Metro Outer Joint Development Assessment Panel Agenda

Meeting Date and Time: Tuesday, 29 November 2022; 9:30am
Meeting Number: MOJDAP/213
Meeting Venue: Electronic Means

To connect to the meeting via your computer -
https://us06web.zoom.us/j/83140964590

To connect to the meeting via teleconference dial the following phone number -
+61 8 6119 3900
Insert Meeting ID followed by the hash (#) key when prompted - 831 4096 4590

This DAP meeting will be conducted by electronic means (Zoom) open to the public rather than requiring attendance in person.

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Attendance

DAP Members

Ms Francesca Lefante (Presiding Member)
Ms Gabriela Poezyn (A/Deputy Presiding Member)
Ms Shelley Shepherd (A/Third Specialist Member)
Cr Lauren Strange (Local Government Member, Shire of Serpentine Jarrahdale)
Cr Michelle Rich (Local Government Member, Shire of Serpentine Jarrahdale)

Officers in attendance

Mr Andrew Trosic (Shire of Serpentine-Jarrahdale)
Mr Ashwin Nair (Shire of Serpentine-Jarrahdale)

Minute Secretary

Mr Stephen Haimes (DAP Secretariat)

Applicants and Submitters

Ms Jesse Dunbar (Taylor Burrell Barnett)
Mr Matthew Moore (Bright Tank Property)

Members of the Public / Media

Nil.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declares the meeting open and acknowledges the traditional owners and pay respects to Elders past and present of the land on which the meeting is being held.

In accordance with regulation 27(3A) of the *Planning and Development (Development Assessment Panel) Regulations 2011*, Ms Francesca Lefante has been appointed as Presiding Member for this meeting.

This meeting is being conducted by electronic means (Zoom) open to the public. Members are reminded to announce their name and title prior to speaking.

2. Apologies

Mr Eugene Koltasz (Presiding Member)
Ms Karen Hyde (Deputy Presiding Member)
Mr Jason Hick (Third Specialist Member)

3. Members on Leave of Absence

Nil.

4. Noting of Minutes

Signed minutes of previous meetings are available on the DAP website.

5. Declarations of Due Consideration

The Presiding Member notes the agenda was updated to include the late submission of the responsible authority report recommendation for Item 8.1 that was received on 22 November 2022.

The Presiding Member notes an addendum to the agenda was published to include details of a DAP request for further information and responsible authority response in relation to Item 8.1, received on 22 November 2022.

Any member who is not familiar with the substance of any report or other information provided for consideration at the DAP meeting must declare that fact before the meeting considers the matter.

6. Disclosure of Interests

Member	Item	Nature of Interest
Ms Karen Hyde	8.1	Indirect Pecuniary Interest – Ms Hyde works for Taylor Burrell Barnett, representing the landowners for item 8.1 as the applicant for the development applications. Ms Hyde therefore has an indirect pecuniary interest and must recuse herself from the meeting.

7. Deputations and Presentations

7.1 Ms Jesse Dunbar (Taylor Burrell Barnett) presenting in support of the recommendation for the application at Item 8.1. The presentation will address support for the further deferral period as recommended by the responsible authority.

The Shire of Serpentine Jarrahdale may be provided with the opportunity to respond to questions of the panel, as invited by the Presiding Member.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot 201 (1248) Karnup Road, Serpentine

Development Description:	Brewery and Restaurant and Associated Works
Applicant:	Taylor Burrell Barnett
Owner:	Bright Tank Property Pty Ltd
Responsible Authority:	Shire of Serpentine-Jarrahdale
DAP File No:	DAP/22/02223

9. Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval

Nil.

10. State Administrative Tribunal Applications and Supreme Court Appeals

Current SAT Applications				
File No. & SAT DR No.	**LG Name**	**Property Location**	**Application Description**	**Date Lodged**
DAP/18/01543 DR 75/2022	City of Joondalup	Lot 649 (98) O'Mara Boulevard, Iluka	Commercial development	02/05/2022
DAP/22/02148 DR146/2022	City of Rockingham	Lot 53 (No 67) Folly Road, Baldivis	Proposed place of worship (Hindu Temple)	26/08/2022
DAP/22/02220 DR162/2022	City of Kwinana	Lot 9507 Berthold Street, Orelia	Proposed Child Care Centre	28/09/2022
DAP/22/02159 DR163/2022	Shire of Murray	No. 630 (Lot 137) Pinjarra Road, Furnissdale	Proposed Petrol Filling Station	28/09/2022

11. General Business

In accordance with Section 7.3 of the DAP Standing Orders 2020 only the Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.

12. Meeting Closure

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Development Assessment Panels

Presentation Request Form

Regulation 40(3) and DAP Standing Orders 2020 cl. 3.5

Must be submitted at least 72 hours (3 ordinary days) before the meeting

Presentation Request Guidelines

Persons interested in presenting to a DAP must first consider whether their concern has been adequately addressed in the responsible authority report or other submissions. Your request will be determined by the Presiding Member based on individual merit and likely contribution to assist the DAP's consideration and determination of the application.

Presentations are not to exceed **5 minutes**. It is important to note that the presentation content will be **published on the DAP website** as part of the meeting agenda.

Please complete a separate form for each presenter and submit to daps@dplh.wa.gov.au

Presenter Details

Name	Jesse Dunbar
Company (if applicable)	Taylor Burrell Barnett
Please identify if you have any special requirements:	**YES** ☐ **NO** ☒ If yes, please state any accessibility or special requirements: Click or tap here to enter text.

Meeting Details

DAP Name	MOJDAP/213
Meeting Date	29 November 2022
DAP Application Number	DAP/22/02223
Property Location	Lot 201 (1248) Karnup Road, Serpentine
Agenda Item Number	8.1

Presentation Details

I have read the contents of the report contained in the Agenda and note that my presentation content will be published as part of the Agenda:	**YES** ☒
Is the presentation in support of or against the report recommendation)? *(contained within the Agenda)*	**SUPPORT** ☒ **AGAINST** ☐
Is the presentation in support of or against the proposed development?	**SUPPORT** ☒ **AGAINST** ☐
Will the presentation require power-point facilities?	**YES** ☐ **NO** ☒ **If yes, please attach**

Government of **Western Australia**
Development Assessment Panels

Presentation Content*

These details may be circulated to the local government and applicant if deemed necessary by the Presiding Member. Handouts or power points will not be accepted on the day.

Brief sentence summary for inclusion on the Agenda	*The presentation will address:* Support for the further deferral period as recommended by the responsible authority

In accordance with Clause 3.5.2 of the *DAP Standing Orders*, your presentation request must also be accompanied with a written document detailing the content of your presentation.

Please attach detailed content of presentation or provide below:

This application was originally presented to the JDAP on 29 August 2022.

The JDAP meeting garnered some really great discussion from all of those involved, and resulted in our application being deferred to enable a range of matters to be resolved prior to a final decision being made on the proposal.

There were nine matters identified by the JDAP to be addressed. The project team has been working diligently to address each of these in turn, and considering all opportunities to improve the development outcome for the site to ensure any external impacts are minimised as far as possible.

In doing so, we've required additional time to make sure each of the key concerns raised by surrounding landowners, Council and the JDAP members have been comprehensively addressed.

This has resulted in the need for a further deferral of our application to enable the Shire to undertake the requisite steps in considering the additional information and revised plans we submitted in early November. Public advertising is now underway, and the application has been rereferred to external government agencies.

In summary, we support the recommendation of the responsible authority that our application be deferred for no more than 120 days to enable the submitted information to be assessed according to the Shire's planning framework and processes, which includes consideration by Council at the next available meeting in February 2023.

I would be happy to answer any questions from the Panel.

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Development Assessment Panels

Direction for Further Services from the Responsible Authority

Regulation 13(1) and DAP Standing Orders 2020 cl. 3.3

Guidelines

A DAP Member who wishes to request further services (e.g. technical information or alternate recommendations) from the Responsible Authority must complete this form and submit to daps@dplh.wa.gov.au.

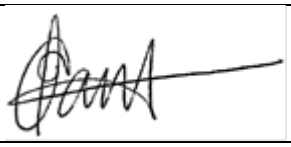
The request will be considered by the Presiding Member and if approved, the Responsible Authority will be directed to provide a response to DAP Secretariat within the form.

It is important to note that **the completed form containing the query, response and any accompanying documentation will be published on the DAP website** as an addendum to the meeting agenda.

DAP Application Details

DAP Name	Metro Outer JDAP
DAP Application Number	DAP/22/02223
Responsible Authority	Shire of Serpentine Jarrahdale
Property Location	Lot 201 (1248) Karnup Road, Serpentine

Presiding Member Authorisation

Presiding Member Name	Ms Francesca Lefante
Signature	
Date	23 November 2022
Response Due	**24 November 2022; 5:00pm**

Nature of technical advice or information required*

1	**DAP query**	**Please advised if the Shire has liaised with the applicant on the RAR position for deferral to enable assessment to be completed, given the timeframe taken by the applicant to submit the additional information sought.**
	Response	Yes, the Shire has liaised with the applicant on this point.
2	**DAP query**	**Please advise whether a response has been received. If so, the Shire to provide a copy of the response from the applicant on the RAR deferral recommendation.**
	Response	Yes, a response has been received. In terms of written evidence, officers wrote to the applicant on 9 November as follows: *"Hi Jesse* *Thanks for the response.* *Essentially we have received updated docs today. This means:*

* Any alternate recommendation sought does not infer a pre-determined position of the panel.

		14 November - letters out to nearby landowners (21 days takes us to 5 December) *14 November - letters out to referral authorities (42 days takes us to 26 December)* *2 clear weeks to assess amended proposal plus submissions received (takes us to 16 January)* *Reports due for February council meeting = 30 January* *So with 120 days from 29 of November, that gives time for February Council to consider updated RAR and JDAP by early March* *That's what we have to do sorry.* *Are you happy with this or not? Essentially we can indicate in the report that this is our required timeframe.* *Yours faithfully,* ***Andrew Trosic*** ***Director Development Services*** In response, the applicant advised on that same day: *Hi Andrew,* *Thanks for providing that breakdown.* *Confirming we agree to the timeframes outlined below.* *Kind regards,* Taylor Burrell Barnett ***Jesse Dunbar*** *Associate* *Working Monday, Wednesday & Thursday* ***T*** *9226 4276 | **M** 0419 904 450* *| jesse@tbbplanning.com.au* *Level 7/160 St Georges Terrace, Perth WA 6000* Finally, at Monday night's Ordinary Council Meeting, the applicant deputised to the meeting confirming their agreement.

From:	Andrew Trosic
To:	Andrew Trosic
Cc:	Helen Ball
Subject:	FW: Meeting: Bright Tank Brewing Serpentine - JDAP Timeframes
Date:	Wednesday, 23 November 2022 10:39:26 AM
Attachments:	image001.png image002.png image003.png image004.png image005.png image006.png image071625.png image807511.png image735324.png image421404.png image114446.png image373619.png

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Yours faithfully,

Andrew Trosic
Director Development Services

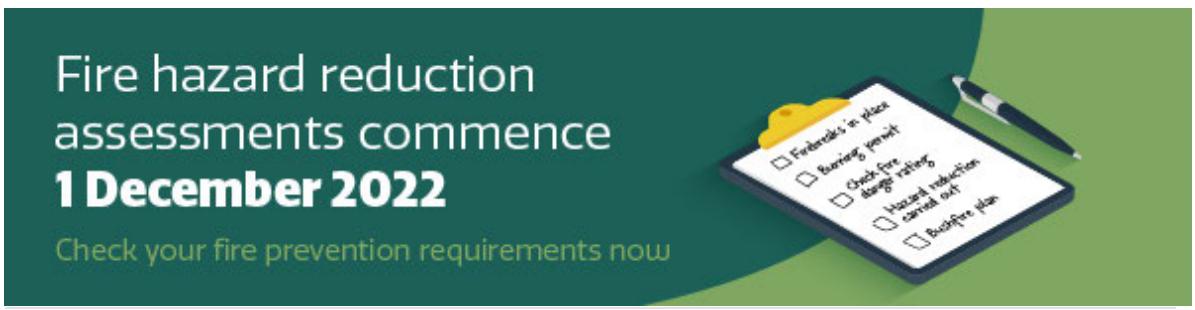
E – [redacted]
T – [redacted]
M – [redacted]

Shire of Serpentine Jarrahdale
6 Paterson St, Mundijong WA 6123
www.sjshire.wa.gov.au

Andrew Trosic
Director Development Services

[redacted]

Shire of Serpentine Jarrahdale
6 Paterson Street, Mundijong, WA, 6123
www.sjshire.wa.gov.au



From: Andrew Trosic [redacted]
Sent: Wednesday, November 9, 2022 1:53 PM
To: Jesse Dunbar [redacted]; Ashwin Nair [redacted]; Helen Ball [redacted]
Cc: Matthew Moore [redacted] Helen Ball [redacted]
Subject: RE: Meeting: Bright Tank Brewing Serpentine - JDAP Timeframes

Thank you Jesse!

Yours faithfully,

Andrew Trosic
Director Development Services

E – [redacted]
T – [redacted]
M – [redacted]

Shire of Serpentine Jarrahdale
6 Paterson St, Mundijong WA 6123
www.sjshire.wa.gov.au

Andrew Trosic
Director Development Services

[redacted]
Shire of Serpentine Jarrahdale
6 Paterson Street, Mundijong, WA, 6123
www.sjshire.wa.gov.au



From: Jesse Dunbar [redacted]
Sent: Wednesday, November 9, 2022 1:40 PM
To: Andrew Trosic [redacted] Ashwin Nair [redacted] Helen Ball [redacted]
Cc: Matthew Moore [redacted]
Subject: RE: Meeting: Bright Tank Brewing Serpentine - JDAP Timeframes

Hi Andrew,

Thanks for providing that breakdown.

Confirming we agree to the timeframes outlined below.

Kind regards,

Taylor Burrell Barnett

Jesse Dunbar
Associate
Working Monday, Wednesday & Thursday
[redacted]
Level 7/160 St Georges Terrace, Perth WA 6000

From: Andrew Trosic [redacted]
Sent: Wednesday, 9 November 2022 12:25 PM
To: Jesse Dunbar [redacted] Ashwin Nair [redacted] Helen Ball [redacted]
Cc: Matthew Moore [redacted]
Subject: Re: Meeting: Bright Tank Brewing Serpentine - JDAP Timeframes

Hi Jesse

Thanks for the response.

Essentially we have received updated docs today. This means:

14 November - letters out to nearby landowners (21 days takes us to 5 December)

14 November - letters out to referral authorities (42 days takes us to 26 December)

2 clear weeks to assess amended proposal plus submissions received (takes us to 16 January)

Reports due for February council meeting = 30 January

So with 120 days from 29 of November, that gives time for February Council to consider updated RAR and JDAP by early March

That's what we have to do sorry.

Are you happy with this or not? Essentially we can indicate in the report that this is our required timeframe.

Yours faithfully,

Andrew Trosic
Director Development Services

E – [redacted]
T – [redacted]
M – [redacted]

Shire of Serpentine Jarrahdale
6 Paterson St, Mundijong WA 6123
www.sjshire.wa.gov.au

ITEM 8.1

Item 8.1	Property Location:	Lot 201 (1248) Karnup Road, Serpentine
	Application Details:	Taylor Burrell Barnett
	Applicant:	Bright Tank Property Pty Ltd
	Owner:	Shire of Serpentine-Jarrahdale
	Responsible Authority:	DAP/22/02223
	DAP File No:	Brewery and Restaurant and Associated Works

The Shire of Serpentine Jarrahdale did not submitted their Responsible Authority Report (RAR) by the stipulated due date of midday, 16 November 2022.

On the 22 November 2022, the agenda has been updated to include the Shire of Serpentine Jarrahdales RAR and attachments that were lodged on the same date.

–

Form 1 – Responsible Authority Report
(Regulation 12)

DAP Name:	Metro Outer JDAP	
Local Government Area:	Shire of Serpentine Jarrahdale	
Applicant:	Taylor Burrell Barnett	
Owner:	Bright Tank Property Pty Ltd	
Value of Development:	$7 million ☐ Mandatory (Regulation 5) ☒ Opt In (Regulation 6)	
Responsible Authority:	Shire of Serpentine Jarrahdale	
Authorising Officer:	Andrew Trosic	
LG Reference:	PA22/383	
DAP File No:	DAP/22/02223	
Application Received Date:	10 May 2022	
Report Due Date:	16 November 2022	
Application Statutory Process Timeframe:	90 Days	
Attachment(s):	1. DA Plans 2. 29 August 2022 RAR 3. 29 August 2022 MODAP Minutes	
Is the Responsible Authority Recommendation the same as the Officer Recommendation?	☒ Yes ☐ N/A	Complete Responsible Authority Recommendation section
	☐ No	Complete Responsible Authority and Officer Recommendation sections

Responsible Authority Recommendation

That the Metro Outer Joint Development Assessment panel

1 That the Metro Outer Development Assessment Panel **DEFERS** considering the application for a Use Not Listed Craft Brewery and Restaurant at its 29 November 2022 as contained within attachment 1 for no more than 120 days, to enable the further information received on 9 November 2022 to be assessed according to the planning framework and processes.

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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	☒ N/A ☐ Heritage List ☐ Heritage Area
Design Review	☒ N/A ☐ Local Design Review Panel ☐ State Design Review Panel ☐ 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 20th century rail operations;
- Bar, drinking, dining, and lounge areas of approximately 700m^2, and a 400m^2 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^2 commercial brewing facility with approximately 50m^2 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:

A Responsible Authority Report (**attachment 2**) for a DAP application proposing a Restaurant and Craft Brewery at Lot 201 (1248) Karnup Road, Serpentine was presented at the MODAP meeting held on 29 August 2022. At the meeting, MODAP determined to defer consideration of the DAP application until 29 November 2022, being 90 days to allow the applicant to address the following matters (**attachment 3**):

PROCEDURAL MOTION

Moved by: Ms Francesca Lefante **Seconded by:** Cr Michelle Rich

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

To allow the applicant to provide further information on:

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

Since this time, the applicant has been working towards submitting the additional information requested in order to meet the Shire's reporting requirements and the timeline set by MODAP. This information was received on 9 November, which was day 72 of the 90 day deferral. This necessitates a further deferral timeframe, to allow the re-assessment and re-referral of this information, and subsequent new RAR to be prepared and considered by Council

Legislation and Policy:

Statutory Environment

Legislation

- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015

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

Consultation:

Public Consultation

No stakeholder consultation is required for the purposes of this report. This report seeks Council endorsement to the RAR requesting a further 120 day deferral, to enable the procedural steps of assessing the amended application to occur, including community consultation.

Planning Assessment:

On 9 November 2022, being day 72 of the 90 day deferral granted by MODAP, the applicant submitted the additional suite of information required by MODAP decision. Based on this, the current MODAP deferral timeframe would not be sufficient to allow the Shire to:

- undertake its merits based assessment of the additional information;
- refer the additional information for both community and referral authority comment;
- report to Council with a new RAR based on the additional information;
- provide the RAR (once resolved by Council) to the MODAP with sufficient time in hand to call a meeting and give notice to submitters.

A further deferral time of 120 days has been sought and agreed with the Applicant, to allow for these statutory processes to properly occur. A deferral of 120 days will enable:

1. Letters sent to nearby landowners (21 days to provide a response);
2. Letters sent to referral authorities (42 days to provide a response);
3. 14 days at the close of latest advertising to assess the amended plans and submissions received;
4. Seven days to complete the officer report to present to Council the amended plans RAR;
5. Reporting to the February 2023 OCM, and subsequent consideration by MODAP.

It is recommended that Council resolves the RAR to recommend deferral of the application, for no more than 120 days from 29 November 2022.

Conclusion:

To afford the Shire adequate time to fully consider the additional information submitted by the applicant to address MODAPs deferral reasons for the DAP application, a RAR has been prepared for Council endorsement which recommends that MODAP allow further deferral of 120 days. This will allow the Shire to fully assess the additional information and refer the information to the community and State Government before reporting back to Council with a RAR at the February 2023 Ordinary Council Meeting.

Development Application

Lot 201 (1248) Karnup Road, Serpentine

Restaurant and Brewery (Use Not Listed)



Prepared for Bright Tank Brewing Co
Prepared by Taylor Burrell Barnett
April 2022

Taylor Burrell Barnett

Document History & Status

Development Application
Lot 201 Karnup Road, Serpentine
Restaurant & Brewery

Taylor Burrell Barnett
Town Planning and Design

Level 7, 160 St Georges Tce
Perth WA 6000
Phone: 9226 4276
admin@tbbplanning.com.au

Revision	Reviewer	Date Issued
Version 1.0 (draft)	JD	March 2022
Version 2.0	JD	20 April 2022

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Section

1.0

Introduction

1.0 Preliminary

1.1 Introduction

Taylor Burrell Barnett, acting on behalf of Bright Tank Property Pty Ltd, has prepared this report in support of an application for development approval for the use and development of a brewery and restaurant at Lot 201 (1248) Karnup Road, Serpentine (the subject site). The development application has been prepared in accordance with the provisions of the Shire of Serpentine-Jarrahdale (Shire) Town Planning Scheme No. 2 (TPS2), and with consideration given to the draft Local Planning Scheme No. 3 (LPS3).

To assist the Shire with its assessment of this application, the following supporting information is provided to demonstrate compliance with the Shire of Serpentine-Jarrahdale's planning requirements:

- Certificate of Title – Appendix A
- Planning Application Forms & Checklist – Appendix B
- Development Plans – Appendix C
- Transport Impact Assessment – Appendix D
- Site and Soil Nutrient Assessment – Appendix E
- Nutrient Irrigation Management Plan – Appendix F
- Waste Management Plan – Appendix G
- Biological Assessment – Appendix H
- Operational Management Plan – Appendix I
- Environmental Noise Assessment – Appendix J
- Bushfire Management Plan – Appendix K

1.2 Pre-lodgement Consultation

Bright Tank Brewing Co undertook initial consultation with the Shire's planning and economic development staff to discuss the proposal and preliminary concept plans for the site in late 2021/early 2022.

Representatives from Taylor Burrell Barnett and Bright Tank Brewing Co met with the Shire's planning and engineering staff on 1 March 2022 to discuss the latest concept development plans, as well as the supporting investigations and reporting prepared to accompany the development application. Matters relating to the development proposal, planning framework and development application inputs were discussed and clarified at this meeting and via subsequent email correspondence. The feedback received through this consultation has been taken into consideration in the development of the submitted documentation, with relevant matters discussed throughout this report.



Section

2.0

Site Context

2.0 Site Context

2.1 Location and Site Context

The subject site is located approximately 54 km south of Perth, approximately 27 km south-east of Rockingham and approximately 3 km west of the South Western Highway. The site is within the municipal boundaries of the Shire of Serpentine-Jarrahdale.

The subject site is currently used for rural-residential purposes. It contains an existing dwelling in the north-eastern corner, two dams within the eastern portion of the site, and a number of environmental features as detailed in section 3 of this report. The subject site has a frontage to Karnup Road along its northern boundary, and abuts a drainage line along its western boundary. The adjoining properties abutting the eastern, western and southern boundaries are also used for rural purposes, with a number of horse agistments and racing stables surrounding the subject site. As depicted in **Figure 1**, surrounding area contains some stands of significant vegetation, but has been predominantly cleared to accommodate rural activities operating in the vicinity.

The low-lying areas of the subject site are mapped as a Resource enhancement dampland wetland. This wetland is 2,562ha and extends across several surrounding properties. A Conservation category dampland wetland is located along the site's northern boundary, comprising an area of approximately 19.1ha and extends into the properties west of the subject site.

The subject site has a single vehicular access point to Karnup Road and is not readily accessible via alternative modes of transport including bicycle, pedestrian or public transport. The Australind train line its located approximately 2.4 km east of the subject site, with services operated by TransWA twice a day (primarily for tourism purposes) and running between Perth and Bunbury.



Figure 1: Subject Site and Surrounds (Landgate, 2022)

Based on a detailed analysis of the site's opportunities and constraints undertaken by the project architect and consultant team, it is intended that the proposed development will be located towards the southern end of the subject site, as depicted in **Figure 2**.

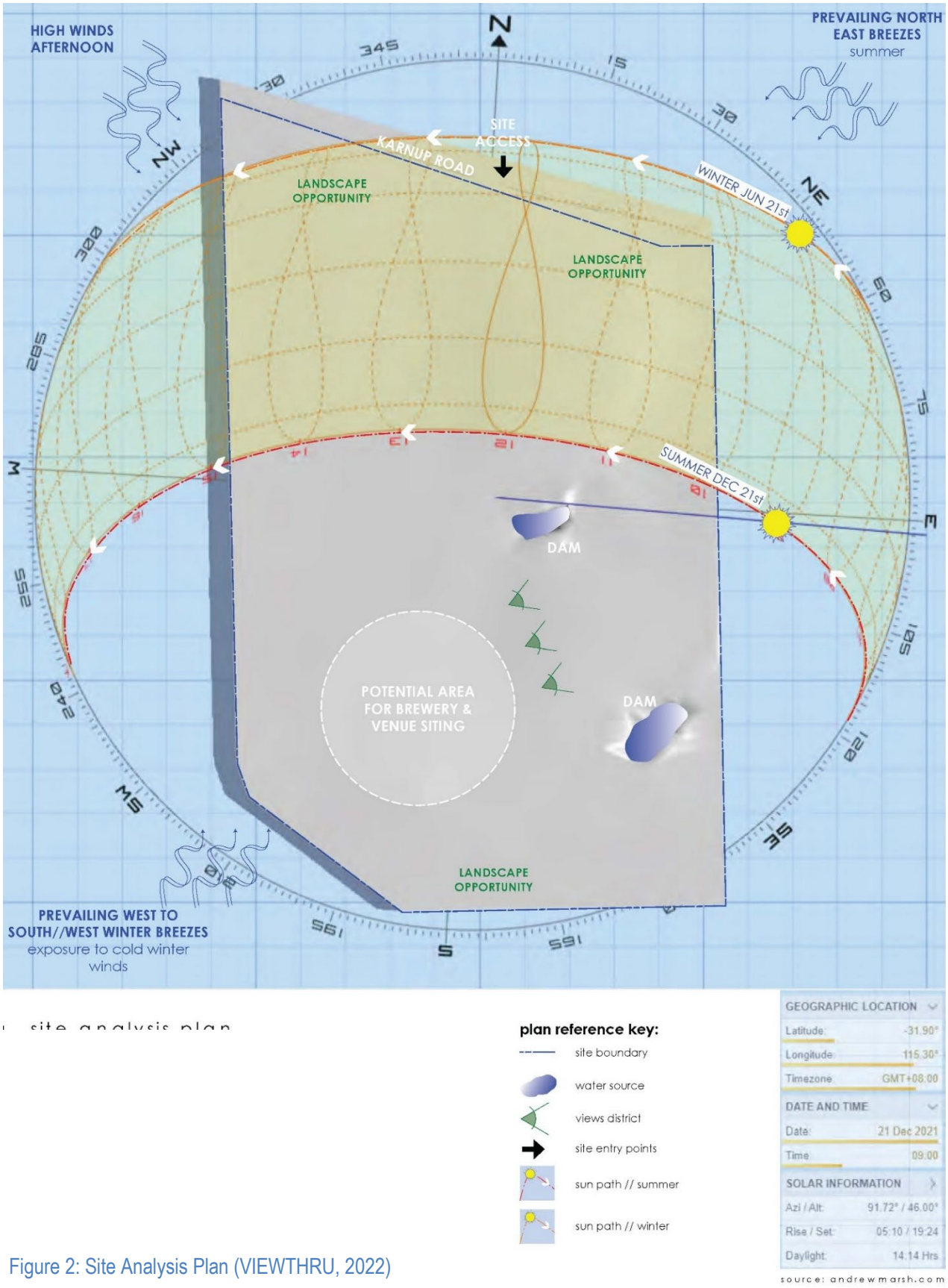


Figure 2: Site Analysis Plan (VIEWTHRU, 2022)

There are a number of residential and non-residential land uses located within the vicinity of the subject site, summarised as follows:

- The closest dwelling is located at 409 Rapids Road, which is located approximately 400 meters south of the proposed development site.
- Other dwellings located in close proximity of the development are 410 Rapids Road (approximately 650 meters south west) and 335 Rapids Road (approximately 650 meters north west).
- The closest non-residential land use is located at 125 – 145 Walker Road, approximately 620 meters east of the proposed development, which is used for freighting and transportation purposes (Paul Andrews Transport).
- Also located within close proximity to the subject site are the Dog Kennels at 1282 Karnup Road, which is approximately 650 meters north east of the proposed development.

2.2 Legal Description and Ownership

Lot 201 (the subject site) has an area of 43.2242 hectares and is owned by Bright Tank Property Pty Ltd as outlined in table 1 and evidenced by the Certificate of Title attached as **Appendix A**. The landowners have authorised the application via their signatures on the submitted applications forms contained in **Appendix B**.

Lot No.	Volume	Folio	Plan	Area (ha)	Registered Proprietor
201	1381	971	301718	43.2242	Bright Tank Property Pty Ltd

Section

3.0

Development Proposal

3.0 Development Proposal

3.1 Proposal

The development application is for a 'Restaurant' and a 'Brewery' use on the subject site. The existing dwelling on site is intended to remain as the Bright Tank family home and the head brewer's residence. In keeping with the existing rural nature of the property, the development will incorporate the existing livestock grazing and housing as well as additional aquaponics systems to produce vegetables and herbs on-site to support the farm-to-table model proposed for the restaurant. These components have been specifically incorporated into the design of the overall masterplan to build on the rural aesthetic of the property, as well as introducing innovative sustainability measures into the way the restaurant and brewery operate.

While this application seeks approval for a Restaurant and Brewery use on the subject site, the future vision for the site is to incorporate a range of complementary uses to establish a development that exemplifies a sustainable farming and food production model with a rural aesthetic. The development aims to host an array of uses in the future including glamping/accommodation, an event space, a farmers' market and a farm-to-table/table-to-farm dining experience.

Furthermore, the future development will demonstrate best-practice sustainable farming methods potentially including the construction of wind and solar power facilities to offset energy consumption, rainwater capture and re-purpose brewing waste. These additional uses are outside the scope of this application and will be subject to separate approvals as required.

3.2 Built form

3.2.1 Overview

The subject application is outlined in the plans contained in **Appendix C** and comprises the following development:

- The main restaurant building located toward the rear (south) of the site, including a 700m^2 eatery and bar facility with a further 400m^2 of shaded outdoor terrace dining area;
- A 1,400m^2 commercial brewing facility with approximately 50m^2 of ancillary office space, attached to the southern side of the restaurant building;
- An outdoor playground area extending from the western side of the restaurant;
- A single two-way crossover to Karnup Road, with a 6m wide access driveway providing vehicular connection to the restaurant and brewery;
- An entry gate with feature signage at the Karnup Road entry point;
- A vehicle loading bay located to the rear of the brewery;
- 251 marked carparking bays (147 bays within a main carpark and 104 overflow spaces, including six ACROD bays and eight motorcycle bays) and two coach parking bays (15 x 3m);
- Pedestrian walkways and crossings connecting the carparking area to the restaurant; and
- Landscaping surrounding the areas adjacent to the restaurant, brewery and carparking areas.

3.2.2 Restaurant

The main restaurant structure is a repurposed vintage rail structure from Collie, made with all Australian steel. The design and history of this structure has been specifically selected to harmonise with the rural character of the property.

The structure will be repurposed to create a double-storey restaurant within a rectangular structure that is reflective of a rural/warehouse aesthetic. The building materials comprise a mix of steel and brickwork, with large framed glass windows and timber and brick flooring throughout.

The ground floor of the restaurant will consist of a central bar area, front reception and multiple casual dining areas in the centre of the building with a kitchen, servery and outdoor dining area located to the east of the central area. A brewery tasting bar, staff storerooms and toilets located in the western part of the restaurant.

The mezzanine level creates a double height roof over the central bar and dining areas that provides additional casual dining areas, toilets, a terrace bar and walkways for circulation throughout the upper floor.

The restaurant is accessed via the main entrance, located on the northern façade and an additional entry point next to the outdoor dining area located on the eastern façade.

3.2.3 Brewery

The brewery comprises an area of approximately 1,400m^2 and will be constructed perpendicular to the proposed restaurant, abutting the southern façade. Both the brewery and the restaurant will reflect a rural/warehouse aesthetic and will be roughly the same scale, with the external façade reflecting similar materials and colours. The brewery will be constructed to house the equipment and machines required for onsite brewing and will be accessed via a loading bay/service yard at the rear of the building.

The brewery will consist of a 25hL four-vessel steam fired production brewery, using a mash lauter kettle whirlpool layout to maximise batch efficiency as the production facility grows into a full-scale operation. Under 12-hour operation the brewery will be capable of producing six brews per day on split shifts, totalling 150hL of fresh wort to be transferred to conical fermenters to create beer.

The layout of the brewhouse will be linear in nature to enhance production capability, allowing each step to follow the next. This method allows new batches to start and overlap as the previous batch moves into the next phase of the brewing process. In following with the linear nature of production, the grain holding and milling area will be located in a walled off room before the brewhouse, which will be rodent proofed with extraction fans to allow for mill works to proceed without impediment to other brewery operations.

Grain will be transferred using a closed screw augur system from the mill to grain hopper, then from hopper to the mash tun for the beginning of the brewing process. The ferment farm will be located on the opposite side of the warehouse parallel to the brewhouse to allow for ease of transfer of fresh wort to the fermenters where yeast will be pitched to begin fermentation. Initially the ferment farm will hold 2x40hL vessels, 2x50hL vessels and 4x100hL vessels, providing sufficient fermentation capacity to brew Bright Tank's core range products for both the Serpentine venue, East Perth and the wholesale market. Fermented beer will move from the fermenters again linearly down the production floor through centrifugal separation then into the Bright Tanks, there will be 2x100hL and 1x50hL Bright Tanks from Centrifuge to Bright Tank, the process of inline carbonation will begin, and then final carbonation will be topped up in the Bright Tank.

The packaging line will be located adjacent the Bright Tank to limit long lengths of transfer. Three forms of packaging will occur, beer will transfer to serving tanks located in the restaurant using stainless transfer piping, kegging will occur from a nine-head manifold allowing a pallet of beer to be kegged per keg run and a Codi 55 can per minute counter pressure canning line filling a 137 cubes of beer per hour. At the opposite end of the building, a large cool room (final size still to be determined) will store all cold store associated products for brewing and final packed beer, on the opposite side of the building from cool room will sit an office and lab space. Externally located to the rear of the building will house a 1 MW steam boiler system and 150hL reverse osmosis system for water treatment, glycol condensing units alongside cool room condensers and external grain silos. The indicative layout of the brewery is depicted in the development plans (**Appendix C**).



birdseye



entry



east



west

3.3 Access, circulation and parking

This application includes a comprehensive assessment of access, circulation and parking considerations for the proposed development, as detailed in the Transport Impact Assessment (TIA) contained in **Appendix D**. The following summarises the key matters for consideration as a component of this development application.

3.3.1 Site access

An existing crossover provides vehicular access to the dwelling on site. The proposed restaurant and brewery will be accessed via a new two-way crossover on Karnup Road, located approximately 20-30m west of the existing crossover. The proposed brewery and restaurant will be accessed via a 6m wide internal accessway that connects the carpark to the new crossover on Karnup Road at the northern boundary. The crossover and access driveway will be designed in accordance with Australian Standard 2890.1, with the geometrical requirements of the new intersection assessed against Austroads guidelines, as detailed in the TIA (**Appendix D**).

The site access arrangements will be designed to enable a 19m semi-trailer sized vehicle to access the service area behind the brewery. All service vehicles servicing the brewery and restaurant will deliver or pick up from this loading area.

3.3.2 Car Parking

Access for passenger vehicles will be gained via a crossover from the primary street (Karnup Road) to a carparking area located immediately adjacent to the development. The brewery will be staffed by up to five people when it is in operation during the week. Approximately 45 staff will service the restaurant, which has a capacity of up to 1,000 patrons.

In accordance with Clause 7.7.2 and Table 5 of the Shire's Town Planning Scheme No. 2 (TPS2), the following carparking is required:

- Restaurant: 1 bay per 4 persons accommodated
- Brewery: not listed, to be determined by Council

As the proposed Brewery land use is not listed under TPS2, it is considered logical to ensure adequate car parking is provided for the number of staff operating from the brewery. An assessment of the proposal against these requirements is provided in **Table 1**.

Table 1: Car parking assessment

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
	Total bays required	**255 bays**
	Total bays provided	**251 (inc. 6 ACROD bays & 8 motorcycle bays)**
	Proposed shortfall	**4 bays**

The development provides for a total of 251 parking bays, including 6 ACROD parking bays, which will be used for employees of restaurant and brewery as well as visitors attending the site. The restaurant will generate parking demand for staff and patrons, while the brewery will generate demand for staff only. The number of required carparking bays is calculated using the rates required for a restaurant use, plus the number of brewery staff (noting the required carparking rate is to ultimately be determined by Council).

The total number of bays provided results in an 'on-paper' shortfall of four bays. The brewery is intended to operate during standard business hours during the week, and in itself would not generate any substantial parking demand, operated by just five staff. Whilst there is some overlap in the restaurant and brewery weekday operating hours, this is not expected to be a peak period for the restaurant which would generate excessive parking demand. The peak periods for the restaurant are expected to be on weekends and weekday evenings.

In addition to the car parking bays provided, two coach parking bays are provided for larger groups or tours visiting the restaurant, and provision is made for motorcycle and bicycle parking. The proponent is also considering the provision of a shuttle bus service to hubs such as Rockingham, Byford and Armadale to minimise the need for patrons and workers to drive to the site.

Based on the above, the number of car parking bays provided on site is considered to be sufficient to meet the demand of the proposed development. The proposed carparking is otherwise consistent with the requirements of TPS2, including design, access and circulation requirements and provision of landscaping.

3.3.3 Traffic Impact

An assessment of the traffic generated by the proposed development has been undertaken by QTM Works as part of the TIA (**Appendix D**). For the restaurant use, a conservative prediction of 100 trips during the peak hour is anticipated, based on 10 trips per 100 seats. Based on the trip generation and distribution, the proposed development will have a moderate impact on the surrounding roads, which have adequate capacity to accommodate the anticipated additional traffic generated by the proposed development.

Two property damage crashes have occurred on this section of Karnup Road between Walker Road and Rapids Road, between January 2016 and December 2020. The two crashes occurred away from the proposed crossover location, and caused no casualties. As outlined in the TIA, there is sufficient roadway capacity in Karnup Road to cater for the proposed development, which is not considered to increase the risk of a road crash above acceptable levels.

3.4 Servicing

3.4.1 Wastewater (Restaurant)

A Site and Soil Evaluation (contained in **Appendix E**) has been prepared by Water Insights to confirm the site's suitability for onsite wastewater disposal and a wastewater management system suited to the proposed development, as a reticulated sewerage service is not available at the site.

The evaluation, together with the geotechnical investigation undertaken, demonstrates that there are no site constraints which prevent the use of an onsite wastewater management system. The subject site is in the Peel Harvey Catchment and a Sewerage Sensitive Area. A secondary treatment unit with nutrient removal capabilities will be used at the site to receive and treat wastewater generated at the site.

The restaurant and brewery are proposed to be constructed on the most elevated area of the site, which has the greatest clearance to groundwater. A minimum 100m buffer will be provided to the Water Corporation and agricultural drain located on site, and all wastewater infrastructure will be located outside all wetland areas. An *Application to Construct or Install an Apparatus for the Treatment of Sewerage* will be submitted to the shire prior to installation of the system.

3.4.2 Wastewater (Brewery)

The brewing process produces a wastewater, however this will be managed and treated separately to the restaurant. Details regarding the brewery wastewater management system is detailed in the Nutrient Irrigation Management Plan contained in **Appendix F**, which has been prepared to support the sites Part V Works Approval and Licence application, needed to comply with the *Environmental Protection Act 1986*.

3.4.3 Other Services

The subject site will be supplied with power, potable water and telecommunications via extensions of the existing services and infrastructure located within the vicinity surrounding the subject site.

3.5 Site works

The development site is generally flat and clear of buildings or substructures and vegetation. The site features sandy soils and is classified as “well drained” with no threat of local ponding issues. The land contains some pasture and similar vegetation, which would be removed within the area the subject of the development.

The proposed development requires site works in accordance with AS3978-2011, this will entail:

- Removal of any deleterious material, organics etc. by raking down
- Any construction rubbles, brickbats, subsoil septics, old drainage systems are to be removed off site
- Compact the base of the excavation to achieve a classification of dense over a depth of 0.8m
- Replace the stockpiled sands in layers no exceeding 250mm lifts, to achieve a dense classification
- Import filling sands to the current levels or sands pad level and compact to achieve “Dense” classification.

Refer to the Geotechnical Investigation attached to the Site and Soil Evaluation in **Appendix E**.

3.6 Site drainage and Landscaping

3.6.1 Site drainage

The Department of Water and Environmental Regulation flood mapping for the area indicates the site is not located in the floodplain of any waterways. A Water Corporation drain exists adjacent to the site’s western boundary however the area of proposed development is raised approximately 3m above the height of the drain and is unlikely to be impacted by flooding from this drain.

The boundary of the Resource Enhancement wetlands also encompasses the low-lying areas of the site. Development is proposed to be located on the elevated area in the south of the site, outside the wetland boundary. The entrance road is the only component of the development which will encroach within the wetland boundary, however the alignment of this road has been considered based on the outcomes from the ecological and flora assessment for the site, in an effort to minimise any impacts on existing vegetation.

Given the low-density nature of the development, it is intended to incorporate shallow roadside swales along the entrance road and biofiltration swales around the brewery to collect and infiltrate stormwater. In addition, large rainwater tanks will be installed to harvest rainfall from the roofs of the brewery and restaurant, which will further reduce the requirement for large stormwater infrastructure such as drainage basins.

The site characteristics demonstrate that stormwater is able to be adequately managed on site, and as such, a Stormwater Management Plan is intended to be prepared and submitted following development approval.

3.6.2 Landscaping

The proposal recognises the strong existing rural character of the site and the importance of retaining this character to the surrounding context. As a result, the development and associated landscaping retain and incorporate the existing vegetation into the landscape design where possible. Notably, no changes are proposed to the existing vegetation on and within close proximity to Karnup Road meaning there will be no changes to the existing streetscape character.

The landscaping shown on the development plans demonstrates the indicative landscape design. Feature landscaping is likely to be planted at the restaurant entrance and outdoor dining areas, as well as shade trees within the carparking areas. Minimal change to the existing vegetation is proposed except where required to facilitate construction. It is considered that the

development will not impact the existing streetscape character and seeks to retain the existing vegetation to respectfully contribute to the existing rural character of the area. As the extent of landscaping and changes to existing vegetation are considered to be minor, a detailed landscape plan is to be provided post-approval.

3.7 Waste Management

A Waste Management Plan (WMP) has been prepared to address the waste associated with the proposed development. The WMP is addresses the matters relating to the waste generated by the restaurant and brewery and identifies maintenance and management tactics. The WMP is provided in **Appendix G**.

The WMP identifies that waste is generated from the operations of the restaurant and brewery as well as the on-site brewing processes. The plan separates the material waste generated into material streams (cardboard, commingled, cooking oil, soft plastics and glass) and identifies an appropriate number of bins required based on the rate at which the waste is generated. The separation of material waste into streams facilitates the appropriate waste to be recycled to minimise landfill. While the brewing process will take once a week and will produce spent grain material. Harvest bins have been identified to store the spent grain. Contractual agreements with local farmers will be in place to distribute the spent grain for future rural uses. The brewing processes will also generate hops and yeast waste that will be side streamed and distributed accordingly.

The bins identified for material and brewing waste will be located to the rear of the brewery, which will have a loading dock designated to waste collection and dispatch of goods. The bin area is located to the rear of the brewery to minimise the impact of odours, sounds and unsightly views generated by the onsite waste. The restaurant and brewery staff will be charged with manual transfer of waste throughout the site, while the management team will responsible for overseeing the implementation and maintenance of waste management systems. An external commercial contractor will be engaged to service the commercial waste and recycling collections.

3.8 Biological Assessment

An biological assessment of the subject site has been conducted, revealing that the subject site is home to an array of flora and fauna. This includes one remnant vegetation unit growing in association with the Resource Enhancement wetland, five vertebrate fauna species, and a number of weed species. None of the defined vegetation units within the site are considered to representative of any threatened or priority ecological communities.

The Biological Assessment contained in **Appendix H**, recommends remnant native vegetation be retained where possible, including isolated trees, especially those that provide better-quality foraging, breeding, and roosting habitats for Black Cockatoos. To address the matters raised in the Biological Assessment, the proposal is designed in a manner that avoids the clearing of remnant of native vegetation that provides Black Cockatoos habitat. The location of the development, including the access driveway within the overall site has been selected to minimise the removal and impact on the existing vegetation. The buildings are to be positioned away from existing vegetation and is considered to have minimal impact on the flora and fauna.

3.9 Operation Management of Licensed Premises

The Operational Management Plan contained in **Appendix I** has been prepared by Bright Tank Brewing Co. to provide further information on the operational details of the restaurant and brewery. The proposed development will consist of a restaurant that is publicly accessible and will serve up to 1,000 patrons plus approximately 45 staff and a brewery that will be operated by five staff that does not service the public.

The proposed hours of operations are as follows:

Brewery	**Restaurant**
Monday-Friday: TBC	Monday: 11am to 10pm (select public holidays only)
	Tuesday-Wednesday: Closed
	Thursday-Friday: 11am to 10pm
	Saturday-Sunday: 8am to 10pm

The restaurant will operate as a ‘farm to table’ style restaurant that utilises produce grown on site to supply the restaurant. The future expansion of the development is planned to provide further support for this restaurant model and increase the ability for fresh produce to be grown on site. The onsite brewery will produce brewed

beverages that will supply the restaurant and will be available to purchase and takeaway.

The restaurant will feature multiple dining areas for bar service and casual 'sit down' dining. There will be an indoor dining area on the ground floor with a central bar area surrounded by multiple dining areas with different seating options. There will also be a brewery tasting bar on the western side of the venue. Additionally, there will be outdoor dining areas located on the ground floor eastern side of the venue and first floor eastern and western sides of the venue.

3.10 Environmental Noise Management

Environmental noise management measures are in place to minimise the potential noise impacts on the adjoining properties. The proposed development is located within close proximity to existing dwellings on the adjoining lots, with the closest dwelling at 409 Rapids Roads approximately 350 meters from the subject site.

To minimise the impact on the sensitive uses within close proximity of the subject site, an Environmental Noise Management Plan (provided in **Appendix J**) has been prepared that outlines the required noise attenuation measures to minimise potential noise impacts. The following built form and operational management measures have been identified to minimise noise impacts to adjoining properties:

Built form

- Glazing – external glazing to have a sound reflection of Rw31 or greater;
- Roof construction – Colourbond sheeting with Anticon 80 insulation installed to the underside;
- 'Ceiling' within the hospitality venue – an acoustically absorbent 'ceiling' will be provided within the hospitality venue. It is suggested that a seamless perforated plasterboard or perforated timber ceiling are selected;
- External wall construction – the external walls shall achieve a minimum sound reduction of Rw47 and will be constructed of cavity masonry, brick veneer or concrete panel construction.

Operational

- Entertainment in the form of acoustic duos and trios are acceptable within the hospitality space at any time, including when external windows and doors are open;
- All external windows and doors shall be kept closed when loud amplified music greater than 83 dB(A) is performed within the venue. This includes DJ Entertainment and rock bands with percussion and bass guitar;
- In the event that amplified entertainment occurs beyond 10 pm at night within the hospitality venue, it shall not exceed 90 dB(A) on the basis of windows and doors being closed;
- Speakers within the external areas shall be specified/limited such that the music volume does not exceed 65 dB(A) at the outer edges of the first-floor external terraces, and does not exceed 65 dB(A) at the eastern edge of the ground floor Outdoor Dining Area. The outdoor speakers shall be switched off prior to 10 pm;
- Waste Collection vehicles only permitted on site between 7 am and 7 pm, Monday to Saturday;
- Glass shall only be emptied into the outside bins between the hours of 7 am and 7 pm (9 am to 7 pm on Sundays);
- Management will maintain a log book for any complaints regarding noise and disturbance in the area.
- Any complaint received is entered into the book, with the date and time of the complaint, the staff member who received the complaint, and the action taken. The approved manager will then contact the complainant to ascertain whether the action taken is sufficient to answer the concern expressed; and,
- Security staff shall ensure all patrons leave the venue in a prompt and orderly fashion.

The above built form and operational measures are in place to minimise the potential noise impacts and ensure compliance with the *Environmental Protection (Noise) Regulations 1997*.

Section

4.0

Planning Framework

4.0 Planning Framework

4.1 State Planning Framework

4.1.1 Government Sewerage Policy (2019)

The Government Sewerage Policy (GSP) establishes the WA Government's position on the provision of sewerage services in the State through the planning and development of land. The Site and Soil Evaluation has been prepared in accordance with the GSP.

The GSP includes specific requirements for the onsite sewage system and disposal for developments located in the sewerage sensitive areas. The subject site is identified as being within 1km of significant wetlands.

The requirements that are relevant to the site include:

- The discharge point of the onsite sewage system should be at least 1.5 metres above the highest groundwater level (sewerage sensitive area);
- The site will require an unencumbered land application area for the disposal of sewage in accordance with Schedule 2 of the GSP; and
- Secondary treatment systems with nutrient removal are required in sewage sensitive areas.

4.1.2 State Planning Policy 3.7 – Planning in Bushfire Prone Areas

SPP 3.7 assists in identifying, addressing and reducing the risk of bushfire to people, property and infrastructure by encouraging a conservative approach to strategic planning, subdivision, development and other planning decisions within bushfire prone areas.

As shown in **Figure 3**, the entirety of subject site and surrounding area is identified as 'Bush Fire Prone' on the Map of Bush Fire Prone Areas (DFES, 2021). The SPP 3.7 policy measures require a development application for a vulnerable land use to include a Bushfire Emergency Plan, to establish the procedures and associated actions for management of a bushfire emergency to ensure the safety of persons on-site.

A Bushfire Management Plan (BMP) has been prepared for the proposal and is contained in **Appendix K**. In summary, the BMP determines the potential bushfire threat to the proposed development using physical site conditions at the time of reporting.

The Bushfire Attack Level (BAL) assessment determines that the proposed buildings will be located in an area that achieves a BAL rating of BAL-29 or less, subject to the provision of a minimum 20m Asset Protection Zone (APZ) being established for the new buildings. The BMP identifies that the existing house, sheds and APZ will not be impacted by the proposed development and therefore no changes are required to the existing structures to facilitate bushfire management tactics. Additionally, the proposed driveway exceeds 200 meters and passes through grasslands beneath an open woodland vegetation area, which complies with the State's Guidelines.



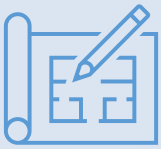
Figure 3: Map of Bushfire Prone Areas (DFES, 2022)

4.1.3 State Planning Policy 7.0 – Design of the Built Environment

SPP 7.0 is the leading SPP to guide design outcomes in the planning system. SPP 7.0 includes 10 principles for good design and establishes the framework for integrating design review as part of the evaluation process. An overview of the 10 design principles and the manner in which they are addressed are outlined in **Table 2** below.

Table 2: Design Principles Statement

SPP 7.0 Design Principles	
	**Context and Character** The proposed design deliberately seeks to complement the surrounding rural character of the area. This is achieved through the setback of the development away from the streetscape and adjoining properties, and the use of building typologies and materials which reflect a rural aesthetic. The development is sensitively integrated into the existing natural features of the site, by intentionally siting the new buildings, carpark and access driveway in such a way that any impacts on the site's environmental attributes. Notwithstanding the predominantly rural context of the subject site, a number of non-residential and commercial land uses exist within close proximity to the subject site, including the neighbouring Paul Andrews Transport and dog kennels. Such uses generate a level of amenity impact, particularly relating to noise. Appropriate management measures integrated into the design and operation of the restaurant and brewery will ensure the existing amenity of the area is maintained.
	**Landscape Quality** The existing vegetation within the subject site is intended to be predominantly retained. Clearing will occur only where necessary to accommodate the proposed development and access driveway. Importantly, the existing landscaping along the Karnup Road frontage of the site will remain in-situ, except where the new crossover will be installed. This ensures the existing rural-residential streetscape character remains unaffected by the development. Additional feature landscaping will be incorporated at the entrance to the restaurant and outdoor dining areas, and within the carpark to provide shade for parked vehicles. A detailed landscape plan will be prepared for the Shire's consideration following approval of the development, and will incorporate a selection of native tree and plant species which integrate into the existing landscape character.
	**Built Form and Scale** The restaurant and brewery are proposed to be accommodated within warehouse style buildings, both of a similar double-storey height and scale. The restaurant will be housed within a repurposed vintage rail structure from Collie, which is entirely compatible with the character of the area. The built form and scale of the development will have no perceptible impact on the streetscape or surrounding properties by virtue of it's siting within the property.



Functionality and Build Quality

Designed by VIEWTHRU Architects on behalf of a well-established restaurant and brewery operator, the layout of the development benefits from a thorough understanding of customer and operator needs.

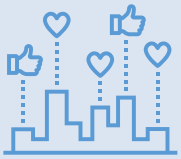
The restaurant provides a central bar area, surrounded by mix of different seating options, including bar seating, indoor and outdoor casual dining areas, a brewery tasting bar and intimate lounges and nooks, providing patrons with an array of choices to suit their desired experience. Families with children will be welcomed to the venue with the addition of an outdoor playground adjacent to the restaurant. The addition of an upper-level maximises the functional space of the restaurant building, with outdoor dining and casual seating areas provide views out over the property's rural landscape.



Sustainability

The restaurant building is designed to maximise the infiltration of natural light and ventilation, with the north, east and western facades of the restaurant building incorporating full-length, operable windows and doors. This creates a sense of open space within the restaurant, and the seamless flow of indoor and outdoor dining areas.

Innovative sustainability measures will guide the way in which the restaurant and brewery operate. Existing livestock grazing on the property, and additional aquaponics systems will be used to grow produce on-site to support the farm-to-table model proposed for the restaurant. As part of the brewing process, spent grain material will be distributed to local farmers for rural uses. As the activities on the property expand over time, consideration will be given to other potential sustainability measures, including wind and solar power to offset energy consumption, the capture of rainwater, repurposing of brewing wastewater, and other measures to minimise the waste produced by the restaurant and brewery.



Amenity

The development has been sensitively designed and sited to minimise amenity impacts on surrounding properties. Management measures relating to noise and traffic generated by the site will ensure these impacts are minimised to retain the existing level of amenity enjoyed in the area.



Legibility

A single access point to the development is proposed on Karnup Road. Whilst this entrance will be appropriately designed to minimise its impact on the existing streetscape, feature signage at the driveway entrance will be in place to direct visitors into the site.

A series of pedestrian walkways through the carpark safely connect patrons to the restaurant building. The main entry is provided on the northern façade of the restaurant, with landscaping and signage providing visual cues to assist wayfinding. Universal access is provided throughout the restaurant, with level surfaces provided and a lift to the upper-level bar and dining areas. Access to the brewery will be concealed so as not to give the impression it is accessible to the public.



Safety

Outside of the restaurant operating hours, the property will not be accessible to the public. Access to the driveway will be controlled outside of these times so that only staff working in the brewery will be able to enter the site. A level of passive surveillance will also be maintained outside of operating hours by virtue of the brewer's homestead being retained in the northern portion of the site.

Appropriate security measures and alarms will be installed to the restaurant and brewery, which will be further considered during the detailed design of the development.



Community

The proposal will provide a new and exciting venue for the local community to enjoy, whilst also bringing visitors into the area from afar. The design of the restaurant encourages social engagement in an inclusive, equitable manner, attracting all different demographics. The development is specifically designed to respond to the environmental demands of the site, whilst also responding to the social and market demands of the region.



Aesthetics

The proposal provides a design that reflects the locality's rural aesthetic. The vintage rail structure housing the restaurant is constructed of all Australian steel, together with a complementary mix of natural materials and colours. This aesthetic will also translate to the brewery, which will reflect a similar warehouse-style appearance to the restaurant.

4.2 Metropolitan Region Scheme

The subject site and surrounding area are zoned 'Rural' under the Metropolitan Region Scheme (MRS) (refer **Figure 4**). Bush Forever site 74, reserved for Regional Open Space exists to the west of the subject site. The proposed development is able to be accommodated under the current MRS zoning.

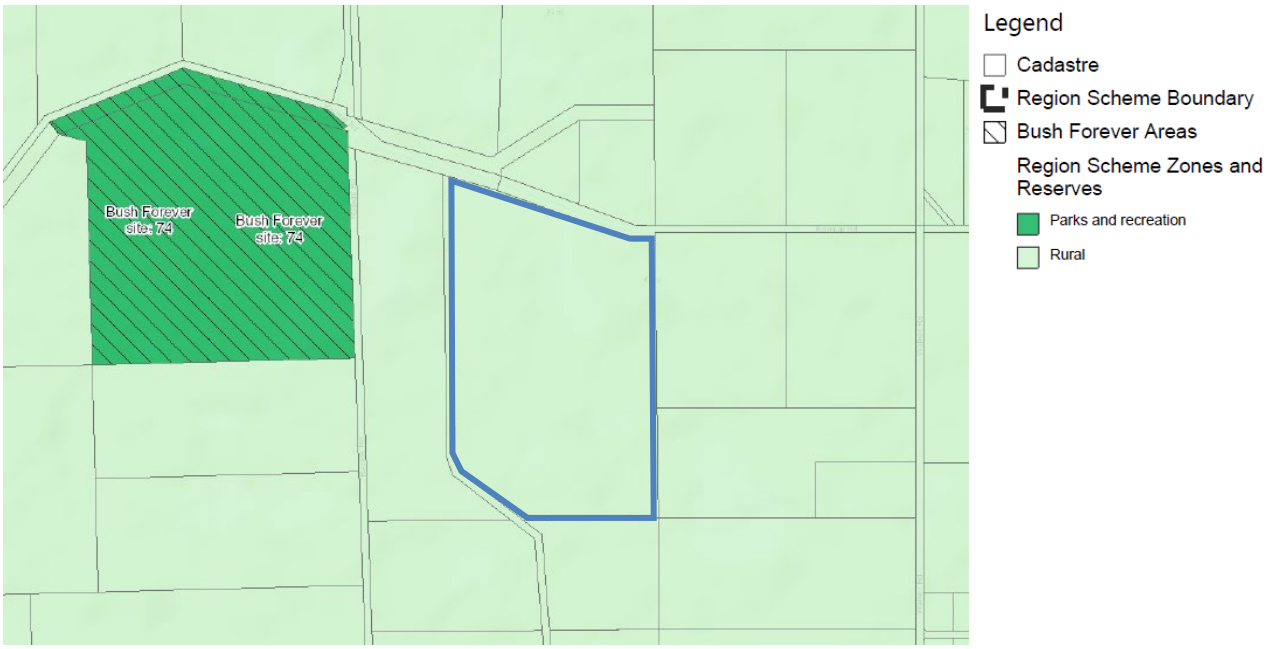


Figure 4: Metropolitan Region Scheme Extract (PlanWA, 2022)

4.3 Local Planning Framework

4.3.1 Zoning and Land Use Permissibility

The land is subject to the provisions of the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 (TPS2). Under TPS2, the land is zoned 'Rural' (refer **Figure 5**), which is also reflected under the Shire's Draft Local Planning Scheme No. 3 (LPS3), which is awaiting final approval and gazettal.

The 'Restaurant' use is listed as a 'SA' use within the Rural zone under TPS2, meaning that Council may use its discretion to permit the use after the application has been advertised for public comment. The purpose and intent of the Rural zone is to allocate land to accommodate the full range of rural pursuits and associated activities, as outlined under Clause 5.10.1 of TPS2.

The way in which the proposed restaurant will operate aligns with the Rural zoning of the property. The 'farm to table' restaurant model complements the existing rural activities (agriculture and grazing) on-site, and connects with the sustainable farming and food production model. The restaurant will be supplied by fresh produce grown on-site in an effort to exemplify sustainable farming practices and low food milage. As such, it is considered that the proposed restaurant is consistent with the purpose and intent of the rural zone, being an associated activity to the property's existing and expanded rural pursuits.

The farm to table restaurant will be paired with an on-site brewing facility which will supply the restaurant as well as liquor being sold for consumption off the premises. As the 'Brewery' use is not listed in the zoning table, Clause 3.2.5 stipulates that Council may determine that the proposed use may be consistent with the objectives and purposes of the zone and thereafter, consider an application for planning approval following a period of public advertising.

The brewery is considered a further associated activity to the rural pursuits operating from the property, as an additional good being produced on the site. The production facilities associated with the brewery are entirely suitable within the Rural zone, and are not inconsistent with other rural uses operating in the area.

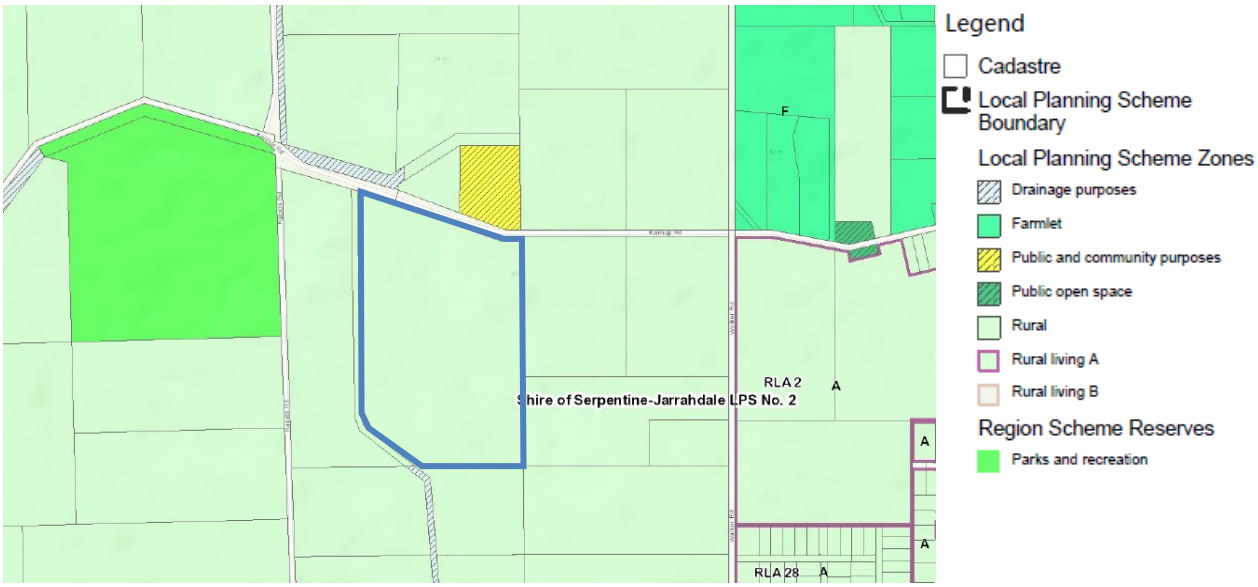


Figure 5: Town Planning Scheme No. 2 Zoning (PlanWA, 2022)

The appropriateness of the brewery use within the Rural zone is confirmed by the Shire's draft LPS3, which lists Brewery as a 'D' use within the Rural zone, meaning the local government is able to approve the development using its discretion.

A summary of the land use permissibility under both TPS2 and draft LPS3 is provided in **Table 3**.

While draft LPS3 is yet to be gazetted, the proposed 'restaurant' and 'brewery' uses are consistent with the objectives of the Rural zone contained within LPS3, being:

- To provide for lot sizes in the range of 1ha to 4ha
- To provide opportunities for a range of limited rural and related ancillary pursuits on rural residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land
- To set aside areas for the retention of vegetation and landform or other features which distinguish the land
- To provide a residential amenity with a rural character.

The use is considered to be consistent with the 'Rural' zone objectives under both TPS2 and draft LPS3 and therefore warrant the Shire's support.

Table 3: Land use permissibility

Land Use	Permissibility		Definition
	TPS 2	LPS3	
Restaurant	**SA** (discretionary, subject to advertising)	**A** (discretionary, subject to advertising)	TPS2: *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 not the principal part of the business.* LPS3: *premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the Liquor Control Act 1988*
Brewery	**Not listed** (discretionary, subject to advertising)	**D** (discretionary, not subject to advertising)	LPS3: *premises the subject of a producer's licence authorising the production of beer, cider or spirits granted under the Liquor Control Act 1988*

4.3.2 Local Planning Policies

4.3.2.1 Local Planning Policy 4.11 Advertising Policy

LPP 4.11 seeks to ensure the appropriate development of signage on private and public land, ensure that public safety is maintained and to ensure that the character of the area where signage may be proposed is maintained.

Two advertising signs are proposed as part of this application.

The Bright Tank advertising signage proposed at the entrance to the property is classified under LPP 4.11 as a "Boundary fence sign", being an advertisement painted or otherwise affixed to a fence along the property boundary of the premises. An additional sign is proposed above the restaurant entrance, classified a "Wall sign", being an advertisement affixed flat to a building wall or painted onto a building wall and/or fascia.

Both Boundary Fence and Wall signs are listed as 'X' (not permitted) within the Rural zone. Given the nature of the proposed development, an element of signage is necessary for advertising purposes, as well as way-finding and commercial branding. An assessment of the proposed signage against the Acceptable Development Standards under LPP 4.11 is provided in **Table 4** below.

Table 4: LPP 4.11 assessment

Acceptable Development Standards	Response
Acceptable Development Standards – Boundary Fence Sign	
A boundary fence sign is not to be affixed to a fence unless the fence is constructed to withstand the consequent wind or other loads.	The fence will be appropriately designed and constructed to withstand the necessary loads. A small brick pillar will support the sign, with an gantry-style structure above the entrance gate.
Is a single faced sign.	Compliant.
The maximum sign face area is 36m^2.	Compliant - The total face area of the sign is 1.44m^2 with dimensions of 1.25m x 1.15m.
Acceptable Development Standards – Wall Sign	
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^2, and must not extend beyond 12.0m above the ground even if the wall is higher than this.	Compliant - The total face area of the sign is 5.75m^2 with dimensions of 2.5m x 2.3m, and extends to 8.45m above the ground.
Must not project more than 300mm from the wall and/or fascia to which it is affixed.	Compliant - The proposed wall sign is fixed flush to the wall and does not protrude further than 300mm from the wall surface.
Must not project beyond the edges of a wall and/or fascia.	Compliant - The sign is wholly contained within the area of wall within which it is fixed and does not project past the edges and/or fascia
A wall sign, which extends above a wall, may be considered as a roof sign.	N/A – the sign does not extend above the wall.

As demonstrated above, the proposed signage is entirely compliant with the acceptable development standards for boundary fence and wall signs under LPP 4.11. The signage is appropriately designed and sited to be sympathetic to the existing landscape and streetscape.

into the design to identify the business and buildings to patrons. The boundary fence sign is necessary for way-finding purposes, ensuring visitors are able to identify the business when approaching the property and enter in a safe and coordinated manner. It is of an appropriate scale and design so as not to have any significant impact

on the streetscape or existing rural character of the area. The wall sign is sufficiently setback so as not to be visible from the street and adjoining properties, and complements the design of the building.

Based on the above, the proposed signage is considered acceptable and worthy of support.

4.3.2.2 Local Planning Policy 4.15 Bicycle Policy

The purpose of LPP 4.15 is to encourage cycling and improve conditions for bike riders in proposed urban developments, ensure the provision of appropriate bicycle facilities and provide an alternative to private vehicle transport. It provides guidance on the design and requirements of bicycle end of trip facilities for both commuters and visitors.

Whilst the policy purpose and background refer specifically to 'urban developments', LPP 4.15 is taken to apply to all development within the Shire. It is noted that cycling conditions in the vicinity of the subject site are not ideal, with this section of Karnup Road having no existing cycling facilities, meaning cyclists would need to use the road verge/shoulder. Notwithstanding, the proposal includes a series of Class 3 bike racks between the carpark and restaurant building. The racks are appropriately positioned to maximise their surveillance from the restaurant and playground. It is intended that the bicycle parking would be shared by employees and visitors. There may be potential to provide Long Term Class 1 or 2 facilities, together with shower and changeroom facilities in the future if demand warrants such facilities.

4.3.2.3 Local Planning Policy 4.20 Licenced Premises (Liquor)

LPP 4.20 applies to all licensed premises within all zones of TPS2. Its purpose is to provide guidance for the assessment of development applications for licenced premises, protect and promote public safety and amenity in community centres and to ensure the location, siting, design and interface of licenced premises do not adversely impact the character of the Shire. **Table 5** provides an assessment of the proposal against the policy provisions of LPP 4.20.

Table 5: LPP 4.20 assessment

Policy Provisions – Licensed Premises	Response
Location	
1. Proposals 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
2. 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 not located within proximity to any existing frequent public transport facilities. As such, adequate car parking is provided on site, as well as parking for coaches, motorcycles and bicycles. In addition, the proponent is considering a shuttle bus service to either Byford town centre (and later Byford Railway Station) and/or Armadale Railway Station and Rockingham Railway Station.
Design	
1. Encourage safety in design that: - 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; - Promotes clear and well-defined customer entry and exit points, customer car parking areas, public transport locations, and surrounding pathway; - 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 - Promote building orientation and design to create active street frontages, to help enlivening centres	Compliant: - The building is designed and sited to prevent the creation of unsafe, poorly lit and/or unobserved spaces. - The customer entry is well defined using built form, landscaping and signage. The entryway is open and inviting. - The restaurant and brewery bring commercial activity and create a positive and vibrant venue for people to gather and enjoy the offerings or the restaurant and allows patrons to sample beer produced on site. - 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. The restaurant provides an active frontage accessible via the carparking and access points.
2. 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.
3. 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, façades of the restaurant are designed to encourage vistas to the surrounding rural landscape.
4. 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 façades consist predominantly of glass windows and doors to encourage passive surveillance and encourage visual connection with rural surroundings.
5. 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 (loading/unloading/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

6. The location of carparking should not obstruct surveillance of the premises. Carparking 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 carparking areas are designed to be open and encourage passive surveillance of one another. The carparking area will be well-lit, and is designed with safe with pedestrian accessways throughout.
7. Boundary treatments must be visually permeable where there is an urban design imperative for passive surveillance	N/A
8. 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.
9. Bin storage areas should be screened and be inaccessible to the public	Compliant – bin areas are appropriately screened behind the brewery and are not publicly accessible.
10. Signage should be integrated into the design of the building and be externally illuminated	Compliant – signage integrated into façade of main entry and will be externally lit.
11. Drive throughs should be integrated into the design of the building and be externally illuminated	N/A – no drive throughs proposed
Noise	
To address noise impacts from a proposed licensed 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 *Environmental Protection (Noise) Regulations 1997 (Regulations)*.	An acoustic report is provided in **Appendix J** and details the built form and operational measures which will be incorporated into the development to achieve compliance with the *Environmental Protection (Noise) Regulations 1997 (Regulations)*.

As outlined above, the proposed development broadly complies with the policy provisions of LPP 4.20. The proposed restaurant and brewery will not have any adverse impact on the safety and amenity of the locality, being sensitively and appropriately designed to harmonise with the existing context and character of the area.

In accordance with the Development Application Requirements of LPP 4.20, this application is accompanied by an Operational Management Plan (see **Appendix I**) that details the use and operation of the licensed venue.

Section

5.0

Conclusion

5.0 Conclusion

This application seeks approval to develop an exciting new restaurant and brewery facility in Serpentine, which harmonises with the existing rural aesthetic of the area and incorporates innovative sustainability measures.

The proposed development is of an appropriate scale and appearance with respect to its rural location, with specific design and operational measures in place to protect the existing amenity of the area and the environmental features of the land. As outlined in this report, the proposed development appropriately addresses the applicable planning framework, including:

- The Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 and Draft Local Planning Scheme No. 3;
- Specific state and local planning policies applicable to this site and the form of development.

We submit that the proposal should be supported by the Shire and approved by the Development Assessment Panel on the following grounds:

- The proposed development demonstrates compliance with the Shire of Serpentine Jarrahdale's current and draft Local Planning Scheme and local planning policies. The development only seeks minor variations to the provisions of the policies, based on the specific locational context of the proposal and in order to foster desirable design and operational outcomes.
- The proposed restaurant and brewery are highly suitable for the for the site, designed in such a way to be complementary to the existing residential and rural pursuits on the property. The development will provide a destination attraction for locals and the broader population of Perth.
- The restaurant and brewery have been thoughtfully designed and sited with respect to the surrounding rural-residential land uses and the environmental features of the site. Specialist reports and assessments have been undertaken to ensure the development has no adverse impacts on the subject site or surrounding properties, particularly with regards to the natural environment, noise, traffic generation, waste and operation.

We look forward to working with the Shire of Serpentine Jarrahdale to achieve a favourable recommendation to the Development Assessment Panel.



APPENDIX C

Development Plans

1248 Karnup Road, Serpentine, WA



to Perth // 45mins // 60km
via Kwinana Fwy // State Route 2

source: https://espatial.dplh.wa.gov.au/

site location plan
nts

north

drawing register

		Issue Date:
	Day	6
	Month	4
	Year	22
DA//00	Site Location & Drawing Register	A
DA//01	Site Analysis Plan	A
DA//02	Site Layout Plan // Proposed	A
DA//03	Site Detail Plan // Proposed	A
DA//04	GF Venue Plan // Proposed	A
DA//05	FF Venue Plan // Proposed	A
DA//06	GF Brewery Plan // Proposed	A
DA//07	FF Brewery Plan // Proposed	A
DA//08	Elevations N & S // Proposed	A
DA//09	Elevations E & W // Proposed	A
DA//10	Sections // Proposed	A
DA//11	Perspective Views External	A

Issue:	**Recipients:**	
(DA)	Clients : Bright Tank Brewing Company	•
(DA)	Council : Serpentine Shire Council	•
(DA)	Engineer Traffic : P. Yapp - QTM	•
(DA)	Environmental : C. Choo - Coterra	•
(DA)	Acoustic : B. Farrell - Gabriels Hearne Farrell	•

BRIGHT TANK BREWING CO.

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address 1248 Karnup Rd, Serpentine, WA 6125. LOT 201 DP 301718	title Site Location & Drawing Register	date: 6/04/2022	scale: © VIEW//THRU
client Bright Tank Brewing Co.	project Proposed Brewery	drawn: JOB	dwg. no. **DA//00**

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HIGH WINDS AFTERNOON

PREVAILING NORTH EAST BREEZES
summer

N
NE
E
SE
S
SW
W
NW

SITE ACCESS

KARNUP ROAD

LANDSCAPE OPPORTUNITY

LANDSCAPE OPPORTUNITY

WINTER JUN 21st

SUMMER DEC 21st

DAM

DAM

POTENTIAL AREA FOR BREWERY & VENUE SITING

LANDSCAPE OPPORTUNITY

PREVAILING WEST TO SOUTH//WEST WINTER BREEZES
exposure to cold winter winds

site analysis plan

scale : nts

plan reference key:

- site boundary
- water source
- views district
- site entry points
- sun path // summer
- sun path // winter

GEOGRAPHIC LOCATION	
Latitude:	-31.90°
Longitude:	115.30°
Timezone	GMT+08:00
DATE AND TIME	
Date:	21 Dec 2021
Time:	09:00
SOLAR INFORMATION	
Azi / Alt:	91.72° / 46.00°
Rise / Set:	05:10 / 19:24
Daylight:	14.14 Hrs

source: andrewmarsh.com

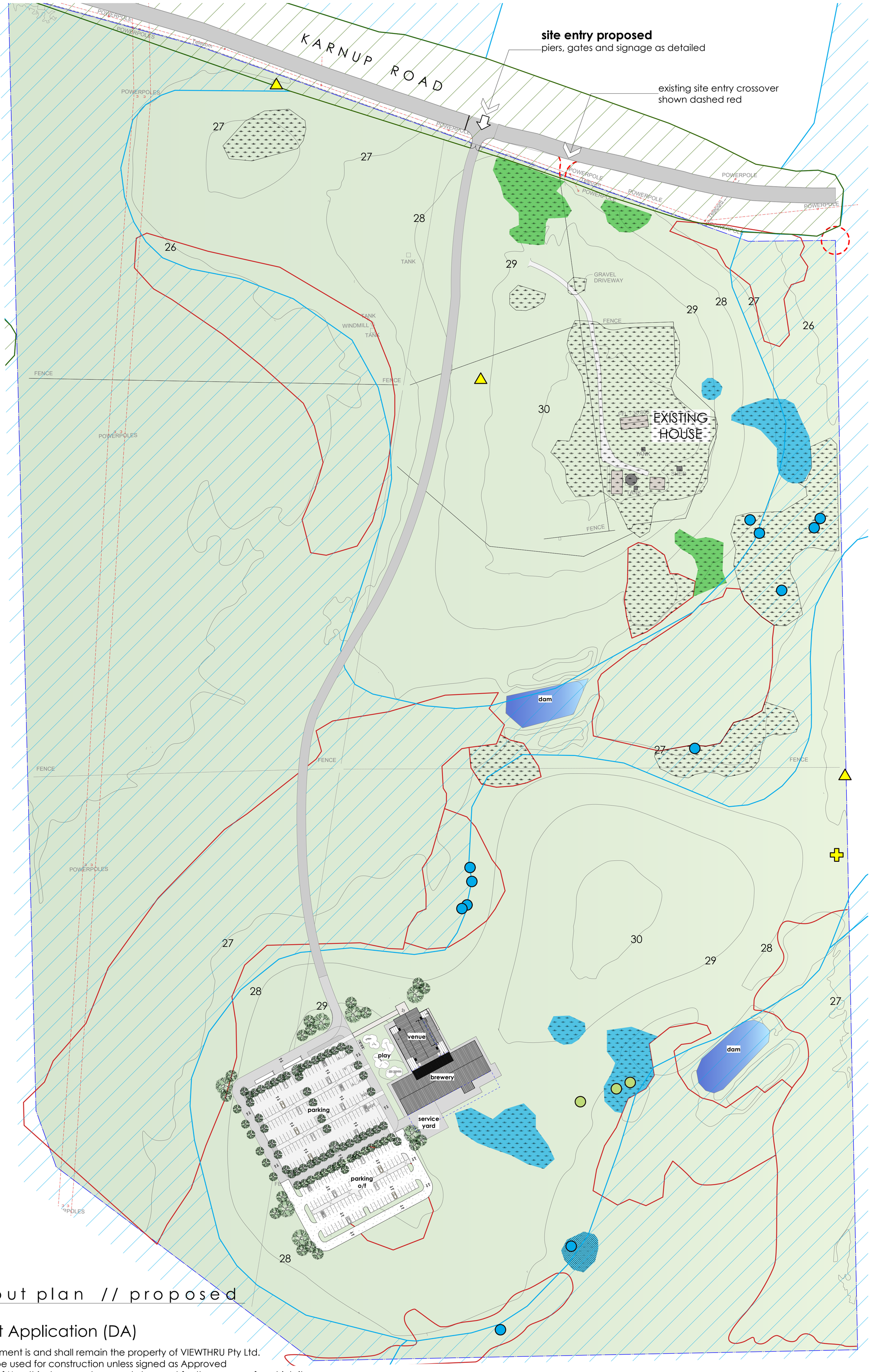
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client:	Bright Tank Brewing Co.	drawn by: JOB	scale: nts	dwg. no.: **DA//01**	issue: **(DA)**
project:	Proposed Brewery				

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site layout plan // proposed

Scale: 1:1250

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client: Bright Tank Brewing Co.	drawn by: JOB	scale: 1:100 @ A3		dwg. no.: D A // 0 2	issue: (DA)
project: Proposed Brewery					

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R 9000

R 12000

R 3000

15000

15000

6000

3000

coach bay

coach bay

pedestrian walkway

5400

2600

6000

bycycle bays

VENUE

outdoor dining covered (72)

casual (24)

5400

3000

pedestrian walkway

5400

6000

6000

MAIN CAR PARK
147 SPACES

6000

motorcycle bays

5400

3000

pedestrian walkway

5400

motorcycle bays

6000

5400

3000

6000

BREWERY

R 9000

SERVICE YARD

O/F CAR PARK
104 SPACES

pedestrian walkway

pedestrian walkway

3000

5400

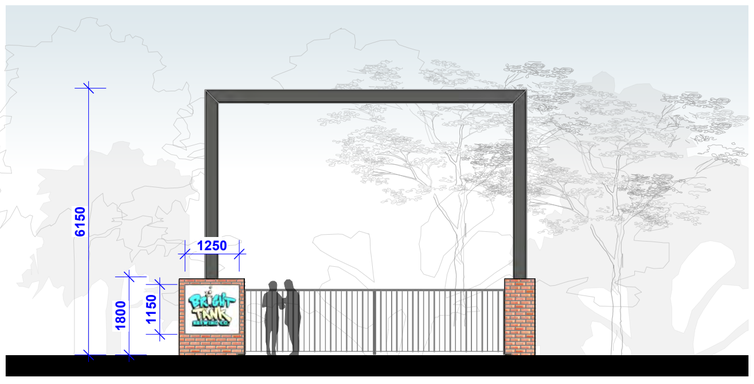
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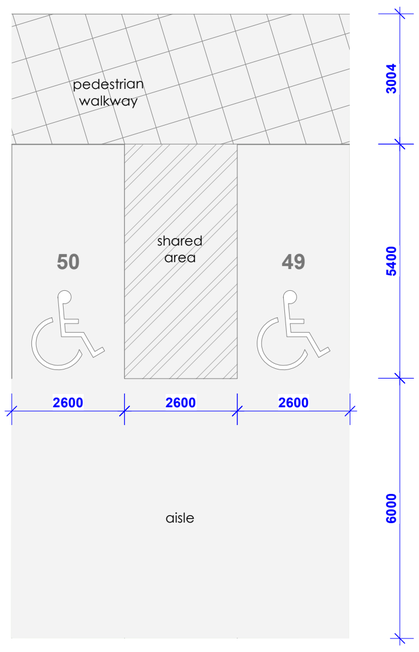
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Scale: 1:250



site entry detail

Scale: 1:100



typ. ACROD detail plan

Scale: 1:100



typ. parking detail plan

Scale: 1:100

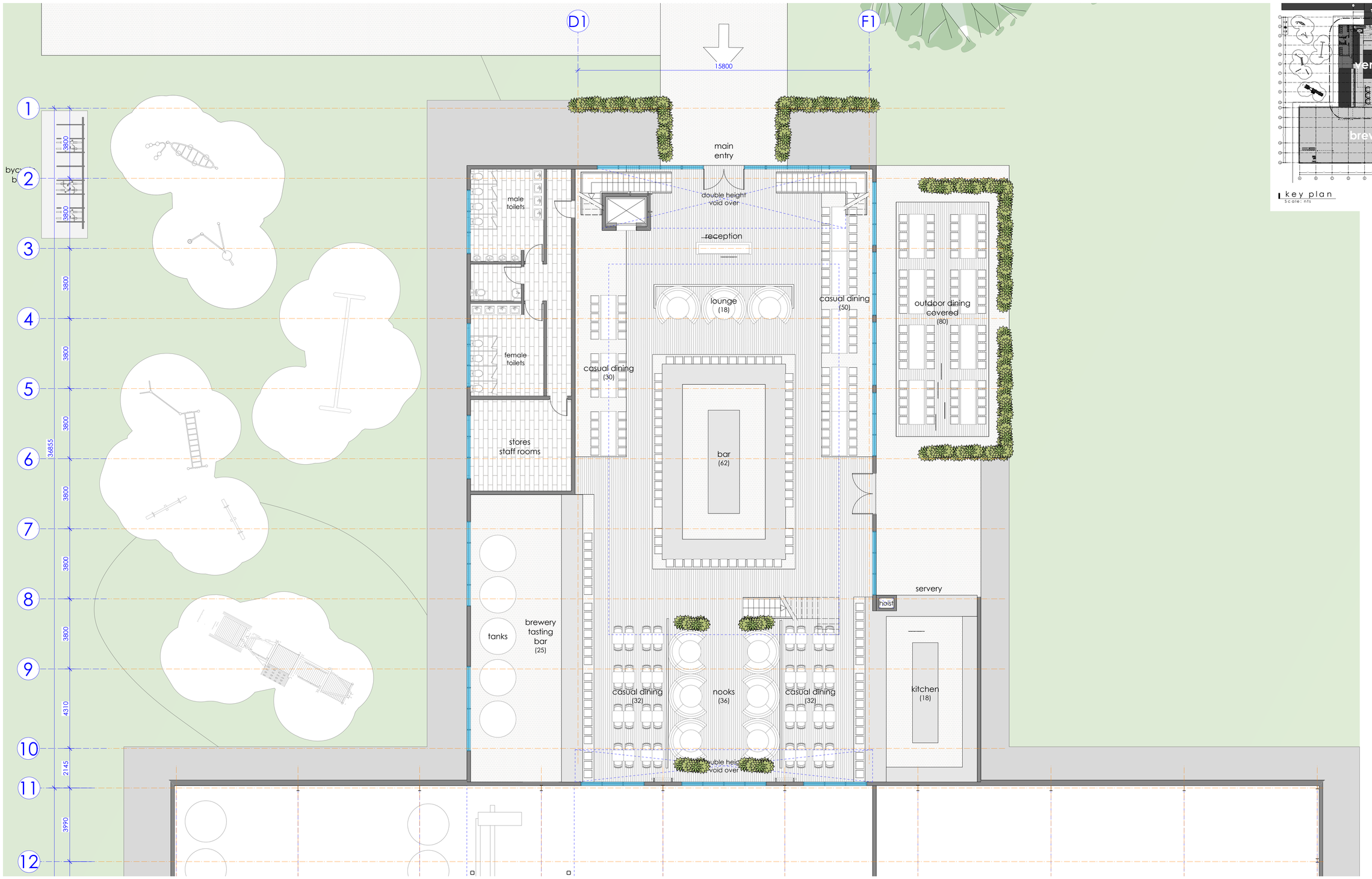
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client: Bright Tank Brewing Co.	drawn by: JOB	scale: 1:250 @ A1	dwg. no.: D A // 0 3	issue: (DA)	
project: Proposed Brewery					

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key plan
Scale: nts

venue // entry level plan proposed

Scale: 1:100

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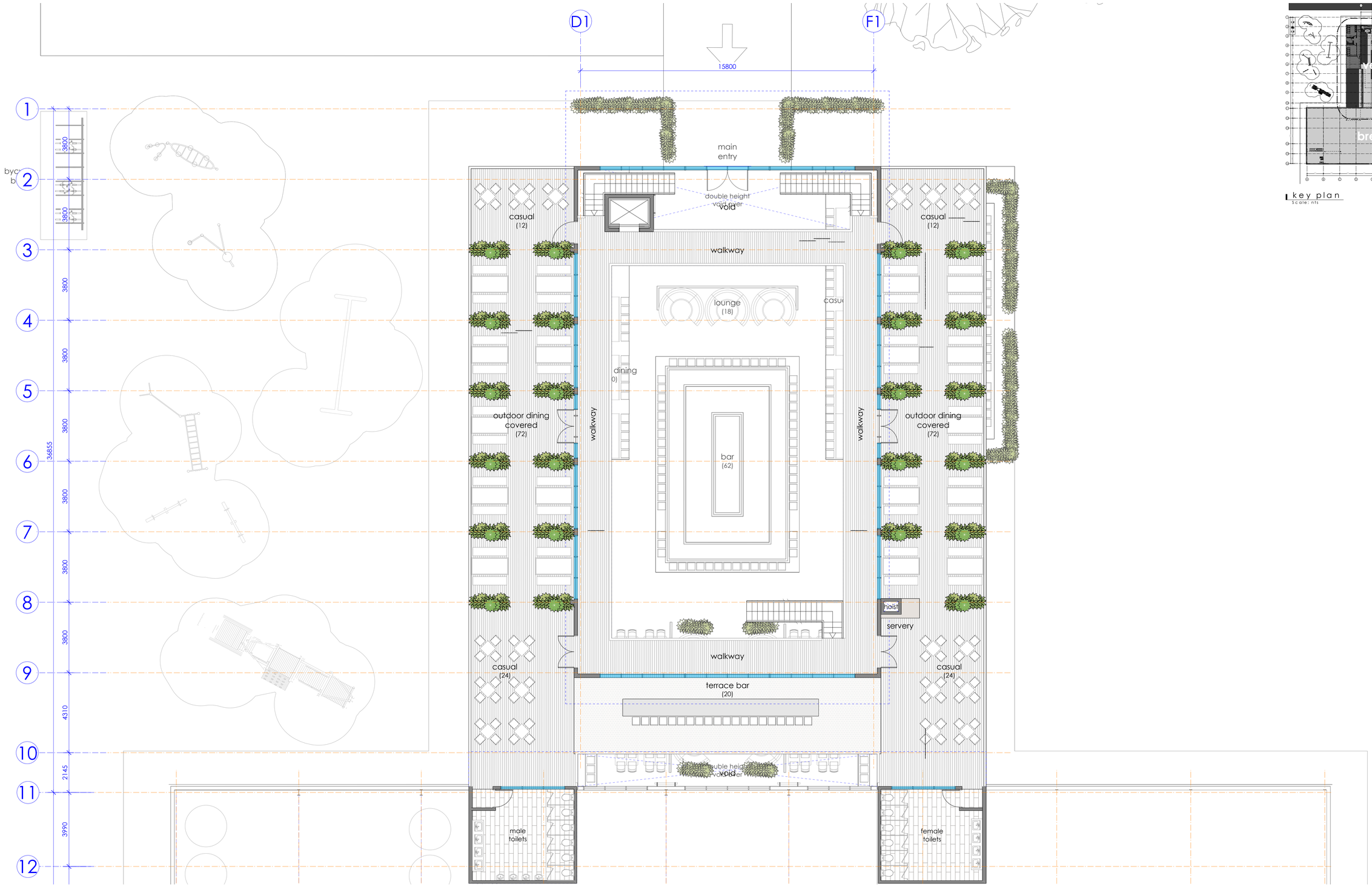
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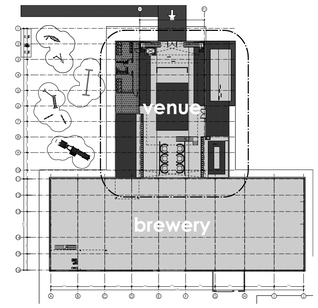
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client: Bright Tank Brewing Co.	drawn by: JOB	scale: 1:100 @ A1	dwg. no.: D A / / 0 4	issue: (DA)
project: Proposed Brewery				

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key plan
Scale: nts

venue // first floor plan proposed
Scale: 1:100

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north

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client: Bright Tank Brewing Co.

project: Proposed Brewery

title: FF Venue Plan // Proposed

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drawn by: JOB

scale: 1:100 @ A1

date: 6//04//2022

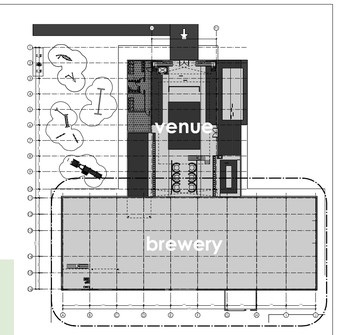
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Rev. no.: **A**

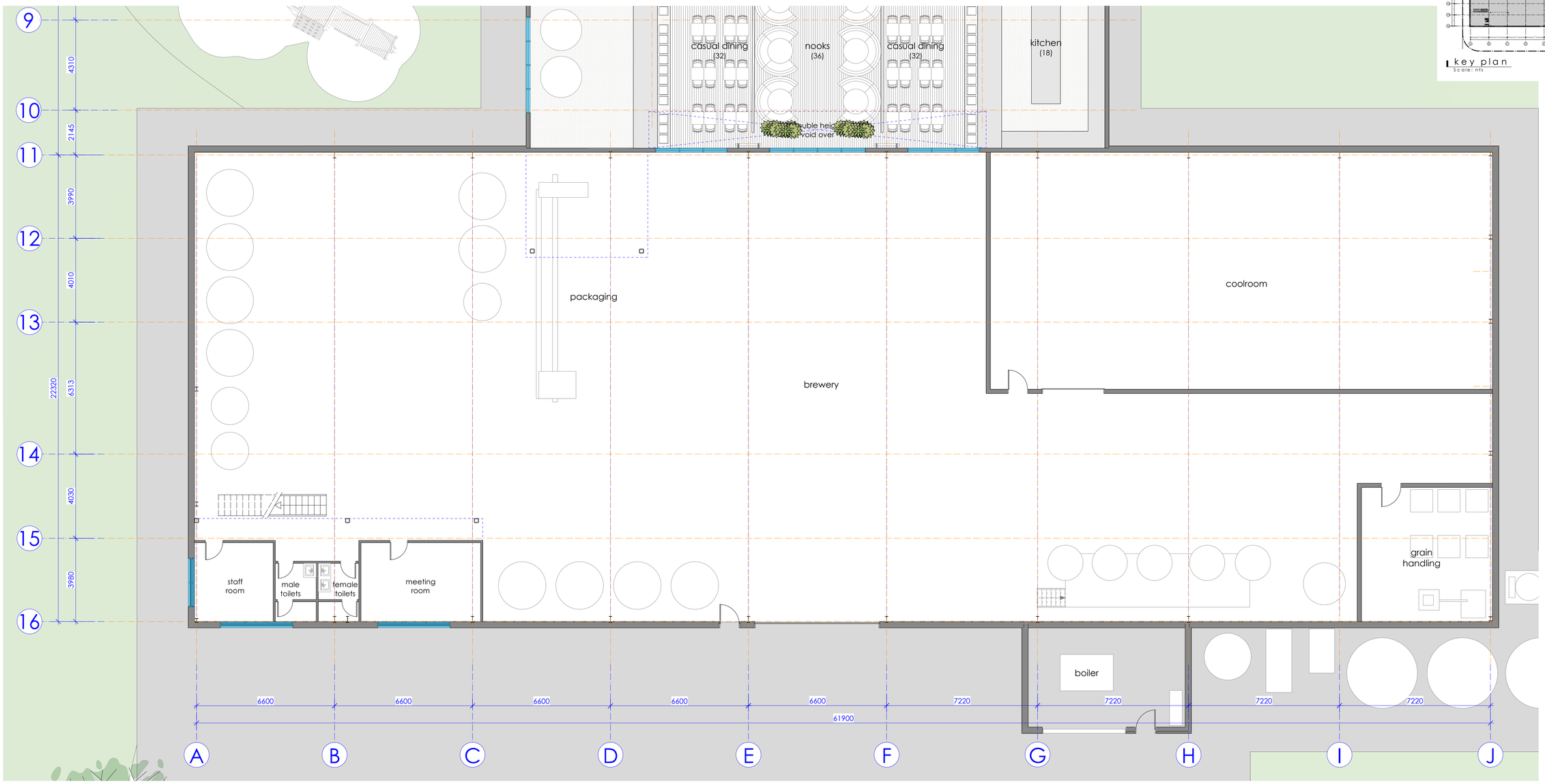
issue: **(DA)**

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key plan
Scale: nts



brewery // entry level plan proposed

Scale: 1:100

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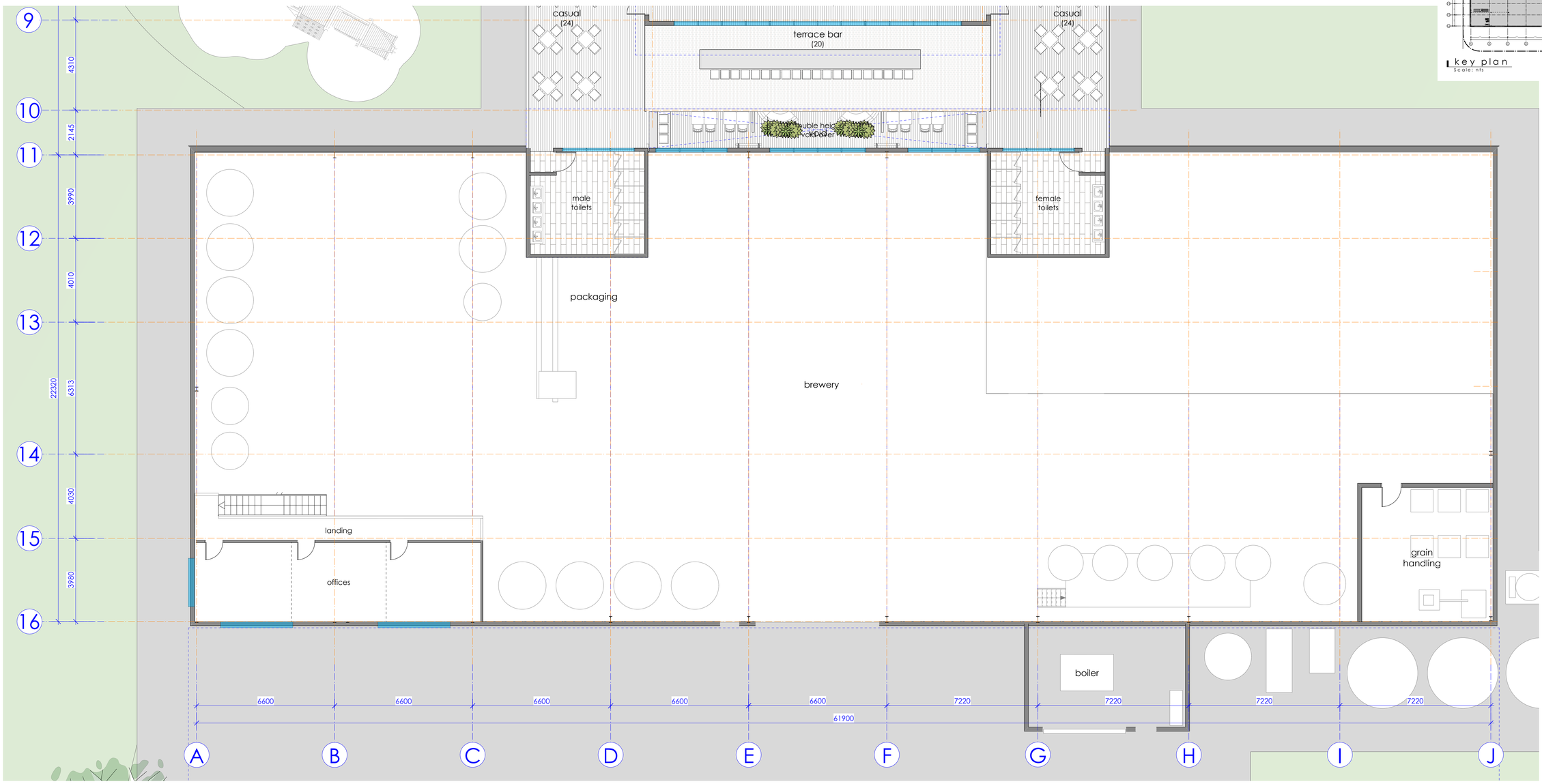
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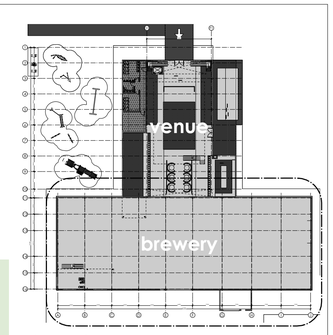
north

address: 1248 Karnup Rd, Serpentine, WA 6125. LOT 201 DP 301718	title: GF Brewery Plan // Proposed ©VIEW//THRU		date: 6//04//2022	Rev. no.: A
client: Bright Tank Brewing Co.	drawn by: JOB	scale: 1:100 @ A1	dwg. no.: D A / / 0 6	issue: (DA)
project: Proposed Brewery				

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key plan
Scale: nts

brewery // first floor plan proposed
Scale: 1:100

Development Application (DA)

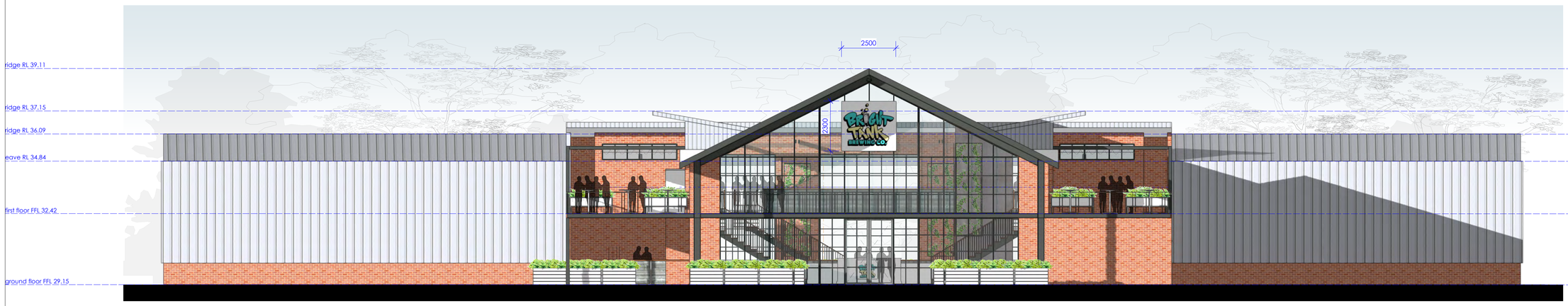
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north

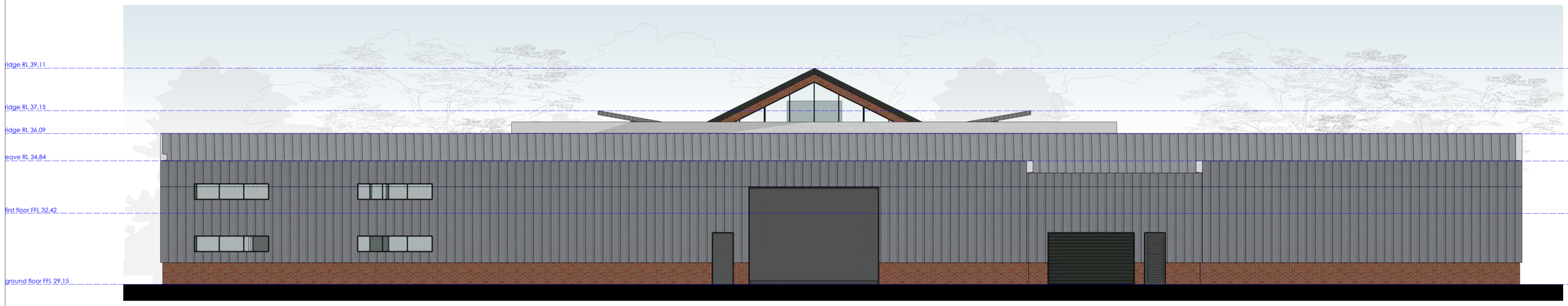
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client: Bright Tank Brewing Co.	drawn by: JOB	scale: 1:100 @ A1	dwg. no.: D A / / 0 7	issue: (DA)
project: Proposed Brewery				

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north elevation
Scale: 1:100



south elevation
Scale: 1:100



METAL ROOFING & CLADDING
Eg. Colorbond ' Monument Matt'



ALUMINIUM WINDOW AND DOOR FRAMES
Color - eg. Domino

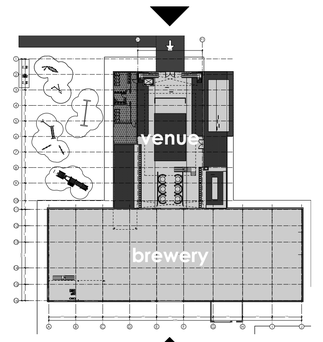


WALLING & PAVING
recycled brick



DECKING
H/W Selection Natural Finish

external finishes
Scale: nts



key plan
scale: nts

Development Application (DA)

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address:
1248 Karnup Rd, Serpentine, WA 6125.
LOT 201 DP 301718

client: Bright Tank Brewing Co.

project: Proposed Brewery

title: Elevations N & S // Proposed

©VIEW//THRU

drawn by: JOB

scale: 1:100 @ A1

date: 6//04//2022

dwg. no.: **D A / / 0 8**

Rev. no.: **A**

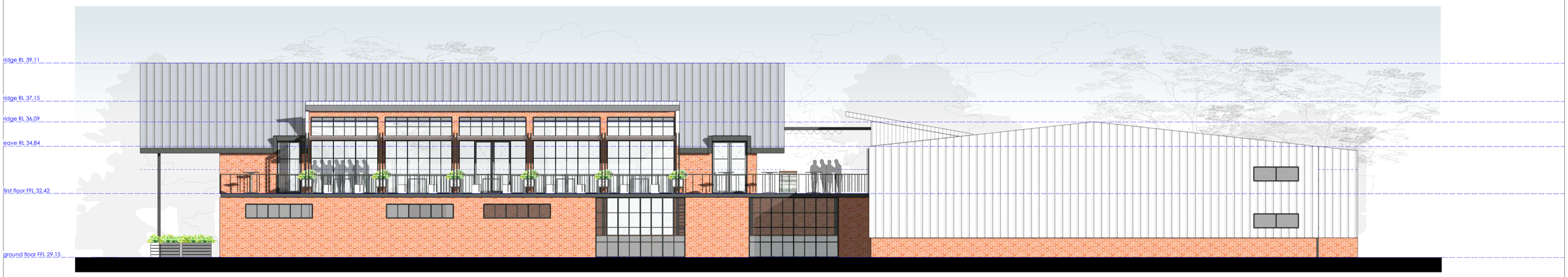
issue: **(DA)**

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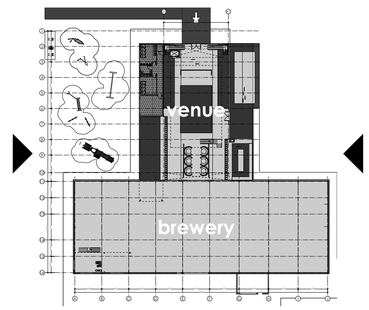
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east elevation
Scale: 1:100



west elevation
Scale: 1:100



key plan
Scale: nts

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address:
1248 Karnup Rd, Serpentine, WA 6125.
LOT 201 DP 301718

client: Bright Tank Brewing Co.

project: Proposed Brewery

title: Elevations E & W // Proposed

©VIEW//THRU

drawn by: JOB

scale: 1:100 @ A1

date: 6//04//2022

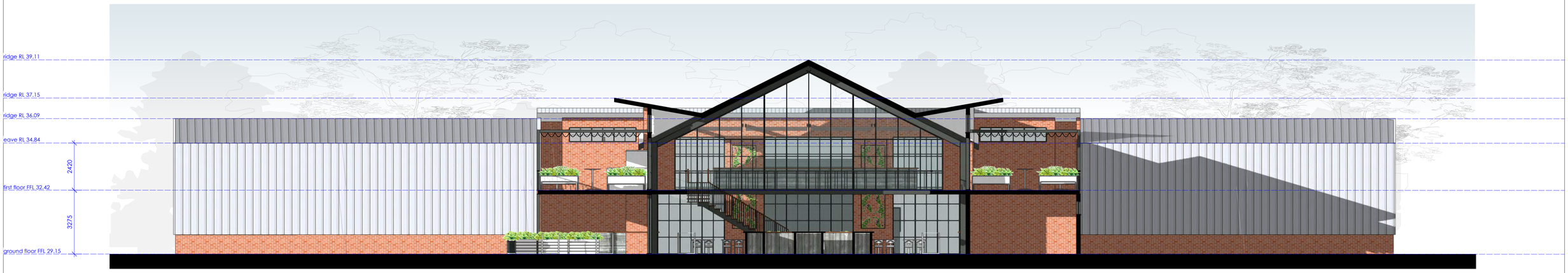
dwg. no.: **D A / / 0 9**

Rev. no.: **A**

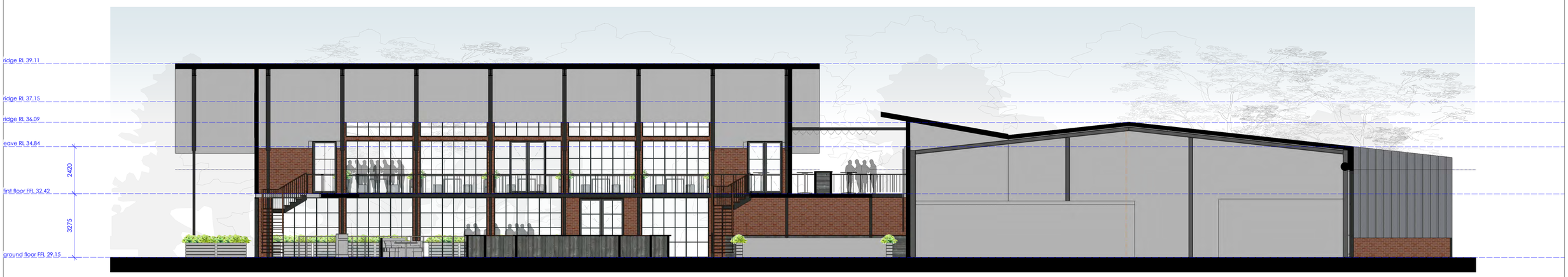
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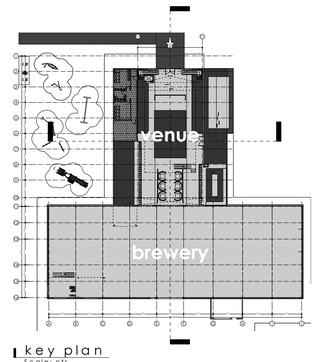
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section A - A
Scale: 1:100



section B - B
Scale: 1:100



key plan
Scale: nts

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address:
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LOT 201 DP 301718

client: Bright Tank Brewing Co.

project: Proposed Brewery

title: Sections // Proposed

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drawn by: JOB

scale: 1:100 @ A1

date: 6//04//2022

dwg. no.: **D A / / 1 0**

Rev. no.: **A**

issue: **(DA)**

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birdseye



entry



east



west

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address:
1248 Karnup Rd, Serpentine, WA 6125.
LOT 201 DP 301718

client: Bright Tank Brewing Co.

project: Proposed Brewery

title: Perspective Views External

©VIEW//THRU

drawn by: JOB

scale: 1:100 @ A1

date: 6//04//2022

dwg. no.: D A / / 1 1

Rev. no.: A

issue: (DA)

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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)

DAP Name:	Metro Outer JDAP	
Local Government Area:	Shire of Serpentine Jarrahdale	
Applicant:	Taylor Burrell Barnett	
Owner:	Bright Tank Property Pty Ltd	
Value of Development:	$7 million ☐ Mandatory (Regulation 5) ☒ Opt In (Regulation 6)	
Responsible Authority:	Shire of Serpentine Jarrahdale	
Authorising Officer:	Andrew Trosic	
LG Reference:	PA22/383	
DAP File No:	DAP/22/02223	
Application Received Date:	10 May 2022	
Report Due Date:	19 August 2022	
Application Statutory Process Timeframe:	90 Days	
Attachment(s):	1. Plans 2. Schedule of Submissions 3. Applicants Response to Submissions 4. Initial Nutrient Irrigation Management Plan 5. Revised Nutrient Irrigation Management Plan 6. Environmental Noise Assessment 7. DWERs Comments on Environmental Assessment 8. Biological Assessment 9. Environment Assessment 10. Traffic Impact Assessment 11. Waste Management Plan 12. Bushfire Management Plan 13. Council Minutes 14. Clause 67 Checklist	
Is the Responsible Authority Recommendation the same as the Officer Recommendation?	☐ Yes ☐ N/A	Complete Responsible Authority Recommendation section
	☐ 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	☒ N/A ☐ Heritage List ☐ Heritage Area
Design Review	☒ N/A ☐ Local Design Review Panel ☐ State Design Review Panel ☐ 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 20th century rail operations;
- Bar, drinking, dining, and lounge areas of approximately 700m^2, and a 400m^2 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^2 commercial brewing facility with approximately 50m^2 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:

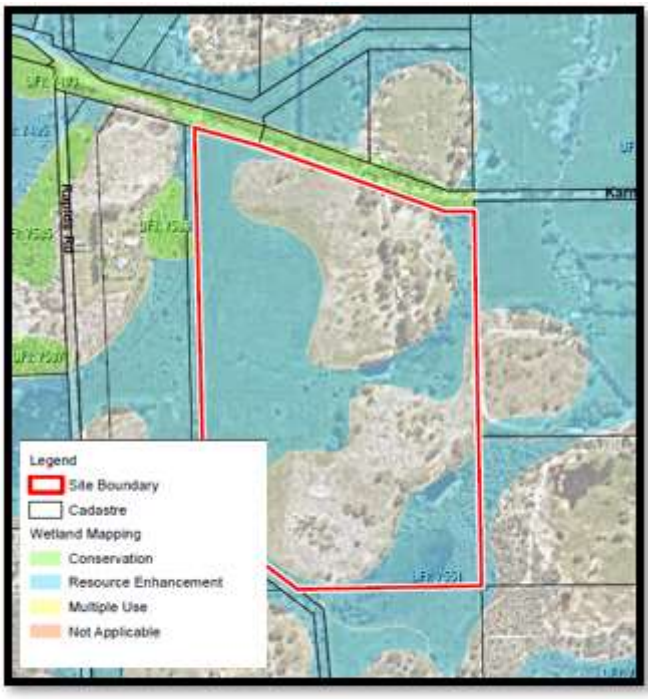
The site, approximately 43ha in area, is zoned 'Rural' under the *Shire of Serpentine Jarrahdale Town Planning Scheme No.2* (TPS2). The site contains a dwelling in the north-eastern corner of the site and two dams in the eastern portion of the property. The site fronts Karnup Road along its northern 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)

DBCA 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;
- DBCA 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 DBCA'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;
- DBCA 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 500m2, 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
	Total bays required	**255 bays**
	Total bays provided	**251 (inc. 6 ACROD bays & 8 motorcycle bays)**
	Proposed shortfall	**4 bays**

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^2 of dining, drinking and/or lounge areas and 1 bay per 4m^2* 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^2 and staffing requirements for the brewery a total of 251 bays is required. A total of 251bays 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
Total	3,070	20,360

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_5)	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

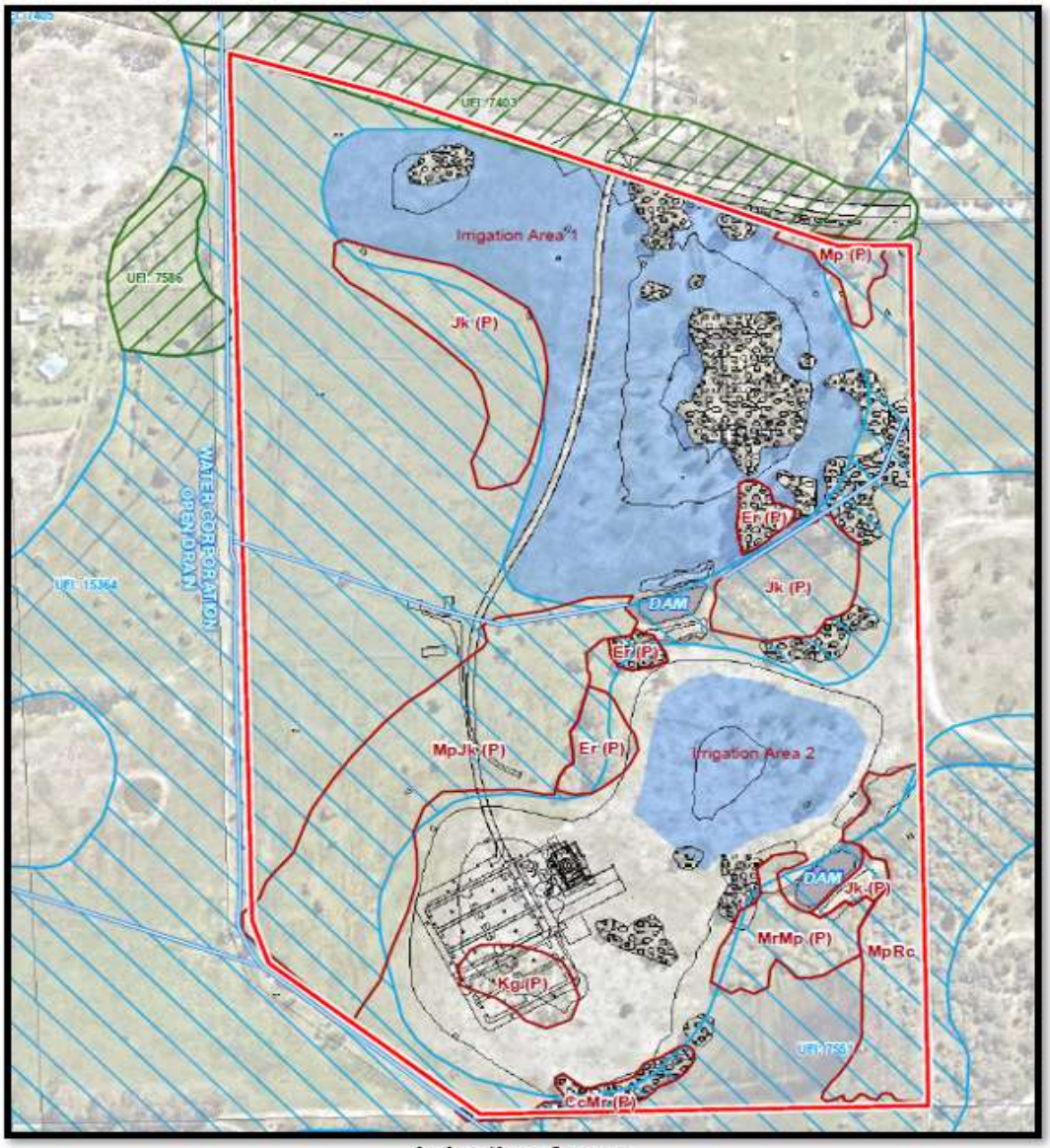
Yearly Loads: Pre-Treatment Concentrates and Loads of Wastewater

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_5)	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 Sorgum 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:

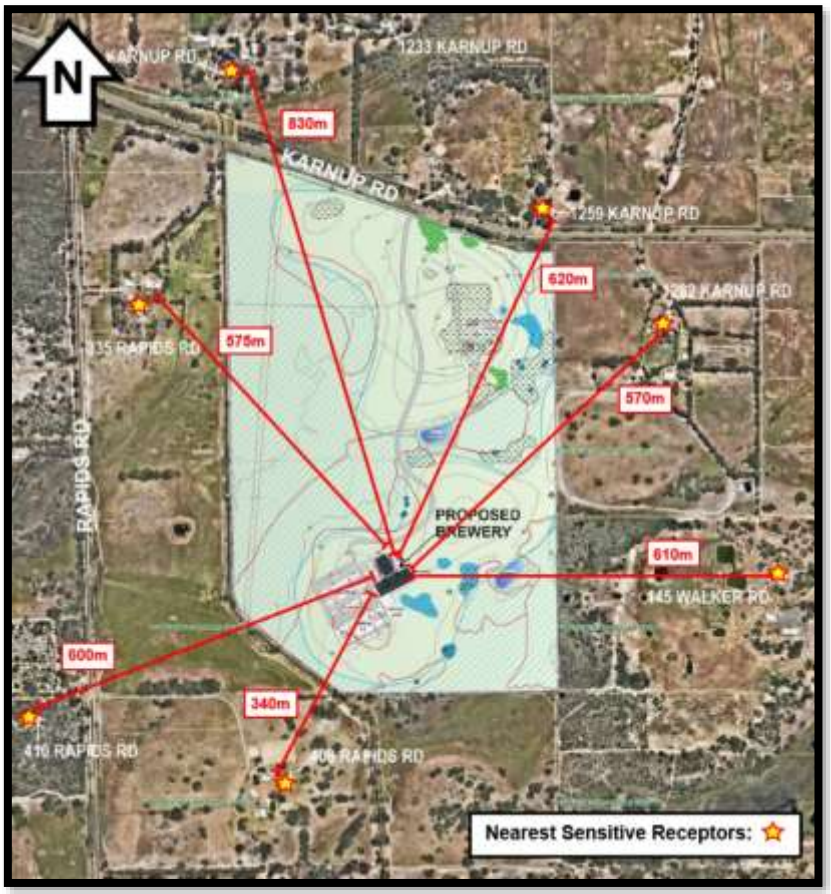
- Scenario 1: Patron crowd emissions when the venue is fully occupied with low level background music with all windows and doors open. In addition to 50 children playing in the playground.
- Scenario 2A: Amplified music within the venue with external windows and doors closed.
- Scenario 2B: Live ban 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 - Exernal 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 constrution - the extenal 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_{10}	Adjusted noise level L_{10} #	Relevant 'Assigned Level'	Compliance
1211 Karnup Rd (within 15 metres of house)	L_{10} 25 dB(A)	L_{10} 25 dB(A)	L_{10} 40 dB(A)	YES
1233 Karnup Rd (within 15 metres of hours)	L_{10} 25 dB(A)	L_{10} 25 dB(A)	L_{10} 40 dB(A)	YES
1259 Karnup Rd (within 15 metres of house)	L_{10} 28 dB(A)	L_{10} 28 dB(A)	L_{10} 40 dB(A)	YES
1282 Karnup Rd (within 15 metres of house)	L_{10} 28 dB(A)	L_{10} 28 dB(A)	L_{10} 40 dB(A)	YES
145 Walker Rd (within 15 metres of house)	L_{10} 26 dB(A)	L_{10} 26 dB(A)	L_{10} 40 dB(A)	YES
409 Rapids Rd (within 15 metres of house)	L_{10} 35 dB(A)	L_{10} 35 dB(A)	L_{10} 40 dB(A)	YES
410 Rapids Rd (within 15 metres of house)	L_{10} 29 dB(A)	L_{10} 29 dB(A)	L_{10} 40 dB(A)	YES
335 Rapids Rd (within 15 metres of house)	L_{10} 32 dB(A)	L_{10} 32 dB(A)	L_{10} 40 dB(A)	YES
Highest noise level at boundary	L_{10} 42 dB(A)	L_{10} 42 dB(A)	L_{10} 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_{10}	Adjusted noise level L_{10} #	Relevant 'Assigned Level' (before 10 pm)	Compliance
1211 Karnup Rd (within 15 metres of house)	L_{10} 24 dB(A)	L_{10} 34 dB(A)	L_{10} 40 dB(A)	YES
1233 Karnup Rd (within 15 metres of hours)	L_{10} 27 dB(A)	L_{10} 37 dB(A)	L_{10} 40 dB(A)	YES
1259 Karnup Rd (within 15 metres of house)	L_{10} 29 dB(A)	L_{10} 39 dB(A)	L_{10} 40 dB(A)	YES
1282 Karnup Rd (within 15 metres of house)	L_{10} 29 dB(A)	L_{10} 39 dB(A)	L_{10} 40 dB(A)	YES
145 Walker Rd (within 15 metres of house)	L_{10} 27 dB(A)	L_{10} 37 dB(A)	L_{10} 40 dB(A)	YES
409 Rapids Rd (within 15 metres of house)	L_{10} 32 dB(A)	L_{10} 42 dB(A)	L_{10} 40 dB(A)	NO, but will comply if music is limited to 83 dB(A)
410 Rapids Rd (within 15 metres of house)	L_{10} 27 dB(A)	L_{10} 37 dB(A)	L_{10} 40 dB(A)	YES
335 Rapids Rd (within 15 metres of house)	L_{10} 30 dB(A)	L_{10} 40 dB(A)	L_{10} 40 dB(A)	YES
Highest noise level at boundary	L_{10} 40 dB(A)	L_{10} 50 dB(A)	L_{10} 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_{10}	Adjusted noise level L_{10} #	Relevant 'Assigned Level' (before 10 pm)	Compliance
1211 Karnup Rd (within 15 metres of house)	L_{10} 20 dB(A)	L_{10} 30 dB(A)	L_{10} 40 dB(A)	YES
1233 Karnup Rd (within 15 metres of hours)	L_{10} 21 dB(A)	L_{10} 31 dB(A)	L_{10} 40 dB(A)	YES
1259 Karnup Rd (within 15 metres of house)	L_{10} 24 dB(A)	L_{10} 34 dB(A)	L_{10} 40 dB(A)	YES
1282 Karnup Rd (within 15 metres of house)	L_{10} 25 dB(A)	L_{10} 35 dB(A)	L_{10} 40 dB(A)	YES
145 Walker Rd (within 15 metres of house)	L_{10} 24 dB(A)	L_{10} 34 dB(A)	L_{10} 40 dB(A)	YES
409 Rapids Rd (within 15 metres of house)	L_{10} 30 dB(A)	L_{10} 40 dB(A)	L_{10} 40 dB(A)	YES
410 Rapids Rd (within 15 metres of house)	L_{10} 24 dB(A)	L_{10} 34 dB(A)	L_{10} 40 dB(A)	YES
335 Rapids Rd (within 15 metres of house)	L_{10} 30 dB(A)	L_{10} 40 dB(A)	L_{10} 40 dB(A)	YES
Highest noise level at boundary	L_{10} 35 dB(A)	L_{10} 45 dB(A)	L_{10} 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_{10}	Adjusted noise level L_{10} #	Relevant 'Assigned Level' (before 10 pm)	Compliance
1211 Karnup Rd (within 15 metres of house)	L_{10} 19 dB(A)	L_{10} 29 dB(A)	L_{10} 40 dB(A)	YES
1233 Karnup Rd (within 15 metres of hours)	L_{10} 22 dB(A)	L_{10} 32 dB(A)	L_{10} 40 dB(A)	YES
1259 Karnup Rd (within 15 metres of house)	L_{10} 24 dB(A)	L_{10} 34 dB(A)	L_{10} 40 dB(A)	YES
1282 Karnup Rd (within 15 metres of house)	L_{10} 24 dB(A)	L_{10} 34 dB(A)	L_{10} 40 dB(A)	YES
145 Walker Rd (within 15 metres of house)	L_{10} 25 dB(A)	L_{10} 35 dB(A)	L_{10} 40 dB(A)	YES
409 Rapids Rd (within 15 metres of house)	L_{10} 30 dB(A)	L_{10} 40 dB(A)	L_{10} 40 dB(A)	YES
410 Rapids Rd (within 15 metres of house)	L_{10} 22 dB(A)	L_{10} 32 dB(A)	L_{10} 40 dB(A)	YES
335 Rapids Rd (within 15 metres of house)	L_{10} 25 dB(A)	L_{10} 35 dB(A)	L_{10} 40 dB(A)	YES
Highest noise level at boundary	L_{10} 35 dB(A)	L_{10} 45 dB(A)	L_{10} 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_{10}	Adjusted noise level L_{10} #	Relevant 'Assigned Level' (before 10 pm)	Compliance
1211 Karnup Rd (within 15 metres of house)	L_{10} 18 dB(A)	L_{10} 23 dB(A)	L_{10} 40 dB(A)	YES
1233 Karnup Rd (within 15 metres of hours)	L_{10} 20 dB(A)	L_{10} 25 dB(A)	L_{10} 40 dB(A)	YES
1259 Karnup Rd (within 15 metres of house)	L_{10} 23 dB(A)	L_{10} 28 dB(A)	L_{10} 40 dB(A)	YES
1282 Karnup Rd (within 15 metres of house)	L_{10} 23 dB(A)	L_{10} 28 dB(A)	L_{10} 40 dB(A)	YES
145 Walker Rd (within 15 metres of house)	L_{10} 18 dB(A)	L_{10} 23 dB(A)	L_{10} 40 dB(A)	YES
409 Rapids Rd (within 15 metres of house)	L_{10} 29 dB(A)	L_{10} 39 dB(A)	L_{10} 40 dB(A)	YES
410 Rapids Rd (within 15 metres of house)	L_{10} 20 dB(A)	L_{10} 25 dB(A)	L_{10} 40 dB(A)	YES
335 Rapids Rd (within 15 metres of house)	L_{10} 30 dB(A)	L_{10} 35 dB(A)	L_{10} 40 dB(A)	YES
Highest noise level at boundary	L_{10} 35 dB(A)	L_{10} 40 dB(A)	L_{10} 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_{10}	Adjusted noise level L_{max} #	Relevant 'Assigned Level'	Compliance
1211 Karnup Rd (within 15 metres of house)	L_{max} 22 dB(A)	L_{max} 32 dB(A)	L_{max} 55 dB(A)	YES
1233 Karnup Rd (within 15 metres of hours)	L_{max} 23 dB(A)	L_{max} 33 dB(A)	L_{max} 55 dB(A)	YES
1259 Karnup Rd (within 15 metres of house)	L_{max} 22 dB(A)	L_{max} 32 dB(A)	L_{max} 55 dB(A)	YES
1282 Karnup Rd (within 15 metres of house)	L_{max} 23 dB(A)	L_{max} 33 dB(A)	L_{max} 55 dB(A)	YES
145 Walker Rd (within 15 metres of house)	L_{max} 25 dB(A)	L_{max} 35 dB(A)	L_{max} 55 dB(A)	YES
409 Rapids Rd (within 15 metres of house)	L_{max} 37 dB(A)	L_{max} 47 dB(A)	L_{max} 55 dB(A)	YES
410 Rapids Rd (within 15 metres of house)	L_{max} 28 dB(A)	L_{max} 38 dB(A)	L_{max} 55 dB(A)	YES
335 Rapids Rd (within 15 metres of house)	L_{max} 30 dB(A)	L_{max} 40 dB(A)	L_{max} 55 dB(A)	YES
Highest noise level at boundary	L_{max} 43 dB(A)	L_{max} 53 dB(A)	L_{max} 80 dB(A)	YES

Scenario 3B Modelling Results

The ENA under each scenario has demonsatred that nosie generating activities associated with the restaurant component of the proposed development comply with the Noise Regulations. Officers note however, the acosutic assessment does not include modelling of noise emisions from mechanical plant associated with the restaruant. 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 inlcuded within a Noise Management Plan. This will form a condition of approval.

A Nosie 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 Nosie Regualtions. Officers are satsified the preparation of a NMP will satisfactorily address noise emissions from the development. The Environment Noise Branch of DWER are also generally satisifed with the submitted acoustic assessment.

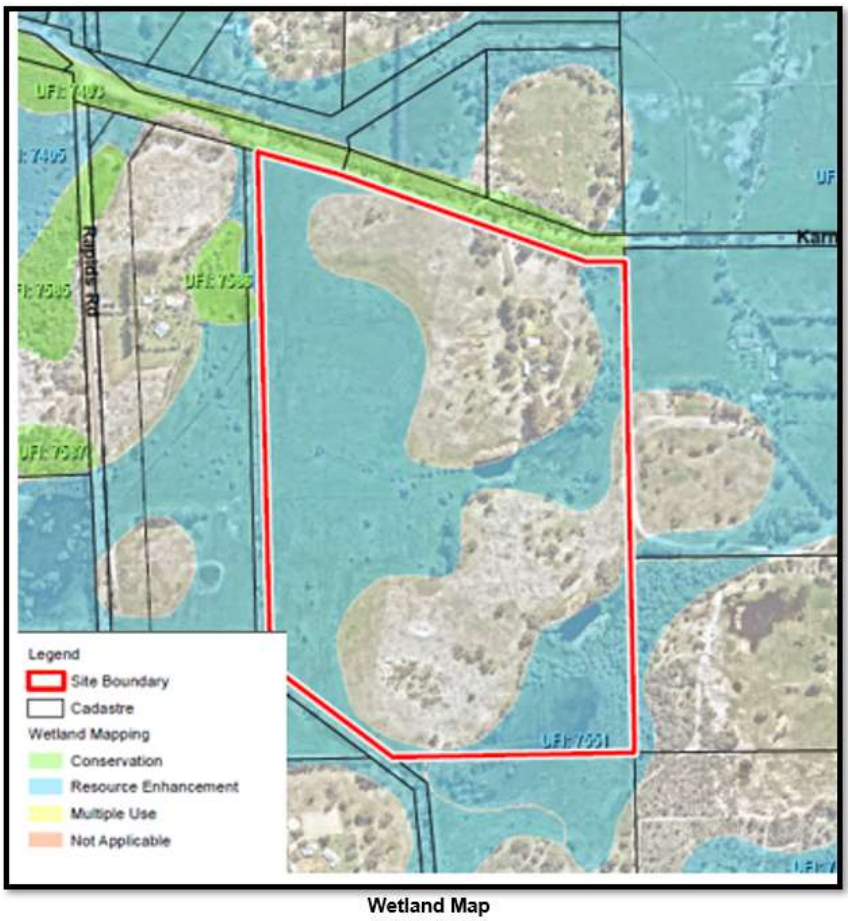
In terms of the brewery component of the application, the likely noise emissions are from the mechanical services associated with the operation (exhaust fans) and not specifically from the production of beer process. The DWER are generally satisifed with this statement. Notwithstanding this, Officers will require an updated accoustic assessment be submitted once the mechanical plant has been selected. Noise control stratgies 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.

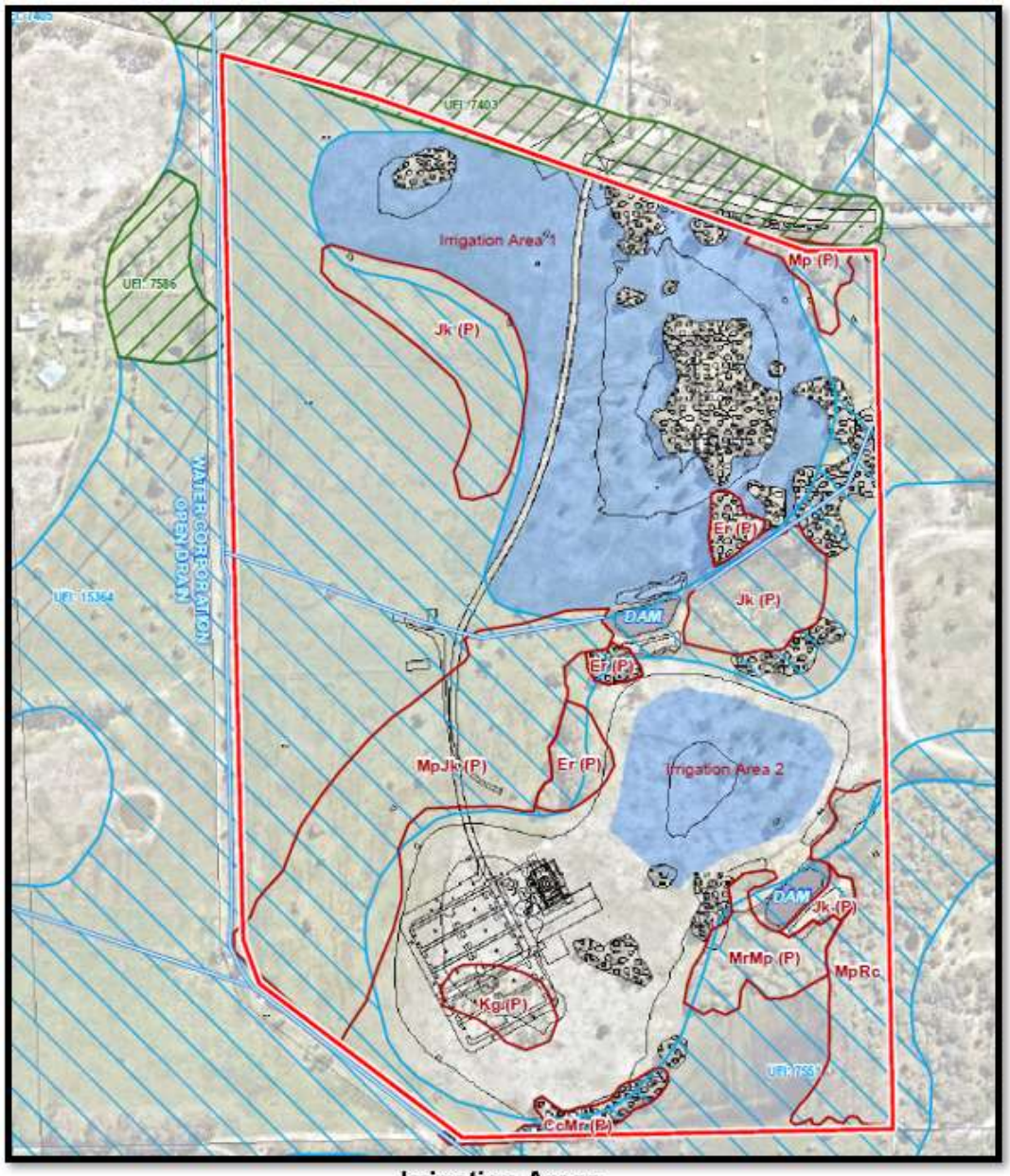
Environment

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.

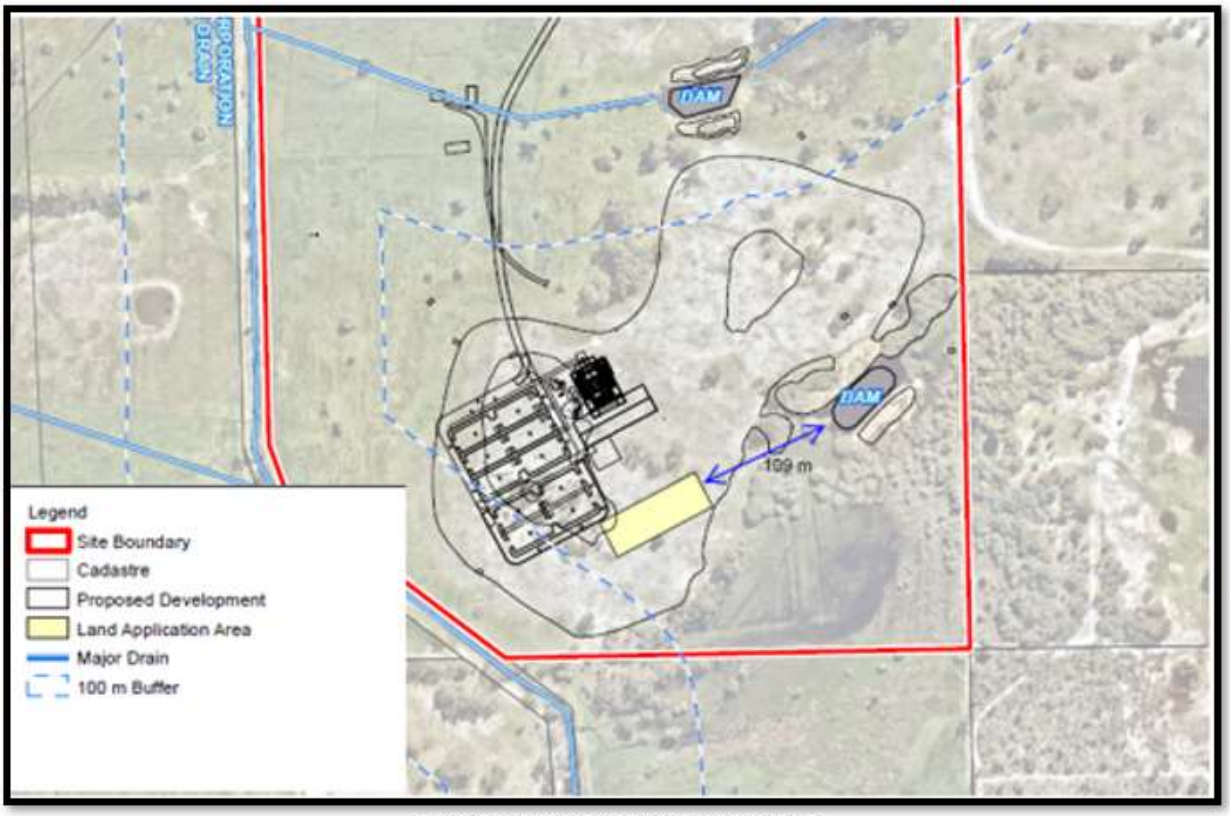
Officers also note that the irrigation area in locations did not meet the 1.5m groundwater separation requirement of DWER. As such, an updated NIMP will be required to demonstrate that a 1.5m separation is maintained at all times. This will further ensure that the values of the wetlands are protected.

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.

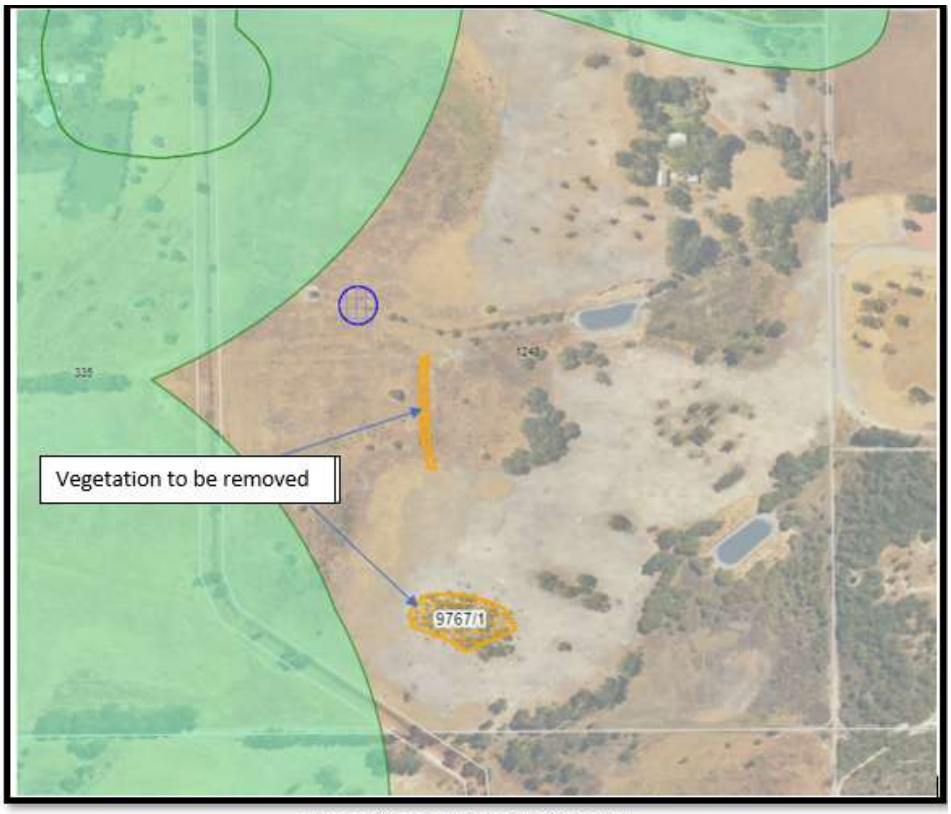
In summary, the process seeks to pump raw sewer from wet areas of the buildings into a central collection pit. The wastewater will then be transferred from the collection pit to the above ground wastewater treatment plant for treatment prior to being irrigated onsite which includes flocculation, aeration 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 que 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^2 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^2 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 cladded 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.

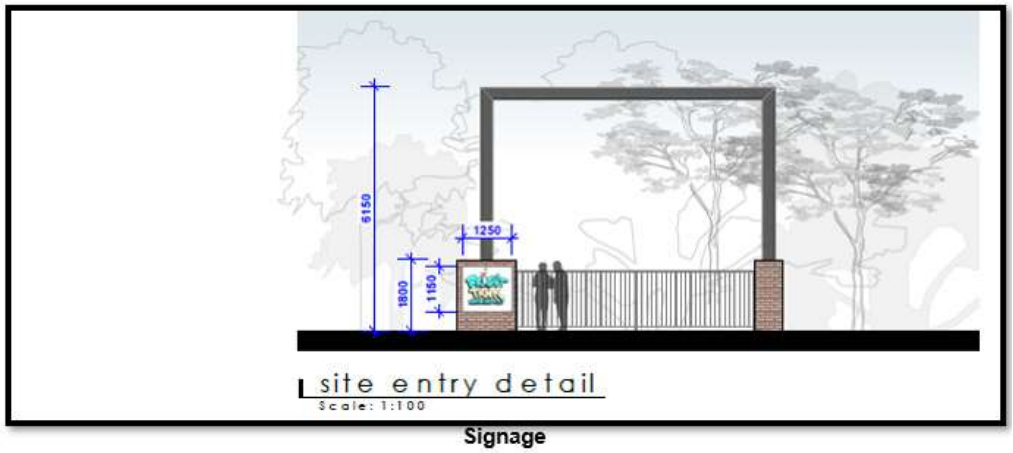


Location of Bin Store Area

There is no specific deign 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^2 in area.



Signage

The second sign proposed is located on the entrance to the restaurant which is 5.75m^2 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 $10m^2$, and must not extend beyond 12.0m above the ground even if the wall is higher than this.	Compliant the total face area is $1.44m^2$ 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 10m2, and must not extend beyond 12.0m above the ground even if the wall is higher than this.	Compliant the total face area is $5.75m^2$ 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 not 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^2 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**
Location	
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.
Design	
Encourage safety in design that: - 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. - Promotes clear and well-defined customer entry and exit points, customer car parking areas, public transport location, and surrounding pathway. - 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; - Promote building orientation and design to create active street frontages, to help enlivening centres;	Compliant - 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. - The customer entry is well defined using built form, landscaping and signage. The entryway is open and exciting. - 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. - 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.

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.
Noise	
- 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 *Environmental Protection (Noise) Regulations 1997* (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 Nosie 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 occuring the Internal driveway is to be sealed and drained to the satisfaction of the Shire of Serpentine Jararhdale.

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.

The Report Recommendation was put and LOST (2/3).

For: Cr Michelle Rich
Cr Lauren Strange

Against: Ms Francesca Lefante
Mr Brian Curtis
Ms Shelley Shepherd

PROCEDURAL MOTION

Moved by: Ms Francesca Lefante **Seconded by:** Ms Shelley Shepherd

That the Standing Orders be suspended in accordance with section 5.10.2h of the DAP Standing Orders 2020 to allow members to prepare reasons for deferral of the item at 8.2.

The Procedural Motion was put and CARRIED UNANIMOUSLY

The Standing Orders were suspended at 12:45pm.
The Standing Orders were reinstated at 12:56pm.

PROCEDURAL MOTION

Moved by: Ms Francesca Lefante **Seconded by:** Cr Michelle Rich

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

To allow the applicant to provide further information on:

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

The Procedural Motion was put and CARRIED UNANIMOUSLY

REASON: The Panel deferred the proposal to enable the applicant to provide further information on various elements of the development including scale, other structures, water supply, wastewater management, land fill, landscaping.