



Mr Peter Varelis
 Director of Development Services
 City of Kalamunda, WA 6076

Via email: Peter.Varelis@kalamunda.wa.gov.au

Cc: Regan.Travers@kalamunda.wa.gov.au
Margaret.Thomas@kalamunda.wa.gov.au
Matthew.Hughes@mp.wa.gov.au

Available online at www.chaletrigi.com.au and www.facebook.com/ChaletRigi

31 January 2020

Dear Mr Varelis, City Staff and City Councillors

PROPOSED AMENDMENT TO EXISTING RESTAURANT – LOT 3 (415) MUNDARING WEIR ROAD

With reference to:

- The development application check list provided to the Applicant by the City of Kalamunda's Principal Statutory Planner on 12 February 2019.
- Email correspondence from the City's Principal Statutory Planner to the Applicant titled *Development Application Update* and dated 20 August 2019.
- Email correspondence from yourself to the Applicant titled *Development Application Update* and dated 16 October 2019.

The Applicant confirms that all documents requested by the City of Kalamunda to enable assessment of the development application (**herein referred to as DA**) to reopen the restaurant with capacity of 480 persons have now been prepared in accordance with relevant regulations, standards and guidelines.

The revised documents address community submissions provided to the Applicant on 20 August 2019, queries raised by the Department of Water and Environment Regulation (DWER) in correspondence dated 10 September 2019, and City of Kalamunda queries raised throughout the DA process.

The documents are appended to this letter and listed below:

| No. | Requirement | Addressed by |
|-----|--|--|
| 1 | Site and Soil Permeability Assessment | • Evergreen Consultancy WA (Dec 2019) <i>Water and Stormwater Management Plan</i> , (including Structure Consulting (Oct 2019) <i>Soil Permeability Testing</i>) |
| 2 | Water Management Plan | • Evergreen Consultancy WA (Dec 2019) <i>Water and Stormwater Management Plan</i> |
| 3 | Stormwater Management Plan | • Evergreen Consultancy WA (Dec 2019) <i>Water and Stormwater Management Plan</i> |
| 4 | Traffic Impact Statement | • Shawmac Consulting (Jan 2020) <i>Transport Impact Statement</i> |
| 5 | Emergency Response and Evacuation Plan | • Saferight (Jan 2020) <i>Emergency Evacuation Plan - Bushfire Emergency Plan</i> • Additional OH&S information provided in Saferight (Jan 2020) <i>Operational Management Plan</i> |
| 6 | Bushfire Attack Level (BAL) Assessment | • Smith Consulting Bushfire Consultants (Feb 2019) <i>Bushfire Attack Level Report</i> |
| 7 | Operational Management Plan | • Saferight (Jan 2020) <i>Operational Management Plan</i> |



ABN 97 101 058 619
 RTO Code 5722



42 Belmont Avenue
 BELMONT, WA 6104



Telephone: +61 8 9334 1000
 Toll Free: 1800 352 335



Email: enquire@saferight.com.au
 Website: www.saferight.com.au



| No. | Requirement | Addressed by |
|-----|-----------------------------------|--|
| 8 | Response to Community Submissions | <ul style="list-style-type: none"> • Saferight (Jan 2020) <i>Applicant Response to Community Submissions</i>, PDF table format, 101 pages • Saferight <i>Letter re: Proposed Amendment to existing restaurant – Lot 3 (415) Mundaring Weir Road, Piesse Brook</i>, dated 31 January 2020 (this letter) |
| 9 | Response to DWER Comments | <ul style="list-style-type: none"> • Evergreen Consultancy WA (Dec 2019) <i>Water and Stormwater Management Plan</i> • Saferight <i>Letter re: Proposed Amendment to existing restaurant – Lot 3 (415) Mundaring Weir Road, Piesse Brook</i>, dated 31 January 2020 |
| 10 | Engineering Plans | <ul style="list-style-type: none"> • Sheppard Design and Drafting Services (2020) <i>Revised Site Plans</i>, 1 of 8 figures, dated January 2020. |

With reference to all other versions of reports submitted as part of the restaurant's current or previous development application (approved for 350 patrons by the City of Kalamunda on 26 November 2012 and lapsed in 2014), these documents have now been superseded and are no longer applicable. **Only the above listed document versions are intended for consideration.**

APPLICANT RESPONSE TO COMMUNITY SUBMISSIONS AND DWER QUERIES

The Applicant recognises that common themes were raised in the community submissions that represent valid planning considerations, including scale of the development, traffic/parking, water management, bushfire risk and noise. The Applicant is a local resident and business owner who is actively involved in the Kalamunda community and it important to him that the community feels their opinion is considered.

The Applicant has listened to community and DWER concerns and has invested significant time and expense to redesign the development to be more sensitive to its surroundings and the local community.

- A detailed response has been provided to all individual community submissions in the attached 101-page document (Saferight, Jan 2020).
- The Applicant will provide copies of the above technical reports to any neighbouring residents or stakeholders who want to view them – please send an email request to mbevkc@saferight.com.au
- The Applicant is willing to host a community information session (in addition to that in October 2019) to enable residents and stakeholders to ask questions and become familiar with the restaurant.

Finally, the Applicant wishes to provide the following overarching and wholesale response to all community submissions, including a summary of key themes and mitigating factors. In order to be transparent and open with the local community, this letter is available to view on the restaurant's social media and webpage.

SCALE OF DEVELOPMENT

There has been much confusion about the previously approved restaurant operations, predominantly that it previously operated under 80 patrons. The restaurant has only ever operated under approval for 350 people. **The Applicant is seeking an increase of only 37% in capacity, from 350 to 480 people including staff.**

Under the previous owner, the restaurant operated with 350 patrons for over 30 years under a license granted by the City of Kalamunda. The original restaurant was 350 m² in size and operated in accordance with Department of Health guidelines which recommend 1 person per 1 m² of restaurant area.

Under the current Applicant, approval was granted for a wastewater system capable of servicing 350 people by the City of Kalamunda and Department of Health (DoH) on 26 November 2012 (**refer attachment**). Economic downturn led to a slowdown of redevelopment and the approval for the wastewater system lapsed in 2014 before the restaurant was able to be finished.



ABN 97 101 058 619
RTO Code 5722



42 Belmont Avenue
BELMONT, WA 6104



Telephone: +61 8 9334 1000
Toll Free: 1800 352 335



Email: enquire@saferight.com.au
Website: www.saferight.com.au



The redevelopment is now almost complete (Building Permits 20121083 and 20151193), with an expanded restaurant building of 850 m². In accordance with DoH guidelines, the restaurant is sufficiently sized to accommodate at least 850 people. This is reflected in the Department of Liquor and Gaming restaurant license granted in November 2019 which covers up to 950 people per day.

Restaurant capacity in the Perth Hills is limited compared to the Swan Coastal Plain, mainly due to water management and bushfire risk. WA legislation maintains that “restaurants in frequent use” must allow for 30 L of water per person. However, like most properties in the Hills, the restaurant is not connected to mains sewerage and so capacity is intrinsically linked to the ability to treat wastewater on-site.

Historically, the restaurant used subsurface leachate drains to discharge wastewater. In reopening the restaurant, the owners intend to install a modern DoH approved on-site treatment system to treat wastewater and recycle it for irrigation. The system, a BioMAX C80, can treat up to 14,400 L of water per day, which equates to a maximum of 480 people accommodated on site.

In July 2019, the DoH issued the Applicant with a license approving the installation of a BioMAX C80 for up to 480 people subject to compliance with approval conditions (**refer attached**). The Minister for Health also advised that the BioMAX C80 was an adequate system for processing wastewater for 480 people and that the property is suitably sized to accommodate the treated effluent over 4,120 m².

The Applicant is currently awaiting approval from the City of Kalamunda to install the BioMAX. When the previous approval for 350 people lapsed during redevelopment, the City of Kalamunda reduced the capacity from 350 people to 80 people as a default position based on advice from the Department of Water and Environment Regulation (DWER). This equates to 1 person per 18 m² at the restaurant.

As a default position, DWER do not recommend new or expanded facilities in the Middle Helena Catchment and would prefer that existing restaurants are limited to 50-80 people per day (including staff). However, DWER are an advisory agency and not a regulatory body (such as DoH), and the City of Kalamunda may elect to support the DoH’s approval for 480 people, providing it can satisfy itself that an appropriate Water Management Plan and approval conditions are in place to protect the catchment. This was confirmed by the DWER’s Director General on 24 September 2019 who stated: “*Should this proposal be supported by the City [of Kalamunda], then a water management plan would need to be developed to fully address the increased risks, and the development would be subject to conditions to manage these*”.

The Applicant is confident that a comprehensive and independently verified Water Management Plan is in place to protect the catchment and support the 37% increase from 350 to 480 people (Evergreen, December 2019). The Applicant considers a 37% increase in capacity to be fair and reasonable given:

- The scale of the development is commensurate with the proposed capacity – according to Department of Health guidelines, a restaurant area of 850 m² can accommodate 850 people. A proposed capacity of 480 people equates to almost 2 people per 1 m².
- The proposed on-site wastewater system and irrigation areas have the capacity to safely treat and dispose of treated effluent for 480 people/day over 4,120 m², with additional capacity built-in to cover maintenance or emergency shutdowns.
- Long term sustainable wastewater disposal for up to 480 people can be successfully achieved with no impact on surrounding water courses or the wider Middle Helena catchment.
- Additional measures to ensure there will be no unacceptable impacts from noise and traffic.
- The presence of nearby venues with similar capacity including Core Cider in Pickering Brook, Masonmill in Carmel, and Naked Apple Cider in Karragullen (which the Applicant believes are an asset to the region).
- An operational and marketing focus on a family-friendly venue suitable for daytime and group visitors particularly in the mid-week when other nearby venues are closed, including:
 - Self-drive families or group visiting the Hills in the daytime



ABN 97 101 058 619
RTO Code 5722



42 Belmont Avenue
BELMONT, WA 6104



Telephone: +61 8 9334 1000
Toll Free: 1800 352 335



Email: enquire@saferight.com.au
Website: www.saferight.com.au



- Tour buses exploring Hills wineries/cideries and wanting to have a sit-down lunch
- Local clubs wanting to host group meals in the daytime e.g. WA Seniors, Red Hatters
- Cyclists using the road or mountain bike networks, typically mornings and lunch
- This focus will ensure that the peak flow of visitors will be around 11 am – 2 pm (i.e. not during main commute times). More information is provided in the Operational Management Plan (January 2020).

In consideration of the above, the Applicant is confident that the scale of the development is consistent with and sensitive to its surroundings and design.

TRAFFIC AND PARKING

A revised *Transport Impact Statement* has been produced by independent consultants, Shaw Consulting, in accordance with the WAPC Transport Impact Assessment Guidelines for Developments (Shawmac, January 2020). It was designed to assess the potential traffic impacts associated with reopening the restaurant and address subsequent comments from the City received in September 2019.

The *Transport Impact Statement* was modelled on a maximum on-site capacity of 780 people per day and up to 350 people at any one time. This is a highly conservative approach, particularly as the Department of Liquor and Gaming license granted in November 2019 permits no more than 200 people at any one time). The Shawmac assessment found that:

- Reopening the restaurant with 480 people on-site **will not have an unacceptable impact** on surrounding traffic including the adjacent intersections and road segments.
- The design and layout of the driveways, internal roads and carpark are fully compliant with Australian Standard AS/NZS 2890.1 2004.
- The proposed car parking facilities are adequate to accommodate 480 people on-site. City of Kalamunda Local Planning Scheme (No. 3) specifies a requirement for 1 car parking bay per 4 people accommodated on site (i.e. 120 bays needed for 480 people, including 2% ACROD parking). The restaurant has 151 car parking bays, including 2 ACROD bays, which not only meets requirements but offers an additional 25% contingency to alleviate concerns about off-site parking. In addition, there will be 4 bus parking bays and separate service/delivery areas.

In accordance with advice provided by the City of Kalamunda's Traffic Engineer on 18 September 2019, the Applicant commits to undertaking the following as part of any future approval conditions:

- Completion of a Basic Left Turn Treatment (BAL) in accordance with AGRD – Part 4A at the site crossover on Mundaring Weir Road.
- Production of a Loading, Servicing and Delivery Management Plan for normal operating conditions.
- Production of a stand-alone Events Traffic Management Plan for any events outside of normal operating conditions (none currently planned), including traffic control, signage and marshals.

WATER MANAGEMENT AND QUALITY

In response to community and DWER feedback, a revised Water and Stormwater Management Plan was produced by independent consultant, Evergreen Consultancy WA, in December 2019. It was designed to put appropriate water management measures in place to protect the Middle Helena catchment and address community and DWER concerns regarding potential contamination of watercourses.

Whilst the DoH approval requires a 30 m setback from effluent irrigation areas and watercourses, the Applicant was keen to alleviate perceived concerns about water quality by taking further measures. Additional site works were undertaken in October 2019, including drilling 10 boreholes to <1.5 m below ground and completing additional soil permeability testing, soil classification and nutrient lab analysis.

Based on these results, the proposed effluent irrigation area was redesigned to place most of it in the south away from Hackett's Gully Creek. Most (78%) of the irrigation area has been relocated south, sitting at over



ABN 97 101 058 619
RTO Code 5722



42 Belmont Avenue
BELMONT, WA 6104



Telephone: +61 8 9334 1000
Toll Free: 1800 352 335



Email: enquire@saferight.com.au
Website: www.saferight.com.au



150 m distance from Hackett's Gully. The rest of irrigation area has also moved south, sitting at over 50 m from Hackett's Gully. Furthermore, the smaller area will only be used when numbers go above 364 people/day or to allow for periodic shutdown of the larger irrigation area.

The revised assessment concluded that sustainable on-site wastewater disposal for up to 480 people **can be successfully achieved** and that it **will not have an unacceptable impact** on surrounding water courses or the Middle Helena catchment. Considerations to this outcome included:

Design Factors

- Use of a DoH approved wastewater treatment unit (BioMAX C80 ATU) designed to treat water to a suitable standard and cope with system failures and shutdowns.
- Soil classification of Category 4 (Clay Loams) suitable for irrigation over a total area of 4,120 m².
- Setback distances from watercourses are greater (150 – 50 m) than those required by DoH (30 m).
- Landscaping and vegetation design will ensure water is retained and does not migrate laterally.
- Best practice stormwater management measures to prevent mixing of storm and wastewater.

Administrative Controls

- Exemption from the Government Sewerage Policy and Approval to allow ATU installation by the Minister for Health (dated July 2019).
- Future provision of as-built plans and certification from a licensed and appropriately qualified installer following installation of the BioMAX C80 on-site.
- Quarterly maintenance agreement for the wastewater system by a licensed provider (in place).
- Compliance with all regulations and conditions specified in the July 2019 DoH ATU Approval.

The Applicant has undertaken proactive water quality monitoring of Hackett's Gully and Piesse Brook in 2012 and 2019 and has established a dataset of baseline water quality conditions prior to the operation of the on-site wastewater system. All water samples contained elevated concentrations of faecal coliforms as *E. coli*. The presence of *E. coli* confirms that faecal matter is present, although the source is unknown. Piesse Brook contains faecal coliforms at a concentration over 1500% greater than BioMAX effluent. Similarly, Hackett's Gully contains faecal coliforms at between 30% and 580% greater than BioMAX effluent.

It is noted that all water intended for human consumption within the Middle Helena catchment, including that within Hackett's Gully, Piesse Brook and the Lower Helena Dam, is treated at the Mundaring Water Treatment Plant to drinking water standard before distribution to potable supply.

Notwithstanding the above, the Applicant willingly commits to ongoing annual monitoring of Hackett's Gully and Piesse Brook to assess long term water quality. Given that Hackett's Gully (and most of the Middle Helena Catchment) is ephemeral and only flows in the wetter months, Evergreen has suggested sampling in September to coincide with end-of-winter peak flows and enable annual review from a comparable timepoint.

BUSHFIRE RISK

BAL Assessment

A *Bushfire Attack Level (BAL) Report* has been produced by independent consultants, Smith Consulting, who are accredited by the Fire Protection Association Australia (February 2019).

The highest BAL rating for the site, as determined by AS 3959, is BAL-29. As the highest BAL rating for a portion of the building upgrade is BAL-29, the development complies with State guidelines.

The DA was referred to DFES who confirmed that it is not a 'high-risk land use' and does not trigger referral. Regardless, DFES provided comments on the BAL report, which was subsequently revised, and then further comments were provided in August 2019. The City's Principal Statutory Planner advised the Applicant on 20



ABN 97 101 058 619
RTO Code 5722



42 Belmont Avenue
BELMONT, WA 6104



Telephone: +61 8 9334 1000
Toll Free: 1800 352 335



Email: enquire@saferight.com.au
Website: www.saferight.com.au



August 2019 that “no action would be required to address the DFES comments at this stage”. Instead, “it would be appropriate for a condition to be added to any approval [should the DA be approved] requiring the BAL be updated to address DFES’s queries”. **The Applicant agrees with the City’s suggested approach and confirms they will update the BAL report as part of any future approval conditions.**

In October 2019, Mr. Varelis queried the validity of the BAL Report after minor earthworks were undertaken, including using fill material on the western boundary to improve fire break access. Whilst these activities have improved access for emergency service vehicles and are likely to be inconsequential to the BAL, **the Applicant willingly commits to producing an updated BAL as part of any future approval conditions.**

Fire Management System

An Emergency Evacuation Plan (Bushfire Emergency Plan) has been produced by the Applicant that outlines the intended actions should a bushfire or other emergency threaten the restaurant (Saferight, Jan 2020). The preferred option is site evacuation. The plan provides several evacuation routes depending on the fire’s approach and instructions for sheltering on-site if instructed to do so by DFES.

As a long-term resident of the Perth Hills, bushfires are taken very seriously by the Applicant. The Applicant has strived to improve bushfire management at the restaurant and has made significant investment to reduce vulnerability and minimise the threat to people, property and infrastructure. The restaurant has an extensive fire management system that far surpasses requirements, including:

- Roof sprinklers on the restaurant building connected to mains water and back-up water supply.
- 4 x industrial fire hose reels connected to mains water and back-up water supply.
- 3 x off-grid back-up firefighting pumps for use in the event of power failure.
- Firefighting trailer with an independent heavy-duty built-in pump and robotic nozzle head with remote controlled access and foam capabilities.
- Fire hydrant to enable fire trucks to connect to mains water.
- Fixed water storage tanks with total capacity of 89,000 L in the event of mains water failure.
- Mobile water storage tanks with total capacity of 24,000 L for additional firefighting purposes.
- Numerous fire extinguishers and fire blankets in the kitchen restaurant and storage area.

Maintenance of Fire Breaks

In accordance with City of Kalamunda regulations, the site (Lot 3) must maintain a 3 m perimeter firebreak that is clear from vegetation and able to be trafficked by emergency vehicles in the event of a bushfire.

A cleared firebreak of at least 3 m (and often greater) is in place around most of the lot and internally around the restaurant and seating area. However, a small portion of the below ground effluent irrigation area in the south of the site is located within 1.5 – 3 m of the site boundary.

The City of Kalamunda is permitted to accept a proposed variation dependent on mitigating circumstances. The Applicant believes this variation is acceptable given that the presence of a below ground irrigation system does not prevent access by an emergency vehicle, and the installation of a large irrigation system has several inherent benefits that reduce overall vulnerability to bushfire risks.

- The irrigation system will result in an overall increase in soil moisture over time which will help to cool the ground and act as a natural firebreak to prevent or slow the spread of bushfires.
- Vehicular access is difficult along the western firebreak due to the naturally sloping topography (28% slope). Flattening of the ground is required to accommodate the irrigation system and will result in greatly improved access for emergency vehicles.



ABN 97 101 058 619
RTO Code 5722



42 Belmont Avenue
BELMONT, WA 6104



Telephone: +61 8 9334 1000
Toll Free: 1800 352 335



Email: enquire@saferight.com.au
Website: www.saferight.com.au



- Within the 1.5 – 3 m of the fire break, the irrigation area will be cleared of understory species e.g. shrubs, ferns, climbing plants and small trees, to allow a clear trafficable area. Only the large forest canopy species will remain, in line with most neighbouring properties in Piesse Brook.
- In the event of an emergency, the area will be easily trafficable and accessible to any vehicle. Access will be provided through an unlocked gate and will have clear signage.

Following any emergency event that requires vehicle access to the firebreaks, a thorough inspection of the irrigation system should be carried out to assess and repair all damages to the wastewater system.

NOISE

A Noise Management Plan (NMP) has been produced by independent consultants, Evergreen Consultancy WA, to address concerns regarding unacceptable noise impacts from the restaurant (Evergreen, 2020).

The NMP includes proactive noise monitoring undertaken by Acoustic Engineering Solutions in the vicinity of local residences during peak restaurant hours (11 am – 2 pm) in September 2019. This monitoring has enabled the establishment of a dataset of baseline noise conditions prior to opening the restaurant, in a similar manner to establishing baseline water quality before operations commence.

The baseline monitoring indicated that daytime noise emitting from Chalet Rigi restaurant is likely to be at the same level as background noise when received at neighbouring properties.

The Applicant understands that it is not the City's expectation that the restaurant has no noise impacts, rather that it does not generate unacceptable noise impacts. Acceptable and unacceptable impacts are clearly defined via noise thresholds in the *Environmental Protection (Noise) Regulations 1997*, as detailed in the NMP. All operational restaurants must comply with the Noise Regulations by ensuring noise levels are maintained below a certain threshold or face disciplinary action (and potential license revocation).

The NMP demonstrates how the restaurant would achieve compliance with the "Noise Regulations" through extensive noise management control measures. These include operational, conditional, physical and mechanical controls identified for each individual noise sources e.g. earthworks, visitors, staff, entertainment and service/maintenance activities. A transparent complaints procedure has also been established and strict operating conditions imposed, focusing on the daytime market.

In previous correspondence to the Applicant dated 16 October 2019, Mr Varelis suggested that predictive forward computer modelling would be needed to enable prediction of the expected noise level emitting from the restaurant under theoretical operating scenarios.

The Applicant respectfully contests the requirement for predictive computer noise modelling and asks that the following be considered:

- The Applicant is aware that most similar local developments were not required to undertake predictive computer monitoring to assess noise controls, including Core Cider in Pickering Brook and Masonmill in Carmel. It is noted that most local venues are not required to undertake predictive modelling, although Core and Masonmill are given as examples due to the comparable size.
- The Applicant has undertaken proactive baseline noise monitoring to assess background conditions prior to operations and enable comparison with actual noise levels during future operations (again, not something that has occurred for most local developments).
- The Applicant has established a Noise Management Plan detailing extensive noise control measures, including engineering barriers to physically prevent external noise in the evening.
- The Applicant is willing to undertake a full acoustic assessment and noise monitoring within 3 months of restaurant operations as a condition of any future approval (again, not something that has occurred for most local developments). This would include monitoring under daytime and evening conditions to assess actual noise levels emitted. This is not typically undertaken, but the Applicant is committed to demonstrating compliance with the Noise Regulations.



ABN 97 101 058 619
RTO Code 5722



42 Belmont Avenue
BELMONT, WA 6104



Telephone: +61 8 9334 1000
Toll Free: 1800 352 335



Email: enquire@saferight.com.au
Website: www.saferight.com.au



- Should the acoustic assessment demonstrate that actual noise impacts originating from the operational restaurant are unacceptable, the Applicant would be required by law to instantly amend operating conditions to ensure compliance or face having his licence revoked (standard procedure with all restaurants).

As the Owner and Managing Director of one of Australia's largest safety manufacturing and training organisations, the Applicant understands and fully commits to the requirement to comply with the *Environmental Protection (Noise) Regulations 1997*. Furthermore, as a long-term local resident and active community member, the Applicant has a vested interest in protecting the tranquil amenity of Piesse Brook. The Applicant is dedicated to minimising disruption to the surrounding community and has committed to additional measures to ensure that the community concerns are properly mitigated.

The Applicant has taken great care and expense to restore the restaurant to its former glory with features such as timber bars and roof beams constructed from wood salvaged from the Busselton Jetty renovation. It is a beautiful venue and one that Kalamunda can be proud of. The Applicant and his family strongly believe that reopening the restaurant will have a beneficial impact on the wider community and that it will be a strong asset for Kalamunda and the wider Hills region. This is reflected in the restaurant's Mission Statement:

It is our mission to present a welcoming and relaxed place for visitors to stop and enjoy the beauty of the Perth Hills, offering them a range of simple but high-quality local produce and a place to unwind with all the family.

We aim to support the local economy by using only local growers and producers where possible, showcasing the best of what this beautiful region has to offer, and providing a truly authentic experience by employing local people and subcontractors.

It is the Applicant's vision that the restaurant will continue to be recognised as a Perth Hills legacy for many generations to come.

The Applicant believes they have adequately and in good faith met the requirements set by City of Kalamunda and has gone "above and beyond" to adopt mitigating measures to alleviate community and DWER concerns. The Applicant believes that this DA offers a reasoned and sensible outcome based on scientific fact and with no unacceptable impacts to the surrounding community. The Applicant notes that completion of the supporting documents required for this DA has been a long and arduous process, in no small part due to the complexity and sensitivity of the site setting.

The Applicant respectfully requests that this Development Application now be considered by the City of Kalamunda. The Applicant understands that the next Ordinary Council Meeting is on 25 February 2020 and respectfully suggests that that this DA be heard at that meeting.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mack McCormack'.

Mack McCormack, The Applicant

Attachments

- July 2019, DoH, Approval to Construct or Install an Apparatus for the Treatment of Sewage at 415 Mundaring Weir Road, dated 22 July 2019, approval no: 200:18
- Letter from Deputy Premier Hon Roger Cook MLA, Minister for Health, dated 20 June 2019
- November 2012, Shire of Kalamunda, Local Government Report – Chalet Rigi, containing November 2012 DoH approval for wastewater system for 350 patrons



ABN 97 101 058 619
RTO Code 5722



42 Belmont Avenue
BELMONT, WA 6104



Telephone: +61 8 9334 1000
Toll Free: 1800 352 335



Email: enquire@saferight.com.au
Website: www.saferight.com.au



Government of **Western Australia**
Department of **Health**

HEALTH ACT 1911
HEALTH (TREATMENT OF SEWAGE AND DISPOSAL OF
EFFLUENT AND LIQUID WASTE) REGULATIONS 1974 (Reg 4A(5)(a))

APPROVAL TO CONSTRUCT OR INSTALL AN
APPARATUS FOR THE TREATMENT OF SEWAGE

Approval is hereby granted to the Applicant: **Gordon McCormack**
to construct or install the apparatus for the treatment of sewage located at
Lot or Pt No: **3, House No. 415** Street: **Mundaring Weir Road**
Suburb: **Piesse Brook** Local Government: **City of Kalamunda**

TYPE OF WASTEWATER SYSTEM

Aerobic Treatment Unit: Biomax C80 (14.4KL/day) to optional pump tank to 4,120m² subsurface irrigation. Maximum capacity is for 14,400 litres per day or 480 patrons/persons including staff.

CONDITIONS OF APPROVAL:

The following water quality criteria shall be met for the system:

| Parameter | Specification |
|------------------------------------|-------------------|
| Total Suspended Solids | < 30mg/l |
| Biological Oxygen Demand | < 20mg/l |
| Faecal Coliforms (<i>E.Coli</i>) | < 10cfu/100ml |
| Residual Free Chlorine | 0.5mg/l – 2.0mg/l |
| pH | 6.5 - 8.5 |

The use of holding tanks for the storage or management of wastewater or effluent is not permitted for this development, any future developments of this land or as part of this approval or future proposals. Any increase in wastewater volumes will require another Ministerial Exemption and upgrade of the onsite wastewater system subject to the site being capable of allowing for any such increase in wastewater volumes.

The disposal area shall ensure that there is a minimum separation of 500mm is achieved from the irrigation pipes to the winter/wettest ground or perched water tables.

Wastewater system is not to be located in trafficable areas;

Wastewater system not to be located at a distance less than 30 metres from any well, stream or underground source of water intended for consumptions by humans;

The irrigation disposal area with a slope greater than 10% or 5.7 degrees shall be terraced;

The disposal area is not to be located on land prone to waterlogging or subject to floodwater inundation;

(ATU) shall be a minimum of 6.0 metres from a well, bore or any water course;

ATU shall be a minimum of 1.8 metres from the surface irrigation disposal area;

Environmental Health
All correspondence PO Box 8172 Perth Business Centre Western Australia
Grace Vaughan House 227 Stubbs Terrace SHENTON PARK WA 6008
Telephone (08) 9388 4999 Fax (08) 9388 4955
28 684 750 332

ATU to be installed and constructed in accordance with the Code of Practice for the Design, Manufacture, Installation and Operation of ATUs;

Storm water and subsoil drainage (where installed) shall be discharged away from the cell soakage area and oil separator to be approved by Local Government;

Warning signs to surround the perimeter of the reticulated irrigation area/s;

High level audio-visual warning alarms to be provided to indicate a malfunction in the pumps in the surge control and effluent discharge tanks. The audio alarm shall have a muting device and shall be fitted to the ATU control panel;

A signed maintenance agreement by an authorised ATU service person and the owner of the property is to be submitted to the Local Government Environmental Health Officer before a Permit to Use can be issued;

As constructed plans and written certification that the unit has been installed in accordance with the Code of Practice for the Design, Manufacture, Installation and Operation of ATUs (if different from approval) are to be submitted to the Environmental Health Officer at the Council before the apparatus may be used;

If the wastewater volume increases or the population increases then the system shall be increased accordingly after discussions with the Local Environmental Health Officer;

The wastewater treatment system should be monitored regularly and a maintenance program implemented accordingly after discussions with the Local Environmental Health Officer;

All materials, pipes, bends junctions, fittings and fixtures shall be sound and free from defects and shall be authorised and installed in accordance with the AS 3500 National Plumbing and Drainage Code;

Treated effluent is to be disposed of in the submitted designated irrigation area and cannot be used for other 'beneficial purposes' such as dust suppression or toilet flushing until an approved Recycling Water Management Plan has been issued by the Department of Health;

Adherence to conditions on the Local Government Report Form;

This approval is valid for a period of two years. If the works are not completed after 2 years from the date of this approval, the applicant is required to submit a new application;

The person who completes the construction or installation of the apparatus shall notify the above Local Government Environmental Health Officer to arrange an inspection and obtain a permit to use the apparatus;

All works shall be left open (not covered with soil) and available for an appropriate inspection;

It is an offence under section 107(4) of the *Health Act*, 1911 to use an apparatus before it has been inspected and a permit to use the apparatus issued;

The owner has the responsibility to maintain the system on a regular basis for the life of the system;

DELEGATE OF CHO: 

DATE: 22 July 2019

APPROVAL No: 200.18

RECEIPT No: 87403831264

(200.18 - CO Kalamunda - Chalet Rigg - Lot 3 Hse 415 Mundaring Weir Road Plesse Brook ATU as amended F II - JN1819)



**The Hon Roger Cook MLA
Deputy Premier
Minister for Health; Mental Health**

Our Ref: 60-17042

Mr Milan Bevk
Business Development Manager
Saferight
mbevk@saferight.com.au

Dear Mr Bevk

Thank you for your email of 17 May 2019 regarding redevelopment of the Chalet Rigi located at 415 Mundaring Weir, Piesse Brook, and your request on behalf of the restaurant owners for exemption from the sewer connection requirement of the Government Sewerage Policy (GSP).

The Department of Health (DOH) is satisfied that sewer connection is not viable to serve the proposed development and is prepared to support the installation of an on-site wastewater system. The DOH further advises that the Biomax C80 wastewater system with a maximum capacity of 14,400L/day, servicing 480 people per day as proposed is adequate and that the property is capable of disposing of the wastewater safely on-site on 4,120sqm of irrigation disposal area.

Given the circumstances and interest generated by the development to boost local tourism and create new jobs in the area, the development is beneficial to the local community and is worthy of my support. Accordingly, I am prepared to grant the development an exemption from the sewer requirement and allow the use of an on-site wastewater system, subject to compliance with the conditions imposed by the DOH.

Please note that this is an exemption to the requirements of the GSP only and does not exempt requirements of other legislation, including the *Planning and Development Act 2005*.

I trust this will now enable the development to proceed.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Roger Cook', written over a large, stylized circular flourish.

**HON ROGER COOK MLA
DEPUTY PREMIER
MINISTER FOR HEALTH; MENTAL HEALTH**

20 JUN 2019

13th Floor, Dumas House, 2 Havelock Street, WEST PERTH WA 6005
Telephone: +61 8 6552 6500 Facsimile: +61 8 6552 6501 Email: Minister.Cook@dpc.wa.gov.au

| | |
|--------------|---------------|
| File Number: | 98/10 |
| Date: | 4/10/2012 |
| Officer: | Kerry Fleming |



Local Government Report

Memo To: Executive Director, Public Health
Subject: Local Government Report – Chalet Rigi, 415 Mundaring Weir Rd, Piesse Brook, Kalamunda

Please find enclosed an "Application to Construct or Install an Apparatus for the Treatment of Sewage" at Chalet Rigi, 415 Mundaring Weir Road, Piesse Brook, Kalamunda along with 3 copies of a site plan showing the location of the apparatus and the relevant fees.

Premises Details

| | |
|---------------------|-------------------------|
| Number of Users | 350 |
| Type of Premises | Commercial - Restaurant |
| Purpose Description | To service restaurant |

System Details

| | |
|------------------------------------|--|
| System Type | Aerobic Treatment Unit (ATU) (2x 3400mm, 1x 2400mm and 1x 1800mm diameter tanks) - specifications attached <i>of</i> |
| Manufacturer/Brand | Bio Systems 2000 PTY LTD |
| Details of existing systems on lot | There is an existing caretakers dwelling on the property which has an existing effluent disposal system |

Site Details

| | |
|-----------------------|-------------------|
| Slope (disposal area) | 1:4-1:6 |
| Soil type | Gravel/Laterite |
| Topography | Sloping |
| Lot size | 2.60690 ha |
| Water Supply type | reticulated mains |

As on site effluent disposal can be achieved* and it complies with the State Government Sewerage Policy, this application is supported by the Shire's Health Service which recommend approval be granted.

Should you require further information please do not hesitate to contact myself on kerry.fleming@kalamunda.wa.gov.au or 9257 9ext.

Yours faithfully,

[Signature]
 Environmental Health Officer

* please refer to attached letter from Dolt dated 10/5/2010.
[Signature]

