

SHIRE OF DERBY / WEST KIMBERLEY  
TOWN PLANNING SCHEME NO.5



**Shire of Derby /  
West Kimberley**

**NOTICE OF PUBLIC ADVERTISEMENT OF A PLANNING PROPOSAL**

*Planning and Development Act 2005*  
Shire of Derby / West Kimberley

The local government has received a development application to use and/or develop land for the following purpose and public comments are invited.

Property Address: Lot 2 (No.11) Clarendon Street, Derby

Proposal: 'Shortstay Accommodation' development comprising eighteen (18) new transportable accommodation units and one (1) new transportable accommodation unit to be used as a 'caretaker's dwelling', including all associated vehicle access, parking, landscaping and stormwater drainage infrastructure.

Details of the proposal are attached including various supporting documentation and plans.

Comments on the proposal are now invited and can be emailed to [sdwk@sdwk.wa.gov.au](mailto:sdwk@sdwk.wa.gov.au) or posted to the Shire's Chief Executive Officer at PO Box 94 DERBY WA 6728 by no later than **Friday 21 April 2023**.

All submissions must include the following information:

- Your name, address and contact telephone number;
- How your interests are affected; whether as a private citizen, on behalf of a company or other organisation, or as an owner or occupier of property;
- Address of property affected (if applicable); and
- Whether your submission is in support of, or objecting to the proposal and provide any arguments supporting your comments.

All submissions received may be made public at a Council meeting and included in a Council Agenda, which will be available on the Shire's website, unless a submission specifically requests otherwise.

**Amanda Dexter**  
**Chief Executive Officer**  
**Shire of Derby / West Kimberley**

30 March 2023

Our Ref: 22/107

20<sup>th</sup> March 2023

**Attention: Manager Development Services**

Shire of Derby-West Kimberley  
PO Box 94  
Derby WA 6728

Dear Sir/Madam

## DEVELOPMENT APPLICATION – SHORT STAY ACCOMMODATION – 11 CLARENDON STREET, DERBY

On behalf of Golden Ash Investments, Taylor Burrell Barnett is pleased to submit this application for development approval for a short stay accommodation development at Lot 2 (No. 11) Clarendon Street, Derby.

The information presented in this submission includes an overview of the subject site, a description of the proposed development and consideration against the relevant planning framework. The following documents are to be read in conjunction with this submission.

- **Attachment A** – Completed and duly authorised Application for Development Approval Form (Shire of Derby-West Kimberley) and completed Development Application Checklist;
- **Attachment B** – Copy of the Certificate of Title; and
- **Attachment C** – A copy of the Site Plan and Elevations.

### 1. Site Overview

The subject site is legally described as Lot 2 on Deposited Plan 38967 and has an overall site area of 2,243m<sup>2</sup>. The legal description of the land is outlined in **Table 1** below. The registered proprietors of the land, Golden Ash Investments Pty Ltd, have completed the application forms provided as **Attachment A**.

Table 1 Land Ownership Details

Lot No	Plan or Diagram	Volume	Folio	Owner
Lot 2	38967	1693	938	Golden Ash Investments Pty Ltd

### Site Context

The subject site is located within the township of Derby in the Shire of Derby-West Kimberley (refer **Figure 1**). The subject site is predominantly surrounded by single and grouped dwellings as well as short stay accommodation.



Figure 1 Subject Site (Landgate Extract)

The subject site is strategically located in close proximity to tourist attractions and activity nodes. Popular recreation spots for the local community and visitors are highly accessible and are located less than 600m from site, including:

- Tourist and community facilities, including the Derby Public Library, Visitor Centre, Norval Gallery and Wharfinger's House Museum;
- Fitness centres, including the Life and Soul Health & Fitness Club and Derby Memorial Swimming Pool;
- Restaurants and retail stores including Derby Kebabs, Jila Gallery Café, Rusty's IGA and Lwoy Chinese.

The subject site is accessed via an existing crossover along Clarendon Street. The site abuts the following developments at each lot boundary:

- Derby Lodge to the eastern boundary;
- Mangrove Auto Electrics business to the western boundary; and
- Accommodation units and specialist workwear department store to the northern boundary.

## Site Characteristics

The existing site currently has one dwelling and two structures, with an informal, undefined gravel crossover providing vehicle access to the site. It has a total frontage of 30.4m to Clarendon Street. In terms of topography the subject site is relatively flat, with a spot height measurement of 7m AHD recorded in the approximate centre of the lot.

## 2. Development Proposal

### Development Summary

Tourism is a rapidly growing industry in the Shire of Derby-West Kimberly and the entire region, and this is expected to continue. This application therefore seeks approval to develop 18 short stay accommodation units and one manager's unit on the subject site. The proposed accommodation units will form part of the existing Derby Lodge operations, located adjacent to the site at 15 and 19 Clarendon Street, Derby, and will assist in addressing increased demand for short stay accommodation.

All 18 short stay accommodation units are proposed to have one bedroom and ensuite, living area and kitchen, an outdoor alfresco space and a dedicated car bay. The manager's unit is proposed to include two bedrooms, one bathroom, a kitchen and living space. A copy of the proposed development plans is provided as **Attachment C**.

### Vehicle Access and Parking

Access to the site is proposed via a 5.2m wide crossover along Clarendon Street, with a communal driveway providing direct access to each of the units. All units are provided with a single 3.0m wide car bay, as well as two visitor bays for the overall development.

### Landscaping and Design

The proposed development includes landscaping comprised of both soft landscaping and deep soil planting, with open space accounting for approximately 14% of the total site area. The landscape materials are proposed to complement the existing local character and surrounding developments, such as 15 and 19 Clarendon Street, Derby, currently trading as Derby Lodge. Landscaping will include hardy tropical trees and shrubs, with native species used where possible. Plantings will likely be sourced from local nursery owner who will assist with the gardening design.

### Waste Management

Waste generation rates have been calculated based on the rates for 'Boarding house/guest house' (under the WALGA Commercial and Industrial Waste Management Plan Guidelines) as the nearest comparable land use. There is no specific reference for holiday accommodation or holiday houses. However, this classification is considered to closely represent the intended holiday accommodation use. The expected waste generation rates are outlined in **Table 2** below.

Table 2 Waste Generation Rates (WALGA)

Type of Premises	Estimated Refuse Generation
Boarding house / guest house – (Single bedroom dwellings – 2 occupants)	120 litres per week (60L per occupant)
Boarding house / guest house – (Two bedroom – 2 occupants)	120 litres per week (60L per occupant)

It is understood that the Shire of Derby-West Kimberley does not have a recycling bin service, and instead, recycling materials can be taken to the Waste Management Facility during opening hours. It is proposed that each unit will have an individual bin that will be emptied by the managers / caretakers into a bulk communal bin for the disposal of general waste.

The communal bins are to be stored in an enclosed bin store, adequately screened from the street unless they are to be collected and emptied.

### 3. Planning Framework

#### 3.1 Shire of Derby-West Kimberley Local Planning Scheme No.5

The Shire of Derby-West Kimberley Local Planning Scheme No. 5 (LPS 5) was gazetted on 25 September 2001 and defines permissible land uses and development standards that aim to ensure development is well coordinated, land use conflicts are avoided and land is used efficiently.

The subject site is zoned 'Town Centre' under LPS 5, with a residential density coding of R35 (refer **Figure 2**). The proposed development has been carefully designed to ensure it addresses the objectives of LPS 5 and complements the surrounding functions of the zone.

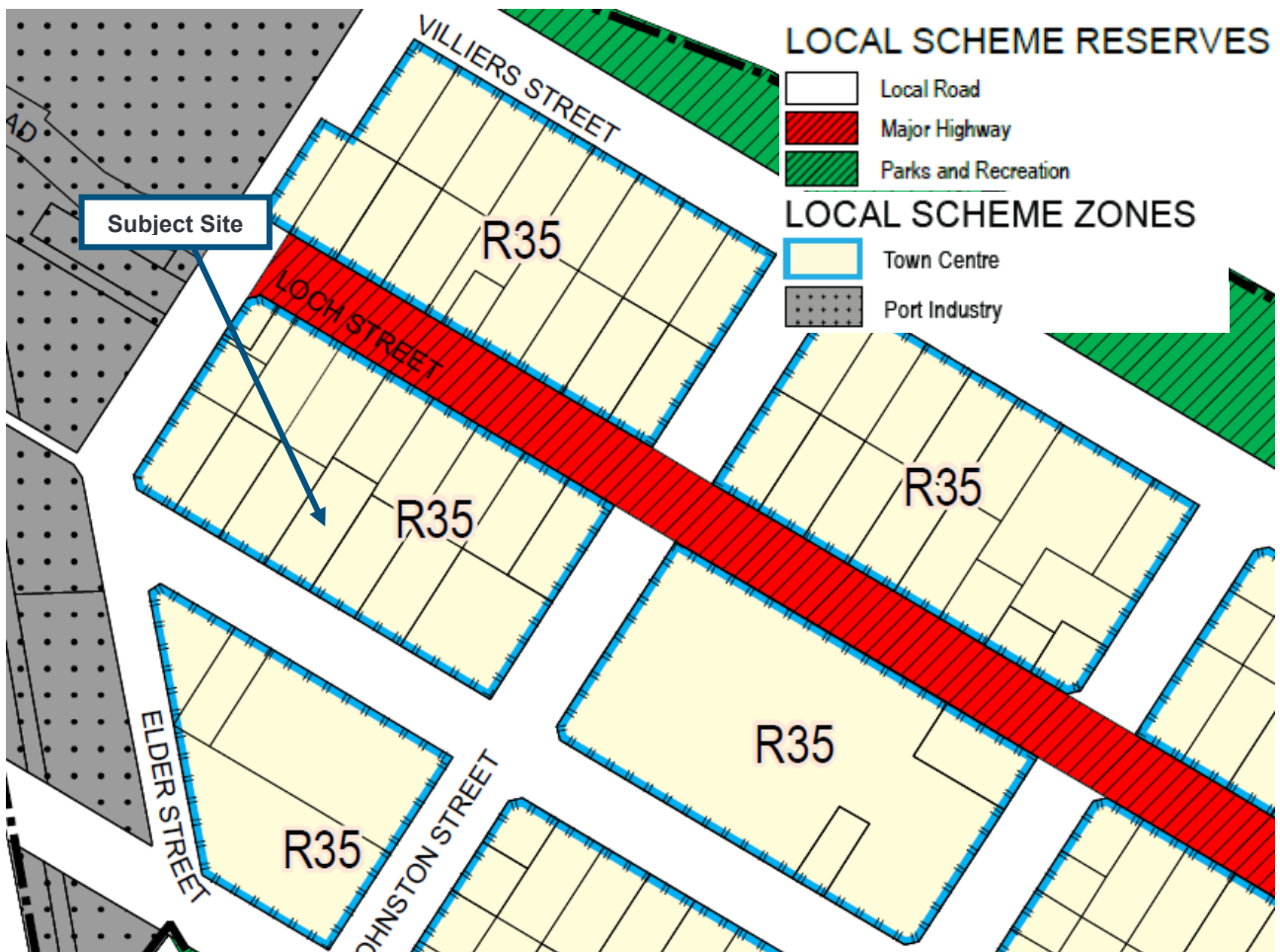


Figure 2 Local Planning Scheme No. 5 (Extract)

The key objective of the Town Centre zone is as follows:

*To provide land for continued development of a mixed commercial and community focus for Derby, within which retail, office, service trades, administration and entertainment uses are encouraged.*

The policies supporting the Town Centre Zone objectives, and the manner through which they are addressed is outlined in **Table 2** below.

Table 3 Local Planning Scheme No. 5 Objectives

Zone Policy	Proposal
a) <i>To take into account Local Government's Town Centre policy and Townscape Policies in the assessment of development proposals;</i>	An assessment against the Shire's Town Centre Policy is provided in <b>Section 3.4</b> below.
b) <i>To take into account, reinforce and promote the function of the Town Centre as the focus for mixed use activity for Derby in recommending on proposed subdivision /amalgamation applications and considering development applications;</i>	The proposed development supports an active mixed-use Town Centre by providing accommodation from which, tourists have a base to activate Derby through activities, shopping and dining.
c) <i>To ensure all development will be compatible with existing structures and the amenity of the zone taking into consideration aspects such as design, scale, height and setback;</i>	Careful consideration has been paid to the context and character of the proposed development. The proposed development includes single storey accommodation of a similar design and scale to the surrounding developments along Clarendon Street.
d) <i>To promote medium density residential development generally in conjunction with commercial development;</i>	The proposed development is for short term accommodation units which are self-contained.
e) <i>To limit industry within the Town Centre Zone to warehouse and service industries located in proximity to existing industrial uses.</i>	The proposed development does not include any industrial use within the Town Centre zone.

### Land Use Permissibility

The proposed use is classified as 'Short Stay Accommodation' and is defined by LPS 5 as follows:

*Any land or buildings used for the overnight or holiday accommodation of patrons in self-contained units and/or shared accommodation and may include ancillary facilities. It includes dormitory style accommodation, hostel/backpackers, tourist lodgings and guest houses, but excludes single suite bed and breakfast facilities.*

Short Stay Accommodation is an 'A' use in the Town Centre zone and is capable of approval following discretion by the local government, after being advertised for public comment in accordance with Clause 64 of the Deemed Provisions. The proposed Short Stay Accommodation use is consistent with the Town Centre zone to provide land for development of a mixed commercial focus for Derby. The short stay units will contribute to tourism in the locality and are compatible with surrounding existing uses and structures.

### 3.2 Draft Local Planning Scheme No. 9

The Shire of Derby-West Kimberley Draft Local Planning Scheme No. 9 (Draft LPS 9) is a proposed new scheme that will ultimately replace LPS 5 as the primary guide for future development within the Shire. Draft LPS 9 is now being publicly advertised for a period of 120 days until 26 May 2023.

Pre-lodgement engagement with Shire officers has indicated that Draft LPS 9 is now a seriously entertained planning proposal that is to be given due regard for any future development of the land. The proposed development is therefore assessed against draft LPS 9 in this application.

#### Zoning

The subject site is proposed to be zoned 'Mixed Use' and 'Special Control Area – Coastal Hazard Risk' under draft LPS 9, with a residential density coding of R35 (refer **Figure 3**).

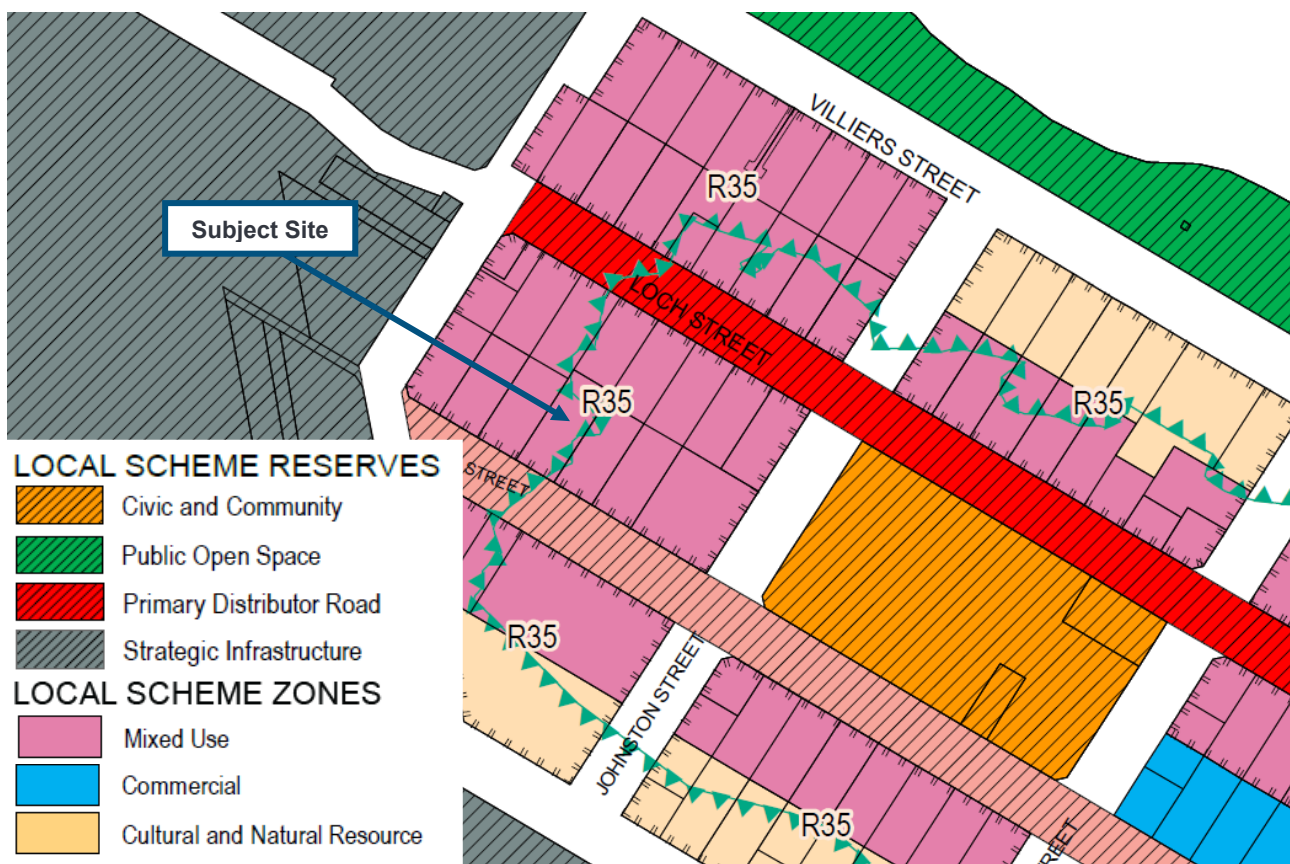


Figure 3 Draft Local Planning Scheme No. 9 (Extract)

The objectives of the Mixed-Use zone are as follows:

- i) *To provide for a wide variety of active uses on street level which are compatible with residential and other non-active uses on upper levels; and*
- ii) *To allow for the development of a mix of varied but compatible land uses such as housing, offices, showrooms, amusement centres, eating establishments and appropriate industrial activities which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of its residents.*

The proposed development is comprised of short stay accommodation units that will support tourism in the Derby Town Centre, and have been designed in a manner which complements surrounding developments. The development seeks to leverage the strategic location of the site and play a vital role in catering for the accommodation of tourists and the local community. Careful consideration has been paid to the context and scale of the proposal to ensure it adheres to the Draft LPS 9 objectives whilst responding to the current and expected future tourism market in Derby.

With regard to the compatibility of uses, short stay accommodation units are considered to create strong synergies with, and complement surrounding land uses, and will not adversely impact the amenity of the district or of residents.

The objectives of the Special Control Area – Coastal Hazard Risk are as follows:

- i) *To ensure land in the coastal zone is continuously provided for coastal foreshore management, public access, recreation and conservation;*
- ii) *To ensure public safety and reduce risk associated with coastal erosion and inundation;*
- iii) *To avoid inappropriate land use and development of land at risk from coastal erosion and inundation;*
- iv) *To ensure land use and development does not accelerate coastal erosion or inundation risks; or have a detrimental impact on the functions of public reserves; and*
- v) *To ensure that development addresses the Derby Townsite Coastal Hazard Risk Management and Adaptation Plan prepared in accordance with State Planning Policy No. 2.6 State Coastal Planning Policy (as amended) and any relevant local planning policy prepared in accordance with this Scheme.*

Review of the Derby Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) confirms that the Loch Street town site area is subject to 'No Impact' exposure to coastal hazards in the medium term from 2015 to 2060 (refer **Figure 4**). With regard to long term time scenarios, by 2110 exposure to coastal hazard risks is identified as 'Erosion & Inundation' (refer **Figure 5**).



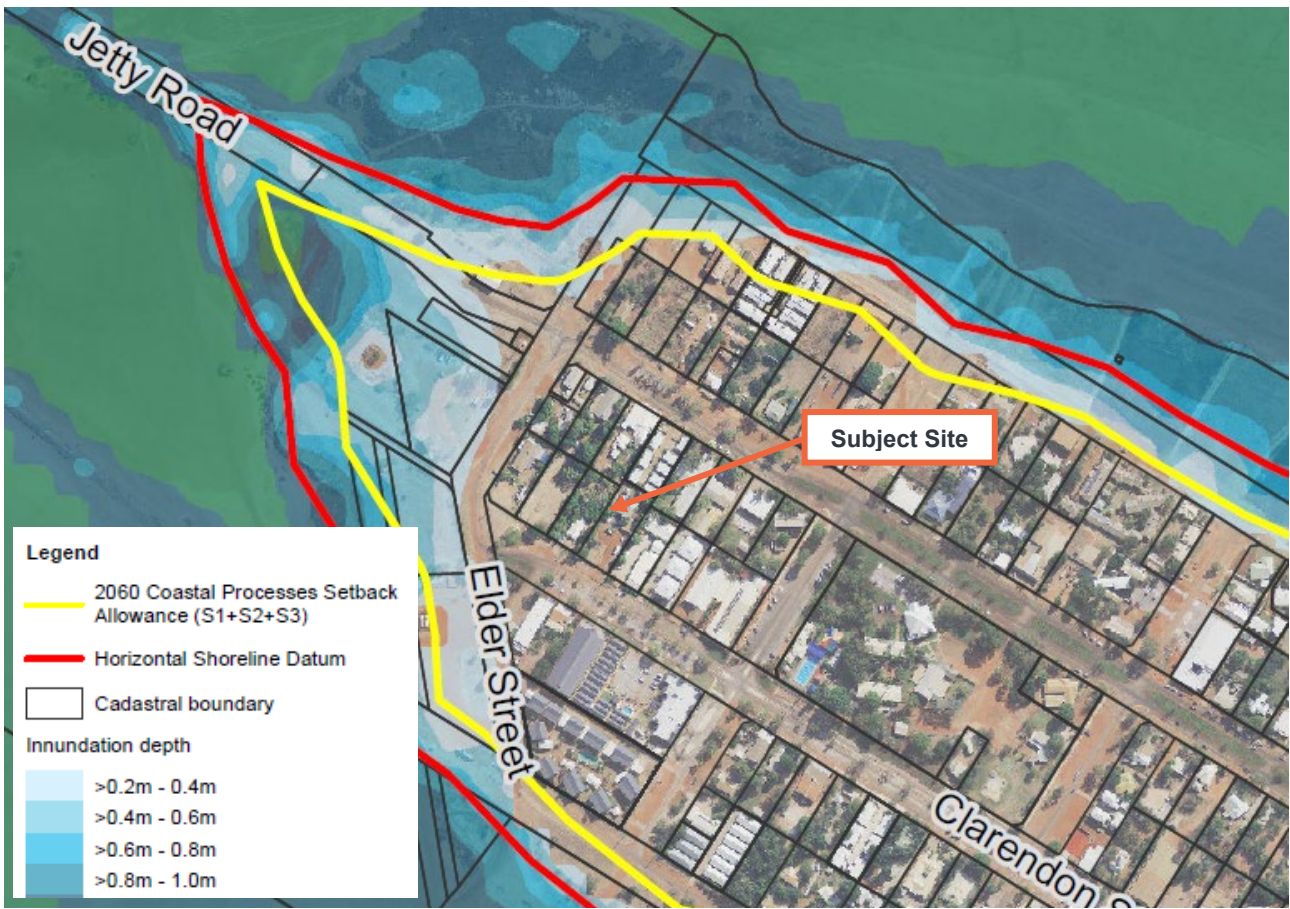


Figure 4 2060 Coastal Processes – Medium Term Inundation Depths – Year 2060

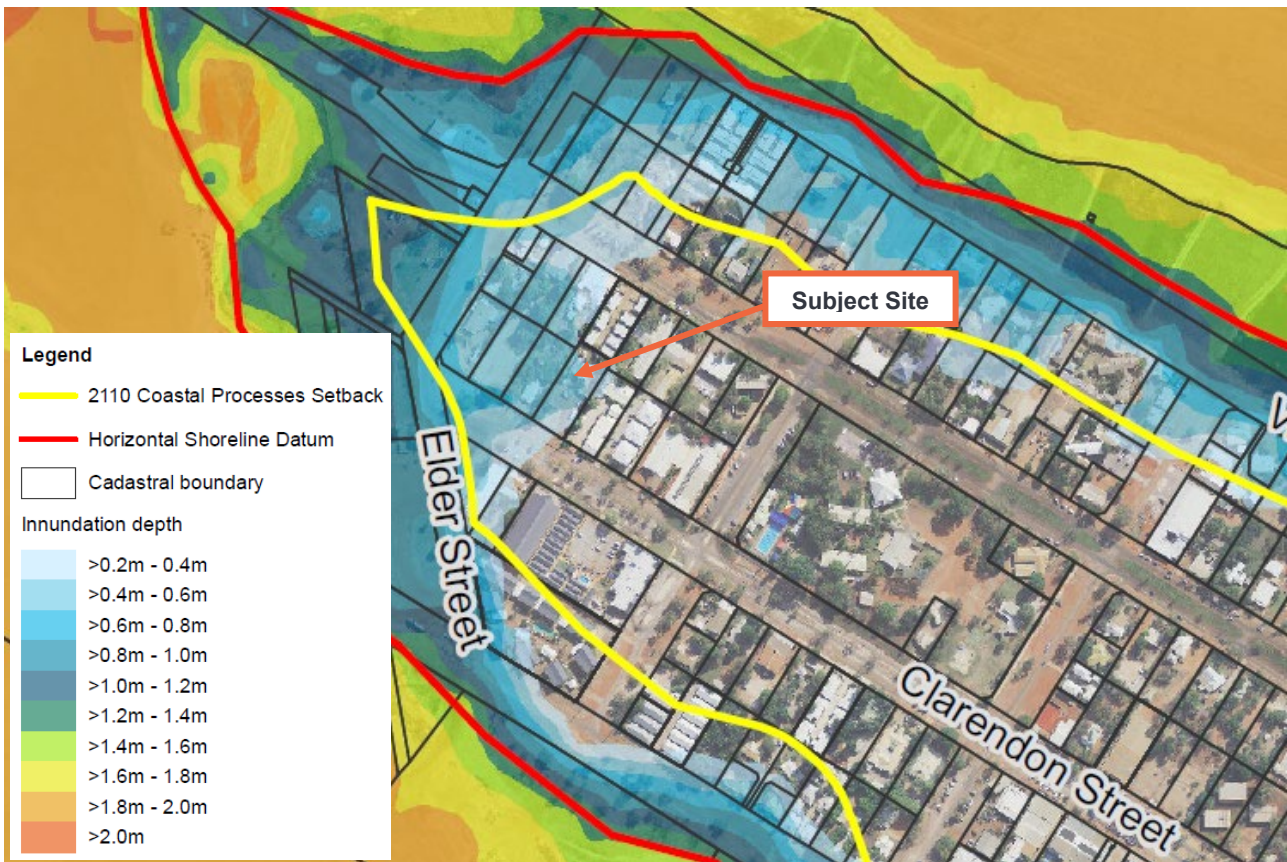


Figure 5 Coastal Process – Long Term Inundation Depths – Year 2110

The CHRMAP notes that changes to building design, such as the raising of houses within the Derby town site can suitably accommodate the identified coastal inundation over the longer term 100-year planning timeframe. Although not a requirement for the medium term, and likely the life of the development, the proposed short stay units are adequately raised a minimum of 0.2m above existing ground level, whilst the manager’s units are approximately 0.15m above ground level.

#### Land Use Permissibility

The proposed use is classified as ‘Tourist Development’ and is defined by Draft LPS 9 as follows:

*A building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide -*

- a) *short-term accommodation for guests; and*
- b) *onsite facilities for the use of guests; and*
- c) *facilities for the management of the development.*

Tourist Development is an ‘A’ use in the Mixed-Use zone and is capable of approval at the discretion of the local government, after being advertised for public comment in accordance with Clause 64 of the Deemed Provisions.

### 3.3 State Planning Policies

#### State Planning Policy 5.4 – Road and Rail Noise

State Planning Policy 5.4 – Road and Rail Noise (SPP5.4) seeks to ensure that the community is protected from unreasonable levels of noise by minimising adverse impacts of road and rail noise on noise sensitive land uses and developments, whilst ensuring the future operation of transport corridors.

Loch Street is classified as a Strategic freight/major traffic route under SPP5.4, as the Primary Distributor Road designation continues from Derby Highway through the townsite along Loch Street. As such, the subject site is technically within the trigger distance of Loch Street and requires consideration against SPP5.4 and the Road and Rail Noise Guidelines. In accordance with Clause 6.2 of SPP5.4, an assessment is to be undertaken using Table 2: Noise Exposure Forecast in the Guidelines.

Despite the designation as a Strategic freight/major traffic route, the conditions for such a road are noted in the policy as having either 500 or more Class 7-12 Austroads vehicles per day, or 50,000+ vehicles per day; however, traffic on Loch Street is substantially below either of these thresholds and so assessment against the applicable criteria would be inappropriate. The lower classification of Other significant freight/traffic route has a criterion in the policy of either 100 or more Class 7-12 Austroads vehicles per day or 25,000+ vehicles per day. The section of Loch Street in proximity to the subject site is within a 60km/h zone with one lane in each direction and on-street parking. In this location, we understand that the road carries even less traffic than the volumes necessary to meet the lower classification. Whilst assessment against the standards for a Strategic freight/major traffic route are not appropriate in the context and the class and volume of vehicles is even less than an Other significant freight/traffic route, we have taken the conservative view that the proposal should, in any case, be assessed against the policy as it is still a road under the control of Main Roads Western Australia. Given the actual traffic characteristics of the road, however, we consider that the most appropriate classification against which to assess the application for the purpose of SPP5.4 is as an Other significant freight/traffic route. On that basis, the noise exposure forecasts from Loch Street are assessed as follows:

#### Loch Street:

- Rural area (60-80km/hr)
- 1 to 2 lanes
- 65m from nearest main road carriageway

= Noise Exposure Forecast of 53dB. **No additional mitigation is required.**

Table 2: Noise exposure forecast

Transport Corridor Classification	Number of lanes (both directions), including bus/priority lanes and entrance/exit ramps	Forecast noise exposure category based on lot distance(m) from edge of nearest main road carriageway (not entrance/exit ramps)																					
		adjacent	10	20	30	40	50	60	70	80	90	100	110	120	130	140	150	175	200	225	250	275	300
Strategic freight/major traffic route • 500 or more Class 7-12 Austroads vehicles per day, or • 50,000+ vehicles per day	2 to 4 lanes	72	68	66	65	63	62	61	61	60	59	59	58	57	57	56	55	54	53	52	51	50	
	5 to 6 lanes	74	70	68	66	65	64	63	62	61	61	60	59	59	58	58	57	56	55	54	53	52	
	7 to 8 lanes	76	72	69	68	66	65	64	64	63	62	62	61	60	60	59	58	57	56	55	54	53	
	9 to 10 lanes	77	73	70	69	67	66	65	64	63	63	62	61	61	60	59	58	57	56	55	54	53	
	10 or more lanes	78	74	71	70	68	67	66	66	65	64	64	63	62	62	61	60	59	58	57	56	56	
Other significant freight / traffic routes • Any actual or planned future State Administered Road • Local Government Roads Carrying 100 or more Class 7 – 12 Austroads vehicles/day • 25,000+ vehicles per days vehicles/day	Urban Region Scheme areas 60-80 km/hr	1 to 2 lanes	67	64	62	61	60	59	58	57	56	56	55	54	54	53	53	52	51	50	49	48	47
	3 to 6 lanes	69	66	64	63	62	61	60	59	58	58	57	56	56	55	55	54	53	52	51	50	49	
	Urban Region Scheme areas 100+ km/hr	1 to 2 lanes	70	67	65	64	63	62	61	60	59	59	58	57	57	56	56	55	54	53	52	51	50
	3 to 6 lanes	74	70	68	66	65	64	63	62	61	61	60	60	59	59	58	57	56	55	54	53	52	
	Rural areas 60-80 km/hr	1 to 2 lanes	62	59	57	56	55	54	53	52	51	51	50	49	49	48	48	46	45	44	43	42	41
	3 to 4 lanes	66	63	61	60	59	58	57	56	55	54	53	52	52	51	50	49	48	47	46	45	44	
Rural areas 100+ km/hr	1 to 2 lanes	67	64	62	61	60	59	58	57	56	55	54	54	53	53	52	51	50	49	48	47	46	
3 to 4 lanes	69	66	64	63	62	61	60	59	58	57	56	56	55	55	54	53	52	51	50	49	48		

Railway Transport Corridor Classification		Forecast period average noise level and exposure category based on distance from nearest rail centreline (m)																
		adjacent	10	20	30	40	50	60	70	80	90	100	110	120	130	140	150	175
Passenger railways	Fremantle, Midland and Thornlie main lines only	68	64	62	60	59	58	56	56	55	54	53	52	52	51	51	49	48
	All other metro passenger rail lines, and where multiple metro rail services share the same transport corridor	70	66	64	62	61	60	58	57	56	56	55	54	54	53	52	51	50
Freight railways, up to 1 movement per hour		72	68	65	63*	62*	60*	59*	58*	57*	57*	56	55	55	54	53	52	51

Figure 6 State Planning Policy Noise Exposure Forecast (Extract)

### 3.4 Local Planning Policies

#### TP4 – Town Centre Development

The Shire’s Town Centre Development Policy seeks to facilitate development of mixed uses within the Town Centre zone taking into account the need for economic viability and protection of amenity for the various land uses.

At the time of lodgement of this development application, no Precinct Plan was able to be provided by the Shire and therefore it is not possible to determine the provisions applicable to the subject site. Notwithstanding this, the proposed development is considered to be consistent with the general objectives of the Policy.

#### W1 – Crossovers

The Shire’s crossover policy was adopted in February 2019 and seeks to ensure adequate access is provided for landowners to their property. In accordance with this Policy, a 5.2m wide crossover is proposed, accounting for approximately 17.1% of the lot frontage. Noting this is a non-residential development, it is understood that there is no Council contribution towards the construction of the crossover.

#### W2 – Derby Townsite Streetscape

The Shire’s Derby Townsite Streetscape Policy seeks to maintain and improve both the visual aspect and public amenity of the Derby townsite. This Policy generally relates to improvements and expansions to the existing streetscape and public lands of Derby by the Shire, and is therefore not considered directly relevant to this proposal. However, it is noted that the proposal seeks to enhance the development outcome of the existing site, with landscaping proposed to positively contribute to the character and amenity along Clarendon Street.

## 4. Development Assessment and Justification

### 4.1 R-Codes Volume 1

In the absence of development controls being applicable to the subject site and the proposed land use, an assessment has been prepared against Volume 1 of the R-Codes, noting the subject site has an applicable density coding of R35. However, it is also noted that the R-Codes are only applicable to residential developments such as single houses, grouped dwellings and multiple dwellings and therefore certain design requirements may not be considered appropriate for the intended use and purpose of the proposed development. Where this is the case, an assessment has not been undertaken against those requirements.

An assessment of the proposed development against the provisions of SPP7.3 – Volume 1 is provided in **Table 4** below.

Table 4 R-Codes Volume 1 Assessment

R-Codes Elements	Provision	Proposed	Compliance
<b>5.1.1 Site Area</b>			
Minimum Site Area	Not applicable. Proposed development is not a single house, grouped or multiple dwelling and is not intended to be used for the purpose of human habitation on a permanent basis by a single person or family.	1-bedroom units: 39.53m <sup>2</sup> 2-bedroom unit: 60.00m <sup>2</sup>	<b>N/A</b>
<b>5.1.2 Street Setback</b>			
Refer to Local Planning Scheme No. 9 Schedule 4 assessment in Section 4.2 below.			
<b>5.1.3 Lot Boundary</b>			
Refer to Local Planning Scheme No. 9 Schedule 4 assessment in Section 4.2 below.			
<b>5.1.4 Open Space</b>			
C4	Minimum 45% of total site	65% of total site (1,471.5m <sup>2</sup> )	✓
<b>5.1.5 Communal Open Space</b> <b>N/A</b>			
<b>5.1.6 Building Height</b>			
P6	Maximum height of wall: 7m Maximum total building height: 8m	Maximum height of wall: 2.7m Maximum total building height: 3.28m	✓
<b>5.2.3 Street Surveillance</b>			
C3.1 – Entry points	Clearly definable entry points visible and accessible from the street	Pedestrian access from Clarendon Street	✓
C3.2 – Surveillance	At least one major opening from a habitable room of the dwelling faces the street and the pedestrian or vehicular approach to the dwelling	Major openings and outdoor living areas of Unit 1 and Unit 18 face Clarendon Street.	✓

<b>5.3.1 Outdoor Living Areas</b>			
C1.1	Minimum area of 24m <sup>2</sup>	All villas achieve a minimum area of 13.7m <sup>2</sup> . This is considered reasonable noting the short stay function of the proposed development, and the expectation that users would instead utilise nearby recreation areas such as Lions Park, Stanley Square.	<b>Variation</b>
	Behind front setback	Outdoor living areas behind front setback.	✓
	Accessible from a primary living space	Accessible from ground floor living areas.	✓
	Minimum width and length dimension of 4m (Figure 13)	Minimum width dimension of 2.4m and minimum length dimension of 4m. As outlined above, this is considered reasonable for the proposed use of this development.	<b>Variation</b>
	Two-thirds of the required area without permanent roof cover (Figure 13)	This requirement is no applicable for short stay accommodation. Alfresco area is fully covered, which is a more appropriate design response for the use.	<b>N/A</b>
<b>5.3.2 Landscaping</b>			
Refer to Local Planning Scheme No. 9 Schedule 4 assessment in Section 4.2 below.			
<b>5.3.4 Design of Car Parking Spaces</b>			
C4.1 – Car space and manoeuvring area design	As per AS 2890.1	Garages not proposed.	<b>N/A</b>
C4.2 – Visitor bays	Marked and signposted	All bays are marked and signposted to identify residential and visitor bays.	✓
	Located outside of security barrier	No security gate proposed, bays will be accessible to all visitors.	✓
	Accessible path provided	Direct access provided along communal driveway.	✓
C4.3 – Landscaping	Landscaping between each six consecutive bays	Only 3 consecutive bays proposed.	✓
<b>5.3.5 Vehicular Access</b>			

C5.1	Car parking spaces provided from a communal street	Car parking spaces accessible from communal street that is adequately paved and drained to a constructed street	✓
C5.2	Driveway to be no more than 6m wide at the street boundary	Driveway 5.2m at street boundary	✓
<b>5.3.6 Pedestrian Access</b>			
C6.1	Separate path (to a minimum width of 1.2m) where communal street serves more than 10 dwellings.	Noting the nature of the proposed development and the intended users of the development being tourists travelling into Derby, it is considered likely that visitors will travel to and from the development by car. Furthermore, it is noted that car parking spaces are provided in close proximity to each dwelling, eliminating the need for visitors to walk along the communal street.	<b>Variation</b>
C6.2	Where communal street serves more than two dwellings the configuration of the pedestrian and vehicular route is to be provided with: <ul style="list-style-type: none"> <li>• clear sight lines;</li> <li>• adequate lighting;</li> <li>• paving surfaces to slow traffic.</li> </ul>	All vehicular and pedestrian routes have clear sight lines.  Adequate lighting provided throughout the development.  Landscaping treatment proposed to slow down local traffic.	✓
C6.3	A communal street or pedestrian path is to be no closer than 2.5m to any wall with a major opening unless privacy screening is provided to the communal street or pedestrian path.	Communal street and pedestrian paths not located within 2.5m of walls with major openings.	✓
<b>5.3.9 Stormwater Management</b>			
C9	All water draining from roofs, driveways, communal streets and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site where climatic and soil conditions allow for the effective retention of stormwater on-site.	Stormwater to be directed to garden beds or drained through permeable surfaces such as the development's crushed rock driveway.	✓

5.4.4 External Fixtures			
C4.1	Solar collectors proposed	No solar collectors proposed.	N/A
C4.2	Television aerials, essential plumbing and down pipes permitted	Details to be confirmed at detailed design stage.	N/A
C4.3	Other external fixtures not visible from the primary street	No external fixtures visible from primary street.	✓
	Designed to integrate with the building	External fixtures designed to integrate with the building.	✓
	Are located so as not to be visually obtrusive	External fixtures not visually intrusive.	✓
C4.4	Antennas, satellite dishes and the like not visible from the primary and secondary street	No antennas or satellite dishes proposed.	✓
C4.5	Min 4m <sup>2</sup> enclosed lockable storeroom with minimum dimension of 1.5m	N/A – Storerooms not required for short stay accommodation units.	N/A
C4.6	Communal bin store area provided if necessary	5.2m <sup>2</sup> communal bin store proposed.	✓
C4.7	Clothes drying areas screened from street	Yes – clothes lines and drying areas to be screened from the street.	✓

#### 4.2 Draft Local Planning Scheme No. 9

Schedules 3 and 4 of Draft LPS 9 outline development standards applicable to the site, that are to be given due regard. A summary of the development standards is provided in **Table 5** below.

Table 5 Minimum Setback Boundaries

Provisions	Proposal	Compliance
<b>Primary Street</b> Nil to 3 metres at the discretion of the Local Government.	5.7m setback proposed to the primary street. This is considered appropriate noting the front setback area is proposed to be landscaped to ensure the streetscape remains activated, noting developments to the north west and south east are setback 8.8m and 4.7m respectively. This is also considered to be a positive outcome for the site, noting the existing setback of approximately 50m to the existing dwelling.	<b>Variation</b>
<b>Rear Setback</b> To be setback from a common boundary with residential zoned land in accordance with the requirements of the applicable R-Code for that land.	1.5m rear setback is proposed.	✓



<p><b>Side Setback</b> To be setback from a common boundary with residential zoned land in accordance with the requirements of the applicable R-Code for that land.</p>	<p>1.0m side setback is proposed.</p>	<p>✓</p>
<p><b>Minimum Landscaping Requirement</b></p> <ol style="list-style-type: none"> <li>1. Canopy shade trees at the rate of 1 tree for every 4 open air parking bays.</li> <li>2. Screen landscaping as required by the Local Government.</li> <li>3. Additional landscaping as required by the Local Government.</li> </ol>	<ol style="list-style-type: none"> <li>1. Trees and landscaping proposed along visitor car bays.</li> <li>2. Landscaping proposed along primary street setback to provide screening of car bays and further articulate the appearance of the façade of the development from the street.</li> <li>3. N/A</li> </ol>	<p><b>Variation</b></p>

## 5. Conclusion

We trust the information provided constitutes a valid and compliant planning application, and look forward to receiving your favourable consideration of the proposal in due course.

Should you have any queries or require any further information in the interim, please do not hesitate to contact the undersigned on 9226 4276.

Yours faithfully



LEX BARNETT  
MANAGING DIRECTOR



# Attachment A

Development Application Forms





SDWK OFFICE USE ONLY:

P/C No.

# Shire of Derby/West Kimberley

## Application for Planning Consent

Development Approval       Home Occupation       Extractive Industry

TICK APPLICABLE

### PROPERTY DETAILS :

Lot/Reserve No 2 ..... House No 11 .....  
Street Clarendon Street ..... Suburb/Community .....

### OWNER DETAILS :

Name Golden Ash Investments Pty Ltd .....  
Address (Postal) 167 Sixth Avenue, Inglewood WA 6052 .....  
Phone (Wk) 0417221320 ..... (Hm) ..... (Fx) .....  
Contact Person Geoff Harwood .....  
Signature(s) [Signature] ..... Date 08/03/2023 .....

*The signature of the landowner(s) is required for Planning Approval. This application will not proceed without that signature*

### APPLICANT DETAILS :

Name Taylor Burrell Barnett .....  
Address (Postal) PO Box 7130 Cloisters Square, Perth WA 6850 .....  
Phone (Mob) 9226 4276 ..... (Wk) ..... (Hm) .....  
(Fx) ..... Signature Farida Farrag ..... Date 17.03.23 .....

### DETAILS OF DEVELOPMENT :

Existing building/land use Accommodation .....  
Est date of completion End of 2023 .....  
Description of development / or proposed use.....

18x Short stay accommodation units and one manager's unit

Cost of development \$ 2,100,000 ..... Area (m<sup>2</sup>) .....

### SIGN LICENCE : (Plans to be attached)

Type of Sign .....  
Position .....  
Dimensions ..... Materials .....



# Attachment B

Certificate of Title



WESTERN



AUSTRALIA

REGISTER NUMBER <b>2/D38967</b>	
DUPLICATE EDITION <b>1</b>	DATE DUPLICATE ISSUED <b>14/8/2001</b>

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

VOLUME **1693** FOLIO **938**

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.

*BGRoberts*  
REGISTRAR OF TITLES



**LAND DESCRIPTION:**

LOT 2 ON DIAGRAM 38967

**REGISTERED PROPRIETOR:**  
(FIRST SCHEDULE)

GOLDEN ASH INVESTMENTS PTY LTD OF 167 SIXTH AVENUE INGLEWOOD WA 6052  
(T P284309 ) REGISTERED 13/9/2022

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

1. THE LAND THE SUBJECT OF THIS CERTIFICATE OF TITLE EXCLUDES ALL PORTIONS OF THE LOT DESCRIBED ABOVE EXCEPT THAT PORTION SHOWN IN THE SKETCH OF THE SUPERSEDED PAPER VERSION OF THIS TITLE. VOL 1693 FOL 938.

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: 1693-938 (2/D38967)  
PREVIOUS TITLE: 1628-314  
PROPERTY STREET ADDRESS: 11 CLARENDON ST, DERBY.  
LOCAL GOVERNMENT AUTHORITY: SHIRE OF DERBY-WEST KIMBERLEY




NOTE 1: DUPLICATE CERTIFICATE OF TITLE NOT ISSUED AS REQUESTED BY DEALING P284309



# Attachment C

Development Plans

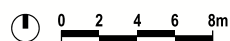
**Legend**

-  Development Application Boundary (0.2243ha)
-  7m AHD Existing Spot Height (AHD - Australian Height Datum)
-  Existing buildings/structures to be removed



**Site Plan**

LOT 2 (#11) CLARENDON STREET  
DERBY



scale / 1:500@A4  
 plan / 22/107/001A  
 date / 28/02/2023

Taylor Burrell Barnett Town Planning & Design  
 Level 7, 160 St Georges Terrace, Perth WA 6000  
 e: admin@tbbplanning.com.au  
 p: (08) 9226 4276

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 ALL AREAS AND DIMENSIONS DISPLAYED ARE SUBJECT TO DETAIL SURVEY.



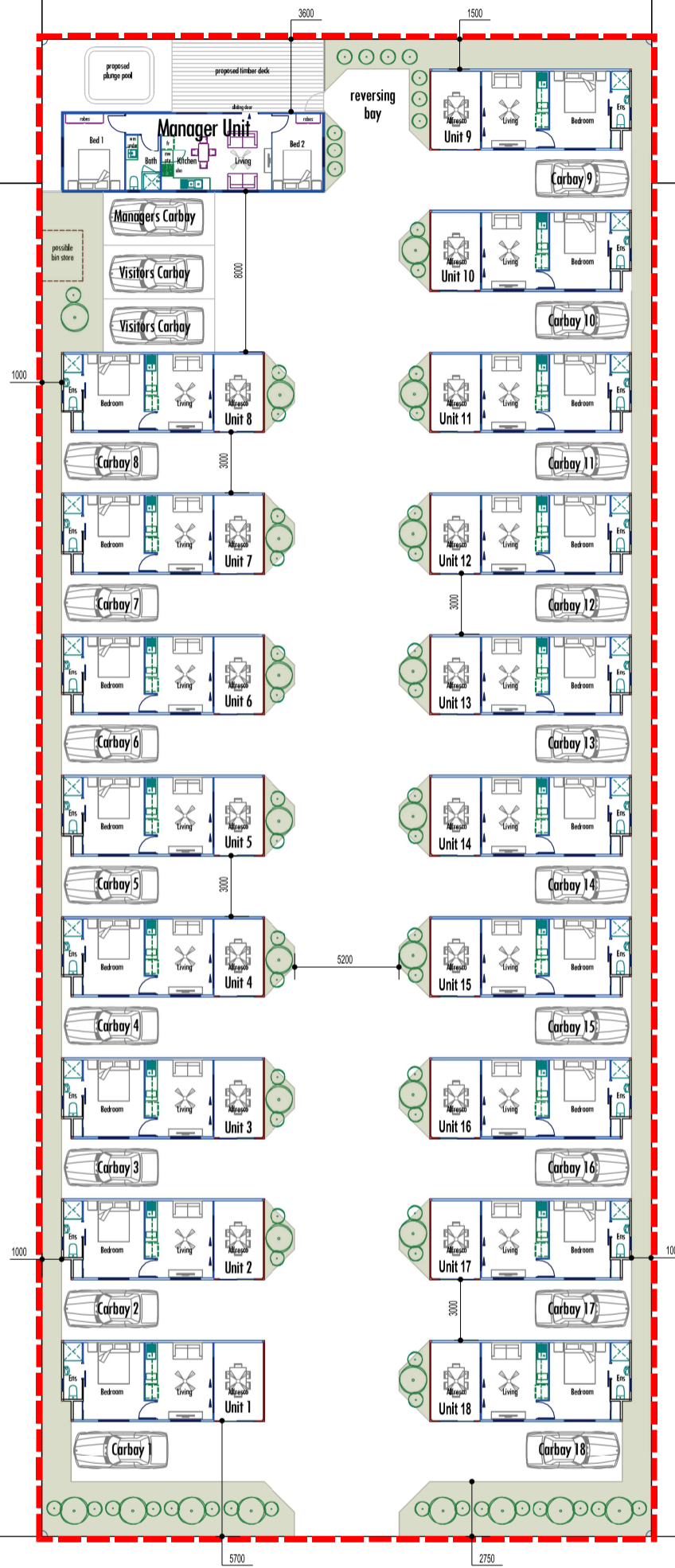
**Legend**

- Development Application Boundary (0.2243ha)
- Proposed Open Space 0.0315ha (14%)
- Proposed landscaping

LOT 271  
(#8)

LOT 4  
(#12)

LOT 273  
(#16)



LOT 314  
(#7)

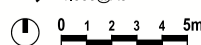
LOT 1445  
(#15)

CLARENDON STREET

**Proposed Floor Plan**

LOT 2 (#11) CLARENDON STREET  
DERBY

scale / 1:300@A3



plan / 22/107/003A

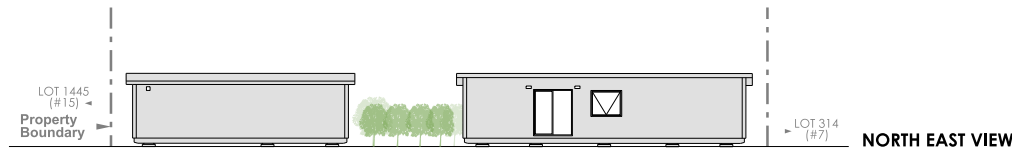
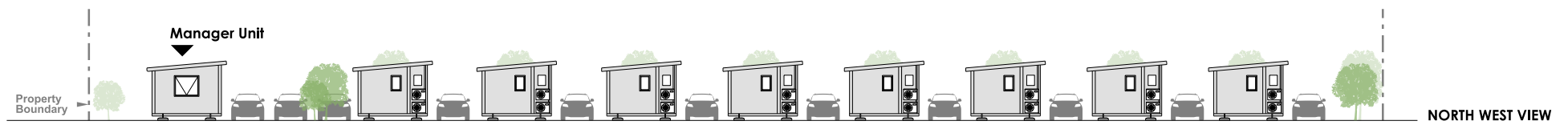
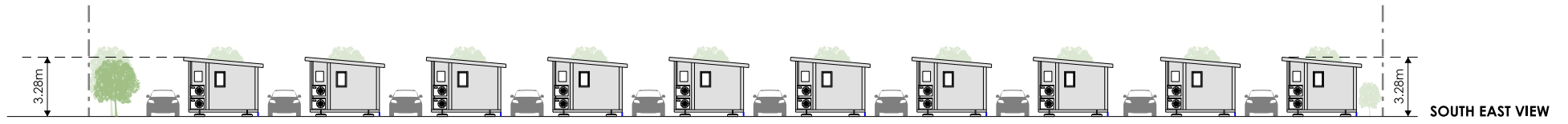
date / 28/02/2023

Taylor Burrell Barnett Town Planning & Design  
Level 7, 160 St Georges Terrace, Perth WA 6000  
e: admin@tbbplanning.com.au  
p: (08) 9226 4276

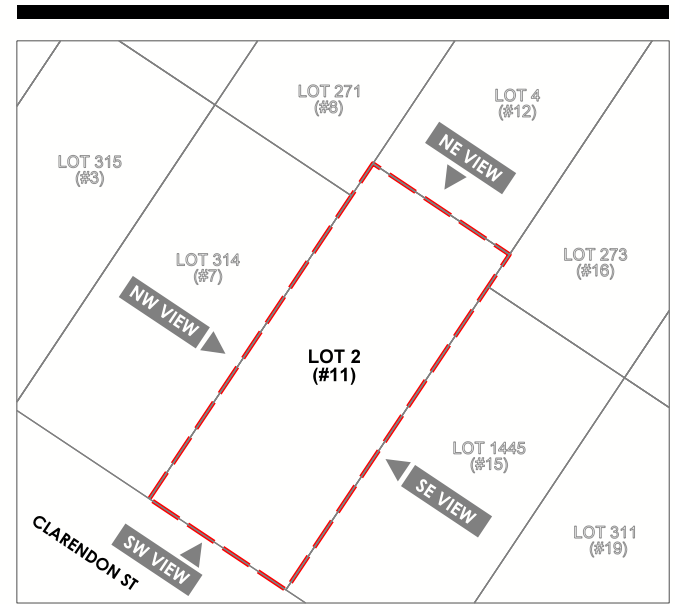


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**INSET**

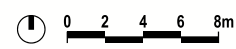


**Elevations**

LOT 2 (#11) CLARENDON STREET  
DERBY

scale / 1:350@A4  
 plan / 22/107/002A  
 date / 28/02/2023

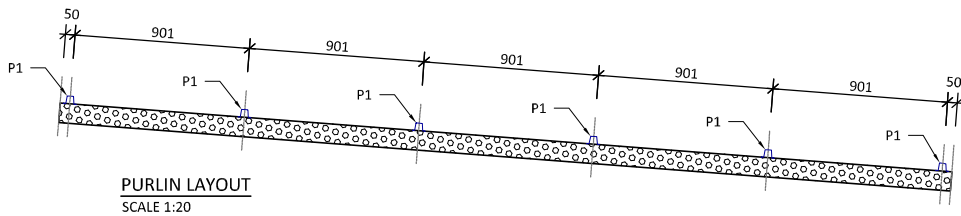
Taylor Burrell Barnett Town Planning & Design  
 Level 7, 160 St Georges Terrace, Perth WA 6000  
 e: admIn@tbbplanning.com.au  
 p: (08) 9226 4276



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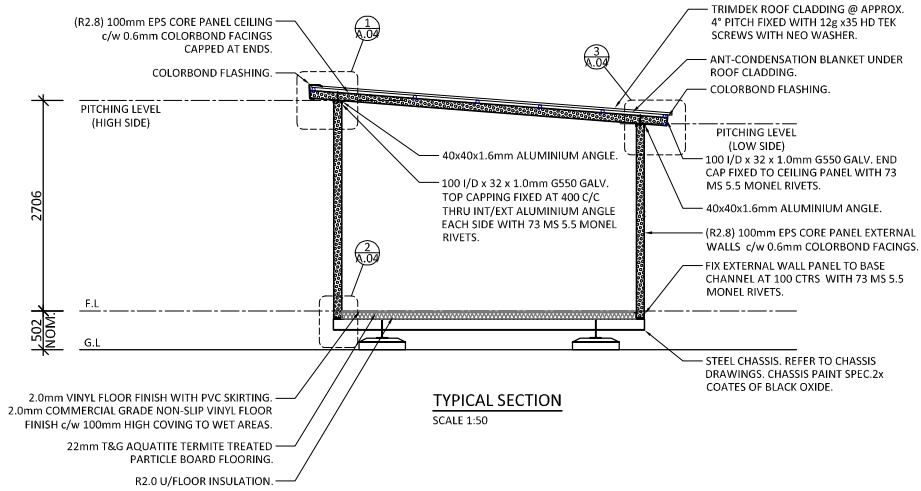






**PURLIN LAYOUT**  
SCALE 1:20

PURLIN	
MARK	DESCRIPTION
P1	TS4075



**TYPICAL SECTION**  
SCALE 1:50

CLIENT SIGNATURE: \_\_\_\_\_  
DATE: \_\_\_\_\_



**GENERAL NOTES**  
1. ALL DIMENSIONS TO BE VERIFIED ON SITE PRIOR TO COMMENCEMENT OF WORKS.  
2. USE WRITTEN DIMENSIONS ONLY, DO NOT SCALE DRAWINGS.  
3. READ IN CONJUNCTION WITH OTHER DRAWINGS, SPECIFICATIONS & CONDITIONS OF CONTRACT.  
4. REFER ANY DISCREPANCIES IMMEDIATELY TO THE DESIGNER & NOT WRITTEN INSTRUCTION.

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ADVISED BY: IAN GOSWELL PERKIN WESTERN AUSTRALIA 6113  
T 0800 345 977  
E APD@PANGALLODESIGN.COM.AU

SHEET  
**SECTION**  
PROJECT  
JAVIN 15.0m x 4.0m  
DRAWING NO.  
**A.03**



DRAWN DATE  
AP 18/08/22  
SCALE SIZE REVISION  
AS SHOWN A3 A

PROJECT NO. BUILDING ASSET No.  
DSN00203 406  
PROJECT CLIENT  
C PATTERSON  
PROJECT ADDRESS  
WOOLKABIN FARMS  
PO BOX 217, KATANNING

NO.	DESCRIPTION	DATE	BY	CHK'D
1	ISSUED FOR APPROVAL	18/08/2022	AP	









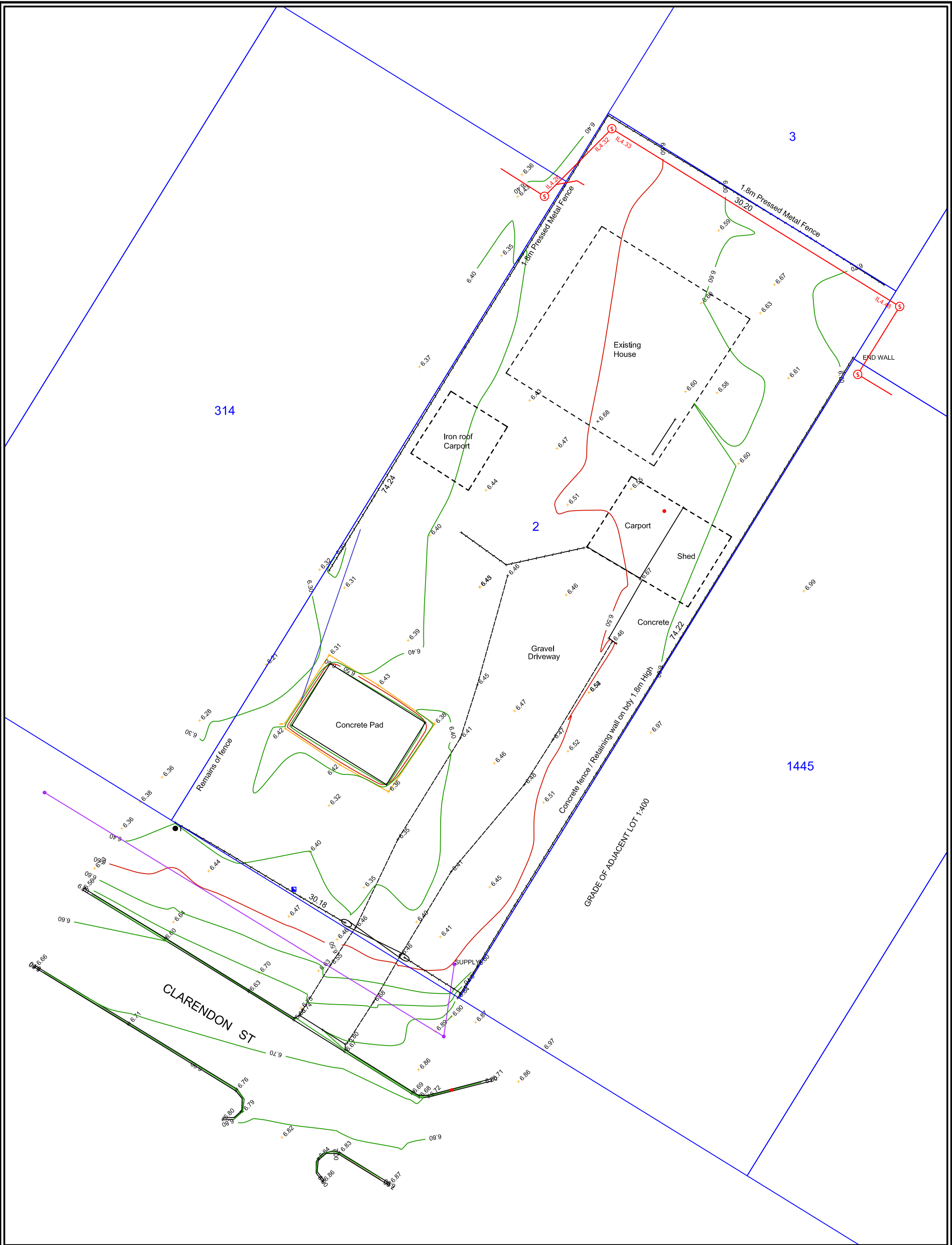







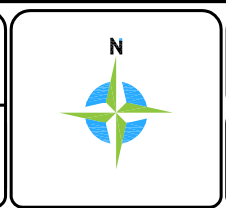






Rev.	Description	Drawn	Date	Checked
A	INITIAL	BG	29/12/15	LW


  
 FS 565311 OSH 591267  
 Surveyor: BG  
 Survey Date: 15/12/15  
 File: S34095712D  
 FILES Software:-



**SITE SURVEY - LOT 3 (#11)**  
**CLARENDON STREET, DERBY**  
 CLIENT: GEOFF HARWOOD

The contents of this plan are current and correct as of the date stated within the revision panel. All consultants and persons wishing to utilise this data should satisfy themselves of this plan currency by contacting Survey North.

Project Mng:	BGI	Datum	DBY94
40957	- DE	001	- A
Job Number	Type	Plan Number	

**SCALE 1:300**  
 ALL DISTANCES ARE IN METRES.  
 For true to scale reproduction of this plan, plot at A3 with the Page Scaling set to None

The boundaries depicted on this plan were not re-established as part of this survey, therefore this plan does not guarantee their accuracy. Re-establishment of the cadastral boundaries is recommended for any proposed works on or near existing boundaries.


**SURVEY NORTH (an MNG Company)**  
 Suite 5, 2 MacPherson Street Unit 1, 60 Coolibah Drive  
 PO Box 6405 BROOMIE WA 6725 PO Box 1390 KUNUNURRA WA 6743  
 Tel: (08) 9192 6312 Tel: (08) 9169 2405  
 Fax: (08) 9192 6396 Email: admin@surveynorth.com.au

Project Mng:	BGI	Datum	DBY94
40957	- DE	001	- A
Job Number	Type	Plan Number	



