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22 June 2021

Chief Executive Officer
Shire of Denmark
PO Box 183
Denmark WA 6333

Attn: Craig Pursey

**RE: DEVELOPMENT APPLICATION - MIXED USE DEVELOPMENT- LOTS 103 & 104
STRICKLAND STREET, DENMARK**

This development application has been lodged on behalf of Nostrebor Holdings Pty Ltd, Frenesi Pty Ltd and Sven James Robertson, the owners of Lots 103 and 104 Strickland Street, Denmark (the site). With the exception of civil infrastructure (i.e. retaining walls and services), the site comprises undeveloped vacant land.

This application has been prepared in support for development approval for a mixed use development, comprising two double storey single houses, with allowance for ground floor commercial, and two commercial premises (i.e. - café and shop/laundromat).

This report includes/provides a description of the following matters:

- 1. A copy of the Development Application plans.**
- 2. Location of the subject site.**
- 3. Detailed assessment in relation to the relevant planning and design standards.**
- 4. Detailed explanation of the proposed development.**
- 5. Justification for the proposed development.**

This application demonstrates the proposed development is consistent with the orderly and proper planning of the locality and will significantly enhance the visual amenity and appearance of the area.

At the time of lodgement of this development application, the landowner has also lodged a subdivision application with the Western Australian Planning Commission (WAPC). The subdivision application seeks approval to subdivide the site into four (4) separate green title lots. This will enable each building proposed within this development application to be located on an individual lot. A copy of the proposed subdivision is included at **Appendix A- Subdivision Application.**

Lot(s) 103 & 104 Strickland Street, Denmark
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16 November 2021 - Attachment 9.1.3a



DESCRIPTION OF SITE

Location

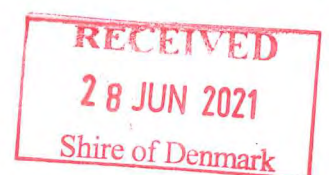
The site is located within the Denmark town centre and bound by Strickland Street to the west, North Street to the north, commercial premises' to the south and residential premises to the east. All of the aforementioned roads are sealed gazetted roads.

Refer Figure 1 - Location Plan.



Figure 1- Location Plan.

Lot(s) 103 & 104 Strickland Street, Denmark
Development Application



Cadastral information

The site comprises two titles identified as Lots 103 and 104 Strickland Street, Denmark (refer **Appendix B- Certificates of Title**. A summary of the ownership and certificate of title details are provided in **Table 1**.

Registered Proprietor:	Nostrebor Holdings Pty Ltd, Frenesi Pty Ltd and Sven James Robertson		
Lot no.	Deposited Plan	Volume/Folio	Encumbrances
103	410958	2939/163	Various Easements
104	410958	2939/164	Various Easements

Table 1 - Ownership and property details

The subject site has a total area of 929m², with 31.35m of frontage to Strickland Street and 36.4m to North Street.

DESCRIPTION OF PROPOSAL

Built Form

This application seeks development approval for two double storey single houses, with allowance for ground floor commercial (townhouses) and two single storey commercial premises (i.e. shop/laundromat and café including an outdoor alfresco terrace), including associated vehicle access way and parking.

The townhouse development provides two, three-bedroom dwellings. The townhouses incorporate a ground floor area that can be adapted to accommodate a commercial office space (if required), subject to separate Council approval. Each dwelling also incorporates a large balcony, over and above the private open space requirements.

The commercial premises' have been designed to accommodate a shop/laundromat and café, but provide flexibility for other suitable uses to occupy the premises' (if required) subject to separate Council approval. These premises' are designed with substantial glazing and will provide an active frontage to Strickland Street.

The development incorporates a suitable amount of high quality open space, in the form of an outdoor alfresco terrace overlooking the intersection of Strickland and North Streets. The terrace incorporates a flat louvered system roof providing users with protection from the sun and rain. Public open space is provided directly to the east of the subject site at Norm Thornton Park on the Denmark River foreshore.

The proposed commercial premises' and outdoor alfresco terrace, in conjunction with the surrounding open space and town centre, will aid in fostering a sense of community amongst residents of the proposed development and wider community.

The proposed development has been designed to be consistent with the emerging and desired built form of the locality and will complement existing development, including commercial and residential development to the south and the IGA supermarket to the

west. The town centre will also serve the proposed development and promote walkability.

The designs incorporate vertical and horizontal articulation, a mix of colours and materials, stairs onto North Street and landscaping, which serve to break up the building bulk and provide for a human scale at the street level.

Vehicle Access and Parking

Primary vehicle access associated with the proposed development is to be via the existing mixed use development of Lots 101 and 102 to the south. Egress for the development (and Lots 101 and 102) is to be via a 5.5m wide access way adjoining Strickland Street. The egress point is located on the southern boundary of the site, providing a suitable and safe setback from the intersection with North Street.

Secondary access/egress is provided via a 3m access way adjoining North Street. This access is located on the eastern boundary of the site and also provides a suitable and safe setback from the intersection with Strickland Street.

Reciprocal rights of access are provided for the proposed development and adjacent Lots 101 and 102, to provide all land holdings with vehicle access to the rear of each property.

Car parking associated with the proposed development is to be provided to the rear of each building, within individual lot boundaries, to provide for an improved streetscape.

Additional public parking is available on Strickland Street and the immediate surrounding area. Should Council require, additional parking will be provided off-site via a condition of planning approval to provide a cash-in-lieu payment.

Servicing Considerations

All necessary services including power, water, sewerage and telecommunications are located in the locality, and are readily available to service the site.



TOWN PLANNING CONSIDERATIONS

Shire of Denmark Town Planning Scheme No. 3

Zoning

Under the provisions of the Shire of Denmark Town Planning Scheme No. 3 ('TPS 3') the subject site is zoned "Commercial", with a Residential Design Code Density allocation of "R25". The purpose and intent of the "Commercial" zone is as follows:

"For the major service, retail, office and entertainment uses in the townsite."

The proposed development provides a significant commercial component, with two commercial premises rounding off the commercial development on Strickland Street.

Clause 5.3.3 of TPS 3 acknowledges:

Where residential development is proposed in conjunction with other development in the Commercial Zone, Council shall determine the appropriate density code to apply for development requirement purposes.

The proposed density is deemed suitable to enable the rounding off of commercial development on Strickland Street and incorporating a suitable form of residential development, with allowance for commercial uses fronting North Street.

Land Use Permissibility

The proposed laundromat is not specifically mentioned in the Zoning Table of TPS 3, but can be reasonably determined as falling within the interpretation of the use category 'Shop'.

The proposed non-residential land uses proposed are defined under the Planning and Development (Local Planning Schemes) Regulations 2015 as follows:

Shop - means premises other than a bulky goods showroom, a liquor store - large or a liquor store - small used for to sell goods by retail, or hire goods, or to provide services of a personal nature, including a hair hairdressing or beauty therapy service.

Restaurant/Café - means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises that are licenced under the Liquor Control Act 1988.

The land use of 'Single House' is defined within the Residential Design Codes as follows:

Single house - a dwelling standing wholly on its own green title or survey strata lot, together with any easement over adjoining over land for support of a wall or for access or services and excludes dwellings on titles with areas held in common property.



The proposed shop (laundromat) land use is a 'P' land use within the Commercial zone, meaning that the use is permitted within the zone provided the relevant standards and requirements laid down in the Scheme are complied with.

The proposed 'Single House' land use and 'Restaurant/café' land use are both 'AA' land uses within the Commercial zone, meaning Council may at its discretion permit the use in the zone.

DEVELOPMENT STANDARDS

State Planning Policy 7.3 - Residential Design Codes Volume 1

State Planning Policy 7.3 - Residential Design Codes Volume 1 ('R-Codes') outlines development standards for residential developments throughout Western Australia.

Clause 1.3.1 of the R-Codes sets out the following objectives for residential development:

- a) *"To provide residential development of an appropriate design for the intended residential purpose, density, context of place and scheme objectives.*
- b) *To encourage design considerations of the social, environmental and economic opportunities possible from new housing and an appropriate response to local amenity and place.*
- c) *To encourage design which considers and respects heritage and local culture.*
- d) *To facilitate residential development which offers future residents the opportunity for better living choices and affordability."*

The proposed residential development supports the above policy objectives and provides a built form of an appropriate density, scale and design that complements the local amenity and place. The design respects local heritage and culture and incorporates materials and colour schemes reflective of the locality.

Clause 2.3 of the R-Codes requires planning approval for single houses on lots smaller than 260m², except where the single house complies with a local structure plan or local development plan. This application provides guidance to enable the Shire of Denmark to assess and approve the proposed residential development, which supports the applicable design principles of the R-Codes.

State Planning Policy 3.7 - Planning In Bushfire Prone Areas

State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP3.7) provides the foundation of land use planning to address bushfire risk management in Western Australia. The site is identified as bushfire prone by the Commissioner of Fire and Emergency Services, requiring further assessment in the planning and building process.

An excerpt of the OBRM bushfire prone mapping is provided in **Figure 2**, showing the site is located within 100m of vegetation identified as a bushfire risk.



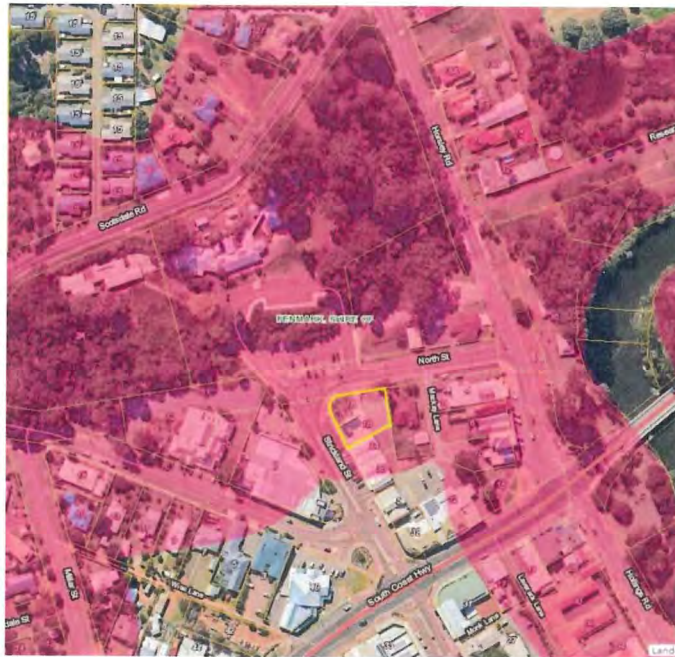


Figure 2 - Bushfire prone mapping

All vegetation within 100 metres of the site is regarded as low threat in accordance with clause 2.2.3.2 (f) of AS 3959:2018, due to being maintained lawns/parklands and cultivated gardens.

The entire site is deemed BAL-LOW as there is insufficient risk to warrant any specific construction requirements. In accordance with clause 3.2 of SPP 3.7, this development application does not require application of SPP 3.7 despite the fact it is designated within the Map of Bushfire Prone Areas.

Shire of Denmark Local Planning Policy No. 15 - Townscape

The Shire of Denmark Local Planning Policy No. 15 - Townscape Policy provides broad guidelines to achieve appropriate developments in harmony with the townscape environment. Clause 3 of this policy states the following provisions for building guidelines:

- i. Council will support development proposals that harmonise with the landscape and existing buildings.*
- ii. Development that is of a domestic scale will be actively encouraged. This includes historic methods of construction, materials, posted verandahs, the use of heritage colours and the enhancement of pedestrian amenities.*
- iii. Council will support low-impact commercial development proposals that enhance the pedestrian movement and access and create a domestic scale in their design.*

The proposed low-impact built form is of an appropriate scale, consistent with the existing and desired character of the area. The proposed building height and scale is compliant with the relevant planning framework, and will harmonise with the landscape and existing buildings immediately surrounding the site.

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Shire Of Denmark Local Planning Policy No. 47 - Town Centre Parking and Sustainable Transportation

The Shire of Denmark Local Planning Policy No. 47 - Town Centre Parking and Sustainable Transportation promotes new development within the town centre by supporting a reduction in the number of car parking spaces identified in the Scheme.

An assessment of the proposed car parking for the proposed development is outlined below:

Use	Car Parking Provision - LPP No. 47	Calculation	Car Parking requirement
Cafe	1 per 40m ² GLA	GLA of 120.5m ² provided	3 bays required (based on GLA)
Alfresco Dining / Terrace	No spaces required	n/a	nil
Residential	As per the R-Codes, unless varied in an approved Local Development Plan; parking to be provided on-site	2 per dwelling	4 bays required (based on 2 single dwellings)
Retail Shop	1 per 40m ² GLA	GLA pf 84.6m ² provided	2 bays required (based on GLA)
	Bays required		9 bays
	Total Provided		6 bays
	Shortfall		3 bays

Table 2 - Car parking assessment

A key objective of this policy is to promote business activity along with appropriate redevelopment and development in the town centre. The policy acknowledges *'there is already adequate parking to support the town centre on private property, in the street and in public parking areas without unduly constraining new development with excessive parking requirements'*. Furthermore, *'Council will support varying certain planning standards to achieve stated Policy objectives'*.

Table 2 identifies a shortfall of 3 car parking bays provided onsite. However, as adequate parking is already available within the immediate surrounds, it is respectfully requested Council exercise its discretion and support off-site parking for the shortfall identified.

Should a condition of planning approval require off-site car parking to be provided, the applicant may be required to make a cash-in-lieu payment to the Council for the number of car parking bays required.

Shire of Denmark Local Planning Policy No. 42 - Public Art

The Shire of Denmark Local Planning Policy No. 42 - Public Art promotes 0.5% of the construction cost to be provided either on-site or to a public art fund for new

Lot(s) 103 & 104 Strickland Street, Denmark
Development Application



developments where the construction cost is more than \$500,000. This policy does not apply to single houses.

Should a condition of planning approval require the developer to provide public art, the developer, in consultation with the local government, will determine whether to provide public art on-site or make a financial contribution to a public art fund.

CONCLUSION

This application seeks planning approval from the Shire of Denmark for the following development:

1. *Two double storey single dwellings*
2. *Two commercial premises' (i.e. -Shop/laundromat and cafe)*

A subdivision application has also been lodged with the WAPC to subdivide the site into four green title lots to enable each building to be located on an individual lot. The subdivision proposes reciprocal rights of access over the site to provide vehicle access to the rear of each proposed building and adjacent Lots 101 and 102.

This application is considered to be consistent with the key statutory and strategic planning documents applicable to the proposal, and will facilitate a built form that complements the existing character of the locality.

In light of the above, this application is consistent with the orderly and proper planning for the site and it is respectfully requested the Shire of Denmark grant planning approval for the proposed development.

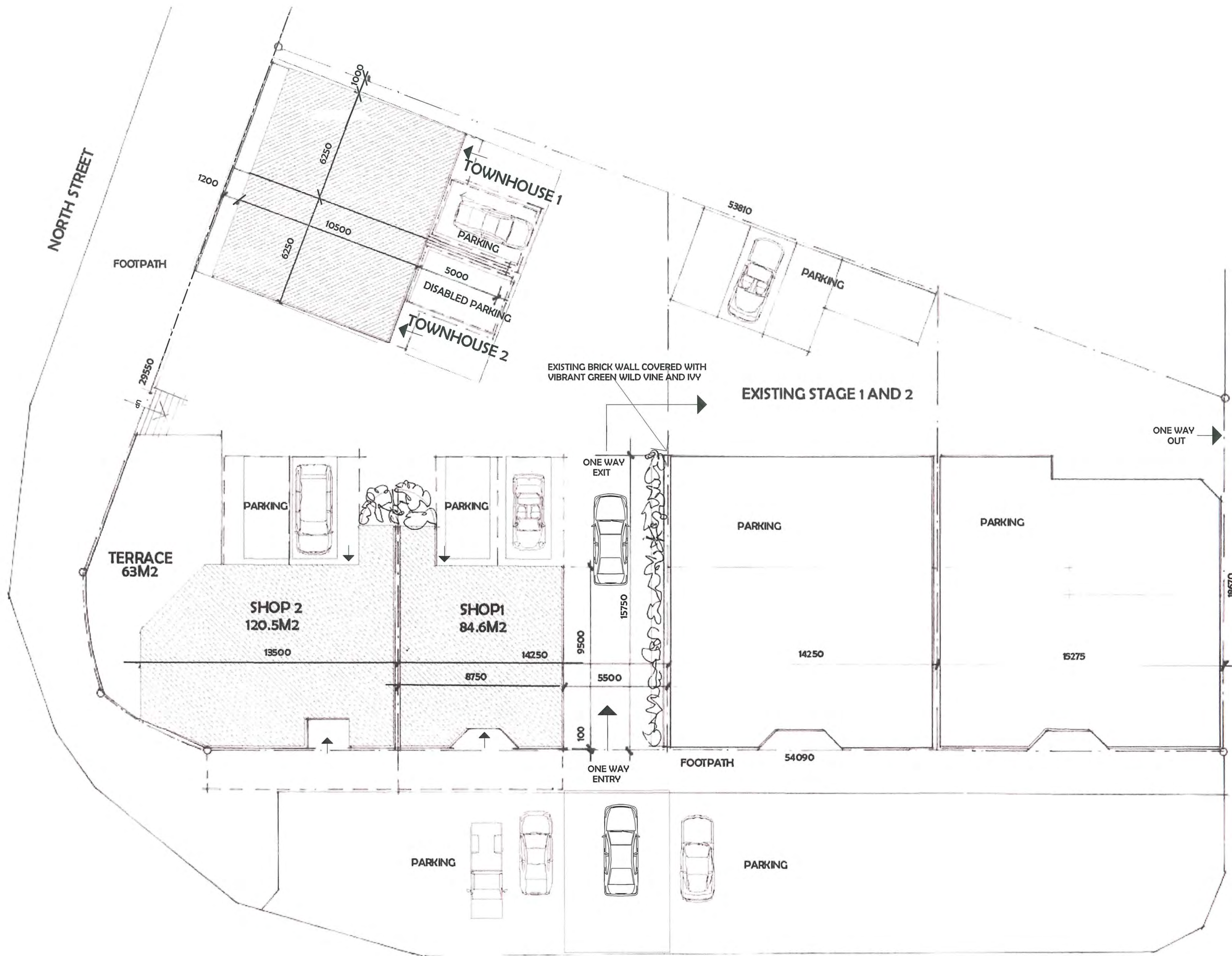
Should you have any questions regarding the information contained in this correspondence, please do not hesitate to contact the undersigned on 0418 116 216.

Yours faithfully,



Sam Williams
Town Planner



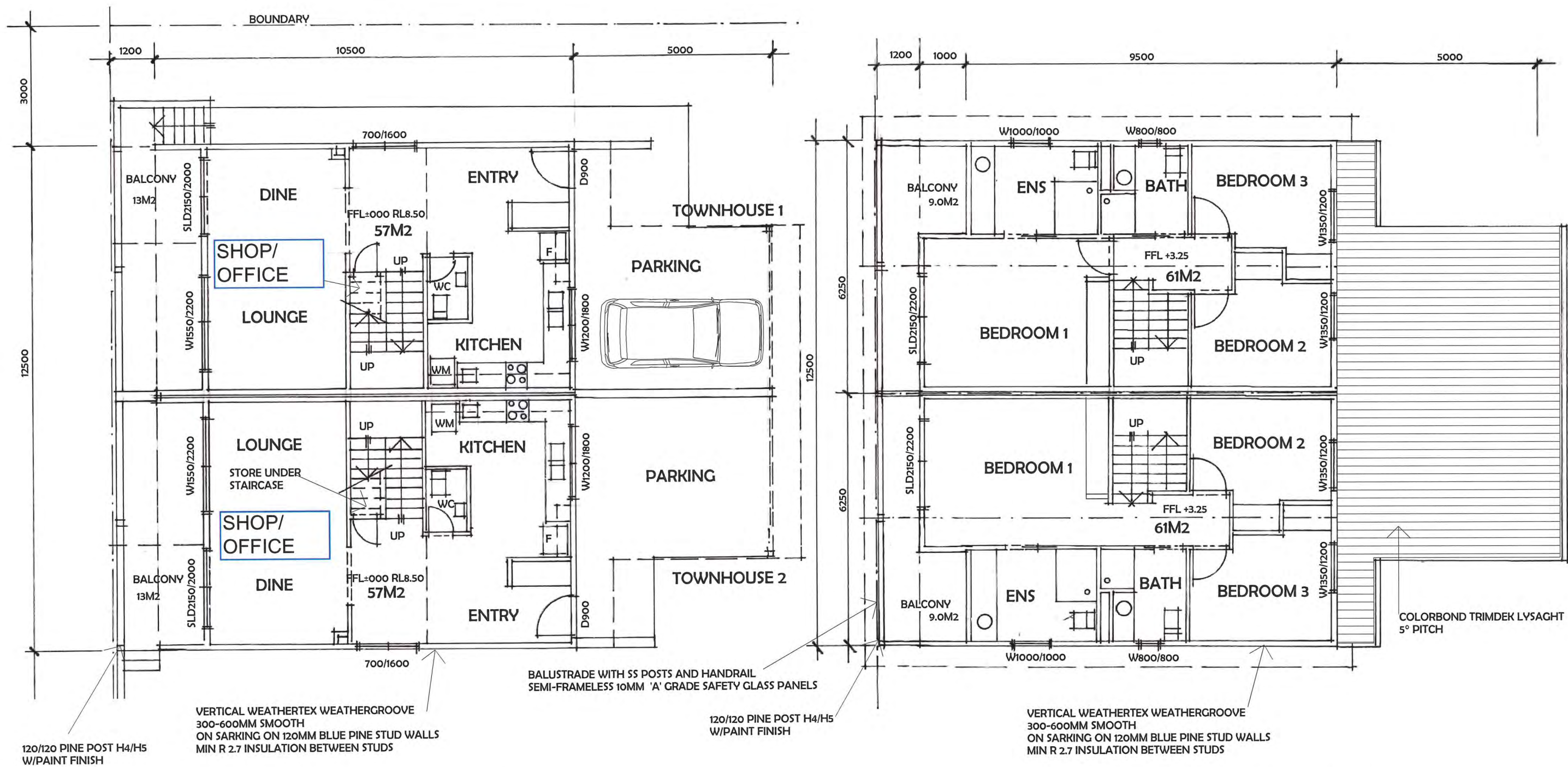


SITE PLAN 1:200

PROPOSED MIXED-USE DEVELOPMENT LOT 103 & 104
 CNR. STRICKLAND AND NORTH STREET SHIRE OF DENMARK
 GRAEME ROBERTSON DENMARK WA 6333

HERMANN FEHR DESIGN 20/03/2021, 19/04/2021, 22/05/2021, 17/06/2021
 37 STRICKLAND STREET DENMARK WA 6333 REV. 22/07/2021
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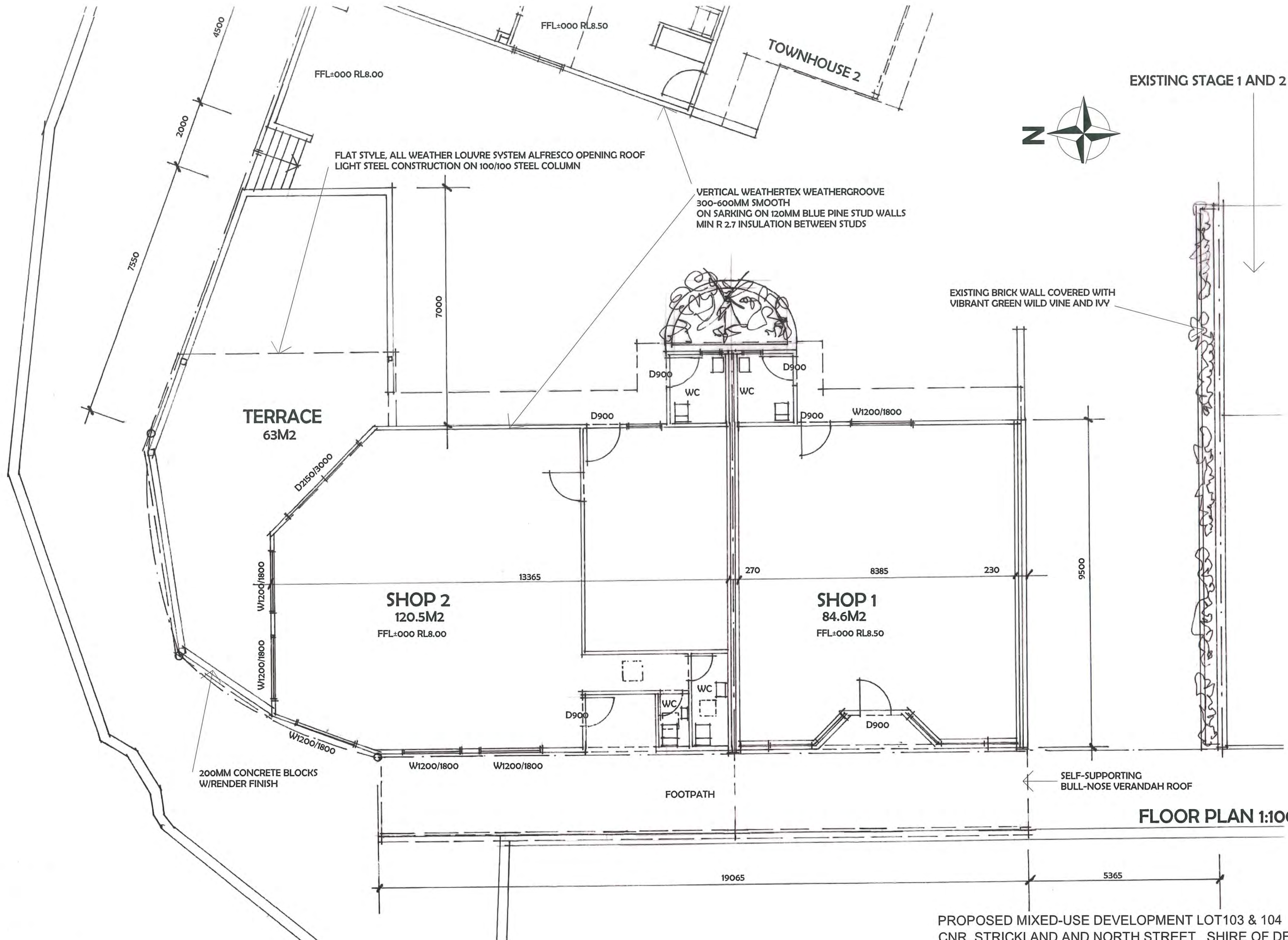
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PROPOSED MIXED-USE DEVELOPMENT LOT103 & 104
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 GRAEME ROBERTSON DENMARK WA 6333

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EXISTING STAGE 1 AND 2



TERRACE
63M2

SHOP 2
120.5M2
FFL±000 RL8.00

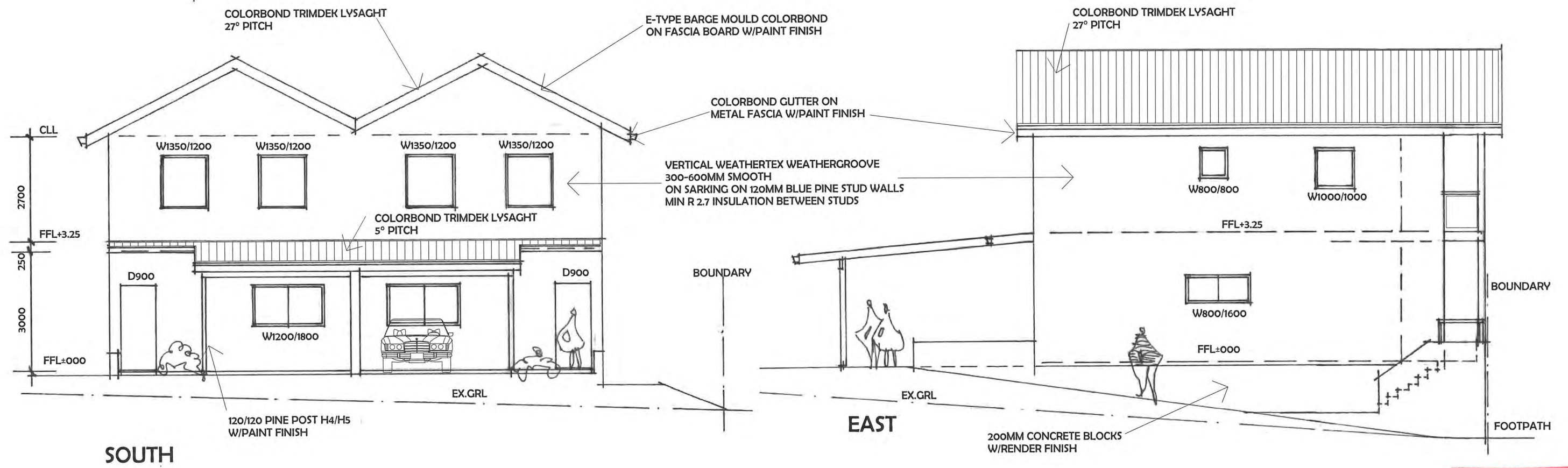
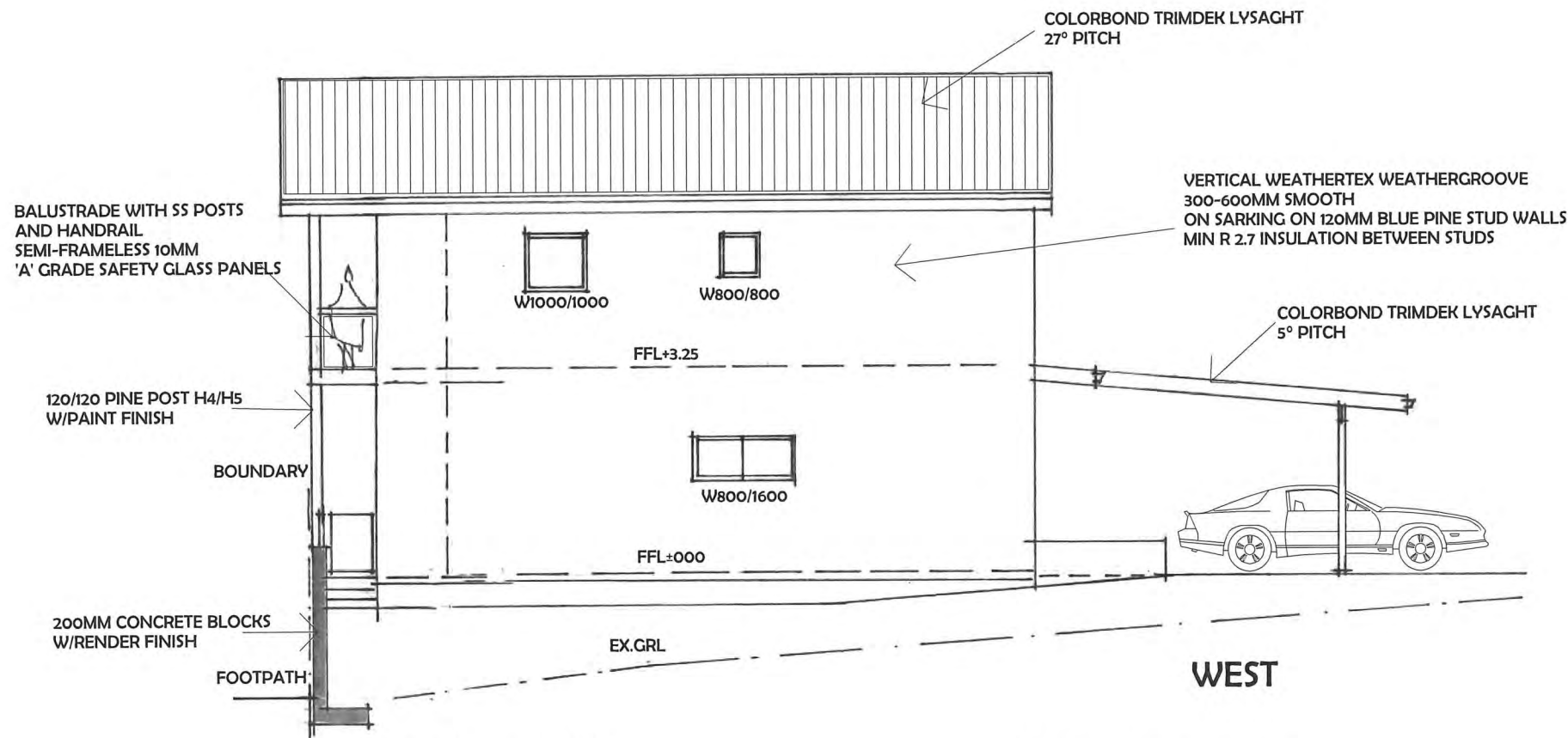
SHOP 1
84.6M2
FFL±000 RL8.50

FLOOR PLAN 1:100

PROPOSED MIXED-USE DEVELOPMENT LOT103 & 104
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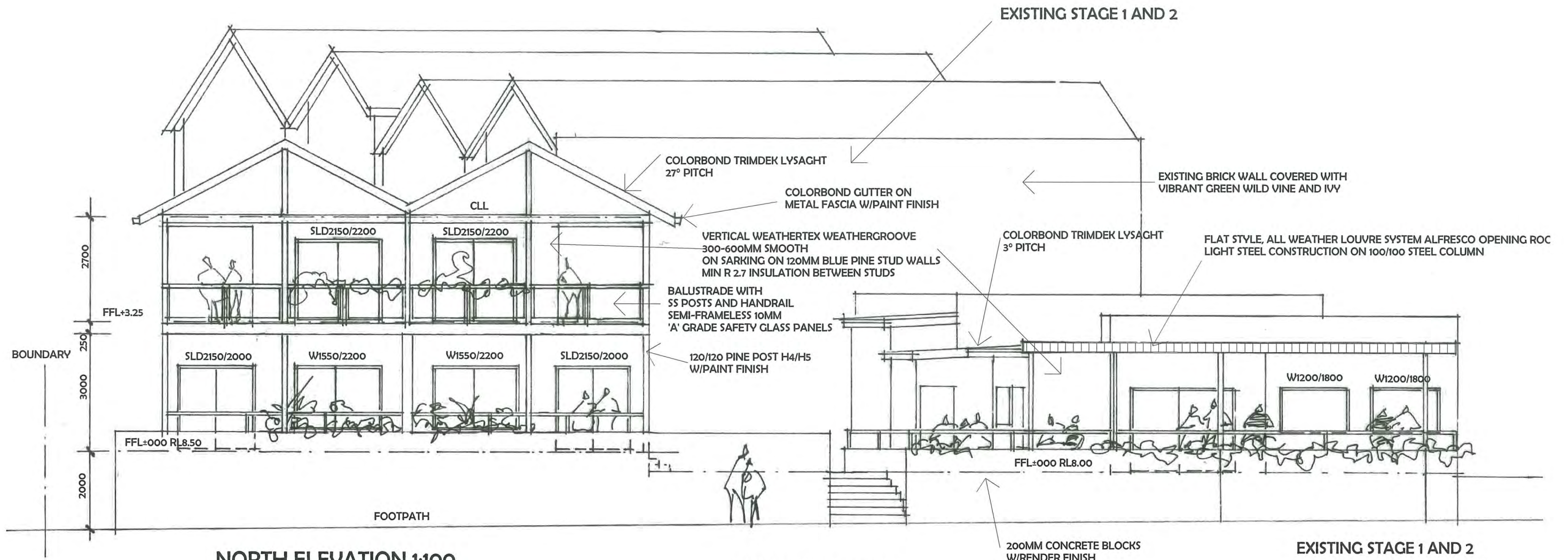


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TOWNHOUSE ELEVATIONS 1:100

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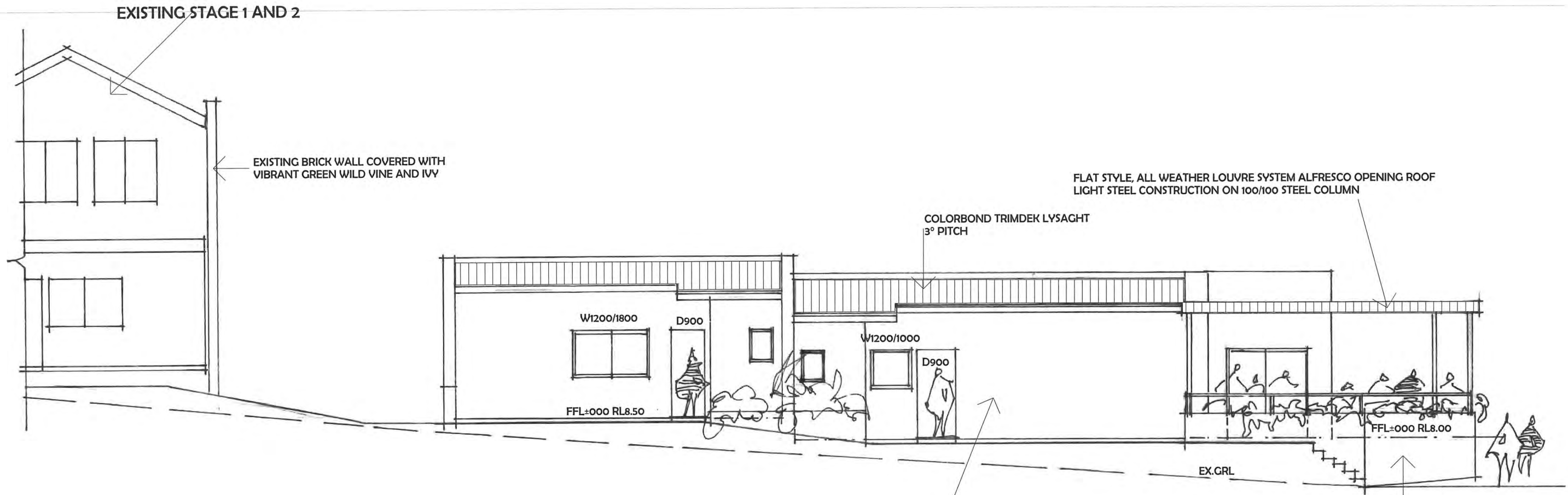
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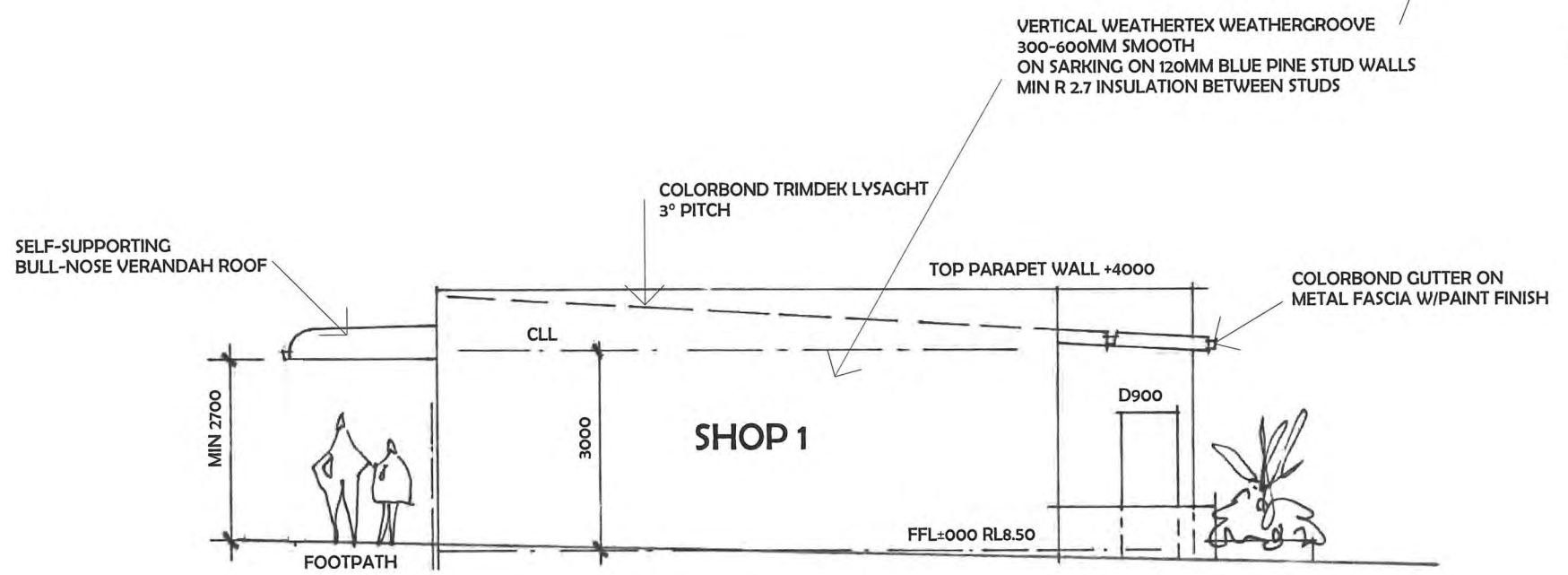
PROPOSED MIXED-USE DEVELOPMENT LOT103 & 104
 CNR. STRICKLAND AND NORTH STREET SHIRE OF DENMARK
 GRAEME ROBERTSON DENMARK WA 6333

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EAST ELEVATION 1:100



SOUTH ELEVATION 1:100

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 PRINT SIZE A3 DRAWING NUMBER 6

Mixed use

► Intent

Mixed use development is a common feature of higher density areas and centres. Most commonly this takes the form of retail/commercial uses on the ground or lower floors of a **development** with residences above.

The inclusion of retail/commercial uses can complement residential development by providing services and potential employment for residents and by increasing the amount of activity in the neighbourhood. Increased activity improves the liveliness of the **street** at different times of the day and night and increases opportunities for **passive surveillance**.

Successful mixed use development requires careful planning and design to optimise the beneficial synergies with residential development, while managing the potential impacts between these distinct land uses.

Related Elements

- 2.3 Street setbacks
- 3.6 Public domain interface



Figure 4.14a This mixed use development activates the public domain, while providing a level of separation for residents on the upper levels.

ELEMENT OBJECTIVES

Development is to achieve the following Element Objectives:

- O4.14.1 Mixed use development** enhances the **streetscape** and activates the **street**.
- O4.14.2** A safe and secure living environment for residents is maintained through the design and management of the impacts of non-residential uses such as noise, light, odour, traffic and waste.

ACCEPTABLE OUTCOMES

Acceptable Outcomes are likely to assist in satisfying the objectives but are not a comprehensive 'deemed-to-comply' list. In order to achieve the Element Objectives, proposals may require additional and/or alternative design solutions in response to the site conditions, streetscape and design approach.

- A4.14.1** Where **development** is located within a mixed use area designated within the **local planning framework**, ground floor units are designed for future adaption to non-residential uses.
- A4.14.2** Ground floor uses including non-commercial uses, such as **communal open space, habitable rooms, verandahs and courtyards** associated with ground floor **dwelling**s, address, enhance and activate the **street**.
- A4.14.3** Non-residential space in **mixed use development** is accessed via the **street frontage** and/or primary entry as applicable.
- A4.14.4** Non-residential **floor areas** provided in **mixed use development** has sufficient provision for parking, waste management, and amenities to accommodate a range of retail and commercial uses in accordance with the requirements of the **local planning framework**.
- A4.14.5** **Mixed use development** is designed to mitigate the impacts of non-residential uses on residential **dwelling**s, and to maintain a secure environment for residents.

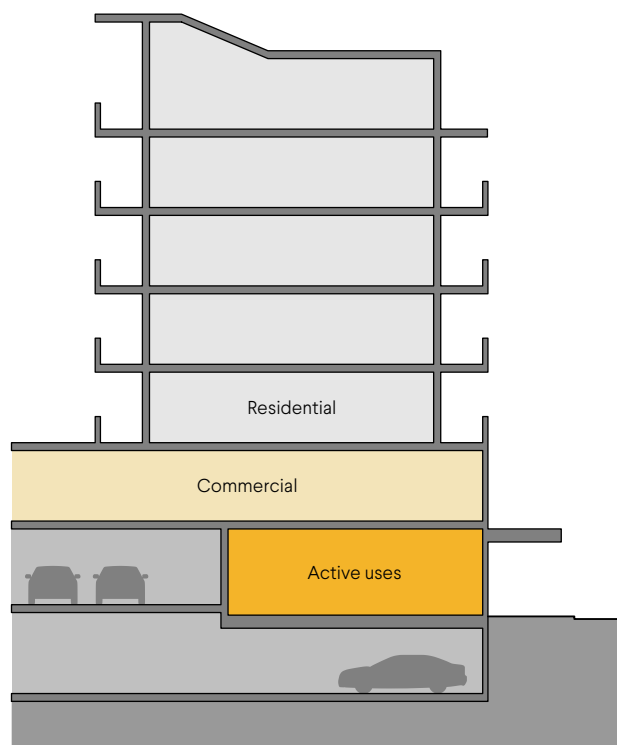


Figure 4.14a Commercial floors are an appropriate buffer between residential apartments and busy active ground floor uses such as cafes.

4 Designing the building

4.14 Mixed use



Photo 4.14 b & c The design expresses the change of use at ground level, while still integrating with the rest of the façade. (PC)



Photo 4.14d, e & f Mixed use development should maximise retail and commercial use at ground level to encourage diverse activities and uses. (PC)

DESIGN GUIDANCE

Potential alternative solutions to satisfy the Element Objectives will be considered on a performance basis.

DG4.14.1 One of the desirable outcomes of **mixed use development** is better activation of the **street**. This can be achieved by considering design solutions that enhance the **streetscape** such as:

- **development** addresses the street and is directly accessed from the street
- flexible and adaptable design that can attract diverse range of activities and be adapted over time to different uses
- street **frontages** are well-articulated and include a mix of solid wall and glazing that allow interaction between the street and the interior
- providing live-work **apartments** at ground floor rather than commercial uses.

DG4.14.2 Where **development** is located within a mixed use area designated within the **local planning framework**, ground floor units should be designed for future adaption to non-residential uses, such as by increased floor to floor heights and ensuring **universal access** requirements can be met.

DG4.14.3 The design of **mixed use development** should include the necessary infrastructure to support business activity. Applicants should review the **local planning framework** to see if there are any applicable requirements that apply to non-residential uses beyond the scope of this policy. Some design considerations include:

- provision of **universal access** to the premises
- vehicle access for deliveries
- providing sufficient staff and customer parking
- inclusion of amenities for staff and customers, such as toilets.

DG4.14.4 The inclusion of non-residential uses in a residential **development** requires additional consideration to manage the potential impacts between these land uses. Design solutions that can assist in mitigating impacts include:

- residential entries being separated from commercial entries and clearly distinguishable
- design of the **building frontage** includes **CPTED** principles, including being well-lit and avoiding places for concealment
- separating commercial service and waste storage areas from residential components
- residential car parking and communal facilities can be accessed securely and exclusively by residents and their guests
- noisy areas within the non-residential uses are oriented away from major openings of **dwellings** and/or shielded with sound attenuation solutions
- air-conditioning and mechanical ventilation equipment for non-residential uses is sited and designed to maintain acceptable noise levels within dwellings
- exhaust from non-residential uses is vented away from dwellings
- lighting for non-residential uses does not directly impact residential dwellings.