

5.4 LATE ITEM - FURTHER REPORT: NOS. 1-16/17 HARWOOD PLACE, WEST PERTH - CHANGE OF USE FROM MULTIPLE DWELLINGS TO SERVICED APARTMENTS (AMENDMENT TO APPROVAL)

TRIM Ref: D17/154755
Author: Steve Laming, Urban Planner
Authoriser: Paola Di Perna, Manager Approval Services
Ward: South
Precinct: 13 – Beaufort
Attachments: 1. Attachment 1 - Consultation and Location Map
2. Attachment 2 - Previous Development Approval Granted 3 May 2016
3. Attachment 3 - Existing Approved Management Plan - May 2016
4. Attachment 4 - Proposed Updated Management Plan - November 2017
5. Attachment 5 - Summary of Submissions
6. Attachment 6 - Applicant's Justification Report and Response to Neighbour Submissions

RECOMMENDATION:

That Council in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application to amend the conditions for development approval 5.2015.568.1 granted on 3 May 2016 for a Change of Use from Multiple Dwellings to Serviced Apartments at Nos. 1-16/17 (Lots: 1-16; STR: 59813) Harwood Place, West Perth subject to the following:

1. All conditions and advice notes detailed on development approval 5.2015.568.1 granted on 3 May 2016 included as Attachment 2 continue to apply to this approval, except as follows:
 - 1.1. Condition 4 of the development approval is as follows:
 - “4. *The Serviced Apartments shall include within the entrance, foyer or lobby of the premises a reception area which shall be attended by staff during scheduled guest check-ins and check-outs*”;
 - 1.2. Condition 5 of the development approval is deleted and replaced as follows:
 - “5. *Within 28 days of the issue date of this approval the Management Plan included as Attachment 4 shall be amended, submitted to, and approved by the City, to include the following:*
 - 5.1 *A Three-Month Security Plan (until 28 February 2018), which includes three security patrols and building walk-throughs at approximately 12am, 2am and 4am on Friday and Saturday nights and on a Sunday night during a public holiday weekend and one security walk-through at approximately 1am on Sunday to Thursday nights;*
 - 5.2 *An On-Going Security Plan (from 1 March 2018), which includes two security patrols and building walk-throughs at approximately 12am and 3am on Friday and Saturday nights and on a Sunday night during a public holiday weekend and one security walk-through at approximately 1am on Sunday to Thursday nights;*
 - 5.3 *Live security footage of the Serviced Apartments will be observed and managed by the operators of the Serviced Apartment's sister hotel, Attika Hotel, between the hours of 7am to 9pm, Sunday to Thursday and 7am to 11pm Friday and Saturday;*
 - 5.4 *24 hour contact details of the manager of the Serviced Apartments are to*

be provided to all owners/occupiers of the adjoining residential properties on Harwood Place and made available at all times on the serviced apartment's website and the building of the Serviced Apartments;

- 5.5 *A Code of Conduct detailing the expected behaviour of guests/residents in order to minimise any impact on adjoining residents;*
- 5.6 *The Terms and Conditions shall include the following clauses advising the guests that noise is to be kept to a minimum from 10:00pm to 8:00am, in particular outside on the balconies fronting the residential properties;*
- 5.7 *The two car parking bays accessed from Harwood Place shall be maintained as 'pick up/drop off' bays for use by on-demand transport or buses and shall not be used by guests;*
- 5.8 *Each serviced apartment shall be provided with one dedicated parking bay at no extra cost to encourage patrons and/or visitors to use the onsite parking facilities;*
- 5.9 *No more than six guests/residents/visitors shall be permitted in any Serviced Apartment at any one time;*
- 5.10 *Minimum three night stay for all guests of the Serviced Apartments;*
- 5.11 *A record of complaints and enquiries logged, and the applicant's response, is to be provided as requested or at least on a 6 monthly basis to the City of Vincent;*
- 5.12 *The Management Plan shall be reviewed every 12 months, with any changes identified during this review or by the City, being incorporated into an updated Management Plan approved by the City as part of the review; and*
- 5.13 *An attachment be included with a series of 'complaint scenarios' to clarify how the Management Plan will be implemented for the different types of incidents and disturbances;*

1.3. A new Condition 7 is added to the conditions of the development approval as follows:

- "7. Within 28 days of the issue date of this approval and prior to the installation of any Signage or Lighting that a Signage and Lighting Plan be submitted to, and approved by the City, to ensure the development provides adequate lighting and signage to service the development and does not have an adverse impact on the residential amenity of the area."*

FURTHER REPORT:

The application for Change of Use from Multiple Dwellings to Serviced Apartments (Amendment to Approved) was presented to Council on 17 October 2017. At the meeting the applicant requested that Council defer the matter to enable the applicant to liaise with the owners of the Serviced Apartments, residents of Harwood Place and the City's officers to resolve a number of issues that were identified by the City, the residents and business operators during processing of the application.

In light of the above Council resolved as follows:

"That the motion be deferred to the next Ordinary Meeting of Council".

A community meeting was held on 1 November 2017 attended by the Mayor, City Officers, the applicant, the owners and manager of the Serviced Apartments, and 10 residents of Harwood Place. The matters discussed are included in the Consultation/Advertising section of this report.

Following the community meeting the applicant submitted an updated Management Plan on 6 November, which includes a number of changes to the proposal. The report has been updated to consider the community meeting and updated management plan. The recommended conditions have been modified to include new and modified measures in the Management Plan.

PURPOSE OF REPORT:

The application seeks a review of Conditions 4 and 5 of the previous approval (5.2015.568.1) granted on 3 May 2016 for Change of Use from Multiple Dwellings to Serviced Apartments at Nos. 1-16/17 Harwood Place, West Perth in accordance with Clause 77(1)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

BACKGROUND:

Landowner:	Boldform Pty Ltd
Applicant:	Urbanista Town Planning
Date of Application:	16 January 2016
Zoning:	MRS: Urban TPS1: Zone: Residential Commercial R Code: R80 TPS2: Zone: Residential Commercial R Code: R80
Built Form Area:	Mixed Use
Existing Land Use:	Serviced Apartments
Proposed Use Class:	Serviced Apartments - "SA" Use
Lot Area:	759m ²
Right of Way (ROW):	Not Applicable
Heritage List:	Not Applicable

The subject site is located at the end of the cul-de-sac on the western side of Harwood Place. The site is zoned Residential Commercial with a residential density coding of R80. The location of the subject site is included as **Attachment 1**.

The locality consists of a mix of residential and commercial properties. The adjoining properties on the western and eastern sides of Harwood Place at the southern end of the street are zoned Commercial and are occupied by showroom, warehouse, shop and office uses. The land abutting the southern boundary of the subject site is a car parking area to the adjoining commercial property at No. 430 Newcastle Street, West Perth.

On the eastern side of Harwood Place there are nine heritage listed grouped dwellings, which are also zoned Residential Commercial with a residential density coding of R80, and are occupied as residences. Abutting the northern boundary of the subject site is a car parking area to the adjoining multiple dwelling development at Nos. 15-19 Carr Street, West Perth.

The north-western adjoining site at Nos. 27-29 Carr Street, West Perth is currently under construction and will be accommodating the new West Perth Fire Station.

Between 2013 and 2016 the subject site operated as Serviced Apartments without the approval of the City. On 3 May 2016 Council approved an application for a retrospective Change of Use from Multiple Dwellings to Serviced Apartments for the site. The approval notice and approved plans are included as **Attachment 2**.

An investigation by the City found that the development has complied with all conditions of the approval, with the exception of Condition 4 and Condition 1.2.1.

Condition 4 of the approval required the Serviced Apartments to include a reception desk as follows:

"4. *The Serviced Apartments shall include within the entrance, foyer or lobby of the premises a reception desk which shall be attended by staff at all times*".

Since the approval was granted by Council on 3 May 2016 the City has received two complaints alleging that the Serviced Apartments did not have a reception desk that was attended at all times as required by Condition 4 of the development approval. The City investigated these complaints and it was found that a small table and two chairs is provided however it is not attended at all times and is only attended during scheduled guest check-in and check-out. The current application proposes to amend this condition to allow the reception area to be attended by a staff member by appointment only for scheduled guest check in and out rather than at all times.

Condition 1.2.1 of the approval requires the Serviced Apartments to operate in accordance with the amended Management Plan. The approved Management Plan states that the minimum night stay is three nights, however as part of the assessment of this application the City identified that the applicant had proposed a change to a minimum two night stay. This is currently reflected on the Zappeion Apartments website so the development is currently in breach of the Management Plan.

Condition 5 of the current approval required the applicant to provide the City with an updated Management Plan for the Serviced Apartments as follows:

- “5. *Within 28 days, the Management Plan shall be amended to include the following information to the satisfaction of the City:*
- 5.1 *All guests/residents of the Serviced Apartments are subject to a one strike policy, whereby should any unacceptable noise/disturbance/anti-social behaviour be reported and verified by staff, the offending guests/residents shall be required to leave the premises immediately and shall be banned from occupying the premises in the future. This information shall be documented and registered with the City of Vincent;*
 - 5.2 *24 hour contact details of the Serviced Apartments owners, licensed operator and the relevant security company, to be provided to all owners/occupiers of the adjoining residential properties on Harwood Place;*
 - 5.3 *The two existing onsite visitor car parking bays accessed from Harwood Place shall be reallocated as ‘pick up/drop off’ bays for use by on-demand transport or buses and shall not be used by guests;*
 - 5.4 *A Code of Conduct detailing the expected behaviour of guests/residents in order to minimise any impact on adjoining residents; and*
 - 5.5 *No more than six guests/residents shall be permitted in any Serviced Apartment at any one time”.*

On 25 May 2016 the City received an updated Management Plan to the satisfaction of the City (included as Attachment 3).

The current application proposes an amendment to the Management Plan required by Condition 5, as follows:

- Renaming of ‘Verandah Apartments’ to ‘Zappeion Apartments’ due to change of management company;
- Hours that the reception area is staffed to be aligned with the reconsideration of Condition 4, as outlined above;
- Updated security details to clarify that there is 24-hour CCTV cameras within and around the building and security patrols; and
- Reduction of three night minimum stay to two nights.

A copy of the applicant’s justification for the amendments is included as **Attachment 6** and a copy of the proposed Management Plan (dated November 2017) is included as **Attachment 4**. It is understood that the premises has been under new management since approximately September 2016.

DETAILS:**Summary Assessment**

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1 (TPS1) and the City's Policy No. 7.4.5 – Temporary Accommodation.

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Temporary Accommodation		✓

Temporary Accommodation	
Deemed-to-Comply Standard	Proposal
Policy No. 7.4.5 – Clause 2.1.3(b) Provision of the telephone number of the accommodation owner and operator to adjoining neighbours.	Provision of the telephone number of the Manager of the serviced apartments (operator) to adjoining neighbours.

CONSULTATION/ADVERTISING:

The application was advertised for a period of 14 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, from 13 March 2017 – 26 March 2017. The method of advertising included 76 letters being mailed to all owners and occupiers within close proximity to the subject site, as shown on Attachment 1, in accordance with the City's Policy No. 4.1.5 – Community Consultation.

A total of 20 submissions were received, including eighteen objections, one support and one with general concerns. The main concerns raised by the objections are as follows:

- Concerns that without a 24/7 reception desk management is not able to adequately respond to and resolve complaints after a disturbance occurs;
- Concerns regarding noise and antisocial behaviour associated with the use and its impact on amenity within the locality; and
- Concerns regarding the accommodation operators charging occupants for on-site parking.

A summary of the submissions received and Administration's response to each concern raised is contained within Attachment 5. The applicant's justification for the proposal and its response to the neighbour concerns raised during consultation is included in **Attachment 6**.

Following Council's deferral of the application a community meeting was held on the 1 November 2017 and attended by the Mayor, City Officers, the applicant, the owners and manager of the Serviced Apartments, and 10 residents of Harwood Place at the City's Administration and Civic Building.

The meeting involved a short presentation by the applicant, which was followed by an open discussion between all parties that focussed on the history of issues experienced by the residents since the Serviced Apartments commenced operation noise and anti-social behaviour from guests of the Serviced Apartments, and what measures can be put in place to resolve the issues.

A number of measures discussed at the meeting fall outside the scope of what can be dealt with through the current development application. The City's officers encouraged the applicant, the owners and manager of the Serviced Apartments, and the residents to continue discussing those measures outside of the planning process. Those present agreed to share their contact email details with meeting attendees to facilitate further discussions outside of the development application process.

Further to the above the main matters discussed were as follows:

- Gatherings/Parties are not permitted and not tolerated.
- It should be made clear to guests of the Serviced Apartments that noise is to be kept to a minimum from 10:00pm to 8:00am, in particular outside on the balconies fronting the residential properties.

- The manager of the Serviced Apartments is contactable 24/7 and those present were introduced to the manager. The managers details are available at the entry of the building and can be provided to residents.
- All complaints should be made to the manager of the Serviced Apartments, who can provide instructions to the security firm as required;
- The need for CCTV to be monitored by the operator and not rely only on the residents to report the behaviour of the apartment occupants.
- There was a need for an initial intensified period of security presence which could later be reduced in frequency.
- The need for additional signage and improved lighting without causing a nuisance to residents.
- There should be clear processes established which outlines how different complaint scenarios will be lodged and responded to;

The concerns raised at the community meeting are discussed in the Comments section below.

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- City of Vincent Town Planning Scheme No. 1;
- Policy No. 4.1.5 – Community Consultation; and
- Policy No. 7.4.5 – Temporary Accommodation.

The request to amend the aforementioned conditions of development approval is made in accordance with Clause 77(1)(b) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, which enables an application to be made requesting the local government amend or delete any condition to which a development approval is subject to.

The applicant will have the right to have Council's decision reviewed by the State Administrative Tribunal (SAT) in accordance with Part 14 of the *Planning and Development Act 2005*.

Policy No. 7.4.5 – Temporary Accommodation

City's Policy No. 7.4.5 – Temporary Accommodation, which requires the provision of the telephone number of the accommodation owner and operator to adjoining neighbours as follows:

"2.1.3(b) ... Complaints management procedures, which is to include the provision of the telephone number of the accommodation owner and operator to adjoining neighbours."

City's Policy No. 7.4.5 – Temporary Accommodation, which requires a reception desk to be staffed during check-in and check-out times as follows:

"2.5.1 ... Applications for Serviced Apartments shall include within the entrance, foyer or lobby a reception desk which shall be attended by staff at all times when apartment check-ins and check-out can occur."

Design Advisory Committee (DAC):

Referred to DAC: No

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- City of Vincent Town Planning Scheme No. 1;
- Policy No. 4.1.5 – Community Consultation; and
- Policy No. 7.4.5 – Temporary Accommodation.

The request to amend the aforementioned condition of development approval is made in accordance with Clause 77(1)(b) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, which enables an application to be made requesting the local government amend or delete any condition to which a development approval is subject to.

The applicant will have the right to have Council's decision reviewed by the State Administrative Tribunal (SAT) in accordance with Part 14 of the *Planning and Development Act 2005*.

Policy No. 7.4.5 – Temporary Accommodation

City's Policy No. 7.4.5 – Temporary Accommodation, which requires a reception desk to be staffed during check-in and check-out times as follows:

"2.5.1 ... Applications for Serviced Apartments shall include within the entrance, foyer or lobby a reception desk which shall be attended by staff at all times when apartment check-ins and check-out can occur."

Delegation to Determine Applications:

This matter is being referred to Council as the application proposes to modify conditions of a previous approval determined by Council.

RISK MANAGEMENT IMPLICATIONS:

It is Administration's view that there are minimal risks to Council and the City's business function when Council exercises its discretionary power to determine a planning application.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Reception

The application seeks to amend the condition relating to the reception hours, with consideration for the reception to be attended by a staff member by appointment only for scheduled guest check ins and outs rather than at all times.

Since approval was granted by Council on 3 May 2016, the City has received two complaints alleging that the Serviced Apartments did not have a reception desk that was attended at all times as required by Condition 4 of the approval. Following the complaints the City investigated this matter which resulted in the lodgement of this application.

During the consultation period concerns were raised that a reception desk that is attended at all times is necessary to allow operators/management to respond to and resolve complaints immediately once a disturbance occurs, provides increased security at the premises, and is a deterrent to patrons/guests of the Serviced Apartments from activities that may impact the adjoining residential properties and businesses. Concerns were also raised that noise and anti-social behaviour from patrons/guests at the Serviced Apartments have had an adverse impact on the businesses and the amenity of the residential properties.

At the recent community meeting the residents discussed that adequate security measures to address the reoccurring noise and anti-social behaviour from guests of the Serviced Apartments could be considered in

place of the 24hr reception. The applicant highlighted that an additional camera at the entry to the Serviced Apartments building had recently been installed.

Through the discussion it was identified that an intense initial security period should be put in place that would include increase security patrols and building walk throughs on weekend nights to respond to the current concerns regarding disturbances from the serviced apartments. It was also discussed that following the initial period, an on-going security plan should be put in place that designates security patrols and building walk throughs on week and weekend nights. In addition signage, lighting and CCTV were discussed and identified as an opportunity for further improvement.

Aligned with the discussions at the community meeting, Section 5.0 of the applicant's updated Management Plan (dated November 2017), included as **Attachment 4**, sets out the following security measures to monitor activity at the Serviced Apartments and address any disturbances should they arise:

- A Three-Month Security Plan (until 28 February 2018), which includes three security patrols and building walk-throughs at approximately 12am, 2am and 4am on Friday and Saturday nights and on a Sunday night during a public holiday weekend and one security walk-through at approximately 1am on Sunday to Thursday nights.
- An On-Going Security Plan (from 1 March 2018), which includes two security patrols and building walk-throughs at approximately 12am and 3am on Friday and Saturday nights and on a Sunday night during a public holiday weekend and one security walk-through at approximately 1am on Sunday to Thursday nights.
- Live security footage of the Serviced Apartments will be observed and managed by the operators of the Serviced Apartment's sister hotel, Attika Hotel, between the hours of 7am to 9pm, Sunday to Thursday and 7am to 11pm Friday and Saturday.
- A record of complaints and enquiries logged, and the applicant's response, is to be provided as requested or on a 6 monthly basis to the City of Vincent.

The proposed modification to the reception operating hours complies with the City's Policy No. 7.4.5 – Temporary Accommodation, which requires a reception desk to be attended during check-in and check-out times. Administration considers that a reception that is attended at all times, as required by Condition 4 of the previous approval, is onerous for Serviced Apartments, given that guest check ins and outs are not as frequent as that at a hotel, where a 24/7 reception is commonplace.

Modifications to signage and lighting have not been included in the updated Management Plan. It is considered that improved signage and lighting would respond to valid concerns raised and service the development. Any modification to signage and lighting needs to be considered and approved by the City to ensure the residential amenity of the area is not adversely impacted. As a result it is recommended that a condition requiring the submission of a plan prior to the installation of any new signage and lighting measures.

It is considered appropriate to deal with the concerns raised in the submissions and at the community meeting through the security measures set out in Section 5.0 and the complaints management procedure set out in Section 6.0 of the Management Plan, rather than having a person in attendance at all times. Administration supports the proposal to modify Condition 4 to require the reception desk to be attended during scheduled guest check ins and outs only.

Noise and Anti-Social Behaviour

Since approval was granted by Council on 3 May 2016, the City has received one complaint related to loud music from the subject site on a Friday night. With regards to the noise complaint received, on the night of the disturbance the City's Officers contacted the complainant by phone, who advised that there were people on a balcony at the Serviced Apartments playing music loudly, and alleged that this type of disturbance was a regular occurrence at the Serviced Apartments. During the phone call the complainant advised the City's Officers that the noise had subsided and therefore there was no need for their attendance. The City's Officers advised the complainant that they could attend Harwood Place to provide a visual presence in the street to deter any further disturbances on the night, however that anti-social noise was a Police matter.

During the community consultation period, a number of submitters commented that guests of the Serviced Apartments regularly exhibit anti-social behaviour on and around the subject premises and in Harwood Place, including illegal activity, theft, damage, fighting and obscene language. Comments were also received in relation to noise from the Serviced Apartments having an adverse impact on the amenity of neighbouring properties, particularly on weekends.

The applicant in their submission states that the Serviced Apartments manager or security firm has not been contacted by any residents, the City's Officers, or Police regarding anti-social behaviour or the noise complaint received by the City, which would have prompted staff and/or security to follow the complaints management procedure set out in the approved Management Plan. The applicant in their submission does, however, provide details of a noise complaint received by the manager of the Serviced Apartments from a neighbouring resident after the community consultation period subject to this application. The applicant states that the noise complaint was received at 8:00pm on a Saturday and following investigation by the manager, it was found that four persons had been talking on the balcony. The applicant has outlined that the guests were advised to keep their voices down and no further complaints have since been received.

At the community meeting residents voiced concerns that any complaints regarding disturbances from the Serviced Apartments made in the past did not result in any tangible action being taken to resolve the issues. The Serviced Apartments owner/operator and the manager stated that they had not received a significant number of complaints relating to serious disturbances since they had taken over operation of the Serviced Apartments in September 2016.

Through the discussion it became apparent that more open and direct communication between residents and the Serviced Apartments manager was required. It was suggested that a series of 'complaint scenarios' should be established so that all parties understand how complaints should be lodged and actioned for the different levels and types of incidences/disturbances and that all residents should be provided with the direct 24/7 contact number of the Serviced Apartments manager.

Following the community meeting the applicant submitted an updated Management Plan, (included as **Attachment 4**), which sets out a measures to deal with complaints summarised as follows and are in addition to the measures included in the section above. It is noted that the category names have been modified from the earlier version of the updated Management Plan (included as an attachment to the report to Council at its meeting on 17 November 2017) and are now referred to as 'Level 1' and 'Level 2' disturbances:

- For the purposes of lodging complaints, the 24-hour contact details of the manager of the Serviced Apartments shall be provided to all guests of the Serviced Apartments, all owners/occupiers of the residential properties on Harwood Place, and made available at all times on the Serviced Apartment's website and within the building of the Serviced Apartments;
- Prior to staying at the Serviced Apartments, all guests are required to sign terms and conditions that restrict use of the apartments;
- Level 1 and Level 2 Disturbance/Incident definitions and complaints management procedure;
- All complaints shall be lodged directly with the Serviced Apartments Manager;

The scenarios as presented in the updated Management Plan as Level 1 and 2 disturbances are largely unchanged from the earlier version of the Management Plan other than change in category name. The principle moves away from a one-strike policy which is currently in place for all disturbances and introduces a two tier approach based on the type of the disturbance/incident. The change in approach, coupled with the proposed improved security measures, is generally considered appropriate. However, a condition is recommended to require the applicant to include an appendix to the Management Plan, which will set out "scenario" examples of how the Plan will be implemented based on experiences expressed in submissions/complaints and at the community meeting.

The updated Management Plan is considered to address in part the concerns raised during consultation and at the community meeting through improved security measures and complaints management procedures, which provides all parties with a clear guide of how disturbances will be prevented in the first instance and responded to should any arise. Additional conditions are recommended to ensure that all aspects are included in the Management Plan.

Minimum Accommodation Duration

The applicant has updated the Management Plan (included as **Attachment 4**), to reduce the minimum stay of three nights to two nights. The applicant states in their submission that the average stay is four nights and that, *'the two night minimum stay prevents people from leasing the apartments for weekend periods only, whereby it is more likely that noise and other disturbances may occur'*.

Given that a two night stay could include Friday and Saturday night, it is reasonable for the minimum stay requirement in the Management Plan to remain as three nights, to discourage people from booking in the

venue for activities likely to cause disturbances, such as weekend parties. This is consistent with the applicant's statement in the Management Plan approved by the City (dated May 2016) as included in **Attachment 3**. A condition is recommended that an updated Management Plan be submitted to and approved by the City that retains the minimum accommodation duration of three nights.

Parking

Council has previously approved a parking shortfall for the development and required the drop off / pick up bays to be provided. The application does not propose to alter the existing parking arrangements for the Serviced Apartments.

Since the approval was granted by Council on 3 May 2016, the City has received 16 complaints relating to parking issues on Harwood Place. During community consultation, concern was raised that the City's Officers regularly issue parking infringements to guests of the Serviced Apartments for parking too long in time restricted on-street parking on Harwood Place. The City's records confirm that in response to each complaint received, the City's Officers attended the locality and issued infringements where warranted, however the City's Officers could not confirm if any of the cars being infringed belonged to guests of the Serviced Apartments.

Concern was also raised during community consultation that patrons and/or visitors are charged a fee, additional to the serviced apartment booking fee, to park in the secured parking area of the building, resulting in some guests opting to park on the street at the detriment of residents who are unable to find parking. The applicant in their submission states that charging for car parking is consistent with management practices for Serviced Apartments.

The total number of 16 on-site parking bays for the Serviced Apartments satisfies the requirements of the City's Policy No. 7.7.1 – Parking and Access, which requires the development to provide a minimum of one car bay per serviced apartment in accordance with the Residential Design Codes requirements for multiple dwellings. However, the parking management of the Serviced Apartments, whereby an on-site parking bay is only provided to a serviced apartment if an additional fee is paid, means that each serviced apartment does not have a minimum of one on-site car bay at all times and therefore the development does not comply with the City's Policy No. 7.7.1 – Parking and Access. It is therefore recommended that a condition be imposed as part of the Management Plan which requires each serviced apartment to be provided with one dedicated parking bay to encourage the use of the on-site parking facilities.

Contact Details

Condition 5.2 of the current approval conditions the Management Plan to include a requirement for the contact details of the Serviced Apartment owners, licensed operators and the relevant security company, to be provided to all owners and occupiers of the adjoining residential properties on Harwood Place. Clause 2.1.3(b) of the City's Temporary Accommodation Policy requires a complaints management procedure which includes the provision of the telephone number of the accommodation owner and operator to the adjoining neighbours.

Section 6.0 of the proposed Management Plan identifies that the contact details of the Serviced Apartments manager will be provided to owners/occupiers of the residential properties on Harwood Place and that the details are made available at all times on the Serviced Apartments website and within the building of the serviced apartments. It is considered that this aspect of the proposal achieves the intent of the City's Policy to ensure that residents have access to the manager (operator) who is able to take action in a timely manner minimising the impact on the residential amenity of the area.

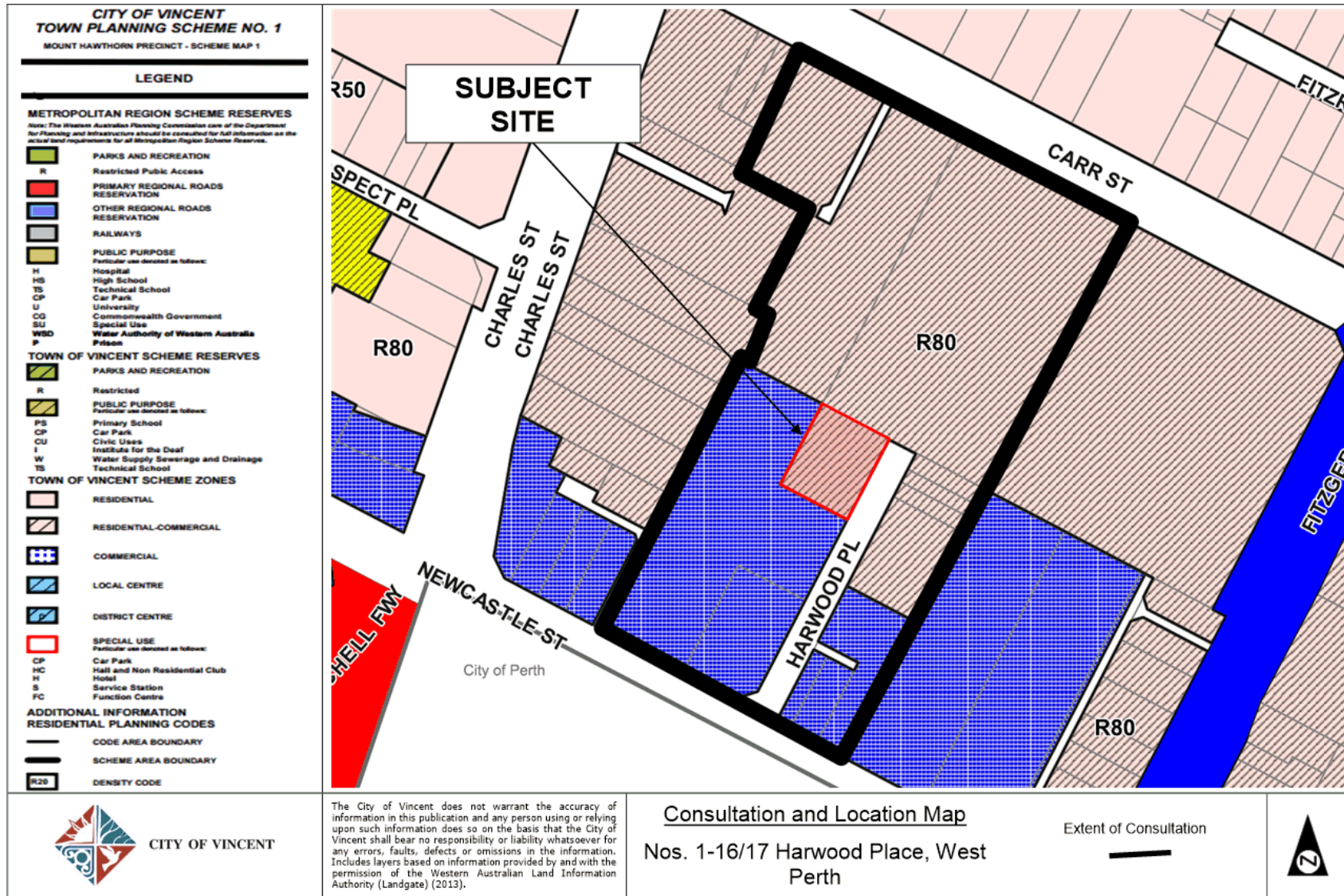
Conclusion

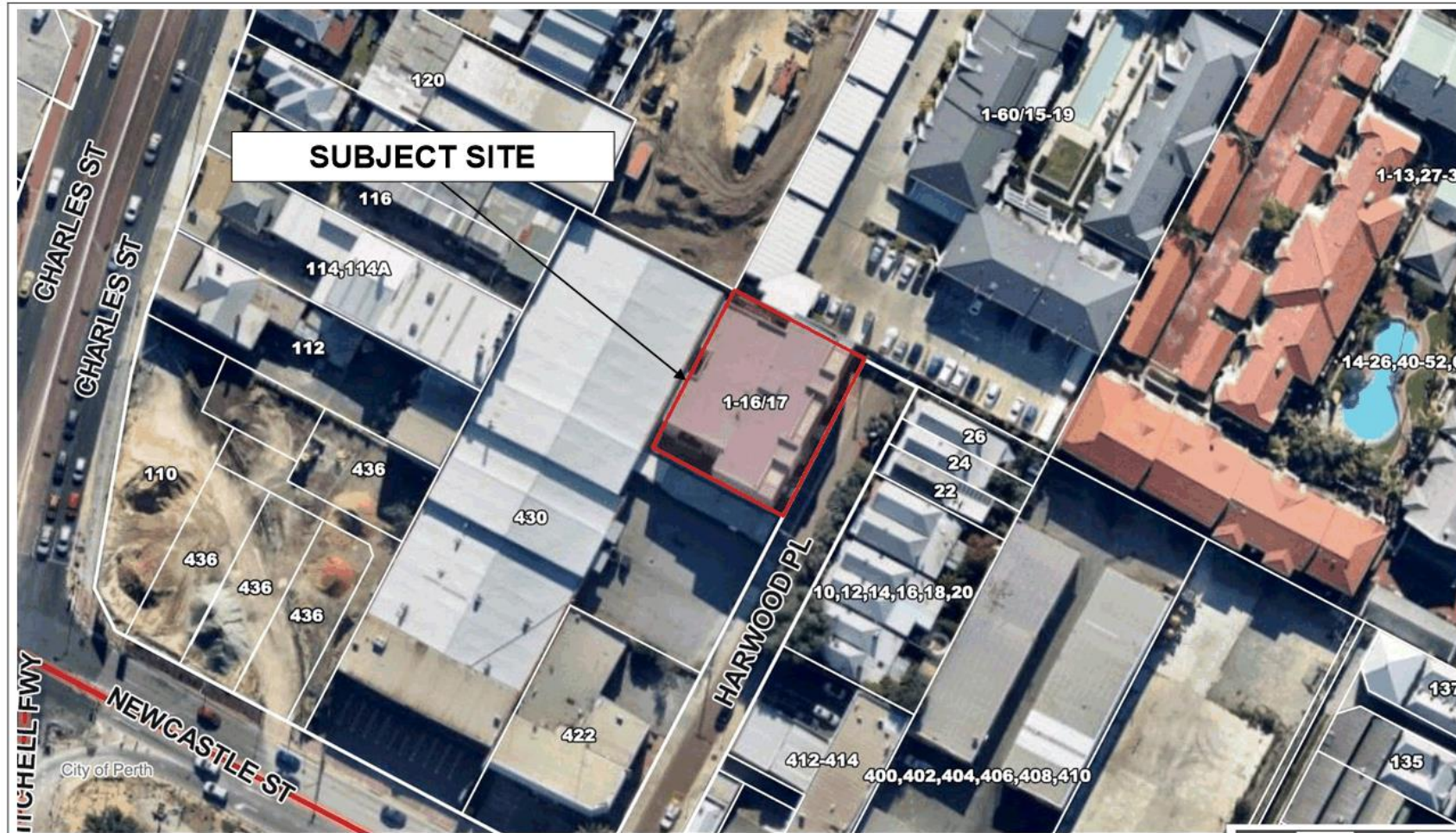
The proposal for the reception to be staffed during scheduled appointments for guest check ins and outs is consistent with the City's Policy No. 7.4.5 – Temporary Accommodation. In order to assist with addressing concerns raised during consultation and at community meeting, the applicant's updated Management Plan provides a number of security measures and a complaints management procedure, which sets out a clear guide of how disturbances will be prevented in the first instance and responded to should any arise.

The applicant's proposal to reduce the minimum stay from three nights to two nights is not considered to be appropriate and it is therefore recommended that the minimum stay remain at three nights. In order to ensure that the development complies with the minimum car parking requirements it is recommended that the

Management Plan is updated to provide each serviced apartment with one dedicated car bay. A tracked change version of recommended Condition 4 and 5 is included as **Attachment 7**.

It is recommended that Conditions 4 and 5 of the previous approval be amended as recommended.





The City of Vincent does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that the City of Vincent shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information. Includes layers based on information provided by and with the permission of the Western Australian Land Information Authority (Landgate) (2013).

Nos. 1-16/17 Harwood Place, West
Perth



ENQUIRIES TO: Steven Laming
Approval Services, (08 9273 6067)
OUR REF: 5.2015.568.1



CITY OF VINCENT

4 May 2016

FILE COPY

Dear Sir/Madam

NO. 17 (LOTS: 1-16; D/P: 59813) HARWOOD PLACE, PERTH – CHANGE OF USE FROM MULTIPLE DWELLINGS TO SERVICED APARTMENTS (RETROSPECTIVE)

Thank you for your Planning Application received on 11 December 2015 for the above proposal.

I wish to advise that the Council at its Ordinary Meeting held on 3 May 2016 resolved to **grant conditional approval** subject to the terms and conditions shown on the attached form. The proposal was assessed and found to be in accordance with the provisions of the City of Vincent Town Planning Scheme No.1 and associated policies.

I trust that the information is to your satisfaction, however if you have any enquiries regarding the above matter, please do not hesitate to contact Steven Laming on 08 9273 6067.

Yours sincerely

Handwritten signature of Paola Di Perna in black ink.

Paola Di Perna
MANAGER APPROVAL SERVICES

Cc.

Compliance Services

(Att.)



- 2 -

Planning and Development Act 2005

City of Vincent

Notice of determination on application for development approval

Location: NO. 17 Harwood Place, Perth

Lots, Plan/Diagram: Lots: 1-16 Str: 59813

Vol. No: 1533

Folio No: 297

Application date: 10 December 2015

Received on: 11 December 2015

Serial No: 5.2015.568.1

Description of proposed development: Change of Use from Multiple Dwellings to Serviced Apartments (Retrospective)

Plans dated: 11 December 2015

This application for development approval is subject to the following conditions:

1. Limitation on Use

1.1 Maximum Lease Period

Guests are not permitted to stay at the subject serviced apartments for a continuous period longer than six months within any 12 month period; and

1.2 Management Plan

1.2.1 The serviced apartments shall operate in accordance with the amended Management Plan required by Condition 5; and

1.2.2 The terms and conditions outlined in the amended Management Plan required by Condition 5 shall be provided to occupants of the serviced apartments at the time of check-in and displayed in a prominent location within each serviced apartment;

2. External Fixtures

All external fixtures shall not be visually obtrusive from Harwood Place and neighbouring properties. External fixtures are such things as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like; and

3. Within 28 days of approval, the following shall be submitted to and approved by the City:

- 3 -

3.1 Car Parking

The two visitor car parking bays, directly accessed from Harwood Place and located within the subject site, shall be sign posted detailing a maximum of 2 hour parking and shall be controlled and maintained by the operator of the serviced apartments for the purposes of drop-off and pick-up to the satisfaction of the City;

3.2 Signage

A sign that provides the contact details of a person responsible for the serviced apartments shall be fixed in a location that is within the subject site and is easily visible to the public to the satisfaction of the City; and

3.3 Bicycle Bays

A minimum of two Class 1 or 2 and four Class 3 resident bicycle bays and two visitor bicycle bays are to be provided onsite. Bicycle bays must be provided at a location convenient to the entrance, publically accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3;

4. The serviced apartments shall include within the entrance, foyer or lobby of the premises a reception desk which shall be attended by staff at all times;
5. Within 28 days, the Management Plan shall be amended to include the following information to the satisfaction of the City:
 - 5.1 All guests/residents of the Serviced Apartments are subject to a one strike policy, whereby should any unacceptable noise/disturbance/anti-social behaviour be reported and verified by staff, the offending guests/residents shall be required to leave the premises immediately and shall be banned from occupying the premises in the future. This information shall be documented and registered with the City of Vincent;
 - 5.2 24 hour contact details of the Serviced Apartments owners, licensed operator and the relevant security company, to be provided to all owners/occupiers of the adjoining residential properties on Harwood Place;
 - 5.3 The two existing onsite visitor car parking bays accessed from Harwood Place shall be reallocated as 'pick up/drop off' bays for use by on-demand transport or buses and shall not be used by guests;
 - 5.4 A Code of Conduct detailing the expected behaviour of guests/residents in order to minimise any impact on adjoining residents.
 - 5.5 No more than six guests/residents shall be permitted in any Serviced Apartment at any one time; and
6. Within 28 days of issue of Planning Approval, a sign shall be erected on the building that restricts the two existing onsite visitor car parking bays as a 'Drop off / Pick up only'.

- 4 -

ADVICE NOTE:

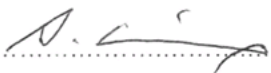
1. All signage that does not comply with the City's Policy No. 7.5.2 – Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Permit application, being submitted to and approved by the City prior to the erection of the signage.

NOTES:

Any additional property numbering to the abovementioned address, which is resultant from this application, is to be allocated by the City of Vincent and no other parties. It is recommended that you liaise with the City's Planning Department on the above matter, during the Building Permit issue stage.

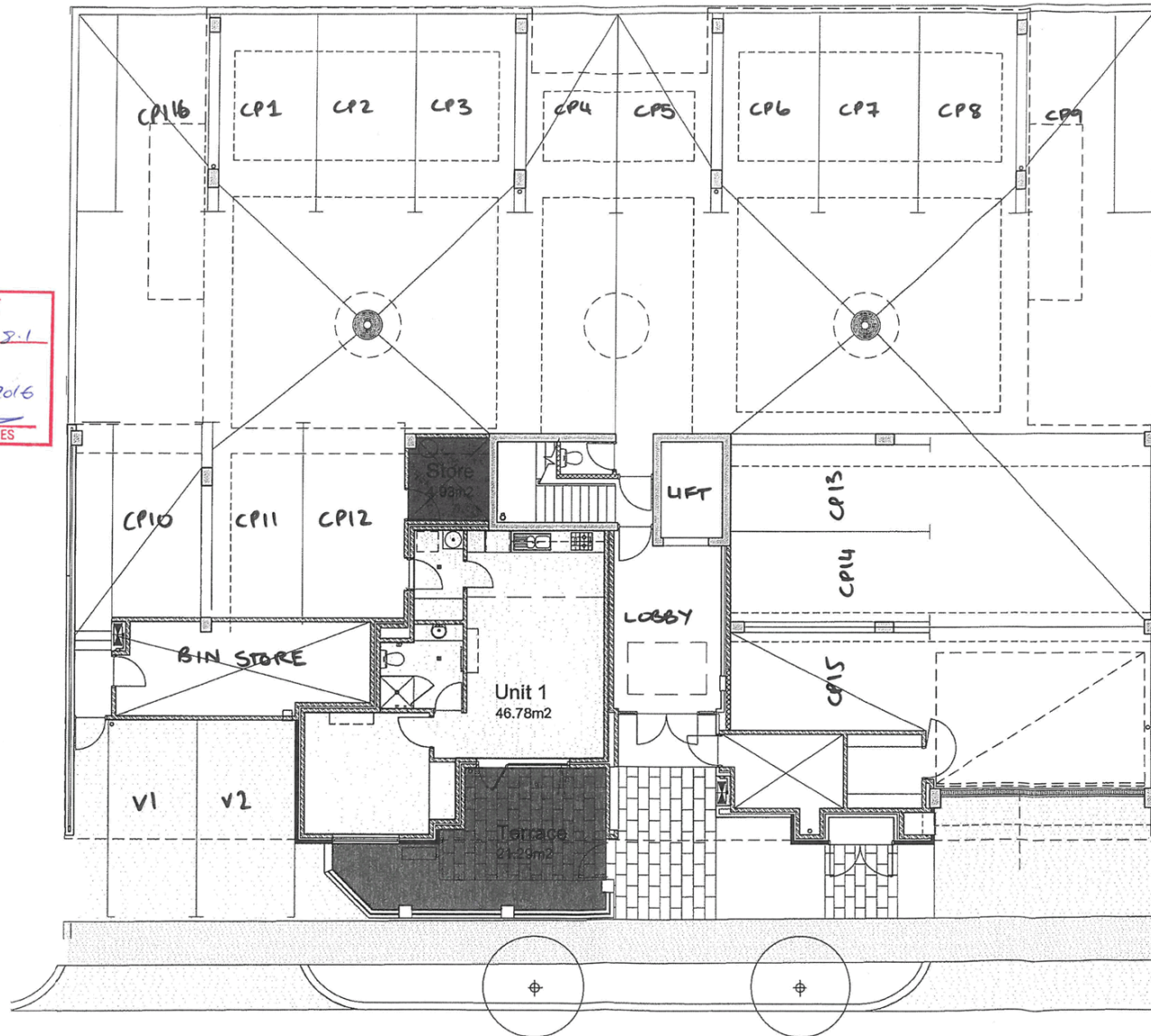
Date of determination: 3 May 2016

- Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.
- Note 2: Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
- Note 3: If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

Signed:  Dated: 4.5.16
for
Paola Di Perna
MANAGER APPROVAL SERVICES

for and on behalf of the City of Vincent

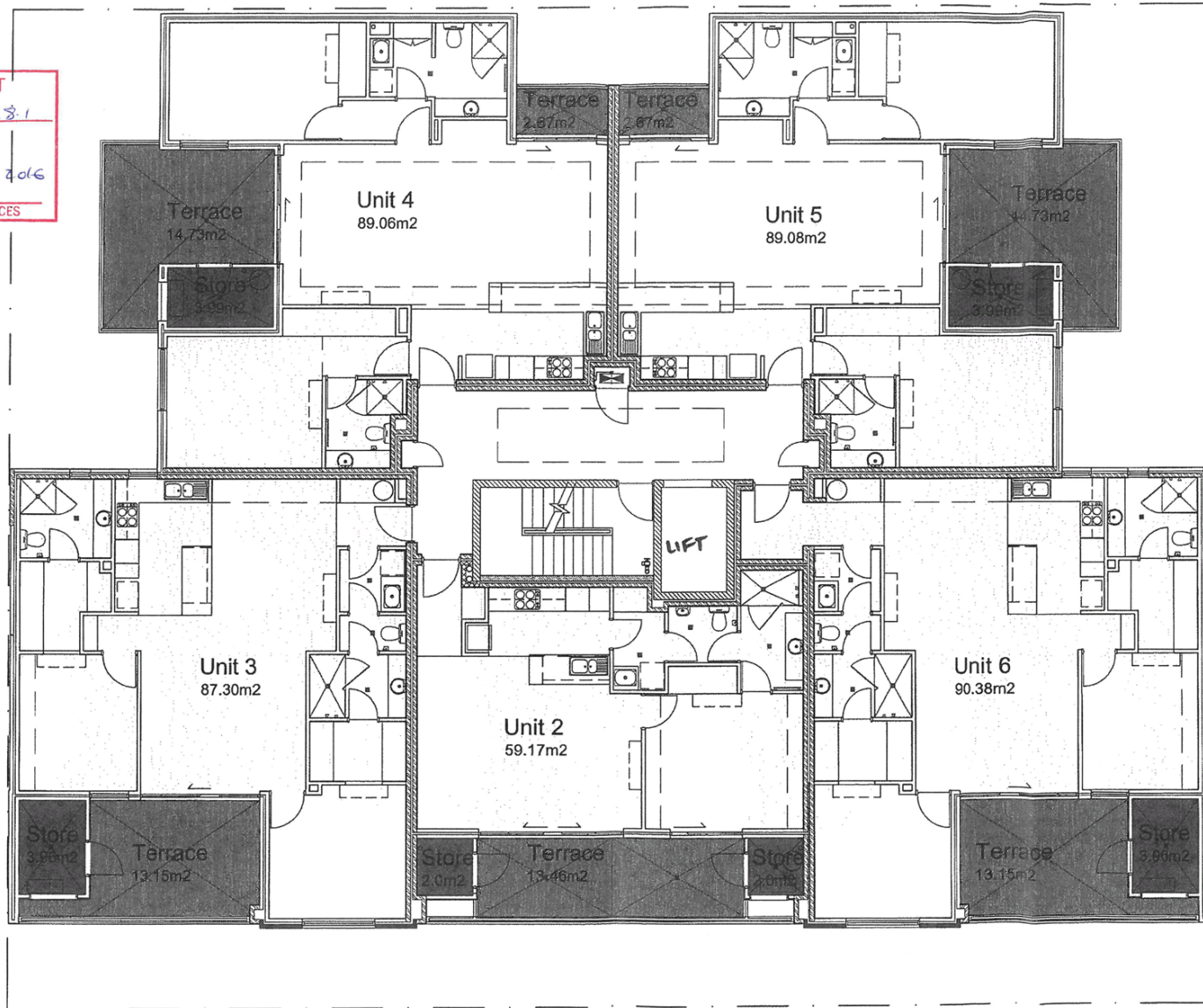
CITY OF VINCENT
DA SERIAL No 5.2015.568.1
3 MAY 2016
Approved 4 May 2016
For MANAGER APPROVAL SERVICES



FLOOR PLAN - GROUND - 17 HARWOOD PLACE, WEST PERTH



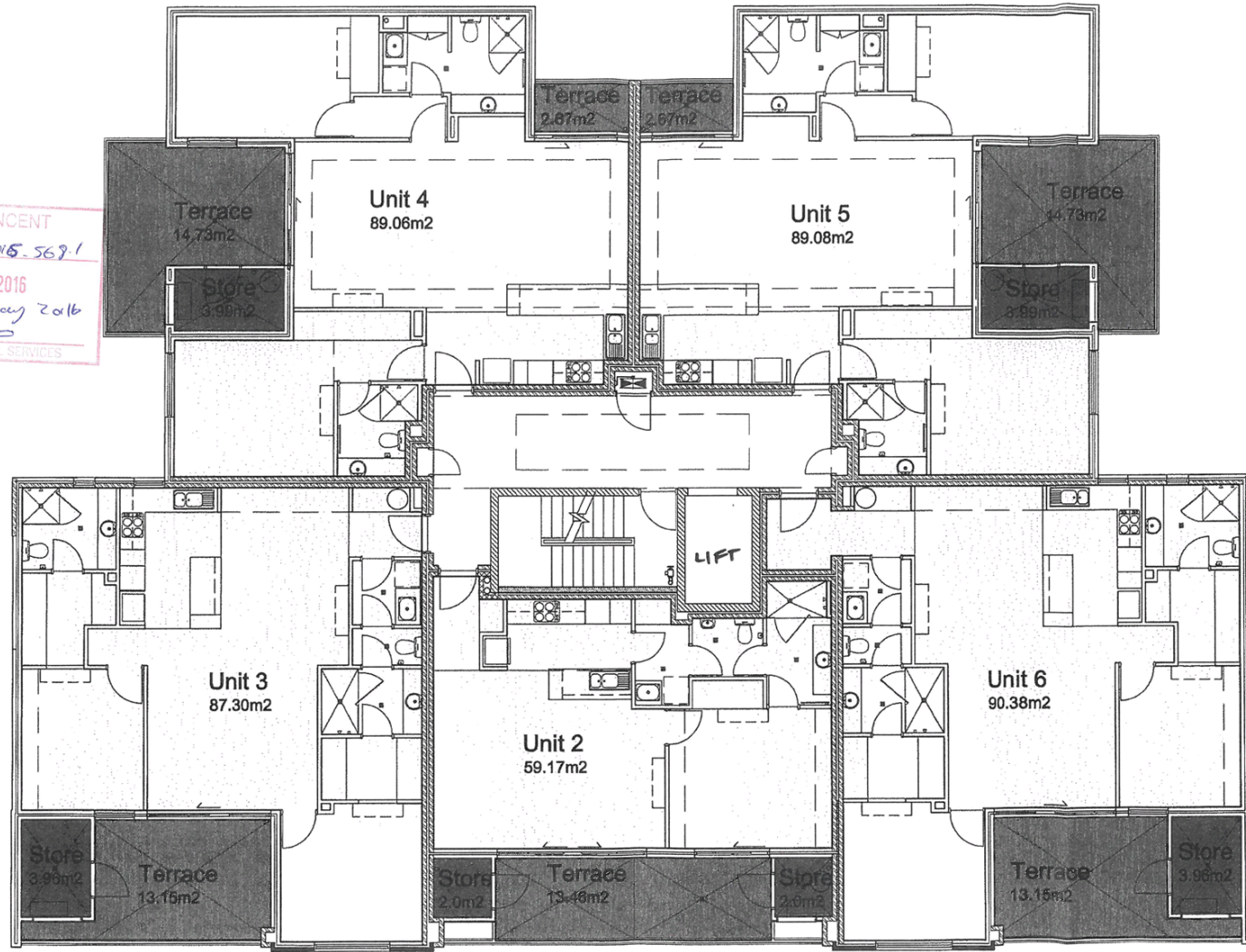
CITY OF VINCENT
JA SERIAL No 5.2015568.1
3 MAY 2016
APPROVED *Le May* 2016
MANAGER APPROVAL SERVICES



FLOOR PLAN - FIRST - 17 HARWOOD PLACE, WEST PERTH



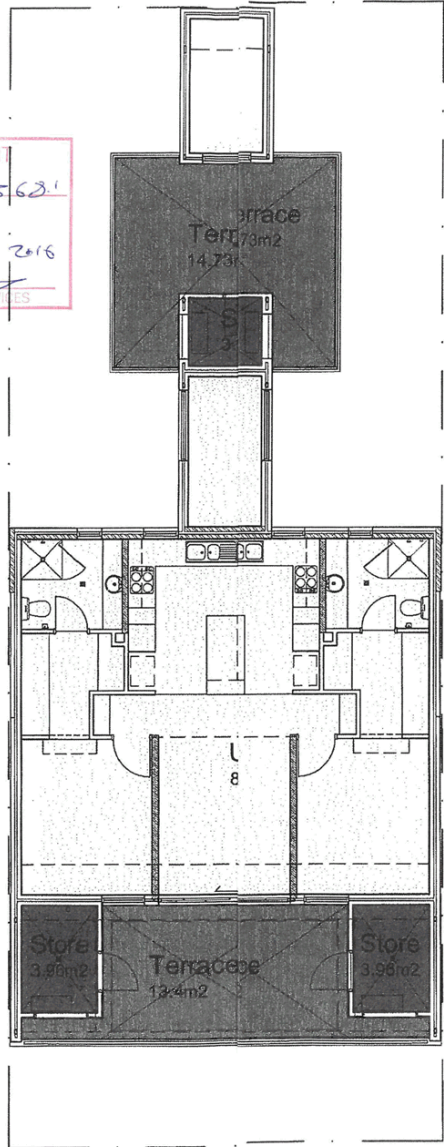
CITY OF VINCENT
DA SERIAL No 5-2015-567-1
3 MAY 2016
APPROVED 4 May 2016
for MANAGER APPROVAL SERVICES



FLOOR PLAN - SECOND - 17 HARWOOD PLACE, WEST PERTH



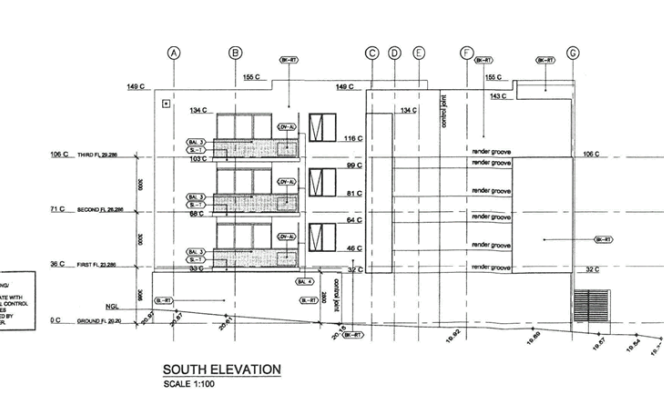
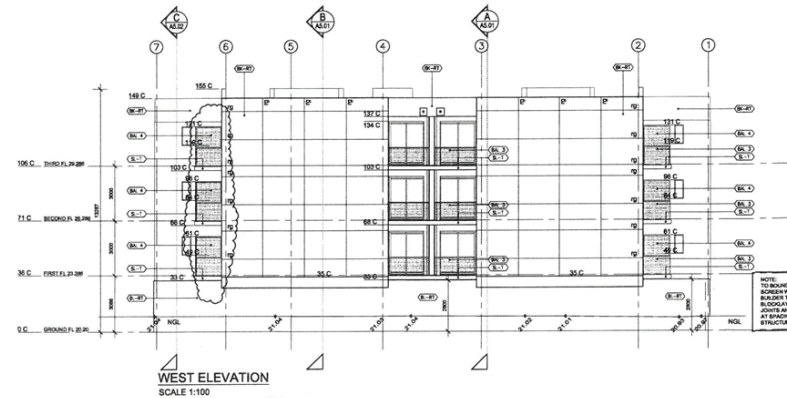
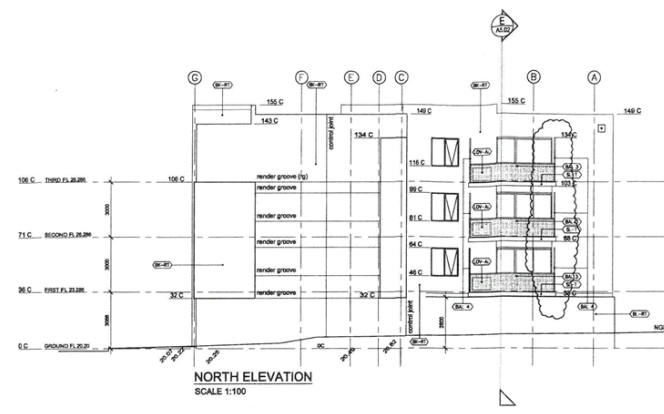
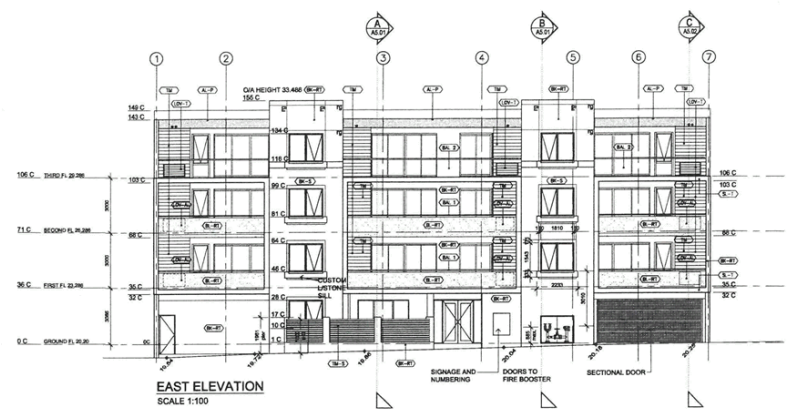
CITY OF VINCENT
DA SERIAL No. 5-2016-5631
3 MAY 2016
APPROVED 4 May 2016
MANAGER APPROVAL SERVICES



FLOOR PLAN -



Before any construction commences, the contractor must first obtain the necessary approvals from the City of Vincent. The contractor must ensure that the construction complies with the relevant building codes and standards. The contractor must also ensure that the construction is completed in accordance with the approved plans and specifications. The contractor must also ensure that the construction is completed in accordance with the approved plans and specifications. The contractor must also ensure that the construction is completed in accordance with the approved plans and specifications.



CITY OF VINCENT
 DA SERIAL No. 5-2015-588-1
 3 MAY 2016
 APPROVED 4 May 2016
 BY [Signature]
 MANAGER APPROVAL SERVICES

NO	DATE	AMENDMENT	CHD	NO	DATE	AMENDMENT	CHD	NO	DATE	AMENDMENT	CHD
1.	18.07.08	ISSUED TO CONSULTANTS		2.	28.11.08	SCHEDULING ADDED TO MH UNITS					
1.	14.06.08	ISSUED TO WIDE		3.	08.08.08	ISSUED FOR AMENDED BL					
3.	27.08.08	ISSUED FOR ENERGY ASSESSMENT									
4.	01.09.08	ISSUED FOR BUILDING LICENCE									
6.	20.09.08	ISSUED FOR CONSTRUCTION									

CONSULTANTS:	
STRUCTURAL:	
ELECTRICAL:	
HYDRAULIC:	
METEOROLOGICAL:	

DESIGN AND DOCUMENTATION BY:
McDONALD JONES
 ARCHITECTS PTY LTD
 8 GULF AVENUE, SUITE 201, 8008
 T11 (08) 8360333
 FAX 11 (08) 8360338

JOB: HARWOOD PLACE
 ADDRESS: LOT 33 HARWOOD PLACE WEST PERTH
 CLIENT: BOLDFORM PTY LTD
 DWG: ELEVATIONS

DRWN	REC	DATE/REVISED	CHKD
		JUNE 08	
SCALE: 1:100	JOB NO: 2749	DRWING NO: A4.01	
ISSUE NO: 0000			
FILE NAME:			



MANAGEMENT PLAN
SERVICED APARTMENTS
17 HARWOOD STREET
PERTH



TABLE OF CONTENTS

1.0 INTRODUCTION..... 2

2.0 OPERATOR..... 2

3.0 OCCUPANTS..... 3

4.0 OPENING HOURS..... 3

5.0 SECURITY..... 3

6.0 COMPLAINTS MANAGEMENT PROCEDURE..... 3

7.0 CAR PARKING..... 4

8.0 DELIVERIES..... 4

9.0 ROOM SERVICE..... 4

10.0 CLEANING SERVICES..... 4

APPENDIX 1 - CODE OF CONDUCT FOR GUESTS..... 5

APPENDIX 2 – TERMS AND CONDITIONS FOR GUESTS..... 6

1.0 INTRODUCTION.

The Management Plan has been prepared on behalf of Verandah Apartments. It has been prepared in accordance with the City of Vincent Planning and Building Policy No. 3.4.5 relating to temporary accommodation.

The Management Plan has been prepared in accordance with clause 2.5.2 of Policy No. 3.4.5 which states:

“2.5.2 Servicing Strategy

In addition to the Management Plan in accordance with Clause 2.1.2, all applications for Serviced Apartments shall include a Servicing Strategy detailing the level of servicing containing, but not limited to the following:

- a) Opening hours for guest check-ins and checkouts;*
- b) Method of reservations/bookings;*
- c) Means of attending to guest complaints;*
- d) Cleaning and laundry services, where available;*
- e) Company name and relevant experience of management/operator; and*
- f) Management and accommodation of servicing vehicles within the context of the overall car parking for the development.”*

The Management Plan relates to the change of use of multiple dwellings at 17 Harwood Place, Perth, to serviced apartments.

This Management Plan will be provided to occupants of the serviced apartments at the time of check-in and displayed in a prominent location within each serviced apartment.

2.0 OPERATOR.

The proposed operator for the serviced apartments is Verandah Apartments, a reputable serviced apartment provider to corporate clients. The managing director of Verandah Apartments is Nick Clements and has held this position for four and a half years. Mr Clements previously managed Ocean Beach Hotel and Hotel Northbridge. Mr Clements currently operates serviced apartments at 6 Antonas Road, Northbridge, which caters for clients such as Rio Tinto, Samsung, SNT and others.

The minimum night stay for the serviced apartments is three nights, with a capped maximum of six (6) months. The Antonas Road apartments currently average 11 night stays, which is consistent with what is proposed for Harwood Place. This is intended to capture corporate clients who are seconded to Perth offices for short periods of time, which allows a sense of normality as opposed to residing in a hotel room. The accommodation also permits their families to be present with them whilst being seconded to a Perth office.

A majority of clients are deemed corporate clients, however Verandah Apartments also caters to a secure client base of general clients who commonly utilise their services for a short stay accommodation within Perth.

3.0 OCCUPANTS.

In accordance with the condition of planning approval dated 3 May 2016 the number of persons per apartment is restricted as follows:

1. *No more than six guests/residents shall be permitted in any Serviced Apartment at any one time.*

4.0 OPENING HOURS.

Harwood Place will be self-managed in conjunction with the Antonas Road apartments. Primarily Harwood Place will be utilised when the residences at Antonas Road are at full capacity. As such, the main reception will be held at Antonas Road whereby clients will obtain their keys and sign the relevant forms at 6 Antonas Road, Northbridge (two blocks away) and make their way to the apartments at Harwood Place.

Antonas Road's reception is open from 7am to 10pm daily with a security officer on duty after hours. Given the average length of stay is approximately 11 nights, this reception area is irregularly used and benchmarks that there is no need to provide a concierge service at Harwood Place given the sites close proximity to Antonas Road.

5.0 SECURITY.

Access to Harwood Place, including the front lobby area, car parking area and apartments are controlled by smart cards and keys which are issued to guests and staff. Verandah Apartments employs a security company to control its serviced apartments. Harwood Place will be managed by 24-hour security, including vehicle patrols and walk throughs throughout the apartment building.

The premises will also be controlled by 24-hour CCTV cameras which will be located around the premises.

6.0 COMPLAINTS MANAGEMENT PROCEDURE.

Verandah Apartments will provide all apartments with the contact details of Verandah Apartments and their security firm to allow them to report any disturbances which may occur.

The existing serviced apartments on Antonas Road have not received complaints regarding noise and other disturbances as the residents are vetted prior to leasing the apartments, to ensure they are either corporate clients or mature individuals seeking alternative accommodation to hotels. The three night minimum stay prevents people from leasing the apartments for weekends period only, whereby it is more likely that noise and other disturbances may occur.

Verandah Apartments requires residents to sign terms and conditions prior to their stay which includes the following provision:

1. *All guests/residents of the Serviced Apartments are subject to a one strike policy, whereby should any unacceptable noise/disturbance/anti-social behaviour be reported and verified by staff, the offending guests/residents shall be required to leave the premises immediately and shall be banned from occupying the premises in the future.*

Verandah Apartments will also ensure nearby residents are notified of the relevant contact details in accordance with the following condition of approval dated 3 May 2016:

1. *24-hour contact details of the Serviced Apartments owners, licensed operator and the relevant security company, to be provided to all owners/occupiers of the adjoining residential properties on Harwood Place.*

7.0 CAR PARKING

The development has 16 residential car bays located behind a security gate and two visitor bays directly accessible from Harwood Place. Verandah Apartments also offers vehicles to hire at their Antonas Road serviced apartments.

Verandah Apartments will advertise the apartments individually and advise if car parking is available on-site. It will be noted on their website and upon checkin that on-street car parking within Harwood Place is not permitted due to the strict time requirements imposed by the City of Vincent.

Furthermore, the two visitor car bays will be converted in accordance with the following condition of approval dated 3 May 2016:

1. *The two existing onsite visitor car parking bays accessed from Harwood Place shall be reallocated as 'pick up/drop off' bays for use by on-demand transport or buses and shall not be used by guests.*

8.0 DELIVERIES.

Deliveries will take place between 7am and 3pm and will be delivered via the Harwood Place on-site carpark. Primarily the most frequent delivery will be linen which is anticipated to attend Harwood Place four times a week, whom use a small vehicle and will have remote access control to the car park.

9.0 ROOM SERVICE.

Verandah Apartments does not offer room service, as they are self-contained apartments.

10.0 CLEANING SERVICES.

An in-house house keeping team will clean apartments and change linen on a schedule that is dictated by check ins/outs. Each apartment has its own washing machine and dryer that enables clients to undertake washing when required. Verandah Apartments also offers an external laundry and dry-cleaning service which is easily organised through reception.

APPENDIX 1 - CODE OF CONDUCT FOR GUESTS.

Dear Guest

Thank you for choosing Verandah Apartments for your stay in Perth.

Verandah Apartments requests your cooperation for the upkeep of our facilities. Please be advised that as the booking is in your name, the guests staying in the apartment are your responsibility. Thus, you will be responsible for any damages or incidents that may occur from the duration of stay.

For the comfort and consideration of all our guests, please note that we have a strict No gathering / party policy. All visitors must leave by 10pm each night. Only the registered overnight guests (limits apply) are permitted to be in the apartments after this time. Please note that all our buildings and surroundings are strictly NON SMOKING area.

The maximum number of person in the apartment at any time will be 6 people for a 3-bedrooms apartment, 6 people if you have booked 2-bedroom apartment and maximum of 4 people in a 1-bedroom apartment.

Verandah reserves the right to deduct up to \$1000 AUD from your credit card for any damages (including stained towels, linens and carpet), incidentals and losses of any monies due to your stay without further notice. Any further bills / money will also be covered fully by yourself. This includes full rates for any nights we are unable to sell the apartment due to your stay or damage in our facilities.

All keys and remotes must be returned upon check out, otherwise there is a charge of up to \$150AUD per key and \$50AUD per remote applicable

Verandah also reserves the right to evict the guests from our property if we feel the property is being / will be damaged / misused / or being used in an unsafe way. You will not receive a refund if evicted. You may also be charged the full price for every day / night that we can not sell the apartment due to the events of your stay.

Thank you for your cooperation.

Name on Card: _____

Credit Card No. _____

Ex _____ CCV _____

Guest signature

Date

_____ / ____ / _____

APPENDIX 2 – TERMS AND CONDITIONS FOR GUESTS.

Dear Guest,

- Veranda Apartments requests your cooperation for the upkeep of our facilities; if the booking is under your name, you are responsible for your guests and the apartment at all times. Thus, you will be responsible for any damages or incidents that may occur from the duration of stay.
- All our premises are **STRICTLY** a **NON-SMOKING** area.
- We have a strict **No Gathering/Party Policy** all visitors must leave by 10pm and only the registered overnight guests (limits apply) are permitted to be in the apartments after this time.
- Verandah also reserves the right to evict the guests from our property if we feel the property is being / will be damaged / misused / or being used in an unsafe way. **NO REFUNDS** if evicted.
- Verandah reserves the right to deduct up to \$1000 AUD from your credit card for any damages (including stained towels, linens and carpet).
- All keys and remotes must be returned upon check out, otherwise there is a charge of up to \$150 AUD per key and \$50 AUD per remote applicable.

Guest Name: _____

Guest Signature: _____ Date ____ / ____ / ____



MANAGEMENT PLAN
SERVICED APARTMENTS
17 HARWOOD PLACE
PERTH

AMENDED 6 NOVEMBER 2017




TABLE OF CONTENTS

1.0 INTRODUCTION..... 2

2.0 OPERATOR..... 2

3.0 OCCUPANTS. 3

4.0 OPENING HOURS..... 3

5.0 SECURITY. 3

6.0 COMPLAINTS MANAGEMENT PROCEDURE. 3

7.0 CAR PARKING. 5

8.0 DELIVERIES. 5

9.0 ROOM SERVICE. 5

10.0 CLEANING SERVICES..... 5

APPENDIX 1 - CODE OF CONDUCT FOR GUESTS. 6

APPENDIX 2 – TERMS AND CONDITIONS FOR GUESTS..... 7

1.0 INTRODUCTION.

The Management Plan has been prepared on behalf of Zappeion Apartments. It has been prepared in accordance with the City of Vincent Planning and Building Policy No. 3.4.5 relating to temporary accommodation.

The Management Plan has been prepared in accordance with clause 2.5.2 of Policy No. 3.4.5 which states:

“2.5.2 Servicing Strategy

In addition to the Management Plan in accordance with Clause 2.1.2, all applications for Serviced Apartments shall include a Servicing Strategy detailing the level of servicing containing, but not limited to the following:

- a) Opening hours for guest check-ins and checkouts;*
- b) Method of reservations/bookings;*
- c) Means of attending to guest complaints;*
- d) Cleaning and laundry services, where available;*
- e) Company name and relevant experience of management/operator; and*
- f) Management and accommodation of servicing vehicles within the context of the overall car parking for the development.”*

The Management Plan relates to the change of use of multiple dwellings at 17 Harwood Place, Perth, to serviced apartments.

This Management Plan will be provided to occupants of the serviced apartments at the time of check-in and displayed in a prominent location within each serviced apartment.

2.0 OPERATOR.

The operator for the serviced apartments is Zappeion Apartments, a reputable serviced apartment provider to corporate and leisure clients. The managing director of Zappeion Apartments is Athanasios Limnios.

The minimum night stay for the serviced apartments is two nights, with a capped maximum of three (3) months. This is intended to capture corporate clients who are seconded to Perth offices for short periods of time, which allows a sense of normality as opposed to residing in a hotel room. The accommodation also permits their families to be present with them whilst being seconded to a Perth office.

A majority of clients are deemed corporate clients; however Zappeion Apartments also caters to a secure client base of general clients who commonly utilise their services for a short stay accommodation within Perth.

3.0 OCCUPANTS.

In accordance with the condition of planning approval dated 3 May 2016 the number of persons per apartment is restricted as follows:

1. *No more than six guests/residents shall be permitted in a two bedroom serviced apartment and no more than four guests/residents shall be permitted in a single bedroom serviced apartment at any one time.*

4.0 OPENING HOURS.

Zappeion Apartments will be self-managed. The main reception will be staffed by appointment only during normal working hours, alternative check in and out times will occur in accordance with the check in and out procedure. Appointment only is in accordance with the City of Vincent Short Term Local Planning Policy 7.4.5 which states

"Applications for Serviced Apartments shall include within the entrance, foyer or lobby a reception desk which shall be attended by staff at all times when apartment check-ins and check-out can occur."

5.0 SECURITY.

Access to Zappeion Apartments, including the front lobby area, car parking area and apartments are controlled by keys and smart cards which are issued to guests and staff.

Zappeion Apartments will prepare and undertake the following security measures:

1. *A Three-Month Security Plan (until 28 February 2018), which includes three security patrols and building walk-throughs at approximately 12am, 2am and 4am on Friday and Saturday nights and on a Sunday night during a public holiday weekend, and one security walk-through at approximately 1am from Sunday to Thursday nights.*
2. *An On-Going Security Plan (from 1 March 2018), which includes two security patrols and building walk-throughs at approximately 12am and 3am and one security walk-through at approximately 1am from Sunday to Thursday nights.*
3. *Live security footage of the Serviced Apartments will be observed and managed by the operators of the Serviced Apartment's sister hotel, Attika Hotel, between the hours of 7am to 9pm, Sunday to Thursday and 7am to 11pm Friday and Saturday.*
4. *A record of complaints and enquiries logged, and the applicant's response, is to be provided as requested or on a 6 monthly basis to the City of Vincent.*

6.0 COMPLAINTS MANAGEMENT PROCEDURE.

Zappeion Apartments will provide all apartments with the contact details of the after-hours contact person to allow them to report any disturbances which may occur.

The two night minimum stay prevents people from leasing the apartments for weekend periods only, whereby it is more likely that noise and other disturbances may occur.

Zappeion Apartments requires residents to sign terms and conditions prior to their stay which includes the following provisions:

1. *All guests/residents of the Serviced Apartments are subject to a one strike policy, whereby should any unacceptable noise/disturbance/anti-social behaviour be reported and verified by staff, the offending guests/residents shall be required to leave the premises immediately and shall be banned from occupying the premises in the future. This information shall be documented and registered with the City of Vincent;*
2. *The Terms and Conditions shall include a clause advising the guests that noise is to be kept to a minimum from 10pm to 8am and should a complaint be received, the guests will be given one warning after which further complaints will lead to an eviction.*
3. *No more than six guests/residents/visitors shall be permitted in any Serviced Apartment at any one time;*

The guests will be provided with a code of conduct which includes:

1. *The expected behaviour of guests/residents in order to minimise any impact on adjoining residents*

Zappeion Apartments will also ensure nearby residents are notified of the relevant contact details as follows:

1. *24 hour contact details of the manager of the Serviced Apartment's are to be provided to all owners/occupiers of the adjoining residential properties on Harwood Place and made available at all times on the serviced apartment's website and within the building of the Serviced Apartments;*

In the event a phone call is received regarding a complaint the following procedure is to be undertaken dependant on the severity of the complaint:

Level 1 Disturbances and Complaints

1. A phone call will be made directly to the subject apartment with respect to the complaint to advise them to cease activities and establish whether the complaint is valid.
2. If a second phone call is received and the complaint is validated, the Manager or security firm will attend the premises and advise them to cease the undue noise.
3. The Manager or security firm will stay on the premises for one hour following the face to face warning.
4. In the event, the level 1 disturbance occurs again the clients will be evicted immediately as per the Code of Conduct.

Level 2 Disturbances and Complaints

1. If a phone call is received regarding a serious noise breach (for example a party or fight) the Manager and/or security firm will attend the premises within 30 minutes of the phone call to establish if the complaint is valid.
2. In the event the complaint is validated and is considered a level 2 disturbance the clients will be evicted as per the Code of Conduct.

The WA Police will be contacted if a complaint is verified and requires WA Police action. The WA Police will be contacted immediately after the verification of the complaint.

Definitions:

Level 1: means any complaint that is deemed level 1 by the Manager given the breach does unduly impact on users of the serviced apartments. Level 1 complaints may relate to low scale noise complaints, rubbish and etc.

Level 2: means any complaint that is deemed to be level 2 by the Manager and may require WA Police attention. It is where a validated complaint significantly unduly impacts upon the users of the serviced apartments.

7.0 CAR PARKING.

The development has 16 residential car bays located behind a security gate and two visitor bays directly accessible from Harwood Place.

Zappeion Apartments will advertise the apartments individually and advise if car parking is available on-site. It will be noted on the website and upon check-in that on-street car parking within Harwood Place is not permitted due to the strict time requirements imposed by the City of Vincent.

The two car parking bays accessed from Harwood Place shall be labelled as 'pick up/drop off' bays for use by on-demand transport or buses and shall not be used by guests;

8.0 DELIVERIES.

Deliveries will take place between 7am and 3pm and will be delivered via the Harwood Place on-site carpark. Primarily the most frequent delivery will be linen which is anticipated to attend Zappeion Apartments twice a week, which use a small vehicle and will have remote access control to the car park.

9.0 ROOM SERVICE.

Zappeion Apartments does not offer room service, as they are self-contained apartments.

10.0 CLEANING SERVICES.

A house keeping team will clean apartments and change linen on a schedule that is dictated by check ins/outs. Each apartment has its own washing machine and dryer that enables clients to undertake washing when required.

APPENDIX 1 - CODE OF CONDUCT FOR GUESTS.

Dear Guest

Thank you for choosing Zappeion Apartments for your stay in Perth.

Zappeion Apartments requests your cooperation for the upkeep of our facilities. Please be advised that as the booking is in your name, the guests staying in the apartment are your responsibility. Thus, you will be responsible for any damages or incidents that may occur from the duration of stay.

For the comfort and consideration of all our guests, please note that we have a strict No gathering / party policy. All visitors must leave by 10pm each night. Only the registered overnight guests (limits apply) are permitted to be in the apartments after this time. Please note that all our buildings and surroundings are strictly NON SMOKING area.

The maximum number of persons in the apartment at any time will be 6 people if you have booked 2-bedroom apartment and maximum of 4 people in a 1-bedroom apartment.

Zappeion reserves the right to deduct up to \$1000 AUD from your credit card for any damages (including stained towels, linens and carpet), incidentals and losses of any monies due to your stay without further notice. Any further bills / money will also be covered fully by yourself. This includes full rates for any nights we are unable to sell the apartment due to your stay or damage in our facilities.

All keys and remotes must be returned upon check out, otherwise there is a charge of up to \$150AUD per key and/or per remote applicable

Zappeion also reserves the right to evict the guests from our property if we feel the property is being / will be damaged / misused / or being used in an unsafe way. You will not receive a refund if evicted. You may also be charged the full price for every day / night that we can not sell the apartment due to the events of your stay.

Thank you for your cooperation.

Name on Card: _____

Credit Card No. _____

Ex _____ CCV _____

Guest signature

Date

_____ / ____ / _____

APPENDIX 2 – TERMS AND CONDITIONS FOR GUESTS.

Dear Guest,

- Zappeion Apartments requests your cooperation for the upkeep of our facilities; if the booking is under your name, you are responsible for your guests and the apartment at all times. Thus, you will be responsible for any damages or incidents that may occur from the duration of stay.
- All our premises are **STRICTLY** a **NON-SMOKING** area.
- We have a strict **No Gathering/Party Policy** all visitors must leave by 10pm and only the registered overnight guests (limits apply) are permitted to be in the apartments after 10:00pm; and
- Noise shall be kept to a minimum from 10:00pm to 8:00am;
- The maximum number persons in the apartment at any one time will be 4 people in a 1 bedroom apartment and a maximum of 6 people in a 2 bedroom apartment.
- Please be mindful that this is a residential area and as well as other guests we also have neighbours. Noise is to be kept to a minimum from 10pm until 8am. Should we received a complaint you will be given **ONE** warning after which any further complaints will lead to eviction.
- Zappeion also reserves the right to evict the guests from our property if we feel the property is being / will be damaged / misused / or being used in an unsafe way and in accordance with the Complaints Management Procedure in the Management Plan. **NO REFUNDS** if evicted.
- Zappeion reserves the right to deduct from your credit card for any damages (including stained towels, linens and carpet).
- All keys and remotes must be returned upon check out; otherwise there is a charge of up to \$150 AUD per key and \$50 AUD per remote applicable.

Guest Name: _____

Guest Signature: _____ Date ____ / ____ / ____

Summary of Submissions:

The tables below summarise the comments received during the advertising period of the proposal, together with the City's response to each comment.

Comments Received in Support:	Officer Technical Comment:
No comments received.	
Comments Received in Objection:	Officer Technical Comment:
<p><u>Complaints & Security</u></p> <p>Having a remote reception desk and security officer at the Attika Hotel at No. 279 Newcastle Street, as suggested by the applicant, does not solve the problems residents are currently experiencing in Harwood Place and the nearby businesses.</p> <p>There needs to be some sort of security/management on-site at No. 17 Harwood Place at all times, and in particular after hours when most of the noise, anti-social behaviour, drug dealing and car congestion occurs.</p> <p>A 24/7 on-site reception desk is required for residents to make complaints at the time an incident occurs, which would enable management to resolve any issues in a timely manner.</p> <p>A staff member on-site 24/7 would also provide a major deterrent to occupants of the serviced apartments doing any activity that would impact the residential properties on Harwood Place and nearby businesses.</p>	<p>The proposal for the reception desk to be staffed during scheduled appointments for guest check ins and outs only is consistent with the City's Policy No. 7.4.5 – Temporary Accommodation and common management practices for serviced apartments.</p> <p>The proposed security measures are consistent with common management practices for serviced apartments and, in combination with the complaints management procedure, provides the serviced apartments owners, licenced operator and the relevant security company, and neighbouring residents and business owners with a clear guide of how disturbances will be prevented in the first instance and responded to should any arise.</p>
<p><u>Parties</u></p> <p>Parties are regularly held at the serviced apartments which impacts the amenity of the residential properties on Harwood Place due to the high numbers of guests attending the premises who create excessive noise, anti-social behaviour, and rubbish and property damage.</p>	<p>The amended Management Plan sets out a 'no party policy' and a complaints management procedure which provides management and security with a process to respond to and resolve any disturbances should they arise.</p>
<p><u>Rubbish</u></p> <p>Rubbish is regularly thrown from the balconies of the serviced apartments onto the street. Guests of the serviced apartments regularly leave broken bottles, syringes, drug bags, cigarette butts and other rubbish in the street and behind nearby commercial properties, which has to be cleaned up by the residents of Harwood Place and business owners.</p>	<p>Each serviced apartment is provided with bins. The City's investigation did not conclude if the alleged littering in the area was being conducted by guests of the serviced apartments.</p>

Summary of Submissions:

Comments Received in Objection:	Officer Technical Comment:
<p><u>Illegal Activity</u></p> <p>Drug dealing and prostitution occur at the serviced apartments. There are regularly people that are not staying at the serviced apartments loitering in the street waiting to collect drugs from a person staying at the apartments. Once the drugs have been collected it seems that these people use the drugs behind the nearby commercial properties.</p>	<p>Since approval was granted on 3 May 2016 the City's Rangers has on one occasion suspected that drug dealing was occurring at the serviced apartments and the matter was referred to the Police for investigation.</p>
<p><u>Theft</u></p> <p>Items are regularly stolen from the front areas of the residential properties on Harwood Place and nearby businesses.</p>	<p>Theft is a Police matter. The City's investigation did not conclude if the alleged theft in the area was being conducted by guests of the serviced apartments.</p>
<p><u>Property Damage</u></p> <p>Cars belonging to the residents of Harwood Place have been deliberately vandalised when parked in the street and damaged by guests of the serviced apartments when driving their cars.</p>	<p>Property damage is a Police matter. The City's investigation did not conclude if the property damage in the area was being conducted by guests of the serviced apartments.</p>
<p><u>Anti-social Behaviour</u></p> <p>Residents on Harwood Place have witnessed guests of the serviced apartments fighting in the street, urinating in the street and front yards of the adjoining residential properties and loitering in the front yards of the residential properties to consume alcohol and drugs. Guests of the serviced apartments and their visitors have also used foul language and aggression towards residents. This behaviour creates an environment that feels unsafe for residents, nearby business owners and their clients.</p>	<p>The amended Management Plan sets a complaints management procedure which provides management and security with a process to respond to and resolve any disturbances should they arise.</p>
<p><u>Car Parking</u></p> <p>The management company (Zappeon) currently charge guests of the serviced apartments \$25 per day to park in the secured parking area of the building, which has resulted in guests opting to park on the street at the detriment of residents. The City of Vincent Rangers are regularly issuing parking infringements to guests of the serviced apartments that have parked for too long in time restricted parking spaces on Harwood Place.</p> <p>The street is a narrow cul-de-sac with no turning circle, so cars have to reverse the full length of Harwood Place to exit the street. A 24/7 reception staff member would be able to prevent cars blocking the street when dropping people off to the serviced apartments. People frequently wait for taxis at 3.00-4.00am in front of the houses on Harwood Place who make excessive noise and wake up the residents. There needs to be a designated drop-off and pick-up area that is a managed 24/7 by a staff member.</p>	<p>In order to reduce the number of guests of the serviced apartments from parking on Harwood Place, it is recommended that an updated Management Plan be submitted to and approved by the City that provides each serviced apartment with one dedicated parking bay free of charge or included in the stay cost.</p> <p>As required by the previous approval, the serviced apartments currently provides two designated car bays on Harwood Place for drop-off and pick-up. Given that the serviced apartments do not operate like a hotel, it is not practicable to have a 24/7 reception staff member to provide valet or parking services.</p>

Summary of Submissions:

Comments Received in Objection:	Officer Technical Comment:
<p><u>Noise</u></p> <p>Noise on weekends is excessive as a result of guests partying on the external balconies until the early hours of the morning. Closing all windows and doors of the residential properties does not stop the noise from waking residents up.</p>	<p>The amended Management Plan sets a complaints management procedure which provides management and security with a process to respond to and resolve any disturbances should they arise.</p>
<p>Issue: <u>Management Plan</u></p> <p>There needs to be prescribed management practices in place stipulating guests and their visitors' behaviour whilst checked into the apartments.</p>	<p>The Management Plan provides a Code of Conduct and Terms and Conditions that guests must agree to prior to and abide by during their stay.</p>

Note: Submissions are considered and assessed by issue rather than by individual submitter.

URBANISTA
TOWN PLANNING

No. 17 Harwood Place, West Perth

Reconsideration of Conditions for Serviced Apartments

August 2017



TABLE OF CONTENTS

BACKGROUND AND PROPOSAL..... 4

Location..... 6

 Metropolitan Region Scheme..... 6

MANAGEMENT PLAN..... 7

Reconsideration of Condition 4..... 7

Validity of Condition 4..... 9

NEIGHBOUR SUBMISSIONS RECEIVED 11

Additional Information 14

Conclusion 15

This report has been prepared by Urbanista Town Planning on behalf of the landowners of No. 17 Harwood Place, West Perth, in support of the development application for the reconsideration of conditions for serviced apartments.

The report provides a comprehensive assessment and endorsement of the proposal in accordance with the relevant principles of a serviced apartment building and the City's Town Planning Scheme No. 1 and relevant local planning policies. The report provides a summary of the site particulars and addresses all relevant planning legislation and policies.

Urbanista Town Planning is positive that the information presented in this document will assist to facilitate a recommendation of approval for the reconsideration of conditions from the Council.



Bianca Sandri | Director
Urbanista Town Planning

BACKGROUND AND PROPOSAL

Council at its Ordinary Meeting held on 3 May 2016 approved a change of use from multiple dwellings to serviced apartments at 17 Harwood Place, West Perth, subject to appropriate conditions.

Council resolved to approve the change of use subject to the following conditions:

1. Limitation on Use

1.1 Maximum Lease Period

Guests are not permitted to stay at the subject serviced apartments for a continuous period longer than six months within any 12 month period; and

1.2 Management Plan

1.2.1 The serviced apartments shall operate in accordance with the amended Management Plan required by Condition 5; and

1.2.2 The terms and conditions outlined in the amended Management Plan required by Condition 5 shall be provided to occupants of the serviced apartments at the time of check-in and displayed in a prominent location within each serviced apartment;

2. External Fixtures

All external fixtures shall not be visually obtrusive from Harwood Place and neighbouring properties. External fixtures are such things as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like; and

3. Within 28 days of approval, the following shall be submitted to and approved by the City:

3.1 Car Parking

The two visitor car parking bays, directly accessed from Harwood Place and located within the subject site, shall be sign posted detailing a maximum of 2-hour parking and shall be controlled and maintained by the operator of the serviced apartments for the purposes of drop-off and pick-up to the satisfaction of the City;

3.2 Signage

A sign that provides the contact details of a person responsible for the serviced apartments shall be fixed in a location that is within the subject site and is easily visible to the public to the satisfaction of the City; and

3.3 Bicycle Bays

A minimum of two Class 1 or 2 and four Class 3 resident bicycle bays and two visitor bicycle bays are to be provided onsite. Bicycle bays must be provided at a location convenient to the entrance, publicly accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3;

4. The serviced apartments shall include within the entrance, foyer or lobby of the premises a reception desk which shall be attended by staff at all times;

5. *Within 28 days, the Management Plan shall be amended to include the following information to the satisfaction of the City:*

- 5.1 *All guests/residents of the Serviced Apartments are subject to a one strike policy, whereby should any unacceptable noise/disturbance/anti-social behaviour be reported and verified by staff, the offending guests/residents shall be required to leave the premises immediately and shall be banned from occupying the premises in the future. This information shall be documented and registered with the City of Vincent;*
- 5.2 *24 hour contact details of the Serviced Apartments owners, licensed operator and the relevant security company, to be provided to all owners/occupiers of the adjoining residential properties on Harwood Place;*
- 5.3 *The two existing onsite visitor car parking bays accessed from Harwood Place shall be reallocated as 'pick up/drop off' bays for use by on-demand transport or buses and shall not be used by guests;*
- 5.4 *A Code of Conduct detailing the expected behaviour of guests/residents in order to minimise any impact on adjoining residents.*
- 5.5 *No more than six guests/residents shall be permitted in any Serviced Apartment at any one time; and*

6. *Within 28 days of issue of Planning Approval, a sign shall be erected on the building that restricts the two existing onsite visitor car parking bays as a 'Drop off / Pick up only'."*

Urbanista Town Planning on behalf of Boldform Pty Ltd formally submits a planning application for reconsideration of condition 4 and reconsideration of an amended management plan as required by condition 5.

LOCATION

The Zappeion Apartments at 17 Harwood Place, West Perth, is located off Newcastle Street and bounded by Fitzgerald Street to the east and Charles Street to the west. The site is situated close to the boundary of the City of Vincent and the City of Perth. The site is well serviced by an abundance of public transport, entertainment and restaurant options which serve to cater the use.

The locality is not characterised by any dominant land use, with the surrounding area containing a diverse mix of commercial, single dwelling and apartment uses.

The site is zoned residential/commercial R80 with approved serviced apartments. The lot is 758m² and is located within the Beaufort Precinct of the City's Town Planning Scheme No. 1.

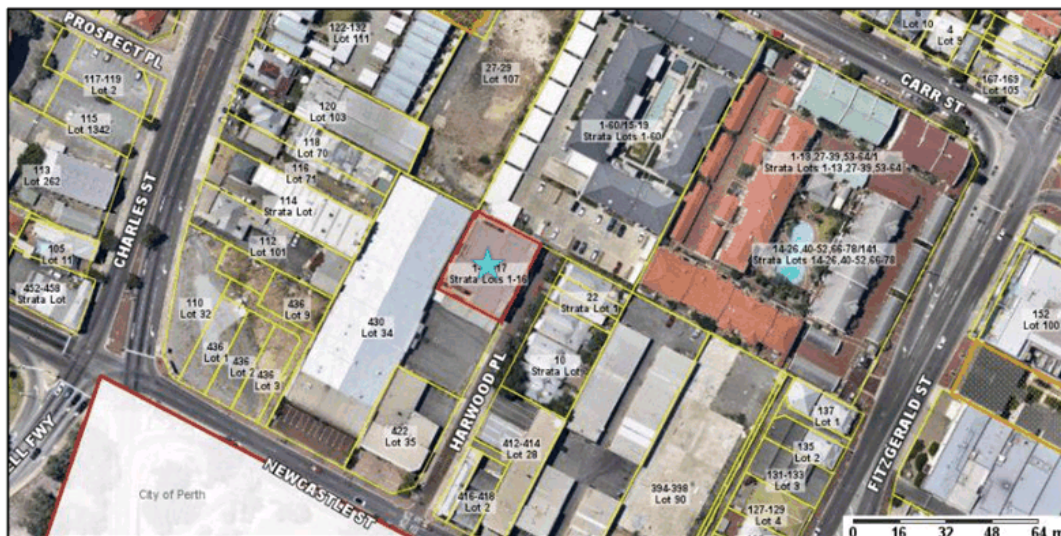


Figure 1: Locality Aerial Photo
(Source: City of Vincent Maps)

Metropolitan Region Scheme

The subject site is zoned 'urban' under the Metropolitan Region Scheme (MRS).

MANAGEMENT PLAN

The original application was proposed to be operated by Verandah Apartments. This agreement has since lapsed and management of the serviced apartments is being undertaken by Zappeion Apartments. The newly appointed Manager has reviewed the approved Management Plan in accordance with condition 5. Given the property is operating with a different management team the management plan has been modified with respect to management names and the compliance management procedure.

The intent of the management plan remains the same with the only changes being:

1. Renaming of Verandah Apartments to Zappeion Apartments
2. Reception hours to be aligned with the reconsideration of condition application
3. Security - to clarify there is 24-hour CCTV cameras around and within the building
4. Reduction of three night minimum stay to two nights

These changes are not significant amendments to the originally approved management plan except for the reception hours which is addressed further below.

RECONSIDERATION OF CONDITION 4

Council at its Ordinary Meeting resolved to include condition 4 against officer's recommendation. This condition requires the reception area to be occupied 24 hours a day to manage client check ins and outs. Urbanista Town Planning is seeking condition 4 to be removed and for the reception area to be managed in accordance with the amended management plan and the attached check in and out procedure.

The Management Plan states that the reception will be open by appointment only during normal working hours. The reception will be occupied when there are scheduled check ins and outs during normal working hours. It is considered that the management of the reception is adequately addressed through the management plan which is enforceable through condition 5.

Serviced apartments operate differently to a hotel. A hotel is used for short periodical stays, whereas serviced apartments are often used for longer term stays. This is also based on the type of accommodation provided. Hotels are usually restricted to small studios whereas serviced apartments are more suitable for families or long-stay clients who desire the amenities of an apartment.

The clientele who utilise the accommodation are generally associated with large corporations whereby employees are deployed to Perth for short term contracts or conferences. Zappeion Apartments also caters to a secure client base of general clients who commonly utilise their services for short stay accommodation within Perth. These clients continue to abide by the code of conduct for the premises.

Against the City's officer's recommendation, the Council imposed condition 4 which required the reception to be occupied 24 hours a day. This kind of imposition is not feasible for serviced apartments. This is based on the site occupying only 16 apartments and the average stay is approximately four (4) nights resulting in a low number of check ins and outs per day and week.

Many reputable serviced apartment providers such as Seashell, Mantra and Quest have core check in times or are appointment only receptions. Outside of normal trading hours alternative arrangements are made with guests to access safe boxes to obtain keys and have drop boxes for express check outs. This avoids the requirement to have a 24-hour reception for self-contained apartments.

The City's policy No. 7.4.5 relating to temporary accommodation states "*a reception desk which shall be attended by staff at all times when apartment check-ins and check-out can occur.*" The removal of condition 4 allows the reception to be managed in accordance with the management plan as per the City's policy. The policy identifies that the reception does not need to be managed 24 hours a day solely during hours of when check in and check outs occur. Should an exceptional circumstance occur outside of normal working hours a procedure is in place to deal with this. The removal of condition 4 will allow the serviced apartments to operate in accordance with the City's policy.

Attached is the check in and check out procedural manual for clients of Zappeion Apartments. The attachment states that should a client wish to check in outside of normal hours they are required to fill in and sign the code of conduct and other necessary forms seven (7) days prior to check in. This information is then required to be forwarded to the Manager to ensure the information is correct and can be enforced during their stay, as per the management plan.

In terms of risk, the use is required to be managed in accordance with the approved security requirements set out in the management plan. This includes 24-hour CCTV, security patrols and walk throughs. In addition to this, the code of conduct for guests includes a one strike policy should serious anti-social behaviour/noise/disturbance occur. Nearby landowners and clients within the serviced apartments have the ability to contact the Manager 24 hours a day. These measures significantly reduce the risk of antisocial behaviour/disturbance/noise.

In addition to the above, the use of serviced apartments is beneficial to the nearby residents as it reduces traffic flow along Harwood Place and potentially reduces noise. Ordinarily multiple dwellings are not bound by the *Environmental Protection Act 1986* and *Environmental Protection (Noise) Regulations 1997* with respect to audible noise. Therefore, residents who may have occupied the multiple dwellings had the opportunity to be on their balconies creating noise throughout the day and night resulting in a disturbance to other residents within Harwood Place. The benefit of the site being used for serviced apartments is that clients are required to comply with the code of conduct which requires:

- No gathering/party policy;
- All visitors must leave by 2200 hours;
- Only the registered guests are permitted to sleep onsite; and
- Zappeion Apartments reserves the right to evict the guests from our property if they feel the property is being / will be damaged / misused / or being used in an unsafe way.

These rules are applied to minimise any disturbance to the surrounding residential locality. These rules are beyond what is permitted to be applied to multiple dwellings. Therefore, the approved use with the removal of condition 4 reduces the overall impact of the 16 apartments to nearby residents. In addition to this, most clients do not travel by car resulting in a reduced number of vehicles travelling along Harwood Place. The operator has also sign posted the visitor bays in accordance with the approval which allows taxi services to utilise these car bays.

Since the approval of the serviced apartments and the lodgement of this application the City has not received a single complaint regarding the use.

VALIDITY OF CONDITION 4

The State Administrative Tribunal has established a test for the validity of a planning condition. In *Western Australian Planning Commission v Temwood Holdings Pty Ltd* (2004) 221 CLR 30 at [57], McHugh J in the High Court of Australia endorsed the test for the validity of a condition of planning approval articulated by the House of Lords in *Newbury District Council v Secretary of State for the Environment* [1981] AC 578 in the following terms:

"A condition attached to a grant of planning permission will not be valid therefore unless:

- 1. The condition is for a planning purpose and not for any ulterior purpose. A planning purpose is one that implements a planning policy whose scope is ascertained by reference to the legislation that confers planning functions on the authority, not by reference to some preconceived general notion of what constitutes planning.*
- 2. The condition reasonably and fairly relates to the development permitted.*
- 3. The condition is not so unreasonable that no reasonable planning authority could have imposed it."*

In *Perrymead Investments Pty Ltd v Western Australian Planning Commission* (1996) 16 SR (WA) 181, a case concerning the review of a condition of subdivision approval which required that an existing unsealed road be upgraded and sealed, the Town Planning Appeal Tribunal determined in relation to the second Newbury test as follows:

"The test of the validity and scope of a condition in this State is whether it fairly and reasonably relates to the development. The decision of [Cardwell Shire Council v King Ranch Australia Pty Ltd (1984) 58 ALJR 386], although in the context of Queensland legislation, stands for the proposition that should have application in Western Australia: the condition can be said to reasonably relate if it arises from changes precipitated by the development or subdivision. If it does reasonably relate, then it is not fatal if the condition also benefits the public at large to a greater or lesser degree. A condition cannot arise solely from the existence of a public need which bears no relationship to the subdivision. The requirement that a condition reasonably relates to the subdivision does not, therefore, allow the Commission or the local authority to use the subdivision or development as a trigger for a future need that does not arise, in part, from the project. There is no justification for the use of conditions to promote the community infrastructure simply because the developer has come forward for approval."

The City's policy 7.4.5 states the *"Applications for Serviced Apartments shall include within the entrance, foyer or lobby a reception desk which shall be attended by staff at all times when apartment check-ins and check-out can occur."* A reception desk currently exists within the foyer area. This application requests to remove a condition that is not compliant with the City's policy and allow the reception to operate by appointment only when check in and outs occur during normal working hours, in accordance with the management plan/servicing plan as required by clause 2.5.2(a) of the City's policy.

The Council did not provide a planning reason for the purpose of imposing condition 4, which was applied against the City's officer's recommendation, as part of the original planning application. Therefore, condition 4 as it currently stands is unreasonable as it is over and beyond what is the City's expectation as part of its own policy and does not provide a fundamental planning function.

The condition is unreasonable and unfair given the average length of stay of the 16 apartments on site is four (4) nights resulting in a low amount of check ins and check outs per day and week. The requirement to have a 24-hour reception is ordinarily associated with a hotel whereby the use is more transient and on-site amenities are provided. In this instance, there is no need for such a condition as check in and outs can be managed in accordance with the attached procedure during normal working hours by appointment only.

It should also be noted that any anti-social behaviour that occurs within Harwood Place has been long standing and evident prior to the approval of this application. This was evident by way of the submissions made as part of the original application. The Council cannot penalise the operators of the serviced apartments for the long standing issues relating to Harwood Place. Urbanista Town Planning attended the Council meeting whereby condition 4 was imposed and it was assumed that the condition was imposed by way of negotiations with the adjacent residents. A forum was held with the residents without invite to Urbanista Town Planning or the landowners of the subject site. The application of a 24-hour reception desk will not reduce the existing problem within Harwood Place, instead measures put forward by the City such as lighting may reduce such behaviour. However, the social problem has not been exacerbated by the use and therefore it is unreasonable for the condition to be applied.

Potential amenity impacts of the serviced apartment will be managed by way of the management plan and subject security measures. Condition 4 is considered unreasonable, unfair and inconsistent with the City's policy resulting in the condition not being appropriate as per the Newbury test.

NEIGHBOUR SUBMISSIONS RECEIVED

The City by email on 13 April 2017 provided the below summary of objections received in relation to the use:

Comments Received in Objection:	Urbanista Town Planning Comment:
<p>Issue: Complaints & Security</p> <p>Having a remote reception desk and security officer at the Attika Hotel at No. 279 Newcastle Street, as suggested by the applicant, does not solve the problems residents are currently experiencing in Harwood Place and the nearby businesses.</p> <p>There needs to be some sort of security/management on-site at 17 Harwood Place at all times, and in particular after hours when most of the noise, anti-social behaviour, drug dealing and car congestion occurs.</p> <p>A 24/7 on-site reception desk is required for residents to make complaints at the time an incident occurs, which would enable management to resolve any issues in a timely manner.</p> <p>A staff member on-site 24/7 would also provide a major deterrent to occupants of the serviced apartments doing any activity that would impact the residential properties on Harwood Place and nearby businesses.</p>	<p>As detailed within the revised Management Plan, the application does not propose to alter its current security provisions. This includes 24-hour remote surveillance of the building. The cameras currently capture the outside of the building, lobby area and internal walkways.</p> <p>The dedicated Manager for the premises is also available 24 hours a day to respond to any complaint made directly to the management company. Security is also commissioned to undertake walk throughs of the premises on a periodical basis to ensure guests are acting in accordance with the code of conduct.</p> <p>The application was approved for serviced apartments and not a hotel. The length of stay for the apartments average four (4) nights. As such, the need for a 24 hour reception desk is considered to be excessive and has no planning merit. A majority of other serviced apartments operate with a receptionist during restricted hours.</p>
<p>Issue: <u>Parties</u></p> <p>Parties are regularly held at the serviced apartments which impacts the amenity of the residential properties on Harwood Place due to the high numbers of guests attending the premises who create excessive noise, anti-social behaviour, and rubbish and property damage.</p>	<p>Each adjacent landowner/occupier along Harwood Place have been provided with the Managers contact number in the event a 'party' or 'anti social' behaviour occurs onsite. Upon submission of this development application no complaints have been made directly to the Manager of the premises, nor have guests within the building complained regarding noise and parties occurring within the building.</p> <p>This objection cannot be substantiated.</p>
<p>Issue: <u>Rubbish</u></p> <p>Rubbish is regularly thrown from the balconies of the serviced apartments onto the street. Guests of the serviced apartments regularly</p>	<p>Each serviced apartment is provided with bins, which are removed and reinstated by house cleaning.</p>

Comments Received in Objection:	Urbanista Town Planning Comment:
<p>leave broken bottles, syringes, drug bags, cigarette butts and other rubbish in the street and behind nearby commercial properties, which has to be cleaned up by the residents of Harwood Place and business owners.</p>	<p>This objection cannot be substantiated as Harwood Place has had a long-standing history of antisocial behaviour by way of the lack of lighting and being a cul-de-sac which attracts antisocial behaviour.</p> <p>This use in fact creates additional passive surveillance over the street which deters antisocial behaviour. The Management of the premises has not received complaints regarding these matters.</p>
<p>Issue: <u>Illegal Activity</u></p> <p>Drug dealing and prostitution occur at the serviced apartments. There are regularly people that are not staying at the serviced apartments loitering in the street waiting to collect drugs from a person staying at the apartments. Once the drugs have been collected it seems that these people use the drugs behind the nearby commercial properties.</p>	<p>This is a severe allegation made by a nearby resident. As part of this application, the owners submitted a Freedom of Information request to the WA Police seeking information relating to these claims. The WA Police have never contacted the owners of the building to investigate. However, the Freedom of Information request was denied as the information (if any) cannot be released in accordance with the Act.</p> <p>As detailed as part of this application and the original application, the majority of clientele are corporate clients or long standing clients.</p>
<p>Issue: <u>Theft</u></p> <p>Items are regularly stolen from the front areas of the residential properties on Harwood Place and nearby businesses.</p>	<p>The theft of personal goods is a Police matter and not relevant to this application.</p>
<p>Issue: <u>Property Damage</u></p> <p>Cars belonging to the residents of Harwood Place have been deliberately vandalised when parked in the street and damaged by guests of the serviced apartments when driving their cars.</p>	<p>This is a severe allegation made by a nearby resident. Again, these matters have not been investigated by the Police and the landowners have not been contacted. Should vehicles be vandalised by persons traversing the street this is a Police matter and has no relevance to this application.</p>
<p>Issue: <u>Anti-social Behaviour</u></p> <p>Residents on Harwood Place have witnessed guests of the serviced apartments fighting in the street, urinating in the street and front yards of the adjoining residential properties and loitering in the front yards of the residential properties to consume alcohol and drugs. Guests of the serviced apartments and their visitors have also used foul language and aggression towards residents. This behaviour creates an environment that feels unsafe for</p>	<p>The Manager of the apartments has not received a complaint from nearby residents describing such behaviour by their clients. Furthermore, others staying within the serviced apartments have not lodged a complaint. These allegations cannot be substantiated. The clientele for the serviced apartments are primarily corporate business people or long standing clients.</p>

Comments Received in Objection:	Urbanista Town Planning Comment:
<p>residents, nearby business owners and their clients.</p>	
<p>Issue: <u>Car Parking</u></p> <p>The management company (Zappeion) currently charge guests of the serviced apartments \$25 per day to park in the secured parking area of the building, which has resulted in guests opting to park on the street at the detriment of residents.</p> <p>The City of Vincent Rangers are regularly issuing parking infringements to guests of the serviced apartments that have parked for too long in time restricted parking spaces on Harwood Place.</p> <p>The street is a narrow cul-de-sac with no turning circle, so cars have to reverse the full length of Harwood Place to exit the street. A 24/7 reception staff member would be able to prevent cars blocking the street when dropping people off to the serviced apartments.</p> <p>People frequently wait for taxis at 3.00-4.00am in front of the houses on Harwood Place who make excessive noise and wake up the residents. There needs to be a designated drop-off and pick-up area that is a managed 24/7 by a staff member.</p>	<p>The clients staying within the serviced apartments often do not have vehicles, given the stay at the apartments is short and the apartments are close to public transport.</p> <p>It has been noted that residents park within the serviced apartments visitor car bays (now dedicated for taxi's) as the adjacent residential properties have no available on-site car parking.</p> <p>Notwithstanding the above, the fee for parking associated with a serviced apartment is common place. The subject site has sufficient car parking and was approved by the Council accordingly. Persons parking along Harwood Place are permitted to do so in accordance with the sign posts, which would be status quo should the serviced apartments be operating as multiple dwellings.</p> <p>The two existing visitor car parking bays have been sign posted for taxi services to pick up and drop off persons, as per the condition imposed by Council.</p>
<p>Issue: <u>Noise</u></p> <p>Noise on weekends is excessive as a result of guests partying on the external balconies until the early hours of the morning. Closing all windows and doors of the residential properties does not stop the noise from waking residents up.</p>	<p>The Manager of the apartments has not received a complaint regarding noise from nearby residents or on-site clientele since the lodgement of this application. This complaint cannot be substantiated.</p> <p>Furthermore, if the serviced apartments were to revert back to multiple dwellings there are no local laws that prohibit parties on balconies or verbal noise. It is in the interest of the residents within Harwood Place to permit the serviced apartments without a 24-hour reception desk as the guests are required to abide by the code of conduct.</p>
<p>Issue: <u>Management Plan</u></p> <p>There needs to be prescribed management practices in place stipulating guests and their</p>	<p>This is provided for as part of the code of conduct and terms and conditions for guests.</p>

Comments Received in Objection:	Urbanista Town Planning Comment:
visitors' behaviour whilst checked into the apartments.	

ADDITIONAL INFORMATION

The City by email on 20 April 2017, advised that the City's Rangers Services have the following logged complaints regarding Harwood Place:

Authority jobs:

*16/05/16 People overstaying time limitations
05/12/16 People overstaying time limitations
09/12/16 People overstaying time limitations
19/12/16 People overstaying time limitations
18/04/17 Syringes to be collected*

After hours jobs:

*07/06/16 Cars blocking driveway
27/09/16 Vehicles on street without permit
25/11/16 Vehicles on street without permit x2
26/11/16 Service vehicles blocking access
27/11/16 Vehicles on street without permit
10/12/16 Service vehicles blocking access
06/01/17 Loud Music From Apartments
08/01/17 Vehicles on street without permit
23/02/17 Vehicles on street without permit*

The complaints registered by the City of Vincent predominately relate to car parking, which has been an ongoing issue within Harwood Place prior to the inception of the serviced apartments. The car parking issue do not relate to the application at hand, seeking reconsideration of condition 4.

The complaint regarding loud music from apartments does not verify if it is the serviced apartments at 17 Harwood Place, West Perth, or the apartments which gain access from Harwood Place at 17 Carr Street, West Perth. Nevertheless, the landowner nor Manager of the serviced apartments were notified of the complaint and therefore it cannot be actioned accordingly.

The Manager of the serviced apartments is available 24 hours a day and is happy to action any complaint that is received. However, no resident, City Ranger or Police Officer has contacted the Manager or landowners expressing a complaint prior to the lodgement of this application.

In light of being transparent with the City and Council, the Manager did in fact receive a complaint after the conclusion of the advertising period for this application, on 27 May 2017. The complaint was made by a resident at approximately 8pm regarding noise from a level 3 balcony. This apartment was occupied by four (4) mature aged persons (45 years and older). The Management team investigated and it was revealed that the clients were talking on the balcony and no music was being played. The clients were advised to keep their voices down and no further complaints were made.

On 28 May 2017, guests of the serviced apartments in the morning advised there was a large fight outside of the apartments at 1:00am. Upon reviewing camera footage, the fight occurred outside the view of the cameras and was not directly opposite the apartments. The cameras revealed that no persons walked in or out of the lobby during and around this time, which indicates the persons who were associated with the fight were not clients of the serviced apartments.

The Management team of the serviced apartments would like to be notified if any complaints are made about the use, as it is critical for their management of the premises. Should the Council consider this application favourably, the Management team would like to establish a relationship with the City's Ranger Services to ensure that should a complaint ever be lodged regarding the apartments it can be actioned in accordance with the management plan.

CONCLUSION

To conclude, this application is to seek the removal of condition 4 of the planning approval and consideration of an amended management plan pursuant to condition 5. As outlined, condition 4 requires a reception desk to be occupied 24 hours a day for 16 serviced apartments. The average length of stay is four (4) nights resulting in a minimal amount of check in and outs during the day and week.

The originally proposed application was to have the reception off-site. However, as part of this application to remove condition 4, it is proposed that the reception be occupied by appointment only during normal working hours when check in and outs occur. This is consistent with other serviced apartment operations across Perth and Western Australia. This is also consistent with the City's policy 7.4.5.

The management plan as updated provides security measures that enables the complex to be supervised 24 hours a day by way of the CCTV cameras and security patrols. The in-house cleaners also ensure guests are abiding by the code of conduct as they are able to witness the state of a serviced apartment. It also amends the minimum night stay from three nights to two nights, which does not alter the land use and is compliant with the City's policy 7.4.5.

It is considered that condition 4 does not meet the Newbury test and that it is unreasonable and unfair with no planning merit given it goes above and beyond the City's policy and expectations.

It is therefore considered that the removal of condition 4 will be adequately maintained by way of the management plan inclusive of the security measures and front desk which will be occupied during check in and out times.

Given the above, Urbanista Town Planning respectfully requests the Council supports and approved the reconsideration of conditions request for the serviced apartments.

Should you have any question in relation to the details provided in this report, please contact Bianca Sandri on 0403 911 329 or bianca@urbanistaplanning.com.au.