

[REDACTED]

18/9/14

Shire of Denmark  
953 South coast Highway  
Denmark WA 6333

Dear Sir/Madam,

Please find attached our application for a large holiday home at 7 Adams Rd Denmark.

We purchased the block of land in December 2011 with the intention of building a holiday house at this site, given that we have rented neighbouring properties as holiday makers. We also note the area was zoned as a preferred holiday rental area under the Shire of Denmark town planning scheme policy No 19.4 regarding holiday homes in 2012. Planning approval was granted in September 2013 and building approval was granted in January 2014. The house is currently under construction by Schlager Homes with an expected completion date of December 2014.

The house has 4 bedrooms and 2 bathrooms. We intend to advertise it as a home sleeping 8 people, with 3 queen size beds and 2 singles. The driveway will be sealed and there will be capacity for off road parking for 3 cars. We intend to use South Coast Realty as the managing agent. We have built the home for our family, however will need to generate an income from it to pay the mortgage and wish to provide others with the opportunity to enjoy the area as we have.

Please feel free to contact us if any further information is required via email at [REDACTED] or by phone on [REDACTED]

Yours sincerely  
[REDACTED]

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**HOLIDAY HOME**  
**PROPERTY MANAGEMENT PLAN**

**PROPERTY ADDRESS:** 7 Adams Rd Denmark

**PROPERTY MANAGER DETAILS:**

Name: Denmark Holidays  
Address: South Coast Properties WA, 22 South Coast Hwy Denmark

Telephone Number: 9848 2211

Email: www.scp.net.au

Details of where bookings are made:

Internet (please specify): www.denmarkholidays.com.au

Denmark Visitor Centre: Yes

Property Manager: As Above

Other (please specify):

**NOTE: In relation to the nominated Property Manager, the following is applicable:**

- is a person/company that will have day-to-day management of the holiday home; and
- will specifically respond to complaints pertaining to guest behaviour made before 1am within a two hour timeframe; and
- in relation to any other complaints will respond, within a reasonable timeframe but in any event within 24 hours.

**DUTIES OF PROPERTY MANAGER**

General Information: The Property Manager will supply readily visible in the kitchen or living area of the home the Code of Conduct, the Property Management Plan and the Fire and Emergency Plan (including the Fire Evacuation Route). Other duties include:

- Liaise with tenants for the occupancy and vacation of the premises;
- Ensure the correct maximum number of people is staying overnight in accordance with planning approval conditions;
- Ensure the premise is registered with the Shire of Denmark as a Holiday Home provider;
- Ensure guests are aware of the Code of Conduct;
- Ensure guests are aware of the Fire and Emergency Plan;
- Maintain a register of all people who utilise the premise, available for inspection by the Shire of Denmark upon request;
- Ensure the premise is clean and maintained to a high standard;
- Ensure bed linen is clean and replaced upon tenant vacation; and
- Ensure rubbish and recycling bins are put out and collected as required.

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DATE: 7/9/14

**HOLIDAY HOME**  
**FIRE AND EMERGENCY PLAN**

PROPERTY ADDRESS: 7 Adams Rd Denmark 6333

**FIRE SAFETY INFORMATION:**

The following floor plan of premises clearly identifies the location of:

- Hardwired smoke alarms;
- Fire blanket (in kitchen);
- Exit Lighting (if required);
- Fire Extinguishers; and
- External Taps/Garden Hose Locations; and
- A fire evacuation route leading to the nearest main road; and

*Please attach a floor plan for each level of the premise with the above clearly located and identified.*

The above information is to be clearly displayed in accordance with the Property Management Plan.

**EMERGENCY CONTACT DETAILS:**

**FOR ALL EMERGENCIES DIAL 000**

Property Manager: 9848 2211 / 0400 862 976  
Denmark Police: 9848 0500  
Shire of Denmark: 9848 0300  
Denmark Hospital: 9848 0600

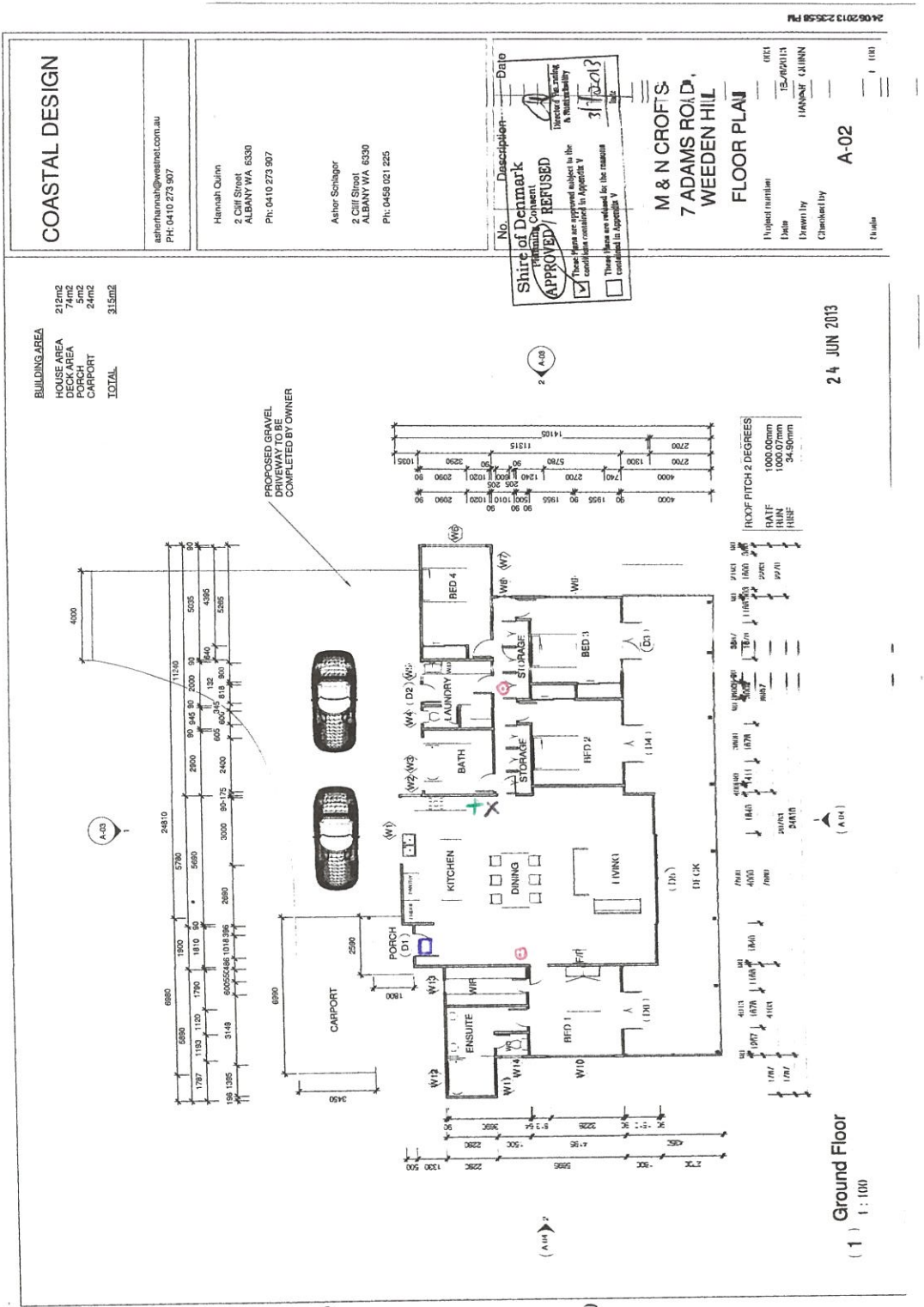
**EMERGENCY PROCEDURE:**

In the event of a fire or emergency, evacuation information may be broadcast or available from the following sources:

ABC Radio: 630AM  
FESA: [www.fesa.wa.gov.au/alerts](http://www.fesa.wa.gov.au/alerts)  
1300 657 209  
Shire of Denmark: [www.denmark.wa.gov.au](http://www.denmark.wa.gov.au)

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Floor Plans of House  
 Property Address: 7 Adams Road Denmark



Legend

- Hardwired smoke alarms:
- Fire blanket (in kitchen):
- External Taps/ Garden Hose Location:
- Fire Extinguisher:
- Exit Lighting (if required):
- You are here:

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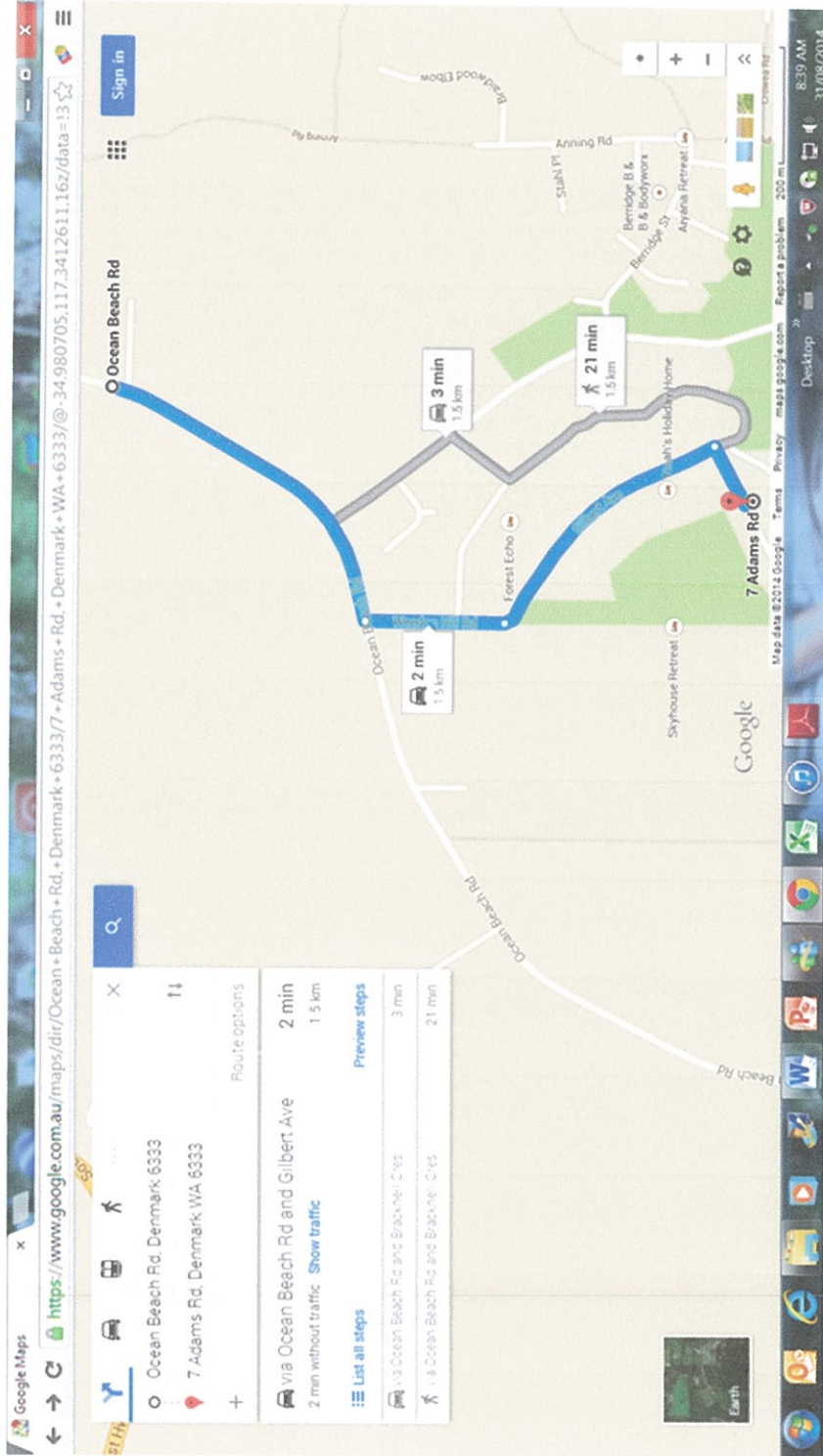


Fire Evacuation Route

Property Address: 7 Adams Road Denmark

Roads to be used in case of emergency evacuation:

- Adams Road
- Gilbert Avenue
- Weedon Hill Road
- Ocean Beach Road



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**HOLIDAY HOME**  
**CODE OF CONDUCT**

**PROPERTY ADDRESS:** 7 Adams Rd Denmark

The following Code of Conduct governs tenant behaviour and use of the property. The tenant agrees to follow the guidelines below, for themselves and any visitors they allow at the property:

**TENANTS:** A responsible adult (over 18 years of age) shall be on site at all times when children are present. No unauthorised people are permitted to stay overnight.

**NOISE AND NUISANCE:** The tenants agree not to cause or permit nuisance at the property. This includes excessive noise, disruptive or anti-social behaviour. Noise should generally cease after 9pm Sunday through Thursday and 10pm Friday and Saturday.

**VEHICLE PARKING:** The tenants agree to use the parking spaces provided and not to park on lawn or garden areas on the property, or on the street verge or street itself outside the property. The guests agree not to park any additional vehicles on the property in excess of the parking spaces provided.

**SHIRE REGULATIONS:** The tenants agree to all Shire regulations, including noise and fire limitations.

**PREMISE CONDITION AND CLEANLINESS:** The tenants agree to leave the premise in a clean and tidy condition upon vacating, with all fittings and chattels in their original condition and position at the beginning of stay. Tenants are to advise the Property Manager of any damage or disrepair within 24 hours of this occurring. Any damage repairs or excessive cleaning that is attributable to the tenants stay will be paid for by the tenants.

**FIRES:** The tenants agree not to allow any candles, open fires or similar burn unsupervised within the premise. No open fires are permitted outside at any time. Barbeque facilities may be provided and used in a safe manner.

**RUBBISH DISPOSAL:** The guests agree to contain all their rubbish in the bins provided. Tenants are responsible for the putting out and collection of the bins where your stay coincides with collection days.

Your collection day is: Monday

**KEYS:** At the end of the agreed tenancy, tenants agree to lock the premise, close all windows and return the keys to the Property Manager. Any lost or damaged keys will be replaced at the tenant's expense.

**TERMINATION OF ACCOMMODATION:** If tenants are found to have contravened any of the above Code of Conduct responsibilities a verbal warning will be issued. If the contravention is not rectified immediately the accommodation booking may be terminated with 2 hours notice at the Property Managers discretion. No refunds will be made.

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**SCHEDULE OF SUBMISSIONS: PROPOSED HOLIDAY HOME (LARGE) – NO. 7 (LOT 186) ADAMS ROAD, DENMARK (2014/186; A791)**

Submission Number	Name & Address	Verbatim Submission	Planning Services Comment
S1	<p>Details omitted as per Council Policy.</p> <p>Submitter is an adjoining landowner.</p>	<p>We strongly oppose the approval for No. 7 Adams Road (Lot 186) as a Holiday Home (Large). The news that the owners of 7 Adams Road intend to use it as a commercial business has come as a huge shock to us as our understanding was that it was to be a holiday house for their own use. Having a large holiday rental directly above our home will inevitably have a negative impact on our amenity. Our objections to this change in the status of the building are outlines below. We hope that this process of appeal is genuine and that our concerns will be heeded at the appropriate levels, not simply rubber stamped and filed.</p> <ul style="list-style-type: none"> <li>• We built our home in Weedon Hill twenty years ago as we were drawn to the natural forest environment and the sense of community among the residents of the area. Unlike a large holiday <u>house</u> that provides short-term accommodation for those with no connection with the place, we have created a beautiful <u>home</u>.</li> <li>• As I have discussed with you previously on the telephone, (before the house was built) the owners thoughtlessly removed most of the vegetation, including a significant portion of vegetation on our boundary that would have provided a protective barriers. Without proper consideration, the house sits on the site as if to maximise the intrusion of noise and light into our property. Our point here is that if they intend to build a commercial building in a residential area, surely we should have been informed before the plans were approved so that the building was designed to minimise the intrusive effects on our wellbeing and life. From our point of view, there has been no transparency in the owner's intention to use the house as an investment property, indeed they have come at it with stealth, concealing their intentions from us.</li> <li>• The deck towers over our house and garden in part due to the elevation of the site but also the poor design has placed the deck along the full width of the front of the house that overlooks our property. There has been no effort at all to protect us from the many holiday-makers who in a large rental house will no doubt make use of the deck.</li> <li>• We have already experienced the noise associated with the house with the activities of the builders, especially when they play their music loudly.</li> <li>• We are already surrounded by holiday houses, having one directly in front, another diagonally behind us and several close by in Payne Road. We have experienced noisy and disorderly behaviour, had to clean up rubbish bins that have been left overflowing, have had children wandering on to our property uninvited and floodlights left</li> </ul>	<ul style="list-style-type: none"> <li>• The design of the dwelling is not the subject of this application, noting that it complies with the Deemed-to-Comply provisions of the Residential Design Codes and subsequently was granted Planning Approval (noting that the house is under construction). It is advised that the intended use of a dwelling (be it owner occupied, rented or a commercial holiday home) does not affect the planning assessment in terms of the dwelling design, as this is based on compliance with the R Codes which address matters such as visual privacy. It is noted that the deck in question complies with the visual privacy setbacks in the Deemed-to-comply criteria of the R Codes (being setback a minimum of 9.2m from the boundary in excess of the required 7.5m).</li> <li>• Compliance with the <i>Environmental Protection (Noise) Regulations 1997</i> in relation to noise levels is required at all times.</li> <li>• It is advised that should there be a situation whereby noise emanating from the property/incidences of antisocial behaviour is of concern to surrounding neighbours, the details of the Property Manager are provided to the surrounding neighbours such that in the first instance the Property Manager can be contacted to address such issues. There is also the ability to contact the local Police depending on the seriousness/severity of the issue.</li> <li>• It is acknowledged that there are a number of holiday homes in the near vicinity. To this regard it is noted that there are currently 7 approved holiday homes on Adams Road (equating to 41% of the properties in the street) and 8 on Payne Road (equating to 24% of the properties in the street) - refer Attachment 8.1.1d for a map showing the location of the approved holiday homes on these two (2) streets as well as the nearby portions of Gilbert Avenue and Bracknell Crescent.</li> <li>• It is acknowledged that the driveway is steep and</li> </ul>

		<p>on throughout the night. Vehicles negotiating the steep driveway of one house is an ongoing problem.</p> <ul style="list-style-type: none"><li>• We are deeply concerned about who will be responsible for the management of the people renting this large house. We are seniors and we find it very stressful to have to deal with people who may be drinking excessively and behaving recklessly.</li><li>• We are concerned about the matter of vehicles. The drive-way into 76 Adams Road is extremely steep, and we believe will provide difficulties for holiday makers who are inexperienced in steep inclines and who arrive at the facility at night.</li><li>• Please, come and see for yourself. The house on 7 Adams Road is poorly designed, occupying most of the block with no barrier between it and the neighbours. It is very unsuitable for use as a large holiday house in a residential area. Using the site as an investment holiday rental will greatly impact on our quality of living.</li></ul>	<p>may provide difficulties to visitors arriving/leaving at night (refer site photos – Attachment 8.1.1e). To this regard the proponents have advised that a sensor light will be located at the front of the dwelling to assist, as well as possibly locating solar lights along the edge of the driveway. A condition has been placed that some sort of barrier or bollards be placed along the eastern side of the driveway to assist drivers particularly when reversing up the driveway.</p>
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In response to the objection lodged in relation to our proposed holiday house at 7 Adams Road Denmark.

We have met the neighbours who have lodged this objection on one occasion, during which time we advised them that we intended to build a holiday house. There was no discussion at the time regarding whether this would be for our sole use. We have not intended at any time to be deceptive in the process as our plan has always been to rent the house in order to pay the loan on the property. We do not consider renting the property to be a commercial business; rather it is a means of paying the mortgage. We intend to regularly visit the property during the year to utilise as a family holiday home.

When we initially enquired with Denmark Council as to the process to follow in building a holiday home, we were advised to put in planning and then building approval and we could apply to use the home as a holiday rental at a later date. We complied with this advice as we were unsure of the completion date of the build. Our primary intention in building the home is to utilise the property as a holiday home that our family will use over many years to come but we also wish to provide the opportunity to enjoy the area to other holiday makers. Our understanding is that at present the demand for holiday accommodation in the area is greater than the current supply.

Prior to making the significant financial commitment in building we took guidance from the Shire of Denmark Town Planning Scheme No.3 Policy 19.3 - Holiday Homes' that identified Weedon Hill as a preferred area for holiday homes.

In response to the specific points raised in the objection:

- We appreciate that our neighbours have lived in the area for many years with no neighbours above them. We specifically chose to purchase the block after renting the neighbouring property and because we had enjoyed the amenity of the area over many years as holiday makers. We feel we do have an affinity to the area and wish to protect the current ambience and environment as much as possible.
- We have endeavoured to keep as much vegetation on the property as possible, while taking account of council requirements for building and the BAL. Council records would indicate the significant negotiations that occurred with the Planning Department in order to obtain planning approval to ensure the building satisfied the strict fire safety requirements now required in the Weedon Hill area. This impacts on the amount, type and location of vegetation on a property. We removed 2 karri trees – one that was dead and a risk and another that was in the building parcel. A number of smaller trees at the front of the block had to be removed to make a driveway. This was kept to a minimum. The remaining vegetation that has been removed has been in the building area. We intend to plant screening trees at the bottom of the block and revegetate areas that were affected as a result of construction once the building work has finished.
- Fire mitigation measures have impacted on the vegetation on the property. Prior to planning and building approval we met with the Ranger on site and had further discussions as the Denmark Shire Ranger was not satisfied that the block had been brought to 'parkland standard' to minimise the risk of fire.

The significant work taken to satisfy fire prevention requirements does affect the aesthetic of the area; however, fire prevention requirements have risen in the past few years and are mandatory.

- We have built a home with the intention of maximizing views of the area, as have many homes on Adams Rd. Given the steepness of the block, we have had to build out from a point, which has meant that while the home is level at the front, it is quite high at the back where the deck area is. We anticipate that our family and other guests will use this area; hence our intention to plant screening trees to provide greater privacy to our neighbours at the front.
- We are using a well-known and award winning Great Southern builder. While we understand that a building site can be noisy at times, we are sure that our builder would work within the requirements regarding after hours noise limits.
- From a council diagram that we have viewed there are very few holiday homes in Adams Rd. Block 112 is a holiday rental and adjoins both ours and the objectors' properties; however the house is actually situated at the level of our house, so I assume this is of less impact than if it were at the level of block 111. The other blocks adjoining ours and diagonally opposite are vacant, thus reducing noise for the permanent residents. We would therefore dispute they are surrounded by holiday homes.
- As we have previously indicated, we intend to use South Coast Properties as our managing agent. They manage many holiday homes in the area and I'm sure are experienced at dealing with disorderly or disruptive tenants both long term or holiday makers. We are intending to provide details of the code of conduct and property manager to all surrounding neighbours.
- The block is steep and we have done our best with the driveway, having it sealed as required. We note that due to the topography of the area there are many other holiday houses with steep driveways. There will be a sensor light in the car park to assist with night time arrivals – given the location of the driveway in relation to the neighbours property there is no potential for impact on them.
- We are seeking approval to advertise the home as a holiday rental specifically to enable our family to use the property as well as enabling others to enjoy the experience of the area. While we appreciate the concerns of our neighbours and will do everything possible to mitigate any impacts on their property, we have undertaken this process in good faith, following the council regulations that are currently relevant.

**Attachment 8.1.1d – Map of Area Highlighting Location of Nearby Approved Holiday Homes**



Approved Holiday Homes



Attachment 8.1.1e – Site Photos





