



**FURTHER
INFORMATION**

**ORDINARY
MEETING**

To Be Held

Wednesday, 27 November 2019
Commencing at 5.00pm

At

Shire of Dardanup
ADMINISTRATION CENTRE EATON
1 Council Drive - EATON

This document is available in alternative formats such as:
~ Large Print
~ Electronic Format [disk or emailed]
Upon request.

The following information is in addition to the information previously published as Appendix ORD 12.2C, and forms part of that Appendix.

From: Daniel Wong <daniel.wong@dwer.wa.gov.au>
Sent: Tuesday, 25 June 2019 9:51 AM
To: Submissions Planning
Subject: Proposed Cellar Door Sales (Shire ref: P49/19) at Lot 1894 and Native vegetation removal (Shire ref: P41/19) at 6 King Tree Road, Wellington Mill – (DWER ref: DWERT50~18 , PA 027121)

25th June 2019

Our Reference: DWERT50~18 , PA 027121

Your Reference: P41/19 & P49/19

To: Shire of Dardanup

From: Department of Water and Environmental Regulation

Attention: Suzanne Occhipinti

RE: Proposed Cellar Door Sales (Shire ref: P49/19) at Lot 1894 and Native vegetation removal (Shire ref: P41/19) at 6 King Tree Road, Wellington Mill

Dear Suzanne,

Thank you for providing the above referral for the Department of Water and Environmental Regulation to consider.

The Department provides the following advice and comments on matters relevant to the department's responsibilities.

The department has identified the proposal will impact on the environment and/or water resources values and management. Key issues and recommendations are provided below, and these matters must be addressed:

- **Issue 1:** Potential impacts pertaining to the disposal of toilet wastewater that can affect water quality, noting the lack of detail provided in the proposal
- **Recommendation 1:** The management of toilet wastewater should be in accordance with the Draft *Government Sewerage Policy 2016*, with additional relevant information provided to ensure that water quality risks can be mitigated
- **Issue 2:** The waterway that flows through the property is proclaimed under the *Rights in Water and Irrigation Act 1914* (Ferguson River and Tributaries)
- **Recommendation 2:** If the proponent intends to interfere with the watercourse during construction works, this would be subject to the *Rights in Water and Irrigation Act 1914*
- **Issue 3:** Native Vegetation clearing
- **Recommendation 3:** See Attachment 1 discussion.

More detail pertaining to the above items are provided in Attachment 1.

Should you require any further information on the comments please contact Daniel Wong at the undersigned.

Thank you.

Yours sincerely

Daniel Wong
Environmental Officer
Department of Water and Environmental Regulation
Planning Advice South West Region

Email: daniel.wong@dwer.wa.gov.au
Phone: 08 9726 4113
Fax: 08 9726 4100
Postal: PO Box 261, Bunbury, WA 6231
Location: 35-39 McCombe Road, Bunbury, WA 6230

Attachment 1 - Department of Water and Environmental Regulation detailed comments on the 'Proposed Cellar Door Sales (Shire ref: P49/19) at Lot 1894 and Native vegetation removal (Shire ref: P41/19) at 6 King Tree Road, Wellington Mill

Contact for further information: 9726 4113

Item No.	Reviewer comment/advice
1	<p>Issue 1: Potential impacts pertaining to the disposal of toilet wastewater that can affect water quality, noting the lack of detail provided in the proposal</p> <p>Recommendation 1: The management of toilet wastewater should be in accordance with the <i>Draft Government Sewerage Policy 2016</i>, with additional relevant information provided to ensure that water quality risks can be mitigated</p> <p>Discussion 1: More detail should be provided to ensure that the proposed disposal of toilet wastewater can comply with the <i>Draft Government Sewerage Policy 2016</i>, in particular:</p> <ul style="list-style-type: none">• Soil type over disposal area• The Maximum Seasonal Groundwater Level to ensure that an adequate separation distance to watertable can be set.• The location of toilet wastewater disposal in relation to dam & waterways with distances shown in the proposal• Stormwater drainage should be outside of the toilet wastewater discharge point <p>The following relevant information in the Draft Government Sewerage Policy 2016 is noted:-</p> <p><u>Separation to groundwater</u> Section 6.4(1)a) of the Draft Government Sewerage Policy 2016 states:-</p>

	<p>“ a) Separation from groundwater – the discharge point of the on-site sewage disposal system should be at least the following distances above the highest known groundwater level: – 0.6 to 1.5 m in all other areas, depending on soil type and the type of treatment system used (refer to schedule 3).;”</p> <p><u>Separation to waterways</u> Section 6.4(1)d) of the Draft Government Sewerage Policy 2016 states:- “ d) An on-site sewage disposal system should not be located within 100 metres of a waterway. The separation distance should be measured outwards from the outer edge of riparian or wetland vegetation. Setbacks between 30 metres and 100 metres may be considered in low risk situations such as a small (five lots or under) subdivision in consultation with the Department of Water.”</p>
2	<p>Issue 2: The waterway that flows through the property is proclaimed under the <i>Rights in Water and Irrigation Act 1914</i> (Ferguson River and Tributaries)</p> <p>Recommendation 2: If the proponent intends to interfere with the watercourse during construction works, this would be subject to the <i>Rights in Water and Irrigation Act 1914</i></p> <p>Discussion 2: Any taking or diversion of surface water in this proclaimed watercourse (whether by direct pumping, construction of a dam, or excavation) can be subject to licensing. Any interference of the watercourse (such as the potential for excavation of the watercourse during construction works) will require a permit to interfere with the bed or banks from the department.</p>
3	<p>Issue 3: Native vegetation clearing</p> <p>Recommendation 3: See discussion below</p> <p>Discussion 3: Under section 51C of the <i>Environmental Protection Act 1986</i> (EP Act), the applicant may be advised that clearing of native vegetation is an offence unless undertaken under the authority of a clearing permit, or the clearing is subject to an exemption. Based on the information provided, no exemption applies to the proposed clearing of one tree and a clearing permit is likely required. Please note that pruning does not constitute clearing unless there is substantial damage to native vegetation therefore, no clearing permit application is required for pruning native vegetation.</p> <p>The Department has not received a clearing permit application relating to this proposal. Please advise the applicant to complete a clearing permit application form and submit it in the prescribed manner. Application forms are available from https://www.der.wa.gov.au/our-work/clearing-permits/46-clearing-permit-application-forms</p> <p>Additional information on how to apply for a clearing permit is available here: https://www.der.wa.gov.au/images/documents/your-environment/native-vegetation/Fact sheets/Fact Sheet - how to apply.pdf</p>



Department of Biodiversity,
Conservation and Attractions



Your ref: P41-19, P49-19
Our ref: 44031, 2018/002778
Enquiries: Cherie Kemp
Phone: 08 9725 4300
Email: swlanduseplanning@dbca.wa.gov.au

Chief Executive Officer
Shire of Dardanup
PO Box 7016
EATON WA 6232

**SHIRE OF DARDANUP REF P41-19, P49-19 LOT 1894 AND 6 KING TREE ROAD,
WELLINGTON MILL.**

The Department of Biodiversity Conservation and Attractions Parks and Wildlife Service South West Region has no comments on the above proposal.

It is considered that the proposal and any potential environmental impacts will be appropriately addressed through the existing planning framework.

Thank you for the opportunity to comment on this application. Please contact Cherie Kemp at the Parks and Wildlife Service's South West Region office on (08) 97254300 if you have any queries regarding this advice.

A handwritten signature in black ink that reads "Cherie Kemp".

For Regional Manager
Parks and Wildlife Service

21 May 2019

Our Reference: MW057896
Your Reference: P41/19 & P49/19
Contact: Kate

07/06/2019

Shire of Dardanup

Dear Sir / Madam

[L1894 & L6 (63) KING TREE ROAD, WELLINGTON MILL – CELLAR DOOR SALES & NATIVE VEGETATION REMOVAL IN CARRIAGEWAY EASEMENT]

Further to your referral of the aforementioned development application, Western Power has reviewed the proposal in the context of its network assets and provides the following comments and recommendation:

- (i) Western Power has no objection to the proposed development. The proposed development must comply with the following:
 - The location of all underground cables should be identified before any construction or excavation works commence.
 - All parties involved in the design, construction, and maintenance of the building shall comply with WA Occupational Safety & Health Regulation 3.64 to ensure safe constructability and maintenance of the building.
 - The customer can submit a request to relocate any Western Power assets at a cost to the customer.

- (i) Any development on the subject site shall be designed and constructed to protect Western Power infrastructure and interests from potential land use conflict. Proponents should refer to <https://westernpower.com.au/safety/360-aware/industry-safety/>

- (ii) It is the landowner's responsibility to ensure that the design and construction of any new structure on the land complies with all applicable laws including, without limitation, clearance requirements of electrical infrastructure. We recommend that you engage a suitably qualified independent person (surveyor, architect, engineer) to undertake an assessment of the proposed development to ensure that best methods of construction are utilised and compliance with all applicable laws (including clearance requirements of electrical infrastructure in general and those specified under Occupational Safety and Health Regulations 1996 (WA)).



363 Wellington Street Perth 6000
GPO Box L921 Perth WA 6842
• enquiry@westernpower.com.au
westernpower.com.au



† 13 10 87
f (08) 9225 2660
TTY 1800 13 13 51
TIS 13 14 50

Electricity Networks Corporation
ABN: 18 540 492 861

FIG. 1



Further information regarding easement, network safety and clearance requirements can be found on Western Power’s website at <https://westernpower.com.au/safety/360-aware>.

Should you require further clarification regarding our recommendations, please call us on 13 10 87 or e-mail wapc@westernpower.com.au

Yours sincerely

Lexie Robson
Customer Service Coordinator
Customer Service



Our Ref: D10042
Your Ref: P138/17

Suzanne Occhipinti
Shire of Dardanup
Suzanne.Occhipinti@dardanup.wa.gov.au

Dear Ms Occhipinti

RE: VULNERABLE LAND USE - LOT 1894 AND LOT 6 KING TREE ROAD WELLINGTON MILL – CELLAR DOOR

I refer to your email dated 17 May 2019 regarding the submission of a Bushfire Management Plan (BMP) (Version 1.5), prepared by Working on Fire Planning and dated 29 April 2019, for the above development application. I also refer to your e-mail dated 20 May 2019 providing details of a 'second option' in relation to a proposed Emergency Access Way (EAW).

It should be noted that this advice relates only to *State Planning Policy 3.7 Planning in Bushfire Prone Areas* (SPP 3.7) and the *Guidelines for Planning in Bushfire Prone Areas* (Guidelines). It is the responsibility of the proponent to ensure that the proposal complies with all other relevant planning policies and building regulations where necessary. This advice does not exempt the applicant/proponent from obtaining necessary approvals that may apply to the proposal including planning, building, health or any other approvals required by a relevant authority under other written laws.

Assessment

- Tourism land uses, such as cellar door sales may be considered a vulnerable land use as prescribed by section 5.5.1 'Vulnerable Land Uses' of the Guidelines.
- Vulnerable land uses located in designated bushfire prone areas require special consideration, especially as visitors may be unfamiliar with bushfire impacts and their surroundings.
- The current provisions of SPP 3.7 and the Guidelines do not provide for tourism land uses to be considered differently to any other vulnerable land use and as such, there is no further guidance or policy for DFES to refer when assessing this type of development.
- It is recognised that full compliance with SPP 3.7 and the Bushfire Protection Criteria (BPC) in the Guidelines cannot always be met for tourism proposals as many are intrinsically linked to the natural landscape values of an area and/or the remoteness of the location, resulting in insufficient separation distances from bushfire hazards or the omission of safe secondary access and egress.
- Consequently, and in accordance with our advisory role, DFES have highlighted in the assessment below the residual bushfire risks associated with the tourism development and compliance with the bushfire protection criteria to aid decision making.

1. Policy Measure 6.5 c) Compliance with the Bushfire Protection Criteria

Element	Assessment	Action
Location	<p>Intent – non-compliant</p> <p>The BMP should not ignore the site context and the serious threat of bushfire to people and property and infrastructure at this location.</p> <p>The likelihood of a bushfire, its severity and intensity, and the potential impact on life and property posed by the bushfire hazard at this location represents an extreme bushfire risk that cannot be adequately reduced.</p> <p>The DFES advice considers the intent of the Element, which is to ensure development is <i>“located in areas with the least possible risk of bushfire to facilitate the protection of people, property and infrastructure.”</i></p> <p>DFES notes that if compliance cannot be achieved (as the development cannot be located within areas with the least possible risk of bushfire), the BMP should acknowledge non-compliance with this Element.</p>	Modification required.
Vehicular Access	<p>A3.1 – does not comply</p> <p>The public road system in a bushfire prone area should provide alternative access and egress for firefighters and occupants during a bushfire emergency. The intent is to ensure that vehicular access serving a development is available and safe during a bushfire event.</p> <p>DFES notes the BMP identifies that the proposal achieves the intent of Element 3, however it is not clear from the information provided if Weetman Road meets the Technical Requirements of Table 6, Column 1 of the Guidelines, or if it extends to the subject lot as an existing gazetted public road maintained by the local government.</p> <p>DFES notes that if compliance cannot be achieved, the BMP should acknowledge non-compliance with this Element.</p>	Modification required. Update the BMP to document the non-compliance with this acceptable solution.
Vehicular Access	<p>A3.6 – not demonstrated</p> <p>The BMP refers to an Emergency Access Way (EAW) in Figure 7 located on the south west corner of the proposed development, connecting through to King Tree Road.</p> <p>There is no evidence within the BMP that the EAW complies with the Technical Requirements of Table 6, Column 4 of the Guidelines. The BMP refers to <i>“Column 4 Table 1”</i>.</p> <p>There is no evidence that the EAW is not in excess of 600m.</p> <p>DFES notes the commitment from the neighbouring landowner, however there is no evidence within the BMP that the EAW is a right of way or that an easement in gross is in place.</p> <p>The additional information provided via your email 20 May 2019 depicts an alternative EAW. It is not clear from the information provided where the EAW route is proposed. The EAW would also need to demonstrate full compliance with A3.6 and be included within an updated BMP.</p>	Modification required. Update the BMP to demonstrate compliance.

2. Policy Measure 6.6.1 Vulnerable land uses

Issue	Assessment	Action
Bushfire Emergency Evacuation Plan (EEP)	The referral has included a <i>'Bushfire Evacuation (Response) Plan'</i> for the purposes of addressing the policy requirements. Consideration should be given to the Guidelines Section 5.5.2 <i>'Developing a Bushfire Emergency Evacuation Plan'</i> . This contains detail in regard to what an EEP should include and will ensure the appropriate content is detailed when finalising the EEP to the satisfaction of the Shire.	Comment.

Advice – does not comply

The DFES assessment has identified areas of non-compliance with the bushfire protection criteria.

Modification to the BMP should respond to the non-compliance to influence the appropriate bushfire management measures to reduce vulnerability and to minimise the threat of bushfire to visitors and the site itself.

If the decision maker is of a mind to approve the proposal the above assessment of compliance with SPP 3.7 is provided to aid decision making.

If you require further information, please contact Craig Scott, Senior Land Use Planning Officer on telephone number 6551 4032.

Yours sincerely



Ron de Blank
DIRECTOR LAND USE PLANNING

11 July 2019



Our Ref: D10042
Your Ref: P138/17

Suzanne Occhipinti
Shire of Dardanup
Suzanne.Occhipinti@dardanup.wa.gov.au

Dear Ms Occhipinti

RE: VULNERABLE LAND USE - LOT 1894 AND LOT 6 KING TREE ROAD WELLINGTON MILL – CELLAR DOOR

I refer to your email dated 8 August 2019 regarding the submission of a revised Bushfire Management Plan (BMP) (Version 2.0), prepared by Working on Fire Planning and dated 5 August 2019, for the above development application. I also refer to your e-mail dated 13 August 2019 providing details of the Shire's 10-year road upgrade programs.

It should be noted that this advice relates only to *State Planning Policy 3.7 Planning in Bushfire Prone Areas* (SPP 3.7) and the *Guidelines for Planning in Bushfire Prone Areas* (Guidelines). It is the responsibility of the proponent to ensure that the proposal complies with all other relevant planning policies and building regulations where necessary. This advice does not exempt the applicant/proponent from obtaining necessary approvals that may apply to the proposal including planning, building, health or any other approvals required by a relevant authority under other written laws.

Assessment

- DFES notes amendments made to the BMP, including acknowledgment of non-compliance in relation to Element 1 and Element 3.

1. Policy Measure 6.5 c) Compliance with the Bushfire Protection Criteria

Element	Assessment	Action
Location	<p>A1.1 Intent – non-compliant</p> <p>DFES notes that the BMP acknowledges non-compliance with this Element.</p> <p>DFES maintain our assessment that the subject site is unable to demonstrate compliance with the intent of Element 1: Location of the Guidelines. The amended BMP statements regarding mitigating risk associated with asset protection zones, visitation regime and presence of staff should not be incorrectly equated with a lower risk to people and the subject site.</p>	<p>Comment. Decision maker to apply discretion in making its decision.</p>

Vehicular Access	A3.1 Intent – non-compliant DFES notes that the amended BMP acknowledges non-compliance with this Element, which is to ensure that vehicular access serving a development is available and safe during a bushfire event. DFES also notes the statement in the BMP regarding proposed upgrades of Weetman Road to public road standards. DFES understands the Shire has not identified upgrades to Weetman Road in its 10-year program of works.	Comment
Vehicular Access	A3.6 – Intent – non-compliant DFES notes the amended BMP acknowledges non-compliance with this Element. While the amended BMP has specified the EAW route, and compliance with the Guidelines, as the proposed EAW exceeds 600m in length it does not meet the full requirements of A3.6.	Comment

2. Policy measure 6.6.1 Vulnerable or high-risk land uses

Tourism land uses are considered a vulnerable land use and should comply with the provisions of SPP3.7. Vulnerable land uses located in designated bushfire prone areas require special consideration, especially as visitors may be unfamiliar with bushfire impacts and their surroundings.

SPP3.7 does not provide for tourism land uses to be considered differently to any other vulnerable land use and, as such, there is no further guidance or policy for DFES to refer when assessing this type of development. Consequently, the DFES advice provided relates to the Guidelines and compliance with the bushfire protection criteria.

Advice – non-compliant

DFES considers sufficient advice regarding the bushfire risk has been provided to aid decision-making. No subsequent referrals for this application are necessary. If the Shire is of a mind to approve the proposal, as it aligns to the Shire’s broader policies, the assessment of compliance with SPP 3.7 and the supporting Guidelines is provided to aid decision making.

If you require further information, please contact Craig Scott, Senior Land Use Planning Officer on telephone number 6551 4032.

Yours sincerely



Ron de Blank
DIRECTOR LAND USE PLANNING

19 September 2019

Chief Executive Officer
Shire of Dardanup,
PO Box 7016
Eaton WA 6232



26 June 2019

Dear Sir

RE APPLICATION FOR DEVELOPMENT APPROVAL
P49/19: CELLAR DOOR SALES – LOT 1894 KING TREE ROAD, WELLINGTON MILL

The Allington Family/ies confirm receipt of your correspondence regarding the above Application for Development approval and submit the following comments for consideration in response to your invitation.

For express avoidance of doubt, we have no objection to the establishment of the Talisman Winery Cellar Door per se. However, approval of the Weetman Road easement as the major access/egress route to the proposed location will without doubt negatively impact the enjoyable, tranquil and desirable amenity we have created and enjoyed over the past twelve years.

Sealing of the last section of Wellington Forest Road, which is imminent, will complete the tourism 'loop' (Ferguson Road, Gnomesville, Wellington Mill Road, King Tree Road, Wellington Forrest Road, Pile Road).

Talisman Winery Cellar Door will benefit from being the closest commercial venture to Gnomesville and will no doubt be promoted through Ferguson Valley Marketing/Visitor Centre as such. The business potential to include coffee/light food at some time in the future in its offering, cannot be underestimated. With visitation to Gnomesville at peak times having been recorded at more than 1000 over a Long Weekend, should this development application be approved, the potential for ever increasing traffic along the Weetman Road easement also cannot be underestimated.

Whilst we understand the intention at the time of application may not include provision for this type of expansion, we have canvassed similar businesses in the Ferguson Valley who have started in a similar way. All have reported growth – by way of example 17% in turnover in three years, another 29.5% increase in tastings in three years. Another reported never envisaging or planning for their humble cellar door to become a seven day a week thriving centre providing stable employment and providing an offering which includes events, functions, meals, coffee/light food in addition to the foundation for their business which is growing and producing wine.

Utilisation of the Weetman Road easement as the major access/egress route for the proposed development will specifically impact us personally as outlined below (Points 1-6) and we would request these be officially recorded.

1. Interruptions to our family amenity created by increasing numbers of visitors/tourists requesting directions both to the Talisman Cellar Door and nearby Gnomesville.
2. Our property is used by our family in the main for our horses/ponies – currently six in residence. Both the square and round yards, installed by us at considerable expense and with no prior knowledge of the easement ever being considered for use for a commercial venture, are immediately adjacent to the easement. Increasing traffic is guaranteed to impact horse training performances and reduce safety for children enjoying pony rides.

3. My daughter and I also ride out horses along Weetman Road to access local riding trails and when taking grandchildren and visiting small children for pony rides. Increased traffic will increase the potential for 'spooking' horses and accidents could result.
4. The easement, currently an unsealed 'track' runs along our property's south eastern boundary, within 60 metres of our residence. In its current state, increased traffic will result in dust issues in summer, potential for accidents during winter months and traffic noise. **Appendix One is a series of photos taken this week of both the easement/section of Weetman Road between King Tree Road and the commencement of the easement to illustrate this point.**
5. Increased potential for burglary as there are numerous outbuildings, shed, machinery and farm equipment – in addition to the house – in full view from the easement.
6. Negative impact on land value along both sides of the easement which, we understand, has pre-approved planning for subdivision.

The options as we see it are:

1. Re-locate proposed location for Talisman Winery Cellar Door to over-look vineyard. This would enable owners to utilise existing well formed and graded East Road for both access/egress and emergency egress from the soon to be completed sealed Wellington Forest Road (currently used by the owners to access their home, sheds and vineyard). This main access has been utilised since before we moved to our property. This solution would solve the issue of impacting all four property owners adjacent to the Weetman Road easement.

OR

2. Potential for block adjoining proposed site for Talisman Wine Cellar, owned by Peter Partridge, currently for sale, to be purchased by owner of Talisman Wine. This would enable development of a major access/egress route direct from the proposed Cellar Door to intersect with King Tree Road – a sealed, designated tourist friendly road leading to King Tree Lodge and the King Jarrah Tree. The Weetman Road easement would then become the emergency egress route.

OR

3. Weetman Road easement major access/egress with emergency egress through an additional easement to be located through adjoining property owned by Cheryl Rourke as per development application.

From the documents we have reviewed there is no clear definition as to whether the Weetman Road easement can legally be used to access a commercial enterprise located on a property zoned rural. Clearly, given the impacts outlined above (1-6), our preference would be for Option 1.

In the event Option 3 is approved, to provide solutions for our concerns and minimise anticipated significant impact, we ask consideration be given to the following requests.

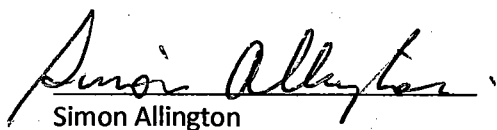
1. Highly visible signage be erected at the junction of the Weetman Road easement/Weetman Road providing clear directions to Talisman Wine Cellar on the right and private property on the left.
2. The easement be bituminized to restrict dust in summer with pull off lanes at regular intervals to avoid potential for two-wheel drive vehicles/hire vehicles to become bogged (**See Appendix 2**). A sealed road would eliminate corrugations and reduce road noise also making it safer to work horses in the round yard.

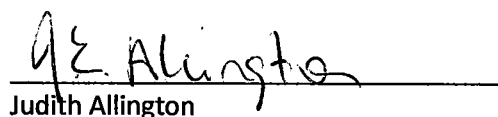
(Appendix ORD: 12.2C)

3. Speed limit along the easement to be set at 10kph to further reduce road noise for safety reasons – in addition to working horses in the round yard, visiting small children and grandchildren ride small ponies either in the horse arenas and near the easement.
4. Upkeep of easement to include eradication of weeds (blackberry, bracken, thistle, Apple of Sodom, double gee and any other noxious weed).
5. An impervious barrier 1.8m high be erected for approximately 200 metres between the side of the easement and our property boundary (**see Appendix 2**) with a fast-growing fire-retardant vegetative screen on both sides of the barrier and appropriate drainage. This, together with a stock proof fence on the property side to prevent animals from damaging both the vegetative screen and the barrier itself, would prevent negative visual stimuli for young horses being worked in the round yard (located approximately 6 metres from the easement). Installation of drainage to take into consideration potential for damage to the arenas from funnelling water towards them which would wash away the sides rendering them unstable, unsafe and unusable.
6. Fast-growing fire-retardant trees be planted between Wine Cellar car park and our eastern boundary.

When reviewing this development application, we ask consideration be given to the very significant impacts approval in its current format will impose on the tranquil and desirable amenity we have created and enjoyed over the past twelve years.

Yours sincerely


Simon Allington


Judith Allington

37 Weetman Road
Wellington Mill WA 6236
Tel. (08) 9728 3500
Mob. 0428 527 034 (Simon)
Mob. 0428 527 035 (Judith)

APPENDIX ONE

Series of photographs

Weetman Road Easement

Weetman Road between King Tree Road and Easement



CAPTION ONE

Looking toward commencement of easement from junction of King Tree Road/Weetman Road



CAPTION TWO

Close to commencement of easement from further along Weetman Road – left fork to 25 and 37 Weetman Road and right fork to proposed Talisman Winery Cellar door.



CAPTION THREE

One of many puddles like this on Weetman Road



CAPTION FOUR

Slippery, wet and dangerous section of Weetman Road on approach to easement



CAPTION FIVE

Water running from commencement of easement on to Weetman Road



CAPTION SIX

Looking back toward Weetman Road from easement



CAPTION SEVEN

View along easement in its current state



CAPTION EIGHT

Slippery section on easement with deep gutter on left hand side



CAPTION NINE

More of the slippery section



CAPTION TEN

Site of first pull off on Peter Partridge property side



CAPTION ELEVEN

Proximity to Round Yard 5.5m from fence line (edge of easement) to Round Yard fence



CAPTION TWELVE

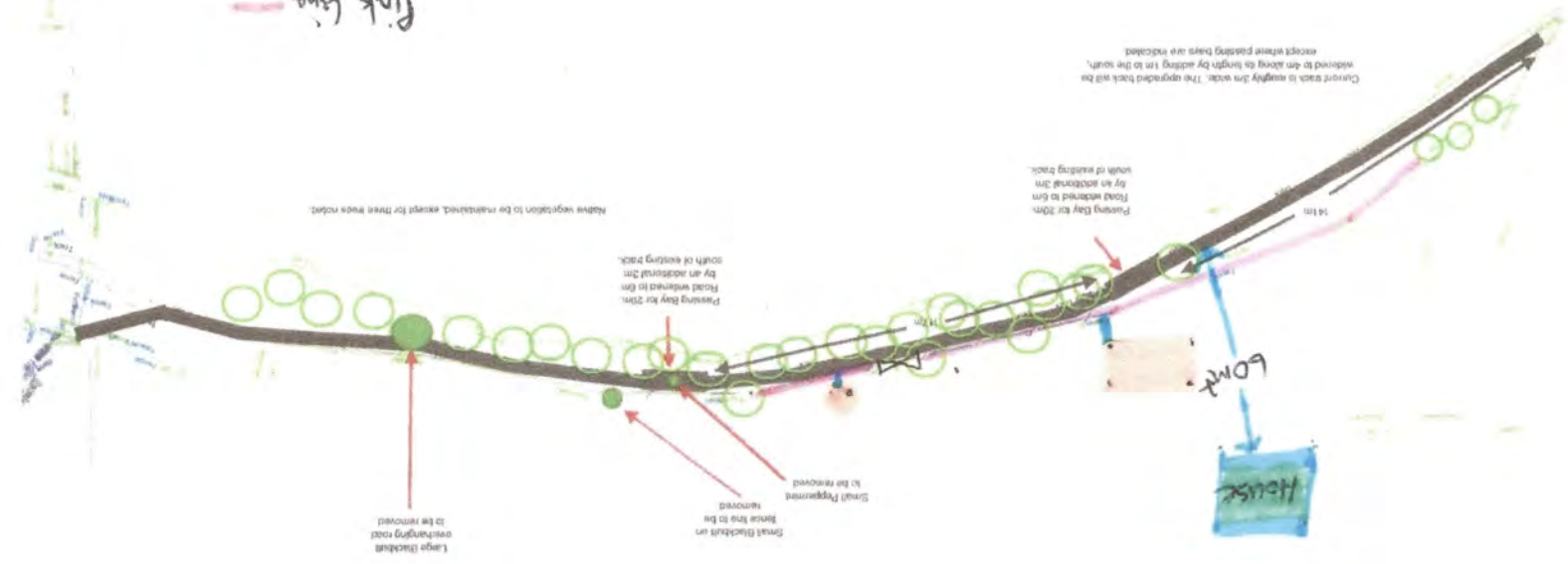
As far as we can see on map (Appendix 2). This is the site of proposed 20 metre pull off

APPENDIX TWO

Weetman Road Easement Map

EASEMENT ON LOT 6 DP022113
PROPOSED VEGETATION REMOVAL AND TRACK
WIDENING WORKS

Pink line
Proposed 1.8m timber fence.
Approx 200m's long.
Gate X
Double Iron
Horse arena
9 meters from arena.
5 meters from round yard.



2nd October 2019

Planning Department
Shire of Dardanup
PO Box 7016
Eaton WA 6232

RE: Response by Kim Robinson (Talisman Wines) to the Allington Submission regarding application for development approval P49/19 Cellar Door Sales – Lot 1894 King Tree Road, Wellington Mill

In response to the submission by Judith and Simon Allington of 37 Weetman Road, Talisman Wines would like to thank Simon and Judith for their support of Talisman Wines Cellar Door: “we have no objection to the establishment of the Talisman Winery Cellar Door” (paragraph 2).

They did however, raise some concerns over the application and have provided two alternative propositions (page 2) for the location of the Cellar Door in their submission. We wish to point out that both of these are irrelevant to the Development Application (DA). We also wish to point out that their concerns over the potential expansion of the business (page 1) is also not part of this DA and therefore irrelevant.

The third option listed by the Allingtons is the current DA. We have summarised their issues and solutions and provide the following responses. For the sake of clarification, the easement over Lot 6 King Tree Road will be referred to as the Easement.

Issue raised	Allington Solution	Response
Disturbance from people seeking directions (page 1, point 1).	Visible signage at the junction of Weetman Road and Easement (page 2, point 2).	We fully support the suggestion to erect signage at the junction of Weetman Rd and the Easement identifying the routes to Talisman Wines and private properties. A separate application will be made upon the approval of the current application.
Use of Easement for commercial venture and impact it may have on use of their property (page 1, point 2).	Bituminize the Easement and provide “pull-off lanes” (page 2, point 2).	<p>The Easement has always been used for commercial ventures by all parties to the Easement. The Allingtons purchased their property with full knowledge of the stockyards at the end of the Easement and the associated heavy vehicle traffic. With this knowledge they chose to locate their horse yards as close as 5m to the easement (Allington Submission Appendix 2).</p> <p>We do not want to bituminize the Easement as we believe this would</p>

(Appendix ORD: 12.2C)

		<p>significantly and detrimentally impact the local visual amenity. It may also have the effect of encouraging greater vehicle speeds.</p> <p>Passing lanes have already been provided for in the DA.</p>
<p>Increased traffic along Weetman Road will spook horses when accessing local riding trails (page 2, point 3).</p>		<p>Whilst we are not aware of the specific riding trails they refer to as these were not identified, it would appear that in order to access any riding trails in the area, the horses would need to travel along King Tree Road or cross it at some point. This road is major enough to have recently required a bitumen upgrade.</p> <p>We argue that if their horses are not 'spooked' by traffic along King Tree Road, then increased traffic along Weetman Road, a short, gravel road would not impact the horses.</p>
<p>Increased traffic along the Easement will result in dust issues in summer, potential accidents in winter and traffic noise. Maintenance of the Easement (page 2, point 4, photographs in Appendix 1).</p>	<p>Bituminize the Easement and provide "pull-off lanes" (page 2, point 2).</p> <p>Speed limited to 10km/h along the Easement (page 3, solution 3).</p> <p>Eradication of weeds (page 3, solution 4).</p>	<p>The photographs in the Allington submission Appendix 1 are of Weetman Road. It is our understanding that this is currently being looked at by the Shire engineers.</p> <p>The development application includes an upgrade of the Easement. This upgrade should alleviate any safety issues. As discussed above we do not wish to bituminize the Easement and will work with the Shire to provide a suitable trafficable surface.</p> <p>We have no objection to signing a speed limit of 10km/h along the Easement. An application will be made to do so when the current applications are approved.</p> <p>We will work with the landowners to eradicate weeds, as we do on our land. As part of this maintenance it would be appreciated if the Allingtons would eradicate weeds on their side of the fence immediately abutting the Easement.</p>
<p>Increase potential for burglary of</p>	<p>Construction of a 1.8m high "impervious"</p>	<p>Whilst this is impossible to predict, this development may also be equally as likely</p>

(Appendix ORD: 12.2C)

<p>home and outbuildings as these are in full view of the Easement (page 2 point 5).</p>	<p>barrier for 200m along the Easement with vegetative screen both sides and stock-proof fence on Allington side, along with drainage (page 3 solution 5).</p> <p>Vegetative screen between proposed car park and Allington property (page 3, solution 6).</p>	<p>to have the opposite effect. Increased traffic in the area may deter those who look at satellite imagery for ‘out of the way’ places to burgle.</p> <p>In either event, and with their permission, we have no objection to planting a fast growing, natural screen along part of their southern boundary. We do not see the need for a waterproof barrier and believe this would compromise the natural amenity of this Landscape Protection Area and create drainage issues.</p> <p>We also have no objection to planting fast growing trees on our property between the car park and the western boundary.</p> <p>We see no need for drainage to be installed if the surface of the Easement remains gravel and screening is via plantings.</p>
<p>Negative impact on land value, which has been pre-approved for subdivision (page 2, point 6).</p>		<p>The Allingtons have provided six “solutions” to minimise the potential impact the DA will have on them and their property. We have addressed each of these and in doing so we believe their property and land value will not be negatively impacted.</p> <p>We recently contacted our neighbours who had not been sent our DA on Japonica View, (see Appendix 1) and people in the area are highly supportive of the Development Application.</p> <p>We are a nationally recognised producer of premium boutique wine and the far majority of our neighbours agree, that should the development go ahead, it would be an asset to the local area, and the wider region. This has the potential to positively impact adjoining land values.</p> <p>Their reference to their lot being pre-approved for subdivision is incorrect. According to the Wellington Mills Structure Plan that was endorsed and adopted by the Shire in 2007, the</p>

		northeast precinct has been flagged for future subdivision, however from our discussions with the Shire it is our understanding that Lot 5 has not yet been approved or pre-approved for subdivision.
--	--	---

We note that the submission from the Allingtons was the only submission to our Development Application. We appreciate the concerns that the Allingtons have raised and we believe that the above response will alleviate all of these. The only "solutions" raised by the Allingtons that we do not agree with are; bituminizing the Easement and erecting an impervious barrier. We believe that neither of these is required to achieve the outcomes the Allingtons desire.

Should this Development Application be approved, and with the items addressed above, we believe the Allingtons will not be negatively impacted. Furthermore, the development of a Talisman Wines Cellar Door in the Ferguson Valley will help to achieve the goals of the Bunbury Wellington & Boyup Brook Regional Tourism Development Strategy.

Regards,



Kim Robinson
Talisman Wines
Lot 1894 King Tree Road
Wellington Mill

APPENDIX 1

Letter of petition

RE: Talisman Wines Cellar Door Development Application

Dear Neighbour,

We seek your support regarding a current development application we have with the Shire of Dardanup for construction of a Cellar Door sales venue at our property, Lot 1894 King Tree Road. You are welcome to view our Development Application in full.

The construction will consist of installation of two prefabricated 'modules' set on concrete 'doughnuts'. These will be on the bank of our dam in the South West Corner of our property. Access to the Cellar Door will be via the easement over Lot 6 King Tree Road, and Weetman Road.

We will be limited to a capacity of 20 persons and our opening hours will be Friday to Monday 11am- 4:30pm and via appointment. Our offering will simply be our wines - for tastings and sales by the glass (to be enjoyed on the deck overlooking the dam) and takeaways.

To show your support of our application we ask that you sign your name below along with your address. This will be submitted to the Shire to go with our DA.

Thank you in advance.

Kim and Anita, and the rest of the Robinson Family.

Name	Address
JOANNE WATSON	21 JAPONICA VIEW WELLINGTON MILL
Laurie & Chris Hewson	22 Japonica View "
Jean + Rebecca Nelson	29 Japonica View "
HEATHER KINNEAR	41 JAPONICA VIEW "
SHERYL McDONALD	66 JAPONICA VIEW "
SMACHT BRANDRETH	" " " "
Michael Miligan	50 JAPONICA VIEW, WELLINGTON MILL
BRIGITTE MILIGAN	" " " " "
LINDSAY ALLAN	25 JAPONICA VIEW WELLINGTON MILL



Cr Michael Bennet -Shire President
Shire of Dardanup
PO Box 7016
Eaton WA 6232

21st July 2019

**Re: Development Application P49/19 Cellar Door Sales - Lot 1894 King Tree Road,
Wellington Mill.**

Dear Sir,

The Geographe Wine Industry Association is writing in support of the development application by its member, Talisman Wines for a cellar door sales facility as per the application referenced.

Wine tourism is playing a significant role in Bunbury Geographe region and is an integral part of the wider tourism offering being promoted to visitors to the region and Western Australia. Visitors to the cellar doors are often likely to meet the owners and producers and get to engage and hear or stories first hand. Wine tourists are increasingly wanting authentic experiences, and the opportunity to enjoy them in the locations where the grapes are grown. Talisman is a well recognised and highly awarded producer, having a national and international presence.

The development of the Cellar Door by Talisman Wines will increase the opportunities for wine experiences in our region. Small businesses operations such as this also add to the local economy, providing employment opportunities and an increased spend by tourists in the region in other areas such as groceries and fuel.

We fully support the development application by Talisman and we look forward to continuing to work with all the Shires and Tourism organisations across the Bunbury Geographe Region.

Yours sincerely,



Pippa Nielsen



Pippa Nielsen | President
Mobile: 0418 941 842 Email: president@geographewine.com.au

GEOGRAPHE
WINE REGION

Geographe Wine Industry Association | PO Box 6026 Bunbury, WA 6231, Australia | www.geographewine.com.au

Where everything connects