



APPENDICES

SPECIAL MEETING

To Be Held

Wednesday, 3 July 2019
Commencing at 4.45pm

At

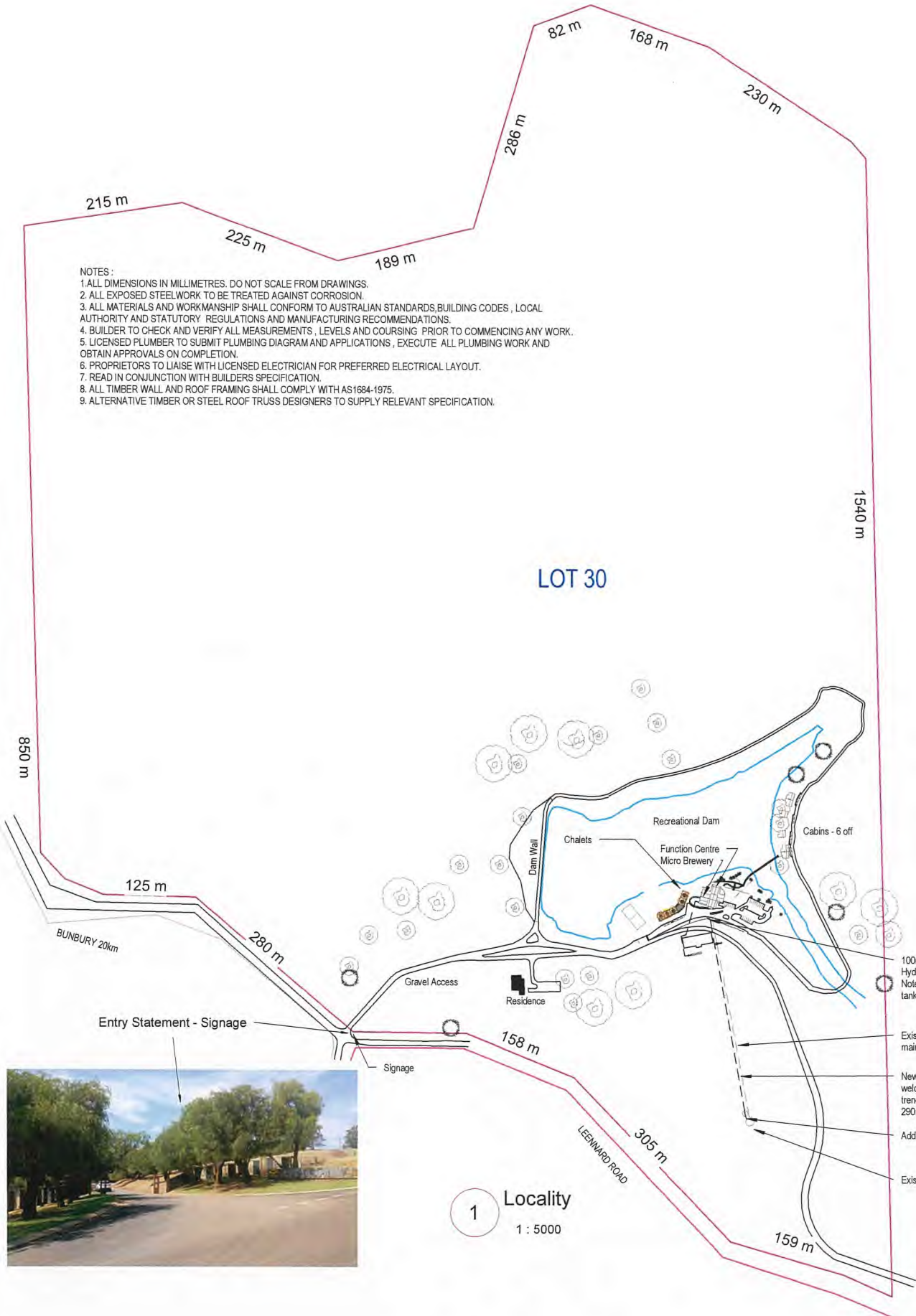
Shire of Dardanup
ADMINISTRATION CENTRE EATON
1 Council Drive - EATON

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

NOTES:

1. ALL DIMENSIONS IN MILLIMETRES. DO NOT SCALE FROM DRAWINGS.
2. ALL EXPOSED STEELWORK TO BE TREATED AGAINST CORROSION.
3. ALL MATERIALS AND WORKMANSHIP SHALL CONFORM TO AUSTRALIAN STANDARDS, BUILDING CODES, LOCAL AUTHORITY AND STATUTORY REGULATIONS AND MANUFACTURING RECOMMENDATIONS.
4. BUILDER TO CHECK AND VERIFY ALL MEASUREMENTS, LEVELS AND COURSING PRIOR TO COMMENCING ANY WORK.
5. LICENSED PLUMBER TO SUBMIT PLUMBING DIAGRAM AND APPLICATIONS, EXECUTE ALL PLUMBING WORK AND OBTAIN APPROVALS ON COMPLETION.
6. PROPRIETORS TO LIAISE WITH LICENSED ELECTRICIAN FOR PREFERRED ELECTRICAL LAYOUT.
7. READ IN CONJUNCTION WITH BUILDERS SPECIFICATION.
8. ALL TIMBER WALL AND ROOF FRAMING SHALL COMPLY WITH AS1684-1975.
9. ALTERNATIVE TIMBER OR STEEL ROOF TRUSS DESIGNERS TO SUPPLY RELEVANT SPECIFICATION.

LOT 30



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Proposed Extension for :
Evedon Park Bush Resort

Micro Brewery Addition
Lot 30 Lennard Rd Burekup

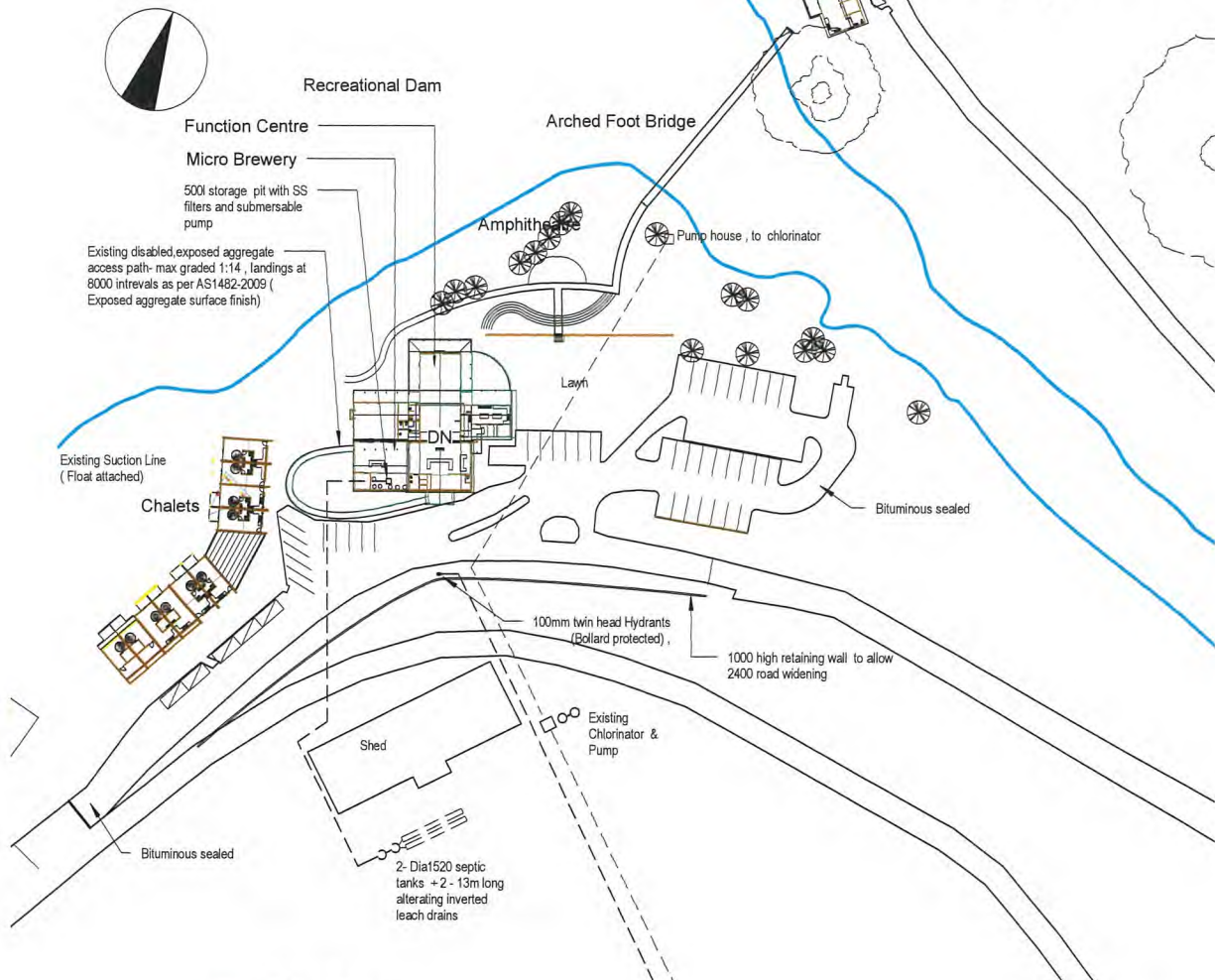
6/03/2019 15:18:42

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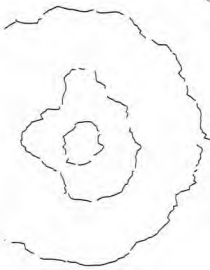
SCALE: AS NOTED

DWG No:

1A



1 Site Plan
1 : 1000
See Sheet 9 for DFES fire system

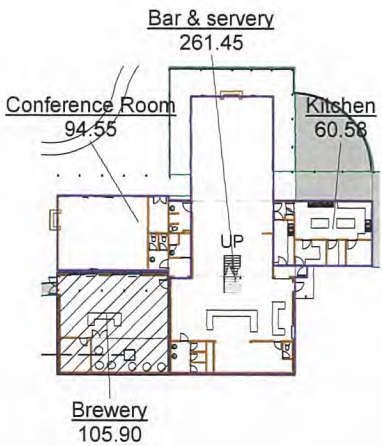


New 110mm PN10 welded polymain, min 700
See Sheet 10 for Fire system details

Existing pressure main to existing tank (Approx 26m head)



Entry (Level 1)
114.79



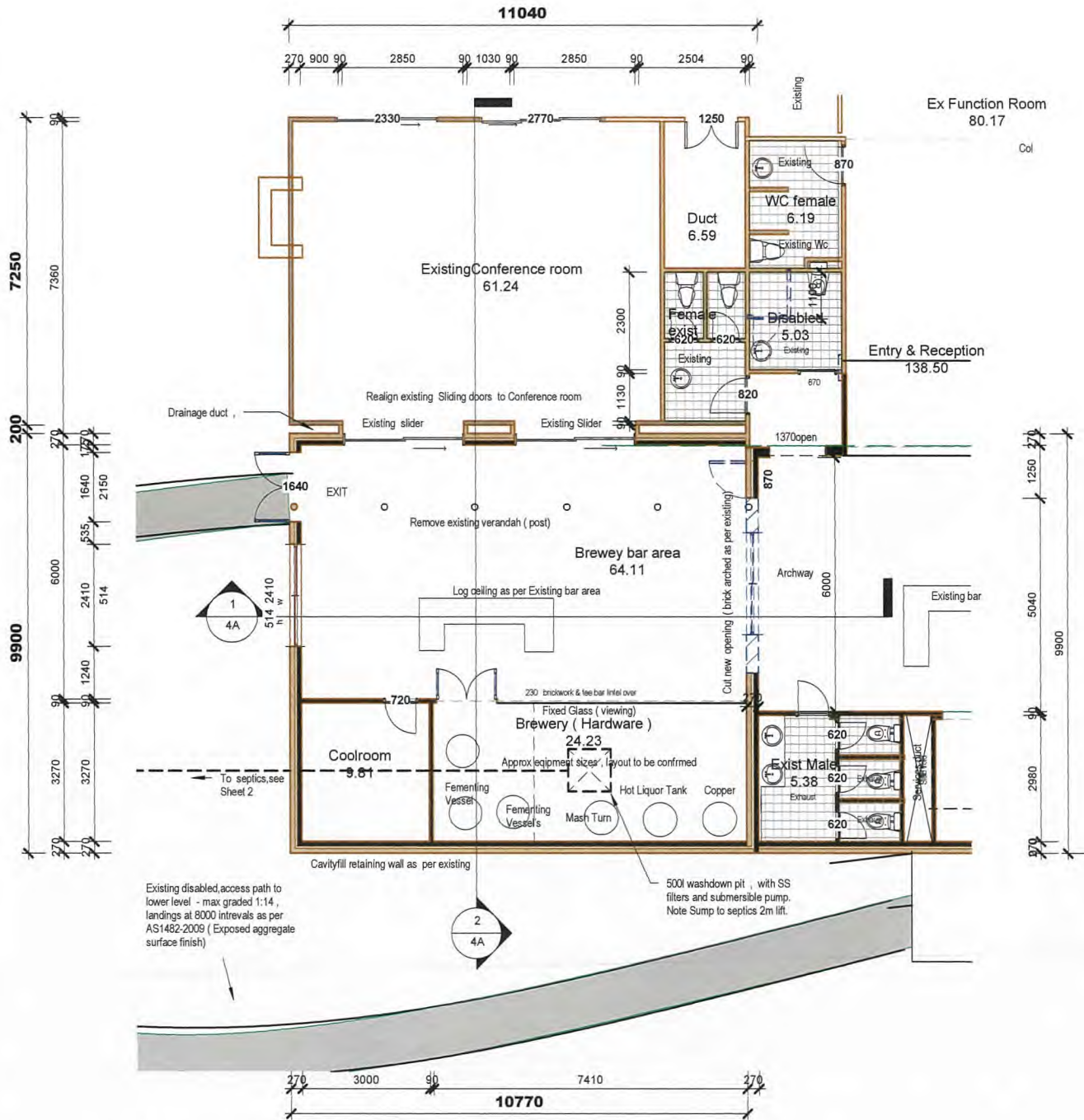
2 Areas
1 : 500

Additional 150,000 tank to facilitate fire hydrants. Tanks connected

Existing 90000 l supply tank to existing Resort building and accommodation units

3 Entry Level (Upper)
1 : 500

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Existing disabled, access path to lower level - max graded 1:14, landings at 8000 intervals as per AS1482-2009 (Exposed aggregate surface finish)

1 Micro Brewery
1 : 100

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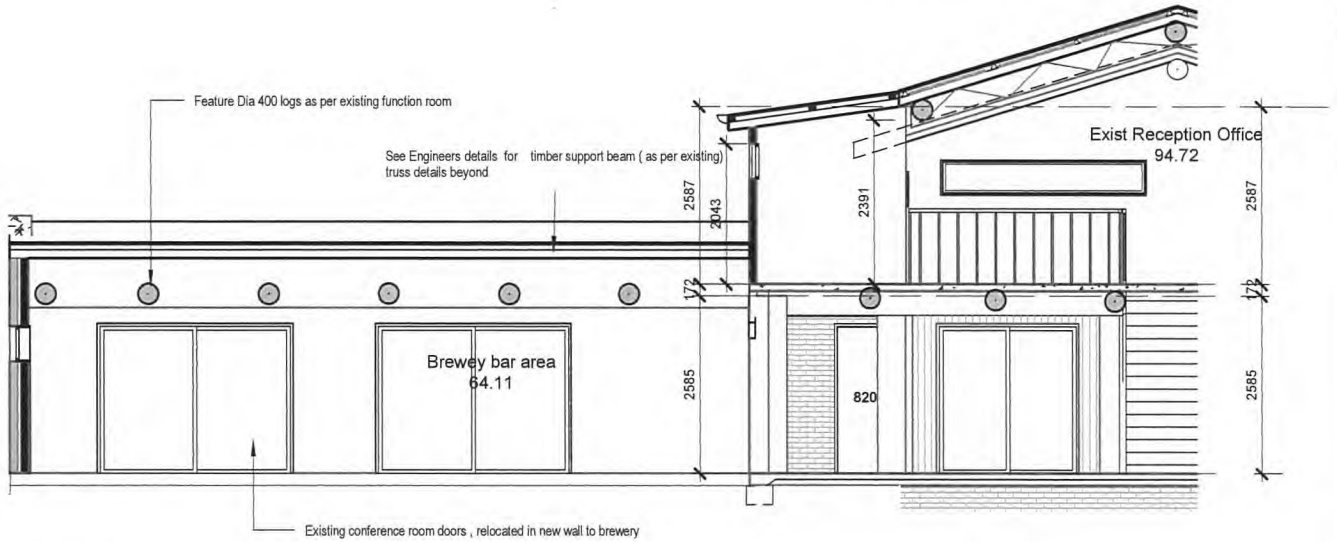
Proposed Extension for :
Evedon Park Bush Resort

Micro Brewery Addition
Lot 30 Lennard Rd Burekup

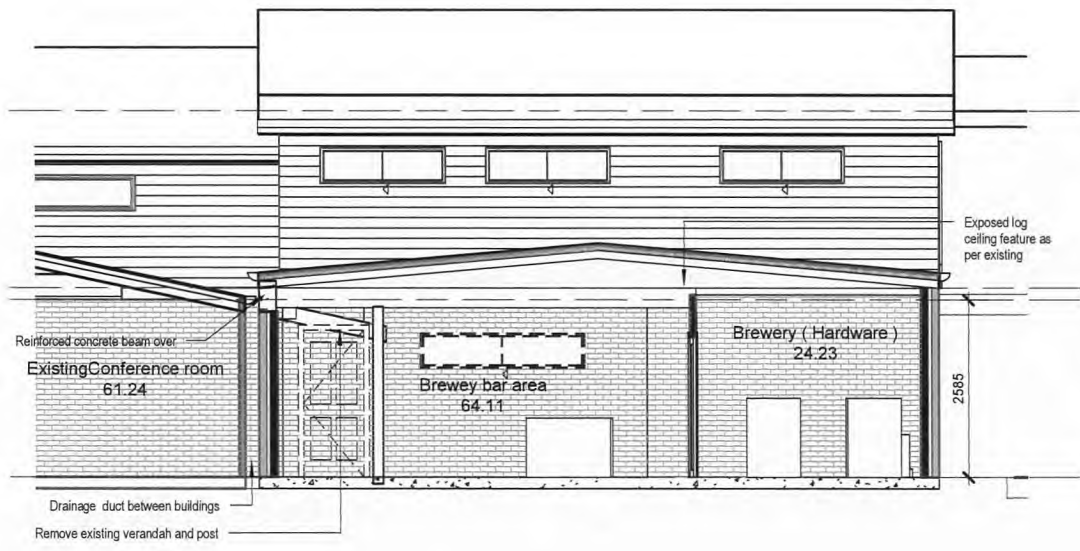
6/03/2019 15:19:54

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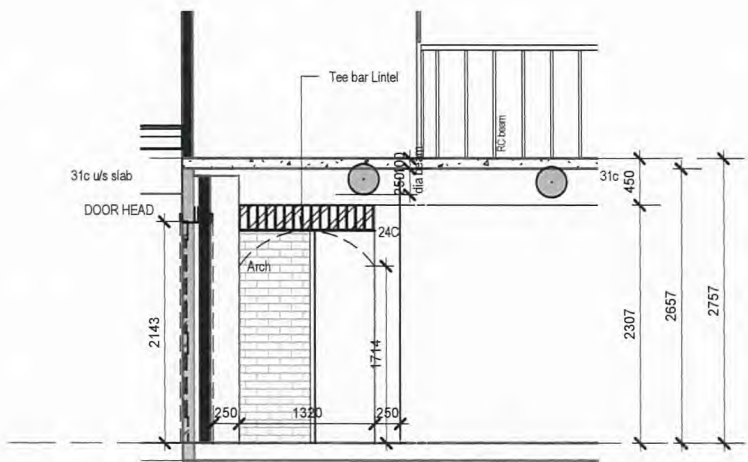
DWG No:
3A



1 Section 1
1:75

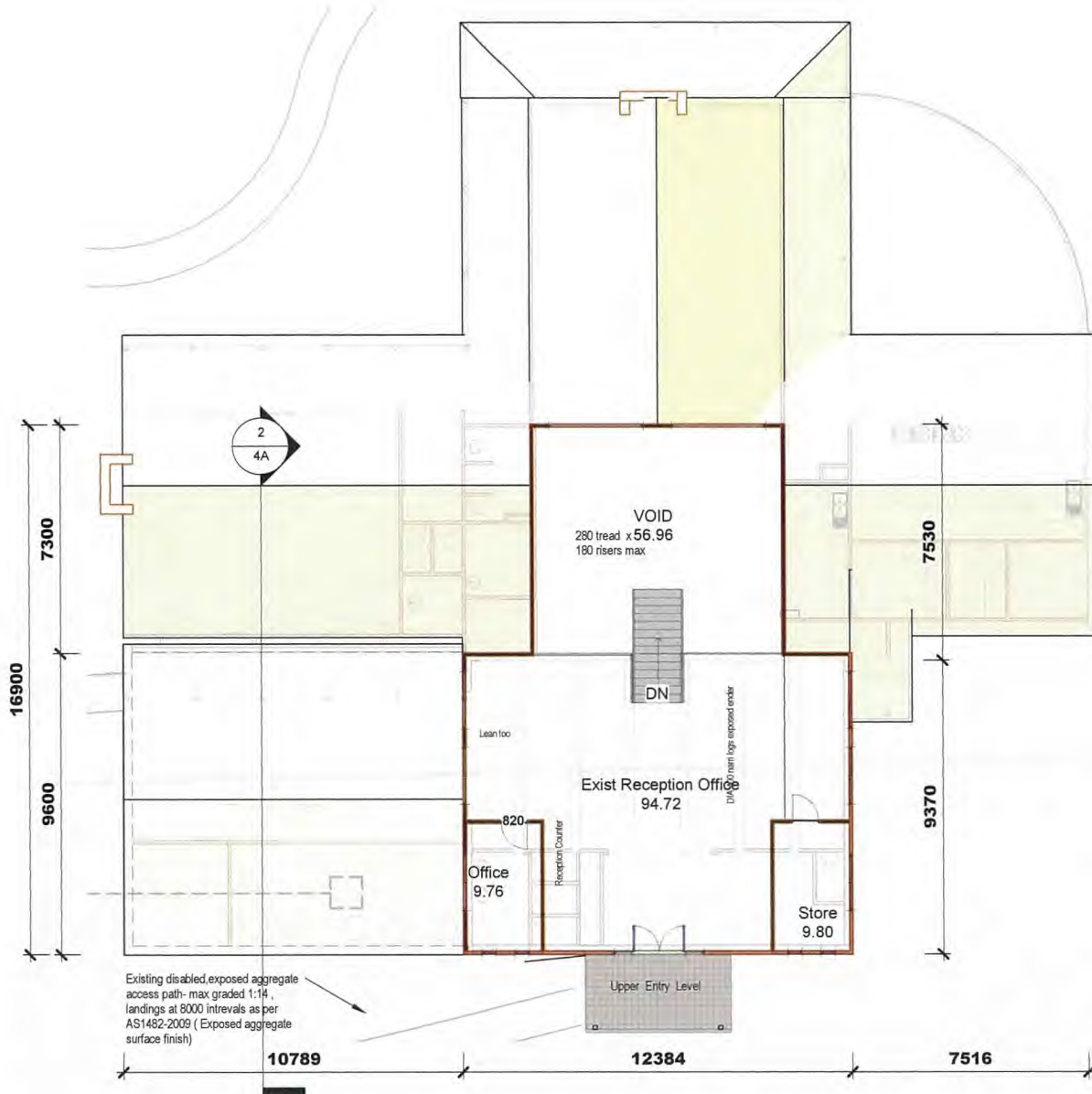


2 Section 2
1:75



3 Section 3
1:50

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1 Entry Level (Upper)
1 : 150

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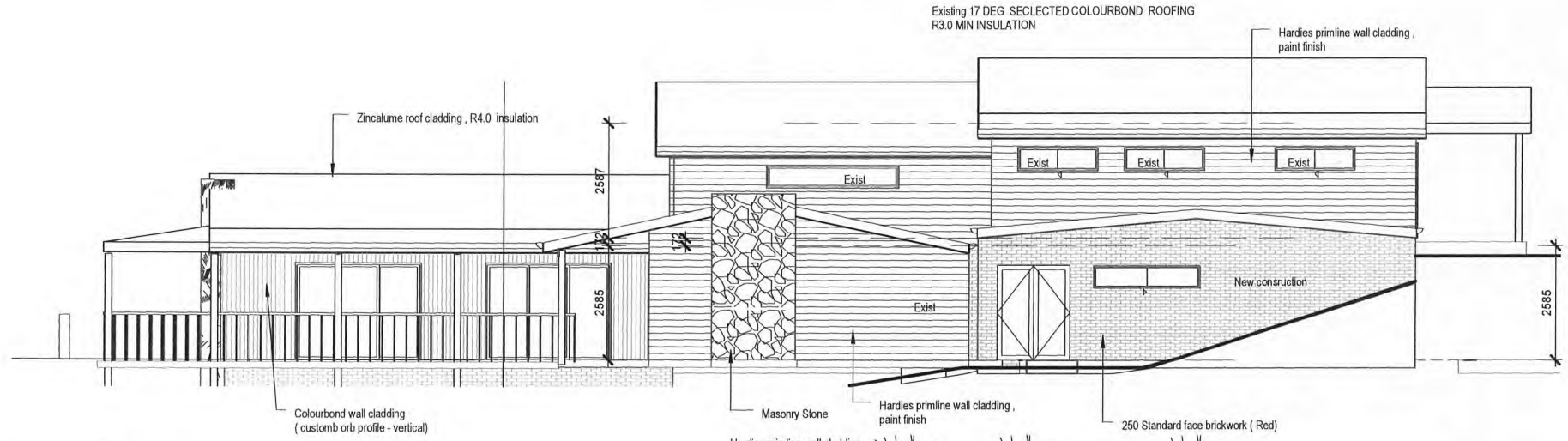
Proposed Extension for :
Evedon Park Bush Resort

[Micro Brewery Addition](#)
[Lot 30 Lennard Rd Burekup](#)

6/03/2019 15:21:47

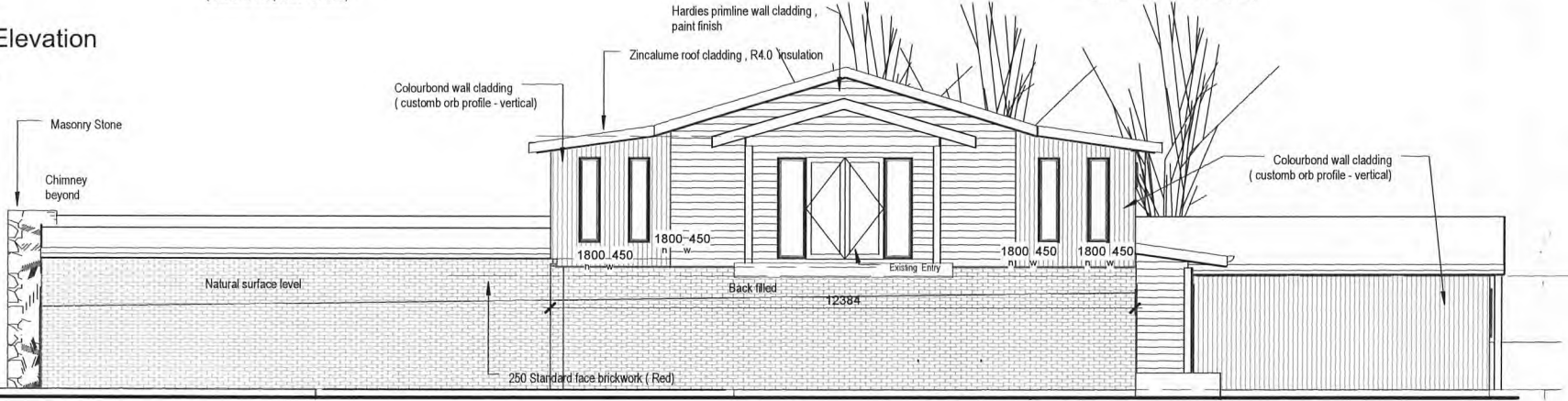
FILE :
SCALE: AS NOTED

DWG No:
6A



2 West Elevation

1 : 100



1 South Elevation (front)

1 : 100

4 REAR



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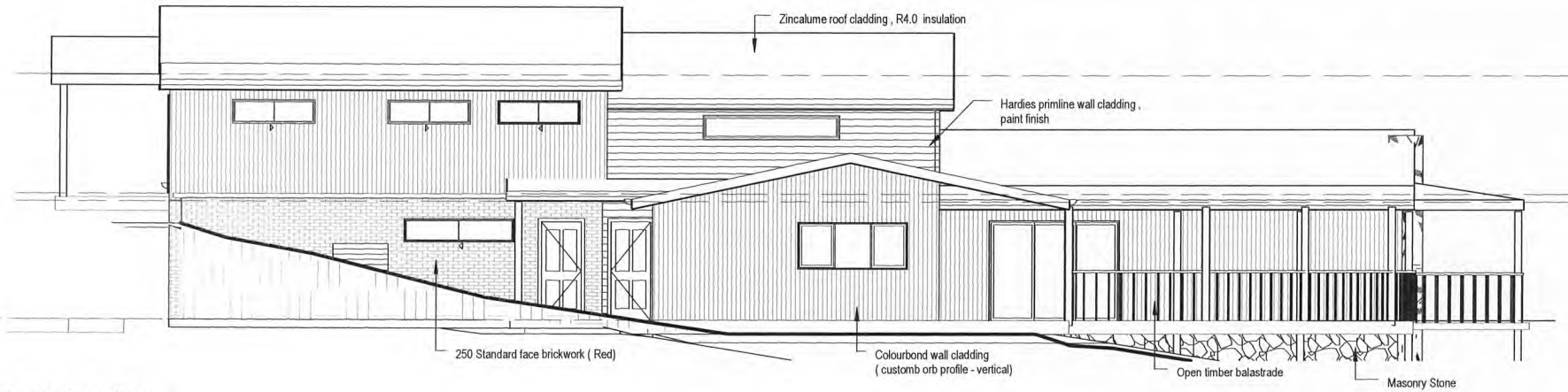
Micro Brewery Addition
Lot 30 Lennard Rd Burekup

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SCALE: AS NOTED

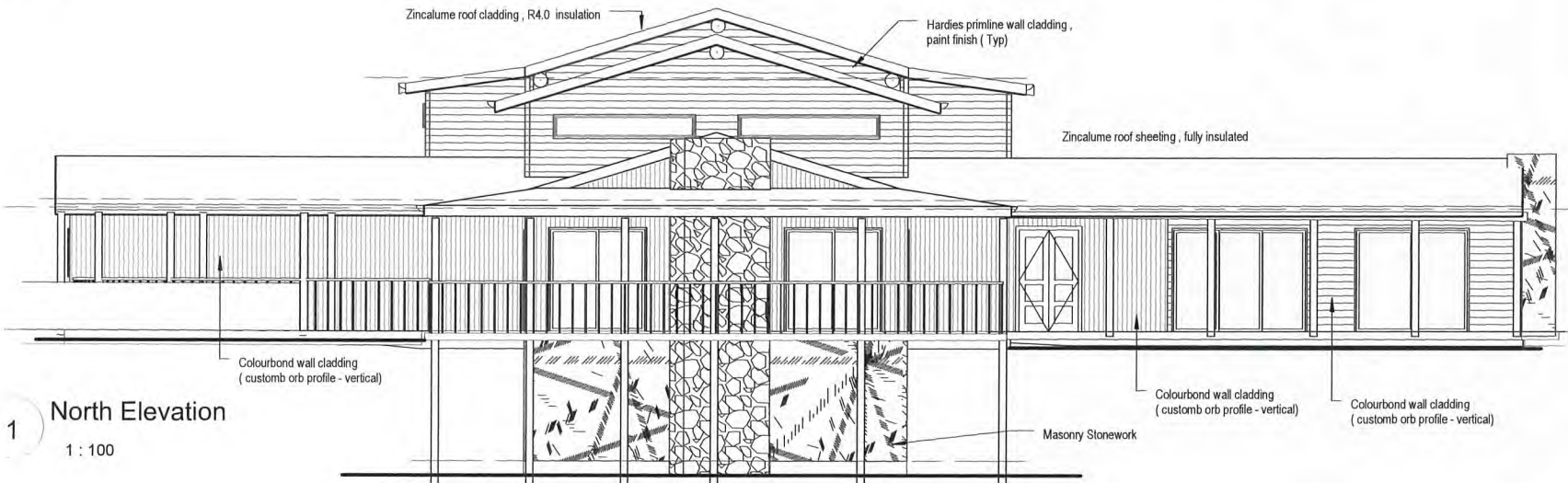
DWG No:
8A

Proposed Extension for :
Evedon Park Bush Resort

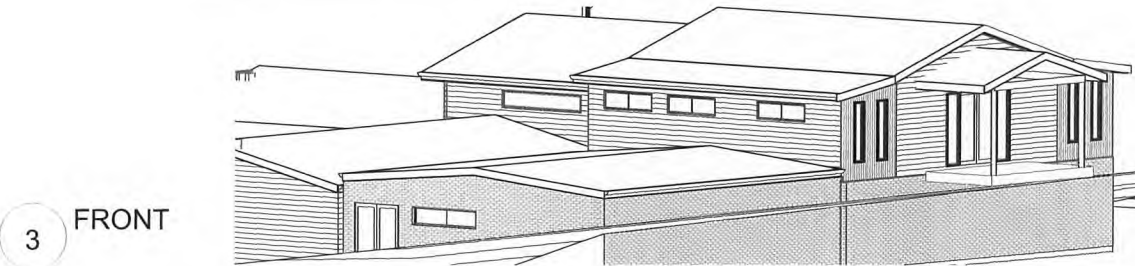
6/03/2019 15:23:24



2 East elevation
1 : 100



1 North Elevation
1 : 100



3 FRONT

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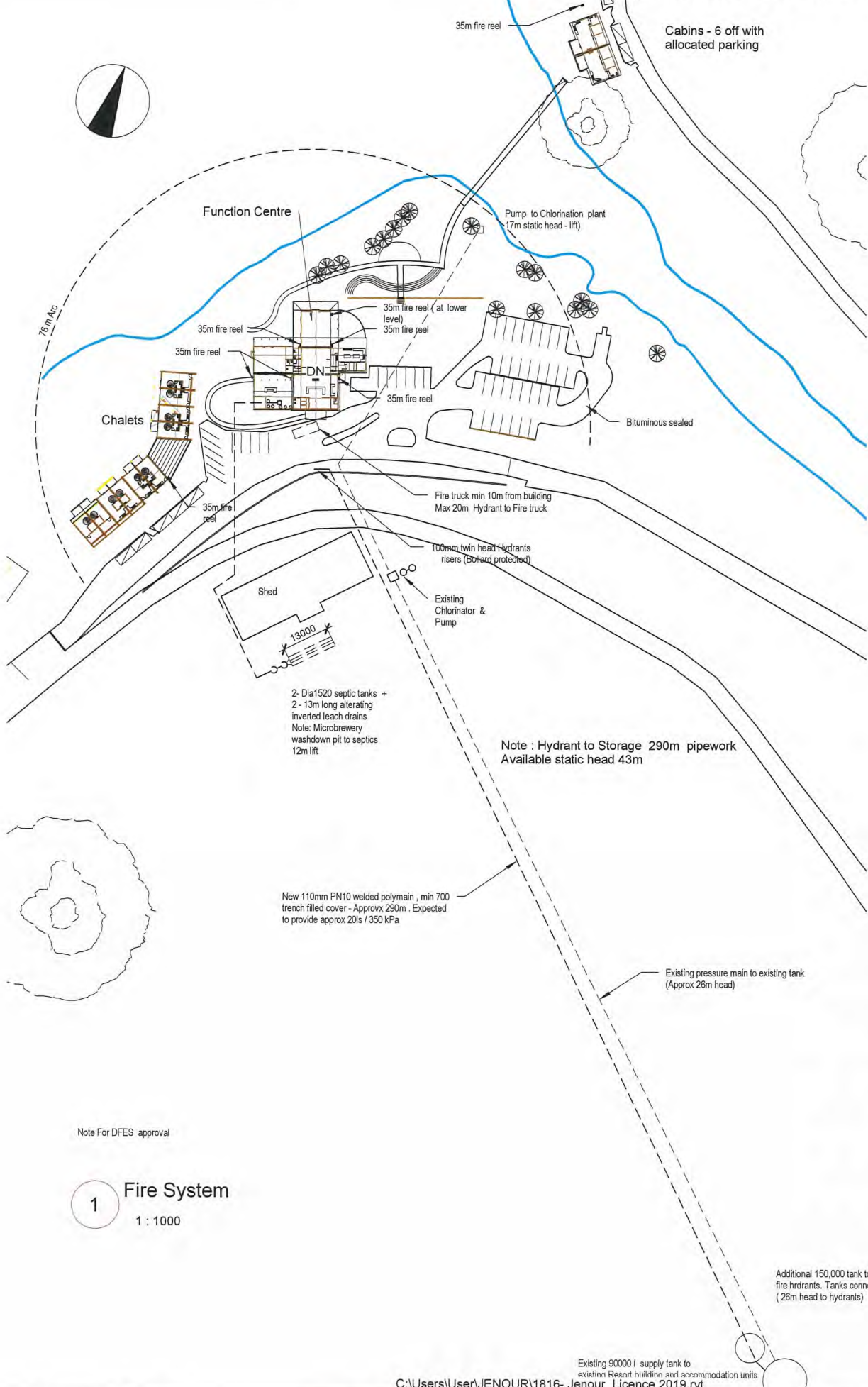
Micro Brewery Addition
Lot 30 Lennard Rd Burekup

Proposed Extension for :
Evedon Park Bush Resort

FILE :
SCALE : AS NOTED

DWG No:
7A

03/2019 15:22:44



Note For DFES approval

1 Fire System
1 : 1000



Shire of Dardanup

Administration Centre Eaton
P.O. Box 7016 - 1 Council Drive
EATON WA 6232
Tel: 9724 0000 Fax: 9724 0091
www.dardanup.wa.gov.au
ABN: 57 305 829 653

Our Ref: P24/11
A7033
O-11-82232
Enquiries: ☎ 9724 0087
elizabeth@ardanup.wa.gov.au

4 April 2011

CA Jenour
Post Office
BUREKUP WA 6227

Dear Sir

**RE: PLANNING CONSENT APPLICATION - 205 LENNARD RD BUREKUP 6227
EXTENSION TO EXISTING RESTUARANT**

Thank you for the above development application. I am pleased to advise that the application is approved subject to the conditions itemised on the attached Planning Approval notice.

This decision was made by a Shire Officer acting under delegated authority. Should you be aggrieved by any aspect of this decision, you may request to have the decision reviewed by Council. If after consideration by Council, the decision or any of the conditions imposed are still unacceptable, you are advised that you have the right to apply for a review of Council's decision by the State Administration Tribunal. Such an application for review should be lodged with the State Administration Tribunal within twenty eight (28) days of the date of Council's determination. The necessary forms are available from State Administration GPO Box U1991, Perth 6845 (☎ 9219 3111).

If you have any further queries please do not hesitate to contact Elizabeth Edwards on 9724 0087.

Yours faithfully

MR ROBERT QUINN
Manager Planning Services

Att.



Development Application: P24/11
Assessment No: A7033

PLANNING AND DEVELOPMENT ACT 2005 (AS AMENDED)
SHIRE OF DARDANUP
DECISION ON APPLICATION FOR PLANNING APPROVAL
TOWN PLANNING SCHEME NO. 3

The Council having considered the application

Dated: 29/03/2011
Submitted by: CHARLES ANTHONY JENOUR
On behalf of: CHARLES ANTHONY JENOUR
Type of Development: EXTENSION TO EXISTING RESTAURANT
Use Class: RESTAURANT
Location: 205 LENNARD RD BUREKUP 6227

hereby advise that it has decided to

GRANT PLANNING APPROVAL

subject to the following conditions:

1. All development being generally in accordance with the approved development plans which form part of this Development Approval.
2. The development approved is to be substantially commenced within 2 years, or such other period as is specified in the approval, after the date of the determination. The approval lapses if the development has not substantially commenced before the expiration of the period (2 years).
3. The hereby approved development shall not prejudicially affect the amenity of the neighbourhood due to the emission of light, noise, vibration, electrical interference, odour, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, liquid wastes or waste products.

Notes:

1. A written request may be made for an extension of the term of planning approval at any time prior to the expiry of the approval period (2 years).



2. The local government may, on written application from the owner of land in respect of which planning approval has been granted, revoke or amend the planning approval, prior to the commencement of the use or development subject of the planning approval.
3. The landowner is advised that future intensification of the existing land use will need to be justified and supported by an amendment to the Town Planning Scheme to rezone the land to Tourist.

.....
MR ROBERT QUINN
Manager Planning Services
For and on behalf of the Shire of Dardanup
04.04.11

LIQUOR LICENSING ACT 1988
(Section 40)

CERTIFICATE OF LOCAL PLANNING AUTHORITY

I, (full name).....**Mark Chester**
Being*.....**Chief Executive Officer**.....
for the.....**Shire of Dardanup**Local Planning Authority
hereby certify that the premises known as... **Evedon Park**
and situated at ...**205 Lennard Road, Burekup** Post Code...**6227**

(a) will comply with all relevant planning laws, namely;

The approved land use of "Chalet - Short Stay Accommodation with Function Centre/Restaurant" under the Shire of Dardanup's Town Planning Scheme No. 3.

OR

~~(b) would comply with all relevant planning laws if consent were to be given by the following authority:~~

~~* (i) it is not known whether the authority will give that consent.~~

~~** (ii) it is known that the authority will give that consent subject to the following probable conditions / restrictions;~~

OR

~~(c) will not comply with relevant planning laws for the following reasons:~~

Dated at ~~.....~~ this ^{24th} day ofApril 2011.

Signature
MARK L. CHESTER
CHIEF EXECUTIVE OFFICER

* Town Clerk, Shire Clerk or Planning Officer

SHIRE OF DARDANUP
PLANNING DEPARTMENT

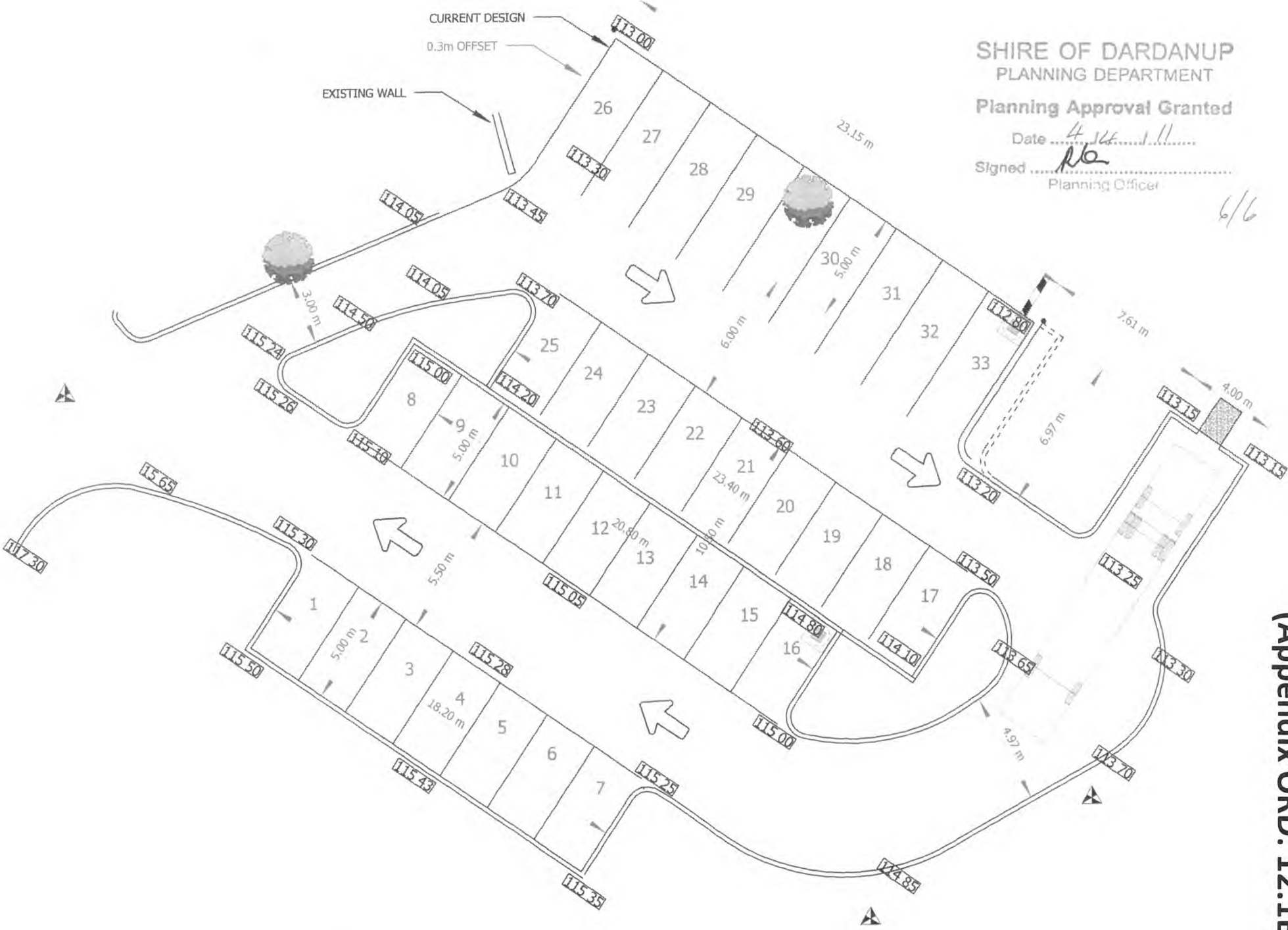
Planning Approval Granted

Date 4/16/11

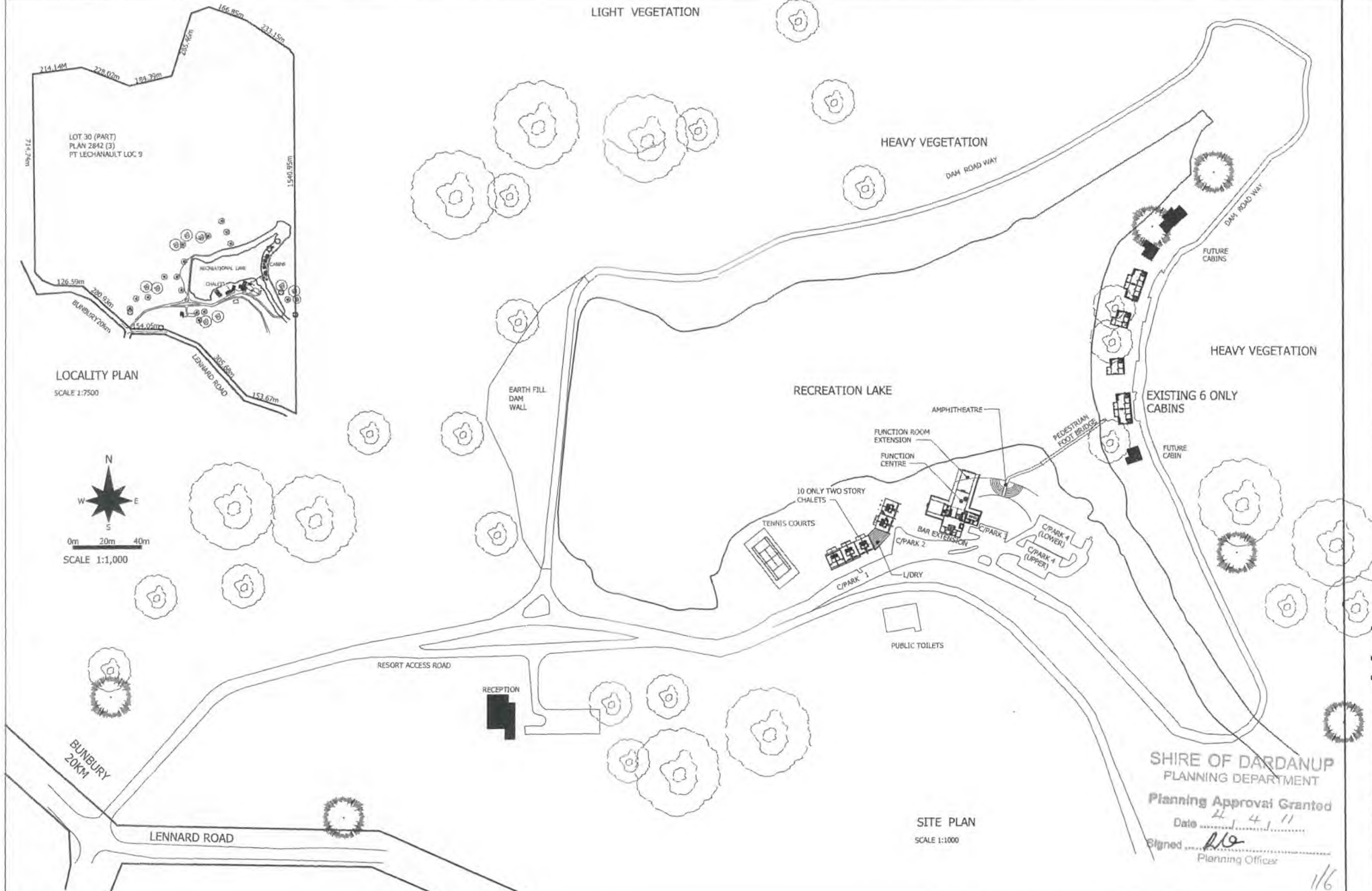
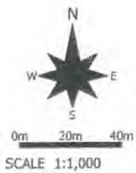
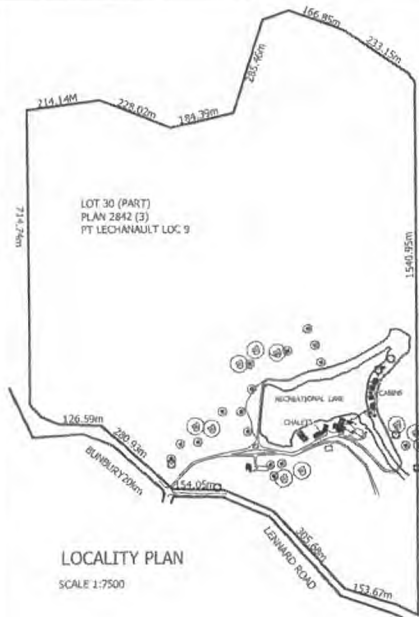
Signed *[Signature]*

Planning Officer

6/6



(Appendix ORD: 12.1B)



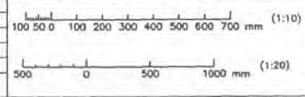
SITE PLAN
SCALE 1:1000

SHIRE OF DARDANUP
PLANNING DEPARTMENT
Planning Approval Granted
Date 22/4/11
Signed *R/O*
Planning Officer

1/6

DRAWN BY:
JWA J.A. WESTON & ASSOCIATES
1 LUMBER STREET,
BUNBURY WA 6230
PH (08) 9422 1143
"COMPUTER AIDED DESIGN & DRAFTING"

JOB No	Date	Issue / Amendment

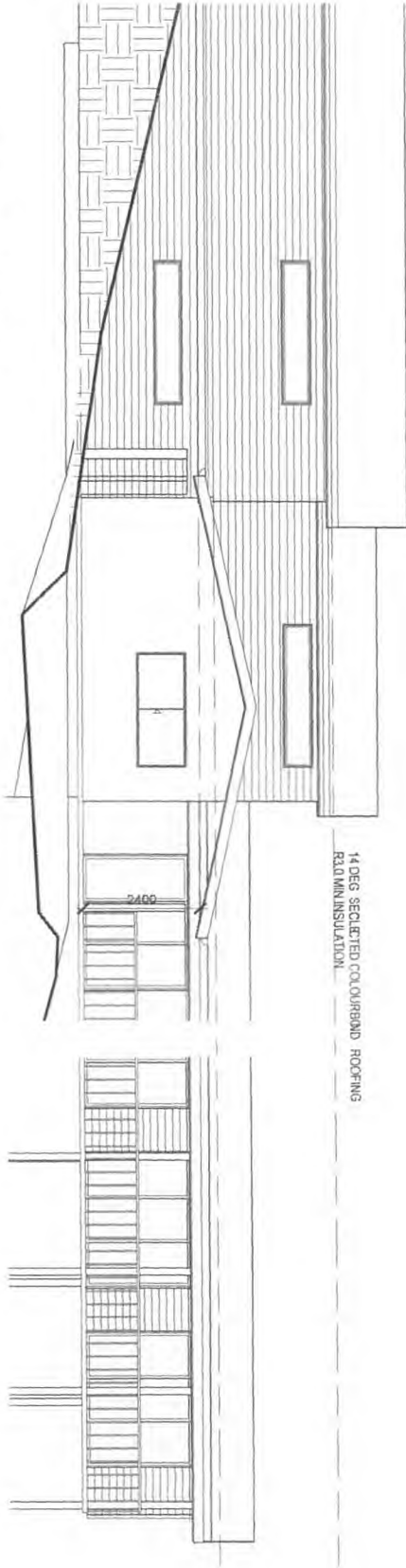


Client: _____
Drawing Title: _____
Drawing Standard: AS 1100
Notes: DO NOT SCALE

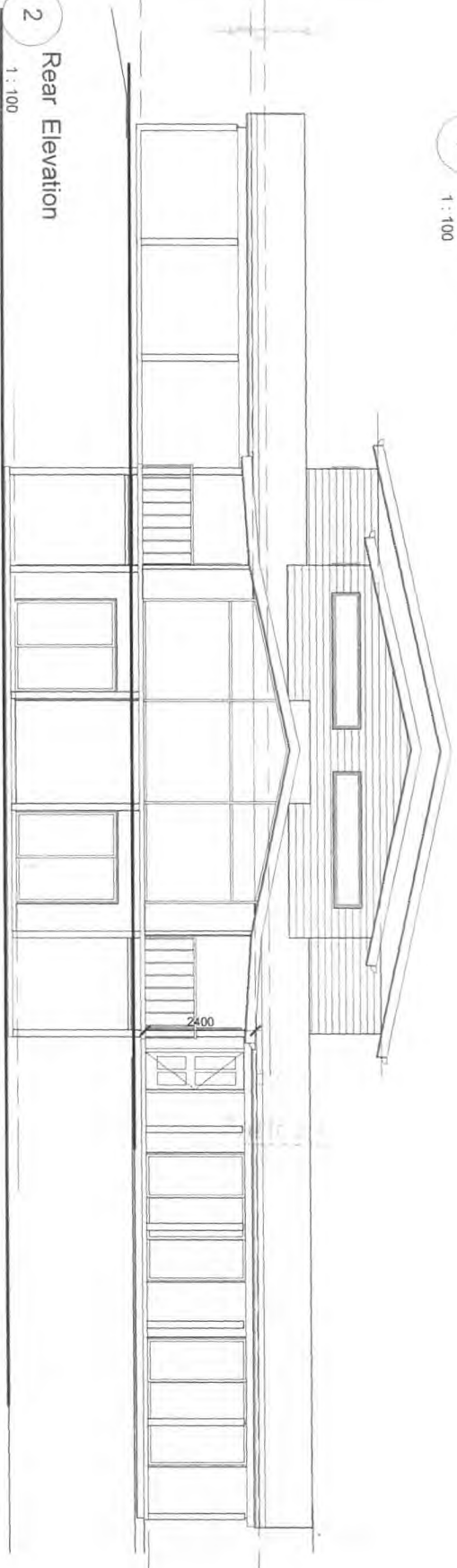
EVEDON PARK BUSH RESORT
SITE PLAN
LOT 30 (205) LENNARD RD, BUREKUP
FUNCTION ROOM & BAR EXTENSION

Drawn	J.W	Scale	AS NOTED
Date	MARCH 2011	Drawing No	2011-1-1
Approved	T.J	Sheet No	1 OF 3
Issue No		Revision	A1

Appendix ORD: 12.1B)



1 Right Elevation
1 : 100



2 Rear Elevation
1 : 100



3 Front Elevation
1 : 100

14 DEG. SELECTED COLOURBOARD ROOFING
R3.0 MIN INSULATION

2400

2400

300 2400

NEW ENTRY AT LEVEL ONE

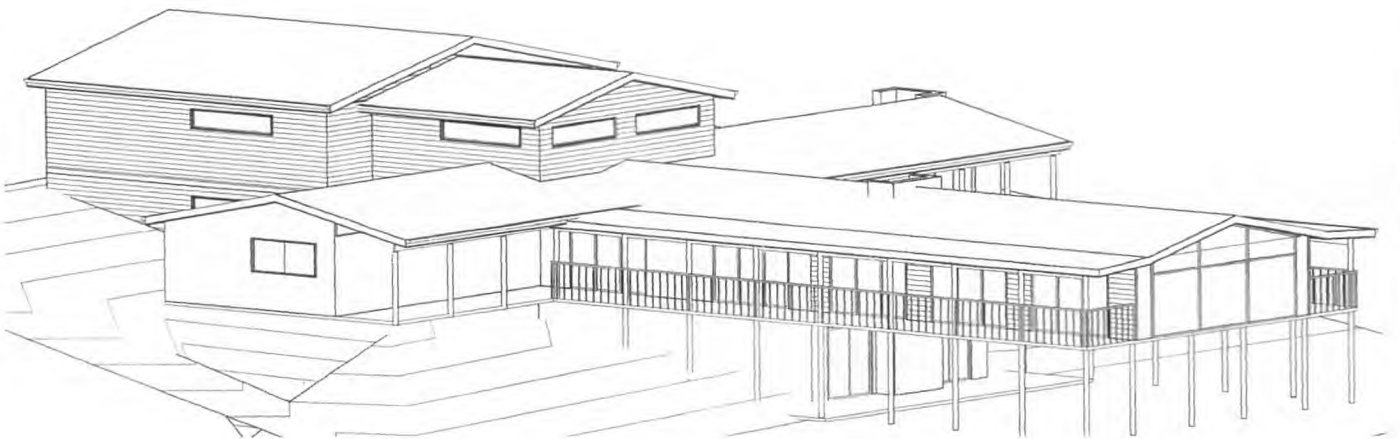
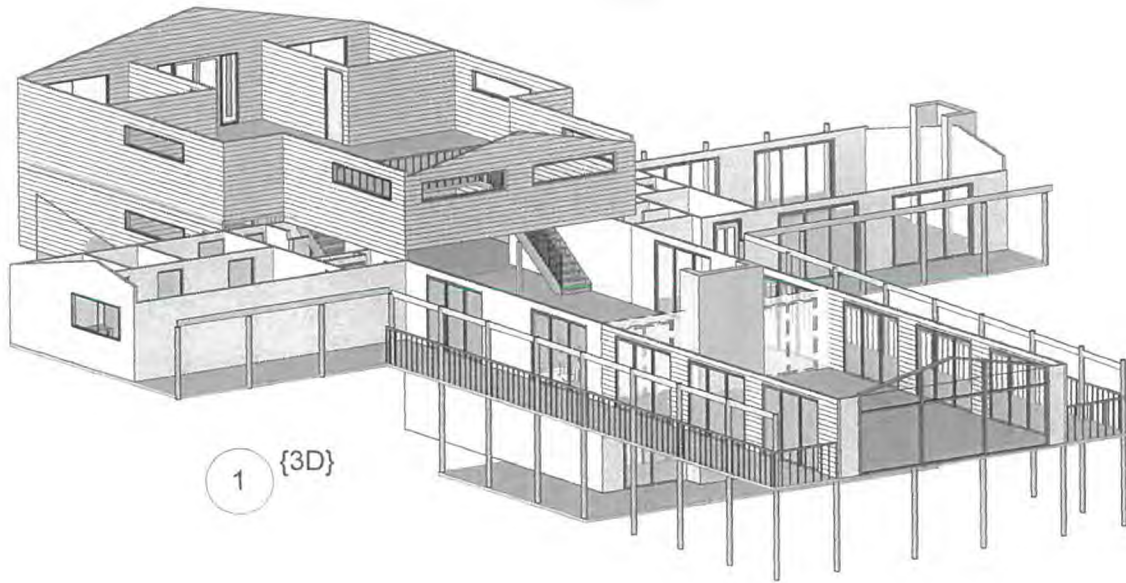
SHIRE OF DARDANUP
PLANNING DEPARTMENT
Planning Approval Granted
Date 11/11/11
Signed [Signature] Planning Officer

4/6

Proposed Extension for :
Evedon Park Bush Resort
Function Room & Bar Extension
Lot 30 Lennard Rd Burekup

DATE : 28/03/2011 14:45:48	DWG No:
FILE : C:\Data\DWG-Jenour\1165- Jenour Restaurant extension-2011.rvt	3
SCALE: AS NOTED	
DRAWN : JW	REV

J.A.WESTON & ASSOCIATES
1 LUMPER STREET
BUNBURY W.A.6230
(097) 213804
"COMPUTER AIDED DESIGN & DRAFTING"
PROJECT NUMBER 1100



2 REAR

Signed *AW* Date *21/4/11*
 Planning Approval Granted
 SHIRE OF DAKOTAH
 PLANNING DEPARTMENT

14 DEG SELECTED COLOURBOND ROOFING
 R3.0 MIN INSULATION

New construction shown
 hatched

BREAK IN ELEVATION

5/6



1 : 100



J.A. WESTON & ASSOCIATES
 1 LUMPER STREET
 BUNBURY W.A. 6230
 (097) 213804

COMPUTER AIDED DESIGN & DRAFTING

PROJECT NUMBER 1100

Proposed Extension for :
Evedon Park Bush Resort
 Function Room & Bar Extension
 Lot 30 Lennard Rd Burekup

DATE : 28/03/2011 14:46:02

FILE : C:\Data\DWG-Jenour\1165-
 Jenour Restaurant
 extension-2011.rvt
 SCALE : AS NOTED

DWG No:

DRAWN : Author

REV

4



Our ref: CHW:DXM:1162003
Contact: Craig Wallace
Direct Line: (08) 9288 6828
Email: craig.wallace@lavan.com.au

The Quadrant, 1 William Street
Perth Western Australia 6000

Tel +61 8 9288 6000
Fax +61 8 9288 6001

lavan.com.au

3 April 2019

Ms Cecilia Muller
Principal Planning Officer
Shire of Dardanup
1 Council Drive
PO Box 7016
EATON WA 6232

120

Representing
Western Australians
for 120 years

By Email: cecilia.muller@dardanup.wa.gov.au

Dear Ms Muller

Evedon Lakeside Retreat

- 1 I confirm Lavan acts for Tony Jenour, the owner and operator of Evedon Lakeside Retreat.
- 2 Further to our telephone conversation on 22 March 2019 regarding the potential development of a microbrewery at Evedon Lakeside Retreat, this letter sets out how such a development may be classified from a land use perspective.
- 3 As you are aware, Evedon Lakeside Retreat currently operates as a short stay accommodation facility with a restaurant and function centre capability. The premises are licensed under the *Liquor Control Act 1988 (WA)* as a hotel restricted venue.
- 4 The Shire previously approved this usage and issued an unconditional section 40 certificate for a hotel restricted licence on the basis that the land usage was not listed in the Town Planning Scheme.
- 5 The proposed development of the microbrewery at the premises would authorise tourists, visitors and those staying at Evedon Lakeside Retreat to consume liquor onsite as well as purchase packaged liquor for takeaway. The microbrewery would be designed to attract tourists and day trippers to come to Evedon Lakeside Retreat to try the craft beer produced onsite as part of their holiday experience. Boutique or craft breweries have become a popular tourist attractions across Western Australia and perhaps most notably in the South West, particularly through the Dunsborough and Margaret River area. For example, there is now a dedicated tour operator in

A full service Western Australian firm:

Asian Investment
Banking & Finance
Construction & Infrastructure
Corporate, Commercial & Tax

Employment & Safety
Family Law
Insolvency & Reconstruction
Intellectual Property

Liquor Licensing
Litigation & Dispute Resolution
Media & Defamation
Planning & Environment

Private Wealth
Property & Leasing
Wills & Estates

Our values:

Commitment
Integrity



Margaret River which only attends breweries.¹ Further, the best craft breweries in the region are already marketed directly on Tourism Australia's website.²

6 The proposed development of the microbrewery at Evedon Lakeside Retreat would ensure that the facility would attract significant visitation from the public, such as day trippers, rather than the premises relying solely on those persons staying at the Retreat.

7 In order for the microbrewery to attract custom from tourists, visitors and day trippers to the area, it is necessary for those people to be able to purchase the craft beer for takeaway as well. The craft beer experience is all about visiting the brewery, learning about how the particular beer is made, trying the different varieties produced and then taking some of those beers away with you for consumption at home. The takeaway component is a key part of the experience and allows people to reminisce about their experience.

8 As you will appreciate from our discussion, the land use definition for this type of facility to incorporate the existing uses and the proposed additional uses, is not defined in the relevant local planning scheme.

9 To assist in the ability for you to consider the proposal, I note from my research that this kind of facility and its tourism offering is often referred to as Agritourism. Agritourism has been defined as the act of going to a region to visit a farm or food-related business (including restaurants, markets, produce outlets or natural attractions) for enjoyment, education, or to participate in activities and events.³ A recent Deloitte article stated that Agritourism is "becoming an increasingly important sector of the Australian economy, providing direct and indirect benefits to Australian agribusinesses and regional economies."⁴ The article went on to state that key agribusiness products prominent in agritourism include "...wine, craft beer and spirits, gourmet foods..."

10 In our view the, Evedon Lakeside Retreat already operates as an agritourism business. The approval of the microbrewery will allow the applicant to enhance its agritourism offering and the microbrewery has been specifically selected for its ability to attract tourists, visitors and day trippers to the Retreat. If approved, the microbrewery would benefit other tourism related businesses nearby as visitors would likely seek out other places to attending in addition to visiting the microbrewery.

11 In light of the above, the applicant proposes to make the development application on the basis that the microbrewery constitutes an agritourism land usage. This usage is not listed in the Town Planning Scheme. The applicant would request that the Shire exercise its discretion to approve the development application.

12 Following on from the development application, the applicant would need to apply to the licensing authority for a new category of licence because a hotel restricted licence does permit the sale of packaged liquor (except for lodgers). For a variety of important reasons, it is appropriate for the entire Evedon Lakeside Retreat to

¹ <https://www.margaretriverbrewerytours.com/>

² <https://www.australia.com/en/places/perth-and-surrounds/best-craft-breweries-of-margaret-river.html>

³ Ecker S, et al, Drivers of regional agritourism and food tourism in Australia (2010)

⁴ <https://www2.deloitte.com/au/en/pages/consumer-industrial-products/articles/agritourism.html#>



operate under a single licence. Indeed, the microbrewery has been specifically designed to seamlessly fit in with the existing operations at the site. A hotel licence is the only type of licence that will allow the applicant to operate the Evedon Lakeside Retreat in the manner proposed.

13 As you would be aware, a liquor licence application is required to be accompanied by an unconditional section 40 certificate from the local government confirming that the proposed usage complies with the local planning scheme. With respect to this application, the land on which the microbrewery is proposed to be situated is zoned as General Farming. Regrettably, a hotel usage is not permitted on land zoned as General Farming.

14 However, the applicant is seeking to have agritourism as the approved usage for the site. The grant of a hotel licence will not alter the proposed usage. The premises will not operate as a hotel in the traditional sense, however, a hotel liquor licence is required in order to operate the facility in the manner proposed.

Summary

15 The applicant seeks the Shire's comment as the proposed way forward, namely:

- 15.1 that a development application be submitted listing agritourism as the proposed land usage;
- 15.2 the Shire's willingness to exercise its discretion to approve this usage and the construction of the microbrewery at the Evedon Lakeside Retreat;
- 15.3 the Shire's willingness to exercise its discretion and issue an unconditional section 40 certificate confirming that a hotel licence may be granted for the Evedon Lakeside Retreat.

16 I look forward to hearing from you.

17 Please do not hesitate to contact me if you have any queries regarding the above.

Kind regards

A handwritten signature in black ink, appearing to read "Craig Wallace".

Craig Wallace
Partner

Please notify us if this communication has been sent to you by mistake. If it has been, any privilege between solicitor and client is not waived or lost and you are not entitled to use it in any way.



LUSH FIRE & PLANNING
3 Paterson Road
PINJARRA WA 6208
ABN 74 232 678 543
0418 954873

Our Ref 18-073

Mr T Jenour
Evedon Park Bush Resort Pty Ltd
205 Lennard Road
Burekup WA 6227

Dear Sir

Re Microbrewery - Evedon Park

I refer to your inquiry regarding the need for a Bushfire Attack Level (BAL) Assessment for the proposed microbrewery at Evedon Park resort.

The requirement for this is contained in Schedule 2 Part 10A of the Planning and Development (Local Planning Schemes) Regulations 2015. Planning Bulletin 111/2016 Planning in Bushfire Prone Areas also gives guidance to the interpretation and implementation of the provisions.

It is noted that the proposal

- A 106 sqm addition to the existing function centre; and
- The development is subject to Liquor Licence 6050123555 which provides for a maximum of 200 patrons on the site. There will not be any increase in the number of patrons for the microbrewery.

The proposed development site is also partially designated as being bushfire prone as shown on the attached plan.

Clause 78D of the Regulations requires that a developer must prepare a bushfire attack level assessment for the development site if the development site is in a bushfire prone area.

Clause 78B relates to the application of Part 10A to development. It states that this Part does not apply to development unless the development is:

- (b) the construction or use, or construction and use, of a habitable building.

A "habitable building" means a permanent or temporary structure on land that —

- (a) is fully or partially enclosed; and
- (b) has at least one wall of solid material and a roof of solid material; and
- (c) is used for a purpose that involves the use of the interior of the structure by people for living, working, studying or being **entertained**.

On the basis that the development site is bushfire prone and the proposed development can be defined as being a habitable building; a BAL Assessment would be required.

However please note that Clause 78B specifically refers to "construction" which is separately defined in Part 10A as including the erection, assembly or placement of a building **but does not include** the renovation, alteration, **extension**, improvement or repair of a building.

As the proposed microbrewery is an extension of the existing building, then BAL Assessment is required under Part 10A of the Regulations.

I also provide the following comments to support this view.

Purpose of the BAL Assessment

Clause 78D(3) requires that where the development site has BAL - 40 or BAL - Flame Zone rating then a development approval is to be obtained.

When the BAL Assessment is undertaken on undeveloped land with existing vegetation, then the site is likely to have a BAL - 40 or BAL - Flame Zone rating. The important issue is the extent of the proposed clearing and the BAL rating for the final development.

If a development application is already being lodged then the initial BAL Assessment does not serve any purpose.

Intensification of the Land Use

As the proposal is maintaining the current limit on the number of patrons at the facility it can be argued that there is no intensification of the land use. Planning Bulletin 111/2016 states that if the proposal does not result in the intensification of development (or land use), does not result in an increase of residents or employees; or does not involve the occupation of employees on site for any considerable amount of time, then there may not be any practicable reason to require a BAL Assessment.

AS3959 Construction Standards

The primary purpose of a BAL Assessment is to assign the BAL rating for the construction of the building. The applicable construction standards are provided for in AS3959 Construction of Buildings in Bushfire Prone Areas. AS3959 provides measures for improving the ability of buildings to withstand burning debris, radiant heat and flame contact during a bush fire.

The National Construction Code (Building Regulations 2012) only applies the AS3959 Construction Standards to Class 1, 2 or 3 buildings or associated Class 10a buildings i.e. dwellings and outbuildings. There is no ability through the building permit process to impose these standards to other building classes.

As the proposed microbrewery is not a Class 1, 2 or 3 building then the AS3959 construction standards are not applicable.

Existing Bushfire Management Plan

It is noted that a bushfire management plan has been prepared for the existing development and this includes a requirement for all buildings to have a 20m wide building protection zone.

State Planning Policy SPP3.7 Planning in Bushfire Prone Areas

SPP3.7 Planning in Bushfire Prone Areas has four key objectives and Council is required to have "due regard" to these when considering any development application.

The objectives of the policy are to:

- 5.1 Avoid any increase in the threat of bushfire to people, property and infrastructure. The preservation of life and the management of bushfire impact are paramount.

As indicated the land use is not intensifying as there is no increase in the number of patrons. The overarching policy intent for Planning in Bushfire Prone Areas is to avoid development with a BAL-40/FZ rating. As shown on the attached aerial plan the access driveway and car parking area above the development site already provide a de facto asset protection zone. A BAL-29 rating for Class A Forest vegetation upslope from the development is achieved with a 21m setback while downslope it is 27m.

- 5.2 Reduce vulnerability to bushfire through the identification and consideration of bushfire risks in decision-making at all stages of the planning and development process.

The bushfire risks have been documented in the existing bushfire management plan. As there is no intensification of the land use the level of risk is not increasing.

- 5.3 Ensure that higher order strategic planning documents, strategic planning proposals, subdivision and development applications take into account bushfire protection requirements and include specified bushfire protection measures.

This has already occurred through the preparation of the existing bushfire management plan.

- 5.4 Achieve an appropriate balance between bushfire risk management measures and, biodiversity conservation values, environmental protection and biodiversity management and landscape amenity, with consideration of the potential impacts of climate change.

The development site is already cleared and the only impact would be the possible removal or pruning of trees within the 20m asset protection zone.

Conclusion

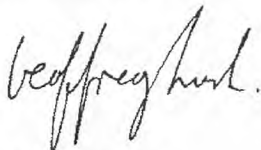
The proposed microbrewery is an extension to the existing building and no BAL Assessment is required for this under the Local Planning Schemes Regulations 2015. In considering the development application, the Shire may request that a bushfire assessment be undertaken. Any such assessment should contain a level of detail appropriate to the nature and scale of the proposal recognising that:

- There is no intensification of the land use; and
- There is an existing bushfire management plan for the development.

If it is considered necessary to update the existing bushfire management plan or to prepare an emergency evacuation plan, then this should be as a condition of development approval.

If you have any queries regarding this matter, please do not hesitate to contact me on 0418954873 or email geoffrey@lushfire.com.au

Yours faithfully



Geoffrey Lush

17 January 2019





Proposed Development Site



Proposed Development Site



Bushfire Prone Land 2018