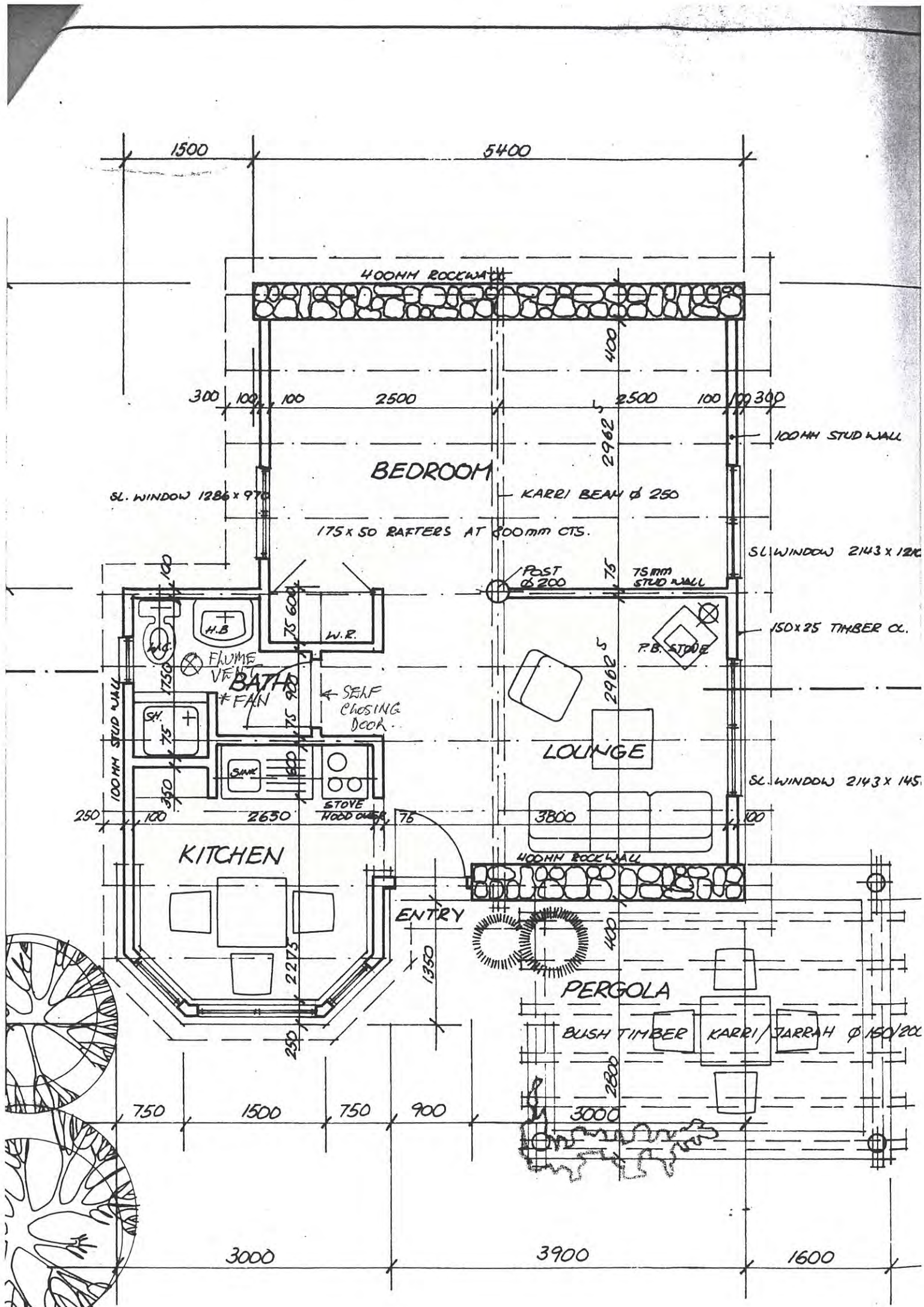


SITE PLAN 1:2000

ALL DIMENSIONS ARE TO BE CHECKED ON SITE PRIOR TO COMMENCEMENT OF CONSTRUCTION OR FABRICATION
 ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE LATEST AUSTRALIAN STANDARDS INCLUDING AMENDMENTS
 MONKEY ROCK WINERY AND CELLAR DOOR
 TURICUM CHALETS WENTWORTH RD SHIRE OF DENMARK WA 6333
 HERMANN AND REGULA FEHR
 HERMANN FEHR DESIGN MAY 2017
 37 STRICKLAND STREET DENMARK WA 6333
 PRINT SIZE A3 DRAWING NUMBER

RECEIVED
 15 MAY 2017
CLIENT COPY



Sam Williams- Town Planner

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

10 May 2017

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

Dear Sir,

Application for change of use- Lot 14 Wentworth Road, Denmark WA

Please find enclosed for your consideration an application for a Change of Use on Lot 14 Wentworth Road, Denmark (the site), lodged on behalf of my clients, Hermann and Regula Fehr (the applicant). The application comprises:

- A completed Application for Development Approval Form;
- A copy of the relevant Certificate of Title;
- A BAL Contour Plan;
- A sketch plan illustrating the location of the site and the structure subject to this Change of Use application (referred to as a 2nd dwelling on the location plan);
- A cheque for \$295, being the prescribed fee for a Change of Use application.

Site Description and Current Land Use Activities

The site is zoned "Rural" under the Shire of Denmark's Town Planning Scheme No.3 (TPS3) and comprises two separate residential dwellings (refer picture below), a winery (Monkey Rock Winery) and associated infrastructure and two chalets (Turicum Chalets- refer picture over page).



Existing Single Residential Dwelling subject to Change of Use.

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One of two current existing chalets

The site is located approximately 12km to the west of the Denmark Town Centre, and is accessed via Wentworth Road.

Legal Description and Proposed Change of use

The subject site is legally described as follows.

Description	Volume	Folio	Area
Lot 14	2751	375	33.83ha

This application proposes to change the use of the eastern most existing residence (i.e. the residence in close proximity to the Turicum Chalets) from a "Residential Dwelling" to a "Chalet". It is noted the current "Residential Dwelling" was constructed in 1988 for the purpose of a chalet. At the time of obtaining planning and building approval for the dwelling subject to this application the applicant was advised by the Shire short stay accommodation was to be approved as a Residential Dwelling, and hence the current use class of a "Residential Dwelling". In 1994 the applicant commenced construction of the two current chalets, comprising the Turicum Chalets development.

This application has been necessitated as the owner, as part of a separate application, is proposing to lodge a development application for a second residential dwelling on the site and hence requires the existing "Residential Dwelling" being used as a chalet to be appropriately classified as a "Chalet".

This proposal to change the use of the existing "Residential Dwelling" to a "Chalet" can be supported by Council under their Town Planning Scheme Policy No.7- Second Dwellings/ Additional Houses and Chalet Development on Rural Zoned Lots (Policy).

In facilitating support for this, based on the existing residential dwelling and two chalets, this application is seeking approval for one residential dwelling and three chalets on the site (i.e. an additional chalet). It is acknowledged this requires Specific Approval under the Policy. In seeking Specific Approval for this Change of Use application, the following requirements for Specific Approval under the Policy are noted:

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The requirement for sealing of a road or upgrade.

Resultant from this application, the current situation (i.e. two approved chalets, one residential dwelling being used as a chalet and a residential dwelling) will not change. Given the current land use is at the end of Wentworth Road, it is requested there be no requirement for the sealing of Wentworth Road or the upgrading of Wentworth Road.

Potable Water Supply

The existing chalets (including the currently approved "Residential Dwelling") have a suitable potable water supply.

Location of Chalet Development

The chalets and existing Residential Dwelling are currently not visible from any adjoining properties and the resultant change of use will maintain this situation.

External Materials

The external materials of the existing Residential Dwelling to be changed to a Chalet are compatible with the surrounding site (refer picture of single residential dwelling).

Effluent Disposal

The current effluent disposal system comprises a septic tank and leach drain system. It is not envisaged this will be replaced with a different system.

Fire Protection


A portion of the existing residential dwelling is located within BAL 40 and FZ (refer attached BAL Contour Plan). As per the note within the BAL contour plan, by parkland clearing 15 metres downslope this BAL can be reduced to BAL 29. This work could be undertaken as a condition of approval.

Conclusion

This application for a Change in Use has been sought to amend the current approved use of a "Residential Dwelling" to a "Chalet". The application for a change of use reflects the current situation, i.e. the approved Residential Dwelling is being used as a Chalet, which has been the situation for the past 29 years and was supported by Council in 1988.

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

Yours faithfully



Sam Williams
Town Planner

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**SCHEDULE OF SUBMISSIONS: PROPOSED CHANGE OF USE: 'SINGLE HOUSE' TO 'HOLIDAY ACCOMMODATION (CHALET)' – NO. 107 (LOT 14)
WENTWORTH ROAD, OCEAN BEACH (A784; 2017/89)**

Submission Number	Name & Address	Verbatim Submission	Planning Services Comment
S1	<p>Details omitted as per Council Policy.</p> <p>Submitter is an adjoining landowner</p>	<p>No objection.</p>	<p>Noted.</p>
S2	<p>Details omitted as per Council Policy.</p> <p>Submitter is an adjoining landowner</p>	<p>We, [names removed by Planning Services] have no objection to the proposed change of use of second dwelling to chalet in lot 14 Wentworth Rd Ocean Beach.</p>	<p>Noted.</p>
S3	<p>Details omitted as per Council Policy.</p> <p>Submitter is an adjoining landowner</p>	<p>We spoke on 1st August, about the application for a house conversion to an additional chalet, on Herman and Regular Fehr's property on 107 Wentworth Rd, Lot 14.</p> <p>Firstly we do not have objections to this application in principle, but we have reservations that the increased number of visitors will increase the number of trespassers.</p> <p>In the past visitors to the existing chalets have trespassed onto our property, they have crossed the boundary, traversed the strategic firebreak, and crossed onto our paddocks. This trespassing is not acceptable.</p> <p>We would like to suggest the Fehr's advise their customers where the boundary between our properties is, and possibly a map to help their clients to identify the boundaries. We would also suggest signage provided by the Fehr's, stating no entry onto our property. We suggest the Fehr's provide access to the national park boundary from their properties, and they advise their visitors how to use it.</p> <p>As stated above we do not object to the proposal in principle, but we have reservations about trespassing onto our land, and hope the above suggestions can be taken into account when planning the proposal.</p>	<p>The proponent has provided the following response to the concerns raised:</p> <p>“The proponent was/is not aware of anybody trespassing on adjoining land. However, the proponent will advise all guests not to trespass on Private Property and they will also provide maps within the accommodation advising of walking tracks within the property only.”</p> <p>Planning Services are satisfied that now that the operators are aware of the trespassing that this is unlikely to continue to be an issue. It is considered that a small sign to the effect of 'private property' is at the discretion of the affected landowner. Should trespassing continue to occur it is considered that in the first instance this be dealt with civilly between the affected parties, it is not considered that this is a matter for the Shire to mediate.</p>

Attachment 8.1.1c – Site Photo of Wentworth Road

View from subject property to Wentworth Road.

