

4th February 2014

Mr Jason Young
Finance Officer Rates
Shire of Denmark
PO Box 183
DENMARK WA 6333

Dear Jason

Your ref: OCR14123650 File A3127

I refer to your letter of 13 January 2014 regarding the rating of the property at Lot 943 Barnett Street, Denmark.

I understand that this property is able to be rated and while Retirees WA will not lodge an objection to the rating of this land, we wish to request that the Shire of Denmark exercise its discretion to either waive or discount the rates payable in respect of Lot 943, or at least not to back rate this lot as proposed.

The reason for our request and what we would like you to take into consideration is the following:

- 1 Retirees WA Inc (RWA) is a "not for profit" organisation with charitable status and uses any money available to promote the interests of seniors and in particular those seniors most vulnerable, such as pensioners. We also provide affordable housing to seniors. This organisation is in its 82nd year.
- 2 Lot 943 is subject to the express restriction in the Crown Grant that it can **only** be used for the purpose of Pensioners' homes site.
- 3 Lot 943 is not zoned under the Shire's local planning scheme, but is reserved for parks and recreation, which further restricts the potential use (although not precluding its use in accordance with the Crown Grant). Indeed, I understand that the ratepayers of the Shire use this land as a park and we have had no issue with that use.

- 4 RWA has sought to develop and use Lot 943 for aged accommodation, as required in the Crown Grant, but has been required by the Shire to have a setback and other conditions such that development is not viable. The setback conditions have been imposed because of the high fire load arising from the condition of the adjoining land, which is managed by the Shire.
- 5 If Lot 943 was used for the purpose permitted under the Crown Grant, and for which RWA has sought to use it, then it would clearly be exempt from rates, as determined by the State Administrative Tribunal in a number of cases.

Accordingly, Lot 943 is intended (having regard to the Crown Grant) to be exempt from rates and the only reason why Lot 943 is not exempt from rates is attributable to the Shire.

Finally, the notice from the Shire refers to the Shire requesting a valuation of Lot 943 from Landgate. In the event that the Shire does not agree to waive or discount the rate, RWA insist that the instructions to Landgate for the valuation include express reference to the Crown Grant and limitation imposed by this, together with the reservation of Lot 943 under the local planning scheme and the Shire's unwillingness to effectively manage the fire load of the adjoining land to allow this development to be viable for aged accommodation. These matters should have a significant impact on the current gross rental value of Lot 943, which is the relevant valuation for the purpose of rates under the ACT.

Retirees WA await your favourable response.

Kind regards



Margaret Thomas JP BComm CPA LMusA
CEO Retirees WA

Cc Dale Stewart CEO Shire of Denmark



Our Ref: OCR14123650 File A3127 **Cross Ref:**

Your Ref: Letter/Email of 18Jul2006,27Sep2012 - M. Thomas, CEO/CFO

Enquiries: Rating Services

13 January 2014

The Australian Pensioners League Western Australian Division Inc
c/- Retirees WA Inc

Emailed to: Margaret Thomas, CEO and CFO, Margaret@retireeswa.com.au

Dear Margaret,

Re: Rateability of 21 (Lot 943) BARNETT STREET, DENMARK WA 6333

Factors considered in reviewing rateability

Rating Services, at the Shire of Denmark, has reviewed the rateability of the above land parcel, by considering the following factors, in accordance with sections 6.39(2) and 6.40 of the Local Government Act 1995:

Valuation

There is no current valuation recorded.

Liability for a Rate Charge

As the land parcel is privately owned under a Crown Grant in Trust, and does not meet the exceptions listed in section 6.26(2) of the Local Government Act 1995, the above land parcel is considered rateable land, per section 6.26(1) of the aforesaid Act.

Rate Code

The rate code of Non-Rateable has been applied to the above land parcel.

Each of these three factors was used to determine the rate charge for the 2013/2014 financial year, which has resulted in no local government rate charge being levied on the above land parcel. Further investigations have shown that there is no known local government rating history for the land parcel, and that there is no known evidence for a non-rateable status being applied to the land parcel.

Proposed amendment to the rate record

Per section 6.39(2)(b) of the Local Government Act 1995, the Shire of Denmark may amend the rate record for the 5 years preceding the current financial year. Rating Services now considers that an error has occurred in the rate record and will shortly interim rate the above land parcel, from 1 July 2008. The rate record will be amended, for the above land parcel, as follows:

Valuation

A valuation will be requested from Landgate's Property and Valuation Services team ("Landgate"), with an effective date of 1 July 2008.

**Please treat this
email as the
original and
only copy**

Rate Code

A rate code of GRV Local Scheme Reserve Vacant Use is appropriate for the above property, as it is zoned Parks and Recreation and contains no improvements.

This interim rate will be raised once Landgate provides a valuation. Per section 6.40(1) of the Local Government Act 1995, you will be notified by letter, and an interim notice, of the new rate charges applicable to the above property.

Correspondence and other documents considered in this review

If you are aware of any correspondence, or other information, which previously supported a non-rateable status for the above land parcel, then please notify Rating Services as a matter of priority. The Shire of Denmark currently holds the following correspondence in relation to rateability of the above land parcel, and Rating Services has considered that correspondence in this review:

- *Letter from Margaret Thomas, CFO, Retirees WA Inc, dated 18 July 2006, to Pascoe Durtanovich, CEO, Shire of Denmark, and Shire of Denmark Elected Members, titled "RE: Application for amendment to the Rate Record";*
- *Letter from Dean Taylor, Deputy CEO, Shire of Denmark, dated 8 August 2006, to Margaret Thomas, CFO, Retirees WA Inc, titled "Re: Lot 943 Barnett Street, Denmark"; and,*
- *Email from Margaret Thomas, CEO and CFO, Retirees WA Inc, dated 27 September 2012, to Dale Stewart, CEO, Shire of Denmark, titled "FW: SAT decision re City of Belmont".*

Rating Services has also considered the following State Administrative Tribunal of WA decisions in considering this review:

- *Uniting Church Homes (Inc) and City of Stirling [2005] WASAT 191*
- *Retirees WA (Inc) and City of Belmont [2012] WASAT 190*

Objections

If you wish to object to this review, under section 6.76 of the Local Government Act 1995, then you are advised to provide further evidence to Rating Services, which supports non-rateability under section 6.26(2) of the aforesaid Act.

A copy of the Local Government Act 1995 is available from http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_551_homepage.html.

Please note: the Emergency Services Levy is not part of this review. Objections to the Emergency Services Levy may be made per paragraph 2 on the rear of the 2013/2014 Rate Notice.

Further information

Further information may be sought from Rating Services, ahead of any objection. The undersigned may be contacted via email (rates@denmark.wa.gov.au) or phone (08 9848 0300).

Yours faithfully



*Jason Young
Finance Officer Rates*

Importance: High

Hi Dale

I appreciate your comments. I will be writing to you and the Councillors in a couple of weeks when I get everything together. In the meantime, please see attached the ruling about rates - you know my personal views about this - change the law as RWA needs to be on a level playing field with other not for profits who develop retirement villages. Kind regards Margaret

Margaret Thomas
CEO and CFO



Phone: (08) 9362 0195
Fax: (08) 9355 1923
Address: Suite 2, 915 Albany Highway, East Victoria Park, WA, 6101
Email: margaret@retireeswa.com.au
Web: <http://www.retireeswa.com.au>

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From: Julius Skinner [REDACTED]
Sent: Friday, 14 September 2012 09:44
To: Margaret Thomas
Subject: SAT decision re City of Belmont
Importance: High

Dear Margaret,

I have this morning received the decision from the State Administrative Tribunal on the City of Belmont matter – a copy of which is attached.

I won't keep you in suspense – the SAT upheld both of the principal arguments that we advanced and allowed the application for review.

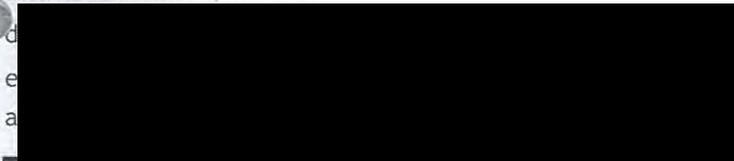
The SAT found firstly that under the terms of the Joint Venture Agreement with the Housing Authority, RWA is the implied agent of the Housing Authority for the purpose of lodging an objection to rates. This means not only that RWA was entitled to object to the City of Belmont in this case, but that RWA will generally be entitled to object to rates imposed by any local government where it manages and operates a facility under an arrangement on the same terms as the JVA. This also has implications for other organisations that have similar management agreements with the Housing Authority.

The SAT also went on to find that the changes to the Constitution made by RWA following the previous SAT decision were effective as a material change in circumstances and to overcome the previous “no public benefit” finding – notwithstanding that 10 of the 12 units at the facility were still occupied by resident who had commenced under the pre-amendment provisions.

Enjoy reading the details.

Regards,

Julius Skinner | Partner



ALB Perth Law Firm of the Year 2007, 2008, 2009, 2011 & 2012

Jackson McDonald

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3127

South Coast Highway, Denmark, Western Australia 6333

Tel (08) 9848 0300 Fax (08) 9848 1985

Our Ref: DT/Rates
Enquiries: Dean Taylor

8 August 2006

Margaret Thomas
Retirees WA Inc
Suite 2, 915 Albany Highway
EAST VICTORIA PARK WA 6101

Dear Madam

RE: LOT 943 BARNETT STREET, DENMARK

I refer to your email received 18 July 2006 concerning the rating of the above property.

It is agreed that Section 6.26(2)(g) of the Local Government Act 1995 provides relief from rates for "land used exclusively for charitable purposes". The two main questions to be addressed are;

1. Is the land "used" as opposed to held for possible future use, and
2. Is the land being used "exclusively for charitable" purposes.

The land in question is vacant land and has always been vacant land. It is considered that as such the land is not "used" and therefore does not qualify for relief from rates.

Clearly the WASAT : Uniting Church Homes (Inc) and City of Stirling (2005) can be distinguished from your situation as the land in that case was developed as a retirement village for the aged and as such the land was clearly "used".

With regard to the second question; without further information as to the activities of your organisation it is not possible to determine whether your activities could be considered charitable.

Of interest to you may be the examination of "Local Government Rating of Land Used for Charitable Purposes" requested by the Minister for Local Government in December 2004.

The Local Government Advisory Board has recently completed its investigation into the issue. One of its recommendations is that;

All communications to:

Chief Executive Officer, PO Box 183, Denmark WA 6333
Email: denmarkshire@wn.com.au
www.denmark.wa.gov.au

"The act and/or regulations to be amended to address the following matters in relation to vacant land:

- *Vacant land that is held for use as a charitable purpose in the future is exempt from rates;*
- *The owner of the vacant land seeking an exemption is to provide information to the relevant local government that is sufficient for it to be able to satisfy itself of the future land use intended; and*
- *If the land is not eventually used for a charitable purpose, back rates are to be paid to compensate for the time it was previously exempted. Back rating is to extend back for a period not exceeding 15 years from the time a decision is made that an exemption is not appropriate."*

At this stage the recommendations are being considered by the Minister, it not known whether the recommendations will result in amendments to the Act or regulations.

I trust that this explanation satisfies your concerns, should you need to discuss this matter further, please contact me.

Yours Faithfully

Dean Taylor BBus CPA
DEPUTY CHIEF EXECUTIVE OFFICER



Suite 2 915 Albany Highway
EAST VICTORIA PARK WA 6101
Tel: 9254 0192 Fax: 9355 1923
Email: info@retireeswa.com.au
Website: www.retireeswa.com.au

18 July 2006

The CEO and The Elected Members
The Municipal District
The Shire of Denmark
South Coast Highway
DENMARK WA 6333

Re: Application for amendment to the Rate Record

Good Morning,

On examination of rate notices, which our Not for Profit Registered Charity No17647 has received from your rates department, we have found that the land being Lot 943 Plan 171283 21 Barnett Street Denmark was sent an account for Rates for the 2005/2006 Rating Year.

Pursuant Section 6.26.(2)(g) of the *Local Government Act 1995* the aforementioned land, is "land used exclusively for charitable purposes;" and we request that your Municipality takes action to amend its Rate Record and note that the land is and has been exempt, as land, that is "not rateable."

Further, we request that your Municipality takes action, pursuant Section 6.39.(2)(b) of the *Local Government Act 1995* and amends its Rate Record, so as to "amend the rate record for the 5 years preceding the current financial year" in regard to the aforementioned land.

We base our request on the fact that the land referred to above is used and has been continuously used, for the preceding 5 years for the "charitable purpose" of "relief of the aged."

Attached for your information with this request, is the text of the Decision in the 2005 "test case" in the jurisdiction of the Western Australian State Administrative Tribunal:

UNITING CHURCH HOMES (INC) and CITY OF STIRLING [2005] WASAT 191

Yours sincerely

Margaret Thomas B Comm CPA LMusA
Chief Finance Officer

WESTERN



AUSTRALIA

REGISTER NUMBER 943/DP171283	
DUPLICATE EDITION N/A	DATE DUPLICATE ISSUED N/A

RECORD OF CERTIFICATE OF TITLE
UNDER THE TRANSFER OF LAND ACT 1893

VOLUME
69

FOLIO
95A

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

REGISTRAR OF TITLES



LAND DESCRIPTION:

LOT 943 ON DEPOSITED PLAN 171283

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

THE AUSTRALIAN PENSIONERS LEAGUE WESTERN AUSTRALIAN DIVISION INC OF 275 STIRLING STREET,
PERTH

(XE A000001A) REGISTERED 1 JANUARY 0001

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

1. CROWN GRANT IN TRUST. SEE CROWN GRANT FOR CONDITIONS.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.

* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.

Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: 69-95A (943/DP171283).
PREVIOUS TITLE: This Title.
PROPERTY STREET ADDRESS: 21 BARNETT ST, DENMARK.
LOCAL GOVERNMENT AREA: SHIRE OF DENMARK.

NOTE 1: A000001A LAND PARCEL IDENTIFIER OF DENMARK TOWN LOT/LOT 943 (OR THE PART THEREOF) ON SUPERSEDED PAPER CERTIFICATE OF TITLE CHANGED TO LOT 943 ON DEPOSITED PLAN 171283 ON 12-JUN-02 TO ENABLE ISSUE OF A DIGITAL CERTIFICATE OF TITLE.

NOTE 2: THE ABOVE NOTE MAY NOT BE SHOWN ON THE SUPERSEDED PAPER CERTIFICATE OF TITLE OR ON THE CURRENT EDITION OF DUPLICATE CERTIFICATE OF TITLE.

Superseded - Copy for Sketch Only

INDEXED
LANDS

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WESTERN



AUSTRALIA

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REGISTER BOOK
Vol. 69 Fol. 95A

CROWN GRANT IN TRUST

Elizabeth the Second, by the Grace of God, of the United Kingdom, Australia, and Her other Realms and Territories, Queen, Head of the Commonwealth, Defender of The Faith. To all to whom these Presents shall come, GREETING: Know ye that We, of Our especial Grace, certain knowledge, and mere motion, have given and granted, and We do by these Presents, for Us, Our heirs and successors, in consideration of and to the intent that the Land and Hereditaments hereinafter described be used and held solely for the purpose of "Pensioners' Homes Site" Give and grant unto

The Australian Pensioners League Western Australian Division Incorporated of 275 Stirling Street Perth

(hereinafter called the Grantee), the natural surface and so much of the land as is below the natural surface to a depth of ---40--- feet of ALL THAT Piece or Parcel of Land situate and being in the Town of Denmark in Our said State, containing -----2 acres 2 roods 16 perches----- more or less and marked and distinguished in the Maps and Books of the Department of Lands and Surveys of Our said State as Denmark Lot 943 and the same is delineated and coloured green in the plan drawn in the margin hereof; TOGETHER with all Profits, Commodities, Hereditaments, and Appurtenances whatsoever thereunto belonging, or in anywise appertaining: TO HAVE AND TO HOLD the said Piece or Parcel of Land to the depth aforesaid, and all and singular the Premises hereby granted, with their appurtenances, unto the said Grantee, in fee simple; Yielding and Paying for the same to Us, Our heirs and successors, one peppercorn of yearly rent on the twenty-fifth day of March in each year, or so soon thereafter as the same shall be lawfully demanded; and we do hereby save and reserve to Us, Our heirs and successors, all Mines of Gold, Silver, Copper, Tin, or other Metals, Ore and Minerals, or other substances containing Metals, and all Gems or Precious Stones and Coal or Mineral Oil and all Phosphatic Substances in and under the said land, with full liberty at all times to search and dig for and carry away the same; and for that purpose to enter upon the said lands or any part thereof.

IN WITNESS whereof We have caused Our trusty and well-beloved HIS EXCELLENCY MAJOR-GENERAL SIR DOUGLAS ANTHONY KENDREW, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honourable Order of the Bath, Commander of the Most Excellent Order of the British Empire, Companion of the Distinguished Service Order, Governor in and over the State of Western Australia and its Dependencies in the Commonwealth of Australia, to affix to these presents the Public Seal of the said State.

Sealed this 27th day of February, One thousand nine hundred and sixtyeight

Douglas Anthony Kendrew
Governor.

Grant under the Land Act, 1933

ENTERED ON RECORD this
20th day of February 1968
W. Boyd
for Minister for Lands.

W. Boyd
Minister for Lands.

CERTIFICATE OF TITLE UNDER THE TRANSFER OF LAND ACT, 1893

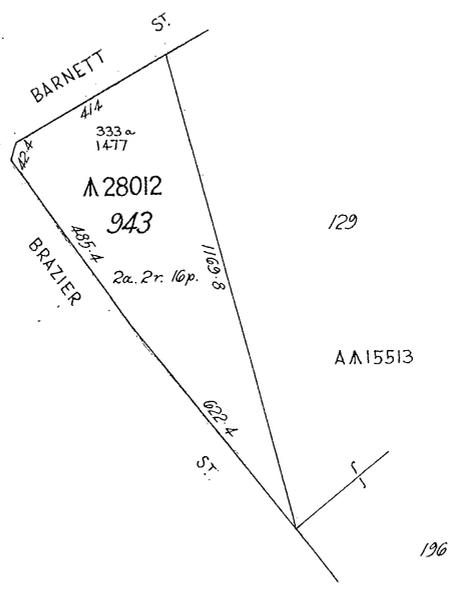
The above named Grantee is now the registered proprietor of an estate in fee simple subject to the easements and encumbrances notified hereunder in all the land described in this grant. On the Twenty Seventh day of February, One thousand nine hundred and sixtyeight

J. Edwards
ASSISTANT REGISTRAR OF TITLES.

The area and measurements on the Plan below are more or less, and a post has been placed at each corner of the Lot.

PLAN HEREIN REFERRED TO:

CT 0069 0095A F



Scale: 3 chains to an inch
Surveyed by L. M. Norman
Covr: 1224/65 Dia 71283
Denmark T site Central Pgs. Exd *LM*

L. M. Norman
Surveyor General

For encumbrances and other matters affecting the land see back.

EASEMENTS AND ENCUMBRANCES REFERRED TO

Superseded - Copy for Sketch Only

CT 0069 0095A B



CROWN GRANT

Vol..... Fol.....



Our Ref: DS/CT File A3127 / ICR121115876
Enquiries: Dale Stewart

28 November 2012

M Thomas JP B Comm CPA LMusA
CEO/CFO Retirees WA
Suit 2, 915 Albany Highway
EAST VICTORIA PARK WA 6101

Emailed to: info@retireeswa.com.au

Dear Margaret

Re: Land – Corner of Brazier & Barnett Streets, Denmark

I write in response to your letter dated 8 November 2012 and your concerns in relation to the fuel loads in the adjacent (Council) reserve.

I advise that despite Council having a very detailed and comprehensive hazard reduction (prescribed burn) program with respect to Council properties, the Reserve abutting your property (Reserve No. 15513) is not scheduled for hazard reduction in the current program.

The current program concludes in 2015. Thus, with current priorities and identification of risks to property and people, the Council's Bush Fire Advisory Committee and Community Emergency Services Manager have not identified this particular reserve to be a high enough priority nor risk such that any hazard reduction will be undertaken prior to 2015 (at the earliest).

In considering your request to look at whether this reserve could or should be hazard reduced in order to help make your project more viable, I have consulted with Council's Community Emergency Services Manager (CESM) and, indeed, the Council as a whole via one of our three weekly briefing forums. Firstly I confirm that the Council's CESM continues to validate the previous decision not to include this reserve in the priority list to be concluded prior to 2015. In relation to the Council I advise that it does not wish to set a precedent by putting itself in a position of agreeing to perform works in reducing a potential hazard on its land either initially to enable the development to proceed or, more importantly, in an ongoing manner as would be required in order for it to continue to comply with the likely conditions of your development.

In other words, Council expects developers of projects to be responsible for enforcing and managing the conditions that relate to its approval. To expect an adjoining landowner (in this case the Council) to modify its property such that your development can occur is, in our opinion, unreasonable and places onus on the Residents & Ratepayers of the Shire to the benefit of your organisation. Council would be expected to ensure that reserve is thereafter, forever maintained in a hazard reduced (significantly) state. Indeed, in order to accommodate the scale of development and density that you are seeking the reserve's vegetation would bear no correlation to what the community values and enjoys about the reserve in its present state.

2/..

..2/

Council does appreciate that this does compromise your project's intended density (number of units) that it might be able to achieve and/or may place in jeopardy the timing of the proposed development however it is not prepared to give this reserve a higher priority for hazard reduction and/or compromise community values at this point in time.

I wish to place on record however that the Council continues to have a desire to address the progressive „aged“ housing needs of our community including the provision of low cost independent living units (ILUs) for seniors together with the growing demands for a suitable residential care facility for seniors filling the void between “ILUs” and the Denmark Health Service's Frail Aged Lodge. Council would be keen to enter into discussions with providers of affordable accommodation for seniors that seek to address these gaps in our community as a solution to the continuum of aged care on this and other suitable sites.

Should you require further information or advice on this matter please contact the undersigned on telephone (08) 9848 0300 or email enquiries@denmark.wa.gov.au.

Yours faithfully



Dale Stewart
Chief Executive Officer

cc. Cr Thornton, Shire President
cc. Cr Hinds, Chair of Council's Seniors Advisory Committee
cc. Annette Harbron, Director of Planning & Sustainability
cc. Gregg Harwood, Director of Community & Regulatory Services

[REDACTED]

Peter

Further to your email to Duncan Ross of this office on 3 May 2012, the Shire's Development Co-ordination Unit have reviewed the proposal and provide the following preliminary comments/issues that need to be addressed and/or taken into account when lodging a formal development application for approval.

Planning Services

In accordance with Town Planning Scheme No. 3 (TPS No. 3), the subject site has a Scheme reservation of 'Parks & Recreation'. As per Clause 2.2 *Matters To Be Considered By Council* of TPS No. 3, where an application for planning consent is made with respect to reserved land, the Council shall have regard to the ultimate purpose intended for the reserve and the Council shall, in the case of land reserved for the purpose of a public authority, confer with that authority before granting its consent.

In this regard, the Shire is aware that the subject lot was granted as a 'Grown Grant in Trust' (now referred to as Conditional Tenure) to the Australian Pensioner's League of Western Australia Division Inc (now known as Retirees WA Inc) to be used solely for the purpose of "Pensioners' Homes Site". In recognition of this the Shire's recently endorsed Local Planning Strategy designates the subject land as 'Urban Residential'. Notwithstanding, it is considered that should a Planning Application be lodged with the Shire, the proposal will be the subject of public advertising as per Clause 6.4 *Public Notice* of TPS No. 3. Where objections are received to the proposal, the matter is required to be referred to Council for determination as per the Shire of Denmark's Delegations Register.

In terms of planning application requirements, please note that if the development costs exceed \$7 million then this planning application is considered a 'Mandatory Application' in accordance with the *Planning and Development (Development Assessment Panels) Regulations 2011* and will be determined by the Great Southern Joint Development Assessment Panel (DAP) and not the Shire of Denmark. In this regard a planning application is required to be lodged with the Shire, along with the applicable DAP application forms and fees. If the development cost is between \$3 million and \$7 million, this is classed as an 'Optional Application' Application' in accordance with the *Planning and Development (Development Assessment Panels) Regulations 2011* and it is the applicant's choice to have the application determined by the Great Southern Joint DAP or the Shire of Denmark. For more information pertaining to DAP applications (should this be applicable), please contact Planning Services or review the Western Australian Planning Commission's website – www.planning.wa.gov.au

In relation to the physical form of the development, given the level of information provided a full assessment of the proposal having regard to Clause 6.11.2 *Aged or Dependent Person's Dwellings* of the Residential Design Codes (R-Codes) has not been able to be undertaken. Notwithstanding the following areas having regard to the acceptable development criteria of the R-Codes are highlighted for your due consideration:

- Given the surrounding development, Planning Services would likely utilise the R20 density coding provisions;
- For all ground floor units as a minimum, the following should be provided:
 - Accessible paths of travel from the street frontage, car parking areas and drop-off points should be in accordance with the requirements of AS4299:1995 Clause 3.3.2;
 - Level entry to the front entry door with preferably all external doors having level entries (Diagrams, figure C1 of AS4299:1995).
- All dwellings to incorporate, as a minimum the following:
 - All external and internal doors to provide a minimum 820mm clear opening (AS4299:1995 Clause 4.3.3);

- Internal corridors to be a minimum 1000mm wide, width to be increased to a minimum of 1200mm in corridors with openings on side walls;
- A visitable toilet (AS4299:1995 Clause 1.4.12), preferably located within a bathroom;
- Toilet and toilet approach doors shall have a minimum 250mm nib wall on the door handle side of the door and provision for the installation of grab rails in accordance with AS4299:1995 Clause 4.4.4 h).
- A minimum of one (1) car parking space per dwelling unit is required to be provided on-site.
- Visitor's car spaces at the rate of one per four dwellings, in excess of four dwellings, with a minimum of one space. The first visitors car space shall provide a wheelchair accessible parking space and be a minimum width of 3.8 metres in accordance with AS4299:1995 Clause 3.7.1.
- Outdoor living areas to be provided in accordance with the requirements of Clause 6.4.2 *Outdoor Living Areas* of the R-Codes, but having due regard to a one third reduction in the areas specified in Table 1 (i.e. reduction of $\frac{1}{3}$ of $30\text{m}^2 = 20\text{m}^2$ per unit). Ideally outdoor living areas should also be provided on the northern side, noting the current design provides for the majority of outdoor living areas on the southern side of dwellings.
- Notwithstanding that the units have vehicular access of an internal driveway, the units should be designed such that they provide for surveillance of the street (refer Clause 6.2.4 and 6.2.5 of the R-Codes) and contribute towards an attractive streetscape and security for occupants and passers-by (i.e. the development should not 'turn its back' onto Brazier Street or Barnett Street).
- Internal driveways need to be designed to provide adequate access for large vehicles that will access the site (in particular rubbish truck, removal vans and fire trucks) – noting that Infrastructure Services have advised that given the nature of occupancy that rubbish collection will occur from within the site, thus allowance should be made for suitable bin pads to accommodate for 2 bins per unit (based on a domestic rubbish bin and a recycling bin for each unit).
- Clothes drying areas should be located such that they are screened from public view.

As referenced, the points above are referenced in line with the acceptable development criteria of the R-Codes. Should you wish to propose a development that does not meet the acceptable development criteria, then the application will be assessed against the performance criteria pertaining to the relevant element and adequate justification will need to be provided at the planning application stage to determine the appropriateness of the development.

In addition to the provisions of the R-Codes, the following is also relevant:

- Vegetation retention of mature healthy vegetation is encouraged wherever possible, either within the private outdoor living areas, or the park areas provided on-site.
- From the site survey it appears that development is proposed over the current sewer line alignment on-site. It is strongly recommended that consultation occur with the Water Corporation regarding this proposal to ascertain what is required in this regard in terms of facilitating the development of this site.
- Planning Policy No. 42: Public Art will apply to this development proposal (copy attached). For information/consideration purposes, on the northern side of Barnett Street/Brazier Street there is a 1012m^2 area of currently undeveloped grass land which is reserved for Recreation purposes (being Reserve 22518) – this site may provide an opportunity for public art to be developed having regard to the provisions of the policy that will benefit the occupants of the dwellings and the surrounding locality.
- Consideration should be given to a communal mailbox area(s) on-site rather than the provision of 21 individual letterboxes – noting it is unlikely Australia Post will enter the property to deliver mail as the accessways are not 'public roads'.

Building Services

- Given it appears the site is to be filled to address the current slope and low lying issues, details of retaining walls are to be provided to accompany the planning application, with full structural details likely to be required to accompany the building permit application for the dwelling units.

Infrastructure Services

- Vehicle crossovers and internal accessways will be required to be constructed (bitumen, concrete or asphalt) to the specification of the Shire of Denmark.

- All stormwater from roofed and impervious areas is required to be retained on-site or connected to a legal point of discharge (as determined by Infrastructure Services) to the satisfaction of the Shire of Denmark.

Community Emergency Services

- Given the extensive vegetation and slope of the land associated with Reserve 15513 (McLean Park Reserve) which adjoins the eastern boundary of the subject site and having regard to Clause 5.37 *Fire Protection and Bush Fire Control* of TPS No. 3, a bush fire hazard assessment will be required to be prepared, and lodged with the Shire of Denmark as part of the planning application consideration, having regard to the relevant provisions of the Western Australian Planning Commission/FESA's Planning for Bushfire Protection Guidelines Edition 2 (May 2010). Depending on such bush fire hazard assessment and any associated recommendations pertaining to fire management (e.g. AS 3959 construction requirements etc) as a result (normally provided for in a fire management plan) will provide guidance on factors including but not limited to the layout of the development and construction standards to apply to the proposal.

Community Services

- Any development on this site should be aware that the adjoining Reserve 15513 (McLean Park Reserve) consists of a recreation and youth precinct that is utilised after hours and on weekends for a range of recreational and youth pursuits. Consequently due consideration may wish to be given to incorporation of noise attenuation measures, particularly given the nature of occupancy proposed for the units.

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I trust the above information is of assistance to you at this stage. Should you require clarification on any of the above, please do not hesitate to contact Planning Services on 9848 0313.

Regards

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