

## DEVELOPMENT AMENDMENT DA 3905 (2020-128)

### **Development Application - Proposed Development Amendment**

*To increase the number of public allowed from 70 to 250.*

In discussion with the Shires Planning Department it was agreed to submit a Development Application (DA) to amend the existing DA 3905 (2020 -128) for the tourism project referenced as THE DAM located at Raintree Estate, Lot 305 Wentworth Road, Denmark WA. This amendment is to allow up to 250 people at the venue excluding staff.

### **FROM**

#### **Raintree Estate Pty Ltd**

Matt Beaton

#### **Land Owner**

Karen Birkbeck

Lot 305, Wentworth Road, Ocean Beach, 6333.

Lot 305 on Deposited Plan 75450 Volume 2809 Folio 900.

#### **Title Caveat**

Restrictive Covenants M224677 to Shire of Denmark see Deposited Plan 75450, registered 28/3/2013 relating to dam size. Notification M386716, lodged 29/8/2013 relating to regular maintenance on the dam wall.

#### **Land Owner**

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**17 August 2021 - Attachment 9.1.2a**

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**Site Description and Current Land Use Activities**

The site is zoned "Rural" under the Shire of Denmark's Town Planning Scheme No.3 (TPS3) and contains a series of dams built in 2007 and 2012, with extensive buildings approved under DA 3905 (2020-128) for a Distillery, Tavern, restaurant, cellar door sales and rural industry.

The site is located approximately 12km to the west of the Denmark Town Centre, and is accessed via Wentworth Road.

The site has undergone large ranging review and independent reports to be rezoned under Tourism Rezoning Amendment No.148 for Lot 305, Wentworth Road, Denmark. The site is located approximately 12km to the west of the Denmark Town Centre, and accessed via Wentworth Road.

**Reasons Leading to this Amendment**

COVID 19 has created pressure on all local tourism projects offering food and beverages with limited outlets not meeting demand. This pressure has been increased with the recent closure of The Denmark Hotel.

In 2019 Raintree agreed to respect the Executives new policy to rezone agri-tourism ventures as Tourism Zoned on the understanding that once this Tourism Amendment was advanced, the Shire would support an amendment to increase visitor cap from 70 to 250.

The Tourism Amendment has recently completed wide ranging reports required to refer this Rezoning to the WAPC and the EPA. In particular the attached Acoustics and Traffic Reports that are key to considering increased numbers attached to this Development Amendment.

Raintree believes with the finalization of a detailed Traffic Analysis Report and an Acoustic Report, it has advanced all relevant aspects of Tourism Amendment 148 re the Tavern, Restaurant and cellar door. The site needs to have maximum capacity lifted for commercial viability purposes re staff recruitment and access to the venues commissioning finance.

THE DAM at a peak loading of 250 head will operate with 50% of the total visitors of similar ventures in the Denmark Shire, The Great Southern and the Warren Blackwood. Increased numbers will allow Raintree to headhunt, train and manage a skilled regional workforce to promote the Warren Blackwood and Great Southern districts regional farm produce. With the scale and cost of the venue, the site needs a minimum of 150 people to operate profitably.



**KEY CONTEXT and Conditions Offered for Increased Numbers**

**Traffic Impacts of Increased Numbers to 250 Head on Lot 305 Wentworth Road**

1. **EXECUTIVE SUMMARY - Traffic and Transportation Consultants Riley Consulting**
  - 1.1 *This traffic statement has been prepared to consider the traffic impacts of a tavern / restaurant development on Lot 305 South Coast Highway, Denmark. The key findings of the traffic assessment are:*
  - 1.2 *The traffic assessment is based upon recognised trip rate sources of the RTA and ITE. The proposal is based on the application to accommodate 250 persons within the development.*
  - 1.3 *Based on the trip generation sources, it is estimated the development would generate up to 316 vehicle movements per day.*
  - 1.4 *Assessment of the forecast traffic demands indicates that under the WAPC Transport Impact Assessment Guidelines for Developments the proposed development would have no material traffic impact.*
  - 1.5 *Access to the site is taken from Wentworth Road. There are no indications that changes to the local road network are required.*
  - 1.6 *Assessment of the Wentworth Road / South Coast Highway intersection indicates that no road layout changes are required to support the proposed development.*
  - 1.7 *The proposed development is not expected to impact the operation or safety of the surrounding road network.*

**Main Roads T. Junction**

No Main Roads T. Junction upgrade is required for the estimated 316 vehicle movements per day to meet Main Road safety standards as detailed in Traffic and Transportation Consultants report prepared by Riley Consulting. Traffic and Transportation Consultants Riley Consulting site visits and detailed reports confirm the junction is safe for increased traffic associated with this application.

*“ Based on the proposed development that can be expected to increase traffic on South Coast Highway by less than 2% of capacity and based on the WAPC Transport Assessment Guidelines for Developments, the proposed development would be deemed to have no material traffic impact.*

**REPORT EXTRACT : 14. SAFETY ISSUES** 14.1. *The traffic assessment has not identified any road safety issues as a result of the proposed development. Access to the South Coast Highway has visibility greater than minimum distances advised by Austroads and Wentworth Road is sealed at the intersection.*

*Traffic data available on the MRWA Traffic Map shows 2,325 vehicles per day (vpd) east of William Bay Road. As a primary distributor road, South Coast Highway would have capacity to carry up to 22,900vpd). However, to provide a desirable operating environment a daily demand up to 13,500vpd would be deemed acceptable to maintain a Level of Service D.*

*The Development Amendment for 250 persons would be expected to generate 316 trips per peak operational day. However, over the week, the average daily flow would be (316vpd x 5 days trading / 7days) 226 vehicles per day. The average daily flow would be further reduced by seasonal variations, but these can be ignored for the purpose of this assessment.”*



### **Findings for Sealing Wentworth Road - Traffic and Transportation Consultants Report**

The Wentworth Road T Junction onto the South Coast Highway down to the Car park for The Denmark – Nornalup Heritage Trail is the entry point to The Monkey Rock Winery and Cidery, Turrikum Chalets, air B & B and district residents. This section of road has seen increased use and wear and tear with rising levels of Tourism traffic in the William Bay / Greens Pool area.

Australian traffic flow is defined as an AADT (Annual Average Daily Traffic) of 300 vehicles per day with 50 being up to class 12 (heavy vehicles). Beyond this threshold the guide indicates that sealing is appropriate. Riley Consulting concluded in the attached report concluded that the current gravel road construction of Wentworth Road is acceptable for the proposed development.

### **Offer TO Seal Wentworth Road**

Subject to approval of this Development Amendment, the Applicant agrees to work with the Shire to seal Wentworth Road and meet all DA Conditions with-in 12 Month's of approval from the South Coast Highway T. Junction, located 11 km's west of Denmark, past the entry to THE DAM to the Denmark – Nornalup Heritage Trail under terms offered in this application to be agreed.

### **Strategic Rationale to Seal Wentworth Road**

To build on the Denmark Shire, GSDC, DBCA and G.S. Cores work over 20 years to offer a non vehicular entry point for the emerging *E. Cycle trend*, by provision of a sealed road to an end point with a large map/signage of the three Trails that will highlight the route and provide parking off the corner of Wentworth Road/Denmark – Nornalup Heritage Trail.

- Announced at the Denmark Bowling Club in March 2021) a series of Trail investments in the Great Southern valued at over \$ 10 million.
- Focus on creating a Trail loop between the Denmark – Nornalup Horse Trail and Greens Pool that will then link the Minda Bididi trail and the Bibbulmun Walk Trail to the Denmark – Nornalup Horse Trail.

### **IMPROVED WENTWORTH RD JUNCTION - SOUTH COAST HIGHWAY SAFETY NEEDS**

Raintree has approached Main Roads to review all safety issues and existing highway interactions on 4 km of highway frontage it represents between Wentworth Road junction and Privett Road as part of it's Tourism Rezoning Amendment 148, to plan how best to manage increased traffic as new tourism ventures grow in the district.

Eg South Coast Highway in the McLeod Rd - Wentworth Road is subject to a 90kph speed limit with overtaking permitted at the Wentworth Road junction along a section of road that has two very dangerous State and Local Government bike/horse highway crossings that are used by young children that are located only 300 m apart.

### **Recommendations to Improve Safety**

Overtaking markings at the Wentworth Road junction are replaced with double lines and that a highway speed reduction from 90 Km to 80 Km from the Wentworth Road junction west to McLeod Road is supported and the two Bike/horse crossings are reduced to one urgently.

**ENVIRONMENTAL NOISE IMPACT assessment**

In accordance with the Denmark Shires request to do an independent ENVIRONMENTAL NOISE IMPACT assessment of THE DAM's Noise Management Plan, a detailed 14 Page Report with five Appendix's is attached.

**KEY REPORT EXTRACTS and CONCLUSIONS Herring Storer Acoustics REFERENCE: 27678-1-21127.**

**Noise assessment**

*Noise levels associated with the various scenarios considered have been examined for the potential to contain annoying characteristics in accordance with the Environmental Protection (Noise) Regulations 1997.*

*Reference has been made to the monitored noise levels conducted as a part of the traffic assessment. As noted in Table 3.1 the average night time noise level as a result of the South Coast Highway is around 46 dB(A) at each receiver considered. Given the background noise, is over 10 dB(A) higher than the calculated noise of the Raintree Farm activities, it has been considered that the noise emission would not contain any annoying characteristics as they would be masked by the road noise.*

*Hence, the following adjusted calculated noise level emissions are applicable for assessment purposes.*

**CONCLUSION**

*Based on the above assessment, noise level emissions associated with the restaurant and function centre are able to comply with the relevant assigned noise levels stipulated by the Environmental Protection (Noise) Regulations 1997.*

**Report References**

Noise EMISSION COMPLIANCE TABLES 7.1, 7.2 and 7.3

APPENDIX C Noise Emission Contour Plots C1 and C2.



## Proposed Terms and Conditions

### 1. Contribute to the Sealing of Wentworth Road

Extend sealing beyond the entrance to THE DAM up to the Denmark – Nornalup Heritage Trail.

Shire to contribute to costs at a ratio and on terms to be agreed.

- 50% of Raintree Estates contribution costs to be paid in 2021/22.
- 25% of Raintree Estates contribution costs to be paid in 2022/23.
- 25% of Raintree Estates contribution costs to be paid in 2023/24.

### Co-Contribution of the Denmark Shire to be defined based on;

Strategic Importance of a Regional Trail Link Through Raintree.

Unrecognized donation of land for trails in 2012.

Future Raintree Trail's donations of land/infrastructure to

- Improve Main Roads bike / horse crossing safety.
- infrastructure to provide parking / signpost for trail users.

### 2. Car Parking

#### VEHICLE ACCESS AND PARKING Riley Consulting Recommendations

- Car parking at a rate of 1 bay per 4 persons accommodated is proposed and will be located adjacent to the main building. Based on an application for capacity of 250 patrons, 63 parking bays will be required.
- There are limited opportunities for local taxi and bus drop offs, however a drop off bay is to be located adjacent to the main entry. Over flow parking is also provide to accommodate tourist buses (if a local business operates).
- The internal access road has a gradient that obstructs forward visibility of traffic accessing the car park. It is understood that the gradient is to be adjusted to remove this issue.
- Increase to X 2 Disabled sealed bays.

### 3. Toilets

Meets the 250 head standard. There are currently four female toilets, one disabled Toilet and two male toilets and two male urinals.



#### **4. Increase outdoor Licensed Area by 650 sq m to Reflect a Changed Post Covid World**

Total indoor and outdoor licensed areas to be increased by 650 Sq m to 2,380 sq. m to accommodate 250 people spill overs at peak times. The additional outdoor grounds to the North of the Building on these lower sunny terraces will improve water safety through fencing the water off licensed areas. The additional 650 sq m will maximize appreciation of the massive dry granite walls, providing privacy for small groups seeking a hygienic safe experience in a post covid world.

#### **5. Water safety**

All

licensed areas alongside water to be fenced in accordance with the Building Code of Australia.

#### **Conclusion**

This

application for a variation to approved maximum visitors is now critical to staff recruitment and successful project roll out to enable the development of a farm enterprise that will facilitate tourism growth and employment generation.

Accordingly, based on the above, the Shire's consideration and approval is respectfully requested. Should you have any queries in relation to the above, or require any additional information, please do not hesitate to contact the undersigned.

Yours faithfully,

Matt Beaton

#### **Document Attachments;**

1. Roadworks Plan
2. Noise level Contours Map
3. Licensed Area, 2,380 sq m.
4. Tourism Amendment 148 Overview

#### **Supporting Documents;**

- A completed Application for Development Approval Form.
- A copy of the relevant Certificate of Title.

#### **REFERENCE DOCUMENTS**

- *ENVIRONMENTAL NOISE IMPACT* assessment of THE DAM.  
Tavern, cellar door, restaurant and function centre *by* Herring Storer Acoustics.

Traffic and VEHICLE ACCESS AND PARKING Analysis by Riley Consulting (WA) Pty Ltd.

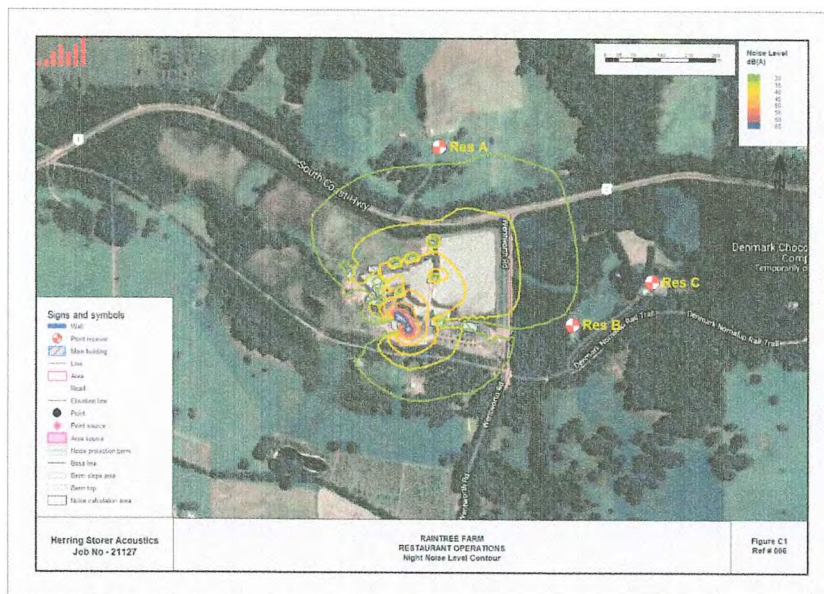
# DEVELOPMENT AMENDMENT DA 3905 (2020-128)

## 1. Roadworks Plan

Wentworth Road from the T. Junction on South Coast Highway to the Denmark Nornalup Heritage Trail.



## 2. Noise level Contours





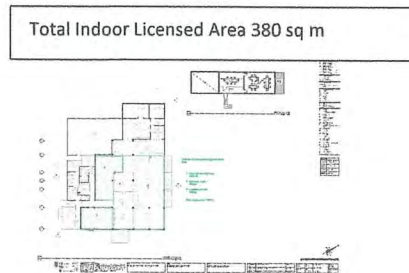
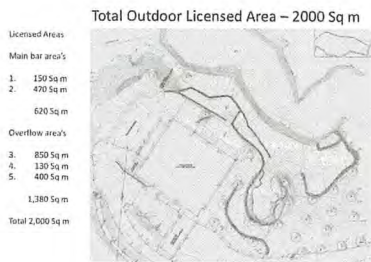
3. Raintree Noise Buffer Comparisons





**4. Licensed Area 2,380 sq m**

Allows the outdoor grounds to the North of the Building on a lower terrace that is a feature of the tourism attraction and allows privacy for small groups seeking clean air and a hygienic safe outdoor entertainment in a post covid world.



**5. Land Use Definitions**

**Planning and Development Act 2005**

**Shire of Denmark : Town Planning Scheme No.3 : Amendment No.148**

The Council of the Shire of Denmark under and by virtue of the powers conferred upon it in that behalf by the *Planning and Development Act 2005*, hereby amends the above Town Planning Scheme by:

- a) Rezoning No. 40 (Lot 305) Wentworth Road, Ocean Beach, from 'Rural' to 'Tourist (T15)' zone.
- b) Introducing the definitions:
  - i. "Spa Retreat" – means a place where health related treatments and services such as meditation, massage, beauty treatments and aexercise regimes, including yoga, are provided, for the general health and wellbeing of clients, it includes a health spa, retreat and the provision of meals to clients, but does not include accommodation facilities.
  - ii. "Brewery" - means premises the subject of a producer's licence authorising the production of beer, cider or spirits granted under the Liquor Control Act 1988;
  - iii. "Tourist Development" - means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide –
    - (i) short-term accommodation for guests; and
    - (ii) onsite facilities for the use of guests; and
    - (iii) facilities for the management of the development;





**Our Ref: A3905 (2020/128)**  
**Enquiries: Planning Services**

19<sup>th</sup> February 2021

Raintree Estate Pty Ltd  
PO Box 332  
DENMARK WA 6333

Dear Steve and Matt

**Re: Application for Development Approval: Proposed Outbuilding Additions/ Alterations And Change Of Use (Tavern/ Cellar Sales/ Restaurant & Rural Industry) – No. 40 (Lot 305) Wentworth Road Ocean Beach**

I refer to your application received on 16<sup>th</sup> September 2020 and can advise that Development Approval has been granted, under delegated authority, subject to the conditions contained on the attached Development Approval notice.

**It is essential that you read each of the conditions contained on the Development Approval notice as some conditions may be required to be addressed prior to the issuance of a building permit and/or commencement of works on-site (dependent on the actual condition requirements). The Development Approval notice also contains advice notes that contain information to assist with interpreting the conditions, draw attention to statutory responsibilities and/or to explain the next steps in the development process.**

**Please note that Development Approval is NOT permission to commence building. Any queries relating to Building Permit matters should be directed to Building Services - phone 9848 0300 or email [enquiries@denmark.wa.gov.au](mailto:enquiries@denmark.wa.gov.au) .**

Should you have any further queries regarding this Development Approval, please do not hesitate to contact Planning Services on 9848 0313 or email [enquiries@denmark.wa.gov.au](mailto:enquiries@denmark.wa.gov.au) .

Yours faithfully

Craig Pursey  
Manager Sustainable Development

Encl.

**17 August 2021 - Attachment 9.1.2b**



**NOTICE OF DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL**  
**SHIRE OF DENMARK - TOWN PLANNING SCHEME NO.3**

OFFICE USE
FILE REF A3905 2020/128

Description of Land: **NO. 40 (LOT 305) WENTWORTH ROAD OCEAN BEACH**

Description of Proposed Development: **OUTBUILDING ADDITIONS/ ALTERATIONS AND CHANGE OF USE (TAVERN/ CELLAR SALES/ RESTAURANT & RURAL INDUSTRY)**

Approval to commence development in accordance with an application dated the 16<sup>th</sup> September 2021 and the plans attached thereto is **GRANTED**

**subject to the following conditions:**

- 1) The approved use/ development is to be carried out and fully implemented in accordance with the attached stamped approved plans dated 26 October 2020 (Location Plan, Indicative Concept Plan Layout, Floor Plans/Section and Elevations) and 8 February 2021 (Proposed Outdoor Licensed Area).
- 2) The land and buildings the subject of this approval shall only be used for the purpose of and subject to the restrictions outlined below unless such other uses are approved in writing by the Shire of Denmark (Planning Services) as being incidental to the predominant use of the land.

Use	Description	Restrictions/ Limitations
Tavern/Cellar Sales/ Restaurant	Cellar Sales includes tasting and sale of beverages produced on-site & tours of production facility (within the separate Distillery building) Restaurant Small Bar Takeaway Sales	The sale of alcohol for consumption on-site is limited to products produced on-site; or produced off site using a key ingredient grown on the 'Raintree Rural Landholdings' (refer Advice Note 10), or a key ingredient manufactured/extracted on-site as part of the Rural Industry/ Distillery operations unless such alcohol is served ancillary to a meal. The sale of packaged liquor for consumption off the licensed premises is limited to: products produced on-site; or produced off site using a key ingredient grown on the 'Raintree Rural Landholdings', or a key ingredient manufactured/ extracted on-site as part of the Rural Industry/ Distillery operations; or products produced within the Great Southern Region (as defined by the Department of Primary Industries and

		Regional development) where supplied as part of a gift hamper, with the quantity of liquor sold not to exceed 2L and the value of the liquor and its container is not more than half of the purchase price of the hamper.
Rural Industry	Extraction of essential oils from products grown on-site through distillation to be used in therapeutic use, manufacture of fragrances and food production and includes a processing kitchen.  Processing/ packaging of products grown/ produced on-site (including marron and dry aged beef products).	Includes sale of products grown on the 'Raintree Rural Landholdings', or manufactured/ processed on-site. Cattle are to be slaughtered off-site at an approved abattoir.  <i>Note: The introduction of additional manufacturing/ food processing beyond that described cannot occur without the written approval of the Shire of Denmark. An amendment to this development approval to introduce additional processing/ manufacturing of products may be required in some circumstances.</i>

- 3) No more than 70 people (excluding staff) are to be on-site as part of the approved Tavern/Cellar Sales/ Restaurant use and separate Distillery (approved under DA2020/80) unless approval is granted in writing by the Shire of Denmark as part of a special event application.
- 4) Trading hours are restricted to 11am to 10pm (7 days a week) unless a variation is granted in writing by the Shire of Denmark as part of an approved special event.
- 5) This approval does not permit use of the premises as a Reception Centre. Occasional private hosted functions are permitted subject to compliance with the occupancy limit and trading hours prescribed unless approval is granted in writing by the Shire of Denmark as part of a special event application.
- 6) Should approval be granted for a Tavern Licence with Restrictions, the following conditions of approval under section 40 of the Liquor Control Act will apply:
  - (i) The sale of alcohol for consumption on-site is limited to:
    - products produced on-site; or
    - products produced off-site using a key ingredient that is grown on the 'Raintree Rural Landholdings' (refer Advice Note 10), or manufactured/ extracted on-site as part of the Rural Industry/ Distillery operations; unless such alcohol is served ancillary to a meal.
  - (ii) The hours of operation to be restricted to between 11:00am-10:00pm (7 days per week) unless approval for a special event has been granted by the Shire of Denmark.
  - (iii) No more than (10) special events accommodating a maximum of 150 guests shall be held annually.

- (iv) The sale of packaged liquor for consumption off the licensed premises is limited to:
- products produced on-site; or
  - products produced off site using a key ingredient that is grown on the 'Raintree Rural Landholdings' or manufactured/ extracted on-site as part of the Rural Industry/ Distillery operations; or
  - products produced within the Great Southern Region (as defined by the Department of Primary Industries and Regional Development) where supplied as part of a gift hamper, with the quantity of liquor sold not to exceed 2L and the value of the liquor and its container is not more than half of the purchase price of the hamper.
- (v) The external licenced area is restricted to the area defined on the approved plan dated 8 February 2021 (Proposed Outdoor Licensed Area) unless approval for a special event is granted by the Shire of Denmark.
- 7) Prior to commencement of the approved use/s, the proponent is to obtain all relevant Building Permits and Occupancy Certificates for the building that will contain the Tavern, Cellar Sales, Restaurant and Rural Industry uses– refer Advice Note 1.
- 8) All amplified speech, amplified music or live bands shall comply with the *Environment Protection (Noise) Regulations 1997*.
- 9) External generator unit/s intended to supplement electricity supply to the premises shall be installed and operated so as to comply with the *Environmental Protection (Noise) Regulations 1997*.
- 10) The development hereby approved, including any works required to implement the development, shall not commence until the following plans or details have been submitted to the Shire and have been approved in writing:
- (i) A carparking and access layout plan (to scale) including the following:
- A minimum of 21 formed carparking bays with a maximum of 40 car parking bays being provided on-site, inclusive of a minimum of one (1) disabled car parking bay in accordance with the requirements of Australian Standard AS2890.1:2004 Parking Facilities – Off-street Car Parking and the Building Code of Australia.
  - The driveway to be designed to meet Acceptable Solution A3.5 of Element 3: Vehicular Access of the Guidelines for Planning in Bushfire Prone Area (refer Advice Note 5).
  - All carparking bays, driveways and manoeuvring areas to be wholly contained within the boundaries of the subject lot (Lot 305). No formed driveways, drainage infrastructure, formal landscaping or parking bays are permitted to encroach into the adjacent Heritage Rail Trail reserve (refer Advice Note 4).
- 11) The driveway/ accessway is to be constructed and maintained in accordance with the approved Carparking and Access Layout Plan to a minimum all-weather standard (gravel, crushed rock) to facilitate access to the development by 2-wheel drive vehicles.
- 12) The carparking area as approved under the Carparking and Access Layout Plan shall be constructed to a minimum all-weather standard (gravel, crushed rock – with the exception of disabled car parking bays) and properly drained, marked/ signposted and maintained in good repair. The disabled car parking bay/s and associated landings/ ramps/ travel paths are to be suitably constructed and sealed (absolute minimum construction requirement is two-coat seal) as per Australian Standard AS1428.1:2009 Design for Access and Mobility.
- 13) Access to the development shall be via the existing vehicular crossover on Wentworth Road, unless separate approval is obtained from the Shire of Denmark for relocation/ installation of a new crossover. The vehicle crossover servicing the development shall be suitably



constructed, drained and maintained to the satisfaction of the Shire of Denmark (Infrastructure Services).

- 14) All potable water intended for human consumption is to be sourced from an approved rainwater tank/s. If any dam water is to be used for human consumption a Potable Drinking Water Management Plan (including bacteriological and chemical testing) is to be submitted to and approved by the Shire of Denmark's Principal Environmental Health Officer prior to commencement of operations.
- 15) The approved development shall be connected to an effluent disposal system to the satisfaction of the Shire of Denmark (Environmental Health Services) (refer Advice Note 3)
- 16) Prior to occupation of the premises, should the development be reliant upon any infrastructure, service supply lines or water sources outside the boundary of the subject lot, arrangements shall be made to the satisfaction of the Shire of Denmark to ensure that such infrastructure, service supply lines or water source will be protected by a suitable legal mechanism to secure access rights and obligations in perpetuity (refer Advice Note 13).
- 17) Prior to occupation of the premises, the Bushfire Management Plan and Bushfire Emergency Evacuation Plan for Lot 305 Wentworth Road, William Bay, Denmark (Working on Fire Planning, 20 July 2020) is to be updated to reflect the full scope of the approved uses.
- 18) The requirements of the updated Bushfire Management Plan and Bushfire Emergency Evacuation Plan are to be implemented.
- 19) A minimum 21 metre wide Asset Protection Zone (APZ) is to be maintained around the building within the boundary of the subject lot.
- 20) The installation of any outdoor lighting on the building and/or in the carparking area(s) shall be in accordance with the requirements of *Australian Standard AS4282-1997: Control of the Obtrusive Effects of Outdoor Lighting*.
- 21) All stormwater and drainage runoff from all roofed and impervious areas shall be retained on-site to the satisfaction of the Shire of Denmark (Infrastructure Services).
- 22) Immediately prior to the occupation of the site and/or buildings for their approved purpose, the proponent shall notify the Shire of Denmark (Planning Services), in writing, of the effective completion of the approved development such that a Final Inspection can be carried out to determine compliance with the conditions contained on this Development Approval.
- 23) This approval replaces and supersedes the development approval DA2019/135 (Outbuilding Additions/Alterations & Change of Use (Restaurant, Private Recreation, Rural Industry & Rural Pursuit) granted on 17 June 2020.

**AND the following advice notes:**

- 1) The applicant is advised that the approved development must comply with all relevant provisions of the Health Act, the Building Code of Australia and the Public Buildings Regulations.
- 2) The Shire's Principal Building Surveyor advises that:
  - The Shire will not be providing a Building Surveyor certification for this development.
  - Although the building is not required to comply with Australian Standard 3959, it is recommended that increased construction standards be implemented by incorporating individual elements of AS3959 to strengthen the building's resistance to bushfire attack.
- 3) The Shire's Principal Environmental Health Officer advises that:
  - Department of Health approval will be required for the proposed effluent disposal system.

- 12) Where separate approval is required for a proposed event, please refer to the Shire's policy and process on Events found at: Event Application Form » Shire of Denmark. Please ensure that you allow at least 4 weeks for processing of any events application.
- 13) Condition 16 refers to the need to secure any infrastructure needed for the effective functioning of the development on Lot 305 that may be located on Lot 304 by easement between the two properties, plus the necessary permissions to place infrastructure within Reserve 42507 from Landgate. This is likely to be secured through the placement of easements on the two Titles and the Reserve.

Details of all infrastructure that crosses Reserve 42507, existing and proposed, should be surveyed and lodged with the Shire for separate approval. This plan should show pipe depth & size, it's purpose and the easement established should indemnify the Shire of Denmark against damage caused to this infrastructure.

It is understood that the process of securing the necessary easements through Reserve 42507 may take some time and that provided reasonable progress has been made the Shire will not withhold the issuing of an Occupancy Permit on this basis.

**NOTE 1: IF THE DEVELOPMENT THE SUBJECT OF THIS APPROVAL IS NOT SUBSTANTIALLY COMMENCED WITHIN A PERIOD OF TWO (2) YEARS, OR ANOTHER PERIOD SPECIFIED IN THE APPROVAL, AFTER THE DATE OF DETERMINATION, THE APPROVAL WILL LAPSE AND BE OF NO FURTHER EFFECT.**

**NOTE 2: WHERE AN APPROVAL HAS SO LAPSED, NO DEVELOPMENT MUST BE CARRIED OUT WITHOUT THE FURTHER APPROVAL OF THE SHIRE OF DENMARK HAVING FIRST BEEN SOUGHT AND OBTAINED.**

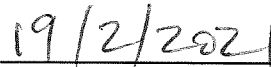
**NOTE 3: THIS IS NOT A BUILDING PERMIT. AN APPLICATION FOR A BUILDING PERMIT IS REQUIRED TO BE SUBMITTED AND APPROVED BY THE SHIRE OF DENMARK (BUILDING SERVICES) PRIOR TO ANY WORKS COMMENCING ON-SITE.**

**NOTE 4: It is advised that should you be aggrieved by any part of this decision, there is a right to apply for a review by the State Administrative Tribunal (SAT):**

- SAT Review Process – refer Part 14 of the *Planning and Development Act 2005*, noting an application for review must be lodged within 28 days from the date of determination.



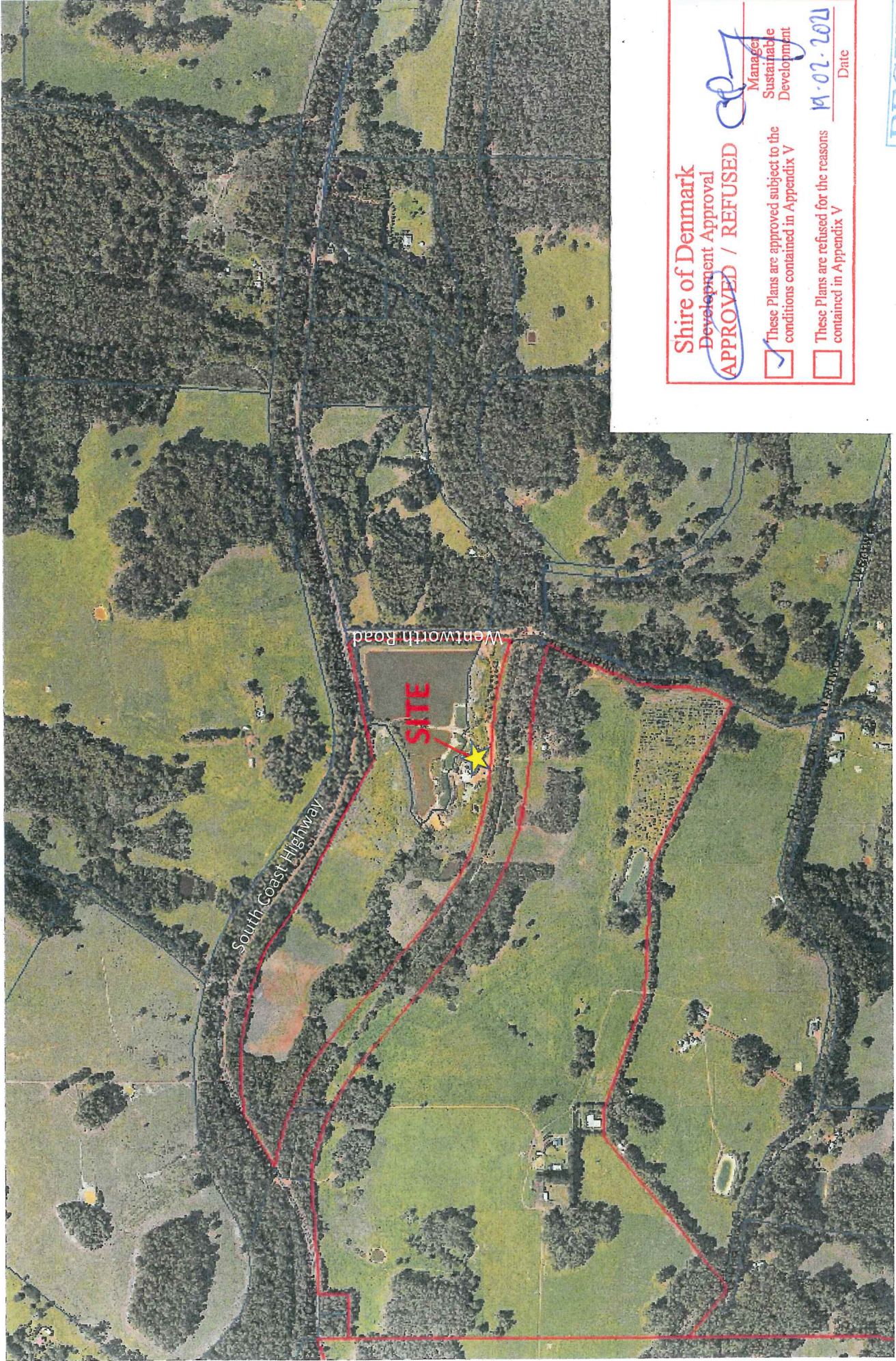
MANAGER SUSTAINABLE SERVICES



DATE

- Any food preparation undertaken on site must comply with the requirements of the Health (Food Hygiene) Regulations
  - The premises will need to comply with standard 3.2.3 (Food Premises & equipment) of the Australia New Zealand Food Standards Codes.
- 4) Fencing along the southern boundary of the property currently encroaches into the adjacent Public Reserve (Heritage Rail Trail). Prior to any works being undertaken the southern boundary is to be surveyed, pegged and clearly demarcated on-site. No works associated with this development including formal landscaping, hardstand, drainage, driveways or the APZ are permitted to be undertaken within the Heritage Rail Trail reserve without the express approval of the Shire of Denmark. Any unapproved works within the Heritage Rail Trail reserve are to be removed and the site remediated. Although this approval does not impose a requirement for relocation of the existing fence line to accord with the survey boundary of Lot 305 it is the Shire's expectation that this will be undertaken as part of any future development that proposes to intensify use of the property.
- 5) For the driveway/accessway to meet Acceptable Solution A3.5 of Element 3: Vehicular Access of the Western Australian Planning Commission's *Guidelines for Planning in Bushfire Prone Areas*:
- All sections of the driveway/accessway should have a minimum constructed trafficable surface with a width of 4 metres and horizontal clearance of 6 metres.
  - All vegetation overhanging the driveway/accessway should be trimmed to maintain a minimum vertical clearance of 4.5 metres.
  - Passing bays should be located every 200 metres with a minimum length of 20 metres and a minimum width of two metres, and constructed to a suitable standard (eg. gravel, crushed rock).
  - Turn-around areas within 50 metres of the approved building and located every 500 metres along the accessway and designed to accommodate Type 3.4 fire appliances to enable them to turn around safely and must be constructed to a suitable standard (eg. gravel, crushed rock).
  - Any bridges or culverts are able to support a minimum weight capacity of 15 tonnes.
- 6) No signage has been approved as part of this application. Any signs proposed to be erected on-site may require the separate approval of the Shire of Denmark. Please liaise with Planning Services regarding any approvals which may be required. Any directional signage proposed on South Coast Highway will require approval of Main Roads Western Australia.
- 7) It is the responsibility of the applicant to ensure that building setbacks correspond with the legal description of the land. This may necessitate re-surveying and re-pegging the site. The Shire of Denmark will take no responsibility for any incorrectly located signs.
- 8) It is the responsibility of the applicant/owner to search the title of the property to ascertain the presence of any easements and/or restrictive covenants that may apply.
- 9) The applicant is advised that this approval will not change the level of service provided for the maintenance of Wentworth Road. The Shire considers Wentworth Road to be a minor rural road and grading and other maintenance will be undertaken accordingly.
- 10) Should a Condition of this approval make reference to the 'Raintree Rural Landholdings' this is to be interpreted as comprising the landholdings identified on Attachment A, used as part of the Raintree Solutions, William Bay farm co-operative.
- 11) Where compliance with the *Environmental Protection (Noise) Regulations 1997* is noted by a condition of this approval, the Shire may require a Noise Management Plan prepared by a qualified Acoustic Engineer.





Shire of Denmark  
Development Approval

**APPROVED / REFUSED**

These Plans are approved subject to the conditions contained in Appendix V

These Plans are refused for the reasons contained in Appendix V

*[Signature]*

Manager  
Sustainable  
Development

19-02-2020

Date

LOCATION PLAN – PROPOSED TAVERN – No.40 (Lot 305) Wentworth Road, Ocean Beach

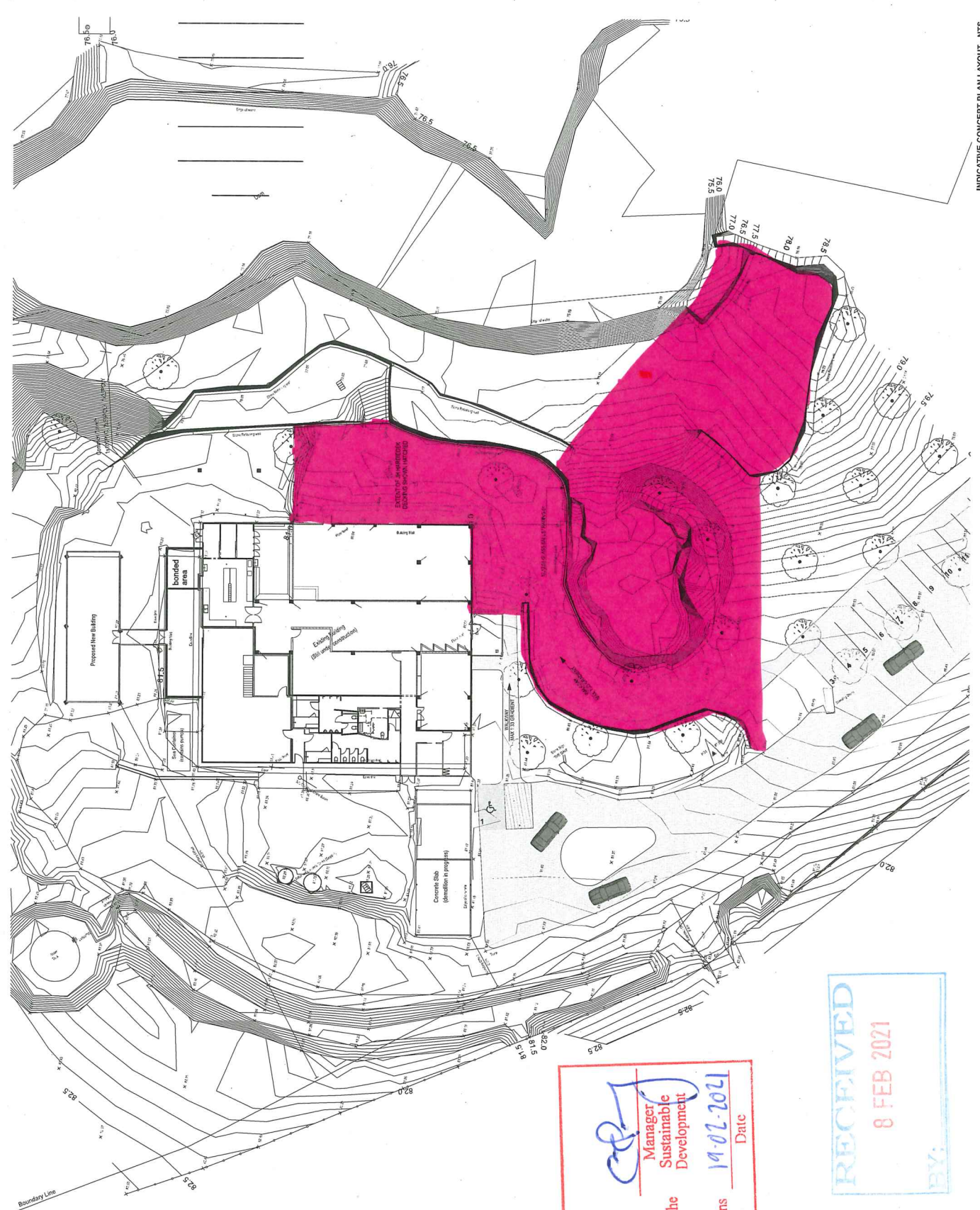
CLIENT COPY

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26 OCT 2020

BY:





**NOTES**  
 1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.  
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 3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.  
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R A2507  
 7664

outdoor tavern  
 licensed area.

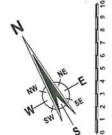
**Shire of Denmark**  
 Development Approval  
**APPROVED / REFUSED**

These Plans are approved subject to the conditions contained in Appendix V

These Plans are refused for the reasons contained in Appendix V

Manager: *[Signature]*  
 Sustainable Development  
 Date: 14-02-2021

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 8 FEB 2021  
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INDICATIVE CONCEPT PLAN LAYOUT - NTS

Date:	20/02/20	Scale:	AS SHOWN
Drawn:	DA	Checked:	TX
Job No.:	C1770-0	Shaper / Revision:	IND-08
Drawing Number:	A03 of A08	Page Size:	A1

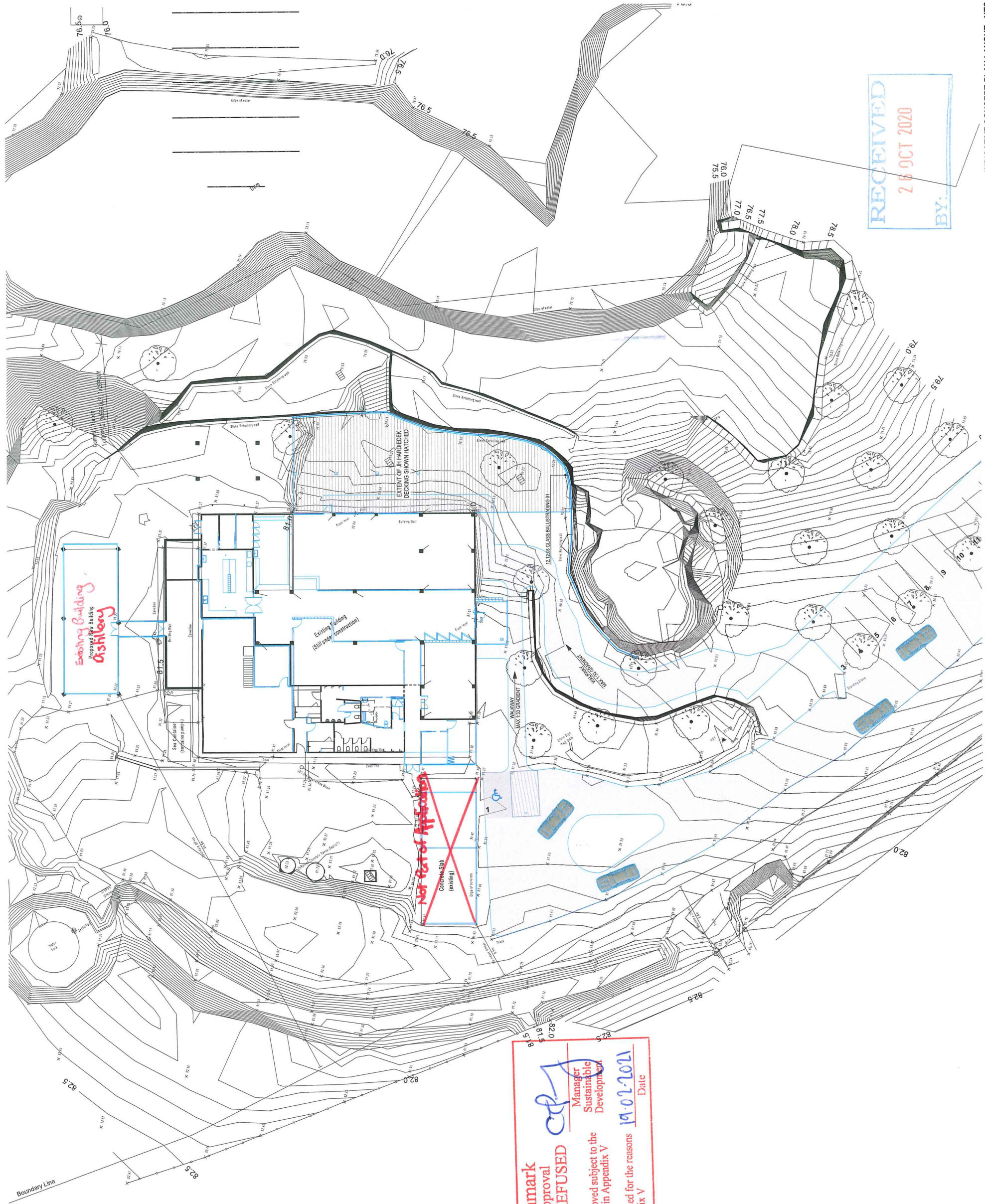
Project:	PROPOSED THE DAMP WELLNESS CENTRE
Client:	RAIN TREE PERFUMES PTY LTD
Address:	WENTWORTH ROAD DENMARK

Working Drawings:	07 19/02/20
Working Drawings:	08 20/02/20

Builder:	BUILDER
Builder:	BUILDER
Builder To:	BUILDER

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BY:

INDICATIVE CONCEPT PLAN LAYOUT - NTS

NOTES  
1. DIMENSIONS & FIXTURES  
2. 12.12.08 GLASS BALUSTADING 01  
FIXED AS DETAIL. DESIGN AND  
CONSTRUCTION TO BE IN ACCORDANCE  
WITH MANUFACTURER'S SPECIFICATIONS.  
3. MANUFACTURERS AND SPECIFICATIONS TO BE PROVIDED BY THE CLIENT.  
4. PROVIDE HANDRAIL AS SELECTED.

R 42507  
7664

**Shire of Denmark Development Approval APPROVED**

**Manager Sustainable Development**

These Plans are approved subject to the conditions contained in Appendix V

These Plans are refused for the reasons contained in Appendix V

Date **19.02.2021**

~~Not part of Appendix V~~

Drawn:	OG	Date:	25/10/2020	Job No.:	C-1770-19
Checked:	XX	Scale:	AS SHOWN	Stage / Revision:	WD-09
Working Drawings:	09 25/10/20	Builder:		Page Size:	A1
Working Drawings:	08 20/10/20	Builder:		Page Size:	A1

Working Drawings:	09 25/10/20	Builder:	
Working Drawings:	08 20/10/20	Builder:	

Address: **WENTWORTH ROAD DENMARK**

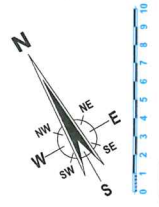
Client: **RAINTREE PERFUMES PTY LTD**

Project: **PROPOSED "THE DAM" WELLNESS CENTRE**

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PK: 942 1157  
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www.shireofdenmark.com.au

MEMBERS OF BUILDING DESIGNERS ASSOCIATION







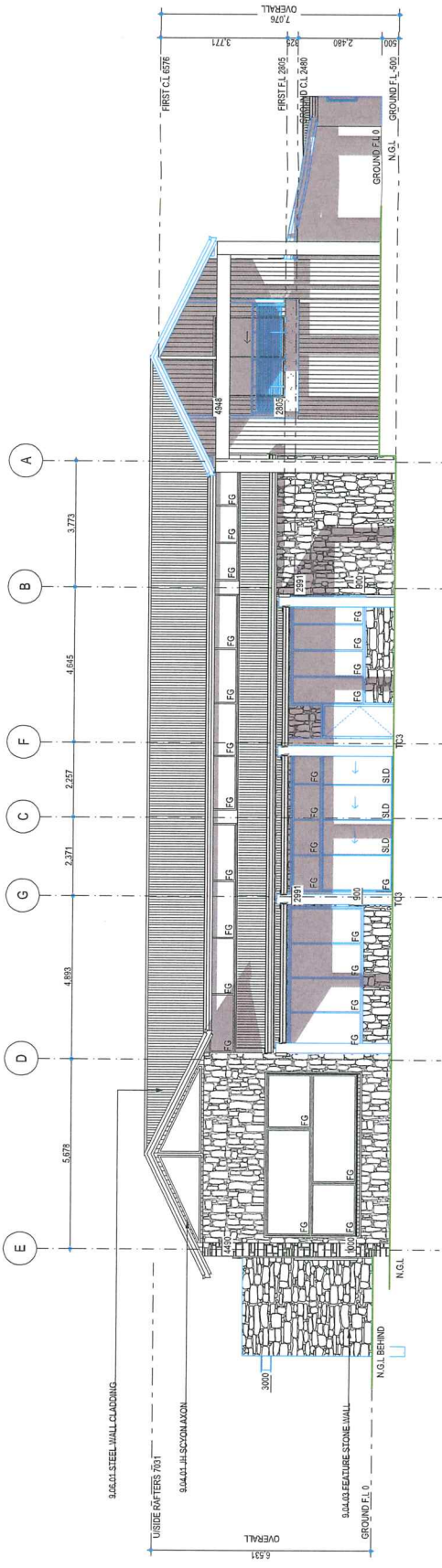




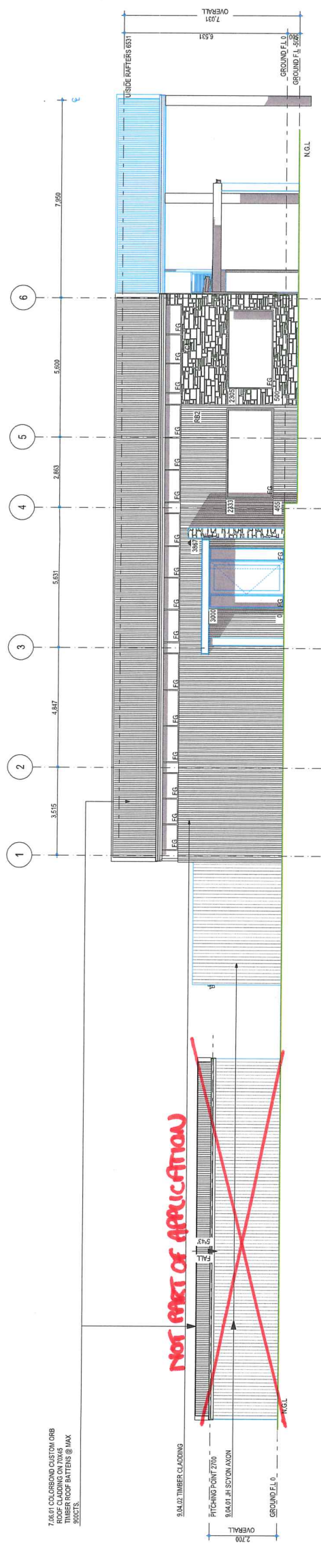


- NOTES**
- 4. **TIMBER & STEEL CONSTRUCTION**
  - 4.01 300 X 50 STEEL BEAM
  - 4.02 300 X 50 STEEL COLUMN
  - 4.03 300 X 50 SOLID TIMBER COLUMN
  - 7. **ROOFING**
  - 7.01 CLADDING ON CUSTOM ORB ROOF BATTENS @ MAX SPACETS
  - 7.02 CLADDING ON 70x45 TIMBER ROOF BATTENS @ MAX SPACETS
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**ELEVATION - NE**  
Scale 1:100

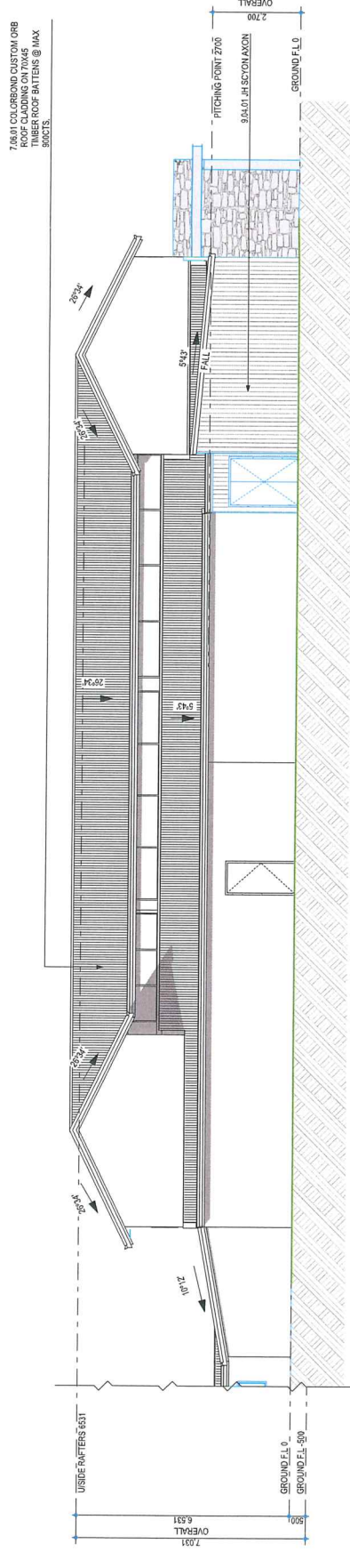


E01



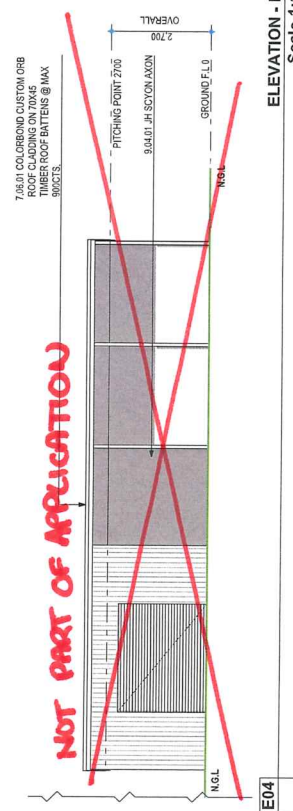
E02

**ELEVATION - SE**  
Scale 1:100



E03

**ELEVATION - SW**  
Scale 1:100



E04

**Shire of Denmark**  
Development Approval  
**APPROVED / REFUSED**

These Plans are approved subject to the conditions contained in Appendix V

These Plans are refused for the reasons contained in Appendix V

*[Signature]*  
Manager  
Sustainable  
Development

19-02-21  
Date

**RECEIVED**  
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BY:



Drawn:	DG	Date:	25/10/2020	Drawing Number:	C-1770-19	Job No.:	
Checked:	XX	Scale:	AS SHOWN	A06 of A08		Stage / Revision:	WD-09
Rev.:	Date	Description					

09	25/10/20	WORKING DRAWINGS	BUILDER
08	20/10/20	WORKING DRAWINGS	BUILDER
Rev.:	Date	Description	Issued To

Address:  
WENTWORTH ROAD DENMARK

Client:  
RAINTREE PERFUMES PTY LTD

Project:  
PROPOSED "THE DAM" WELLNESS CENTRE

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MIDLANDS WA 6022

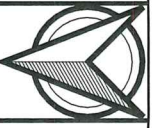
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MEMBER OF BUILDING DESIGNERS ASSOCIATION





Produced by Shire of Denmark.  
Whilst all care has been taken, no responsibility shall be taken for any omissions or errors in this documentation.  
Please advise the Shire of Denmark of any errors or omissions in this document.  
Digital Cadastral Data Supplied by the Western Australian Land Information Authority.



## ATTACHMENT A - DA2020/128 RAINTREE RURAL LANDHOLDINGS





**ATTACHMENT 9.1.2C**

**SCHEDULE OF SUBMISSIONS: AMENDMENT TO DEVELOPMENT APPROVAL FOR TAVERN/CELLAR SALES/RESTAURANT & RURAL INDUSTRY NO.40 (LOT 305) WENTWORTH ROAD, OCEAN BEACH (DA2020/128)**

*Note: Some submissions below may be summarised with every effort to faithfully repeat the submitters comments.*

Submission Number	Name & Address	Submission	Planning Services Comment
S1	<p>██████████  ██████████  ██████████</p>	<p>I recently received the documents relating to the proposed amendment as we have a neighbouring property. In reviewing the documents, I notice that the traffic statement was included.</p> <p>Unfortunately, this statement has not considered some of the key impacts that are likely to occur.</p> <p>It has considered the impact to Wentworth Road and South Coast Highway but has not included an assessment of the impact on Lights Road, in particular the Northern portion that is unsealed.</p> <p>Lights Road is the shortest path from Ocean Beach and Lights Beach to the proposed development and is likely to be subject to an increased amount of traffic.</p> <p>It is already failing to support the current traffic with grading needing to occur at least monthly to maintain the road. In addition to the expense of maintenance there is visible impact of the constant grading activities on the trees that are a feature of this road.</p> <p>Regardless of the proposed tavern, I feel this road's future need to be address immediately but with additional traffic likely to occur once the development is started it is important this is addressed now.</p> <p>It is also important to bear in mind that Lights Road and the heritage trail provide access to a number of properties and when these roads are under impact from traffic above their capacity it out a number of lives at risk in the event of an emergency.</p>	<p>Increasing tourism development across the Shire will result in additional traffic across the whole network. However, in this instance it is not expected that Lights Road will be significantly adversely impacted given its existing high traffic numbers.</p> <p>Given Lights Road high traffic numbers the Shire is seeking funding over the coming years to upgrade this road to a sealed standard.</p>
S2	<p>██████████  ██████████  ██████████</p>	<p>The owner of the farmhouse on ██████████ (Herring Storer Acoustics) Noise Management Plan and Environmental Noise Impact Statement.</p> <p>Over the years since development has commenced on Lot 305 it has been noted that noise carries exceptionally well from the site to ██████████ for example</p>	<p>It is acknowledged that the 'Environmental Noise Impact Assessment' prepared by Herring Storer Acoustics does not sample noise from the nearest 'sensitive land uses'; that is the closest residences and that assumptions</p>

conversations between tradies can be heard. This is no doubt due to the sound carrying across the large surface area of the dam located at the bottom of a valley and [REDACTED] being on the valley side.

It was this observation in mind that I welcomed the chance to view the Acoustic Report.

I already had misgivings about possible noise levels on the previous proposal and now regret not making a submission on this proposal. The reason for not making a submission was that the place had already been built and I would have little potential to have an impact at this late stage.

Unfortunately, on reading the report, I believe it focuses on the impact of traffic noise on the proposed holiday accommodation rather than the noise emitted from the restaurant, bar, function area, deck, music etc on the neighbouring properties and downplays any perceived impact.

The only real-world acoustic data is from a station positioned near the highway traffic as it passes Wentworth Road, in a position below the level of the dam wall and well below road level at the start of the dip in Wentworth Road.

Not being in qualified acoustic studies I will make no further comment on such positioning other than to say that a lot has been inferred from the information provided by this single monitoring station.

There are no noise readings taken from any nearby residences, instead we are being asked to accept the results of computer modelling.

The report makes assumptions that the existing farm noise and highway levels will effectively mask any annoying characteristic from the proposed tavern. There are also assumptions around the volume and noise of night time traffic on South Coast Highway assisting in masking noise from the proposed tavern. However, Main Roads data shows a significant drop in traffic after 1800hrs and even more so after 2000hrs.

There is a mistaken comparison behind this discrepancy between lived experience and the report's suggestion that the traffic will mask emitted noise from the restaurant, etc. The report measures noise at the highway and not the nearby residences.

If the traffic noise is not masked by the highway noise then the assigned outdoor noise levels equal or exceed the levels assigned for evenings, Sundays and public holidays.

No doubt these points will be countered or argued against and my lack of acoustic qualifications highlighted but I do believe we urgently need some real life data at the nearby residences and would ask the Shire to commission an independent acoustic report.

appear to be made from a monitoring station at the intersection of Wentworth Road and South Coast Highway.

The officer report recommends that site-specific Noise Management Plan be prepared and implemented to the satisfaction of the Shire of Denmark. This would detail the measures to be put in place within the development to ensure that the noise generated meets the requirements of the Environmental Protection (Noise) Regulations 1997. (Noise Regulations)

This is a requirement generally handled by other legislation, however, it is to the benefit of both the applicant and the nearby residents that the details are assessed and the measures to address noise clearly controlled through the development approval. The Noise Regulations allow for nearby residents to complain through the Environmental Protection Authority and failure to comply may result in the closing of a premise.



As per our last submission, we wish to re-emphasise that as residents of Denmark, we are keen to support sustainable growth and development and am supportive of development proposals that reflect at least a commitment to the basic six principles of sustainable development. As mentioned previously, we continue to be very concerned that sustainability may not be at the heart of this development, as it has been presented so far.

Our second main concern, is what we can only call the 'development by stealth approach' of the developer. In last few years, this development has grown from a rather small business/boutique endeavour to what now seems like a fully developed and significantly large tourism site. This makes it difficult to get a holistic view of the developers intentions for the entire site. It makes it very onerous for us to fully consider the proposal in its entirety and have a positive impact on how this project is being approached and implemented. We understand from my contacts with other Council town planners, that this may be a deliberate tactic by the developer to seed confusion and 'wear down' concerned residents, so they feel like any contention is futile. We are a bit at this stage now, so it seems to be working. The approach is disappointing and much of the concern could have been ameliorated with openness and consultation, to build engagement and trust in the project. The approach leads us to the concern that there may be a low commitment to balancing the needs of the region from an economic perspective with the needs of the residents and ecosystems on which we need to survive.

We also can't see how a well-developed and thoughtful development plan, could at one time, be fine for 70 people, and then suddenly there is room for 250 people within the same design area. If they need 250 people to be profitable, why then start out with a proposal for 70 people. Perhaps, the developer could consider running it as a B-Corporation! To us, this approach seems uninformed and indicates that the appropriate level of assessment was not done in the first place. Surely if the development was planned to accommodate 250 people from the outset, a totally different design approach would have been taken, e.g. our previous suggestion that where there are significant impacts (like noise, traffic, pollution, carbon emissions, waste, light, impacts on habitat etc), would ensure that parking etc be placed on the other side of the Tavern, with an entrance directly from the highway with an appropriate turnout, like Boston Brewery.

Whilst sustainability is important to the Shire of Denmark and assessment against sustainability criteria intended as a result of the review of the current planning framework, unfortunately the proposal is assessed expressly against the existing framework. The Shire has no binding scheme or policy provisions that require the applicant to comply with 'Ecologically Sustainable Design (ESD) principles.

It is noted that the Shire has received five development applications for development proposals in the last two years.

The landowner has prepared a scheme amendment over the site that describes the fully developed intent for Lot 305. The scheme amendment has been completed but was delayed due to the time needed to prepare the considerable informing strategies required.

The applicant has a right to lodge the current application as it is viewed as consistent with the Scheme requirements and development on other similar sites in the Shire.

See above.



The traffic statement and noise management plan included in this submission do not address our concerns in full. Noting our last submission, we were hoping to see a Sustainability Management Plan or EDS that could set out the requirements and provide assurances in relation to zero waste, zero carbon, sustainable transport, sustainable products & materials and sustainable water, along with socio-economic factors built in. The previous Alcohol Management Plan was insubstantial and as mentioned previously was not supported by any evidence or commitments that can be legally upheld.

Below we list our major concerns that we would like Council to consider with respect to the necessary requirements Council are required to uphold.

**Increase in number of visitors/parking bays**

***Concerns regarding traffic impacts***

We refer to the Traffic Statement, Executive Summary Point 1.4 that the development would have "...no material traffic impact..." and that "it is not expected to impact the operation or safety of the surrounding road network." We are curious to understand how an increase of 3-16 vehicle movements per day can have **no** material traffic impact. We assume that the Traffic Statement only looks at the impact on the roads themselves, and possible traffic safety issues, and does not take into account environmental impacts or the social impact on nearby residents, so I am unable to contest this, having no expertise in this field. However, if we are living close to a country road with 5 vehicle trips per day, and the next day that is increased to "...316 trips per peak operational day...", we would be at a loss to explain how this has no material impact.

**Concerns relating to the Heritage Trail**

We would also like to point out that, the section of the Heritage Trail alongside the Dam property is often in extremely poor condition and unpassable for bikes, pedestrians alike, at least for the past 3 months of the year. We believe this is due to a lot of tractor tyre damage, flooding and poor drainage. Along the property at 41 Wentworth, the height of the trail and width of the trail is problematic for the first section. We have no doubt that once people become aware of this access to the Dam, there will be increased traffic from Ocean Beach, and via the Walpole entrance. The 41 Wentworth Road driveway is almost blind when turning right from the property onto the Heritage Trail. At least on 10 occasions over the past year, I have had close encounters with cars along that trail, due to people driving too fast/not looking where they are going, and once was forced off the road. Trail bikes

See 'comments' section of the officer report. Officer recommendation is to seal Wentworth Road prior to occupation.

Cars should not be traversing the trail.

The trail network is planned for an upgrade as part of the adopted Bushfire Risk Mitigation Plan.

often speed along this trail which is shared by many people with prams, walking their dogs etc.

### Concerns relating to the Noise Management Plan

In a nutshell, our understanding of the noise management plan suggests that any noise emitting from the facilities will be ameliorated by traffic noise from the highway. We can only assume, that this refers to the noise created by an increase of traffic resulting from the all the clientele that will be travelling to and from the Dam. Noting also that traffic noise is very intermittent along the highway and concentrated during peak periods.

We wonder if any consideration has been taken for future proofing this development ie with the rapidly expanding number of electrical vehicles, including long haul trucks. We have no specific evidence or measurements, but I can honestly say, that the noise coming from the trucks, graders, and builders voices at the Dam over the past year (particularly in summer/spring) is far louder than the traffic from the highway, particularly so at the residence closest to the Dam. We installed a cheap fountain to overcome the persistent reverse beeping and other building sounds but this was a poor improvement at best. Obviously I am not in a position to contest what is stated by Herring Storer Acoustics nor are we able to ensure the validity of the claims, which puts us in position where we need to trust that the developer is doing the right thing. Not having met the developer, this proves somewhat difficult.

There are also additional concerns noted in the Noise Management Plan, such as the mention of strata titles, which we believe gives the developer the right to allow for individual ownership of certain parts of a property or a parcel of land and shared ownership of others. We do not recall ever seeing this as part of the development model. Again, our concern about this development by stealth approach, makes it confusing for neighbouring residents to have any positive or constructive impact on the area within which we live, which can lead to low levels of trust.



### Request for review/further clarification

- We would like to ask that the Council consider a maximum of 150 patrons as per the original proposal. This could significantly reduce the environmental impact, by reducing the number of parking bays required allowing for more green space, reducing the short-term impact on Wentworth Road whilst it remains unsealed, which is generally speaking in pretty poor condition, for at least 60-70% of the time. Grading only lasts about 2-3 weeks before significant potholes are exposed. During heavy rainfall, its poor after 1 week. We do note the intention to seal the road, but


Concerns with the Environmental Noise Impact Assessment are noted, see 'comments' section and officer recommendation of the officer report.

This is noted in the scheme amendment documentation which, if approved by the WAPC for advertising, will go out for comment in the coming months.

The state of Wentworth Road is noted and staff have taken the position that any increase in traffic beyond the approved 70 people will result in retaining Wentworth Road as unsealed as unsustainable.

<p>S4</p>		<p>also understand these things take a lot of time. We also note that this step is immaterial to us. This request also reduces environmental impact, such as noise, light and emissions on the surrounding areas which contain a significant amount of habitat for kangaroos, black cockatoos, phasogales, antechinus, quendas and a significant amount of birdlife including owls, frogs, and reptiles etc.</p> <ul style="list-style-type: none"> <li>We would ask that Council take a closer look at increased traffic impact, noting that the highway turnoff to Wentworth Road has been in disrepair now for at least 6 months, and current storm damage has worsened the state of this turn-off. Our concerns are mainly for safety in this respect, noting that many drivers are clocking at least 100km plus along that stretch (despite the current 60km zone).</li> <li>We would like to again request that either traffic notices are posted on the Heritage Trail including wildlife crossing warnings, and signage noting for local residents only. This may deter patrons from taking shortcuts along the Heritage Trail.</li> <li>We would ask that the Outdoor Licensed Area is not increased by 650 sqm to "reflect a changed post COVID world". This argument is just lame. If increasing the size of the outdoor area ameliorates issues relating to COVID, then same logic could be applied in relation to the increase in number of patrons, ie that any increase in numbers, presents a greater threat of contamination, particular in relation to new strains of COVID-19. The outdoor area including outdoor entertainment presented us with some of the greatest concerns due to noise travelling across water towards the closest residence. Please see my previous submission for more details in relation to false claims that the area is heavily wooded etc.</li> </ul>	<p>Main Roads WA are responsible for this intersection and they have noted that no intersection upgrades are required at this time but that the situation should be monitored over time.</p> <p>This is not a planning consideration applicable to this application.</p> <p>The increase in outdoor area is to allow for the 1.5m spacing of their clientele. The outdoor area is already 1730m<sup>2</sup> in area, the potential offsite impacts from an additional 650m<sup>2</sup> that are not already generated by the existing area would be negligible.</p>
<p>S4</p>		<p>Thanks for writing to us concerning the above. We have no objections to the proposed amendment as outlined. Tourism in Denmark has flourished for several years. Many businesses have closed and the town badly needs a development such as this to bring some confidence back to our local economy.</p> <p>The proponents need to be commended for their vision and hopefully this may encourage others to invest in our town.</p> <p>We have one small concern. The new earthworks comprising the driveway entrance from Wentworth Rd are adjacent to the large open emergency spillway. It appears that the raised driveway may impede/delay the operation of this spillway.</p> <p>We simply seek council assurance that the emergency spillway would function as designed.</p> <p>Please feel free to forward these comments to the proponents.</p>	<p>Noted.</p> <p>This will be investigated separately from the current application.</p>



<p>S5</p>		<p>You recently wrote to me as an adjoining landowner in regard to the above development approval.</p> <p>While a little surprised that an amendment is coming through so quickly, I have no objection to what is proposed. That said, I would be interested in knowing that if the site "needs a minimum of 150 people to operate profitably" why the visitor cap was only 70 in the first instance rather than a higher number.</p> <p>Furthermore, on page 5 of the document you state "the applicant agrees to seal Wentworth Road" but then on page 7 you further comment "extend sealing beyond the entrance to The Dam to the Denmark Normalup Heritage Trail". In short, I am confused. Wentworth Road, on my understanding, runs up to Richardson Road. Is the whole of Wentworth Road going to be sealed or just a part of it? Given the increase in tourism related traffic, to the Dam and Turicum Chalets, should not whole of Wentworth Road being sealed, capital permitting?</p> <p>Lastly and assuming I have interpreted things correctly, you mention that the land on which the Dam is located has been re zoned tourism.</p> <p>What exactly does this mean for the type and density of buildings that can be erected on this land?</p> <p>I look forward to your response and appreciate your help.</p>	<p>Noted.</p> <p>The 70 person limit was applied as the acceptable number of people permitted on site without triggering the need to upgrade Wentworth Road. This approval was not challenged by proponent.</p> <p>Any development condition requiring the sealing of Wentworth Road would apply to that section of the road that the proposed development would cause an increase in traffic.</p> <p>Lot 305 is the subject of an application to rezone to 'Tourism'. This has been initiated by Council but has not received permission to advertise from the WAPC as yet.</p> <p>The Tourism zoning is proposed to allow for the development of the site with a range of land uses including brewery, lodge, camp ground, holiday accommodation, tavern, restaurant, shop, spa retreat and winery guided by the development guide plan.</p>
<p>S6</p>		<p>Thank you for the opportunity to consider the above documentation and to make a comment.</p> <p>Our principal concerns relate to road safety, specifically at the intersection of Wentworth Road and South Coast Highway, given the likely increase in traffic volume turning into and out of Wentworth Rd onto South Coast Highway.</p> <p>We note that there is an estimation of an increase of vehicles using The Dam which could reach 316 trips per peak operational day. We appreciate that this estimate could be either an overstatement or an understatement of what may actually occur.</p> <p>Traffic that is intending to exit Wentworth Road and turn east towards Denmark township is often surprised by the appearance, at speed, of vehicles approaching from the west, particularly as their visibility is somewhat masked by a slight bend in the highway at that point. We are aware that there have been accidents and near misses at the intersection.</p>	<p>Main Roads WA are responsible for this intersection and they have noted that no intersection upgrades are required at this time but that the situation should be monitored over time.</p>

	<p>We note that the documents which you supplied contain references to road safety concerns about the speed limit, currently 90kph, and the bike/horse road crossings between Wentworth Rd and McLeod Rd.</p> <p>If nothing is done to lower the speed on the approach along the highway at Wentworth Rd, from both west and east, and a turning lane or widening of the highway added from both directions, we are concerned for the safety of visitors and residents who are seeking to exit Wentworth Rd, given the potential increase of traffic.</p> <p>A related issue that we have not seen addressed in the document is the safety of users of the Denmark Heritage Trail between Wentworth Rd and Lights Road. It is not an unreasonable stretch of the imagination to conceive The Dam contributing to a significant increase to traffic along that section of the Heritage Trail and, by extension, Lights Beach Road. We point out that these possibilities should be properly assessed and addressed in conjunction with any formal approval of the increased visitor cap. While we are confident that responsible consumption of alcohol at the venue will be strongly promoted, it is inevitable that some visitors may be navigating unfamiliar roads and trails after having consumed alcohol.</p> <p>The increased volume of vehicles will also have an impact on cyclists and horse riders who are wishing to cross the road between Wentworth Rd and McLeod Rd. We are aware that the Shire wishes to encourage use of the Munda Biddi Trail and horse riding along the Heritage Trail and we support these outdoor pursuits which bring tourists to the area.</p> <p>We would feel more assured to know that speed limits, warning signs to riders and cyclists, road design features for the different types of users of the roads and intersecting trails would be implemented to allow safe passing in the event of sudden turnings in or out of Wentworth Rd.</p> <p>Whatever is the outcome, we emphasise that safety requirements for all users of the roads, Heritage trails, walk and cycle trails in the area need to be addressed to ensure that the impact of approving the increase of the visitor cap does not create a more dangerous situation than presently exists.</p> <p>Assuming that our concerns are addressed, we sincerely hope that The Dam will be a successful new tourist destination for visitors to Denmark and will provide a new hospitality outlet on the western side of the town.</p>	<p>The proposed development will increase traffic in the immediate surrounds. However, it is not considered a large enough impact to warrant a developer contribution.</p> <p>However, the applicant is in discussions with DBCA and the Shire about rationalising the number of intersections between the Munda Biddi trail and South Cast Highway which will improve safety.</p> <p>Trail signage will be reviewed by the Shire if the development progresses.</p>
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[Redacted]

We must take this opportunity to thank Craig for allowing us the opportunity to comment on this proposed amendment, via an extension until Monday 2nd August 2021. We received the above mentioned documentation and cover letter from the council, addressed to the adjoining landowners about the proposed amendment, on the 16th of July 2021, (it was dated 8th July 2021) and the closing date for submissions was 26th July 2021. This only allowed ten days for reply. We feel certain that more submissions would have been received if the response time had been longer. Several people have indicated to us, they would have replied given more time.

We would also like to acknowledge some of our comments refer to the ongoing nature of this development and it's furtively staged proposals and amendments, already two of each, within 7 months. We recognise some of our comments are not strictly to do with this development amendment application, but they are pertinent to the overarching way this proposal is being undertaken

We reject this proposal to increase the patron numbers from 70 to 250 people on a daily basis. If the numbers are to substantially increase then it is imperative that all the neighbours are shielded from the negative effects of this ever increasing and furtive project. We request you consider our lifestyles and our rural settings to the full extent, both are firmly in your hands. We request for our lives to be safe from both noise and light intrusion, but ultimately our lives and our lifestyles are in your hands. Please remember all the neighbours when making your decision.

We would like to thank the Shire of Denmark for instigating the procurement of these assessments and plans. It is unfortunate that these documents are overwhelming and are of little use. None of the documents in this amendment package address our concerns outlined in our previous submission, including, light pollution, environmental impacts, and effects to the little river ecosystem. The Herring Storer Acoustics – SPP5.4 Noise Management Plan and Environmental Noise Impact Assessment (HSA- Noise\*), has serious short comings to do with - the modelling which has serious deficiencies. Likewise the Riley Consulting – Traffic Statement (RC- Traffic\*), June 2021, Appendix C. in (RC- Traffic\*) is information from 2005 and road safety has advanced exponentially in the intervening time, so much so that this document is no longer available from its source. It also uses Queensland data for sealed roads not unsealed roads. Generally the information, the advise is based on is dubious, at the very least the data obtained through their information is not current and so not relevant.

It is regretful the proprietors of this development have chosen either: incompetent researchers; or they did not give a broad enough scope; or limited the scope; on what was required. If the research does not have a comprehensive scope – then the documentation is lacking, and the resulting project is founded on faulty information, and will need rectification in the future. If the original research does not have a comprehensive scope then the proprietor should provide further evidence

Noted, there was no intent on reducing the time available for comment. The referral period is a standard length but it is acknowledged that postal times can vary.

The officer report acknowledges that noise and traffic are the major potential off-site impacts of the current proposal. A discussion of light spill is found below.

Professionally trained shire staff have reviewed the supporting consultant reports. Where the Shire does not have the required expertise in an area the report is referred to the relevant government agency for review.

The officer recommendation includes the requirement to seal Wentworth Road at the applicant's expense and that a site-specific Noise Management Plan is prepared to the Shire's satisfaction acknowledging that the current report is a supporting document to the proposed scheme amendment and does not cover the issues that arise for a tavern/restaurant/distillery/cellar door sales and the measures required for this land use to meet the requirements of the Noise Regulations, particularly as they apply to nearby 'sensitive land uses' (residences).



at their own cost. The delay experienced by the proprietor, because the Shire of Denmark requires extra information, will encourage the proprietors to be diligent in their documentation, and will have the Shire of Denmark known for it's diligence and best practice. It is noted that when the Shire of Denmark needs a researcher engaged for information on a project, it would be best practice, if a list of competent researchers is supplied to the proprietors, of this and future developments. This will short circuit the need for extra research, delays, or remediation later. In this specific case, it is the proprietor who needs to re-engage the researchers to provide the required information to the Shire of Denmark, or suitable researchers be engaged, so an informed decision can be made.

**NUMBER OF PEOPLE**

1. We supported the initial development proposal (November 2020) of a boutique business including a distillery, cellar door, restaurant and day spa, for 70 clients. The Shire of Denmark approved this proposal.

2. Then a second proposal (February 2021) to amend the Shire's Town Planning Scheme to rezone the property from Rural to a Tourist Zone was considered by Council, and directed to the WA Department of Planning, Lands and Heritage, with the supporting document Tourist Development (TD\*).

3. Then came the first amendment (February 2021) which changed the business structure to a tavern, distillery, cellar door, restaurant, rural industry and special events, which allowed for 70 people on a day-to-day basis. The Shire of Denmark approved this proposal also, but with 10 Considerations listed as 10 Dot Points. Craig Pursey stated in the notifying letter (Letter A\*) dated 31st March 2021, Ref A3905: (2020/128) in reply to our submission to the - Application for Development Approval: Proposed Outbuilding Additions/ Alterations & Change of Use (Tavern/Cellar Sales/Restaurant & Rural Industry) – No.40 (Lot 305) Wentworth Road, Denmark, - which details the considerations that were taken into account - Dot Points C. & D. –

*C. The proposal will not increase day to day occupancy of the premises beyond that previously approved (maximum 70).*

*D. Any occasional events intended to exceed this occupancy will require an events approval to be issued by the Shire that addresses, where relevant, such matters as traffic management, risk mitigation and noise management.*

As can be seen by this response from the Shire of Denmark, approval for the project is subject to requirements, one of which maintains the day to day number of people at 70, with events governed by an approval process, where relevant matters are

The Shire of Denmark is obliged to assess and determine each application lodged on its merit.

The series of development applications received are within the parameters of what the Shire has considered elsewhere within the Rural zone, with caps on the nature of the land uses permitted and the number of people who may attend the site.

- The range of land uses permitted is linked to the Rural zoning.
- The limitation on numbers is linked to the standard of access to the site.

Advice to nearby landowners regarding the number of people permitted at the site in March 2021 were accurate at the time of assessment and issuing of an approval.

The landowner has prepared a scheme amendment for the site to change the zoning from 'Rural' to 'Tourist' (in part) to present the Council, community and relevant government agencies with the vision for the site and supporting documentation justifying the change.

This scheme amendment document was recently received and is in the process of being assessed internal before being sent to the EPA

addressed such as traffic management, risk mitigation and noise management, which require relevant matters to be addressed prior to the event.

4. Now (July 2021) there is a further amendment to increase the capacity to 250 people on a day to day basis, it is noted there is no mention of events. This is two applications and two amendments within a seven month period. Why so many changes in quick succession? Was their business plan, forward planning and planning advise so ineffectual that the proprietor applied for 70 people? 250 people is more than a two and a half times increase, that is a staggering oversight. The proposed increase of capacity from 70 people to 250 people on a day to day basis, is more than a two and a half times increase in the number of people, and a subsequent increase in the amount of noise they produce, which is also more than two and a half times - on the approval already given.

This is an unprecedented increase from 70 to 250 people on a day to day basis, which has not been substantiated by the (HSA- Noise\*), it does not adequately address this issue. Justification is required for the increase from 70 to 250 people. It is impossible to believe that such an oversight is possible, especially considering the application and approval process has been under taken four times, previously on this venture alone. The figure of 70 people would not have been put forward if that was not sufficient to requirements. This rise to 250 people is not because of need, it is no oversight, but a money grabbing proposal and as such should be rejected. The Covid 19 pressure on tourism is only short term, the Federal Government is already planning for a return to international travel, which is likely to return visitor levels to pre-Covid numbers. So the need for extra people and extra outdoor areas, especially 650sqm of landscaping, which is an almost third increase. It is unnecessary and unjustified, and no analysis has been undertaken, nor citing of other documentation, to provide just cause for such a substantial increase in people or landscaping. There is just a cry poor statement, but no justification:

- No Business plan
  - No research
  - No Consumer Research
  - No Market Analysis
  - No Market Surveys
  - No Tourist Analysis
  - No Tourist Surveys
  - No Community Surveys
  - No Community Input
  - No Community Response Sought
  - No Neighbourhood Meetings
  - No Neighbourhood Consultation
  - No Neighbourhood Response Sought
  - No acknowledgement of direct impact
- NON UNDERTAKEN NOT EVEN INFORMALLY

and WAPC for assessment and permission to advertise.

The officer assessment of this development application is made irrespective of the proposed scheme amendment. Rather, the assessment looks at the current proposal in light of the existing zoning, similar development elsewhere in the Rural zone and assessing the development's response to the site's constraint.

This lack of consultation and justification shows a disregard of social commitment, and highlights the furtive approach to the protracted unveiling, of the project as a whole, over numerous and consecutive planning developments. We have already seen two proposals and amendments within a seven month period. This bombardment is either a cunning way to try to disarm those involved in the policy decisions and the community as a whole, or it is poor business management and research, suggesting a lack of appropriate assessment and an uninformed approach. For the proposal to need to increase the patrons substantially (to make the business viable), by more than a two and a half times increase on that of the initial proposal, suggests a serious lack of business planning and great oversight. To run a business in such a manner is folly and reckless, and highlights the incompetency's of the forward planning. How can we know their forward planning is trustworthy? How can we trust that they will not be this incompetent in the future? How can we trust that due diligence is done in the future? Will their research be diligent in the future? How many more minor planning changes are to come? Are they trying to grind us down, so they can push responders and the policy makers to a point of exasperation and/or exhaustion? Are they thereby attempting to be assured of acceptance of their proposals, that would otherwise not get acceptance, and are then consequently approved?

This application is a stepping stone to further expansion. Appendix A, of the (HSA-Noise\*), includes a map titled Local Development Plan, Lot 305 Wentworth Road, Ocean Beach. The map includes a layout of the developments progression, with seven strata blocks, seven proposals each with development amendments and changes. How many approvals and amendments? How many times? We have already seen two applications and two amendments within a seven month period. How much councillors and council officers time will be taken up with this project in its entirety? How much will this all cost the council and ratepayers? Rate payers beware. The Denmark community should be advised of the project as a whole. It is also likely with numerous changes along with the developers history for doing works prior to approval, that something will be overlooked, not intentionally by the authorities, but something started and finished in between that may easily be missed.

These furtive, staged and incremental proposal changes, make it difficult even onerous for the authorities, the general public, neighbours, and the neighbourhood to have a positive impact on the development. The proprietors of the project have a dubious history of illegally: clearing forested land; dam construction; intentional obstruction of the Little River's flow; combatively and unsympathetically dealing with those effected by the lack of flow in the Little River (after the dam was built); the main building having been constructed without prior approval; site works prior to approval; etc., all show a blatant lack of past engagement with authorities when required, and the likely way the project will continue to progress. There also is a strong disregard of the Denmark community, the direct neighbours, the neighbourhood, the natural environment, the Little River catchment, and it's source. This further shows the likelihood into the future of more underhanded and illegal



dealings, with aspects of the project undertaken prior to approval, possibly leading to further unapproved parts and oversights within the overall project. The past suggests a questionable trajectory and speaks volumes, highlighting the high likelihood of more unlawful dealings. With no uncertainty the direction this proposal will proceed, into more degradation, indifference and blatant non-observance of regulations.

The direction of the proposal is shown through the proposed seven strata blocks within Lot 305, as outlined in the (HSA- Noise\*), Appendix A, this has not been included in the Tourist Development (TD\*), it shows one of the directions this proposal is moving in. Strata developments, of this kind, are used when a developer wants to separate individual elements of an overall development into separate components for sale. Strata zoning allows the project to divide ownership, and to be comprised of individual lots owned by separate individuals, and common property owned by all, within a larger block. This will then allow seven lots easily saleable. This is contrary to Steve Birkbeck's comments at the February Ordinary Council Meeting, where he commented - he and his family live adjacent to the project and intend to stay. But if they truly intend to stay and not sell, - then the family trusts, that the family already have in place, are sufficient to give group ownership without dividing the block unnecessarily. There is an ulterior motive here - to purposefully utilise strata division to allow saleability of each individual entity within the overall project at a later date.

#### NOISE

The Noise Report (HSA- Noise\*) is also lacking in acknowledging the very substantial increase of potential people and their extra noise, 250 people is more than a two and a half times increase. The proposed increase of capacity from 70 people to 250 people on a day to day basis, is significant, and a subsequent increase in the amount of noise they produce, which is also more than two and a half times - on the approval already given. Such a fundamental increase of more than two and a half times extra noise is a substantial oversight. No mention is made of the rowdy nature of intoxicated people either. We are concerned that outdoor patrons consuming alcohol, with an approximate blood alcohol level of 0.03% (still below the driving limit), will have alcohol hearing impairment, and will thereby speak increasingly louder (Source ABC Science April 26, 2016). The combination of the two creating noise that cannot be dismissed. But the Noise Report (HSA- Noise\*) has ignored both noise producing sources and is silent on amelioration. No mention has been made of either issue, which is either a major oversight or intentional misrepresentation of the data.

The (HSA- Noise\*) is also lacking in its credibility. The modelling of the noise levels of a function were assessed, but they ignore the impacts of: the amphitheatre shaped - valley topography, which is highly reflective; the dam's 7 hectare surface area of water, which is highly reflective and refractive; the buildings materials (stone

Concerns with the Environmental Noise Impact Assessment are noted, see 'comments' section and officer recommendation of the officer report.

People entering and leaving the site will need to be taken into account in any Noise Management Plan.

and glass); and the hard surface landscaping, both also highly reflective. It also ignores the diffraction around the buildings within the design, see both maps in Appendix C. On page 9, it assesses the development by taking into account the developments design, weather conditions, sound power levels, through two scenarios which assessed the developments noise emissions, but with restricted parameters. But as can be seen, they were very simple modelling scenarios using the computer program – SoundPlan.

1. They assessed conversational level music near the function centre away from the waters edge. The music for the function was located away from the waters edge on the rock area adjacent to the function centre. So the reflectance and refractivity of the water were reduced in this modelling.
2. A wedding ceremony was on the edge of the dam, but it must be remembered a wedding ceremony is quiet. The music for the ceremony was also located away from the waters edge on the rock area adjacent to the function centre. So again the reflectance and refractivity of the water were reduced in this modelling.

No significant noise testing was done close to the waters edge. The (HSA\*- Noise) does not assess loud music, a live band, or a boisterous birthday party, at the dams edge. What about the many and varied types of events? Some events could be very loud. They only assessed the sound levels at a conversational level music, which is situated near the function centre, and the function is a wedding – not considered a noisy function by any standards. The music was assessed from one place only. We cannot imagine this whole complex with its separated outdoor areas will have only one music source for the whole area – so it is ridiculous to think that there will not be music at the dams edge, which will consequentially be louder off the water, just by placement, as this noise is reflected and refracted off the dam's surface. As can be seen the Noise Assessment (HSA\* - Noise) leaves many aspects of the assessment process under-evaluated, and so will lead to higher levels of noise emission than reported in the (HSA\* - Noise).

The (HSA\* - Noise) assessment of the noise levels at the function, only assessed the development as having conversational level music, and placed away from the dam and near the function centre. If this is all that has been assessed then will the Shire of Denmark only grant similarly restricted use, and place restrictions on the development to only use the noise levels and placements it has been assessed for. It is also stated p10 (HSA\* - Noise) that generally the functions would be held inside. This seems highly improbable as the landscaping is a major feature of the development, and the inside of the building although interesting is not stunning. Why would the inside be the major choice to hold a function? Why did the proprietors invest so much money into the landscaping if it will not be utilised?

The noise buffer comparisons in (HSA\* - Noise), are with establishments which are situated close to residential areas and therefore impacts on wildlife are minimal.

Noted.

Raintree by comparison has the Railway Heritage Trail Reserve running along side and opposite it's front gate, and some of the other blocks back onto the William Bay National Park, yet there is no statement about wildlife impacts.

We suggest the almost ridiculous and extremely unlikely placement of Unit A, so close to the road and effected substantially by road noise, is most likely to be a strategic move to have a way to compromise. By removing it they show their flexibility and ability to compromise, which puts them in good stead, and encourages leniency.

#### TRAFFIC

Traffic noise was also assessed in the (HSA\* - Noise) page 8. The future traffic volumes calculations in the report do not evaluate the increased traffic noise impact from the development itself, and so the calculations are left not actually showing the true effects of the extra noise. The more than two and a half times increase of the constant flow of traffic needs to be accounted for.

We acknowledge the traffic report (RC- Traffic\*) states there will be no material impact to the roads themselves nor to road safety (based on Queensland data on sealed roads). But even if we accept this as transferable research to - Western Australia's sealed and unsealed roads (when road construction is not universal), there is still the social and noise impact on surrounding and nearby residences which will be substantial. But we do question the research.

The current traffic flow on South Coast Highway is 2325 trips per week (taken from (RC- Traffic\*)), and if the daily traffic flow stated in the (RC- Traffic\*) is used - at 316 vehicles per day, then across a week of 5 days, the result is 1580 vehicles per week. This equates to a 67.9% increase in traffic flow. As a percentage of traffic increase was not given in the (RC- Traffic\*) we assume that this amount of impact is either considered inconsequential or obviously too large to report, because it will be obvious 67.9% is not acceptable.

The submitter has prepared some calculations that state that the increase in traffic will actually result in one car every two minutes using the Wentworth Road - South Coast Highway intersection. There have been several accidents in this area and on Wentworth Rd intersection. With double the traffic flow, will there be double the accidents?

The (RC- Traffic\*) states that there is a 2% capacity increase of the South Coast Highway, that is not equivalent 2% usage as seen in the equations above. This is the capacity of the Highway not Wentworth Rd, which is where the focus really should be. There is actually a 67.9% increase at both the intersection of Wentworth Road and South Coast Highway, and on Wentworth Rd itself. As can be seen this is a substantial increase in traffic noise and potentially hazardous situations, this is

See 'comments' section of the officer report. Officer recommendation is to seal Wentworth Road, entirely at the applicant's cost prior to occupation.

far from what was reported but was calculated using the figures provided. The information provided leads to a strong case against an increase to 250 people.

Are the co-contributions for the roads from Raintree to the Shire of Denmark to be for the sealing of Wentworth Rd or are they in addition to Raintree's obligation to contribute to road sealing? Also converting Wentworth Road to bitumen will increase the noise level of traffic travelling along Wentworth Road.

#### LIGHTING

Lighting is still of concern, even more so as the proposal increases in size. The outdoor areas of the tavern proposal was 2,380sqm now with an extra 650sqm outdoor area added to the proposal, it is almost a third bigger, with even more light pollution and the lighting continues to increase. It is imperative that lighting controls are put in place to restrain the developments over-reach. As shown below the Australian Standards for outdoor lighting suggests extra restraints are applied to large developments. Another point to remember, the Australian Standards are designed for urban areas and need further tempering in rural settings. Craig Pursey's letter (\*\*\*) referenced above – Details the considerations that were taken into account – Dot Point 6 -

6. A condition has been applied to require the installation of outdoor lighting to be compliant with the Australian Standard ASA 282-1997: Control of the Obtrusive Effects of Outdoor Lighting.

The Australian Standard ASA 282-1997: Control of the Obtrusive Effects of Outdoor Lighting (AS282 \*) - PREFACE – states - para 3, 4& 5

*Local government plays an important role in controlling the obtrusive effects of outdoor lighting through the development approvals process, and in resolving neighbourhood disputes involving residents who experience discomfort or annoyance from nearby outdoor lighting installations. Some local government authorities have applied restrictions on the frequency of use and hours of operation of outdoor lighting, and on the levels of light spilled beyond the boundaries of the subject site.*

*The objective of this Standard is to provide a common basis for assessment of the likely effects of developments that involve the provision of outdoor lighting. However, it should be noted that the potentially obtrusive effects of the lighting will normally be only one of a number of environmental considerations that will need to be addressed. Compliance with this Standard, i.e. with the recommended limits for the various light technical parameters, will therefore not usually be the sole basis for the approval of particular development proposals.*

*Where any doubt exists on the potential effects of a specific proposal, appropriate persons with competence in the fields of illuminating*

A *Light spill management plan* to the satisfaction of the Shire of Denmark. Is recommended as a condition of approval.



*engineering and environmental design should be consulted. This applies particularly to installations that are large in extent or that are otherwise of a nature which may require a formal development impact statement.*

As can be seen above, this (AS282 \*) is to provide a common basis for assessment, it must also be noted that this Standard is not aimed at rural settings, so further regulation is required in this regard. It encourages local governments specifically in this case, the Shire of Denmark, to apply restrictions on the frequency of use, hours of operation of outdoor lighting, and also on the levels of light spillage beyond the boundaries of the site. The potentially obtrusive effects of the lighting will normally be only one of a number of environmental considerations that the council needs to address. Compliance with this (AS282 \*) and gaining professional recommendations for adjustments are the responsibility of the Denmark Shire, to ensure this proposed development is fit for approval. If any doubt exists on the potential effects of this specific proposal, then appropriate persons with competence in the fields of illuminating engineering and environmental design should be consulted. This (AS282 \*) states this is particularly necessary for installations that are large in extent, such as 'The Dam' proposal, or that are otherwise of a nature which may require a formal development impact statement, such as 'The Dam' proposal.

Requiring the proprietors of 'The Dam' proposal to choose who carries out these assessments, allows them to choose assessors who are biased in their favour, and the impartiality of the professional assessments may be compromised. The Shire of Denmark needs to provide a list of appropriate assessors, as in best practice, and then require the assessment to be conducted by a preferred assessor. This is the best option.

#### OUR REQUESTS

Noise pollution and light pollution are our major concerns we would like addressed. We request our concerns and direct requests are granted in regard to noise and light pollution. Our requests outlined below are to be further informed by the information in the above sections of this submission.

We reject the proposal to increase the patron numbers from 70 to 250 people on a daily basis. If the numbers are to substantially increase then it is imperative that all the neighbours are shielded from the negative effects of this ever increasing and furtive project. We request you consider our lifestyles and our rural settings, both are firmly in your hands. We request for our lives to be safe from both noise and light intrusion, but ultimately our lives and our lifestyles are in your hands. Please remember all the neighbours when making your decision.

Our requests include:

The officer report recommends approval subject to sealing Wentworth Road and providing separate noise and light spill management plans to the satisfaction of the Shire of Denmark.

The noise and light spill management plans would be referred to the appropriate government agencies for assistance in their assessment.

1. We request the Shire of Denmark does not increase the number of people from 70 to 250 people but requires further investigation and justification to establish the need for more than a two and a half times increase.
2. We request the Shire of Denmark restrict the outdoor usage at the proposed development to only what has been assessed in the (HSA\* - Noise), as no effective evaluation has been undertaken on other event modes.
3. We request further research is undertaken on lighting installation - as per the Australian Standards (AS282\*) and restrictions imposed as per (AS282\*), to restrictions on the frequency of use and hours of operation of outdoor lighting, and on the levels of light spilled beyond the boundaries of the subject site, prior to any decision.
4. We request further research be undertaken on noise impacts from the development, by a suitable researchers, to model other likely noise generating scenarios, particularly loud near the dams surface, and to include – topography, reflectance, refraction and diffraction of the dam, buildings and landscape. This will give to get a true reflection of the noise emissions throughout the development and surrounding areas, prior to a decision.
5. We request current, Western Australian data is used to evaluate the traffic situation on Wentworth Road and the intersection at South Coast Highway and Wentworth Road to obtain relevant information prior to any decision.
6. We request that the Shire of Denmark continues to govern the proposed development, as outlined in the (Letter A\*) for all events including all relevant issues to be addressed. If an increase is allowed – to the daily numbers, however minor that these requirements are addressed to a high degree prior to approval.
7. We request a wildlife impact statement is required from this proposal, to mitigate unnecessary harm.
8. We request that all requests from this proposal for non-conforming claims to noise emittance, are rejected.
9. We request acoustic softening of the reflective surfaces of the hard landscaped areas and the building, be undertaken with vegetation.
10. We request earth mounding on the rise between the proposed site and Block [REDACTED] Wentworth Rd, to offer some reduction for the lack of acoustic shadow, which will increase the noise audibility to the south-east. This is due to the increase in north-westerly winds and an increase in wind speed caused by climate change. The significant increase in frequency and strength of the north-westerly winds will push the noise pollution to the south-east, in the direction of our farm and residence. We humbly request this earth berming (earth mounding) be undertaken or another

No clearing is proposed which would normally trigger the need for flora and fauna assessment and reporting. In this case the Shire has no trigger to require a separate 'Wildlife Impact Statement'.

Measures to reduce the noise and timing of the noise will come forward with a Noise Management Plan.

strategy be planned for and implemented, to mitigate this noise pollution travelling in a south-easterly direction.

11. We request acoustic screening such as earth berms (earth mounding) or acoustic walls are constructed to help reduce noise pollution, to the east, and to offer extra protection for the close residences situated in an easterly direction.

12. We request limitations to the events calendar, so that no music concerts are approved to operate after 8pm.

13. We request a restriction to any music recorded, acoustic or amplified, being played in any outdoor areas after 8pm. The proposed patrons will enjoy the quiet sounds of nature and the joys of the natural environment.

14. We request a restriction to a sensible decibel level, remembering that the regulations are set for taverns in urban settings, and as such the decibel levels are prescribed for areas with numerous buildings which deflect the noise up and away and stop it travelling out further, and also absorb some sound. The open rural environment and the small forested areas between the proposal and dwellings most affected, to the north(1), north-east(1), east(3) and south-east(4) will offer little protection. The forest between the proposal and these houses is minimal and is unlikely to give more than 25% reduction. So it is imperative that restrictions be put in place to maintain the decibels under a sensible level to maintain a rural lifestyle for these residents and the accommodation nearby.

15. We request a restriction to the alfresco serving times to 8pm this will mean clean up should be finished by approx 9.30pm possibly later, and the outdoor noise kept to a minimum. It needs to be remembered the outdoor areas cover a 3,030 sqm area, which is a huge area to clean up, and that it will take a considerable amount of time every night.

16. We request all external music is turned off at 8pm, or prior to when the predicted numbers are low. This music needs to be able to be isolated and turned off individually in the various areas as the proposed patrons leave, move inside, or expected occupancy is low and no proposed patrons are in the various outdoor areas, or they leave or move inside.

17. We request a high quality lighting consultant be engaged to create a comprehensive and thorough scheme, which incorporates a versatile "Central Management System" to allow lighting operators to adjust times of operation remotely as required, and to turn off unnecessary lighting.

18. We request that a good quality external lighting scheme is incorporated that demonstrates a commitment to the minimum use of lights, and that lighting is only used as needed for security and working purposes only. Night time light pollution is exacerbated by poor lighting design, installation and maintenance.

- It must ensure environmental efficiency.
- It must be economical and reduces emissions.
- It must not provide illumination outside the area of benefit.

- It must minimise pollution from glare and horizontal glare.
  - It must not emit light necessarily in unwanted directions.
  - It must not create spillage.
  - It must not create sky glow.
  - It must not cause obstruction.
  - It must not create over lit areas,
  - It must not be intrusive, to humans, wildlife and farm animals.
  - It must ensure the natural forested areas, and rural landscape qualities are not affected.
  - It must prevent detrimental impacts on surrounding areas.
  - It must be mindful of the ecological effects in rural areas.
  - It must maintain unlit natural areas of forest with lots of shadows for wildlife protection.
19. We request that reduced lighting intensity is used to keep carbon emissions to a minimum and to localise ecological effects of light pollution, to reduce light trespass, and to reduce sky glow.
20. We request no upward lighting as this causes sky glow and is worse when there is cloud especially low lying cloud.
21. We request no horizontally directed lighting or horizontal overflow lighting. Horizontal lighting is the worst lighting in rural areas as it is viewable over vast distances and causes more sky glow than upward lighting.
22. We request only downward lighting and directional lighting be used in conjunction with screening, shielding and capping.
23. We request appropriate shielding, screening and capping be used on all lighting and that lighting be directed onto and into specific areas where the light is needed.
24. We request shielding of light into unwanted areas is achieved through construction of walls and other structures, and planting of vegetation is used to shield sensitive areas against light.
25. We request the establishment of semi natural barriers to exclude artificial light.
26. We request appropriate spatial patterning and spacing of lights be used, which is adjusted to reduce over lighting, reduce glare and over lit areas.
27. We request lighting is turned off when no proposed patrons are in the various outdoor areas, and this lighting can be isolated and turned off individually as the proposed patrons leave, move inside or expected occupancy is low.
28. We request car park lighting, road lighting and entryway lighting are turned off and reduced when the proposed patrons leave. It is essential individual lights are able to be isolated and turned on and off as needed.



		<p>29. We request night time flood lighting be eliminated, and stringent conditions and restrictions apply if regulations require floodlighting, including control of light intensity and control of hours of use.</p> <p>30. We request LED lighting with amber filters, with no upward or horizontal emittance, and appropriate capping, shielding and screening be used throughout the exterior areas, e.g. parking; driveway; etc. The Purkinje Effect proves golden yellow light is the easiest colour for human eyes to see in, and especially amber light is considered good for animal conservation and reduced light trespass. It is also best for reduced sky glow, especially if it is not allowed to emit skyward or horizontally. We acknowledge the LED lighting industry and research is advancing quickly and as such a best practice solution should be found.</p> <p>We reject the proposal to increase the patron numbers from 70 to 250 people on a daily basis. If the numbers are to substantially increase then it is imperative that all the neighbours are shielded from the negative effects of this ever increasing and furtive project. We request you consider our lifestyles and our rural settings, both are firmly in your hands. We request for our lives to be safe from both noise and light intrusion, but ultimately our lives and our lifestyles are in your hands. Please remember all the neighbours when making your decision.</p>	
G1	Main Roads WA	<p>Main Roads has the following comments / requirements relating to the above matter:</p> <ol style="list-style-type: none"> <li>1. No intersection upgrades are required at this time to the intersection of Wentworth Road and South Coast Highway. Projected traffic volumes do not meet the warrants for upgrading at this level of development.</li> <li>2. If increased patron numbers are applied for again, Main Roads will reassess intersection layout and consider the need for a left turn pocket for west bound traffic at the proponents expense.</li> <li>3. Despite not meeting the warrants for intersection upgrades at this time, the number of vehicles turning right from South Coast Hwy into Wentworth Rd will have to be monitored, any stacking of vehicles in the east bound lane will exacerbate the risk of rear end collisions. This may require a right turn passing bulge to be installed at the proponents cost.</li> <li>4. Performance of the intersection during events at the venue will be monitored. If there are any safety issues as a result of the short term increase in traffic volumes at the intersection, Main Roads reserves the right to require a temporary traffic management plan being put in place for each event at the proponents cost.</li> </ol> <p>In relation to Applicants Development Amendment document, Recommendations to Improve Safety:</p>	It is noted that no upgrades are required at this point in time to respond to the current application.

		<ol style="list-style-type: none"><li>1. A permanent reduction of the speed limit past the intersection will not be supported by Main Roads, safety concerns are to be addressed by engineering solutions.</li><li>2. The intersection of Wentworth Rd and SCH has the standard intersection centreline treatment in place, with double barrier lines past the intersection.</li></ol>	
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**RAINTREE FARM**

**LOT 305 SOUTH COAST HIGHWAY  
OCEAN BEACH**

**PROPOSED RESTAURANT / FUNCTION CENTRE  
AND ACCOMMODATION**

**SPP5.4 NOISE MANAGEMENT PLAN  
AND  
ENVIRONMENTAL NOISE IMPACT ASSESSMENT**

**MAY 2021**

**OUR REFERENCE: 27678-3-21127**

**17 August 2021 - Attachment 9.1.2d**

DOCUMENT CONTROL PAGE

**ACOUSTIC ASSESSMENT**  
**OCEAN BEACH**

Job No: 21127

Document Reference: 27678-3-21127

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## **EXECUTIVE SUMMARY**

Herring Storer Acoustics have been commissioned by Williams Consulting, on behalf of Steve Birkbeck, to carry out an acoustical assessment of noise emissions associated with the proposed development of a restaurant and function centre at Raintree Farm, Lot 305 South Coast Highway, Ocean Beach.

Additionally, as the proposal contains accommodation, an assessment of noise ingress into the development from traffic on the South Coast Highway has been undertaken with respect to State Planning Policy 5.4 (SPP 5.4).

Noise levels associated with functions at the proposed development have been calculated to comply with the relevant assigned noise levels for all time periods.

The results of the acoustic assessment indicate that noise received at one of the units (Unit A) located adjacent to South Coast Highway would exceed with the "Noise Targets" as outlined in SPP 5.4, therefore further noise amelioration, or considerations would be required.

For the closest proposed unit on the northern side of the development, future noise level could exceed the 55 dB(A) noise Target level by up to 3 dB(A), dependant on the location. Therefore, to ensure internal noise levels are complied with, Quiet House design recommendations are required, with these being discussed further in Section 6.

## 1.0 INTRODUCTION

Herring Storer Acoustics have been commissioned by Williams Consulting, on behalf of Steve Birkbeck, to carry out an acoustical assessment of noise emissions associated with the proposed development of a restaurant and function centre at Raintree Farm, Lot 305 South Coast Highway, Ocean Beach.

Additionally, as the proposal contains accommodation, an assessment of noise ingress into the development from traffic on the South Coast Highway has been undertaken with respect to State Planning Policy 5.4 (SPP 5.4).

The objectives of the study were to:

- Measure existing noise levels at the proposed development from vehicles travelling on South Coast Highway.
- Determine by noise modelling the noise levels that would be received at residences (accommodation) within the development from vehicles travelling on the future South Coast Highway.
- Assess the predicted noise levels received at residence for compliance with the requirements of the WAPC State Planning Policy 5.4 “Road and Rail Noise” (SPP 5.4).
- If exceedances are predicted, comment on possible noise amelioration options for compliance with the appropriate criteria.
- Construct a predictive noise model for noise levels of associated with the proposed restaurant / function centre.
- Assess the predicted noise levels received at the closest noise sensitive premises, for compliance with the *Environmental Protection (Noise) Regulations 1997*.
- If exceedances are predicted, investigate possible noise control options that will reduce noise emissions to achieve compliance with the regulations.

The work was commissioned to accompany the development application.

## 2.0 CRITERIA

### 2.1 NOISE EMISSIONS FROM DEVELOPMENT

The allowable noise level at the surrounding locales is prescribed by the *Environmental Protection (Noise) Regulations 1997*. Regulations 7 & 8 stipulate maximum allowable external noise levels. For residential premises, this is determined by the calculation of an influencing factor, which is then added to the base levels shown below. The influencing factor is calculated for the usage of land within two circles, having radii of 100m and 450m from the premises of concern.

**TABLE 2.1 – ASSIGNED NOISE LEVELS**

Premises Receiving Noise	Time of Day	Assigned Level (dB)		
		L <sub>A 10</sub>	L <sub>A 1</sub>	L <sub>A max</sub>
Noise sensitive premises within 15 metres of a dwelling	0700 - 1900 hours Monday to Saturday	45 + IF	55 + IF	65 + IF
	0900 - 1900 hours Sunday and Public Holidays	40 + IF	50 + IF	65 + IF
	1900 - 2200 hours all days	40 + IF	50 + IF	55 + IF
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and Public Holidays	35 + IF	45 + IF	55 + IF

Note: The L<sub>A10</sub> noise level is the noise that is exceeded for 10% of the time.  
 The L<sub>A1</sub> noise level is the noise that is exceeded for 1% of the time.  
 The L<sub>Amax</sub> noise level is the maximum noise level recorded.

It is a requirement that noise from the site be free of annoying characteristics (tonality, modulation and impulsiveness) at other premises, defined below as per Regulation 9.

**“impulsiveness”** means a variation in the emission of a noise where the difference between  $L_{Apeak}$  and  $L_{Amax\ Slow}$  is more than 15dB when determined for a single representative event;

**“modulation”** means a variation in the emission of noise that –

- (a) is more than 3dB  $L_{A\ Fast}$  or is more than 3dB  $L_{A\ Fast}$  in any one-third octave band;
- (b) is present for more at least 10% of the representative assessment period; and
- (c) is regular, cyclic and audible;

**“tonality”** means the presence in the noise emission of tonal characteristics where the difference between –

- (a) the A-weighted sound pressure level in any one-third octave band; and
- (b) the arithmetic average of the A-weighted sound pressure levels in the 2 adjacent one-third octave bands,

is greater than 3 dB when the sound pressure levels are determined as  $L_{Aeq,T}$  levels where the time period T is greater than 10% of the representative assessment period, or greater than 8 dB at any time when the sound pressure levels are determined as  $L_{A\ Slow}$  levels.

Where the above characteristics are present and cannot be practicably removed, the following adjustments are made to the measured or predicted level at other premises.

**TABLE 2.2 – ADJUSTMENTS FOR ANNOYING CHARACTERISTICS**

Where tonality is present	Where modulation is present	Where impulsiveness is present
+ 5 dB	+ 5 dB	+ 10 dB

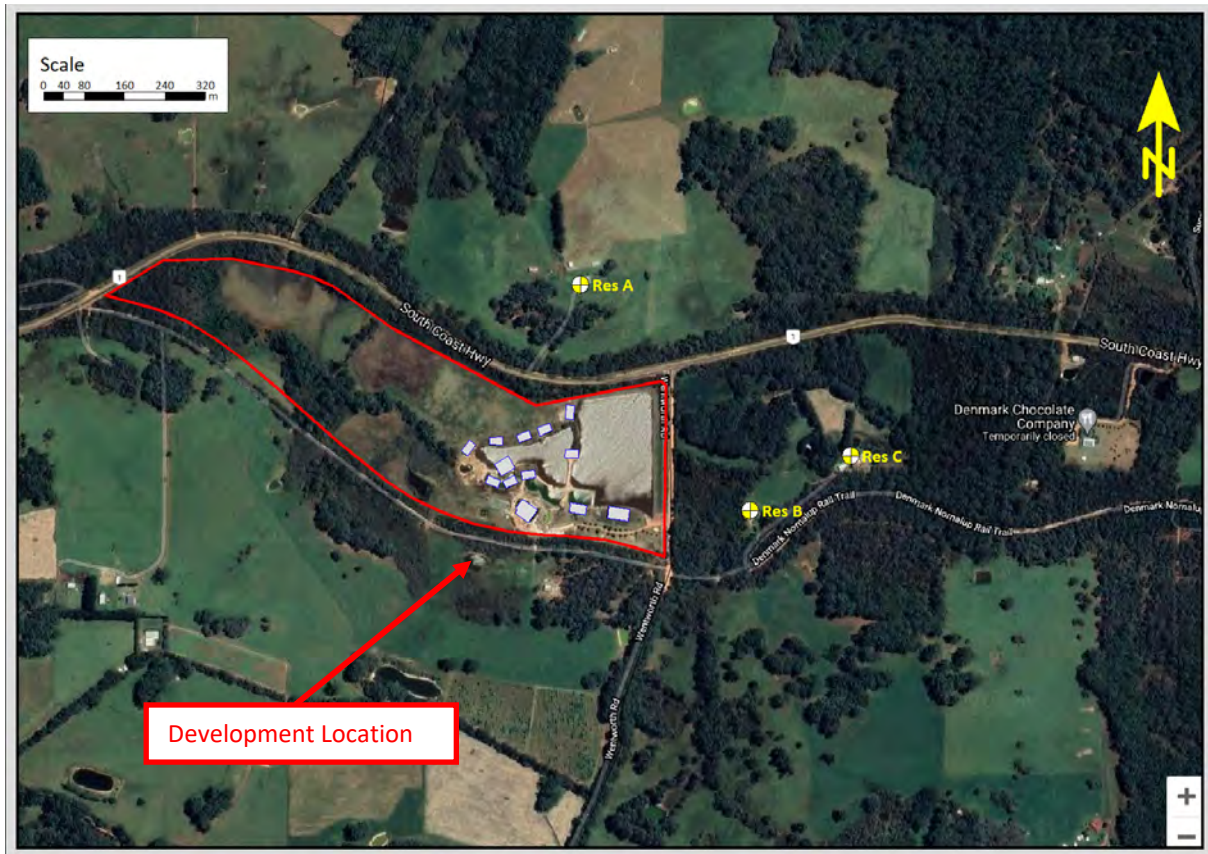
Where the noise emission is music, then any measured level is adjusted according to Table 2.3 below.

**TABLE 2.3 – ADJUSTMENTS TO MEASURED MUSIC NOISE LEVELS**

Where impulsiveness is not present	Where impulsiveness is present
+10 dB(A)	+15 dB(A)

The nearest noise sensitive premises considered in our assessment are as shown in Figure 1 below.





**FIGURE 1 – DEVELOPMENT LOCATION AND SURROUNDS**

The influencing factor at the identified noise sensitive premises has been determined as 0 dB as South Coast Highway is not considered a major road therefore, the assigned noise levels are listed in Tables 2.4.

**TABLE 2.4 - ASSIGNED OUTDOOR NOISE LEVELS : R1**

Premises Receiving Noise	Time of Day	Assigned Level (dB)		
		L <sub>A10</sub>	L <sub>A1</sub>	L <sub>Amax</sub>
Noise sensitive premises within 15 metres of a dwelling	0700 - 1900 hours Monday to Saturday	45	55	65
	0900 - 1900 hours Sunday and Public Holidays	40	50	65
	1900 - 2200 hours all days	40	50	55
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and Public Holidays	35	45	55

Note: L<sub>A10</sub> is the noise level exceeded for 10% of the time.  
 L<sub>A1</sub> is the noise level exceeded for 1% of the time.  
 L<sub>Amax</sub> is the maximum noise level.

## 2.2 NOISE INGRESS INTO DEVELOPMENT

The Western Australian Planning Commission (WAPC) released on 6<sup>th</sup> September 2019 State Planning Policy 5.4 “Road and Rail Noise”. The requirements of State Planning Policy 5.4 are outlined below.

### POLICY APPLICATION (Section 4)

#### When and where it applies (Section 4.1)

SPP 5.4 applies to the preparation and assessment of planning instruments, including region and local planning schemes; planning strategies, structure plans; subdivision and development proposals in Western Australia, where there is proposed:

- a) noise-sensitive land-use within the policy’s trigger distance of a transport corridor as specified in **Table 1**;
- b) New or major upgrades of roads as specified in **Table 1** and maps (**Schedule 1,2 and 3**); or
- c) New railways or major upgrades of railways as specified in maps (**Schedule 1, 2 and 3**); or any other works that increase capacity for rail vehicle storage or movement and will result in an increased level of noise.

#### Policy trigger distances (Section 4.1.2)

**Table 1** identifies the State’s transport corridors and the trigger distances to which the policy applies.

The designation of land within the trigger distances outlined in **Table 1** should not be interpreted to imply that land is affected by noise and/or that areas outside the trigger distances are un-affected by noise.

Where any part of the lot is within the specified trigger distance, an assessment against the policy is required to determine the likely level of transport noise and management/mitigation required. An initial screening assessment (**guidelines: Table 2: noise exposure forecast**) will determine if the lot is affected and to what extent.”

**TABLE 1: TRANSPORT CORRIDOR CLASSIFICATION AND TRIGGER DISTANCES**

<b>Transport corridor classification</b>	<b>Trigger distance</b>	<b>Distance measured from</b>
<b>Roads</b>		
<b>Strategic freight and major traffic routes</b> Roads as defined by Perth and Peel Planning Frameworks and/or roads with either 500 or more Class 7 to 12 Austroads vehicles per day, and/or 50,000 per day traffic volume	300 metres	Road carriageway edge
<b>Other significant freight/traffic routes</b> These are generally any State administered road and/or local government road identified as being a future State administered road (red road) and other roads that meet the criteria of either >=23,000 daily traffic count (averaged equivalent to 25,000 vehicles passenger car units under region schemes)	200 metres	Road carriageway edge
<b>Passenger railways</b>		
	100 metres	Centreline of the closest track
<b>Freight railways</b>		
	200 metres	Centreline of the closest track

Proponents are advised to consult with the decision making authority as site specific conditions (significant differences in ground levels, extreme noise levels) may influence the noise mitigation measures required, that may extend beyond the trigger distance.

POLICY MEASURES (Section 6)

The policy applies a performance-based approach to the management and mitigation of transport noise. The policy measures and resultant noise mitigation will be influenced by the function of the transport corridor and the type and intensity of the land-use proposed. Where there is risk of future land-use conflict in close proximity to strategic freight routes, a precautionary approach should be applied. Planning should also consider other broader planning policies. This is to ensure a balanced approach takes into consideration reasonable and practical considerations.

Noise Targets (Section 6.1)

**Table 2** sets out noise targets that are to be achieved by proposals under which the policy applies. Where exceeded, an assessment is required to determine the likely level of transport noise and management/mitigation required.

In the application of the noise targets the objective is to achieve:

- indoor noise levels as specified in **Table 2** in noise sensitive areas (for example, bedrooms and living rooms of houses, and school classrooms); and
- a reasonable degree of acoustic amenity for outdoor living areas on each residential lot. For non-residential noise-sensitive developments, for example schools and child care centres the design of outdoor areas should take into consideration the noise target.

It is recognised that in some instances, it may not be reasonable and/or practicable to meet the outdoor noise targets. Where transport noise is above the noise targets, measures are expected to be implemented that balance reasonable and practicable considerations with the need to achieve acceptable noise protection outcomes.

**TABLE 2: NOISE TARGETS**

Proposals	New/Upgrade	Noise Targets		
		Outdoor		Indoor
		Day ( $L_{Aeq}(\text{Day})$ dB) (6 am-10 pm)	Night ( $L_{Aeq}(\text{Night})$ dB) (10 pm-6 am)	( $L_{Aeq}$ dB)
Noise-sensitive land-use and/or development	New noise sensitive land use and/or development within the trigger distance of an existing/proposed transport corridor	55	50	$L_{Aeq}$ (Day) 40(Living and work areas)  $L_{Aeq}$ (Night) 35 (bedrooms)
Roads	New	55	50	N/A
	Upgrade	60	55	N/A
Railways	New	55	50	N/A
	Upgrade	60	55	N/A

**Notes:**

- *The noise target is to be measured at one metre from the most exposed, habitable façade of the proposed building, which has the greatest exposure to the noise-source. A habitable room has the same meaning as defined in State Planning Policy 3.1 Residential Design Codes.*
- *For all noise-sensitive land-use and/or development, indoor noise targets for other room usages may be reasonably drawn from Table 1 of Australian Standard/New Zealand Standard AS/NZS 2107:2016 Acoustics – Recommended design sound levels and reverberation times for building interiors (as amended) for each relevant time period.*
- *The 5dB difference in the criteria between new and upgrade infrastructure proposals acknowledges the challenges in achieving noise level reduction where existing infrastructure is surrounded by existing noise-sensitive development.*
- *Outdoor targets are to be met at all outdoor areas as far as is reasonable and practical to do so using the various noise mitigation measures outlined in the guidelines. For example, it is likely unreasonable for a transport infrastructure provider to achieve the outdoor targets at more than 1 or 2 floors of an adjacent development with direct line of sight to the traffic.*

**Noise Exposure Forecast (Section 6.2)**

*When it is determined that SPP 5.4 applies to a planning proposal as outlined in Section 4, proponents and/or decision makers are required to undertake a preliminary assessment using **Table 2**: noise exposure forecast in the guidelines. This will provide an estimate of the potential noise impacts on noise-sensitive land-use and/ or development within the trigger distance of a specified transport corridor. The outcomes of the initial assessment will determine whether:*

- *no further measures is required;*
- *noise-sensitive land-use and/or development is acceptable subject to deemed-to-comply mitigation measures; or*
- *noise-sensitive land-use and/or development is not recommended. Any noise-sensitive land-use and/ or development is subject to mitigation measures outlined in a noise management plan.”*

**3.0 NOISE MONITORING**

Noise monitoring was undertaken as part of the study with the results used to calibrate the noise model.

In summary, the monitoring was undertaken over seven-day period commencing Monday 29<sup>th</sup> March 2021. Monitoring was conducted at corner of Wentworth Road and South Coast Highway. The monitor was placed 20m from the nearest running edge of respective road of interest.

The results of this monitoring are summarised in Table 3.1.

**TABLE 3.1 : SUMMARY OF MEASURED ROAD TRAFFIC NOISE LEVELS (dB(A))**

Date	South Coast Highway Monitor		
	L <sub>A10</sub> (18hour)	L <sub>Aeq,day</sub> (6am to 10pm)	L <sub>Aeq,night</sub> (10pm to 6am)
AVERAGE	58.1	58.1	45.7



Note: Based on the results of the noise monitoring the difference between the  $L_{Aeq}$  (Day) and  $L_{Aeq}$  (Night) is greater than 5 dB(A) (ie; 12.4 dB(A)). Hence, achieving compliance with the day period criteria would also result in compliance with the night period criteria and the day period has been used for the assessment.

For information, the results of the monitoring are shown graphically in Appendix E with Figure 3.1 showing the location map, and Figure 3.2 showing the monitor in situ and the South Coast Highway surface.



FIGURE 3.1 - NOISE MONITOR LOCATION PLAN



FIGURE 3.2 - NOISE MONITOR IN SITU AND ROAD SURFACE

## 4.0 METHODOLOGY

### 4.1 ROAD TRAFFIC

The future road traffic volumes were based on information provided on the MRWA traffic web site for current traffic flows. For the future proposed traffic volumes, an increase of 2.5% per annum was used.

Predictive noise modelling has allowed for 3,600 vpd in the future (2041) which is around a 2.5 % annual increase. This equates to a 2 dB(A) increase in noise levels for the future road traffic volumes which is inline with the requirements of SPP 5.4.

Other information relevant to the calculations are shown below in Table 4.1.

**TABLE 4.1 - NOISE MODELLING INPUT DATA**

Parameter	Current (2016)	Future (2040)
Traffic flows VPD South Coast Highway	2,424	3,600
Heavy Vehicles (%)	14.2%	14.2%
Traffic Speed km/hr	90	90
Road Surface	Chip Seal	Chip Seal
Façade Correction	+2.5	+2.5

Other input data for the model included:

- Traffic data from MRWA ( <https://mrapps.mainroads.wa.gov.au/TrafficMap/> )
- Noise source heights for the three road source strings (Passenger Vehicles, Heavy Vehicles Engine and Heavy Vehicle Exhausts) are +0.5, +1.5 and +3.6m, with a noise correction of -0.8 and -8.0 applied to the heavy vehicles engine and exhaust noise sources.
- Topographical data, with the ground level within the development based on natural ground levels as surveys conducted.
- A +2.5 dB adjustment to allow for façade reflection.
- Development receiver heights at 1.4m above ground level.

To determine the noise that would be received within the development from the surrounding road network, acoustic modelling was carried out using the computer program 'SoundPlan'. The receiver location relates to the proposed accommodation. The receiver locations are shown in Figure 4.1 for information purposes.



**FIGURE 4.1 – RECEIVER LOCATIONS**

The following scenario was modelled:

1. Future traffic volumes, without any noise amelioration.

Based on the above, the noise contours plot for day period for the above modelling scenario is attached in Appendix B.

**4.2 NOISE EMISSIONS**

Noise modelling of the noise propagation from the proposed development was carried out using the environmental noise modelling computer program, "SoundPlan".

Input data for computer modelling included:

- Design of development as per drawings in Appendix A.
- EPA standard weather condition for the day and night periods (see Table 6.1).
- Sound power levels, as summarised in Table 6.2 and noise levels attributable to music at the outside function area.

**TABLE 6.1 - WEATHER CONDITIONS**

Condition	Day Period	Night Period
Temperature	20 °C	15 °C
Relative humidity	50%	50%
Pasquil Stability Class	E	F
Wind speed	4 m/s*	3 m/s*

\* From source to receiver



**TABLE 6.2 – SOUND POWER LEVELS OF DELIVERY VEHICLES**

DESCRIPTION	dB(A)
Patrons	66/m2
Music	93 dB(A)

It is understood that general operations entail restaurant / bar activities during day and night periods. The above noise source for the restaurant includes background music at a level that does not affect the ability for patrons to talk comfortable. The patron noise source has been located outside on the deck of the main building, and around the area to the east which may contain outside dinner etc.

For the function events, i.e., weddings etc, which entail music and crowd noise, the noise sources have been located outside as a worst-case situation, however it is understood that generally the functions would be held inside.

It is noted that the construction of the main building utilises dense masonry materials for the walls and upgrade glazing in the form of 10.5mm glass. This construction would be deemed to control any noise sources located within the building.

For the above sound power levels, calculations were undertaken for the following scenarios :

**Scenario 1 :** Patrons on external areas of function centre (conversation level music).

**Scenario 2 :** Ceremony centred around the outdoor area adjacent lake (music located adjacent function centre on rock area).

## 5.0 RESULTS

### 5.1 ROAD TRAFFIC

Under the WAPC State Planning Policy 5.4, for this development, the appropriate “Noise Targets” to be achieved under SPP 5.4, external to a residence are:

**External**

Day	Maximum of 55 dB(A) $L_{Aeq}$
Night	Maximum of 50 dB(A) $L_{Aeq}$

The policy states that the “outdoor targets are to be met at all outdoor areas as far as reasonable and practical to do so using the various noise mitigation measures outlined in the guidelines”. The Policy also states, under Section 6 – Policy Measures that “a reasonable degree of acoustic amenity for living areas on each residential lot”. The policy recognises that “it may not be practicable to meet the outdoor noise targets”.

The Policy states the following acceptable internal noise levels:

**Internal**

Living and Work Areas	$L_{Aeq(Day)}$ of 40 dB(A)
Bedrooms	$L_{Aeq(Night)}$ of 35 dB(A)

For this development, compliance with the requirements of SPP 5.4, noise modelling and assessment are based on the day period for accommodation units located adjacent to South Coast Highway.

The results of the acoustic assessment indicate that noise received at one of the units (Unit A) located adjacent to South Coast Highway would exceed with the “Noise Targets” as outlined in SPP 5.4, therefore further noise amelioration, or considerations would be required. Figure 6.1 shows the future noise contour plot showing the spread of noise into the development.

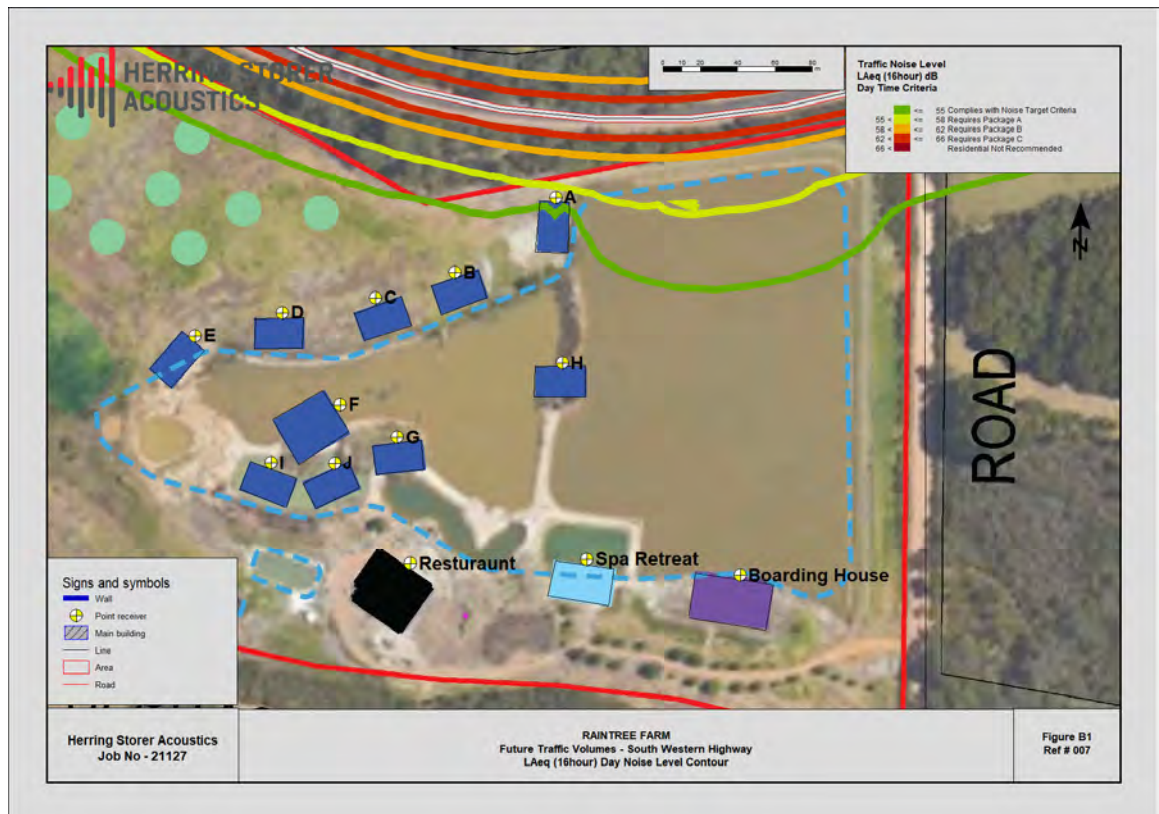


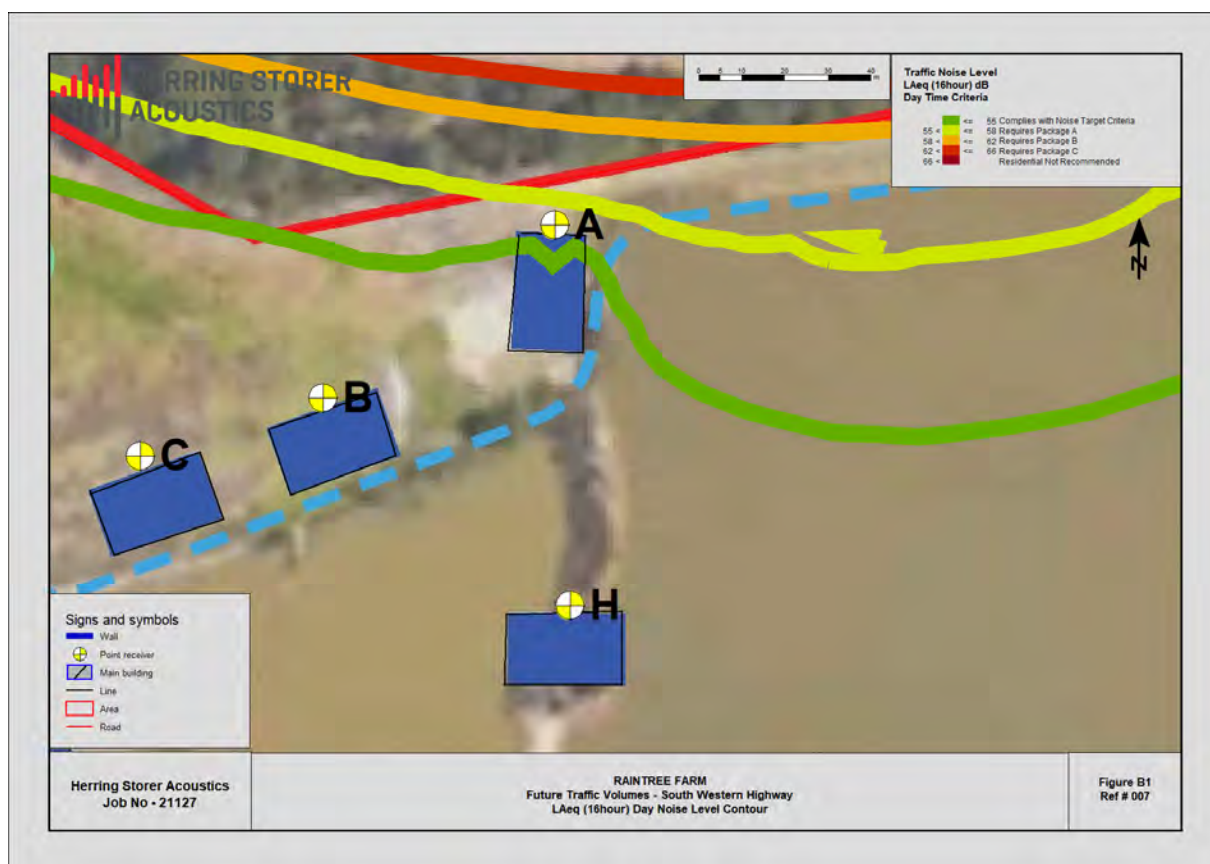
FIGURE 5.1 – FUTURE NOISE LEVELS

Based on the development plan, it is proposed that units are to be constructed for the purpose of accommodation. As per Figure 5.1 above, all units, with the exception of Unit A, which are located on the development are all outside the 55 dB(A) noise Target, hence require no acoustic considerations.

For Unit A on the northern side of the development, future noise level could exceed the 55 dB(A) noise Target level by up to 3 dB(A), dependant on the location. Therefore, to ensure internal noise levels are complied with, quite house design recommendations are required, with these being discussed further in Section 6.

## 6.0 QUIET HOUSE DESIGN REQUIREMENTS

Figure 6.1 details the noise levels received at the units. As can be seen, it is the façade of the units facing South Coast Highway which are the subject of the higher noise levels, with noise levels reducing to below 55 dB(A) at the rear.



**FIGURE 6.1 – FRONT UNIT - FUTURE NOISE LEVELS**

As the design of the units has been made (Plans Attached in Appendix A), the quiet house design requirements can be established, and individually tailored to each unit. Therefore, Table 6.1 contains the detailed design requirements for the unit as shown above.

It is noted that all requirements pertain to only acoustic advice in regards to *State Planning Policy 5.4* and may be superseded by other requirements (BAL, Thermal, etc).

**TABLE 6.1 – QUIET HOUSE DESIGN REQUIREMENTS**

Quiet House Design Requirements	
Item	Unit A
<b>Noise Level</b>	<b>55-58 (Package A)</b>
Walls	$R_w + C_{tr}$ 45 dB
External Doors	Fully glazed hinged door with certified $R_w + C_{tr}$ 28dB rated door and frame including seals and 6mm glass
Windows	Total external door and window system area up to 40% of room floor area: Sliding or double hung with minimum 10 mm single or 6mm-12mm-10mm double insulated glazing ( $R_w + C_{tr}$ 28 dB). Sealed awning or casement windows may use 6 mm glazing instead
Roofs and Ceilings of Highest Floors	$R_w + C_{tr}$ 35 dB
Outdoor Living Area	External noise level at all "Alfresco Areas" $L_{Aeq(Day)}$ are less than 55 dB(A) as a result comply with the requirement of State Planning Policy 5.4.
Mechanical Ventilation	Mechanical ventilation to not compromise the performance of any of the façade elements.
Notification on Title	Required



## 6.1 NOISE EMISSIONS

Noise levels at the identified noise sensitive premise associated with the proposed function centre operations are as listed below in Table 4.1.

**TABLE 6.2 – CALCULATED NOISE LEVELS AT NOISE SENSITIVE PREMISES**

Location	Scenario	
	1 : Restaurant / Bar Activities	2 : Patrons On Function Centre Deck And Music
R1	29	30
R2	28	28
R3	26	25

## 7.0 ASSESSMENT

Noise levels associated with the various scenarios considered have been examined for the potential to contain annoying characteristics in accordance with the *Environmental Protection (Noise) Regulations 1997*.

Reference has been made to the monitored noise levels conducted as a part of the traffic assessment. As noted in Table 3.1 the average night time noise level as a result of the South Coast Highway is around 46 dB(A) at each receiver considered. Given the background noise, is over 10 dB(A) higher than the calculated noise of the Raintree Farm activities, it has been considered that the noise emission would not contain any annoying characteristics as they would be masked by the road noise.

Hence, the following adjusted calculated noise level emissions are applicable for assessment purposes.

**TABLE 7.1 – ADJUSTED CALCULATED NOISE LEVELS AT NOISE SENSITIVE PREMISES**

Location	Scenario	
	1 : Restaurant / Bar Activities	2 : Patrons On Function Centre Deck And Music
R1	29	30
R2	28	28
R3	26	25

Therefore, Tables 7.2 and 7.3 summarises the assessment of the calculated noise levels against the pertinent Assigned Noise Levels.

**TABLE 7.2 – ASSESSMENT – SCENARIO 1**

Location	Assessable Noise Level, dB(A)	Applicable Times of Day	Applicable L <sub>A10</sub> Assigned Level (dB)	Exceedance to Assigned Noise Level (dB)
R1	29	Day	45	Complies
		Sunday / Public Holiday Day Period	40	Complies
		Evening	40	Complies
		Night	35	Complies
R2	28	Day	45	Complies
		Sunday / Public Holiday Day Period	40	Complies
		Evening	40	Complies
		Night	35	Complies
R3	26	Day	45	Complies
		Sunday / Public Holiday Day Period	40	Complies
		Evening	40	Complies
		Night	35	Complies

**TABLE 7.3 – ASSESSMENT – SCENARIO 2**

Location	Assessable Noise Level, dB(A)	Applicable Times of Day	Applicable L <sub>A10</sub> Assigned Level (dB)	Exceedance to Assigned Noise Level (dB)
R1	30	Day	45	Complies
		Sunday / Public Holiday Day Period	40	Complies
		Evening	40	Complies
		Night	35	Complies
R2	28	Day	45	Complies
		Sunday / Public Holiday Day Period	40	Complies
		Evening	40	Complies
		Night	35	Complies
R3	25	Day	45	Complies
		Sunday / Public Holiday Day Period	40	Complies
		Evening	40	Complies
		Night	35	Complies

## 8.0 CONCLUSION

Based on the above assessment, noise level emissions associated with the restaurant and function centre are able to comply with the relevant assigned noise levels stipulated by the *Environmental Protection (Noise) Regulations 1997*.

The results of the acoustic assessment indicate that noise received at one of the units (Unit A) located adjacent to South Coast Highway would exceed with the “Noise Targets” as outlined in SPP 5.4, therefore further noise amelioration, or considerations would be required.

# **APPENDIX A**

## Development Plans





**LEGEND**

[Red outline]	SUBJECT SITE
[Blue outline]	SPA RETREAT
[Black outline]	TOURIST DEVELOPMENT, TAVERN, SHOP, RESTAURANT, WINERY AND DISTILLERY
[Blue double arrow]	ACCESS/EGRESS POINTS
[Red circle]	FIRE REFUGE/MULTI-PURPOSE BUILDING
[Yellow dashed line]	ENTRY TO THE DAM
[Green dashed line]	EXISTING MAN RAIN TREE ACCESS
[Red dashed line]	EMERGENCY FIRE EVACUATION
[Purple dashed line]	PRIMARY SITE ACCESS

**LOCAL DEVELOPMENT PLAN  
LOT 305 WENTWORTH ROAD, OCEAN BEACH**

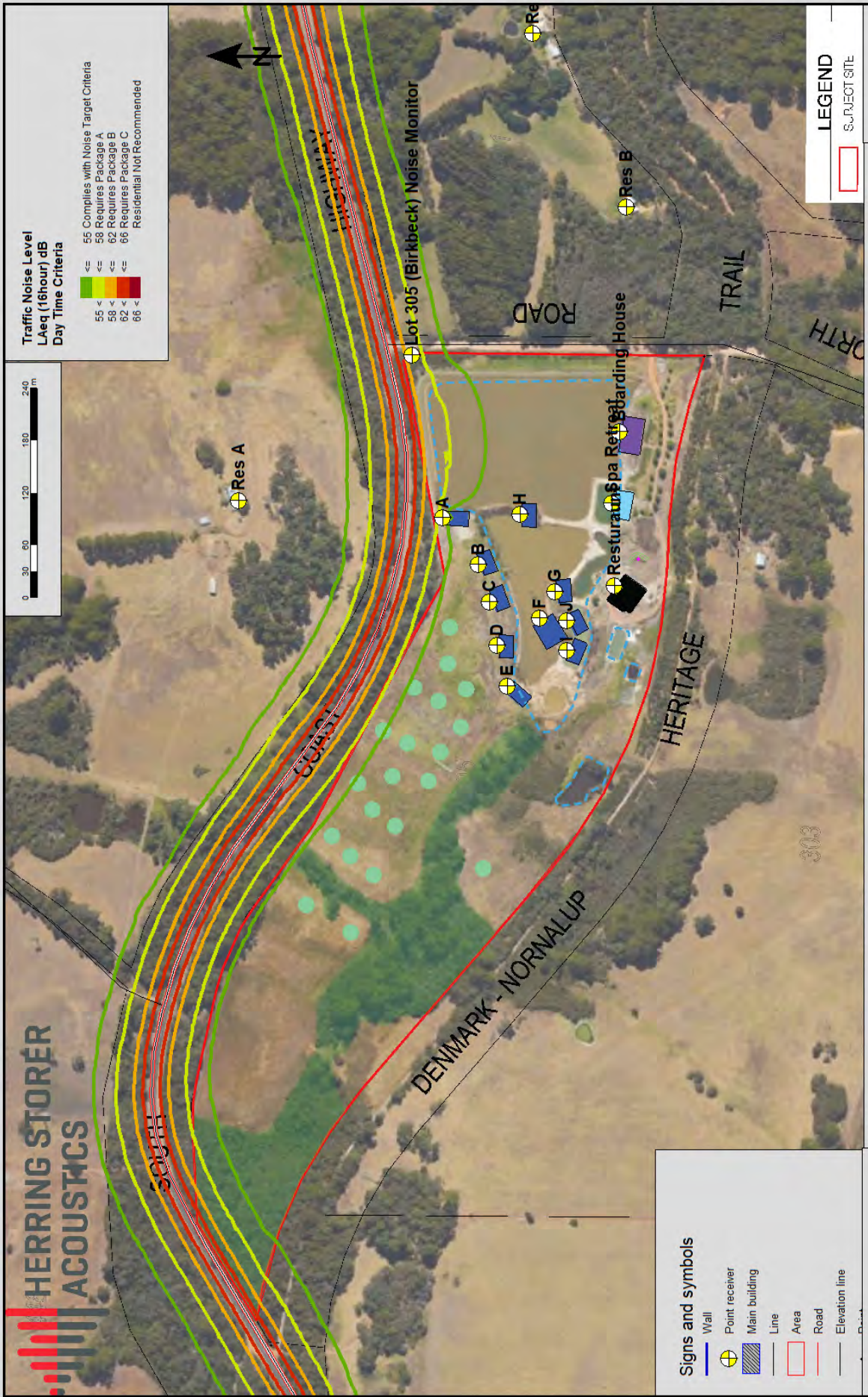
WILLIAMS CONSULTING | TOWN PLANNING & PROJECT MANAGEMENT  
 ph: 0418 116216 | email: samwilliams@westnet.com.au  
 date - 23 April 2021 | ref - 18-007-005C  
 scale - 1:5000@ A3



## **APPENDIX B**

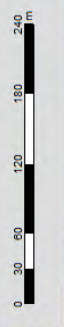
$L_{Aeq(16hr)}$  DAY  
NOISE CONTOURS FOR SOUTH COAST HIGHWAY





**Traffic Noise Level  
LAeq (16hour) dB  
Day Time Criteria**

≤ 55	Complies with Noise Target Criteria
55 <	58 Requires Package A
58 <	62 Requires Package B
62 <	66 Requires Package C
66 <	Residential Not Recommended



**Signs and symbols**

- Wall
- Point receiver
- Main building
- Line
- Area
- Road
- Elevation line

**LEGEND**

- SUBJECT SITE



# **APPENDIX C**

## **NOISE EMISSION CONTOUR PLOTS**

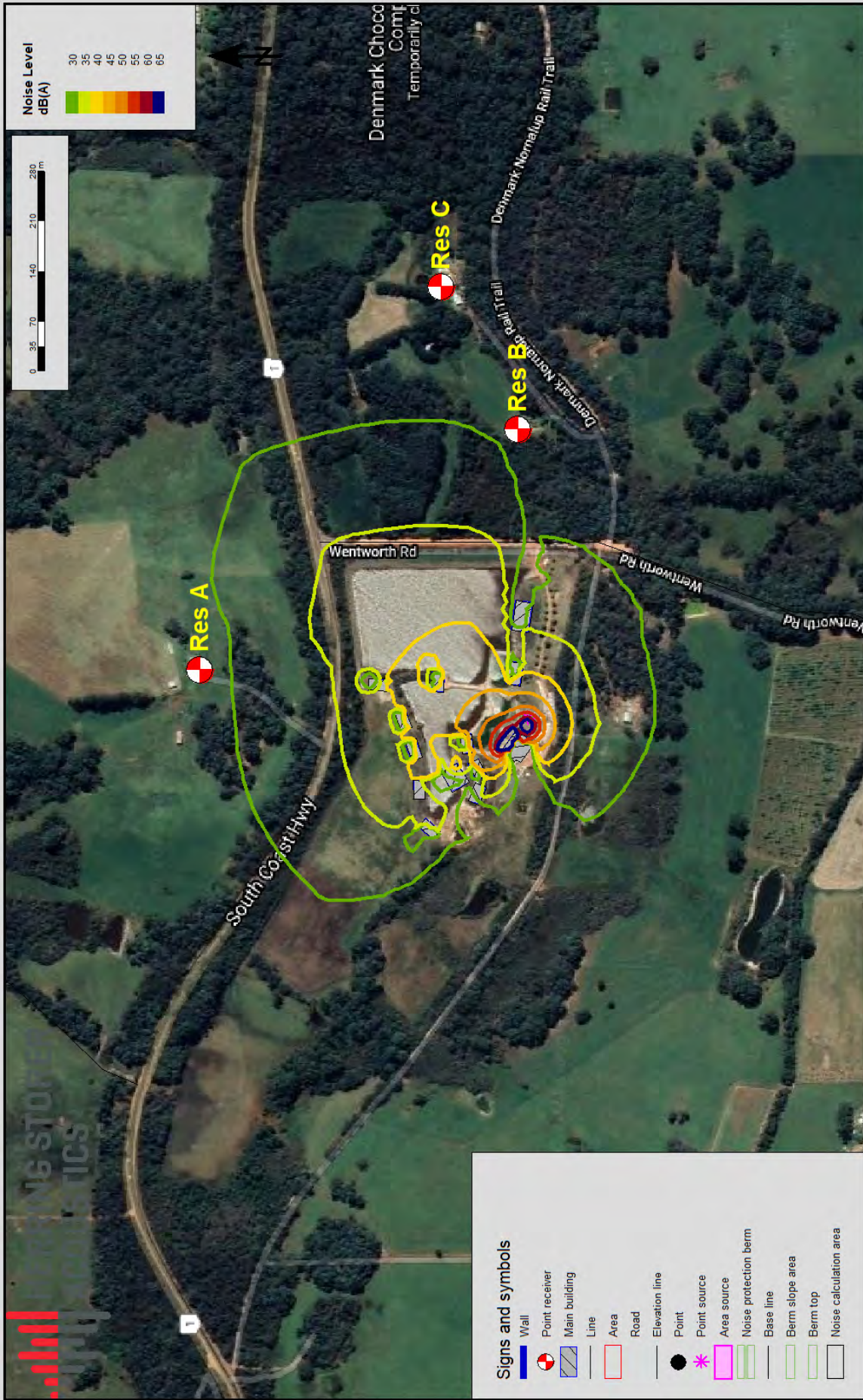


Figure C1  
Ref # 006

RAINTREE FARM  
RESTAURANT OPERATIONS  
Night Noise Level Contour

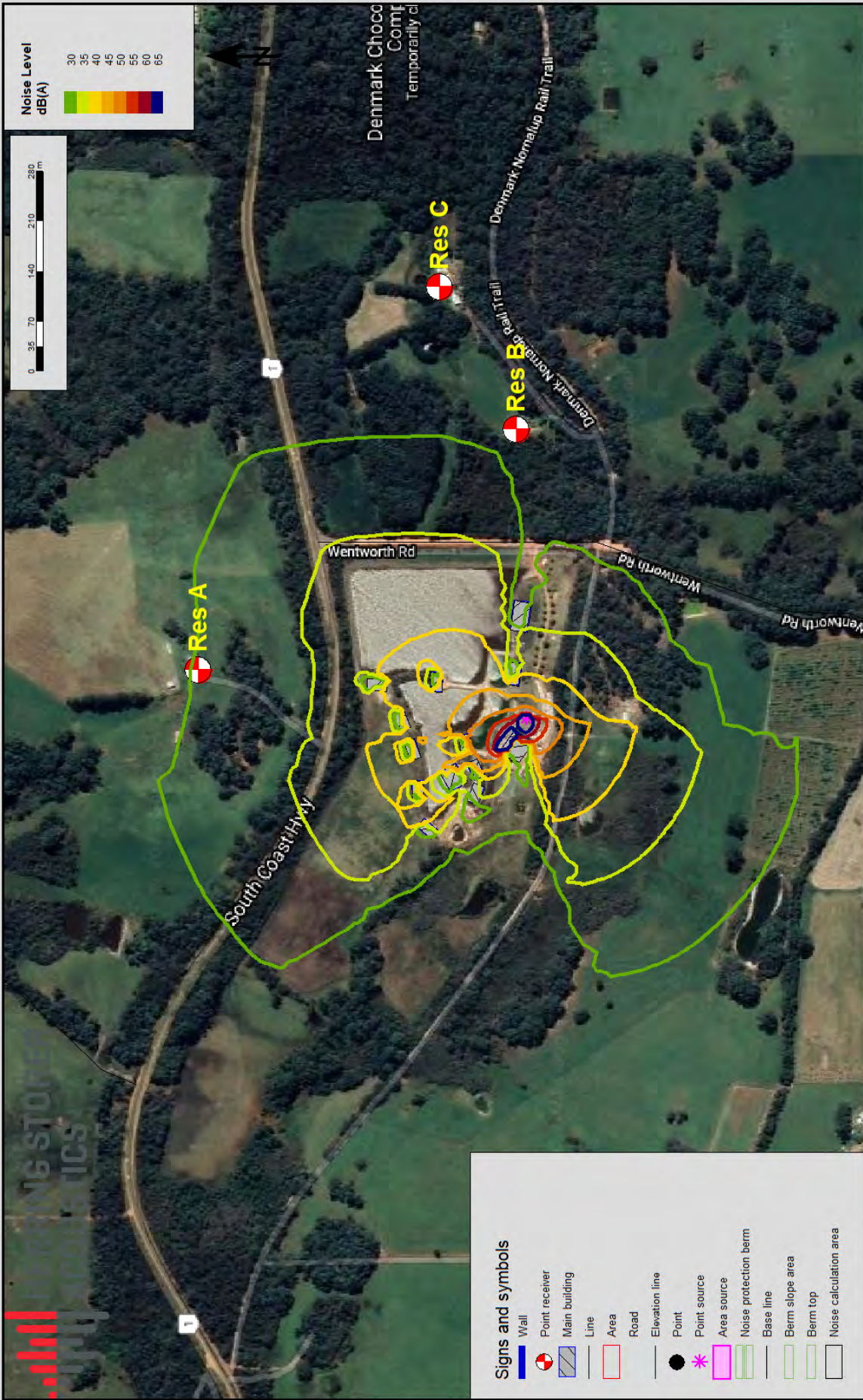


**Signs and symbols**

- Wall
- Point receiver
- Main building
- Line
- Area
- Road
- Elevation line
- Point
- Point source
- Area source
- Noise protection berm
- Base line
- Berm slope area
- Berm top
- Noise calculation area

Herring Storer Acoustics  
Job No - 21127





**Signs and symbols**

- Wall
- Point receiver
- Main building
- Line
- Area
- Road
- Elevation line
- Point
- Point source
- Area source
- Noise protection berm
- Base line
- Berm slope area
- Berm top
- Noise calculation area

**Herring Storer Acoustics**  
Job No - 21127

**RAINTREE FARM**  
**RESTAURANT AND OUTDOOR FUNCTION OPERATIONS**  
Night Noise Level Contour

Figure C2  
Ref # 004



## **APPENDIX D**

TRAFFIC FLOW VOLUMES – SOUTH COAST HIGHWAY



# Hourly Volume

South Coast Hwy (H009)

2020/21  
Monday to Friday

East of William Bay Rd (SLK 449.84)

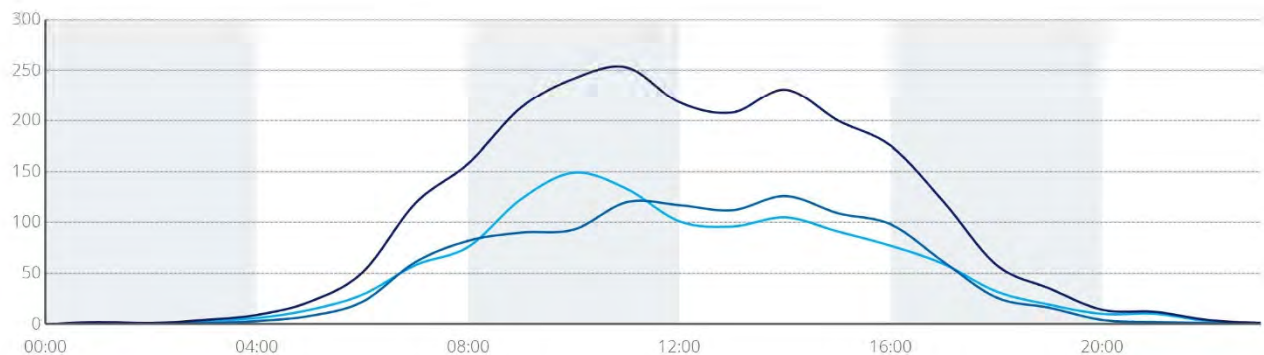
	All Vehicles			Heavy Vehicles			
	EB	WB	Both	EB	WB	Both	%
00:00	0	0	0	0	0	0	0.0
01:00	1	1	2	0	0	0	0.0
02:00	0	1	1	0	0	0	0.0
03:00	3	1	4	1	0	1	25.0
04:00	6	3	9	2	1	3	33.3
05:00	14	8	22	3	1	4	18.2
06:00	29	22	51	6	5	11	21.6
07:00	58	61	119	13	11	24	20.2
08:00	76	82	158	11	14	25	15.8
09:00	123	90	213	19	17	36	16.9
10:00	149	93	242	23	18	41	16.9
11:00	133	120	253	21	17	38	15.0
12:00	101	117	218	16	21	37	17.0
13:00	96	112	208	16	17	33	15.9
14:00	105	126	231	16	21	37	16.0
15:00	91	109	200	12	24	36	18.0
16:00	77	98	175	9	12	21	12.0
17:00	59	61	120	5	7	12	10.0
18:00	32	26	58	2	4	6	10.3
19:00	19	16	35	1	1	2	5.7
20:00	10	4	14	0	1	1	7.1
21:00	10	2	12	1	0	1	8.3
22:00	3	1	4	0	0	0	0.0
23:00	1	0	1	0	0	0	0.0
<b>TOTAL</b>	<b>1196</b>	<b>1154</b>	<b>2350</b>	<b>177</b>	<b>192</b>	<b>369</b>	<b>15.7</b>



## Peak Statistics

AM	TIME	09:45	11:30	11:00	10:00	11:30	10:00
	VOL	155	126	253	23	20	41
PM	TIME	13:45	14:00	14:15	13:45	15:00	12:15
	VOL	108	126	231	18	24	38

Volume



— Eastbound — Westbound — Both Directions

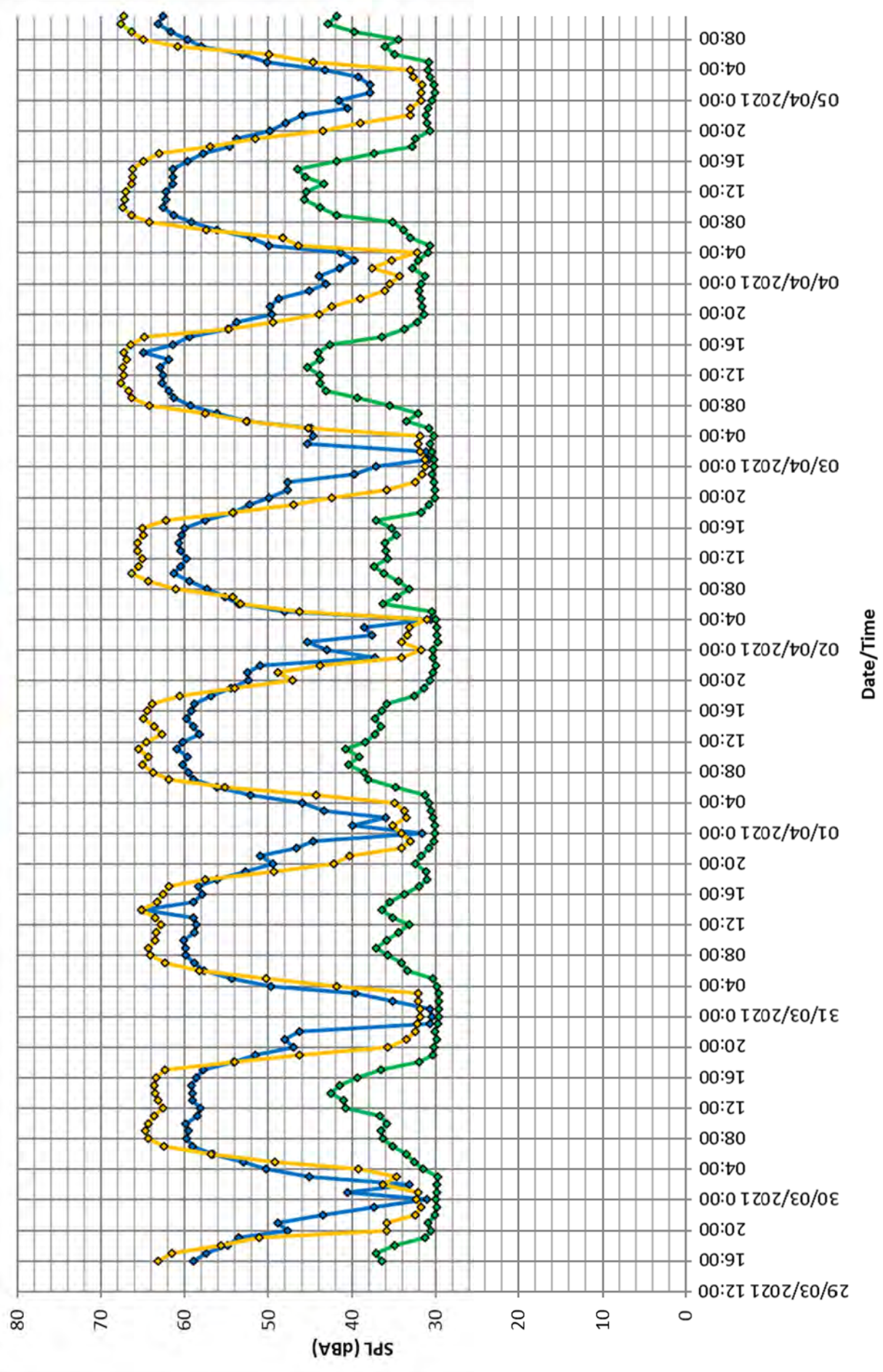
# **APPENDIX E**

## **MONITORING DATA**



# Noise Logging - Lot 305 South Coast Highway, Ocean Beach

LAeq LA10 LA90



Lot 305 SOUTH COAST HIGHWAY, DENMARK  
PROPOSED RESTAURANT / TAVERN FACILITY  
TRAFFIC STATEMENT

June 2021



Riley Consulting (WA) Pty Ltd

PO BOX Z5578

Perth WA 6831

0413 607 779 Mobile

Issued on	216 June 2021	Amendments
Version	V4	V2 Update for future development
Reference	1078	V3 Edits requested by planner
		V4 Additional planner edits

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## 1. EXECUTIVE SUMMARY

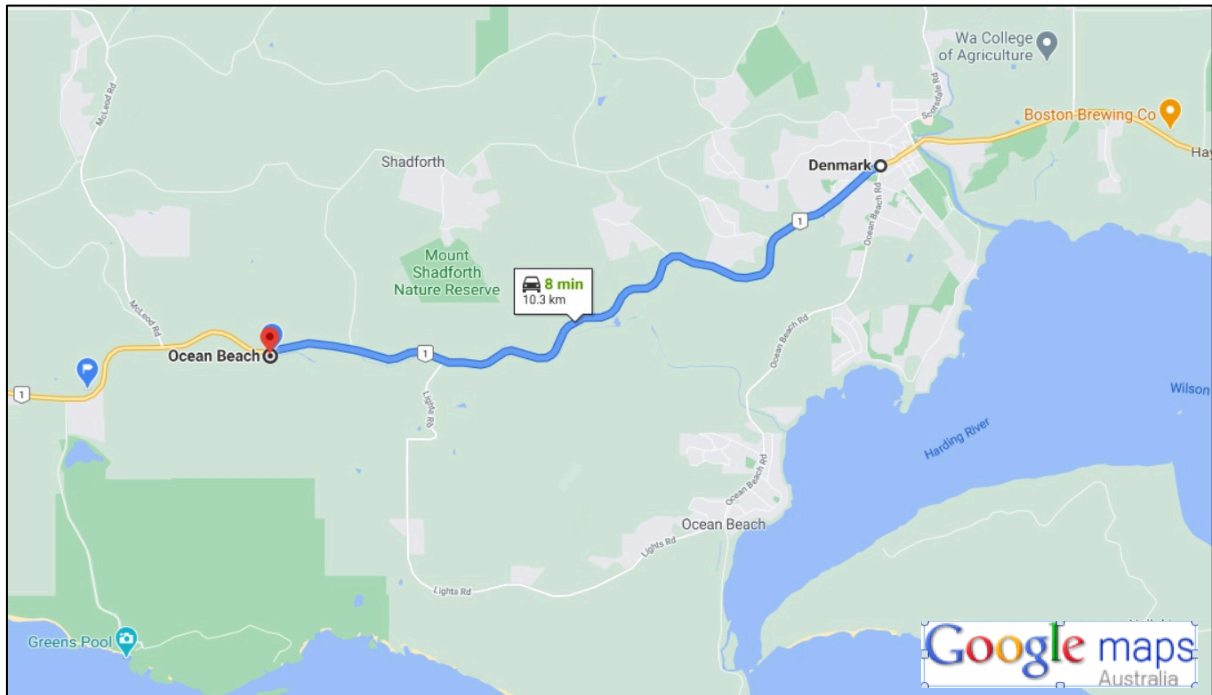
- 1.1. This traffic statement has been prepared to consider the traffic impacts of a tavern / restaurant development on Lot 305 South Coast Highway, Denmark. The proposal is Stage 1 of potential development of the subject site. Development of Stage 2 will be assessed at the time a development application is made. The key findings of the traffic assessment for Stage 1 are:
- 1.2. The traffic assessment is based upon recognised trip rate sources of the RTA and ITE. The proposal is based on the application to accommodate 250 persons within the development.
- 1.3. Based on the trip generation sources, it is estimated the development would generate up to 316 vehicle movements per day.
- 1.4. Assessment of the forecast traffic demands indicates that under the WAPC *Transport Impact Assessment Guidelines for Developments* the proposed development would have no material traffic impact.
- 1.5. Access to the site is taken from Wentworth Road. There are no indications that changes to the local road network are required.
- 1.6. Assessment of the Wentworth Road / South Coast Highway intersection indicates that no road layout changes are required to support the proposed development.
- 1.7. The proposed development is not expected to impact the operation or safety of the surrounding road network.

## 2. CHECKLIST

Item	Comments/Proposals
<b>Proposed development</b>	
proposed land uses	Restaurant / tavern (Stage 1). Day spa, chalets and camp ground (Stage 2)
existing land uses	As above
context with surrounds	Rural tourist area
<b>Vehicular access and parking</b>	
access arrangements	From Wentworth Road
public, private, disabled parking set down / pick up	At 1 bay per 4 persons accommodated
<b>Service vehicles</b>	
access arrangements	On site
rubbish collection and emergency vehicle access	On site
<b>Hours of operation (non-residential only)</b>	Wednesday to Sunday 11am – 11pm Stage 1 Stage 2 hours to be determined at time of future DA
<b>Traffic volumes</b>	
daily or peak traffic volumes	316vpd – Stage 1      Stage 2 demand to be determined at time of future DA
type of vehicles (eg cars, trucks)	Cars
<b>Traffic management on frontage streets</b>	
<b>Public transport access</b>	
nearest bus stops/train stations	N/A
pedestrian/cycle links to bus stops/train station	N/A
<b>Pedestrian access/facilities</b>	
existing pedestrian facilities within the development (if any)	None
proposed pedestrian facilities within development	Appropriate paths where needed
existing pedestrian facilities on surrounding roads	N/A
proposals to improve pedestrian access	N/A
<b>Cycle access/facilities</b>	
existing cycle facilities within the development (if any)	None
proposed cycle facilities within development	Cycle rack suggested
existing cycle facilities on surrounding roads	Rail trail in close proximity
proposals to improve cycle access	Cycle access to rail trail
<b>Site specific issues</b>	Addressed
<b>Safety issues</b>	None

### 3. THE SITE AND SURROUNDING ROAD NETWORK

3.1. The site is located on Lot 305 South Coast Highway, Denmark. It lies to the south side of South Coast Highway and abuts Wentworth Road. Figure 1 shows the location of the site.



**Figure 1 Site Location**

#### South Coast Highway

3.2. South Coast Highway is a primary regional road falling under the control of Main Roads Western Australia (MRWA). It is constructed with a single pavement of approximately 10.0 metres, including shoulders. There are no footpaths or cycle lanes provided.

3.3. Traffic data available on the MRWA Traffic Map shows 2,325 vehicles per day (vpd) east of William Bay Road. As a primary distributor road, South Coast Highway would have capacity to carry up to 22,900vpd). However, to provide a desirable operating environment a daily demand up to 13,500vpd would be deemed acceptable to maintain a Level of Service D.

3.4. South Coast Highway is subject to a 90kph speed limit adjacent to the subject land and beyond.

#### Wentworth Road

3.5. Wentworth Road is classified a local access road in the MRWA *Functional Road Hierarchy*. It is constructed with a single pavement of about 9 metres for



approximately 20 metres south of South Coast Highway. Further south it is a gravel road.

- 3.6. A local winery / cidery and 3 chalets are accessed from Wentworth Road.
- 3.7. No traffic data is available.

#### **4. PROPOSED DEVELOPMENT**

- 4.1. The subject site is currently under construction and has approval for a restaurant / tavern (brewery) accommodating 70 persons.
- 4.2. It is proposed to expand the facility to accommodate 250 persons. A second stage of development to provide accommodation will be the subject of a future development application.
- 4.3. In the longer term additional development is anticipated to provide for tourist and worker accommodation and a day spa (Stage 2). These land uses would be considered complimentary to the restaurant / tavern use of the site. As no scale of development is known. It is not possible to predict future traffic movements. However, tourist accommodation would not generate a significant level of traffic movement and generated movements would not be expected to coincide with the peak activity of the brewery.
- 4.4. The day spa proposal would also generate little traffic movements as it can be expected that reciprocal use to the accommodation and brewery would occur.
- 4.5. Future land uses would need to be assessed in regard to traffic movement at the time if any development application.

#### **5. VEHICLE ACCESS AND PARKING**

- 5.1. All vehicles will access the site from Wentworth Road using a dedicated access.
- 5.2. Car parking at a rate of 1 bay per 4 persons accommodated is proposed for Stage 1 and will be located adjacent to the main building. Based on an application for capacity of 250 patrons, 63 parking bays will be required.
- 5.3. Parking requirements for Stage 2 will be addressed at the time of the future development application.
- 5.4. There are limited opportunities for local taxi and bus drop offs, however a drop off bay is to be located adjacent to the main entry. Over flow parking is also provide to accommodate tourist buses (if a local business operates).

## **6. PROVISION FOR SERVICE VEHICLES**

- 6.1. Service vehicles will utilise the same access as all other vehicles. A loading area is located to the rear of the building. Garbage vehicle will use the same area for collection of waste.
- 6.2. As a large area site, there is ample room to accommodate larger vehicles.

## **7. HOURS OF OPERATION**

- 7.1. It is expected that the Stage 1 facility (restaurant / tavern) will open by 11am and close between 7pm and 11pm, depending on the time of year and local attraction. It is expected to be open for 5 days per week, with closure on Mondays and Tuesdays.
- 7.2. It is noted that similar venues in the Margaret River region are typically closed at 5pm or 6pm at weekends.

## **8. DAILY TRAFFIC VOLUMES AND VEHICLE TYPES**

- 8.1. There are no recognised trip generation sources for the proposed land use proposed in Stage 1, which will be a restaurant with a tavern licence. The venue would not operate as a traditional tavern, but can be expected to operate a little busier than a local restaurant.
- 8.2. Local conditions and population will limit the venue patronage and large fluctuations can be expected throughout the week. Similar facilities in the Margaret River region (currently 10) are shown to experience peak patronage on Saturdays with a reduction of about 40% on Sundays and about 60% on weekdays.
- 8.3. The proposed venue is located several kilometres west of Denmark and will be competition to the existing Boston Brewery and winery, located east of Denmark.
- 8.4. Reference to the RTA *Guide to Traffic Generating Developments* suggests a restaurant can be expected to generate 60 trips per day per 100m<sup>2</sup> of floor area with 5 trips per 100m<sup>2</sup> during the evening peak period. Based on the Metric Handbook, a table for 4 persons will require 5m<sup>2</sup>. It can therefore be derived that the RTA trip rate suggests 0.75 trips per seat per day with 0.063 peak trips per seat.
- 8.5. Based on the RTA trip rate the development with capacity for 250 seats would be expected to generate 188 trips per day with .
- 8.6. The American ITE Trip Generation data suggests the peak time of “restaurant” activity would attract about 12% of the daily demand.

- 8.7. By comparison the ITE suggests a “drinking place” can be expected to generate about 12.2 peak trips per 100m<sup>2</sup>, which equates to a peak demand of 0.15 trips per seat. On this basis 250 seats would generate 38 peak trips.
- 8.8. With the peak equating to 12% of the daily demand, as a “drinking Place” the development could generate about 316 vehicle movements per day.
- 8.9. The traffic generation of Stage 2 will be addressed at the time of the future development application.

**Table 1 Traffic Generation**

Capacity	Rate	Peak (12%)	Daily
70 Persons	0.15 / seat	11 trips	100 trips
250 Persons	0.15 / seat	38 trips	316 trips

**Distribution**

- 8.10. Traffic attracted to the proposed development will be drawn from South Coast Highway. It would be expected that the majority of movement would be to and from Denmark, where locals live and tourist accommodation is readily available.
- 8.11. A high level of pass-by trips can be expected during the peak tourism months with tourists visiting local attractions such as the tree tops walk and William Bay and stopping at the venue on the way home.
- 8.12. It is anticipated that during peak tourism periods some 70% of traffic would be to / from the east.

**9. TRAFFIC IMPACTS**

- 9.1. Reference to the WAPC Transport Assessment Guidelines for Developments states that:

*“As a general guide, an increase in traffic of less than 10% of capacity would not normally be likely to have a material impact on any particular section of road, but increases over 10% may. All sections of road with an increase greater than 10% of capacity should therefore be included in the analysis. For ease of assessment, an increase of 100 vehicles per hour for any lane can be considered as equating to around 10% of capacity. Therefore any section of road where traffic would increase flows by more than 100 vehicles per hour for any lane should be included in the analysis. An intersection may be considered materially affected if flows on any leg increase by more than 10% or*



*any individual movement by more than 20%”.*

- 9.2. Table 2 considers the traffic impact of the development based on the capacity of 250 persons. Table 2 does not include reductions for pass-by traffic, which could be as high as 50%.

**Table 2 Peak Day Traffic Impacts**

<b>Approach</b>	<b>Flow</b>	<b>Capacity*</b>	<b>Increase</b>	<b>% Capacity</b>
South Coast Highway east	2,325	13,500	+221	1.6%
South Coast Highway west	2,325	13,500	+95	<1%

\*Capacity is based on reaching Level of Service F or LN threshold for residential streets.

- 9.3. Table 2 indicates that Stage 1 of the proposed development can be expected to increase traffic on South Coast Highway by less than 2% of capacity and based on the WAPC *Transport Assessment Guidelines for Developments*, the proposed development would be deemed to have no material traffic impact.

**Peak Period Impact**

- 9.4. During the peak period of development activity up to 38 vehicle movements can be expected with Stage 1. It can be expected that approaching the peak eating time of 1pm, some 80% of traffic would be expected to enter the site. As a result 9 vehicles would turn right into the site and 19 would turn left in.
- 9.5. With a peak weekend demand on South Coast Highway of 259 vehicles during the expected peak, the expected turning movements would not warrant any changes to the current intersection layout of South Coast Highway and Wentworth Road (based on Austroads).
- 9.6. During the late afternoon, assuming the same peak demand of 38 trips, about 80% could be departures. This suggests 21 vehicles would turn right and 9 would turn left.
- 9.7. Reference to Austroads Table 4.1 attached at Appendix C indicates that a major road with a flow of <400 vehicles can accommodate a side road demand up to 250 vehicles with uninterrupted flow conditions with. It can be seen that both major road and minor road demands are lower than the thresholds and uninterrupted flow conditions will prevail. On this basis Austroads advised that no further assessment would be warranted.
- 9.8. With uninterrupted flow conditions minimal delay is expected and very good Levels of Service will be provided.

### **Impact to Wentworth Road (Stage 1)**

- 9.9. Wentworth Road is currently sealed for a distance of about 20 metres south of South Coast Highway. The seal provides a good base for vehicle negotiating the intersection and provides safety in terms of braking and acceleration.
- 9.10. Beyond the seal, Wentworth Road is a gravel road. The latest edition of Austroads is silent on gravel roads and no advice is provided in regard to when a gravel road should be sealed and why. Whilst the benefits of sealing are obvious for major roads (better traction, higher speeds possible etc) for Wentworth Road, the threshold is significantly different.
- 9.11. Internet research has found a guide produced in Queensland (published July 2015) that considers unsealed low traffic roads. In that technical advice low traffic is defined as an AADT (Annual Average Daily Traffic) of 300 vehicles per day with 50 being up to class 12 (heavy vehicles). Beyond this threshold the guide indicates that sealing is appropriate.
- 9.12. From Table 2 it can be seen that the current application for 250 persons would be expected to generate 316 trips per peak operational day. However, over the week, the average daily flow would be  $(316\text{vpd} \times 5 \text{ days trading} / 7\text{days})$  226 vehicles per day. The average daily flow would be further reduced by seasonal variations, but these can be ignored for the purpose of this assessment.
- 9.13. It is considered therefore that the current construction of Wentworth Road could be considered acceptable for the proposed stage 1 tourist development. Any upgrade to Wentworth Road will be based upon the lodgement of any future development application.
- 9.14. Future development (Stage 2) of the subject site will be reviewed at the time of a future development application.

### **10. PUBLIC TRANSPORT ACCESS**

- 10.1. There are no public transport services in the local area.
- 10.2. Tourist buses may provide a future service along South Coast Highway and it is suggested that parking for buses should be provided.

### **11. PEDESTRIAN ACCESS**

- 11.1. There are no footpaths in the local area expected the rail trail passing adjacent to the property. Given the location of the subject site a pedestrian demand is not expected.

- 11.2. Appropriate footpaths are provided within the property to assist customers between the car park and feature on the site.

## **12. CYCLE ACCESS**

- 12.1. A rail trail is provided to the rear of the property that may attract some customers to arrive on bicycles. Cycling on South Coast Highway is possible but would not be encouraged.
- 12.2. It is suggested that cycle racks be provided for possible cyclists using the rail trail.

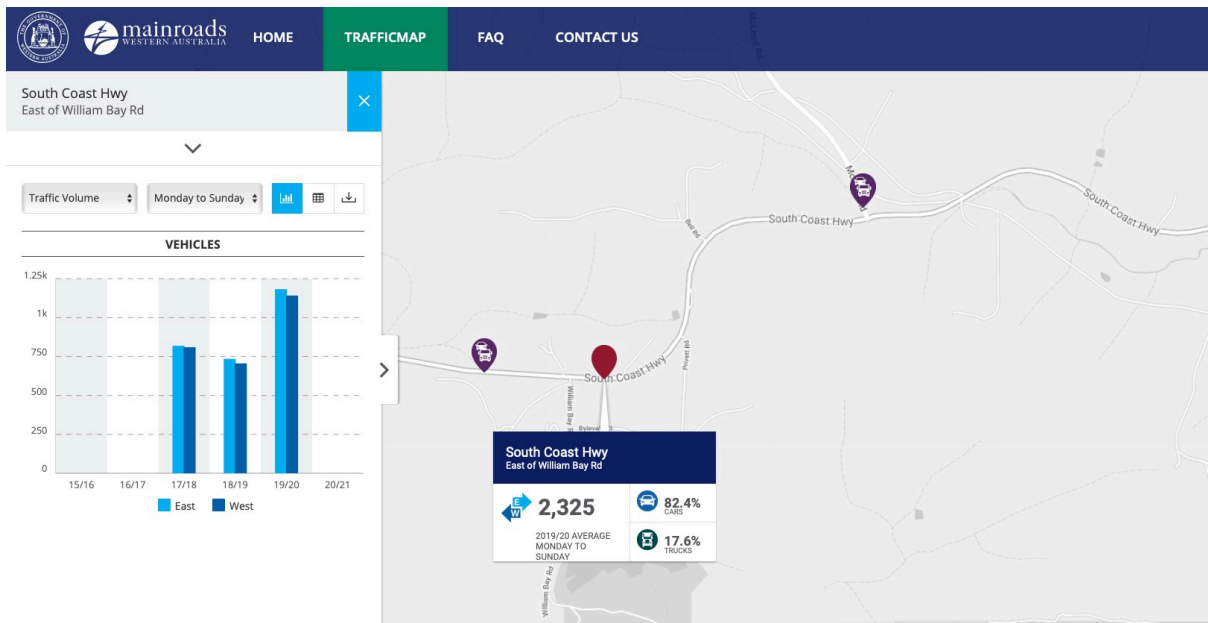
## **13. SITE SPECIFIC ISSUES**

- 13.1. The internal access road has a gradient that obstructs forward visibility of traffic accessing the car park. It is understood that the gradient is to be adjusted to remove this issue.

## **14. SAFETY ISSUES**

- 14.1. The traffic assessment has not identified any road safety issues as a result of the proposed development. Access to the South Coast Highway has visibility greater than minimum distances advised by Austroads and Wentworth Road is sealed at the intersection.

## APPENDIX A TRAFFIC DATA





**APPENDIX B DAILY LEVELS OF SERVICE**

LOS	Single Carriageway	2-Lane Boulevard	Dual Carriageway (4-Lanes)	Dual Carriageway (4-lane Clearway)
A	2,400vpd	2,600vpd	24,000vpd	27,000vpd
B	4,800vpd	5,300vpd	28,000vpd	31,500vpd
C	7,900vpd	8,700vpd	32,000vpd	36,000vpd
D	13,500vpd	15,000vpd	36,000vpd	40,500vpd
E	22,900vpd	25,200vpd <sup>4</sup>	40,000vpd	45,000vpd
F	>22,900vpd	>25,200vpd <sup>4</sup>	>40,000vpd	>45,000vpd

Levels of Service and Capacity are based on Austroads

The actual capacity of any road is greater than shown in the above table. However, a Level of Service D is used as the capacity to provide acceptable operating conditions.

**APPENDIX C AUSTRROADS**

Published 2005 **Guide to Traffic Engineering Practice — Part 5: Intersections at Grade**

**Table 4.1 — Intersection Capacity - Uninterrupted Flow Conditions**

Major Road Type <sup>1</sup>	Major Road Flow (vph) <sup>2</sup>	Minor Road Flow (vph) <sup>3</sup>
Two-lane	400	250
	500	200
	650	100
Four-lane	1000	100
	1500	50
	2000	25

Notes:

1. Major road is through road (i.e. has priority).
2. Major road design volumes include through and turning movements.
3. Minor road design volumes include through and turning volumes.

Table 4.1 is no longer included in Austroads. However, the underlying principles of uninterrupted flow conditions are still valid.

