

**SCHEDULE OF SUBMISSIONS – DEVELOPMENT APPLICATION 2020/58
PROPOSED HOLIDAY HOME (STANDARD) – NO. 114 (LOT 209) PEACE STREET, SHADFORTH (A3717)**

Ref. No.	Name & Address	Verbatim Submission	Planning Services Comment
S.1	Details omitted as per Council Policy.	<p>We are the owners and permanent residents of [REDACTED] which is directly opposite the proposed unhosted commercial holiday home and immediately adjacent to another unhosted commercial holiday home.</p> <p>We understand that the owner(s) of 114 Peace Street are related to the owners of the adjacent unhosted commercial holiday home at 116 Peace Street and we are extremely concerned that the properties could be jointly leased resulting in up to 12 people or more congregating at either property. Town Planning Scheme Policy No.19.5: Holiday Homes (the Policy) does not address this.</p> <p>In addition, the Policy does not impose any limitation in Special Residential Zones on the number and the proximity of holiday homes to one another. Its approval would set an undesirable precedent in this locality.</p> <p>It is strongly recommended that the proposal be considered by full Council and not under delegation. It is our preference that the proposal be deferred pending the current review of the Town Planning Scheme and the relevant policies so these matters can be fully addressed.</p> <p>In this submission, where we are referring to “unhosted commercial holiday home(s)” we mean a holiday home where the host and/or owner do not live on site and the property is not directly supervised or maintained. We do not mean a Bed and Breakfast where the owners live at the property. We are supportive of this accommodation in this locality.</p>	<p>Property ownership details do not form part of any development assessment process. Assessment of development approvals relates to the intended land use, ensuring that should property ownership change, the approved land use remains appropriate for the lot.</p> <p>Maximum occupancy of Holiday Homes is restricted through development conditions.</p> <p>See Key issues section of report for comment regarding number and distribution of Holiday homes.</p> <p>As per the <i>Planning and Development (Local Planning Schemes) Regulation 2015</i> The Local Government must determine an application for development approval – <i>a) if the application is advertised under clause 64within 90 days of receipt of the application.</i> If the local government has not made a determination within the timeframe, the local government is taken to have refused to grant development approval, thus the applicant can then seek appeal with the State Administrative Tribunal.</p>

21 July 2020 - Attachment 8.1.2b

		<p>Grounds of objection:</p> <ul style="list-style-type: none"> • The proposal is adjacent to an existing unhosted commercial holiday home at 116 Peace Street. If conjointly let groups of up to 12 adults or more could occupy the two houses, socialise and use the properties as one group. This is of considerable concern to us and the Policy does not address this scenario. • The Policy does not set a limit on the number of holiday homes in a Special Residential Zone or determine the spacing and or ratio of holiday homes to residential. If approved this would set a very undesirable precedent whereby multiples of unhosted commercial holiday homes could continue to be located in this area with nothing in the Policy to prevent them from being adjacent to one another. In effect creating a Tourism zone. • “Special Residential” zones create the expectation of a certain lifestyle but there is an increasing number of unhosted commercial holiday homes in this area. The “Special Residential” zoning does not give any indication that this would be the case. The use is listed as a SA in Special Residential Zones in the land use table implying it would be given careful consideration by Council and not automatically approved as is the case. This gives holiday home proponents’ certainty and neighbouring residents little hope of having any considered input into the process. One could say the use class is more in keeping with a “permitted” use. We understand that since the Policy was introduced in 2015 no holiday homes have been refused in the Shire of Denmark. There are currently 111 holiday homes on the Shire register and a number more on Airbnb and other tourist accommodation websites. 	<p>Maximum occupancy of Holiday Homes is restricted through development conditions. The applicant has confirmed that the property will not be jointly leased and will be managed by a different property manager to the adjoining Holiday Home. Notwithstanding, it is not unreasonable to assume that at times both Holiday Homes could be occupied by their respective owners or tenanted by guests at the same time.</p> <p>See Key issues section of report for comment regarding number and distribution of Holiday Homes.</p> <p>The ‘SA’ use class as prescribed under TPS.3 means that Council may, at its discretion, permit the use in the zone after giving notice of application in accordance with Clause 6.4. Applying an ‘SA’ use class to Holiday Homes triggers the requirement to consult with adjoining landowners which would not ordinarily be required under a permitted ‘P’ use. By consulting with adjoining owners, potential impact (beyond speculative scenario) can be assessed and where possible appropriate conditions can be applied.</p>
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		<ul style="list-style-type: none"> • The Policy does not address the impact of additional traffic and associated noise. The proposed holiday home and the existing holiday home are located towards the end of Peace Street and opposite its intersection with Kerr Close. Two unhosted commercial holiday homes at this intersection will bring additional people coming and going on a regular basis exacerbating traffic, noise and related issues for us. • Unhosted commercial holiday homes have an unacceptable impact on the amenity of the location and their increasing proliferation in the area is leading to a loss of the sense and meaning of community. • The nature and use of unhosted commercial holiday homes such as that located at 116 Peace Street is not consistent with the surrounding environment and residential character of the area. The Policy makes it difficult for any conditions to be imposed to protect amenity in a Special Residential Zone. The elevated topography here and elsewhere make the requirements of the Policy irrelevant in many instances. The commercial unhosted holiday home at this address has been built on a large block where setbacks and screening cannot be applied. It is positioned on the most elevated and prominent position to maximise views so its excessive lighting is highly visible and its outdoor use unshielded from surrounding residents. Surrounding residents are screening and retrofitting their properties at their own expense in an attempt to reduce their loss of amenity and the enjoyment of their own home. • The Shire does not regulate and strategically plan for unhosted commercial holiday homes. This could ultimately lead to the proliferation of this accommodation in ours and other areas. 	<p>It is not perceived that there would be a significant impact from increased traffic from the Holiday Home (which could ordinarily be unoccupied for periods of time), compared to the traffic that could be generated from multiple vehicle owners residing at the property on a permanent basis.</p> <p>Of the 4523 rateable dwellings in Denmark, 1696 are absentee owners (i.e. owners do not have a Denmark postal address) which represents approximately 30% of all dwellings, of which 111 are approved as Holiday Homes. It is arguable that the relatively high proportion of absentee owners in comparison to low number of approved Holiday Homes may have a greater impact on the sense of community and perhaps occupation of homes even on a temporary basis is more favourable to empty homes.</p> <p>The nature and use of Holiday Homes themselves could not be considered inconsistent with the surrounding environment or residential character as approval for a single house is already established. Holiday Homes relates predominantly to 'use by people' that does not result in a 'physical' change to the surroundings.</p> <p>The setbacks exceed those required to all boundaries as prescribed under the S/Res. 2 provisions.</p> <p>See Key issues section of report for comment regarding number and distribution of Holiday Homes.</p>
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	<ul style="list-style-type: none"> • There is an assumption that the imposition of a “Management Plan” requirement will deal with residents’ concerns but management plans are reactionary and are used as a de-facto approval tool. Management plans do not adequately address the full impact holiday homes have on adjacent residents. • Local residents are required to regulate/monitor an unhosted commercial holiday home by making complaints to the Shire if there are concerns. Like us, most residents avoid complaining which gives the impression that there are no issues with this type of development. Approvals for holiday homes of this nature therefore continue to be renewed. • There is no requirement for owners of unhosted commercial holiday homes to address existing residents’ concerns as part of the approval process. Proponents should be required to consult with adjacent residents and owners and make an attempt to address their concerns when considering making an application to Council. This would also go a long way towards building a neighbourhood. <p>Supporting comments and suggested planning response.</p> <p>We understand that Council want to promote this type of holiday accommodation in the Denmark area but the impacts of a proliferation of these commercial ventures on existing residents needs to be properly considered. Relying on the requirement to have a management plan to deal with any subsequent issues is largely inadequate.</p> <p>Council should consider establishing a special zoning and appropriate use class for these types of commercial activities and apply appropriate spacing of these uses in all existing Residential/Special Residential Zones.</p>	<p>As Planning Services cannot determine approvals based on speculative behaviour of guests the Property Management Plan includes a code of conduct, and also general management requirements such as rubbish disposal, emergency contacts etc.</p> <p>Unfortunately, the Shire cannot respond or take in to consideration issues where there is no record of complaint on file.</p> <p>The consultation process largely serves to highlight physical impacts that may occur such as excessive overlooking beyond that which is acceptable under normal domestic use. The applicant was provided with a copy of the submissions and has provided a response to the officer. If it is deemed that the issues raised by the submitters have been addressed by the applicant, then the submitter would be provided with a copy of the response and the opportunity to withdraw the submission. In this regard, this process would not have resulted in a withdrawal of all the submissions such that it was no longer required to be determined by Council, therefore the applicant’s response has been provided as an attachment to the report.</p>
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	<p>Given the projected increase in retirees settling in the area and their all year round contribution to Denmark's economy Council should proceed with urgency as the area is already becoming less attractive to existing residents and that will flow over to prospective residents.</p> <p>We are also aware that Council's current approach to the siting of these businesses is influenced by the number of complaints that have been received. This approach is fundamentally flawed. Firstly, people are generally reluctant to make complaints and usually avoid confrontation. Secondly the majority of the issues existing residents have are cumulative. Individually they are not matters residents would complain about. For example, lighting overspill, increased vehicle movements, bins left out, garden maintenance and or potential fire hazards.</p> <p>Another problem with the current approach is that it gives prospective unhosted commercial holiday home owners a high degree of certainty that their application will be "approved" with minimal conditions. This is apparent in that holiday homes in our area have clearly been built and furnished for holiday purposes rather than permanent use prior to any approvals being sought or received. This does not give surrounding residents any confidence in their input.</p> <p>We understand that in September 2011 Council agreed to open up other areas to holiday home accommodation to relieve pressure on areas like Weedon Hill and spread their development around the Shire. Special Residential Zones were favoured because the lots are larger and it was thought the impact might be less. In our and our neighbours experience this is not the case. It does not adequately take into account the topography, for example. The impacts of noise, lighting overspill, loss of privacy, lack of</p>	<p>Comments noted.</p> <p>Approval of Holiday Homes differs from assessment of other Planning proposals in that known impact can largely not be ascertained prior to approval because the nature of the land use is based on 'people and behaviour'. Therefore, comments based on speculation cannot factor in to the assessment. As the physical building component of the proposal is acceptable development on the lot in its own right, unless there are unwavering reasons that a property is not suitable because the impact would be significantly greater to that which could occur under normal residential circumstances, refusal of an application is unlikely. A measure of control is applied through provision of an initial 1-year registration to ascertain that use has been in accordance with the imposed conditions and that where problems arose they were managed</p>
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		<p>screening, fire risk and increased vehicle traffic are considerable and not significantly different to those experienced in smaller lot residential zones. Community expectations of what the amenity of “Special Residential” should be like are not being met.</p> <p>While we understand the need to reduce the impact on residents with a proliferation of holiday homes in Weedon Hill the solution is at best short term. The approach is now resulting in those issues beginning to be experienced by permanent residents here. In essence the “Weedon Hill” experience is being replicated in other areas.</p> <p>Council should show leadership in this regard and not fall back on the approach of other State planning authorities including the Western Australian Planning Commission and the State Planning Tribunal.</p>	<p>accordingly.</p>
<p>S.2</p>	<p>Details omitted as per Council Policy.</p>	<p>We are the owners/occupiers and wish to lodge a strong objection to this application. We therefore provide the following submissions. The application will certainly have an impact on our property with potential loss of amenity. We have already been put to great expense to alleviate issues following the approval of 116 Peace Street as an unhosted holiday home relating to issues of our privacy.</p> <p>We believe this application is of such an important issue to residents, that the proposal be considered at a Full Meeting of Council, and not under delegation by Shire Officers. All Councillors should be made aware of this (and other such) applications.</p> <p>May we state at the outset, that we are fully aware Denmark is a popular holiday destination and needs to be able to offer holiday accommodation, preferably in the form of B&B’s where there is a host on site at all times.</p>	

Submissions to support rejection of this application:-

- The proposed holiday home at 114 Peace Street has an outdoor entertaining area [REDACTED] that is elevated, open and exposed thereby compromising our privacy. Sound carries easily. Several windows in the house have direct views into our property. Should the application be approved, increased privacy must be provided with the planting of trees/shrubs between the two properties and/or additional screening around the outside bbq/entertaining area.
- The application is for up to 6 guests and this should be strictly adhered to. No parties be allowed. No “schoolies” and no animals. This should be monitored at all times – what assurances would we have that this is the case with no owner/manager on site?
- The house at 116 Peace Street is also a holiday home directly overlooking our home [REDACTED]. This house is listed on “Airbnb”(and other accommodation internet sites) as an unhosted, commercial holiday home. When this house is occupied, the residents seem to delight in having every light, inside and outside, turned on – it is like a beacon on a hill. This has occurred on at least 90% of the time the residence has been occupied. Today (17/6/2020), additional lighting has been installed at 114 Peace Street under the eaves near the bbq/entertaining area, with a corner two-way light directly facing our property. Excessive lighting facing us from our east and our south, would be just too much to tolerate and an infringement on our rights living in a residential (not commercial) zone. With joint bookings this is most likely to occur.
- We live in a Special Residential zone and have the expectation of

See the key issues section of report for comment on the outdoor area.

Maximum occupancy of Holiday Homes is restricted through development conditions. Contact details of the relevant Property Manager will be made available to landowners consulted as part of the development application in the event an approval is granted. Neighbours can notify the Property Manager and/or Shire of any issues relating to the operation of the Holiday Home.

The lighting associated with No. 116 Peace Street does not form part of the assessment for this application. The applicant has confirmed that additional lighting at No. 114 has been provided to the patio area and stairs to avoid a safety issue and the pizza oven area which was unusable without light. The applicant has confirmed that the lights are not directed at neighbour’s properties. See Key issues section of the report for further comment regarding lighting.

		<p>enjoying a peaceful lifestyle. There are already other holiday homes in Peace Street. Approval of 114 would bring the number to 5. Families with young children live in the area surrounding these holiday homes and those families should not have the worry of increased traffic and many strangers occupying houses. If this application is approved, a precedent could be set that Peace Street will be the place to set up more unhosted, holiday accommodation, thereby creating an “unofficial” tourist zone. This would result in uncertainty for existing residents.</p> <ul style="list-style-type: none">• We are aware that the owners of 114 and 116 Peace Street are related. Therefore, what is to stop these homes being let to guests as a “group” booking with the risk that the occupiers “migrate” from one premises to the other. In fact, this has already occurred resulting in increased noise levels (eg Sunday 7 June 2020 after 10.00pm). It would in effect mean that up to 12 people could be gathering at either of the houses at any one time. At present, the Shire’s policy (19.5) does not address the issue of adjoining holiday homes: eg joint bookings, potential for a string of commercial, unhosted holiday homes, along the street.• 114 Peace Street has a number of exceptionally tall trees surrounding the property. A further condition for any holiday home approval should be that the property is to be maintained to a high standard at all times. Following high winds and/or storms, the property is littered with fallen branches. Not being permanently occupied, we can envisage the land will remain in a messy condition for extended periods. This would not only be unsightly but in contravention of Fire Regulations.	<p>The Shire currently has two (2) Holiday Homes registered within the Special Residential 2 Zone (S/Res 2) – One is adjacent to this proposal and the other is located approximately 0.5 kilometre away on Knowles Court. There is one other Holiday Home approval on Peace Street within a different Special Residential Zone (S/Res 4) located 1.2 kilometres away and therefore less likely to have a direct impact on the S/Res 2 Zone.</p> <p>See Key issues section of report for comment regarding number and distribution of Holiday Homes.</p> <p>Maximum occupancy of Holiday Homes is restricted through development conditions. It is not unreasonable to expect that the owners of both properties could occupy their respective homes at the same time to which planning conditions do not apply.</p> <p>It could be argued that Holiday Homes are generally maintained to a high standard by virtue of appealing to prospective clientele, noting general property maintenance is not a planning matter and the Shire’s annual Fire Management Notice applies to all properties. The applicant has appointed a maintenance manager to look after the property.</p>
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		<p>It seems very unfair when the Shire's current policy regarding unhosted, commercial holiday homes results in permanent residents having their lives disrupted by casual occupiers of homes, whose owners do not live in Denmark and thereby do not directly contribute to the community. Residents bring much more to the town and the region and sustain the community and local businesses, particularly during low tourism times.</p> <p>Please keep us informed of the outcome of our objection to this application.</p>	
S.3	Details omitted as per Council Policy.	<p>In reply to: the above-proposed holiday home we, [REDACTED], strongly object to this proposal.</p> <p>We are extremely disappointed that yet another holiday home is being considered in our neighbourhood. Not only will we be overlooking one holiday home but now two, and they will be side by side!</p> <p>Holiday homes by their very nature are a different kind of dwelling compared to a residential home. To have too many holiday homes in an area is not desirable and for holiday homes to be adjacent to one another makes this negative impact even worse.</p> <p>At present the intense exterior lighting, from 116, consistently invades our privacy. No screening was ever put into place although, we asked for this to be considered at the time. We are now concerned that we will have two holiday homes bombarding us with their external lighting, as there is little or no screening at 114 either!</p> <p>We understand that the owners of the two adjacent holiday homes are related and we are fearful that the two homes, of at least 6 adults per home, will be let to associate groups simultaneously. Allowing a large number of people to congregate at either dwelling. This will also create excessive</p>	<p>The submitter's property is located on the opposite side of the road in an elevated location, such that it itself is not overlooked by the holiday home/s. There is no physical change to the outlook from the submitters property as the single dwelling is already approved on the subject lot.</p> <p>The lighting associated with No. 116 Peace Street does not form part of the assessment for this application. The applicant has confirmed that additional lighting has been provided to No. 114 to the patio area. As the submitters house does not face the patio area which is fully screened from view being on the opposite side of the house no additional lighting impact to that which has been in place with the existing house is perceived.</p>

		<p>movement between the two properties.</p> <p>We understand that Denmark relies upon and needs tourism and therefore holiday accommodation. However, the holiday accommodation density in a street or area needs to have been considered carefully so as not to overshadow the tranquility and harmony of Denmark's residential population, and be detrimental to the Denmark way of life.</p>	<p>Maximum occupancy of Holiday Homes is restricted through development conditions. The applicant has confirmed that the property will not be jointly leased and will be managed by a different property manager to the adjoining Holiday Home. Notwithstanding, it is not unreasonable to assume that at times both Holiday Homes could be occupied by their respective owners or tenanted by guests at the same time.</p>
S.4	<p>Details omitted as per Council Policy.</p>	<p>I'd like to lodge a formal objection of above property being granted permission to be used as holiday accommodation/ Air BnB.</p> <p>I am home owner of [REDACTED] living next door to holiday accommodation/ Air BnB. Occupants of 116 show little regard to permanent residents of our area, utilising the outdoor entertainment area as living space. The noise carries and shrieks can often be heard into the night, beyond the shire recommend 9pm Sunday to Thursday and most definitely on a Friday and Saturday night curfew.</p> <p>The proposed holiday accommodation/ Air BnB at 114 Peace Street is owned by same family, amplifying noise of two holiday premises adjacent to each other in a primarily residential area. I'd be interested to hear Denmark Shire's position on number of permitted holiday homes in special residential area?</p> <p>Many thanks for taking this objection into consideration.</p>	<p>Issues relating to potential noise emission from the outdoor area would apply irrespective of the Holiday Home use. Policy 19.5 stipulates that speculation relating to potential behaviour of guests (including noise) does not represent a valid ground for refusal.</p> <p>See report for comments regarding the number and distribution of Holiday Homes in Special Residential areas.</p>
S.5		<p>Thank you for sending us the beautiful, but rather extravagant letter, featuring full colour print on white 300GSM paper, with gold foil letterpress accents.</p> <p>In which, we were asked to support your client's request to extend/expand their commercial holiday home development situated in the "Special Residential Zone 2" at 116 peace Street, to include No. 114 (Lot 209) Peace Street, Shadforth. As you have correctly identified, this proposed development is situated adjacent to our home [REDACTED] [REDACTED]. We owner occupy this residence, and the neighbouring proposed commercial holiday home development at 114 Peace Street is</p>	

	<p>directly in our line of sight. This is also the case with the other commercial holiday home at 116 Peace Street.</p> <p>After receiving this letter we consulted with a lawyer about options to protest the proposal of the second adjoining property (114) to be approved as a holiday home. After this consultation, we would like to submit our objection to this proposal on the following grounds. These are based on the fact that this is an adjoining commercial development, which directly impacts on our residence.</p> <p>In the following points of objection, I will refer to Denmark Shire's Town Planning Scheme Policy No. 19.5: Holiday Homes.</p> <p>Points as follows:</p> <p>1) In section 3. of the Town Planning Scheme Policy No. 19.5 it is stated that the objective of the scheme is: "To minimise negative impacts of holiday homes on the amenity of adjoining residents through appropriate planning approval conditions and associated regulations that apply."</p> <p>This has clearly not worked out in the case of the development at 116, which has recently had its operation permit approved for 3 more years, despite multiple complaints prior to approval, from surrounding neighbours.</p> <p>Importantly we were never consulted by the Denmark Shire, about the commercial development of the property at 116 Peace Street. This property is easily seen from many vantage points both inside and outside our home. Unfortunately, on many occasions, at night, the development at 116 is excessively lit up with very bright external lighting; this is often left on all night. At these times, we have had to close the internal doors to ensure the light pollution is not intruding on our main bedroom late at night.</p> <p>Recently the commercial developer installed floodlights to the outside entertainment area of the proposed development at 114 peace st. These new lights impact on our son's bedroom and the study room.</p>	<p>Renewal of Holiday home approval after the initial 1-year period takes in to account any recorded complaints received. In this regard, if it can be demonstrated that the complaint was appropriately managed there are no grounds for refusal.</p> <p>Policy 19.5 requires advertising of applications to the immediate adjoining landowners (generally identified as one (1) x landowner either side of the subject property including across the road and to the rear). The lighting at No. 116 does not form part of this assessment.</p> <p>The applicant has confirmed that they have installed lighting to the patio area that was somewhat unusable at night due to inadequate lighting and potential safety issue near steps and that they are not</p>
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	<p>The proposed development at 114 impacts on our privacy, as the main outdoor entertainment area directly overlooks our house and grounds and into our 11-year-old son's bedroom. The transient nature of the holiday home's guests is of concern, as we have no current means of screening the entertainment area of 114 from overlooking our living areas. We have 2 young children, and my wife is often home alone, during periods when I work away. We are concerned that the transience of the residency to both adjoining holiday homes could present a threat to our privacy and security.</p> <p>2) These 2 adjoining properties are managed and leased by the same owner. What guarantees are there that a large group booking will not secure both adjoining properties? Indeed in recent times, tenants from 116 have been observed to relocate to 114 in the evening.</p> <p>I refer to the 'Town Planning Scheme Policy No.18 Tourist Development Other than "Bed and Breakfast" uses within the residential zone'.</p> <p>"1 - Council will not approve development applications for these limited small-scale tourist uses to be operated within the Residential Zone if in the opinion of Council these uses will have a detrimental impact on, conflict with, or prejudicially affect the existing adjacent residential living environment or amenity."</p> <p>The lease of these adjoining properties could be seen to be in violation of the above listed policy. Indeed what is to stop a large group from securing these adjoining properties?</p> <p>3) It appears the proposed commercial development at 114 has bitumen with crushed rock / pea gravel overlay installed. This is not in accordance with the requirements stated in the Policy (6.4 listed below). This also applies to the 116 shire approved development. We understand that Blue Metal overlaid was recently installed at 116. This property is also in breach of vehicle parking and crossover requirements under the Denmark. Both properties are located in a Special Residential Zone Holiday home, and as such the driveways are required to be sealed and maintained with asphalt, concrete or brick. Neither</p>	<p>directed at adjoining properties. See Key issues section of the report for further comment on lighting.</p> <p>The dwelling, the subject of this approval, was granted approval in 2004 (some 10 years prior to the construction of the submitters property), therefore it is reasonable that the outdoor living area and associated overlooking would have been given consideration prior to now. As the holiday home will be limited to occupancy of 6 persons, it is not envisaged that any significant impact over that which could occur under normal residential circumstances will occur. Furthermore, the nature of Holiday Homes means there are extended periods of time where the home is unoccupied.</p> <p>The Holiday Home will be limited to 6 persons residing on the property at any one time. When the home is being occupied by the owners it is reasonable that they may rightfully socialise with neighbours which is beyond any Planning control.</p> <p>Policy 18 does not apply to Holiday Home proposals or Special Residential zoned lots. It is for the purpose of allowing Chalet/Studio type accommodation on 'urban residential' zoned lots only.</p> <p>The Shire's Infrastructure services have confirmed that the treatment of the crossover and driveway adequately meets the requirements.</p> <p>The driveway/crossover treatment at No. 116 does not form part of this assessment.</p>
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of these developments complies with this requirement. Indeed in the instance of property 114, the pea gravel has been observed to wash down hill with excessive rain.

Policy 6.4 Access and Maneuvering Requirements as follows: “As a minimum the following construction standards shall apply:

Table 3: Vehicle Crossover	
Existing Road Condition	Construction Standard
Where the property fronts an existing gravel road.	<i>The crossover shall be constructed to an all-weather standard (e.g. gravel, crushed rock) to facilitate access to the development by 2 wheel drive vehicles and thereafter maintained.</i>
Where the property fronts an existing sealed (i.e. bitumen/asphalt) road.	<i>The crossover shall be constructed to a sealed standard (asphalt, concrete or brick pavers), drained and thereafter maintained.</i>

Table 4: Accessway, Parking & Manoeuvring Areas	
Zoning of Subject Property	Construction Standard
Residential Special Residential	<i>Vehicle parking, manoeuvring and circulation areas shall be suitably constructed, sealed (asphalt, concrete or brick pavers), drained and thereafter maintained.</i>
Rural Special Rural Rural Multiple Occupancy Landscape Protection	<i>Vehicle parking, manoeuvring and circulation areas shall be suitably constructed to an all-weather standard (e.g. gravel, crushed rock) to facilitate access to the development by 2 wheel drive vehicles and thereafter maintained.</i>
Tourist	<i>Construction standard will depend on the location of the property – i.e. if located in Denmark townsites then the construction standard that will be applied is as per 'Residential/Special Residential' zone requirements.</i>

(See footnote for construction materials.)

We are not alone in our objections to this proposal, as we understand from discussion with our neighbours, that they have also submitted objections. We understand that the premises must be run in accordance with the Property Management Plan, which the Shire has advised they will provide. We will hold the premises to that standard if it is approved.

The Shire’s Infrastructure services have confirmed that the treatment of the crossover and driveway adequately meets the requirements.

	<p>After being advised by our lawyer we understand that unfortunately the state legislation has been changed, that there is now no option for a third party (such as us) to appeal to the State Administrative Tribunal. With this in mind, we appeal to the Denmark shire planners to follow the correct procedures and ensure that this proposal is presented to the shire councillors for review. Further to this, we would hope that any councillors with holiday homes in Denmark, are required to declare a conflict of interest when being asked to vote on issues directly involving holiday home planning in this region.</p> <p>If these objections are not upheld, our request is that the premises must be run in accordance with the Property Management Plan,</p> <p>We would also like to take this opportunity to extend our apologies for not being in a position to respond to your inquiry on such high quality stationery.</p> <p>Foot Note: When people talk about asphalt and bitumen, the words are often used to describe the same thing, which is not correct. Bitumen is the liquid binder that holds asphalt together. A bitumen-sealed surface is a layer of bitumen sprayed and then covered with an aggregate (crushed rock, or gravel). Asphalt is produced in a plant that heats, dries and mixes aggregate, bitumen and sand into a composite. It's good to understand the difference between the two.</p> <p>Benefits and Disadvantages of Asphalt</p> <p><i>Benefits:</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Minimal noise <input type="checkbox"/> Energy efficient -reduces friction between tire and car, which in turns means better fuel economy and a reduction of carbon dioxide emission <input type="checkbox"/> Safer than most pavement options- asphalt gets a smoother and more skid-resistant surface making asphalt a safer option <input type="checkbox"/> Reduced wear and tear on vehicles and tires <p><i>Disadvantages:</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> More expensive to install compared to bitumen <input type="checkbox"/> Requires a well-prepared surface before paving is done 	<p>It is confirmed that there are no Third Party rights to appeal Planning Determinations.</p> <p>Comments and supporting information noted.</p>
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Extreme hot temperatures can affect the asphalt negatively and make it go soft

Benefits and Disadvantages of Bitumen

Benefits:

- Cheap to install compared to asphalt
- Can be recycled instead of going to landfill

Disadvantages:

- The loose rocks on bitumen pavements make the driving experience noisier and wear down tires.
- Less durable
- Extreme weather and improper weather conditions tend to make bituminous pavement slick and soft.
- Can cause pollution to soil and groundwater

