

Williams Consulting- Town Planning and Project Management

0418 116 216 samwilliams@westnet.com.au PO Box 69, Denmark WA 6333

28 March 2019

The Chief Executive Officer
Shire of Denmark
PO Box 183
DENMARK WA , 6333

Dear Sir,

DEVELOPMENT APPLICATION FOR ADDITIONAL USE CLASS TO APPROVED MIXED USE DEVELOPMENT- GABLES DEVELOPMENT STRICKLAND STREET, DENMARK WA

This Development Application is seeking an additional use class of Holiday Accommodation to the approved Mixed Use Development on Unit 3 Lot 101 Strickland Street, Units 1 and 3 Lot 102 Strickland Street and the approved commercial units on Lots 103 and 104 Strickland Street (the site), lodged on behalf of my client's Mr Robertson, Mr and Mrs Hazelden and Mr and Mrs Laurie.

The application comprises:

- A completed Application for Development Approval Form;
- A copy of the relevant *Certificate of Titles*;
- A Site Plan;
- Location Plan for Holiday Accommodation Use Class;
- Acknowledge of cost of \$295, which is the fee for an additional use class application (to be paid via credit card).

BACKGROUND

The site comprising this application is located within the "Gables" development, which was approved by Council at their meeting on the 12 April 2016 (resolution number 060416). Development approval was granted over parent title Lot 200 Strickland Street. The parent title has been subdivided into four green title lots (Lots 101, 102, 103 and 104 Strickland Street). Within green title Lots 101 and 102 there have been 8 built strata structures created. Lots 103 and 104 remain as vacant green title lots.

SITE DESCRIPTION AND CURRENT LAND USE ACTIVITIES

The site is zoned "Commercial" under the Shire of Denmark's Town Planning Scheme No.3 (TPS3) and currently comprises 4 constructed residential units (the top floor) and 4 constructed commercial units (the bottom floor) on Lots 101 and 102. The vacant green title Lots 103 and 104 have development approval for four residential units and four commercial units.

The landholding(s) applicable to this application and the currently approved use classes are as follows:

Land Identification	Owner	Permitted Use Class
Unit 3 on Parent Title Lot 101	Mr and Mrs Hazelden	Office/Shop
Units 1 and 3 of Parent Title Lot 102	Mr and Mrs Laurie	Office/Shop
Green Title Lots 103 and 104	Mr Robertson	Office/Shop (ground floor) Residential (first floor)

The three constructed commercial units comprising this application are currently vacant. The owners are actively seeking to lease the commercial floor space, however, given the surplus of commercial floor space within the Denmark town site they are currently unable to tenant the floor space.

Of the four constructed Residential units, one is actively used for Holiday Accommodation and two have been granted development approval for Holiday Accommodation.

PROPOSED USE CLASS

This application seeks approval for an additional use class of Holiday Accommodation for the site (refer attached Ground Floor Plan Layout). The Holiday Accommodation use class is justified given the following:

- The three subject constructed commercial units have been actively marketed for lease for an office or shop for the past year. There has been no interest received during the leasing period and hence they are vacant.

- One of Denmark's primary industries is tourism, with tourist accommodation playing an important role in facilitating this industry. The existing residential unit, used for holiday accommodation, has an occupancy rate of 50%. This demonstrates the demand for tourist accommodation in this location.

- Vacant commercial floor space in a highly visible location in town does not provide confidence for people to monetarily invest in the Denmark town site.

- The vacant building site comprising Lots 103 and 104 is not aesthetically pleasing in this highly visible location of town.

Providing Holiday Accommodation as an additional use class for the site will enable the currently vacant commercial units to be occupied and encourage the sale and construction of the proposed commercial units and residential.

In providing for Holiday Accommodation, it is acknowledged the existing units will require retrofitting to meet appropriate building codes. This will be addressed via the Shire of Denmark Building Department.

USE CLASS PERMISSIBILITY AND DEFINITION

Under TPS 3, Holiday Accommodation is an "AA" use within the Commercial zoning. This enables Council, at its discretion, to approve Holiday Accommodation within the Commercial zone.

The definition of Holiday Accommodation within TPS 3 is as follows:

..means one or more dwellings on one lot which by way of trade or business, are made available for occupation by persons other than the proprietor for holiday purposes and includes those premises known as bed and breakfast but does not include a dwelling that is used as a rental property for tenanting for residential accommodation.

LOCAL PLANNING POLICY 31- COMMERCIAL STRATEGY

The Shire's Commercial Strategy (LPP31) provides a series of objectives and broad development standards which seek to guide commercial growth within Denmark. Key recommendations of LPP31 applicable to this Development Application are as follows:

"Encourage redevelopment and infill of existing Commercial zoned land.

Encourage mixed use development throughout the CBD"

As the current use class of Shop and Office for the subject site is not encouraging redevelopment and infill of existing commercial land (i.e. vacant green title Lots 103 and 104) and there are unfilled vacancies within the constructed commercial units, the select recommendations of LPP 31 are not being met. By providing Holiday Accommodation as an additional use class for the ground floor commercial units it will encourage the redevelopment of the Commercial zoned land of Lot 103 and 104 and provide an overall Mixed Use development of the Gables and hence complement LPP 31.

CAR PARKING

Within TPS3, there are no specific car-parking requirements for Holiday Accommodation within the Commercial zone. It is understood in approving Holiday Accommodation uses for three of the existing Residential Units within the Gables development, the Shire assessed this against a chalet development. Chalet developments limits the number of people to 6 occupants and requires the provision of 1 car parking bay per unit /chalet.

In approving the current commercial units there was a requirement of 1 bay per 40m² of GLA, which based on the floor area of the 8 commercial units necessitated 12 bays to be provided for the use of Shop/Office. As this Development Application is seeking the use of Holiday Accommodation for 7 commercial units (i.e. the site comprising this application), there is a parking requirement for 7 car parking bays only. Given the Shop/Office provided for 12 car parking bays for 8 commercial units there is sufficient parking allocated for the Holiday Accommodation use class.

SERVICING

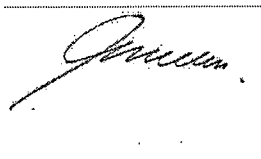
Resultant from the Holiday Accommodation use class, there will be no additional servicing requirements from that currently provided on site.

CONCLUSION

This application for an additional Use Class on the site is sought to enable the ground floor commercial units of the "Gables" development to be used for Holiday Accommodation. This will help to facilitate the commercial diversity required to enable the activation of currently vacant commercial units and the pre-sales required on the vacant green title lots.

Accordingly, based on the above, the Shire's consideration and approval of the proposed use class is respectfully requested. Should you have any queries in relation to the above, or require any additional information, please do not hesitate to contact the undersigned.

Yours faithfully



Sam Williams
Town Planner

ACCOMMODATION
HOLIDAY HOME - PROPERTY MANAGEMENT PLAN

PROPERTY ADDRESS: Units 1+3, No. 3A Strickland Street, Denmark
WA.

PROPERTY MANAGER DETAILS:

Name: LEANNE LAURIE
Address: 104 OCEAN BEACH ROAD DENMARK WA 6333
Telephone Number: 0427 483604
Email: laurietribe@westnet.com.au

The nominated Property Manager will:

- Have day-to-day management of the holiday home;
- Specifically respond to complaints pertaining to guest behaviour made before 1am, within a two hour timeframe;
- In relation to any other complaints, respond within a reasonable timeframe but within 24 hours.

DETAILS OF RESERVATIONS ARRANGEMENTS (please tick all applicable):

Internet (please specify) AIR BNB BOOKING.COM
Denmark Visitor Centre
Property Manager SELF
Other (please specify) _____

DUTIES OF PROPERTY MANAGER

- Supply, readily visible in the kitchen or living area of the home, the Code of Conduct, the Property Management Plan and the Fire and Emergency Plan (including the Fire Evacuation Route);
- Liaise with tenants for the occupancy and vacation of the premises;
- Ensure the correct maximum number of people are staying overnight in accordance with planning approval conditions;
- Ensure the premises are registered with the Shire of Denmark as a Holiday Home provider;
- Ensure guests are aware of the Code of Conduct;
- Ensure guests are aware of the Fire and Emergency Plan;
- Maintain a register of all people who utilise the premises, available for inspection by the Shire of Denmark upon request;
- Ensure the premises are clean and maintained to a high standard;
- Ensure bed linen is clean and replaced upon tenant vacation; and
- Ensure rubbish and recycling bins are put out and collected as required.

NOTE: Should the property not have access to Council waste collection services, please provide details of how waste shall be disposed of: WASTE MANAGEMENT PLAN.

HOLIDAY HOME - CODE OF CONDUCT

PROPERTY ADDRESS: 1+3, 3A Strickland Street, Denmark.

The following Code of Conduct governs tenant behaviour and use of the property. The tenant agrees to follow the guidelines below, for themselves and any visitors they allow at the property:

TENANTS: A responsible adult (over 18 years of age) shall be on site at all times when children are present. No unauthorised people are permitted to stay overnight.

NOISE AND NUISANCE: The tenants agree not to cause or permit nuisance at the property. This includes excessive noise, disruptive or anti-social behaviour. Noise should generally cease after 9pm Sunday through Thursday and 10pm Friday and Saturday.

VEHICLE PARKING: The tenants agree to use the parking spaces provided and not to park on lawn or garden areas on the property, or on the street verge or street itself outside the property. The guests agree not to park any additional vehicles on the property in excess of the parking spaces provided.

SHIRE REGULATIONS: The tenants agree to all Shire regulations, including noise and fire limitations.

PREMISE CONDITION AND CLEANLINESS: The tenants agree to leave the premise in a clean and tidy condition upon vacating, with all fittings and chattels in their original condition and position at the beginning of stay. Tenants are to advise the Property Manager of any damage or disrepair within 24 hours of this occurring. Any damage repairs or excessive cleaning that is attributable to the tenants stay will be paid for by the tenants.

FIRES: The tenants agree not to allow any candles, open fires or similar burn unsupervised within the premise. No open fires are permitted outside at any time. Barbeque facilities may be provided and used in a safe manner.

RUBBISH DISPOSAL: The guests agree to contain all their rubbish in the bins provided. Tenants are responsible for the putting out and collection of the bins where their stay coincides with collection days.

Your collection day is: N/A

KEYS: At the end of the agreed tenancy, tenants agree to lock the premise, close all windows and return the keys to the Property Manager. Any lost or damaged keys will be replaced at the tenant's expense.

TERMINATION OF ACCOMMODATION: If tenants are found to have contravened any of the above Code of Conduct responsibilities a verbal warning will be issued. If the contravention is not rectified immediately the accommodation booking may be terminated with 2 hours' notice at the Property Manager's discretion. No refunds will be made.

HOLIDAY HOME - FIRE AND EMERGENCY PLAN

PROPERTY ADDRESS: 1+3, 3A Stridcland Street, Denmark.

EMERGENCY CONTACT DETAILS

FOR ALL EMERGENCIES DIAL 000

Property Manager: 0427483604

Denmark Police: 9848 0500

Shire of Denmark: 9848 0300

Denmark Hospital: 9848 0600

EMERGENCY INFORMATION

In the event of a fire or emergency, evacuation information may be broadcast or available from the following sources:

ABC Radio: 630AM

DFES: www.dfes.wa.gov.au/
132 500 for SES emergency assistance
13 DFES (13 33 37) for emergency information

Shire of Denmark: www.denmark.wa.gov.au

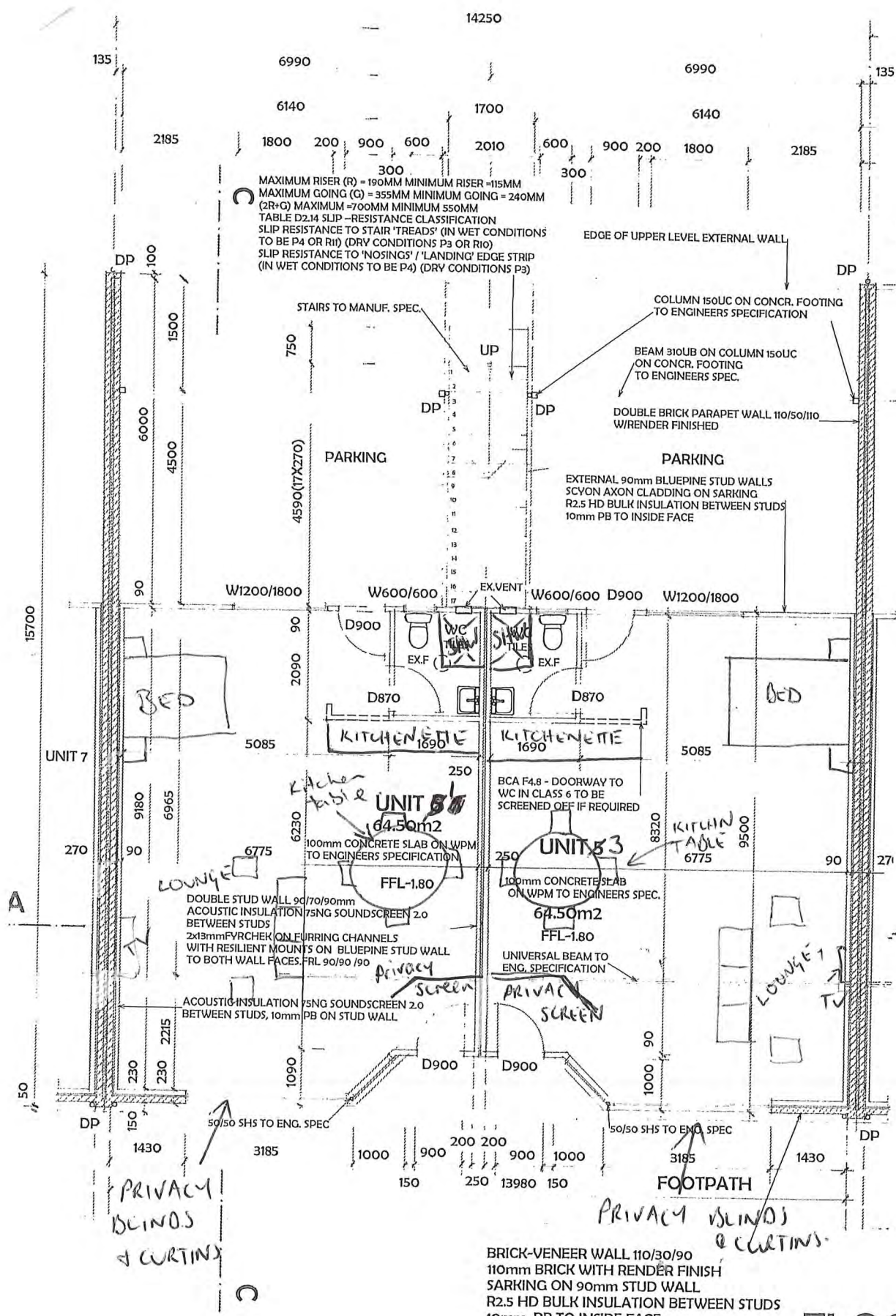
HOLIDAY HOME - FIRE EVACUATION ROUTE

*Attach map of the locality clearly showing the nearest Emergency Evacuation Point for the property and the primary route for evacuating the area – noting that this route must lead to a **main arterial road**.*

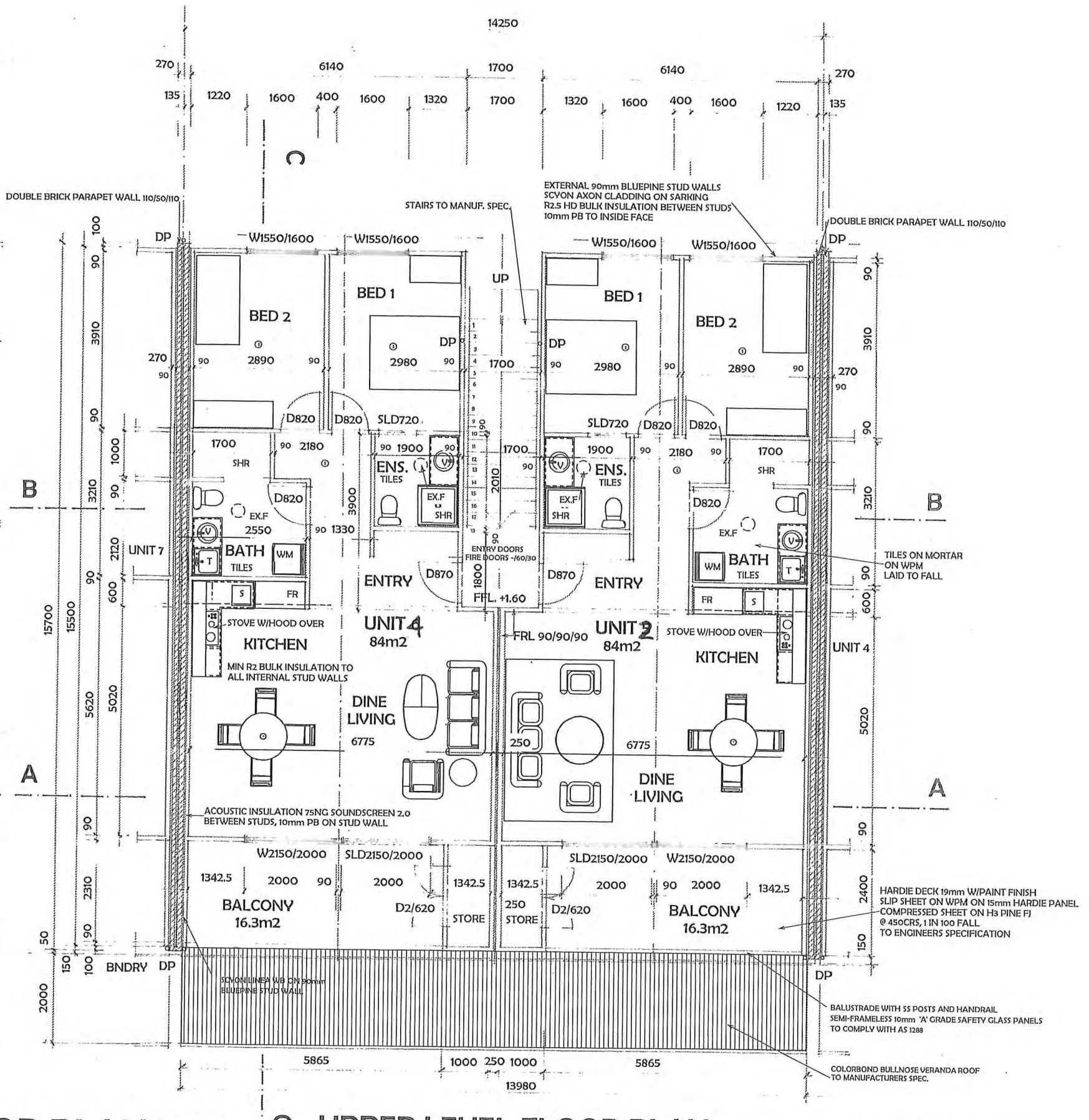
HOLIDAY HOME – FLOOR PLAN OF PREMISES

Attach floor plan of the dwelling showing the following:

- *Hardwired smoke alarms (required in all bedrooms and passageways)*
- *Fire blanket (in kitchen)*
- *Exit lighting in the paths of exit*
- *Fire extinguishers*
- *External taps/garden hose locations*
- *'You Are Here' symbol.*



GROUND FLOOR PLAN



UPPER LEVEL FLOOR PLAN

FLOOR PLAN 1:100
STAGE 3

CONFIRM ANY TERMITE TREATMENT (NOTICE IN METER BOX OR CERTIFICATE)

ALL DIMENSION ARE TO BE CHECKED ON SITE PRIOR TO COMMENCEMENT OF CONSTRUCTION OR FABRICATION ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE LATEST AUSTRALIAN STANDARDS INCLUDING AMENDMENTS

PROPOSED MIXED-USE DEVELOPMENT LOT 200, STAGE 2 AND 3 UNIT 3 TO 6 CNR. STRICKLAND AND NORTH STREET SHIRE OF DENMARK GRAEME ROBERTSON PO BOX 140 CLAREMONT WA 6910

HERMANN FEHR DESIGN 6/03/2017, 23/03/2017, REV. 10/04/2017, 15/04/2017 37 STRICKLAND STREET DENMARK WA 6333

PRINT SIZE A3 DRAWING NUMBER 3

UNITS 1+3
LAYOUT PLAN

10R161143084
DA 2016

2016/179

Shire of Denmark
Planning Consent
APPROVED / REFUSED

These Plans are approved subject to the conditions contained in Appendix V

These Plans are refused for the reasons contained in Appendix V

Director of Planning & Sustainability
24/11/16
Date

NORTH STREET



Carparking was subject to further assessment - Superseded as part of this approval

LOT 200
1641m²

Delete Bays 11-13

26 CAR PARKING BAYS

Clear area for access to loading bay

Loading bay

Refer Advice Note d)

LOT 4
477.25m²

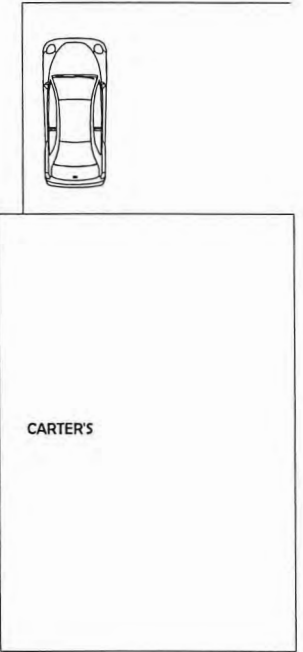
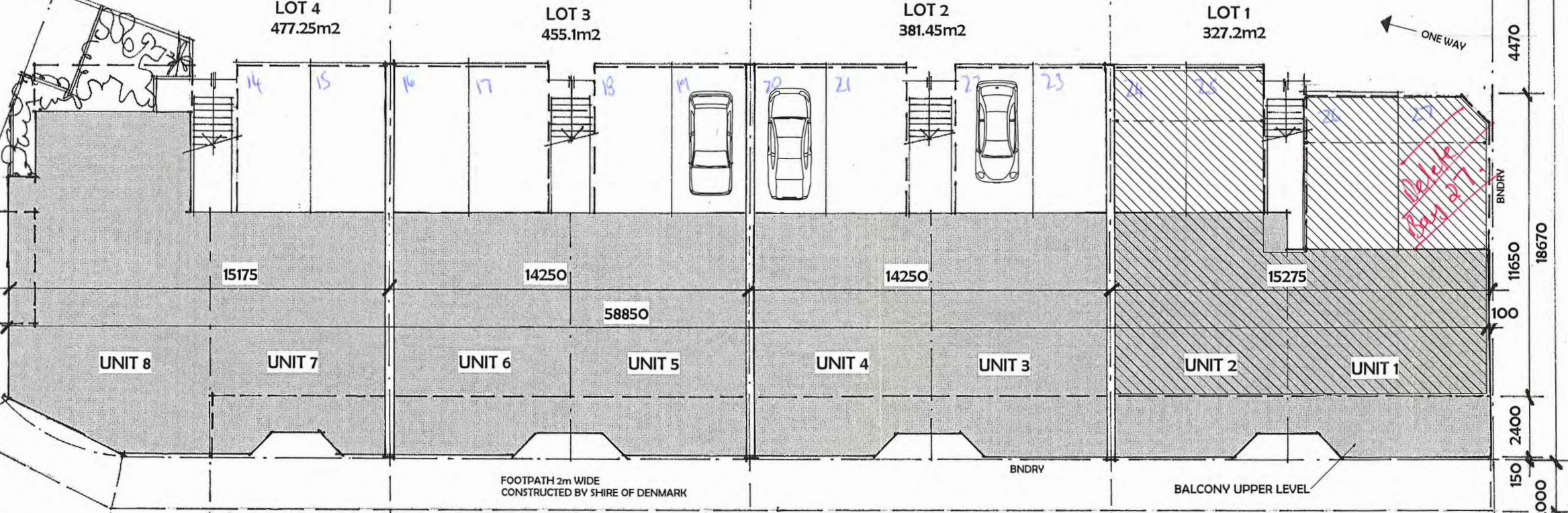
LOT 3
455.1m²

LOT 2
381.45m²

LOT 1
327.2m²

ONE WAY

ONE WAY



20 August 2019 - Attachment 8.1.4b

RECEIVED
11 NOV 2016

SITE PLAN 1:200
OFFICE COPY

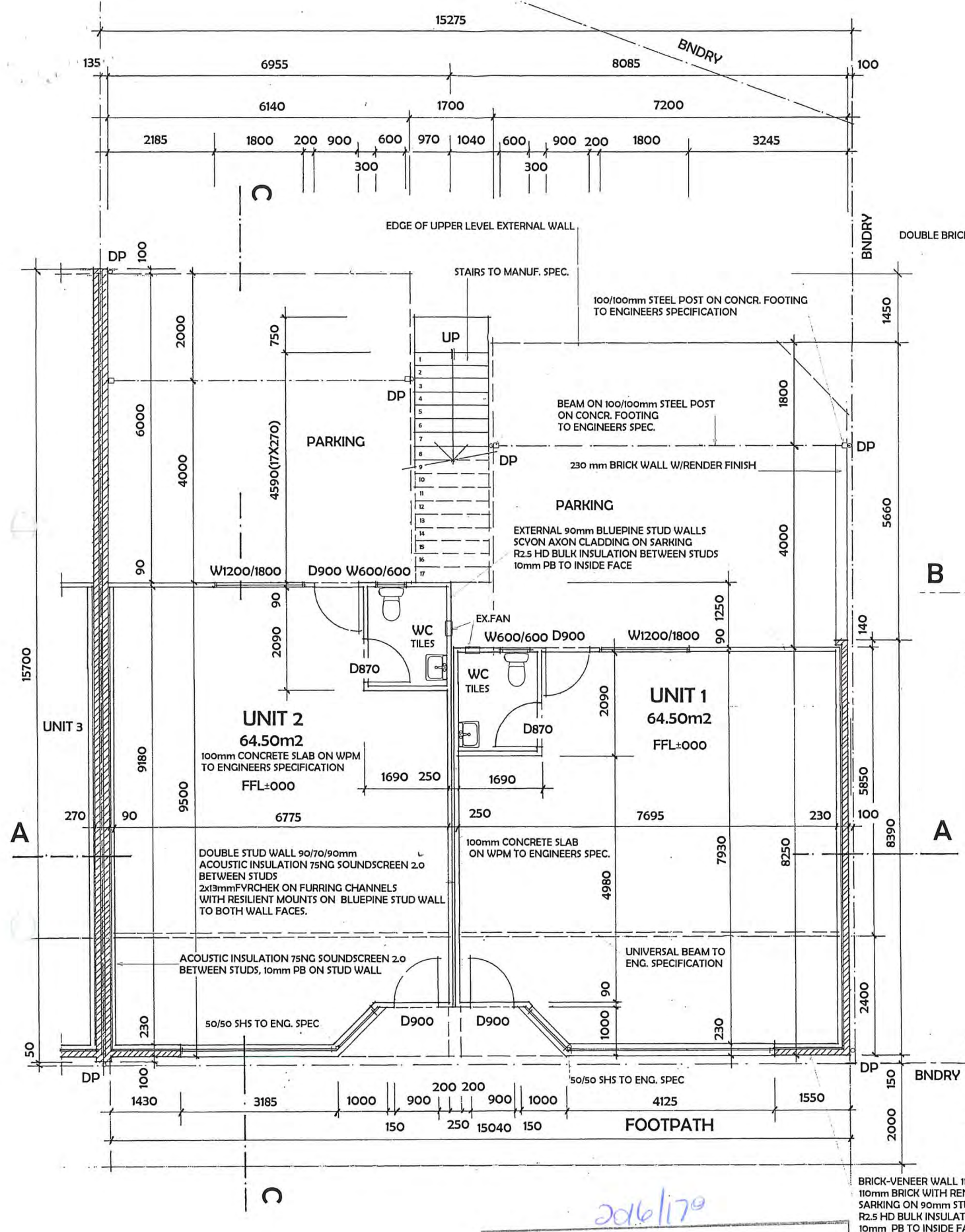
STRICKLAND STREET

PROPOSED MIXED-USE DEVELOPMENT LOT 200, STAGE 1 UNIT 1 AND 2
CNR. STRICKLAND AND NORTH STREET SHIRE OF DENMARK
GRAEME ROBERTSON PO BOX 140 CLAREMONT 6910

HERMANN FEHR DESIGN 27/10/2016, 3/11/2016, 5/11/2016
37 STRICKLAND STREET DENMARK WA 6333

PRINT SIZE A3 DRAWING NUMBER 1

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GROUND FLOOR PLAN

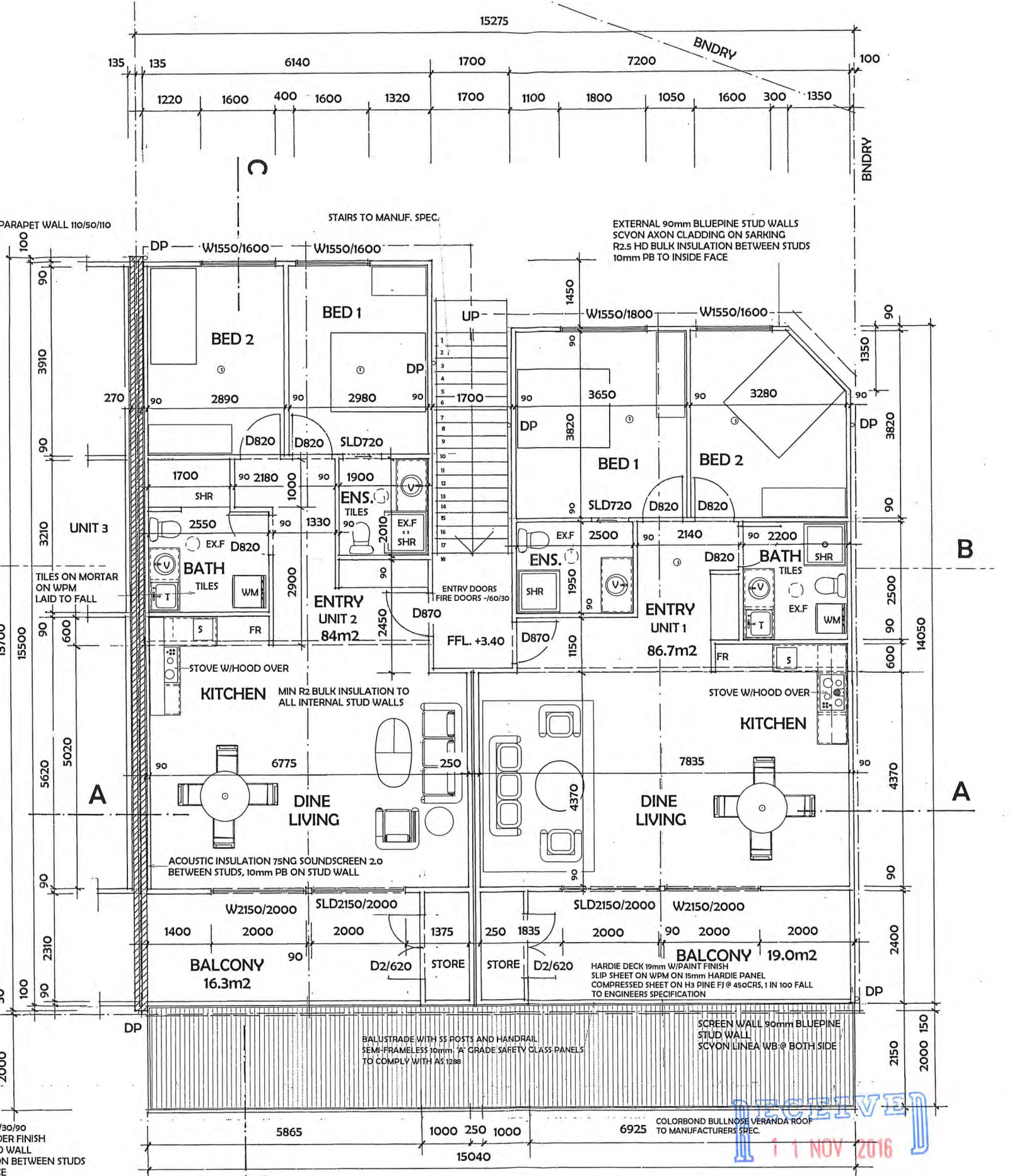
20/6/17

Shire of Denmark
 Planning Consent
APPROVED / REFUSED

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Director of Planning & Sustainability
 Date: 24/11/16



UPPER LEVEL FLOOR PLAN

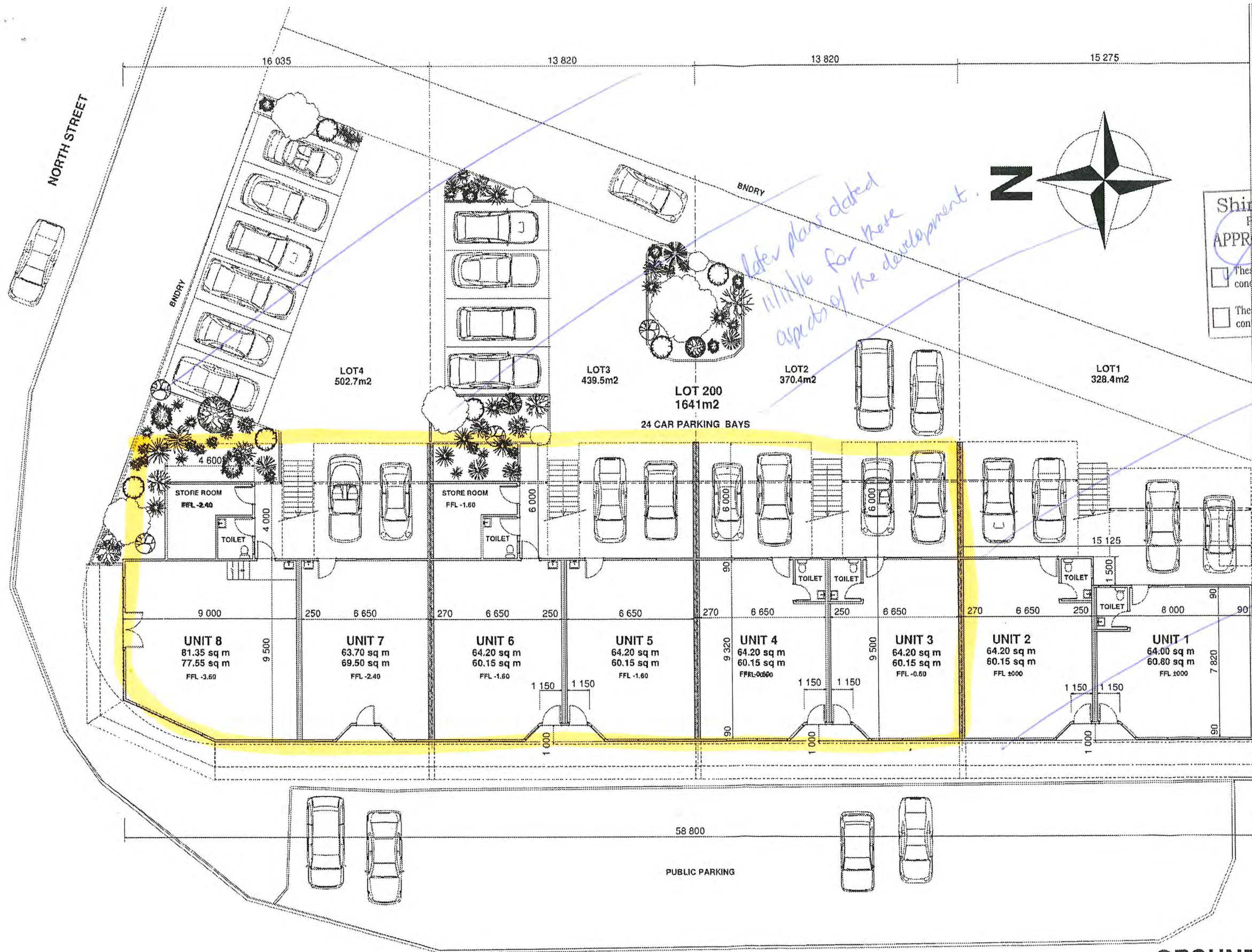
FLOOR PLAN 1:100

PROPOSED MIXED-USE DEVELOPMENT LOT 200, STAGE 1 UNIT 1 AND 2
 CNR. STRICKLAND AND NORTH STREET SHIRE OF DENMARK
 GRAEME ROBERTSON PO BOX 140 CLAREMONT 6910

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HERMANN FEHR DESIGN 27/10/2016, 3/11/2016, 5/11/2016
 37 STRICKLAND STREET DENMARK WA 6333
 PRINT SIZE A3 DRAWING NUMBER 2





Refer plans dated 11/11/16 for more aspects of the development.



2016/173

Shire of Denmark
 Planning Consent
APPROVED / REFUSED

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These Plans are refused for the reasons contained in Appendix V

Director of Planning & Sustainability
 24/11/16
 Date

R.O.W
 6 050
 8 000

Redd 24/11/2015

GROUND FLOOR PLAN 1:200

ALL DIMENSION ARE TO BE CHECKED ON SITE PRIOR TO COMMENCEMENT OF CONSTRUCTION OR FABRICATION
 ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE LATEST AUSTRALIAN STANDARDS INCLUDING AMENDMENTS

PROPOSED MIXED-USE DEVELOPMENT LOT 200
 CNR. STRICKLAND AND NORTH STREET SHIRE OF DENMARK
 GRAEME ROBERTSON PO BOX 140 CLAREMONT 6910

STRICKLAND STREET

58 800

PUBLIC PARKING

LOT4
502.7m2

LOT3
439.5m2

LOT 200
1641m2

LOT2
370.4m2

LOT1
328.4m2

24 CAR PARKING BAYS

STORE ROOM
RFL -2.40

STORE ROOM
FFL -1.60

UNIT 8
81.35 sq m
77.55 sq m
FFL -3.60

UNIT 7
63.70 sq m
69.50 sq m
FFL -2.40

UNIT 6
64.20 sq m
60.15 sq m
FFL -1.60

UNIT 5
64.20 sq m
60.15 sq m
FFL -1.60

UNIT 4
64.20 sq m
60.15 sq m
FFL -0.60

UNIT 3
64.20 sq m
60.15 sq m
FFL -0.60

UNIT 2
64.20 sq m
60.15 sq m
FFL 0.00

UNIT 1
64.00 sq m
60.80 sq m
FFL 0.00

TOILET

TOILET

TOILET

TOILET

TOILET

TOILET

TOILET

TOILET

TOILET

BNDRY

BNDRY

NORTH STREET

16 035

13 820

13 820

15 275

4 600

6 000

6 000

6 000

6 000

6 000

15 125

9 000

250

6 650

270

6 650

250

6 650

270

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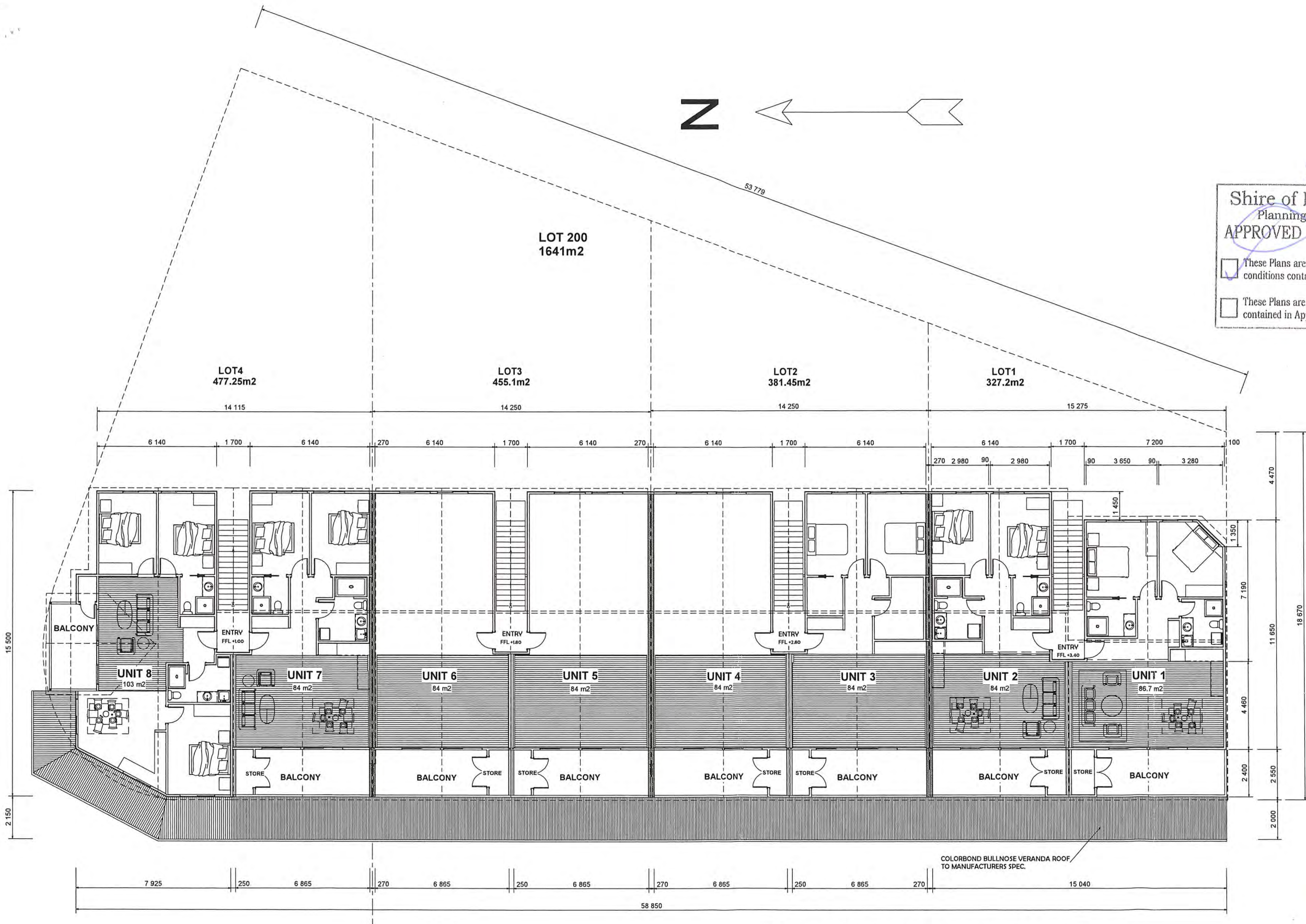
206/178

Shire of Denmark
 Planning Consent
APPROVED / REFUSED

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Director of Planning & Sustainability
 24/1/16
 Date

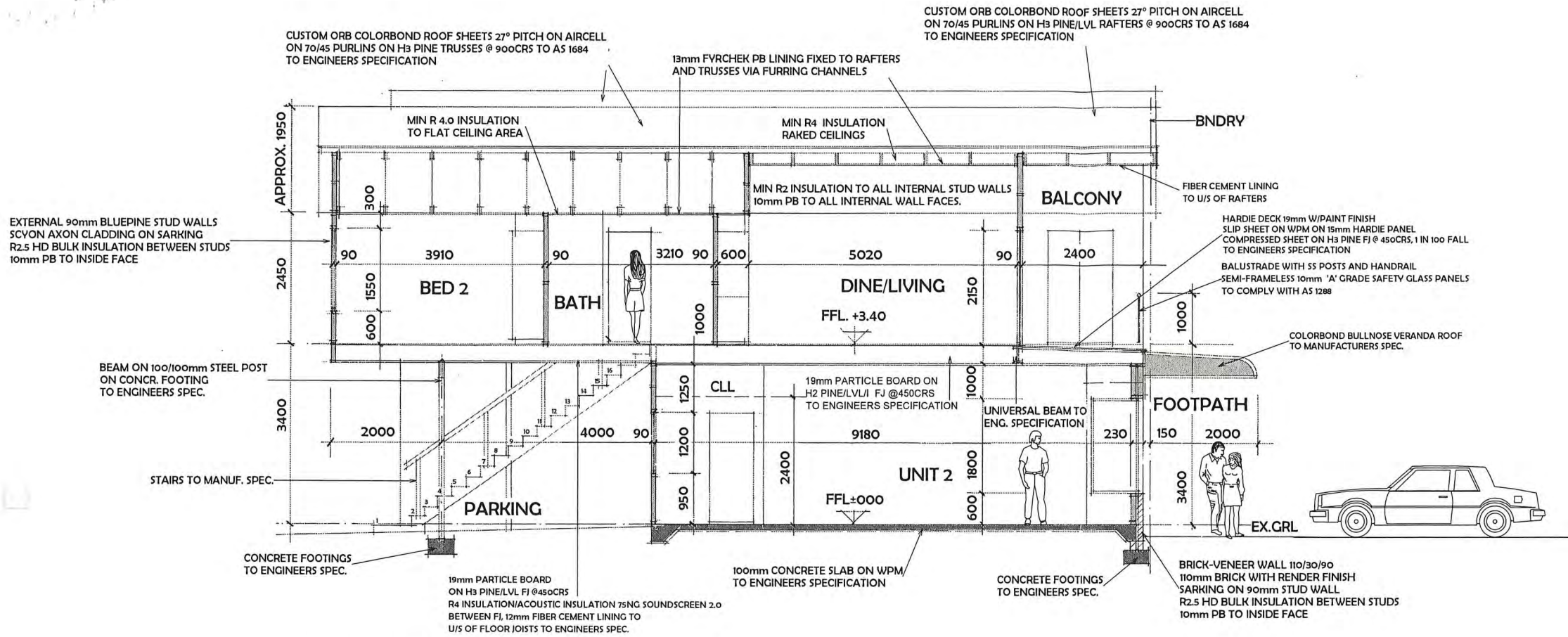


UPPER LEVEL FLOOR PLAN 1:200
UNIT 1 TO 8

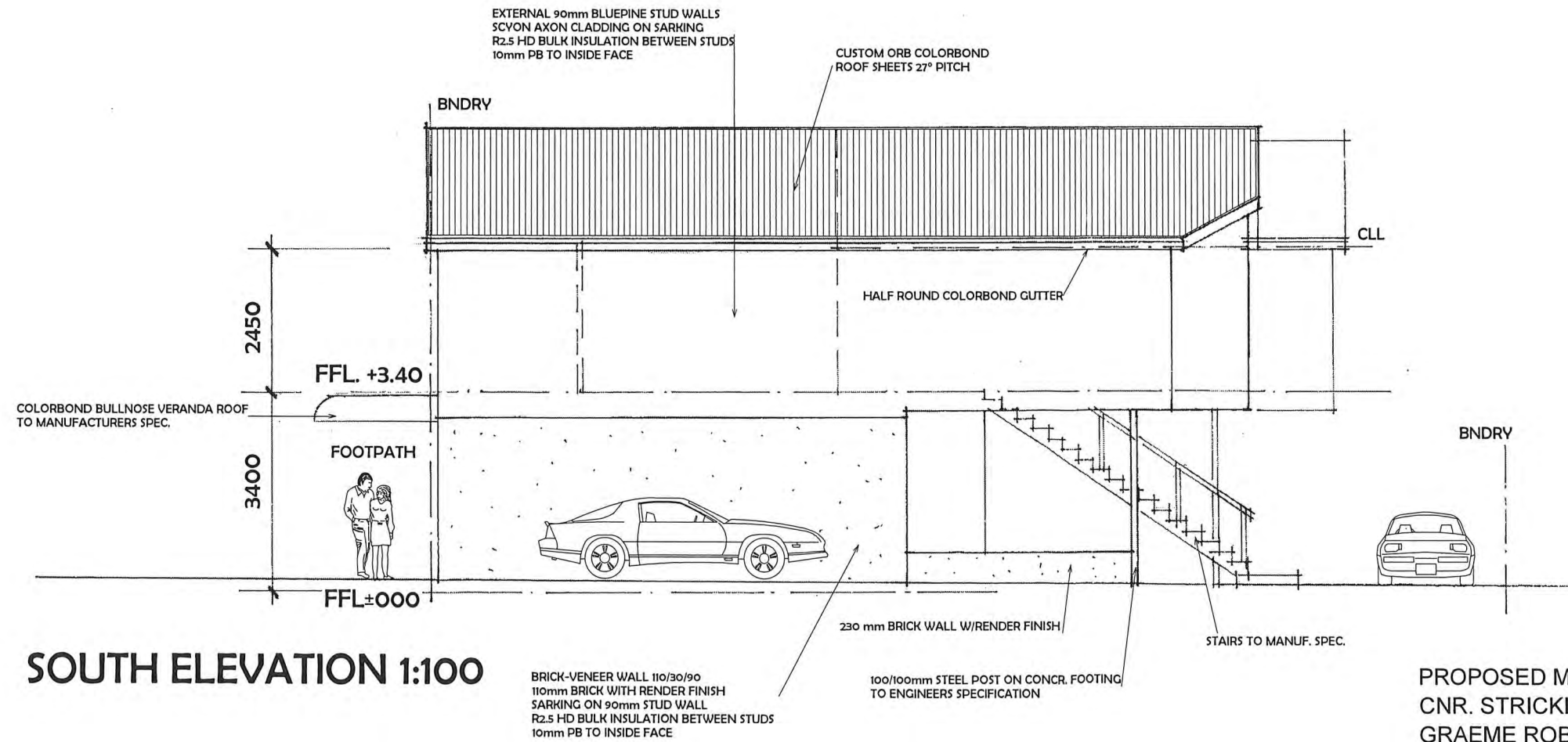
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 11 NOV 2016

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 CNR. STRICKLAND AND NORTH STREET SHIRE OF DENMARK
 GRAEME ROBERTSON PO BOX 140 CLAREMONT 6910



SECTION C-C



SOUTH ELEVATION 1:100

2016/173

Shire of Denmark Planning Consent		 Director of Planning & Sustainability
APPROVED / REFUSED		
<input checked="" type="checkbox"/>	These Plans are approved subject to the conditions contained in Appendix V	24/11/16 Date
<input type="checkbox"/>	These Plans are refused for the reasons contained in Appendix V	

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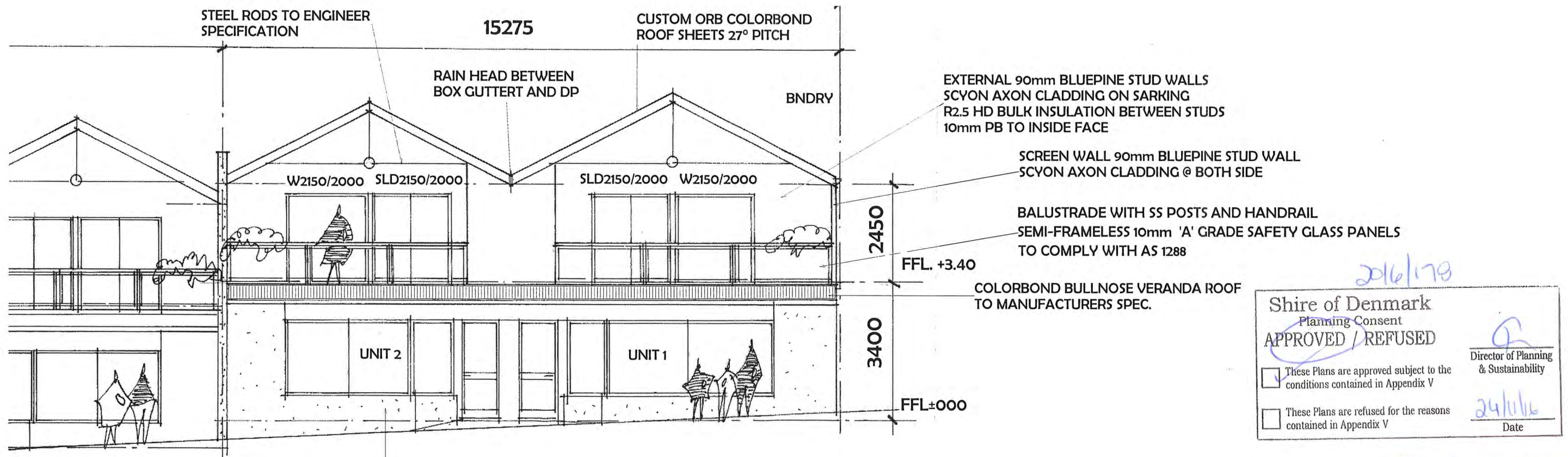
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 GRAEME ROBERTSON PO BOX 140 CLAREMONT 6910



WEST ELEVATION 1:200



WEST ELEVATION 1:100

2016/178

Shire of Denmark Planning Consent	
APPROVED / REFUSED	
<input checked="" type="checkbox"/> These Plans are approved subject to the conditions contained in Appendix V	Director of Planning & Sustainability
<input type="checkbox"/> These Plans are refused for the reasons contained in Appendix V	24/10/16 Date

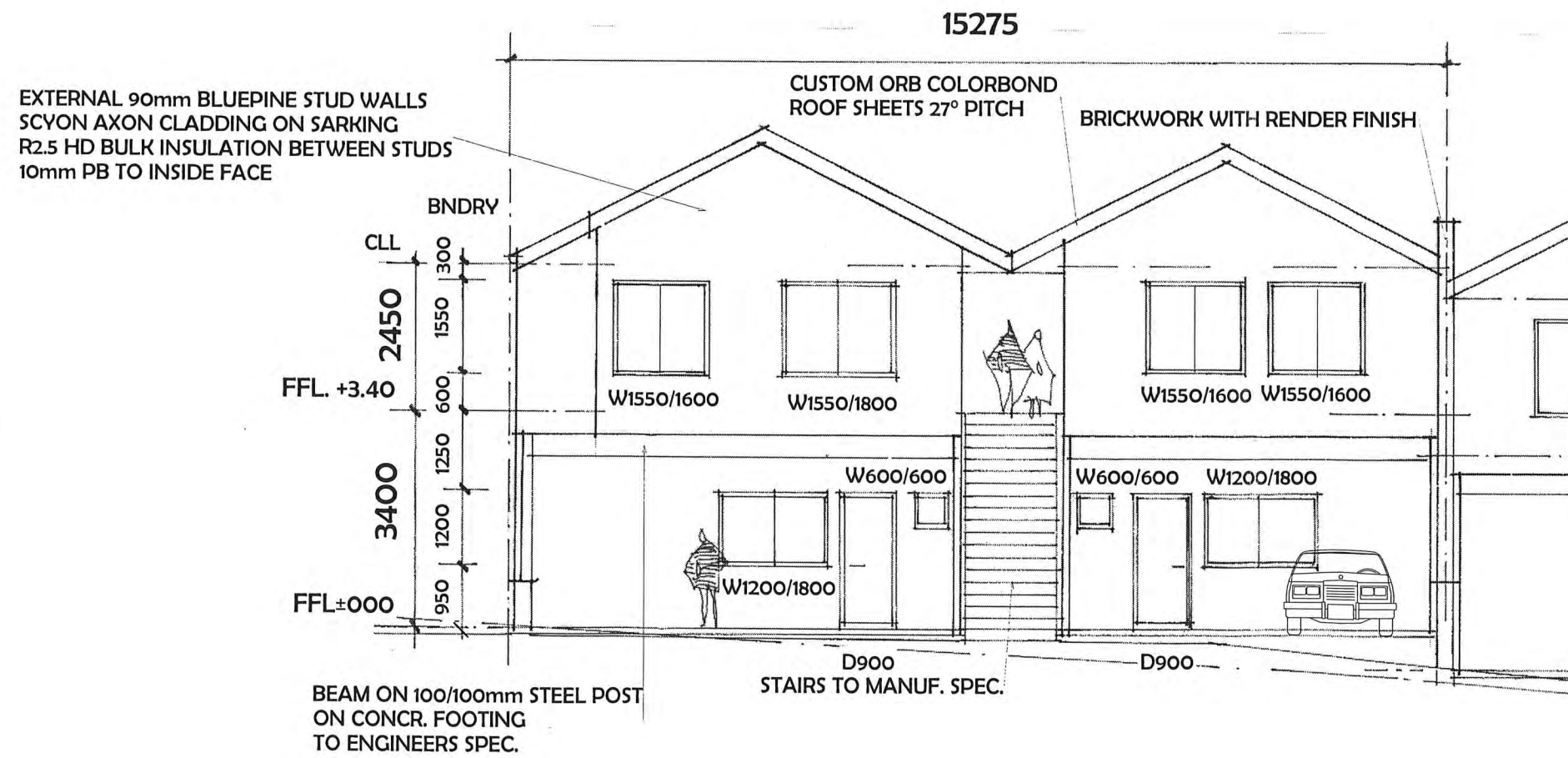
RECEIVED
11 NOV 2016

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EAST ELEVATION 1:200



EAST ELEVATION 1:100

2016/178

<p>Shire of Denmark Planning Consent APPROVED / REFUSED</p>		<p style="font-size: 1.5em; color: blue;">A</p> <p>Director of Planning & Sustainability</p>
<p><input checked="" type="checkbox"/> These Plans are approved subject to the conditions contained in Appendix V</p> <p><input type="checkbox"/> These Plans are refused for the reasons contained in Appendix V</p>		
		<p style="font-size: 1.2em; color: blue;">24/11/16</p> <p>Date</p>

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11 NOV 2016

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HERMANN FEHR DESIGN 27/10/2016, 3/11/2016, 5/11/2016
37 STRICKLAND STREET DENMARK WA 6333

PRINT SIZE A3 DRAWING NUMBER 6

**SCHEDULE OF SUBMISSIONS: PROPOSED CHANGE OF USE FROM SHOP/OFFICE TO HOLIDAY ACCOMMODATION
No.1/3A (Strata Lot 2/ Lot 102) and No.3/3A (Strata Lot 1/ Lot 102) Strickland Street, Denmark
(2019/42; A5929 & A5928)**

Ref No.	Name & Address Details	Verbatim Submission	Planning Services Comment
S1		<p>The proposed change of use, while probably still to another permitted use, is of some concern in relation to the character/usage of accessible locations in the central cbd. The “character” of the Denmark CBD/streetscape is a keenly debated issue in our community. Given that we are about to commence a significant review of the LPS consideration should be given to placing a caveat, if possible, on any change of use to ensure this important location is able to be readily incorporated into any new LPS directions. In such a high visibility and people traffic area it seems that the requested change is driven by commercial factors not fully taken into account by the proponent when the development was initially approved.</p> <p>The notice of the proposed change of use makes no reference to any implications for parking in an already overloaded street location. Will parking for occupants in the on street holiday units be restricted to the rear carpark? Is this possible and if so is that area adequate for the changed use? For example is space available for boat trailers?</p>	<p>Comments noted.</p> <p>Refer to comments section of report.</p> <p>The units are afforded one (1) dedicated car parking bay in compliance with the minimum required.</p>
S2		<p>I am appealing the application submitted to change the shop/office premises that are opposite IGA in Strickland St, Denmark to designated holiday accommodation.</p> <p>I feel this is unnecessary as :</p> <ol style="list-style-type: none"> 1. There are many established tourist accommodation places already operating in Denmark. 2. Already established holiday accommodation will find it difficult to survive further competition with the economic climate of today. 3. There are various sizes and prices, catering for all budgets in current accommodation available in Denmark and surrounding areas. 4. It is not in an appropriate location for holiday accommodation being opposite a supermarket, shops would be more appropriate as the area is busy with shoppers. (I believe if the shop rentals were reasonably priced and offered a more competitive lease price, then more businesses would be interested as the location is ideal for shopping/business premises). <p>I believe the whole undertaking was intended for holiday accommodation from the start, as the lease rentals advertised for businesses to open have been extreme even for a new office/shop business to start and continue operating.</p>	<p>Objection noted.</p> <p>Commercial competition is not a relevant planning consideration.</p> <p>Refer to comments section in report relating to site suitability.</p> <p>This statement is speculative and not a relevant planning consideration. The proposal is required to be assessed based upon its current merits.</p>

S3		<p>I would just like to say that I don't agree to the change of shop/offices accommodation in Strickland St.</p> <p>There is plenty of other accommodation covering all types from backpacker to high end. This change will only take the income of those already out there trying to make a living.</p> <p>It is also a very busy area so it is much more suitable as shops rather than family accommodation.</p> <p>There's not a lot of shop space in Denmark so some more would be better.</p>	<p>Objection noted.</p> <p>Commercial competition is not a relevant planning consideration.</p> <p>Refer to comments section in report relating to site suitability.</p>
S4		<p>I would like to object to the changing of the already built shop offices to holiday accommodation</p> <p>There is no shortage of holiday accommodation in Denmark and more competition would decrease income for existing businesses.</p> <p>Established accommodation varies in price and size and is located in more suitable areas, including chalets on the outskirts of town.</p> <p>It is unsuitable for family holiday accommodation due to constant shopping traffic, as there is no garden or fences to safe guard children and pets.</p> <p>It might not be an ideal place for mothers and children after school shopping at IGA due to rowdiness/alcohol</p> <p>Being opposite IGA, the busiest shopping area in Denmark, and opened 7 days a week the location is ideal for new shops and shoppers as originally planned.</p>	<p>Objection noted.</p> <p>Commercial competition is not a relevant planning consideration. Holiday Accommodation is a use that can be considered within the Commercial zone under TPS No.3.</p> <p>The size and fit out of the holiday accommodation is such that it would not likely be favoured by families or those with pets.</p> <p>Concerns regarding potential behaviour of guests is speculative.</p> <p>Refer to comments section in report relating to the suitability of the site.</p>
S5		<p>I am writing to with regards to the application to development approval for the change of use from shop/office to holiday accommodation at 1/3A Strickland Street, Denmark, WA.</p> <p>I would like to object to the proposal on the following grounds:</p> <ul style="list-style-type: none"> • This location is perfect for retail or other commercial businesses why change the use? Why not use them for new shops? • This is the busiest part of Denmark with regards to traffic, parking and pedestrians. • In the past there have been issues with noise complaints from users of holiday accommodation located within the central business area. • There is more than sufficient holiday accommodation in more appropriate locations in Denmark. 	<p>Objection noted.</p> <p>Refer to comments section in report relating to the suitability of the site and streetscape impacts</p>

<p>S6</p>	<p>We oppose the proposed change from shop/office to holiday accommodation for the following reasons and concerns.</p> <p>Firstly there is no weekly rubbish service, so with increased accommodation comes increase in rubbish, especially food based rubbish. With no rubbish service, what will happen to the waste sitting around waiting for the skip bin service to be emptied. This will potentially lead to pests and rodents, bringing problems with it.</p> <p>Parking is another concern, especially when people have no regard for the other tenants and park in the incorrect bay, or across the two bays. We are already dealing with people parking in our allotted parking bay, or using two bays to park. As the bays are quite small, not exactly designed for larger cars and 4wd, the common vehicle for travellers, damage to property and fences is a potential issue. Who pays for the damages.</p> <p>As it is a common driveway for all units, and the individual properties are not strata, who is responsible for the maintenance, as increase traffic will deteriorate the already poor quality driveway quickly. There is also no 'Loading Zone' in the current plans. In the initial plans, there was a Loading Zone set out, but was removed for a bin zone.</p> <p>Does the proposal for the change have length of stay, maximum number of occupants, are animals allowed in the accommodation. Who will be managing the units and who will be responsible for problems, as they arise. Will the area be a No Smoking area, as the odour from cigarette/cigar smoke goes into the furnishings.</p> <p>What is the plan for notifying owners of problems, especially relating to security of properties. We already had our unit flooded when a water main was damaged by NBN installers and we only found out by talking to a tradesman coming to do some work for us.</p> <p>Noise issues is another concern. We have been told that noise deadening product was used between the upper and lower units, but there is no such product in the walls between the units. This could potentially cause issues for people operating an office type business.</p> <p>We believe that long term, having accommodation on both levels will be detrimental to the chances of operating a business in the neighbouring unit and will make it more difficult to rent the unit.</p>	<p>Objection noted.</p> <p>A bin store and commercial skip bin is provided within Lot 104 to service Lots 101 to 104 as required under the approved Waste Management Plan for the mixed-use development. The bin is required to be emptied weekly or at an interval as required depending upon occupancy. At the time of inspection by the Shire's Principal Environmental Health Officer issues were identified relating to the absence of a dedicated recycle skip bin, the general skip bin being located outside the bin store and rubbish spill within the bin store. These matters will be subject to follow up action by the Shire to ensure compliance. The proposal is not considered to generate significant additional waste from that of a potential shop uses noting the property would not be tenanted all of the time.</p> <p>Refer to comments section in report on Parking. One (1) dedicated car parking bay is provided at the rear of the unit in compliance with the minimum required to service the proposed use. Concerns raised regarding the current management and maintenance of parking on-site is a matter that needs to be addressed by private landowners within the respective strata schemes.</p> <p>Common shared access and parking areas at the rear of the units are established by cross easements over four adjoining freehold lots. Such easements are supported by documentation detailing landowner obligations relating to repairs and maintenance. The proposal would not generate any increase in traffic beyond that which may be expected within a commercial unit, noting that the Holiday Accommodation units would be unlikely to be tenanted all of</p>
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			<p>the time.</p> <p>The Shire is aware that the location of the bin store has been relocated from Lot 102 to Lot 104 and is awaiting plans of the adjusted layout and loading area. This is required as part of the original development approval, irrespective of the proposed change of use and does not prejudice consideration of those matters relevant to the current application.</p> <p>Matters relating to the management of Holiday Accommodation units can be addressed through conditions of development approval.</p> <p>Refer to comments section of report for consideration of issues relating to the compatibility of use/ potential for land use conflict.</p>
S7		<p>I object to the above proposal on the following three grounds:</p> <p>It is an extremely busy area, the busiest in Denmark, with cars, parking, shoppers. This makes it very good for shop usage, but dangerous for families using it as holiday accommodation, as it faces directly onto the road.</p> <p>It is much better kept as shop/office space as current shop/office space in Denmark is at a minimum. It is close to IGA and other busy shops where there is a lot of people using them, so they would be well accessed by residents and thus profitable for the owners/managers and eventually as a result, the Denmark community as a whole.</p> <p>There are already enough holiday accommodation places in Denmark and this proposed change would only add more competition for these places. Most of these current holiday accommodation places would be owned by private individuals or small businesses trying to survive and make a living with it and don't need further competition from major developers who aren't dependent on it for their income or financial survival.</p> <p>Thank you for taking the time to acknowledge these objections.</p>	<p>Objection noted.</p> <p>Refer to comments section of report.</p> <p>Commercial competition is not a relevant planning consideration</p>
S8		<p>I do not want to see the existing new shops in Strickland St changed to holiday accommodation,</p>	<p>Objection noted.</p>

		<p>shops would be more convenient due to the fact that it is in the midst of the main shopping area of Denmark. It would be more convenient when shopping at the supermarket to have more shops close by.</p> <p>I don't think its suitable for family accommodation due to its size and location, and other accommodation is in more suitable locations where it's not so busy. It would not be safe for families or children as it is so close to the busy shopping precinct. It could also end up being noisy due to drinking/music/partying from the people staying there.</p> <p>I hope it stays as shops, as this would be much better for Denmark.</p>	Refer to comments section of report.
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Williams Consulting- Town Planning and Project Management

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18 June 2019

The Chief Executive Officer
Shire of Denmark
PO Box 183
DENMARK WA , 6333

Attn: Jasmine Tohill

Dear Jasmine,

Thank you for enabling this response to the comments received during the advertising period for the Development Application for the change in use from "Shop/Office" to "Holiday Accommodation" for three of the constructed ground floor Commercial units of the "Gables Development" on Strickland Street. In responding to the comments, on behalf of the owners/my client(s), I provide the following:

Impacts on Townscape Character

This application is for a change in use class only and not an application to construct or renovate a building. Regardless of the use class sought, the existing built form will not change.

It is acknowledged the site has been approved and constructed for a shop/office configuration. However, as the "Gables Development" was designed and constructed to enable a robust array of uses in accordance with Mixed Use development standards seen in dynamic city centres (NB: Mixed Use developments permit a vast array of uses that may be interchanged based on market trends or demands. The Shire of Denmark Town Planning Scheme No.3 does not have a mixed use zoning), the provision of Holiday Accommodation can be seamlessly incorporated into the building.

The development application document identifies the proposed layout of the holiday accommodation. Specifically, it addresses how the proposed use will integrate with the street with the use of window treatments and the existing access.

The proposed address to the street will be superior to the current scenario (i.e. a vacant building). Approval of this development application will not preclude the building(s) being used for other purposes at a later date, which may be the case based on changing market trends.

20 August 2019 - Attachment 8.1.4d

Holiday Accommodation Provision

Location

The owners of the units subject to this application also own the units directly above them. The upstairs units have been approved and constructed for residential purposes. Subsequent to the initial approval, separate approval and has been issued for these units to operate as home holiday accommodation.

Patrons utilising the home holiday accommodation immediately above the subject units have specifically stated the central location is a positive attribute, especially being opposite the "Supa IGA" and in close proximity to restaurants and licenced premises.

Given the demise the taxi service in Denmark, a central location for holiday accommodation is necessary for visitors to Denmark who arrive via the "Transwa" bus service, which is walking distance to the subject units.

Furthermore, people travelling the Munda Biddi and Bibbulmun Track also appreciate and utilise centrally located accommodation when staying in Denmark for the night.

Management

In accordance with the Shire of Denmark requirements, the currently operated holiday accommodation within the "Gables Development" is run in accordance with a management strategy. This specifies operational procedures to limit any impact on surrounding premises, which in this case are shops and offices.

Permitting smoking or pets in any building is at the discretion of the owners of the buildings, regardless of the use class. As the subject owners have made a considerable investment they will not permit smoking, pets or parties as part of any holiday accommodation.

Parking

At the time of lodgement of the "Gables Development" development application, the developer was required to identify use classes and associated car parking. As covered in the supporting letter for the development application, the car parking provided for the shop/office was at a rate of 1 bay per 40/m². This equated to 2 car bays per shop/office, which for the buildings subject to this application required a total of 6 bays.

In approving the development application for the holiday accommodation currently operating within the "Gables Development", the Shire prescribed the need for 1 car-parking bay per holiday accommodation. Based on the subject change of use from "Shop/Office" to "Holiday Accommodation", there will be a requirement for 3 car bays in total. As 6 car bays have been allocated and constructed, there will be a surplus of 3 car bays with the implementation of the proposed use class.

Noise Amenity

The currently constructed "Gables Development" provides suitable noise mitigation measures for each of the built strata units, as follows:

-Proposed holiday accommodation No 3/3B is located on green title Lot 101. Lot 101 comprises 4 built strata units (i.e. including the one subject to this application). The northern and southern external walls of the units are solid brick construction and have an internal insulated timber stud wall. The internal wall separating Unit No.3 with the adjoining unit to

the north has been constructed as a double stud wall with insulation and plasterboard to limit any noise transfer from the two units.

-Proposed holiday accommodation numbers 1 and 3/3A are located on green title Lot 102. Lot 102 also comprises 4 strata units, which are under single ownership and comprise the balance two proposed holiday accommodation units subject to this application. The northern and southern external walls are solid brick, and have an internal insulated timber stud wall, which provides noise mitigation measures to Lot 101. Internally, double stud walls with insulation and plasterboard also separate the units.

Refuse Collection

In issuing development approval for the "Gables Development", Council required a waste management plan to be prepared and implemented. This is currently operational and can meet the refuse requirements for Holiday Accommodation.

Holiday Accommodation within a Commercial Zoning (Denmark Town Centre)

As identified in the development application document, Holiday Accommodation is an "AA" use under the site's Commercial zoning in Town Planning Scheme No.3 (TPS3). This means the use is permitted at Council's discretion.

Council's assessment of the development application should be made on town planning merits relating to TPS3, the Local Planning Strategy and Town Planning Policies only. Consideration of the application based on existing supply or type of holiday accommodation is not specifically identified in any town planning documents.

The application complies with all statutory components of TPS3.

Retaining Current Permitted Use

The subject site has been actively marketed for lease for two years at a current market rate. To date there has been minimal commercially viable interest.

The site sitting vacant does not present well for this key location of town. It is expected activating the site with a commercially viable land use will generate interest in the location that will provide the commercial confidence required for the balance of the "Gables Development" to be completed.

Thank you for the opportunity to respond to the comments received during the advertising period. Based on the information provided in this correspondence; the concerns raised during the advertising period have been adequately addressed. My clients' and I look forward to reviewing your officer report to Council regarding this application. In the meantime, should you have any queries, please do not hesitate to contact me.

Yours faithfully



Sam Williams
Town Planner

cc Sean and Sharon Hazelden
Damon and Leanne Laurie



Streetscape photo - No.1/3A (Strata Lot 2/ Lot 102) and No.3/3A (Strata Lot 1/ Lot 102) Strickland Street, Denmark