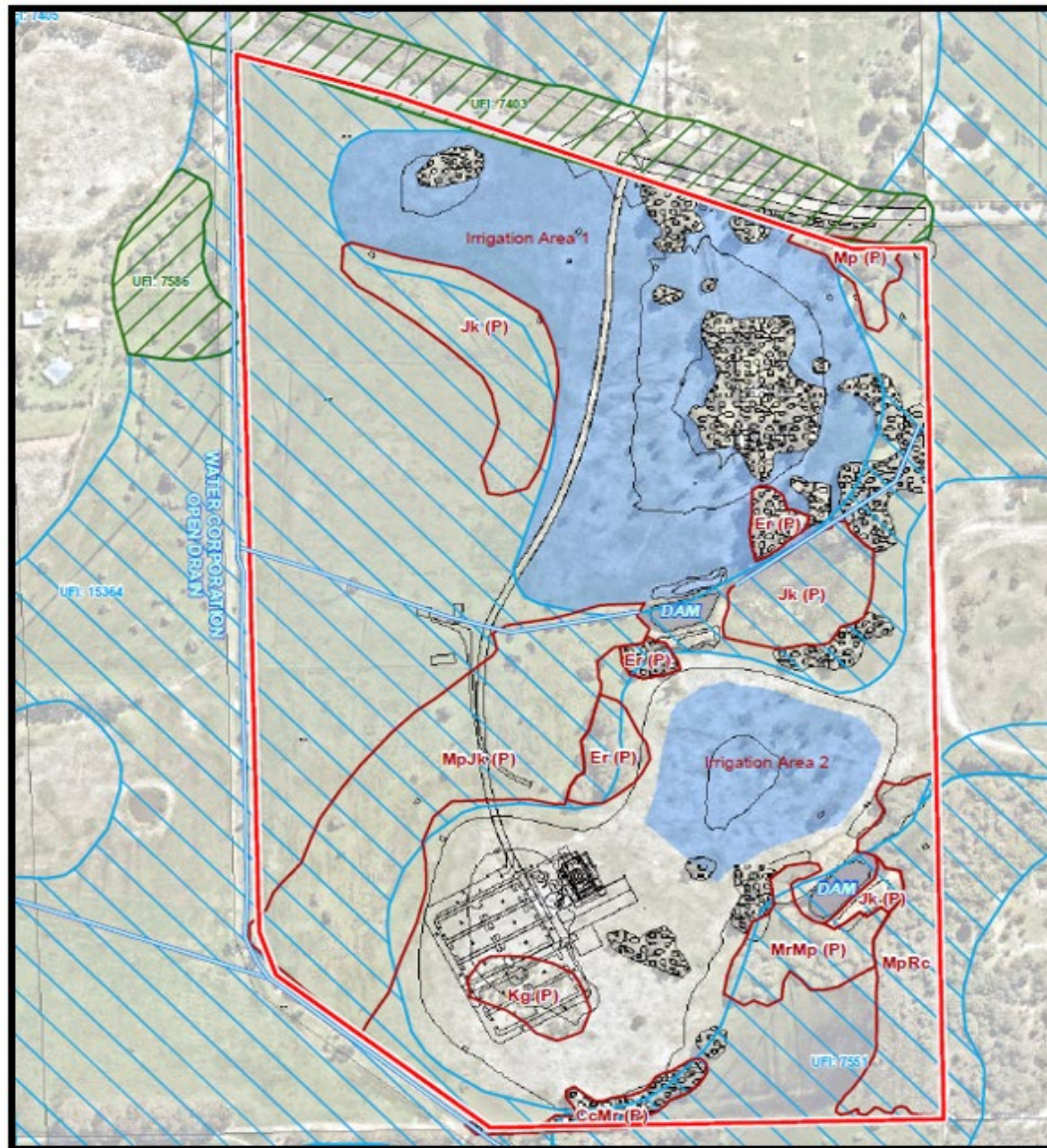
#### Yearly Loads: Pre-Treatment Concentrates and Loads of Wastewater

As the site is not connected to sewer, the treated Brewery wastewater is proposed to be used to irrigate two areas onsite totalling approximately 10.04 hectares. Irrigation Area 1 is 7.93 hectares and Irrigation Area 2 is 2.11 hectares. The irrigation areas have been identified as they are elevated areas whereby water logging is less likely to occur. The areas are also proposed to be bunded so water does not escape into the adjoining wetland located in the lower parts of the subject site. Post treatment of Brewery wastewater is as follows:

Parameter	Average mg/L	Annual Load (kg/yr)		Annual Load* (kg/ha/yr)	
		Year 1	Year 5	Year 1	Year 5
Chemical Oxygen Demand (COD)	1531	4,485	24,657	448.5 (1.23 kg/ha/day)	2466 (6.75 kg/ha/day)
Biological Oxygen Demand (BOD <sub>5</sub> )	935	2964	15054	296 (0.81 kg/ha/day)	1505 (4.1 kg/ha/day)
Total Suspended Solids (TSS)	185	586	2,979	58.6	298
Total Kjeldahl Nitrogen	28	90	454	9	45.5
Total Phosphorus	6	19	96.5	1.9	9.65

#### Yearly Loads – Post Treatment of Brewery Wastewater

The table shows that a conservative reduction of 50% of all nutrient parameters is achieved through the proposed treatment process. The applicant proposes however, that the amount of reduction is likely to be significantly higher (a reduction of 80%). Irrigation areas are captured below:



**Irrigation Areas**

Based on the volumes of wastewaters in year five and site condition, DWER raised concerns over the depth of groundwater within the irrigation areas. Officers advise that Irrigation Area 1 has a topography vary between 26.6AHD - 30.6 AHD maintaining a separation of 0.6AHD to approximately four metres to the perched water table in winter. In relation to Irrigation Area 2, the topography 30.6AHD - 26 AHD maintaining a separation of less than one metre to approximately four metres. The DWER have advised that due to the soil type and infiltration rate, a minimum 1.5 metre separation is required to the highest winter water table. This will require the NIMP to be amended to ensure that all irrigation areas achieve a 1.5m separation to the highest winter water table, to the satisfaction of the Shire and DWER.

In terms of the concentration of the waste irrigation waters, the initial NIMP was prepared to meet the DWER Water Quality Protection Note 22: Irrigation with Nutrient

Rich wastewaters (WQPN 22). The document provides guidance on the use of wastewaters from industries for irrigation purposes, including a brewery. Under this document the proposal is classified as having a 'Risk Category A' eutrophication risk for surface waters within 500m of the irrigation site. For Risk Category A sites, the recommended nutrient application rate to control eutrophication is 140kg/ha/yr of Nitrogen and 10 kg/ha/yr of total Phosphorous. The submitted NIMP which was based on a phosphorus precipitation (using Ferric Chloride) and dissolved air floatation unit (DAF) system, demonstrated that the nutrient application rates over the land will be slightly higher than the WQPN 22 rates for the 5-year volume, 57.17kg/ha/yr Nitrogen and 12.175 kg/ha/yr Phosphorus. It is noted that nutrient targets are achieved under the year one scenario.

DWER however, in their initial submission on the NIMP, provided comment that the development should comply with the Peel Harvey Protection Environment Protection Policy (EPP) which establishes a lower target for Nitrogen and Phosphorous loading targets to be adhered to for new proposals. The document establishes a target of less than 6.5 kg/ha/year for Phosphorus and less than 45 kg/ha/year for Nitrogen. The applicant, in response to this, submitted an updated NIMP (**attachment 5**) to demonstrate that the wastewater treatment system can be developed to further reduce the nutrient concentration closer to the EPP requirements.

The updated NIMP was prepared to include an improved wastewater treatment system to further reduce the concentration of nutrients within the wastewaters. The NIMP demonstrated, using the wastewater treatment options available for the development, that using the DAF approach or the Precipitation and Membrane Bioreactor (MBR) approach, the concentration of wastewaters post treatment can be significantly reduced. Under the DAF treatment, the Total Nutrient (TN) and Phosphorus (TP) application rate in year one is 9/kg/ha/yr and 45.5/kg/ha/yr in year five for TN and 1.9kg/ha/yr and 9.65kg/ha/yr in year five for TP. A significant reduction from the earlier WQPN 22 assessment, however, demonstrates a slight exceedance in TP and TN in year five.

In terms of the MBR treatment, the NIMP demonstrates that TN in the first year is 5.7kg/ha/yr and 29kg/ha/yr in year five, TP is 1.9kg/ha/yr in the first year and 9.7kg/ha/yr in year five. Although generally compliant, this also shows a slight exceedance in year five for TP. It is important to condition an updated NIMP, and associated management measures, to demonstrate compliance with the targets set at all levels of production. The applicant is also working with DWER on the matter.

The applicant is expecting through planting crop and pasture species, any excess nutrients will be used therefore reducing potential nutrients leaving the site. Therefore, meeting the objectives of the EPP. The applicant has proposed to plant sorghum and ryegrass within the irrigation areas. These crops have a high capacity to remove nutrient from the irrigated waters. The NIMP demonstrates that ryegrass annually can remove up to 210 kg/ha of nitrogen and 9.3 kg/ha of phosphorous whilst Sorghum can uptake 105 kg/ha of nitrogen and 20.3 kg/ha of phosphorous per year.

Officers advise that the updated NIMP has further included additional measures to manage the risk of environmental/groundwater contamination and nutrients leaving the site. The document proposes to recycle 50% of wastewaters from the brewery operation between the months of April and September, to reduce the hydraulic loading to land when rainfall exceeds evapotranspiration rates. The measures also include holding wastewaters during the months of June and July in appropriately sized tanks. The NIMP also proposes a monitoring programme which will also be a requirement under a separate DWER process. The monitoring program includes soil, groundwater and surface water monitoring to detect any impacts (if any) from the wastewaters being

used for irrigation. Officers, however, will also be seeking for the NIMP to be updated to demonstrate how suspended solids are removed from the wastewater system and that the development maintains a 1.5 metre separation to groundwater. This is a requirement from DWER which will provide for an adequate separation between the groundwater and the irrigation areas.

Officers are satisfied that the revised NIMP indicates that the development will be undertaken in a manner that is reflective of the EPP nutrient rates. Council should also note that development will fall within the threshold of a Prescribed premise under *Part V of the Environmental Protection Act 1986 (EP Act)*. Matters such as nutrient management, wastewater treatment is further assessed by DWER providing for another level of regulation.

### Noise

During the consultation period, neighbouring residents raised objections and concerns in relation to noise impacts of the proposal on the rural amenity of the area. Specific concerns relate to the level of noise that would result from the scale of the proposed development with a capacity of 1,000 people and associated activities.

Clause 67 of the Deemed Provisions, namely clause (n), requires the Local Government to consider the amenity impacts of a development. Noise generated from the proposal has the potential to impact upon the amenity of the area.

To address noise, the applicant submitted an Environmental and Noise Assessment (ENA) in accordance with the *Environmental Protection (Noise) Regulations 1997* (the Noise Regulations). This can be viewed within **attachment 6**. The report assessed noise emissions from a number of scenarios likely to occur as part of the development associated with the restaurant component of the proposal. The scenarios are as follows:

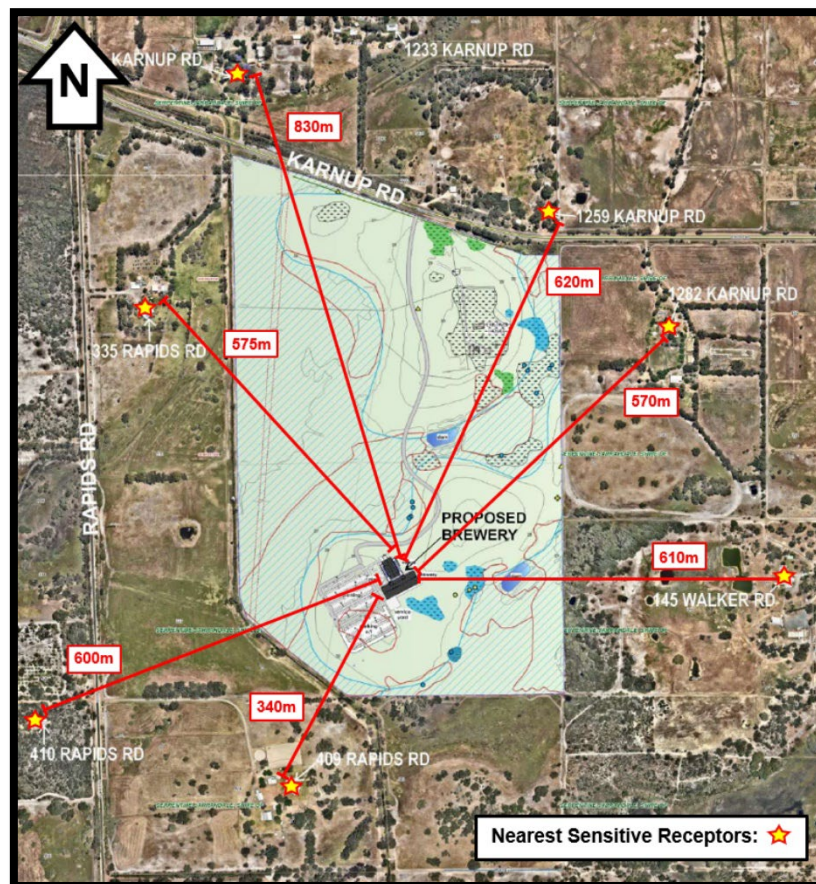
- Scenario 1: Patron crowd emissions when the venue is fully occupied with low level background music with all windows and doors open. In addition to 50 children playing in the playground.
- Scenario 2A: Amplified music within the venue with external windows and doors closed.
- Scenario 2B: Live band within venue with external windows and doors closed.
- Scenario 2C: Speakers within the alfresco areas. A total of 15 speakers within the first floor outdoor areas and a total of three speakers mounted to the façade within the ground floor Outdoor Dining Area.
- Scenario 3A: Patron vehicles driving in carpark and access road. Modelled on eight cars driving in the carpark and four driving along the access road simultaneously.
- Scenario 3B: Car doors closing within the carpark. Modelled on eight car doors closing simultaneously.

The acoustic assessment has been modelled on the basis that the building has been constructed with the following noise attenuation features which will be required to be included within a Noise Management Plan (NMP) discussed later in this section of the report.

- Glazing - External glazing to have a sound reduction of Rw 31.

- Roof Construction - colourbond sheeting with Anticon 80 insulation.
- An acoustically absorbent 'ceiling' to be provided within the hospitality venue; and
- External Wall construction - the external walls shall achieve a minimum sound reduction.

The Regulations set out the maximum allowable noise level that may be emitted, measured from the point of the receiver of that noise. In this case, computer modelling was used to predict noise emissions under each scenario at all sensitive receptors as shown below and demonstrated within the ENA.



**Location of Sensitive Receptors**

The predicted noise levels received at the sensitive receptors within the ENA under each scenario has been detailed within tables 5-9 of **attachment 6**. The DWERs comments on the ENA can be seen within **attachment 7**. The DWER advised that the methodology within the ENA appears correct. The location of the sensitive receptors and noise receivers at this location have been captured in the previous image.

In terms of Scenario 1, the ENA demonstrates the noise received at the identified sensitive receptors comply with the assigned noise levels under the Noise Regulations. Refer to following table for Scenario 1 modelling:

Noise receiver location (highest noise level)	Predicted noise level L <sub>10</sub>	Adjusted noise level L <sub>10</sub> #	Relevant 'Assigned Level'	Compliance
1211 Karnup Rd (within 15 metres of house)	L <sub>10</sub> 25 dB(A)	L <sub>10</sub> 25 dB(A)	L <sub>10</sub> 40 dB(A)	YES
1233 Karnup Rd (within 15 metres of hours)	L <sub>10</sub> 25 dB(A)	L <sub>10</sub> 25 dB(A)	L <sub>10</sub> 40 dB(A)	YES
1259 Karnup Rd (within 15 metres of house)	L <sub>10</sub> 28 dB(A)	L <sub>10</sub> 28 dB(A)	L <sub>10</sub> 40 dB(A)	YES
1282 Karnup Rd (within 15 metres of house)	L <sub>10</sub> 28 dB(A)	L <sub>10</sub> 28 dB(A)	L <sub>10</sub> 40 dB(A)	YES
145 Walker Rd (within 15 metres of house)	L <sub>10</sub> 26 dB(A)	L <sub>10</sub> 26 dB(A)	L <sub>10</sub> 40 dB(A)	YES
409 Rapids Rd (within 15 metres of house)	L <sub>10</sub> 35 dB(A)	L <sub>10</sub> 35 dB(A)	L <sub>10</sub> 40 dB(A)	YES
410 Rapids Rd (within 15 metres of house)	L <sub>10</sub> 29 dB(A)	L <sub>10</sub> 29 dB(A)	L <sub>10</sub> 40 dB(A)	YES
335 Rapids Rd (within 15 metres of house)	L <sub>10</sub> 32 dB(A)	L <sub>10</sub> 32 dB(A)	L <sub>10</sub> 40 dB(A)	YES
Highest noise level at boundary	L <sub>10</sub> 42 dB(A)	L <sub>10</sub> 42 dB(A)	L <sub>10</sub> 60 dB(A)	YES

### Scenario 1 Modelling Results

Under this scenario, the ENA demonstrates the noise received at the nearby sensitive receptors comply with the assigned noise levels under the *Environmental Protection (Noise) Regulations 1997*.

In terms of Scenario 2A, the ENA demonstrates below that the noise received at the identified sensitive receptors comply with the assigned noise levels under the Noise Regulations except for the property located at 409 Rapids Road, where it exceeds the assigned levels by 2 dB. Refer to following table for Scenario 2A modelling.

Noise receiver location (highest noise level)	Predicted noise level L <sub>10</sub>	Adjusted noise level L <sub>10</sub> #	Relevant 'Assigned Level' (before 10 pm)	Compliance
1211 Karnup Rd (within 15 metres of house)	L <sub>10</sub> 24 dB(A)	L <sub>10</sub> 34 dB(A)	L <sub>10</sub> 40 dB(A)	YES
1233 Karnup Rd (within 15 metres of hours)	L <sub>10</sub> 27 dB(A)	L <sub>10</sub> 37 dB(A)	L <sub>10</sub> 40 dB(A)	YES
1259 Karnup Rd (within 15 metres of house)	L <sub>10</sub> 29 dB(A)	L <sub>10</sub> 39 dB(A)	L <sub>10</sub> 40 dB(A)	YES
1282 Karnup Rd (within 15 metres of house)	L <sub>10</sub> 29 dB(A)	L <sub>10</sub> 39 dB(A)	L <sub>10</sub> 40 dB(A)	YES
145 Walker Rd (within 15 metres of house)	L <sub>10</sub> 27 dB(A)	L <sub>10</sub> 37 dB(A)	L <sub>10</sub> 40 dB(A)	YES
409 Rapids Rd (within 15 metres of house)	L <sub>10</sub> 32 dB(A)	L <sub>10</sub> 42 dB(A)	L <sub>10</sub> 40 dB(A)	NO, but will comply if music is limited to 83 dB(A)
410 Rapids Rd (within 15 metres of house)	L <sub>10</sub> 27 dB(A)	L <sub>10</sub> 37 dB(A)	L <sub>10</sub> 40 dB(A)	YES
335 Rapids Rd (within 15 metres of house)	L <sub>10</sub> 30 dB(A)	L <sub>10</sub> 40 dB(A)	L <sub>10</sub> 40 dB(A)	YES
Highest noise level at boundary	L <sub>10</sub> 40 dB(A)	L <sub>10</sub> 50 dB(A)	L <sub>10</sub> 60 dB(A)	YES

### Scenario 2A Modelling Results

The exceedance was based on the modelling of this scenario undertaken with windows and doors open with bands and DJs playing. Compliance can be achieved for this type of noise/music however, if windows and doors of the venue are closed and noise is capped at 83 db at the perimeter of the internal space. The application, however, generally focuses on music which is acoustic in nature generating lower levels of noise. Officers consider that the exceedance can be appropriately managed through measures within a Noise Management Plan. It should also note that the proposal does not propose to operate speakers or bands/DJs music to occur past 10pm. In the instance a live band or DJ goes beyond 10pm, the acoustic assessment identifies that noise will be required to be capped at 83 db at the perimeter of the internal space to ensure compliance with the Noise Regulations. Officers, however, recommend imposing a prohibiting operating past 10pm at any time - this means the development will not operate beyond 10pm, which is what has been proposed in the application.

In terms of Scenario 2B, the ENA demonstrates below that the noise received at the identified sensitive receptors comply with the assigned noise levels under the Noise Regulations. Refer to following table for Scenario 2B modelling:

Noise receiver location (highest noise level)	Predicted noise level L <sub>10</sub>	Adjusted noise level L <sub>10</sub> #	Relevant 'Assigned Level' (before 10 pm)	Compliance
1211 Karnup Rd (within 15 metres of house)	L <sub>10</sub> 20 dB(A)	L <sub>10</sub> 30 dB(A)	L <sub>10</sub> 40 dB(A)	YES
1233 Karnup Rd (within 15 metres of hours)	L <sub>10</sub> 21 dB(A)	L <sub>10</sub> 31 dB(A)	L <sub>10</sub> 40 dB(A)	YES
1259 Karnup Rd (within 15 metres of house)	L <sub>10</sub> 24 dB(A)	L <sub>10</sub> 34 dB(A)	L <sub>10</sub> 40 dB(A)	YES
1282 Karnup Rd (within 15 metres of house)	L <sub>10</sub> 25 dB(A)	L <sub>10</sub> 35 dB(A)	L <sub>10</sub> 40 dB(A)	YES
145 Walker Rd (within 15 metres of house)	L <sub>10</sub> 24 dB(A)	L <sub>10</sub> 34 dB(A)	L <sub>10</sub> 40 dB(A)	YES
409 Rapids Rd (within 15 metres of house)	L <sub>10</sub> 30 dB(A)	L <sub>10</sub> 40 dB(A)	L <sub>10</sub> 40 dB(A)	YES
410 Rapids Rd (within 15 metres of house)	L <sub>10</sub> 24 dB(A)	L <sub>10</sub> 34 dB(A)	L <sub>10</sub> 40 dB(A)	YES
335 Rapids Rd (within 15 metres of house)	L <sub>10</sub> 30 dB(A)	L <sub>10</sub> 40 dB(A)	L <sub>10</sub> 40 dB(A)	YES
Highest noise level at boundary	L <sub>10</sub> 35 dB(A)	L <sub>10</sub> 45 dB(A)	L <sub>10</sub> 60 dB(A)	YES

### Scenario 2B Modelling Results

In terms of Scenario 2C as identified below, the ENA demonstrates the noise received at the identified sensitive receptors comply with the assigned noise levels under the Noise Regulation.

Noise receiver location (highest noise level)	Predicted noise level L <sub>10</sub>	Adjusted noise level L <sub>10</sub> #	Relevant 'Assigned Level' (before 10 pm)	Compliance
1211 Karnup Rd (within 15 metres of house)	L <sub>10</sub> 19 dB(A)	L <sub>10</sub> 29 dB(A)	L <sub>10</sub> 40 dB(A)	YES
1233 Karnup Rd (within 15 metres of hours)	L <sub>10</sub> 22 dB(A)	L <sub>10</sub> 32 dB(A)	L <sub>10</sub> 40 dB(A)	YES
1259 Karnup Rd (within 15 metres of house)	L <sub>10</sub> 24 dB(A)	L <sub>10</sub> 34 dB(A)	L <sub>10</sub> 40 dB(A)	YES
1282 Karnup Rd (within 15 metres of house)	L <sub>10</sub> 24 dB(A)	L <sub>10</sub> 34 dB(A)	L <sub>10</sub> 40 dB(A)	YES
145 Walker Rd (within 15 metres of house)	L <sub>10</sub> 25 dB(A)	L <sub>10</sub> 35 dB(A)	L <sub>10</sub> 40 dB(A)	YES
409 Rapids Rd (within 15 metres of house)	L <sub>10</sub> 30 dB(A)	L <sub>10</sub> 40 dB(A)	L <sub>10</sub> 40 dB(A)	YES
410 Rapids Rd (within 15 metres of house)	L <sub>10</sub> 22 dB(A)	L <sub>10</sub> 32 dB(A)	L <sub>10</sub> 40 dB(A)	YES
335 Rapids Rd (within 15 metres of house)	L <sub>10</sub> 25 dB(A)	L <sub>10</sub> 35 dB(A)	L <sub>10</sub> 40 dB(A)	YES
Highest noise level at boundary	L <sub>10</sub> 35 dB(A)	L <sub>10</sub> 45 dB(A)	L <sub>10</sub> 60 dB(A)	YES

### Scenario 2C Modelling Results

In terms of Scenario 3A, the results of the ENA below demonstrate the noise received at the identified sensitive receptors comply with the assigned noise levels under the Noise Regulation.

Noise receiver location (highest noise level)	Predicted noise level L <sub>10</sub>	Adjusted noise level L <sub>10</sub> #	Relevant 'Assigned Level' (before 10 pm)	Compliance
1211 Karnup Rd (within 15 metres of house)	L <sub>10</sub> 18 dB(A)	L <sub>10</sub> 23 dB(A)	L <sub>10</sub> 40 dB(A)	YES
1233 Karnup Rd (within 15 metres of hours)	L <sub>10</sub> 20 dB(A)	L <sub>10</sub> 25 dB(A)	L <sub>10</sub> 40 dB(A)	YES
1259 Karnup Rd (within 15 metres of house)	L <sub>10</sub> 23 dB(A)	L <sub>10</sub> 28 dB(A)	L <sub>10</sub> 40 dB(A)	YES
1282 Karnup Rd (within 15 metres of house)	L <sub>10</sub> 23 dB(A)	L <sub>10</sub> 28 dB(A)	L <sub>10</sub> 40 dB(A)	YES
145 Walker Rd (within 15 metres of house)	L <sub>10</sub> 18 dB(A)	L <sub>10</sub> 23 dB(A)	L <sub>10</sub> 40 dB(A)	YES
409 Rapids Rd (within 15 metres of house)	L <sub>10</sub> 29 dB(A)	L <sub>10</sub> 39 dB(A)	L <sub>10</sub> 40 dB(A)	YES
410 Rapids Rd (within 15 metres of house)	L <sub>10</sub> 20 dB(A)	L <sub>10</sub> 25 dB(A)	L <sub>10</sub> 40 dB(A)	YES
335 Rapids Rd (within 15 metres of house)	L <sub>10</sub> 30 dB(A)	L <sub>10</sub> 35 dB(A)	L <sub>10</sub> 40 dB(A)	YES
Highest noise level at boundary	L <sub>10</sub> 35 dB(A)	L <sub>10</sub> 40 dB(A)	L <sub>10</sub> 60 dB(A)	YES

### Scenario 3A Modelling Results

In terms of Scenario 3B, the results of the ENA below demonstrate the noise received at the identified sensitive receptors comply with the assigned noise levels under the Noise Regulations.

Noise receiver location (highest noise level)	Predicted noise level L <sub>10</sub>	Adjusted noise level L <sub>max</sub> #	Relevant 'Assigned Level'	Compliance
1211 Karnup Rd (within 15 metres of house)	L <sub>max</sub> 22 dB(A)	L <sub>max</sub> 32 dB(A)	L <sub>max</sub> 55 dB(A)	YES
1233 Karnup Rd (within 15 metres of hours)	L <sub>max</sub> 23 dB(A)	L <sub>max</sub> 33 dB(A)	L <sub>max</sub> 55 dB(A)	YES
1259 Karnup Rd (within 15 metres of house)	L <sub>max</sub> 22 dB(A)	L <sub>max</sub> 32 dB(A)	L <sub>max</sub> 55 dB(A)	YES
1282 Karnup Rd (within 15 metres of house)	L <sub>max</sub> 23 dB(A)	L <sub>max</sub> 33 dB(A)	L <sub>max</sub> 55 dB(A)	YES
145 Walker Rd (within 15 metres of house)	L <sub>max</sub> 25 dB(A)	L <sub>max</sub> 35 dB(A)	L <sub>max</sub> 55 dB(A)	YES
409 Rapids Rd (within 15 metres of house)	L <sub>max</sub> 37 dB(A)	L <sub>max</sub> 47 dB(A)	L <sub>max</sub> 55 dB(A)	YES
410 Rapids Rd (within 15 metres of house)	L <sub>max</sub> 28 dB(A)	L <sub>max</sub> 38 dB(A)	L <sub>max</sub> 55 dB(A)	YES
335 Rapids Rd (within 15 metres of house)	L <sub>max</sub> 30 dB(A)	L <sub>max</sub> 40 dB(A)	L <sub>max</sub> 55 dB(A)	YES
Highest noise level at boundary	L <sub>max</sub> 43 dB(A)	L <sub>max</sub> 53 dB(A)	L <sub>max</sub> 80 dB(A)	YES

### Scenario 3B Modelling Results

The ENA under each scenario has demonstrated that noise generating activities associated with the restaurant component of the proposed development comply with the Noise Regulations. Officers note however, the acoustic assessment does not include modelling of noise emissions from mechanical plant associated with the restaurant. The applicant however, has proposed noise control strategies to ensure

noise emission from the mechanical plant are compliant with the Noise Regulations. Officers consider this should be addressed by way of condition, to ensure an updated acoustic assessment be submitted which models noise from the selected mechanical plant (once known), with recommendations of noise strategies to be included within a Noise Management Plan. This will form a condition of approval.

A Noise Management Plan (NMP) must also include measures to reduce noise associated with the scenarios modelled. A particular focus on the exceedance associated with live bands and DJ music as mentioned above. The NMP will also need to ensure that general music from speakers during the evening is capped at 83db to ensure compliance with the Noise Regulations. Officers are satisfied the preparation of a NMP will satisfactorily address noise emissions from the development. The Environment Noise Branch of DWER are also generally satisfied with the submitted acoustic assessment.

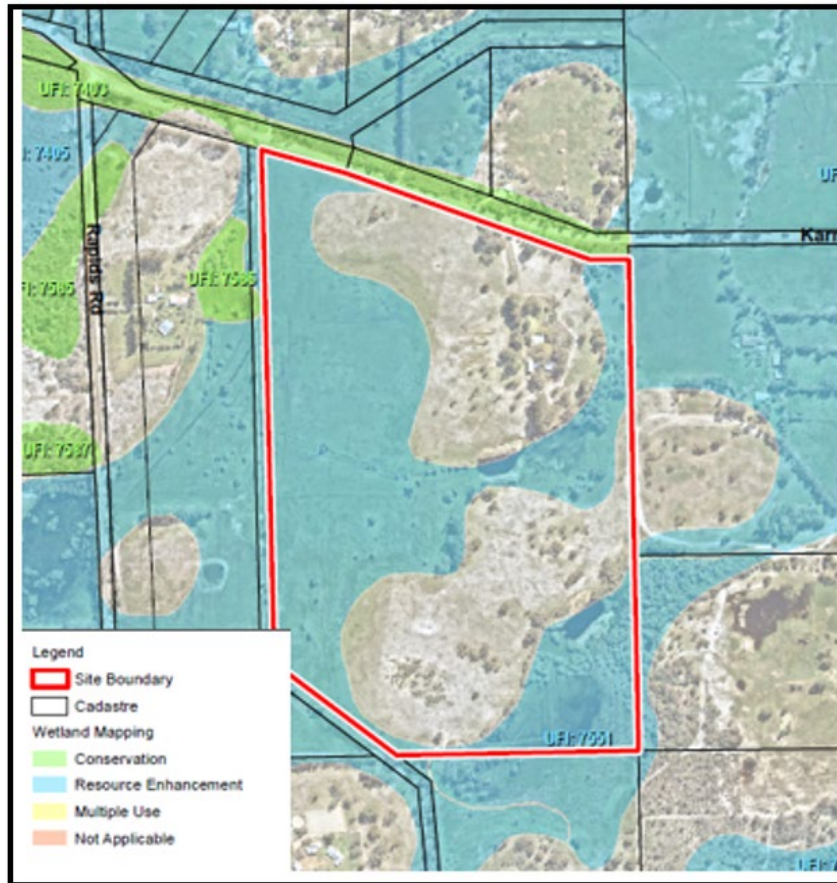
In terms of the brewery component of the application, the likely noise emissions are from the mechanical services associated with the operation (exhaust fans) and not specifically from the production of beer process. The DWER are generally satisfied with this statement. Notwithstanding this, Officers will require an updated acoustic assessment be submitted once the mechanical plant has been selected. Noise control strategies will need to be recommended to be included within the NMP. The conditions requested will be required to be met prior to the submission of a building permit.

### Odour

Odour often associated with brewing is attributed to the boiling phase process. During this period, hops is added to the boil which typically emits an odour. This has been recognised by the brewing industry. For this reason, the proposal has included a closed kettle boiler system. In this style of operation, the steam vapour released by the boiling process is routed through a condenser where the steam is condensed back into water and sent to drain or reused in the brewing process as heating water, ultimately avoiding the release of steam into the atmosphere, removing the potential of odour emanating from the site. Officers are satisfied that the closed system will adequately address the potential of odour being generated from the development.

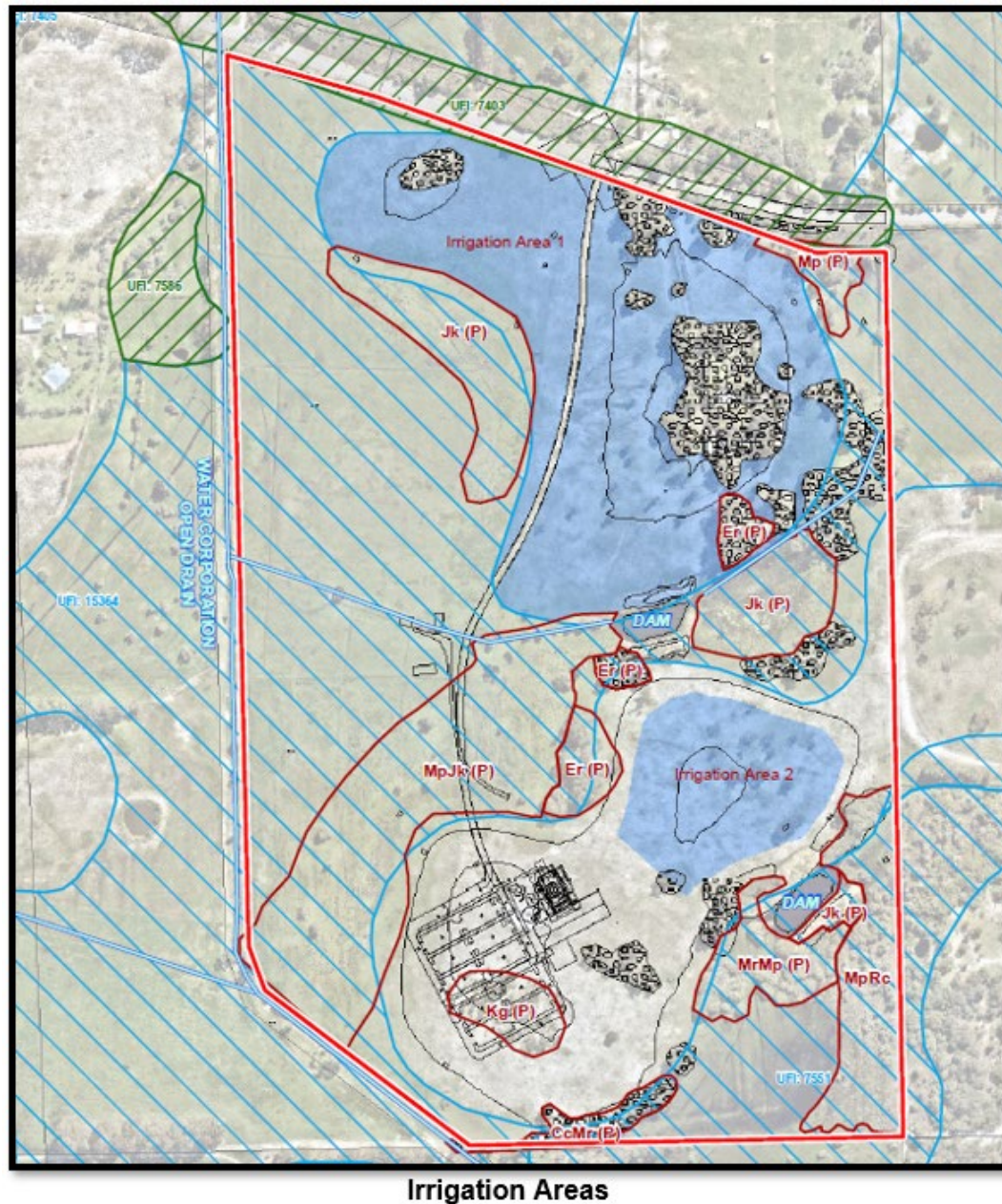
## Environment

The low-lying areas of the site are mapped REW. The wetland within the property is approximately 18 hectares in size with extensions west, east and south into several surrounding properties. A CCW is located along the site's northern boundary. Aerial image of the mapped wetlands is below:



Wetland Map

As part of the consultation process, community concerns were raised over the impacts of the development. One concern raised was potential impacts upon water quality arising from application of brewery wastewaters on free draining soils adjacent to the wetlands. As previously mentioned, there are two areas onsite to be used to irrigate brewery wastewaters once treated as seen below:



**Irrigation Areas**

Irrigation Area 1 to the north of the site encompasses of the entire sandy rise up to the REW and CCW boundary. Irrigation Area 2 maintains a 30-50 metre separation from the REW.

The Guideline for the Determination of Wetland Buffer Requirements (2005) relies upon adequate horizontal separation distance from the wetland and vertical separation from groundwater that connects to a wetland to manage water quality and the overall values of wetlands. The submitted NIMP has demonstrated that the wastewaters of

the development will be treated prior to irrigation to align with the nutrient load targets of WQPN 22 and the EPP. Furthermore, the irrigation areas are proposed to be planted with Sorghum and Ryegrass further stripping nutrients, typically before reaching the groundwater. Officers also recommend conditioning updates to the NIMP to demonstrate compliance at all levels of operation, noting that year five indicated a slight exceedance.

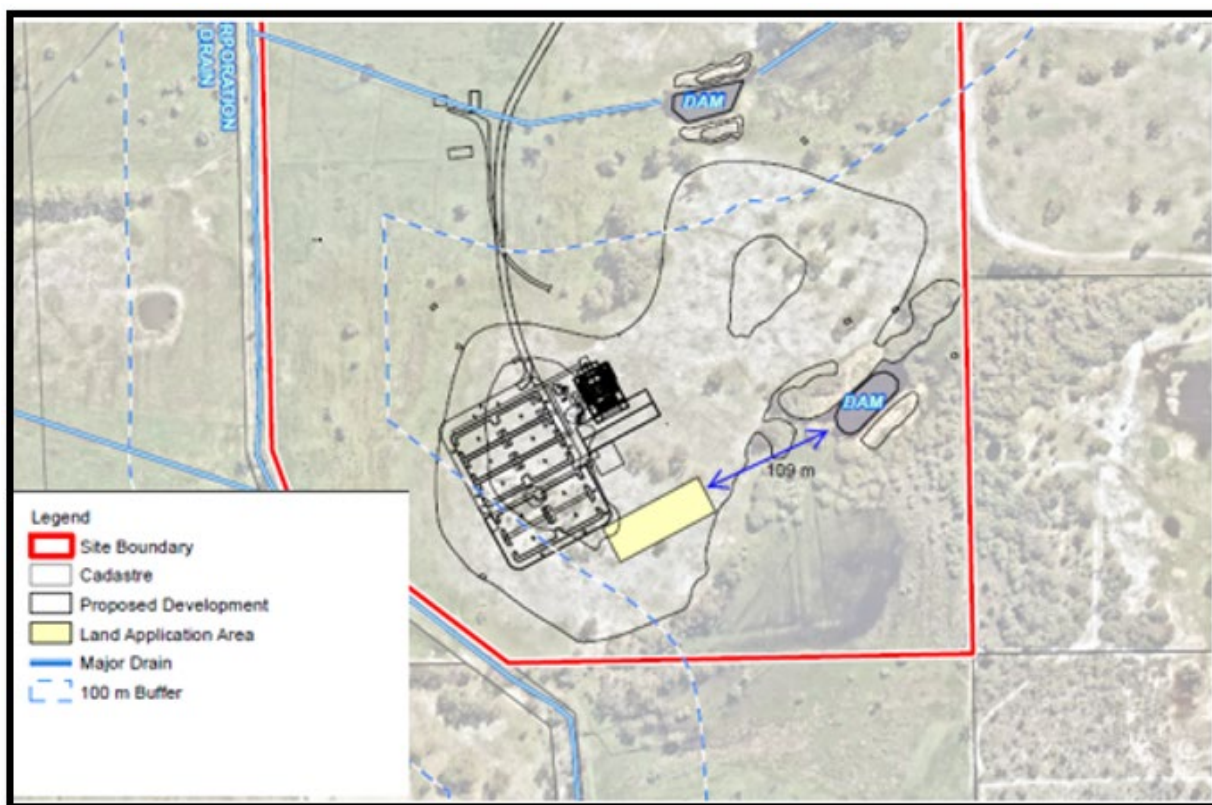
Officers also note that the irrigation area in locations did not meet the 1.5m groundwater separation requirement of DWER. As such, an updated NIMP will be required to demonstrate that a 1.5m separation is maintained at all times. This will further ensure that the values of the wetlands are protected.

The DBCA provided comments in relation to the development and its impact to wetlands. The DBCA have asked the Shire to ensure the NIMP gives appropriate consideration to developing the wetland buffer requirements. The DBCA did express however, that there is a portion of the REW to the south-west of the site that has values commensurate with those of a CCW. This area is 50 metres setback from Irrigation Area 2. Officers consider that with a suitably amended NIMP and adequate setback, this portion of wetland onsite will not be impacted upon.

In terms of stormwater management, drainage swales are proposed along the driveway, car park and the proposed buildings to capture water to treat before being released into the environment at pre-development flow rates. Water tanks are also proposed to be connected to the buildings to capture stormwater for reuse. A Stormwater Management Plan (SMP) will be required to be submitted prior to the submission of a building permit to be approved by the Shire. The development will also be required to incorporate Water Sensitive Urban Design Guidelines within the submitted SMP.

#### Government Sewerage Policy (2019)

As previously mentioned, the site does not have access to reticulated sewer. The proposal as a result, seeks to collect and treat sewerage from the restaurant and brewery operations for onsite disposal within the below location:



**Irrigation Area for Waste (Sewer)**

The applicant has submitted a Site and Soil Evaluation Report to demonstrate that the site can accommodate a suitable wastewater management system without impacting upon the environment and public health. The system has been based on a loading capacity of 2,000 people and proposes a secondary treatment system to remove nutrient from the waste as the site is a Sewerage Sensitive Area. A requirement of the Government Sewerage Policy.

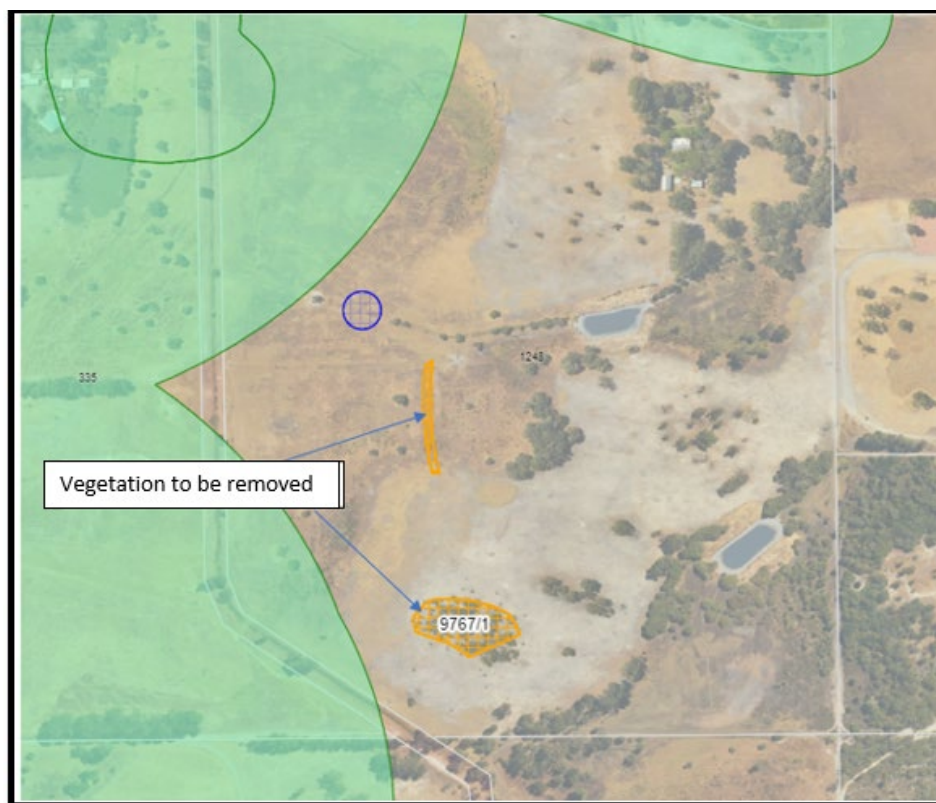
In summary, the process seeks to pump raw sewer from wet areas of the buildings into a central collection pit. The wastewater will then be transferred from the collection pit to the above ground wastewater treatment plant for treatment prior to being irrigated onsite which includes flocculation, aeration and a series of anerobic processes.

Officers advise that the approval process for this is the responsibility of the DoH which forms a separate regulatory process. Officers note that the development generally demonstrates compliance with the policy, however, notes that the development does not achieve the 100m setback to the wetlands which will need to be addressed as part of the DoH process. Also, the DBCA submission noted that draft updated wetland mapping depicts the REW being remapped to MUW, lowering its status and therefore impact potential.

#### Vegetation Clearing

The application seeks to remove a small portion of vegetation on the sandy rise to the rear of the site. The cleared area will be the location where the buildings associated with the brewery and restaurant will be located. The vegetation classified across the site are Kunzea Glabrescens (Spearwood), Redgums, Sheoaks and Paperbark which is detailed further in **attachment 8** and **attachment 9**. Vegetation to be removed is Kunzea Glabrescens (Spearwood) and sedges and rushes. Sedges and rushes to be

removed are in the path of the internal spine driveway. Location of vegetation to be removed can be seen below.



**Area Proposed to be Cleared**

In terms of amenity and rural landscape, the removal of vegetation only represents a small amount of the vegetation within the site and the broader locality. There is extensive riparian vegetation to the north of the site, vegetation to the east and south of the site, which maintain the rural landscape of the locality. Officers, as a result, do not consider that the removal of vegetation impacts the rural character of the area due. Officers further advise that the internal driveway has been positioned to ensure that no further vegetation will be removed.

Officers consider however, the removal of the small portion of vegetation onsite does not pose a threat to the species of vegetation in the broader area, due to the small area proposed to be removed.

#### Traffic and Access

The category of the vehicles associated with the proposed development will predominantly comprise of small passenger vehicles by visiting patrons, however, also includes service vehicles and buses/coaches. Vehicles are proposed to access the site via a new second crossover from Karnup Road. The existing crossover for the property will be used to service the existing dwelling onsite to be used by the head brewer of the proposed brewery. The new crossover to the site will connect to an internal two-way driveway to the restaurant and brewery.

During the consultation period, concerns were raised to increased traffic movements on the road network and potential safety issues. A Transport Impact Assessment (TIA) was provided with the application, which can be viewed in **attachment 10** to this report. The TIA assessed traffic generated by the proposed development and its potential impact on the performance and road safety of Karnup Road directly adjoining the site.

The site is bound by Karnup Road, Rapids Road and Walker Road. Karnup Road is classified as a Regional Distributor Road under the Main Roads Western Australia (MRWA) road hierarchy and has a speed of 70km/h. Rapids Road and Walker Road are Local Distributor Roads. Richardson Street, located to the east of the site, is a Regional Distributor Road, has a speed limit of 80km/h.



**MRWA Road Hierarchy**

In terms of existing vehicle movements on Karnup Road, the applicant has provided the Shire with 2016 and 2019 road traffic data which identifies the hourly and daily vehicle trips along Karnup Road. Using the Main Roads Western Australia Regional Operations Model, the applicant has applied a 1.035 per annum growth scenario to determine the current volumes of traffic on Karnup Road and also the 2031 volumes. The TIA identifies that Karnup Road, between Walker Road and Rapids Road carries approximately 2,066 vehicles a day. Carrying 56 vehicles east and 61 vehicles west bound during peak periods.

In terms of the development, the TIA has relied upon the trip generation rates from the Western Australian Planning Commission's Transport Impacts Assessment Guidelines, which identifies 10 trips per 100 seats for a Restaurant. Based on this, the peak hour trips (lunch and dinner) would generate 100 trips (passenger vehicles). The TIA assumes, based on catchment areas and population to the site, that the traffic distribution to and from the site is as follows:

- West: South west 20% (20 vehicles), North west 20% (20 vehicles);
- East: North 30% via Robinson Street (30 vehicles), 25% via South Western Highway South (25), 5% via South Western Highway (5);
- Serpentine (east) 5% (5).

Access to the site will be via a new crossover 30m west from the existing crossover. The TIA has demonstrated that the sight lines for vehicles approaching Karnup Road from the internal driveway in accordance with Australian Standard 2890.1. Based on a 70km/h speed limit along the immediate section of Karnup Road, a minimum sight distance of 85m is required. The development has a sight distance of 97m. The TIA

however, identified that some lower limbs of trees within the verge area will need to be maintained. This can form part of a Traffic Management Plan.

The development also proposes a full movement intersection (left-out/left-in; right-in/right-out) at the location of the new crossover. The applicant, based on 2031 vehicle volume projections along Karnup Road, has proposed basic upgrades to the shoulder at the intersection for right turning vehicles into the property (BAR). This to allow passing traffic to continue east bound towards Walker Road or South Western Highway without being obstructed or causing significant queuing. The TIA also recommended, based on 2031 traffic volume projections, a proposed left-in treatment for westbound traffic (BAL) to ensure vehicles entering the property do not obstruct the natural flow of traffic.

To further ensure the traffic generated by the development will not impede upon the safety of the immediate road network, the proposed intersection and associated upgrades were SIDRA analysed both on 2021 volumes of traffic and 2031 projected volumes. The analysis concluded that during the peak periods of the development, the intersection performs at an acceptable level. Therefore, the traffic generated by the development can be accommodated through the new intersection and satisfactorily be accommodated by the surrounding road network.

Although Officers are generally satisfied with TIS, the BAR and BAL treatments proposed are not supported as these treatments are considered appropriate for the passing of light passenger vehicles, however, has the potential to cause safety issues for the movement of heavier through movement commercial vehicles. In this regard, Karnup Road carries a significant proportion of heavy vehicles, with RAV4 network existing north south along South Western Highway and along Karnup Road between Kwinana Freeway and Hopeland Road. Further, as of right vehicles can move freely through the area, as is noted to occur given connectivity between South Western Highway and Kwinana Freeway.

It is therefore likely that a heavy vehicle will have to pass queuing vehicles turning into the site and also commercial vehicles turning into the property. Requiring these vehicles to slow and possibly queue along Karnup Road, is considered to lead to an unsafe road network. To address this, Officers have recommended replacing the BAL and BAR treatments with a channelised right turn (CHR) and a channelised left turn (CHL) to accommodate the passing of all vehicles providing for a safer road environment. This is recommended as a condition.

The application proposes buses and service vehicles to access the site. Officers consider that as part of the road upgrades to improve the safety of the road network (left turn upgrade and right turn upgrades) and proposed new crossover for the development, access and egress to the site for these vehicles will be undertaken in a compliant manner. However, the submitted TIA is silent on the route the vehicles will use to access the site. Officers will be requesting an updated TIA showing the route these vehicles will be taking to site including turning templates through intersection to show vehicles will be lane compliant. The TIA must include recommendations for upgrades if vehicles cannot remain lane compliant through intersections. This is important to understand if the commercial vehicles can move through intersections without impacting the safety of the road network.

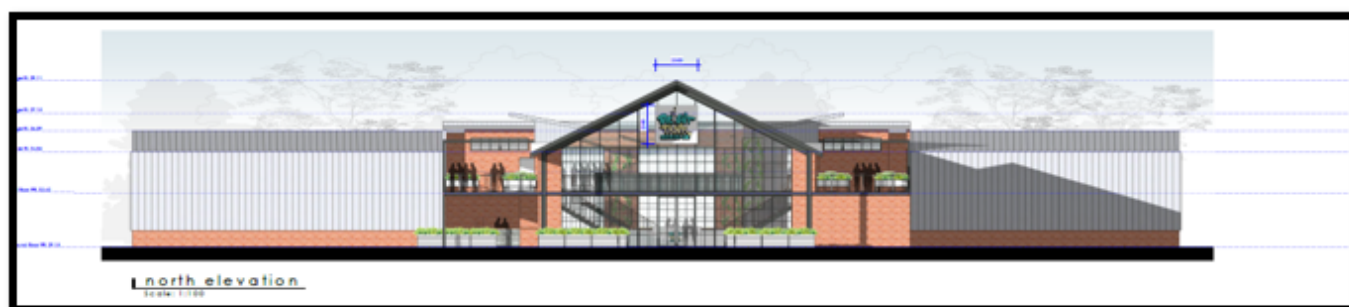
### Form of Development

The subject site is located within a rural area of Serpentine. The present character of the locality is rural in nature with a range of rural uses occurring within the locality. The site has two elevated sandy rises, the first located to the front of the site and the second to the rear of the site, approximately 573m from Karnup Road. Dense vegetation is

present to the south-east of the site. The dwelling to the north-west, south and north-east will have filtered views of the development through existing vegetation surrounding the dwellings. Road reserve vegetation along Rapids Road also provides for filtered views of the development.

The application proposes a restaurant building and a brewing shed within the elevated sandy rise of the site. In terms of the restaurant, the building is a repurposed vintage rail structure from Collie, made with Australian Steel. The structure will be repurposed to create a double storey hall like restaurant within a rectangular structure approximately 700m<sup>2</sup> in area. The building materials comprise a mix of steel and brickwork, with large framed glass windows and timber and brick flooring. This is considered a highly compatible built form design for the locality.

The north elevation, the elevation which can be viewed from Karnup Road, captures the rural aesthetics of the development, the large, framed glass windows at the entrance of the building in addition to the pitch roof and use of recycled brick throughout this elevation, provides for development that elevates the rural tones of the locality. The building is approximately 5.6m to the wall height and 9.9 metres to the pitch. The development, due to its setback from Karnup Road, is not considered to pose any adverse visual amenity impacts to public domain. North elevation below.



**North Elevation**

In terms of the east and west elevation of the building, it has incorporated large window frames through each of these elevations and the use of recycled brick thoroughly providing for an interesting built form which reflecting rural character. The large windows frames further work to reduce the scale and size of the building. Providing for a feel of openness. The second story outdoor dining area, which projects from the building in both east and west directions, also breaks the perception of building bulk of the development. The external roof is proposed to be cladded with Colourbond, colour Monument Matt. This is considered a colour which reflect the rural characteristics of the locality. Officers are satisfied with these elevations which can be seen below.

**East Elevation****West Elevation**

A condition will be imposed requiring a materials and colour palette to be submitted for approval by the Shire prior to a building permit being issued. The 250mm high sand pad for the development is not proposed to significantly increase the height of the overall building.

In terms of the brew shed, the building is approximately 1,400m<sup>2</sup> in size proposed perpendicular to the restaurant building, adjoining the southern façade. When viewed from the north, only the west and east sections of the brew shed can be seen. The shed is proposed to be clad with colourbond, colour Monument Matt and include the use of recycled bricks to provide a relationship with the main restaurant building. The development will be adequately screened from the east and west due to the presence of existing vegetation. The north elevation, which can be seen from Karnup Road, is below.

**North Elevation**

In terms of the south elevation, this presents as a typical rural shed. The elevations comprise of windows and doors. Recycled bricks have also been incorporated on this elevation to provide a connection with the restaurant building.



**Southern Elevation**

In terms of the car parking area, Officers advise that this is a large area to cater for 251 parking bays to the rear of the development. The parking area of this size is not considered common place within rural area, however, Officers note the parking area will be appropriately screened from existing rural vistas providing for only filtered views. The parking area is proposed to be landscaped which will be subject to a condition of approval. The Landscape Management Plan will be focused on softening the appearance of the parking area and also provide for a layer of screening.

#### Waste Management

The bin storage area is proposed to be located to the rear of the brewery. The waste area is proposed to be designed with a specific loading dock to allow the easy retrieval and consolidation of waste into one location. Proposed location pictured below.

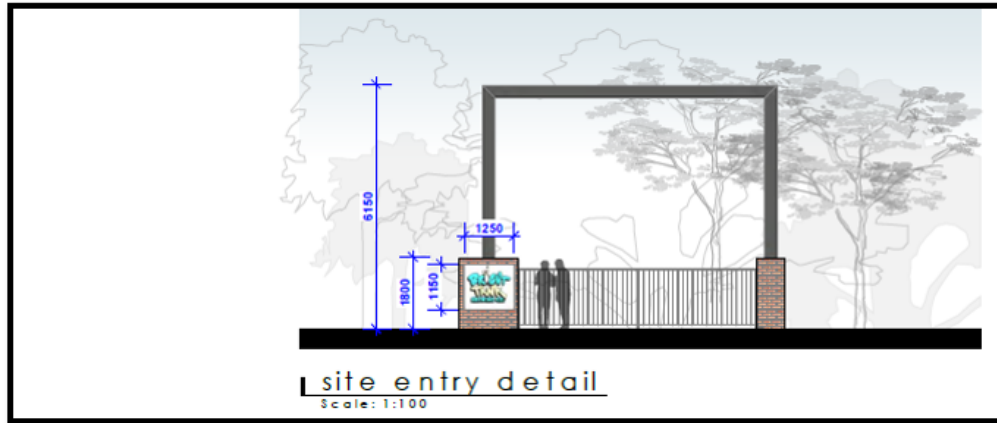


**Location of Bin Store Area**

There is no specific design proposed as yet however, broad practices have been captured within a submitted Waste Management Plan (**attachment 11**). Officers will ensure that the design is captured within an updated WMP with a particular focus on the storage area to be screened from vistas from the west and south and appropriately constructed to meet the Shire's Local Health Local Law.

### Local Planning Policy 4.11 Advertising Policy

The application proposes two 'Wall Signs' as defined within Local Planning Policy 4.11: Advertising Policy (LPP 4.11). The first sign at the entrance of the site. The sign being placed on a constructed brick wall at the boundary of the site. The maximum size of the sign is 1.44m<sup>2</sup> in area.



**Signage**

The second sign proposed is located on the entrance to the restaurant which is 5.75m<sup>2</sup> in area as captured below.



**Signage**

The proposed signs were assessed in accordance with LPP 4.11 as follows:

Site Entry Wall Sign

Acceptable Standards	Officer Assessment
A wall sign is to only display the name, logo or slogan of the business premises to which the sign is applied.	Compliant - the proposed sign displays the business logo 'Bright Tank Brewing Co' that identifies the premises.
The maximum single face area is 10m <sup>2</sup> , and must not extend beyond 12.0m above the ground even if the wall is higher than this.	Compliant the total face area is 1.44m <sup>2</sup> with dimensions of 1.25m x 1.15m.
Must not project more than 300mm from the wall and / or fascia to which it is affixed.	Compliant.
Must not project beyond the edges of a wall and / or fascia.	Compliant.
A wall sign which extends above a wall, may be considered as a roof sign.	The sign does not extend above a wall.

Restaurant Entry Wall Sign

Acceptable Standards	Officer Assessment
A wall sign is to only to display the name, logo or slogan of the business premises to which the sign is applied.	Compliant - the proposed sign displays the business logo 'Bright Tank Brewing Co' that identifies the premises.
The maximum single face area is 10m <sup>2</sup> , and must not extend beyond 12.0m above the ground even if the wall is higher than this.	Compliant the total face area is 5.75m <sup>2</sup> with dimensions of 2.5m x 2.3m.
Must not project more than 300mm from the wall and/ or fascia to which it is affixed.	Compliant.
Must not project beyond the edges of a wall and/or fascia.	Compliant.
A wall sign which extends above a wall, may be considered as a roof sign.	The sign does not extend above a wall.

The proposed signs are compliant, under LPP 4.11. Officers consider the signage is small scale considerably less than what can be considered under the Wall Sign acceptable standards. Approving a development of this form in the Rural zone, requires consideration of the signage being provided to support both announcement

of arrival and wayfinding to the facility. The signage is of a scale that will not cause an impact to public safety and impact the amenity for the area. Officers consider a departure from policy provisions in this regard acceptable.

#### Bushfire Management Plan

The subject site lies within a bushfire prone area and as such is required to have a Bushfire Management Plan (BMP) prepared achieving compliance with the Guidelines for Planning in Bushfire Prone Areas (Guidelines). The initial BMP was referred to DFES for comments. An updated BMP was submitted which generally addresses DFES comments which can be viewed in **attachment 12**.

The BMP demonstrates that the development has been sited and proposed to be managed to ensure the Bushfire Attack Level rating does not exceed BAL 12.5. The development will be subject to an Asset Protection Zone (APZ) to maintain an effective low fuel vegetation around the proposed building. The development also provides for a connection to the existing public road network in two different directions to at least two different destinations.

The internal driveway will be constructed to comply with Table 6, Column 4 of the Guidelines. the internal driveway will be constructed with having passing bays for every 200m with a minimum length of 20 metres and a minimum additional trafficable width of two metres (combined trafficable width of the passing bay and constructed driveway to be a minimum of six metres and a suitable turn around. Officers also note that A5.14g of the Guidelines states as follows:

*Internal vehicle access/private driveway is to provide emergency egress/access for all patrons and staff, in event of a bushfire. Where possible, this is to include the provisions of at least two internal access/egress points to the public road*

Officers note that only one access/egress has been provided for the development. Officers will be requesting the BMP be updated to provide for a second emergency access/egress to the public road network. This will only be used in emergency situations.

Reticulated water is not available to the site. The applicant will be required to install water tanks onsite as per the Guidelines, this typically based on a minimum of 10,000 litres per 500m<sup>2</sup> habitable floor space.

Officers note however that that an Emergency Evacuation Plan has not been prepared in line with the Guidelines. This is requirement for 'Vulnerable Tourism Land uses' under the Guidelines. Officers consider that the requirement of an EEP can be conditioned and approved to the satisfaction of the Shire. It should be noted that applicant has already prepared to close the development when the bush fire rating is 'Catastrophic' and on total fire ban days.

It is considered that the proposal subject to the minor modifications will ensure the development is consistent with SPP 3.7. A condition will also be imposed requiring the development to comply with the BMP at all times.

#### Local Planning Policy 4.20 - Licensed Premises

Local Planning Policy 4.20 - Licensed Premises (LPP 4.20) applies to all licensed premises within all zones of TPS 2. Its purpose is to provide guidance for the assessment of development applications for licensed premises, protect and promote

public safety and amenity in community centre, and to ensure the location, siting, design and interface of licensed premises do not adversely impact the character of the Shire.

Policy Provisions	Responses
<b>Location</b>	
Proposal should be located at least 200m from existing or proposed sensitive premises.	Compliant - no sensitive premises located within 200m of the premises, with the nearest dwelling located approximately 400m south of the proposed development site.
Licensed premises should be located in proximity to public transport facilities, and be integrated in respect of such facilities (linked with safe, well-lit footpaths, good signage).	The subject site is located within a rural part of the Shire away from existing public transport facilities. The proposal, however, seeks to provide shuttle buses from Byford, Armadale, and Rockingham Railway Stations to the venue, providing for an alternative transportation option.
<b>Design</b>	
<p>Encourage safety in design that:</p> <ul style="list-style-type: none"> <li>- Avoid building design that creates unsafe, dark and/or unobserved spaces in the surrounding setting of the building, and in pathways to and from the building.</li> <li>- Promotes clear and well-defined customer entry and exit points, customer car parking areas, public transport location, and surrounding pathway.</li> <li>- Encourage the food and beverage components of licensed premises as important to bringing a positive effect on vibrancy of centres, and the creation of public life and enjoyment within centres;</li> <li>- Promote building orientation and design to create active street frontages, to help enlivening centres;</li> </ul>	<p>Compliant</p> <ul style="list-style-type: none"> <li>- The development has been designed in respect to the rural landscape, providing for open views and a building in which its origin is rural in nature. The development, as a result, has avoided providing for a development which creates unobserved areas. There is direct access from the carpark to the restaurant and brewery.</li> <li>- The customer entry is well defined using built form, landscaping and signage. The entryway is open and exciting.</li> <li>- The proposal introduces a commercial development which provides a venue where people can gather and be entertained. Providing a commercial venue to also serve the people residing within the rural community.</li> <li>- The brewery is located to the rear of the restaurant to allow pedestrians easy access to the restaurant while separating the brewery and production areas.</li> </ul>

Policy Provisions	Responses
	The restaurant provides an active frontage accessible via the carparking and access points.
- The form and external appearance of buildings should be responsive to local character.	Compliant - development uses scale and materiality to respond to existing rural character and history of the site.
- Discourage large expanse of blank walls on important frontages, and instead encourage these buildings to have a public face that is organised for the benefit of the street.	Compliant - key frontages are well articulated with using different materials, textures and finishes. Furthermore, facades of the restaurant are designed to encourage vistas to the surrounding rural landscape.
- Encourage large expanses of glazing at street level and upper levels to promote surveillance of the street, as well as upper balconies.	Compliant - ground and upper floor facades consist predominantly of glass windows and doors to encourage passive surveillance and encourage visual connection with rural surroundings.
- Access to the building should be from the active frontage and access from back lanes must be avoided. Buildings edged should provide at least one full active edge to the street, two aesthetic edges and no more than one service (unloading/loading/drive-through/waste management) edge.	Compliant - the restaurant building entry point is located to facilitate ease of access from the customer car park and internal pedestrian and vehicle access networks. Service access is located to the rear of the brewery and concealed from patron sight and access.
- The location of car parking should not obstruct surveillance of premises. Car parking areas must be lit and have pedestrian priority designed into their layout and choices for landscaping.	Compliant - whilst the premises is not readily visible from the street, both the buildings and car parking areas are designed to be open and encourage passive surveillance of one another. The car parking area will be lit and is designed with safe pedestrian accessways throughout.
- Boundary treatments must be visually permeable where there is an urban design imperative for passive surveillance.	Not Applicable.
- Outdoor seating areas should be suitably located to manage noise emissions to residential development/sensitive premises and should seek to be located on the northern aspect of a development, in order to promote year-round enjoyment and activity.	Compliant - Outdoor areas are not located within close proximity of residential development or sensitive premises. Outdoor areas are located to the east and west of the restaurant to provide different settings that can be enjoyed throughout all seasons.

Policy Provisions	Responses
- Bin storage areas should be screened and be inaccessible to the public.	Compliant - bin areas proposed to be located within a compound behind the brewery and is not accessible by the public.
- Signage should be integrated into the design of the building and be externally illuminated.	Complaint.
- Drive throughs should be integrated into the design of the building and be externally illuminated.	No drive through proposed.
<b>Noise</b>	
- To address noise impacts from a proposed license premises, the Shire may require the submission of an acoustic report, (prepared by a suitably qualified acoustic consultant), demonstrating that the noise likely to be emitted will comply with the <i>Environmental Protection (Noise) Regulations 1997</i> (Regulations).	An acoustic report has been provided and details that the built form and operational measures which will be incorporated into the development to achieve compliance with the Regulations.

The proposed development generally complies with the policy provisions of LPP 4.20 demonstrating that the development will not lead to public safety and amenity impacts.

#### Public Art

The objectives of LPP 1.6 - Public Art is to facilitate public art to enhance public enjoyment, engagement and understanding of places through the integration of public art. The policy sets out the requirements for physical and financial contributions for public art for any development valued at \$1 million or greater. A condition should be imposed requiring the applicant to contribute towards public art in accordance with the policy in the event of an approval.

#### **Conclusion:**

The application seeks approval for a Use Not Listed - Brewery and a Restaurant within the 'Rural' zone of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2. The development is considered to align with the existing and prevailing planning framework.

In terms of the environment, an updated NIMP has been submitted demonstrating that the development can achieve the EPP Nutrient target rates within the Peel Harvey Coastal Plain Catchment with the assistance of a Cropping Plan which comprises of the planning of Sorghum and Ryegrass. Officers consider the robustness of the NIMP including its additional management measures will ensure that the environmental values of the wetlands onsite and of the broader Peel Harvey Plain Catchment are not adversely impacted upon.

In terms of rural amenity, the development has demonstrated through an Environmental Noise Assessment that the development will be compliant with the

assigned levels of the *Environment (Noise) Regulations 1997*. The development, by way of siting and design in addition to the proposed robust management measures, is considered to adequately manage potential adverse impacts from the development upon the rural amenity. Subject to additional intersection upgrades to Karnup Road and other relevant conditions, Officers support the development.

## Officer Recommendation

That the Metro Outer Joint Development Assessment panel resolves to:

- 1 Accept** that the DAP Application reference DAP/22/02223 is appropriate for consideration as a "Use Not Listed – Brewery and a Restaurant and compatible with the objectives of the zoning table in accordance with Clause 5.10 of the Shire of Serpentine Jarrahdale Town Planning Scheme No.02
- 2 Approve** DAP Application reference DAP/22/02223 for a Use Not Listed - Brewery and a Restaurant and accompanying plans (attachments 1,3-12) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the Shire of Serpentine Jarrahdale Town Planning Scheme No.02 subject to the following conditions:

## Conditions

- a. Prior to issue of a Building Permit, detailed plans being submitted to and approved by the Shire, depicting full upgrade to the development's main driveway intersection with Karnup Road as follows:
  - i. The intersection being a right and left channelisation intersection turn type;
  - ii. Full lighting of the intersection, taking account of providing safe illumination during all hours of operation;

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

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

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

- c. The vehicle parking areas, accessways and crossover must:

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

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

- d. Prior to the issue of a Building Permit, a Lighting Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale. The Lighting Plan shall demonstrate the provision of lighting to all access ways, car parking areas, the exterior entrances to all buildings and the extent to which light from all external light sources is cast. The Lighting Plan must demonstrate lighting not causing an adverse amenity impact on the surrounding area. Once approved, lighting is to be installed and maintained in accordance with the Plan.
- e. Prior to the issue of a Building Permit, a colours and materials schedule is to be submitted to the satisfaction of the Shire of Serpentine Jarrahdale for approval. The schedule must include all external colours and material finishes of the building. External finishes must be sympathetic to the natural rural tones of the Shire and elevate the rural landscape of the locality.
- f. Prior to the issue of Building Permit, an updated Environmental Noise Assessment be submitted to include modelling of noise associated with mechanical plant of both the Restaurant and Brewery, once these have been selected. The acoustic assessment must include recommendations to further reduce noise from mechanical plant of the Brewery and Restaurant. Recommendations must be included within a Noise Management Plan and where associated with construction requirements, integrated into plans submitted for a building permit.
- g. Prior to the issue of Building Permit, a Noise Management Plan being prepared by a suitably qualified person(s) and submitted to the Shire of Serpentine Jarrahdale for approval. The Noise Management Plan must include all measures proposed to reduce noise emission from the development, including limiting of music to not exceed 83db at the perimeter of the internal space and also operational measures to deal with exceedances. Once approved, the plans are to be integrated into the plans submitted for a Building Permit and maintained in its entirety.
- h. Hours of operation are to occur only between 11am-10pm on Monday public holidays only, Thursday-Friday 11am -10pm and Saturday-Sunday 8am-10pm.
- i. The use of outdoor speakers before 12pm and after 10pm not permitted. No indoor music is to occur after 10pm.

- j. Prior to the issue of a Building Permit, the applicant shall submit and have approved plans depicting the proposed art piece consistent with Local Planning Policy 1.6. Upon approval of the plans, the art piece is to be installed and thereafter maintained to the satisfaction of the Shire.
- k. Prior to the issue of a Building Permit, a Stormwater Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Stormwater Management Plan must be developed in accordance with Local Planning Policy 2.4: Water Sensitive Urban Design Guidelines. The Stormwater Management Plan to address stormwater for all areas of the development and also ensure that natural surface water flow is maintained. The approved Stormwater Management Plan shall be implemented and thereafter maintained to the satisfaction of the Shire.
- l. Prior to the issue of a Building Permit, an amended Nutrient Irrigation Management Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale. The amended Nutrient Irrigation Management Plan must demonstrate the following:
- Irrigation areas to maintain a 1.5 metre separation to winter groundwater at all times; Any fill brought to site to achieve this will be required to be clean as defined within the Department of Water Environment Regulations Landfill Waste Classification and Waste Definitions 1996;
  - Wastewater storage increased onsite to cater for storage between the months of June-July based on year five volumes of production. Any above ground tanks must be screened from view at all times;
  - How suspended solids are removed from the wastewater system;
  - How five year maximum operations will comply with the EPP targets.
- Any works required as a result of updating the NIMP is required to be reflected in building plans to be submitted and undertaken before the use commences.
- m. Prior to the issue of a Building Permit, a Landscape Management Plan is to be submitted to the satisfaction of the Shire of Serpentine Jarrahdale for approval. The Landscape Management Plan shall be designed to;
- Screen the appearance of the car parking area to the north east and north west;
  - Screen the southern elevation of the brew shed;
  - Screen the eastern and western portions of the building when viewed from the north.
- Once approved, the Landscape Management Plan must be implemented in its entirety.
- n. Prior to the issue of Building Permit, an updated Waste Management Plan must be submitted demonstrating the design of the bin store area to the satisfaction of the Shire of Serpentine Jarrahdale. The design and specifications of the waste area must be designed in accordance with

the Shire of Serpentine Jarrahdale Health Local Law and be appropriately screened from view.

- o. Prior to the issue of a Building Permit, a Mosquito Management Plan being submitted to the Shire of Serpentine Jarrahdale for approval. Once approved, the Plan shall be implemented in its entirety.
- p. Prior to the use occurring the Internal driveway is to be sealed and drained to the satisfaction of the Shire of Serpentine Jarrahdale.
- q. Prior to the submission of a Building Permit, an updated Traffic Impact Assessment be submitted demonstrating the following:
  - The route busses and commercial vehicles will take to access the site within the boundaries of the Shire;
  - Turning templates depicting the manoeuvring of these vehicles through intersections to demonstrate lane compliance.
  - Recommendations for upgrades where it has been identified that vehicles cannot remain lane compliant.

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

#### **Reasons for Officer Recommendation**

As detailed in the report.