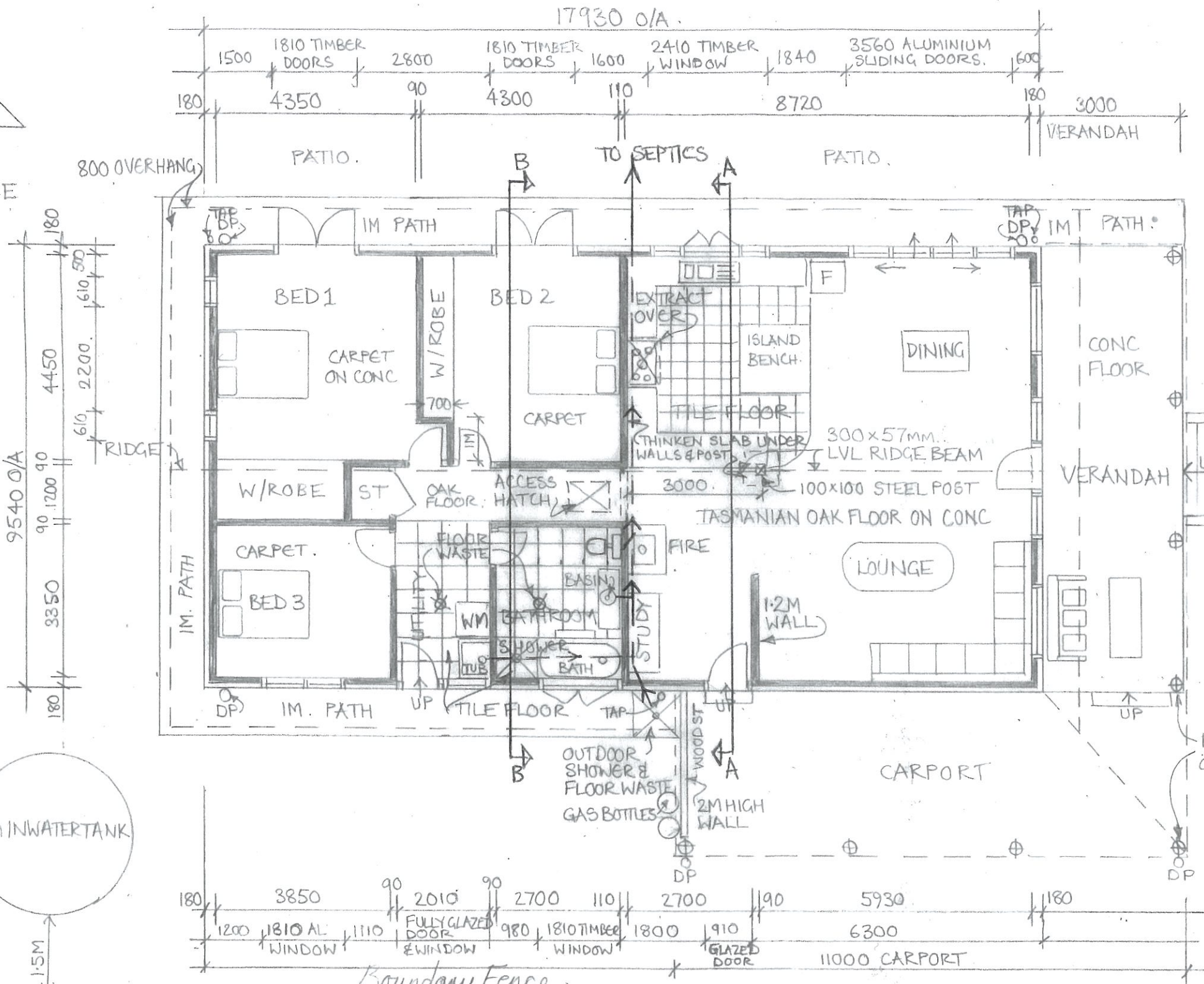
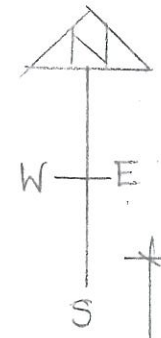


Boundary Fence



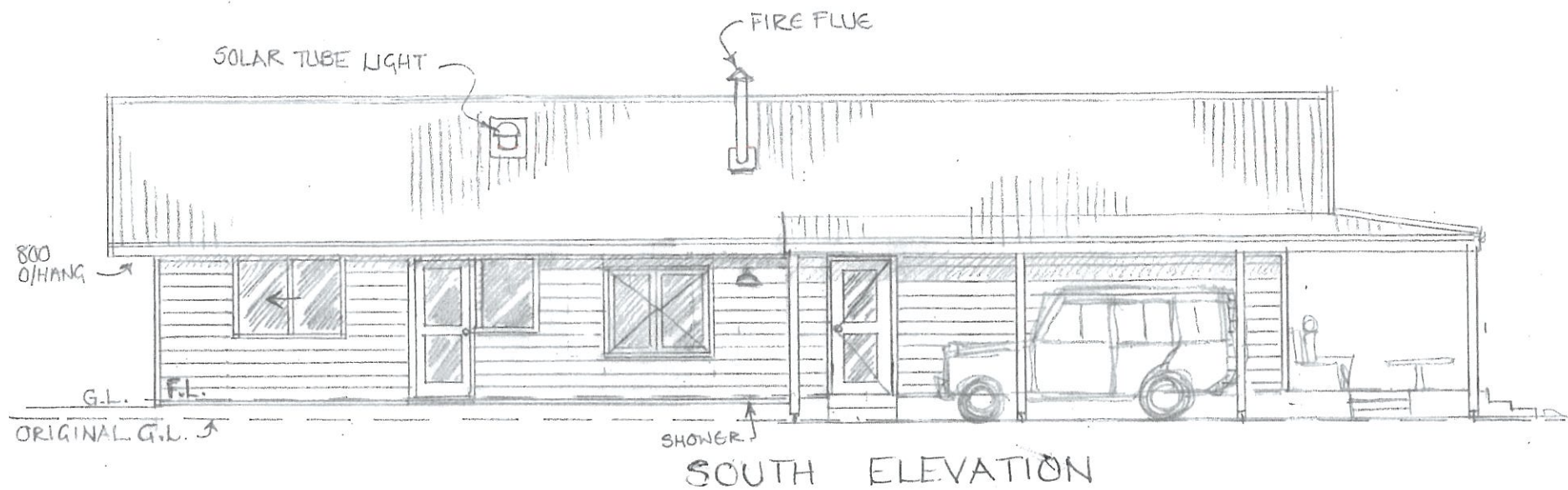
FLOOR AREA = 171 M²

FLOOR PLAN

PROPOSED DWELLING AT
LOT 180 MINSTERLY ROAD
DENMARK WA

E. MCKAY & G. HOLMES.

SCALE 1:100 DNGN^o 02/



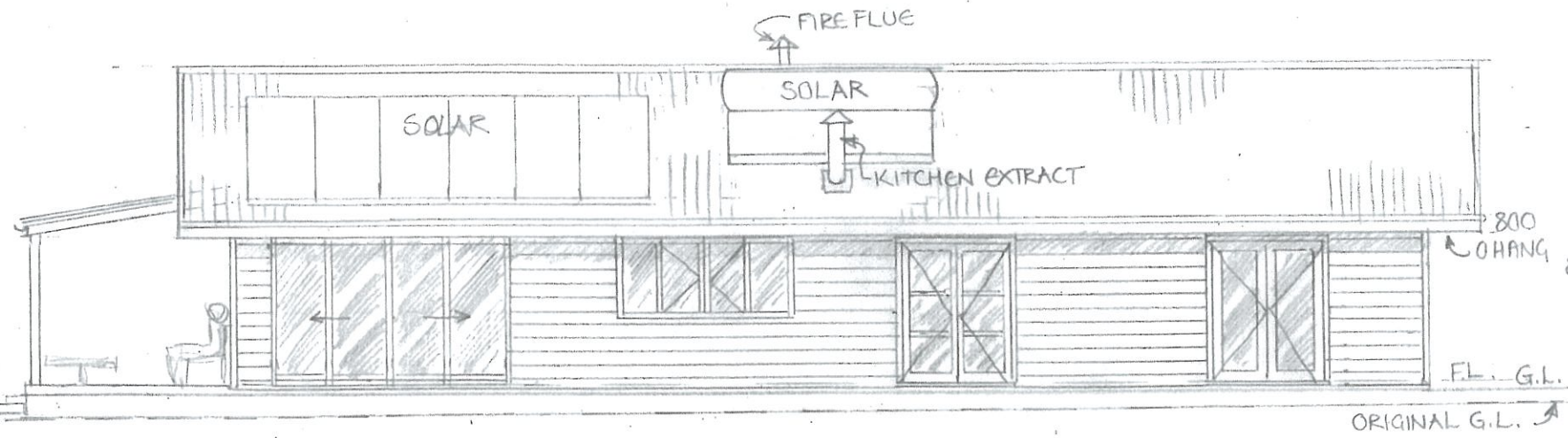
ROOF:- SURF MIST COLOURBOND SHEETS. STRAIGHT LINE CUTTERS & DOWNPIPES. R1.5 SISALATION ON 75x45 BATTENS @900c/s. R3.5 INSULATION BETWEEN 140x45 MGP PINE RAFTERS @900c/s. OVER PINE T&G BOARDING IN LOUNGE AREA. TIMBER ROOF TRUSSES OVER BEDROOMS & BATHROOM. TO MANUFACTURERS SPECIFICATIONS @ 1200c/s MAX. R1.5 SISALATION. R3.5 INSULATION ON METAL BATTENS @500/CS ON 10MM PLASTER BOARD CEILING.

WALLS:- WESTERN RED CEDAR SHIPLAP BOARDING, SISALATION 90MM TIMBER STUD WALL OUT LEAF R.2.0 INSULATION 90MM VERTICOR BLOCK INNER LEAF 8MM RENDER. INTERNAL WALLS:- 90MM BLOCKWORK RENDERED.

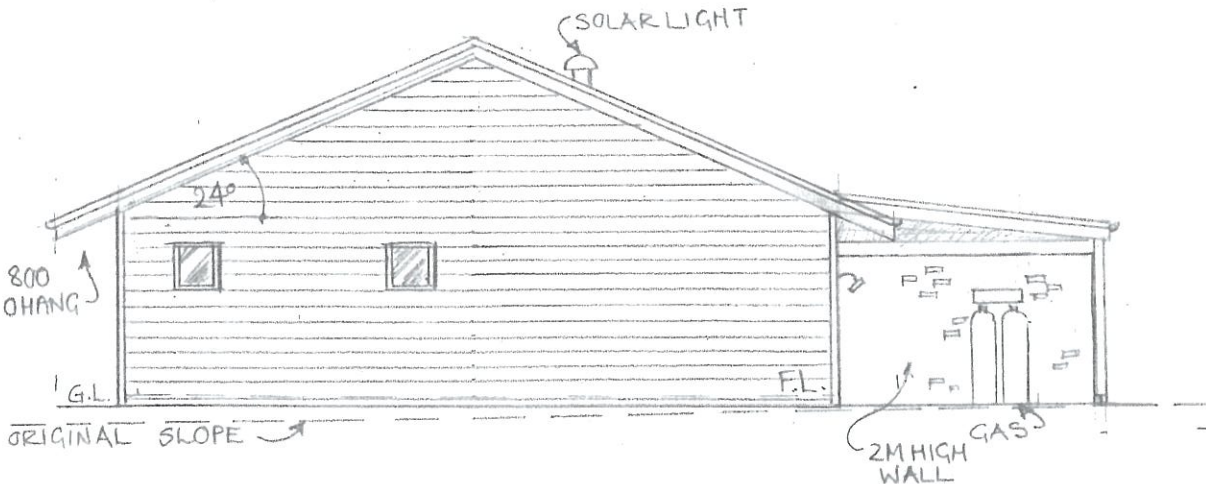
WINDOWS:- TIMBER OR ALUMINIUM DOORS & WINDOWS

FLOORS:- TILES TO KITCHEN, BATHROOM & UTILITY AREAS. TASMANIAN OAK FLOOR ON INSULATION SHEET ON 100MM R.CONC SLAB F62 MESH 25 TOP COVER ON D.P.C. ON COMPACTED SAND FILL MIN 300MM MUD BRICK OR CONC BLOCKS TO VERANDAH.

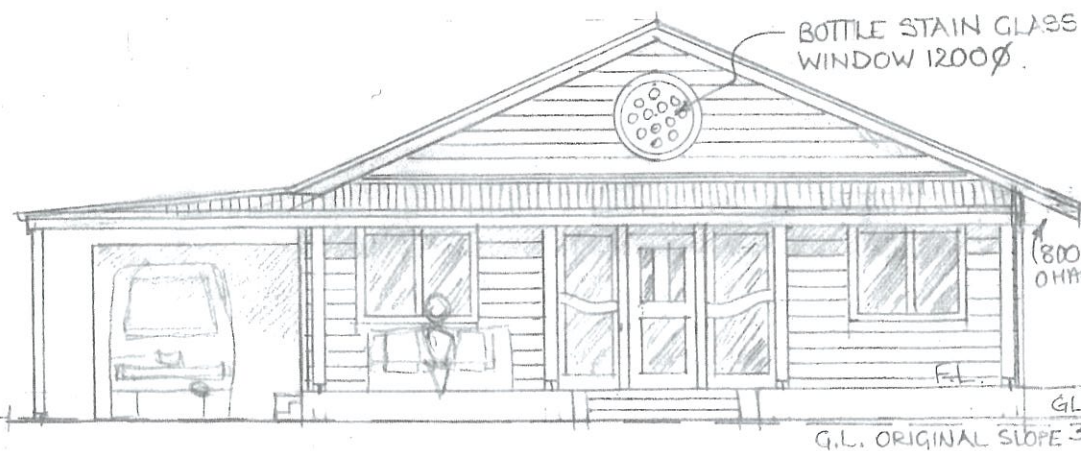
VERANDAH SURF MIST COLOURBOND SHEETS ON 75x45 BATTENS & CARPORT. ON 140x45 H3 RAFTERS @900c/s 190x45 H3 BEAMS TREATED PINE OR JARRAH BUSH POLES 150MM Ø. 450x450x450 CONC FOUNDS WITH GALV STIRRUPS



NORTH ELEVATION



WEST ELEVATION



EAST ELEVATION

ELEVATIONS
 E. MCKAY & G. HOLMES.
 PROPOSED DWELLING AT
 LOT 180 MINSTERLY ROAD
 DENMARK 6333
 SCALE 1:100 DWG N° 03/

SCHEDULE OF SUBMISSIONS: PROPOSED SINGLE HOUSE - NO. 40 (LOT 180) MINSTERLY ROAD, OCEAN BEACH (2013/189; A667)

Submission Number	Name & Address	Verbatim Submission	Planning Services Comment
1	<p>Details omitted as per Council Policy.</p> <p>Submitter is an adjoining landowner.</p>	<p>As the house backing onto this property we are not in favour of the variation of the proposed setback being reduced to 6.8 m.</p> <ul style="list-style-type: none"> • We already feel that the positioning of the house will have a huge impact on our privacy and lifestyle. The adjoining property is large and the house being proposed of a significant size. The applicants have chosen to build their house as close as they can to our house. • The block in question has a huge building envelope but they have chosen to build in a position directly in line with our small house which is an old cottage built on the original property that has been there for a long period of time. • The way the block was divided with the original subdivision means that our house is also built quite close to the back boundary (3-4m) exasperating the situation. Our water tank is even closer. • The fact that their house is large with cathedral ceilings means it will dwarf and look over our little cottage, completing obliterating a view of anything but brick walls and their oversized privacy screen. • At present there is a wooden post/ wire (ring lock and plain wire fence) in good condition as a joint boundary but the property owners have already erected a very tall privacy screen for the length of our house. It appears that they are trying to make it so that they don't have to view our house but in doing so have blocked any view, except their wall that we had. • We are hoping that the closeness will not result in either of us becoming agitated by the noise. Our water tank operates on a pump system which comes on each time the water is used. The closeness to their bedroom may become annoying. • One of the reasons we enjoy Denmark is because we do not have neighbours on top of us but this is about to change. • A little thought and consideration would have meant that not only would we retain our privacy but so could they by building in a position that is not close to any of their neighbours. The block is certainly big enough to accommodate this. • Basically our tranquil, rural lifestyle is about to be ruined by the decision to build a dwelling that is already too close to our existing house. Our view will be ruined as the dwelling is large with a high roofline and fence which will cast a shadow and impinge on our life. Due to the fact that the block is large with no need to be in such close proximity to our house and to each other we see no reason to come even closer. 	<ul style="list-style-type: none"> • The subject lot is 1789m² and the proposed dwelling is approximately 238.5m². • Refer Attachment 8.1.3c for the applicant's justification on the location of the dwelling relative to the property boundary. • The R-Codes provide 'Deemed-to-Comply' criteria, and where such criteria is met the proposal is to be approved. Where proposals do not meet the 'Deemed-to-Comply' criteria, assessment is against the Design Principles criteria of the R-Codes. • As per the 'Deemed-to-Comply' criteria, a 7.5 metre side and rear setback applies – and in this instance the applicant is seeking approval for a 3.0 metre side setback and 6.8 metre rear setback accordingly. • The applicant's property and the objector's property were created as a result of subdivision of the original lot in 1994 (WAPC Ref: 93053). The proposed subdivision at the time complied with the "Residential 2" requirements of Town Planning Scheme No. 2 – noting that the setback of the dwelling on Lot 181 was referenced as being 7.5 metres from the rear boundary; noting that the applicants have recently commissioned a survey of the subject property and as a result this has identified that the existing dwelling on Lot 181 has a minimum setback of 5.3 metres to the boundary, with the rainwater tank having a minimum setback of 0.7 metres. • The proposed single storey dwelling has a gable roof, with an overall wall length of 9.54 metres to the rear boundary (which has an overall length of 40.23 metres). On the rear elevation there are no major windows. • With a proposed 3 metre setback to the side boundary, the dwelling is proposed to be located in the southern-western corner of the lot rather than centrally located; noting that if it was centrally located the dwelling would be more in alignment with the existing dwelling on the adjoining Lot 181. • The applicants have indicated that they intend to erect a solid fence rather than retain the current post and wire fence. Any proposal to modify the existing fence

		<p>We realize that most of our reasons are based on emotion but have felt quite surprised and upset at the positioning of the dwelling. We believe most people in Denmark consider the needs of others and have always enjoyed our time here. We already feel that the dwelling is closer than it needs to be, especially considering the position of our house and are not in favour of it coming any closer.</p>	<p>needs to have regard to the Shire of Denmark's Fencing Local Laws (in relation to what constitutes a sufficient fence) and the Dividing Fences Act.</p> <ul style="list-style-type: none"> As per the R-Codes, overshadowing calculations are based on the shadow cast at midday 21 June onto any other adjoining property. In this instance, the objector's property is on the western side of the proposed dwelling thus there is no overshadowing that will occur as a result.
2	<p>Details omitted as per Council Policy.</p> <p>Submitter is an adjoining landowner.</p>	<p>I can see no reason why the dwelling needs to be closer than the 7.5m (R-Codes). Looking at the plans the parcel of land is large in size, so I feel there is plenty of room for the 7.5m limit.</p>	<ul style="list-style-type: none"> As per the 'Deemed-to-Comply' criteria, a 7.5 metre side and rear setback applies – and in this instance the applicant is seeking approval for a 3.0 metre side setback and 6.8 metre rear setback accordingly. In relation to the side boundary setback, 3.0 metres is associated with a carport, with the main dwelling being setback at 6.5 metres. Refer Attachment 8.1.3c for the applicant's justification for the proposed setback to this boundary.

Applicant's response to
Submission 1

Planning Services

Ref: A667:(2013/189)

Doug Fotheringham

Senior Town Planner

**Re: Variations Associated with Proposed Single House at No 40 (Lot 180)
Ministerly Road, Ocean Beach**

As the house backing onto this property we are not in favour of the variation of the proposed setback being reduced to 6.8 m.

I would just like to make something very clear, before I respond to the Huismans objections.

We are asking for a .7 of a meter difference from the 7.5m setback for R2.5 residential zoning to 6.8m set back from our boundary fence.

The Huismans have a 2.4 meter difference from the R2.5 zoned 7.5m setbacks from the boundary fence.

We are erecting a 1.8 meter fence which will continue to give the neighbours the privacy and space they require when they visit their holiday home at Christmas. Might I add, their house is on the top of the slope on raised stumps, which means their 'view' into our yard will still be there.

We already feel that the positioning of the house will have a huge impact on our privacy and lifestyle. The adjoining property is large and the house being proposed of a significant size. The applicants have chosen to build their house as close as they can to our house.

I measured the distance from the existing fence line to the neighbour's cottage. It is 5.3 metres, from the fence line, which is closer than our proposed 6.8 metres from the boundary fence. Their water tank is also, less than a half a meter away from the fence line. As for their privacy and lifestyle, we will be erecting a 1.8 meter sufficient fence in consideration of this.

The block in question has a huge building envelope but they have chosen to build in a position directly in line with our small house which is an old cottage built on the original property that has been there for a long period of time.

I can understand that any change is going to be hard for the neighbours, when they are used to looking onto a vacant block. I believe this statement holds no importance, as houses go up every day in Denmark, changing ones view.

R2.5 zoning is for a standard 4000 m2 block. Our block is 1789m2, their block being 1629m2. The zoning unfortunately stays the same, regardless of both our blocks being well under half of this.

If we followed these R2.5 zoning, with setbacks of 7.5 from all sides and a 15m set back from our front verge, the rear of our house would land 2.4m from the neighbours back fence, which is closer than our proposed 6.8 metres, which would mean it would be 'directly in line' with their house and almost to the fence. This would be more of an obstruction to their view, as it would be in the middle of our block.

As it stands we are proposing to build back into our south corner, which isn't 'inline' with the neighbour's house. It is set back, which allows full open North frontage being clear from gardens.

The way the block was divided with the original subdivision means that our house is also built quite close to the back boundary (3-4m) exasperating the situation. Our water tank is even closer.

Our proposed setbacks (measured from the existing fence) are further away than the neighbour's house as they stated. We are asking for .7 of a metre difference, rather than their 2.2 metres distance from the back fence line.

We are having the house surveyed Thursday 21st Nov. Until we have these results, the neighbours back fence line might not even be where the boundary is. We are arguing on a hypothetical, as it stands.

The fact that their house is large with cathedral ceilings means it will dwarf and look over our little cottage, completing obliterating a view of anything but brick walls and their oversized privacy screen.

Our proposed house plans will not dwarf over the neighbour's house, as their house is built on the highest part of the slope on raised stumps. They will still be able to peer into our yard from your kitchen window, looking over our proposed fence into our yard. Our proposed fence is well within the laws of the residential council shire booklet.

Cathedral ceilings, is incorrect. We are having a raked ceiling. Their roof top will still exceed our, 'raked' roof top, as we are building on the bottom part of the slope. Our house is made out of wood, not brick, being sympathetic to the environment. A single story might I add. Any house will change the view the neighbours have been privy to.

□ At present there is a wooden post/ wire (ring lock and plain wire fence) in good condition as a joint boundary but the property owners have already erected a very tall privacy screen for the length of our house. It appears that they are trying to make it so that they don't have to view our house but in doing so have blocked any view, except their wall that we had.

We have not obstructed any view. There are 5, 1.8 meter pine treated posts, which only cover 1/3 of our fence lines.

I have spoken to the Shire of Denmark Principal Building Surveyor Graham Blackmore regarding dividing fences and he has advised me as follows:-

The legal requirements are contained within the Dividing Fences Act (summarised in the publication – Dividing Fences a Guide which is available on the web and from the Shire) plus the Shire's Local Fencing Bylaws.

Basically either land owner can require a "sufficient fence" a description of which is contained within the bylaws but basically it's a non-see through fence 1.8 meters high. The existing fence does not meet this standard and so we are requiring a new fence be erected because we want a fence which we are confident will keep our dogs in plus a non see through fence to give us privacy.

Mr Blackmore advises that each owner is required to pay half of the cheapest "sufficient fence" which he says is a metal sheet fencing such as Neeta Screen. I have obtained a verbal quote from Great Southern Boundaries of \$90/meter GST included which is for supply and erection.

Govinda and I prefer the look of natural timber to that of metal sheeting and are currently in the process of obtaining a quote for the supply and erection of a wooden slatted fence. We hope that our neighbours would also prefer the wooden fence and agree to pay half the cost of it.

With regard to the length of the fence we would like to erect 40.23 meters of 1.8 meter high fencing which extends the entire length of the back boundary fence of the property to the Huisman's.

With regard to the location of the fence we note that all of our surveyor pegs are missing. We hope to be able to identify the location of the pegs Thursday the 21st November. A licensed surveyor will be able to confirm our boundary by Thursday afternoon.

Once we have obtained the quote for the timber fence we will put our request for half the cost of the fence in writing to our neighbours for their response as is provided for in the Dividing Fences Act.

We are hoping that the closeness will not result in either of us becoming agitated by the noise. Our water tank operates on a pump system which comes on each time the water is used. The closeness to their bedroom may become annoying.

Considering the neighbours are only in Denmark visiting for bursts in the holidays. I feel that our proposed .7 of a meter will not make much difference in the noise levels. To reduce noise and to create privacy we will be erecting a fence, which should combat any 'agitations' in noise that the neighbours may feel.

In regards to the pump, there would have to be something extraordinarily wrong with it if it exceeded the residential 'noise pollution' and perhaps it may need to be looked at.

One of the reasons we enjoy Denmark is because we do not have neighbours on top of us but this is about to change.

I believe this statement says it all right here.

A little thought and consideration would have meant that not only would we retain our privacy but so could they by building in a position that is not close to any of their neighbours. The block is certainly big enough to accommodate this.

The neighbours will retain their privacy when on holiday in Denmark, as we have put in a proposal for a fence.

Basically our tranquil, rural lifestyle is about to be ruined by the decision to build a dwelling that is already too close to our existing house. Our view will be ruined as the dwelling is large with a high roofline and fence which will cast a shadow and impinge on our life. Due to the fact that the block is large with no need to be in such close proximity to our house and to each other we see no reason to come even closer.

I will reiterate that our house will not cast a shadow; the neighbours are on the high slope of the land. As for the high roof line, theirs will still exceed over our raked roof. As for us being an impingement on their life, that is up to them.

We are lovely people who chose this .7 of a meter set back difference, to reap the benefits of the sun, as we are energy conscious and want the land to work for us utilising its best features, 'north facing'! To me that is a 'need' to build where we have proposed.

There are NO factual impacts on their house that I can see. The only impacts are of an emotional one for them as visitors to their Denmark cottage, like they

have stated. The once empty block will now have a house and a fence on it with neighbours.

When they subdivided their block in a 'residential zoned' part of Denmark, did they think the block would stay empty with no change?

We realize that most of our reasons are based on emotion but have felt quite surprised and upset at the positioning of the dwelling. We believe most people in Denmark consider the needs of others and have always enjoyed our time here. We already feel that the dwelling is closer than it needs to be, especially considering the position of our house and are not in favour of it coming any closer.

Yes, as they have stated we feel the neighbours requests are based on emotion.

Considering their house is 5.3 metres from the existing fence line. Our other neighbours to our right have in fact 6 to 12 cm of our land, which we will NOT be kicking up a fuss about.

Again, I reiterate. Our proposed request is merely .7 of a meter of difference; our preferred set back is actually 4 metres from the fence line (which Doug instructed to try for 6 m setback, which we complied with. The neighbours are 2.4m out of the 'correct zoning' 7.5m.

We will in fact be creating more space than they are from us. Also, we will not be having our water tank half a meter from our fence line. We will also be putting up a fence to create space.

Having our house in this corner gives our home a 7.5 energy efficient rating.

This means lower energy consumption, less expense and working towards a greener future. Not to mention more growing space for fruit trees and vegetable gardens.

Yours Sincerely

Emma-Lea Mckay.

Denmark Survey & Mapping

LICENSED SURVEYORS & TOWN PLANNERS

Andrew Le Fort

Mob : 0429 482 262

Jennifer Dowling

Mob : 0437 482 262

PO Box 339

1/55 Strickland Street

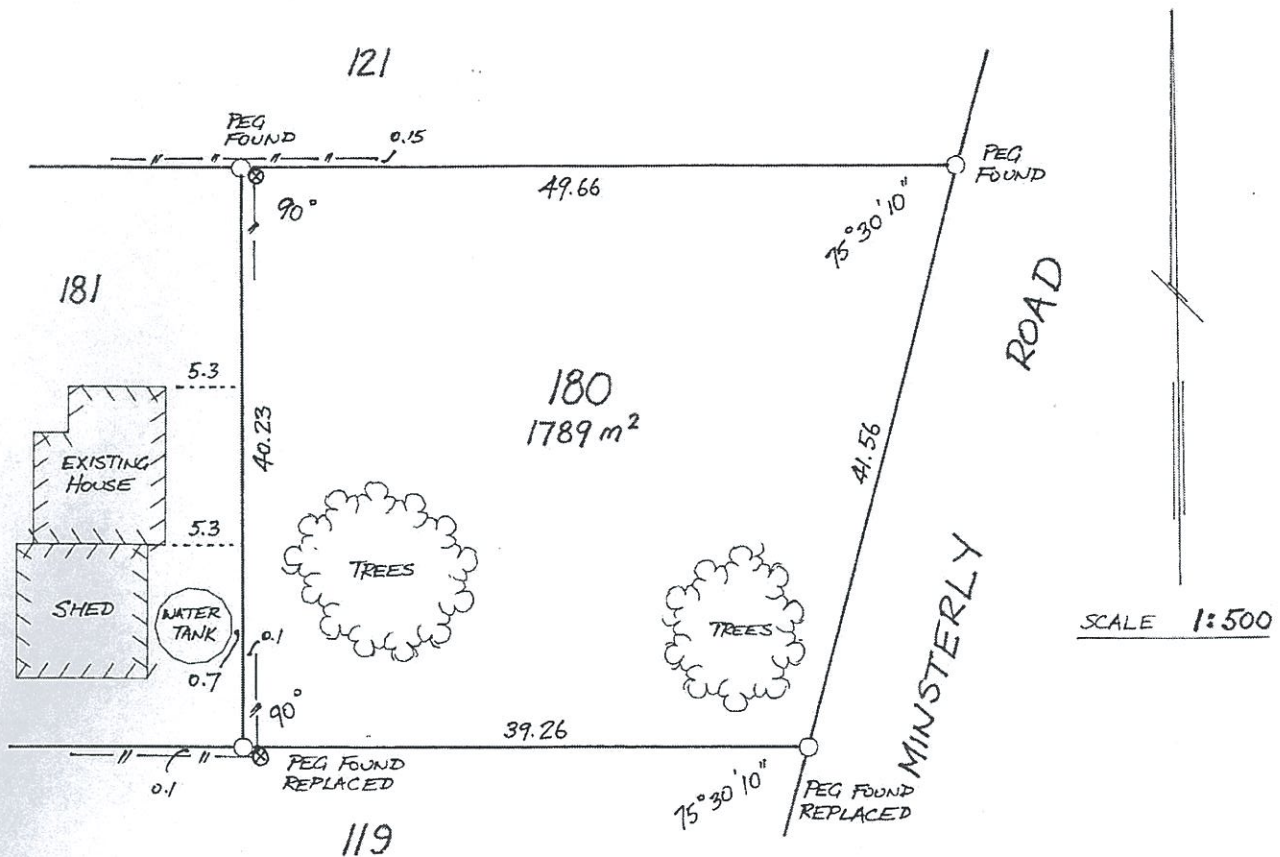
DENMARK WA 6333

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info@denmarksurvey.com.au

ABN : 65 801 497 860



SURVEYORS RESURVEY CERTIFICATE (Reg 25A)

I, ANDREW LEFORT, LICENSED SURVEYOR CERTIFY THAT I RE-ESTABLISHED THE BOUNDARIES AS SHOWN ON THIS SKETCH AND THAT THE SURVEY WAS PERFORMED IN ACCORDANCE WITH THE PROVISIONS OF THE LICENSED SURVEYORS (GUIDANCE OF SURVEYORS) REGULATIONS 1961 AND THE LICENSED SURVEYORS (TRANSFER OF LAND ACT 1893) REGULATIONS 1961

A. Le Fort
Licensed Surveyor

21/11/2013
Date

RESURVEY OF LOT 180 on DIA. 86817

MINSTERLY ROAD, DENMARK

CLIENT : EMMA MCKAY

C/T : VOL. 2011 FOL. 516

OUR REF : 1863

*Applicant's Response to
Submission 2*

Hi Doug,

I will list a few of the reasons why we would like to build our home where we have stated.

- Solar passive designed house with North facing aspects, which is very important as this maximises heating and cooling efficiencies which is needed in this colder climate. We have an energy star rating of 7.5.
- This design creates lower energy costs, and reduces emissions
- There is no over shadowing or onerous visual impact to the neighbours.
- Our home is single story and the design is sympathetic to the site
- The materials are lightweight and non-offensive, with sustainability in mind in accordance to existing amenity
- The neighbours block of land is simply that, with no dwelling
- The neighbours block is a double block (Estimating 4000m²), they can utilise this space to their advantage
- We have planted a border of native trees following suit on the existing bush scrub border and a fence will create space between dwellings.

The main reason for this is to build an energy efficient home, utilising the North aspect to our advantage in this cold south west. Reducing emissions and utilising the north facing not only for reduced energy consumption, but for growing our own food with maximum north sun.

Thanks Doug,

Emma Mckay