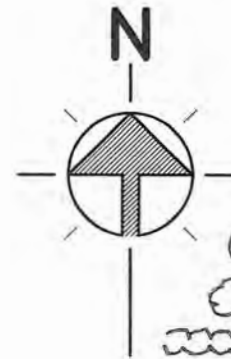


PANORAMA ROAD

# Site Plan

Not To Scale

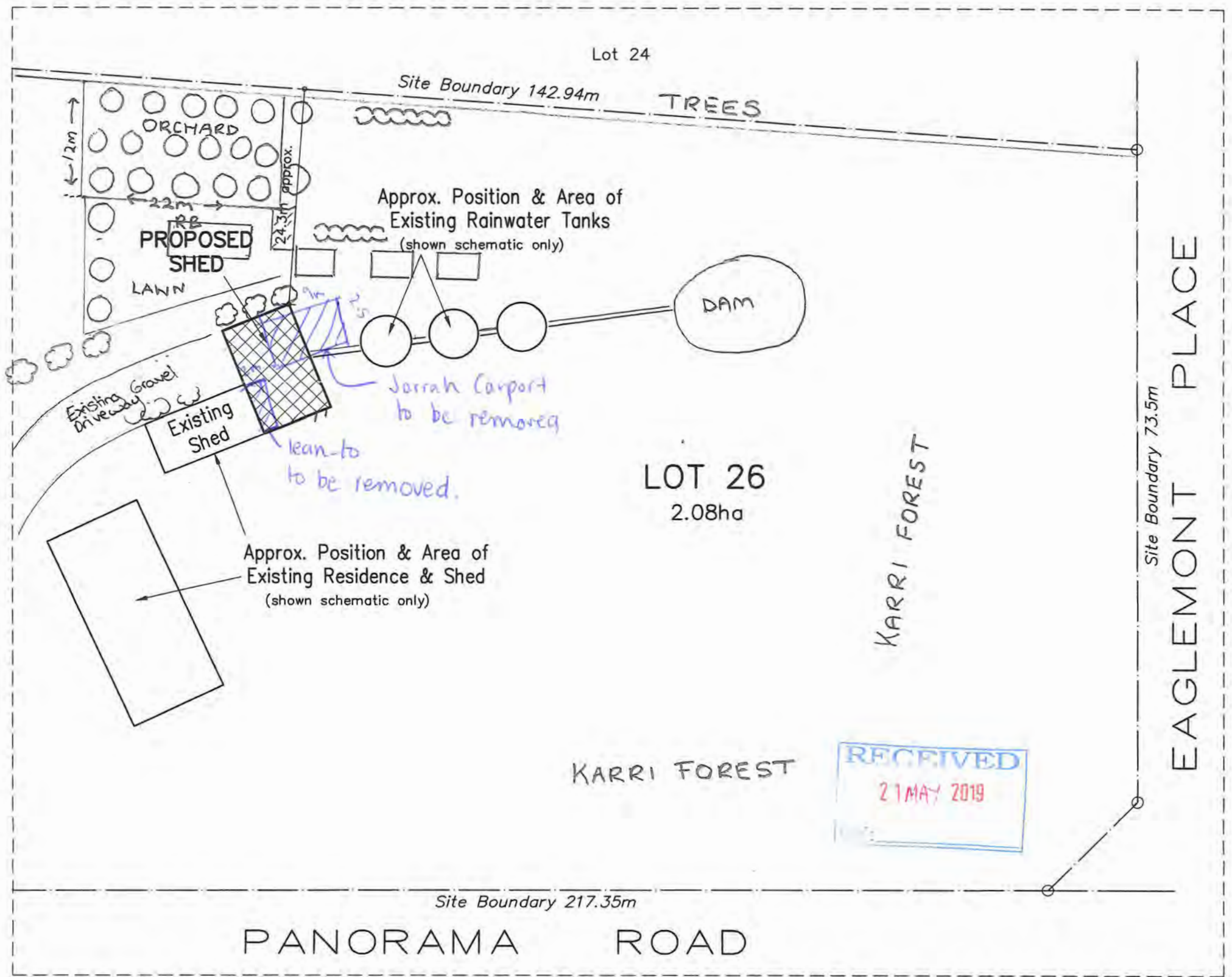
**NOTE:**  
STORMWATER DRAINAGE & DISPOSAL TO COUNCILS REQUIREMENTS  
IDENTIFICATION OF LOT BOUNDARIES IS THE RESPONSIBILITY OF THE OWNER AND/OR BUILDER



**LEGEND:**

- FRUIT TREE
- ☁ NATIVE SHRUB
- ☪ SHRUBS
- CONIFER TREE
- RB RASPBERRY BED
- WATER PIPES
- ▨ HEDGE

**NOTE:**  
SITE LEVELS & FINISHED FLOOR LEVEL TO BE PROVIDED BY BUILDER



# Enlargement

Scale 1:500



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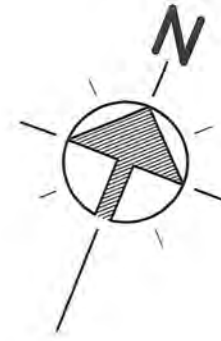
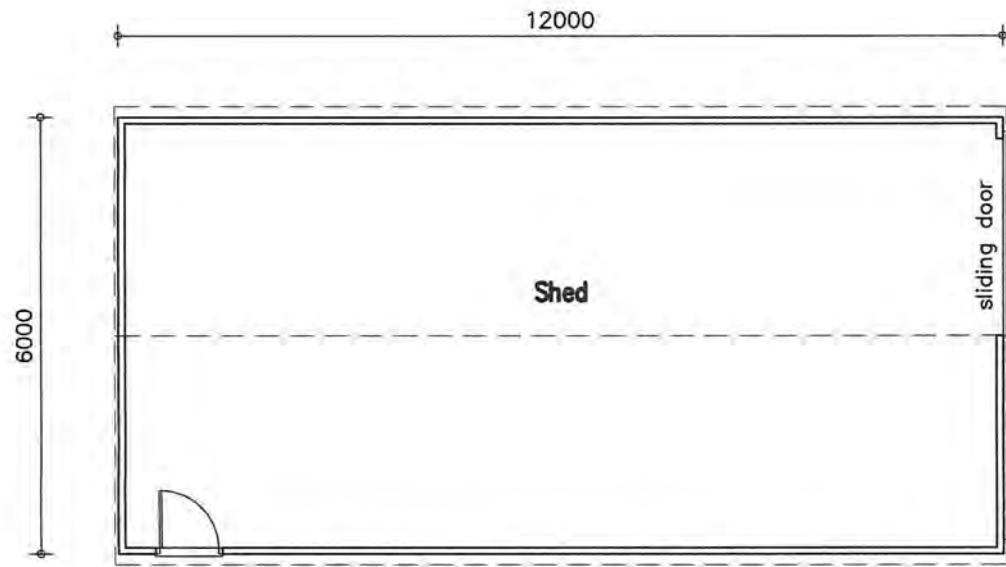
project: PROPOSED SHED TO BE ERECTED ON LOT 26 (#69) PANORAMA ROAD, SHADFORTH		client: N. MILLER	content: SITE PLAN & ENLARGEMENT	
scale: 1:500	drawn: td	date: 17-05-2019	job no.: A190513	dwg.no.: A1

IT REMAINS THE RESPONSIBILITY OF THE BUILDER TO ENSURE THAT ALL DIMENSIONS AND DETAILS ARE WORKABLE  
REMAIN THE SOLE PROPERTY OF THE DESIGNER AND MUST NOT BE GIVEN, LENT, RESOLD OR OTHERWISE DISPOSED OF OR COPIED WITHOUT THE PERMISSION IN WRITING OF THE DESIGNER

- C O P Y R I G H T -

THIS DRAWING SHALL



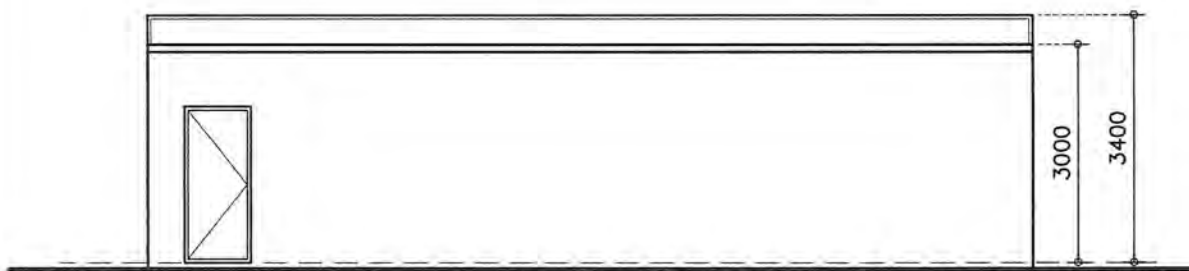


**NOTES and DISCLAIMERS:**

1. All dimension shown on this drawing are the results of details provided by the client. They are approximate and are subject to on site checks.
2. Verification of all structural components is to be performed by certified structural engineer.
3. No attempt has been made during this building survey to determine the dimensions and thicknesses of hidden or below ground details, as well as method of fastening of existing structural components.
4. All structural modification shall be made at the direction of the structural engineer.

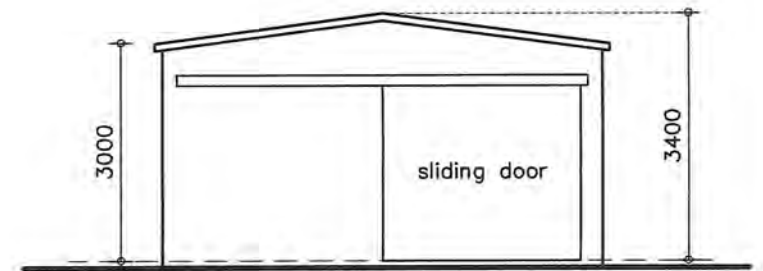
## Floor Plan

Scale 1:100



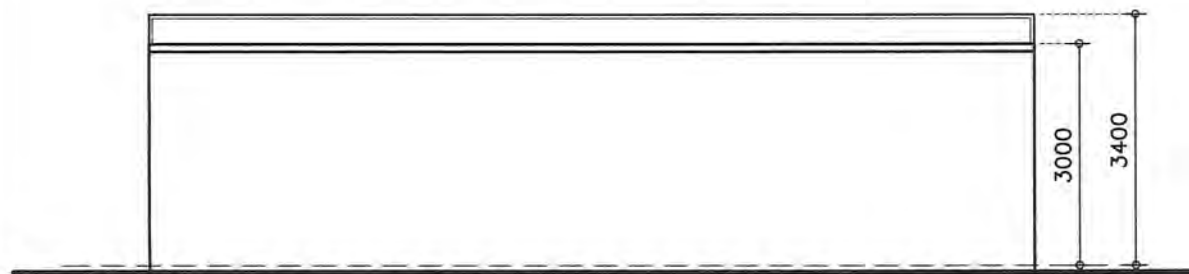
## South Elevation

Scale 1:100



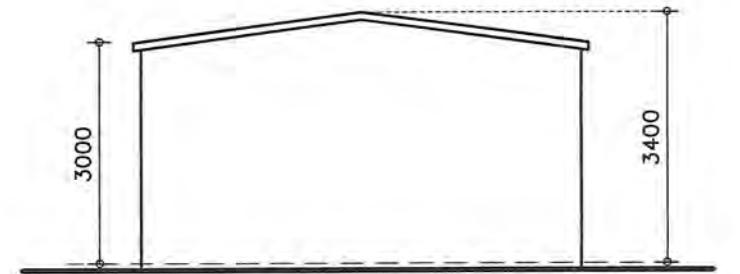
## East Elevation

Scale 1:100



## North Elevation

Scale 1:100



## West Elevation

Scale 1:100

## Existing Shed



**powerhouse**  
ARCHITECTURAL DRAFTING  
PO BOX 1187 ALBANY WA 6331 TEL 9841 3311

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BY:

project: PROPOSED SHED TO BE ERECTED ON LOT 26 (#69) PANORAMA ROAD, SHADFORTH		client: N. MILLER	content: EXISTING SHED PLAN	
scale: 1:100	drawn: td	date: 17-05-2019	job no.: A190513	dwg.no.: A2

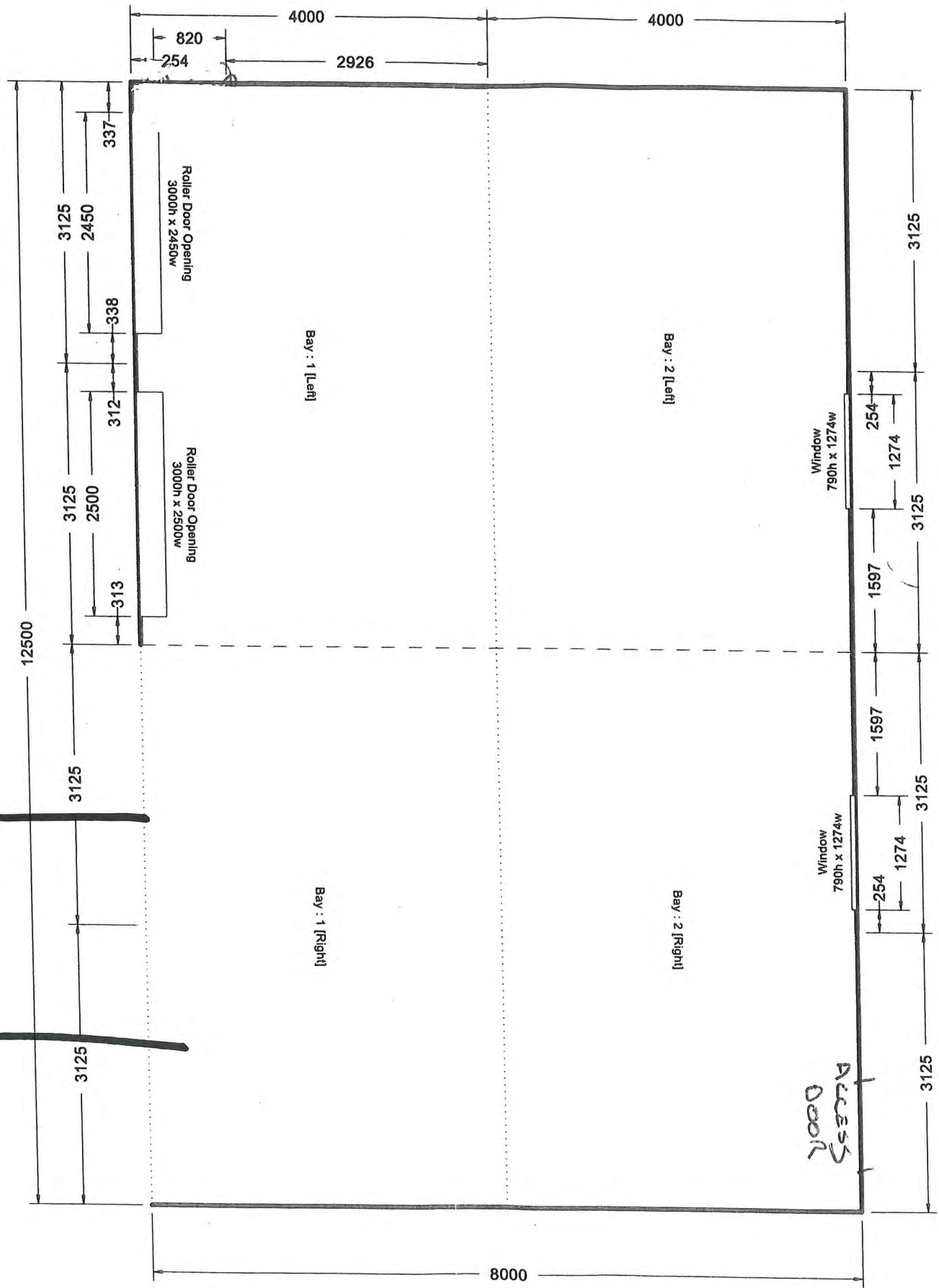
IT REMAINS THE RESPONSIBILITY OF THE BUILDER TO ENSURE THAT ALL DIMENSIONS AND DETAILS ARE WORKABLE  
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- C O P Y R I G H T -

THIS DRAWING SHALL

Attach to rear of existing shed

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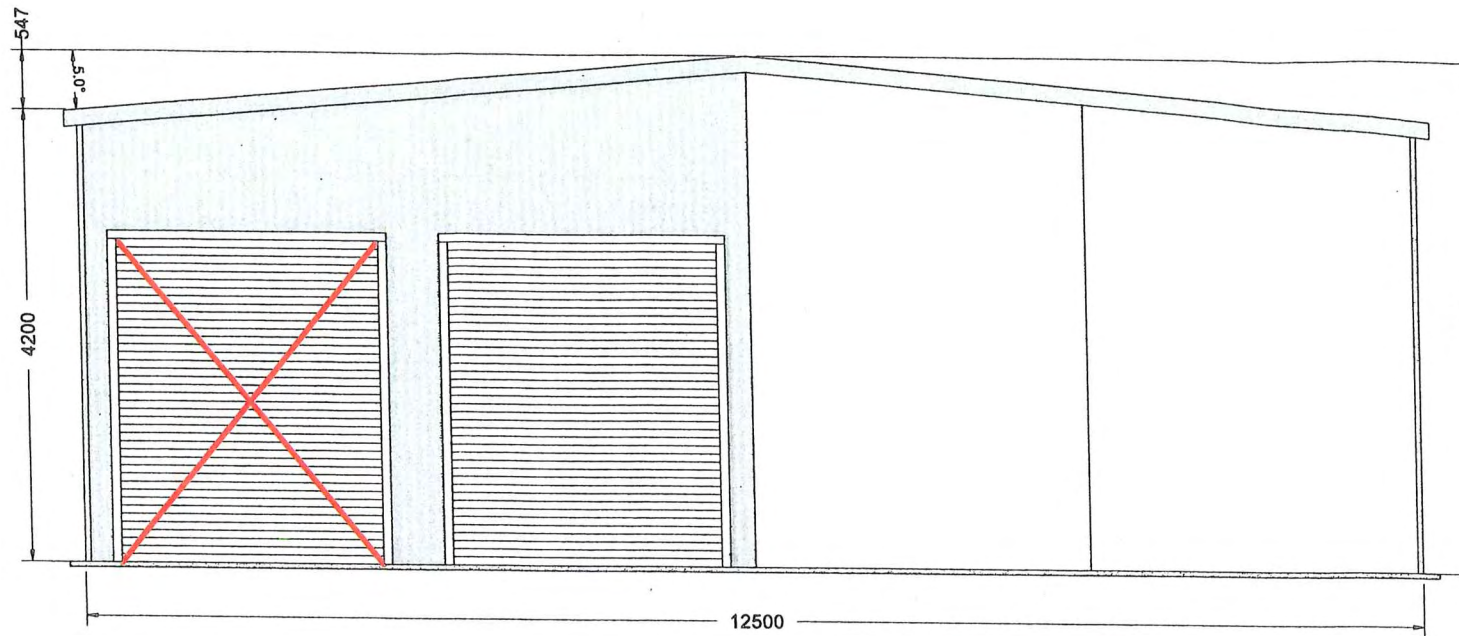
Proposed Shed Addition

Plan Elevation

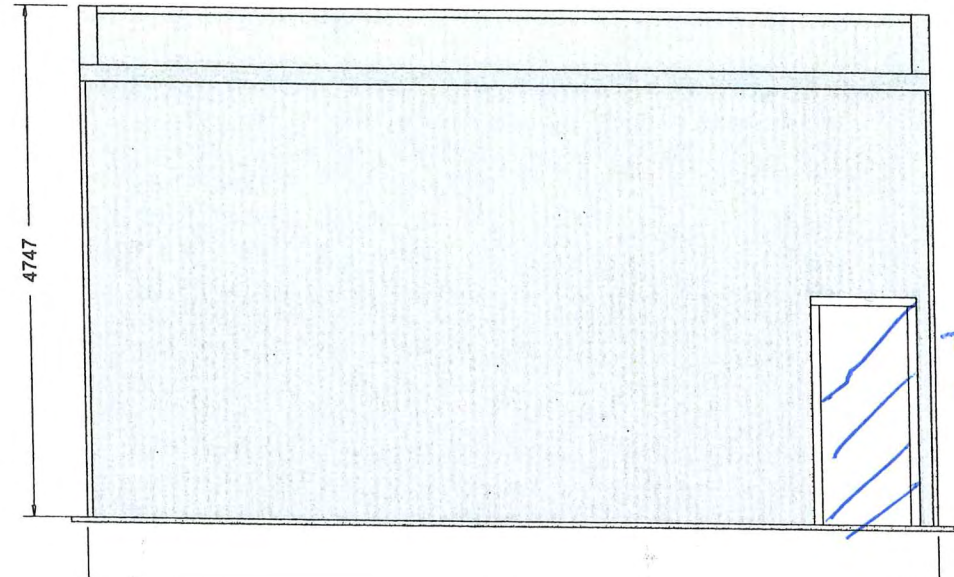
PROPERTY OWNER & ADDRESS:

NA K MILLER  
69 PANORAMA RD  
SHADEMOUTH WA 6333



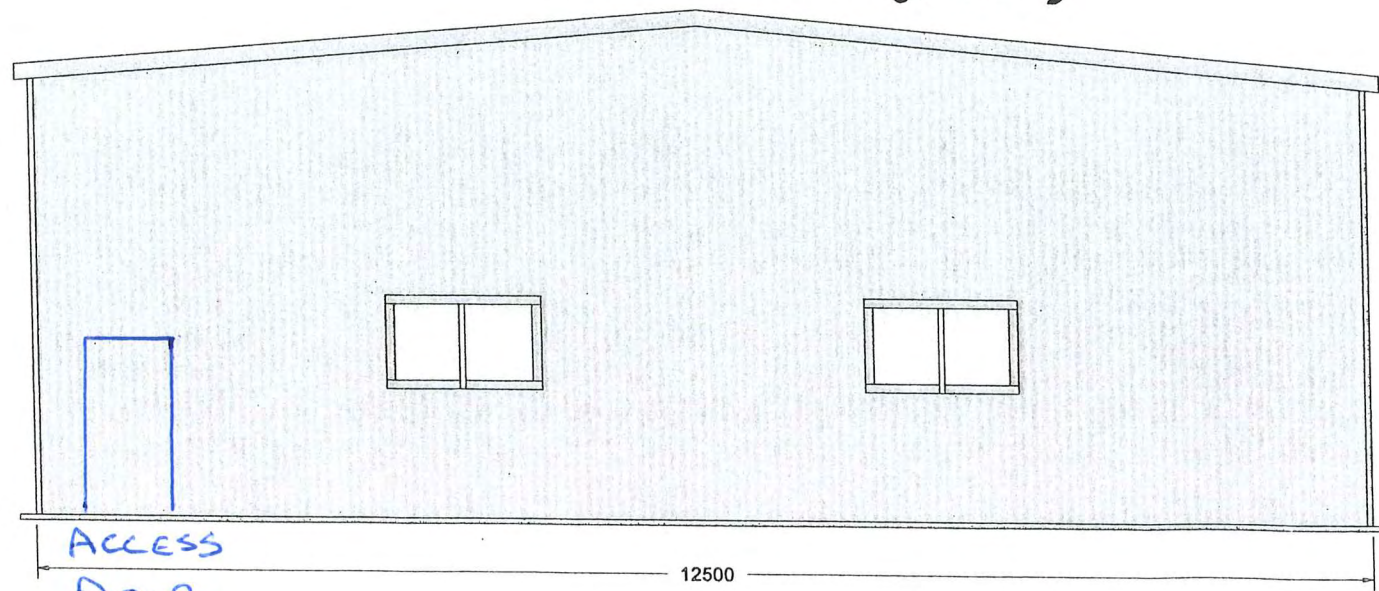


FRONT ELEVATION (WEST)

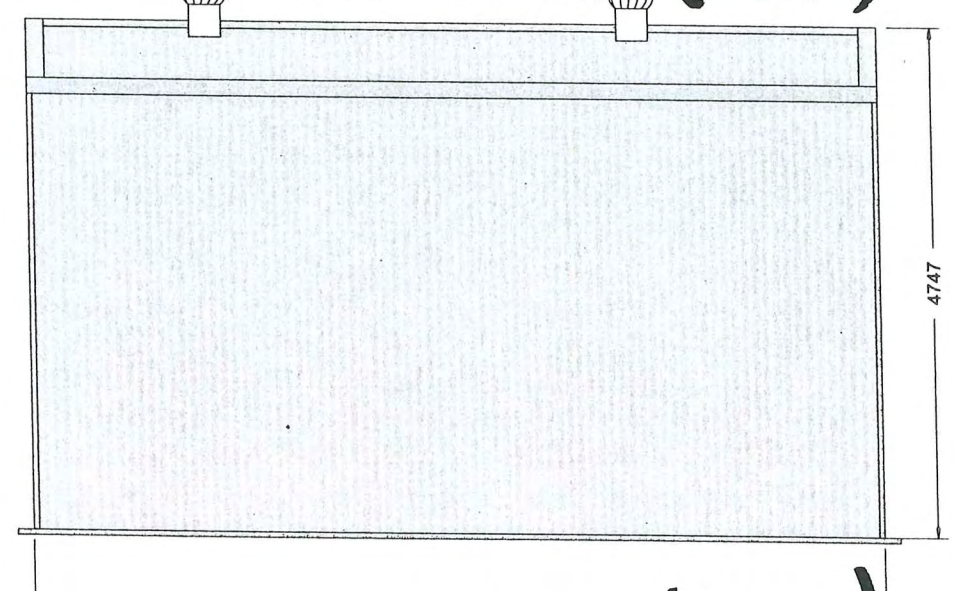


DOOR CHANGED  
TO ACCOMADATE  
NEIGHBORS  
REQUEST

LEFT ELEVATION (North)



REAR ELEVATION (East)



RIGHT ELEVATION (South)

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BY: \_\_\_\_\_

**PROPOSED SHED ADDITION**

**SCHEDULE OF SUBMISSIONS: PROPOSED OUTBUILDING ADDITIONS/ALTERATIONS – NO. 69 (LOT 26) PANORAMA ROAD, SHADFORTH**

**(A1603; 2019/33)**

<b>Submission Number</b>	<b>Name &amp; Address</b>	<b>Verbatim Submission</b>	<b>Planning Services Comment</b>
S1	<p>Details omitted as per Council Policy.</p> <p>Submitter is an adjoining landowner</p>	<p>We would like to thank the council for alerting us to this project and giving us the opportunity to comment on the proposed building at 69 Panorama Road.</p> <p>We would like to have it noted that the plans that we were provided with, in order to prepare this submission, are very short on information and in some areas misleading. We are therefore unable to ascertain accurate orientation, location, or access and egress. We request that these details in full are supplied so that we can exercise our right to make properly informed comment.</p> <p>We would be very happy to meet with the relevant officers to discuss our position in detail and we would urge a site inspection be undertaken as the plans we have seen are inadequate and can't indicate the lie of the land in the way a visual inspection can.</p> <p>Should this issue go to council we request an opportunity to address council on the matter.</p> <p>As there is no information provided in the documents you sent to us that cites any special circumstance that would necessitate an exemption for the Millers from the current town planning regulations, and the application obviously exceeds those rules, we are at a loss to understand why it is even being considered.</p> <p>Objections We wish to oppose this proposed building extension in the strongest possible terms.</p>	<p>Updated drawings were referred to the submitter in response to the comments made regarding the quality of plans. The Assessing Officer has conducted a site visit as part of the assessment. A further response to the updated plans was received as per submission number "S2" below.</p> <p>Policy 13.4 allows for the assessment of outbuildings that do not comply on a case-by-case basis.</p>
		<p><b>1. Visual Amenity</b></p> <p>We believe that this proposal will significantly negatively impact not just our right to enjoy the visual environment of the property we own, but also the character of the surrounding area. We also believe that the proposed building will negatively affect the value and resale potential of our property. People buy here specifically because of the beauty of the forest and the peace and privacy that affords. The distinct character of this area is all about hills and the green valleys, not industrial-sized metal buildings positioned close to a boundary.</p> <p>The aerial photo of the site that the Millers have provided to support their application is out of date and therefore misleading. Most of the trees, that appear in the picture to provide some buffer between us and their existing shed, have been removed by the Millers since the photo was taken.</p>	<p><b>Visual Amenity:</b> In regards to reference made to the character of the area, the proposed development is situated towards the north-western corner of the lot which is set well back from streetscape of both Panorama Road and Eaglemont Place, being a corner lot.</p> <p>The contention that approval of the outbuilding addition will negatively affect the value and resale of adjoining properties is a matter of speculation and cannot be substantiated.</p>

18 Jun 19 - Attachment 8.1.b

	<p>The trees that were removed had previously afforded both properties visual privacy and buffered us to some degree from any shed noise or activity.</p> <p>When the big trees were removed we were dismayed to have their house and the existing shed suddenly looming over us. We have enclosed some pictures we've taken this week from our back yard and driveway that demonstrate clearly how visible the existing shed and house are now.</p> <p>We believe this large proposed extension, if permitted, will have significant impact on us in terms of even further destruction of our visual amenity.</p> <p>There is very little buffering greenery between the two properties now, since the removal of the trees by the Millers late in 2018. The trees that remain are mostly short and deciduous. It would appear from the plans that even more screening vegetation would need to be removed to accommodate the new proposal.</p> <p>We're limited in our ability to plant out screening trees on our side of the boundary because of two large existing trees that make it difficult to grow things under. We have also been investigating solid fence options i.e. something like rammed earth (or something that would fit in with the environment) that would maybe dampen the noise (see details below) but the cost is prohibitive for us.</p> <p>Given its proximity to our boundary, backyard, and house is there any requirement for the Millers to plant screening trees around this enormous shed in a bid to lessen its visual impact? If not, why not?</p>	<p>The Special Rural Zone 2 (SR 2) provisions applicable to the lot note that all trees shall be retained unless their removal is authorised by council. It has been confirmed with Ranger Services that the removal of trees was in response to Fire Management Notice requirements and asset protection zones. In addition, the removal of non-native species (large conifers) within a property boundary is permitted. A site visit has confirmed that native species have been replanted and a considerable degree of screening between property boundaries currently exists due to existing vegetation and an established orchard.</p> <p>The outbuilding additions are proposed to be 24.3 metres from the boundary which complies with the prescribed minimum 20 metre setback for the lot.</p> <p>The proponent has indicated that additional vegetation screening is proposed noting there are no requirements under the SR 2 provisions for landowners to provide screening of structures within their property.</p>
	<p><b>2. Location</b></p> <p>We note that there are other areas on their property they could place the proposed building. For instance; the area immediately adjacent to their existing double garage has also been largely cleared of trees by them. Why not there?</p> <p>If it's not permitted to be sited there because of possible negative visual impact from Panorama road then we would ask why is it okay for us to suffer that adverse visual impact? If they don't want to put it there because of noise and proximity to their house then we would ask why are we expected to endure that?</p> <p>Why is the proposed building not being located in their cleared paddock on the Panorama Road side? If they don't want it there because they don't want to look out on it then why should we have to?</p>	<p><b>Location:</b> The siting of the proposed extension to the existing outbuilding is compliant with setbacks as prescribed under SR 2 provisions. The addition is proposed in the vicinity of an existing carport and a lean-to extension which are to be removed.. The addition has been positioned to utilise the existing constructed gravel driveway.</p> <p>As the outbuilding extension occurs to the rear north west corner of the lot and is obscured by the dwelling, it is deemed to have less impact</p>



			on the streetscape and overall amenity/character of the surrounding area.
		<p><b>3. Size</b>  We have serious concerns about the enormous size of the proposed building and have strong concerns about the intended use of such a big space.</p> <p>The picture the Millers have provided with their application is misleading. The existing shed is 72 sqm. The proposed extension is 100 sqm but in the plan they've provided the new building appears considerably smaller despite the fact that it's going to be 30% bigger than the original.</p> <p>The enormous size of what's being proposed is appalling to us because of its dominant position on the block and proximity to our boundary. It will create the look of an industrial area, not a small rural forest block. The character of the subdivision is meant to be rural and forested. There are existing covenants on our titles regarding the removal of trees but despite this the Millers have cleared considerable vegetation since late 2018.</p> <p>If their application should be successful we request a ruling from Council that the Millers erect a building in a colour that blends with the forest environment. If this is not already a requirement, can you please explain why?</p> <p>In relative terms what they're proposing would be bigger than some premises in the Denmark industrial area. We are obviously living in a small estate with blocks of just a couple of hectares, not places where large scale farming takes place and large farm sheds are therefore needed. The size of this building seems inappropriate to normal use on an (approx.) two hectare property</p> <p>It's also unclear from the plan how close the end of the extension will be to our boundary. We have concerns about the required setbacks not being met, as we note that the proposal as it stands already exceeds the provisions in the relevant town planning scheme.</p>	<p><b>Size:</b> The existing outbuilding is 72m<sup>2</sup> in size which is just under 50% of the 150m<sup>2</sup> permitted under SR 2 provisions. The 100m<sup>2</sup> addition will bring the total area of the outbuilding to 172m<sup>2</sup>. Whilst the addition does result in a floor area that exceeds that which is compliant under Policy 13.4, a 22m<sup>2</sup> (14.66%) variance would not generally be considered excessive.</p> <p>A height variation is also sought with walls proposed at 4.2m high and a ridge height of 4.74m in lieu of the 3.5m wall height and 4.2m ridge height prescribed under Policy 13.4.</p> <p>As per Policy 13.4, regard is given to the applicant's justification, whereby the applicant has confirmed the variations are sought to allow for storage of a boat, vehicles and a fire fighting unit.</p> <p>The proponent has indicated that the colour of the outbuilding extension will be "deep ocean" and the existing outbuilding which is currently a light brown/cream colour will be painted to match. SR 2 provisions specify that no building shall be constructed unless the texture and colour of external materials shall be approved by Council. There is a general presumption against the use of reflective colours such as white/off-white and zinalume in Special Rural and Residential areas. Therefore darker colours are deemed more favourable.</p> <p>The extension measures 24.3m at the closest point to the boundary, achieving a greater setback than the 20m metres prescribed under SR 2 provisions.</p>

			In response to the submitters concerns over not meeting setbacks, a review of aerial mapping indicates that the closest structure on the submitter's property measures approximately 6 metres from the boundary. It is unclear what the building is used for and the distance can only be approximated as Council appear to have no record of approval for this development.
		<p><b>4. Drainage</b></p> <p>The catchment area of a 172 sqm roof (as from the plan it seems as if the two sheds will be combined in some way) is considerable. The roof pitch indicates that part of the catchment water could flow towards our property.</p> <p>Nothing on the plans indicates what, if anything will be done to either collect, or direct the water flow away from our property. This is of concern because their existing water tanks, set further back from our boundary than this shed will be, but just a few metres away from it, were gravity drained some years ago and the slope of the land is such a section of our driveway was washed away, necessitating expensive repairs. There is now less vegetation to mitigate this possibility.</p> <p>What is to be put in place to ensure large quantities of water collected off the roof don't create a recurrence of that mini flood?</p>	<p>An additional 22m<sup>2</sup> of roof area would not be deemed to significantly increase the catchment of water on the roof. The application will be conditioned such that all stormwater shall be retained on site to the satisfaction of the Shire's Infrastructure Services.</p> <p>There are no records on file relating to issues with stormwater discharge onto adjoining properties. Should any issue be encountered in the future, the affected landowners are invited to contact the Shire to discuss mitigation of the issue.</p>
		<p><b>5. Use</b></p> <p>We obviously have enormous concerns about what a building this size will be used for and we are concerned about the transparency of its future use.</p> <p>It is not clear from the proposal which way the new building will open but if the opening is to face our property the metal building will act like an amplifier sending noise out over our home. Should for instance, any kind of metalwork or woodwork be a regular activity then the noise will be akin to living adjacent to a factory.</p> <p>If the doors are to face Eaglemont Place then how is it proposed they will enter and exit the building, as there are three large water tanks just metres away from the end of the existing shed?</p> <p>Placing the shed doors in that position would seem to indicate the driveway would need to be significantly rerouted to allow access, as the existing gravel drive runs alongside the length of the current shed but doesn't at the moment run as far as that possible new egress point.</p>	<p><b>Use:</b> The proponent has indicated that the purpose of the outbuilding is to provide garaging for a boat, vehicles and firefighting unit and is not intended to be used as a workshop.</p> <p>The use of the outbuilding for woodwork or metal work activities on a regular basis is speculative only and cannot be substantiated.</p> <p>The doors are oriented to face south west and will align with an existing gravel driveway. As such, vehicular activity will not occur any closer to adjoining properties.</p>



	<p>We spoke with your planning assistant today and she said the plans she had available to her indicated the shed would open towards the Miller's house.</p> <p>This contradicts the plan we were provided with but, if correct, would necessitate an enormous amount of earthworks - firstly because there is currently no driveway access to that side of the building, and secondly because that area which is currently their 'back yard' is significantly higher than the pad the existing shed sits on.</p> <p>According to the plan, the new building will jut out from the end of the existing structure towards our property but it does not show any proposed route for any driveway extensions at all. Depending on which direction the new doors are to face (towards us, towards Eaglemont place, or as your officer suggested toward their house) the necessary driveway extensions could be significant in terms of noise (vehicles and machinery constantly coming and going) as well as visual impact.</p> <p>We are concerned about this lack of detail on the plans and it raises the possibility that this unacknowledged aspect of the proposed development could also impinge on setback requirements, and bring a great deal more vehicular activity to within mere metres of our boundary and our home.</p> <p>The current use of machinery and vehicles around the existing building has been extremely disruptive. This proposal has the potential to make it much worse.</p> <p>We've asked regularly for more thoughtful use and or modified hours of operation. All our approaches to the Millers on this matter have been ignored.</p> <p>Any regular use of the new extension as an industrial building or a depot for machinery and vehicles and associated noise would seriously add to the already detrimental effect on our peaceful enjoyment of our property, particularly if any driveway extensions are closer to our place. Please see more. detailed explanation and examples below under the heading of 'noise and air pollution.'</p>	<p>A review of Shire records has not revealed any documented complaints relating to noise. Should any noise issues be encountered in the future, the affected landowners are invited to contact the Shire's Environmental Health Officer to discuss.</p> <p>Updated plans were provided to the submitter noting there are no provisions that relate to the location of doors on outbuildings. In response to the submitters concerns, the applicant has relocated a personnel door as to not face the adjoining landowner.</p> <p>Increased use of machinery and vehicles around the property is speculative only and cannot be substantiated.</p> <p>Development Approval for Outbuildings includes conditions for the use of the building that are not of a commercial or industrial purpose.</p>
	<p><b>6. Peaceful Enjoyment of Our Property</b>  Our rights to enjoy our land have been interfered with from the moment the Millers purchased their property some 16 months ago.</p> <p>It is impossible to live with the amount of machinery use that has taken place since their arrival (and the resultant fumes), occurring at all hours and all days of the week, without significant interference to our lifestyle. Working in our garden, enjoying meals on our deck, using the home office for work, sleeping beyond 7am or resting during the day, even with windows closed, or opening up the windows on warm days, meditating, sometimes talking on the phone, or simply sitting in our living room are all impacted by the noise and sometimes the stench of vehicle fumes.</p>	<p><b>Peaceful Enjoyment of Our Property:</b>  A review of Shire records has not revealed any documented complaints relating to noise or air pollution. Should any noise issues be encountered in the future, the affected landowners are invited to contact the Shire's Environmental Health Officer to discuss.</p>

		<p>On the rare days there is quiet it seems to be that they're either away, or out. Most days there is some significant use of different bits of machinery, many days it goes on most of the day and involves multiple sources of noise.</p> <p>Please see more detailed explanation and examples below under the heading of 'noise and air pollution.'</p>	
		<p><b>Background</b>  We have lived on our property for 19 years and like our other neighbours chose to make this area home for its natural beauty, peace and quiet and the wonderful wildlife.  There has never been any significant disturbance except for one couple who set about destroying a number of trees including some magnificent large old Karris and created an enormous amount of noise in a short spurt while doing so. (two chainsaws and a giant truck mulcher operating nonstop every day for very long hours for a matter of weeks). Their tenure did not last long.  Except for that one brief mismatch this community has remained peaceful and quiet with neighbours co existing comfortably, respecting and enjoying one another's privacy. Until now.</p>	<p>The removal of Karri trees or activity on other surrounding properties is not considered relevant to this proposal.</p>
		<p><b>Noise and Air Pollution</b>  The Millers seem to have a considerable amount of machines and vehicles including, but not restricted to, a car and several 4wds, four motorbikes, a bobcat, a ride-on mower, a mulcher, several trailers as well as chainsaw, wood saws, drills, a generator, and sundry other things that all seem to make noise, with many also causing strong fumes.</p> <p>The constancy and volume of the noise from their property has been intense. It often starts as early as 7am, sometimes like last Sunday night (after hours of noise thru the day) starting up again at 7pm just as we're sitting down for dinner.</p> <p>That involved Mr Miller starting his motorbikes. The Millers believe that starting up their motorbikes. and revving them for about 15 minutes is a necessary weekly task. They are incredibly loud.</p> <p>We have tried on numerous occasions to talk with them about the level and duration of the noise, recognising that all of us do, and indeed need to, make noise at times - taking down trees, renovating, mowing etc.</p>	<p><b>Noise and Air Pollution:</b> Whilst it is noted that there appears to be a number of vehicles and pieces of equipment stored on the property, it is not considered unreasonable that a landowner shall be in possession of equipment for transport, maintenance of a property or for recreational enjoyment. To date there are no records of formal complaints having been made to the Shire from the submitter or from other surrounding landowners.</p> <p>A review of Shire records has not revealed any documented complaints relating to noise or air pollution. Should any noise or pollution issues be encountered in the future, the affected landowners are invited to contact the Shire's Environmental Health Officer to discuss.</p>

- We put forward the suggestion that they not start making noise till after 8.30 am, and for them to have at least one day a week, perhaps Sunday, in which no noise from machinery occurred at all. The week following that discussion was one of the worst we've experienced in both the early starts and the long noisy days. On the Sunday we endured both an early start and a full day of intense noise from multiple machines. They have continued in this vein.
- We asked for them to give us notice of any prolonged noisy activities so we could perhaps go out or even go away. In the period of time they've lived there, and the months preceding that when they had a tenant in place, they have done that once - just five minutes before the noise commenced.
- It appears from their ongoing behaviour that they make so much noise, so often, they feel it is not possible or necessary to warn us in advance.
- One of our household works from home, necessitating many hours of interstate conference calls. She asked the Millers if it was possible that on the two to three days of the week that she worked could they possibly avoid the more intense noise making, or if impossible keep it down till after 11am when most of her conference calls could be completed, or if unable to do that could they let her know in advance so she could on those days hire office space in town. None of these requests were ever responded to. She has had to abandon work on a number of occasions due to the level of noise from them.
- We had a Boxing Day lunch on our deck with guests from Perth and the hours of intense noise was unbearable. We could barely hear ourselves talk and it certainly was not the quiet lunch in the beautiful countryside we had thought we were going to enjoy.
- The following day it began again quite early. It was so infuriating I sent the following message to the Millers: "Kerry the level and frequency of noise being inflicted on us is untenable! There are virtually no days that we are not subjected to hours of noise levels that are completely unfair and are ruining our enjoyment of our home. Even Boxing Day our lunch with friends on our deck affected by yet again by ongoing machine noise... now today again machines and a booming radio delivering cricket commentary that they've had to tum up to hear over the bloody machines. Kerry this is unreasonable to inflict on your neighbours and I'm asking you yet again



to curb your noise levels and to show some regard for others. I hope this time we will get to be heard. Thank you [REDACTED].

- Just last week, we had a guest staying who had to abandon the bedroom he was using - which is about approx. 20 -30 metres from where the existing shed, and the site of the proposed extension is situated - because the stench of diesel fumes from machinery being used was making him feel ill.

**Conclusion**

*We provide you with these details not to say how awful the Millers are. They may not be, and certainly when we first met them we were friendly and had them to meals and afternoon teas. We hoped for a congenial neighbourly relationship. That hope proved impossible due to the way they have conducted themselves.*

*This objection is not about simply disliking neighbours - this is about what constitutes the right we have to enjoy a peaceful lifestyle without interference from a neighbour.*

*Living next to the Millers and suffering the noise and air pollution caused by their activities has significantly and adversely affected our peaceful enjoyment of our property. The level and constancy of the noise, the lack of basic regard toward neighbours, and the total lack of response to our expressed concerns and upsets has been and remains very distressing. It is ruining our lifestyle. We have always felt like we had bought into a little patch of heaven. That's been totally altered by the actions of what seems to be a selfish, noisy neighbour.*

*We have given up trying to negotiate a more reasonable noise regime with them as all our efforts have achieved absolutely nothing. They have not seen fit to curtail their activities in any way, for any reason. Whether we have work issues, illness, special events planned, it's a festive season holiday, visitors, it's very early, it's quite late, or its been going on for hours every day of the week- the Millers will do what they want, for however long they want with absolutely no thought to anyone else.*

*They have been doing some renovation work and we had hoped that maybe once that*

**Conclusion**

The Conclusion section (in italics) is not considered to contain any additional points that are relevant to the proposal or have not otherwise been addressed.

*concluded the use of multiple machines and the resultant noise might settle down. To date that hasn't occurred and it seems that a solid portion of the constant noise is not related to actual renovation work.*

*However this proposal, and its potential to exacerbate what has already been unbearable, has led us to now feel we need to take the management of the excessive noise to another level. The Millers display total disregard to our requests for reasonable, neighbourly behaviour, and they appear to hold no regard for others rights to enjoy the amenity of their home. We will now begin to log the noise frequency, intensity and impact with a view to lodging formal complaints.*

*It's been a really miserable and stress making few months. One of us has just had major surgery for cancer and her six month post op recuperation period has been really hard due to the constancy and intensity of their noise. She was told by her specialist that stress is a major contributing factor towards cancer and to do whatever possible to reduce and avoid it. The stress of living with the situation as it has existed has been a big concern.*

*This proposal only serves to intensify our concern. We believe things can only get worse due to the size of this proposal and its impact on us. The increased vehicular traffic alongside our boundary alone will be a significant increase in noise, dust and reduced privacy.*

We therefore respectfully request our objection to this proposal be upheld. If you deem their application acceptable on the basis that the building is acceptable, then we request that it be placed elsewhere on the property.

If you deem their application successful, wherever you agree for its placement we would ask:

- that the building dimensions comply with the current town planning scheme
- That the colour chosen be one which blends with the forest environment
- That adequate methods of storm water collection and disposal be insisted on
- That depending on the agreed location appropriate, fast growing screening vegetation be put in place to minimise the visual impact of the building and perhaps mitigate noise

		<ul style="list-style-type: none"> <li>• That clear and binding usage regulations according to the current town planning scheme relating to this building's use be outlined to all parties in writing</li> <li>• That the entrance to the building not be permitted to face our property</li> </ul> <p>If you see fit not to uphold our objection, would you please let us know what, if any, other avenues of appeal and objection to such a ruling are open to us.</p> <p>Many thanks for your consideration.</p> <p>The household at [REDACTED].</p> <p>PS. We note your planning officer said the two neighbours that also share boundaries with the Millers had also received a letter in relation to this proposal. One of those neighbours is an absentee owner who only uses the property for brief period in holiday season. The other neighbours, the Chandlers, live much further away from the Millers and the site of this proposed shed. They would be unable to see it from their home, though they have reported issues with the noise to us. The neighbours immediately opposite the Millers on Panorama Road both work and are not home during the day so are unlikely to experience the same issues as us.</p>	<p>There are no 3<sup>rd</sup> party rights of appeal available to adjoining landowners over decisions made under the <i>Planning and Development Act 2005</i>.</p> <p>Noted. No submissions of objection have been received from other landowners consulted as part of the application. The Shire also has no record of any complaints regarding use/ noise emanating from the property.</p>
S1	<p>Details omitted as per Council Policy.</p> <p>Submitter is same as S1</p>	<p>Thank you for forwarding the additional information. Our response, in summary, is that none of these additional details address the strong objections contained in our original submission, and in fact raise new concerns. Once again we believe the Millers plan as submitted is somewhat misleading, in particular to orientation of the new structure. We will address each item as laid out in your response.</p> <p><b>1: Shed Dimensions</b></p> <p>While the need for extra vehicular storage capacity is cited as the reason why the proposal needs to contravene the maximum shed floorspace regulations under the current Town Planning Scheme, we note however there is no explanation from the Millers as to why the height regulations need to be contravened.</p>	<p><b>1: Shed Dimensions</b></p> <p>The proponent has indicated that the purpose of the outbuilding is to provide garaging for a boat, vehicles and firefighting unit.</p>



	<p>Given the height difference between the existing storage building to which it will be attached, the new building would surely be much better attached via the existing two-car garage to the house. This has two storeys so the shed height and roof pitch could suit it visually and as it is closer to the road, it would therefore be more convenient for ingress and egress. Obviously a nearby road where fuel fumes are already permitted, and expected, would mitigate the impact of diesel fumes from the Millers' heavy traffic movement - certainly well beyond that of most households in the area.</p> <p>The neighbours across the road from the Millers are not there during the day so vehicle movement in and around the structure would not be of any disturbance to them.</p> <p>We note the Millers' plan states the proposed structure is within the setback regulations. We are unable to assess if this is correct but we would request the council inspect the site to determine if this is accurate.</p> <p><b>2: Colour of the Shed</b>  We feel extremely concerned about the change of colour of the building. We believe it will further decrease our visual amenity and therefore reduce the value of our property. The colour, as named, would seem designed for ocean landscapes. This is a forest setting and the existing building, which due to removal of screening trees by the Millers, already looms over our place is at least a neutral, quiet colour which blends to a degree with the surrounding trees. There are also some large shrubs along one side of the existing shed which also provide some softening. These obviously would have to be removed if it is to be painted and any replacements would take a considerable time to grow. We believe the blue colour would be jarring and entirely inappropriate.</p> <p><b>3: Stormwater</b>  The dam as outlined in the Millers' plan is some distance from the water tanks and there is no detailed explanation as to how any overflow will actually be directed to that dam. We would once again request specifics as to how this is to be done - if it is to be piped, what dimension, colour etc of pipe will be used? will the pipes be buried?? If not, then given the open nature of the field in which they will run what will be done to mitigate the visual impact of the pipes?</p> <p>If the water is to be diverted to the dam through an open channel then our concern would be heavy flows washing out and damaging our driveway which has occurred in the past. What will be done to prevent this occurring?</p>	<p>Location of development on private property is a landowner decision that is guided in this instance by the Special Rural Zone 2 (SR 2) provisions noting that siting is compliant and the variance sought is in relation to the size and height only.</p> <p>Access to development is assessed as part of any development application where it is generally favourable to utilise existing constructed access ways. The outbuilding will be accessed by an existing gravel driveway.</p> <p>Regarding comments of setback regulations a site visit has been undertaken by the Assessing Officer to confirm the location of structures on the subject property. The site visit revealed that the closeness of development between adjoining properties is caused more so by development on the adjoining property that itself is in contravention of the prescribed 20m setback with one structure not appearing to have Council approval.</p> <p><b>2: Colour of the Shed</b>  There is a general presumption against the use of zincalume, reflective or white/off-white colours in Special Rural and Residential areas, Deep Ocean is a dark blue colour.</p> <p><b>3: Stormwater</b>  All development applications are conditioned requiring that all stormwater shall be retained on site. The actual method of stormwater disposal is a matter to be considered by Infrastructure and Building Services, as such the details are not a Planning matter.</p> <p>There are no records on file relating to issues with stormwater discharge onto adjoining properties. Should any issue be encountered</p>
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	<p><b>4: Screening Plants</b>  We also note with concern the lack of detail in regards to landscaping in the plans. There are on the plan submitted by the Millers three conifers marked which offer a limited, but at least partial, screening. A visual inspection of the site would, we believe, confirm that at least one of those conifers will need to be removed should this proposal go ahead ( given its right inline with where the proposed structure is to be constructed) It is unlikely that “shrubs” as described in the Millers’ plan will screen an approx 5 metre high new structure, let alone the newly denuded length of the old shed building in any reasonable manner or timeframe. “Shrubs” are inadequate in any event, but given that it is uphill from our house, a continuous coverage of at least 7 metre high indigenous, native, fast growing planting would be necessary to be effective.</p> <p><b>5a: Use of the building</b>  Mr Miller states the structure will be used as a storage facility only, but once again we query whether this is a binding requirement of council, or just a claim by the occupant. The existing shed is used as a storage facility for vehicles now, but it has also on numerous occasions been used for noisy workshop activities. What is to prevent that continuing? What is to prevent any future occupier setting up a workshop there and further creating a distressing impact on our rights to a peaceful enjoyment of our property?  We have no idea what workshop-type machinery is housed in the existing building but certainly there has at times been considerable workshop noise and we would query whether council has inspected, or will inspect, the site to determine whether the existing structure is only being used to house vehicles, as well as to ensure this will be the case should the proposed building be approved???</p> <p>This proposed structure is quite simply planned for the wrong location on this property. There is no way that siting such an enormous structure there would not have a significantly negative impact on neighbours. It’s too close and too big. There are other sites on their property this structure could be placed without infringing on the rights of others and we query why no consideration has been given to resiting this large building elsewhere where no neighbours will be affected?</p>	<p>in the future, the affected landowners are invited to contact the Shire to discuss mitigation of the issue.</p> <p><b>4: Screening Plants</b>  A site visit has confirmed that the applicant has replaced some of the non-native conifers with native shrubs and there is a level of screening already afforded though existing vegetation and an established orchard. In addition the applicant has stated that they will undertake further planting of native shrubs to screen the outbuilding. As removal of non-native species is permitted, any additional removal of conifers or any vegetation that is required to be removed in accordance with the Shire’s Fire Management Notice and asset protection zones is allowed.</p> <p><b>5a: Use of the building</b>  Development Approval for Outbuildings includes conditions for the use of the building that are not of a commercial or industrial purpose. The proponent has indicated that the purpose of the outbuilding is to provide garaging for a boat, vehicles and firefighting unit. Comments regarding the future use of the outbuilding are speculative and cannot be substantiated.</p> <p><b>5b: Storage of a multitude of fuelled vehicles in an enclosed location adjacent</b></p>
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**5b: Storage of a multitude of fuelled vehicles in an enclosed location adjacent to our home**

The fume and fire risk from such a large number of fuelled vehicles stored so close to our residence has not been subjected to any risk assessment scrutiny and is of extreme concern to us.

As we understand it if you store in excess of 100 litres of fuel at home the Occupational Health and Safety Act requires you to conduct a formal risk assessment and implement hazard control measures. This seems to have some resonance whether the fuel is stored in a separate container, or in vehicle fuel tanks (if there are a number of them). Particularly if there are a number of vehicles in enclosed, inadequately ventilated premises...and also if refuelling is taking place in the space.

Our local fire chief suggested that storing 25 to 30 litres of fuel in an appropriate manner and container would be allowable in a shed. We attempted to check this with your office and were told by your Mr Scott Medhurst this week, that he thought the matter would come under the Storage and Handling of Dangerous Goods Act, which he would need to check once he returned from leave in a weeks tines.

The Dangerous Goods Act does seem to have some implications here in regards to Dangerous goods on Rural and 'small quantity (below placarding quantity) dangerous goods' :

Rural and 'small quantity (below placarding quantity) dangerous goods' locations are exempted from the requirements for emergency plans and safety management systems, but nevertheless do have safety regulations attached to them, which attract fines if not adhered to. ((regulations 123–133).

“ A rural dangerous goods location is.....used by the operator for agricultural, horticultural, floricultural, aquaculture or pastoral purposes, and where the dangerous goods or combustible liquids are being stored or handled but not supplied to others.. “

The proposed number of items the Millers plan to store in this structure includes but is not limited to, four motorbikes, three 4wds, a car, a bobcat, a ride on mower, a fire fighting unit, a generator, a boat and presumably a number of other machinery items that use fuel. This list would presumably include a mix of diesel and petrol fuelled items and would certainly indicate more than 100 litres of fuel would be sitting metres away from our vehicles and our home.

It is also a reasonable assumption to assume there would be a quantity of fuel stored for easy refuelling purposes. If so, how much fuel is planned to be stored and how would it be stored??

**to our home**

The *Dangerous Goods Act* or any other legislation pertinent to the use, storage or otherwise of dangerous goods is not a Planning matter.

The proposed contents of the outbuilding is not the subject of adjoining landowner's consultation and the list provided by the submitter has not been substantiated. The consultation is in regards to the variation sought for size and height.

The applicant has advised that 20 litres of petrol and 20 litres of diesel will be stored for the purpose of refuelling equipment and mowers etc.



	<p>Once again there is no detail of any of this in either of the plans submitted by the Millers and we would request such issues be addressed in order to make an informed response. This is a serious safety issue in our opinion</p> <p>Please note the following excerpts from an article/ and The Dangerous Goods Safety Legislation in relation to this concern:</p> <p>( excerpt from an article on the dangers of storing fuel from <b>AutoExpert.com.au</b>)</p> <p>'Here's a cautionary tale about the amount of energy packed into common liquid hydrocarbon fuels - you need to be immensely careful with them if you store even a small quantity of petrol - say five litres - in the home (say for the mower).</p> <p>Most people have no idea about the massive amounts of energy locked up inside petrol, diesel, kero, etc. An 1800kg car cruising down the highway has 800kJ (kilojoules) of kinetic (motion) energy. That's a lot. If it hits a massive tree, the destruction arising from the structure absorbing all that energy quickly will render the vehicle unrecognisable. The people inside will not survive. Yet there's 800kJ of chemical 'combustion' energy locked inside just 25ml of petrol – that means every jerry can carries inside it roughly the same energy as 800 1.8-tonne cars all travelling at 110km/h.</p> <p>Put it another way: every jerry can carries the explosive potential of 800 cars impacting something at 110km/h. Every full tank of petrol is equivalent to 2500 cars smashing into something simultaneously, at the freeway limit.</p> <p>It's scary – especially when people store fuel at home. Five litres of it is enough to make a sizeable bomb – 200 cars all ramming into the house at 110km/h. You could easily make a Molotov of yourself, however unwittingly, if you're a goose about it.</p> <p>There are, of course, regulations..... They vary from state to state.</p> <p>In NSW, five litres is the most you're allowed to store inside a dwelling.....</p> <p>Twenty-five litres (1000 cars hitting something at 110km/h) is the maximum allowed in an attached garage provided there's a fire-rated wall between it and the house.</p> <p>If you want to store more than 100 litres at home – obvious question: Why? – the Occupational Health and Safety Act kicks in. You're required to conduct a formal risk assessment and implement hazard control measures ...</p> <p>.....if you store more than 250 litres outdoors or in a structure three metres away from the boundary or other dwellings you need to post a 'Hazchem' sign on the street frontage and a</p>	<p>Any reference to other State legislation or policy is irrelevant to the proposal.</p>
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yellow 'Flammable Liquid' diamond sign (like the one on fuel tankers). The neighbours will probably arc up about that, and then there will be a subsequent stern chat with the local council...

The obvious answer to the question about how much fuel you should store at home is: As little as possible ...”

Excerpt from The Dangerous Goods Safety Guidelines

“ For storage purposes, diesel is classified as a dangerous good. ... This is the Australian Standards that outlines the safe storage requirements for flammable and combustible liquids. “  
“ Aug 28, 2018

“.....diesel fuels do have a relatively low flash point and they do pose significant threats upon people, property and the environment. Due to this, a number of authorities are requesting for diesel fuel to be reclassified as a dangerous good for transport purposes.”

“ Diesel fuels are classified as a C1 combustible, and C1 combustibles are classified as dangerous substances by most state and territory regulations. Therefore no matter whether the diesel fuel that you are using is classified as a flammable or combustible liquid, it must be stored in full conformance to AS1940-2017. This is the Australian Standards that outlines the safe storage requirements for flammable and combustible liquids.”

#### **6: Access to the Shed**

As stated in our previous correspondence we have the most strenuous objection to the siting of the access doors to this building being placed at the end of the existing gravel driveway. The amount of vehicular traffic already using that driveway regularly has significant noise, dust and fume impact on us. It's just metres from our house, a bedroom, an office, and part of our garden.

We have had one visitor have to abandon the bedroom because of noise and sickening stench of diesel which went on for some hours.

We were appalled to read in the Millers plan that now their 4wds, car, fire fighting unit and a boat are to be added to the traffic along that driveway.

The plan they submitted in this regard is somewhat misleading in that it states “ there will be no doors facing our property”. The orientation on the plan seems to suggest the proposed doors/ building will face away from our property, but in reality that isn't quite the case. The orientation of

There are no provisions that relate to the location of doors on an outbuilding. Any noise generated on the property must be in accordance with *Environmental Protection (Noise) Regulations 1997*. Should any issue arise in the future the submitter is invited to contact the Shire's Environmental Health Officer to discuss.

the doors is more north west ( the building more north facing than west facing) and runs more parallel to our boundary. We believe the doors facing this way would amplify machinery and vehicle noise from the building and send it out in our direction.

Given the L shape of the structure and the size and number of the vehicles to be stored, as well as the size of the door it's likely to require a fair bit of manoeuvring of the units to get any particular vehicle out or in - the noise disruption will be horrible.

So rather than calming our concerns the confirmation about the orientation of the doors likewise amplifies our objection in regard to the noise and fumes.

In our previous objection we outlined the situation we are facing with the noise constantly coming from activity on the Millers' property. The size, location and use of this proposed building will only exacerbate an already unbearable situation in relation to noise destroying our quality of life. We request that you please make a decision that demonstrates you uphold our right to the quiet enjoyment of our home, and its privacy. Doing so will restore some fairness and justice in this situation and obviously mitigate any possible increase in problems between us and our neighbours.

Please note the following excerpts from an article on noise and its harmful affects in humans:

"It has been found that noise can have a pronounced physical effect on our brains resulting in elevated levels of stress hormones. The sound waves reach the brain as electrical signals via the ear. The body reacts to these signals even if it is sleeping. It is thought that the amygdalae (located in the temporal lobes of the brain) which is associated with memory formation and emotion is activated and this causes a release of stress hormones. If you live in a consistently noisy environment that you are likely to experience chronically elevated levels of stress hormones.

A study that was published in 2002 in Psychological Science (Vol. 13, No. 9) examined the effects that the relocation of Munich's airport had on children's health and cognition. Gary W. Evans, a professor of human ecology at Cornell University notes....

'This study is among the strongest, probably the most definitive proof that noise – even at levels that do not produce any hearing damage – causes stress and is harmful to humans'

Studies have also concluded that children exposed to households or classrooms near airplane flight paths, railways or highways have lower reading scores and are slower in their development of cognitive and language skills.”

Finally,

- we note that there has been no response to the other concerns we raised about inaccurate plans - particularly set backs, angles, existing trees required for removal, trees already removed but appearing on the plan as if they still existed, distance between proposed building and our residence and office buildings. This is further exacerbated by what we again feel are misleading plans in regard to orientation of the building, the need to remove even more trees, the placing of a 'hedge' icon right in the middle of the existing drive thru for Mr Miller's ride on mower so either the hedge is misplaced or he's planning to never mow his grass again, a part of the plan showing several areas of new native planting - in a field which is nowhere near the proposed new building, and does NOT share a boundary with us so is completely irrelevant to this proposal.
- we note there has been no response to our very strong concerns about the visual impact, and the potential therefore to lower our property value, or our concerns about the noise, fumes, reduced privacy and dust around this proposed site for the building.
- we note there has been no response to our suggestion that the building would be more easily and appropriately sited elsewhere on their property - allowing for them to comfortably access their machinery and vehicles, and all of their neighbours to exercise their right to privacy and peaceful enjoyment of their property.
- We once again respectfully request our objection to this proposal as it stands be upheld. We would also request that should this item go to council for consideration that we be granted permission to speak to our concerns personally.

If you deem their application acceptable on the basis that the building is acceptable, then we request that it be placed elsewhere on the property.

If you deem their application successful, wherever you agree for its placement, we would ask that you make as a condition of your approval:

- that the building dimensions comply with the current town planning scheme.
- That the colour chosen be one which blends with the forest environment
- That adequate methods of storm water collection and disposal be insisted on.

Updated drawings were referred to the submitter. Planning Services deem that the drawings provided were adequate for the purpose of referral which was in relation to size and height variations.

		<ul style="list-style-type: none"><li>• That depending on the agreed location appropriate, indigenous, fast growing, screening vegetation be put in place to minimise the visual impact of the building and perhaps mitigate noise.</li><li>• That clear and binding useage regulations according to the current town planning scheme relating to this building's use be outlined to all parties in writing.</li><li>• That the entrance to the building not be permitted to face toward our property.</li></ul> <p>If you see fit not to uphold our objection, would you please let us know what, if any, other avenues of appeal and objection to such a ruling are open to us. We have asked this before but have not yet received a reply to this query. Many thanks for your consideration.</p>	
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21/5/19

Dear Jasmine

We have outlined some points to cover the objections made by [REDACTED] on the last page of her submission.

Shed dimensions. The extra height and floor space is to house our boat, cars and fire fighting vehicle.

Colour of shed. The existing shed will be painted a dark blue to match the proposed shed. *ocean blue color*

Storm water drainage. All rainwater will be directed into the rainwater tanks. Any overflow will be directed into the dam at the rear of the property.

Screening plants. We will be planting native shrubs to screen the proposed shed from [REDACTED] property.

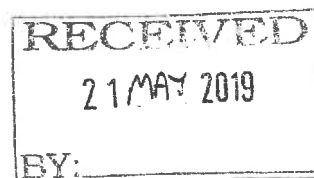
Building use. The proposed shed will be a storage facility for our boat and vehicles only.  
It will not be a workshop.

Access to shed. There will not be any doors or windows facing [REDACTED] property.

Further to this, the proposed shed will be more than 24 metres from our boundary.

We hope the new drawings along with the above points are sufficient to allay the concerns of our neighbour.

Kind regards





# SITE VISIT RECORD FORM

**Subject Site:** No. 69 (Lot 26) Panorama Road, Shadforth

**Date:** 7 June 2019

**By Whom:** Town Planner Laura Delbene

**File Ref:** A1603 (2019/33)

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The proposed location of the outbuilding extension to replace the open carport and lean-to. Gravel access way to be utilised for new extension.





The existing cream/brown outbuilding in relation to existing development on the lot



Replanting of native species along the access way





Existing orchard and vegetation between adjoining properties.



Adjoining property