

HOLIDAY HOME - PROPERTY MANAGEMENT PLAN

PROPERTY ADDRESS: Lot 62 (111) Myers Road, Shadforth

PROPERTY MANAGER DETAILS:

Name: [REDACTED]

Address: [REDACTED], Denmark, WA, 6333

Telephone Number: [REDACTED]

Email: m [REDACTED]



OFFICE COPY

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)

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.

NOTE: Should the property not have access to Council waste collection services, please provide details of how waste shall be disposed of:

APPENDIX 3
PROPERTY MANAGEMENT PLAN

HOLIDAY HOME - FIRE AND EMERGENCY PLAN

PROPERTY ADDRESS: Lot 62 (111) Myers Road, Shadforth

EMERGENCY CONTACT DETAILS

FOR ALL EMERGENCIES DIAL 000

Property Manager:

Denmark Police: 9848 0500

Shire of Denmark: 9848 0300

Denmark Hospital: 9848 0600

EMERGENCY INFORMATION

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

ABC Radio: 630AM

DFES: www.dfes.wa.gov.au/
132 500 for SES emergency assistance
13 DFES (13 33 37) for emergency information

Shire of Denmark: www.denmark.wa.gov.au

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28 SEP 2018
Shire of Denmark

HOLIDAY HOME - CODE OF CONDUCT

PROPERTY ADDRESS: Lot 62 (111) Myers Road, Shadforth

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.

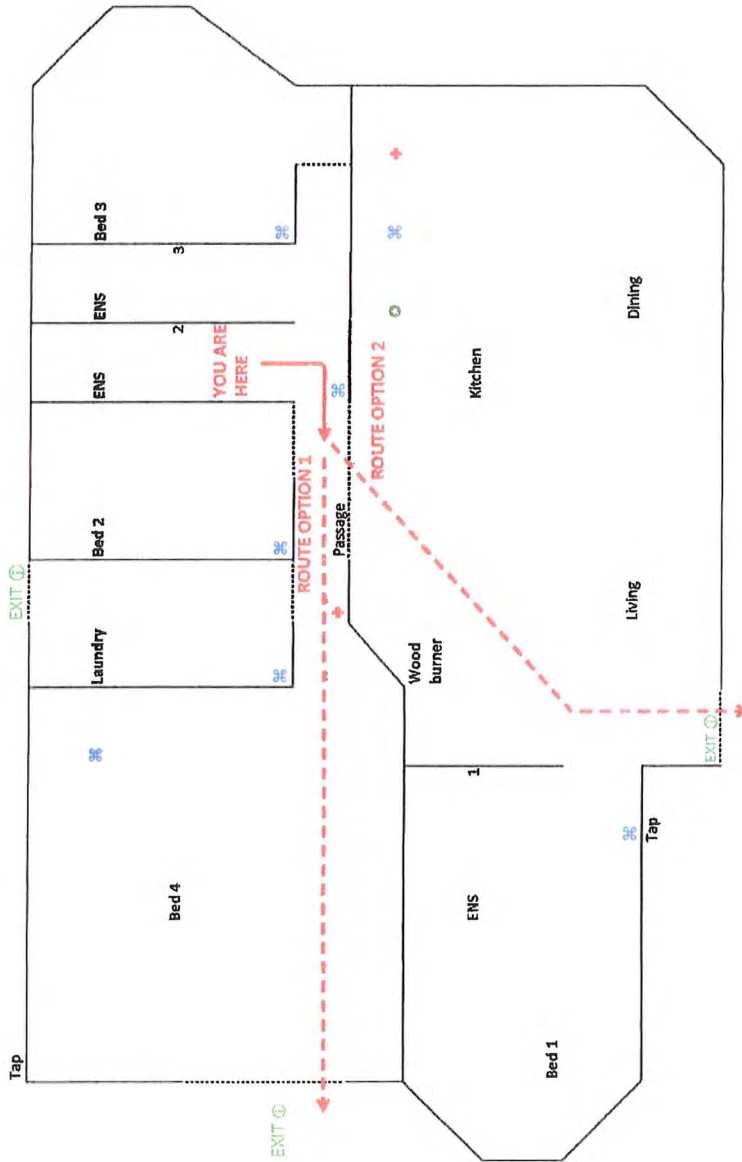
RUBBISH DISPOSAL: The guests agree to contain all their rubbish in the bins provided. Tenants are responsible for the putting out and collection of the bins where their stay coincides with collection days.

Your collection day is:

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.

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assembly area EXIT

Emergency Evacuation Plan

- Assist others. Ensure they are aware and prepare to leave (or help them)
- Exit and close door to prevent fire spread, do not try to retrieve personal goods
- Raise the alarm, follow the route indicated above and meet at the assembly area
- Remain at assembly area, contact property manager and follow their instructions
- Do not re-enter the building until told by manager

Index



Fire alarm



Fire Extinguisher



Fire Blanket



EXIT

HOLIDAY HOME FIRE EVACUATION ROUTE



Evacuation Route

Assembly Area



28 SEP 2018

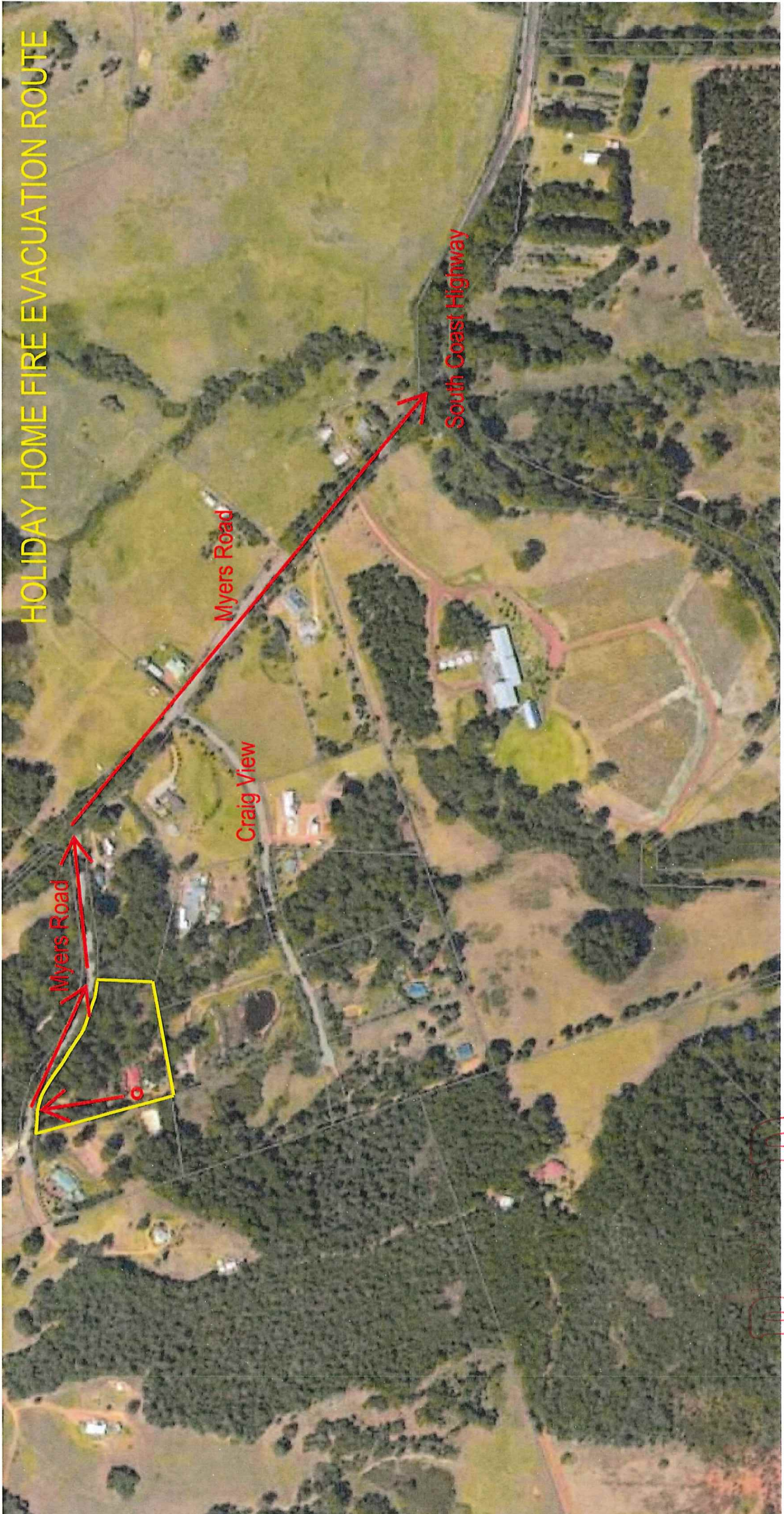
Shire of Denmark

HOLIDAY HOME - FIRE EVACUATION ROUTE

*Attach map of the locality clearly showing the nearest Emergency Evacuation Point for the property and the primary route for evacuating the area – noting that this route must lead to a **main arterial road**.*

10/10/2023

HOLIDAY HOME FIRE EVACUATION ROUTE



28 SEP 2018

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HOLIDAY HOME – FLOOR PLAN OF PREMISES

Attach floor plan of the dwelling showing the following:

- *Hardwired smoke alarms (required in all bedrooms and passageways)*
- *Fire blanket (in kitchen)*
- *Exit lighting in the paths of exit*
- *Fire extinguishers*
- *External taps/garden hose locations*
- *'You Are Here' symbol.*

Internal and External photos of the dwelling.



Image 1: Living room and kitchen facing south east.



Image 2: Living room and kitchen facing north east.



Image 3: Fourth bedroom (former garage), facing west.



Image 4: Master bedroom facing west.



Image 5: Landscape surrounding the dwelling facing south east

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28 SEP 2010
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SCHEDULE OF SUBMISSIONS: PROPOSED HOLIDAY HOME (LARGE) – No.111 (Lot 62) Myers Road, Shadforth (2018/151; A3500)

19 February 2019 - 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>As occupants of No. ***** (Lot ***) Myers Road we respond again to this submission in a negative - Nil Support.</p> <p>To those considering this Commercial Business Application/ License, we wish to remind you firstly this is a 365 day, 24 hour business venture that usually peak in Festive times like Easter, Christmas and Public Holidays, this is not a 9-5 business, in a controlled environment and the shire does have not enough resources to fully monitor its activities or complaints for 24 hour operation hours.</p> <p>These peak times are my treasured family time, a time of rest and relaxation, that is why we keep our commercial business to a business environment and why we invested into the Myers Road property to allow a 24 hour domestic lifestyle.</p> <p>How do you keep control of holiday makers, how can you enforce paying guest to remain within the property. Like majority of holiday makers they are to make the most of the facility and surrounding areas.</p> <p>There are enough Holiday facilities surrounding this unique area, some small and some large. Plenty of options for the tourist to choose from.</p> <p>As with most commercial ventures the costs to modify the surrounds would need to service by those making the change.</p> <p>This unique area has provisions, particularly the encouragement not to fence boundary and look after the natural environment where we can. This freedom of not having fences helps promote a sense of family and stable property security. We have not fully cleared to the 50 metre allowed provision, with this emerging/change of risk with a “commercial change” we will need to look at very seriously, we will require an approved firebreak to our Western and North West Boundary to mitigate any risk at your cost as these are immediately adjacent to this proposed risk.</p> <p>Changing this area that is already the precedent to those existing residents requires very serious consideration as if you allow one, then you have to allow for all to do the same. You will be making this a fully commercial facility. Not just one property and consider the change to the aggregate is also required as everyone can follow suit.</p> <p>We did not sign up for this.</p> | <p>The submitter’s dwelling is located some 220 metres from the proposed Holiday Home, being separated by the Myers Road reserve and established vegetation within the front setback. This vegetation aligns in part to a ‘Tree Preservation’ area as shown on the Subdivision Guide Plan and is protected under the TPS 3 Special Provisions ensuring a substantial buffer will be maintained. The extent of screening vegetation is evident on aerial photos and site photos obtained during an inspection of the property.</p> <p>Issues relating to the potential for trespass could arise irrespective of the Holiday Home use, noting that Policy 19.5 stipulates that speculation relating to potential behaviour of guests does not represent a valid ground for refusal. The surrounding topography and remnant vegetation does not afford a ready path that would encourage walkers to enter the property.</p> <p>The property is located on a lower order local road and the Holiday Home is not likely to generate any greater traffic or pedestrian conflict than that which could otherwise occur if the property were permanently occupied, noting that the property would be unlikely to be tenanted all of the time.</p> <p>Policy 19.5 does not nominate preferred areas for Holiday Homes or apply restrictions on the number or location of Holiday Homes within the Special Rural zone.</p> <p>Reference to a 50 metre clearing radii under the Special Provisions of TPS 3 is no longer</p> |

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| | | <p>The Subdivision Guideline Plan 26-8-1997 enforced a Commercial stock fence for adjoining properties we will be demanding the same for this Commercial operation.</p> <p>We will require to fence our boundary fencing to stop trespassers, practically as there is dam within 20 metres of this property< I would also hold this property owner and the Shire fully responsible should an incident of a commercially pay parties have misfortune on our property in in such event of any Nature. We will assume we will be “Held Harmless” in any commercial event that involves us by the owner and the Shire of Denmark. The Shire does not have foot paths not even a kerb or adequate gravel shoulders on this road a cross walk or even split median strips, to keep the people under control or keep the in a direction of the random walks. I assume the Shire is fully happy to have tourist walk in the middle of a public road. If there is a drowning, car accident, pedestrian hit the emotions carnage would be unbearable to us as a landowner.</p> <p>Fencing our property will cause implications/ interference to enter-entrances/ exits to Strategic fire road, Shire and the owner will need to supply suitable Remote controlled gates to us and emergency service departments.</p> <p>We are not against progress, this is not domestic progress, we do not have to change everything, look at the work we do looking after our native reserves. We need to do the same for the families of this town. The special provisions have imposed a Single House, to us this indicates a normal family 2 adult and family maybe of 4 children, today a house of 6 is Large, your license is 10 Guests this then possible to have 10 Adults, (I recently went to Busselton for a golf trip and we had 8 Male Adults) this does not seem comparable to the special provisions intent.)</p> <p>You have to question if the existing effluent system is adequate for the short and long term and proximity to the creek line for this commercial business.</p> <p>Has there been an independent study to the possibility of Bird Scaring (ix)</p> <p>Acknowledging this one change will then allow residents to have a precedent to apply to modifying or applying future changes to the special provisions. Where to start where do we finish.</p> <p>You have a full Duty of Care to existing Residents, Wildlife and the Local Environment not us at applicant for ever, so we ask you to be mindful of not just present but future emerging risks.</p> <p>Thanks you again for allowing us to comment, Denmark is place we chose to retire and we chose a special part of it, so please look after us.</p> | <p>applicable, being superseded by the Shire’s Fire Regulation Notice. Requirements relating to the provision of boundary fire access routes are addressed under the Fire Regulation Notice and have no bearing upon the current application. A recent inspection of the proposed Holiday Home property by the Shire Ranger confirms that it is currently compliant. Assumptions that the Holiday Home use would pose any greater bushfire hazard than that of a standard residential dwelling is unsubstantiated.</p> <p>There is no legislative requirement to fence private dams where they are not used for swimming purposes. Within rural areas a range of natural and man-made hazards such as dams are reasonably expected and it would not be appropriate to prohibit holiday homes or other tourist based uses solely upon such perceived risk. Given the close proximity of a dam/s to the proposed Holiday Home premises, however, it is recommended that prospective tenants be advised at the time of booking of the presence of nearby dams so that they can make an informed decision as to the suitability of the property for their purposes.</p> <p>Fencing is a matter for private landholders to resolve as per the <i>Dividing Fences Act 1961</i> and the <i>Shire of Denmark Local Laws Relating to Fencing</i>. Where properties abut a public road reserve such fencing is to be at the landholders cost. Special Provisions applicable to the Special Rural zone discourage fencing of property boundaries within Tree Preservation areas.</p> <p>The stock proof fence as referenced on the subdivision guide plan relates to the interface with adjacent rural landholdings and was not intended to be mandated on internal boundaries within the Special Rural</p> |
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| | | | <p>subdivision. The requirement to implement stock fencing as part of a Holiday Home application cannot be demonstrated.</p> <p>Bird scaring activities as referenced in (ix) of the TPS 3 Special Provisions relate to potential amenity impacts upon residential dwellings arising from the operation of nearby Rural Pursuits (such as the use of gas guns) and has no relevance to the current application.</p> <p>As a result of submissions received the applicant has supported a reduction in the maximum occupancy of the Holiday Home to 8. The Shire's Principal Environmental Health Officer has confirmed acceptability of the effluent disposal system to accommodate 8 persons.</p> <p>Contact details of the relevant Property Manager will be made available to landowners consulted as part of the development application should any issues arise with management of the property or tenant behaviour. Complaints should also be reported to the Shire for investigation, noting that the approval (if granted) would be for an initial 12 month period so as to provide an opportunity for further review.</p> |
| S2 | <p>Details omitted as per Council Policy.</p> <p>Submitter is an adjoining landowner.</p> | <p>In response to this second application for the same request asked for on the 14/04/2016, I offer the same objections as I have previously have on 22/04/2016.</p> <p>The original block was 10 acres owned by a Mr Salfinger, which he subdivided and sold the lower 5 acre block to us. There is communal road that runs right through the two blocks and it was agreed at the time not to put a fence across...for better fire control access and ease of access for the gardener that services both blocks. I am aware that the family that owns Lot 62 use my block when I am not there... as evident with soccerballs/golfballs/yabbie nets etc... left behind. I am concerned that holiday makers will do the same...even though I have a private property/no entry sign on the boundary. As I have two large dams, this could be a problem. I would therefore request a fence to be erected on the adjoining boundary. Because of the difficult of the terrain, the fence does not have to extend all the way to the eastern end...just to act as a visual sign of where the boundary is.</p> | <p>Upon inspecting the property it was evident that there is no clear boundary demarcation in vicinity of the driveway. In this regard it would be foreseeable that visitors could unknowingly enter the submitter's property at this point.</p> <p>It is recommended that a condition be applied to clearly demarcate and signpost the property boundary where it crosses the driveway.</p> <p>The applicant has responded to claims relating to use of the submitter's property in Attachment 8.1.2c.</p> |

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| | | <p>The owners know where the boundary is...people renting don't. I have concerns about noise as well...even though I realise noise is not recognised as a valid objection. My building envelope is close to the boundary because of the two large dams...which must have been taken into consideration when the block was approved for subdivision. 10 people seems excessive for a holiday let..especially if that consisted of 5 couples. We bought the 5 acre block for a tranquil lifestyle and to appreciate the countryside, and would ask you to take this into consideration. Thank you for allowing me the opportunity to express my thoughts.</p> | <p>The issue of noise is speculative, noting that this could equally pose an issue whether occupied by owners, renters or holiday makers. Although both residences are located relatively close to the boundary, there is no clear line of sight between the residential buildings due to the existing topography and nature of screening vegetation.</p> <p>The applicant has agreed to reduce the total occupancy of the holiday home to a maximum of 8.</p> |
| S3 | <p>Details omitted as per Council Policy.</p> <p>Submitter is an adjoining landowner.</p> | <p>Original Comments 5th May 2016-05-05</p> <p>In response to your letter dated April 14 relating to proposal to consider development approval for a holiday home on Lot 62 Myers Road I would submit my objection based on the following points:</p> <p>The area contained within the general Myers Road and Craig View precinct is populated by people similar to ourselves who purchased land or property with some acreage to retire or live peacefully on. The relatively secluded nature of the area with limited associated traffic certainly was a major attraction to myself and wife when we purchased our property. The granting of a holiday home permit to an already established dwelling would in my opinion impact on the general traffic movement in this immediate area and significantly have potential impact on the general ambience of this area.</p> <p>In addition to this, there is currently no provision for foot traffic via established footpaths and no recreation areas immediately adjacent to the proposed dwelling to allow the holiday visitors to pursue any additional activities. Coupled to this point I have noticed this dwelling has no southern boundary fence which raises security questions for adjacent properties.</p> <p>Another issue which should be considered carefully by Council is the South Coast Highway turnoff into Myers Road. There have been several near misses on this corner when residents coming from Denmark turn right into Myers and have to deal with traffic travelling east towards Denmark on South Coast Highway whilst traffic travelling west towards Walpole are rapidly coming up behind the turning vehicle. There is inadequate passing room on the inside for emergency evasive action because of the narrow width of the road in that area and this is a significant safety concern to me with the potential additional traffic added by a holiday home permit. The proposed sub division immediately east of the Myers Rd turnoff has already</p> | <p>Concerns associated with the potential for Holiday Homes to impact upon the quiet amenity of the area are speculative. Policy 19.5 upon which the application is to be assessed does not apply restrictions on the number or location of holiday homes within the Special Rural zone.</p> <p>The property is located on a lower order local road and the Holiday Home is not likely to generate any greater traffic or pedestrian conflict than that which could otherwise occur if the property were permanently occupied, noting that Holiday Homes are unlikely to be tenanted all of the time.</p> <p>Assumptions relating to the driving ability of holiday makers as opposed to permanent residents within the Myers Road estate cannot be substantiated.</p> <p>The Myers Road/ South Coast Highway intersection was designed and constructed in accordance with the relevant subdivision approval requirements at the time. The Holiday Home does not justify the requirement for upgrade of the intersection at this point in time.</p> |

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| | <p>had its proposed access deployed to Cussons Road because of this issue and I am stunned to think Council is even considering a proposal which potentially adds a lot of locally unaware drivers to this very risky area.</p> <p>On a more holistic point, I strongly object to Council even giving consideration to a proposal which places an existing residential dwelling in a residential area permission to allow up to 10 people there at one time. I have a firm view that Council should be encouraging more people to live here in dwelling rather than permitting existing dwellings to become "holiday homes".</p> <p>It does nothing for existing residents who purchased in good faith with the expectation that their standard of peaceful living and environment wouldn't be interrupted by potentially disruptive holiday makers.</p> <p>On that note I would like clarification on this point: Who is going to deal with anti social or excessively noisy behaviour when a group of temporary visitors get out of control? I know who I'll be ringing and it won't be the Policy. It will be the Council who gave permission in the first place.</p> <p>I seriously urge the Planning Department to consider carefully this proposal. I feel that there exists a very real threat to our standard of quiet living we enjoy currently.</p> <p>In addition, and as stated previously, the very real risk of a major incident on the South Coast Highway and Myers Road intersection can only be magnified by the addition of locally unaware visitors who just don't understand the real risks of that intersection.</p> <p>On I final note I would add my personal opinion as such. People who purchase existing homes in an established area and then for whatever reason decide it becomes unattractive or untenable or even undesirable to live in that said dwelling should do what the rest of the population does and place it on the market for a family to live in. Don't attempt to submit proposals for what effectively is a paradigm shift in what most residents in that area believed was in place at the time they purchased their properties.</p> <p>In conclusion, myself and my wife are objecting to this short sighted and gratuitous consideration for a holiday home on Lot 111 Myers Road. I am happy to have my name published if and when required to interested parties.</p> <p>The Shire of Denmark should be concentrating their efforts on attracting permanent residents to live and contribute to this great community, not encouraging a temporary population that typically stay a week or two. In fairness I do believe the Shire of Denmark do a pretty good job all round and serve our community rather well, but in this case I believe the submission should be refused.</p> | <p>Issues relating to anti-social behaviour and noise emissions from the property could apply irrespective of whether the property is permanently occupied by the owner or long term renters. Policy 19.5 stipulates that speculation relating to potential behaviour of guests (including noise) does not represent a valid ground for refusal.</p> <p>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. The submitter would also be encouraged to forward any valid complaints to the Shire for investigation, noting that they may be taken into account as part of any renewal application.</p> |
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| | | <p>Additional Comments sent 01/11/2018</p> <p>In addition to the above objections made in response to the first application I would add the following points.</p> <p>I have observed several separate (over different times) of people walking through my immediate neighbours' property which is directly below Lot 62. They appear to be visitors and are different groups each time. This leads me to believe that there is letting of these premises going on now which would appear at odds with the current by laws.</p> <p>The second point I would make is this: Just how many times do these people apply for this sort of dispensation? Surely if the application has been refused once then that should be it. The Council should simply stand their ground and enforce the original decision.</p> <p>We purchased in this vicinity to enjoy a peaceful lifestyle. Not to have the additional traffic as stated previously, not to have a procession of people wandering through my neighbour's property and not to have the additional noise that surely will be generated at times from (hopefully) a small percentage of holiday makers.</p> <p>So we are more opposed now than previously. We as a community should be encouraging people to permanently settle in Denmark, not buy property and then for whatever reason wish to join the Air B'n'B brigade. Hoping you take this submission on board. I know the general feeling from residents in this area is that of rejection of this application.</p> | <p>The applicant has responded to claims relating to potential trespass and unauthorised operation of a Holiday Home in Attachment 8.1.2c.</p> <p>The previous Holiday Home application was not refused by Council. The applicant withdrew the application following public submissions with no formal determination having been issued.</p> |
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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.

- Conditions restricting occupancy would form part of any development approval.
- Renewal applications are not subject to re-consultation although any valid complaints received by the Shire would be taken into account as part of a future assessment.
- Contact details of the relevant Property Manager are required to be provided to landowners consulted as part of the development application should approval be granted.

-

22 November 2018

Chief Executive Officer
Shire of Denmark
PO Box 183
Denmark WA 6333

Attention: Jasmine Tothill, Senior Town Planner

Dear Madam,

**LOT 62 (111) MYERS ROAD, SHADFORTH
PROPOSED HOLIDAY HOME
RESPONSE TO SUBMISSIONS**

1 RESPONSE TO SUBMISSIONS

The Shire of Denmark (**Shire**) has advised that 3 objections were received in relation to the proposed holiday home at Lot 62 (111) Myers Road, Shadforth (**subject site**). Following an assessment of the development application, the Shire provided adjoining residents / nearby property owners the opportunity to comment on the proposed holiday home. These submissions are addressed through the justification in this letter, with a summary of the submissions and applicant's response provided in **Table 1** below.

Table 1: Response to submissions

| Submissions | Applicant's Comment |
|--|---|
| Submission 1 | |
| <i>This is a 365 day, 24 hour business venture that usually peak in Festive times like Easter, Christmas and Public Holidays, this is not a 9-5 business, in a controlled environment and the shire does have not enough resources to fully monitor its activities or complaints for 24 hour operation hours..</i> | <ul style="list-style-type: none">• This is not a full-time business venture and will not be rented out at the peak times. The house has been used by family for the past 10 years at primarily Christmas, Easter, Public Holidays and School Holidays and will continue to be used by the owners at these periods.• It is incorrect to assume that a holiday home is a 365 day per year, 24-hour operation. It would be highly unusual for a holiday home to be occupied and operate 24/7 and this is certainly not intended on the subject site.• There is no need for the Shire to fully monitor the holiday home, that is the role of the Property Manager as specified in the required Property Management Plan under Policy 19.5 – Holiday Homes.• The Shire's Local Planning Scheme and Local Planning Policies are in place to ensure the environment and land uses remain controlled. |
| <i>These peak times are my treasured family time, a time of rest and relaxation, that is why we keep our commercial business to a business environment and why we invested into the Myers Road property to allow a 24 hour domestic lifestyle.</i> | <ul style="list-style-type: none">• It is speculative to think that the proposed holiday home will impact upon the lifestyle of surrounding residents. |

| Submissions | Applicant's Comment |
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| | <ul style="list-style-type: none"> • There appears to be a commercial business similar to a scrap yard operating on Lot 61 (71) Myers Road that we have previously not taken issue with. |
| <p><i>How do you keep control of holiday makers, how can you enforce paying guest to remain within the property. Like majority of holiday makers they are to make the most of the facility and surrounding areas.</i></p> <p><i>There are enough Holiday facilities surrounding this unique area, some small and some large. Plenty of options for the tourist to choose from.</i></p> | <ul style="list-style-type: none"> • Noted. The Property Manager will ensure that the rules are clearly explained to guests. The property is fenced on the western and northern boundaries, with dense bush on the eastern boundary. The southern lot boundary has a no entry sign erected that already discourages entry to the adjoining property. • Tourism in Western Australia is generally down, especially in Albany, Denmark and Plantagenet. Tourist numbers are in decline as the region competes with other tourist hotspots in the South West. If we stopped viewing holidaymakers with suspicion maybe it could help to arrest the trend. • The Property Manager (██████████) has owned the Blue Wren Traveller's Rest (backpackers) in town for 3.5 years and has never had any trouble with guests / tourists. |
| <p><i>As with most commercial ventures the costs to modify the surrounds would need to service by those making the change. This unique area has provisions, particularly the encouragement not to fence boundary and look after the natural environment where we can. This freedom of not having fences helps promote a sense of family and stable property security. We have not fully cleared to the 50 metre allowed provision, with this emerging/change of risk with a "commercial change" we will need to look at very seriously, we will require an approved firebreak to our Western and North West Boundary to mitigate any risk at your cost as these are immediately adjacent to this proposed risk.</i></p> | <ul style="list-style-type: none"> • The application simply proposes a holiday home use in addition to its existing residential use and does not trigger the need for excessive fencing or increased firebreaks. The recommendation for a stock fence is unnecessary as it is highly unlikely that patrons of the holiday home will walk through unnavigable bush in their desire to reach an adjoining property. • As per Clause (vi)(c) of the Special Provision for Special Rural zone 21, Council: <ul style="list-style-type: none"> ○ Will not encourage fencing along property boundaries within Tree Preservation Areas/Creekline Protection Areas as defined in the Subdivision Guide Plan. ○ Shall require that individual landowners are responsible for the maintenance of a Strategic Firebreak where it crosses the landowner's lot. |
| <p><i>Changing this area that is already the precedent to those existing residents requires very serious consideration as if you allow one, then you have to allow for all to do the same. You will be making this a fully commercial facility. Not just one property and consider the change to the aggregate is also required as everyone can follow suit.</i></p> | <ul style="list-style-type: none"> • The approval of a holiday home that is a use capable of approval within the Special Rural zone under the Shire's Local Planning Scheme will not set a precedent for others to follow. |

| Submissions | Applicant's Comment |
|--|--|
| <p><i>The Subdivision Guideline Plan 26-8-1997 enforced a Commercial stock fence for adjoining properties we will be demanding the same for this Commercial operation. We will require to fence our boundary fencing to stop trespassers, practically as there is dam within 20 metres of this property. I would also hold this property owner and the Shire fully responsible should an incident of a commercially pay parties have misfortune on our property in in such event of any Nature. We will assume we will be "Held Harmless" in any commercial event that involves us by the owner and the Shire of Denmark.</i></p> | <ul style="list-style-type: none"> • As per Clause (vi)(c) of the Special Provision for Special Rural zone 21, Council: <ul style="list-style-type: none"> ○ Will not encourage fencing along property boundaries within Tree Preservation Areas/Creekline Protection Areas as defined in the Subdivision Guide Plan. • It is unreasonable to request that the Shire and / or applicant assume responsibility should the unlikely event of an accident / incident / misfortune occur. • This is a legal issue, not a planning issue and is not applicable to this straightforward application for a holiday home. |
| <p><i>The Shire does not have foot paths not even a kerb or adequate gravel shoulders on this road a cross walk or even split median strips, to keep the people under control or keep the in a direction of the random walks. I assume the Shire is fully happy to have tourist walk in the middle of a public road. If there is a drowning, car accident, pedestrian hit the emotions carnage would be unbearable to us as a landowner. Fencing our property will cause implications/ interference to enter-entrances/ exits to Strategic fire road, Shire and the owner will need to supply suitable Remote controlled gates to us and emergency service departments.</i></p> | <ul style="list-style-type: none"> • It is unwarranted to assume that tourists are going to walk in the middle of a public road. Over the past 10 years we have witnessed many adjoining landowners walking or cycling on Myers Road, with no complications. • It is unclear from this submission whether the objector is requesting further fencing or is against further fencing. The request for remote controlled gates will surely impact on the amenity of the locality to a greater extent than an infrequent holiday home operation. |
| <p><i>We are not against progress, this is not domestic progress, we do not have to change everything, look at the work we do looking after our native reserves. We need to do the same for the families of this town. The special provisions have imposed a Single House, to us this indicates a normal family 2 adult and family maybe of 4 children, today a house of 6 is Large, your license is 10 Guests this then possible to have 10 Adults, (I recently went to Busselton for a golf trip and we had 8 Male Adults) this does not seem comparable to the special provisions intent.) You have to question if the existing effluent system is adequate for the short and long term and proximity to the creek line for this commercial business.</i></p> | <ul style="list-style-type: none"> • The clientele is not intended to be large groups of males or partygoers. The intended clientele is families and the elderly who are unlikely to engage in anti-social behaviour. This is a family home and it is not in our interests to have our family home trashed by untrustworthy guests. The AirBnb process allows for vetting of potential guests to ensure only well-behaved guests are allowed to rent the holiday home |
| <p><i>Has there been an independent study to the possibility of Bird Scaring.</i></p> | <ul style="list-style-type: none"> • This comment has no relevance to the development application. The use of the existing dwelling as a holiday home will have no impact upon local wildlife. |
| <p><i>Acknowledging this one change will then allow residents to have a precedent to apply to modifying or applying future changes to the special provisions.</i></p> | <ul style="list-style-type: none"> • No modifications or changes to special provisions are suggested in the development application. A holiday home is a use capable of approval in the Special Rural zone under the Shires Local Planning Scheme 3. The holiday home is compliant with the applicable planning framework and should be assessed on its individual merit. |

Submission 2

I am aware that the family that owns Lot 62 use my block when I am not there... as evident with soccerballs/golfballs/yabbie nets etc... left behind. I am concerned that holiday makers will do the same...even though I have a private property/no entry sign on the boundary. As I have two large dams, this could be a problem. I would therefore request a fence to be erected on the adjoining boundary. Because of the difficult of the terrain, the fence does not have to extend all the way to the eastern end...just to act as a visual sign of where the boundary is...people renting don't.

- We reject the notion that we currently use this property. 10 years ago we were encouraged by the owner of this southern adjoining property to use the dams. This use has long ceased as we have two dams of our own.
- The existing sign is enough of a visual deterrent on the property boundary.
- The Property Manager will ensure that guests are briefed on the rules of the holiday home, including where the lot boundaries are.
- We have only ever had one yabby net and that is currently in the garage.

I have concerns about noise as well...even though I realise noise is not recognised as a valid objection.

- Noted. The intended clientele are families and elderly couples / groups who typically do not create adverse levels of noise.

10 people seems excessive for a holiday let..especially if that consisted of 5 couples. We bought the 5 acre block for a tranquil lifestyle and to appreciate the countryside”

- The capacity for 10 people is not considered excessive as the holiday home (large) use provides for 12 people to be accommodated. It is highly unlikely and undesirable that 5 couples will utilise the house at one time. It will more likely be two couples with their children, totalling a maximum of 10 people.
- The use will have very little (if any) impact on the tranquillity of the countryside.

Submission 3

The relatively secluded nature of the area with limited associated traffic certainly was a major attraction to myself and wife when we purchased our property. The granting of a holiday home permit to an already established dwelling would in my opinion impact on the general traffic movement in this immediate area and significantly have potential impact on the general ambience of this area.

- It is speculative to assume a holiday home use will generate significantly more traffic than the existing residential dwelling.

In addition to this, there is currently no provision for foot traffic via established footpaths and no recreation areas immediately adjacent to the proposed dwelling to allow the holiday visitors to pursue any additional activities. Coupled to this point I have noticed this dwelling has no southern boundary fence which raises security questions for adjacent properties.

- It is unreasonable to assume that guests of the holiday home will look for tourist activities on adjoining properties when Denmark and the surrounds has so much to offer e.g. Greens Pool, Ocean Beach, The WoW Trail, the Tree Top Walk, a visit to Albany etc.
- It is unjust to assume that tourists are dangerous and can't be trusted. This will impact greatly upon Denmark's Tourism revenue should these attitudes from locals continue. You cannot assume that someone is capable of antisocial behaviour or committing a crime simply because they are not a local.

Another issue which should be considered carefully by Council is the South Coast Highway turnoff into Myers Road. There have been several near misses on this corner when residents coming from Denmark turn right into Myers and have to deal with traffic travelling east towards Denmark on South Coast Highway whilst traffic travelling west towards Walpole are rapidly coming up behind the turning vehicle. There is inadequate passing room on the

- It is highly unlikely that this development will have any impact on the safety of the intersection of South Coast Highway and Myers Road.

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| <p><i>inside for emergency evasive action because of the narrow width of the road in that area and this is a significant safety concern to me with the potential additional traffic added by a holiday home permit. The proposed sub division immediately east of the Myers Rd turnoff has already had its proposed access deployed to Cussons Road because of this issue and I am stunned to think Council is even considering a proposal which potentially adds a lot of locally unaware drivers to this very risky area.</i></p> | |
| <p><i>On a more holistic point, I strongly object to Council even giving consideration to a proposal which places an existing residential dwelling in a residential area permission to allow up to 10 people there at one time. I have a firm view that Council should be encouraging more people to live here in dwelling rather than permitting existing dwellings to become "holiday homes". It does nothing for existing residents who purchased in good faith with the expectation that their standard of peaceful living and environment wouldn't be interrupted by potentially disruptive holiday makers.</i></p> | <ul style="list-style-type: none"> • The area is in fact zoned Special Rural and not Residential. • The dwelling itself is capable of housing 12 people under the planning framework. • Family events have been held at the dwelling with more than 10 people in attendance and has not caused any disturbance to adjoining owners. It is bewildering to think that 10 people in one large dwelling on a 5-acre lot would cause such an uproar. • It is not up to adjoining residents to decide how one's property should be used. The owners have contributed tens of thousands of dollars to the Denmark economy over the last 10 years through household maintenance, property improvements and the support of local shops and businesses. • It is best to leave it to the planning framework to provide the guidelines as to how a property should be utilised. |
| <p><i>Who is going to deal with anti social or excessively noisy behaviour when a group of temporary visitors get out of control.</i></p> | <ul style="list-style-type: none"> • The Property Manager as per the required Property Management Plan will deal with any issues. • It is a personal home and unruly guests will not be tolerated. |
| <p><i>People who purchase existing homes in an established area and then for whatever reason decide it becomes unattractive or untenable or even undesirable to live in that said dwelling should do what the rest of the population does and place it on the market for a family to live in. Don't attempt to submit proposals for what effectively is a paradigm shift in what most residents in that area believed was in place at the time they purchased their properties.</i></p> | <ul style="list-style-type: none"> • As per the previous point, it is not up to adjoining residents to decide how one's property should be used. |
| <p><i>The Shire of Denmark should be concentrating their efforts on attracting permanent residents to live and contribute to this great community, not encouraging a temporary population that typically stay a week or two.</i></p> | <ul style="list-style-type: none"> • This 'temporary' population are the ones who spend their tourist dollars in town at restaurants and other local businesses. |
| <p><i>I have observed several separate (over different times) of people walking through my immediate neighbours' property which is directly below Lot 62. They appear to be visitors and are different groups each time. This leads me to believe that there is letting of these premises going on now which would appear at odds with the current by laws.</i></p> | <ul style="list-style-type: none"> • The existing premises is often used by family of the owners. The claim of trespassing is unwarranted when the people seen could have been anyone. • The accusation that the house is currently being let out commercially is false. It is occasionally used by family and friends, which is not against any law. |

Just how many times do these people apply for this sort of dispensation? Surely if the application has been refused once then that should be it. The Council should simply stand their ground and enforce the original decision.

- Another false assumption. This application has never been refused. A previous application was withdrawn for the subject site due to personal reasons.

2 CONCLUSION

We consider this letter to adequately address the received submissions. Ultimately, the proposed holiday home is suitable and justifiable in terms of its minimal (if any) impact on adjoining residents / nearby property owners or road users on South Coast Highway. The proposed holiday home is a use capable of approval in the Special Rural zone and is compliant with the planning framework. If the Shire's Local Planning Scheme 3 stipulates that a holiday home is an appropriate use within the zone, the application should be assessed on its merits.

The guests will be strictly monitored by the Property Manager who has vast experience in hospitality and tourism. It is not in the owner's interests to have unruly guests at the house, as this is a much-loved personal property that is frequently used by the owners themselves.

The catering for tourism is essential for the economic viability of the region, and the 'not in my backyard' attitude and disdain shown towards tourists by a portion of the local population is a cause for concern. No wonder local businesses in Denmark are struggling.

We therefore respectfully request that our application continue to be assessed and determined favourably by the Shire.

Should you have any queries or require further clarification in regard to the above matter please do not hesitate to contact [REDACTED] (0408 012 799) or the writer.

Yours sincerely,



OLIVER BASSON



SITE VISIT RECORD FORM

Subject Site: 111 (Lot 62) Myers Road, Shadforth

Date: 30 November 2018

By Whom: Jasmine Tohill, Senior Town Planner

File Ref: A5233 (2018/113)



Aerial Photo (2017)



Myers Road in front of property (facing east)



Existing crossover (Bitumen seal beneath gravel)



Existing gravel driveway view north



Existing driveway showing proximity of adjacent residence to west



Existing x2 carbays, turnaround area and gravel track providing access to adjacent property to south.



View towards southern property boundary showing access track and signage



South-east elevation of house



View from rear of house facing south



Existing dam at rear of house.