

BANJUP RESIDENTS GROUP (Inc.)

Email: secretary.banjup@gmail.com

19 December 2016

Chief Executive
City of Cockburn
Spearwood
WA

Dear Mr Cain

REVISED DEVELOPMENT APPLICATION FOR 351 BEENYUP ROAD

Thank you for the opportunity to comment on the revised development application for 351 Beenyup Road, Banjup.

Banjup Residents note that the shape of the building now proposed is unchanged from the first proposal. All that seems to be different is that some of the bedrooms have been joined together and are now labelled gym, sauna, theatre, study nook, etc. If these plans were approved and the house built, then it would be a straightforward matter for these rooms to be converted back into the multiple bedrooms of the original plan.

We also note that the room marked as 'Granny Flat' is no such thing. It has no separate entrance and so is not self-contained. In reality, it is just another bedroom that could be subdivided into several more.

The house has 8 toilets (down from 10 in the first design) but still no toilet for visitors, which would be unusual for a house of this quality. Taken with the 13 toilets of the first *Siheyuan* house, the 5 toilets of the second house, there would be 26 toilets flushing into the groundwater from the original property at 341 Beenyup Road. This would likely be too much for the local ecosystem to tolerate.

Banjup Residents remain unconvinced that the new plans are for a family residence. We repeat and add to our contentions from our earlier submissions:

Not Consistent with Use as a Family Residence

It appears to Banjup Residents that the plans for 351 Beenyup are not consistent with a building that is intended for use as a single family residence. The accommodation and facilities envisaged are more consistent with those of a guest house.

Banjup Residents note that the 3 properties that once comprised 341 Beenyup Road are all owned by the same corporate entity whose beneficial owner is James Tan of Applecross. Mr Tan has already asserted to the City of Cockburn that both the 2 storey, 10 bedroom residence and the single storey, 4 bedroom residence are both for the occupation and use of him and his immediate family, perhaps himself, spouse, and children in one house and parents in the other. We infer, therefore, that 351 Beenyup Road will be the residence of another family, either as tenants or as owners, should the property be sold on. Banjup Residents ask how the City of Cockburn will assure continued compliance that 351 Beenyup is used as a single immediate family residence by other than Mr Tan.

Previous Development Applications

Banjup Residents refer the City of Cockburn to our submission of May 2015 concerning the application for a residence at Lot 1 of 341 Beenyup Road:

If the proposed dwelling were constructed, the City of Cockburn could find it difficult to differentiate between house residents, house guests, and paying guests. The use of a building in Banjup as a hotel is not envisaged under the WA Planning Commission's Statement of Planning Policy No. 2.3 – Jandakot Groundwater Protection Policy.

With the development having many of the attributes of a hotel, how could its compliant use as a family residence be assured, both in the short and long terms, especially after a change in ownership?

We also refer the City of Cockburn to our submission of May 2016 concerning the application for a residence on Lot 2 of 341 Beenyup Road:

Overall, Banjup residents are concerned that the developments at 341 Beenyup Road seem intended for more than single family residences. We ask the City of Cockburn to get clarity on their purposes before approving any further development.

How Will Compliance for Use as a Family Residence be Assured?

Banjup Residents are now deeply concerned about the occupation and use of all 3 of the residences at 341 Beenyup Road. A reasonable person looking at the plans would have serious doubts as to whether the dwellings are for the use of a single family, despite the proponent's assertions. Banjup Residents contend that if development approval for 351 Beenyup Road were given, then assuring compliance that the building is being used by only one family would be very difficult and would be subject to many obstructions.

Further, once the building is completed, how would the City of Cockburn know if several more bedrooms had been constructed by subdividing the large rooms currently labelled as theatre, gym, etc? In such circumstances, many more people could be living there and the City would find it difficult to assure compliance with any planning conditions that it might apply.

Banjup Residents ask:

1. What constitutes a family? How do we know who is a member of the 'family' and who is not?
2. How are true residents (those staying longer than 3 months, say) differentiated from those who are transient?
3. How do we know who pays rent and who does not?
4. Who will monitor who comes and goes from the building?
5. Will the City of Cockburn monitor the building's use or will neighbours have to make a complaint before they act? Which neighbour wants to take on that responsibility?

We asked these questions in our earlier submissions about the 3 properties at 341 Beenyup. We have yet to receive answers to them.

Councillors of the City of Cockburn to Decide

Banjup Residents note that the developments at Lots 1 and 2 were approved under delegated authority. This latest development application is so contentious that it should be decided upon by the Councillors of the City of Cockburn so that full public scrutiny is possible.

Banjup Residents urge the Councillors of the City of Cockburn acting as reasonable people to reject the development application as not being consistent with that for a family residence, especially in the context of the 2 neighbouring developments and the difficulty of assuring compliance with planning directives.

Yours sincerely

Ian Thurston

Secretary