

SCHEDULE OF SUBMISSIONS					
#	Name	Date	Submission	Officer Comment	Recommendation
1.	Gary Davies	04.08.2017	<p>The submission registered the following comment:</p> <ol style="list-style-type: none"> <li>1. We object to the proposal;</li> <li>2. The dwelling has been used for short-term accommodation for a number of years;</li> <li>3. Recently there was an Airbnb post on social media advertising the residence;</li> <li>4. There has been for many years, people coming, staying a night or two then leaving the residence;</li> <li>5. There is often vehicular congestion and unsafe parking of cars;</li> <li>6. There has been numerous nights of loud music, bright lighting and party noise late into the evening and until the early hours of the morning. Language and unruly behaviour have also been noted with police attending the address at least on one occasion;</li> <li>7. When I purchased my block of land, Landcorp had strict conditions for the sale of the land parcels through the ballot system, and I believe that the land parcels were not to be used for commercial applications;</li> <li>8. Currently the lower storey east room on Bubur Crossing is being used for short-term accommodation, with guests coming and going from the location regularly;</li> <li>9. Guests park in the garden in front of the lower story room;</li> <li>10. I am of the belief that the upper floor on the east Bubur Crossing side is also being used for accommodation and this room is not listed as a B&amp;B room on the application;</li> <li>11. On the Wirl Buru/Buru crossing corner there is a thatched type room on stilts that has recently been fitted with an air-conditioner and have witnessed lighting and people inside late at night;</li> <li>12. Will the owner be residing at the residence?</li> <li>13. This type of commercial activity tends to dilute</li> </ol>	<ol style="list-style-type: none"> <li>1. Objection is noted.</li> <li>2. This has been investigated by the Shire and this application is the result of the operation of an unauthorised land use.</li> <li>3. Noted.</li> <li>4. Noted.</li> <li>5. Concerns over the availability of parking on site is noted. Shire officers similarly have concerns over the adequacy of parking given the existing approved land uses on site and the inadequacy of tandem parking arrangements given that the ancillary dwelling can be occupied independently of the main dwelling.</li> <li>6. Noted.</li> <li>7. While this application is seeking approval as a B&amp;B, it is noted that the property in the past has not been used in accordance with approvals issued, with up to five rooms being made available for short-stay use. The type of activity being undertaken from the site is more commercial in nature rather than being incidental to a residential use.</li> <li>8. Noted.</li> <li>9. Noted.</li> <li>10. The upper floor is approved as an ancillary dwelling and can therefore operate separate to the main residence and the B&amp;B activity.</li> <li>11. The 'thatched type room' is an additional non-habitable room approved by the Shire. The landowner has been advised by Shire officers on</li> </ol>	<p>That the submission be noted.</p> <p>It is recommended that application be refused for the following reasons:</p> <ol style="list-style-type: none"> <li>1. Given the site's existing approval for use as a single dwelling and ancillary dwelling, a B&amp;B land use would represent an intensification of land uses which: <ol style="list-style-type: none"> <li>a) is not compatible with the Residential zoning of the property or the site's setting;</li> <li>b) will impact on the amenity of the locality and the character of the locality; and</li> <li>c) would result in additional vehicles parked within the setbacks of the property, inconsistent with the character of residential streetscapes.</li> </ol> </li> </ol>

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			<p>the attentiveness of those who live in the area in regard to activities that are out of character for the suburb. With constant coming and going of short stay travellers to the residence at all hours of the day and night, it becomes difficult to determine what is unusual behaviour for the property owners surrounding the residence;</p> <p>14. Does the massage practice have approval to be running from the subject dwelling?</p> <p>15. There are enough B&amp;Bs in Broome already.</p>	<p>several occasions that this room is not approved for human habitation.</p> <p>12. If the application were to be approved, a condition of the B&amp;B will be for a permanent resident to reside at the property.</p> <p>13. Concerns over the amenity and character impacts are noted and it is one these grounds that the proposal is recommended for refusal.</p> <p>14. No approvals exist from the Shire for a massage business.</p> <p>15. The number of B&amp;Bs permitted in Broome is not limited under the provisions of LPS 6 and LPP 8.27.</p>	
2.	Gareth Jenkins	09.08.2017	<p>The submission registered the following comment:</p> <ol style="list-style-type: none"> <li>1. We strongly oppose the application;</li> <li>2. The plans do not represent what is currently constructed on site;</li> <li>3. There is currently a 'cabana' constructed on the north west corner of the lot that is being rented out as an air-conditioned guest room;</li> <li>4. The building setbacks nominated do not represent the current construction and a staircase and landing is constructed on the southern side of the existing structure;</li> <li>5. We view the 'cabana' as a detached dwelling, which is not permitted under local planning policy and the construction of the cabana is unlikely to be compliant with the National Construction Code (NCC) for example for Section J (Energy Efficiency), which is required for an air-conditioned space.</li> <li>6. The external staircase built on the southern boundary of the property directly overlooks our entertaining and pool area and permits no privacy for us either inside or outside our property. We have undertaken extensive landscaping in an attempt to screen it out. We question if this was an approved construction and if any screening was required or nominated on the approved plans;</li> </ol>	<ol style="list-style-type: none"> <li>1. Objection is noted.</li> <li>2. The plans have since been updated; and a site inspection undertaken by Shire Officers on 31 August 2017, reveals the most recent plans correctly reflect what is currently constructed on site.</li> <li>3. The 'cabana' has been approved as a non-habitable addition. The owner has been advised on several occasions that this addition cannot be used for habitable purposes.</li> <li>4. A site inspection undertaken by Shire Officers on 31 August 2017, revealed the setbacks and buildings indicated on the plan to be correct.</li> <li>5. The 'cabana' was approved as a Class 10a non-habitable structure. Part J does not apply to this class of building as it is non-habitable.</li> <li>6. As per the Residential Design Codes of WA, the staircase does not require privacy screening as it is not considered to be a habitable space.</li> <li>7. This has been investigated by the Shire and this application is the result of an unauthorised land use. It is noted</li> </ol>	<p>That the submission be noted.</p> <p>It is recommended that application be refused for the following reasons:</p> <ol style="list-style-type: none"> <li>1. Given the site's existing approval for use as a single dwelling and ancillary dwelling, a Bed and Breakfast land use would represent an intensification of land uses which: <ol style="list-style-type: none"> <li>a) is not compatible with the Residential zoning of the property or the site's setting;</li> <li>b) will impact on the amenity of the locality and the character of the locality; and</li> <li>c) would result in additional vehicles parked within the setbacks of the property, inconsistent with the character of residential streetscapes.</li> </ol> </li> </ol>

		<ol style="list-style-type: none"> <li>7. An unapproved hostel/backpacker style accommodation has been operating at the subject site for a number of years;</li> <li>8. Some areas of the property have been advertised for lease using commercial real estate agents in addition to the owner advertising via social media.</li> <li>9. We have seen the 'cabana', upstairs apartment and individual downstairs bedrooms advertised on separate occasions.</li> <li>10. This illegal use of the property has detracted from the amenity of the area due to, at times, excessive number of cars parked along the street verge, and illegal camping along the road and excessive waste stockpiled out the front of the property;</li> <li>11. Occupants frequently dump plant waste either over our fence, on the verge in front of our property or over the road in the Shire's Drainage and Recreation reserve;</li> <li>12. The level of maintenance to the landscaping is poor with a number of plant species identified in the Shire of Broome publication as "Weeds of Broome";</li> <li>13. In our view, the floor plan has sufficient features to be classified as a 'Residential Building', including a kitchen provided on the ground and first floor; independent access to portion of the building, namely, access independently to the second storey via the external staircase; the ratio of bathrooms and toilets to the number of bedrooms; the provision of separate outdoor living areas; and the amount of car parking provided. This is inconsistent with the approval as a dwelling and reclassification is appropriate in the consideration of the approval as a B&amp;B accommodation;</li> <li>14. We question whether the landowner will remain as a permanent resident and continue to reside at the dwelling; and</li> <li>15. We request the Shire of Broome undertake a compliance review of the current construction of</li> </ol>	<p>that the owner has been advertising that up to five rooms are available for short-stay use.</p> <ol style="list-style-type: none"> <li>8. Noted.</li> <li>9. Noted.</li> <li>10. Concerns over the availability of parking on site is noted. Shire officer's similarly have concerns over the adequacy of parking given the existing approved land uses on site and the inadequacy of tandem parking arrangements given that the ancillary dwelling can be occupied independently of the main dwelling. The activity would result in up to five vehicles regularly being parked in the front setback area, which is not deemed consistent with a residential streetscape.</li> <li>11. Illegal dumping is not a consideration under Clause 67 of the LPS6 and is a matter to be investigated separately.</li> <li>12. Noted.</li> <li>13. The property consists of a main residence on the ground floor and an approved ancillary dwelling on the upper floor. It is noted that the property in the past has been used as a Residential Building.</li> <li>14. As per LPP 8.27, if the application were approved a condition of the B&amp;B will be for a permanent resident to reside at the property.</li> <li>15. A site inspection was undertaken by Manager of Planning &amp; Building Services, Building Surveyor and Planning Officer on 31 August 2017, which revealed the property is compliant with existing approvals granted by the Shire.</li> </ol>	
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			the property in comparison with the approved Planning and Building Approval documents to investigate the possible illegal construction.		
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