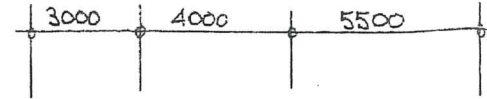


PRIOR TO LAYING OF PLASTIC MEMBRANE FOR SLAB SPRAY
 PAD AGAINST WHITE ANT ATTACK. ON COMPLETION OF
 BUILDING WORKS SPRAY PERIMETER OF SLAB TO COMPLETE
 PROTECTION PROGRAMME ALL IN COMPLIANCE TO
 AS 3660.1 RESS.

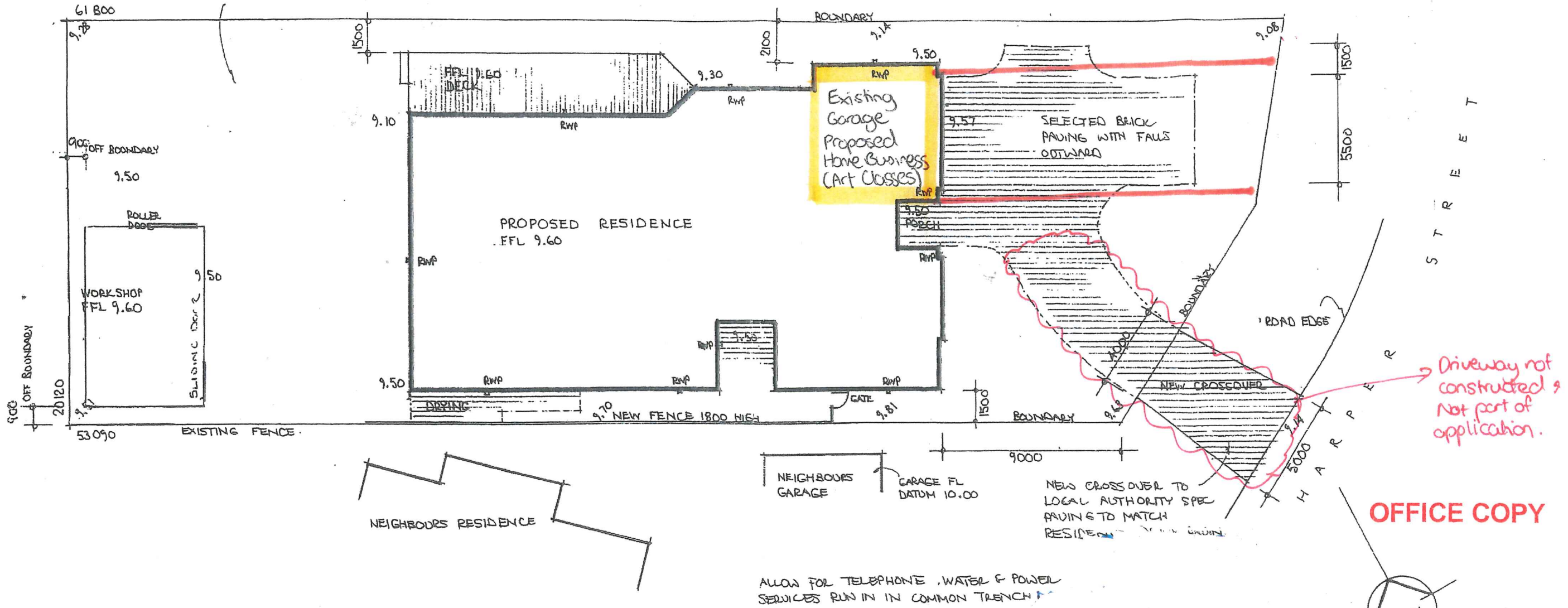
CLEAR OUTBUILDING & RESIDENCE WORKS AREAS OF
 VEGETATION & REMOVE FROM SITE.

COMPACTED SAND FILL TO EXTEND 1500 BEYOND
 FOOTPRINT, & TO A MIN OF 600mm. SUPPLY COMPACT
 CERTIFICATE FOR HOUSE PAD.

PICK UP R/W'S FROM OUTBUILDING & RESIDENCE VIA
 90mm Ø S/WATER DRAIN TO DISCHARGE INTO



SEPTIC TANKS & LEACH DRAINS TO
 LOCAL AUTHORITY SPEC



Driveway not constructed & Not part of application.

OFFICE COPY

NOTES:
 9.51 DENOTES AN EXISTING R/L
 9.60 DENOTES NEW FINISHED R/L
 DATUM IS THE FLOOR OF THE NEIGHBOUR'S
 GARAGE ADJACENT THE SOUTH BOUNDARY

SITE PLAN 1:200

PROPOSED RESIDENCE
 LOT 36 HARPER ST DENMARK

MAXWELL DESIGNS
 Building Design ABN: 13 846 760 378
 PO BOX 31 DENMARK 6333 Date: SEPT 2006
 a/h - Ph/Fax 9848 1849 Drwg: WD 1.

RECEIVED
 30 JUL 2019
 Shire of Denmark

**SCHEDULE OF SUBMISSIONS: PROPOSED AMENDMENT TO DEVELOPMENT APPROVAL
HOME BUSINESS (ART CLASSES) – NO. 17 (LOT 36) HARPER STREET, DENMARK
A2058 DA2018/82A**

Submission Number	Name & Address	Verbatim Submission	Planning Services Comment
S1	Details omitted as per Council Policy.	<p>Thank you for your letter dated 16 August 2019 regarding the Proposed Amendment noted above. I wish to lodge my objection to the proposed amendment.</p> <p>Although I have not yet built a residence at [REDACTED], I know the area extremely well having both lived at and holidayed at my parent's property at [REDACTED] for approximately the last 30 years.</p> <p>Harper Road and Lunan Road are extremely quiet, residential roads. There is almost no road noise at all from Inlet Drive. There is almost no traffic at night time. These two beautifully quiet roads are a sanctuary: many of the elderly residents take evening strolls along the partially-lit area; there are many birds which roost in evening in the surrounding trees; and numerous kangaroos also live in the immediate area. The proposal to allow art classes and art parties (with vehicles, headlights and noise) on weekends and Friday and Saturday nights is inconsistent with the character and amenity of the beautifully quiet area. The proponent notes that car-pooling will reduce the number of vehicles, but this cannot be guaranteed. More specifically, my proposed residence at [REDACTED] is right on the corner of Lunan and Harper. Due to the position of [REDACTED], headlights from vehicles driving from Inlet Drive to 17 Harper, and back from 17 Harper to Inlet Drive, will shine directly onto the proposed residence 1 Lunan from both the front and the side: my home will be flooded with light from two sides. It is obvious that a significantly increased number of vehicles at night will seriously affect my enjoyment of my proposed residence (particularly because the wording of the proposal is: 'In addition...') That is, there are still going to be the original number of art classes, but in <i>addition</i> to those, there are proposed to be night-time art</p>	<p>As noted in the submission, the submitter's property remains undeveloped. No plans have been lodged for construction of a residence at this point in time.</p> <p>Issues relating to headlight glare on this corner site may arise due to the normal movement of residential traffic irrespective of the Home Business use and would need to be considered by the landowner as part of their future building design.</p> <p>The proposed evening and weekend classes are intended to fulfil a demand for classes outside of standard working hours. The applicant has clarified that they will not incorporate amplified music or any activities likely to generate adverse noise impacts.</p> <p>Noting sensitivity to additional traffic movements after hours it is recommended that the extended class times be limited to one adult class on a Friday evening (maximum x4 attendees) and one adult <u>or</u> one children's class on a Saturday. The additional traffic movement arising from such activities would not be substantial nor out of scale with what may be expected from a residential property.</p>

		<p>parties.</p> <p>I also object to the amendment on the grounds that there is already an art studio in town which runs art classes - the business area of town is where businesses should be located - NOT in residential areas, particularly at night and weekends. In the letter dated 23 July 2018, the proponent states, "In my business proposal I have been very <i>mindful of my neighbours hence only opening during business hours and not over weekends to lower any impact on them and their private lives.</i>" (my emphasis) That was a very commendable attitude of the proponent, recognising that a business, run out of business hours <i>and</i> at weekends <i>and</i> on weekend nights would be unsuitable for this very quiet, established residential area with children and elderly residents.</p> <p>My request is that the Shire and Council please reject the proposed amendment, as it will inevitably have considerable negative impact on the private lives of the local residents (of which the proponent kindly considered in the original proposal, but perhaps not in the proposed amendment).</p> <p>I, as a neighbouring landowner, and also my entire family (who have been living and holidaying in Lunan Road for about 30 years), object to the proposed amendment in the strongest possible terms.</p>	<p>The application needs to be considered based upon its individual merits. Council has previously resolved to support a Home Business operating from this premises subject to conditions limiting the scale and frequency of classes. The Shire has received no valid complaints relating to the current operations.</p>
S2	Details omitted as per Council Policy.	<p>I wish to object to the proposed amendment to allow Art Classes and Art Parties at 17 Harper Road during the day on weekends and on Friday and Saturday nights from 6-10 o'clock.</p> <p>My husband and I have lived in Lunan Road (right next to Harper, less than 50 m from 17 Harper) for over 27 years. It is a very quiet area, and we often walk at night along Harper. This is a very quiet area, with lots of animals (like kangaroos) and birds nesting in the trees.</p> <p>Having art classes for kids is a good thing, but not on weekend days and weekend nights in our residential area. I certainly don't want a home business running art 'parties' up to late at night on weekends in our quiet little area.</p> <p>This is a wonderfully quiet area for kids to live and for older people like myself. I don't think it is right to run a business in the area – especially on the weekend, and</p>	<p>Subject to limitations on the scale of the Home Business operations, and conditions imposed thereon it is not envisaged that there would be any undue impacts upon kangaroos or birds beyond that which may already occur within a suburban location.</p> <p>Noting sensitivity to additional traffic movements after hours it is recommended that the extended class times be limited to one adult class on a Friday evening (maximum</p>

		<p>on Friday and Saturday nights. This should be done in the Rec Hall or other place in town, not where people live.</p> <p>I have painted for many years myself in and around Denmark. I took art classes in Denmark business area. I love kids and am keen for them to do art. But please don't let that happen in our quiet lovely residential place we live. I don't want our home area to become a business area – I want it to remain peaceful, quiet and neighbourly for my kids and grandkids.</p> <p>Businesses should be restricted to business areas; not residential areas – especially not out of normal business hours.</p>	<p>x4 attendees) and one adult <u>or</u> one children's class on a Saturday. The additional traffic movement arising from such activities would not be substantial nor out of scale with what may be reasonably expected from a residential property.</p>
S3	<p>Details omitted as per Council Policy.</p>	<p>I am a very close neighbour of 17 Harper St in fact my next door neighbours property adjoins this property, and I STRONGLY OBJECT to this proposed amendment for numerous reasons:</p> <ol style="list-style-type: none"> 1) The quiet amenity of this beautiful rural/residential area will be adversely affected by the increased traffic volume & noise associated with the relatively increased vehicle movement outside of normal business hours. 2) The lights and associated noise will disturb the local wildlife in the foreshore reserve just metres from the proposed classes. 3) There are already Art Classes in the Town of Denmark- which is where all commercial activity should be held. 4) Just because the proponent is unable to obtain premises elsewhere to run her business does not therefore mean that our extremely quiet residential amenity should suffer. 5) We have already noticed the increase in traffic and noise of children from the residence and therefore this proposal will adversely effect our choice of living in such a peaceful environment. 6) We are also very concerned as to the effect of noise etc. associated with “ Art Parties “. <p>We have no objection to Art/Child Minding facilities but consider this should be established in a business/commercial area.</p> <p>We live here for the serenity and neighbourly atmosphere this street provides and feel with this proposal it would be lost.</p>	<p>The application needs to be considered based upon its individual merits. Council has previously resolved to support a Home Business operating from the premises subject to conditions limiting the scale and frequency of classes. The Shire has received no verified complaints relating to the current operations.</p> <p>As children reside at the premises it would not be unexpected that some noise from children occurs from time to time. The Shire has no evidence to suggest that such noise is generated by the Home Business use which is confined to the garage area at the front of the premises, being some distance from the submitter's property.</p> <p>It is not envisaged that the Home Business would have any undue impact upon local wildlife beyond that which may already occur within a residential area.</p> <p>The hosting of art parties for children would remain under the umbrella of the approved Art Class activities. The playing or</p>

			<p>broadcasting of music or conducting of any activities outside of the building as part of the classes would not be permitted at any time and this can be referenced in additional conditions.</p> <p>Noting sensitivity to additional traffic movements after hours it is recommended that the extended class times be limited to one adult class on a Friday evening (maximum x4 attendees) and one adult or one children's class on a Saturday. The additional traffic movement arising from such activities would not be substantial nor out of scale with what may be expected from a residential property.</p>
S4	Details omitted as per Council Policy.	<p>I am horrified to hear of the proposed extension of hours and business activities at 17 Harper Rd and it is only by chance that I found out about it in time to lodge a strong objection.</p> <p>Harper and Lunan Rd are quiet dead-end suburban streets with (formerly) little but local traffic and very quiet at night. This makes it a very attractive area and more desirable than say, areas of Inlet Drive. The increased traffic and noise after 5 pm and on the weekend would be most undesirable.</p> <p>Denmark is very supportive of the arts and this is certainly one of the charms of the town. However activities such as those at 17 Harper Rd belong in the town centre or public Halls and facilities, not in this secluded domestic environment. I was surprised at the initial application being approved and certainly hope this expansion is rejected.</p>	<p>The nature of the Home Business would be unlikely to impose undue noise impacts upon the submitter's property which is located some distance from the premises.</p> <p>Noting sensitivity to additional traffic movement within the locality after hours it is recommended that the extended class times be limited to one adult class on a Friday evening (maximum x4 attendees) and one adult or one children's class on a Saturday. The additional traffic movement arising from such activities would not be substantial nor out of scale with what may be expected from a residential property.</p>
S5	Details omitted as per Council Policy.	<p>I'm writing to you regarding the proposed amendment to development approval for the art classes at 17 Harper St Denmark 6333.</p> <p>I live across the road at 24 Harper St (renting) I have endured the excessive noise</p>	<p>The Shire holds no prior record of any complaints received in relation to the current</p>

		and traffic in the neighbourhood since these art classes started but object to the extension of the hours to include weekends and night classes.	Home Business operations. Conditions to be imposed as part of the Home Business approval provide a mechanism of recourse should any issues arise.
S6	Details omitted as per Council Policy.	<p>I thought it may be helpful to provide some input regarding Harper Street.</p> <p>I moved into Harper Street 6 months ago. Since moving in there seems to be an increase in the amount of traffic using Harper Street. I'm not sure whether there is any business located on Harper or Lunan Streets but it doesn't appear to be local traffic.</p> <p>There are several families with young children using the street as well as others who walk up the street to access the bush tracks on the north side of Inlet Drive. Given the lack of foot path and supposedly quiet location, the speed and manner of the traffic is a concern for the safety of local residents.</p>	<p>The submission does not directly relate to the application under consideration.</p> <p>The Shire holds no record of any concerns or complaints relating to driver behaviour on Harper Street. Any concerns regarding unsafe driver behaviour or speeding vehicles is a police matter and cannot be directly attributed to the Home Business.</p>

To whom it may Concern,

Following the consultation letter with regard to the proposed amendment to development approval in extending hours to my business at 17 Harper Street I would like to thank everyone for their time and effort spent on this matter.

As there have been no complaints lodged during my first 12 months of business and all submissions received are only opposed to me having the odd adult class on a Friday or Saturday evening and the odd child's party on a weekend (noting it would only be for a maximum of 4 adults or 6 children at a time) and taking into consideration that my house is currently on the market for sale (so we will not be located at 17 Harper Street for much longer), I would like council to consider my request for an extension of hours with regard to not creating unnecessary angst in the neighbourhood, given the submissions from this small percentage of residents in the area, but also with regard to the many neighbours who have been so supportive of me, the many students who regularly attend (some of whom have significant special needs) and the potential future students who have asked for art classes outside of business hours. I am happy to continue my business as I have in the past year and will continue to look at all other options of expanding my business which will not impact on the neighbours, birds and kangaroos in my neighbourhood. However, the proposed amendment is simply a matter of potentially up to four vehicles visiting the area for maybe two hours at a time outside of business hours, or possibly up to six vehicles dropping off and picking up on the occasional weekend lesson. I am happy to discuss suitable hours to operate, however no neighbours have approached me to discuss the proposal. In response to Submission 1 it is agreed that there is currently almost no road noise or traffic in Harper Street. We too enjoy a stroll with the birds and kangaroos and have so far managed not to disturb the wildlife having lived on Harper Street many years and operated a successful business for over a year. The owner of this vacant block is concerned over the significantly increased number of vehicles at

night, and headlights shining in to two sides of their property. The business is currently operating under the original stipulations of a maximum of four adults or six children at one time utilising the four vehicle bays constructed. It is anticipated that up to four adults may attend the occasional evening class, so potentially four vehicles may come to Harper Street after hours. Hopefully this non-resident takes this in to account when it comes time to clear their block of trees and wildlife and construct a dwelling. The objection is based on art classes already being provided in town by others, rather than an objection to the business.

In response to Submission 2, it is agreed that it continues to be a very quiet area, art classes for kids IS a good thing and we too are keen for them to do art. In fact, many of the children in the street are students and enjoy being able to come to a nearby supportive and creative space to discover a new passion. So much so that adults are insisting on having their opportunity to learn and develop new skills which has led to the request for after-hours lessons for people who work that are unable to attend classes already offered within business hours as stipulated on the original approval. The opposition is apparently businesses should be restricted to business areas. No opposition was noted in the original application, Harper Street is currently gazetted as "town centre" and businesses such as bed and breakfasts, Lyra House, the Waterfront Motel, Trackside museum, Lions shed, Spirit of Play and Rivermouth caravan park all operate in the area with permission of the council, not to mention many Air Bnb's and home businesses operating without permission. We operate a small home based business as approved by the Shire, in accordance with all stipulations imposed, and are seeking to expand our small business by a few hours each week to meet the demands of our customers.

In response to Submission 3, we too appreciate the quiet amenity this beautiful residential area provides. The local wildlife are abundant and refuse to stay within the foreshore reserve on the opposite side of other private properties fronting the inlet. This so far has not prevented residents of Harper Street and Lunan Road

walking their dogs off the lead across our verge and trespassing on neighbouring private properties to access the foreshore. In over a year of operating the business, we haven't noticed a reduction in the wildlife in the area, nor have we had any reports of traffic related incidents. The opposition is based on the impact of the occasional extra four vehicles in the area and the associated noise and light. Again, it is stated that there are art classes provided in the Town of Denmark, which we are proud to be a part of. Apparently there has been an increase in traffic and "noise of children" in the area, however it should be noted that the excessive traffic in the area in the past 6 months has been due to two of our beautiful neighbours being very ill and since passing away and having family, friends and services visiting these premises and that the excessive traffic has not been due the Denmark Art Club.

Submission 4 is horrified about the impact of the occasional visit of up to four vehicles outside of business hours, however appreciates the charms of the town being very supportive of the arts. Again, I would point out that other (much larger) businesses already operate in the area gazetted as Town Centre, yet as observed, Harper Street and Lunan Road remain "quiet dead-end suburban streets".

Submission 5 is a tenant (who is soon to leave the residence) opposed to the increased noise and traffic operating outside of business hours, clearly as there are often more than four vehicles parked at their property and quite often coming and going late at night, so far not affecting the roosting birds or kangaroos, nor their dog roaming the streets.

Finally Submission 6 has moved into the area six months ago and has noticed an increase in traffic in the period, which as mentioned above could be attributed to the ill health of our neighbours. We agree that there should be a footpath extended from Inlet Drive, however no objection to the business is stated, only the speed and manner of existing traffic is of a safety concern.

I would also like to point out that the majority of these letters of opposition have noted how quiet the area currently is even though my business has been running for over a year.

I would like to note that during my first application for the business I took an extensive time looking for suitable premises as requested by council. To run this business requires a place that can be set up on a permanent basis as bunking in and out is not possible.

I looked at the CRC but that was not appropriate as flooring was carpeted and the only shed available was the storage shed of the CRC which was in use, cold and dark. I looked at Tha House which was not appropriate as The Mens' Shed works from there and they do not have WWC and their workshop equipment is not appropriate or safe for children to be around. The Rec Centre was not permitted for use as I am not a not for profit business. Shops available in town are unable to be used as I would then need to be a retail shop and carry stock as well as afford rent and still be restricted to opening in business hours only. We looked at purchasing a shop but was informed by our financial advisor and accountant that it wasn't a good investment for a SMSF.

I would like to say during my 12 months of being in business I have had many people feel the need to write to me thanking me for having a place for them to come and feel confident enough to not only give their children a safe place to get creative but also themselves. This has been something Denmark has been severely lacking and I feel confident having been able to create this for them and their families. The community support to this point has been fantastic, and I hope that the Council can see the benefit that this has provided for the community. I am hoping that the Council will take the needs of the community into consideration in reviewing the application, given no changes to the existing approved maximum of eight classes per week, no change in class sizes (therefore no increase in traffic), the only variance requested is an extension of hours to allow occasional Friday or Saturday night classes and occasional weekend classes to cater for birthday parties for children.

I would also like to add that during my first 12 months in business I have adhered to council stipulations and made a point of following the guidelines set out by council.

Kindest Regards

Kendel Lynam

Denmark Art Club
0407 192 254