



SPECIAL ELECTORS MEETING

**Minutes of Special Electors Meeting Called in Response to a Petition to Discuss
"Proposed Change of Use from 'Showroom' and 'Single House' to 'Office'.
Lot 51 (No. 123) Melville Parade and (No. 3) Eric Street, Como."(Como Furniture Mart)
Held in the South Perth Senior Citizens Centre
58 Coode Street, South Perth
Monday 11 February 2008 Commencing at 7.00pm**

1. DECLARATION OF OPENING

The Mayor opened the meeting at 7.00pm, welcomed everyone in attendance.

2. RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

Present:

Mayor J Best

Councillors:

G W Gleeson	Civic Ward (in the gallery)
I Hasleby	Civic Ward
P Best	Como Beach Ward
L P Ozsdolay	Manning Ward
C Cala	McDougall
R Wells, JP	McDougall
R Grayden	Mill Point Ward
D Smith	Mill Point Ward
K R Trent, RFD	Moresby Ward

Officers:

Mr C Frewing	Chief Executive Officer
Mr S Cope	Director Development and Community Services
Mr L Croxford	Manager Infrastructure Services
Mr O Hightower	Planning Officer
Mrs K Russell	Minute Secretary

Apologies

Cr B Hearne	Como Beach Ward
Cr T Burrows	Manning Ward
Cr S Doherty	Moresby Ward - approved leave of absence

Mrs Patrician Gliddon 42 Eric Street, Como (written submission tabled)

STATEMENT FROM THE MAYOR

The Mayor outlined the format for the Special Electors Meeting, called in response to a Petition with 103 ratepayer's signatures and advised that the first presentation would be from the Director Development and Community Services giving a brief background on the proposal, followed by presentations from the applicant Mr Andrew Dart and then the petitioner, Ms Elizabeth Florence. He stated that it was his intention to apply the City's Standing Orders Local Law to the running of the meeting, and raised the following points:

- Only electors can speak or vote at the meeting;
- Councillors are not obliged to attend Electors' Meetings but have chosen to do so to listen to the comments made by the residents of South Perth. Councillors will not respond to any questions;
- Electors have the right to speak however any Councillor wishing to speak does so as an elector;
- Council is not bound by any decision made at the meeting. Motions passed will be considered by Council together with other submissions received on this proposal at the March 2008 Council meeting;
- Each speaker will be permitted 5 minutes and should restrict their comments to the subject of the meeting;
- Speakers should not repeat comments / points already raised by another speaker. There will be the opportunity to voice support in the vote when any Motion is put; and
- Meeting protocol to be adhered to.

3. **PETITION**

Mayor Best read aloud the text of the petition, as follows, received 22 January 2008 from Elizabeth Florence, 5 Eric Street, Como together with 103 signatures.

Text of the petition reads:

Under Section 5.28 of the *Local Government Act 1995*, the electors from the City of South Perth whose names, addresses and signatures are set out in the attached list and who comprise more than 100 electors, request that a special meeting of electors of the district be held. The details of the matter to be discussed at the Special Electors Meeting are:

- (a) Dissent by the local community regarding the application for change of use at No 123 Melville Parade, Como and South Perth Council recommendations to approve this application regardless of shortfall in parking provisions. Forty Six (46) bays are require, with 6 currently supplied. South Perth Council advised that there is sufficient parking within Melville Parade, Eric Street, Comer Street and surrounding areas to compensate.
- (b) Concerns relating to generosity providing provision of 40 bays to the applicant and that these may be applied to future development within the area.
- (c) Concerns relating to public amenity being reduced and ease of living decreasing.
- (d) Older units in the area only cater for one parking bay per unit as property prices and rent has increased over recent years these properties now house more than one income earner to compensate, these vehicles rely on front of property parking for the occupiers and their visitors, the current economic boom in mining has also seen an increase in fly in fly out positions and shift workers who are now at home during the weekdays. There the South Perth Council envisaged availability during 'office house' may be redundant.
- (e) Traffic and parking concerns within the Preston Street precinct being Preston Street, Mary Street, Melville Parade, Eric Street, Comer Street and Gardner Street (the last three being residential streets).
- (f) Concerns relating to rubbish collection, already residents advise that access to rubbish bins is being blocked by vehicles parking on the verge or the frontage outside properties resulting in non removal of rubbish and an 'advice notice' from the rubbish contractor.
- (g) South Perth Council has advised that an independent parking report has been commissioned. This will focus on parking of vehicles within the shopping precinct, also focusing on the roads that adjoin Labouchere Road. They envisage that the parking will increase within the area as a result of commuters parking their vehicles in these side streets and catching the bus or train to the City. It is also expected that parking restrictions within these feeder streets will apply within the near future.

4. REPORT / PRESENTATIONS

PRESENTATION - DIRECTOR DEVELOPMENT AND COMMUNITY SERVICES

Mr Cope provided a brief background on the 'change of use' proposal as follows:

- TPS6 allows Council to exercise discretion to grant planning approval with a requirement for a lesser number of on site car bays than required by the Scheme.
- Officers supported the DA at the December 2007 meeting based on the extensive parking available in the road reserve in close proximity
- At its December meeting, Council resolved:

*“That this application for planning approval for a Change of Use from ‘Showroom’ and ‘Single House’ to ‘Office’ on Lot 51 (No.123) Melville Parade / (No. 3) Eric Street, Como **be deferred**, until further community consultation with those objectors who consider their amenity will be affected by the development has been carried out and a report on the outcome of this consultation be presented to the February 2008 meeting of Council.”*

- Since the December Council meeting, wider consultation was undertaken to owners/occupiers within a 150m radius of the development site over the standard required 14 day period during January.
- Seven submissions were received, 6 being against and 1 in favour
- City officers have also undertaken further surveys of parking in the area, however it is acknowledged that the surveys were undertaken during the January holiday period.

PRESENTATION FROM OWNER AND APPLICANT

Ms Helen Taylfort commenced the presentation on the 'planning/technical' issues and raised the following points:

- acknowledge we are looking for a 'shortfall' in car parking bays
- acknowledge Council has done their own survey which agrees with our parking survey
- current approve use 'Showroom' : means *any land or building used for the display, sale by wholesale or retail, or for the hire of goods of a bulky nature including automotive spare parts, carpets, large electrical appliances, furniture, or hardware, but does not include the sale by retail of goods commonly sold in supermarkets, delicatessens or newsagents, china, glassware or small kitchenware items, items of apparel, or items of personal adornment.* (City of South Perth Town Planning Scheme No. 6)
- proposed 'Change of Use' to office use better suited adjacent to Residential use.

Mr Andrew Dart provided input on his proposal for the site and spoke on the following points:

- Purchased the land, the site of the Como Furniture Mart, in 2007
- Second-hand furniture cannot carry / support cost of land purchase
- Intention was not to develop the building as believe the best scenario is to turn into offices
- Preferred Option - Office Use - better suited adjacent to Residential area
- Office is considered quieter and will not generate as much continual traffic
- Proposed change of use will improve streetscape by removing furniture displayed at the front of the building and the 3 tonne truck from the site and other 6 tonne delivery trucks that visit the site
- Offices generally operate between 8.30am -5pm when most residents are at work
- Currently the Como Furniture Mart operates 7 days a week/offices generally 5 days a week.
- Proposed Change of Use will improve the signage and appeal of the building
- Option 2 - Lease the main building as 'Showroom' use. This does not require approval from Council
- Showroom Uses such as: Beds Plus, 1/2 Price Pottery, Fridge City, Abacus, Classique Furniture are expected to generate a lot more parking and traffic issues given they are popular franchises.

- Option 3 – Sell the site. There has been keen interest in the sale of this site in association with the neighbouring site to develop into residential apartments/commercial uses.
 - Both sites have the potential for almost 40 apartments/units within a 6 storey building.
 - The site on its own has the potential for 10 apartments/units
- Preferred Option is 'office use' - less impact on the surrounding residential area. we are trying to act in the best interests of Eric Street residents. Had approaches from Tony Sadler, Harvey Norman, "Sizzler" - do not want to pursue this type of option but may have no choice.

QUESTIONS

At this point in the meeting Mayor Best invited those present to ask any questions / points of clarifications of the proponent / officers.

Ms A Titley, 5/45 Gardner Street, Como - is the approved use 'Showroom' for supermarkets such as Harvey Norman etc?

Director Development and Community Services - said that a 'light use' can occupy the 'Showroom' without Council approval. Under Town Planning Scheme No. 6 'Showroom' means "*any land or building used for the display, sale by wholesale or retail, or for the hire of goods of a bulky nature including automotive spare parts, carpets, large electrical appliances, furniture, or hardware, but does not include the sale by retail of goods commonly sold in supermarkets, delicatessens or newsagents, china, glassware or small kitchenware items, items of apparel, or items of personal adornment.*"

Mr Peter Rankin, 41 Pepler Avenue, Salter Point - surely a 'Showroom' use with minimum car parking requirements equals a 'Non-Forming' use?

Director Development and Community Services responded that the showroom has an existing Council approval.

Mr Geoff Defrenne, 24 Kennard Street, Kensington - suggestion, if you demolish the existing single house you would gain 6/7 car bays and reduce the parking requirement - would that be a solution?

Mr Dart said that a medical centre was considered but did not want to knock down the house to achieve this option - also cost was a big factor. He further stated he believed he had no choice but to lease out the building as a retail premises.

Mr Kim Hornibrook, 7/15 Comer Street, Como - how long have you owned the premises?

Mr Dart said that he purchased the land in March 2007.

Mr Peter Murray, 5 Eric Street, Como - In relation to Option 3 (to sell the site for development) is it correct to assume, before the development is put before Council, that it could be as high as six storeys?

Director Development and Community Services - said it was not wise to make any assumptions about height as each application is discretionary and that any approval would be subject to design and other implications. He further advised that the current height limit is 13.5 metres for the area.

Ms Susan Hoddinott, 30 Thelma Street, Como - a proposed 6 storey development has been referred to - would this not require a zoning change?

Director Development and Community Services - said no - the current zoning of 'Multiple Dwelling' is a discretionary use with an applicable R80 density coding over the site.

Mr Bill Gleeson, Canning Highway, Kensington - the December 2007 Council report on the proposal indicates a building height limit of 10.5 metres not 13.5 metres as previously stated?

Director Development and Community Services - responded that the **maximum building height applicable under TPS6 is 10.5m (not 13.5 as earlier stated) and the** building height depended on the floor to floor heights and the slope of the site.

Mr Peter Murray, 5 Eric Street, Como - understand if that was the case, then provisions for parking would apply?

Director Development and Community Services - responded that was correct.

PRESENTATION FROM PETITIONER : ELIZABETH FLORENCE

Ms Florence commenced her presentation and spoke on the following topics:

- (a) Dissent by the local community regarding the application for change of use at No 123 Melville Parade, Como and South Perth Council recommendations to approve this application regardless of shortfall in parking provisions. Forty Six (46) bays are require, with 6 currently supplied. South Perth Council advised that there is sufficient parking within Melville Parade, Eric Street, Comer Street and surrounding areas to compensate.
- (b) Concerns relating to generosity providing provision of 40 bays to the applicant and that these may be applied to future development within the area.
- (c) Concerns relating to public amenity being reduced and ease of living decreasing.
- (d) Older units in the area only cater for one parking bay per unit as property prices and rent has increased over recent years these properties now house more than one income earner to compensate, these vehicles rely on front of property parking for the occupiers and their visitors, the current economic boom in mining has also seen an increase in fly in fly out positions and shift workers who are now at home during the weekdays. There the South Perth Council envisaged availability during 'office house' may be redundant.
- (e) Traffic and parking concerns within the Preston Street precinct being Preston Street, Mary Street, Melville Parade, Eric Street, Comer Street and Gardner Street (the last three being residential streets).
- (f) Concerns relating to rubbish collection, already residents advise that access to rubbish bins is being blocked by vehicles parking on the verge or the frontage outside properties resulting in non removal of rubbish and an 'advice notice' from the rubbish contractor.
- (g) Council has advised that an independent parking report has been commissioned. This report will focus on the roads that adjoin Labouchere Road.
- (h) The City of South Perth Council envisage that the parking will increase within the area as a result of commuters parking their vehicles in the side streets and catching the bus or train to the city. It is expected that parking restrictions within these feeder streets will apply in the near future. Park and ride is already occurring in Comer St, Eric St and Gardener Sts, and will only increase with the new train station coming on line.
- (i) The major objection here is the provision of public amenity to private enterprise. Under the City of South Perth Town Planning Scheme No 6 this application should be merit based and approved as a stand alone application in line with the Scheme.
- (j) These properties (1 & 3) Eric Street were jointly purchased 22/11/06 by multiple owners, the zoning has not changed, application could be made to remove the old house (3) Eric St and thus provide on site parking.
- (k) Melville Parade is the only street defined under the Neighbourhood Commercial Zoning – it is full most days with overflow parking from the offices - Eric and Comer are residential streets
- (l) Upon discussion with occupiers of Melville Parade offices, major objections were raised to this application however they feel that it is not in their best interest to publically oppose, their concerns being lack of parking for employees and visitors.

- (m) Comer Park - should be dedicated to the park users.
Eric Street has 25 bays adjacent to the park which is used frequently:
- during the day by occupiers of 125 Melville Parade, commercial offices
 - local workers who drive to the park to meet, play and eat their lunch
 - the elderly who cannot walk to the park and drive to walk their dogs during the day / evening
 - Other community members who drive to the park to walk their dogs during the day/ evening
 - Members of the Como Croquet Club.
 - Other "available parking" is utilised by occupiers and visitors of Eric Street
- Comer Street
- occupiers of Gardner Street, as it is already overburdened by vehicles and has major parking issues.
 - attendees to the Pagoda Hotel.
 - local sporting clubs, Como Croquet Club and a cricket club.
 - Lot occupiers and visitors of Comer Street
 - Visitors to Nursing Home / Aged Care Facility in both Comer / Gardener Streets.
- Gardener Street - overcapacity, with overflow already occurring.

- (n) Summary
CoSP No. 6 Town Planning Scheme general objectives are to: (page 2 Scheme Text)
- Maintain the City's predominantly residential character and amenity;
 - Establish a community identity and "sense of community" both at a City and precinct level and to encourage more community consultation in the decision- making process;
 - Ensure community aspirations and concerns are addressed through Scheme controls;
 - Safeguard and enhance the amenity of residential areas and ensure that the new development is in harmony with the character and scale of the existing development;
 - Protect residential areas from the encroachment of inappropriate uses; and
 - Recognise and facilitate the continued presence of significant regional land uses within the City and minimise the conflict between such land use and local precinct planning

We, the residents as listed within the submission for this special electors meeting request that the integrity of Town Planning Scheme 6 be upheld. This opposition is not personal in nature nor is it anti business.

MOTION

Moved Liz Florence, Sec Fred Cole, 2 Mary Street, Como

That the City of South Perth consider this application as a "stand alone " application approved on the merits presented in line with Scheme 6 and not dependant upon the use of supplementary public amenity.

5. PUBLIC COMMENT PERIOD

The Mayor called for speakers for and against the Motion.

COMMENTS FOR / AGAINST MOTION FROM THE GALLERY

Mr Fred Cole opening for the Motion

- sympathise with owners in not being able to provide parking as required
- deal in development and with local governments on a regular basis - have never known a Council to provide such a dispensation concession in parking requirements
- there is such a shortfall in parking with street parking for public use being given up

Mr Andrew Dart against the Motion

- reiterate I will put a major retailer in the building as there is no other option
- this option will then greatly impact on parking
- take on board there is an enormous amount of parking available in the area
- if a major retailer was to go in this will impact on the site - unaware of any town planning precedent set before
- option proposed may sound like a threat - it is not, it is something we will have to do
- did not have an opportunity to discuss with petitioner / neighbour as to where this is going to go
- against the Motion

Mr Parker Jeffree, 5/10 Mary Street, Como for the Motion

- have been in local government myself
- received notification of proposal in December - could not believe discretion given of 40 car bays
- what are the guidelines to satisfy a discretion like that? - will certainly create a precedent
- read that a survey has been done in January - not a good time during the holiday period
- Council must be remiss in putting something like this through
- support the Motion

Mr Kim Hornibrook for the Motion

- live across from Comer Reserve
- acknowledge the elderly drive and park to use the Reserve
- a commercial property would mean all the parking bays would be filled between 8am - 5pm
- between 8am - 5pm is when users of the Comer Reserve will not be able to park
- Council is here to make a decision for the good of all
- living across from the park - believe concerns raised need to be considered

Mr Bob Mitchell, 7 Pilgrim Street, South Perth for the Motion

- heard the option about bringing in another showroom user
- heard that this option does not need Council approval
- heard the threat if Council do not approve office proposal applicant will bring in another retailer
- what are the stages of review and when will the public know about this?

Director Development and Community Services - said that he wanted to qualify that he was providing a response to the question raised at a public meeting without the benefit of being able to confirm that advice with documentation held in his office. Having said that he advised that the site is approved for a 'Showroom' and that there may be subtle differences from one Town Planning Scheme to another. He further stated that if a new business were proposed that complied with the current definition of 'Showroom' then it would not require Council approval as approval already exists.

Ms A Titley - if you have a 'Showroom' what is the parking ratio?

Director Development and Community Services - responded that there is no parking requirements listed in the Town Planning Scheme for the use "Showroom". He stated that a further explanatory written response would be provided.

Mr Bruce Cripps, 12 Mary Street, Como - what is the process used to reach the parking outcome ie 40bays? What basis did the planning department use to say they will provide ratepayer parking facilities.

Director Development and Community Services - replied that the ratio applied is detailed in the report presented to the December 2007 Council meeting. The report states:

The total gross floor area of the proposed office area would require 45 parking bays to be provided on-site in accordance with the provisions of Table 6 of the City of South Perth Town Planning Scheme No. 6. Table 6 prescribes a parking ratio of 1 bay per 20 sq.metres of gross floor area. The applicants have provided five bays on-site - four for the larger office and one for the smaller office. The applicant has requested a dispensation for the remainder of the parking bays.

Clause 6.3 of TPS6 "Car Parking", identifies the capacity for the Council to consider approving a car parking concession in some situations. The proposed development does not fit into any of the categories referred to within Clause 6.3.

Council also has capacity to consider approving a variation to car parking provision more generally under the provisions of Clause 7.8 of TPS6 "Discretion to Permit Variations from Scheme Provisions". Clause 7.8 of TPS6 states that:

He further stated that officers may have given consideration to alternatives that could occur if the applicant did not proceed - certainly there is a larger amount of parking on the street - not all of it is adjacent to the site, some is in Melville Parade Road Reserve and has been provided as a result of previous applications and parking shortfalls where applicants were required to pay cash in lieu. The interpretation by officers in this case was that the 'cash in lieu' option could not be applied.

Mr Gleeson - heard to night that the City would be creating a precedent in relation to the car parking for the proposed 'change of use' - would you tell me whether the City has ever made any previous decisions of this type ie creating a precedent?

Director Development and Community Services based on my knowledge of town planning the situation is that applications are considered on their merits. The only circumstances I can think of where there are any guidelines on discretion would be in Council policies. Therefore the only way a precedent could apply is if it was written in a Policy.

Ms Liz Florence - have been advised that the SAT have considered applications based on precedents.

Mr Parker Jeffree - what 'merit' is 6 vs 40 parking bays - such a vast difference is unacceptable.

Ms Gwen McNaught, Gardner Street, Como - seems to hinge on definition of "Use" of 'Showroom'

Director Development and Community Services - acknowledged the reference to 'Showroom' was important - he said that if a new showroom applicant were to present and seek to occupy the site then there is an existing approval in place.

Mr David Horton, Mill Point Road for the Motion

- not concerned with particular area
- look to Council and its officers adhering to building regulations
- ask Council to stick to its own Town Planning Scheme No. 6
- support the Motion

Ms Liz Florence closing for the Motion

- issue for the community - not just with this application
- proposal will have a high impact on the community
- where are we going in 5 years time if these concessions continue
- believe some type of strategy needs to be implemented to move forward as a whole
- ask you support the Motion

The Mayor put the Motion

CARRIED 26/0

6. CLOSURE

The Mayor thanked everyone for attending and for the way in which they conducted themselves. He then closed the meeting at 8.22pm

These Minutes were confirmed at a meeting on 26 February 2008

Signed _____

Chairperson at the meeting at which the Minutes were confirmed