



# NOTES

July Council Agenda Briefing  
**Held in the Collier Park Community Centre**  
**Tuesday 18 July 2006**  
**Commencing at 5.30pm**

Present:

Mayor, J Collins, JP (Chairman)

Councillors:

G W Gleeson	Civic Ward (from 5.36pm)
L M Macpherson	Como Beach Ward (from 6.05pm)
L J Jamieson	Manning Ward
L P Ozsdolay	Manning Ward
C A Cala	McDougall Ward
R Wells, JP	McDougall Ward
R B Maddaford	Mill Point Ward
D S Smith	Mill Point Ward
K R Trent, RFD	Moresby Ward (from 5.42pm)

Officers:

Mr C Frewing	Chief Executive Officer
Mr S Cope	Director Strategic and Regulatory Services
Mr M Kent	Director Financial and Information Services
Mr L Croxford	Acting Director Infrastructure Services
Mr R Bercov	Manager Development Services
Ms D Gray	Manager Financial Services
Mr N Kegie	Manager Community, Culture and Recreation (until 5.58pm)
Mr S McLaughlin	Legal and Governance Officer (from 5.45pm)
Mr T Pavlos	Coordinator Community Development (until 5.58pm)
Mrs K Russell	Minute Secretary

Gallery

Four members of the public were present and one member of the press

Apologies

Cr B W Hearne	Como Beach Ward - leave of absence
Cr S Doherty	Moresby Ward - leave of absence
Cr L Macpherson	anticipated late arrival

OPENING

The Mayor opened the Agenda Briefing at 5.30pm and welcomed everyone in attendance. He then advised the public present that they were not permitted to ask questions or interject in the proceedings and he reminded Members that Agenda Briefings were not part of the decision-making process but an opportunity for them to raise questions on the Agenda Items presented.

ITEMS THE SUBJECT OF THE AGENDA BRIEFING

The Chief Executive Officer commenced the presentation and gave a brief summary of each of the following reports on the July 2006 Council Agenda. Questions and points of clarification were raised by Members and responded to by the officers.

**9.0.1 Two Storey Single House, 15 Thomas Street, South Perth.**

This report seeks Council's determination in relation to streetscape compatibility and compliance with the provisions of Council's Design Guidelines Policy and the 2002 R Codes

**9.0.2 Mixed Development. 9 George Street, Cnr Baron Hay Court, Kensington (Ngala site)**

The application relates to a proposed Mixed Development comprising 16 Aged or Dependent Persons' Dwellings, 19 Grouped Dwellings and a Communal Centre as part of the Ngala Family Resource Centre. Council's discretion is sought in regard to the Mixed Development being a "D" (discretionary) use under TPS6.

**Note:** Cr Gleeson arrived at 5.36pm  
Cr Trent arrived at 5.42pm  
Legal and Governance Officer arrived at 5.45pm

**Note:** Following a request from Cr Gleeson the Mayor allowed further questions to be raised in relation to Item 9.0.1 as Cr Gleeson had arrived after the discussion on Item 9.0.1 had taken place.

**9.1.1 Corporate Priorities Progress**

The purpose of this report is to provide a half yearly report to Council on the progress made towards achieving the Goals and Strategies identified in the Strategic Plan.

**9.2.1 Community Development Strategies**

This report outlines the findings of two Needs Studies undertaken in 2005/06; *Families with Young Children*, and *Seniors and Older Citizens*, and the role the information contained in the studies will play in the development of strategies for these two cohorts.

**Note:** Manager Community, Culture and Recreation and Coordinator Community Development retired from the meeting at 5.58pm

DECLARATION OF INTEREST - ITEM 9.2.2 - CR TRENT

A Declaration of Interest, as follows, was received from Cr Trent:

***"I wish to declare a Conflict of Interest in Agenda Item 9.2.2 - 'Community Funding Program Round One' on the Council Agenda for the meeting to be held 25 July 2006. As the Chair of the Kent Street District Council, a proposed recipient of the funding program, I will leave the Council Chamber and not participate in the debate or vote on this matter."***

**Note:** Cr Trent left the Chamber at 5.59pm

**9.2.2 Funding Assistance Program - Round One Community Development Category**

this report considers applications in the Community Development category of the Funding Assistance Program - Round 1 - 2006/2007.

**Note:** Cr Trent returned to the Chamber at 6.01pm

**9.2.3 Donation Request - Community Event at Curtin**

This report considers a request for financial assistance for a Community Event to be held at the Curtin University of Technology on 29 October 2006.

**9.3.1 Modification to Roofing for Approved Grouped Dwelling, 114 Todd Avenue, Como**

This report deals with a request for approval of a Colourbond roof for the proposed new replacement front dwelling in this 'battle-axe' configuration of two Grouped Dwellings. The owners have advised that the colour of the metal roof sheeting will match the tile colour of the rear dwelling

**9.3.2 Enclosed Patio Addition to Grouped Dwelling 3/9 South Terrace, Como.**

This report relates to a proposed enclosed patio (Sun Room) addition to an existing Grouped Dwelling. The dwelling is one of a group of 7 on the lot. Council discretion is sought as the proposed patio addition does not match the existing main dwelling.

**9.3.3 Balcony Additions to Multiple Dwellings, 8 Darley Street, South Perth**

This report seeks Council approval for a 12 month extension to an approval issued in June 2004 for additions to 40 existing Multiple Dwellings ('Darley Heights') and for the deletion of the condition of that approval relating to the balcony additions on the eleventh and twelfth floors.

**Note:** Cr Macpherson arrived at 6.05pm

**9.3.4 Proposed Subdivision: Clontarf Estate, Waterford**

A subdivision plan to create 189 new residential lots and 5 hectares of open space at the corner of Manning Road and Centenary Avenue has been forwarded to the City by the WAPC for comment.

**Note:** The Manager Planning Services advised Members that the very large report provided by the Town Planning Consultants in support of the subdivision proposal is available for viewing in the Council Chambers at Collier Park Village.

**9.4.1 Annual Tender for Supply / Laying of Hot Asphalt Road Surfacing**

This report outlines the assessment process and recommends the preferred tender for the supply and laying of Hot Asphalt Road Surfacing for a three year period to June 2009.

**9.4.2 Roads to Recovery**

The City is required to nominate to the Department of Transport projects to be funded from the extraordinary "one off allocation" from the Australian Roads to Recovery Program. For South Perth this represents an additional \$182,325 for road rehabilitation and/or road construction.

**9.5.1 Council Meeting and Agenda Briefing Location August 2006**

This report seeks approval for a change to the approved 'Schedule' for Council meetings adopted in November 2005 so that the August 2006 Council Agenda Briefing / Ordinary Council Meeting can be held at the Collier Park Village Community Centre.

**9.5.2 Structural and Electoral Reform in WA**

This report proposes a submission be made to the Local Government Advisory Board in response to its request for submissions in relation to the report on "*Local Government Structural and Electoral Reform in WA - Ensuring the Future Sustainability of Communities*".

**9.5.3 Planning Department Structure**

This report considers the most appropriate structure of the Planning Team to meet the organisation's business goals.

**9.6.1 Monthly Financial Management Accounts for June 2006**

This report summaries Financial Accounts for June 2006.

**9.6.2 Statement of Funds, Investments and Debtors at 30 June 2006**

This report presents the effectiveness of treasury management for the month.

**9.6.3 Warrant of Payments for June 2006**

this report lists accounts paid by the CEO under delegated authority for June 2006.

**Closure**

The Mayor closed the Agenda Briefing at 6.44pm and thanked everyone for the attendance.



# NOTES

## CONCEPT FORUM

- Major Parks/Foreshore Projects Update
- Draft Response LGAB re Structural Reform  
**Held in the Collier Park Village Community Centre  
Wednesday 19 July 2006 commencing at 5.30pm**

Present:

Mayor J Collins, JP (Chairman) (until 7.00pm)

Councillors:

L M Macpherson	Como Beach Ward (from 5.45pm)
L P Ozsdolay	Manning Ward
C A Cala	McDougall Ward
R B Maddaford	Mill Point Ward
K R Trent, RFD	Moresby Ward (from 5.47pm)

Officers:

Mr C Frewing	Chief Executive Officer
Mr M Taylor	Manager City Environment

Consultant

Ms Helen Westcott	Local Government Consultant (from 6.50pm)
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Apologies

Cr B W Hearne	Como Beach Ward - Leave of Absence
Cr S Doherty	Moresby Ward - Leave of Absence
Cr D S Smith	Mill Point Ward

OPENING

The Mayor opened the Concept Forum at 5.30pm and welcomed everyone in attendance.

**1. Major Parks/Foreshore Projects Update**

The Manager City Environment gave a powerpoint presentation on the major Parks and Streetscape Projects and covered the following topics:

- Indigenous Heritage Consultation Study
  - A condition of the Swan River Trust development approval process
  - Clearance under the *Aboriginal Heritage Act 1972* required for developments likely to impact on Aboriginal sites
  - Requirement to consult with local indigenous groups
  - City originally consulted on individual projects - now an overall consultation process
  - Foreshore Heritage Master Plan received Ministerial approval 7 June 2006

- Sir James Mitchell Park Plans
  - Background
  - Esplanade Landscape Plan
    - Background
    - Features
  - Foreshore Renovation Plan
    - Background
    - Features
  - Studies Proposed for 2006/07
  - Works on Hold
- Como Beach Landscape Upgrade
  - Background
  - Image
  - Features
  - Upgrade
  - Works Proposed for 2006/07
- Preston Street Streetscape Upgrade
  - Background
  - Works Proposed for 2006/07
- Miscellaneous Projects
  - Windsor Park Water Feature
  - River Wall Study
  - George Burnett Park Artworks

**Note:** This part of the Concept Forum concluded at 6.50pm  
Ms Helen Westcott, Local Government Consultant, arrived at 6.50pm  
Mayor Collins retired from the meeting at 7.00pm

## 2. **Draft Response to Local Government Advisory Board Re Structural Reform**

The Chief Executive Officer gave a presentation on the history of the project and covered the topics:

- Background - *The Story so far...In October 2005 Minister asked Local Government Advisory Board to conduct an Inquiry into "Local Government Structural and Electoral Reform in WA ensuring the future sustainability of communities".*
- Council Briefing Sessions held 17.11.05 and 4.12.05 in relation to issues raised in Discussion Paper
- Council approved submission - 20 December 2005
- Local Government Advisory Board submits report to Minister - March 2006
- Minister releases Report and requests comments on Recommendations - May 2006
- Copy of Executive Summary / Recommendations provided to Members 5 May 2006
- Council Briefing Session held 6 June 2006
- Three month period allowed for submissions.
- Council Briefing held 19 July 2006 to consider response to LGAB's recommendations
- Consideration of draft responses by Council

Following the presentation a discussion was held in relation to each of the proposed responses to the 49 recommendations contained in the Report of the Local Government Advisory Board. Some changes were made to the draft report and the CEO confirmed that the modified report would be circulated to Members as an Attachment to Item 9.5.2 on the July Council Agenda.

Councillors present requested that the CEO advise all Members that if they had any queries with respect to the report listed on the July Council Agenda that they be requested to contact him direct to clarify any issues prior to the Council meeting.

## 3. **Closure**

The Deputy Mayor closed the Concept Forum at 7.45pm and thanked everyone for their attendance.



## NOTES CONCEPT FORUM

- Council Performance Monitor Results
- Draft Action Plan 2007 Fiesta  
**Held in the Collier Park Village Community Centre  
Tuesday 1 August 2006 commencing at 5.30pm**

Present:

Mayor J Collins, JP (Chairman)

B W Hearne	Como Beach Ward
L M Macpherson	Como Beach Ward
L J Jamieson	Manning Ward
C A Cala	McDougall Ward
R Wells, JP	McDougall Ward
R B Maddaford	Mill Point Ward
S Doherty	Moresby Ward
K R Trent, RFD	Moresby Ward

Officers:

Mr C Frewing	Chief Executive Officer
Mr S Cope	Director Strategic and Regulatory Services
Mr Glen Flood	Director Infrastructure Services
Mr N Kegie	Manager Community, Culture and Recreation
Mrs Nicole Jameson	Grants and Consultation Officer
Mr Martin Sawtell	Arts and Events Coordinator

Guest

Ms Lisa Whitehead	Director CATALYSE
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Apologies

Cr L P Ozsdolay	Manning Ward - leave of absence
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OPENING

The Mayor opened the Concept Forum at 5.30pm and welcomed everyone in attendance.

**1. Presentation - Council Performance Monitor Results**

The Chief Executive Officer introduced Ms Lisa Whitehead, Director of CATALYSE.

Ms Whitehead reported that in 2006 the City of South Perth administered the CATALYSE Community Perceptions Survey among residents to evaluate and monitor performance across a range of services and facilities. 401 residents participated in the study. The survey conducted provides Council with valid performance that can be benchmarked and consistently monitored over time. She advised that this was the third survey to have been conducted in the City with previous surveys having been done in 2003 and 2004. In 2004 Council determined that biennial surveys would deliver better results.



**Ms Whitehead** then provided details of the 'research method' of the survey and covered the following topics:

### **Background**

Research conducted to determine:

- overall satisfaction with the City of South Perth
- perceived importance and satisfaction for selected services and facilities
- performance gaps

### **401 Residents Completed a Survey**

- surveys were administered using computer assisted telephone interviews
- residential quotas were set by age, gender and location to obtain a representative sample
- sampling precision is +/- 5% at the 95% confidence interval and meets the level specified by the Office of the Auditor General.

### **CATALYSE Industry Standards**

Industry standards are provided in the report when three or more Councils asked the same or similar question in the past 18 months. Councils included in the Industry Standards include:

City of Armadale	City of Joondalup	Town of Bassendean
Serpentine-Jarrahdale Shire	City of Belmont	Town of Kwinana
Town of Claremont	City of Mandurah	City of Cockburn
City of Melville	City of Fremantle	City of Wanneroo

### **Overall Satisfaction Ratings**

	<b><u>2003</u></b>	<b><u>2004</u></b>	<b><u>2006</u></b>
<b><u>Satisfied (6+ out of 10)</u></b>	76%	83%	82%

### **Survey Outcomes**

Results of the survey were presented for each area surveyed and compared the City's performance with past years, industry benchmark and average scores. The City set the benchmark in the areas of street sweeping, a family friendly environment, protecting natural areas such as bushlands, wetlands and river foreshore and providing and maintaining footpaths and cycleways.

### **Opportunities to be Explored**

In the areas where the City did not attain the industry benchmark score, it was the intention of relevant staff to contact the benchmark leader and compare areas of operation to ascertain opportunities for improvement.

Questions were raised by Members and responded to by Ms Whitehead. Members received copies of the presentation at the conclusion of the Briefing.

**Note:** This part of the Concept Forum concluded at 6.50pm

## **2. Fiesta 2006 Evaluation and Planning for Fiesta 2007**

The Manager Community Culture and Recreation provided an evaluation of Fiesta 2006 including feedback from surveys conducted at events, internal debriefing sessions and an evaluation survey distributed to members in April 2006.

This was followed by an update on planning for 2007 including information regarding funding, sponsorship and partnering opportunities. Members provided input into discussion on the following topics:

- aims of the Fiesta
- timing of events
- types of events held
- the need to ensure greater numbers at some events
- involvement of schools and other community groups

- **funding and sponsorship.**

Officers responded to questions raised and noted suggestions made throughout the briefing.

Members received a handout of the presentation, a list of comments received as part of the event surveys and an evaluation form to provide further feedback.

**3. Closure**

The Mayor closed the Concept Forum at 8.00pm and thanked everyone for their attendance.



# NOTES

## CONCEPT FORUM

- Underground Power Project Update
  - Organisational Priorities Review
- Held in the Collier Park Village Community Centre  
Wednesday, 2 August 2006 at 5.30pm**

Present:

Mayor J Collins, JP (Chairman)

L M Macpherson	Como Beach Ward (from 6.05pm)
C A Cala	McDougall Ward (from 5.50pm)
R Wells, JP	McDougall Ward
R B Maddaford	Mill Point Ward
S Doherty	Moresby Ward
K R Trent, RFD	Moresby Ward (5.30pm - 7.10pm)

Officers:

Mr C Frewing	Chief Executive Officer
Mr G Flood	Director Infrastructure Services
Mr M Kent	Director Financial and Information Services (from 5.35pm)
Mr L Croxford	Manager Engineering Infrastructure
Mr S Cope	Director Strategic and Regulatory Services (from 5.45pm)

Apologies

Cr L P Ozsdolay	Manning Ward - leave of absence
Cr D S Smith	Mill Point Ward - leave of absence

OPENING

The Mayor opened the Concept Forum at 5.30pm and welcomed everyone in attendance.

**1. Underground Power Project Update**

The Manager Engineering Infrastructure presented an update on the Round Three Underground Power Project. The presentation format concentrated on three aspects:

- general background to Underground Power Projects within the City;
- update on infrastructure related specifically to Round Three Como East; and
- detailed explanation of the range of charges for underground power to be released as part of the consultation process.

The Manager Engineering Infrastructure noted that although there has been widespread publicity on the project and the likely start date - late 2006, to date no reference has been made to the likely service charge needed to fund the City's half-share of the project cost.

To enable the consultation process to proceed a range of likely charges was discussed at length, along with a typical format for consultation and feedback using external market research consultants.

Questions from Councillors were taken throughout the presentation on a wide range of topics all intended to clarify the position relating to:

- location of power infrastructure;
- type and nature of external consultation;
- discounts on network and connection charge that together form the service charge; and
- timetable for report to Council to progress the project.

**Note:** This part of the Concept Forum concluded at 6.50pm.

## 2. **Organisational Priorities Review**

The Chief Executive Officer gave a presentation on the Review of Organisational Priorities and covered the following topics:

- Corporate and Community Services
  - Collier Park Hostel - future direction with implications to operating revenue/expenditure
  - Collier Park Village - opportunities to increase revenue/improve efficiencies
  - Collier Park Golf Course - future direction/review of operations
  - Future role of City's two Senior Citizens' Centres
- Financial and Information Services
  - Council's position with respect to the Civic Triangle and the link to planned major capital works
  - FBT Issues
  - Non rateable property issues
  - Investment policy
- Infrastructure Services
  - Underground power program for Como east
  - Como Beach and Sir James Mitchell Park Foreshore Capital Works Program
  - Parks maintenance costs benchmarking
- Statutory and Regulatory Services
  - City's role in the SEMRC regarding future waste management
  - Parking review with particular emphasis on Richardson Park
  - Builders/Developers compliance with approved Planning/Building Plans
  - Town Planning Scheme Review / Network City Review
  - Residential Design Guidelines Review
  - Transfer Station
  - Public Open Space Review

The anticipated timetable for Review of Organisational Priorities over the next 6 months was presented.

Questions were raised by Members and responded to by the CEO.

## 3. **Closure**

The Mayor closed the Concept Forum at 7.35pm and thanked everyone for their attendance.



## NOTES CONCEPT FORUM

- Collier Park Hostel Review *Confidential*
- Como Beach Landscape Project  
**Held in the Collier Park Village Community Centre  
Tuesday 8 August 2006 at 5.30pm**

Present:

Mayor J Collins, JP (Chairman)

L M Macpherson	Como Beach Ward (from 5.55pm)
B W Hearne	Como Beach Ward
L J Jamieson	Manning Ward
C A Cala	McDougall Ward (until 6.50pm)
R Wells, JP	McDougall Ward
R B Maddaford	Mill Point Ward (from 5.58pm)
K R Trent, RFD	Moresby Ward (5.30pm - 7.10pm)

Officers:

Mr C Frewing	Chief Executive Officer
Mr G Flood	Director Infrastructure Services (from 5.59pm)
Mr M Kent	Director Financial and Information Services (from 5.40pm)
Mrs M Clarke	Manager Collier Park Village (until 7.05pm)
Mr M Taylor	Manager City Environment (from 7.05pm)
Ms K Dravnieks	Horticultural Officer (from 7.05pm)

Apologies

Cr L P Ozsdolay	Manning Ward - leave of absence
Cr D S Smith	Mill Point Ward - leave of absence
Cr S Doherty	Moresby Ward - leave of absence

OPENING

The Mayor opened the Concept Forum at 5.30pm and welcomed everyone in attendance. He then reminded those present that the first item for discussion was *Confidential*.

**1. Collier Park Hostel Review - Confidential Presentation**

The Chief Executive Officer presented an overview of the outcome of the Review carried out by Southern Cross Care (WA) Inc. who were appointed by Council in December 2005 to carry out a review of the Collier Park Village Hostel. The presentation covered the following topics:

- Terms of Reference provided for review
- Background re external review
- Collier Park Hostel background



**Note:** Director Financial and Information Services arrived at 5.40pm

- Report - Issues raised
- Options

**Note:** Cr Macpherson arrived at 5.55pm

Cr Maddaford arrived at 5.58pm and the Director Infrastructure Services arrived at 5.59pm

- Current Situation
- Financial Implications
- Options for the future

**Note:** Cr Cala retired from the meet at 6.50pm

Questions from Councillors were taken throughout the presentation on all of the topics raised. A copy of the *Confidential* presentation was circulated to Members.

**Note:** The Mayor left the Council Chamber at 7.00pm. Deputy Mayor Maddaford took the position as Chair at 7.01pm.

The Mayor returned to the Council Chamber at 7.05pm and resumed his position as Chair.

The Manager Collier Park Village retired from the meeting at 7.05pm

**Note:** This part of the Concept Forum concluded at 7.05pm.

## 2. **Como Beach Landscape Project**

The Manager City Environment gave a powerpoint presentation on the Como Beach Landscape Project approved by Council in February 2005. He covered the following topics:

- Background
  - Project identified in the City's Strategic Financial Plan
  - Project scope significantly reduce.
  - Study area
  - Community consultation
  - Final Concept adopted February 2005
  - Swan River Trust and Indigenous approvals received
- Project Features
  - Overall reduction in grassed area
  - Increased planting / native theme
  - Creation of separate pedestrian path
  - Creation of theme entry area
  - Artwork component
  - New furniture, shelter, viewing platform
  - Visual screening of key areas of Freeway
  - Budget available
- Progress to Date
  - Detailed design and contract specification completed
  - Artwork component to be developed separately
  - Project consultant's estimate / budget implications
  - Tenders closed 3 August / Tenders received
- Options

Questions were raised by Members and responded to by officers.

**3. Closure**

The Mayor closed the Concept Forum at 7.40pm and thanked everyone for their attendance.

①

**APPLICATION FOR CHANGE OF USE FROM FLOWER  
DESIGN SCHOOL TO THE BANKSIA CAFÉ**

CITY	PERTH
27 JUN 2006	
D	
F	BA2/78
C	65
Att	<input checked="" type="checkbox"/>



**78 BANKSIA TERRACE, KENSINGTON**

Anne and Jim McAvoy  
24 Brandon Street  
South Perth WA 6151

Phone/fax (08) 93674205  
Email jimca@ozemail.com.au



**APPLICATION FOR CHANGE OF USE FOR  
78 BANKSIA TERRACE KENSINGTON**

We have owned the property situated at 78 Banksia Terrace, Kensington for over 19 years. The "Shop" has been a feature of the area since the 1950's. It has housed a variety of commercial operations, including a delicatessen supplying the local school, a hardware store servicing the local community and more recently, it has been leased as a commercial flower outlet and floral design school.

We now wish to return the premises to a more local community focus by converting it to a café, which we intend to operate ourselves. We believe such use will enhance Kensington's community spirit and benefit local residents, particularly young "stay at home" mothers and the community's seniors.

Parents taking and picking up their children from school, and students and staff of the nearby Kensington Primary School will all be able to take advantage of the convenient and relaxed venue we intend to create.

**Change of use to 'Café'**

The property is zoned Local Commercial. We note that under the City of South Perth's Town Planning Scheme No 6 (TPS 6), Table 1, the use of 'Café' is noted as a *Discretionary Use, with Consultation*. The purpose of this letter is to explain and support our application for the proposed change of use to café.

The existing building has a long local history as a convenience shop and is typical of the "small corner store" mentioned in the City of South Perth Local Commercial Strategy. One of the Strategy's stated objectives is, in part, to recognise, reinforce and retain this type of establishment: (see Attachment (2) 9.3.4).

We believe that the TPS 6 objectives are well served by returning this building to a more community oriented use as a local cafe. The proposed use will add character and atmosphere to the local area and is more closely aligned to the original purpose of this building, serving local community tastes and needs.

**Benefits of location**

The property is particularly well suited to a local café as it is situated directly opposite the entrance to Kensington Primary School and its tennis courts. It is also in close proximity to the Kensington Squash Courts. The local Police Station, Fire Station and a *Special* school are located at the South East end of Banksia Terrace. The remainder of the surrounding area is zoned 'Single Residential' featuring a high proportion of young families and a significant number of senior residents, many of whom no longer drive. The Bike Path passes by, linking Victoria Park to the river.

The proposed café would add interest and life to the Kensington area and its community. For example, similar developments in South Perth such as the Secret Garden in Angelo Street, the Book Café on Mill Point Road and the Dux Café in South Terrace have contributed to the vibrancy of those areas. These few examples demonstrate the successful interaction between small café style operations and the local communities they serve. Indeed, the retention of this

type of localised small commercial development throughout the City is widely recognised by residents as being beneficial to their interests. We note that the above examples are all located adjacent to or nearby residential areas and illustrate the advantages to residents of situating lifestyle amenities in close proximity to residential properties.

Local residents would benefit from a small local café in the Kensington area, and could use the café as a destination for a small walk, a catch-up with friends or a short café break during a family outing or bike ride.

Kensington family groups, in particular Mothers with small children, would benefit from the property's central location, in close walking distance to the highway, schools and sporting facilities.

#### **Enhanced community spirit and residential amenity**

Our proposal recognises the important benefits that a local café would bring to the community life of Kensington residents. The use as a café would create opportunities for local residents to interact in a casual and friendly environment, meeting and enjoying the company of others outside the home environment. This would be particularly beneficial to Kensington's seniors, who find it difficult to travel far and are often isolated in their homes.

As part of our proposal we intend to incorporate a 'Community Notice Board' where local people can place notices of local interest. Our intention is to operate the café as a husband and wife team assisted by one or two part-time local employees.

#### **No external alterations to building**

TPS 6 notes the importance of building compatibility and our proposal seeks to enhance local amenity by retaining existing character while re-painting the building in softer colours, (Twiggy, a light coffee colour and highlights in a dark Eggplant) rather than the current bright Lime Green. Signs will all be in Black and White. See the artist impression on the front page.

There are no structural changes planned to the street façade or the internals of the building. It will therefore remain in harmony with existing residential development in the area. Its appearance, akin to that of a typical "Corner Store", will be enhanced by refurbishment as a café. We have been guided by in our planning by the following:

- TPS 6 - 1.6 (2)(c): ".....in the older areas of the district (retain) the existing built-form character."
- TPS 6 - 1.6 (2)(f): ".....enhance the amenity of residential areas.....in harmony with the character and scale of existing residential development."

#### **Internal alterations**

Alterations to the building are limited to the re-alignment of some internal stud-walls, installation of one toilet and extensions to the kitchen plumbing. The remainder of the changes involve the up-dating of existing fittings and fixtures, positioning of modular benches and equipment, and the installation of the modular cool room.

#### **Parking**

One issue which needs to be carefully assessed in older areas is parking. With the change of use, we believe the café will result in an overall reduction in parking requirements due to the local nature of the café as against its present use as a teaching facility. The current use as a TAFE

approved school relies on all customers and clients being present together, with participants drawn from across the metropolitan area. This means that at least 25 cars require parking in the immediate area when there are classes being conducted. As The Banksia will have less than 25 seats overall and, due to the local nature of the proposed café, there should be reduced impact on parking in the area.

Further, it is expected that many patrons frequenting the café would travel on foot, and not necessarily by car.

An additional improvement in local parking is the development of increased on site car parking on the school grounds.

As the café is less than 40 square meters, there is no requirement to provide for bike parking. However ample space is available for bike parking should there be such community demand.

### **Rear parking area**

The existing parking area at the rear of the building was approved under TPS5 and has been operating satisfactorily for over eight years. There was provision for nine cars in the yard. The surface is road-base topped with fine compacted gravel. This has been in use for eight years without any complaint. The surface is firmly compacted and does not produce any dust, noise or water run-off problems; see consultation Annex 3.

We intend upgrading the area by limiting the parking to six bays in accordance with TP6 Table 6 (the café area is less than 25 square meters). A "No Standing" bay will provide sufficient maneuvering for any vehicles that arrive in the parking area when all six bays are occupied. The car bays will be defined by lines of bricks set in cement bedding and painted white. The surface and lines will be maintained in good condition at all times.

Additionally, to avoid any potential noise issues for neighbours, arising after 6pm, we advise that the gate to the rear car park shall be closed and locked at no later than 7.00pm. As there is more than adequate street parking available outside school hours in the local area, this will pose no parking problem. There are 26 marked bays in the immediate area plus overflow parking in View Street.

### **Driveway**

To improve the safety of pedestrians near the driveway exit, we will reduce the height of the fence and install a window as shown on the plan to provide unobstructed vision up and down the footpath.

As a further enhancement, we will install a mirror which will ensure that drivers have a good view of the footpath as they approach the exit. We are also investigating the fitting of a warning flasher near the footpath, triggered by a vehicle approaching the exit along the driveway.

### **Building set back**

The building in its existing state has enjoyed a long history of commercial use. It would be impractical to apply the Minimum Setback requirements of TPS6 Table 3 at this time, therefore we do not propose to make any adjustments to the front building set back.

### **Building set back**

The building in its existing state has enjoyed a long history of commercial use. It would be impractical to apply the Minimum Setback requirements of TPS6 Table 3 at this time, therefore we do not propose to make any adjustments to the front building set back.

### **Landscaping**

The existing gardens will be extended by the addition of the new garden in the South East corner of the rear car park. This lifts the total landscaping to 10% of the site, complying with TPS6 table 3. See the Landscaping plan with Building Plans in this application.

### **Facilities**

The proposal conforms with the provisions required by TPS 6 in relation to facilities and access. We note the provision of a shared male toilet. As the overwhelming majority of customers are expected to be female, we believe this is a satisfactory arrangement. See attached Annexure 2 detailing excerpts from Safe Food Australia in support of our reasoning.

### **Disabled / Wheelchair access**

Entry and exit to the café is on ground level, however there are three steps up to the toilet facilities. We have provided a wheelchair access ramp to the disabled toilet at the rear of the building.

### **Opening hours**

As the focus of the café is the school, opening hours are initially intended for the hours, 8am till 4pm on school days only. There may well be demand to open outside these times and we anticipate breakfast and light lunches on weekends. It has also been suggested that several local groups may wish to use the café for small meetings and gatherings in the early evening, not unlike the meetings and parent and community get-togethers for which Vista house received council's approval.

To allow for these possibilities, we request approval to be open from 7am to 10pm on each day of the week. As the premises and commercial operations are currently open to 10pm on several nights each week involving up to 25 cars, our café will have a much more local focus, which we believe will increase amenity in the immediate vicinity and will not cause any deleterious effect to the amenity of neighbors.

### **Consultation with residents**

We advise that we have already been engaged in local community consultation, guided by the City of South Perth Planning Policy P104, and have received exceedingly positive feedback.

To ensure that a wide selection of local residents are fully aware of our plans and intentions, we have extended the consultation area and time as detailed in the attached Annexure 3.

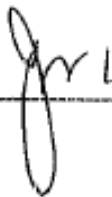
Also attached for your reference and review, are copies of the notices to neighbours, which we presented to each group.



In the event that you require further information on any matter related to our proposal we would appreciate your earliest advice.

Yours faithfully

  
Anne McAvoy

  
James McAvoy

Phone / Fax 9367 4205 Email [jimca@ozemail.com.au](mailto:jimca@ozemail.com.au)

## Appendix and enclosures

The following accompanies, and is part of the application.

### Site Survey Plan

### Location and Site Plan

### Existing Premises Floor Plan

### Proposed Café Floor Plan

### Kitchen Layout

### Café Layout

### Landscaping Plan

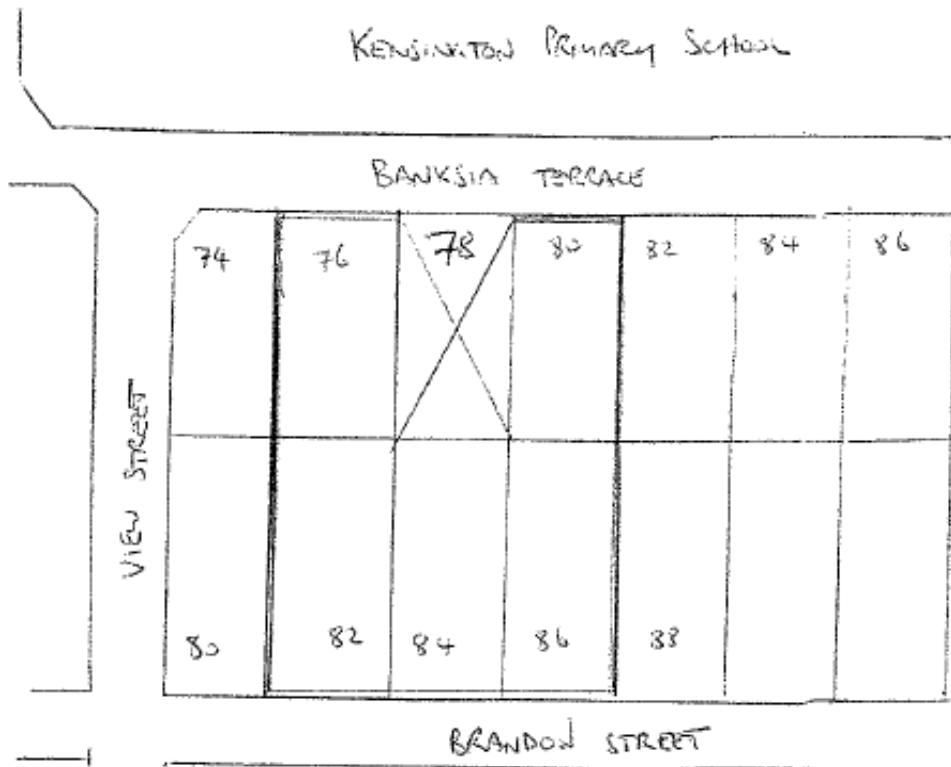
### Annexure 1 Specification document

- Attachment a Floor Surface material
- Attachment b Exhaust Hood
- Attachment c Convection Oven Specification
- Attachment d Stainless Steel Benches

### Annexure 2 Excerpts from Food and Hygiene Regulations and Safe Food Australia.

### Annexure 3 Community consultation documents

- Attachment a As Supplied to Neighbours
- Attachment b Results of Community Consultation
- Attachment c 76 Banksia Terrace

**Annexure 3****Community Consultation**

The premises concerned is identified by a X on the sketch above.

As set out in City of South Perth Planning Policy P104, neighbour should apply to that set out in **Diagram 2 'Area 2' Consultation B. Mid-block development site.**

All home occupiers in this matrix were approached and supplied with details of the development and invited to make comment.

Attachment (a) is what was supplied to these neighbours.

We extended the area to include one either side at the front and rear, and another two on the front right side as depicted above. The school opposite has also been involved and their input is forthcoming. There has also been advertising in the school paper and wide discussion in the general area.

Results of invitation to comment are attached as (b).

Special notes regarding the owner of 76 Banksia Terrace is attachment C.

**Attachment A  
As supplied to Neighbours**

**NEIGHBOUR CONSULTATION FOR CHANGE OF USE OF LOCAL-  
COMMERCIAL PROPERTY SITUATED AT 78 BANKSIA TERRACE,  
KENSINGTON**

**Re: Change of Use from Flower Design School to  
"The Banksia" Café**

For many years the property located at 78 Banksia Terrace, Kensington has been leased as a commercial business. In the past it has been a delicatessen and hardware store, and more recently a retail flower outlet and Flower Design School. We now wish to return the premises to a more local community focus, and convert it to a café. We seek your support in our efforts to enhance Kensington's community spirit so, in accordance with the City of South Perth's planning regulations, we invite your comments in relation to the change of use to café.

The property is zoned Local Commercial and the proposed 'café' use is allowed under the City of South Perth Town Planning Scheme as a Discretionary Use, involving consultation with neighbors. This letter forms part of the consultation process, and thus provides an opportunity for you to make comment on the impact, if any, that this proposal may have on you.

The proposal is yet to be approved by the South Perth Council, and therefore there may be some alterations required to the attached plans. However, the building will not be altered externally, apart from repairs, exterior painting and some tasteful signage. There will be no change to the noise from air-conditioning, refrigeration or any other plant or equipment. There will be a reduction of the car parking in the back yard.

The Banksia will be operated as a local café. Typical café cuisine will be available as well as home cooked cakes etc. Our proposal involves an emphasis on quality food with minimal additives and coloring. Gluten free products will be available. High sugar content drinks and "junk food" will not be sold. Opening hours will be limited to suit the demand, probably 0800 to 1600 on school days, however we will ask for approval for 7 days from 0700 to 2200 to allow for the possibility that locals may wish to use the café for meetings or other low key gatherings.

We invite you to inspect our proposal and seek your comments and hopefully your agreement with the change of use. If you agree this will not have a negative impact on your amenity, we ask that you sign the attached prepared statement.

Please note that there has been space provided for your comments, which may assist the council in assessing community acceptance or otherwise of the proposed new café.

The same documents you have been shown will be available for viewing at the South Perth Council Civic Centre offices, cnr Sandgate Street and South Terrace, South Perth from 26<sup>th</sup> of June, and you may wish to inspect copies of the attached documents at the City's offices and discuss the proposal with a council planning officer before commenting on this proposal.

Please note that you are under no obligation to provide a written response, however it would assist the decision process should you wish to comment directly to the City, either in support or in opposition to this proposal. We can be contacted by telephone on 9367 4205 should you require more details or have any queries.

Anne and Jim McAvoy

**PROPOSAL TO CHANGE THE USE OF 78 BANKSIA TERRACE FROM FLOWER DESIGN SCHOOL TO THE BANKSIA CAFÉ**

**Name:**.....  
**Address** .....

To: The Planning Department  
City of South Perth  
Cnr Sandgate St & South Terrace  
South Perth WA 6151

I am aware of the proposed change of use for the property at 78 Banksia Terrace, Kensington, and its proposed development as a Cafe.

I have no objection to this proposal being approved as depicted on the plans, and as explained to me by the owner/s of the property.

I am also aware that I was invited to discuss the proposal with a Council Officer before signing this document.

I have been invited to comment on the issues listed below:

- Objection, if any, to the establishment of a Café' on this site;
- The proposed style of business;
- The reduction of car parking in the back yard;
- The proposed opening hours;
- Where I am an adjoining neighbor, any dust problems experienced from car parking in the rear carpark during the past 8 years.

<p><b>COMMENTS:</b></p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>
---

Signed ..... Date.....

### **Attachment B to Annexure 3 Results of Community Consultation**

Initial consultation commenced at the start of May 2006, and took the form of general discussions with nearby residents and acquaintances in the local area.

There was overwhelming agreement that Kensington needed a local café of the type we were contemplating in that location.

We then approached local community groups and sought their opinion. Once again we were met with enthusiasm. There was also contact with the Kensington Primary School.

As a result of these initial contacts and their input, we completed our plans for the Banksia.

Attachment A was the document we delivered to a wide selection of interested parties as well as the minimum set out in TPS6. We requested those within the nominated matrix to supply written comments, and others to respond directly to South Perth Council if they have any objections.

With the exception of 76 Banksia Terrace, the subject of attachment C, all respondents are positive. A considerable time has been spent explaining the proposal and taking note of various suggestions.

Returned results follow.



## KENSINGTON PRIMARY SCHOOL

Play the Game

73 Banksia Terrace  
KENSINGTON WA 6151  
P: 08 6436 8448  
F: 08 9474 3771

22 June 2002

Jim and Anne McAvoy  
24 Brandon Street  
SOUTH PERTH WA 6151

Dear Jim and Anne

Thank you for giving the Kensington Primary School Council the opportunity to review your proposal to develop a café in Banksia Terrace opposite the school.

The Council met on Wednesday 21 June 2006 and discussed your proposal as part of the meeting agenda.

I am pleased to advise that your proposal met with favourable response from all council members and a motion was passed unanimously to provide you with this letter of support, in principle, for your planning submission to the City of South Perth.

The council provides this letter of in principle support, on the proviso that the planning and operation of the café takes into consideration:

- The movement of vehicles from the café car park across the footpath and into Banksia Terrace. The installation of a visual and audible alarm adjacent to the footpath to warn of approaching vehicles is highly recommended.
- Advice to school of any pupil unaccompanied by an adult frequenting the café during school hours.
- A commitment not to sell items to pupils unaccompanied by a parent or guardian, that contravene the school's Healthy Eating Healthy Life policy. OR
- A commitment to sell items to pupils unaccompanied by a parent or guardian, which supports the school's Healthy Eating Healthy Life policy.

The Council would appreciate you keeping the school and Council apprised of progress with your planning application and of any changes to the proposal as provided to us.

Yours sincerely



John Hughes  
Chair Kensington Primary School Council

Sam Taylor  
Principal Kensington Primary School





**PROPOSAL TO CHANGE THE USE OF 78 BANKSIA TERRACE FROM FLOWER DESIGN SCHOOL TO THE BANKSIA CAFÉ**

Name: Ryan + Donna Sedgwick  
Address: 80 Banksia Terrace  
Kensington WA 6151

To: The Planning Department  
City of South Perth  
Cnr Sandgate St & South Terrace  
South Perth WA 6151

I am aware of the proposed change of use for the property at 78 Banksia Terrace, Kensington, and its proposed development as a Cafe.

<sup>We do have an</sup>  
~~I have no~~ objection to this proposal being approved as depicted on the plans, and as explained to me by the owner/s of the property.

I am also aware that I was invited to discuss the proposal with a Council Officer before signing this document.

I have been invited to comment on the issues listed below:

- Objection, if any, to the establishment of a Café' on this site;
- The proposed style of business;
- The reduction of car parking in the back yard;
- The proposed opening hours;
- Where I am an adjoining neighbor, any dust problems experienced from car parking in the rear carpark during the past 8 years.

**COMMENTS:**

Please see attached letter

Signed D Sedgwick  
[Signature] Date 21/6/06

21 July 2006

The Planning Department  
City of South Perth  
Cnr Sandgate Street & South Terrace  
SOUTH PERTH WA 6151

To whom it may concern,

We are the owners of 80 Banksia Terrace, Kensington.

We have been made aware of the proposed 'change of use' for the property at 78 Banksia Terrace, Kensington, and its proposed development as a Café.

We have an objection to the opening hours of 0700 to 2200 as has been requested in the proposal. We believe that the close proximity of the proposed café to our residence would cause a major disturbance to our family. However, we would not have any objection to the suggested hours of 0800 to 1600, or even extended to 1800.

We have no objection to the other points listed in the proposal:

- The establishment of a Café (no alcohol) on this site;
- The proposed style of business;
- The reduction of car parking in the back yard;
- We have not experienced any dust problems from car parking in the rear carpark during the past 4 years.

Yours faithfully



Ryan Sedgwick



Donna Sedgwick

**PROPOSAL TO CHANGE THE USE OF 78 BANKSIA TERRACE FROM FLOWER DESIGN SCHOOL TO THE BANKSIA CAFÉ**

Name: TODD & JANE LYNCH  
Address: 82 Banksia Tce, KENSINGTON

To: The Planning Department  
City of South Perth  
Cnr Sandgate St & South Terrace  
South Perth WA 6151

I am aware of the proposed change of use for the property at 78 Banksia Terrace, Kensington, and its proposed development as a Cafe.

I have no objection to this proposal being approved as depicted on the plans, and as explained to me by the owner/s of the property.

I am also aware that I was invited to discuss the proposal with a Council Officer before signing this document.

I have been invited to comment on the issues listed below:

- Objection, if any, to the establishment of a Café' on this site;
- The proposed style of business;
- The reduction of car parking in the back yard;
- The proposed opening hours;
- Where I am an adjoining neighbor, any dust problems experienced from car parking in the rear carpark during the past 8 years.

**COMMENTS:**

WE SUPPORT THIS WONDERFUL BUSINESS IDEA,  
AND LOOK FORWARD TO ENJOYING MANY A COFFEE  
AT THE BANKSIA CAFE ... GREAT TO SEE A COMMUNITY  
CAFE ... COMMUNITY SPIRIT

Signed J Lynch Date 15.6.06

**PROPOSAL TO CHANGE THE USE OF 78 BANKSIA TERRACE FROM FLOWER DESIGN SCHOOL TO THE BANKSIA CAFÉ**

Name: GREG DORLANDT  
Address: 82 BRANDON ST KENSINGTON

To: The Planning Department  
City of South Perth  
Cnr Sandgate St & South Terrace  
South Perth WA 6151

I am aware of the proposed change of use for the property at 78 Banksia Terrace, Kensington, and its proposed development as a Cafe.

I have no objection to this proposal being approved as depicted on the plans, and as explained to me by the owner/s of the property.

I am also aware that I was invited to discuss the proposal with a Council Officer before signing this document.

I have been invited to comment on the issues listed below:

- Objection, if any, to the establishment of a Café' on this site;
- The proposed style of business;
- The reduction of car parking in the back yard;
- The proposed opening hours;
- Where I am an adjoining neighbor, any dust problems experienced from car parking in the rear carpark during the past 8 years.

**COMMENTS:**

I have no objections to the proposed cafe, and haven't noticed any dust problems over the past eight years. I wish them the best.

Signed

G.A.P. Dorlandt Date 12.06.06

**PROPOSAL TO CHANGE THE USE OF 78 BANKSIA TERRACE FROM  
FLOWER DESIGN SCHOOL TO THE BANKSIA CAFÉ**

Name: *P. Joss*  
 Address: *84 Banksia St*  
*Kensington 6151*

To: The Planning Department  
 City of South Perth  
 Cnr Sandgate St & South Terrace  
 South Perth WA 6151

I am aware of the proposed change of use for the property at 78 Banksia Terrace, Kensington, and its proposed development as a Cafe.

I have no objection to this proposal being approved as depicted on the plans, and as explained to me by the owner/s of the property.

I am also aware that I was invited to discuss the proposal with a Council Officer before signing this document.

I have been invited to comment on the issues listed below:

- Objection, if any, to the establishment of a Café' on this site;
- The proposed style of business;
- The reduction of car parking in the back yard;
- The proposed opening hours;
- Where I am an adjoining neighbor, any dust problems experienced from car parking in the rear carpark during the past 8 years.

**COMMENTS:**

\* *This should no longer be a business site*  
 \* *but located into a dwelling site - not a business*  
*car parking over a sewerage site is not acceptable*  
*Please do not encourage stray cats & crows to*  
*the area.*  
*Any damage to the existing funding fences*  
*to be made good.*

Signed

*Patty Joss*

Date

*20th June '06*

**PROPOSAL TO CHANGE THE USE OF 78 BANKSIA TERRACE FROM FLOWER DESIGN SCHOOL TO THE BANKSIA CAFÉ**

Name: STUART MCINTYRE  
Address: 88 BANKSIA TUE  
KENSINGTON WA 6151

To: The Planning Department  
City of South Perth  
Cnr Sandgate St & South Terrace  
South Perth WA 6151

I am aware of the proposed change of use for the property at 78 Banksia Terrace, Kensington, and its proposed development as a Cafe.

I have no objection to this proposal being approved as depicted on the plans, and as explained to me by the owner/s of the property.

I am also aware that I was invited to discuss the proposal with a Council Officer before signing this document.

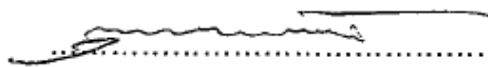
I have been invited to comment on the issues listed below:

- Objection, if any, to the establishment of a Café' on this site;
- The proposed style of business;
- The reduction of car parking in the back yard;
- The proposed opening hours;
- Where I am an adjoining neighbor, any dust problems experienced from car parking in the rear carpark during the past 8 years.

**COMMENTS:**

I BELIEVE THAT BASED ON THE  
INFORMATION PROVIDED IN THE COUNCIL  
LETTER THAT THE PROPOSAL SHOULD  
GO AHEAD.

Signed



Date

15/6/06

**PROPOSAL TO CHANGE THE USE OF 78 BANKSIA TERRACE FROM FLOWER DESIGN SCHOOL TO THE BANKSIA CAFÉ**

Name: I. G. McAssey  
Address: 86 BANKSIA TCE  
KENSINGTON

To: The Planning Department  
City of South Perth  
Cnr Sandgate St & South Terrace  
South Perth WA 6151

I am aware of the proposed change of use for the property at 78 Banksia Terrace, Kensington, and its proposed development as a Cafe.

I have no objection to this proposal being approved as depicted on the plans, and as explained to me by the owner/s of the property.

I am also aware that I was invited to discuss the proposal with a Council Officer before signing this document.

I have been invited to comment on the issues listed below:

- Objection, if any, to the establishment of a Café' on this site;
- The proposed style of business;
- The reduction of car parking in the back yard;
- The proposed opening hours;
- Where I am an adjoining neighbor, any dust problems experienced from car parking in the rear carpark during the past 8 years.

**COMMENTS:**

We have no objection to the  
proposed cafe.  
I. G. McAssey

Signed I. G. McAssey Date 15 June 06

## **Attachment C**

### **76 Banksia Terrace**

The owner of 76 Banksia Terrace has been the only person we have met who feels there may be adverse effects by the continued commercial use of the premises, which we seek to change to The Banksia café.

As landlords we have had contact with the owner of No.76 over the years. During the extension of her house in 1999, we entered into discussions about sharing the cost of replacing the boundary fence. As is so often the case neither party felt well done by, and some of that sentiment remains today.

I have attempted to engage Ms Rozario in discussions about the future development with little result. While she said she would prefer a café over the current use, she expressed to me her annoyance due to the commercial nature of the property she moved next door to. The loss of privacy at the back of her property was also an issue. She also was dissatisfied with the presence of the school opposite and the associated noise.

We acknowledge her concerns and rights, however, the historical fact that our property is, and remains, a commercial use should not be prejudiced by personal sentiments, particularly the long history of the commercial use of the site. This application should not be affected by personal views as against the Town Planning Scheme's recognition of the Discretionary Use for this property. When weighed against the historical commercial nature of the premises, the balance is in favour of continuing commercial use. However, we will make every effort to minimize any potential disturbance. We therefore propose:

- To increase the height of the dividing fence to 1800mm on our side by attaching a privacy screen to ensure there is no view into her back yard from the café car park;
- At times where we trade into the evening, ensure the car park is vacated at sunset and the gates leading into the car park are locked;
- To adopt a policy not to access the Waste Bin enclosure after dark; and
- Ensure music and general noise is kept to a minimum at all times.



## **Additional comments by applicant to City's processing officer**

Gina,

Thanks for your advice about the results of your consultations.

I certainly hope the attached file (*summary of issues raised by submitters provided by the City*) does not constitute the total information you supply to Councillors. We spent weeks catching up with various close by neighbours and we included these results in our submission as Annexure 3. We took great care to advise they were free to also write in directly to you, and fully explained the proposal.

I believe you should include the results of the Primary School deliberations, in which they state "your proposal met with favourable response from all (school) Council members" and "the Council provides this letter of in principle support". We have made a commitment to work with the school on items noted in their letter.

The letter in our submission from the immediate neighbour at 80 Banksia Terrace, advised that, apart from restricting opening times, they had "No objection to our proposal". They share a boundary fence with the driveway.

The residents of 82 Banksia Terrace have stated in our Annex 3 "We support this wonderful business idea":.

The owner of 82 Brandon Street, overlooking rear neighbor, states "I have no objection to the proposed cafe - I wish them all the best".

From 88 Banksia Terrace, "I believe ----- This proposal should go ahead".

86 Banksia Terrace " We have no objections to the proposed cafe".

I would also ask that you pay due consideration to the last page of our submission titled 76 Banksia Terrace. (The subject) premises has, and still enjoys a zoning that allows commercial activities to take place. It was so when the present owner of 76 Banksia Terrace took up residence, and will be there when she moves on.

It is obvious that the authors of the objections you have received, did not take the time to read our submission that should have been available at the Council office, as almost all the listed points have been addressed.

In the hope you will be able to pass on this information, I will address the negative Dot Points in the summary of submissions you list in the attached document.

- It is not a Business Precinct, but it is a Commercial site and has been so for many years.
- We share concerns about children safety. As stated above, we are working with the school on these matters, as detailed in our submission.
- Close study of the proposal shows the cafe will have a significant reduction in total numbers of people using the site, less cars, and less noise. It will also be for the use of local people, not for students drawn from all over the metropolitan area.
- Parking has been satisfactory in its present form for almost 12 years. It has been used day and night for up to 9 cars. Our proposal limits the number to the minimum required 6, and staff will be walking to the premises. There is an additional on site bay at the front that could be used for staff if required. We do not intend fitting any extra lighting at the rear of the building, unless dictated by Council.

## Attachment 9.3.2 (b)

- The "Large shed" has been in position for many years and has never caused any problems. Many 4 wheel drive vehicles have been using the car park without incident over the years. We will be ensuring clear markings and guidance is provided.
- The loss of vegetation referred to is at the express wish of the immediate neighbour. We have trimmed the large Wattle and planted 5 new trees, further planting is progressing.
- Cooking fumes are the concern of the Health department and our investment in a Commercial Extraction Hood will take away her concerns.
- Garbage Bin location has been carefully considered and to move them will only shift concerns. There is no frying or fat generated and dry rubbish is all that will be held there.
- Rats and mice are already there. We will have a structured approach to reducing them. The Health department rules prevent loose food lying about.
- Alcohol will not be served, this is a Coffee Shop!

## SCHEDULE OF SUBMISSIONS

Proposed change of use from Shop to Cafe/Restaurant. Lot 192 (No. 78) Banksia Terrace, Kensington

### 1. Comments Supporting the Proposal

(a) Submitter's Supporting Comments to the City	Officer Response
We believe it can only benefit all who live in the vicinity.	The submitter refers to the lack of community facilities of this kind in the immediate area, and alludes to the need for such. The comment is <b>NOTED</b> .
It will add to the family-type community of Kensington - Kensington is in desperate need of community atmosphere.	The submitter refers to the lack of community facilities of this kind in the immediate area, and alludes to the need for such. The comment is <b>NOTED</b> .
Kensington needs a café and maybe this will be the start of a few more cafés and shops in the area.	The submitter refers to the lack of community facilities of this kind in the immediate area, and alludes to the need for such. The extent of future commercial development will be controlled by the zoning of the land and the normal planning processes, including neighbour consultation in some cases. The subject land is zoned 'Local Commercial' which does permit some small-scale locally oriented commercial uses. The comment is <b>NOTED</b> .
Have been speaking to other residents who are very excited about the proposal.	It is not known if the other un-named residents have made their own written submission. The comment indicates some degree of wider community support without being specific as the extent. The comment is <b>NOTED</b> .

(b) Submitter's Supporting Comments to the Applicant	Officer Response
<p>The proposal is supported on proviso that the planning and operation of the café takes into consideration:</p> <ul style="list-style-type: none"> <li>▪ The movement of vehicles from the café car park across the footpath and into Banksia Terrace. The installation of a visual and audible alarm adjacent to the footpath is highly recommended;</li> <li>▪ Advice to the school of any unaccompanied child using the café during school hours;</li> <li>▪ A commitment not to sell items to pupils unaccompanied by an adult, that contravenes the school's 'Healthy Eating Healthy Life' policy;</li> <li>▪ A commitment to sell items to children in keeping with the school's 'Healthy Eating Healthy Life' policy.</li> </ul>	The submitter refers to pedestrian safety issues and to a school policy. While the City is keenly committed to safety of all residents and visitors of all ages, the City is unable to comment on the school's internal policies. To the extent that the application will be assessed in the normal way, taking into account parking, access and safety issues, the comment is <b>UPHELD</b> .
<p>We have no objection to:</p> <ul style="list-style-type: none"> <li>▪ establishment of the café</li> <li>▪ the proposed style of business</li> <li>▪ The reduction in car parking at the rear</li> <li>▪ The proposed surface material of the car park.</li> </ul>	The neighbour's support for the proposal is <b>NOTED</b> , particularly in relation to the proposed paving material for the car park.
We support this wonderful business idea and look forward to using this great community café.	The neighbour's support for the proposal is <b>NOTED</b> .

Continued...

(b) Submitter's Supporting Comments to the Applicant	Officer Response
Neighbour has no objection to the proposal and hasn't noticed any problems during the past eight years.	The neighbour's support for the proposal is <b>NOTED</b> .
We have no objection to the proposed café.	The neighbour's support for the proposal is <b>NOTED</b> .
Based on the information provided, the proposal should go ahead.	The neighbour's support for the proposal is <b>NOTED</b> .
<p>Further to our (<i>submitter and applicant</i>) meeting on the site of your proposed development in Banksia Terrace Kensington on Friday 28 July 2006 I understand that there are a few areas of the proposed development that officers of the City of South Perth have noted as possibly requiring modification/ rectification prior to approval of the proposal. Based on our discussions I make comment on the potential areas of concern raised by the Council officers. My comments are made in my capacity as a professional Engineer and as a Member of the Institution of Engineers Australia.</p> <p><b>1. Access to Car Parking Area-</b> I believe that the available access along the existing driveway on the left hand side of the property, in front of the garage and then on the right side of the garage to access the proposed parking area at the rear of the property is both adequate &amp; appropriate. It should be noted that vehicles accessing/ egressing the proposed car park will be travelling at low speed thus ensuring that the required manoeuvres can easily be carried out. It should be noted that the nature of the site is not conducive to or should either allow or encourage high speed vehicle movement. Particularly as a result of the potential for a mix of pedestrians (patrons) and vehicles. The pedestrian movements could be patrons leaving the front or the rear of the premises or general pedestrian movements along the footpath at the front of the property. It could be argued that the location of the garage is a positive feature in that it acts as a traffic calming mechanism by ensuring that site traffic operates at a speed appropriate to the environment.</p> <p><b>2. Car Park Surfacing-</b> I understand from our discussions that the Council officers have made reference to a requirement to this area to be sealed given to prevent the creation of dust given the nature of the proposed development. I believe that the crushed rock surfacing of the car parking area at the rear of the property, whilst not being sealed with a bituminous or asphaltic surface, will still satisfy the requirement of not generating dust especially in light of the discussion in item 1 above regarding the speed of vehicles accessing/ egressing the site. One of the characteristics of crushed rock road base is that over time there is a natural cementing action that binds the particles together. Additionally a considerable proportion of the particles are of a larger size and thus not prone to creating dust.</p>	All of the matters referred to in this submission are discussed in detail in the report 9.3.2.

Continued...

(b) Submitter's Supporting Comments to the Applicant	Officer Response
<p>The likelihood of dust creation is far higher from garden beds of sand, especially black sand as is typically found in developed areas of Perth. The reason for this is that the black sand contains fine traces of organic matter. When this material dries out it very easily becomes airborne as anyone who has dug in a dry garden can attest. Whilst the likelihood of dust creation is far higher from unmulched, unreticulated garden beds, it should be noted that the garden bed areas of the proposed development site are both well mulched and reticulated, I am unaware of any requirement to treat garden areas to prevent the creation of dust.</p> <p><b>3. Identification of Car Parking Bays-</b> During our discussions there was reference made to the requirement to identify the limits of the car parking bays. I agree that this could easily be done using any one of the techniques that you suggested. Those techniques include installing a white painted timber or bricks/ brick pavers into the crushed rock roadbase surface to delineate the edge of the car parking bays. It should be noted that given that it is only proposed to have 3 bays on both sides the width of the area available is more than enough to easily provide the required number of bays and is not contingent on providing minimum permissible width bays.</p> <p><b>4. Car Turn Around Area-</b> As noted in item 3 above the area available for car parking is considerably greater than that required to provide the minimum required number of bays for the proposed development. Consequently there are generous areas to allow for vehicles to turn around prior to exiting from the car parking area.</p>	

## 2. Comments Opposing the Proposal

(a) Submitter's Opposing Comments to the City	Officer Response
<p>This is unacceptable as Kensington is a residential area, not a business precinct - it will adversely impact on residential amenity in regard to:</p> <ul style="list-style-type: none"> <li>▪ increased noise</li> <li>▪ traffic problems in vicinity of primary school clashing with pick-up and drop-off of children</li> <li>▪ safety issues for children crossing road unattended by parents</li> <li>▪ congestion of parking in the street - teachers, parents and visitors currently fill parking bays and also park on the street</li> <li>▪ will the parking at the rear of the site be for staff as well as patrons?</li> <li>▪ will the car park at the rear be brightly lit for safety reasons? If so, this will disturb residential neighbours</li> <li>▪ access into the car park is impeded by a large garage / shed - it is likely that this will act as a disincentive to patrons parking in the rear of the site - it also prevents proper vehicle manoeuvring in the car park</li> <li>▪ where will overflow patrons park - limited space in the street</li> <li>▪ unwanted yobbos around and over fences - security issues, damage in the area, invasion of privacy</li> <li>▪ loss of vegetation from the site (eg. a big wattle tree)</li> <li>▪ cooking fumes / odours / emissions could permeate surrounding residential properties; car fumes will add to this pollution</li> <li>▪ proposed trading hours are too long - should be restricted to 6 days Monday to Saturday, 08:00 to 18:00; or 08:00 to 16:00</li> <li>▪ noise could extend into the early hours of the morning, allowing additional hours for clearing up after the restaurant closes at 10.00pm</li> <li>▪ deliveries to be restricted to week days only</li> <li>▪ location of garbage bins is opposite bedroom windows of adjoining house - please relocate bins</li> <li>▪ proposed car park will be noisy when people gather to chat after enjoying an evening out with friends.</li> </ul>	<p>Some neighbours have expressed general amenity concerns with respect to the application. Issues relate mainly to noise, pedestrian safety, The applicant has undertaken to keep music and general noise to a minimum, and to access the bins during daylight hours only.</p> <ul style="list-style-type: none"> <li>▪ As a small local café with limited seating capacity, the number of vehicles using the site will be low. Any increase to the dining area beyond 35 sq. metres will require Council approval, and all aspects of any such proposal would be assessed at the time. To this extent, the comment is <b>UPHELD</b>.</li> <li>▪ A total number of seven car bays is to be provided on the site. The City's TPS6 does not specify whether these are to be used by patrons or staff. In respect of the total number of car bays provided, the proposal complies. To this extent, comments relating a likely increase in vehicles, are <b>NOT UPHELD</b>.</li> <li>▪ No night lighting is proposed for the car park. The comment is <b>NOT UPHELD</b>.</li> <li>▪ While there might be an overall reduction in the amount of landscaping on the site, the total amount is required to amount to 10% of the land area - that is, 74 sq. metres. The application is required to comply with this requirement. To this extent, the comment is <b>NOT UPHELD</b>.</li> <li>▪ The City's Environmental Health department suggest that the bin store be located at the front of the site for ease of access from the street. Specifications have been provided. This will alleviate the effect of any fumes in proximity to the neighbour's bedroom, as the proposed location would be adjacent to the neighbour's garage. The comment is <b>UPHELD</b>.</li> <li>▪ In recognition of possible disturbance late at night, opening hours are proposed to be restricted to 8.00am to 9.00pm. The comment is <b>UPHELD</b>.</li> </ul>
<p>Rats and mice are currently prevalent in the area thus encouraging stray cats and dogs - this will get worse with quantities of food and waste on the site.</p>	<p>Correct application of health requirements should not result in any increase in vermin in the area. The comment is <b>NOT UPHELD</b>.</p>
<p>Prefer site to remain as a residence - was originally a house with a small shop at the front.</p>	<p>The TPS6 does not require the site to contain a residential component. It is appreciated that the property was originally partially residential with a shop front and that this combination continued for many years. However, the current proposal is also acceptable under the provisions of TPS6, subject to its detailed assessment under the provisions and objectives of TPS6. The comment is <b>NOT UPHELD</b>.</p>

Continued...

(a) Submitter's Opposing Comments to the City	Officer Response
Have concerns about possible future alcohol consumption and possible behavioural effects on patrons.	The City is not responsible for the issue of a liquor licence of any kind for the premises. If the applicants apply to the Liquor Licensing Court for such, this process will be advertised in the press and comments invited before a licence is issued.
(b) Submitter's Opposing Comments to the Applicant	Officer Response
Residents object to long opening hours until 10.00pm, as requested. This could cause major disturbance to us. Suggest opening until 16:00 or 18:00 at the latest.	The submitter fears regular, long opening hours, even though the applicant alludes to occasional use of the café for community meetings until this hour. Unless controlled by conditions of approval, there is no limit to how frequently the café may remain open until the approved hour. It is therefore the intention to limit opening hours to the last customer being accepted at 18:00. The comment is <b>UPHELD</b> .
<ul style="list-style-type: none"> <li>▪ This should no longer be a business site, but revert to residential.</li> <li>▪ Rear parking over the sewer is not acceptable.</li> <li>▪ Please do not encourage stray cats and crows to the area.</li> <li>▪ Any damage to existing dividing fences to be made good.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The TPS6 does not require the site to contain a residential component. It is appreciated that the property was originally partially residential with a shop front and that this combination continued for many years. However, the current proposal is also acceptable under the provisions of TPS6, subject to its detailed assessment under the provisions and objectives of TPS6. The comment is <b>NOT UPHELD</b>.</li> <li>▪ The proposal indicates a clearance of the car bays from the sewer. The comment is <b>NOT UPHELD</b>.</li> <li>▪ The onus is on the applicant to ensure that the establishment, if approved, complies with all health requirements, and does not attract animals or insects. The comment is <b>UPHELD</b>.</li> <li>▪ The onus is on the applicant to ensure that any damage to fencing arising from the establishment or operation of the business, if it should be approved, is made good at the applicant's expense. The comment is <b>UPHELD</b>.</li> </ul>