

URBANISTA

TOWN PLANNING



PROPOSED MIXED-USE DEVELOPMENT

NO. 5531 (LOT 9) WEST SWAN ROAD, WEST SWAN

This report has been prepared by Urbanista Town Planning on behalf of the landowners for the proposed development at 5531 West Swan Road, West Swan.

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1 INTRODUCTION

1.1 BACKGROUND

Urbanista Town Planning has been engaged by the landowners of No. 5531 West Swan Road, West Swan to prepare and submit an application for a mixed-use development at the subject site. At the time of the submission of the application, it was anticipated that the proposal would be considered by the Joint Development Assessment Panel.

However, on 6 August 2021, the Swan Valley Planning Scheme No. 1 was gazetted and in accordance with Part 1 – Preliminary, Clause 5, the proposal must now be determined by the Western Australian Planning Commission. Additionally, with respect to any proposed development on the land, the provisions of the Scheme also apply.

In consultation with the Department of Planning, Lands and Heritage as well correspondence received from the City of Swan, an amended proposal is provided for the Commission’s consideration. This report also provides a detailed assessment of the proposal in accordance with the Scheme provisions to comprehensively demonstrate the merit of the proposal, and its capability of being recommended for development approval.

The proposal provides appropriate development that meets the Aims of the Scheme and is in line with the desired built form and character outcomes outlined in the planning framework.



Figure 1: Perspective Streetscape Render

We look forward to working with the Department’s Officers to achieve development approval.

1.2 SUPPORTING DOCUMENTATION

To inform and support the design of the proposed development, additional supporting documents have been prepared and included in this submission, summarised below.

Document	Prepared by	Date
Stormwater Management Plan	Hyquality Engineering	March 2022
Acoustic Management Report	Hewshott Acoustic	May 2021
Geotechnic Report	Perth Geotechnics	February 2021
Traffic Impact Statement	Shawmac Pty Ltd	March 2022
Land Capability Report	Landform Research	January 2022
Waste Water Report	Landform Research	February 2022

2 THE PROPOSAL

2.1 THE OPERATOR

The property is owned by Jesuome Australia Pty Ltd ('the Owner') and the operation of the property will be undertaken by Aulong Int'l (Australia) Pty Ltd ('the Operator'). The Operator is a wholesaler and importer of specialty products, specifically Asian food products. The Operator currently manages a wholesale warehouse at No. 20 Clipper Parade, Canning Vale. The Owner and the Operator share a total of three (3) common Directors in each company which demonstrates there is an existing business relationship between the two.

Currently Aulong supply a range of products including fruit and vegetables and vegetables such as mushrooms, garlic, onions, pears, snow pears, frozen vegetables, imported apples, pears and lychee and are actively researching the growth of specialty mushrooms at the Canning Vale property. Figure 2 below depicts a photograph taken at the Canning Vale property, which show the trials of the growth of the specialty mushrooms. Current trials demonstrate that the propagation of the mushrooms in the proposed manner is a viable and promising alternative to traditional mushroom production in Western Australia. This is particularly relevant as research shows that mushrooms are predominantly an imported product, with limited growers in Western Australia.



Figure 2: Growth of Mushrooms at Canning Vale Warehouse

The Operator is proposing to import inoculated mushroom sticks from China. The raw materials for this project will be imported from China, and the import volume will reach 50,000 sticks per month. The inoculated growth medium sticks will arrive in a temperature-controlled container shipped from China held at 2-10 degrees Celsius, which prevents the growth of the mushrooms.

Once they are relocated to the on-site greenhouses, the microclimate to change growth parameters of mid 20 degrees Celsius and humidity, combined with light, triggers the growth of the mushroom mycelium.

In addition to the above, the Operator also currently supplies Jujubes (commonly known as Chinese Dates) to a total of four (4) supermarket chains across eight (8) sites within the Perth metropolitan area. The Jujubes are supplied from the Canning Vale warehouse these sites.

The Operator has advised that they are currently having trouble with obtaining reliable Jujube supplies, as most are imported. On this basis, the Operator is proposing to grow Jujubes at the subject site. Figure 3 below depicts the holes at the subject site for the planting of the Jujube trees, which was undertaken between July and August of 2021.



Figure 3: Holes for Planting of Jujubes – implanted July/August 2021 (source: Metromap 2021)

In placing holes in the site, the operator is seeking to prepare the land for the anticipated agricultural production of the Jujubes.

2.2 PREDOMINANT USE

The 'Priority Agricultural' use of the site will occupy approximately 8,500sqm of the site and is located at the rear half of the site. Most of this area will be used as open orchard for the growing of Jujube trees, along with two greenhouses for the propagation of mushrooms.

The Jujube orchard is approximately 90 metres deep by 60 metres wide and will consist of approximately 600 Jujube trees, spaced 2 metres apart, across 30 rows. This equates to approximately 5,800sqm of open orchard area. It is proposed to plant up to 1,000 Jujube trees, on an area of around 5,800sqm in the buffer areas and edges.



Figure 42: Extent of Predominant Use (Agricultural – Intensive)

This land use also includes two mushroom sheds to grow Oyster and Shitake mushrooms, and to support seasonal demands for fruit, vegetables and flowers. The largest mushroom shed 19.3 metres by 16 metres and will produce mushrooms in an area of up to 310sqm. The smaller mushroom shed is just over 200sqm and divided into two halves, to produce mushrooms, with options for vegetables or flowers within each half.

The mushrooms will be sorted and processed in the warehouse located behind the existing dwelling. Separate rooms and sorting areas will allow for this to be conducted as efficiently as possible and be conveniently located near the Restaurant. This is to allow the Restaurant kitchen to have access to the produce for ingredients

It is anticipated that the production of the Jujube and mushrooms will require the employments of three (3) staff and operate between 10am to 5pm during weekdays, whilst being able to respond as necessary to the seasonal demands and the stages of crop growth.

2.3 INCIDENTAL LAND USES

The Swan Valley is both an important regional tourism destination and an area with high-quality soils suited to agricultural production and historically to viticultural purposes. Planning reviews and strategies into the region, its productive outputs, community perceptions and community expectations reveal a complex relationship between the past and future functions of the area, especially amid more recent legislative changes.

From a historical perspective, viticultural uses once covered over 4,000ha of the region (more than 50%) and while its coverage has reduced, viticultural uses continue to be a dominant use, covering 1,000

hectares within the Swan Valley Region. In part economic complexity is identified as a factor that has reduced this figure, as well as encroachment by non-agricultural and non-viticultural purposes such as residential developments, successive ownership or subdivision estates.

In particular, the investigations recognise challenges that often arise with viticulture and agriculture uses within the Swan Valley. Viticultural and Agricultural production is challenged by the differences of income vs. lifestyle, depending on the types of produce grown and the profitability of providing to that sector/market.

The economic feasibility of tourist related uses is attractive to productive uses, just as the amenity and ambience of rural uses are integral to the success of tourist-based business. The relationship of is often symbiotic in this manner. Which is evidently recognised by the various planning reports and reviews that support *incidental* tourism uses which do not detract from the primary function of the site. This is especially true for a site such as this, which is constrained in size as a result of past subdivisions.

2.3.1 Restaurant/Cafe

The proposed Restaurant is considered incidental to the agricultural use as it provides a front of house aspect to the agricultural operations of the site. Whilst the appropriate classification under the SVPS 1 is 'Restaurant', it is more accurate to describe the use as a Café. This is because the facility will operate as a breakfast and lunch type venue that will showcase the produce that is grown on site as well as provide a small retail area to allow for patrons to purchase the produce and goods grown and produced in the Swan Valley region. The Café will employ a maximum of six (6) staff and is proposed to operate from 8am to 4pm, 7 days a week.



Figure 5: Render of Restaurant/Cafe

As shown in the Figure 6, the Restaurant abuts the sorting warehouse and will be supplied with fresh fruit and mushrooms grown at the rear of the site, showcasing the quality of produce that is grown by the agricultural component of the property.



Figure 6: Proposed Location of Restaurant/Café on Subject Site

2.3.2 Holiday Accommodation

The chalets located between the restaurant and the agricultural functions of the subject site provide temporary short-stay accommodation for visitors and tourists who may wish participate in activity attractions such as fruit picking or local tours. Six (6) chalets, each with two bedrooms, will accommodate couples or small families who wish to relax in a rural and natural setting.

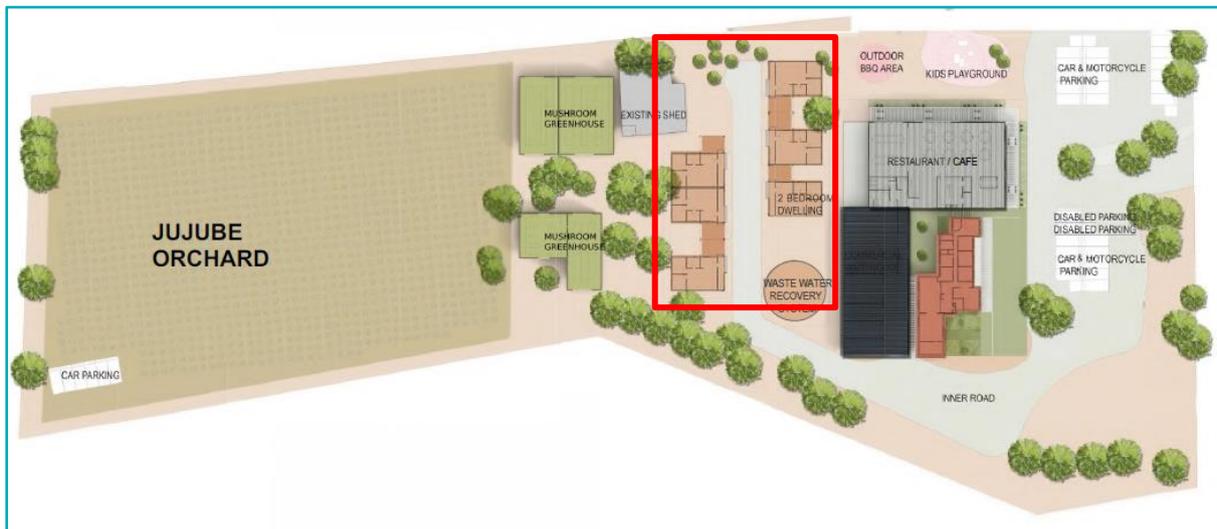


Figure 7: Location of Holiday Accommodation Units (Chalets) on Subject Site

The chalets are sited between the agricultural and restaurant use, to optimise their interaction with the rural/agricultural functions of the site and the tourist activities that attract these guests. Behind the restaurant and warehouse buildings, the chalets are screened from view of the public and also provides an authentic perspective to the guests to have an attractive outlook to the orchard and greenhouses.

2.4 SINGLE HOUSE

The existing single dwelling will be retained and used as a residential dwelling.



Figure 8: Location of Existing Single Dwelling on Subject Site

2.5 SITE FEATURES

Complementary features of the development include an outdoor children’s playground and seating area as well as a barbeque area next to the playground and seating area which will be for the use of Chalet patrons.

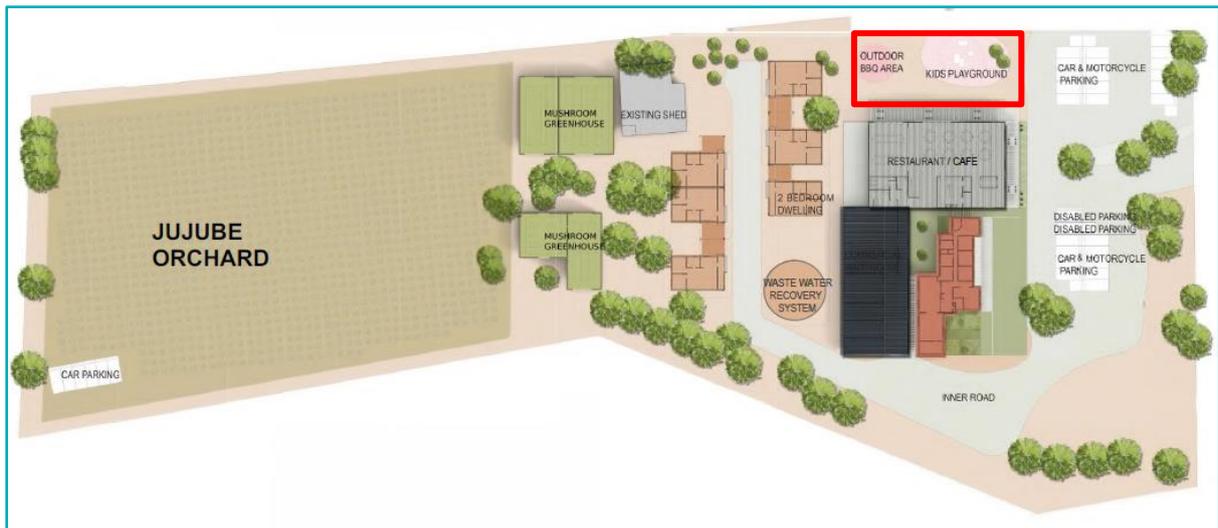


Figure 9: Location of Site Amenities

The proximity of the outdoor BBQ area and children’s playground encourages social interaction, which allows an opportunity for a positive and friendly interaction between the tourists and local visitors.



Figure 10: Concept Images of Site Facilities

The proposal will retain a significant number of existing mature trees, of which 55 are large trees, and minimises the number of trees that will be cleared to only 8 trees.

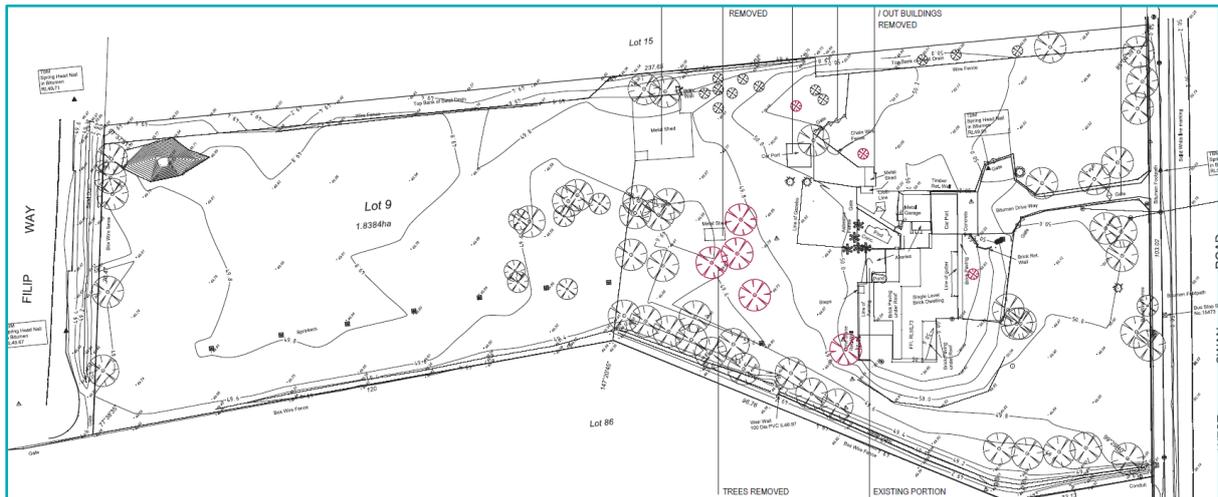


Figure 11: Trees to be Removed – Demolition Plan

The design achieves this by siting the development where existing vegetation is less concentrated to minimise the effect of tree clearing on microenvironments and local fauna.

3 DEVELOPMENT CONTEXT

3.1 DEVELOPMENT SITE

The proposed development is located at No. 5531 (Lot 9) West Swan Road, West Swan. The subject site has a total land area of 18,388m², with a frontage of 98.5m to West Swan Road, 65.93m to Filip Way at the rear and a total depth of 237.64m.

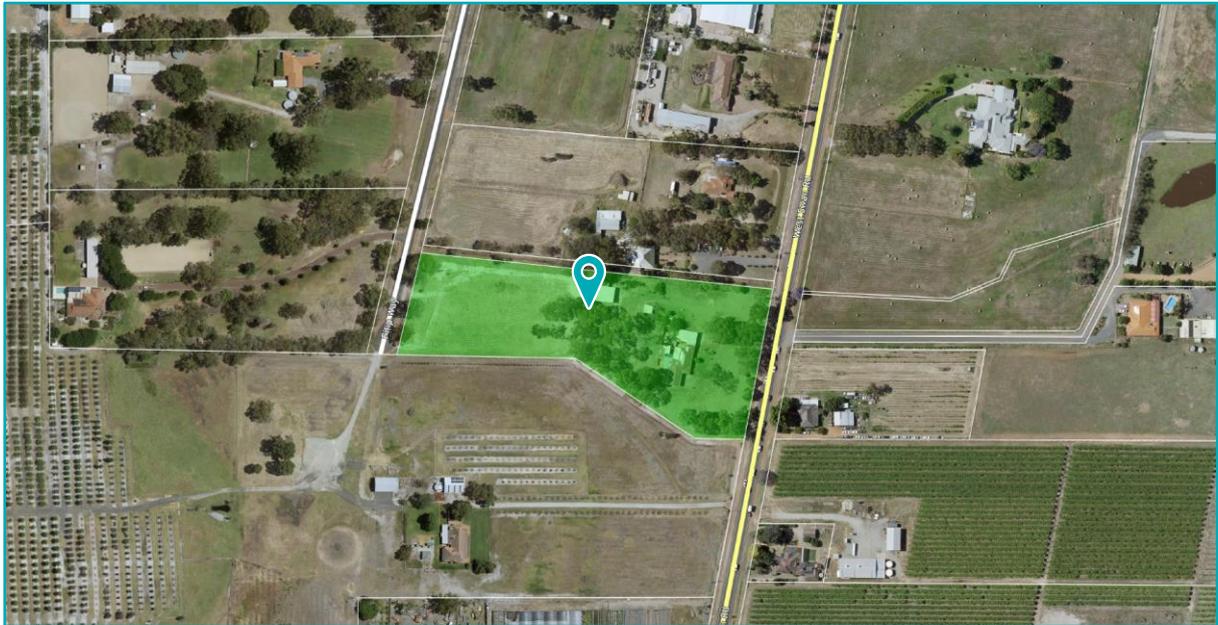


Figure 12: Local Context Aerial Image (MetroMap – May 2021)

The property is predominantly flat at 16m AHD and currently contains one single dwelling which is to be retained. There is a 4.5 metre wide drainage channel abutting the entire length of the northern side boundary of the lot, owned by the City of Swan.



Figure 13: Aerial Photograph of the Site and Surrounding Lots (MetroMap April 2021)

3.2 LOCAL CHARACTER

A review of development and character within the immediate locality of the development site has revealed characteristics associated with certain types of development. Notable developments are indicated in the image below.



Figure 14: Context Map

Commercial land uses such as Fusion on Swan at No. 5601 West Swan Road, the Margaret River Chocolate Factory at No. 5123, Action Auctioneers and Valuers at No. 5691 and KoffeeWorks/Le Marrakech at 4752 West Swan Road all exist within proximity to the subject site.

Margaret River Chocolate Factory (No. 5123)



Action Auctioneers and Valuers (No. 5691)



Fusion on Swan (No. 5601)



KoffeeWorks and KwikKoffee (No. 4752)



These types of development are not dissimilar to the proposed development in that they demonstrate car parking within front setback area towards West Swan Road with a commercial building located approximately 50m from West Swan Road. In this regard, the surrounding area is generally consistent with this 50m setback, except for is significant encroachment by residential uses near Coast Road less than 1km away.



Figure 15: Street View of 4200 West Swan Road, South of Coast Road (Google - May 2021)

All in all, despite the setbacks, the most prevalent feature of the streetscape is the landscaping (opting for native species amongst recent development). The inclusion of generous native landscaping is evidently the most crucial and influential contributor towards a consistent character of development.



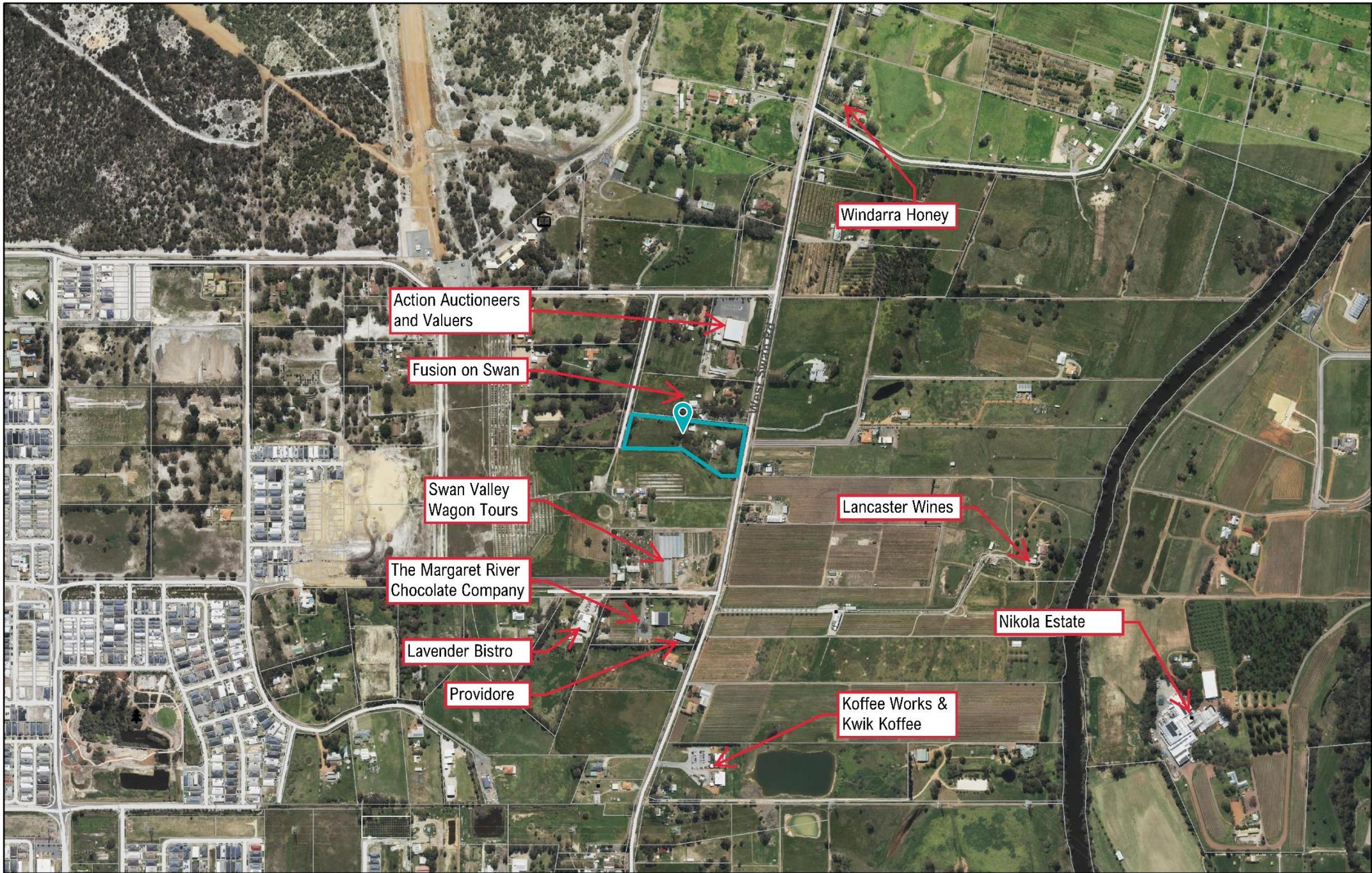
CONTEXT PLAN AERIAL

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BROAD CONTEXT PLAN AERIAL



SCALE 1:10,000 @ A4



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3.3 PLANNING CONTEXT

3.3.1 State Planning Framework

SPP 5.1 Land Use Planning in the Vicinity of Perth Airport

The objectives of SPP 5.1 are to:

- Protect Perth Airport from unreasonable encroachment by incompatible (noise sensitive) development, to provide for its ongoing development and operation
- Minimise the impact of airport operations on existing and future communities with reference to aircraft noise.

The site is in an area below 20 ANEF, and therefore, development is considered ‘acceptable’ for all building types. Notwithstanding, per note 1 of appendix 1 for building sites outside but near to the 20 ANEF contour, the proposed commercial uses are acceptable within the 20-25 ANEF contour, shown in the image below.

Building type	Forecast noise exposure level (ANEF)			
	less than 20 ANEF (Note 1)	20 to 25 ANEF (Note 2)	25 to 30 ANEF	30 to 35 ANEF
House, home unit, flat, caravan park	Acceptable	Conditionally Acceptable	Unacceptable (Note 4) (Note 5)	Unacceptable (Note 4) (Note 5)
School, university	Acceptable	Conditionally Acceptable	Unacceptable (Note 4) (Note 5)	Unacceptable (Note 4) (Note 5)
Hospital, nursing home	Acceptable	Conditionally Acceptable	Unacceptable (Note 4) (Note 5)	Unacceptable (Note 4) (Note 5)
Hotel, motel, hostel	Acceptable	Acceptable	Conditionally Acceptable	Unacceptable (Note 4) (Note 5)
Public building	Acceptable	Conditionally Acceptable	Conditionally Acceptable	Unacceptable (Note 4) (Note 5)
Commercial building	Acceptable	Acceptable	Conditionally Acceptable	Conditionally Acceptable
Light Industrial	Acceptable	Acceptable	Acceptable	Conditionally Acceptable
Other industrial	Acceptable	Acceptable	Acceptable	Acceptable

Figure 16: Assessment Table Adapted from AS2021

3.3.2 Local Planning Framework

Swan Valley Planning Scheme No. 1

The subject site is zoned ‘Rural’ under the Metropolitan Region Scheme and ‘Priority Agricultural’ in the Swan Valley Planning Scheme No. 1 (‘SVPC 1’ or ‘the Scheme’). Figure 17 below depicts the property’s zoning with respect to the Scheme’s Zoning Map.



Figure 17: Swan Valley Planning Scheme No. 1 Zoning – 'Priority Agricultural'

Table 3 of the Scheme provides the land use permissibility table and depicts the appropriate uses that can be considered in this zone. An assessment against the Scheme requirements is provided in the Planning Assessment and Justification section of this report.

In accordance with the Scheme Zoning, the development proposal will facilitate a 'Priority Agricultural Use' with several incidental uses to optimise the viability of the project. It is understood that the property is in an area that is characterised by agricultural uses, that are important to both the local community and tourists visiting the area, due its location in the Swan Valley.

A summary of the proposes uses, and the associated zoning classification is provided in the below Table.

LAND USE SUMMARY		
Land Use (SVPS 1)	Land area	Description
Priority Agricultural	8,500m ²	Primary Production and includes the below;
<i>Incl. Jujubes</i>	~5,800m ²	Primary Production – Fruit Trees (Jujubes)
<i>Incl. Mushroom Greenhouses</i>	~510m ²	Primary Production – Mushrooms
<i>Incl. Warehouse</i>	~400m ²	Sorting / Processing of Produce
<i>Incl. Existing Shed</i>	~180m ²	Storage of tools and equipment
Chalets or Cabins	6 chalets	75m ² , 2 bedrooms
Restaurant	294m ²	96-person maximum capacity
Single House (Existing)	220sqm	Retained Dwelling

LAND USE SUMMARY

Land Use (SVPS 1)	Land area	Description
Total		Predominantly Agriculture

The proposed finishes of the development provide an attractive mix of materials and colours to enhance the natural character that is predominant along West Swan Road and to align with the scenic qualities of the Swan Valley Area more broadly. With reference to the image below, the finishing treatments have achieved this by using timber feature walls and vertical gardens as a visual reference to the natural themes in the area, and small contrasting walls of aluminium, articulate the walls to provide an interesting interface between the timber and vegetation.



Figure 18: Perspective of Proposed Green Wall & Restaurant

3.3.3 Local Planning Policies

The SVPS 1 does not specify car parking standards for applicable land uses for the development proposal. On this basis, guidance from the City of Swan's *POL-TP-129 Vehicle Parking Standards* has been taken for matters relating to car parking requirements for each of the proposed uses on the site. The previous report submitted, details the car parking arrangements and number of bays. It is taken that these arrangements and number of bays are acceptable.

4 PLANNING ASSESSMENT AND JUSTIFICATION

The statutory planning framework applicable to the development is outlined in the table below.

Key statutory planning framework documents

1. Swan Valley Planning Scheme No.1 ('SVPS1')
2. State Planning Policy 7.0 – Design of the Built Environment ('SPP7.0')
3. Planning and Development (Local Planning Schemes) Regulations 2015 ('Deemed Provisions')

An assessment of the proposed development's performance against the relevant provisions of the planning framework is detailed in this section of the report. This report provides evidence to support development approval by demonstrating how the proposal satisfies these relevant development standards, design guidance, and objectives, and why it is capable of approval.

4.1 SWAN VALLEY PLANNING SCHEME NO. 1

4.1.1 Zone Objectives

An assessment against the 'Priority Agriculture' objectives of the Swan Valley Planning Scheme No. 1 ('SVPS 1') is provided in the table below.

Swan Valley Planning Scheme No. 1 Objectives	Assessment Comments
To protect priority agricultural land in the Swan Valley including existing vineyards and other areas of horticulture from incompatible land use and development.	The proposal ensures that the predominant use of the site is for Agricultural – Intensive. The proposal will not have an impact on adjoining sites as various measures are proposed to ensure the amenity of the locality is maintained. These aspects are discussed in further detail below.
To provide for long-term agricultural production in the Swan Valley by preventing further subdivision of land and protecting good quality soils from non-agricultural use and development.	No subdivision of the land to facilitate the development proposal is proposed. Additionally, the Land Capability Assessment report concludes that the soils located on the orchard part of the subject site are highly capable of horticulture, with the ability to grow trees, shrubs, or ground species, depending on the water available.
To limit hospitality and tourism development and land use to where it is incidental and complements agricultural production and does not detract from the rural character and amenity of the area.	The Restaurant and Holiday Accommodation units are considered incidental to the agricultural production on the site. This is discussed in further detail below.
To ensure all land use and development enhances the cultural heritage, natural environment and protects the unique rural landscape character of the Swan Valley.	The mix of uses on the subject site is consistent with the existing development in the locality (predominantly agricultural, with incidental uses). The proposal also accords with the objectives to protect and enhance the agricultural nature of the Swan Valley area as a new agricultural business is proposed. It is considered that there are no aspects to this proposal that will be detrimental to the natural environment.

4.1.2 Land Uses

The table below lists the most applicable land uses defined in the SVPS 1 for the proposal.

Swan Valley Planning Scheme No. 1	Assessment Comments
<p>Agriculture – Intensive (P) <i>Means premises including outbuildings, rural structures and earthworks use for commercial production purposes associated with any of the following –</i> <i>(a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;</i> <i>(b) the establishment and operation of plant of fruit nurseries;</i> <i>(c) the development of land for irrigated fodder production or irrigated pasture (including turf farms)</i></p>	<p>It is considered that the Agricultural – Intensive use is the predominant use as it constitutes the largest conglomerate activity and operation at the site. The other uses, being the Holiday Accommodate and Restaurant, from a special perspective do not occupy more area that the Jujubes and Mushroom operations.</p>
<p>Restaurant (I) <i>Means premises primarily used for the preparation, sale and serving of food and beverages for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the Liquor Control Act 1988, with a net lettable area of more than 150m².</i></p>	<p>As a total area of 296.4sqm for the Restaurant is proposed, it is considered the land use is appropriately classified as a ‘Restaurant’ in comparison to a ‘Café’ (which has a net lettable area of less than 150m²).</p>
<p>Holiday Accommodation (I) <i>Means 1 or more self-contained units design for rural holiday purposes on a lot for short term accommodation of guests.</i></p>	<p>There are a total of 6 chalets each consisting of 2 bedrooms proposed for the purposes of short-term accommodation.</p>

Each of the above uses have been listed with their permissibility indicated in brackets as either (P) or (I). Each land use permissibility means the following:

- *P means the use is permitted if it complies with any relevant development standards and requirements of this Scheme.*
- *I means that the use is permitted if it consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with any relevant development standards and requirements of this Scheme.*

For the purposes of understanding the land use definitions, Schedule 1 – Terms Referred to in Scheme of the SVPS 1 provides the following definition for ‘predominant use’:

“means the primary use of premises to which all other uses carried out on the premises are incidental”.

Commentary against the Predominant and Incidental Uses applicable to the development proposal is provided below.

4.1.3 Predominant and Incidental Uses

Predominant Use

It is considered the ‘Agricultural – Intense’ land use is the ‘Predominant Use’ for the following reasons:

- It is the primary use of the premises that it will be the first use established at the (as a result of the proposed staging plan) and will continue for the duration of the operation of the site.
- The inherent and extensive nature of the use, and the large land area required for the Jujube trees and mushroom greenhouse, establishes the primacy of the land use within the overall development design.

A critical factor in determining that the agricultural land is the predominant use at the subject site is the land's capability in facilitating the viability of the use. Matters relating to the capability of the land are addressed in the 'Development Considerations' section of this report below. Specifically, the matters relate to the soil, water and wastewater.

Incidental Use

It is considered the 'Restaurant' and 'Holiday Accommodation' land use are the 'Incident Uses' for the following reasons:

- The menu associated with the 'Restaurant' operation will include meals that specifically use the produce grown at the site (Mushrooms and Jujubes). This provides a direct connection between the two operations at the site. The Restaurant's marketing will ensure that the menu showcases the produce grown at the site.
- The dining room depicted on the development plans will be used as an adaptable space for private cooking/baking classes outside of the Restaurant operating house. It is intended that these classes be small and intimate and for the guests of the Holiday Accommodation. As the dining room is near the kitchen, any items prepared by those undertaking the classes will be able to cook/bake their food in this area. Private cooking classes must use the produce grown at the site.
- Chalet guests will be able to book tours of the Jujube orchard as well as the Mushroom greenhouses. These tours will focus on providing an opportunity for guests to learn about agricultural processes associated with the Jujubes and Mushroom productions. Chalet guests will also have an opportunity to pick and purchase their own produce.
- In relation to the Mushroom production, special tours will be provided to guests who stay at least 3 days in the accommodation. These tours are unique in that they will allow guests to pick their own mushroom stick and come back several days later to see the progress of their mushroom's growth while learning about the process associated with the production.
- Holiday Accommodation as a land use is consistent with the character of the broader locality. It is not uncommon for chalets and tourist accommodation to be provided in the Swan Valley area. Given this, it is considered Holiday Accommodation is appropriate as an Incidental land use on the site.

The above demonstrates that these uses have a strong connection to the predominant use of the land. The above also demonstrates that these uses rely on the success and functionality of the Predominant Use. The relevant development standards and requirements for these uses are discussed in further detail below.

4.1.4 Development Staging

To guarantee that the development meets the requirements of planning framework in relation to the Predominant Use requirement, a Staging Plan is proposed to ensure that the Agricultural – Intensive use is first established and succeeded by the implementation of the Holiday Accommodation and Restaurant/Café. The below table depicts the Staging Plan for the subject development and can be implemented as a condition of approval.

Staging	Land Use & Activity	Estimated Timeframe
Stage 1	<ul style="list-style-type: none"> Plant the intensive orchard (Jujubes) and construct the mushroom greenhouses. 	Within 4 months of Development Approval.
Stage 2	<ul style="list-style-type: none"> Installation of the warehouse and storeroom buildings. These buildings will be used for the storage of products produced in Stage 1. Installation of the Wastewater Recovery System 	Within 12 months of completion of Stage 1.
Stage 3	<ul style="list-style-type: none"> Installation of the Restaurant and Holiday Accommodation Units 	Within 12 months of completion of Stage 2.

4.1.5 General Development Requirements

Part 5 of the SVPS 1 provides for site and development requirements for each Zone within the Scheme. Clause 37 of Part 5 refers to Schedule 5 of the Scheme which provides for Additional Site and Development Requirements for the relevant zone.

The below Table is an extract from *Schedule 5 – Additional Site and Development Requirements* from SVPS 1. The below table provides an assessment against the requirements applicable to ‘All Zones’ and the ‘Priority Agricultural’ zone of the SVPS 1.

Zone & Requirement	Provision	Assessment Comments
All Zones		
Subdivision	<i>Not applicable – no subdivision proposed.</i>	
Development	2.1 No more than one dwelling/single house (excluding ancillary dwellings and caretaker’s dwellings) is permitted on any lot in any zone, except in the Residential zone subject to compliance with all relevant Scheme requirements.	The existing Single House is proposed to be retained. No more than one dwelling is proposed in the development.
	2.2 All development is to minimise impacts on native vegetation and include adequate buffers from bushland, wetlands and waterways, in accordance with any relevant planning policies and State planning policies.	There is no bushland, wetland, or waterway on or adjacent to the site.
	2.3	

	All development is to be consistent with the rural character of the Swan Valley, in accordance with any relevant Scheme provisions and planning policies.	It is considered the proposal is consistent with the rural character of the Swan Valley for the following reasons: <ul style="list-style-type: none"> • Through the use of building colours and materials that are reflective of the rural character in the area. • Ensuring the building bulk does not impose the streetscape. Typically, buildings are significantly set back from the primary street frontage. • Ensuring there is adequate landscaping provided on the site. The design of the development makes use of the existing mature trees on the site. • Ensuring the agricultural land use is the predominant use on the site.
	2.4 All development must include landscaping, fencing, access and car parking in accordance with relevant planning policies or may be conditioned as part of development approval.	The development's design incorporates landscaping, fencing and suitable access from West Swan Road and car parking in accordance with the City of Swan's Car Parking Policy.
	2.5 On-site effluent disposal is to be in accordance with the Government Sewerage Policy, including any buffers to the Swan-Canning Development Control Area and special requirements for nutrient management within sewage sensitive areas.	The Waste Water Recovery Report provided as part of this application demonstrates that the land uses will require a maximum of 7,940 litres per day of wastewater. The report states the design capacity of the waste water system is 20% in excess of the required waste water at maximum loading. An in depth analysis of the proposed method of waste water is provided below.
	2.6 Transportable buildings and sea contained (unless fully enclosed within a building) are not permitted in any zone without development approval subject to the requirements listed in the Scheme.	<i>Not applicable – no transportable building(s) or sea containers proposed.</i>
	3. Keeping of Livestock	<i>Not applicable – no subdivision proposed.</i>
Priority Agricultural Zone		
Subdivision	<i>Not applicable – no subdivision proposed.</i>	
Development	2.1 No development may occur within the Priority Agricultural zone without	The proposal is submitted for development approval.

	development approval of the Commission (unless exempted under Clause 56 of this Scheme)	
	<p>2.2</p> <p>All applications for development approval must satisfactorily demonstrate how the proposed development is consistent with the aims of the Scheme, objectives of the zones, any other relevant provisions of the Scheme, planning codes and planning policies.</p>	As detailed above, the proposal is consistent with the objectives of the Priority Agricultural zone. An assessment against the site-specific provisions is also provided in the below table.
	<p>2.3</p> <p>All outbuildings and rural structures are to comply with the following:</p> <p>a. Floor area not to exceed 200m² for an individual building or structure, or a total of 300m² on the lot for non-commercial uses, hobby farms, lifestyle properties and similar uses;</p> <p>b. Floor area of outbuildings and rural structure for commercial rural uses to be at the discretion of the Commission based on satisfactory demonstration of commercial justification as part of a development application.</p> <p>c. Location, design and landscaping to be in accordance with any relevant policy.</p>	<p>a. The proposed 'open shed' attached to the Restaurant/Workshop building measures a total area of 90.6sqm – complies.</p> <p>b. It is considered the floor area proposed rural structures, being the existing shed to be retained and the open shed adjacent to the Restaurant are in keeping with the amenity of the locality, do not dominate over other uses and are incorporated into the design of the development.</p> <p>c. The Commission has not policies relating to the location and design of landscaping in the SVPS. Notwithstanding, the development's design ensures that as many as possible of the existing mature trees are retained.</p>
	<p>2.4</p> <p>An ancillary dwelling – rural is to be located behind the single house and screened from view from primary and secondary (where applicable) streets, in accordance with any relevant planning policy.</p>	<i>Not applicable – no ancillary dwelling proposed.</i>
	<p>2.5</p> <p>Development associated with non-rural uses such as tourism and hospitality must be located and designed so as to avoid impacts or interruption to existing or possible future use of rural land for agriculture. Adequate buffers and/or management plans may be required as</p>	<p>The proposed Restaurant is located in the front portion of the lot, away from agricultural productions which reduces any land use incompatibility within the site.</p> <p>The proximity and Holiday Accommodation units to the agricultural land uses and associated management</p>

	conditions of approval to prevent land use conflict.	measures is discussed in further detail under 'Planning and Development (Local Planning Schemes) Regulations 2015'.
2.6	All development is to be in accordance with the minimum setbacks, maximum site coverage and maximum building height outlined in Table 1, unless otherwise specified in a planning policy prepared under this Scheme.	An assessment against the additional Table 1 requirements is provided below.

As required in Clause 2.6 above, the below Table is an extract from *Schedule 5 – Additional Site and Development Requirements* from SVPS 1. The below table provides an assessment against the Minimum Setbacks, Maximum Site Coverage and Maximum Building in the 'Priority Agricultural' zone of the SVPS.

Table 1: Minimum setbacks, maximum site coverage and maximum building height in Priority Agriculture zone			
REQUIREMENTS			ASSESSMENT COMMENTS
Minimum Setbacks for Lots Greater than 2,000m²	Primary street setback	30 metres	Minimum setback of Restaurant to primary street boundary is 34 metres. Complies.
	Secondary street setback	20 metres	<i>Not applicable – no secondary street.</i>
	Side and rear boundary setbacks	15 metres	Minimum side and rear boundary: 5.48 metres Does not comply.
Maximum Site Coverage for lots greater than 5,000m²	Aggregate total building footprint	N/A	<i>Not applicable.</i>
	Domestic building footprint	10% of lot area or 500m ² , whichever is the lesser.	Six Chalets: 450m ² Restaurant: 296.4m ² Commercial Workshop: 371.5 The total domestic building footprint 1,117.9m ² .
	Agricultural building footprint	300m ² floor area OR Greater than 300m ² at the discretion of the Commission, having regard for: a) Existing and approved development on the lot; b) Impact of the proposed development on land under vines or orchards; c) Purpose for which the proposed agricultural building is proposed;	Mushroom Greenhouse 1: 308.66m ² Mushroom Greenhouse 2: 201.68m ² Existing Shed: 180m ² The total agricultural building footprint is 690.34m ² .

		d) any other matters the Commission deems relevant.	
Maximum building height	Wall height (roof concealed)	7 metres	

5 PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES) REGULATIONS 2015

5.1 LAND USE COMPATIBILITY WITHIN THE SITE - CLAUSE 67(M)

Submissions received during advertising, as well as comments received from the Department of Primary Industries and Regional Development (DPRID) expressed concern for the proposed Holiday Accommodation chalets at the subject site. Specifically, these concerns relate to the sensitivity of the Holiday Accommodation chalets to emissions commonly associated with operational vineyards including gas, noise, dust and odour. Where necessary, measures to prevent land use conflicts are to be detailed in management plans.

In response to these concerns, the number of Holiday Accommodation chalets has been reduced from eight (8) to six (6) units. This means that a wastewater recovery system can be accommodated on site. As stated above, to enhance the viability of the agricultural uses and its integration with the Holiday Accommodation chalets and Restaurant, treated wastewater will be recovered and used to irrigate the perennial Jujube trees. This will significantly reduce fertiliser requirements and minimise the risk of nutrient exposure to the sensitive land use at the site.

To further minimise any negative impacts on the sensitive land use, site specific management practices are proposed. These are:

- The hours of operation are to be regulated to minimise conflict. For example, the Restaurant will only be open during the day and only operate at night for one off events such as weddings.
- The intensive horticultural production of mushrooms and Jujube are low mechanical activities with low noise emissions.
- Jujube production has a low potential for insect pests. However, for the low-level requirement of the control of insects, organic food production policies will be implemented to minimise any risks to human health.
- When insecticide does need to be sprayed, the site's operator will ensure that the Holiday Accommodation chalets are closed. This means, there will be no risk of human exposure during spray periods.
- Fencing is to be provided between the Mushroom Greenhouses and the Holiday Accommodation units to ensure guests cannot enter the workplace associated with the agricultural land uses of the site.

It is expected that a condition be applied for the preparation of a Management Plan prior to occupation of the Holiday Accommodation units to expand on the practices proposed above.

6 DEVELOPMENT CONSIDERATIONS

6.1 GEOTECHNICAL REPORT

A Geotechnical Report has been prepared by Perth Geotechnics and is provided in Attachment 1. The site is classified 'H1' based on surrounding site conditions and laboratory testing, including Bore Hole investigations, shown in the images below.

Soil from Bore Hole shown in attached Geotech Report.



Dynamic Cone Penetrometer (DCP) shown in attached Geotech Report



The site is capable of re-classification to 'M' or 'S' per the remedial measures and site preparation techniques discussed within section 6.2 of the attached Geotechnical Report.

Table 3. General Definition of Site Class

Site Class	Soil Description	Characteristic Surface Movement (mm)
A	Most SAND and ROCK sites with little or no ground movement due to moisture content variation	little or no ground movement
S	Slightly reactive clayey or silty SAND, which will cause slight ground movement due to moisture content variation	$0 < Y_s \leq 20$
M	Moderately reactive clayey or silty soil which will cause moderate ground movement due to moisture content variation	$20 < Y_s \leq 40$
H1	Highly reactive clayey or silty soil which will cause high ground moved due to moisture content variation	$40 < Y_s \leq 60$
H2	Highly reactive clayey or silty soil which will cause high ground moved due to moisture content variation	$60 < Y_s \leq 75$
E	Extremely reactive clayey or silty soil which will cause extreme ground movement due to moisture content variation	$Y_s > 75$

Figure 19: Excerpt of Table 3 of attached Geotech Report defining 'site Class'

The soil within the site is comprised of mostly silty and clayey sand to a depth of 2m and the results of permeability testing area shown in the image below. Stormwater will not be able to drain through the soak well and is recommended to be disposed of off-site or to the council drainage system.

Preparatory works will follow Australian Standard AS3798 *Guidelines on earthworks for commercial and residential developments*. Earthworks will be controlled and a compacted sand pad of 700mm will be installed for a site classification of 'M' or alternatively 1200mm for a site classification of 'S'. Compaction

must satisfy a moisture condition of -1% to +2% and will following the City of Swans requirements for retaining walls and fill material.

Permeability Test ID	Co-ordinates (GDA94)		Permeability Rate		Soil Description	Test Depth (m)
	Easting	Northing	cm/sec	m/day		
FPT1	404 201	6 475 855	7.3 x 10 ⁻⁴	0.63	Sandy Clay	0.5
FPT2	404 188	6 475 889	8.5 x 10 ⁻⁴	0.73	Sandy Clay	0.5

Figure 20: Excerpt from Geotechnical Report – Soil Permeability results

The recommendations provide that strip and pad footings are a feasible foundation option, provided that the recommendations of section 6.2 are as follows, allowing a bearing pressure of 100 kPa. The site preparation and compaction will be verified by a geotechnical engineer throughout construction and ahead of concrete pouring.

6.2 LAND CAPABILITY ASSESSMENT

The City of Swan’s initial assessment highlighted concerns regarding the limited groundwater allocation available for the subject site. With this, Swan were concerned that this would viability of the predominant use, being the agricultural production, rendering the site unviable and non-compliant with the requirements of the planning framework.

On this basis, further investigation of the site’s land uses has resulted in further refinement of the proposal. Where a range of horticultural production was proposed, now only two (2) productions are proposed, being the Jujubes and mushrooms. These productions have been selected as they rely on less water consumption to be viable.

The Land Capability Assessment prepared by Landform Research concludes that Jujubes and mushrooms can be accommodated on site as the soil and water and conditions are suitable for their productions.

6.2.1 Soils

In terms of the proposed horticultural production at the site the following soil properties are observed:

Soil Property	Assessment Comment
Water Repellence <i>Non-wetting characteristic of a soil type, resulting in lower soil moisture and reduced crop growth in winter.</i>	Water repellence of soil is minimal, which means that there is no significant impact on land capability and if required, be easily treated to increase water absorption within the soil.
Soil Compaction <i>Results from tractor/machinery movements, compacting soils and reducing aggregates.</i>	Soil compaction at the site is acceptable, as compaction for rural land uses is an expected practice and will not impact agricultural growth.

Dispersible Soils <i>Soils containing sodium in the clay content can disperse when wet, leading to erosion and subsoil tunnel formation.</i>	Is minimal to none meaning there will not be a significant impact on the land's capability for agricultural production.
Wind Erosion <i>Can impact on sands and loose soils when inadequate soil cover is retained.</i>	No concerns.
Water Erosion <i>Can occur where there is inadequate soil cover, steep slopes, high sand content and dispersibility.</i>	No concerns.
Rooting Depth <i>The depth roots can penetrate depends on texture changes in soil, proximity of bedrock, stone in the soil, hard clay layers and soil compaction.</i>	No concerns.
Salinity <i>The proportion of salt in the soil.</i>	No concerns.
Soil Acidity <i>The amount of calcareous material within the soil, the types of crop grown, fertiliser usage and the proportion of clay.</i>	Can be managed through traditional agricultural practices.
Soil Moisture Storage <i>The ability of a soil to retain water determines the potential for crop growth and amount of rainfall and irrigation required.</i>	Generally good water holding ability, with some more elevated sandy areas of moderate storage.
Water Logging <i>Water can lay on the surface, clogging the pores in the soil, leading to reduction in oxygen, loss of nitrogen and reduced crop growth.</i>	There is no evidence of waterlogging on site, therefore there are no concerns.
Soil Workability <i>The ease that soil can be cultivated. Waterlogging, presence of stone and slope can impact on the ease of cultivation.</i>	No waterlogging, stone in soils or significant slopes are present, therefore there are no concerns.

The above demonstrates that the soils at the subject site are highly capable of supporting horticultural uses, with the ability to plant Jujube trees in the allocated soil type.

6.2.2 Water

In terms of the availability of water to the site, the report advises the following:

Water Available	Availability and Capacity
Surface Water Sources	There is no evidence of surface water laying on the land over the last 10 years.
Ground Water Sources	Groundwater is available and there is a licensed bore on site, licensed for 5,000 kL per year.
Rainwater	It is possible to generate additional water through the collection of rainwater, however it is not a significant amount.
Scheme Water	Scheme water is available at the site. It is assumed that there is sufficient availability can be used to supplement bore water. Specifically, the mushroom sticks will be misted with scheme water.
Recycled Water	It is proposed to dispose of waste water collected from the secondary treatment unit. This water will be recycled and used to irrigate the Jujube through subsurface irrigation.

The report also notes the following:

- Jujubes are a low water use tree and will require less water compared to other agricultural productions in the locality.
- Mushrooms have also been selected on the basis that their propagation requires less water than other industries. As Jujubes and Mushrooms do not require washing, water consumption is reduced.

The above demonstrates that the site can accommodate the intended land uses as the availability and capacity of water is suitable for the site.

6.2.3 Wastewater

A key element to ensuring the viability of the agricultural land use, specifically the Jujube orchard, is the implementation of a wastewater scheme for the successful and viable operation of the use.

The Jujube orchard will rely on, and use recovered wastewater, backed up by bore water. Once the Restaurant and Holiday Accommodation chalets are in operation, the volume of wastewater generated from these land uses will increase and be available for irrigating the Jujube orchard. Prior to that time, the Jujube orchard will be irrigated by bore water, through the groundwater allocation available at the site.

In addition to the recovered wastewater from the Restaurant and Holiday Accommodation land uses will be used for irrigation of the trees which will reduce the draw of the allocation associated with the bore and reduce the amount of fertiliser required (as fertiliser helps orchards/crops to retain water content). It is anticipated that both the recycled wastewater and bore water will be used to manipulate the nutrient applications at the site.

As the wastewater disposal area in the orchard will only be required when the Restaurant and Holiday Accommodation chalets are in use, initially only bore water will be used during the establishment of the Jujube orchard; with microsprays or drippers being used.

The use of recycled waste is described in the Department of Health, Guidelines for the Non-potable Uses of Recycled Water in Western Australia, states that for recovered wastewater, the water is to be sourced from systems that feature secondary treatment and must only be used where there is a low risk of contamination.

For a perennial crop such as Jujube, the wastewater will be available through an underground delivery system with no water able to access the surface. The wastewater reuse area will be dedicated to ensure there is no contact between the fruit and the water, the recycled water is not able to access the surface of the soils and access being restricted, with an appropriate management plan in place.

Table 6: Risk Assessment Table and Management of the Waste Water Recycling and Use report provides a Public Health assessment. The report states that the prescribed waste water system has a capacity of 10,000 litres per day, greater than the proposed 7,940 L/day water loading. The system is fully enclosed and the likelihood that guests will come into contact with untreated wastewater is low.

In summary, The Land Capability Assessment concludes that the site can accommodate the agricultural land uses as the specified method of waste water is suitable, thus being able to support the long-term viability of the predominant use.

6.3 STORMWATER PLAN

The attached storm water management plan calculates that the area of impervious material will result in 74 Kilolitres of stormwater during a 1 in 10 years flood event, and 170 Kilolitres of stormwater during a 1 in 100 years floor event.

The management plan recommends a preliminary solution for 1-in-10year flood events, to install 17 interconnected stormwater tanks which will 'bubble up' to the drainage reserve along the northern boundary. The management plan concludes that a 1-in-100year flood event is unable to be contained within the site, and that flooding will naturally be directed to the internal driveway (shown red in the image below) and the drainage reserve at the north (shown blue in the image below). The FFL of habitable buildings must therefore be at least 300mm above the lowest point of the road.

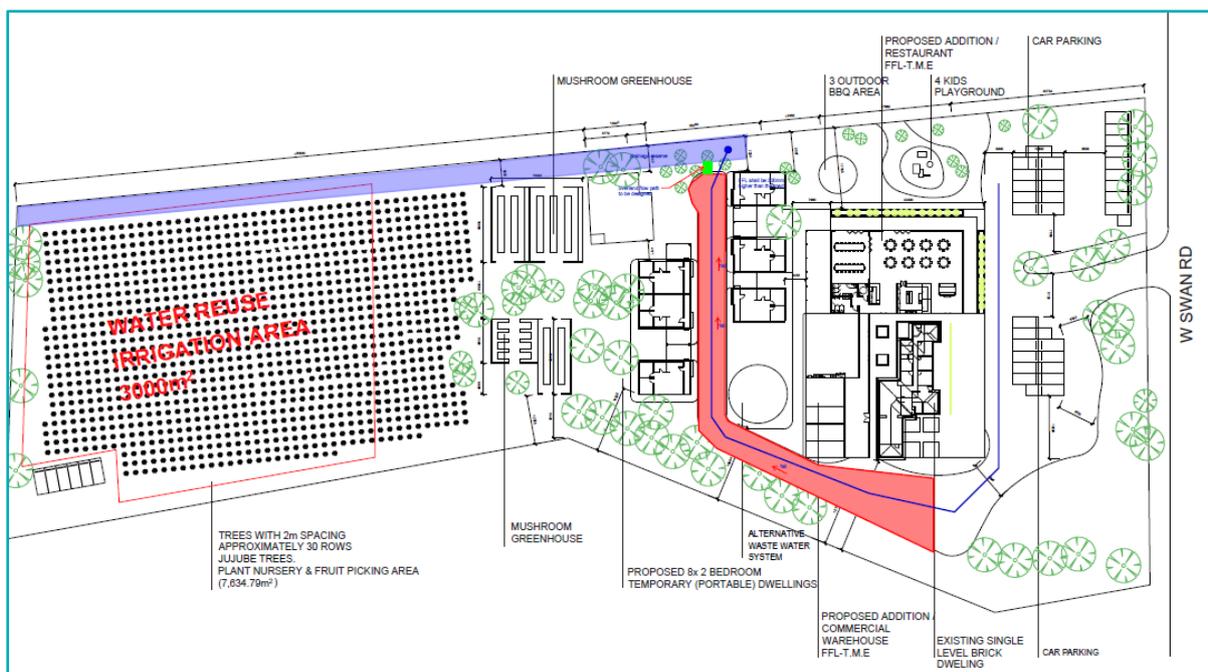


Figure 21: Excerpt from Stormwater Management Plan: Flood contours for 1-in-100year event

6.4 TRAFFIC IMPACT STATEMENT

A Traffic Impact Statement has been prepared by Shawmac Consulting and is provided in Attachment 4. As modifications to the development are proposed, the report has been updated to reflect these changes.

The proposed development will generate up to 388 vehicle trips per day, being 10 trips in the AM peak period and 33 in the PM peak period.

West Swan Road is a 'Distributor A' road, per MRWA classification (shown below) and can support over 8,000 vehicles per day.

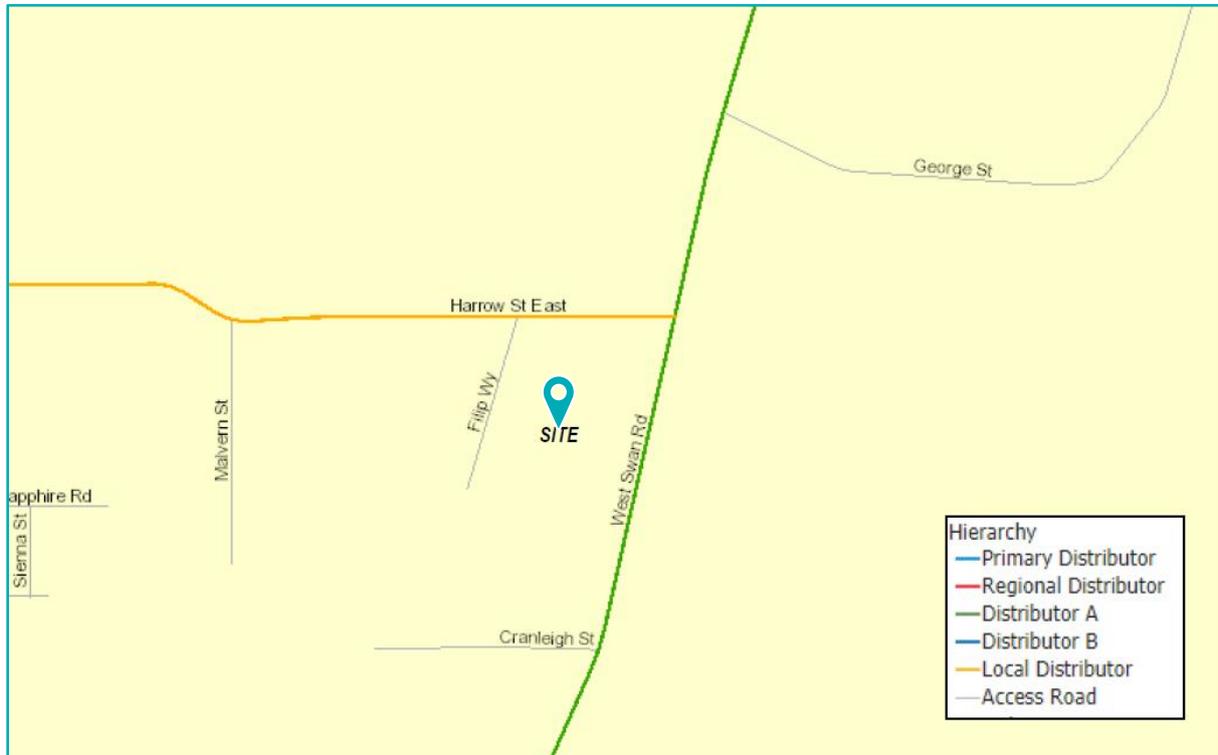


Figure 22: 3Excerpt from Traffic Impact Statement of MRWA classification

According to the WAPC TIA guidelines, an increase of between 10 to 100 peak vehicles is considered to have a low to moderate impact and it is generally accepted that detailed capacity analysis is not required. As the development is estimated to have an increase of 10 to 33 vehicle movements during peak periods, it is considered the site has a low traffic impact and the minor increase can be accommodated within the capacity of the existing road network.

Parking

The TIS notes that 12 bays for the 6 Chalets will be required and 24 bays for the Restaurant are required, which represents a total of 36 bays. On this basis, the 42 bays provided will meet the parking requirements of the development (refer to Figure 23 below for the car parking layout).

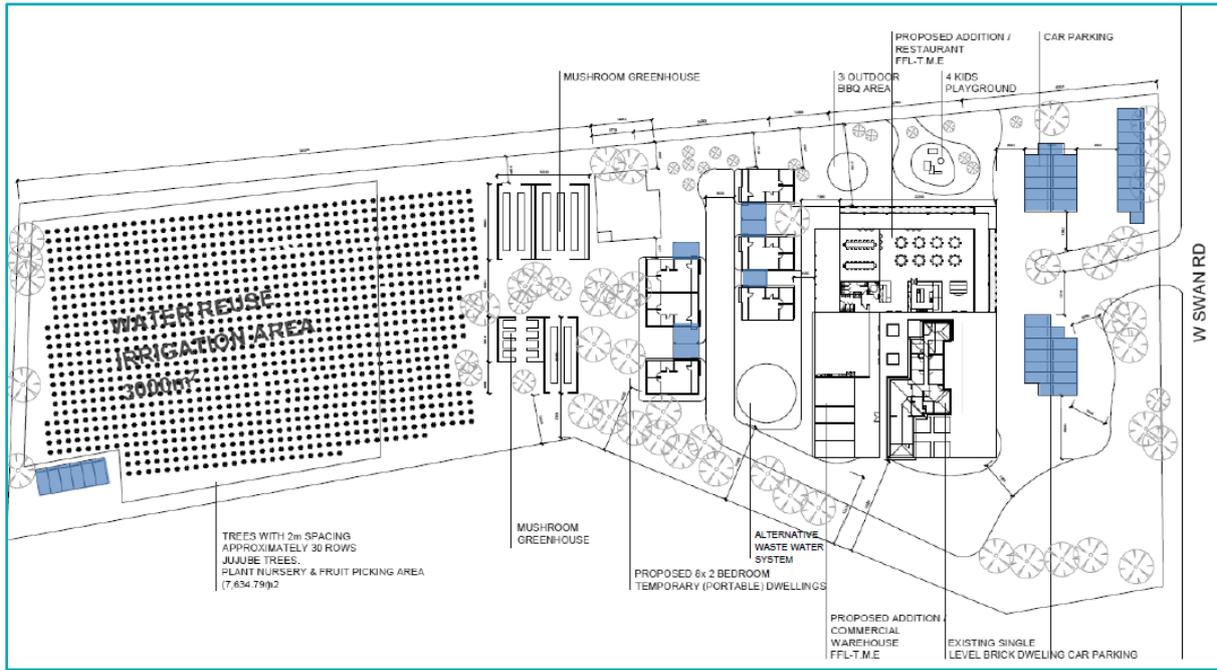


Figure 23: Proposed Car Parking Layout

Access

The proposed crossover which provides vehicular access to the development measures 7.8 metres in width. It is proposed that the existing crossover will be widened to the north so that the existing power pole located south of the crossover will not be affected. A secondary crossover and car park will be located at the rear boundary of the site, at the end of Filip Way.

6.5 ACOUSTIC REPORT

Hewshott Acoustic Consultants have prepared a thorough Acoustic Report to accompany the application.

The Acoustic Report demonstrates the proposed uses are suitable for the site and that the proposal will not adversely impact the amenity of adjoining properties. The assigned noise levels for the proposal are outlined below and used as a reference to determine whether the proposal achieves acoustic compliance.

Type of premises receiving noise	Time of the day	Assigned Noise Level (dB)		
		LA10	LA1	LAm _{ax}
Noise sensitive premises at locations within 15 metres of a building directly associated with a noise sensitive use	07.00 to 19.00 hrs Monday To Saturday	51	61	71
	09.00 to 19.00 hrs Sunday and Public holidays	46	56	71
	19.00 to 22.00 hrs All days	46	56	61
	22:00 to 07:00 Monday to Saturday 22:00 to 09:00 Sunday and public holidays	41	51	61
Commercial premises	All times	60	75	80
Industrial and utility premises	All times	65	80	90

Figure 24: Excerpt from Acoustic Report Depicting Assigned dB_A levels

6.5.1 Noise Emissions

Based on the assigned levels above, all services and facilities achieve compliance with some recommendations, including:

- Mechanical services — Installed models of condenser units and exhausts fans must be models that do not exceed a sounds pressure level of 60dB_A, with minimal tonality and impulsiveness.
- Back of House Service Vehicles — Commercial vehicles should ideally access the site during the daytime, especially Monday to Saturday, where the assigned noise levels are easiest to comply with.
- Amplified Music and Patrons Noise — Detailed music levels and the like are not determined at this time. Therefore, the acoustic report includes a +10dB_A adjustment factor to be conservative. All sources of music and patron noise will comply with the calculated EPNR noise levels, at the receptor points of neighbouring properties.
- Car Park Activity — Noise from car park activity with potential to cause impacts at the nearest sensitive receptors are likely to be car door slamming. The noise levels will achieve compliance at noise sensitive receptor in accordance with WA EPNR 1997 as presented in the below excerpt of Table 4.4.2 from the Acoustic Report.

Table 4.4.2: Predicted compliance results.

Location	EPNR 1997 Assigned Noise Level L _{Amax} (dB) 19.00 - 22.00 hours	Predicted L _{Amax} (dB)	Compliance predicted?
5470 West Swan Rd (40m from the closest car park area)	61	53	Yes
5601 West Swan Rd (20m from the closest car park area)	61	59	Yes

The above predictions can be regarded as worst-case, as all cars have been assumed to be at the closest point to the nearest noise sensitive receptor (the development). In reality, cars will not always park at the closest point to the receptors all of the time.

Figure 25: Excerpt from Acoustic Report Showing Predicted Noise Emissions as Compliant

7 CONCLUSION

The proposed development at No. 5531 West Swan Road has been duly considered in accordance with the relevant local planning framework, namely the *Swan Valley Planning Act 2020* and the Swan Valley Planning Scheme No. 1.

The application prepared and submitted for development approval showcases a proposal which has considered the site, development on adjoining properties and the immediate locality. It produces a development outcome which is responsive to and respectful of the established streetscape and planned local development character.

It is recommended that the Department of Planning, Lands and Heritage welcome this addition to the local area, assisting the Swan Valley Area in realising the States strategic intention for the region, and approve the application subject to appropriate conditions.

8 ATTACHMENTS

8.1 ATTACHMENT 1 – DEVELOPMENT PLANS

8.2 ATTACHMENT 2 – GEOTECHNICAL REPORT

8.3 ATTACHMENT 3 – LAND CAPABILITY ASSESSMENT

8.4 ATTACHMENT 4 – WASTE WATER REPORT

8.5 ATTACHMENT 5 – STORMWATER PLAN

8.6 ATTACHMENT 6 – TRAFFIC IMPACT STATEMENT

8.7 ATTACHMENT 7 – ACOUSTIC REPORT