



**SHIRE OF SHARK BAY
PUBLIC NOTICE**

**Development Application – Proposed Retaining Walls
Lot 16 (14) Terry Deschamps Way, Denham**

The owner of the abovementioned lot has lodged a planning application proposing to construct retaining walls along the north, west and east boundaries of the existing lot.

Both Lot 16 and adjacent Lot 15 are under the same ownership. The intention of the application is to match the levels of Lot 16 with the adjacent property at Lot 15.

The owners planning consultant has lodged a detailed submission explaining the proposal, and outlining their comments on the Design Principles of the Residential Design Codes.

Prior to determining this application, the Shire would like to provide an opportunity for public comment on the proposal. The development plans can be viewed below or at the Shire of Shark Bay 65 Knight Terrace, Denham during office hours.

Should you wish to make a submission on the proposal, your comments (in writing) will need to be lodged with Council within 14 days by **4 December 2025**.

Please note, if no comments are received by the closure date, we will assume that you have no comment you wish to make and the application will be assessed and determined on its merits and without any further consultation.

Should you have any queries relating to the proposed application, please do not hesitate to contact the Shire's Planning consultant, Ms Liz Bushby on 0488910869 (between Tuesday and Friday) or email liz@tخطيط.com.au.

Michelle Fanali
Acting Chief Executive Officer
20 November 2025

Liz Bushby
Shire of Shark Bay
65 Knight Terrace
Denham WA 6537
liz@tpiplanning.com.au

Dear Liz,

Planning Justification Cover Letter – Lot 16 (No. 14) Terry Deschamps Way, Denham – Proposed Retaining

JPA Planning has been engaged by Kellee and Rob Pederson, the landowners of Lot 16 (No. 14) Terry Deschamps Way, Denham (**subject site**), to assist with their application currently lodged over the subject site for the proposed retaining.

JPA Planning provides the following planning justification to address the proposal against the relevant planning framework to assist the Shire of Shark Bay (**Shire**) in its assessment of the development application.

Subject Site

The subject site consists of a 630m² rectangular lot located within the Denham Estate, a residential subdivision being developed by DevelopmentWA in Denham. The site is currently undeveloped and has its frontage to Terry Deschamps Way to the west and is bound by similar sized residential lots to the north, south and east. Terry Deschamps Way and Mitchell Rise form the first stage of the Denham Estate with majority of the properties having already been developed as single dwellings. An aerial image of the subject site is provided at Figure 1 and 2 below and overleaf.



Figure 1 - Aerial cadastral photograph of subject site (Landgate 2025)



Figure 2 - Aerial cadastral photograph of subject site and immediate locality (Landgate 2025)

Proposed Development

The development application currently submitted with the Shire seeks to construct retaining to three boundaries of the subject site (west, north and east) to retain the ground level to the same height as the property to the south, Lot 15 (No. 12) Terry Deschamps Way, Denham (**Lot 15**) (refer to the development plans enclosed as **Attachment 1**)

The proposed retaining varies in height above natural ground level (**NGL**) from nil to 1.15m along the eastern boundary, to 1.2m along the northern boundary and 2m to 2.2m along the western boundary. The retaining will allow for a new finished ground level (**FGL**) of 17.6m on the subject site (refer to **Figures 3-5** overleaf). With the intention to amalgamate the subject site with Lot 15 after development approval is achieved.

This raising of the FGL will allow for a consistent ground level across both Lot 15 and the subject site for integrated use as one larger property. The subject site once amalgamated is intended to house an outbuilding and outdoor living area.

OUTBUILDING IS NOT PART OF APPLICATION

PROPOSED SHED 14 x 9 x 4.2 Eaves
OUTLINE SHOWN DASHED
SETBACK 1.00 FROM STH + East boundary

21500

1000 x 350 x 350 PLAIN FACE BLOCKS

4200 eaves

3400 eaves

40 PERS

19.46 TDF

17.80 / 7.2 TOW

1 meters

C/BOND FENCE PANELS MATCH EXIST ON LOT 15

PLAIN FACE L/S BLOCKS
1000 x 350 x 350

12.00

1 meters

19.46 TDF

40 PERS

11

15.80 BOW / (COS)

NORTH ELEVATION (LOTS 16 / 17 SIDE BOUNDARY VIEW FROM LOT 17)
1:100 A3

FGL 17.60
LOT 16 BEHIND

15.80 BOW / (COS)

4C PERS (500 x 500 x 350) CHAMFERED FACE / WALL BLOCKS 1000 x 350 x 350
PIERS @ 5300 C/C NOM (FOR 2 / 2400 L FENCE PANELS)
FENCE INFILL PANELS COLORBOND STEEL FENCE PANELS
OR ENGINEERS MAX SPACING FOR WIND RATING

5300
PIERS C/C NOMINAL

300
PIERS C/C

EXP ON L

NATURAL GROUND LEVEL ON THE BOUNDARIES
OF LOTS 16 / 17 BEFORE LOT 17 LEVELS APPARENTLY ALTERED
PRIOR TO CONSTRUCTION OF HOUSE ON LOT 17
AS INFERRED FROM HTD SURVEYORS SITE FEATURE SURVEY DATA
SITE CONTOURS AND SPOT LEVELS
SHOWN AS RED DASHED LINE

[illegible]

3

Planning Framework

Shire of Shark Bay Local Planning Scheme No. 4

Pursuant to the Shire's Local Planning Scheme No. 4 (**LPS4**) the subject site is zoned 'Residential' with a density coding of 'R15' (refer to Figure 6 below).

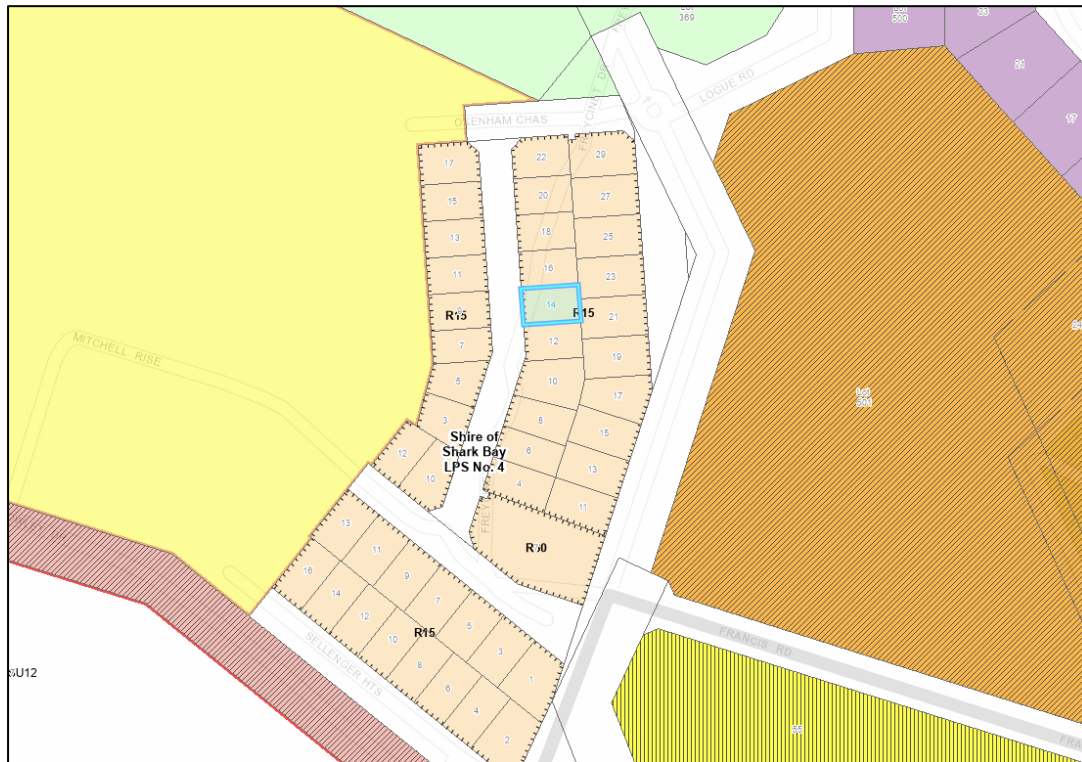


Figure 6 - Shire of Shark Bay LPS4 Zoning (PlanWA 2025)

Clause 16 of LPS4 sets out the following objectives for the 'Residential' zone:

- To provide for a range of housing and a chance of residential densities to meet the needs of the community.
- To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.
- To provide for a range of non-residential uses, which are compatible with an complementary to residential development.
- To provide for tourist development which is compatible with and complementary to residential development.

The proposed retaining addresses the first two objectives by;

- Facilitating residential development that will meet the needs of the landowners by allowing a larger lot that seamlessly connects with Lot 15 and can be used for the purposes of outdoor living and to house an outbuilding; and
- The retaining is designed and will be constructed to the same high standard as the existing retaining at Lot 15, resulting in a seamless design and built form to Terry Deschamps streetscape.

Denham Design Guidelines

The Denham Design Guidelines (**Guidelines**) outlines standard development provisions for the Denham Estate which replace Acceptable Development Standards of the Residential Design Codes where applicable.

The Guidelines are administered by DevelopmentWA and their appointed architect Zuideveld Marchant Hur (**Zmha**). A separate application addressing the Guidelines is required to be lodged with DevelopmentWA and assessed by Zmha. An application for the proposed development is currently under review by Zmha with recent email correspondence included as **Attachment 2**.

Zmha in their email correspondence have acknowledged no further objections to the proposed Finished Floor Level (**FFL**) of 17.6, the retaining for the purposes of outdoor living and storage and the primary street fencing.

Residential Design Codes Volume 1

The table below provides an assessment of the proposed development against the relevant deemed-to-comply provisions of the Residential Design Codes Volume 1 Part B (**R-Codes**).

Deemed-to-comply Provision	Proposed Development & Compliance														
5.3.7 Site Works	Variation Sought.														
C7.1 Retaining walls, fill and excavation between the street boundary and the street setback, not more than 0.5m above or below the natural ground level, except where necessary to provide for pedestrian, universal and/or vehicle access, drainage works or natural light to a dwelling.	The proposed fill between the street boundary and the street setback is approximately 2.2m.														
C7.2 Retaining walls, fill and excavation within the site and behind the street setback to comply with Table 4.	The proposed retaining walls are positioned on the boundary in lieu of the required setbacks under Table 4.														
<table><tr><th>Height of site works and/or retaining walls</th><th>Required minimum setback</th></tr><tr><td>0.5m or less</td><td>0m</td></tr><tr><td>1m</td><td>1m</td></tr><tr><td>1.5m</td><td>1.5m</td></tr><tr><td>2m</td><td>2m</td></tr><tr><td>2.5m</td><td>2.5m</td></tr><tr><td>3m</td><td>3m</td></tr></table>	Height of site works and/or retaining walls	Required minimum setback	0.5m or less	0m	1m	1m	1.5m	1.5m	2m	2m	2.5m	2.5m	3m	3m	The relevant design principles of CI5.3.7 have been addressed in the following table.
Height of site works and/or retaining walls	Required minimum setback														
0.5m or less	0m														
1m	1m														
1.5m	1.5m														
2m	2m														
2.5m	2.5m														
3m	3m														
C7.3 Subject to C7.2 above, all excavation or filling behind a street setback line and															

within 1m of a lot boundary, not more than 0.5m above the natural ground level at the lot boundary except where otherwise stated in the scheme, local planning policy, structure plan or local development plan.					
5.4.1 Visual Privacy C1.1 Major openings and outdoor active habitable spaces, which have a floor level of more than 0.5m above natural ground level and overlook any part of any other residential property behind its street setback line are: i. Set back, in direct line of sight within the cone of vision, from the lot boundary, a minimum distance as prescribed in the table below. <table border="1" data-bbox="264 960 766 1249"> <thead> <tr> <th data-bbox="264 960 609 1104">Types of habitable rooms / active habitable spaces</th><th data-bbox="609 960 766 1104">Setback for area coded R50 or lower</th></tr> </thead> <tbody> <tr> <td data-bbox="264 1104 609 1249">Outdoor active habitable spaces (with a floor level more than 0.5m above natural ground level)</td><td data-bbox="609 1104 766 1249">7.5m</td></tr> </tbody> </table> or; ii. Are provided with permanent screening to restrict views within the code of vision from any major opening or an outdoor active habitable space. C1.2 Screening devices such as obscure glazing, timber screens, external blinds, window hoods and shutters are to be at least 1.6m in height, at least 75 per cent obscure, permanently fixed, made of durable material and restrict view I the direction of overlooking into any adjoining property.	Types of habitable rooms / active habitable spaces	Setback for area coded R50 or lower	Outdoor active habitable spaces (with a floor level more than 0.5m above natural ground level)	7.5m	Compliant. The raised FGL will eventually allow for an outdoor living area in the western half of the subject site. Notwithstanding this, any overlooking to the adjoining northern property (Lot 17) will be obscured by permanent screening in the form of 1.8m high boundary fencing atop the retaining wall. This complies with deemed-to-comply provisions C1.1(ii) and C1.2.
Types of habitable rooms / active habitable spaces	Setback for area coded R50 or lower				
Outdoor active habitable spaces (with a floor level more than 0.5m above natural ground level)	7.5m				

The design principles for Clause 5.3.7 have been addressed in the table below.

Design Principles	Justification
5.3.7 Site Works P7.1 Development that considers and responds to the natural features of the site and requires minimal excavation/fill. P7.2 Where excavation/fill is necessary, all finished levels respecting the natural ground level at the lot boundary of the site and as viewed from the street. P7.3 Retaining walls that result in land which can be effectively used for the benefit of residents and do not detrimentally affect adjoining properties and are designed, engineered and landscaped having due regard to Clause 5.4.1.	P7.1 Streetview of the subject site from March 2024 (refer Figure 7 overleaf) shows the natural features on-site as a gentle slope from essentially the finished level of Lot 15 to the top of the retaining at Lot 17, which when developed cut approximately 0.7m. This is also shown on the rear elevation of the development plans (Attachment 1). The proposed fill will be 1.15 to 1.2m along the northern boundary to allow the subject site to have a seamless FGL with Lot 15, which it is intended to be amalgamated with. It is considered that the proposed development largely does follow the natural features of the site as it existed, it has just been emphasised due to the cutting to a lower FGL undertaken at Lot 17. If this had not occurred the retaining would not appear as large. P7.2 The retaining steps down at the street boundary to 0.95m and 1.1m to allow for a planter box. This is to marry up with the existing retaining at Lot 15 (refer Figure 8 overleaf) as well as reduce the bulk of the wall as perceived from Terry Deschamps Way. The current ground level of the subject site slopes from the centre of the lot down to the street, so the retaining is considered to somewhat mimic this by staggering its height down towards street level. P7.3 The retaining will result in a site that can be effectively used in conjunction with Lot 15 and similarly share the existing vehicle access to Lot 15. The site will house an outbuilding for storage of the landowners vehicles and an outdoor living area in the western half of the site. As detailed above the raised FGL will not result in any overlooking of adjoining properties due to the proposed 1.8m high boundary fencing, which will act as privacy screening.



Figure 7 - Streetview of subject site (Google Street View 2025)



Figure 8 - Streetview of Lot 15 (Google Street View 2025)

It is submitted that the proposed retaining walls and fill do meet the design principles of Clause 5.3.7 of the R-Codes Volume 1 and can be supported. The retaining will allow for much of the natural ground level to be retained, with some fill required to the northern and western portions of the site. The northern retaining appears larger than it should due to the cutting undertaken at Lot 17 to the north. The development will allow for the continuation of the FGL at Lot 15, which it is intended to be amalgamated with post determination.

Planning and Development (Local Planning Schemes) Regulations 2015

In accordance with Schedule 2 (“Deemed Provisions”) of the Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regulations), the local government is to have due regard to the relevant matters for consideration outlined under Clause 67(2).

The following matters are considered relevant to the development subject of this application and are addressed in the following table.

Clause 67(2) Matter	Justification
(a) The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;	The relevant provisions under the Shire’s LPS4 have been addressed under this justification. The proposed development is considered to be consistent with the objectives of the ‘Residential’ zone and appropriate for the site and the locality.
(b) The requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving;	This report has justified the proposal against the relevant provisions of LPS4, the R-Codes and shown evidence of compliance with the Denham Design Guidelines. The proposed retaining and fill is therefore submitted to be in accordance with the requirements of orderly and proper planning.
(c) Any approved State planning policy;	The proposed retaining and fill has been assessed against R-Codes and where deemed-to-comply provisions have been varied, the relevant design principles have been addressed. The development is not considered to adversely impact the adjoining property or set an undesirable precedent.
(m) The compatibility of the development with its setting, including — (i) the compatibility of the development with the desired future character of its setting; and (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale,	(i) The development is considered compatible with the desired future character of its setting and with developments on adjoining land. (ii) The development will remain as a similar form and scale to the existing retaining on the adjoining property to the south. The development is not considered to adversely impact upon the adjoining property to the east or north or the locality in any way.

Clause 67(2) Matter	Justification
orientation and appearance of the development;	

Conclusion

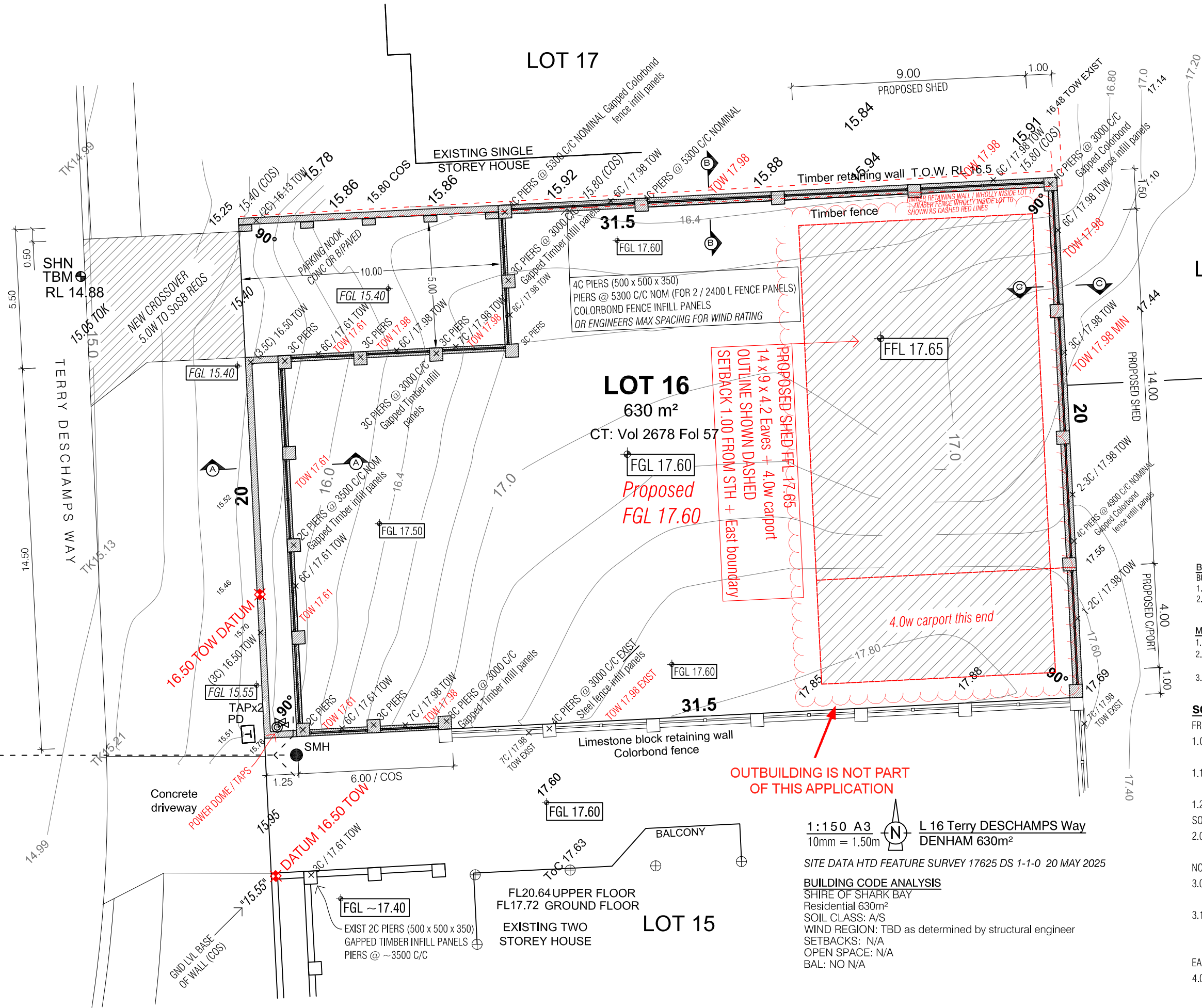
In summary, the proposed development at Lot 16 (No. 14) Terry Deschamps Way has been carefully considered in relation to the Denham Design Guidelines and relevant statutory planning requirements. Where variations are proposed, they are supported by sound planning rationale, contextual site analysis, and alignment with the broader streetscape character and development precedent along Terry Deschamps Way.

The intended amalgamation with Lot 15 (No. 12) Terry Deschamps Way provides a unique opportunity to deliver a cohesive and integrated development outcome across both lots. This context underpins several of the design responses.

We respectfully request the Shire's favourable consideration of the proposed development and we welcome further engagement to discuss any outstanding matters and to ensure a mutually acceptable path forward.

Yours sincerely,

Josh Arnott
Director



LOT 4

LEGEND

- ⚡ TAP WATER TAP
- ⊙ PD POWER DOME
- SMH SEWER MANHOLE (SOURCED FROM BYDA)
- CP COMMS PIT
- ✖ DATUM TOW EXIST / PROPOSED
- ⬆ FGL 17.40 FINISHED GND LEVEL PROPOSED
- TOW TOP OF WALL
- 2C PIERS HT OF PIERS FOR FENCE PANELS

BUILDER TO CHECK DOCUMENTATION
BUILDER TO CHECK ALL DIMENSIONS AND LEVELS ON SITE PRIOR TO COMMENCING WORK.
1. USE FIGURED DIMENSIONS ONLY, DO NOT SCALE OFF DRAWINGS.
2. ANY DISCREPANCIES OR ERRORS IN ANY DOCUMENTS TO BE REFERRED TO DESIGNER PRIOR TO COMMENCEMENT OF ANY WORK ON SITE.

MEASURED DRAWINGS
1. ALL INDICATED LEVELS MAY BE ESTIMATES TO BE CONFIRMED
2. ALL DIMENSIONS AND RELEVANT INFORMATION AND DETAILS ARE INDICATIVE ONLY, ALL REASONABLE CARE HAS BEEN EXERCISED IN THE PREPARING MEASURED DRAWINGS.
3. BUILDER TO CHECK AND CONFIRM LEVELS, DIMENSIONS INFORMATION AND DETAILS PRIOR TO COMMENCEMENT OF CONSTRUCTION.

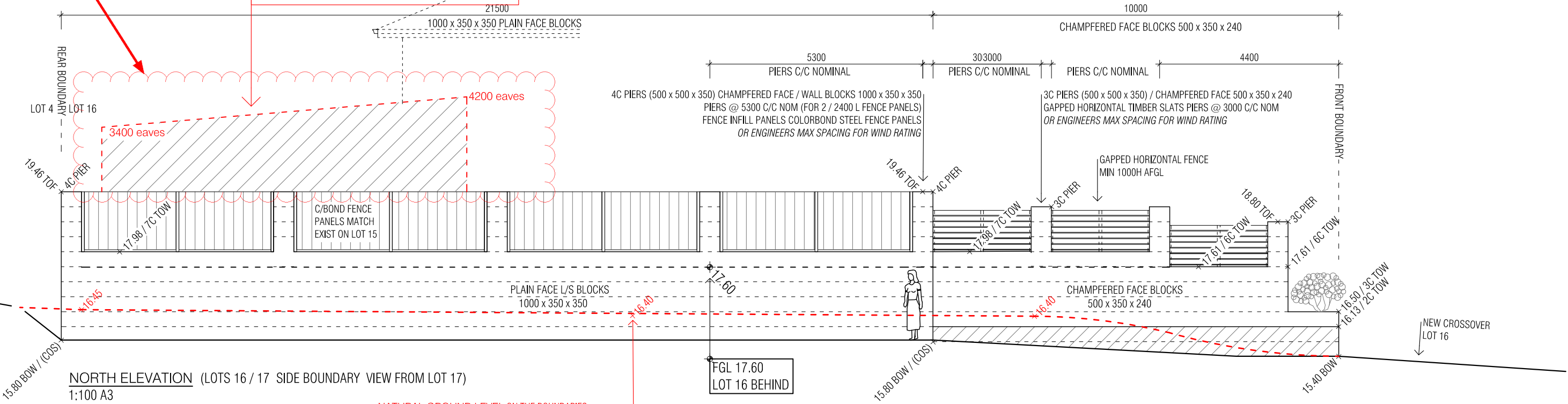
SCOPE OF WORKS

- FRONT OF SITE FACING ROAD
- 1.0 RETAINING EARTH TO 1.70H ANGL FACE LIMESTONE TERRACED
GAPPED FENCE 2C L/S PIERS + VISUALLY PERMEABLE PANELS TO 0.75H ABOVE
 - 1.1 PARKING NOOK FACE L/S WALL TO 1.60H ANGL + RETAINING EARTH TO 1.20H ANGL
GAPPED FENCE 3C L/S PIERS + VISUALLY PERMEABLE PANELS TO 1.10H ABOVE
 - 1.2 NEW CROSSOVER TO 5.0W TO SoSB RES
- SOUTH SIDE OF SITE / SOUTH BOUNDARY
- 2.0 FACE LIMESTONE RETAINING EARTH TO 1.60H AFGL
2-3C FACE L/S PIERS / TIMBER FENCE SLATS PANELS ON TOP TO 1.10H
- NORTH SIDE BOUNDARY
- 3.0 PARKING NOOK FACE L/S WALL TO 1.80H ANGL + RETAINING EARTH TO 1.60H ANGL (NGL / RL 11)
GAPPED FENCE 3C L/S PIERS + VISUALLY PERMEABLE PANELS TO 1.10H ABOVE
 - 3.1 REMAINDER NORTH BOUNDARY FACE LIMESTONE RETAINING EARTH TO 1.20H ANGL (NGL / RL 16)
4C (1.48H) FACE L/S PIERS / STEEL PANEL FENCE INFILL PANELS ON TOP
TOTAL HT OF FENCE 1.80H AFGL / TOTAL HT WALL AND FENCE TO 3.0H ANGL
- EAST BOUNDARY
- 4.0 FACE LIMESTONE RETAINING EARTH TO 1.80H ANGL
4C (1.48H) FACE L/S PIERS / STEEL PANEL FENCE INFILL PANELS TO
TOTAL HT OF FENCE 1.80H MIN AFGL / TOTAL HT WALL AND FENCE TO 3.0H ANGL (RL 16.40)
ALL SIDE / BOUNDARY FENCES MIN 1.80H : FRONT BOUNDARY ROADSIDE FENCES 0.75 - 1.10H MIN

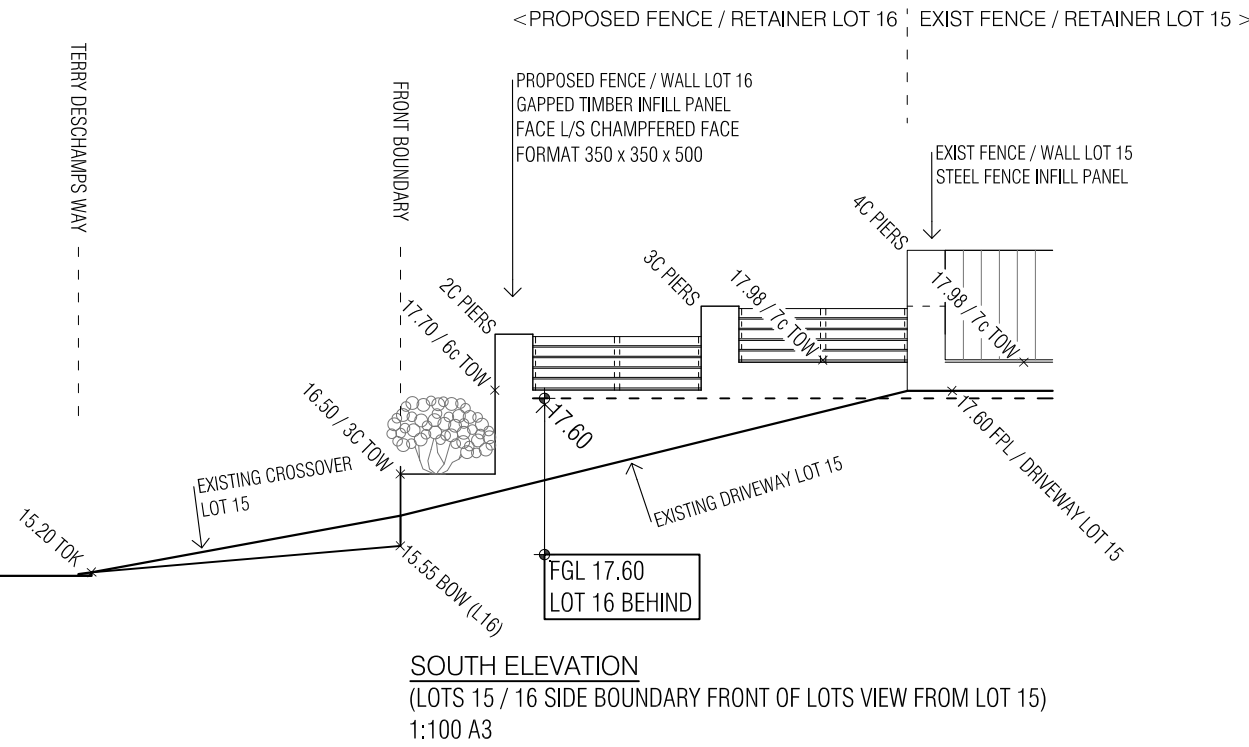
OUTBUILDING IS NOT
PART OF THIS APPLICATION

PROPOSED SHED 14 x 9 x 4.2 Eaves
OUTLINE SHOWN DASHED
SETBACK 1.00 FROM STH + East boundary

EXIST 2 STOREY HOUSE BEHIND
ON LOT 15



NATURAL GROUND LEVEL ON THE BOUNDARIES
OF LOTS 16 / 17 BEFORE LOT 17 LEVELS APPARENTLY ALTERED
PRIOR TO CONSTRUCTION OF HOUSE ON LOT 17
AS INFERRED FROM HTD SURVEYORS SITE FEATURE SURVEY DATA
SITE CONTOURS AND SPOT LEVELS
SHOWN AS RED DASHED LINE



PRELIM DESIGN PEDERSEN 080925
TERRY DESHAMPS WAY DENHAM

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ELS For JPA
PRELIM

1: 100
A3
30F3

RE: Lot 16 (#14) Terry Deschamps Way, Denham: Design Guideline Resubmission Review/Assessment

2 messages

Approvals <Approvals@zmha.com.au>

23 September 2025 at 16:57

To: Josh Arnott <josh@jpaplaning.com>

Cc: Kellee & Rob PEDERSEN <cellarbrationsdenham@gmail.com>, liz <liz@tpiplanning.com.au>

Afternoon Josh,

Confirming receipt of your correspondence below including the resubmission proposal for the development of [Lot 16 \(#14\) Terry Deschamps Way, Denham](#) Estate.

With particular regards to the proposed amalgamation of this lot with the adjacent Lot 15 (#12)- noting we've not received and subsequent feedback from DevWA following our initial assessment for this Lot (**24.07.25**) advising of any additional considerations/comments. Acknowledging amalgamations appear to be out of the general remit of the Denham Design Guideline ("DG") particulars – accordingly, moving forward we'll revert adjudication of the proposal's compliance with any associated statutory particulars to the LGA/WAPC as appropriate.

With regards to the proposed shed/fence/retaining wall development on Lot 16, acknowledging those additional clarifications provided in this resubmission package - along with the DG deviation justification document for our/DevWA's consideration in this re-assessment.

We've summarised below our assessment for each of the five (5) items in question – noting we've implemented the following simple colour coding FYI to assist with navigating the bulk of the text:

- Our current review/assessment feedback in **Green**: indicates generally no further objections with regards to DG clause requirements or as otherwise noted and revert assessment for compliance with associated statutory requirements to the LGA.
- Our current review/assessment feedback in **Orange**: indicates the proposed DG requirements deviation is *not* supported - additional amendments/actioning required by the applicant as noted for DG compliance.
- **Item 01: Site Responsiveness**
 - Applicant Resubmission (**09.09.25**)
 - Confirming the resubmission now confirms the requested shed Finished Floor Lvl (FFL) at 17.65.
 - Whilst this appears to be min. 600mm higher than the natural ground lvls referred to in the DG's *Appendix 3 Finished Site Levels (Final Contour Plan)*, we acknowledge the reference to DG Cl 8,2,1 *Design Recommendations* advising of areas for vehicle / boat access, parking and storage areas as otherwise exempt for the requirement to retain natural ground lvls. We further acknowledge the levels appear to be in general alignment with the adjacent Lot 15 (#12) driveway existing levels noting the intent to facilitate vehicular access to/from the proposed shed.
 - **Current DG review/assessment on this item:**
 - We have no further objections to the proposed FFL, further acknowledging the design intent to functionally maintain vehicular access from Lot 15 (#12) through to Lot 16 and the proposed vehicular shed.
- **Item 02: Shed Particulars (Materials & Setbacks)**
 - Applicant Resubmission (**09.09.25**)

- Re Materials: Resubmission has retained the proposed shed's non-compliant roof colour selection as "Colorbond Deep Ocean".
 - Justification for retaining the non-compliant colour selection for " design consistency and visual integration with the existing dwelling" on the adjacent Lot 15 (#12).
 - Re Setbacks: Confirming the resubmission clarifies the shed side setback particulars for information.
 - **Our Current review/assessment on this item:**
 - RE Materials:
 - The proposal for the new shed structure to be constructed of the same or complimentary colour as the main dwelling is **not** a supported justification for the proposed roof colour to deviate from the approved colour selection stipulated in DG Cl8.1.6. This is with consideration that:
 - Lot 15 (#12) current roof colour is non-compliant with the DG requirements.
 - There is no Design Guideline Compliance approval on file for the existing constructed dwelling on Lot 15 (#12).

Accordingly, we confirm the proposed roof colour "Colorbond Deep Ocean" as non-compliant with the DG CL 8.1.6 Materials and Colours Design Criteria "Approved Colorbond Colours" and not a supported DG deviation. Reselection is required for conformance with the DG requirements.
 - RE Setbacks: Acknowledging the proposed setback clarifications requested - we have no further comment/clarification requests on this item and revert assessment for compliance with associated statutory requirements to the LGA.
- **Item 03: Proposed Retaining and Fencing**
 - Applicant Resubmission (09.09.25)
 - Whilst the retaining wall top-of-walls originally proposed have generally been maintained, clarity on the originally natural grounds levels have been clearly indicated for consideration.
 - Per Item 01 above, justification put forward for consideration includes reference to *DG Cl 8,2,1 Design Recommendations* which acknowledges areas for vehicle / boat access, parking and storage areas may otherwise be exempt for the requirement to retain natural ground levels. We further acknowledge the levels appear to be in general alignment with the adjacent Lot 15 (#12) driveway existing levels noting the intent to facilitate vehicular access to/from the proposed shed.
 - **Current DG review/assessment on this item:**
 - Acknowledging the proposed setback clarifications requested - we have no further comment/clarification requests on this item and revert assessment for compliance with associated statutory requirements to the LGA.
 - **Item 04: Dunal Heath Retention Zone (Landscaping)**
 - Applicant Resubmission (09.09.25)
 - Confirming this resubmission package has retained the originally proposed retaining wall extents to the property boundary - forgoing the DG requirement for a 2m deep Dunal Heath Zone identified in *CL 8.3.1 Landscaping*.
 - Justification for this DG deviation includes:
 - i. *Established Precedent: Suggesting an apparent non-compliance of a number of surrounding developments in the estate.*
 - ii. *Site Amalgamation Context: Suggesting a design consistency and visual integration with the existing dwelling on the adjacent 15 (#12).*
 - iii. *Visual and functional integration: Again, suggesting an alignment with the existing development on adjacent Lot 15 (#12).*
 - **Current DG review/assessment on this item:**
 - On review of the provided justification, we note:
 - i. Established Precedent: RE the suggested non-compliance of a number of surrounding developments within the estate. We note the requirement for conformance with DG CL 8.3.1 Landscaping requirement for the retention of a 2m wide dunal heath strip along the length of the front boundary has not previously been waived in DG Compliance Assessments. Any perceived post-approval DG non-compliances constructed falls outside the remit of this Design Guideline compliance assessment and accordingly not a supported justification to deviate from the DGs.

The applicant may however wish to raise this item with Development WA directly as a separate exercise moving forward, noting any audits may include an investigation of purported non-compliant lot developments within the estate including that on Lot 15 (#12).

ii. Site Amalgamation Context: RE Design consistency and visual integration with the existing dwelling on the adjacent Lot 15 (#12): The proposal to omit a 2m dunal heath zone from the proposed development on Lot 16 for consistency with the adjacent Lot 15 (#12) development is not a supported justification to deviate from the requirements of *DG Cl 8.3.1 Landscaping*. This is with consideration that:

- Lot 15 (#12) existing retaining wall extents over and into the required dunal heath zone is non-compliant with the DG requirements.
- There is no Design Guideline Compliance approval on file for the existing constructed development on Lot 15 (#12).

iii. Visual and functional integration: RE General consistency with the existing development on Lot 15 (#12).

- This is not a supported justification – our comments/reasoning per item ii above.

Accordingly, we confirm the proposed omission of a 2m dunal heath zone on the proposed development on Lot 16 is not supported due to its non-compliance with the *DG CL 8.3.1 Landscaping* – adjustment of the proposed retaining wall extents is required for conformance with the DG requirements.

- **Item 05: Primary Street Fencing**

- Applicant Resubmission (09.09.25)

- Confirming the applicant has resubmitted the drawing set confirming Primary Street fencing as permeable per the existing development on adjacent Lot 15 (#12).

- **Our Current review/assessment on this item:**

- Acknowledging the proposed primary street fencing particulars - we have no further comment/clarification requests on this item and revert assessment for compliance with associated statutory requirements to the LGA.

We trust the above assessment summary is sufficiently clear with regards to DevWA's expectation and requirements RE this proposal's conformance requirements with regards to the Denham Estate Guidelines particulars. We've also provided the submitted checklist assessment along with markups/comments on the updated drawing set submitted noting the two primary non compliances discussed above:

- The requirement for a revised roof colour selection in compliance with *DG CL 8.1.6 Materials and Colours Design Criteria* (Per Item 02 Comments above)
- The requirement for a 2m Dunal Heath Zone in compliance with *DG CL 8.3.1 Landscaping* (Per Item 04 Comments above)

Any additional queries on the above/attached we're available to further discuss as required.

Liz – FYI/records.

Regards,

Approvals

64 Fitzgerald Street

PO Box 110

Northbridge WA 6865

T 61 8 9227 0900

F 61 8 9227 0600

approvals@zmha.com.au

 Before printing, think about the environment

From: Josh Arnott <josh@jpaplaning.com>
Sent: Tuesday, 9 September 2025 12:24 PM
To: Approvals <Approvals@zmha.com.au>; liz <liz@tpiplanning.com.au>
Cc: Kellee & Rob PEDERSEN <cellarbrationsdenham@gmail.com>; Kristy Blackman <ao@sharkbay.wa.gov.au>; rolybrando@bigpond.com
Subject: Re: [Lot 16 \(#14\) Terry Deschamps Way, Denham](#)

Hi Zmha and Liz,

Thank you for clarifying the additional information required and outstanding form and checklist.

Please see attached the following for your review and consideration:

- Amended development plans
- Planning justification
- Denham Design Guidelines Application Form
- Denham Design Guidelines Checklist

Please do not hesitate to contact me if you have any questions or concerns.

Kind regards,

Josh Arnott

Director

0420707058

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