



APPENDICES

PART ONE

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.

RISK ASSESSMENT TOOL

OVERALL RISK EVENT: Ferguson Valley Marketing relocation

RISK THEME PROFILE:

- 1 - Asset Sustainability Practices
- 2 - Business and Community Disruption

10 - Management of Facilities, Venues and Events

RISK ASSESSMENT CONTEXT: Strategic

CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL		
		CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING		CONSEQUENCE	LIKELIHOOD	RESIDUAL RISK RATING
HEALTH	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
FINANCIAL IMPACT	(Brief Explanation of the 'Financial Impact' risk event)	Minor (2)	Rare (1)	Low (1 - 4)	Not required.	Not required.	Not required.	Not required.
SERVICE INTERRUPTION	(Brief Explanation of the 'Service Interruption' risk event)	Moderate (3)	Unlikely (2)	Moderate (5 - 11)	Not required.	Not required.	Not required.	Not required.
LEGAL AND COMPLIANCE	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
REPUTATIONAL	(Brief Explanation of the 'Reputational' risk event)	Moderate (3)	Unlikely (2)	Moderate (5 - 11)	Not required.	Not required.	Not required.	Not required.
ENVIRONMENT	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.

24 APR 2019

Name: *TS*

Greater Bunbury Region Scheme

Form 1

Application for Planning Approval



(Appendix ORD: 12.2A)

Owner/s details

Registered proprietor/s (landowner/s) or the authorised agent's details **must** be provided in this section. If there are more than two landowners please provide all relevant information on a separate page. Signature/s must be provided by all registered proprietors or by an authorised agent. **Alternatively**, a letter of consent, which is signed by all registered proprietors or by the authorised agent, can be provided.

Full name

Kim Robinson

Company/agency (if applicable)

Talisman Wines

ACN/ABN (if applicable)

Postal address

Town/suburb

Postcode

Signature

*[Signature]*Date *24/4/19*

Print name and position

(if signing on behalf of a company or agency)

The landowners or authorised agent consents to the applicant submitting this application

Applicant details

Name/company

As above

Contact person

Postal address

Town/suburb

Postcode

Fax

Email

Applicant signature

Print name and position

(if signing on behalf of a company or agency)

Date

Property details

Certificate of title description of land:

Lot No

1894

Location No

Plan or Diagram

Vol

Folio

Certificate of title description of land:

Lot No

Location No

Plan or Diagram

Vol

Folio

Title encumbrances (e.g. easements, restrictive covenants)

Locality of development (house no., street name, suburb, etc)

King Tree Rd

Nearest street intersection

Existing building/land use

outbuildings & vineyards

Description of proposed development and/or use

Proposed cellar Door sales

Nature of any existing buildings and/or use

Approximate cost of proposed development (excl. gst) \$

\$115,000

Estimated time of completion

*1-2 months*Is the development within a designated bushfire prone area? Y N

If yes, please provide either a BAL Assessment or BAL Contour map to assist in the assessment of this application.

Office use only

Acceptance Officer's Initials

Date Received

Local government reference No.

Commission reference No.



APPLICATION FORM
TO COMMENCE DEVELOPMENT
Town Planning Scheme No. 3
FORM 110

SHIRE OF DARDANUP
RECEIVED
24 APR 2019
Name: TS
Date stamp

Part 1 Applicant Details

Name in Full

Kim Robinson

Postal Address

Email

Phone

Mobile

Phone A/H

Fax

Part 2 Premises Details on which development is proposed

Owner(s) Name

Kim Robinson

Lot No

Street No

Street Name

1894

King Tree Road

Suburb

Post Code

Wellington Mill

6236

Plan or Diagram Number

Certificate of Title - Vol/Fol

vol 1854 / fol 713

Current Site Use

Vineyard

Services Available

Storm Water

Water

Sewerage

Part 3 Owner(s) Consent

I/We the owner(s) of the property (as described in Part 2) hereby consent to the Applicant (as described in Part 1) commencing the proposed development with the required approval from the Shire of Dardanup.

23/4/2019

Owner(s) Signature

Date

Part 4 The type of development proposed and the nature of the proposed buildings

Installation of two transportable buildings to house Cellar Door Sales for Talisman Wines. Further details attached.

Part 5 Approximate cost of proposed development

Cost

\$115,000

If your development costs are between \$3 million and \$7 million, do you want your application assessed by a Development Assessment Panel (DAP)?

Yes

No

Part 6 Additional Details

Estimated time of completion

1-2 months

Approximate number of persons to be housed/employed when development is completed

2 employees

Any further information:

See accompanying document.

Part 7 Declaration

I, the person making this application declare that:

The information contained in this application is true and correct in every particular;

I have accompanied this application with two copies of the relevant plans and the application fee.

[Handwritten Signature]

Signature of Applicant

23 April, 2019

Date

Part 8 Return form to

Shire of Dardanup
Planning Department
1 Council Drive/PO Box 7016
EATON WA 6232

Phone: (08) 9724 0000 Fax: (08) 9724 0091
Email: records@dardanup.wa.gov.au

Please note:

- This is not an application for a building licence. Separate application forms are to be submitted for the building licence
- This form is to be submitted together with the application fee and two (2) copies of the relevant plans (one of which is to be no bigger than A3 size) to the Council office
- Attach a copy of the Offer and Acceptance if applicable
- All 'Working from Home' and 'Advertising Signage' applications require a supplementary form to be completed in addition to this form. Please complete either Form 110A (Working from Home) or Form 110B (Advertising Signage) and submit with your completed application.





APPLICATION FOR DEVELOPMENT APPROVAL
Town Planning Scheme No. 3
FORM 110

Date stamp

Part 1 Owner Details

Full Name

Peter and Lynley Partridge

ABN (if applicable)

Postal Address

Phone

Mobile

Phone A/H

Fax

Email

lynleyroma@hotmail.com

Contact person for correspondence

Signature

Date

5/04/2019

Signature

Date

4/04/2019

The signature of the owner(s) is required on all applications. This application will not proceed without that signature. For the purposes of signing this application an owner includes the persons referred to in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 clause 62(2).

Part 2 Applicant Details (if different from owner)

Full Name

Kim Robinson

Postal Address

Phone

Mobile

Phone A/H

Fax

Email

Contact person for correspondence

Signature

Date

8/4/2019

Part 3 Property Details

Lot No Street No Street Name

Suburb Post Code

Nearest street intersection

Plan or Diagram Number Certificate of Title - Vol/Fol

Title encumbrances (e.g. easements, restrictive covenants)

Part 4 Proposed Development

Nature of development Works Use Works and Use

Is an exemption from approval claimed for part of the development? Yes No

If yes, is the exemption for: Works Use

Description of proposed works and/or land use

NO SOIL WILL BE REMOVED.

Description of exemption claimed (if relevant)

Nature of existing buildings and/or land use

Approximate cost of proposed development Estimated time of completion

Part 5 OFFICE USE ONLY

Acceptance Officer's initials Date received

Local Government Reference No

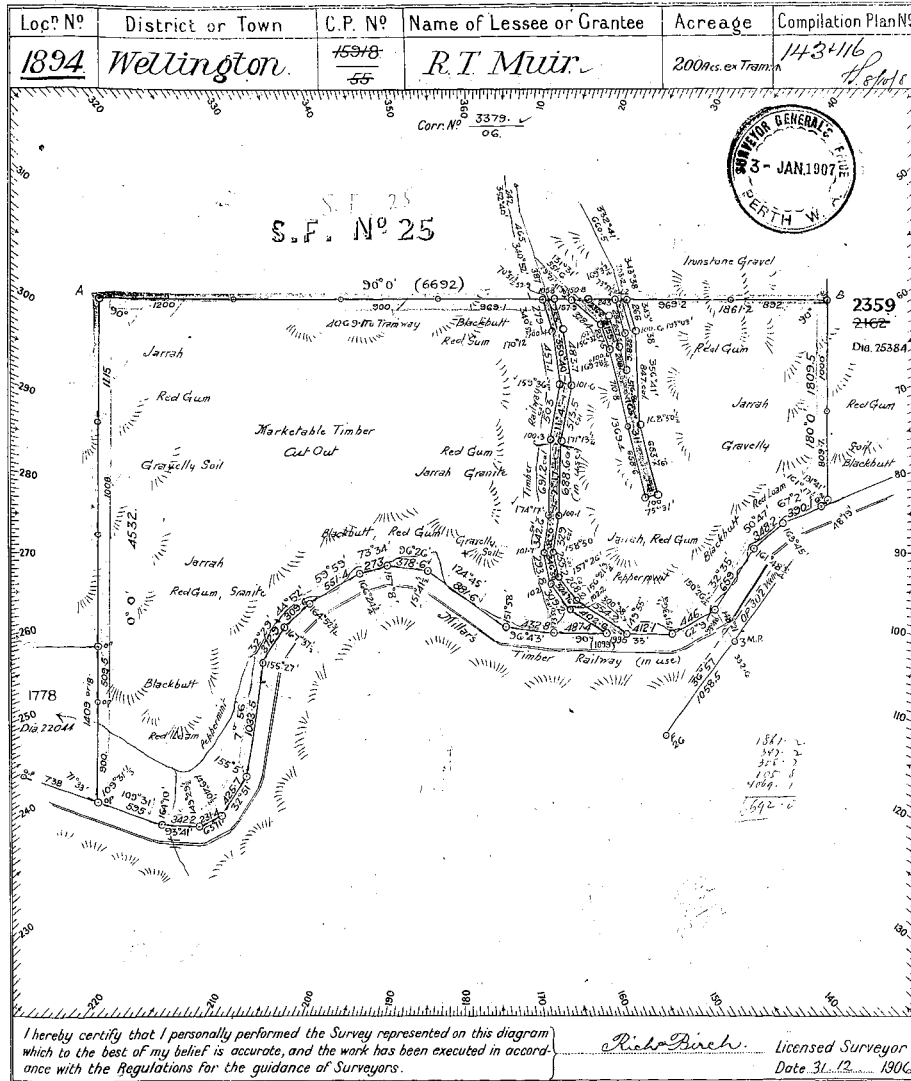
Part 6 Return form to

Shire of Dardanup
 Planning Department
 1 Council Drive/PO Box 7016
 EATON WA 6232

Phone: (08) 9724 0300 Fax: (08) 9724 0091
 Email: records@dardanup.wa.gov.au



LANDGATE COPY OF ORIGINAL NOT TO SCALE 12/11/2019 11:55 AM Request number: 60038634



Calculations for Area									
Bearing	Distance	N	S	E	W	Multipliers	Double Areas		
10° 31'	59.5		178.8	560.8		560.8			11487
93° 41'	342.3		28.0	341.5		11483.1			32188
63° 11'	281.4	104.4		206.5		2011.1	2	095.58	
32° 51'	425.7	357.6		230.9		2448.5	8	755.83	
7° 56'	183.5	183.6		142.6		2822.	28	88.579	
32° 27'	372.5	314.6		200.2		3164.9	9	95.477	
44° 52'	309.6	219.4		219.4		3583.6	7	862.111	
59° 59'	551.4	275.8		477.5		4479.5	11	8028.6	
73° 34'	273	77.2		261.8		5018.8	3	87451	
96° 26'	378.6		142.4	376.2		5656.8			2 3984.8
124° 45'	881.6		502.5	724.4		6757.4			33 9659.3
96° 43'	432.8		50.6	422.8		7911.6			4 6503.26
90° 22'	189.9		10.6	189.9		9440.4			1 670.63
62° 5'	44.6	288.3		374.5		15233.7	22	77489	
32° 35'	68.9	555.3		384.9		11682.9	64	8751.4	
50° 47'	348.2	220.1		269.8		12307.6	27	089.02	
67° 2'	432.8	171.6		404.8		12987.3	22	277.62	
0° 0'	183.5	183.5				13387.2	245	1865.6	
27° 0'	64.92				6492				
180° 0'	4532.5		4532.5				455	4411.8	42 79510.
		5359.4		6093.6	6492		12	79510	
							412	64608	
							206	32304	
							6	69888	
							200	33216	

Azimuth observed at Road No. 302 Wellington
 or assumed from East Bely. Co 1778
 Date of Marking 28th Nov to 4th Dec. 1906
 Field Book No. 2A Pages 3 to 7
 Scale 8. Chains to an Inch
 Working Plan No. 411/840 Division. C.A.

REFERENCE TO TREES			
Corner	Bearing	Dist. in Links	No & Mark on Tree. Description of Tree
A	218° 3'	251	1884 Jarrah
B	208° 0'	29'	of: of:
C			
D			
E			

OFFICE REFERENCES

Account No. 18 - Passed 27. 9. 07
 Calculation Book No. 12 (Polios 115. & 118)
 Chainage Close N.E.S. W.L. (West. Station S. 221 W. 1.4
 Angular Close + 0.45" (Dist. East Station
 Area Ex. Roads 200. 205 (Dist. East Station
 Compared with F.B. 1778
 Examined G. J. W. 2. 3. 05
 Diagram passed W. L. and Rowley
 Dec 27 1906
 Inspector of Plans
 Date 1906

On Standard Plan
 On Working Plan A.B. 27. 2. 1911
 Survey approved
 Fred J. Proffman
 Chief Surveyor General.
 Date 11. 3. 1908

Diagram No.
25382
 Registered A. Cooper

I hereby certify that I personally performed the Survey represented on this diagram which to the best of my belief is accurate, and the work has been executed in accordance with the Regulations for the guidance of Surveyors.
 Rich Birch Licensed Surveyor
 Date 31. 12. 1906

Approval Notice sent 1/2/07 of Book 20. Fol. 846

Supplementary material to DA for Lot 1894 King Tree Road Wellington Mill

Rational for works:

The property at which this DA is proposed for currently operates as a vineyard for the wine brand Talisman Wines. Talisman has become a leading brand for the Geographe region. Since it began in 2009 it has taken out Best Small Producer twice and Wine of Show twice in the Geographe Wine Show. In 2018 one of the wines was awarded the Best Single Vineyard Wine at the Perth Royal Wine Show. Talisman is a well known brand in greater Perth and the opening of a Cellar Door for Talisman Wines, at the property on which the grapes are grown, will be a major asset for tourism within the region.

Scope of works:

The proposal is to install two prefabricated modules on the dam at the southwestern corner of Lot 1894 King Tree Road, Wellington Mill. The two modules will be joined by a Jarrah deck and together will form a building to be used for the purpose of cellar sales for Talisman Wines. Module 1 will be adapted from its previous use as a reception office to be the main and sales area with an office space at the southern end. Module two was once a display suite and will house the universal access toilet, wash area and have the main space available for private group tastings. The decking will be available for customers to enjoy a glass of wine whilst overlooking the dam.

The proposed car park is set back only 10m from the western boundary. It is situated here because of the flat land and lack of existing trees. To move it elsewhere would incur major works to re-sculpt the contour of the land or trees would need to be removed.

A 10,000L water tank will be installed as per the bushfire management plan on the southern boundary.

Inclusions:

1. Form 110
2. Site Plan
3. Floor plans
4. Elevations – note the external cladding is grey painted Hardie board. Photographs can be provided.

Drainage Plan:

Water collected from the building will be channeled back in to the dam via the existing guttering to the rear of the buildings and new open gutters that will run alongside the buildings, returning the water to the dam.

Landscaping Plan:

The aim of any landscaping will be to retain the natural charm of the location. All existing trees will be retained and the development, including roads and car park, will work amongst the existing trees as per the site diagram.

Waste Management:

Wastewater will be treated using a septic system. Two tanks and leach drains will be located more than 30m away from the dam and on higher ground to avoid contamination of the waterway.

General waste generated from the site will be minimal. Over the course of a week we expect to go through no more than 12 bottles of wine. These bottles will be stored and taken to a recycling plant, along with any cardboard and other recyclable materials. General waste generated from the cellar sales will be disposed of weekly to the Dardanup waste management site.

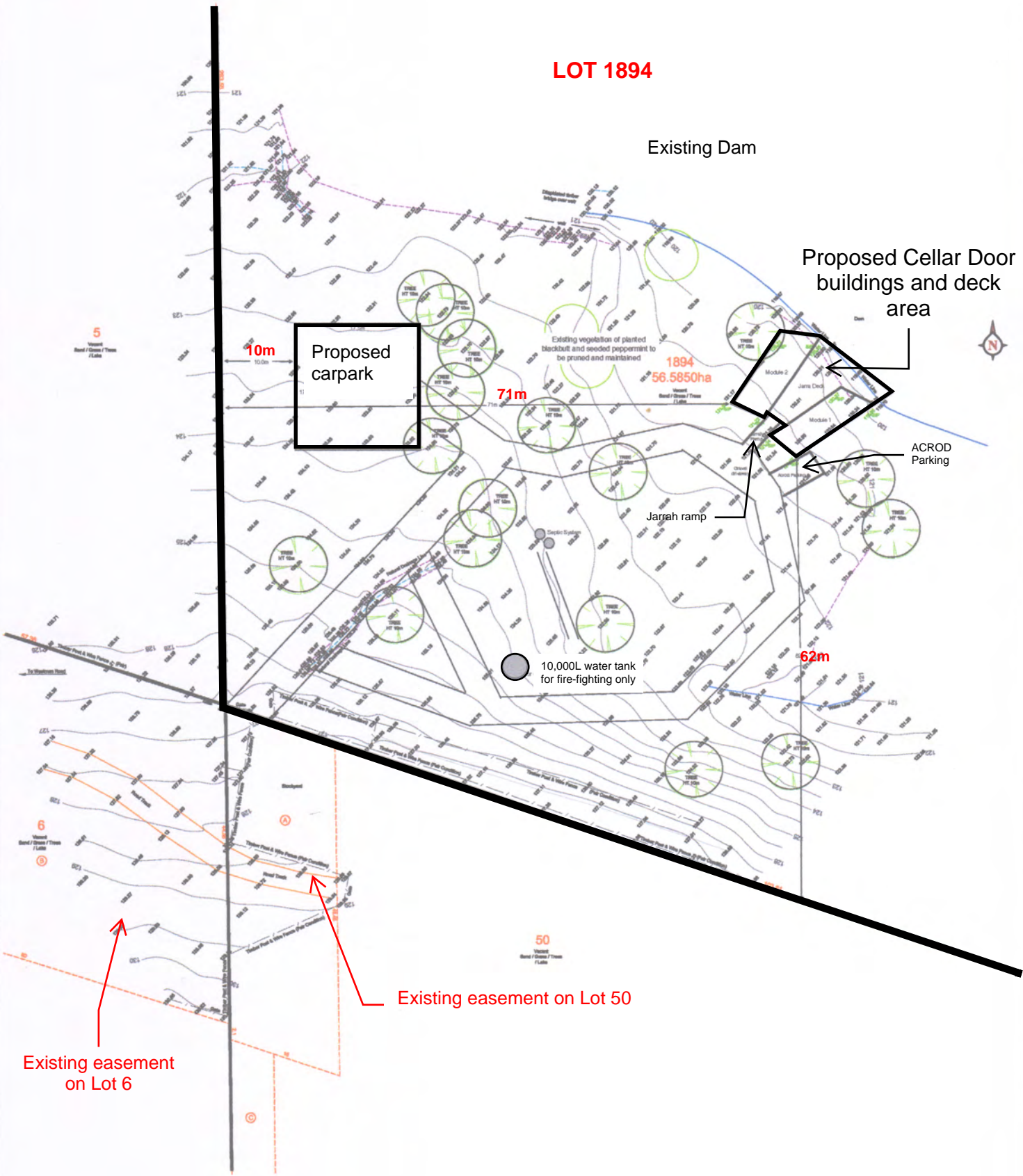
Staffing Levels:

The Cellar Door will be staffed by 1-2 persons.

Hours of Operation:

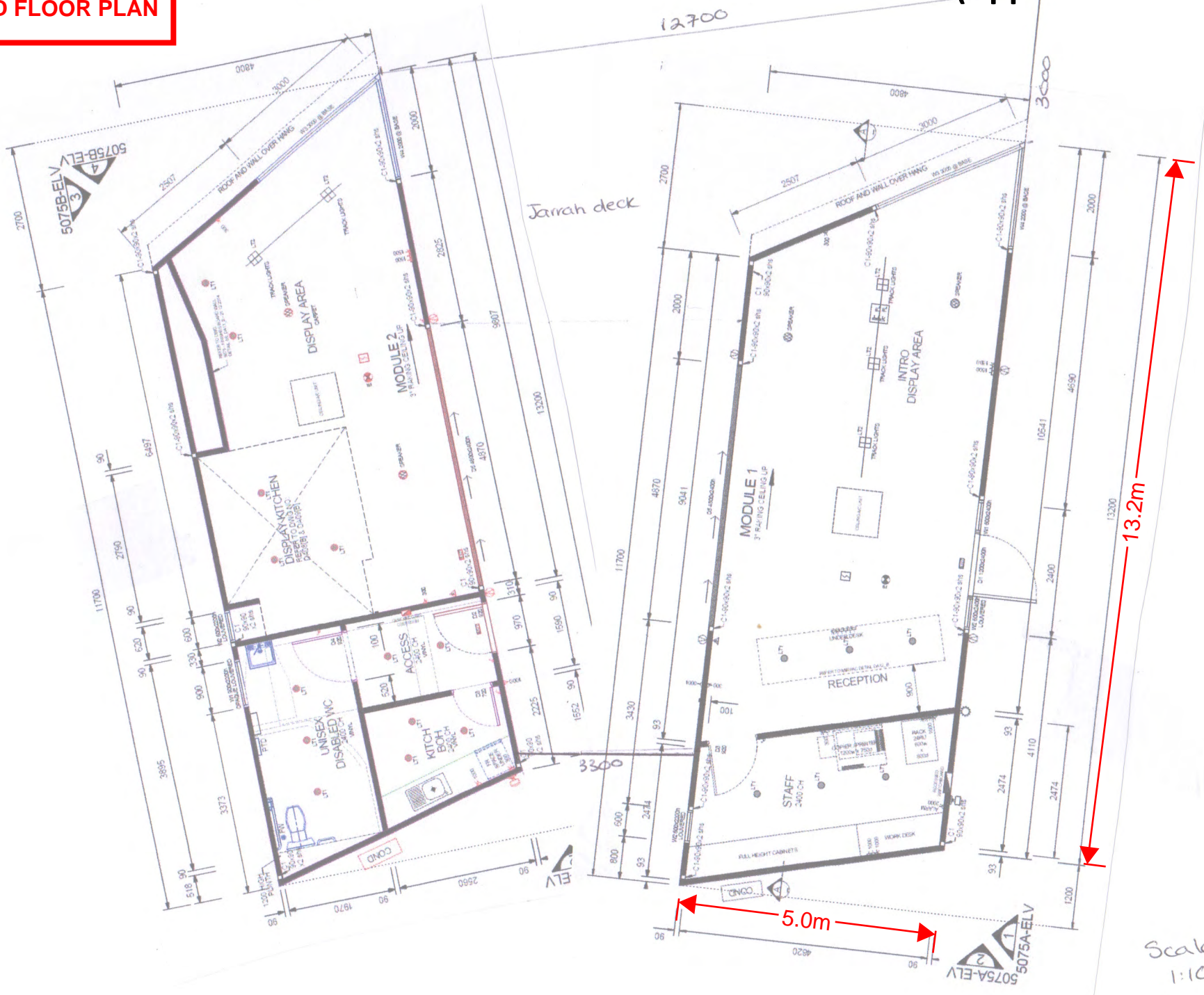
Friday – Monday 11am – 4:30pm and via appointment.

P1 - PROPOSED SITE PLAN



P2 - PROPOSED FLOOR PLAN

(Appendix ORD: 12.2A)



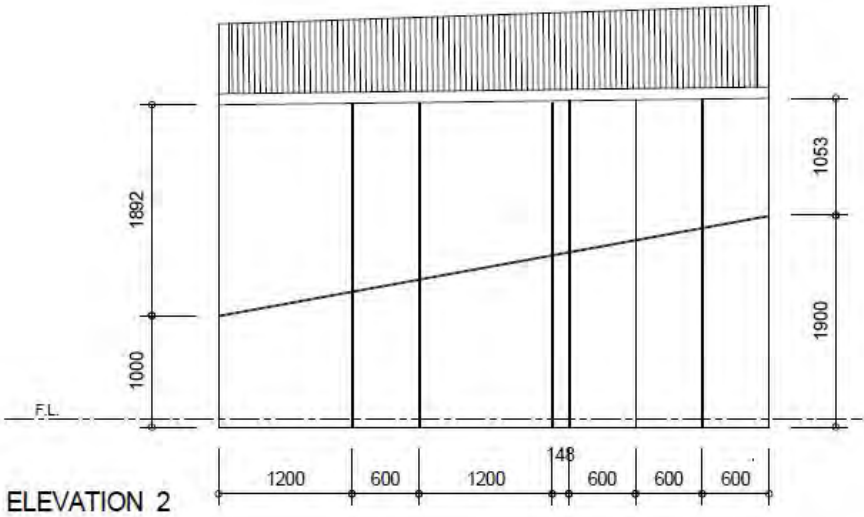
13.2m

5.0m

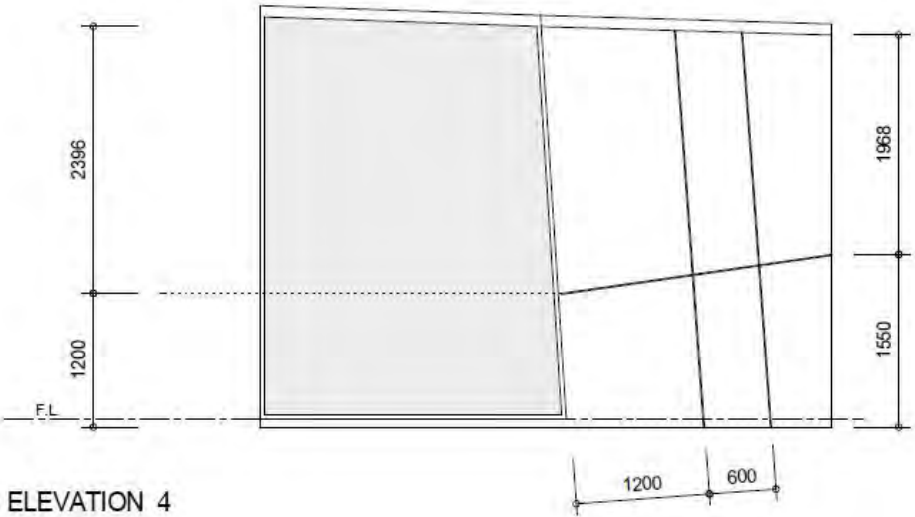
Scale
1:100

**P3 - PROPOSED ELEVATIONS
MODULE #1**

Cladding in grey Hardie Board



South West Elevation

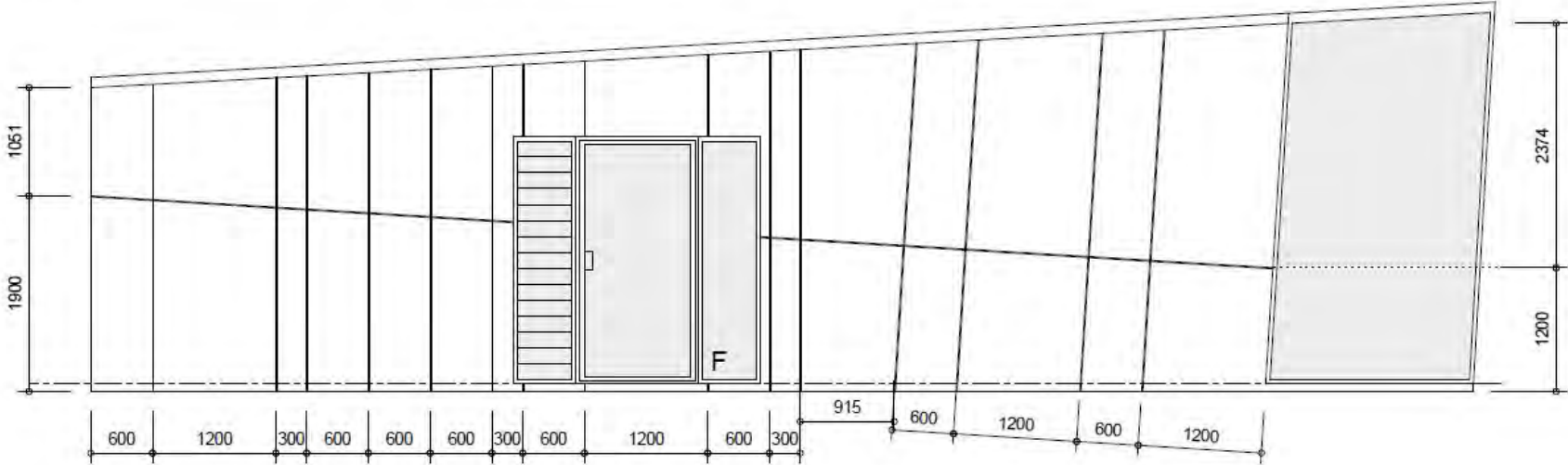


North East Elevation

**P4 - PROPOSED ELEVATIONS
MODULE #1**

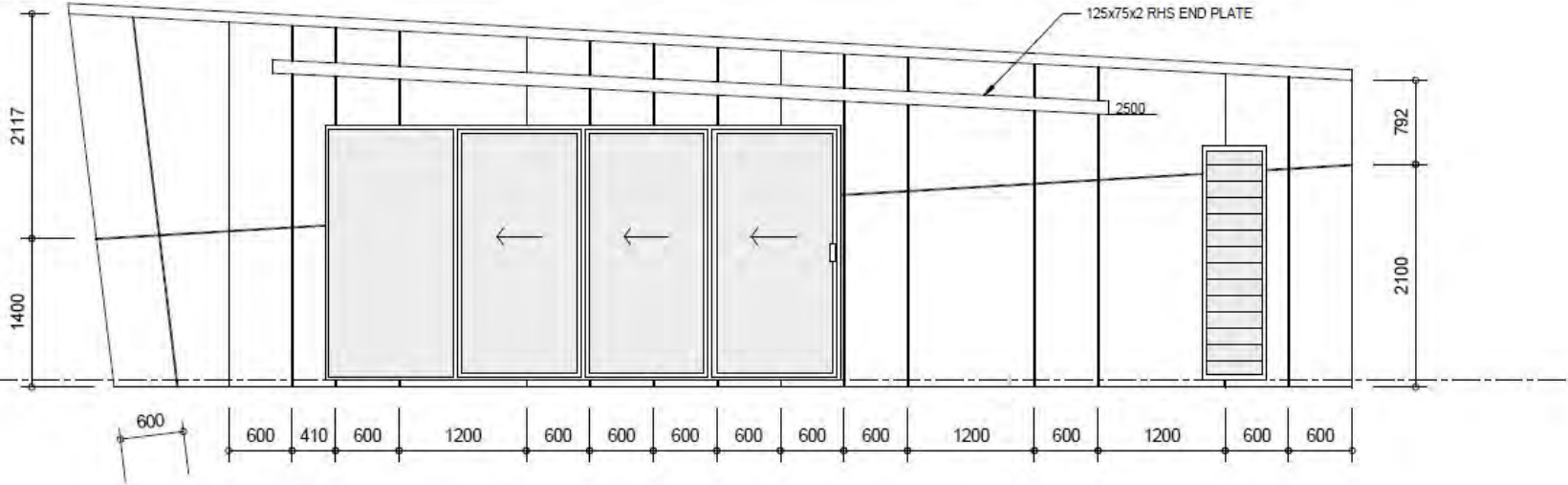
WALL AND ROOF FRAMING, ROOF TO WALL
CONNECTIONS AND BRACING TO SPECIALIST
DESIGN AND DETAIL. REFER STRATCO DESIGN
AND CERTIFICATION.

Cladding in grey Hardie Board



ELEVATION 1

South East Elevation



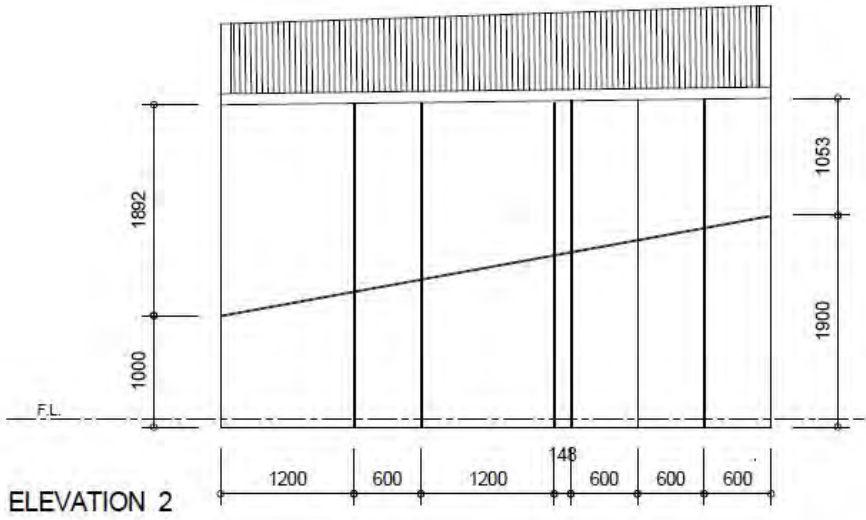
ELEVATION 3

North West Elevation MODULE 2

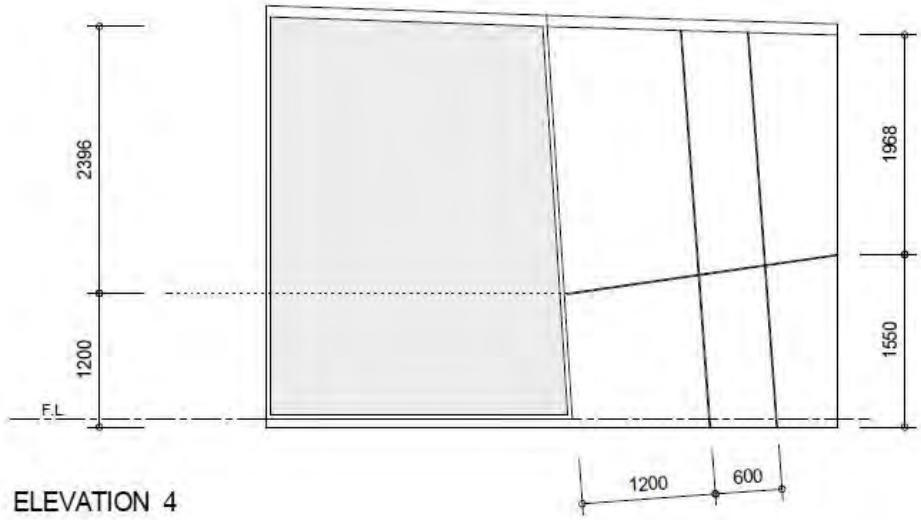
**P5 - PROPOSED ELEVATIONS
MODULE #2**

CONNECTIONS AND BRACING TO SPECIALIST
DESIGN AND DETAIL. REFER STRATCO DESIGN
AND CERTIFICATION.

Cladding in grey Hardie Board



South West Elevation

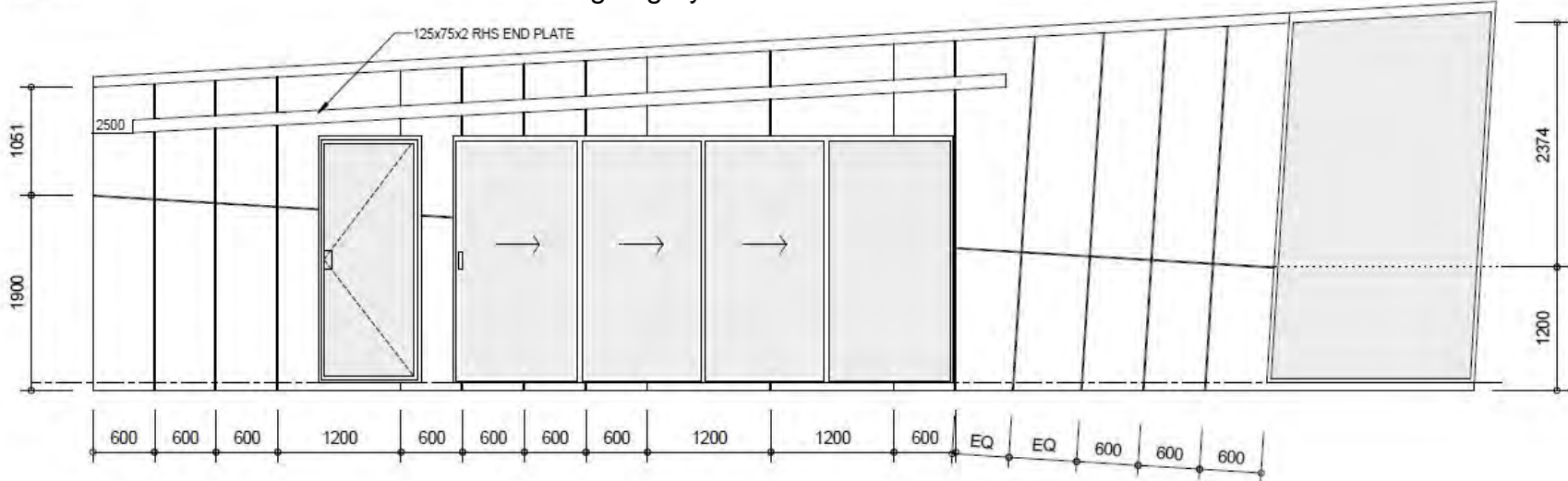


North East Elevation

**P6 - PROPOSED ELEVATIONS
MODULE #2**

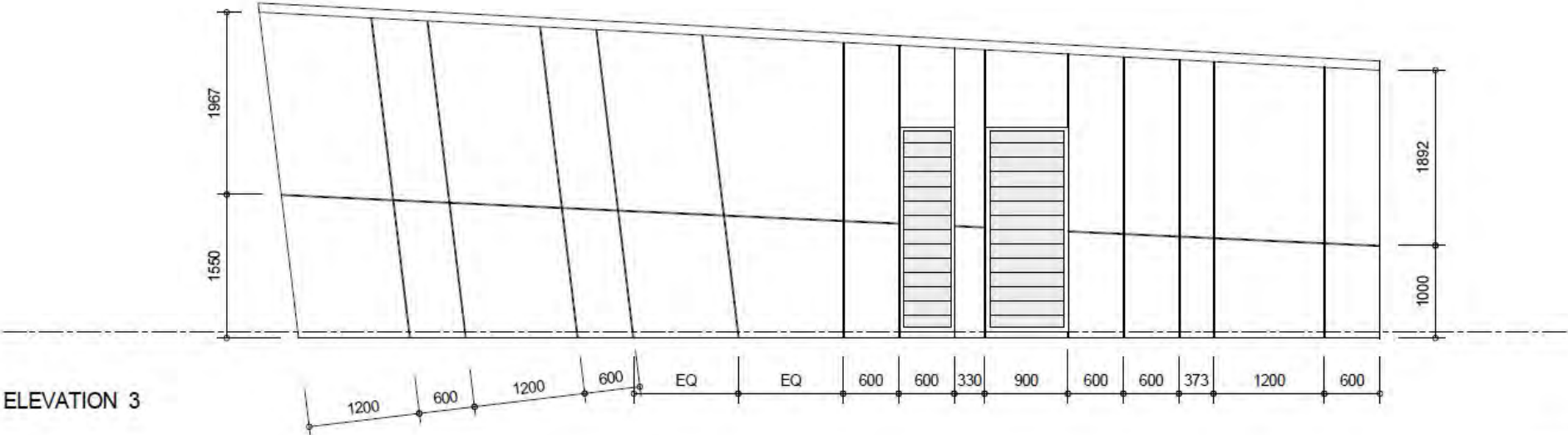
WALL AND ROOF FRAMING, ROOF TO WALL CONNECTIONS AND BRACING TO SPECIALIST DESIGN AND DETAIL. REFER STRATCO DESIGN AND CERTIFICATION.

Cladding in grey Hardie Board



ELEVATION 1

South East Elevation



ELEVATION 3

North West Elevation

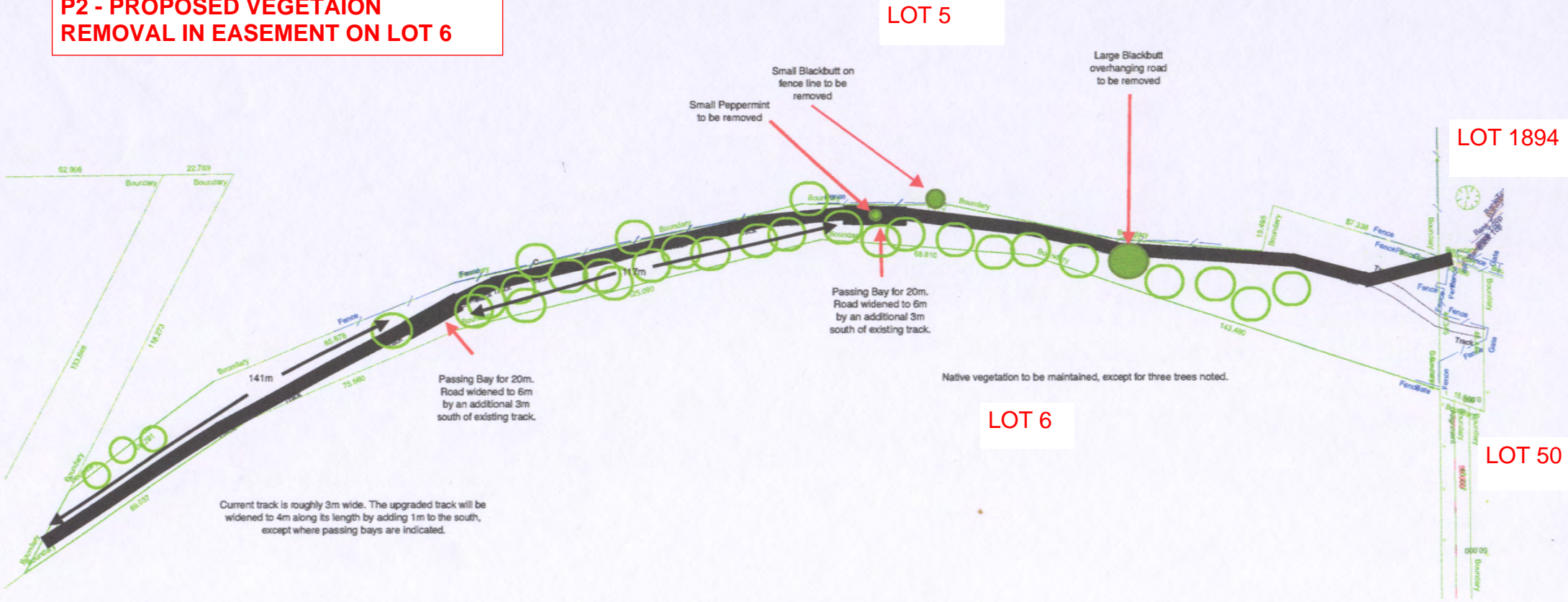
P1 - PROPOSED VEGETATION
REMOVAL IN EASEMENT ON LOT 6



Trees with pruning required
Numbers match photos on thumb drive

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

P2 - PROPOSED VEGETATION
REMOVAL IN EASEMENT ON LOT 6



Passing Bay for 20m.
Road widened to 6m
by an additional 3m
south of existing track.

Passing Bay for 20m.
Road widened to 6m
by an additional 3m
south of existing track.

Native vegetation to be maintained, except for three trees noted.

Current track is roughly 3m wide. The upgraded track will be widened to 4m along its length by adding 1m to the south, except where passing bays are indicated.





Photo No. 8241















WORKING ON FIRE **PLANNING**



BUSHFIRE MANAGEMENT PLAN BUSHFIRE EMERGENCY EVACUATION PLAN Lot 1894 King Tree Road, Wellington Mill

CLIENT: Talisman Wines
SITE LOCATION: Lot 1894 King Tree Rd Wellington Mill
DATE: 5/08/2019
SHIRE/CITY: Shire of Dardanup
FIRE CONSULTANTS: Terry Maher, David Deeley
CLIENT CONTACT #: 0428 932 944
WOFP FILE #: 20190213
VERSION #: 2.0



Table of contents

Section 1: Proposal details	6
Section 2: Bushfire Attack Level Assessment	7
Section 5: Identification of bushfire hazard issues.....	11
Section 6: Assessment against the bushfire protection criteria.....	15
Section 7: Photographs	17
Section 9: Responsibilities for implementation and management	24
Section 10: Bushfire Emergency Evacuation Risk Analysis.....	26
Section 11: Bushfire Emergency Evacuation Plan (BEEP).....	30
Section 12: Additional Photographs for Emergency Egress	34

List of figures

Figure 1 Layout of proposed cellar door building.....	8
Figure 2 Location, Chalet footprint and ground contours (2m).	9
Figure 3 Air photo and photo points.	10
Figure 4 Vegetation existing classified as per AS3959.....	12
Figure 5 BAL contours after establishment of the APZ to BAL-12.5	13
Figure 6 BAL contours close-up showing the proposed APZ.	14
Figure 7 Photo mosaic of Weetman Rd egress widths.....	22
Figure 8 Spatial representation of the bushfire management strategies and egress routes.	23
Figure 9 Evacuation diagram	33

List of tables

Table 1 Pre-development BAL analysis - existing vegetation	7
Table 2 Post-development BAL assessment after implementation of APZs.....	11

List of appendices

Appendix 1 Schedule 1 guide to APZ management.....	37
Appendix 2 Agreement between the Owner and the adjoining Landowner for a 900 m EAW to be established to the requirements of Table 6 column 4.	38
Appendix 3 Predevelopment BAL assessment	39

Bushfire management plan/Statement addressing the Bushfire Protection Criteria coversheet (Appendix ORD: 12.2A)

Site address:

Site visit: Yes No

Date of site visit (if applicable): Day Month Year

Report author:

WA BPAD accreditation level (please circle):

Not accredited Level 1 BAL assessor Level 2 practitioner Level 3 practitioner

If accredited please provide the following.

BPAD accreditation number: Accreditation expiry: Month Year

Bushfire management plan version number:

Bushfire management plan date: Day Month Year

Client/business name:

	Yes	No
Has the BAL been calculated by a method other than method 1 as outlined in AS3959 (tick no if AS3959 method 1 has been used to calculate the BAL)?	<input type="checkbox"/>	<input type="checkbox"/>
Have any of the bushfire protection criteria elements been addressed through the use of a performance principle (tick no if only acceptable solutions have been used to address all of the bushfire protection criteria elements)?	<input type="checkbox"/>	<input type="checkbox"/>

Is the proposal any of the following (see SPP 3.7 for definitions)?	Yes	No
Unavoidable development (in BAL-40 or BAL-FZ)	<input type="checkbox"/>	<input type="checkbox"/>
Strategic planning proposal (including rezoning applications)	<input type="checkbox"/>	<input type="checkbox"/>
Minor development (in BAL-40 or BAL-FZ)	<input type="checkbox"/>	<input type="checkbox"/>
High risk land-use	<input type="checkbox"/>	<input type="checkbox"/>
Vulnerable land-use	<input type="checkbox"/>	<input type="checkbox"/>

None of the above

Note: Only if one (or more) of the above answers in the tables is yes should the decision maker (e.g. local government or the WAPC) refer the proposal to DFES for comment.

Why has it been given one of the above listed classifications (E.g. Considered vulnerable land-use as the development is for accommodation of the elderly, etc.)?

The information provided within this bushfire management plan to the best of my knowledge is true and correct:

Signature of report author

Date

Property address: 1984 King Tree Road, Wellington Mill WA 6236

Lot size: 27.81 ha


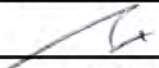
Landowner: Kim Robinson



Prepared by: Terry Maher, David Deeley

Document control

Client: Kim Robinson

Report version	Purpose	Author/reviewer and accreditation details	Date submitted
Draft 1.0	BAL / BMP / BEEP	Terry Maher BPAD 41162	20/04/2019
Client draft 1.5	Review and L2 sign-off	David Deeley BPAD 37575	29/04/2019
Submission V2.0	Incorporating DFES comments	David Deeley BPAD 37575	5/08/19

I hereby declare that I am a BPAD Accredited bushfire practitioner.		
Accreditation No.	41162	
Signature		
Date	29/04/2019	

I hereby declare that I am a BPAD Accredited bushfire practitioner.		
Accreditation No.	37575	
Signature		
Date	5/08/2019	

Disclaimer

The recommendations and measures contained in this assessment report are based on the requirements of the Australian Standards 3959 – Building in Bushfire prone Areas, WAPC / DFES Guidelines for Building in Bushfire Prone areas (State Planning Policy 3.7) and CSIRO’s research into Bushfire behaviour. These are considered the minimum standards required to balance the protection of the proposed dwelling and occupants with the aesthetic and environmental conditions required by local, state and federal government authorities. They DO NOT guarantee that a building will not be destroyed or damaged by a bushfire. All surveys and forecasts, projections and recommendations made in this assessment report and associated with this proposed dwelling are made in good faith on the basis of the information available to the fire protection consultant at the time of assessment. The achievement of the level of implementation of fire precautions will depend amongst other things on actions of the landowner or occupiers of the land, over which the fire protection consultant has no control. Notwithstanding anything contained within, the fire consultant/s or local government authority will not, except as the law may require, be liable for any loss or other consequences (whether or not due to negligence of the fire consultant/s and the local government authority, their servants or agents) arising out of the services rendered by the fire consultant/s or local government authority.

Section 1: Proposal details

The proposal is to establish a Cellar Door facility on a section of Lot 1894 King Tree Road in the Dardanup Shire at Wellington Mills. The site is in the iconic Ferguson Valley adjacent to a large dam in the southwest corner of Lot 1894 (see Figures 1 & 2). Lot 1894 is in an area designated 'bushfire prone'. The proposed development will provide cellar door sales and host functions, with customers who may be unfamiliar with the area. Because of this, the proposal has been classified as a 'Vulnerable' land use, and as such requires a Bushfire Management Plan (BMP) and a Bushfire Emergency Evacuation Plan (BEEP) to be prepared (as per State Planning Policy 3.7). A pre-development Bushfire Attack Level (BAL) assessment is required to establish the context for the development and the BMP / BEEP.

This property is situated just to the east of Wellington Mill Road and north of King Tree Road, in a popular tourist precinct, with several established wineries and associated business near-by.

Lot 1894 is approximately 83ha, with the Northern Portion consisting of 11 ha of cultivated vineyards, water supply dams and pasture. The balance of the property consists of another larger dam (the site for the proposed Cellar Door) and some original native forest and regrowth native forest. There are some plantings of *Eucalyptus patens* immediately adjacent to the proposed building envelope. Near the proposed location of the Cellar Door (Figure 3), are trees planted by the owner which form small areas of 'Open woodland'. It is intended to 'manage' this area as an APZ so as to allow for a rating of BAL-12.5 to be maintained in perpetuity. The APZ will be managed in line with The WAPC's Schedule 1¹ (see Appendix 1).

Access to Lot 1894 is from Wellington Forest Road, to King Tree Road via Ferris Access Road and Weetman Road.

The proposed cellar door as a vulnerable land use, requires a suitable alternate access to be available under all weather conditions, to provide egress to the public should a Bushfire compromise the main access from King Tree Road. To address this issue, it is proposed to construct a suitable Emergency Access Way (EAW), due south to King Tree Road from the south west corner of Lot 1894, through the adjoining property (Pd .6501 L50). An Easement in Gross with an appropriate caveat to be placed on the adjoining property's Certificate of Title, has been agreed with the neighbouring land owner. A copy of this agreement is attached as Appendix 2.

The 'Acceptable Solutions' described in this BMP and summarised within the Statement against the Bushfire Protection Criteria will ensure the development conforms to relevant policies and standards as required by SPP 3.7.

To further ensure the safety of staff and visitors at all times, an Emergency Evacuation procedure consisting of comprehensive surveillance and early evacuation off site as the first priority will be established. To this end, a Bushfire Emergency Evacuation Risk Analysis and BEEP have been included in this document.

This BMP/BEEP document, and the recommendations contained within it are aligned with the following:

- Consistency with SPP 3.7 and the planning requirements for Local Government Authorities;
- Identification of bushfire risks using vegetation types and slopes as in AS3959 – 2009;
- Identification of assets at risk- life, property, infrastructure and the environment;
- Identification of bushfire risk mitigation measures as acceptable solutions within SPP 3.7;
- Allocation of responsibilities to persons / entities for the implementation of recommendations and management measures;
- Compliance with the Shire of Dardanup's 'Firebreak & Fuel Hazard Reduction Notice'.

¹ WAPC (2017) Guidelines for Planning in Bushfire Prone Areas v1.3, Appendices, December 2017

Section 2: Bushfire Attack Level Assessment

A pre-development rating of BAL-FZ has been determined because of the existing vegetation at this site (See Appendix 1, BAL assessment), including planted / sown pasture, planted Class A Forest, planted Class B Woodland and Class C Shrubland (Table 1 copied from the BAL assessment report at Appendix 2).

Table 1 Pre-development BAL analysis - existing vegetation

Plot	Vegetation Classification	Effective Slope	Separation (m)	BAL
1	Excludable – Clause 2.2.3.2(e)	N/A	N/A	BAL – LOW
2	Class A - Forest	0°	46	BAL – 12.5
3	Class B Woodland	0°	42	BAL – 12.5
4	Class A - Forest	0°	44	BAL – 12.5
5	Class G Grassland	0°	0	BAL – FZ
6	Class B Woodland	0°	8	BAL – FZ
7	Class A Forest	0°	75	BAL-12.5
Pre-development Bushfire Attack Level			BAL – FZ	

Note: This is reproduced from the BAL assessment report at Appendix 1.

It is proposed that an APZ appropriate to achieve a rating of BAL-12.5 be maintained in perpetuity around the proposed Cellar Door, meeting specifications consistent with Schedule 1.

Section 3: Environmental considerations

Some bushfire prone areas also have high biodiversity values. State Planning Policy 3.7 (SPP3.7) policy objective 5.4 recognises the need to consider bushfire risk management measures alongside environmental, biodiversity and conservation values.

There are no environmental considerations for this site. The area around the Cellar Door has been cleared previously, and there is no requirement to remove any additional native vegetation to achieve a rating of ≤BAL-29 consistent with SPP3.7.

Sub-section 3.1: Native vegetation – modification and clearing

There is no requirement for modification / clearing of WA native species at this lot other than maintaining the APZ around the proposed cellar door described under Element A2.1. The ‘Open woodland’ to east and west of the proposed building are West Australian *Eucalyptus patens* (Blackbutt), that were previously planted by the owners as potential future harvestable timber resource. This area will be managed to BAL 12.5 as per Schedule 1 (Appendix 1).

Sub-section 3.2: Revegetation/Landscape plans

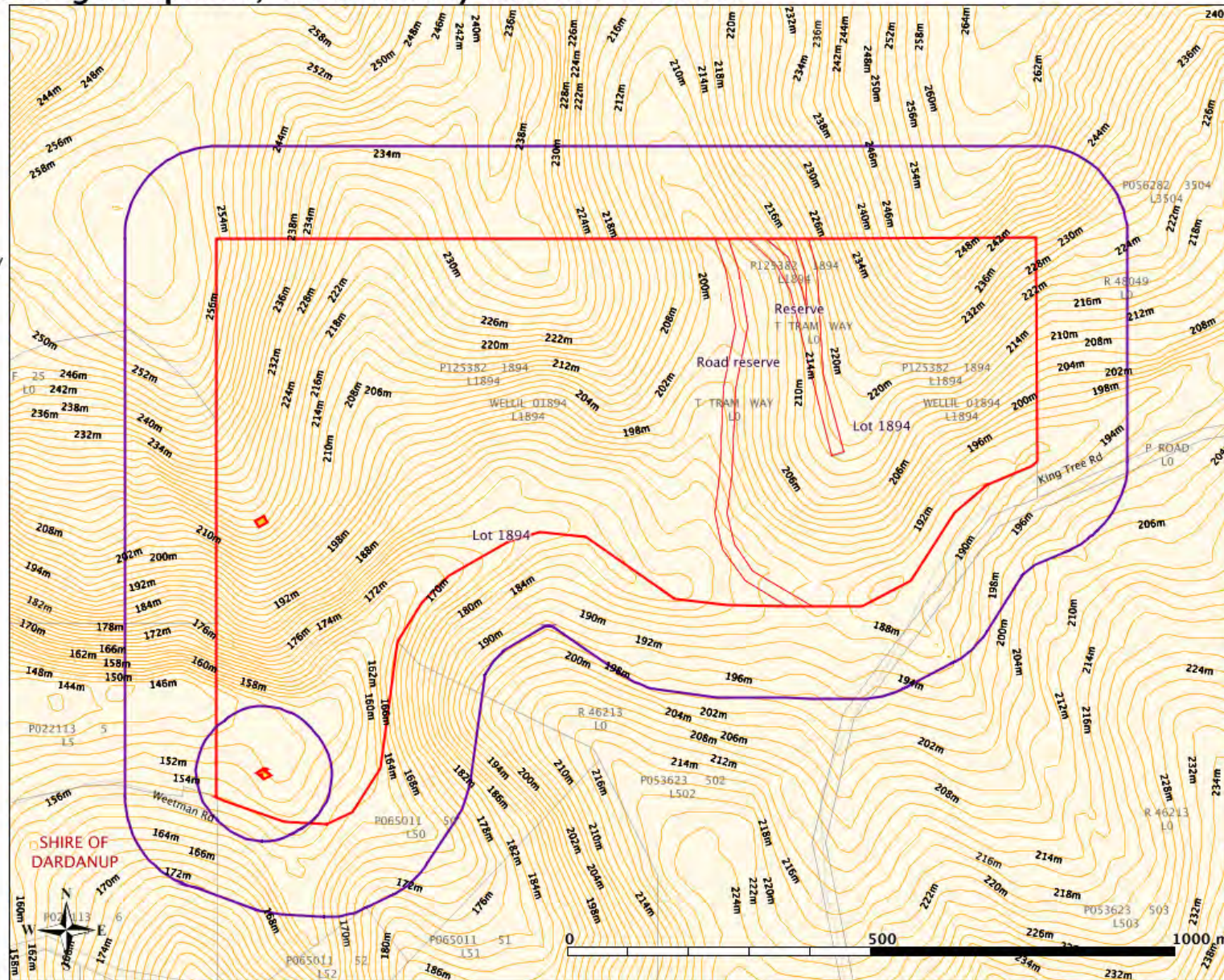
There is no revegetation required / planned at this site. The APZ area surrounding the Cellar Door will be managed as per Schedule 1 (Page 14), in perpetuity.



Figure 1 Layout of proposed cellar door building.

Location, building footprints, 100m survey and 2m contours

- Legend**
- 150m survey
 - 150m property survey
 - 100m survey
 - 100m BAL survey
 - Buildings**
 - Cellar door footprint
 - Existing dwelling
 - Property boundary**
 - Property boundary
 - Lots**
 - Property boundary
 - Local Government Authority**
 - Cadastre
 - State Roads
 - Other Roads
 - DAFWA 2m Contours**
 - Coast and Sea**
 - water
 - land



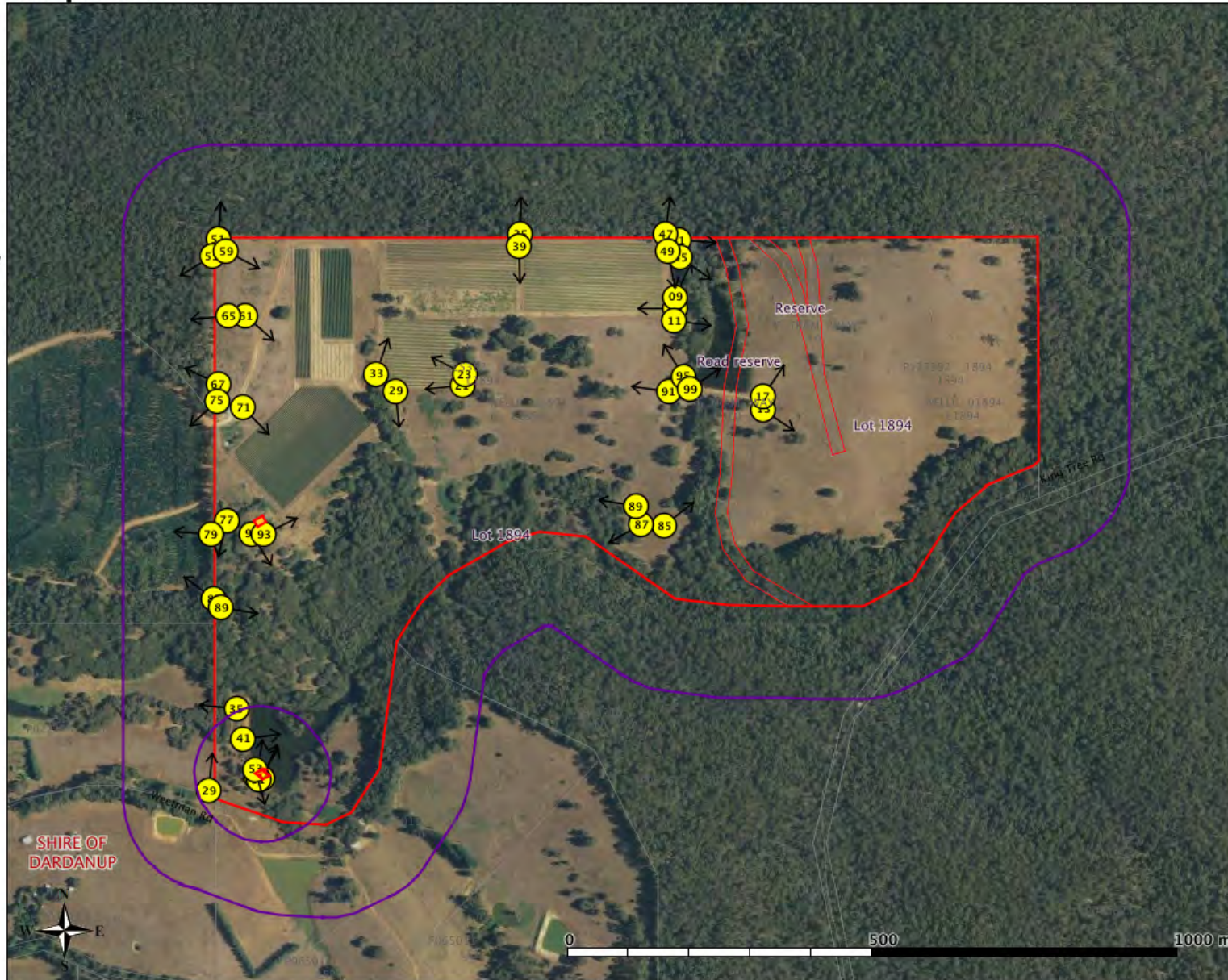
Map Printed from WALGA Environmental Planning Tool on Thu Apr 25 15:19:08 AWST 2019

Figure 2 Location, Chalet footprint and ground contours (2m).

Air photo Photo points

Legend

- 150m survey
[Purple outline] 150m property survey
- 100m survey
[Purple outline] 100m BAL survey
- Buildings
[Yellow square] Cellar door footprint
[Orange square] Existing dwelling
- Property boundary
[Red outline] Property boundary
- Lots
[Red outline] Property boundary
- Local Government Authority
[Red outline]
- Cadastre
[White square]
- State Roads
[Grey line]
- Other Roads
[Thin grey line]



Map Printed from WALGA Environmental Planning Tool on Thu Apr 25 15:21:00 AWST 2019

Figure 3 Air photo and photo points.

Section 4: Bushfire assessment results

Sub-section 4.1: Assessment inputs

All vegetation within 150m of the Subject Site (Figure 3), was classified (Figure 4), according to the requirements of AS3959. Four (4) types of Classified vegetation plots were recorded and two plots were able to be excluded;

1. Exclusion 2.2.3.2e – Non-vegetated Dam (Plot 1, Photos 41, 49)
2. Class A Forest was recorded 46 m NE of the proposed building's location (Plot 2, Photo 41 background);
3. Class B Woodland 42 m east of the proposed building (Plot 3, Photo 55 background);
4. Class A Forest (*ie.* planted WA Blackbutt), 44 m to the south (Plot 4 Photo 81 in the BAL assessment at Appendix 2);
5. Class G Grassland (sown pasture) was observed across much of the 150 m survey area surrounding the proposed building (Plot 5, Photo 21, 29 in the BAL assessment at Appendix 2);
6. Class B Woodland was recorded 8 m west of the proposed building's location (Plot 6, Photo 29 midground);
7. Class A Forest 75 m NW of the proposed building (Plot 7 Photo 29 background).

Sub-section 4.2: Assessment outputs

A BAL contour analysis is presented based on the post-development vegetation (Figures 5 & 6), with the APZ to BAL-12.5 in effect. This confirms that no original (WA) native vegetation needs to be removed to create the APZ around the development site, which will achieve a rating of \leq BAL-29 consistent with the requirements of SPP3.7.

Table 2 Post-development BAL assessment after implementation of APZs.

PLOT	ASPECT	VEGETATION CLASSIFICATION	CURRENT DISTANCE TO VEG m	SLOPE	CURRENT RATING	ACHIEVABLE RATING	TOTAL DISTANCE REQUIRED
1	N	Exc 2.2.3.2e	N/A	N/A	BAL-LOW	BAL-LOW	-
2	NE	Open Forest 03	46	0°	BAL-12.5	BAL-12.5	46
3	E	Open Woodland 06	42	0°	BAL-12.5	BAL-12.5	42
4	SE	Open Forest 03	44	0°	BAL-12.5	BAL-12.5	39
5	SW	Sown Pasture 26	0	0°	BAL-FZ	BAL-12.5	17
6	NW	Open Woodland 06	8	0°	BAL-FZ	BAL-12.5	29
7	NW	Open Forest 03	75	0°	BAL-12.5	BAL-12.5	75

Section 5: Identification of bushfire hazard issues

The bushfire hazard has been minimized around the proposed building site because of:

- The previously cleared nature of the development site;
- a large dam to the NE;
- cleared pasture to the east, south and west; and,
- patches of planted eucalypts to the west having a sparse understorey.

The site surrounding the proposed Cellar Door will be managed to the specifications of Schedule 1 to create a low fuel zone APZ able to achieve a rating of BAL- 12.5 in perpetuity.

Vegetation classified existing

Legend

- 150m survey
 - 150m property survey
- 100m BAL survey
 - 100m BAL survey
- Buildings
 - Cellar door footprint
 - Existing dwelling
- Property boundary
 - Property boundary
- Lots
 - Property boundary
- Vegetation classified existing
 - A. Forest, 0
 - B. Woodland, 0
 - C. Shrubland, 0
 - Excluded, ef, 0
 - G. Grassland, 0
- Local Government Authority
 - Property boundary
- Cadastre
 - State
- State Roads
- Other Roads



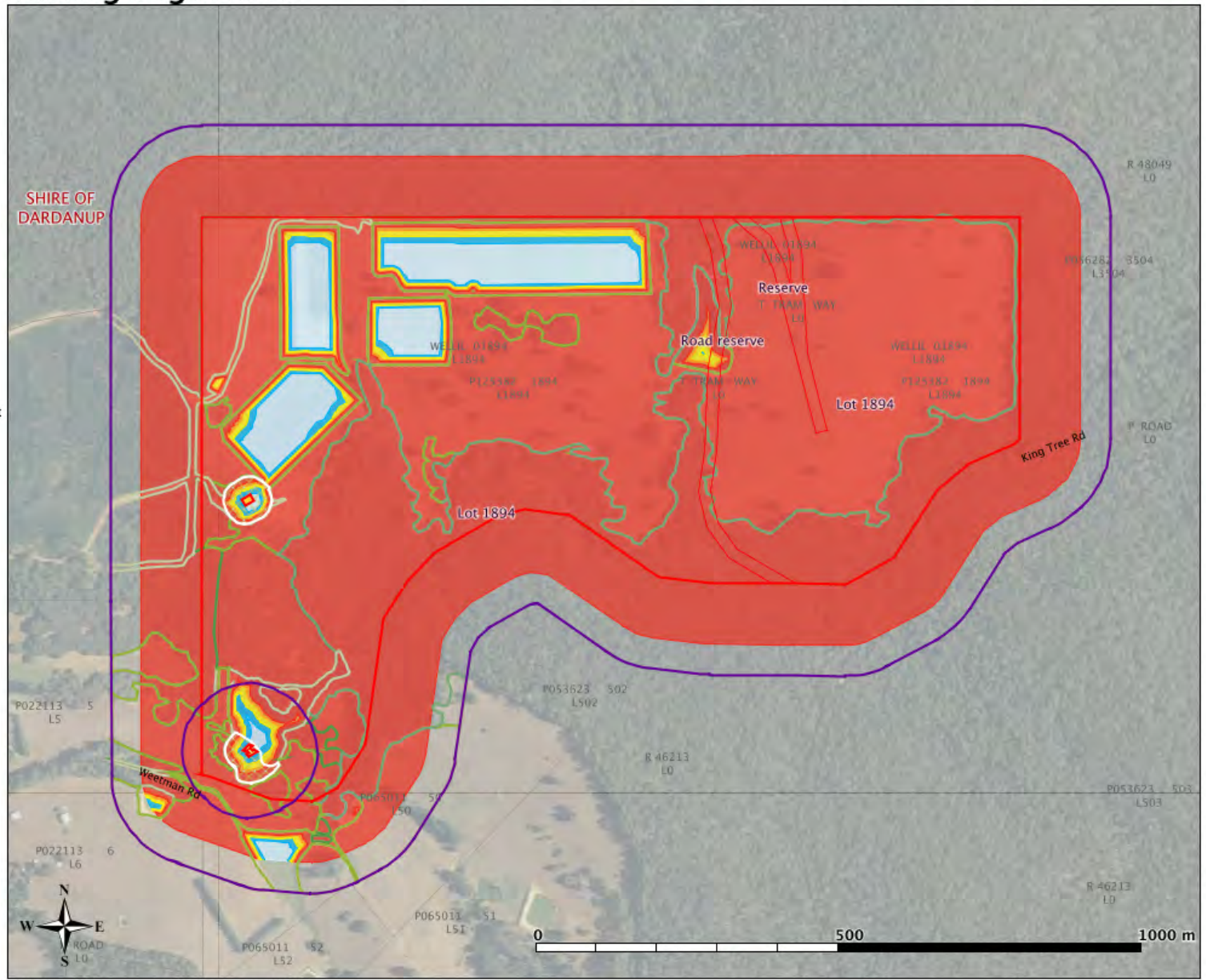
Map Printed from WALGA Environmental Planning Tool on Mon Apr 29 18:35:18 AWST 2019

Figure 4 Vegetation existing classified as per AS3959.

BAL contours existing vegetation

Legend

- 150m survey
 - 150m property survey
- 100m BAL survey
 - 100m BAL survey
- Buildings
 - Cellar door footprint
 - Existing dwelling
- Property boundary
 - Property boundary
- Lots
 - Property boundary
- Asset Protection Zone
 - APZ to BAL=12.5
- Vegetation after development
 - A. Forest, 0
 - B. Woodland, 0
 - C. Shrubland, 0
 - Excluded, ef, 0
 - G. Grassland, 0
- BAL contours after development
 - BAL-12.5
 - BAL-19
 - BAL-29
 - BAL-40
 - BAL-FZ
- Local Government Authority
 - Property boundary
- Cadastre
 - Property boundary
- State Roads
 - Property boundary
- Other Roads
 - Property boundary



Map Printed from WALGA Environmental Planning Tool on Mon Apr 29 18:37:48 AWST 2019

Figure 5 BAL contours after establishment of the APZ to BAL-12.5

BAL contours close up after development

Legend

- My annotations
 - Separation
- 150m survey
 - 150m property survey
- 100m BAL survey
 - 100m BAL survey
- Buildings
 - Cellar door footprint
 - Existing dwelling
- Property boundary
 - Property boundary
- Lots
 - Property boundary
- Asset Protection Zone
 - APZ to BAL-12.5
- Vegetation after development
 - A. Forest, 0
 - B. Woodland, 0
 - C. Shrubland, 0
 - Excluded, ef, 0
 - G. Grassland, 0
- BAL contours after development
 - BAL-12.5
 - BAL-19
 - BAL-29
 - BAL-40
 - BAL-FZ
- Local Government Authority
- Cadastre
- State Roads
- Other Roads

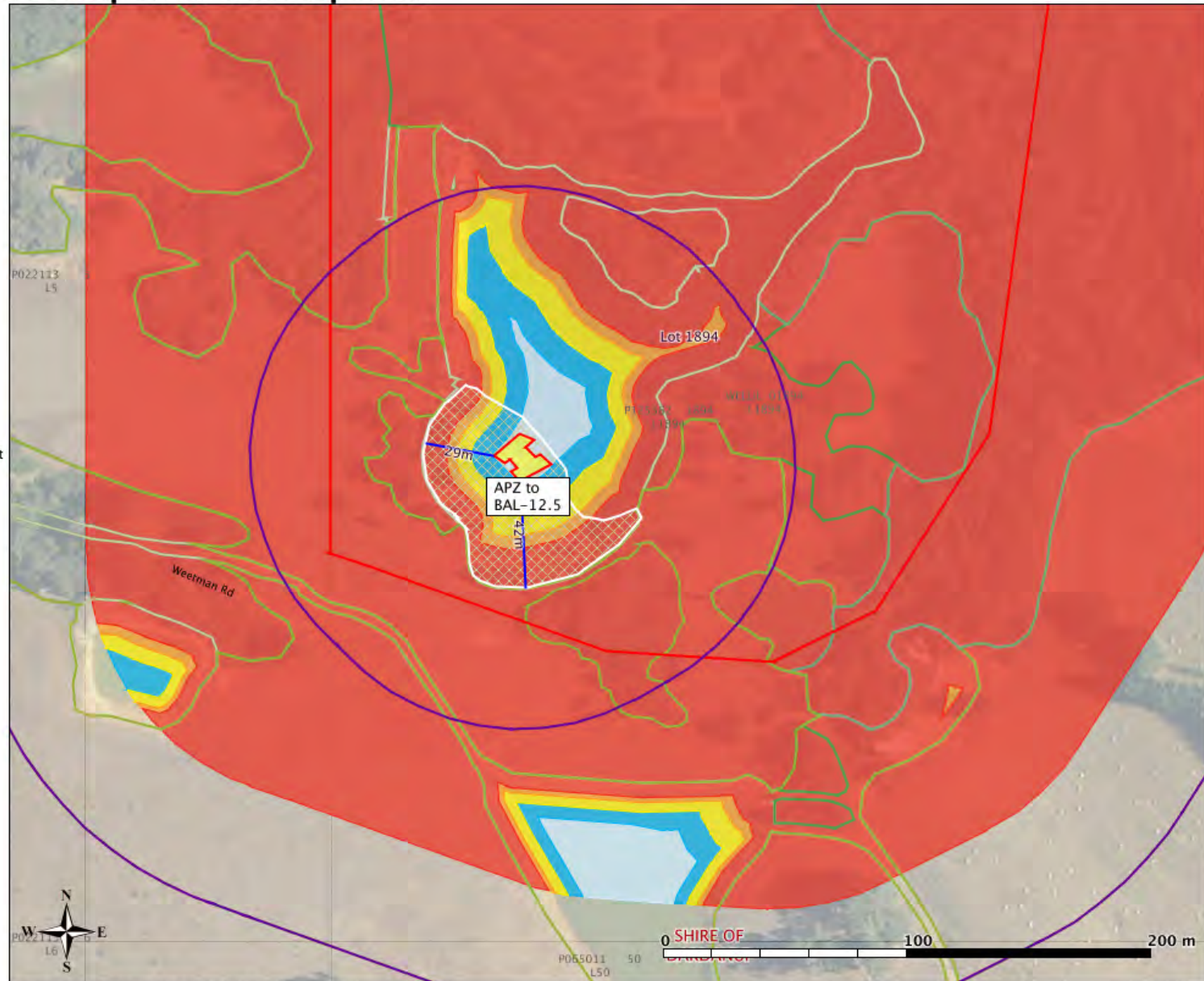


Figure 6 BAL contours close-up showing the proposed APZ.

Section 6: Assessment against the bushfire protection criteria

Sub-section 6.1: Compliance table

Bushfire protection criteria	Method of compliance	Proposed bushfire management strategies
	Acceptable solutions	
Element 1: Location	<p>A1.1 Development location</p> <p>The development is to take place on an existing rural lot, much of which has been previously cleared for managed grazing pastures and vineyards. The property is mostly surrounded by native vegetation and a pine plantation, except for the sw corner where the proposed Cellar Door is to be located, which adjoins established grazing pastures on neighbouring properties to the south and west. The surrounding native vegetation represents an extreme bushfire risk that cannot be adequately reduced.</p> <p>This proposal does not meet the intent of Element A1.1.</p>	<p>The extreme fire risk, is somewhat mitigated the by establishment an APZ, that with ongoing management, will achieve a rating of \leqBAL-19 in perpetuity, consistent with SPP 3.7. A second contingency is that the facility will be permanently hosted, and will not include any overnight accommodation.</p>
Element 2: Siting and design	<p>A2.1 Asset Protection Zone</p> <p>No original vegetation needs to be removed to establish a 42 m APZ to the north, west and southeast around the proposed Cellar Door, to achieve a rating of BAL-12.5.</p> <p>This meets the intent of Element A2.1.</p>	<p>An APZ surrounding the building will be managed in a low fuel condition, consistent with Schedule 1 of the WAPC guidelines, in perpetuity. Any future landscaping / planting will be consistent with Schedule 1.</p>
Element 3: Vehicular access	<p>A3.1 Two access routes.</p> <p>The main entrance/egress from the property is currently directly onto a public road, Weetman Road which leads onto King Tree Road (Figure 8). Weetman Rd reduces to 4.1 m in some sections, which is not compliant with the specifications of Table 6 column 1 of the guidelines (Figure 7).</p> <p>A second egress route will be established on Lot 50 / 51, as an EAW (see 3.6 below).</p> <p>This does not meets the intent of Element A3.1</p>	<p>Upgrade of Weetman Rd to public road standards of Table 6 column 1, is apparently on the Shire of Dardanup's list of required works, but apparently is not on its current work works program for 2019-20.</p>
	<p>A3.2 Public road. N/A</p>	<p>There are no public roads proposed on the property.</p>
	<p>A3.3 Cul-de-sac (including a dead-end-road)</p> <p>Weetman Road is an existing dead-end road of <1km joining Wellington Mill Road via Ferris Access Road. There is no alternative. This meets the intent of Element A3.3.</p>	<p>A second egress route is being established (see A3.6).</p>
	<p>A3.4 Battle-axe N/A</p>	<p>There are no Battle-axe lots.</p>
	<p>A3.5 Private driveway longer than 50 metres.</p> <p>The private driveway into the Cellar Door car park will be 70m in length, and will meet Table 1, column 3 requirements.</p> <p>This meets the intent of Element A3.5.</p>	<p>The existing driveway has ample areas for passing bays as required and a turn-around area \geq17.5m will be provided.</p>

Bushfire protection criteria	Method of compliance Acceptable solutions	Proposed bushfire management strategies
Element 3: Vehicular access continued....	<p>A3.6 Emergency access way (EAW)</p> <p>A proposed 900 m EAW with Easement in Gross and an appropriate caveat on the adjoining property's Certificate of Title as a binding condition of approval, together with the existing private roads, will provide adequate access for Emergency Services operations (see signed agreement at Appendix 2).</p> <p>The proposed EAW at 900 m is longer than the 600 m specified maximum, and therefore does not meet the intent of Element A3.6.</p>	<p>The adjoining land owners to the south (Pd 6501 L50), have agreed to the establishment of an EAW (Figure 8), to the specifications of Column 4 of Table 1, from the south west corner of Lot 1894 through their land to connect to King Tree Road. Signage will be provided.</p>
	<p>A3.7 Fire service access routes (perimeter roads)</p> <p>This meets the intent of Element A3.7</p>	<p>Existing private roads, trafficable perimeter fire breaks and the proposed EAW will provide adequate fire service access.</p>
	<p>A3.8 Firebreak width.</p> <p>Existing 3m perimeter firebreaks will be maintained in perpetuity. This meets the intent of Element A3.8.</p>	<p>Existing firebreaks >3m width surround the property consistent with Shire of Dardanup firebreak notices (See photos 29, 35, 47, 65).</p>
Element 4: Water	A4.1 Reticulated areas N/A	Nil
	A4.2 Non-reticulated areas N/A	Nil
	<p>A4.3 Individual lots within non-reticulated areas.</p> <p>A dedicated water supply tank of 10kl to be used exclusively for fire-fighting with appropriate Storz fittings, will be established adjacent to the proposed Cellar Door.</p> <p>This meets the intent of 4.3.</p>	<p>A significant water supply is also available from a nearby dam (photo 49), if required in addition to the 10kl dedicated water tank (Figure 8). There is ample area around the two water supply sources for Type 3.4 fire appliances. (17.5m)</p>

Section 7: Photographs

East to west then south – See Figure 3 for Photo point.



Photo 13



Photo 17



Photo 85



Photo 87



Photo 89



Photo 91



Photo 95



Photo 99



Photo 03



Photo 09



Photo 11



Photo 41



Photo 45



Photo 47



Photo 49

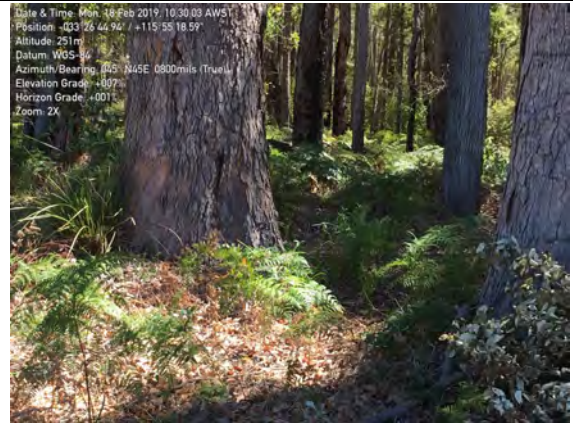


Photo 35



Photo 21



Photo 23



Photo 29



Photo 33



Photo 51



Photo 55



Photo 59

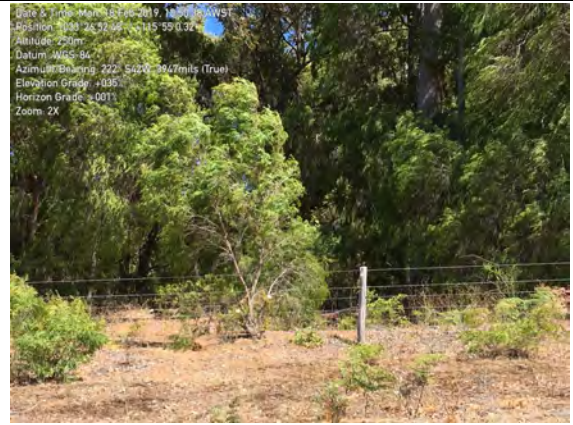


Photo 61



Date & Time: Mon, 18 Feb 2019, 10:48:04 AWST
Position: -033°26'49.25" / +115°55'1.39"
Altitude: 227m
Datum: WGS-84
Azimuth/Bearing: 138° S42E 206mils (True)
Elevation Grade: +040%
Horizon Grade: +04%
Zoom: 2X

Photo 65



Date & Time: Mon, 18 Feb 2019, 10:50:09 AWST
Position: -033°26'53.36" / +115°55'0.32"
Altitude: 220m
Datum: WGS-84
Azimuth/Bearing: 222° S42W 2947mils (True)
Elevation Grade: +035%
Horizon Grade: +001%
Zoom: 2X

Photo 67



Date & Time: Mon, 18 Feb 2019, 10:47:03 AWST
Position: -033°26'45.30" / +115°54'5.20"
Altitude: 228m
Datum: WGS-84
Azimuth/Bearing: 161° S19E 2862mils (True)
Elevation Grade: +003%
Horizon Grade: +003%
Zoom: 2X

Photo 71



Date & Time: Mon, 18 Feb 2019, 10:52:45 AWST
Position: -033°26'54.77" / +115°55'0.05"
Altitude: 234m
Datum: WGS-84
Azimuth/Bearing: 224° S44W 4010mils (True)
Elevation Grade: +036%
Horizon Grade: +002%
Zoom: 2X

Photo 75



Date & Time: Mon, 18 Feb 2019, 10:56:13 AWST
Position: -033°27'0.48" / +115°54'59.05"
Altitude: 208m
Datum: WGS-84
Azimuth/Bearing: 146° S30E 2296mils (True)
Elevation Grade: +022%
Horizon Grade: -010%
Zoom: 2X

Photo 77



Date & Time: Mon, 18 Feb 2019, 10:57:31 AWST
Position: -033°27'1.35" / +115°54'58.84"
Altitude: 207m
Datum: WGS-84
Azimuth/Bearing: 150° S30E 1167mils (True)
Elevation Grade: +022%
Horizon Grade: -015%
Zoom: 2X

Photo 81



Date & Time: Mon, 18 Feb 2019, 11:02:00 AWST
Position: -033°27'1.10" / +115°55°27°
Altitude: 199m
Datum: WGS-84
Azimuth/Bearing: 169° S31E 2669mils (True)
Elevation Grade: +004%
Horizon Grade: -001%
Zoom: 2X

Photo 91



Date & Time: Mon, 18 Feb 2019, 11:04:36 AWST
Position: -033°27'1.02" / +115°55'2.41"
Altitude: 216m
Datum: WGS-84
Azimuth/Bearing: 169° S31E 2669mils (True)
Elevation Grade: -004%
Horizon Grade: -093%
Zoom: 2X

Photo 93



Photo 87



Photo 89



Photo 35

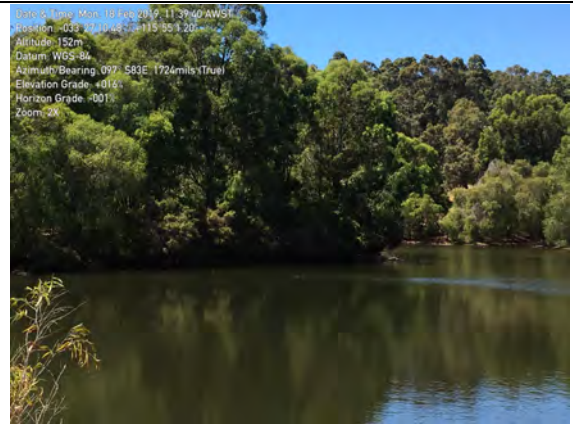


Photo 41



Photo 53



Photo 49



Photo 51



Photo 29

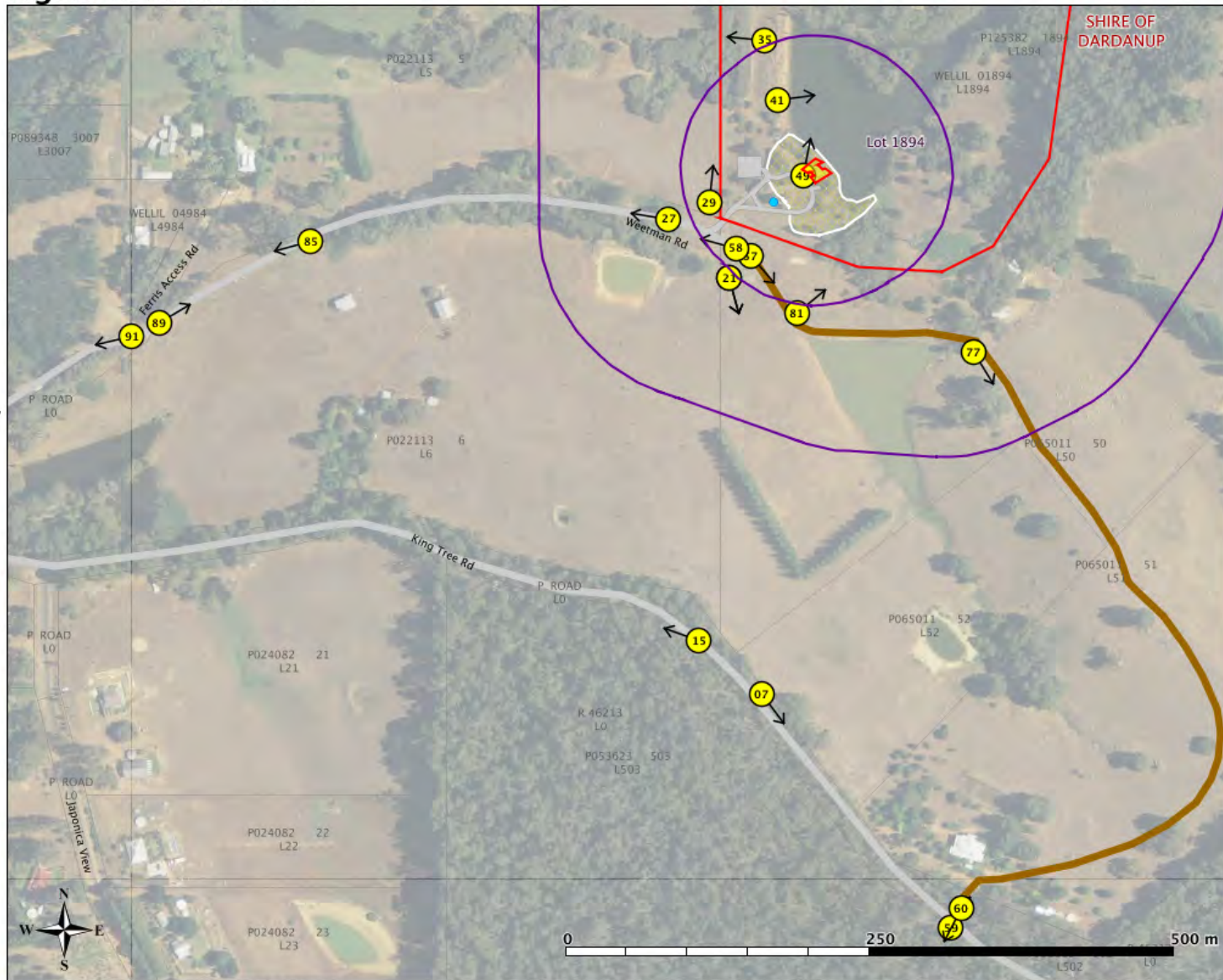


Figure 7 Photo mosaic of Weetman Rd egress widths

Bushfire management measures

Legend

- 150m survey**
 150m property survey
- 100m BAL survey**
 100m BAL survey
- Buildings**
 Cellar door footprint
 Existing dwelling
- Property boundary**
 Property boundary
- Lots**
 Property boundary
- Internal roads**
 2nd Emergency egress
 Public road
 Entrance & carpark
 Internal roads
 Water tank fire
- Asset Protection Zone**
 APZ to BAL-12.5
- Local Government Authority**
- Cadastrate**
- State Roads**
- Other Roads**



Map Printed from WALGA Environmental Planning Tool on Thu May 02 17:04:54 AWST 2019

Figure 8 Spatial representation of the bushfire management strategies and egress routes.

(Note: Additional photo point locations for Section 12)

Table 2. Vehicular access technical requirements

TECHNICAL REQUIREMENTS	1 Public road	2 Cul-de-sac	3 Private driveway	4 Emergency access way	5 Fire service access routes
Minimum trafficable surface (m)	6*	6	4	6*	6*
Horizontal clearance (m)	6	6	6	6	6
Vertical clearance (m)	4.5	N/A	4.5	4.5	4.5
Maximum grade <50 metres	1 in 10	1 in 10	1 in 10	1 in 10	1 in 10
Minimum weight capacity (t)	15	15	15	15	15
Maximum crossfall	1 in 33	1 in 33	1 in 33	1 in 33	1 in 33
Curves minimum inner radius (m)	8.5	8.5	8.5	8.5	8.5

*Refer to E3.2 Public roads: Trafficable surface

A written agreement with the Shire of Dardanup allows 4m road surface with passing bays every 200m.

Section 9: Responsibilities for implementation and management

DEVELOPER/LANDOWNER – PRIOR TO OCCUPANCY	
No.	Implementation action
1	Install the private driveway from existing entrance off Weetman Rd to the Cellar Door car park.
2	Establish the Asset Protection Zone to the dimensions and standard stated in the BMP.
3	Install the dedicated 10kl water tank with Storz fittings adjacent to the proposed building.
4	Install access to the water tanks and the dam near the Cellar Door for Type with a ≥ 17.5 m turn-around for Type 3.4 fire appliances to access.
5	Work with the adjoining neighbour to ensure the EAW is to the required standard and appropriate signage is established.

LANDOWNER/OCCUPIER – ONGOING MANAGEMENT	
No.	Management action
1	Maintain the Asset Protection Zone to the dimensions and standard stated in the BMP. 'Schedule 1' specifications to apply.
2	Comply with the relevant local government annual firebreak notice issued under S33 of the <i>Bush Fires Act 1954</i> .
3	Maintain vehicular access routes within the Lot and the emergency access to the required surface condition and clearances.
4	Make information available for Visitors on fire threats, communications and actions should a bushfire occur.
5	Maintain the emergency water supply and its vehicular access in good working condition.

LOCAL GOVERNMENT	
No.	Management action
1	Provide annual firebreak and hazard reduction notices.
2	Monitor land owner compliance with regulations.
3	Promote education and awareness of bushfire prevention and preparation measures.

Section 10: Bushfire Emergency Evacuation Risk Analysis

Rationale

The following risk analysis is based on the State Government of Victoria Country Fire Authority (CFA), Guide to Developing a Bushfire Emergency Plan to determine whether evacuation or taking refuge on-site presented the safest option. It has also been informed by the NSW Rural Fire Service, Guide to Developing a Bush Fire Emergency Management Plan, the Bushfire Protection Guidelines WA and AS 3745-2010 to identify the triggers for Evacuation.

Assumptions

Given the proposal is for a day-use cellar Door, and that the occupants may not be familiar with bushfire procedures and local road layouts, that the best option would be immediate evacuation. Other assumptions include:

- The staff and visitors are able bodied;
- That no child is left unattended at the site;
- That the staff and customers can see and smell smoke and can see a fire; and
- That occupants can read and understand the English language.

Key feature to achieve occupant life safety include:

- Establishing alert triggers and evacuation procedures;
- Identification of an evacuation location; and
- Clear evacuation diagrams.

Risk matrix

Source of risk analysis: Country Fire Authority of Victoria, Bushfire Emergency Evacuation Plan AS.3745 – 2010 (V2.0)

Facilities, Visitation, Setting and Response

Issue	Response
Type of premises:	Private property – rural.
Potential occupants:	Day use customers and staff
Context and needs:	Unfamiliar with the locality, and may be unfamiliar with English language
Special health considerations:	Occupants are able-bodied, but some may suffer asthma or breathing difficulties in the presence of smoke
In a bushfire prone area?	Yes
How accessible are the premises?	Public roads lead away in two directions, providing safe escape to two separate destinations
Quality of Roads:	Good. The main access roads are built to public road standard
Does the transport route go through a bushfire area?	Potentially – though the area is predominantly managed pasture. (Class G Grassland)
Building conditions:	Cellar Door will be a new construction to BAL-12.5

Are the buildings likely to be affected by significant radiant heat?	No. APZs surrounding managed Grassland areas means users could experience \leq BAL-12.5 during an FDI of 80 bushfire event.
Are occupants needs better suited to evacuation?	Yes
Is a defensible space available?	yes
Is there a designated assembly point?	Yes – Car park adjacent to the Cellar Door Sales building
Are ground conditions maintained?	Yes, the APZ is to be maintained (slashed regularly).
Evacuate or Stay?	Early evacuation is the only option.

Evacuation Arrangements

Issue	Response
Destinations:	Destinations include: 1) Dardanup 20km north east via Weetman Road or via Ferris Access Road, Wellington Mill Rd, Ferguson Road. 2) To Collie as a destination 32km northeast via King Tree Road and Mungalup Road.
Transport:	Private vehicle
Have special needs been addressed?	Special needs, if required, will have been addressed by the patrons – in having a suitable vehicle.
Ambulance or special transport required?	No
Is a community Bus available?	No

Shelter in Place

Issue	Response
Is the property maintained free of fuel and litter in gutters and around buildings?	Yes. Subject to management.
Is there a building away from a direct threat of bushfire?	No
Has the building been constructed to minimise bushfire attack with an appropriate defendable space?	No. The Cellar Door is to be built to BAL-12.5.
Is there access to onsite refuge / amenity?	No. Clients inside the Cellar Door building will receive instructions from Staff/Emergency Services in preparation for evacuation off-site.
Is there disabled access to shelter?	No. Inside the Cellar Door building in preparation for evacuation.
Is there sufficient supervision of occupants?	Yes. The Cellar Door area will be hosted at all times.

Conclusions

- Evacuation from the Talisman Wines Cellar Door well in advance of any approaching fire front is the only option. Remaining onsite and taking shelter is only recommended as an absolute option of last resort only if directed by Emergency Services because egress routes have become blocked.
- The facility will be closed in the event of a predicted Fire Danger Rating of “Catastrophic”.
- Maintaining the APZ to BAL-12.5 is essential.
- Maintaining the EAW to Colum 4 of Table 1 is essential.
- Early evacuation is the only option.

Responsibilities

The Landowner is responsible for the ongoing implementation of the annual and daily preparations to improve the resistance of the site to bushfire.

Annual works:

- Ensure the asset protection zone is established in accordance with the specifications (Schedule 1)
- Ensure the evacuation plan and details is are displayed.

Daily preparations Extreme and Catastrophic days

(These tasks are assigned to the Registered Manager identified in the Certificate of Registration)

- Ensure occupants upon arrival are aware that the site is classified as “Bushfire Prone”.
- Advise occupants of evacuation procedures and where to locate these procedures. Anyone not having a command of English language should be provided with a translation of the Evacuation procedure that the occupants understand.
- Evacuation at the earliest possible time is the preferred option.

The Manager(s) are responsible for availing themselves of any promotions and information to assist owners / clients in preparing for and responding to a bushfire event as may be advised by the Shire or the Department Fire and Emergency Services.

The Landholder acknowledges that bush fire protection is their responsibility. That assistance from emergency services in an event should not be relied upon.

Local Government

Administer Local Laws, including annual Registration renewal and audit compliance with the conditions of planning approval, in particular the clear presentation of the Evacuation Diagram and the undertaking of annual preparations as specified in the Annual Works and the following Bushfire Emergency Evacuation Plan (BEEP).

Section 11: Bushfire Emergency Evacuation Plan (BEEP)

Background

Policy measure 6.6 of SPP 3.7 applies to vulnerable and high-risk land uses, specifically Day use visitor facilities or visitation uses that involve people who are unaware of their surroundings and who may require assistance or direction in the event of a bushfire (WAPC, 2017). Any subject development is deemed a 'Vulnerable' land use.

SPP 3.7 requires assessment against the bushfire protection criteria as well as the creation of a Bushfire Emergency Evacuation Plan (BEEP), which includes an emergency evacuation plan for visitors and residents. The intent of this policy measure is to recognise that such sites require special consideration when located in bushfire prone areas. This will ensure that bushfire risk management is sufficiently addressed in the ongoing management of these types of land uses (WAPC, 2017).

This plan outlines procedures for Day use visitors to Lot 1894 Weetman Road Wellington Mill (Talisman Wines) - to enhance the protection of occupants from the threat of bushfire.

Evacuation Leader:

Contact Person / Manager: **Kim Robinson**

Position: Owner Talisman wines.

Phone Number: 0427440045

Number of Occupants: The Cellar Door is proposed as a continually hosted facility, with up to 50 day-use visitors and occasional evening functions – No overnight stays are to occur.

Evacuation procedures:

- All visitors are to be notified by the Duty Manager at their time of arrival, that the Cellar Door is located in a '**Bushfire Prone**' area and may be subject to closure if weather conditions reach a 'Catastrophic' Fire Danger Rating (FDR).
- All day-use visitors will be capable of independent movement, and have arrived in their own vehicles. These will remain parked on site, and will be used in case of an emergency evacuation.
- All staff and visitors are made aware of these Bushfire Emergency Evacuation procedures on arrival, and copies of this plan are made available to all. Signage provided in English, should identify relevant bushfire safety measures (e.g. the muster point, location of fire extinguishers, hose reels, and building and site egress routes).
- Off-site evacuation is always safer, provided adequate time is available to complete it safely. Confirm with Lead Agency (DFES or other Emergency Service) prior to evacuating and follow all directions.
- Evacuation well in advance of a fire's predicted arrival time is always safer than remaining on-site which is not an option.
- The Manager is to ensure the preparedness of all staff and visitors during the bushfire danger period (1st November to 30th April) on bushfire evacuation procedures.
- The Manager will ensure all preparedness checks are undertaken, prior to and during the bushfire season (e.g. fuel reduction [APZ], fire breaks, fire extinguishers, water supply, and egress routes).

Triggers for off-site evacuation:

1. Direction from emergency services to evacuate the area.
2. The Fire Danger Rating (FDR) is “Catastrophic”.
3. A visual sighting of a bushfire in the general vicinity.

Contacts:

Fire reporting Dardanup Shire rangers or DFES	‘000’
DFES (Emergency Information)	13 33 37
SES (Emergency Assistance)	132500
WA Police (non-emergency)	131444
WA Ambulance	‘000’
Bureau of Meteorology (BoM) Recorded Information	08 9263 2222

Bushfire information sources

Radio:

ABC Radio: Perth – ABC FM 97.7 FM, ABC Radio 684 AM, ABC News 585, ABC Rural Perth 810AM

Internet Sites:

- Prepare your property
http://www.dfes.wa.gov.au/safetyinformation/fire/bushfire/BushfireChecklists/DFES_Bushfire_Checklist-Preparing_your_property.pdf
- Emergency WA – www.emergency.wa.gov.au
- DFES on Facebook – www.facebook.com/dfeswa
- DFES on Twitter – www.twitter.com/dfes.wa
- National Bushfires app – www.bushfireblankets.com/bushfire-app.html

Evacuation Preparedness for various Fire Danger Ratings (FDR)

ACTION	LOW/ MOD	HIGH	VERY HIGH	SEVERE	EXTREME	CATASTROPHIC
Manager to perform daily check (after 4pm) on the DFES and BoM websites to determine the Fire Danger Rating (FDR) for the following day and weekly prediction.						
Bushfire Preparedness Matrix						
Manager to monitor Emergency WA / or DFES website or ABC Radio or 'National Bushfires' app for fire incidents	As required	Min. 1 pm	Min. 6.15am, 1pm, 3pm	Min 6.15am, 11am 1pm, 3pm	Min. 6.15am, 11am, 1pm, 3pm (or more frequently if fire event in locality)	Site Closed to patrons and visitors

(Acknowledgement: Kath Kinnear of Bio Diverse Solutions, for the Preparedness matrix.)

Evacuation destination

Weetman Road via Ferris Access Road onto King Tree Road which accesses to Wellington Mill Left onto Ferguson Road Right turn to Dardanup.

Emergency access Road King Tree Road 315m then right to Dardanup and left to the Donny brook Kojonup road.

The Manager has the following responsibilities during evacuation:

- Ensure all persons are accounted for prior to departure.
- The Manager will advise the local emergency service (DFES 13 3337) or local officer that the all persons have been evacuated and are accounted for.
- Maintain situational awareness through radio, DFES website, ABC radio, smart phone applications and local firefighting resources. (see matrix above)

Evacuation diagram: Copy to each client. Post on central notice board.

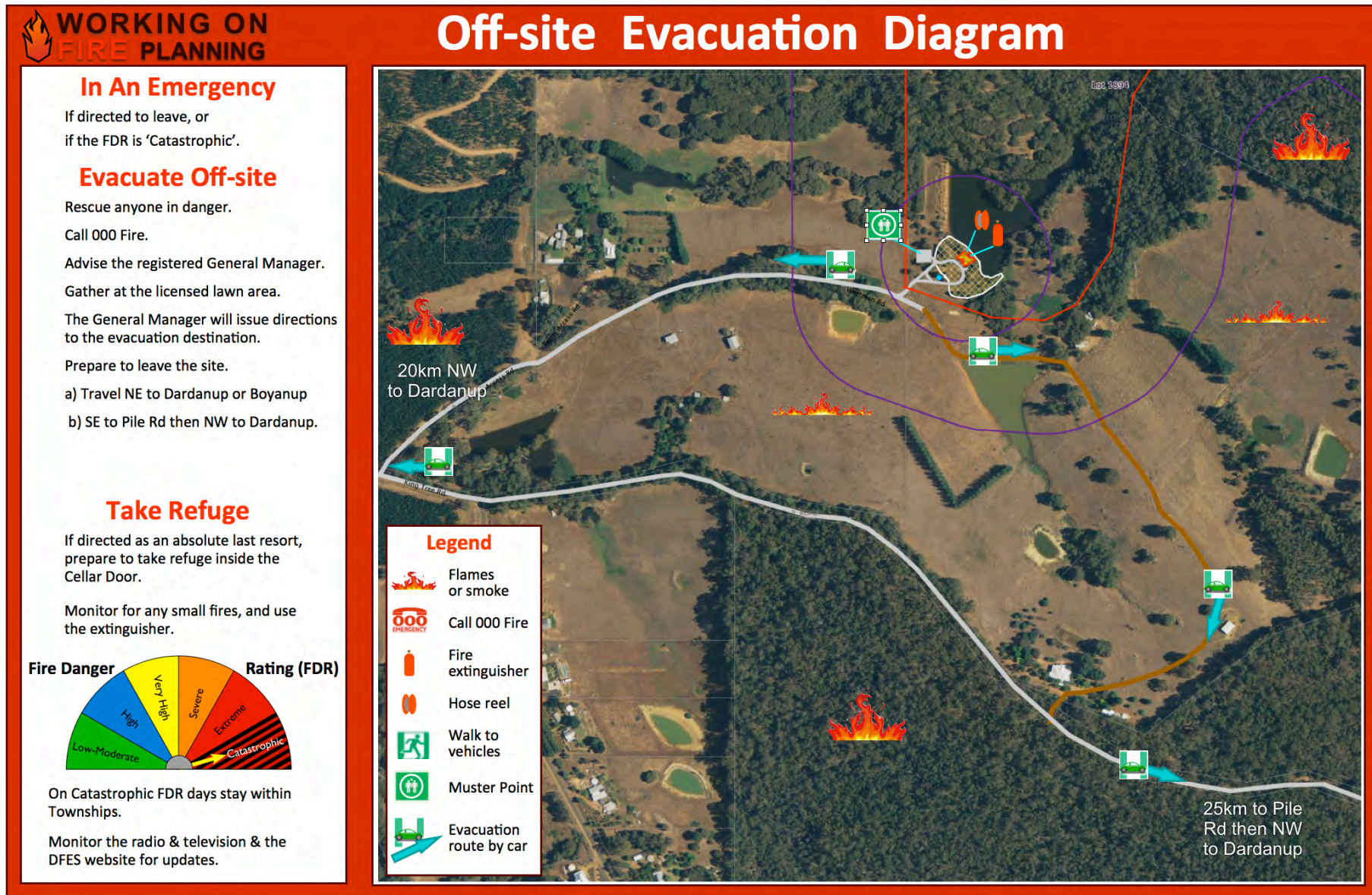


Figure 9 Evacuation diagram

Section 12: Additional Photographs for Emergency Egress



Photo 91



Photo 89



Photo 85



Photo 27



Photo 57



Photo 58



Photo 21



Photo 55



Photo 59



Photo 60



Photo 07

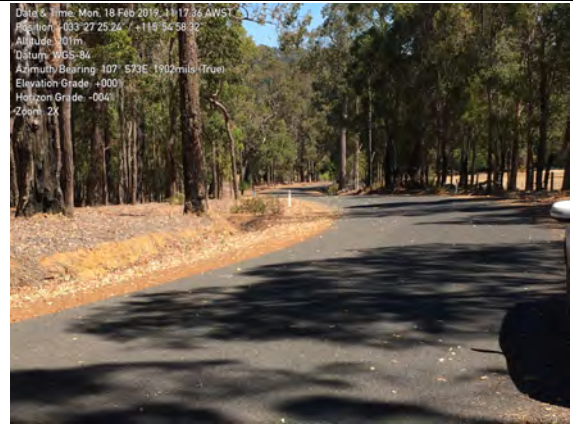


Photo 15

Appendices:

Appendix 1 Schedule 1 guide to APZ management

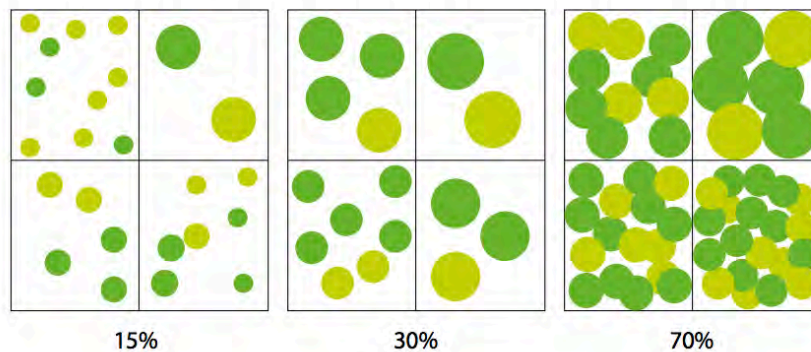
Appendix 2 Agreement between the Owner and the adjoining Landowner for an EAW

Appendix 3 Predevelopment BAL assessment

Appendix 1 Schedule 1 guide to APZ management

- **Fences:** within the APZ are constructed from non-combustible materials (e.g. iron, brick, limestone, metal post and wire). It is recommended that solid or slatted non-combustible perimeter fences are used.
- **Objects:** within 10 metres of a building, combustible objects must not be located close to the vulnerable parts of the building i.e. windows and doors.
- **Fine Fuel load:** combustible dead vegetation matter less than 6 millimetres in thickness reduced to and maintained at an average of two tonnes per hectare.
- **Trees (> 5 metres in height):** trunks at maturity should be a minimum distance of 6 metres from all elevations of the building, branches at maturity should not touch or overhang the building, lower branches should be removed to a height of 2 metres above the ground and or surface vegetation, canopy cover should be less than 15% with tree canopies at maturity well spread to at least 5 metres apart as to not form a continuous canopy.

Figure 18: Tree canopy cover – ranging from 15 to 70 per cent at maturity



- **Shrubs (0.5 metres to 5 metres in height):** should not be located under trees or within 3 metres of buildings, should not be planted in clumps greater than 5m² in area, clumps of shrubs should be separated from each other and any exposed window or door by at least 10 metres. Shrubs greater than 5 metres in height are to be treated as trees.
- **Ground covers (<0.5 metres in height):** can be planted under trees but must be properly maintained to remove dead plant material and any parts within 2 metres of a structure, but 3 metres from windows or doors if greater than 100 millimetres in height. Ground covers greater than 0.5 metres in height are to be treated as shrubs.
- **Grass:** should be managed to maintain a height of 100 millimetres or less.

Source: WAPC Guidelines for planning in bushfire prone areas Version 1.3 Dec 2017 Appendices.

Appendix 2 Agreement between the Owner and the adjoining Landowner for a 900 m EAW to be established to the requirements of Table 6 column 4.

Cheryl Rourke
Lot 51 King Tree Road
Wellington Mill WA 6263

Kim Robinson
Talisman Wines
Lot 1894 King Tree Road
Wellington Mill WA 6236

28 June 2019

Dear Kim,

This letter serves to notify you that an easement under deed will be created created over the existing track that runs over two freehold lots owned by myself, namely Lot 50 and Lot 51 King Tree Road, Wellington Mill. You will have right to use this in the event of an emergency.

This new easement will adjoin the current easement on Lot 50, of which you already benefit from, and exit at King Tree Road.

Regards,



Cheryl Rourke

Appendix 3 Predevelopment BAL assessment

Bushfire Attack Level Assessment Report

Prepared by a BPAD Accredited Practitioner



(Appendix ORD: 12.2A)

Fire Protection Association Australia Life Property Environment



Working on Fire Planning Pty Ltd Bushfire Attack Level (BAL) Assessment Report

This report has been prepared by an Accredited BPAD Practitioner using the Simplified Procedure (Method 1) as detailed in Section 2 of AS 3959 – 2009 (Incorporating Amendment Nos 1, 2 and 3). All enquiries related to the information and conclusions presented in this report must be made to the BPAD Accredited Practitioner.

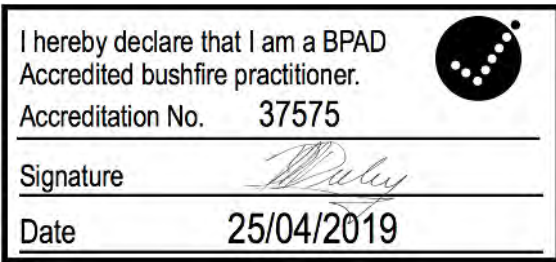

Property Details and Description of Works

Job Details	Unit no	Street no	Lot no	Street name / Plan Reference	
			1894	King Tree Road	
Local government area	Suburb			State	Postcode
	Wellington Mill			WA	6236
Main BCA class of the building	Shire of Dardanup				
Description of the building or works	Class 6	Use(s) of the building	Winery Cellar Door Sales, Function Centre		
	Pre development BAL for a new construction				

Report Details

Report / Job Number	Report Version	Assessment Date	Report Date
20190213	1.0	18 February 2019	25 April 2019

BPAD Accredited Practitioner Details

Name David Deeley	 <p>I hereby declare that I am a BPAD Accredited bushfire practitioner. Accreditation No. 37575 Signature <i>David Deeley</i> Date 25/04/2019</p>
Company Details  <p>WORKING ON FIRE PLANNING INTEGRATED FIRE MANAGEMENT Working On Fire Planning Pty Ltd ABN: 42 623 954 316 PO Box 1249 Bibra Lake DC WA 6965 planning.australia@workingonfire.com www.workingonfireplanning.com.au</p>	

Authorised Practitioner Stamp

Reliance on the assessment and determination of the Bushfire Attack Level contained in this report should not extend beyond a period of 12 months from the date of issue of the report. If this report was issued more than 12 months ago, it is recommended that the validity of the determination be confirmed with the Accredited Practitioner and where required an updated report issued.

Site Assessment & Site Plans

The assessment of this development was undertaken on 18 February 2019 by a BPAD Accredited Practitioner for the purpose of determining the Bushfire Attack Level in accordance with AS 3959 - 2009 Simplified Procedure (Method 1).



- Legend**
- 150m survey
- 150m property survey
- 100m BAL survey
- 100m BAL survey
- Buildings door footprint
- Car/driveway
- Existing dwelling
- Property boundary
- Property boundary
- Property boundary
- Lots
- Property boundary
- BAL Vegetation classified existing
- A. Forest, 0
- B. Woodland, 0
- C. Grassland, 0
- D. Excluded, 0
- E. Grassland, 0
- F. Grassland, 0
- G. Grassland, 0
- Asset Protection Zone
- AFZ to BAL-12.5
- Local Government Authority
- Cadastral
- State Roads
- Other Roads

Map Printed from WALCA Environmental Planning Tool on Thu May 02 18:12:01 AWST 2019

Vegetation Classification

All vegetation within 100m of the site was classified in accordance with Clause 2.2.3 of AS 3959-2009. Each distinguishable vegetation plot with the potential to determine the Bushfire Attack Level is identified below.

Photo ID: 41 Plot: 1	
Vegetation Classification or Exclusion Clause	
Excludable - 2.2.3.2(e) Non Vegetated Areas	
Description / Justification for Classification	
Foreground Plot 1 - open water	
Photo ID: 41 Plot: 2	
Vegetation Classification or Exclusion Clause	
Class A Forest - Open forest A-03	
Description / Justification for Classification	
Background Plot 2 – Open forest Trees 10-30m with 30-70% mature canopy cover with a dense, tiered understorey. Fuel load from 25-35t/ha	
Photo ID: 49 Plot: 3	
Vegetation Classification or Exclusion Clause	
Class B Woodland - Open woodland B-06	
Description / Justification for Classification	
Background Plot 3 – Open woodland Trees 2-30m with 10-30% mature canopy cover with sparse simplified understorey. Fuel load, 15-26t/ha Foreground is construction suite.	

Photo ID:	81	Plot:	4
Vegetation Classification or Exclusion Clause			
Class A Forest - Open forest A-03			
Description / Justification for Classification			
Plot 4 – Open forest			
Trees 10-30m with 30-70% mature canopy cover with a dense, tiered understorey. Fuel load from 25-35t/ha			


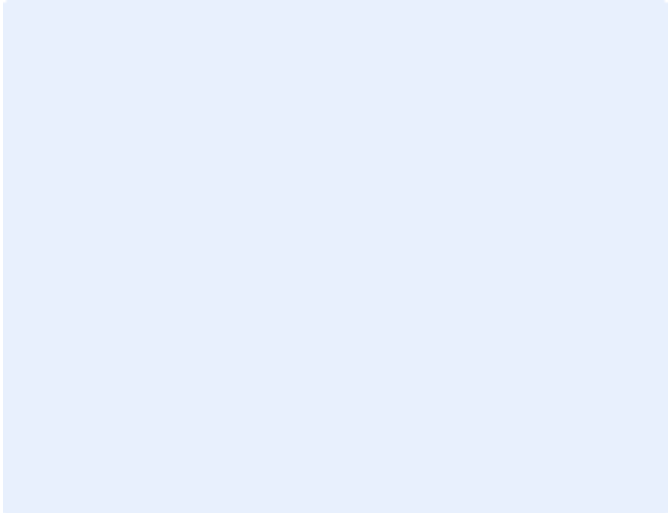
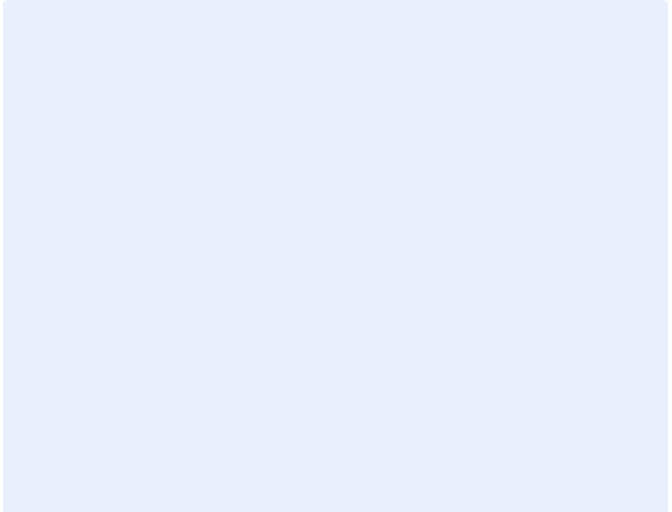


Photo ID:	21	Plot:	5
Vegetation Classification or Exclusion Clause			
Class G Grassland – Sown pasture G-26			
Description / Justification for Classification			
Foreground Plot 5 – Class G Grassland			
Grassland with <10% cover from shrubs and low trees. Fuel load to 4.5t/ha.			



Photo ID:	29	Plot:	6
Vegetation Classification or Exclusion Clause			
Class B Woodland - Open woodland B-06			
Description / Justification for Classification			
Midground Plot 6 – Open woodland			
Trees 2-30m with 10-30% mature canopy cover with sparse simplified understorey. Fuel load, 15-26t/ha			
Background on hill, Plot 7 Class A Forest			



Photo ID:	35	Plot:	7	 <p data-bbox="775 253 1045 392">Date & Time: Mon, 16 Feb 2016 11:39:24 AWST Position: -033.22710282, 151.11595125 Altitude: 151m Datum: WGS 84 Azimuth/Bearing: 090. N90E. 1300m (L5) True Elevation Grade: +0053 Horizon Grade: +0003 Zoom: 2X</p>
Vegetation Classification or Exclusion Clause				
Class A Forest - Open forest A-03				
Description / Justification for Classification				
<p data-bbox="73 461 695 501">Background Plot 7 - Class A Forest</p> <p data-bbox="73 528 695 618">Trees 10-30m with 30-70% mature canopy cover with a dense, tiered understorey. Fuel load from 25-35t/ha</p>				
Photo ID:		Plot:		
Vegetation Classification or Exclusion Clause				
Select Classification				
Description / Justification for Classification				
Photo ID:		Plot:		
Vegetation Classification or Exclusion Clause				
Select Classification				
Description / Justification for Classification				

Relevant Fire Danger Index

The fire danger index for this site has been determined in accordance with Table 2.1 or otherwise determined in accordance with a jurisdictional variation applicable to the site.

Fire Danger Index

FDI 40

Table 2.4.5

FDI 50

Table 2.4.4

FDI 80

Table 2.4.3

FDI 100

Table 2.4.2

Potential Bushfire Impacts

The potential bushfire impact to the site / proposed development from each of the identified vegetation plots are identified below.

Table 1: Pre-development BAL Analysis

Plot	Vegetation Classification	Effective Slope	Separation (m)	BAL
1	Excludable – Clause 2.2.3.2(e)	N/A	N/A	BAL – LOW
2	Class A - Forest	0°	46	BAL – 12.5
3	Class B Woodland	0°	42	BAL – 12.5
4	Class A - Forest	0°	44	BAL – 12.5
5	Class G Grassland	0°	0	BAL – FZ
6	Class B Woodland	0°	8	BAL – FZ
7	Class A - Forest	0°	75	BAL – 12.5

Determined Bushfire Attack Level (BAL)

The Determined Bushfire Attack Level (highest BAL) for the site / proposed development has been determined in accordance with clause 2.2.6 of AS 3959-2009 using the above analysis.

Pre-development Bushfire Attack Level

BAL – FZ

DISCLAIMER

The determinations and recommendations in this report are based on the requirements of Australian Standards 3959 – 2009, (Construction of Buildings in Bushfire prone Areas) and State Planning Policy 3.7, (Planning in Bushfire Prone Areas and appendices). This assessment has been undertaken in good faith and has been based on the site conditions apparent at the time of inspection, and other information provided by the client or their agents. Construction of the dwelling to the prescribed BAL level will not on its own guarantee that a building will not be destroyed or damaged by a bushfire. The consultant has no control over the subsequent actions of the home owner in the construction, development and maintenance of a property, which in the event of a bushfire may contribute to loss or damage. Accordingly, the consultant, local government authority, their servants or agents shall not be held accountable for any damage to property, loss or other consequence as a result of the services provided or determinations in this report.

THINNING RECOMMENDATIONS

There may be an opportunity for the client to conduct vegetation thinning to achieve a lower BAL rating where this is recommended. Thinning is the modification of vegetation by minimising or removing ground fuels, understory species and trees; the intention is to maintain the aesthetic values and natural habitats whilst minimising fire risk. **Approval for vegetation modification must be sought from the responsible authorities, and can only be conducted within the boundary of the property.**

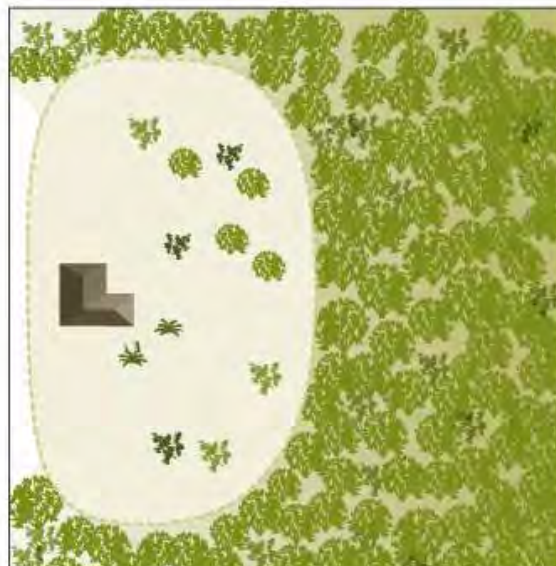
The following table indicates the vegetation modification distances (In Blue) required from the edge of the proposed building to achieve the specified BAL.

SAMPLE PLOT	ASPECT	VEGETATION CLASSIFICATION	CURRENT DISTANCE TO VEG m	SLOPE	CURRENT RATING	ACHIEVABLE RATING	TOTAL DISTANCE REQUIRED
1	N	Exc 2.2.3.2e	N/A	N/A	BAL-LOW	BAL-LOW	-
2	NE	Open Forest 03	46	0°	BAL-12.5	BAL-12.5	-
3	E	Open Woodland 06	42	0°	BAL-12.5	BAL-12.5	-
4	SE	Open Forest 03	44	0°	BAL-12.5	BAL-12.5	-
5	SW	Sown Pasture 26	0	0°	BAL-FZ	BAL-12.5	17
6	NW	Open Woodland 06	8	0°	BAL-FZ	BAL-12.5	29
7	NW	Open Forest 03	75	0°	BAL-12.5	BAL-12.5	-

NOTE: If the option of vegetation management is exercised and completed by the client, another BAL Assessment will be required at extra cost, after completion of construction.

Hazard on three sides

APZ



Refer to Schedule 1: Standards for Asset Protection Zones.

ADDITIONAL INFORMATION FOR THE CLIENT

BUSHFIRE ATTACK LEVELS AND CORRESPONDING SECTIONS FROM AS 3959-2009

Bushfire Attack Level (BAL)	Classified vegetation within 100 m of the site and heat flux exposure thresholds	Description of predicted bushfire attack and levels of exposure	Construction Section
BAL-LOW	See Clause 2.2.3.2	There is insufficient risk to warrant any specific construction requirements	4
BAL-12.5	≤12.5 kW/m ²	Ember attack.	3 & 5
BAL-19	>12.5 kW/m ² ≤19 kW/m ²	Increasing levels of ember attack and burning debris ignited by wind-borne embers together with increasing heat flux	3 & 6
BAL-29	>19 kW/m ² ≤29 kW/m ²	Increasing levels of ember attack and burning debris ignited by wind-borne embers together with increasing heat flux	3 & 7
BAL-40	>29 kW/m ² ≤40 kW/m ²	Increasing levels of ember attack and burning debris ignited by wind-borne embers together with increasing heat flux with the increased likelihood of exposure to flames	3 & 8
BAL-FZ	>40 kW/m ²	Direct exposure to flames from fire front in addition to heat flux and ember attack	3 & 9

RADIANT HEAT THRESHOLDS OF PAIN AND IGNITION FROM AS 3959-2009

In a bushfire, radiant heat levels may be unsafe for humans and could also ignite combustible materials in the vicinity. Table G1 provides an indication of the potential effects of radiant heat levels on both humans and selected materials to assist the reader in understanding the implications of the different BALs.

TABLE G1 - TYPICAL RADIANT HEAT INTENSITIES FOR VARIOUS PHENOMENA

PHENOMENA	KW/M2
Pain to humans after 10 s to 20 s	4
Pain to humans after 3 s	10
Ignition of cotton fabric after a long time (piloted) (see Note 2)	13
Ignition of timber after a long time 13 (piloted) (see Note 2)	13
Ignition of cotton fabric after a long time (non-piloted) (see Note 3)	25
Ignition of timber after a long time (non-piloted) (see Note 3)	25
Ignition of gabardine fabric after a long time (non-piloted) (see Note 3)	27
Ignition of black drill fabric after a long time (non-piloted) (see Note 3)	38
Ignition of cotton fabric after 5 s (non-piloted) (see Note 3)	42
Ignition of timber in 20 s (non-piloted) (see Note 3)	45
Ignition of timber in 10 s (non-piloted) (see Note 3)	55

NOTES:

1. Source AS 1530.4—2005.
2. Introduction of a small flame to initiate ignition.
3. Flame not introduced to initiate ignition.

HOW TO PROCEED WITH THIS DOCUMENT

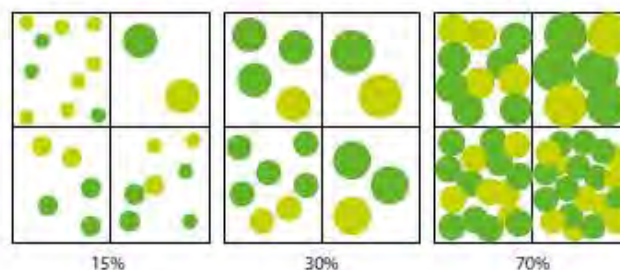
1. If you have been issued with a BAL report that requires **no further clearing / thinning**, this document can be submitted with your application for Development Approval **and** your application for Building Approval with your local authority.
2. If you need to amend the vegetation on your lot to achieve a maximum allowable BAL-29, clearing and thinning of vegetation may be required. In this case all vegetation amendments must be completed and a further site inspection carried out by the bushfire consultant. A **Final BAL Report** can then be issued at **additional cost**. The final BAL report will enable the completion of a compliance certificate by your builder / building inspector. This can then be submitted to your local authority for Building Approval.

Vegetation thinning standards outlined below provide an indication of the requirements for Asset Protection Zones as prescribed in State Planning Policy 3.7. These are the minimum standards required on sites that require vegetation amendments to achieve acceptable BAL levels. **Your Local Authority may prescribe additional or modified standards:**

SCHEDULE 1: STANDARDS FOR ASSET PROTECTION ZONES

- **Fences:** within the APZ are constructed from non-combustible materials (e.g. iron, brick, limestone, metal post and wire). It is recommended that solid or slatted non-combustible perimeter fences are used.
- **Objects:** within 10 metres of a building, combustible objects must not be located close to the vulnerable parts of the building i.e. windows and doors.
- **Fine Fuel load:** combustible dead vegetation matter less than 6 millimetres in thickness reduced to and maintained at an average of two tonnes per hectare.
- **Trees (> 5 metres in height):** trunks at maturity should be a minimum distance of 6 metres from all elevations of the building, branches at maturity should not touch or overhang the building, lower branches should be removed to a height of 2 metres above the ground and or surface vegetation, canopy cover should be less than 15% with tree canopies at maturity well spread to at least 5 metres apart as to not form a continuous canopy.

Figure 16: Tree canopy cover – ranging from 15 to 70 per cent at maturity





- **Shrubs (0.5 metres to 5 metres in height):** should not be located under trees or within 3 metres of buildings, should not be planted in clumps greater than 5m² in area, clumps of shrubs should be separated from each other and any exposed window or door by at least 10 metres. Shrubs greater than 5 metres in height are to be treated as trees.
- **Ground covers (<0.5 metres in height):** can be planted under trees but must be properly maintained to remove dead plant material and any parts within 2 metres of a structure, but 3 metres from windows or doors if greater than 100 millimetres in height. Ground covers greater than 0.5 metres in height are to be treated as shrubs.
- **Grass:** should be managed to maintain a height of 100 millimetres or less.

Source: WAPC Dec 2017 Guidelines for planning in bushfire prone areas. V1.3.

Appendix 1: Plans and Drawings

Plans and drawings relied on to determine the bushfire attack level

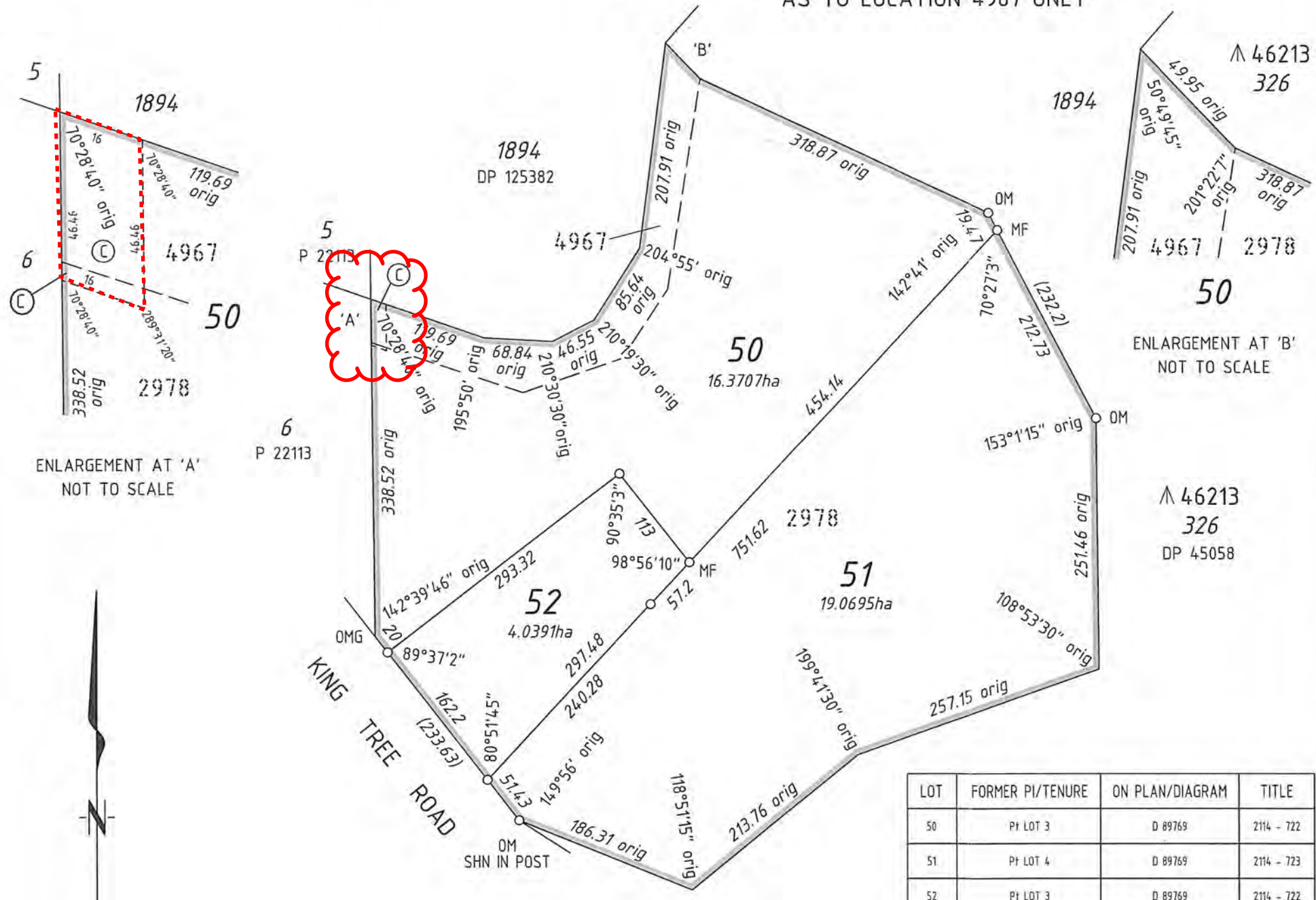


 <p> p (08) 9582 7655 10 Vivaldi Drive, Mandurah Ocean Marina www.avalonsurveys.com.au </p>		<p>SITE SURVEY only. This is not to be deemed a boundary re-establishment survey. The correct location of any survey marks found is not guaranteed. Encumbrances on title to be independently verified. The location of the Minister's sewer manually inserted from DBYD records searched on or about the date of survey. This drawing was prepared for Talisman Wines. Avalon Surveys will not accept any liability in the event any other party relies upon information contained within.</p>	
Client : Talisman Wines	Surveyed By : BR	Lot : 1894 Weeton Road	DP 125382
Authority : Shire of Dardanup	Surveyed On : 04/03/19	Suburb : Wellington Mill	C/T : 2114 / 724
Drawing No : TALI-190304-Feature		Scale 1:250 @ A1 Portrait	

**EASEMENT ON LOT 50
BENEFITTING LOT 1894 SHOWN AS "C"
(EXISTING)**

AUTHORISED BY _____ DATE _____

LIMITED IN DEPTH TO 60.96 METRES
AS TO LOCATION 2978 ONLY
LIMITED IN DEPTH TO 12.19 METRES
AS TO LOCATION 4967 ONLY



TYPE FREEHOLD

PURPOSE SUBDIVISION

PLAN OF

LOTS 50, 51 & 52

HELD BY LANDGATE
IN DIGITAL FORM ONLY.

SSA YES/NO

DISTRICT . . . WELLINGTON . . . FILE

TOWNSITE

LOCAL AUTHORITY SHIRE OF DARDANUP

LOCALITY WELLINGTON MILL

FORMER TENURE	ON	FIELD BOOK
SEE TABLE	INDEX BUREKUP (25)	111317

SCALE: 1:5000 @ A3
ALL DISTANCES ARE IN METRES

SURVEYOR'S CERTIFICATE - Reg 54
A.R. ODDY
hereby certify that this plan is accurate and is a correct representation of the -
(a) *survey; and/or
(b) *calculations from measurements;
[* delete if inapplicable]
undertaken for the purposes of this plan and that it complies with the relevant written law(s) in relation to which it is lodged.

Aaron Oddy
Aaron Oddy
2010.06.30 13:27:54 +08'00'
Licensed Surveyor Date

Harley Global
21 Spencer Street PO BOX 778 BUNBURY WA 6230
BUNBURY WA 6230 P: 08 9792 6000 F: 08 9721 9611

APPROVED BY
WESTERN AUSTRALIAN PLANNING COMMISSION

FILE 140904

15-Sep-2010

Delegated Under S.16 P & D Act 2005 Date

LOT	FORMER PI/TENURE	ON PLAN/DIAGRAM	TITLE
50	Pt LOT 3	D 89769	2114 - 722
51	Pt LOT 4	D 89769	2114 - 723
52	Pt LOT 3	D 89769	2114 - 722
	Pt LOT 4	D 89769	2114 - 723

INTERESTS AND NOTIFICATIONS

SUBJECT	PURPOSE	STATUTORY REFERENCE	ORIGIN	LAND BURDENED	BENEFIT TO	COMMENTS
Ⓢ	RIGHT OF CARRIAGEWAY		DOC E214108	LOT 50	LOT 1894 ON DP 125382	
	RIGHT OF CARRIAGEWAY		DOC G501922	LOT 6 ON P 22113	LOT 50, 51 & 52	
	NOTIFICATION	SEC 70A OF THE TLA	DOC	LOTS 50, 51 & 52		
	NOTIFICATION	SEC 70A OF THE TLA	DOC	LOT 52		
	NOTIFICATION	SEC 70A OF THE TLA	DOC	LOTS 50, 51 & 52		
	NOTIFICATION	SEC 70A OF THE TLA	DOC	LOTS 50, 51 & 52		ELECTRICITY NETWORKS CORPORATION

LODGED	DATE	TYPE OF VALIDATION
1-Jul-10		FULL AUDIT
		LEGAL COMPONENT
		DOCKET
		CERTIFIED CORRECT
		I.S.C.
		F.S.C.

ASSESS No. 7216366

DATE 23-Aug-2010

IN ORDER FOR DEALINGS

SUBJECT TO

FOR INSPECTOR OF PLANS & SURVEYS
AUTHORISED LAND OFFICER

APPROVED

INSPECTOR OF PLANS & SURVEYS
AUTHORISED LAND OFFICER

DATE

Landgate
Western Australian Land Information Authority

DEPOSITED PLAN

65011

SHEET . . . 1 . . . OF . . . 1 . . .

VERSION . . . 1 . . .

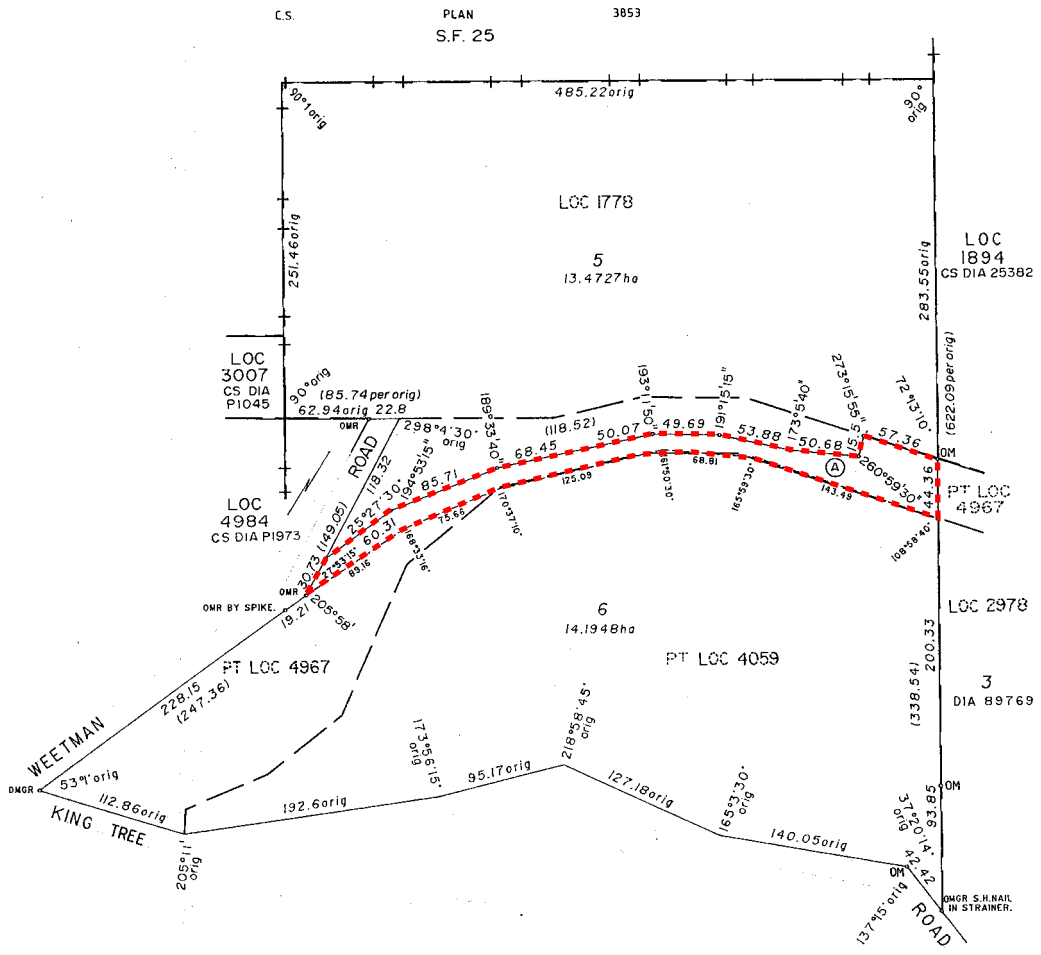


LAND DESCRIPTION	ON	CERTIFICATE OF TITLE	FIELD BOOK	TOTAL AREA
WELLINGTON LOC 1778 & LOT 1 OF WELLINGTON LOCS 4059 & 4967.	PLAN DIAGRAM . 67911 & CS 22044 INDEX PLAN BUREKUP SE (25) PUBLIC	VOLUME FOLIO 22 89A 1690 606 NOW 2114 - 719	71949	27.6675ha

LOCALITY : WELLINGTON MILL
LOCAL AUTHORITY: SHIRE OF DARDANUP

**EASEMENT ON LOT 6
SHOWN AS "A"**

LIMITED IN DEPTH TO 12.19m AS TO LOC 4967 ONLY.
LIMITED IN DEPTH TO 60.96m AS TO LOCS 4059 & 1778 ONLY.



- (A) EASEMENT COLOURED YELLOW REFERRED TO IN EASEMENT G 501922
 - (B) EASEMENT FOR RIGHT OF CARRIAGEWAY UNDER SEC 136C OF THE T.L.A. ACT.
- | BURDEN | BENEFIT |
|----------------------------|----------------------------|
| LOT 6 | LOT 6 |
| LOT 3 (on Dia 89769) | LOT 3 (on Dia 89769) |
| LOT 4 (on Dia 89769) | LOT 4 (on Dia 89769) |
| LOC 1994 (on CS Dia 26382) | LOC 1994 (on CS Dia 26382) |

THOMPSON CONSULTING SURVEYORS
16 EDWARD STREET, BUNBURY,
PHONE 214000 - FAX 212720
DRAWN: K.LEE, 30/4/97.

AMENDMENT APPROVED BY WARC, 1/9/97
(EASEMENT NOTATION)

SURVEYOR'S CERTIFICATE

REG 54 I, J.W. TAYLOR, hereby certify that:
(a) this plan of survey is a correct and accurate representation of the survey carried out by me personally / under my own personal supervision, inspection and field check, and recorded in field books lodged for the purposes of this plan of survey
(b) the measurements are in strict accordance with the Licensed Surveyors (Guidance of Surveyors) Regulations 1961 and in particular regulations 23 and 34 of those regulations; and
(c) this survey and this plan of survey are in strict accordance with the requirements of the Licensed Surveyors (Guidance of Surveyors) Regulations 1961 and the relevant legislation in relation to which it is lodged.

Licensed Surveyor: *J.W. Taylor* Date: 9/5/97

REG 55D I, hereby certify that:
(a) this plan is correct and was prepared under my supervision and is the result of calculations from measurements made by me personally/under my own personal supervision, inspection and field check, as recorded in the field books lodged for the purposes of this plan;
(b) the measurements are in strict accordance with the Licensed Surveyors (Guidance of Surveyors) Regulations 1961 and in particular regulations 23 and 34 of those regulations; and
(c) this plan of survey conforms with the relevant law in relation to which it is lodged.

Licensed Surveyor: Date:

APPROVED BY WESTERN AUSTRALIAN PLANNING COMMISSION

FILE 102939
MAY 22 1997
FOR CHAIRMAN
DATE 22.5.97
FILE 102939

LODGED DATE 12.5.97
FEE PAID \$ 253
ASSESSMENT No. 168839

TYPE OF VALIDATION Full Audit
Legal Counsel: *A. Sullivan*
DELEGATED PRINCIPAL SURVEYOR CERTIFIED CORRECT: *A. Sullivan*
F.S.C. No.

SCALE 1:2500
ALL DISTANCES ARE IN METRES

IN ORDER FOR DEALINGS
SUBJECT TO:
TWO COPIES OF THIS PLAN TO BE FORWARDED TO THE INSPECTOR OF PLANS & SURVEYS DATE 2-9-97

APPROVED 18.9.97
INSPECTOR OF PLANS & SURVEYS

DOLA
Department of LAND ADMINISTRATION


OFFICE OF TITLES PLAN
22113

**EASEMENT ON LOT 6
(TO BENEFIT CURRENT LOTS 1894, 5,
50, 51 AND 52)**

- 2. If insufficient space hereon Additional Sheet Form B1 should be used.
- 3. Additional Sheets shall be numbered consecutively and bound to this document by staples along the left margin prior to execution by the parties.
- 4. No alteration should be made by erasure. The words rejected should be scored through and those substituted typed or written above them, the alteration being initialled by the persons signing this document and their witnesses.

NOTES

- 1. Insert document type.
- 2. A separate attestation is required for every person signing this document. Each signature should be separately witnessed by an Adult Person. The address and occupation of the witness must be stated.

G 501922 E


SEP 18 2.00 60
97 JUN 23 15:30

EASEMENT

Asst. Registrar of Titles
18.9.97

LODGED BY

ADDRESS

PHONE No.

FAX No.

REFERENCE No.

ISSUING BOX No.

PREPARED BY

ADDRESS

PHONE No.

FAX No.

INSTRUCT IF ANY DOCUMENTS ARE TO ISSUE TO OTHER THAN LODGING PARTY

TITLES, LEASES, DECLARATIONS ETC LODGED HERewith

1.	_____	Received Items
2.	_____	Nos.
3.	_____	
4.	_____	
5.	_____	
6.	_____	Receiving Clerk

Registered pursuant to the provisions of the TRANSFER OF LAND ACT 1893 as amended on the day and time shown above and particulars entered in the Register.

LT 14

EXAMINED

[Signature]



5.

SIGNED by the said **KIM ROBINSON**
in the presence of:

Kim Robinson

Witness: *JG*

Name: **DAVID G. HART**
12 NORTH STREET
BUNBURY W.A. 6230
Address: **COMMISSIONER FOR
DECLARATIONS**

Occupation:

CONSENTS OF MORTGAGEES

- 1. WE, **COMMONWEALTH BANK OF AUSTRALIA [ACN 123 123 124]** Mortgagee of the Second Dominant Land under Mortgage No. G95217 **HEREBY CONSENT** to the registration of the Easement benefiting the Second Dominant Land pursuant to the provisions of this Deed.

Dated the 18 day of June 1997.

Signed: *M Armanasco* **MARILENA ARMANASCO**
 SIGNED BY **COMMONWEALTH BANK OF AUSTRALIA**
 By *M Armanasco* **M Armanasco**
 Manager
 Conveyancing
 P/A F494303

- 2. WE, **NATIONAL AUSTRALIA BANK LIMITED [ACN 004 044 937]** Mortgagee of the Fourth Dominant Land under Mortgage No. E675878 **HEREBY CONSENT** to the registration of the Easement benefiting the Fourth Dominant Land pursuant to the provisions of this Deed.

Dated the 19th day of JUNE 1997.

Signed:

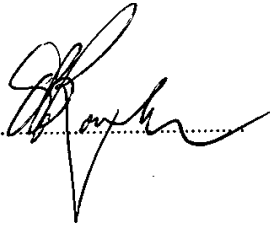
Executed by **NATIONAL AUSTRALIA BANK LIMITED A.C.N. 004 044 937** by being signed in Western Australia by its Attorney **CHRISTINE LAURENCE** } **NATIONAL AUSTRALIA BANK LIMITED**
 By it's Attorney

Christine Laurence, Attorney No E585042, declares that she has been authorised by the Bank indicated under her signature in the presence of:

Christine Laurence
 Clerk to the said Bank **MANAGER, W.A. SECURITIES & LEGAL SERVICES**

4.

SIGNED by the said DAVID BRYAN)
ROURKE in the presence of:)



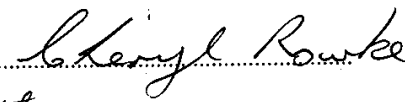
Witness: Joan C Lantje

Name:

Address:

Occupation:

SIGNED by the said CHERYL LYNN)
ROURKE in the presence of:)



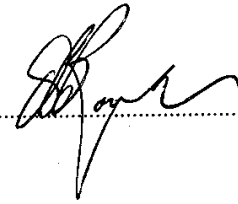
Witness: Joan C Lantje

Name:

Address:

Occupation:

SIGNED by the said DAVID BRYAN)
ROURKE in the presence of:)



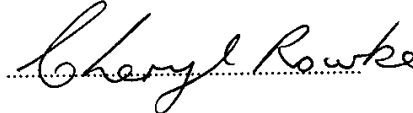
Witness: Joan C Lantje

Name:

Address:

Occupation:

SIGNED by the said CHERYL LYNN)
ROURKE in the presence of:)



Witness: Joan C Lantje

Name:

Address:

2.

Handwritten notes: "RC-14", "Carriageway", and other illegible scribbles.

The Servient Land proprietor has agreed to grant to each of the First Dominant Land Proprietor, the Second Dominant Land Proprietor, the Third Dominant Land Proprietor and the Fourth Dominant Land Proprietor a right of way over that part of the Servient Land as is shown on Plan 22113 ("the Easement Area") on the terms and conditions set out herein.

COLOURED YELLOW AND MARKED "A"

NOW THEREFORE THIS DEED WITNESSES AS FOLLOWS:

Handwritten note: "Asst. Registrar of Titles"

1. Pursuant to the agreement between the Servient Land Proprietor and the First Dominant Land Proprietor, the Second Dominant Land Proprietor, the Third Dominant Land Proprietor and the Fourth Dominant Land Proprietor and for no money consideration payable to the Servient Land Proprietor, the Servient Land Proprietor on behalf of herself and her successors in title and the registered proprietor or proprietors for the time being of the Servient Land hereby grants to the First Dominant Land Proprietor, the Second Dominant Land Proprietor, the Third Dominant Land Proprietor and the Fourth Dominant Land Proprietor and their respective successors in title, and the respective registered proprietors and occupiers for the time being of the First Dominant Land, the Second Dominant Land, the Third Dominant Land and the Fourth Dominant Land and their tenants, servants and all persons authorised by them from time to time and at all times either day or night with or without animals, with or without plant and machinery for all purposes connected with the use and enjoyment of the First Dominant Land, the Second Dominant Land, the Third Dominant Land and the Fourth Dominant Land, full and exclusive right and liberty to pass and repass over the Easement Area subject to the terms and conditions contained in this Deed and for no other purposes whatsoever.
2. The Servient Land Proprietor, the First Dominant Land Proprietor, the Second Dominant Land Proprietor, the Third Dominant Land Proprietor and the Fourth Dominant Land Proprietor covenant with each other that:
 - 2.1 They shall each contribute to the cost of repair and maintenance of the stock proof cattle fence and gates and farm fence line across the Easement Area and at surveyed boundaries of the Easement Area in such proportions and on such terms and conditions as may be mutually agreed in writing by them from time to time.
 - 2.2 If they are unable to reach agreement on the necessity for repair and maintenance of the stock proof cattle fence and gates across the Easement Area and at surveyed boundaries of the Easement Area or if the parties are unable to reach agreement on any other matter or thing arising from or referred to in Clause 2.1 hereof and a dispute arises amongst them, then and in such case the parties hereto agree that such dispute shall be referred to the arbitration of a single Licensed Valuer of the Australian Institute of Valuers and Land Economists Inc (WA Division), or should such Institute have then ceased to exist such body or association as then serves substantially the same objects as such Institute, nominated by the Chief Executive Officer of the Australian Institute of Valuers and Land Economists Inc (WA Division). The arbitration shall be conducted in accordance with the provisions of the Commercial Arbitration Act 1985 and the costs of arbitration shall be in the discretion of the arbitrator who may award by and to whom the costs shall be paid.
3. The parties hereto shall do such things and sign such instruments as may be necessary to give effect hereto including registration hereof.
4. The costs of and incidental to the preparation and engrossment of this Deed and Stamp Duty hereon shall be borne by the First Dominant Land Proprietor.

ADDITIONAL PAGE TO DEED OF EASEMENT

Dated

3.

EXECUTED as a Deed the day and year first hereinbefore written.

SIGNED by the said RONDA)
GRACE WEETMAN in the)
presence of:)

RC. Weetman

Witness:

[Signature]

Name:

DAVID G. HART

Address:

12 NORTH STREET
BUNBURY W.A. 6230
COMMISSIONER FOR
DECLARATIONS

Occupation:

SIGNED by the said TONY)
JOSHUA FERRIS in the presence)
of:)

[Signature]

Witness:

[Signature]

Name:

JOAN C LANTAKE

Address:

'Duroisdeer' RMB 228A
Wellington Hill W.A. 6236

Occupation:

retiree

SIGNED by the said LISA-MAJ FERRIS)
in the presence of:)

Lisa-maj ferris

Witness:

[Signature]

Name:

Address:

Occupation:

.....
.....
.....

FORM B2 2-22/6/15-22)
WESTERN AUSTRALIA
TRANSFER OF LAND ACT 1893 AS AMENDED.

BLANK INSTRUMENT FORM

WESTERN AUSTRALIA STAMP DUTY
13-JUN-97 001047312.007
(Note 1) DUP \$ ***** 2.00
D/S \$ *****5.00

[Signature]

DEED OF EASEMENT

THIS DEED is made the 12th day of June 1997

BETWEEN:

RONDA GRACE WEETMAN of _____ in the State of Western Australia
("the Servient Land Proprietor") of the first part;

and

TONY JOSHUA FERRIS and LISA-MAJ FERRIS both of _____
in the State of Western Australia ("the First Dominant Land Proprietor") of the second part;

and

DAVID BRYAN ROURKE and CHERYL LYNN ROURKE both of _____ in the
State of Western Australia ("the Second Dominant Land Proprietor") of the third part;

and

DAVID BRYAN ROURKE and CHERYL LYNN ROURKE both of _____ in the
State of Western Australia ("the Third Dominant Land Proprietor") of the third part;

and

KIM ROBINSON of _____ in the State of Western Australia ("the Fourth Dominant
Land Proprietor") of the fourth part.



WHEREAS:

- A. The Servient Land Proprietor is the registered proprietor of an estate in fee simple in Lot 6 on Plan 22113 ("the Servient Land").
- B. The First Dominant Land Proprietor is the registered proprietor of an estate in fee simple in Lot 5 on Plan 22113 ("the First Dominant Land").
- C. The Second Dominant Land Proprietor is the registered proprietor of an estate in fee simple in Lot 3 on Diagram 89769 being the whole of the land contained in Certificate of Title Volume 2067 Folio 318 ("the Second Dominant Land"). **NOW LOTS 50 AND 52**
- D. The Third Dominant Land Proprietor is the registered proprietor of an estate in fee simple in Lot 4 on Diagram 89769 being the whole of the land contained in Certificate of Title Volume 2067 Folio 319 ("the Third Dominant Land"). **NOW LOTS 51 AND 52**
- E. The Fourth Dominant Land Proprietor is the registered proprietor of an estate in fee simple in Wellington Location 1894 being the whole of the land contained in Certificate of Title **(TALISMAN)**

**PROPOSED DEED OF EASEMENT ACROSS EXISTING TRACK ON LOT 50
FOR EMERGENCY ACCESS WAY ONLY**

Cheryl Rourke
Lot 51 King Tree Road
Wellington Mill WA 6263

Kim Robinson
Talisman Wines
Lot 1894 King Tree Road
Wellington Mill WA 6236

28 June 2019

Dear Kim,

This letter serves to notify you that an easement under deed will be created created over the existing track that runs over two freehold lots owned by myself, namely Lot 50 and Lot 51 King Tree Road, Wellington Mill. You will have right to use this in the event of an emergency.

This new easement will adjoin the current easement on Lot 50, of which you already benefit from, and exit at King Tree Road.

Regards,

A handwritten signature in cursive script that reads "Cheryl Rourke".

Cheryl Rourke

BLANK INSTRUMENT FORM**DEED OF EASEMENT**

(Note 1)

This Deed is made the 16th day of October 2019.

PARTIES

1. **CHERYL LYNN ROURKE** of Post Office, Dardanup, Western Australia 6239 (**Grantor**)
and
2. **KIM ROBINSON** of 78 Clement Street, Swanbourne, Western Australia 6010 (**Grantee**)

WHEREAS:

- A. The Grantor is or is entitled to be the registered proprietor of an estate in fee simple in the Servient Land subject to the Encumbrances.
- B. The Grantee is the registered proprietor of an estate in fee simple in the Dominant Land.
- C. The Grantor has agreed to grant to the Grantee access over part of the Servient Land in accordance with the provisions of this Deed and has agreed to provide such access by granting an easement over the Carriageway.
- D. The Grantor and the Grantee intend to ensure that their respective rights and obligations under this Deed are conferred upon or bind (as the case may be) their respective successors in title upon the terms and conditions set out in this Deed.

OPERATIVE PART**1. DEFINITIONS AND INTERPRETATION****1.1 Definitions**

In this Deed unless the contrary intention appears:

Authority means any governmental, statutory or other public body or authority including a local government;

Carriageway means that portion of the Servient Land marked (X) on the Deposited Plan;

Deed means the deed between the Parties constituted by this document and includes the recitals and any amendments made from time to time in accordance therewith and **this Deed** has a corresponding meaning;

Deposited Plan means Deposited Plan 416622;

Dominant Land means the land described in Item 1 of the Schedule;

Easement means the easement granted pursuant to clause 2 of this Deed;

Encumbrances means the encumbrances (if any) described in Item 3 of the Schedule;

Grantee includes the successors in title and assigns of the Grantee in respect of the Dominant Land;

Grantee's Patrons means the tenants, servants, workmen, visitors, agents, invitees, lessees and licensees of the Grantee;

Grantor includes the successors in title and assigns of the Grantor in respect of the Servient Land;

Grantor's Patrons means the tenants, servants, workmen, visitors, agents, invitees, lessees and licensees of the Grantor;

Party means a party to this Deed and **Parties** shall have a corresponding meaning;

Schedule means the schedule to this Deed; and

Servient Land means the land described in Item 2 of the Schedule.

1.2 Construction of terms

Unless repugnant to the sense or context:

- (a) every covenant or agreement expressed or implied in this Deed in which more persons than one (1) covenant or agree bind such persons and every two (2) or more of them jointly and each and each of them severally;
- (b) reference to any Party shall mean and include a reference to that Party, his successors or personal representatives (as the case may be) and transferees;
- (c) words importing the singular or plural numbers shall include the plural number and singular number respectfully;
- (d) a reference to any gender shall include all genders; and
- (e) headings shall not affect the construction or interpretation of this Deed.

2. GRANT OF EASEMENT

In consideration of this Deed the Grantor, as registered proprietor of the Servient Land subject to the Encumbrances, grants to the Grantee the right for the Grantee and the Grantee's Patrons at all times to pass and repass over the Carriageway or any part thereof with or without vehicles of any description for all purposes connected with the use and enjoyment of the Dominant Land provided that nothing in this Deed gives any express or implied authority for the Grantee to exclude the Grantor or the Grantor's Patrons from using the Servient Land. The Grantor and the Grantee agree that:

- (a) the Grantee will, at the Grantee's cost, construct and maintain a gravelled road in the Carriageway;
- (b) the road will remain gravelled; and
- (c) the Carriageway is not fenced and will not be fenced.

4. GRANTEE'S COVENANTS

- (a) The Grantee hereby covenants with the Grantor:
 - (i) to exercise the Easement hereby granted in such manner as to cause as little inconvenience as practicable to the Servient Land; and
 - (ii) forthwith to remedy and make good any damage to the Servient Land which may result from the exercise of the Easement by the Grantee or the Grantee's Patrons.
- (b) The Grantee must not:
 - (i) attempt to exclude the Grantor or the Grantor's Patrons from the Carriageway;
 - (ii) do any act, matter or thing or allow the Grantee's Patrons to do any matter or thing which causes or is likely to cause any loss, damage or injury to any person whilst enjoying the benefits of this Easement; or
 - (iii) do or omit to do any act or thing or keep anything or bring anything into or upon the Carriageway which might:
 - (A) render any insurance in respect of the Servient Land void or unenforceable; or
 - (B) cause the rate of premiums payable in respect of such insurance to be increased.

5. MUTUAL COVENANTS

Neither the Grantor or the Grantee will do any of the following:

- (a) erect any barrier or other thing on the boundary between the Dominant Land and the Servient Land which has the effect in any way of creating a barrier or restricting access to or egress from the Servient Land or the Carriageway other than as provided for in this clause 5;
- (b) place or allow any obstacle to be placed or left on the Carriageway which will have the effect of restricting the use of the Carriageway by any Party; or
- (c) permit the Dominant Land and the Servient Land to be used in any way so as to obstruct or interfere with the use of the Carriageway,

except with the other Parties prior written consent which consent shall not be unreasonably withheld.

6. GRANTOR'S COVENANTS

The Grantor covenants and agrees with the Grantee that:

- (a) notwithstanding anything made, done, omitted or knowingly suffered, the Grantor has full power to make the grant set out herein and assures the Grantee that such grant shall remain and be quietly held and enjoyed by

the Grantee and the benefit thereof shall be received and taken accordingly without any interruption or disturbance by the Grantor or any person claiming by, through, under or in trust for or in anyway against the Grantor;

- (b) the Grantor and every other person having or rightfully claiming any estate or interest in the Servient Land will from time to time and at all times hereafter at the request of the Grantee do all such lawful assurances and things for more perfectly assuring the grant set out herein as the Grantee reasonably requires; and
- (c) the Grantor will not construct, erect, build or suffer to be constructed, erected or built, any building, structure or obstruction whatsoever on the Carriageway or any part thereof or use or permit the Carriageway to be used in such a way as to obstruct or interfere with the use of the Carriageway without the consent in writing of the Grantee first obtained.

7. EASEMENT TO RUN WITH THE LAND

The Easement granted by this Deed is intended to run with the Servient Land and the Dominant Land and to:

- (a) bind the registered proprietor and every successive registered proprietor of the Servient Land; and
- (b) benefit and be enforceable by the registered proprietor and every successive registered proprietor of the Dominant Land.

8. INDEMNITY

The Grantee indemnifies the Grantor against any loss, liability, cost or expense suffered or incurred by the Grantor directly caused by the use of the Carriageway by the Grantee or the Grantee's Patrons or any other person authorised by the Grantee, including but not limited to:

- (a) damage to any property of the Grantor or any other person; and
- (b) injury to or death of any person on or near the Carriageway,

except to the extent caused or contributed to by the Grantor or the Grantor's Patrons.

9. EASEMENT NOT EXCLUSIVE

The Grantee acknowledges that the grant of this Easement and the rights created in the Servient Land are not granted exclusively and are granted by the Grantor in common with the corresponding rights of the Grantor and the Grantor's Patrons and other persons lawfully entitled to such rights.

10. ASSURANCE

The Parties shall each do and execute such things, deeds and documents as are necessary to give effect to the terms of this Deed.

11. RATES AND TAXES

Each of the Grantor and the Grantee must pay when due all existing and future rates, taxes, assessments, charges, impositions and other outgoings which are now or may at any time after the date of this Deed be assessed, charged or levied on or payable in respect of the Servient Land and the Dominant Land respectively.

12. COSTS

- (a) Each party shall pay their own costs associated with the preparation of this Deed.
- (b) The Grantee must pay all costs associated with the registration of this Deed including any duty assessed on this Deed.

13. NOTICES

- (a) In addition to effecting service under any applicable statute, any statement, demand or notice to any Party may be validly served for the purposes of this Deed by being delivered personally or sent by registered post to the address of the addressee or sent by facsimile to the facsimile number of the addressee or sent by email to the email address of the addressee as provided for in this Deed or otherwise notified to the other Party from time to time.
- (b) Each Party may from time to time change its address, facsimile number or email address by giving notice pursuant to this clause.
- (c) Service under this Deed is taken to be effective:
 - (i) where delivered, upon actual delivery;

- (ii) where sent by mail, on the second clear business day after the day of receipt;
- (iii) where sent by facsimile, on the production of a transmission report by the machine from which the facsimile was sent which indicates that the facsimile was sent in its entirety to the facsimile number of the recipient; and
- (iv) where sent by email, on sending unless the Party sending the email receives a delivery failure notification.

14. GOVERNING LAW

This Deed will be construed in accordance with the laws of Western Australia. The Parties submit to the non-exclusive jurisdiction of the Courts of Western Australia.

SCHEDULE

1. Dominant Land

- Lot 1894 on Deposited Plan 152382, being the whole of the land contained in Certificate of Title Volume 2114 Folio 724.

2. Servient Land

- Lot 50 on Deposited Plan 65011, being the whole of the land contained in Certificate of Title Volume 2758 Folio 778 (Lot 50); and
- Lot 51 on Deposited Plan 65011, being the whole of the land contained in Certificate of Title Volume 2758 Folio 779 (Lot 51).

3. Encumbrances

Lot 50

- E214108 – Easement burden for right of carriageway purposes.
- G501922 – Easement benefit for right of carriageway purposes.
- L494844 – Notification contains factors affecting the within land.
- L494846 – Notification contains factors affecting the within land.
- L494847 – Notification contains factors affecting the within land.

Lot 51

- K595371 – Mortgage to Commonwealth Bank of Australia.
- L494844 – Notification contains factors affecting the within land.
- L494846 – Notification contains factors affecting the within land.
- L494847 – Notification contains factors affecting the within land.

Executed as a Deed

Grantor's Signature

Cheryl Rourke
Signed:
CHERYL LYNN ROURKE
In the presence of:

Witness signature:

Jonathan Wright
Witness name:
JONATHAN WRIGHT
Witness address:
47 STH RD WELLINGTON MILL
Witness occupation:
LANDSCAPER

Grantee's Signature

Kim Robinson
Signed:
KIM ROBINSON
In the presence of:

Witness signature: *Paul Anthony Lander*
Witness name: **PAUL ANTHONY LANDER**

Witness address: 19 Clifton Street, Bunbury WA 6230

Witness occupation: Solicitor

Mortgagee's Consent

Commonwealth Bank of Australia being the mortgagee under Mortgage K595371 consents to the grant of the Easement in accordance with this document.

Signed:

OFFICE USE ONLY

INSTRUCTIONS

1. This form may be used only when a "Box Type" form is not provided or is unsuitable. It may be completed in narrative style.
2. If insufficient space hereon Additional Sheet Form B1 should be used.
3. Additional Sheets shall be numbered consecutively and bound to this document by staples along the left margin prior to execution by the parties.
4. No alteration should be made by erasure. The words rejected should be scored through and those substituted typed or written above them, the alteration being initialled by the persons signing this document and their witnesses.

NOTES

1. Insert document type.
2. A separate attestation is required for every person signing this document. Each signature should be separately witnessed by an Adult Person. The address and occupation of the witness must be stated.

Empty box for document type or notes.

Lodged By Lander Lawyers (Paul Lander)

Address P O Box 419
BUNBURY WA 6231

Phone No. 9791 8599
Fax No 9791 4996
E-Mail paul@landerlawyers.com.au
Reference No. PAL:MV:219064(02)
Issuing Box No.

Prepared By Lander Lawyers (Paul Lander)

Address P O Box 419
BUNBURY WA 6231

Phone No. 9791 8599
Fax No. 9791 4996
E-Mail paul@landerlawyers.com.au
Reference No. PAL:MV:219064(02)
Issuing Box No.

INSTRUCT IF ANY DOCUMENTS ARE TO ISSUE TO OTHER THAN LODGING PARTY.

Empty box for instructions regarding other lodging parties.

TITLES, LEASES, DECLARATIONS ETC. LODGED HEREWITH

1. _____	Received Items
2. _____	
3. _____	Nos.
4. _____	
5. _____	
6. _____	Receiving Clerk

Registered pursuant to the provisions of the TRANSFER OF LAND ACT 1893 as amended on the day and time shown above and particulars entered in the Register.

EXAMINED

VER.	AMENDMENT	AUTHORISED BY	DATE

avalon surveys
 Coastal & Engineering Surveyors
 P (08) 9582 7455
 30 Wharfedale Drive, Mandurah Ocean Marina
 www.avalonsurveys.com.au

REF - TALI-Weef-L1894-P-S3-DP416622 (Av V1)

TYPE FREEHOLD S.S.A. YES

PURPOSE INTEREST

PLAN OF
**EASEMENTS AND/OR
 OTHER INTERESTS OVER
 LOTS 50 & 51 ON DP 65011**

FORMER TENURE

LOCAL AUTHORITY
 SHIRE OF DARDANUP

LOCALITY
 WELLINGTON MILL

D.O.L. FILE

FIELD RECORD

SURVEYOR'S CERTIFICATE - REG 54
 I, BRAD REED
 hereby certify that this plan is accurate and is a correct
 representation of the -
 (a) *survey; and/or
 (b) *calculations from measurements recorded in the field
 records,
 [* delete if inapplicable]
 undertaken for the purposes of this plan and that it
 complies with the relevant written law(s) in relation to
 which it is lodged.

LICENSED SURVEYOR DATE

LOGGED

DATE FEE PAID ASSESS No.

I.S.C.

EXAMINED

DATE

WESTERN AUSTRALIAN PLANNING COMMISSION
 FILE

Delegated under S.16 P&D Act 2005 DATE

IN ORDER FOR DEALINGS
 SUBJECT TO

INSPECTOR OF PLANS & SURVEYS DATE

APPROVED

INSPECTOR OF PLANS AND SURVEYS DATE
 (S. 18 Licensed Surveyors Act 1909)



DEPOSITED PLAN
416622
 SHEET 1 OF 1 SHEET
 VERSION 1

FOR INTEREST PURPOSES ONLY

6
 P 22113

1894
 DP 125382

50
 DP 65011
 C/T 2758-778

52
 DP 65011

51
 DP 65011
 C/T 2758-779

KING TREE ROAD



1:1500 @ A2

INITIAL INTERESTS

SUBJECT	PURPOSE	STATUTORY REFERENCE	ORIGIN	LAND BURDENED	BENEFIT TO	COMMENTS
(X)	EASEMENT		DOC	LOTS 50 & 51 ON DP 65011	LOT 1894 ON DP 125382	FOR FIRE MANAGEMENT PLAN

HELD BY LANDGATE IN DIGITAL FORMAT ONLY

SCHEDULE OF SUBMISSIONS

	Submitter	Submitter Comment	Officer Response
1.	Department of Water and Environmental Regulation (DWER) 25.6.2019	<p>Comment</p> <p><u>Issue 1:</u> Potential impacts pertaining to the disposal of toilet wastewater that can affect water quality, noting the lack of detail provided in the proposal</p>	Noted
		<p>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</p>	<p>The draft policy referred to has since been published, and is called the 'Government Sewerage Policy (2019)' (GSP).</p> <p>This matter is discussed in the officer comment the Council report.</p>
		<p>Discussion 1: More detail should be provided to ensure that the proposed disposal of toilet wastewater can comply with the Draft Government Sewerage Policy 2016, 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 water table 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. 	This matter is discussed in the officer comment the Council report.
		<p>The following relevant information in the Draft Government Sewerage Policy 2016 is noted:-</p> <p><i>Separation to groundwater</i> Section 6.4(1)a) of the Draft Government Sewerage Policy 2016 states: " 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>	This matter is discussed in the officer comment the Council report.
		<p><i>Separation to waterways</i> 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>	This matter is discussed in the officer comment the Council report.
		<p><u>Issue 2:</u> The waterway that flows through the property is proclaimed under the Rights in Water and Irrigation Act 1914 (Ferguson River and Tributaries).</p>	Noted
		<p>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.</p>	Noted
		<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</p>	This is a matter for DWER licencing.

(Appendix ORD: 12.2C)

		<p>watercourse during construction works) will require a permit to interfere with the bed or banks from the department.</p> <p><u>Issue 3: Native vegetation clearing</u> Recommendation 3: See discussion below</p> <p>Discussion 3: Under section 51C of the Environmental Protection Act 1986 (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.</p> <p>Based on the information provided, no exemption applies to the proposed clearing of one tree and a clearing permit is likely required.</p> <p>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>	<p>Relates to the application for works in the easement on Lot 6 (63) King Tree Rd.</p> <p>Noted. A Clearing Permit issued by DWER may be required, unless there is a relevant exemption.</p> <p>It is noted that the application now proposes to remove three trees. The applicant will need to apply to DWER for a Clearing Permit.</p> <p>Noted</p> <p>An advice note is suggested on a Development Approval for the application relating to works in the easement on Lot 6 (63) King Tree Rd.</p>
2.	Department of Biodiversity, Conservation and Attractions (DBCA) 21.5.2019	<p>Comment:</p> <p>It is considered that the proposal and any potential environmental impacts will be appropriately addressed through the existing planning framework.</p>	Officers agree that compliance with suitable conditions on a Development Approval can mitigate the potential for environmental impacts.
3.	Western Power 7.6.2019	<p>Comments:</p> <p>Western Power has no objection to the proposed development. The proposed development must comply with the following:</p> <ul style="list-style-type: none"> • 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. <p>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/</p> <p>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</p>	<p>Officers are recommending an advice note on a Development Approval to this effect.</p> <p>Officers are recommending an advice note on a Development Approval to this effect.</p> <p>N/A – No new structures are proposed.</p>

(Appendix ORD: 12.2C)

		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)).	
4.	Department of Fire and Emergency Services (DFES) 11.7.2019	Comments: 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.	Noted
		Vulnerable land uses located in designated bushfire prone areas require special consideration, especially as visitors may be unfamiliar with bushfire impacts and their surroundings.	Officers agree. This is discussed in the Officer Comment section in this report.
		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.	Noted
		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.	This matter is discussed in the officer comment the Council report.
		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.	Noted
		Location - Intent – non-compliant. The BMP should not ignore the site context and the serious threat of bushfire to people and property and infrastructure at this location. 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. The DFES advice considers the intent of the Element, which is to ensure development is "located in areas with the least possible risk of bushfire to facilitate the protection of people, property and infrastructure." 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. Action: Modification required.	The BMP has been modified and resubmitted to sufficiently address this matter.
		Vehicular Access – A3.1 – does not comply. 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. 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.	The BMP has been modified and resubmitted to sufficiently address this matter. Officers note that Council's Engineering Department has advised that there is no plan to upgrade Weetman Rd at the present time.

(Appendix ORD: 12.2C)

		<p>DFES notes that if compliance cannot be achieved, the BMP should acknowledge non-compliance with this Element.</p> <p>Action: Modification required. Update the BMP to document the non-compliance with this acceptable solution.</p>	
		<p>Vehicular Access – A3.6 – does not comply .</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 "Column 4 Table 1".</p> <p>There is no evidence that the EAW is not in excess of 600m. 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> <p>Action: Modification required. Update the BMP to demonstrate compliance.</p>	<p>The BMP has been modified and resubmitted to sufficiently address this matter.</p> <p>This matter is discussed in the officer comment the Council report.</p> <p>The 'alternative EAW' referenced by DFES in this comment is no longer proposed.</p>
		<p>Bushfire Emergency Evacuation Plan (EEP)</p> <p>The referral has included a 'Bushfire Evacuation (Response) Plan' for the purposes of addressing the policy requirements.</p> <p>Consideration should be given to the Guidelines Section 5.5.2 'Developing a Bushfire Emergency Evacuation Plan'. 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.</p>	<p>The EEP has been modified and resubmitted to sufficiently address this matter.</p>
		<p>Advice – does not comply</p> <p>The DFES assessment has identified areas of non-compliance with the bushfire protection criteria.</p> <p>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.</p> <p>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.</p>	<p>The BMP has since been modified and resubmitted to sufficiently address this matter.</p>
5.	DFES 19.9.2019	<p>Comments:</p> <p>DFES notes amendments made to the BMP, including acknowledgment of non-compliance in relation to Element 1 and Element 3.</p> <p>Location – A1.1 Intent – Non- Compliant.</p> <p>DFES notes that the BMP acknowledges non-compliance with this Element.</p>	<p>Noted. See comments below.</p>

(Appendix ORD: 12.2C)

		<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>	
		<p>Vehicular Access - A3.1 Intent – non-compliant</p> <p>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.</p> <p>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.</p>	<p>This matter is discussed in the officer comment the Council report.</p> <p>Officers note that with regard to Weetman Rd, The Shire's Engineering Department has advised that the 10 year programme does not include upgrades to the road.</p>
		<p>Vehicular Access - A3.6 – Intent – non-compliant</p> <p>DFES notes the amended BMP acknowledges non-compliance with this Element.</p> <p>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.</p>	<p>As discussed above</p>
		<p>Policy measure 6.6.1 Vulnerable or high-risk land uses</p> <p>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.</p> <p>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.</p>	<p>Officers are recommending suitable signage to inform visitors, who may be unfamiliar with escape routes. This matter is discussed in the Council report.</p>
		<p>Advice – non-compliant</p> <p>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.</p>	<p>Noted</p>
6.	<p>S & J Allington 37 Weetman Rd, Wellington Mill 27.6.2019</p>	<p>For express avoidance of doubt, we have no objection to the establishment of the Talisman Winery Cellar Door per se.</p>	<p>Noted, however due to the other comments in the submission, officers consider this submission to be an 'objection' to the proposal.</p>
		<p>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.</p>	<p>More detail on this matter is provided in the following comments in the submission.</p>

(Appendix ORD: 12.2C)

	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).	Wellington Forest Road is a DBCA road. Officers are not aware if there are plans to seal remaining parts of it at this time.
	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.	Comment noted
	The business potential to include coffee/light food at some time in the future in its offering, cannot be underestimated.	This is not proposed. Any further development would need to be assessed on its merits, if an application is received in future.
	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.	This matter is discussed in the officer comment the Council report.
	<p>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.</p> <p>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.</p>	<p>The Shire must consider the application submitted.</p> <p>Any further development would need to be assessed on its merits, if an application is received in future.</p>
	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.	Comment noted
	(1) Interruptions to our family amenity created by increasing numbers of visitors/tourists requesting directions both to the Talisman Cellar Door and nearby Gnomesville.	This matter is discussed in the officer comment the Council report.
	(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.	This is a safety, noise and dust matter and is discussed in the Council report.
	(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.	This is not a valid planning consideration. Weetman Rd is a public road.
	(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.	Officers recommend a condition of approval requiring upgrade of the track (at the applicant's expense) .

(Appendix ORD: 12.2C)

		<p>(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.</p> <p>(6) Negative impact on land value along both sides of the easement which, we understand, has preapproved planning for subdivision.</p> <p>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.</p> <p>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.</p> <p>Clearly, given the impacts outlined above (1-6), our preference would be for Option 1.</p> <p>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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p>	<p>This is not a valid planning consideration.</p> <p>There is no approval, 'pre-approval', nor any application for subdivision of the lots referred to (Lot 5 and Lot 6).</p> <p>Land values are not a valid planning consideration.</p> <p>The Shire must consider the application submitted, not the options proposed by the objectors.</p> <p>The easement permits access to the benefiting lots (including the subject lot) at any time, by any vehicle. There are no restrictions as to the use of the land.</p> <p>The Shire must consider the application submitted, not the options provided by the objector.</p> <p>As above</p> <p>This matter is discussed in the officer comment the Council report.</p> <p>This matter is discussed in the officer comment the Council report.</p> <p>This is a safety, noise and dust matter and is discussed in the Council report.</p>
--	--	---	--

(Appendix ORD: 12.2C)

		(4) Upkeep of easement to include eradication of weeds (blackberry, bracken, thistle, Apple of Sodom, double gee and any other noxious weed).	This is not a relevant planning consideration.
		(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.	This is a privacy matter and is discussed in the Council report.
		(6) Fast-growing fire-retardant trees be planted between Wine Cellar car park and our eastern boundary.	This is a privacy matter and is discussed in the Council report.
		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.	Comments noted.

RISK ASSESSMENT TOOL

OVERALL RISK EVENT: Applications for Development Approval – Cellar Door and works in easement

RISK THEME PROFILE:

3 - Failure to Fulfil Compliance Requirements (Statutory, Regulatory)

Choose an item.

Choose an item.

RISK ASSESSMENT CONTEXT: Strategic

CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL		
		CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING		CONSEQUENCE	LIKELIHOOD	RESIDUAL RISK RATING
HEALTH	Fire risk mitigation may not be managed by the applicant to an appropriate standard.	Major (4)	Unlikely (2)	Moderate (5 - 11)	Not required.	Not required.	Not required.	Not required.
FINANCIAL IMPACT	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
SERVICE INTERRUPTION	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
LEGAL AND COMPLIANCE	The Shire may need to undertake compliance/enforcement proceedings if DA conditions are not complied with.	Moderate (3)	Possible (3)	Moderate (5 - 11)	Not required.	Not required.	Not required.	Not required.
REPUTATIONAL	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
ENVIRONMENT	Damage to environment may result if waste water is not correctly managed.	Moderate (3)	Unlikely (2)	Moderate (5 - 11)	Environmental Health Officers to assess an application for waste water disposal when it is submitted, and monitor ongoing compliance.	Moderate (3)	Rare (1)	Low (1 - 4)