

HOLIDAY HOME - PROPERTY MANAGEMENT PLAN

PROPERTY ADDRESS:

1 Tame Close Denmark WA 6333

PROPERTY MANAGER DETAILS:

Name: Ivar Meijer

Address: [REDACTED]

Telephone Number: [REDACTED]

Email: [REDACTED]

The nominated Property Manager will:

- *Have day-to-day management of the holiday home;*
- *Specifically respond to complaints pertaining to guest behaviour made before 1am, within a two hour timeframe;*
- *In relation to any other complaints, respond within a reasonable timeframe but within 24 hours.*

DETAILS OF RESERVATIONS ARRANGEMENTS (please tick all applicable):

- Internet (please specify) AirBnB/Stayz
- Denmark Visitor Centre
- Property Manager
- Other (please specify)



DUTIES OF PROPERTY MANAGER

- *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);*
- *Liaise with tenants for the occupancy and vacation of the premises;*
- *Ensure the correct maximum number of people are staying overnight in accordance with planning approval conditions;*
- *Ensure the premises are 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 premises, available for inspection by the Shire of Denmark upon request;*
- *Ensure the premises are 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.*

OFFICE COPY

HOLIDAY HOME - CODE OF CONDUCT

PROPERTY ADDRESS: 1 Tame Close Denmark WA 6333

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 their stay coincides with collection days.

*Your collection day is: **Friday***

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 Manager's discretion. No refunds will be made.



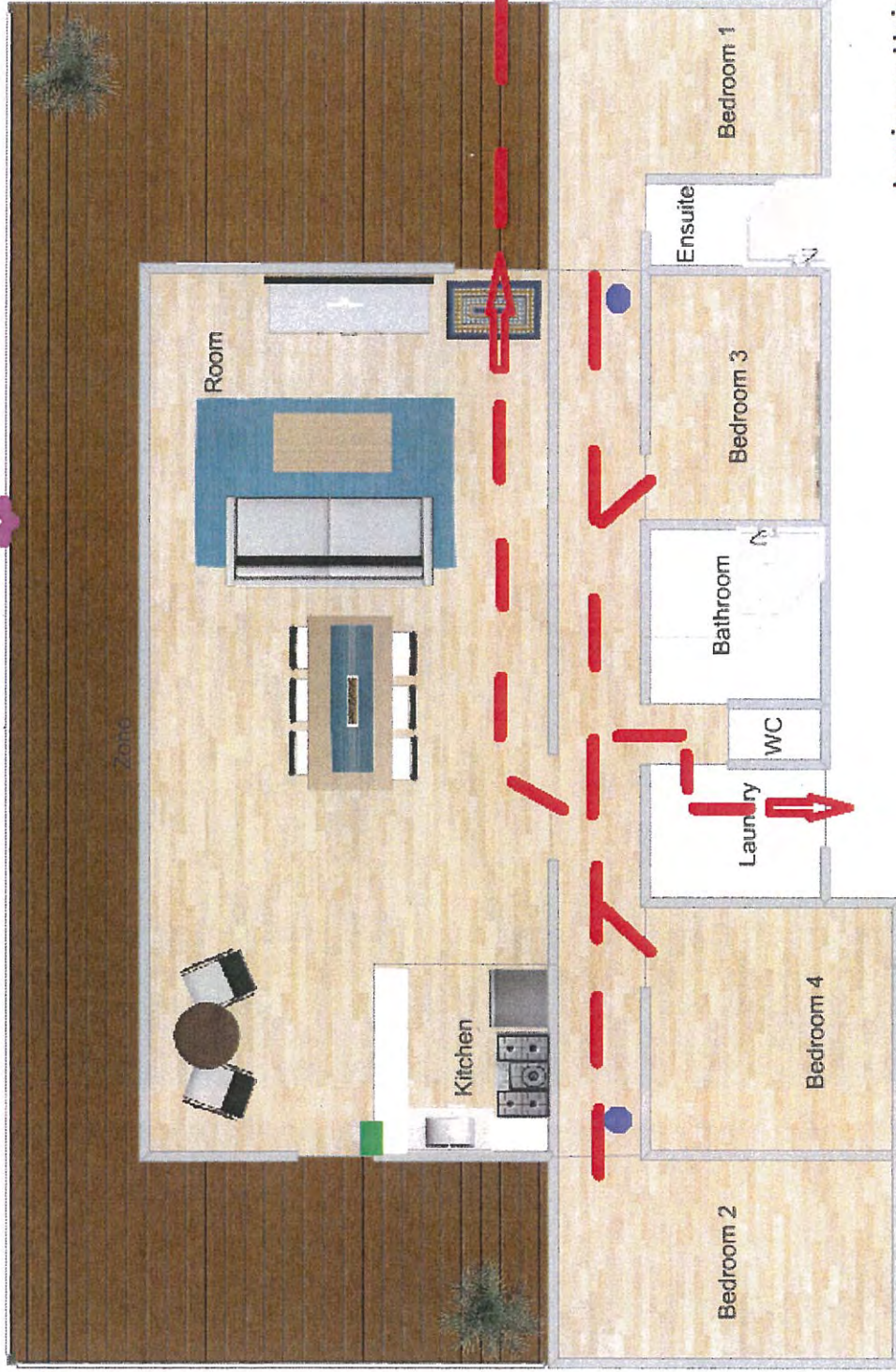
1 Tame Close, Denmark Emergency Evacuation Floor Plan



North

Legend

-  Smoke Alarms
-  Fire Extinguisher & Blanket
-  Evacuation Route
-  External tap & hose



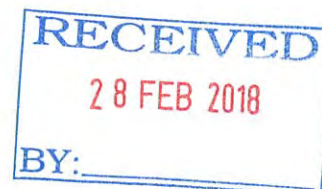
Jamieson Heights

RECEIVED
13 FEB 2018
BY:

Holiday Home – Fire & Emergency Plan

1 Tame Close Denmark, WA. 6333

What to do in an Emergency Situation



FOR ALL EMERGENCIES DIAL 000

1. Contact the Property Manager Ivar Meijer on M: 0423 282 342
2. Await advice from authorities
3. Listen to your local ABC radio station AM630 for updates (www.abc.net.au)
4. In case of bushfire monitor the Emergency WA website - <http://www.emergency.wa.gov.au> and www.fesa.wa.gov.au/alerts

Fire Emergency Procedure

1. Raise the alarm and proceed to the emergency muster point (car park in front of house)
2. Assist anyone in danger if safe to do so
3. If safe use extinguisher or fire blanket to smother fire (located on kitchen wall adjacent to sliding door to balcony)
4. Designated person to conduct head count to ensure all personnel are accounted for and safe
5. Remain at Assembly Area and follow instructions from emergency services personnel
6. Two hard wired smoke alarms are located each end of passageway to bedrooms
7. Garden hoses are located outside of rear door leading to the laundry and on pole where vehicle parking is under the house



Hard Wired Smoke Alarms
Both Ends of Passageway

Emergency Information

Fire / Police / Ambulance	000
SES State Emergency Service Assistance	132 500
DFES for Emergency Information	133 337 www.dfes.wa.gov.au
Emergency Warnings & Incidents	www.emergency.wa.gov.au
Shire of Denmark	www.denmark.wa.gov.au
Property Manager – Ivar Meijer	0423 282 342
Fire & Emergency Services Information Line	1300 657 209
Denmark Police	9848 0500
Denmark Fire & Rescue Services (general enquiries)	9848 1809
Denmark Hospital	9848 0600
Shire of Denmark	9848 0300
SES Denmark Duty Officer	0429 926 715
Health Direct	1800 022 222
Main Roads	138 138
Western Power	131 351
Water Corporation	131 375
National Relay Service	1800 555 677
Denmark Visitors Centre	948 2055

PROPERTY DETAILS these will be asked when on the phone to emergency personnel

Property Name	<i>Karri Vista</i>
Type of Emergency	<i>Fire/Explosion/Storm Damage/Medical</i>
Street address	<i>1 Tame Close, Denmark. WA 6333</i>
Nearest cross road	<i>Corner of Jamieson Heights/Tame Close</i>
Mobile Phone Number	<i>Notify emergency personnel of your contact number and name</i>

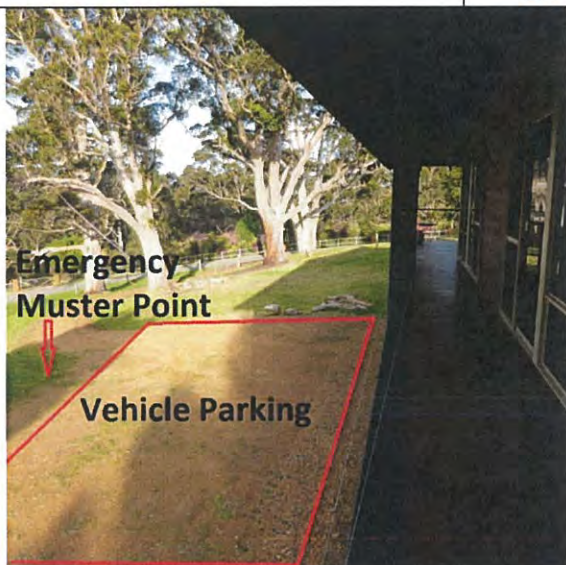
RESPONSIBLE PERSON ON SITE

- Know how many people are on site; guests, visitors
- Have a system in place to alert everyone on site that there is an emergency
- Know if anyone needs assistance to move out
- Responsible person to check that everyone is out

EVACUATIONS

Emergency Assembly Points

<i>Main assembly area</i>	<i>Car Park in front of House</i>
<i>Second assembly area</i>	<i>Corner of Tame Close & Jamieson Heights on verge</i>



The Floating Forest

al & vice

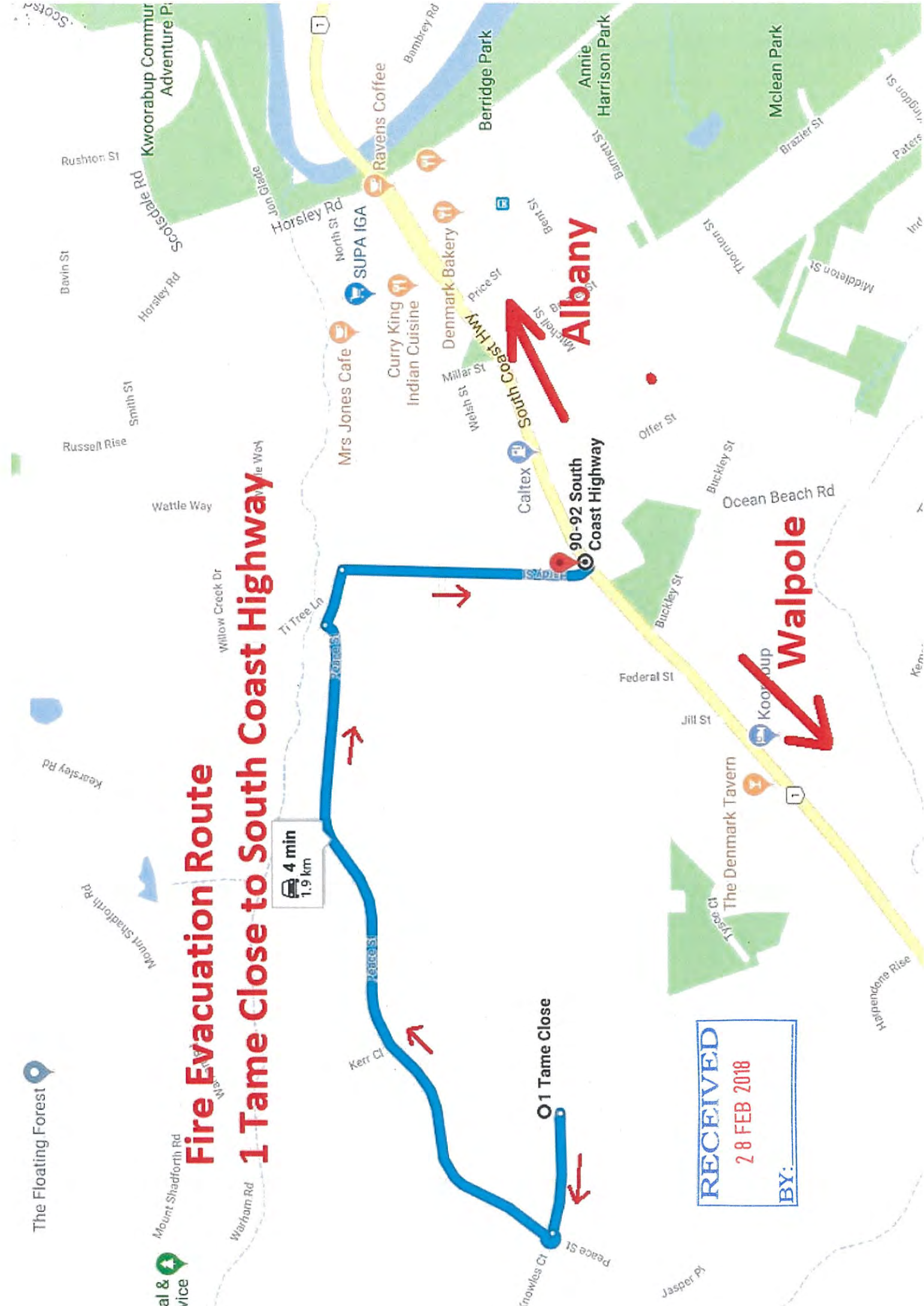
Fire Evacuation Route

1 Tame Close to South Coast Highway

4 min
1.9 km

O1 Tame Close

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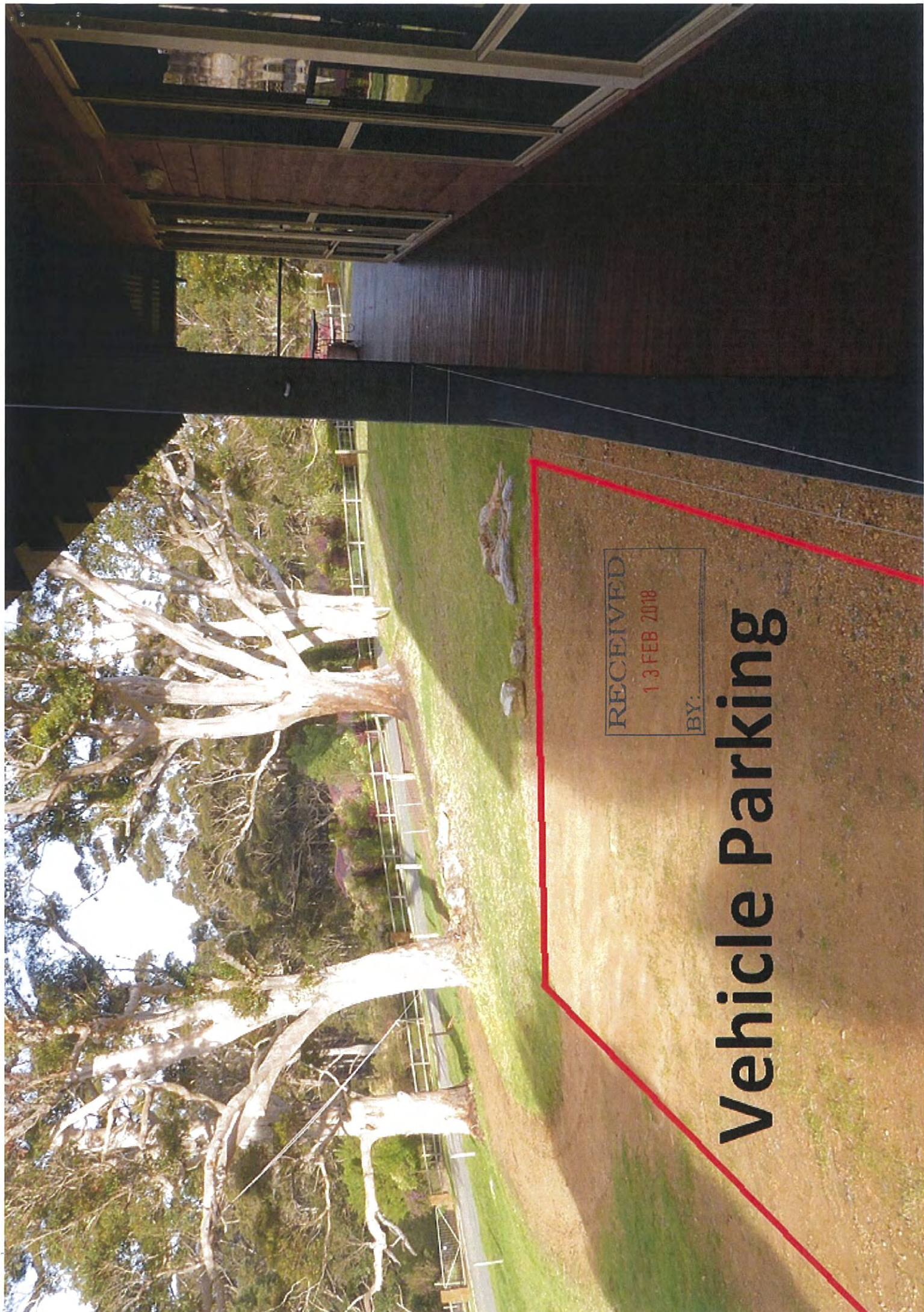
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Under house parking for 3 vehicles

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Vehicle Parking



**Hard Wired Smoke
Alarms
Both Ends of Passageway**

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BY: _____

Fire extinguisher



Fire Blanket



RECEIVED
1-3 FEB 2018
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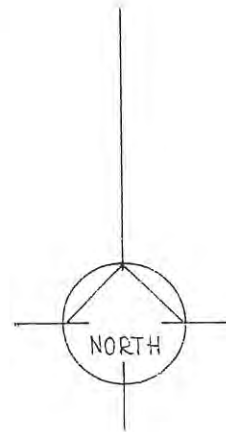
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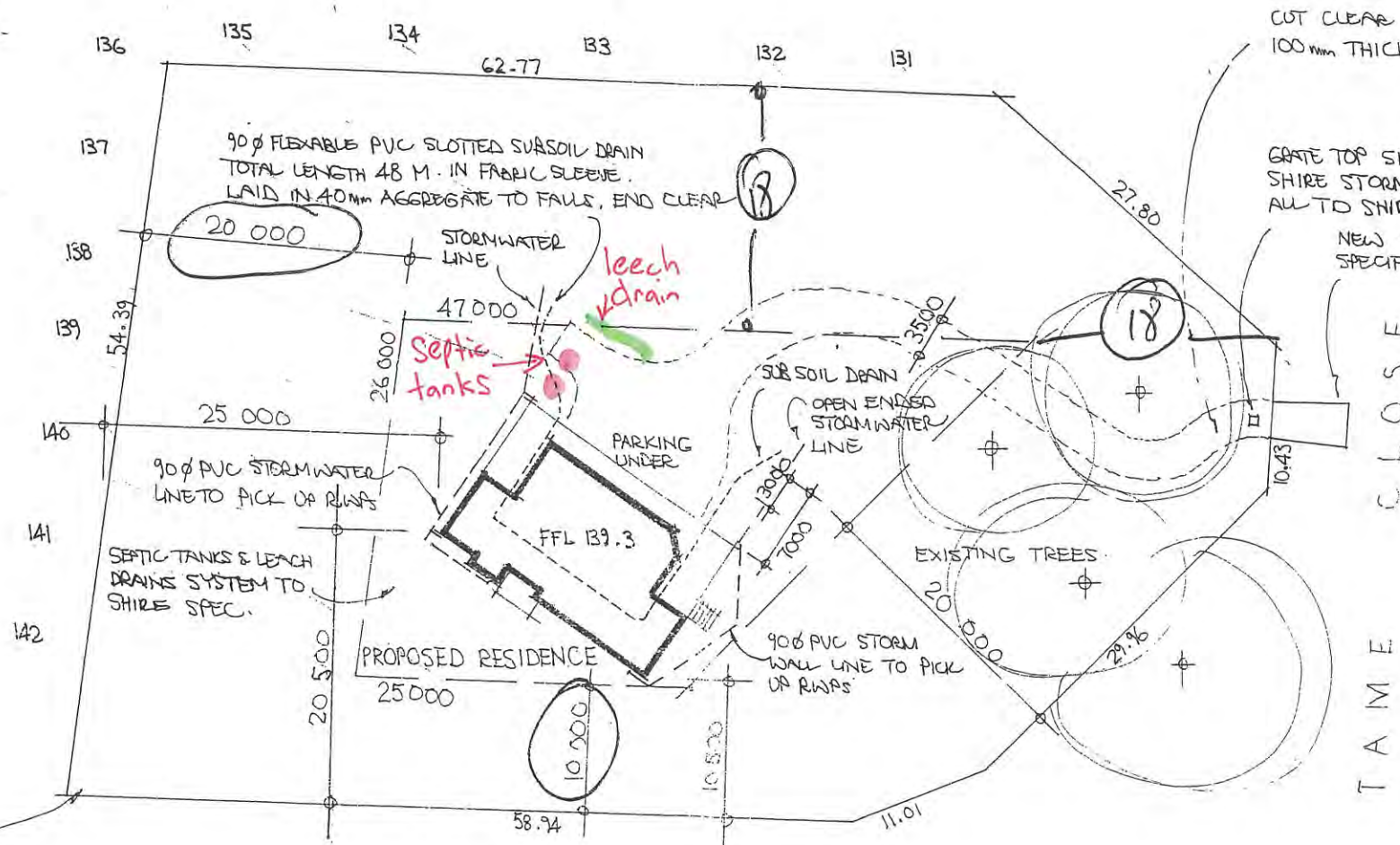
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Builder: South Coast Building Contractors

EXCAVATE TO LEVELS REQUIRED
MAKE ALLOWANCES FOR UNDERCROFT
PAVING.



BUILDER TO ALLOW FOR SERVICES
RUN IN FROM CONNECTION POINT



CUT CLEAR AND LAY
100mm THICK COMPACTED GRAVEL DRIVE

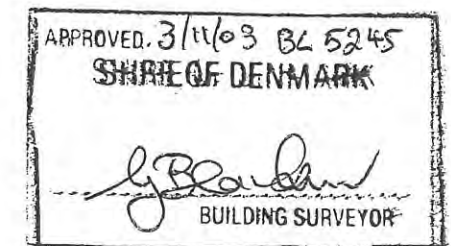
GRATE TOP SILT TRAP IN DRIVE. NEW SUMP OVER
SHIRE STORMWATER DRAIN FOR CONNECTION TO SAME
ALL TO SHIRE SPECIFICATION

NEW CROSSOVER TO LOCAL SHIRE
SPECIFICATION

T
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J A M I E S O N
H E I G H T S

SITE PLAN 1:500



14 OCT 2003

PROPOSED RESIDENCE
LOT 243 TAME CLOSE DENMARK

MAXWELL DESIGNS John
Building Design ABN 49 835 626 776
PO Box 31 DENMARK 6333
Ph/Fax 9848 1849 Date: SEPT 2003
Ph 9848 1422 3123 Drwg: WD 1.
Ph/Fax 9848 2707

SCHEDULE OF SUBMISSIONS: PROPOSED HOLIDAY HOME (LARGE) – NO.1 (LOT 243) TAME CLOSE, SHADFORTH (2018/24; A3735)

15 May 2018 - Attachment 8.1.2b

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 are writing in response to a letter received from your office informing us of a submission from our neighbour at 1 Tame Close, seeking shire approval for “Holiday Home (Large)” status for their property. Our opposition to the proposal is based on the broader, longer term and as yet, unquantifiable impacts of holiday homes on quality of life and asset value for residents of “Special Residential” zones. Our concerns are as follows:</p> <ul style="list-style-type: none"> • The application is for “Large” status and not “Standard”. The difference between the two is quite significant in terms of noise and traffic, the former having the potential to have a much greater impact on surrounding residents. Our outdoor entertaining area is in direct line to the outdoor deck of the proposed holiday home, as are the parking areas, therefore there is nothing to obstruct the noise. We have already noticed the increased noise and traffic since we noted large groups of tourists using the dwelling and can clearly hear them partying on the deck. • Once approval is given to one, it sets a precedent. On the basis of equity, it would be reasonable for others to expect approval for similar applications. I note that recent approval has been given to 116 Peace St to operate as a “Standard” holiday home. This property is to the rear of our home across the street. It is not hard to visualise how the feel of a neighbourhood could change dramatically and quickly with possible longer term adverse implications for property values and quality of life for residents in the area. If the pending application is successful within a few months we will have two holiday homes in close proximity to ours. This will have a compounding effect of traffic and noise issues, especially if “Large” status approval is granted to the current applicant. Therefore is appropriate that the Shire consider the overall effect of multiple applications on the existing residents rather than each application in isolation. If the Shire feels holiday homes must be permitted within the residential zoned areas a better approach would be to space these holiday homes so that enclaves of holiday homes are not created disproportionately adversely affecting some home owners and not others. • The influx of multiple holiday homes into Jamieson Heights will inevitably lower the property value. Our decision to purchase land and build a house at [address removed] (adjoining 1 Tame Close) was based on the area being zoned “Special Residential”. We are looking for a retirement home and understood that Denmark was a tourist town so made a conscious decision to purchase in an area that would be somewhat insulated from the 	<ul style="list-style-type: none"> • The proposal meets the criteria to be considered for a Holiday Home (Large) (7 – 12 people) under Policy 19.5. Notwithstanding, having regard to the domestic scale of the building, its residential context, the number and configuration of bedrooms and concerns raised in submissions it is recommended that occupancy be limited to 8. • The outdoor entertaining area complies with the setback requirements applicable to the Special Residential (2) zone. The proposed Holiday Home use will not in itself generate additional noise beyond that which could otherwise arise through permanent occupation of the single house. In this regard Policy 19.5 stipulates that speculation relating to potential behaviour of guests would not represent valid grounds for refusal. • Clause 5.38 of TPS 3 and Policy 19.5 provide the statutory basis for assessment of Holiday Home applications. There is currently no basis to justify refusal of the application based upon the existing zoning or any arbitrary judgement on the likely future distribution of Holiday Homes in the area. • The contention that approval of the Holiday Home will adversely impact land values is a matter of speculation and cannot be substantiated. • The ability for Council to approve Holiday Homes within Special Residential zones has been in effect since 2011 when Clause 5.38 was introduced into the Town Planning Scheme under Amendment 124. • Policy 19.4 adopted on 6 November 2012

		<p>influx of holiday makers, such as Weedon Hill. We have made substantial investment in our property at [address removed] and would not be able to recoup our investment by a long margin if we wanted to sell because the neighbourhood no longer provided the peace and quiet that initially attracted us to the area. While it is important to keep Denmark attractive for tourists, it is equally incumbent on the Shire to protect the interests of residents. If more holiday homes are required for the Denmark area it would be fairer to home buyers to apply this new rule in Special Residential new developments so buyers are aware of the implications in advance of their purchase as they are therefore able to make a more informed purchase decision.</p> <p>Please consider our objections to this application, especially consider the fact that this application is for a “Large Holiday Home” and will attract large groups of young people rather than single family units into this quiet residential area and that at least one other property in proximity to us has already been approved.</p>	<p>(now superseded) had nominated preferred locations for holiday home applications based upon locational attributes. Policy 19.5, adopted on 18 August 2015 removed reference to preferred locations. This policy was subject to public consultation at the time with no significant objections received.</p> <ul style="list-style-type: none"> • The issues raised primarily relate to broader strategic planning considerations that cannot be addressed or resolved as part of the current application which will need to be determined on its merits.
S2	<p>Details omitted as per Council Policy.</p> <p>Submitter is an adjoining landowner.</p>	<p>Thank you for the letter dated 1 March 2018 and conversation with [name removed] informing us about the proposed holiday home at No. 1 Tame Close, Shadforth. You are aware that the house has already been advertised in “Air B & B” and continuously used as a holiday home for some time.</p> <p>Preamble: We, [names and address removed], Shadforth, wish to inform you that we do not own and/or operate holiday home here in Denmark or anywhere else. We do not derive income from working for any home owner/operator of any holiday accommodation services in Denmark or elsewhere. We also do not have relatives or friends operating holiday accommodation in Denmark or elsewhere. Given the nature of small community, we will appreciate declaration of interests, actual or potential conflicts, by those who are in anyway involved in the processes concerning the proposal for 1 Tame Close.</p> <p>Introduction: We do not object to any property owner turning their property into a holiday accommodation in accordance with existing Town Planning and/or zoning requirements. However, we express our concerns about the proposal with anticipation that our concerns will be addressed appropriately and timely manner. Our concerns are:</p> <p>1: The land area of the house is not sufficiently large enough to meet the recreational activities of the drone flying and/or golf driving visitors to the house. In one instance, while I was working in my backyard, I had to raise my fist at the hovering drone’s camera to send the message to the operator about my displeasure. The player did retract the drone back onto 1 Tame Close.</p> <p>2: Absence of reliable rubbish management service for visitors: The issue of rubbish being not properly disposed of had been raised in 2016/17 (vis phone call to the Shire staff) as well as in writing in 2017/18. The situation is that two bins are</p>	<ul style="list-style-type: none"> • The applicant has informed the Shire that any online listings have been removed pending determination of the application. No listings were available at the time of preparing this report. • The author of this report and authorising officer have no declared interest in the operation of any holiday accommodation either within Denmark or elsewhere. • The subject lot meets the minimum site area requirements for a Holiday Home Large application. The applicant has noted concerns relating to the use of drones at the property and advises that restrictions will be included in the visitor Code of Conduct. The imposition of development conditions to control recreational activities within private residential properties or in association with the Holiday Home proposal is not considered practical or warranted. • The applicant has acknowledged issues raised with regard to refuse collection and agreed to make arrangements to ensure bins are removed from the verge on the day of collection. It is to be recommended that this be secured through a condition of development approval. A bin pad area is

almost permanently left on the verge. Due to the absentee owners, as per the collection cycle, the bins are not put out the night before or that morning and collected that evening or the latest the next day - like ordinary residents do. This often results in the bins falling over and rubbish spills out on to the verge and the road. In addition on several occasions rubbish was left on the verge by the side of the bins, for several days, resulting in rubbish blowing into our property and our neighbour's property as well.

3: The car park area is not large enough or built properly for large numbers of vehicles: We have seen at one time up to six vehicles parked in the front car park of the house. On one occasion at about **9:30 PM** a couple of visitors knocked on our door and sought assistance to pull out one of their four vehicles which was bogged in the lower part of the gravel driveway. The visitors appeared to be overseas visitors and they were not able to seek assistance from the operator of the house at that hour. We assisted the visitors. The car park situation needed to be addressed.

4: Number of visitors at any one time: The proposal was indicated as "a large house" and we are not sure how many visitors are supposed to be accommodated. We note that, at one time there were quite a few adults were sleeping in their swags and some in their tents out in the front car park area. We are not raising concerns about families with young children and parents setting up little tents in the yard for their children while on holidays.

5: Hanging washing and other items on the verandah and line underneath: Even in caravan parks visitors are generally requested to be discreet with their laundry business. Installation of a proper washing line will maintain the civility of our residential area.

6: Privacy screening of verandah area: I am aware that visitors will want to look over the views from their balcony. When doing so they can directly see into our front, side and back yard due to the lack of privacy screen in the front verandah area of the property. In usual circumstances, neighbourly practices are to establish tasteful privacy screening for neighbours such as planting appropriate trees and shrubs without compromising the vantage position. We have planted trees and shrubs in our front yard in response to this. A site visit will clarify the point.

7: Antisocial behaviours of visitors: We have not encountered any antisocial behaviours of the visitors so far. However, we had experience of low level loud music being played on the balcony and some loud bad language during an arguments between visitors. After the 2016/17 rubbish matter, one of the owner, Phil I believe, introduced himself and informed me to contact one of the other neighbour (3 Tame Close) if I encounter any problems with property. Clearly that approach is not acceptable in operating a commercial concern as they are not

also required to ensure a level surface for the bins and limit incidents of spillage.

- The applicant has advised that arrangements are in place to seal/ pave the carpark and driveway. This had not been completed at the time of conducting the site inspection but can be secured through a condition of development approval. Restrictions associated with the parking of vehicles within the property are referred to in the Holiday Home – Code of Conduct, noting that this would not apply to private use of the property by the landowner.
- It has been recommended that a condition be applied to limit occupancy of the Holiday Home to 8 in the event that approval is granted.
- Although the Residential Design Codes require clothes drying areas to be screened from Primary and Secondary streets, such requirements are not applicable to development within the Special Residential (2) zone. Given the open nature of surrounding properties and lack of solid fencing there is limited ability to locate washing lines so as not to be viewed from the street or neighbouring properties. Irrespective of the Single House or Holiday Home usage it is not considered appropriate to mandate the location of washing lines in the Special Residential zone.
- The raised outdoor verandah is orientated towards the north-east to take advantage of valley views as do most residences in the locality. Given the open nature of surrounding properties, absence of solid fencing and topography, some degree of overlooking cannot be avoided. The acceptability/ degree of overlooking is guided by compliance with development setback requirements established under the scheme. The submitter's property is located at least 60 metres from the verandah on the opposite

		<p>responsible for the property. We will seek police assistance for serious antisocial behaviours. As commercial operators are responsible for their customers' unacceptable/antisocial behaviours, direct access to the operators or the agent of the holiday accommodation will greatly assist in maintaining peace and civility in our area and timely resolution to our concerns.</p> <p>Additional Comments Provided on 10 April 2018 <i>On the 6th (friday) april seven FWD vehicles arrived at 1 Tame Close . In the morning of 7th April (sat) I found that one vehicle had a tent on top of the vehicle. There were about 15 people at the house. On the evening, about 6:45 pm, while we were having dinner there was a very loud noise came through into our house. It was the visitors sitting outside in the car park got one of their car door opened and the a CD was blaring from it. I turned on the outside lights, stood outside and looked towards them. Some of them shouted some response back. However they eventually turned the noise down and went indoors.</i></p> <p><i>You and the Shire Council are subjecting us to this very unpleasant life situation. I understood that you/the Shire had asked the owner to cease trading and it clearly showing that he was not taking any notice of the request. The question for the Shire is that whether the Shire through its failure to take actions on non-compliant absentee owners their encouragements to continue trading? The owner's non compliant behaviours need to be included in the Shire considerations of his application. May be some kind of independent study/enquiry needs to be conducted into the Shire's workings in this area. If it is not too late, please include this information in my submission.</i></p>	<p>side of Tame Court and this is not considered to constitute adverse overlooking that would warrant additional screening.</p> <ul style="list-style-type: none"> • A Property Management Plan is required to be provided to landowners consulted as part of the application in the event that approval is granted. This includes contact details for the assigned Property Manager and a Code of Conduct for Guests should any issues arise. Conditions relating to refuse management within the site are recommended in the event that Council is mindful to approve the application. • The applicant has responded to the submitter's additional claims (10 April 2018) as detailed in Attachment 8.1.2c. • The Shire instigated compliance action associated with the unauthorised Holiday Home use following correspondence from the submitter in January 2018. The Shire also reviews on-line booking sites on a regular basis to verify the permissibility of any Holiday Home activities occurring. • The property has been removed/ deactivated from online bookings pending determination of the application.
S3	<p>Details omitted as per Council Policy.</p> <p>Submitter is an adjoining landowner.</p>	<p>We are currently living [details removed] from the Proposed Holiday Home in Question. We have lived In this property 14 years, enjoyed its tranquil surroundings and friendly neighbours until last year...</p> <p>We were very surprised that we have been given an opportunity to have our say on the matter at hand.</p> <p>Especially since the property in question has already been functioning as a holiday home for close on a year now.</p> <p>We are not sure if you are aware of this, as you would not be seeking the approval and votes of the neighbours if you were.</p> <p>This is extremely rude and inconsiderate that the owner is doing it with or without approval anyway.</p> <p>We have been putting up with a lot of annoyances since before Christmas, And as far back as the Albany car show.</p> <ul style="list-style-type: none"> • AirBnB Listed as Karri Vista – peaceful setting with Valley views \$220 per night. 	<ul style="list-style-type: none"> • The Shire instigated compliance action associated with the unauthorised Holiday Home use in January 2018. The application for development approval was lodged shortly thereafter. • The property has been removed/ deactivated from online bookings pending determination of the application. • The ability to grant subsequent approval is afforded under the Planning and Development (<i>Local Planning Schemes Regulations 2015</i>). Irrespective of the prior unauthorised use the application must be assessed on its merits having regard to current scheme provisions and policy requirements. • The applicant has responded to the

		<ul style="list-style-type: none"> • On the Saturday of the car show, the tenants in there at the time had two done up cars which they were obviously trying to prepare to take to the show... one car however had a fuel problem, so we had to listed to them for over 3 hours, revving and trying to clear this problem. (A very noisy worked motor). Unfortunately everything echoes in our very quiet street. Driving it up and down our cul de sac and top a joining streets, constantly revving and trying to fix it. Until it was left broken down in the cul de sac, till they were approached and helped. • Rubbish is constantly overflowing, with rubbish in bags left on the grass next to it. Which dogs and crows scatter around. The bins are on the verge...days before bin collection. Our verge is the total length of Tame Close, directly across from it. We are the ones left picking it up so our garden doesn't look like a rubbish dump. I have approached tenants at time, to find they do not even speak English. • Tenants have had as many as 5 cars, gathering to spend the night, Even setting up tents outside, as clearly the house cannot accommodate for the amount of occupants staying. • Different dogs barking at all hours of the night, since they are left outside in strange surroundings. • Our door being knocked on an interrupted for questions, assistance or general inquiries. • Now because we are unsure who will be there, where they come from and how long they will be there, we are feeling the need to lock up our premises as it feels unsecure white we are not present, Which is quite often as our business is in Albany. 3-4 months of the year in winter we go to Europe leaving out property unoccupied. No one wants to live next to this...you never know who or what these people are, or who they have with them. Where are they from and where do you find them if something goes missing? <p>I'm sure there is enough holiday accommodation in Denmark without adding another one. Please take this into consideration and would this be an ongoing thing you would like to have to put up with across from your home.</p>	<p>submitter's claims as detailed in Attachment 8.1.2c. Approval of the application will provide some additional regulatory control through conditions of development approval and registration requirements.</p> <ul style="list-style-type: none"> • Issues surrounding the management of bins at the property have been acknowledged by the applicant and collection increased from fortnightly to weekly. Conditions are recommended to ensure that a level bin pad area is provided to limit instances of bins over tipping and to ensure that bins are removed from the verge within 24 hours of collection. • The Code of Conduct submitted with the application stipulates that tenants are to use the vehicle bays provided and not to park additional vehicles on the property in excess of the parking spaces provided. Such restrictions do not, however, apply to private use of the property by the landowner. • 3 carbays are to be provided on-site with sealing/ paving of the carparking area and driveway to form conditions of any development approval. • It is recommended that occupancy of the Holiday Home be limited to 8 in the event that approval is granted. • Separate legislation is in place to address and deal with issues of dog control/ nuisance. The applicant has advised that they have a no pet policy for leasing of the Holiday Home, although this does not prevent the landholder having their own pets reside at the property. • Concerns relating to potential impacts upon the safety and security of nearby properties arising from the Holiday Home use are speculative and cannot be used to substantiate refusal of the application. • Contact details of the relevant Property Manager are required to be provided to landowners consulted as part of the
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		<p>If this does go through...I will be contacting YOU, not the caretaker or anyone else every time there is an issue, as the final decision is yours...making you responsible for any problems, picking up the rubbish and any other issues that this may incur on the occupants surrounding this property.</p> <p>We are 100% in OBJECTION to this proposal.</p>	<p>development application should approval be granted. Concerns relating to the behaviour of guests should be raised with the Property Manager and/or the Police in the first instance as this will provide the quickest recourse.</p> <ul style="list-style-type: none"> • Should any legitimate issues arise relating to the ongoing use/ management of the Holiday Home they can also be reported to the Shire for follow up action and may be taken into account as part of any renewal application.
S4	<p>Details omitted as per Council Policy. Submitter is an nearby landowner</p>	<p>As you are aware we are the owner/occupiers of [address removed] Shadforth and we have recently commented about a Holiday Home (Standard) opposite our property. Now we have just become aware of an application for another holiday house (Large) at 1 (lot 243) Tame Close, Shadforth which is near our property. We understand that the proposal could be approved if it meets the current policy requirements.</p> <p>We understand that we have not been asked to comment as we are not immediately adjacent to the proposal. We believe this is flaw in the policy as we are already affected by its current use as an unapproved commercial holiday house. We have had rubbish blown onto our property from overflowing bins due to poor management and we have also been impacted by noise and loud music on several occasions.</p> <p>We believe that council needs to consider the cumulative impacts of holiday houses in a residential area. This is even more important in a planning context when you consider that Denmark's population growth over the next decade and beyond will come from retirees who are looking for peace and quiet and others who would like to live here for lifestyle reasons.</p> <p>We understand that the current policy precludes a presumption of potential noise impacts from these large holiday houses but they are called party houses in some other areas, such as Margaret River, for good reason.</p> <p>We request that Council review its current policy in order to meet the expectations of a growing and aging population who have an expectation that they do not live in the middle of a number of commercial holiday houses.</p>	<ul style="list-style-type: none"> • Policy 19.5 requires, consultation with immediately adjoining landowners as a minimum, noting that this is generally considered adequate to gauge immediate amenity impacts. A requirement for broader consultation to occur may apply additional time, administrative and cost implications for the processing of such applications and would need to be considered in the context of the likelihood that it will better inform any planning decision. There is flexibility for staff to undertake broader consultation where site conditions warrant. • Previous issues associated with bin management are noted. The applicant has increased their bin collection from fortnightly to weekly and additional conditions proposed to address storage and collection requirements. • Strategic planning considerations relating to the distribution of holiday homes and/or adequacy of Policy 19.5 is not a matter that can be addressed through the current application which must be assessed on its merits.

Your Ref: A3735
Planning Services

8 April 2018

Shire of Denmark
953 South Coast Hwy,
Denmark WA 6333

Dear Council Members,

Re: Holiday Home Application for 1 Tame Close Denmark

Thank you for the opportunity to respond to the Verbatim Submissions from adjoining property owners. I am more than willing to address all valid concerns from neighbours and action any requirements from the council.

In response to the points raised please consider my comments;

Lowering of Property Values

- I disagree that if 1 Tame Close was to be approved by the council as a holiday home it would lower property values in the area. If tourists stopped coming to Denmark that would definitely trigger a correction in the property market by lowering values and have a significant effect on local businesses.

Application for "Large" Holiday Home

- The application for a Large holiday home is so that 2 families can stay comfortably and share costs which in turn enables them to stay longer in Denmark. For many families renting a house for their use only without sharing costs with another family or friends is not affordable for any more than a few nights.
- I believe that the majority of visitors that come to holiday in Denmark are family orientated people who want to spend quality time away from work with close family and friends.
- To presume that this will be a "party house" and attract "large groups of young people" as stated in some of the submissions is jumping to conclusions. I am a responsible property owner and would do all in my power to ensure that the Holiday Home Code of Conduct is strictly adhered to. This would include not accepting bookings from guests that I think would contravene these rules.
- Although the policy allows for 12 people to stay in a large holiday home I have bedding for 10 people and no more have stayed at one time than 10.
- The comments that "Tenants have had as many as 5 cars, gathering to spend the night, Even setting up tents outside, clearly the house cannot accommodate for the amount of occupants staying" is not correct. In the 10 years I have owned this property there has been 3 occasions where tents have been set up outside. One by a guest who I gave permission to for their children to sleep in for the experience of camping. The other two times when I was staying at the property with family and

friends who wanted to set up tents and swags. The setting up of tents outside was not because "the house cannot accommodate the amount of occupants staying"

Rubbish Disposal

- I agree that there have been some past issues with rubbish disposal and I have been contacted by the shire on two occasions. I dispute the comment from submission 4 that "rubbish is constantly overflowing" though.
- The first time was guests had left rubbish bags next to the bin. The action I took to solve this from being an ongoing problem was to change my bin collection from fortnightly to weekly and inform guests of the requirement to dispose of all rubbish in bins.
- The second time I was informed of an overflowing bin on the verge I purchased an extra-large wheelie bin for excess rubbish. The lid was labelled with "Not to be placed on the verge for collection" and my cleaner manages the transfer of rubbish from this bin to the bin for collection as and if required.
- Tenants are responsible for the putting out and collection of bins were their stay coincides with collection day, as stated in the Holiday House Code of Conduct. Some adhere to this and some do not which I find challenging to control proper waste management.
- Moving forward I am prepared to pay someone to put out the rubbish bins on Thursday night and bring in on Friday after being emptied.
- Also the end of my driveway where the bins are placed for collection is quite steep and on occasions strong wind has blown the bin over. I will level out an area for the bins and place two concrete slabs there to prevent this from being an issue.

Noise and Nuisance

- There have been some isolated instances highlighted in the submissions of excessive noise from vehicles and music. These tenants were dealt with in accordance with the Holiday Home Code of Conduct. These have been on rare occasions.
- I have also encountered neighbours playing loud music and also dogs barking. I have not reported these incidents to the shire as I believe a certain amount of tolerance is required when living in close proximity to others.
- Some comments indicate increased traffic noise/vehicles at the property. This is correct. For 9 years our property has been vacant for 90% of the year with our family only visiting on some school holidays. If the council approves this application it would still only be utilized for approximately 50% of the year at the most as a holiday home. This equates to 50% less traffic noise and movements than permanent residents.
- I agree that it is important to respect the privacy and wishes of all in this neighbourhood and to be tolerant of different people's views and circumstances.
- Holiday Home guests adherence to the shire's Holiday Home Code of Conduct and my rules are of utmost importance to me and will be strictly enforced.
- Although one neighbour has commented that 'We have not encountered any antisocial behaviors of the visitors so far' if a tenant does contravene this code, a course of action will be implemented immediately.

Vehicle Parking

- Concerns have been raised in regard to not enough car parking areas. Although this will be determined by council, 3 parking bays are provided under the pole house with an additional large turning area. This meets the requirement for a Large Holiday Home.

The Land area of the house is not sufficiently large enough

- I agree that drone flying is unacceptable behavior and would include this in rules to be agreed to at the time of booking – No drone flying on this property.
- Golf driving – I hardly believe that this is an issue. I have a set of old golf clubs in the garage with plastic balls only for kids to use.
- My property is 4000sq/m with a large 4 x 2 house on it. Although this will be determined by council I believe it is of sufficient size to be classed as a Large Holiday Home.

Washing Line

- The clothes line is located under the house. If the said neighbor wishes to propose a better location on my property for my clothes line where it is not seen by any neighbours I am happy to discuss. There is a clothes dryer inside the house.
- I currently look directly at my neighbours hills hoist and it does not worry us.

Privacy Screening of Balcony

- All houses on this hill have a north facing balcony to take in the valley views and for protection against the strong winds when a cold front comes through. It is unreasonable to expect me to install screens on my living area windows or balcony and block my view of the valley.
- I have planted screening small native trees on boundary fences to the East, South and West of my property which are pruned regularly and are well maintained.
- I am conscious of over planting and providing too much fuel for fires, like some properties in this area as I believe it is a fire hazard.

Pets on the Property

- Submission 4 states that “different dogs barking at all hours of the night, since they are left outside in strange surroundings”. I 100% dispute this statement as I have a no pet’s policy. There have only been two occasions that I have made allowances for pets on the property and have had no complaints from other neighbours. It is interesting that this comment has come from this particular neighbor as the owners of this property do have dogs that bark at night and when they are away at their business in Albany.
- When our family stays we always take our dog which stays indoors at night and does not bark.
- Other dogs from the neighborhood sometimes come on my property (and bark) and it does not overly concern me.

Response to 7th April Complaint

- I strongly dispute the veracity of the comments made by the said neighbour as detailed in the email I received from the shire on 17th April.
- On contacting my direct and closest neighbours at 3 Tame Close they have informed me that they were home at the time of the alleged incident and there was no disturbance at this time or any other time over the weekend.
- On contacting my friend Luke who stayed at my house on this weekend he unequivocally denies these accusations. Luke was in Denmark running a program for Ocean Heroes at Ocean Beach. Ocean Heroes is a charity, that through active participation in surfing helps to enhance the lives of people living with Autism. Luke is a solid citizen providing community programs and this is the second year that they have chosen Denmark to hold this program at Ocean Beach.
- In regard to the comments made in the second paragraph I have not accepted any new bookings since being notified by the Shire in January and my property has been delisted from AirBnB and Stayz websites.
- Obviously some neighbours oppose my house being registered as a holiday house and are doing whatever they can to discredit me as a responsible rate paying property owner. I would encourage and co-operate with any further investigation by the shire into this matter including alleged “non-compliant behaviours”.
- It seems to be presumed by some neighbours that if anyone stays in my house then it is being used by paying guests as a holiday house which is untrue. I have been using this property as a “holiday house” for 10 years for my family and friends use because we reside in Perth which I believe is not illegal or a “non-compliant behaviour”.

Conclusion

I do believe that many of the issues raised in some of these submissions are an over exaggeration of a few isolated past incidents. I have discussed in depth with the owners at 3 Tame Close, my closest neighbor, on any impact to their lifestyle by having guests stay at my house. They have informed me that only on one occasion have they been disturbed by excessive noise from music being played too loud. I suggest the council contacts these owners to hear their views on the veracity of the points raised in the submissions lodged.

Due to my current financial position, my circumstances are such that it is not viable to keep this property, without assistance from guests utilizing it for their holidays in Denmark.

I take valid concerns of neighbours very seriously.

If approved by council, I will be diligent in ensuring that the use of my property as a holiday home has little impact on the neighbourhood and any issues are acted on immediately.

If you require any further information please contact me and I thank you in advance for your consideration of this application.

Kind regards,

Phil Smith
Owner: 1 Tame Close





SITE VISIT RECORD FORM

Subject Site: No.1 (Lot 243) Tame Close, Shadforth

Date: 7 May 2018

By Whom: Senior Town Planner Jasmine Tohill

File Ref: A3735 (2018/24)

LOCATION PLAN





Photo 1



Photo 2



Photo 3



Photo 4



Photo 5



Photo 6



Photo 7

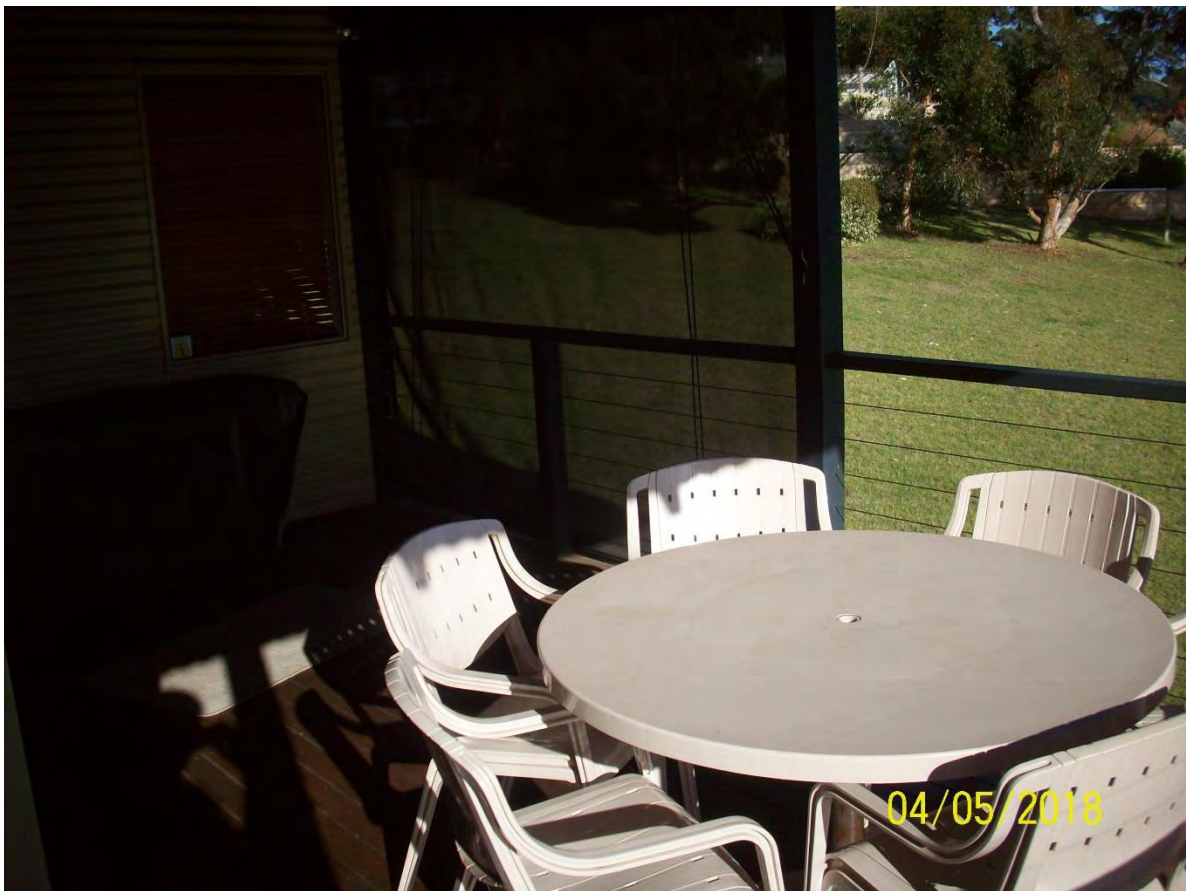


Photo 8



Photo 9



Photo 10



Photo 11



Photo 12



Photo 13