

9.1.5 No. 33 (Lot 421; D/P 301706) Church Street, corner Palmerston Street, Perth – Proposed Change of Use from Warehouse to Office and Unlisted Use (Community Service)

Ward:	South	Date:	7 December 2012
Precinct:	Beaufort; P13	File Ref:	PRO1075; 5.2012.218.3
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicants Additional Information 003 – Palmerston Street Q&A		
Tabled Items:	Nil		
Reporting Officer:	S Radosevich, Planning Officer (Statutory)		
Responsible Officer:	C Eldridge, Director Planning Services		

CORRECTED OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Professionals Davenport Commercial on behalf of the owner, N & R Milianku, for Proposed Change of Use from Warehouse to Office and Unlisted Use (Community Service) at No. 33 (Lot 421; D/P 301706) Church Street, corner Palmerston Street, Perth, and as shown on amended plans stamp-dated 23 August 2012, subject to the following conditions:

1. all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Church Street and Palmerston Street;
2. the doors, windows and adjacent floor areas fronting Church Street and Palmerston Street shall maintain an active and interactive relationship with these streets;
3. the maximum gross floor area of the office shall be limited to 615 square metres. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the City;
4. the hours of operation for the afterhours YouthBeat service shall be limited to 10pm to 3am Thursdays, Fridays and Saturdays;
5. no street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning;
6. all signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the City prior to the erection of the signage;
7. PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City:

7.1 Refuse Management

A Refuse and Recycling Management Plan shall be submitted and approved by the City prior to commencement of any works. The Plan shall include details of refuse bin location, number of rubbish and recycling receptacles, vehicle access and manoeuvring.

Revised plans and details shall be submitted demonstrating a bin compound being provided in accordance with the City's Health Services Specifications:

Commercial:

- 1 x mobile garbage bin per unit; and
- 1 x paper recycle bin per unit, or per 200 square metres of floor space;

8. **PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be completed to the satisfaction of the City:**

8.1 **Car Parking**

The car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City; and

8.2 **Bicycle Parking Facilities**

Three (3) class one or two bicycle facilities shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted to and approved by the City prior to installation of such facility; and

9. the development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City's Chief Executive Officer.

10. **Management Plan**

A detailed Management Plan that addresses the control of noise, traffic, car parking and antisocial behaviour (to reasonable levels) associated with the proposed development shall be submitted and approved by the Chief Executive Officer, prior to the first occupation of the development, and thereafter implemented and maintained;

Note: The above Officer Recommendation was corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.

Moved Cr Topelberg, Seconded Cr Harley

That the recommendation be adopted.

Debate ensued.

AMENDMENT 1

Moved Cr Topelberg, Seconded Cr Harley

“That a new Clause 11 be inserted to read as follows:

11. this approval is valid for five (5) years from the date of approval for the Unlisted Use (Community Service). Should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the City prior to continuation of the use.”

AMENDMENT 1 PUT AND CARRIED (7-2)

For: Cr Buckels, Cr Harley, Cr Maier, Cr McGrath, Cr Pintabona, Cr Topelberg, Cr Wilcox

Against: Mayor Hon. MacTiernan, Cr Carey

Debate ensued.

AMENDMENT 2

Moved Cr Maier, Seconded Cr Carey

“That a new Clause 11 and Advice Note be added to read as follows:

11. this approval is valid for two (2) years from the date of approval for the Unlisted Use (Community Service). Should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the City prior to continuation of the use.

ADVICE NOTE

1. The City’s Officers shall review the approved use after a period of eighteen (18) months, with regards to the impact of the land use on the amenity of the locality.”

Debate ensued.

The Mover, Cr Maier advised that *he* wished to *change his* amendment and *reword it*The Seconder, Cr Carey agreed.

“That a new Clause 11 and Advice Note be added to read as follows:

11. this approval is valid for two (2) years from the date of ~~approval~~ **commencement of operation** for the Unlisted Use (Community Service). Should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the City prior to continuation of the use.

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AMENDMENT 2 PUT AND LOST (4-5)

For: Mayor Hon. MacTiernan, Cr Carey, Cr Maier, Cr McGrath
Against: Cr Buckels, Cr Harley, Cr Pintabona, Cr Topelberg, Cr Wilcox

Debate ensued.

AMENDMENT 3

Moved Cr Harley, Seconded Cr Pintabona

“That Clause 4 be amended to read as follows:

4. the hours of operation for the afterhours YouthBeat service shall be limited to 10pm to ~~3am~~ **5am** Thursdays, Fridays and Saturdays;

Debate ensued.

AMENDMENT 3 PUT AND CARRIED (7-2)

For: Mayor Hon. MacTiernan, Cr Buckels, Cr Carey, Cr Harley, Cr Maier, Cr Pintabona, Cr Wilcox
Against: Cr McGrath, Cr Topelberg

MOTION AS AMENDED PUT AND CARRIED (8-1)

For: Mayor Hon. MacTiernan, Cr Buckels, Cr Harley, Cr Maier, Cr McGrath, Cr Pintabona, Cr Topelberg, Cr Wilcox
Against: Cr Carey

Cr Harley departed the Chamber at 7.15pm.

COUNCIL DECISION ITEM 9.1.5

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10. **Management Plan**

A detailed Management Plan that addresses the control of noise, traffic, car parking and antisocial behaviour (to reasonable levels) associated with the proposed development shall be submitted and approved by the Chief Executive Officer, prior to the first occupation of the development, and thereafter implemented and maintained; and

11. this approval is valid for five (5) years from the date of approval for the Unlisted Use (Community Service). Should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the City prior to continuation of the use.

PURPOSE OF REPORT:

The application is referred to Council for determination given it is a "SA" use and more than five (5) objections have been received.

BACKGROUND:

History:

Date	Comment
23 November 1998	The City approved a development application for the proposed change of use to warehouse (vehicle storage) under delegated authority.

Previous Reports to Council:

Nil.

DETAILS:

The application is for the change of use from warehouse to office and unlisted use (community service) at No. 33 Church Street, Perth. The offices are to be used for the YouthBeat Service, which is run by Mission Australia and the West Australian Police, in partnership with the Department of Child Protection.

The following additional information was provided, which outlines the YouthBeat Service:

"It will operate between 10pm and 3am on Thursday, Friday and Saturday nights to re-connect children under the age of 16 who are found unaccompanied by an adult on the streets of Northbridge and the Perth CBD. They will be collected by either a Mission Australia staff operating the YouthBeat outreach bus service, or by police officers, and brought into the Palmerston Street service centre where they will be assessed while a safe place is found for them to be taken. Any young people picked up who have (or are in the midst of) committing a criminal act, or who are misbehaving under the influence of drugs and alcohol will be taken to a police station, NOT the YouthBeat facility.

We expect an average of around 25 young people will be brought to YouthBeat over the course of the three nights, usually in groups of 2-6, with minimal traffic movement and very little noise disruption. They are young people deemed at risk, who we are trying to re-connect with family and guardians, not young people being punished. If a safe place cannot be found, the young person will be taken to suitable emergency accommodation and our team will continue to work with them to resolve any issues or conflicts they may face.

It's important to note that no young people will be staying in the offices overnight and it is not an accommodation service."

Landowner:	N & R Milianku
Applicant:	Professionals Davenport Commercial
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential/Commercial R80
Existing Land Use:	Warehouse
Use Class:	Office and Unlisted Use
Use Classification:	"AA" and "SA"
Lot Area:	916 square metres
Right of Way:	Not Applicable

ASSESSMENT:

Town Planning Scheme/R Codes/Residential Design Element's Initial Assessment

Design Element	Complies 'Acceptable Development' or TPS Clause	OR	'Performance Criteria' Assessment or TPS Discretionary Clause
Density/Plot Ratio	N/A		
Streetscape	✓		
Roof Form	N/A		
Front Fence	N/A		
Front Setback	N/A		
Building Setbacks	N/A		
Boundary Wall	N/A		
Building Height	N/A		
Building Storeys	N/A		
Open Space	N/A		
Bicycles	✓		
Access & Parking	✓		
Privacy	N/A		
Solar Access	N/A		
Site Works	N/A		
Essential Facilities	N/A		
Surveillance	✓		

Town Planning Scheme/R Codes/Residential Design Element's Detailed Assessment

Car Parking	
Car parking requirement (nearest whole number) • Office 1 space per 50 square metres of gross floor area Gross Floor Area = 615 square metres = 12.3 car bays Total car bays required = 12.3 car bays	= 12 car bays
Apply the adjustment factors. • 0.85 (within 400 metres of a bus stop/station) • 0.85 (within 400 metres of a public car parking place with in excess of 75 car parking spaces) • 0.90 (provides 'end-of-trip' facilities for bicycle users, in addition to the facilities required)	(0.65025) = 7.803 car bays
Minus the car parking provided on-site	8 car bays
Minus the most recently approved on-site car parking shortfall	Nil
Resultant surplus	0.197 car bays

Bicycle Parking	
Office (615 square metres): • 1 space per 200 square metres gross floor area (class 1 or 2) = 3.075 spaces • 1 space per 750 square metres over 1000 square metres (class 3) = Nil <u>Required</u> 3.075 spaces = 3 spaces <u>Provided</u> 4 spaces	

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Comments Period:	30 October 2012 to 19 November 2012
Comments Received:	Five (5) support, three (3) neither support or object and thirty two (32) objections (1 Late)

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Noise</p> <ul style="list-style-type: none"> Families or guardians collecting children in the early hours of the night might make noise. Families from less-privileged backgrounds who have returned to do so won't do so quietly. There is the same risk from children who are brought to the centre. The area consists of hard surfaces, in this environment noise bounces and is amplified. 	<p>Dismiss. Noise levels are governed by the <i>Environmental Protection (Noise) Regulations 1997</i>. Noise complaints are responded to by the City's Health Services.</p> <p>It is also noted children are not collected from the site by families or guardians.</p>

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Security</p> <ul style="list-style-type: none"> • Children might damage properties around the area. • There are enough conflicts in the area and this service will add more conflict to the area. • The proposal should discourage young people to be in the area afterhours; however the proposal encourages the area to be seen as a drop-in centre and gives them reason to keep coming back. • Likelihood for vandalism to vehicles and property will increase and potential revenge-like incidents from those who return to the area at a later date. 	<p>Dismiss. This is not a valid planning objection.</p>
<p>Issue: Young People</p> <ul style="list-style-type: none"> • Young children who roam the streets after hours can be more dangerous than adults roaming the street as they quite often know that the law gives protection to under 16 year olds, and can exploit this. • Young people who are detained will see approaching this centre, with its police presence, as a challenge, and may loiter in hiding until they see their friends released. 	<p>Dismiss. This is not a valid planning objection.</p>
<p>Issue: Parking and Traffic</p> <ul style="list-style-type: none"> • There will be additional traffic generated by the centre. • Direct view of police cars is unwanted. • The parking provided on the plan is not sufficient for the needs of staff, volunteers, police and parents picking up children. 	<p>Dismiss. The proposal provides eight (8) parking spaces, therefore complying with the requirements of the City's Policy No. 3.7.1 relating to Parking and Access.</p>
<p>Issue: Proposed use</p> <ul style="list-style-type: none"> • The application states that the site will be used as offices during the day, there is no guarantee that the proposed day-time use will not evolve into a welfare service by indirect means. • There is the potential for a change of use for the site across all hours. 	<p>Dismiss. It is a condition of approval that any further change of use for the subject land shall require Planning Approval to be applied for and obtained from the City.</p>

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Location</p> <ul style="list-style-type: none"> • The proposal is not suitable for Palmerston Street. • The change of use is incompatible, and conflicts with the current use of the area. • The proposal will have a negative impact and deactivate the street. • The proposal is highly incompatible with the current uses and zoning of the area. • The proposal will take away the character and feel of the locality. • The proposal will negatively impact on property values. • Changing the facade of the building is not in keeping with the streetscape. 	<p>Dismiss. The proposal complies with the City of Vincent Town Planning Scheme No. 1 and the City's Policies No. 3.1.13 relating to the Beaufort Precinct, No. 3.5.15 relating to Shopfronts and Front Facades to Non-Residential Buildings and No. 3.7.1 relating to Parking and Access.</p>

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

The following legislation and policies apply to the proposed office and unlisted use (community service) at No. 33 Church Street:

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No. 1;
- Beaufort Precinct Policy No. 3.1.13;
- Shopfronts and Front Facades to Non-Residential Buildings Policy No. 3.5.15;
- Sound Attenuation Policy No. 3.5.21; and
- Parking and Access Policy No. 3.7.1.

RISK MANAGEMENT IMPLICATIONS:

Should the Council refuse the application for development approval, the applicant has the right to have the decision reviewed in accordance with Part 14 of the *Planning and Development Act*.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Natural and Built Environment

1.1 *Improve and maintain the natural and built environment and infrastructure.*

1.1.2 *Enhance and maintain the character and heritage of the City.*

Economic Development

2.1 *Progress economic development with adequate financial resources*

2.1.1 *Promote business development and the City of Vincent as a place for investment appropriate to the vision for the City."*

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Encourage the incorporation of sustainable design principles and features in existing and new development within the City as standard practice."

The following tables outline the applicable sustainability issues for this proposal:

ENVIRONMENTAL	
Issue	Comment
The proposal uses an existing building for the proposed office and unlisted use (community service). The adaptive re-use of this existing space has a lower environmental impact compared to constructing a new building for this purpose. It is also noted that the development proposes to increase the amount of landscaping on-site.	

SOCIAL	
Issue	Comment
The proposal provides for access to a wider range of services to the local community.	

ECONOMIC	
Issue	Comment
The proposal facilitates business development within the City, whilst also creating job opportunities within the locality.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS & CONCLUSION:

Safer Vincent

In liaison with Coordinator Safer Vincent and WA Police it has been confirmed that the proposed facility will be operated by Mission Australia as a secondary service provider for the Department of Child Protection.

The Northbridge Curfew has been operating on Thursday, Friday and Saturday nights for a number of years. It aims to reduce harm to vulnerable youth present in adult entertainment precincts after the hours of darkness.

The Palmerston Street facility will operate in a joint agency mode only during these curfew times of Thursday, Friday and Saturday night. Juveniles who are apprehended in need of care and protection are taken to the joint agency facility where arrangements are made for a responsible adult to take care of them. Under no circumstances are they released to the area without an appropriate guardian. Any juveniles who have committed offences, are wanted for questioning regarding offences or are under arrest (i.e. bench warrant) will not be taken to this facility, as the joint agency operation is aimed at reducing harms to juveniles and not processing offenders and the centre will not be equipped to deal with custodial matters. All such apprehensions will be dealt with through the local Police Station. It is anticipated that the increased visibility of Police vehicles parked and travelling in the street, knowledge of the location and so forth, will actually serve as a deterrent to anti-social behaviour. This may also assist with addressing recent stealing from vehicles and other crime in the area.

Planning Services

The proposed change of use complies with the City of Vincent Town Planning Scheme No. 1 and the City's Policies No. 3.1.13 relating to the Beaufort Precinct, No. 3.5.15 relating to Shopfronts and Front Facades to Non-Residential Buildings and No. 3.7.1 relating to Parking and Access.

In view of the above, it is recommended that the Council approve the development, subject to standard and appropriate conditions.