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BY:

**DSM**  
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(08) 9848 2262

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PHONE: (08) 9848 1482  
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PROPOSED NEW RESIDENCE  
LOT 65 MYERS RD.  
DENMARK  
FOR G YAP

REVISION No.	REVISION	REVISION ENTRY
1		

SCALE: 1:1000 @ A3  
DATE: 27.09.2016  
REVISED: 14.11.2016

DRAWN BY: TJR  
CHECKED BY: TJR

SHEET NAME:  
**SITE PLAN**

SHEET No:  
**1**



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16 NOV 2016

PROPOSED NEW RESIDENCE  
LOT 65 MYERS RD.  
DENMARK  
FOR G YAP

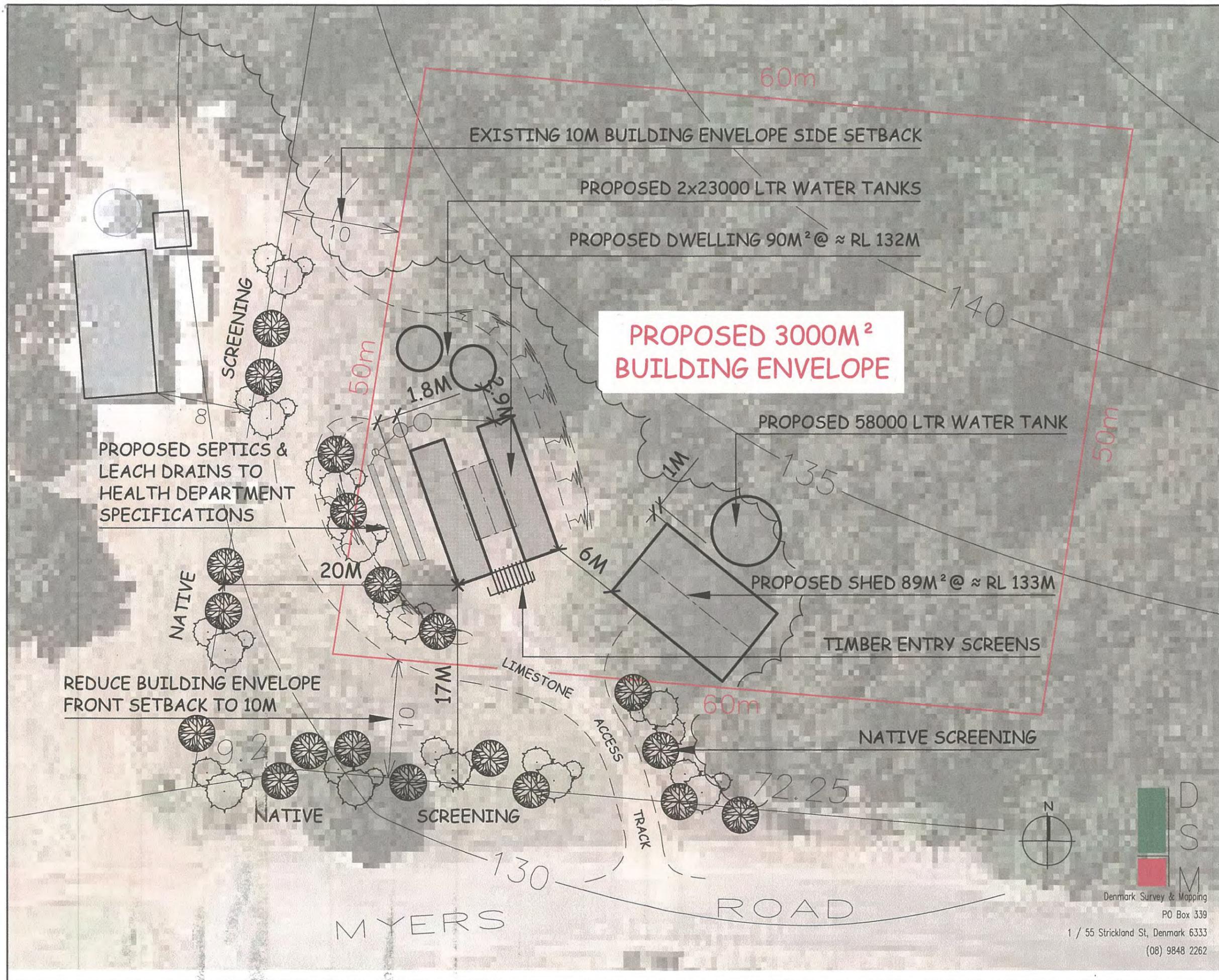
REVISION No.	REVISION
1	REVISE ENTRY
2	SCREENING TO BATTER

SCALE: 1:300 @ A3  
DATE: 30.09.2016  
REVISED: 14.11.2016

DRAWN BY: TJR  
CHECKED BY: TJR

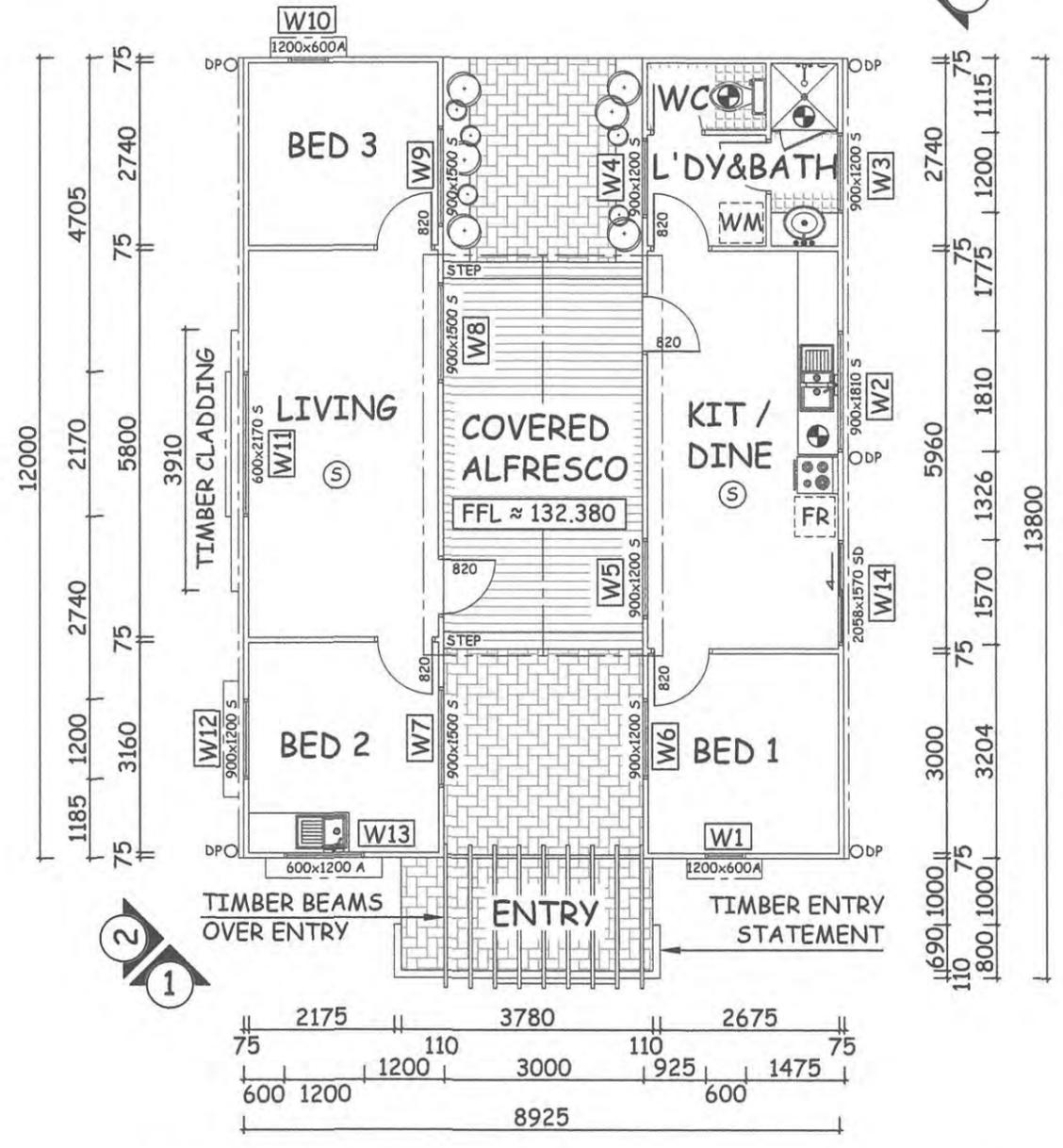
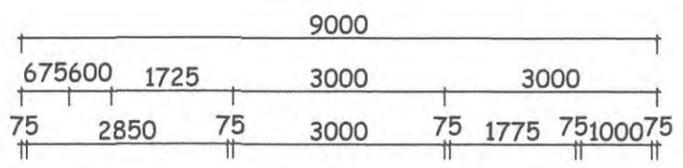
## SHEET NAME: ENVELOPE PLAN

SHEET No: 2

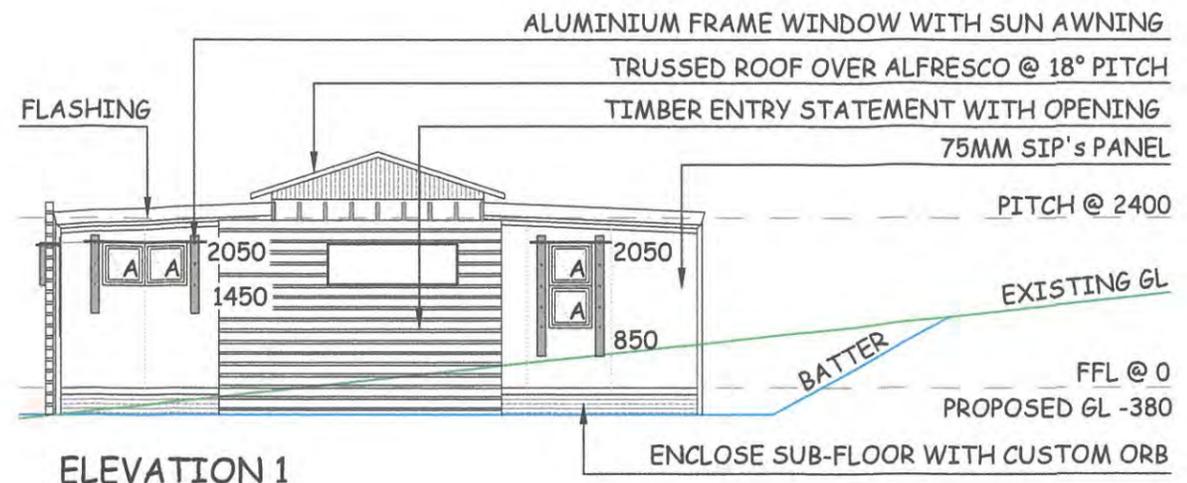
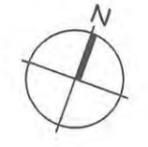


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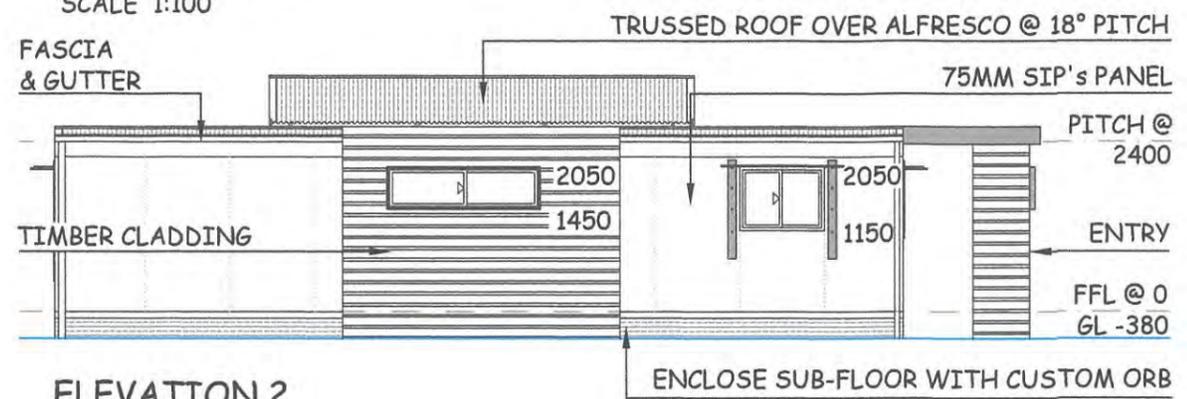
AREAS	
LIVING.....	72M <sup>2</sup>
COVERED ALFRESCO.....	18M <sup>2</sup>
TOTAL.....	90M <sup>2</sup>



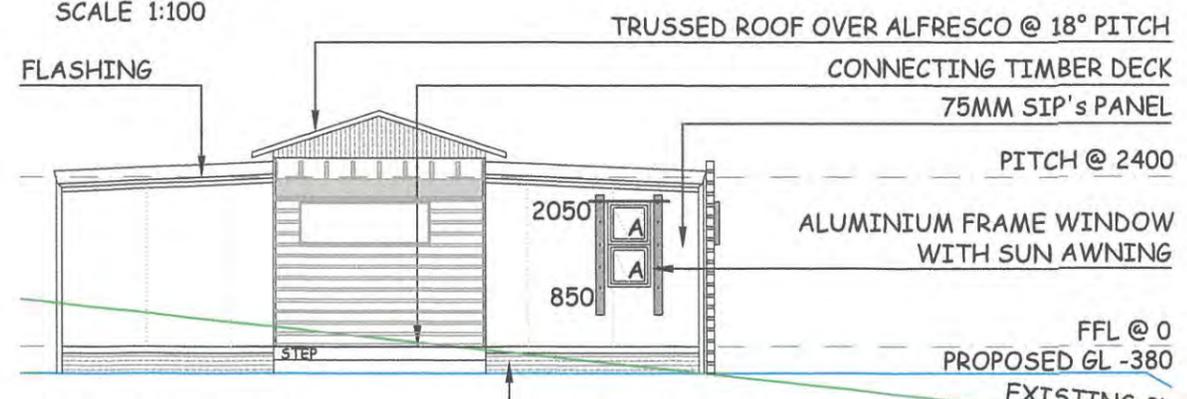
LEGEND	
Ⓢ	SMOKE ALARM TO COMPLY WITH AS3786 & BCA PART 3.7.2
⊕	EXHAUST FANS TO COMPLY WITH BCA PARTS 3.8.5.2 & 3.8.5.3
HWU	HOT WATER UNIT TO COMPLY WITH PARTS B2 OF NCC VOL.3
DP O	DOWNPIPE



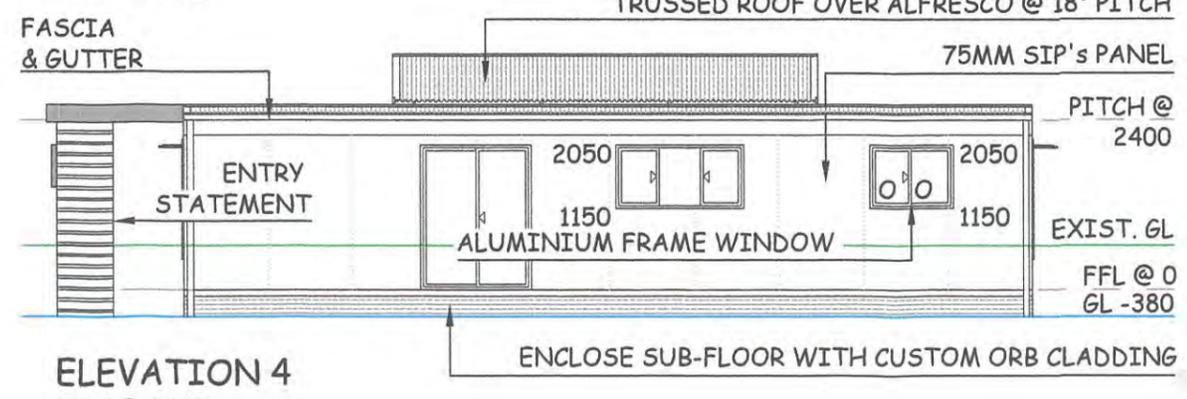
ELEVATION 1  
SCALE 1:100



ELEVATION 2  
SCALE 1:100



ELEVATION 3  
SCALE 1:100



ELEVATION 4  
SCALE 1:100



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16 NOV 2016

PROPOSED NEW RESIDENCE  
LOT 65 MYERS RD.  
DENMARK  
FOR G YAP

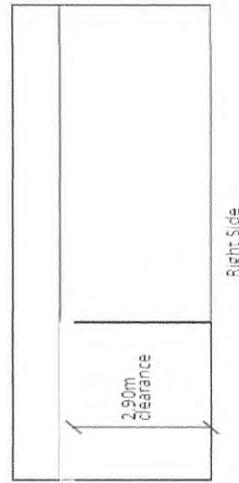
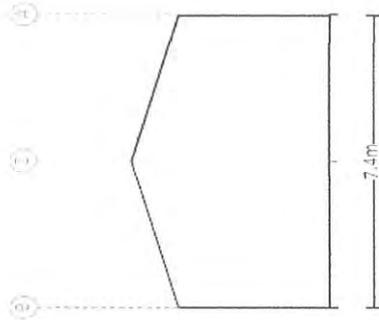
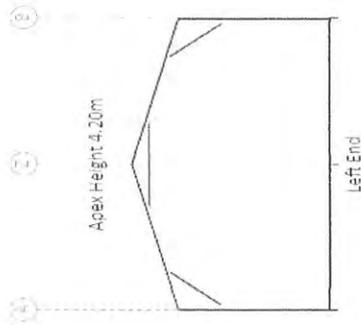
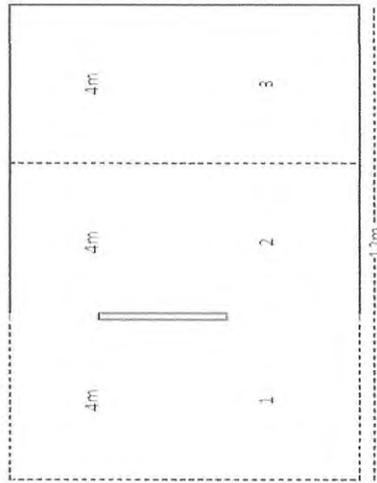
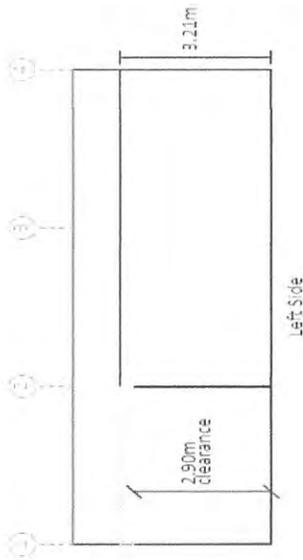
REVISION	CHANGE PITCH ALFRESCO	REVISE CLADDING	ADD WINDOWS & AWNINGS
No. 1			
No. 2			
No. 3			

SCALE: 1:100 @ A3  
DATE: 28.09.2016  
REVISED: 14.11.2016

DRAWN BY: TJR  
CHECKED BY: TJR

SHEET NAME:  
**FLOOR PLAN ELEVATIONS**

SHEET No: 3



**RECEIVED**  
**30 SEP 2016**  
 E.V.  
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Purchaser Name: Genevieve Yap

Site Address:

Ref = RICH1607046-4

Print Date: 16 09 16

**Building Layout**

Ref: RICH1607046-4

Seller: THE Shed Company Munding  
 Name: Richard Butler  
 Phone: (08) 6394 5020  
 Fax: (08) 9295 0725  
 Email: richardb@theshedcompany.com.au

A3643  
2016/129

30<sup>th</sup> Sept, 2016  
Genevieve Yap  
P O BOX 814  
DENMARK WA 6333

Town Planning Department  
Shire of Denmark  
P O BOX 183  
DENMARK WA 6333

Responses to your email dated 12<sup>th</sup> August 2016 are as per below:

- 1) Please note that as previously advised our draftsman has been away hence have only been able to provide simple plans. Kindly find site plan as per Shire specification attached. We have relocated rainwater tank to the south-west corner of the property behind the shed. We have also adjusted the appearance and location of proposed shed to suit this change taking into account the overall aesthetics to suit the locality. The shed will be 89m<sup>2</sup>, plans are attached herewith.

Front and side setbacks indicated as 10m to minimise clearing of trees, we believe this to be in line with expectations of the Shire's Planning Department.

- 2) A Bushfire Attack Level (BAL) Assessment by an accredited bushfire consultant is in progress.
- 3) Elevations, height dimensions as well as details regarding roofed alfresco are as addressed in attached plans.
- 4) Use of quality screening panels will address amenity issues for transportables as illustrated: they will shield the alfresco area so that the area will not be visible from the road as well as to cover potential clutter such as bicycles and footwear. Utilities such as wheelie bins will be placed out of sight from all neighbours and tastefully concealed.

In terms of colours, the transportable features COLOURBOND Paperbark with Woodland Grey flashings; water tanks will be Woodland Grey.

- 5) Outbuilding wall height to be 3.21m with gable roof, apex height as 4.2m.
- 6) Outbuilding will be mostly Woodland Grey to match with minor Wallaby flashings to serve as contrast with a Midnight coloured roof. All of these colours are sympathetic to "existing landscape elements (namely landform and vegetation)..." as per provisions specific to Special Rural Zone 21 as they can be classified as "subtle earth" or natural hues" as described in the Denmark Shire information sheet on colour requirements. In terms of materials, the outbuilding will be made out of steel.
- 7) In terms of landscaping, native screening will be utilised to enhance overall privacy and amenity. On front property boundary, 10 x Agonis Flexuosa has been planted with island plantings of *Melaleuca cuticularis* as upper storey trees. 5 x *Brachysema Sericeum*, 12 x *Hypocalymma augustifolium* 3 x *Hypocalymma ericifolium* will be understorey plants along with a handful of *Hardenbergia comptoniana* and *Clematis pubescens*. Various natural stands of young plants such as *Leucopogon verticillatus*, *Hibbertia cuneiformis* and *Eutaxia myrtifolia* also presently forms part of this native screen.

11 x *Kunzea recurva*, 6 x *Kunzea ericifolia* and 3 of each *Melaleuca pauciflora* and *Melaleuca violacea* will be planted West of property boundary.



In response to your email dated 12<sup>th</sup> September, since our long term lease for the place that we have been renting in Denmark for the last 5+ years ended last December we have been unable to attain another rental. We were lucky to be able to remain in this same property on an uncertain basis until more recently while the owners made preparations to move back into town. As a last but seemingly lucky resort we were able to purchase this block in view to live. After property settlement, I made an appointment with your then planner Marieka on the 31<sup>st</sup> March to discuss how this may happen the quickest way the Shire will be happy with. Therefore we have always made it known and clear that my family have not been able to attain suitable housing and we intend to reside at this property on the soonest date possible. No clear avenue nor assistance was provided to assist us to transition to live on the property in the way that is acceptable, which is predominantly why this 'development' has been challenging. No options were provided to me as to how me and my family are able to reside or occupy at this property, I was merely told to put in an application for planning approval. The circumstances of our living arrangements have been less than desirable and I am disheartened that the Shire has been less than forthcoming. We did at one point hire a local plumber who I understood have put in an application for Health department approved septic so that we are able to make progress towards being able to reside at this property out of need. With all respects, our situation has not been assessed adequately and no alternatives or solutions were offered to us and after living in between homes and staying for nearly a month and a half at our relatives we had no choice but to move in to this property. We have been at this property for approximately 5 weeks but have been away for the last week or so.

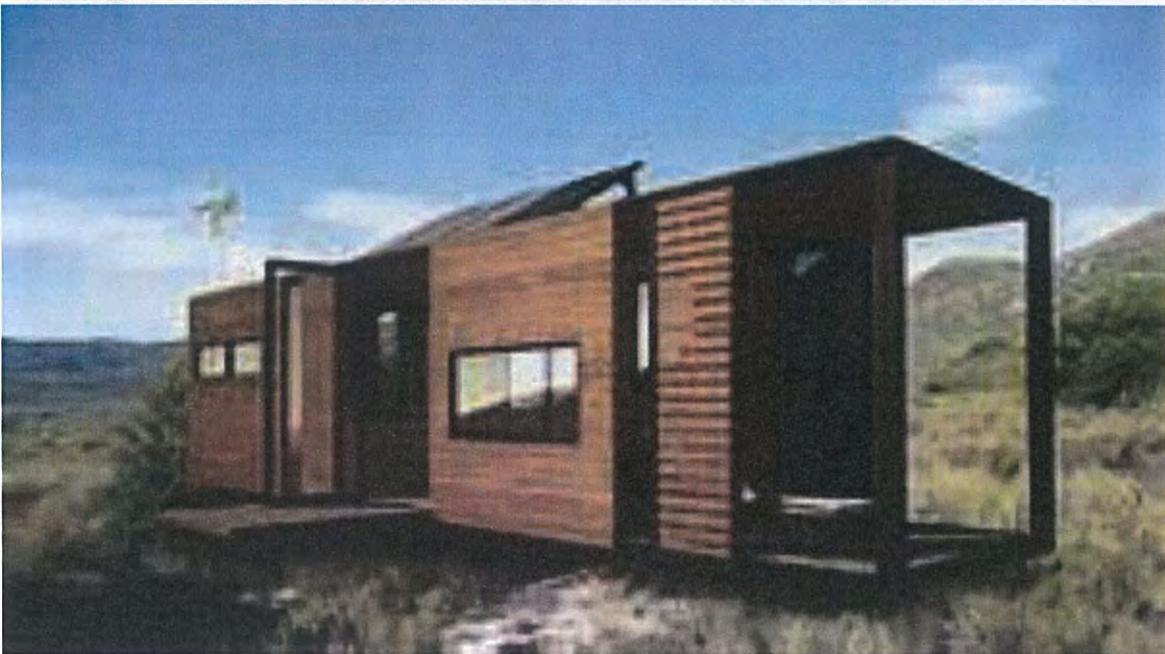
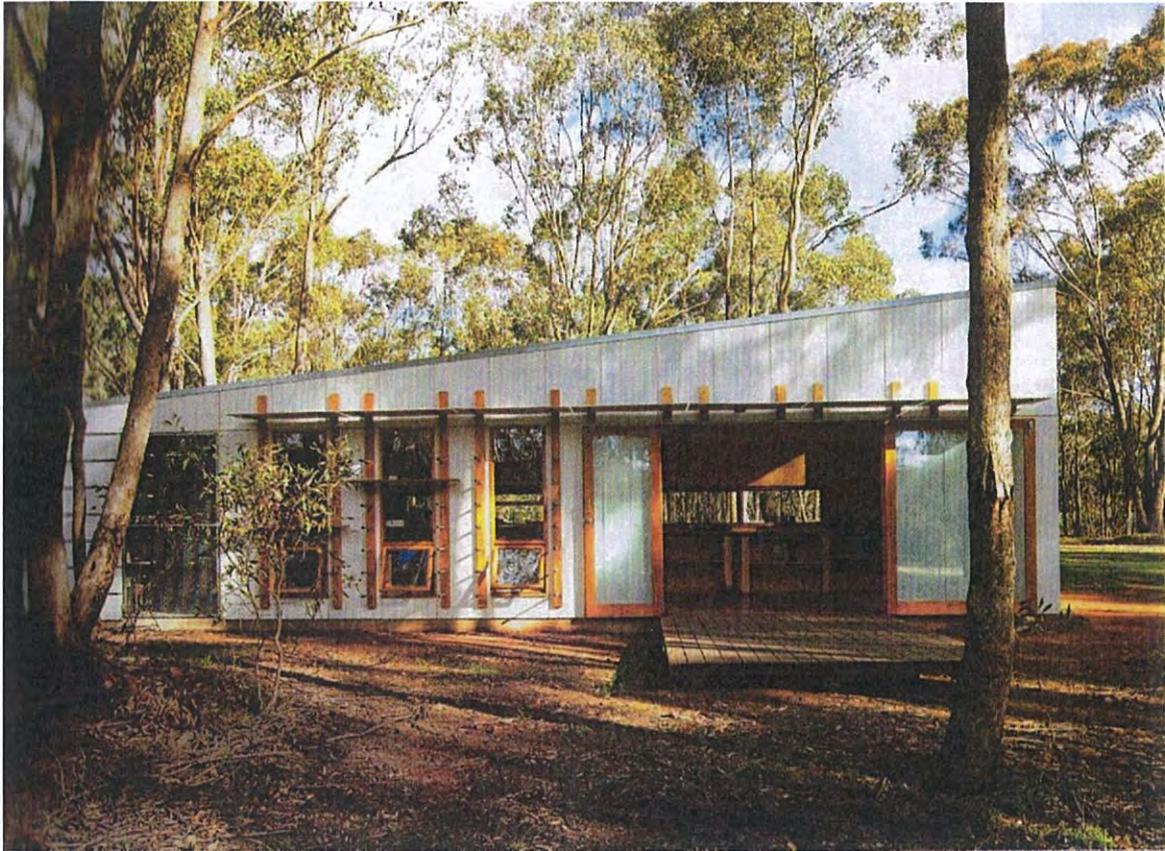
As for the home business, we are not presently conducting business on site. We may want to do this in the future and at that time we will make a submission in regards to running a home business.

Kind Regards



Genevieve Yap







**BUSHFIRE ATTACK LEVEL ASSESSMENT – 20160930**

FPAA Accreditation No. - BPAD 37765

<b>PRODUCED FOR:</b>	Fong Yee Too & Genevieve Yap	<b>OF:</b>	
<b>ON BEHALF OF:</b>		<b>DATE:</b>	29/09/2016
<b>FOR THE PROPERTY:</b>	120 Myers Road, DENMARK, WA 6333	<b>IN:</b>	Shire of Denmark
<b>WOF CONSULTANT:</b>	Peter Bidwell	<b>PHONE:</b>	08 9840 8295

**BAL RATINGS**

*"See page 3 for  
comments / achievable  
rating"*

<b>BAL RATING</b>	<b>29</b>
-------------------	-----------


**ENDORSEMENT**

CONSULTANT	SIGNED	DATE
Peter Bidwell		29/09/2016
ASSESSOR	SIGNED	DATE
Brian O'Hehir		30/9/2016
APPLICANT	SIGNED	DATE

**DISCLAIMER**

*The recommendations and measures contained in this assessment report are based on the requirements of the Australian Standards 3959 – Construction of Buildings in Bushfire prone Areas, Guidelines for Planning in Bushfire Prone Areas (State Planning Policy 3.7) and CSIRO's research into Bushfire behaviour. These are considered the minimum standards required to balance the protection of the proposed land/building and occupants with the aesthetic and environmental conditions required by local, state and federal government authorities. They DO NOT guarantee that a building will not be destroyed or damaged by a bushfire. All surveys and forecasts, projections and recommendations made in this assessment report and associated with this proposed land/building are made in good faith on the basis of the information available to the fire protection consultant at the time of assessment. The achievement of the level of implementation of fire precautions will depend amongst other things on actions of the landowner or occupiers of the land, over which the fire consultant has no control. Notwithstanding anything contained within, the fire consultant/s or local government authority will not, except as the law may require, be liable for any loss or other consequences (whether or not due to negligence of the fire consultant/s and the local government authority, their servants or agents) arising out of the services rendered by the fire consultant/s or local government authority.*

Version No.	3.6	Revision No.	
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## 1. SITE INFORMATION

**SITE ADDRESS:** 120 Myers Road, DENMARK, WA 6333

**SHIRE PROPERTY FILE #:** -----

**LOCAL GOVERNMENT HAZARD MAPPING ASSESSMENT:**  
 NON-BUSHFIRE PRONE   
 BUSHFIRE PRONE   
 BUSHFIRE PRONE(URBAN)

**IS THERE A CURRENT FIRE MANAGEMENT PLAN IN PLACE?**  
 YES   
 NO   
 UNKNOWN

**TYPE OF DEVELOPMENT PROPOSED:**  
**PROPERTY TYPE**  
 Special Rural  
**BUILDING TYPE**  
 New Home

## 2. BUSHFIRE ATTACK LEVEL (BAL) RATINGS

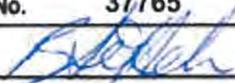
Determined using AS3959-2009 Australian Standard®: Construction of Buildings in Bushfire-prone Areas (Table 2.4.3)

SAMPLE POINT	ASPECT	VEGETATION CLASSIFICATION	CURRENT DISTANCE, DWELLING TO CLASSIFIED VEGETATION	EFFECTIVE SLOPE	BAL RATING
1	N	Tall Open Forest 01	28	Upslope/Flat	<b>BAL-29</b>
2	E	Low Open Forest 04	22	Upslope/Flat	<b>BAL-29</b>
3	S	Exclusion 2.2.3.2 f		5° to <10°	<b>BAL-LOW</b>
4	W	Exclusion 2.2.3.2 f		5° to <10°	<b>BAL-LOW</b>

\* Please see 3.1 Page 3 for thinning recommendations and achievable BAL.

### IMPORTANT NOTES FOR THE CLIENT/OWNER

- The owner should confirm if the local authority requires the BAL rating of the construction to be identified or recorded, either on the building or other documents; for example, a Notification of Section 70a of the Transfer of Land Act 1893.
- Note that if building does not commence within 12 months of this report being prepared, another assessment is required.
- Refer to Appendix 4.1 for the appropriate Construction Section in AS3959-2009 - Construction of Buildings in Bushfire Prone Areas to determine construction requirements.
- The property owner or occupier must maintain the vegetation and fuels in accordance with the Local Authority's Annual Firebreak notice (or equivalent relevant document), an approved Bushfire Management Plan, and the recommendations made in this report. Refer to local authority's Firebreak Notice for levels of fuels allowable in the Asset Protection Zone (APZ) and/or Hazard Separation Zone (HSZ) if these zones are required. See diagram below.
- Even in full compliance of any recommendations made in this document, total protection of buildings cannot be guaranteed from bushfires. Regardless of building standards and hazard mitigation measures taken in the areas immediately surrounding these buildings, the buildings may be subject to long distance (>500 metres) ember attacks during a bushfire. These may ignite combustible material onsite (such as outdoor furniture, leaves in gutters, etc), therefore threatening any buildings and infrastructure.

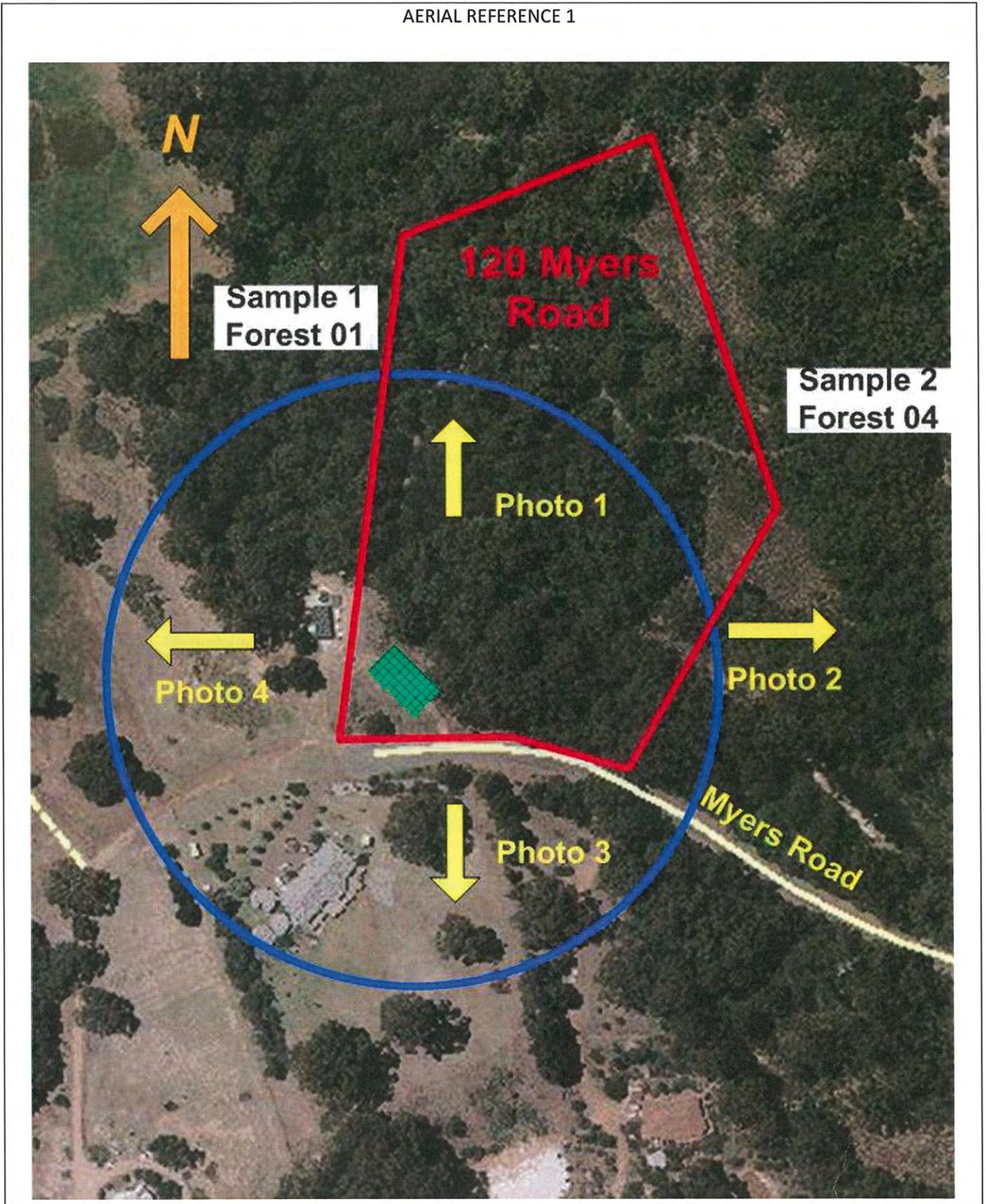
I hereby declare that I am a BPAD accredited bushfire practitioner.		
Accreditation No.	37765	
Signature		
Date	30/09/2016	



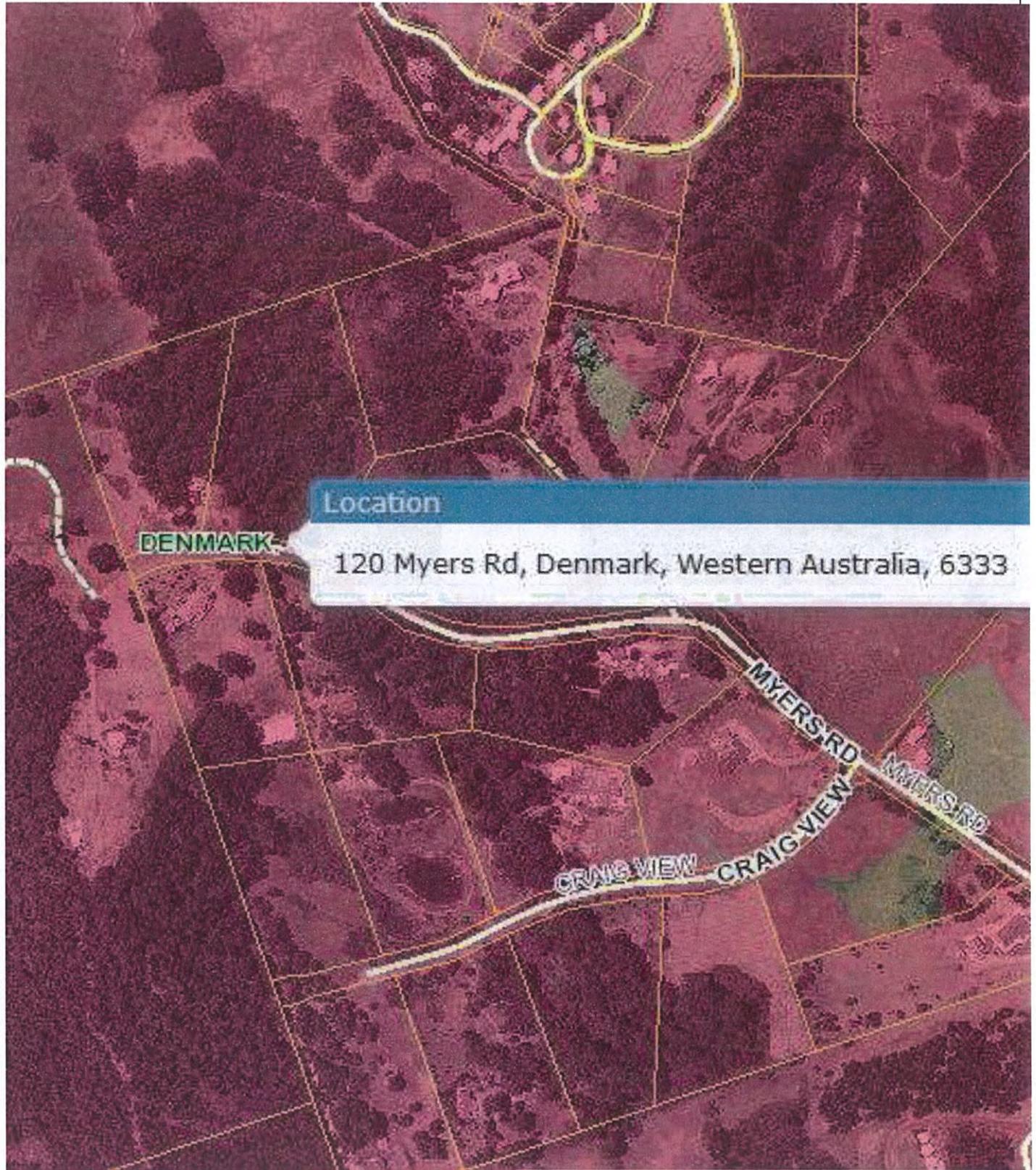


#### 4. SITE IMAGERY

AERIAL REFERENCE 1



AERIAL REFERENCE 2 – BUSHFIRE PRONE MAP

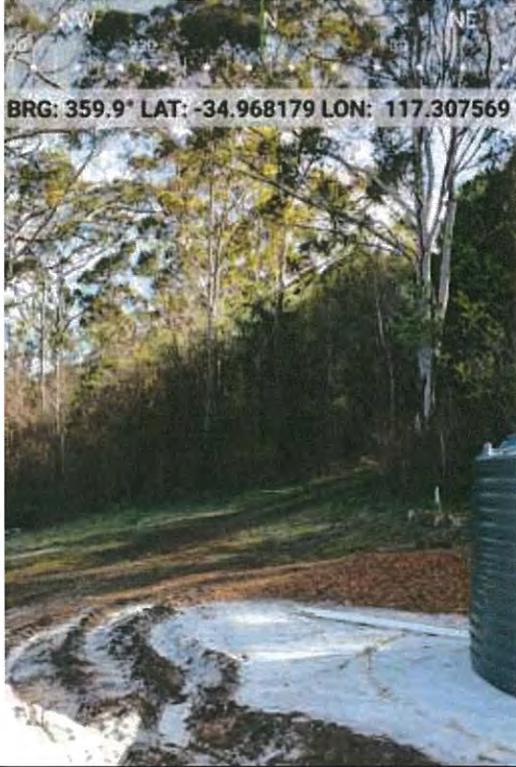


Site Photos

GROUND PHOTO 1

DIRECTION: N

SAMPLE POINT: 1

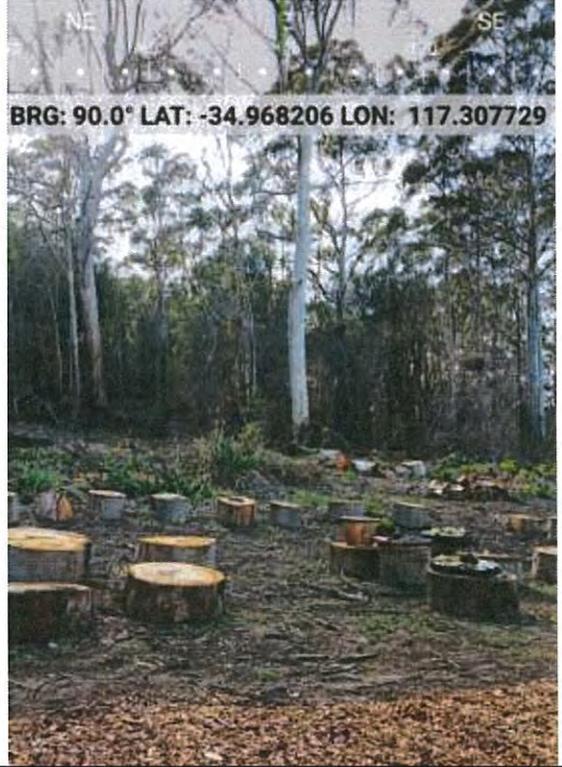


BRG: 359.9° LAT: -34.968179 LON: 117.307569

GROUND PHOTO 2

DIRECTION: E

SAMPLE POINT: 2

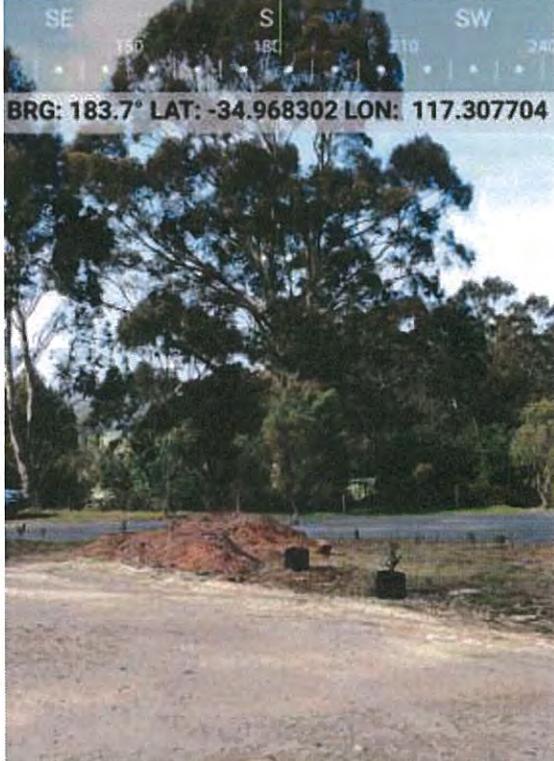


BRG: 90.0° LAT: -34.968206 LON: 117.307729

GROUND PHOTO 3

DIRECTION: S

SAMPLE POINT: 3

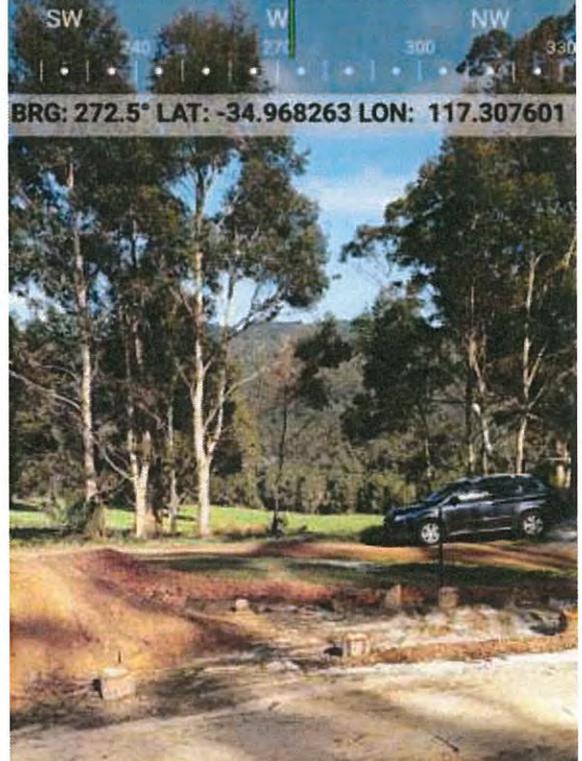


BRG: 183.7° LAT: -34.968302 LON: 117.307704

GROUND PHOTO 4

DIRECTION: W

SAMPLE POINT: 4



BRG: 272.5° LAT: -34.968263 LON: 117.307601



## 5. APPENDICES

### 5.1.

#### AS3959-2009 - SECTION 3.1 - GENERAL

This Section specifies general requirements for the construction of buildings for all Bushfire Attack Levels (BALs).

The BALs and the corresponding Sections for specific construction requirements are listed in Table 3.1.

**TABLE 3.1 - BUSHFIRE ATTACK LEVELS AND CORRESPONDING SECTIONS  
FOR SPECIFIC CONSTRUCTION REQUIREMENTS**

Bushfire Attack Level (BAL)	Classified vegetation within 100 m of the site and heat flux exposure thresholds	Description of predicted bushfire attack and levels of exposure	Construction Section
BAL-LOW	See Clause 2.2.3.2	There is insufficient risk to warrant any specific construction requirements	4
BAL-12.5	≤12.5 kW/m <sup>2</sup>	Ember attack.	3 & 5
BAL-19	>12.5 kW/m <sup>2</sup> ≤19 kW/m <sup>2</sup>	Increasing levels of ember attack and burning debris ignited by wind-borne embers together with increasing heat flux	3 & 6
BAL-29	>19 kW/m <sup>2</sup> ≤29 kW/m <sup>2</sup>	Increasing levels of ember attack and burning debris ignited by wind-borne embers together with increasing heat flux	3 & 7
BAL-40	>29 kW/m <sup>2</sup> ≤40 kW/m <sup>2</sup>	Increasing levels of ember attack and burning debris ignited by wind-borne embers together with increasing heat flux with the increased likelihood of exposure to flames	3 & 8
BAL-FZ	>40 kW/m <sup>2</sup>	Direct exposure to flames from fire front in addition to heat flux and ember attack	3 & 9

### 5.2.

#### AS3959-2009 - SECTION G3 - RADIANT HEAT THRESHOLDS OF PAIN AND IGNITION

In a bushfire, radiant heat levels may be unsafe for humans and could also ignite combustible materials in the vicinity. Table G1 provides an indication of the potential effects of radiant heat levels on both humans and selected materials to assist the reader in understanding the implications of the different BALs.

**TABLE G1 - TYPICAL RADIANT HEAT INTENSITIES FOR VARIOUS PHENOMENA**

PHENOMENA	KW/M <sup>2</sup>
Pain to humans after 10 s to 20 s	4
Pain to humans after 3 s	10
Ignition of cotton fabric after a long time (piloted) (see Note 2)	13
Ignition of timber after a long time 13 (piloted) (see Note 2)	13
Ignition of cotton fabric after a long time (non-piloted) (see Note 3)	25
Ignition of timber after a long time (non-piloted) (see Note 3)	25
Ignition of gaberdine fabric after a long time (non-piloted) (see Note 3)	27
Ignition of black drill fabric after a long time (non-piloted) (see Note 3)	38
Ignition of cotton fabric after 5 s (non-piloted) (see Note 3)	42
Ignition of timber in 20 s (non-piloted) (see Note 3)	45
Ignition of timber in 10 s (non-piloted) (see Note 3)	55

**NOTES:**

1. Source AS 1530.4—2005.
2. Introduction of a small flame to initiate ignition.
3. Flame not introduced to initiate ignition.







[REDACTED]  
[REDACTED]  
[REDACTED]  
  
[REDACTED]  
[REDACTED]  
[REDACTED]

Shire of Denmark  
PO Box 183  
Denmark WA 6333

By email to: [enquiries@denmark.wa.gov.au](mailto:enquiries@denmark.wa.gov.au) and [planner3@denmark.wa.gov.au](mailto:planner3@denmark.wa.gov.au)

Attention: Mr Jon Creedon, Senior Town Planner

Dear Jon,

**Re: Lot 65 Plan 23286, Myers Road Denmark**

Thank you for meeting with us on Monday 25 July to discuss the unapproved buildings constructed on Lot 65 Plan 23286, Myers Road Denmark. This letter is to follow up that discussion and formally document our concerns.

We are the owners of [REDACTED] which is adjacent to Lot 65. Our concerns include the following:

1. The buildings were not approved by the Shire of Denmark; and there was not an opportunity to comment before construction.
2. Visual amenity and non-compliance with the requirement to be *'sympathetic to the existing landscaping element in terms of location, scale, building materials or colour'*.
3. Inconsistency with the setback requirements.
4. Clearing of native vegetation in the Tree Preservation Area without approval. This clearing was outside the building envelope.

We would like the buildings to be removed. Retrospective approval should not be granted simply because the buildings are already there.

We were aware of the planning requirements before purchasing our property (with settlement occurring on 18 July 2016); and had a reasonable expectation these requirements would be followed.

Our detailed concerns and figures are provided in Attachments 1 and 2. We would appreciate an opportunity to discuss this further; and request an opportunity to comment on the application for planning approval.

[REDACTED]  
[REDACTED]  
[REDACTED]

31 July 2016

# Attachment 1 Detailed concerns relating to the points above

## 1. Unapproved works and no consultation

The building works are not approved by Council. There was no consultation with the neighbouring property owners prior to construction. The development of the site is now at an advanced stage, with two buildings in place and power connected.

## 2. Visual amenity

The buildings do not meet the requirements of the *Shire of Denmark Town Planning Scheme No. 3* (Department of Planning 2015). Specifically, they do not meet the provisions of Clause (viii) for the Myers Road Special Rural Zone in Appendix VI Special Rural Zone<sup>1</sup>.

The buildings are demountable structures universally regarded as mining or industrial buildings, not agricultural or residential. They are 'mining dongas' and do not belong in a rural residential landscape. They fail compliance with Clause (viii)(a), as they are not "sympathetic to the existing landscaping elements (namely landform and vegetation) in terms of their location, scale, building materials and colour" (Department of Planning 2015).

The buildings are highly obtrusive, not only from our perspective as immediate neighbours, but also from the street due to the prominent position the buildings occupy. (Figures 1 to 3 and 5).

Dongas are not being used as temporary or permanent accommodation in other parts of Denmark, and should not be approved in a well-regulated special rural zone, such as Myers Road.

The stark colour of the buildings is not consistent with:

- Clauses (viii)(a) and (b) for the Myers Road Special Rural Zone in Appendix VI Special Rural Zone of the *Shire of Denmark Town Planning Scheme No. 3* (Department of Planning 2015); and
- *Information Sheet: Colour Requirements* (Shire of Denmark, undated).

## 3. Inconsistency with the minimum setback requirements and building envelope

The unapproved buildings and proposed effluent disposal system do not comply with the minimum setback requirement of 20 metres (m) under the:

- *Shire of Denmark Town Planning Scheme No. 3* (Department of Planning 2015), specifically Section 5.1 Development Standards; and clauses (iv) and (v)(a) and (b) for the Myers Road Special Rural Zone in Appendix VI Special Rural Zone; and
- *Town Planning Scheme Policy No 5: Outbuildings* (Shire of Denmark 2014).

The buildings are located in the middle of the designated building envelope, and occupy most of the available space in the building envelope. This will cause the effluent disposal system to be located outside the building envelope and within the 20 m setback. If better use was made of the building envelope this would not be an issue.

---

<sup>1</sup> Point 21 Myers Road Special Rural Zone, Lot 422 Myers Road, Denmark.

The buildings on Lot 65 are approximately 10m from our common boundary at the closest point. We are concerned the effluent disposal system could be even closer. Refer to Section 6 'Location of septic tanks and leach drains', below.

There is currently a total separation of approximately 20 metres between our existing shed/temporary accommodation and the buildings on Lot 65 (Figures 3, 4 and 6)<sup>2</sup>. The proposed septic tanks and leach drains will be very close to our shed/temporary accommodation.

#### **4. Building size exceeds the maximum allowable area for outbuildings**

At present the intended use of the unapproved buildings is not clear. If the owners intend to use the buildings as outbuildings or temporary accommodation (with an adjoining skillion) the buildings will occupy an area greater than the 150m<sup>2</sup> per lot maximum cumulative area allowed for outbuildings under Section 5.3 of *Town Planning Scheme Policy No. 13.4: Outbuildings* (Shire of Denmark 2014).

#### **5. Clearing of vegetation in the Tree Preservation Area (outside the building envelope)**

The clearing of native vegetation within the Tree Preservation Zone does not comply with the *Shire of Denmark Town Planning Scheme No. 3* (Department of Planning 2015). Specifically, it does not comply with clauses (v)(b) and (vi) for the Myers Road Special Rural Zone in Appendix VI Special Rural Zone. Refer to Figure 5.

The owners have also stated an intent to clear the valuable understorey in the Tree Preservation Zone. Could the owners please be advised this is not consistent with clause (v)(b), which protects 'indigenous trees and substantial vegetation'?

Point 45 of the *Denmark Local Planning Strategy* (Shire of Denmark 2011) states that "Council will continue to require planning applications for clearing of remnant vegetation over 5000 m<sup>2</sup>". Could the owners please be advised about this requirement?

We would appreciate an opportunity to be consulted about any further clearing on Lot 65. We are concerned the clearing of understorey may introduce weeds into our adjoining bushland (e.g. if clearing of understorey occurs near the firebreak). Weed invasion is a concern because our property and Lot 65 were both burned very recently (in Autumn 2016); and the regrowth is susceptible to weed invasion. This burning was undertaken by the owners of Lot 65 without approval from the previous owners of our property.

#### **6. Location of septic tanks and leach drains**

The proposed effluent disposal system does not comply with the *Shire of Denmark Town Planning Scheme No. 3* (Department of Planning 2015). Specifically, it does not comply with Section 5.1 Development Standards<sup>3</sup>; or clauses (iv) and (v)(a) and (b) for the Myers Road Special Rural Zone in Appendix VI Special Rural Zone.

In a discussion on site on Monday 25 July, the owners indicated the position of the effluent disposal system will be between the buildings and our common boundary, a distance of 6 to 10 metres from

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<sup>2</sup> Our existing shed/ temporary accommodation is less than 10m from the boundary. It was developed by the previous owners of our property with approval from Council. There was consultation with neighbours, and agreement from neighbours.

<sup>3</sup> See also Section 3 'Inconsistency with minimum setbacks and building envelope', above.

the boundary; and much less than the 20m minimum required. These distances are rough estimates and would need to be confirmed via a detailed plan.

We are concerned that a standard septic tank and leach drain will not perform adequately in this small amount of space; and that effluent leachate will flow along the soil/ clay laterite interface, emerging in the embankment adjacent to our shed/temporary accommodation. This mechanism is already observed for the natural seepage of percolated rainwater, and the additional load of effluent would both increase the rate of seepage and reduce the quality of water emerging from the slope onto our pad, with potential health impacts (Figures 6 to 9).

Any proposed effluent disposal system would not conform to minimum setback requirements. A land capability assessment by an independent expert is required to facilitate a fully-informed design. We would like this to include investigation of an alternative site, which is further from our shed/temporary building.

See also Section 3 'Inconsistency with minimum setbacks and building envelope', above.

## **7. Stated purpose of the buildings**

The development lacks a coherent well thought-out plan and obvious land-use objective. In a conversation on Monday 25 July, the owners of Lot 65 described the buildings as temporary and then as permanent. There are obvious conflicts in this. If they are temporary structures, then the obvious question is "why do they occupy the middle of the building envelope?"

The owners also mentioned they may wish to use the buildings to operate a business and laboratory. This raises our significant concerns regarding the long-term intent for these buildings; and whether the owners intend for them to become permanent. Similarly, we are concerned they may sell the property with these 'temporary' buildings still on them. We do not support temporary approval of these buildings. If temporary approval is granted, how may we be assured the buildings will be removed?

## **8. Personal and financial impact and concern about ongoing negotiations**

We were aware of the planning requirements before purchasing our property (with settlement occurring on Monday 18 July 2016); and had a reasonable expectation these requirements would be followed.

We've applied to join Land for Wildlife and we are looking forward to protecting, restoring and managing our native vegetation, and being part of the local Denmark community.

We were shocked to see the starkly obtrusive buildings on Lot 65, which are not sympathetic to the landscape. We are disappointed with the lack of respect with which our new neighbours have treated the environment and surrounding landowners; and the lack of regard for the planning processes of the Shire of Denmark. Planning guidelines, tree preservation rules and the building approval process all appear to be a nuisance to be ignored. We are concerned this philosophy will govern their ongoing development and future use of the land. This may result in ongoing impacts to neighbours, resulting in neighbourhood tension and devaluing of the subdivision.

We may not have purchased our property if we had known about the nature of the construction next door and its direct impacts. We would have opposed the buildings if we had been given an opportunity to comment. On this basis, the planning guidelines should still be adhered to; and retrospective approval should not be granted simply because the buildings are already there. The buildings threaten the value of our substantial and very recent investment, and the value of all properties in the vicinity.

We understand the difficulty the owners face with building in a tight building envelope. However, their non-consultative approach has resulted in worse outcomes for all concerned. A more consultative and considered approach by the owners would lead to a more favourable outcome, in terms of environmental impacts, aesthetics and property values, both for themselves and for the neighbouring properties.

## References

Department of Planning 2015, *Shire of Denmark Town Planning Scheme No. 3*, Perth, Western Australia. Original prepared in 1994, updated in 2015.

Shire of Denmark undated, *Information Sheet: Colour Requirements*, Denmark, Western Australia.

Shire of Denmark 1998, *Town Planning Scheme Policy No. 5: Minimum Setbacks*, Denmark, Western Australia.

Shire of Denmark 2011, *Local Planning Strategy*, Denmark, Western Australia.

Shire of Denmark 2014, *Town Planning Scheme Policy No. 13.4: Outbuildings*, Denmark, Western Australia.

## Attachment 2: Figures



*Figure 1. View of the unapproved and non-compliant buildings from Myers Road. The photo also demonstrates proximity to our land. The mulch from a newly-felled karri tree is under the blue tarp. It is on our land (without permission).*



*Figure 2. View of the unapproved buildings from Myers Road. Note our shed for comparison. Our shed is barely visible in the background at the left hand side of the photo.*



*Figure 3. View of the unapproved buildings from our side boundary.*



*Figure 4. Panoramic view of the unapproved buildings from our side boundary. Note proximity of buildings.*



Figure 5. Clearing of vegetation from within the Tree Preservation Zone. Includes a mature Karri tree (>1m diameter).



Figure 6. View showing cut slope or embankment adjacent to our shed/ temporary accommodation. Note setback distances.



*Figure 7. Embankment showing existing seepage between soil and clay layers. There is a risk of increased seepage should septics and leach drains be installed adjacent to the boundary.*



*Figure 8. Example of seepage at the contact between soil and clay laterite layers on a roadside embankment. This is a different property.*



*Figure 9. Example of algal growth (green slime) from seepage water loaded with nutrient. The photo is taken on a different property. The nutrients in this case are from fertilised pasture. Water quality may be worse from septic leach drains.*



# SITE VISIT RECORD FORM

**Subject Site:** No. 120 (Lot 65) Myers Road, Shadforth WA 6333

**Date(s):** 20 July 2016, 8 August 2016, 7 September 2016

**By Whom:** Senior Town Planner Jon Creedon

**File Ref:** A3643

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View from Myers Road facing north-east



View from Myers Road facing north.



View from inside the property facing north-west. Outbuilding on adjoining property visible to the left.



View of the transportable 'donga' structures facing north/north-east.



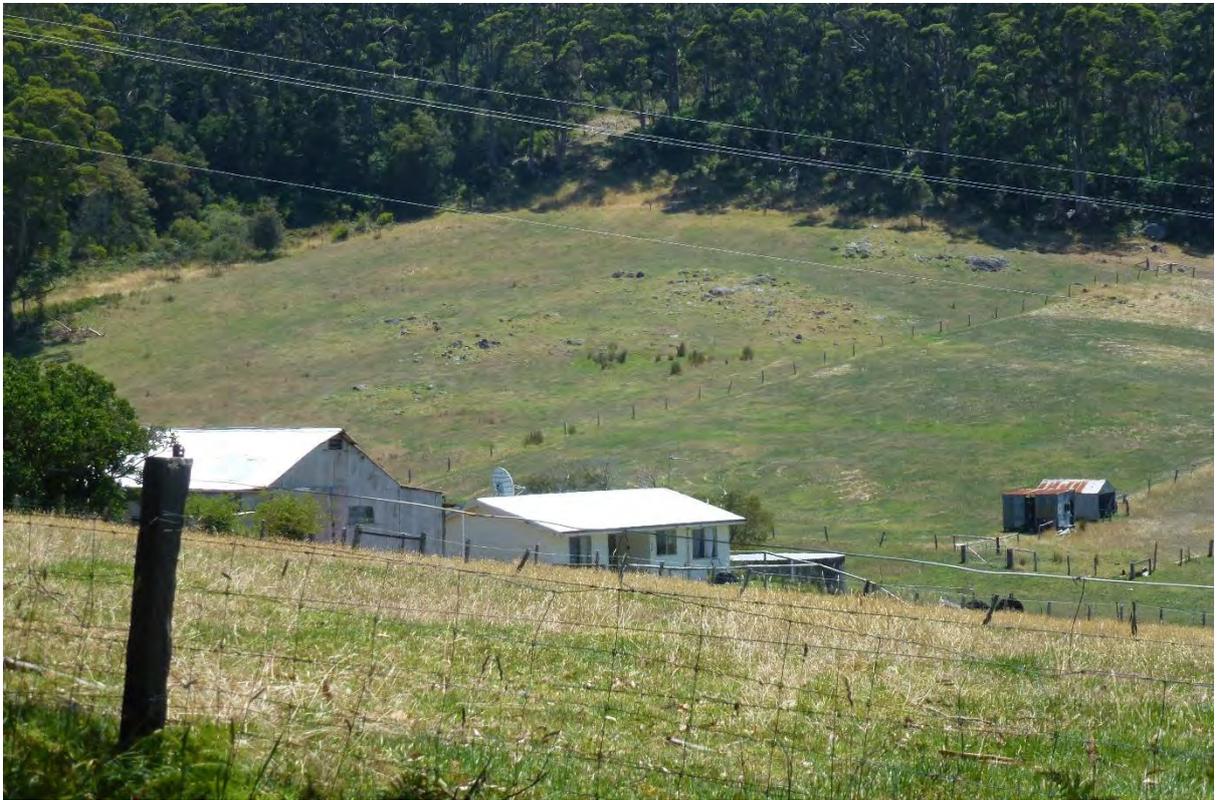
View from south-western corner of property.



Evidence of recent tree felling on the property. Tree Preservation Area visible in the background. Photograph taken facing east from the cleared area in front of the transportable structures.

Myers Road Special Rural Zone – Predominant Development Style



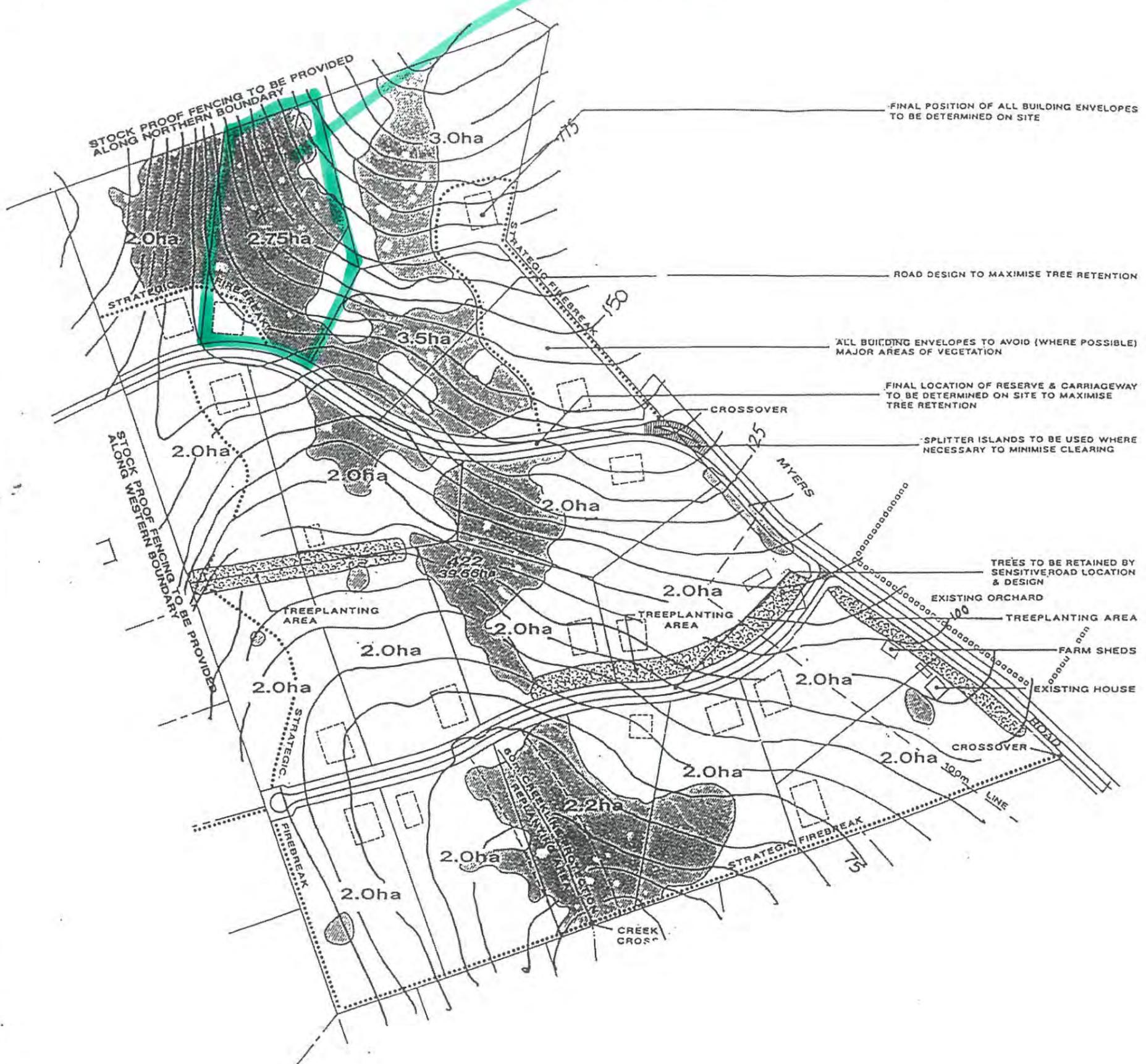




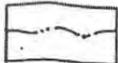
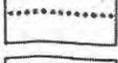
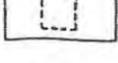




# Subject Site



## LEGEND

-  CREEKLINE
-  TREE PLANTING AREA
-  TREE PRESERVATION AREA
-  STRATEGIC FIREBREAK
-  BUILDING ENVELOPE

## NOTES

1. Discharge of drainage to be clarified at time of subdivision through detailed engineering phase. Council will request the Western Australian Planning Commission impose a standard drainage condition on the subdivision approval.
2. As part of the subdivision approval process and approval to detailed engineering drawings, Council will set appropriate design and construction standards for all internal roads.
3. Council will request the Western Australian Planning Commission impose as a condition of subdivision the suitable upgrading of external roads and junctions including the intersection with the South Coast Highway.
4. Council will require all new road reserves to be replanted following construction.
5. Crossovers and crossings for strategic firebreaks will be required in the locations depicted in the Subdivision Guide Plan.
6. As a condition of subdivision, Council will require the provision of a standpipe and 25,000 litre water tank to be provided by the subdivider. Fuel reduction within treed areas may be required.
7. Council may require new lot owners at the time of seeking a building licence, undertake a hydrogeological assessment to support the proposed location of their on-site effluent disposal system and to examine site drainage. Based on the findings of the assessment, Council may require the use of an alternative treatment unit.
8. Minimum front setback is 20 metres. Side and rear setbacks to be determined by Council.

ALL AREAS AND DIMENSIONS  
SUBJECT TO SURVEY

SCALE N.T.S.  
DATE 12 November 1996

Adopted by Resolution of the Council of the Shire  
of Denmark at the Ordinary meeting of the Council,  
held on the:-

26<sup>th</sup> day of August 1997  
Chief Executive Officer *[Signature]*

## SUBDIVISION GUIDE PLAN