

Ms Annette Harbron  
Director of Planning  
Shire of Denmark  
953 South Coast Hwy  
Denmark 6333  
16 May 2015

Dear Annette

We wish to apply for consent for our property at 22 (Lot 25) Lights Rd, Ocean Beach to operate as a Holiday Home (standard). Please find enclosed the relevant plans and forms. Photographs of the property will be emailed to the Shire.

The property is new, purpose built to be used as a holiday accommodation satisfying all the BCA codes and has been built with the view to mitigating the usual concerns about noise that neighbours may have. It has double glazing to all windows and sliding doors and the main outdoor large living space is situated at the front of the property where the effect for rear neighbours is minimised. There are no properties directly across the road.

The property has been built for our own enjoyment as we move into semi retirement however would like to be able to make it available to holiday makers when we are not using it.

We have very a good relationship with the adjoining land owners to the left at both 18 and 20 Lights road and also with the owner of the properties to the right 24 and 26. We have discussed and shared our plans with these neighbours who have not raised any issues about this application with us.

The adjoining neighbour to the rear we understand rents the property so may not be there indefinitely and we have had no discussions with the owner of that property.

There will be screening plants across the back adjoining fence line to adequately screen the back of our property from the rear property, and given the large outdoor deck is set to the front, any noise should be minimised.

We have designed and developed this property after considering the Shire's Holiday Home Policy 19.4, discussions with planning staff as well as taking into account the adjoining land owners possible concerns and hope to receive a positive response to this application.

Kind regards

  
Marisa Spaziani and Jim Drewe

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## **22 (Lot 25) Lights Road, Ocean Beach 6333**

### **Property Management Plan**

**Property Address: 22 Lights Rd, Ocean Beach 6333**

#### **Property Manager Details**

**Name: Mike and Noi Saunders**

**Address: 13 Gilbert Rd, Denmark 6333**

**Telephone Number: 98481780 or 0448776735**

**Email: mike1066@fastmail.fm**

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

- Is a person that will have the day-to-day management of the holiday home.
- Will specifically respond to complaints pertaining to guest behaviour made before 1am within a 2 hour timeframe.
- In relation to any other complaints will respond within a reasonable timeframe but in any event within 24 hrs.

#### **Duties of Property Manager**

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:

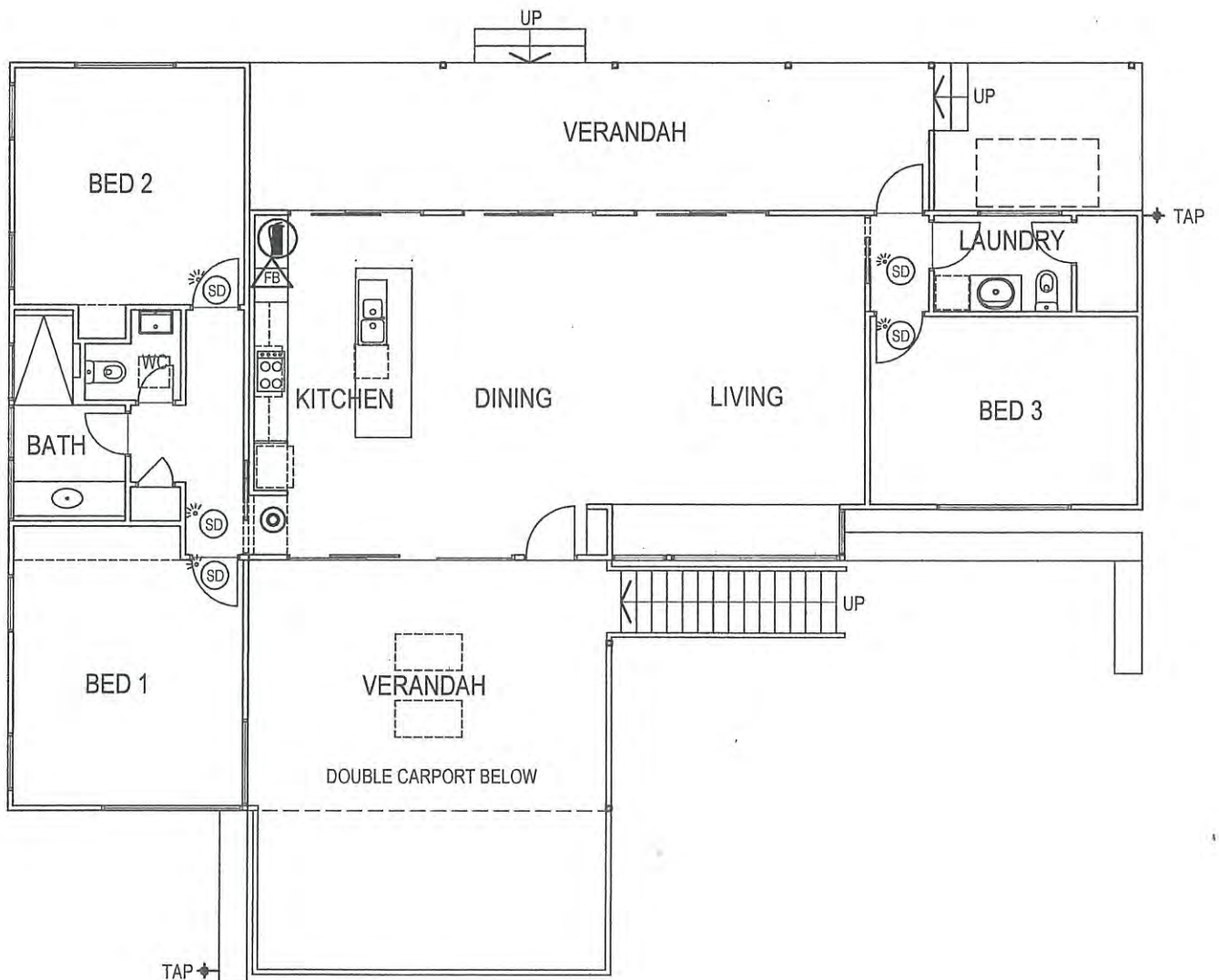
- Liaise with tenants for the occupancy and vacation of the premises.
- Ensure the correct maximum number of people is staying overnight in accordance with planning approval conditions.
- Ensure guests are aware of the code of conduct.
- Ensure guests are aware of the Fire and Emergency plan.
- Maintain 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.
- Ensure rubbish and recycling bins are put out and collected as required.

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# FLOOR PLAN

PROPERTY ADDRESS:

22 LIGHTS ROAD, DENMARK



## LEGEND



YOU ARE HERE



SMOKE DETECTOR



FIRE EXTINGUISHER



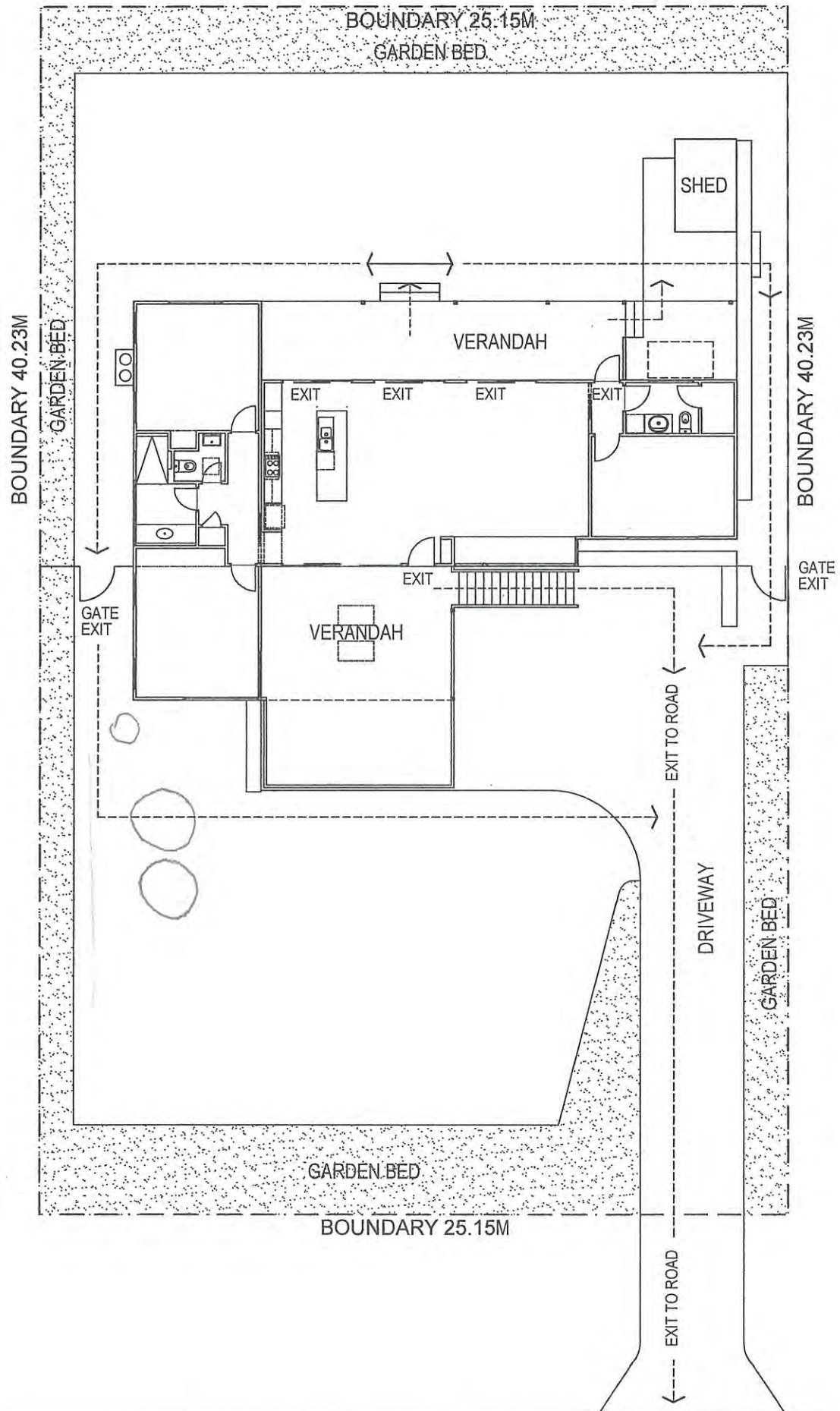
FIRE BLANKET



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FIRE EVACUATION ROUTE  
22 LIGHTS ROAD, DENMARK



LIGHTS

ROAD

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## 22 (Lot 25) Lights Road, Ocean Beach 6333

### Code of Conduct

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 on 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:** 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. (2 bays).

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

**Premise condition and cleanliness:** The tenants agree to leave the premises in a clean and tidy condition upon vacating with all fittings and chattels in their original condition and position. Tenants are to advise the property manager of any damage or repairs required within 24 hours of the damage occurring. Any damage repairs or excessive cleaning that is attributable to the tenants stay will be paid for by the tenants.

**Fires:** The tenant agrees not to light any fires (including open flame candles) at the property. No open fires are permitted outside at any times. BBQ (gas) facilities are provided and need to be used under supervision and turned off when finished using. Heating is via reverse cycle air conditioning and battery operated candles and torch are supplied in case of electricity failure.

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**Rubbish disposal:** Tenants agree to contain their rubbish in the bins provided. Tenants are responsible for putting out and collection of bins where your stay coincides with collection days.

Your collection day is Monday.

**Smoking, Pets and cleaning of fish:** This property is a smoke free property and no pets are allowed. Please do not clean fish on the property. There are fish cleaning facilities at Poddy Shot boat ramp.

**Keys:** At the end of the agreed tenancy, tenants agree to lock the premises, close all windows and sliding doors and return the keys to the key safe. Any lost or damaged keys will be replaced at the tenants 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 manager's discretion. No refunds will be made.

**SCHEDULE OF SUBMISSIONS: PROPOSED HOLIDAY HOME (STANDARD) – NO. 22 (LOT 25) LIGHTS ROAD, OCEAN BEACH (A570; 2015/96)**

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>As your records show I currently own an adjoining property at [address removed] Ocean Beach. I appreciate the opportunity to consider and comment on the proposal that has been lodged.</p> <p>I wish to exercise my right to <u>object to the proposal</u> for the following reasons:</p> <ul style="list-style-type: none"> <li>• There are already three (3) known holiday home businesses established in very close proximity or adjoining my property and this would make a fourth.</li> <li>• This concentration of holiday homes is not beneficial in providing a stable, supportive community in this residential area.</li> <li>• While current zoning may permit this type of business in the area, it is primarily a residential area for owner occupiers or rental tenants.</li> <li>• Regardless of your point considering it just speculation, the general transient business nature of “holiday homes” supports the objection based on previous experiences that this proposal does increase the <u>potential</u> for the type of behaviour that impacts adversely on direct neighbours and the surrounding permanent community (i.e. excessive noise, traffic etc.)</li> <li>• The proposal is again in direct opposition to the continuing discussion and movement within the Shire Council to limit the overall numbers of “holiday homes” within the town area. There are already known pitfalls to this type of unlimited rezoning in certain areas. Why do you continue on this path to the detriment of the permanent resident lifestyle?</li> <li>• I have not seen or heard of any evidence that would suggest more holiday homes should be approved in this residential area to cater for an increased need in the shire. Have you?</li> <li>• I trust that my objection to this proposal will be seriously considered along with other submissions in the final determination.</li> </ul>	<ul style="list-style-type: none"> <li>• That the holiday home will negatively affect the neighbourhood amenity is speculative and not grounds for refusal. Whilst previous experience may influence this perception, that the holiday home the subject of this application will have the same negative impacts is speculative. However, 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>• In circumstances where valid complaints regarding a holiday home are received, the Shire has the right to not renew the approvals to operate.</li> <li>• It is further noted that the potential negative aspects associated with holiday homes could occur at any residence, whether lived in by permanent residents or holiday makers.</li> <li>• It is noted that the Shire has no records of complaints in regards to holiday homes in the immediate vicinity.</li> <li>• A review of Policy 19.4: Holiday Homes (which was advertised to the community for comment) has been undertaken and will be considered by Council for final adoption at this Council Meeting – refer Item 8.1.2 for background on the policy review.</li> <li>• As per Item 8.1.2 the Shire is not seeking to remove the permissibility of holiday homes, though considers that the introduction of various controls such as increased rating and approval process requirements increases the standard of management and reduces the number of poorly managed, ad hoc commercial use of holiday homes.</li> <li>• Market supply/demand is not a planning consideration.</li> </ul>





**Marieke de Vries  
Senior Town Planner  
Shire of Denmark**

**Re: Application Proposed Holiday Home (Standard)  
22 Lights Rd Ocean Beach.**

We have received a copy of the one objection to our application, and respect the right of landowners to express and have their opinions considered. Thank you for the opportunity to respond to the concerns expressed in this objection as it relates to our application. We understand Shire councillors will have the opportunity to consider our response to this objection in considering our application.

Firstly, we are pleased the application only has one objection from our neighbours as we have been very open in our intention for the property with our neighbours and have received positive support .

In relation to the objection lodged we make the following comments:

In building our new house we were guided by the Shire's Holiday Home policy and zoning current at the time of application, Policy 19.4. In choosing the block of land on Lights Rd, we were cognisant of the area of Ocean Beach generally being a "destination" for holiday makers and locals alike, as marketed by the Denmark Visitor Centre.

The landowners at numbers 18, 20, 24 and 26 Lights Rd have spoken with us about our house and plans and do not have an issue with our application. The only adjoining landowner we have been unable to chat with is to the rear of the property facing Illuka Ave as the landowner rents the property to a tenant. I will presume then this objection is from the rear property. This is important for 2 reasons:

1. The concern about the potential for "excessive noise".  
22 Lights Rd, faces Lights Rd, there being no properties across the road. Our house being completed in 2015 satisfies all current BCA requirements and has double glazing to all windows and glass sliding doors. This reduces the amount of noise carrying to adjacent properties. The rear property is even less affected by possible noise due to having our rear yard and its own rear yard between the houses. The large front veranda of our property is built to enjoy the view. Most outdoor noise is likely to be on the front veranda having little impact on the rear property. The most affected parties are next door on Lights Rd and they have raised no objections.

## 2. Traffic issues.

The undercroft garage allows parking for two vehicles and is situated with the driveway to the front of the property facing Lights Rd. There is absolutely no effect of traffic to and from our property that has any direct effect on the rear property that faces Illuka Ave.

The issues of traffic and noise that concern the rear landowner are speculative and can just as easily be caused by resident owners or long term tenants, it is not only short term tenants where these issues about amenity can arise. It is however much easier to deal with short term tenants as they generally only stay a short period and they are much easier to evict. In actuality when we have been in our house barking dogs seem to be the predominant noise on a daily basis in the area, and we accept that dogs bark and have no issue with this.

I don't believe the term "business" truly represents the case at our property. We have built a new home primarily for our own enjoyment and would like to make it available to others when we are not there. This is not a registered business just as renting a property to long term tenants is not considered a business even though income is derived from the use of the property.

The issue raised about future zoning for holiday homes in Denmark is not applicable to our application. This is a separate matter more broadly about the Holiday Home and Tourism sector in Denmark for Elected Members to consider as they see fit and not a reason to deny our application per se.

The issue relating to the need for more Holiday Homes in the area is one that can only be answered via data from the Visitor Centre. My own experience is that when trying to book holiday accommodation in the summer months it can be quite difficult to get accommodation. This is really a supply and demand question that needs proper data to offer a response.

Furthermore, our next door neighbour at 20 Lights Rd has been approved and is operating as a Holiday Home for the past 12 months approximately. The very same objections were raised when they applied. We have been in our property on multiple occasions when there have been short term tenants in and there has never been a problem with either noise or traffic. I am not aware of any complaints made about this property in relation to these issues either.

Good management by both the Shire officers and responsible letting practices by landlords are the key to successful holiday rentals. I request we are given the same opportunity to demonstrate that we are responsible landlords. It is not in our best interests to allow excessive noise or other problems to occur and will do our utmost to ensure responsible letting practices.

Thank you for your consideration of our application.

Marisa Spaziani and James Drewe