

Denmark Survey & Mapping

LICENSED SURVEYORS & TOWN PLANNERS

Andrew Le Fort
Mob : 0429 482 262
Stephen Bondini
Mob : 0427 115 347

PO Box 339
1/55 Strickland Street
DENMARK WA 6333

Tel : (08) 9848 2262
Fax : (08) 9848 2228
dsm@dsmsurveys.com.au
ABN : 65 801 497 860

Our Ref: 1553

Shire of Denmark
Director of Planning & Sustainability
PO Box 183
DENMARK WA 6333

Attention: Mr Sam Williams

Dear Sam,

Re: APPLICATION FOR PLANNING CONSENT – SINGLE HOUSE AND ANCILLARY LOT 40 HAZELVALE ROAD HAZELVALE DENMARK

As discussed with you at the Shire Offices, please find attached a completed planning consent application form for approval to construct a single dwelling at the site whilst retaining the existing approved cottage as ancillary accommodation.

Background

The property was jointly purchased by Brett & Kylie Hexter and Colin and Nell Hexter circa 2007. In October and November two outbuildings were given approval at the site, In March 2008 an additional outbuilding approval was granted with two applications to convert buildings to single dwellings approved in February and April 2009 with one additional shed approved in November 2009. Essentially this has resulted in two dwellings and two outbuildings being legally present at the site. The relevant approval for this building is attached at Appendix 1.

Proposal

Ancillary Accommodation

Kylie and Brett Hexter would now like to construct a larger home at the site. Understanding that the maximum permissible dwellings at the site had been approved, Brett & Kylie understood that they would need to decommission their existing home once the new building was habitable to continue to meet the two dwelling maximum on a rural zoned lot. During the process of having the drawings prepared and securing funding for the house, Kylies Mother and Step Father have suffered some ill health and now need to live closer to the family. As the cottage has been clad and established to a high standard, it is now proposed that it be retained and used as ancillary accommodation. Council Town Planning Scheme No. 3 at 5.3.6 notes the following relevant clauses regarding Ancillary Accommodation;

RECEIVED
20 AUG 2010

Attachment 8.1.2

- (c) The total area of ancillary accommodation shall not exceed 60 square meters, exclusive of any fully covered connection unless approved by Council.
- (d) An applicant for planning consent for ancillary accommodation shall provide the Council with a completed statutory declaration in the form of Appendix 15, signed by the owner of the building and each relative, aged or dependant person of the owner for whose occupation the ancillary accommodation is intended, stating that the ancillary accommodation is intended for use by that relative, aged or dependant persons, as the case may be and for no other purpose.

The proposal seeks to utilise the existing building which is of a suitable habitable standard however is 98m² in area; some 38m² over the permitted area as per the Scheme. It is understood that Council does have some discretion to vary this area restriction and it is requested that in this instance a variation is permitted as the building is already constructed. I attach the approved plans of the house and it is obvious that the house although over the maximum area, is still a modest home on one level suitable for an aging couple. Attached also is a completed Statutory Declaration signed by Judith and Ron Cunningham (Kylie's Mother & Step Father) who are seeking to use the building for Ancillary Accommodation.

The other alternative is for the building to be used as a chalet however it is not the Hexter's intention to have other people stay and the 3 month time limit would not be suitable for the needs of the parents if their ill health continues to decline.

Single House

The proposed new home is to be a timber framed home, clad with Hardiplank and Harditex and with a colorbond roof coloured slate. There are no colour restrictions in the rural zone and therefore these colours and finishes are suitable. The building is orientated to take advantage of a northerly aspect with the alfresco area adjoining dining, living and kitchen area. The house is 3 bedrooms with an open plan kitchen, dining and living area and a floor area of 256m² which is just above the average new home size as per the last census¹. Effluent disposal will be via standard septic tank and leach drain arrangement with the disposal field being located some 100m from the dam. A 92,000 litre watertank will be installed to supply potable water collected from the roof of the house.

Conclusion

The application is therefore two fold. Firstly, it needs to be established if the existing cottage can be used for ancillary accommodation. This decision informs as how best to proceed. If the cottage can be used for Ancillary Accommodation, an approval for a new house and ancillary accommodation is now being sought.

1

If the existing cottage can not be used for ancillary accommodation, then the Hexter's will seek to have their cottage reclassified to a class 10 building under the BCA and approval granted for a single house. They understand that this will require that they seek approval for temporary accommodation within that building until the permanent house is completed and will continue that process as and if required.

We would be pleased if you could consider this matter as soon as possible as the Landowners are keen to seek owner builder registration and a building licence to commence construction within the next few months. Should you have any queries or comments in relation to this matter, please do not hesitate to contact the undersigned at this office.

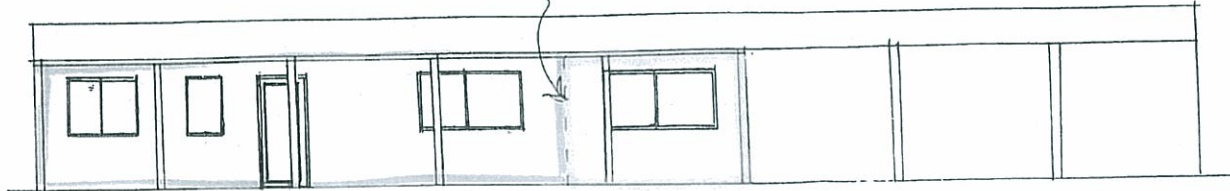
Yours faithfully
Denmark Survey & Mapping

A handwritten signature in cursive script, reading "Jennifer Dowling".

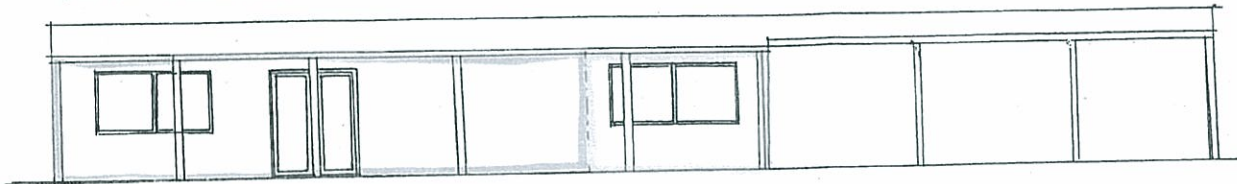
Jennifer Dowling
BA CHS (Planning)
Senior Planner
19th August 2010

LINE OF MODIFICATIONS
TO SHIRE REQUIREMENTS

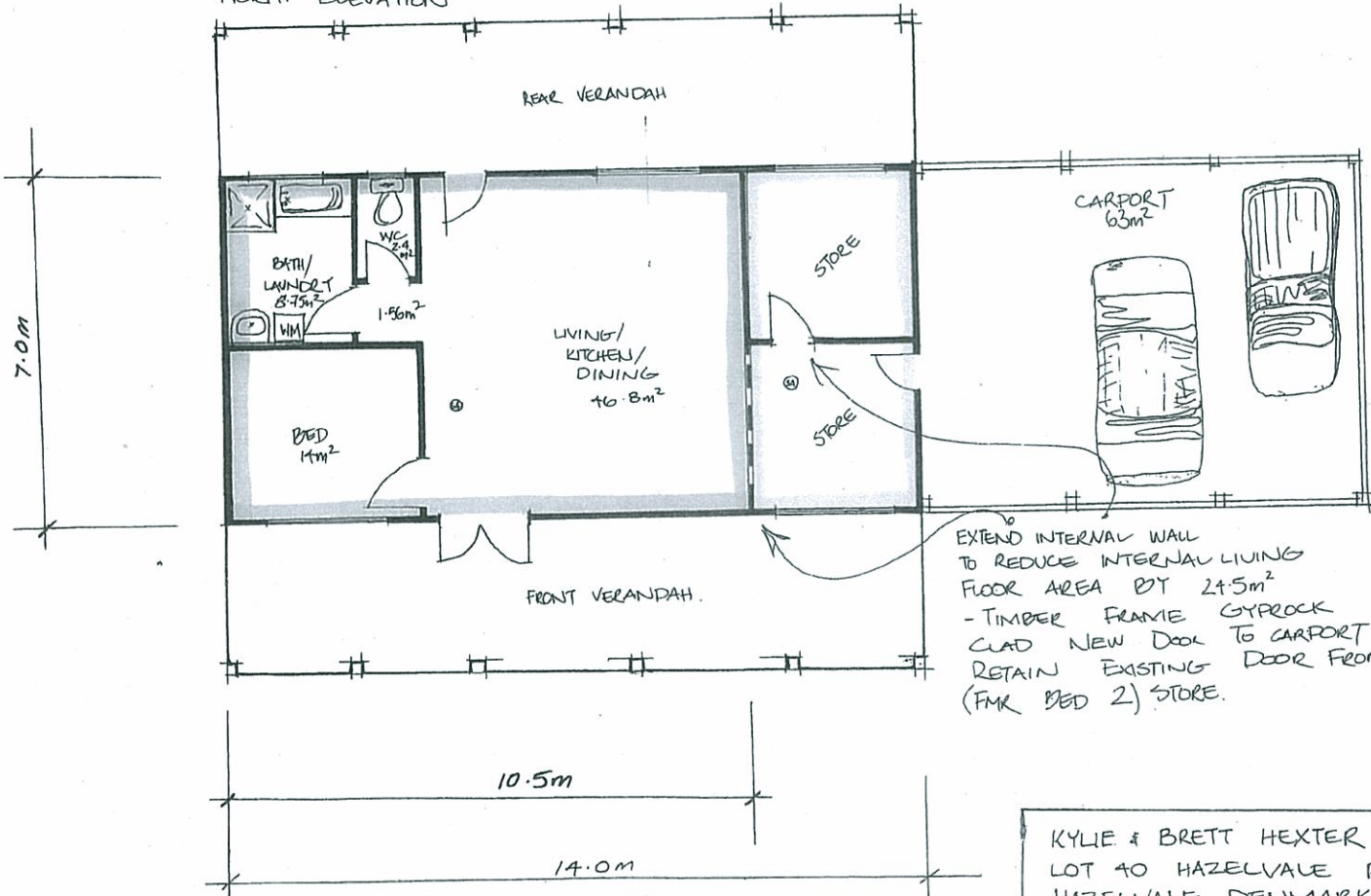
NEW EXIST



SOUTH ELEVATION



NORTH ELEVATION



EXTEND INTERNAL WALL
TO REDUCE INTERNAL LIVING
FLOOR AREA BY 24.5m²
- TIMBER FRAME GYPROC
CLAD NEW DOOR TO CARPORT
RETAIN EXISTING DOOR FROM
(FMK BED 2) STORE.

EXISTING DWELLING	98m ²
MODIFICATIONS TO REDUCE HABITABLE AREA	24.5m ²
RESULTANT HABITABLE AREA	73.5m ²
VARIATION TO SCHEME REQUIREMENTS SOUGHT (ABOVE 60m ²)	13.5m ²

RECEIVED
04 OCT 2010

KYLIE & BRETT HEXTER
LOT 40 HAZELVALE ROAD
HAZELVALE DENMARK.
PROPOSED ANCILLARY ACCOMMODATION



BY:

D/N : 30.09.2010
SCALE : 1:100

Denmark Survey & Mapping

LICENSED SURVEYORS

Andrew Le Fort

Mob : 0429 482 262

Stephen Bondini

Mob : 0427 115 347

PO Box 339

1/55 Strickland Street

DENMARK WA 6333

Tel : (08) 9848 2262

Fax : (08) 9848 2228

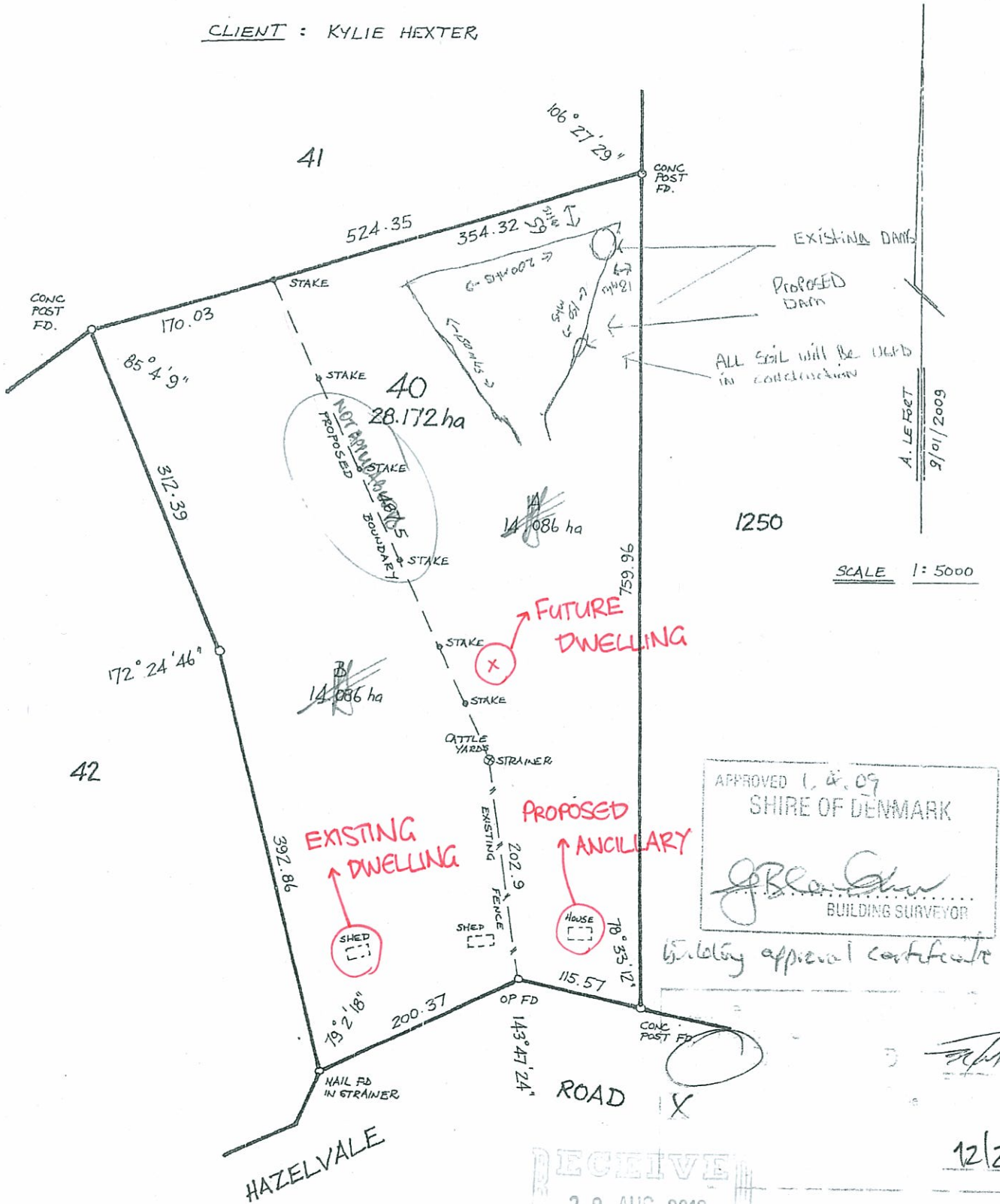
Email : dsm@omninet.net.au

ABN : 65 801 497 860

SURVEY OF LOT 40 ON DP 55395

HAZELVALE ROAD - HAZELVALE

CLIENT : KYLIE HEXTER



APPENDIX XV - STATUTORY DECLARATION - ANCILLARY ACCOMMODATION

SHIRE OF DENMARK - TOWN PLANNING SCHEME NO. 3

I/We Brett & Kylie Hexter
 (Full Christian Names) (Surname Block Letters)
 of HAZELVALE WESTERN AUSTRALIA

in the State of Western Australia apply for approval to build ancillary accommodation on
 Lot 40 House No. _____
 Street Hazelvale Road Suburb Hazelvale Denmark

and do solemnly and sincerely declare that the additional accommodation required on the said land referred to above is intended for use and occupancy by

Judy + Ron Cunningham

a relative(s), aged or dependent person(s) to the owner of the said lot and for no other purpose and that in the event of the said occupant or occupants vacating the ancillary accommodation then such additional building shall revert to a Class 1 building (single occupancy residence) and shall not be inhabited by any persons other than the owner of the property without special approval in writing issued by the Chief Executive Officer, Shire of Denmark.

And we make this solemn declaration under the provisions of Section 106 of the Evidence Act 1906.

Declared at WALPOLE in the said State
 this 20th day of AUGUST 2010

Before me [Signature]
 (Justice of the Peace/Commissioner for Declarations)

Owner's signature [Signature] Kylie Hexter

**ELIZABETH DEWAR GERNER
 JUSTICE OF THE PEACE 1411**

Proposed occupant's signature [Signature]

RECEIVED
20 AUG 2010

Shire of Denmark 102101137916	
9 NOV 2010 A5112	
DATE	LPH
FILE REF	
COUNCILLORS	
CEO	
DIR of FINANCE	
DIR of PLANNING	<input checked="" type="checkbox"/>
DIR of INFRASTRUCTURE	
DIR of COMMUNITY	
OTHER	

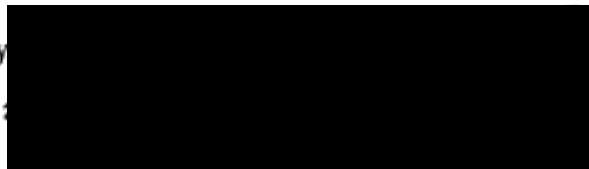
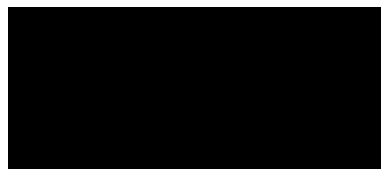
Duncan Ross
 A/Director, Planning & Sustainability
 Shire of Denmark
 PO Box 183
 DENMARK WA 6333

Dear Sir

Re Shire of Denmark Town Planning Scheme No. 3 -Oversized Ancillary
 Accommodation at 986 (Lot40) Hazelvale Road, Denmark
 Your ref: A5112 2010/205 DR/RH

I wish to advise that I support the above application by our neighbours
 B. & K. Hexter and I do NOT have any objections to the above proposal.

Yours faithfully

5th November, 2010

ATTENTION DUNCAN ROSS
SUBJECT PLANNING CONSENT PROPOSAL
A5112 2010/205 DR/RH

OVERSIZED ANCILLIARY ACCOMMODATION AT 986 (LOT 40) HAZELVALE
ROAD, HAZELVALE WA 6333

ICG 1011 289c
15 NOV 2010

A5112

SEARCHED	INDEXED
SERIALIZED	FILED
NOV 15 2010	
FBI - HAZELVALE	

Dear Duncan,
after receiving from you the proposal for
Lot 40 Hazelvale road. We would like to strongly object
to the proposal on the following points

- 1) The provision of what will be a third dwelling on site which is not in accordance with the requirements of Denmark council policy which only permits third dwellings on large farming enterprises
- 2) The planning scheme does not mention ancillary accommodation on rural zones as the use relates to residential zones only
- 3) In effect the ancillary accommodation in reality is a three bedroom house and the modifications really involves filling in two bedroom doors which in time will be utilized for the dwelling and can not be policed by council from a compliance prospective.
- 4) We also have further concerns regarding previous out buildings that have not come any where near matching the plans applied for and would greatly appreciate that the buildings are measured to clarify the dimensions prior to councils consideration

Yours Sincerely