

5.3	NO. 5/216 (LOT: 5; STR: 48057) STIRLING STREET, PERTH - AMENDMENT TO APPROVAL FOR CHANGE OF USE FROM OFFICE TO SHOP
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TRIM Ref: D18/126692

Author: Clair Morrison, Urban Planner

Authoriser: Luke Gibson, A/Director Development Services

Ward: South

Attachments:

1. Attachment 1 - Consultation and Location Plans
2. Attachment 2 - Development Approval Documentation and Plans Dated 13 July 2018
3. Attachment 3 - Written Submission and Parking Occupancy Plans

RECOMMENDATION:

That Council, in accordance with the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, APPROVES the amendment to the development approval for change of use from office to shop at No. 5/216 (Lot: 5; STR: 48057) Stirling Street, Perth in accordance with the plans included in Attachment 2, subject to the following conditions:

1. All conditions and advice notes detailed on development approval 5.2018.180.1 granted on 13 July 2018 and included in Attachment 2 continue to apply to this approval, except as follows:
 - 1.1 Condition 4 is amended to read as follows:
 - 4.1 A cash-in-lieu contribution shall be paid to the City for the shortfall of 2.2 parking bays, based on the cost of \$5,400 per bay as set out in the City's 2018/19 Schedule of Fees and Charges, being a contribution of \$11,880 within 60 days of this decision or by entering into a written agreement with the City to pay the cash-in-lieu amount over an agreed period of up to five years.

PURPOSE OF REPORT:

To consider an application to amend an existing development approval for a Change of Use from Office to Shop at Unit 5, No. 216 Stirling Street, Perth.

PROPOSAL:

The application seeks to amend Condition 4 of the approval, which relates to a cash-in-lieu contribution.

BACKGROUND:

Landowner:	Nicole Prout
Applicant:	Susan Vigolo
Date of Application:	16 August 2018
Zoning:	MRS: Urban LPS2: Zone: Mixed Use R Code:R80
Built Form Area:	Mixed Use Area
Existing Land Use:	Shop
Proposed Use Class:	Shop
Lot Area:	86m ²
Right of Way (ROW):	No
Heritage List:	No

The subject site abuts Stirling Street to the west and Brewer Street to the north. The subject site and the lots to the north, south, east and west are zoned Mixed Use with a Residential density coding of R80 under the City of Vincent Local Planning Scheme No. 2 (LPS2). The subject site comprises of a two-storey Mixed Use

Development, with residential and commercial uses, including Offices and Shops. The Mixed Use Development was approved by Council on 10 February 2004. A location plan is included as **Attachment 1**.

The subject tenancy currently accommodates a hair dressing business, in accordance with the development approval (change of use from Office to Shop) granted on 13 July 2018. The approved development plans are included in **Attachment 2**. That approval included a condition that required a cash-in-lieu contribution of \$13,176 in lieu of the parking shortfall of 2.44 vehicle bays, in accordance with the City's Policy No. 7.7.1 – Non-Residential Development Parking Requirements (Non-Residential Development Parking Requirements Policy). The requirement payment has not been made and therefore, the current use is in breach of the development approval.

Subsequently, an application was lodged with the City seeking approval to amend the cash-in-lieu contribution condition, to reduce the cash-in-lieu contribution amount from \$13,176 to \$5,400. The submitted written justification, including a Parking Occupancy Survey, is included in **Attachment 3**. It should be noted that the application involves a slight reduction in Net Lettable Area (NLA) from 86 square metres to 80 square metres. This is because six square metres of the total floor area comprises a tea room and toilet that do not contribute to NLA as defined in the Non-Residential Development Parking Requirements Policy.

DETAILS:

Summary Assessment

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent LPS2 and the City's Policy No. 7.1.1 – Built Form. In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the Detailed Assessment section following from this table.

Planning Element	Use Permissibility/ Deemed-to-Comply	Previously approved	Requires further Discretion
Land Use (only where required)		✓	
Parking & Access			✓
Bicycle Facilities		✓	
External Fixtures		✓	
Surveillance		✓	
Ground Floor Design		✓	
Awnings, Verandahs and Collonades		✓	

Detailed Assessment

The deemed-to-comply assessment of the element that requires the discretion of Council is as follows:

Parking and Access	
Deemed-to-Comply Standard	Proposal
Policy No. 7.7.1 – Non-Residential Development Parking Requirements	
3.2 car parking bays	1 car parking bay

The above element of the proposal does not meet the specified deemed-to-comply standards and is discussed in the comments section below.

CONSULTATION/ADVERTISING:

The original application, was subject to public advertising, as in accordance with the City's Policy No. 4.1.5 – Community Consultation, for a period of 14 days between 14 June 2018 and 27 June 2018. The advertising was undertaken in the form of letters being distributed to surrounding residents and tenants, and the development application plans being published on the City's webpage and available for viewing at the City's Administration Building and Public Library. The City received one submission with regard to the land use

being within a close proximity of another hair dressing salon but did not receive any submissions based on the identified 2.2 bay shortfall of vehicle parking on-site. As such, the current application was not advertised.

Design Review Panel (DRP):

Referred to DRP: No

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- City of Vincent Local Planning Scheme No. 2;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.1.1 – Built Form Policy; and
- Policy No. 7.7.1 – Non-Residential Development Parking Requirements.

Delegation to Determine Applications:

The application is being referred to Council for determination as the applicant is requesting amendment of cash-in-lieu payment from \$13,176 which is the equivalent of 2.44 car parking bays to \$5,400 which is the equivalent of one car parking bay.

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:

Should Council amend Condition 4 as proposed by the applicant, the City will receive an amount of \$5,400 in lieu of the recommended \$11,880 that will contribute toward the provision and upgrading of transport infrastructure within the City of Vincent.

COMMENTS:

Car Parking

Based on a NLA of 80 square metres, the shop requires a minimum of 3.2 on-site car parking bays. One car parking bay is currently provided for the shop premises, resulting in a shortfall of 2.2 car parking bays. Based on the City's 2018/19 Fees and Charges Schedule, this equates to a cash-in-lieu contribution of \$11,880.

The applicant has provided detailed written justification as to why the cash-in-lieu payment should be reduced to the equivalent of one car parking bay, being \$5,400. The reasons are as follows:

- The location being central to Perth;
- Many clients to the business live within the local area and as a result they may not be reliant on private vehicle use;
- The maximum number of persons on site over the entire peak trading day being Saturday during the summer months is 13 persons. This is inclusive of ten clients over the course of the day, two full-time staff and one part-time staff member (when required) at any one time;

- The amount of time spent by clients at the subject site may vary from two to four hours, which reflects the parking restrictions for surrounding bays;
- Proximity to high-frequency public transport options;
- The ability for clients to use active transport options (i.e. walking/cycling);
- Being a small business, the ability to pay for this significant amount of cash-in-lieu is unrealistic; and
- Based on the submitted Parking Survey and Parking Occupancy Survey (detailed below), there is a significant amount of public car parking facilities within walking distance of the subject site.

As noted above, the applicant submitted a Parking Occupancy Survey (Survey), which is included in **Attachment 3**. The Survey sets out seven 'Parking Zones' within close proximity of the subject site. The applicant surveyed the occupancy of parking bays within these parking zones at two separate times, being 12:50pm on Friday 20 July 2018 and 1:45pm on Saturday 21 July 2018. The percentage of available bays at these specific times are as follows.

Zone	12:50pm Friday 20 July 2018	1:45pm Saturday 21 July 2018
1 (both sides of Brewer Street between Stirling and Pier Streets)	24 percent	44 percent
2 (eastern side of Stirling Street between Brisbane and Brewer Streets)	14 percent	21 percent
3 (central Stirling Street between Brisbane and Brewer Streets)	84 percent	81 percent
4 (western side of Stirling Street between Brisbane and Brewer Streets)	26 percent	42 percent
5 (western side of Stirling Street between Brewer and Edward Streets)	9 percent	18 percent
6 (central Stirling Street between Brewer and Edward Streets)	83 percent	83 percent
7 (eastern side of Stirling Street between Brewer and Edward Streets)	92 percent	97 percent

Based on the Parking Occupancy Survey and the written submission provided, clients attending the site have access to a number of transport options including private vehicles, public transport and active transport options, such as walking or cycling.

In considering the matter, the following is relevant:

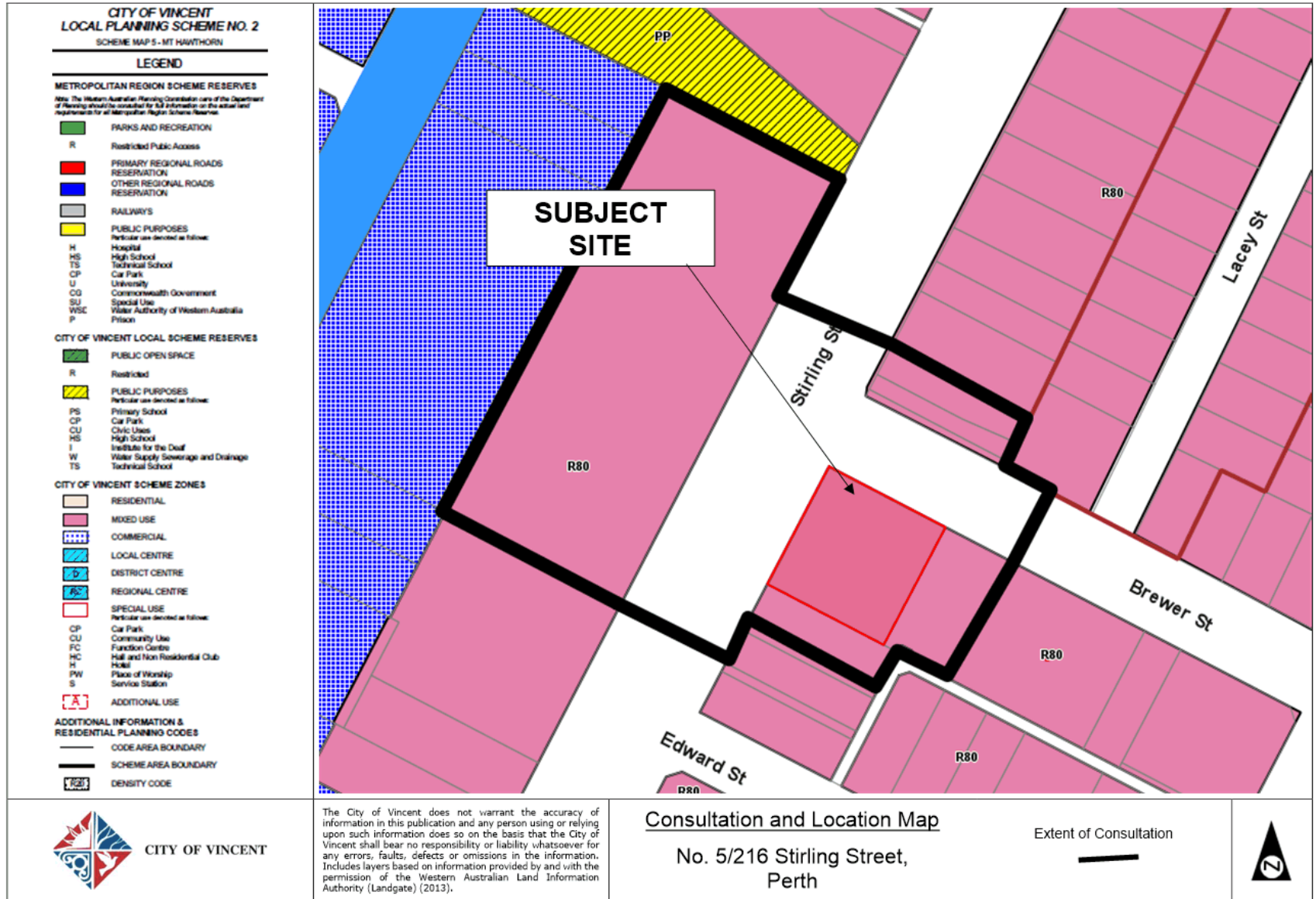
- With regard to staff parking, the applicant has indicated there will be two full-time and potentially one part-time staff at any given time, with a part-time employee only being required as necessary (during peak seasons). Accounting for the car parking bay provided on-site that is intend to be utilised for one of the full time staff, it is considered that at least one public parking bay will be used continuously for the purpose of one full-time and/or one part-time employee to park daily.
- All clients using private vehicles will be solely reliant on the public parking spaces provided by the City surrounding the subject site.
- The applicant has not indicated that any employee will use public or active transport modes as a form of commute.
- In light of the above, all clients using private transport and one full-time employee will be reliant on the available public parking.
- There are no bicycle bays located on-site or within the public realm adjacent to the existing building, which may deter clients from cycling to the subject site.

Based on the above, the City considers it reasonable that the applicant pay the cash-in-lieu equivalent of the 2.2 car parking bay shortfall, which equates to \$11,880.

Conclusion

The land use of Shop was approved under delegated authority on 13 July 2018, with a condition requiring the applicant to make a cash-in-lieu contribution to car parking. The applicant requests an amendment to Condition 4 to reduce the cash-in-lieu contribution to \$5,400, which is the equivalent of one car parking bay

due to proximity to a number of alternative high-frequency public transport and active transport options, such as walking and cycling and public car parking spaces. There are no bicycle racks adjacent to the existing building, the two full-time staff and one part-time staff will rely on private vehicles with only one car bay on-site, and all clients using private vehicles will utilise public parking provided by the City. As such, Administration recommends that Condition 4 of the approval be amended to require the cash-in-lieu contribution for the shortfall of car parking facilities, at a total cost of \$11,880.



	<p>SUBJECT SITE</p>		
	<p>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).</p>	<p>No. 5/216 Stirling Street, Perth</p>	

ENQUIRIES TO: Clair Morrison
Approval Services, (9273 6537)
OUR REF: 5.2018.180.1



CITY OF VINCENT

13 July 2018

Personal details removed for confidentiality

Dear Sir/Madam,

NO. 5/216 STIRLING STREET PERTH (LOT: 5 STR: 48057) – PROPOSED CHANGE OF USE FROM OFFICE TO SHOP

I refer to your Application for Approval to Commence Development dated 16/05/2018 for the above proposal.

I wish to advise that the proposal was assessed and found to be in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and associated policies. Therefore, the application has been granted conditional approval under delegated authority from the Council subject to the terms and conditions shown on the attached form.

Your attention is drawn to the fact that this consent constitutes development approval only and that a Building Permit must be obtained from the City prior to commencement of any construction works. The nominated builder should be provided with a copy of the Notice of determination on application for development approval. Please ensure that the drawings and information submitted to the City with your Building Permit application are identical to those approved by the City with this development approval to avoid delays in the issue of your Building Permit. Please note that any amendments to the drawings and information approved in this development approval that are proposed in the Building Permit application may result in the requirement for a new development application to be submitted for assessment and determination.

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 Clair Morrison on 9273 6537.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J Colli'.

JOSLIN COLLI
COORDINATOR PLANNING SERVICES

Personal details removed for confidentiality

Cc. *City of Vincent*
Compliance Services



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Planning and Development Act 2005

City of Vincent

Notice of determination on application for development approval

Location: No. 5/216 Stirling Street PERTH

Lot, Plan/Diagram: LOT: 5 STR: 48057

Vol. No: 2601

Folio No: 50

Application date: 16/05/2018

Received on: 16/05/2018

Serial No: 5.2018.180.1

Description of proposed development: Change of Use from Office to Shop

Plans dated: 05/06/2018

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

Conditions

1. This approval relates to the Change of Use to Shop for Unit 5 as indicated on the approved plans dated 05 June 2018.
2. The use of the premises shall conform with the City of Vincent's Local Planning Scheme No. 2 definition of Shop which states:

"means premises other than a bulky goods showroom, a liquor store – large or a liquor store – small used to sell goods by retail to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services."

3. The operating hours of the Shop shall be limited to the following:

Monday: Closed
Tuesday: 9am to 5pm
Wednesday: 9am to 8pm
Thursday: 9am to 8pm
Friday: 9am to 6pm
Saturday: 9am to 5pm
Sunday: 10am to 4pm

4. A cash-in-lieu contribution shall be paid to the City for the shortfall of 2.44 parking bays, based on the cost of \$5,400 per bay as set out in the City's 2018/19 Schedule of Fees and Charges, being a contribution of \$13, 176 prior to the commencement of development or by entering into a written agreement with the City to pay the cash-in-lieu over an agreed period up to five years.
5. The development shall maintain an active and interactive relationship and uninterrupted views between the use of the development and Stirling Street during the hours of the development's operation to the satisfaction of the City. Darkened, obscured, mirror or tinted glass or the like is prohibited. Curtains, blinds and other internal or external treatments that obscure the view of the internal area from Stirling Street are not permitted to be used during the hours of the developments operation.

- 3 -

6. Where conditions have a time limitation for compliance and the condition is not met in the required time frame, the obligation to comply with the requirements of the condition continues whilst the approved development exists.

ADVICE NOTES

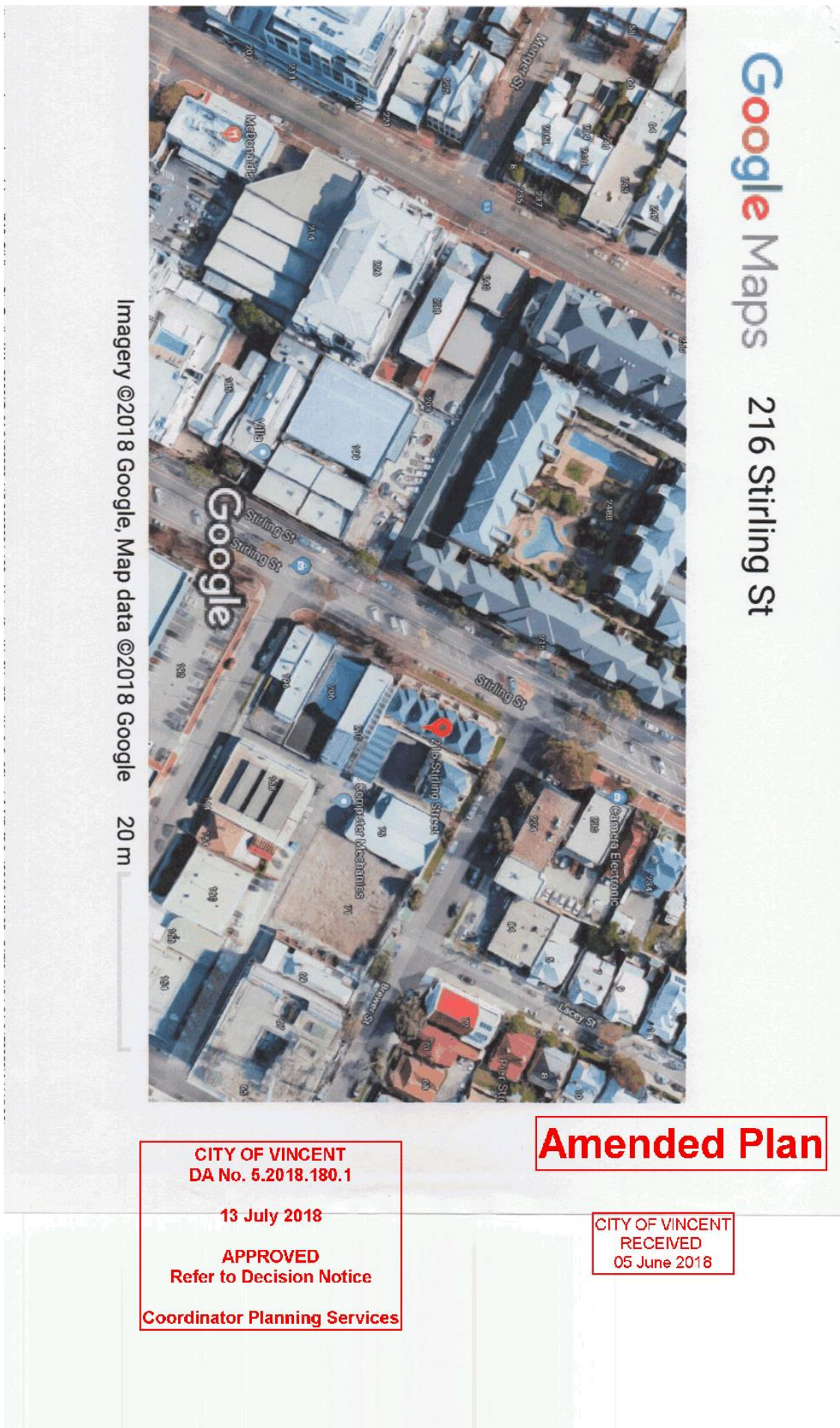
1. This is a development approval issued under the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme only. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/owner to obtain any other necessary approvals and to commence and carry out development in accordance with all other laws.
2. Any new signage that does not comply with the City's Policy 7.5.2 – Signs and Advertising shall be subject to a separate Development Application and signage may be subject to a Building Permit application, being submitted and approved prior to the erection of the signage.
3. An Occupancy Permit is required prior to the occupation of the building.
4. Health Services to be advised upon alterations during construction being proposed and upon completion of construction so that a preliminary and final inspection can be arranged accordingly.
5. Hairdressing premises to be provided with one (1) wash basin for every three (3) work stations as required by the Hairdressing Establishment Regulations 1972. Each hand/hair wash basin to be provided with hot and cold water supply.
6. Plans of any hairdressing or skin penetration establishments (tattoo parlours, electrolysis and beauty therapy premises, acupuncture clinic etc.), to be submitted to the City's Health Services for approval, prior to any construction or installation work being undertaken.

Date of determination: - 13 July 2018

- 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: 13 July 2018

JOSLIN COLLI
COORDINATOR PLANNING SERVICES
for and on behalf of the City of Vincent



Imagery ©2018 Google, Map data ©2018 Google 20 m

Google Maps 216 Stirling St

Amended Plan

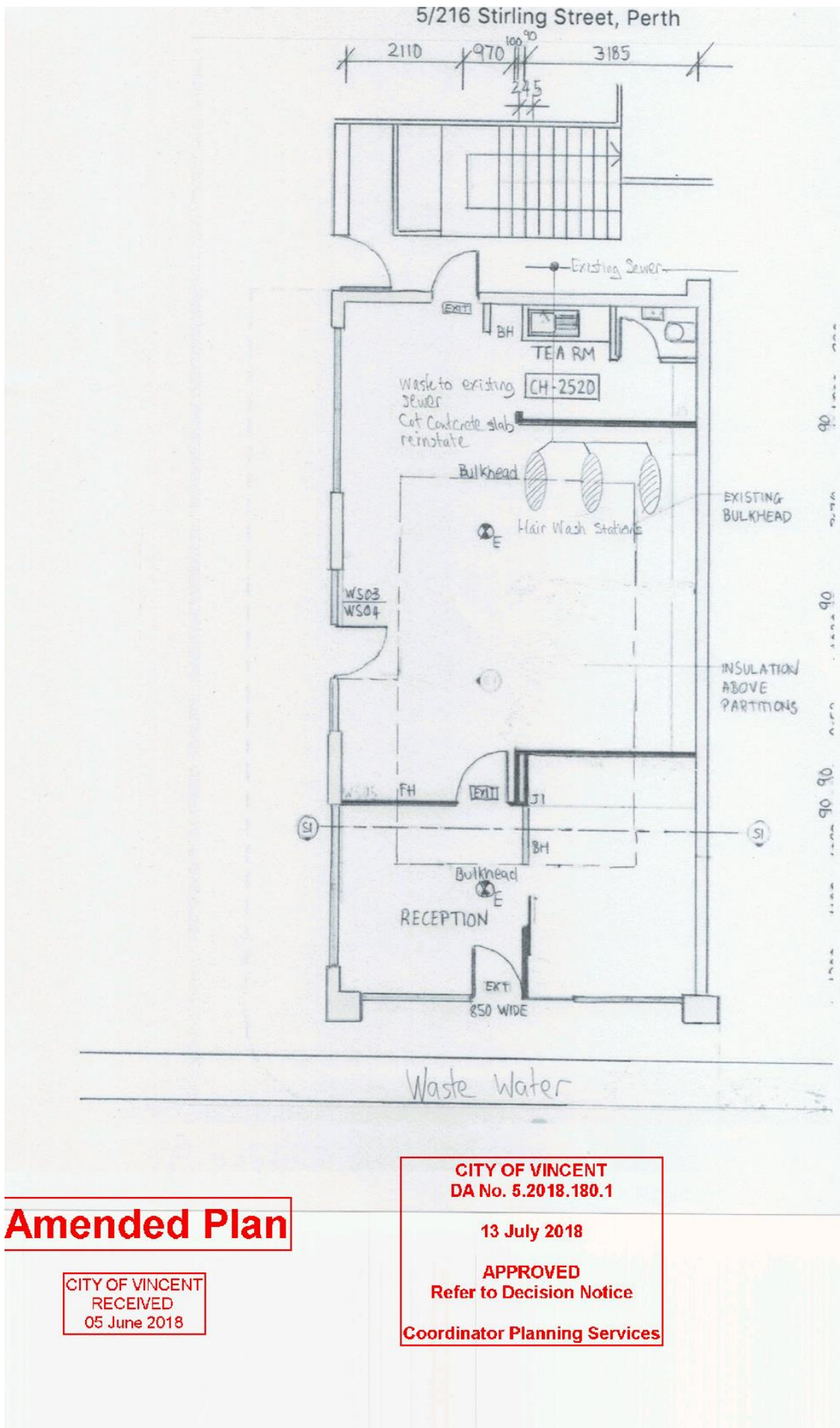
**CITY OF VINCENT
DA No. 5.2018.180.1**

13 July 2018

APPROVED
Refer to Decision Notice

Coordinator Planning Services

**CITY OF VINCENT
RECEIVED
05 June 2018**



Amended Plan

CITY OF VINCENT
RECEIVED
05 June 2018

CITY OF VINCENT
DA No. 5.2018.180.1

13 July 2018

APPROVED
Refer to Decision Notice

Coordinator Planning Services

8th August, 2018

Chief Executive Officer
City of Vincent
PO Box 82
LEEDERVILLE WA 6902



Dear Sir

APPLICATION TO AMEND A DEVELOPMENT APPROVAL – CONDITION 4 (CAR PARKING) – 5/216 STIRLING STREET, PERTH

The following application is submitted in relation to a recent approval granted by the City of Vincent for a change of use from office to shop in relation to 5/216 Stirling Street, Perth (ref. no. 5.2018.180.1). The proposal involves amending condition no. 4 to reduce the cash-in-lieu contribution for car parking. Justification for the reduction is provided in the following submission.

The current condition requires a payment of \$13,176 based on a shortfall of 2.44 bays. It is requested that Council amend this condition to require a payment of \$5,400 based on a shortfall of 1 bay. The current condition is considered to be excessive for a small business located in an inner city area close to the Perth CBD, where public transport and active transport (walking/cycling) should be the primary means of transport. Also, there is an abundance of existing on-street public parking already available in the local area.

Car Parking Requirement as per City of Vincent Policy 7.7.1 – Non-Residential Development Parking Requirements

Under the Policy, a shop has a parking rate of 4 bays per 100m² NLA (net lettable area). In this case, the hair salon has a total floor area of 86m². However, 6m² comprises a tea room and toilet, which are able to be excluded from the NLA based on the definition included in the Policy.

Therefore, the total parking requirement is 3.2 bays minus the 1 existing bay for the office, which equals 2.2 bays. According to Council staff no previous variation was given for parking reductions for the office. This requirement is slightly lower than condition no. 4 which specifies a shortfall of 2.44 bays.

Other aspects of the policy, including the overall objectives, grounds for variation of the parking requirements and cash-in-lieu provisions are discussed in a later section of this submission.

Parking Occupancy Survey

A parking survey of the local area surrounding the site was undertaken on weekday – Friday, 20th July, 2018 and a weekend – Saturday, 21st July, 2018. The results are shown below in Table 1. Figure 1 shows the surveyed parking areas surrounding the site.

Figure 1: Local Public Parking Area

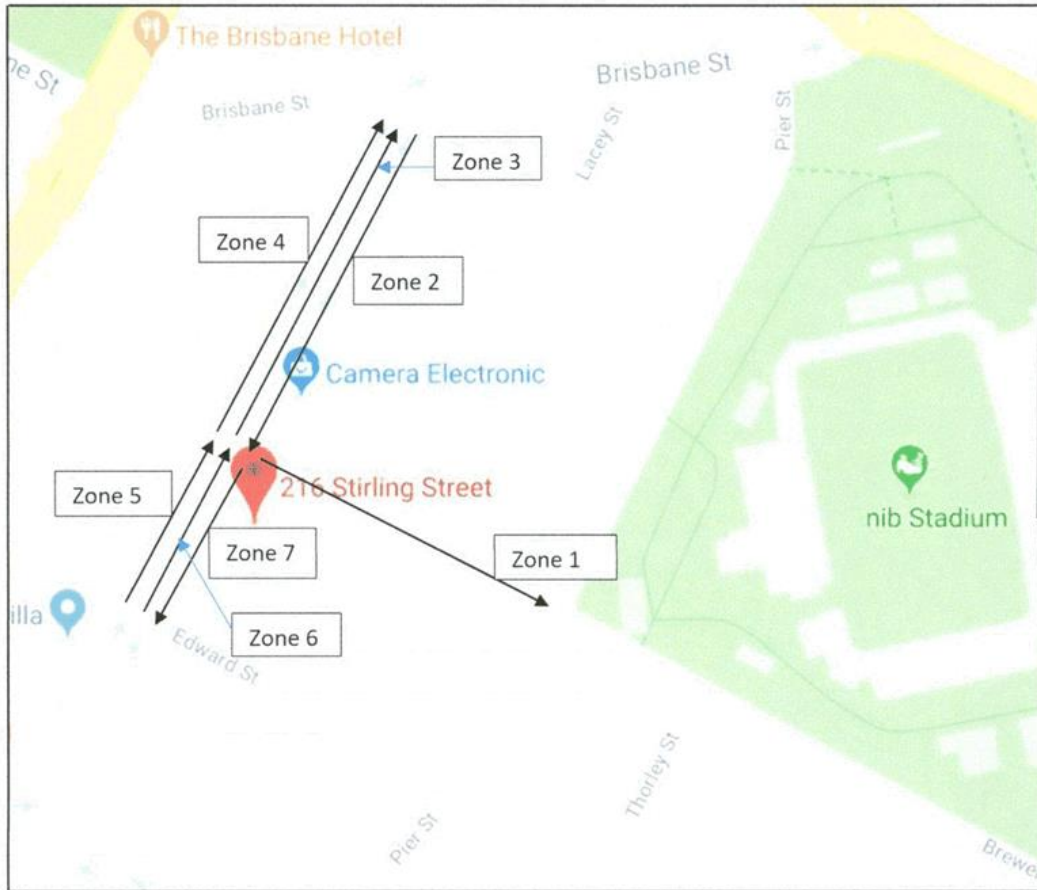




Table 1: Parking Survey Results

Zone	Number of Available Parking Bays	Number of Parked Vehicles Friday (20 th July) (12.50pm)	Number of Parked Vehicles Saturday (21 st July) (1.45pm)
1 (both sides of Brewer Street between Stirling and Pier Streets)	30	23	17
2 (eastern side of Stirling Street between Brisbane and Brewer Streets)	14	12	11
3 (central Stirling Street between Brisbane and Brewer Streets)	31	5	6
4 (western side of Stirling Street between Brisbane and Brewer Streets)	19	14	11
5 (western side of Stirling Street between Brewer and Edward Streets)	11	10	9
6 (central Stirling Street between Brewer and Edward Streets)	18	3	3
7 (eastern side of Stirling Street between Brewer and Edward Streets)	10	8	3

Grounds for Variation of Parking Requirements

Variation of the parking requirements for the hair salon (shop) is justified on the following grounds:

- In accordance with the first objective of Council's Parking Policy (supporting more active and sustainable transport modes), if less parking is provided (but not to the detriment of residents), it will influence travel choice and potentially encourage people to use more active and sustainable transport modes (in particular walking or the bus service along nearby Beaufort Street) and thereby reduce dependence on cars, which will benefit the local area by reducing traffic congestion. Condition no. 4 of the approval should not undermine the walkability and amenity of the area with more parking.
- Approximately 90% of the clients of the hair salon live in the local area (ie. Perth, Highgate and Mt. Lawley) who will most likely walk to the salon. If more parking is provided then this is less likely to occur. At the owner's current hair salon (which is also located in the City of Vincent), approximately 50% of the clients walk to the salon.
- The proposed shop (as defined in the Local Planning Scheme) is a boutique hair salon, which is likely to have a lower client turnover than a normal retail shop and even other hair salons that rely on more trade to remain viable. The peak trading day is Saturday, which only has a maximum of 10 clients and 2 staff during the summer months. The number of clients on a Saturday declines during winter to around 6. Therefore, the demand for parking is likely to be lower than a normal shop. Clients will spend much longer in a hair salon than a shop (eg. a hair colour treatment will take 2-4 hours, which

is longer than customers would usually spend in a shop). In other words, it's more about the experience than simply purchasing services or goods.

- Austroad (Guide to Traffic Management Part 11 - parking) questions the relationship between floorspace and parking demand. Austroads recommends that parking ratios be treated as a guide, which may be varied and applied flexibly based on circumstances. This is considered to be a reasonable approach and applicable in this case.
- In accordance with clause 1.2.2 of the Policy, which allows parking requirements to be varied based on certain criteria, there is an adequate provision of accessible and available public parking. As detailed in the parking survey, there is sufficient available on-street parking in both Stirling Street and Brewer Street, which has already been provided to cater for developments in the area. The on-street parking in the local area is in good condition and there is no obvious need for upgrading and therefore it is difficult to understand where cash-in-lieu contributions would be spent. The current policy provides little guidance, although it is understood that Council is in the process of preparing a policy which will provide guidance for spending cash-in-lieu.
- The use is for a small business with limited funds for the payment of parking. Many hairdressers operate from home (without planning approval) and are therefore not subject to the same costs and requirements. Small businesses should be encouraged to locate in commercial and mixed use areas but this is unlikely to occur if business operators are subject to high cash-in-lieu parking contributions.
- The business will add to the vibrancy and safety of the area. Condition no. 5 requires direct line of sight from the shop to the street, maximising passive surveillance.
- It will be an additional service for local residents.
- In accordance with the objectives of the Policy, the needs of users/clients are already met by existing on-street parking.
- The encouragement of active forms of transport (ie walking) reduces the carbon footprint, which is an objective of the City of Vincent Local Planning Strategy.

Therefore, based on the above grounds, it is requested that Condition no. 4 be amended to state 1 parking bay shortfall, requiring a cash-in-lieu contribution of \$5,400.

Personal details removed for confidentiality

Yours faithfully

Sue Vigolo

Personal details removed for confidentiality

