

MEETING OF THE PORT PHILLIP CITY COUNCIL

8 DECEMBER 2022



10.1 **CHANGE OF USE TO ROOMING HOUSE - PDPL/00537/2022**

LOCATION/ADDRESS: 11 WENDEN GROVE ST KILDA EAST

EXECUTIVE MEMBER: BRIAN TEE, GENERAL MANAGER, CITY GROWTH AND DEVELOPMENT

PREPARED BY: JEREMY NEWLAND, SENIOR URBAN PLANNER

1. PURPOSE

1.1 To consider and determine Planning Application PDPL/00537/2022 for use of the land for a rooming house.

2. EXECUTIVE SUMMARY

WARD:	Canal
TRIGGER FOR DETERMINATION BY COMMITTEE:	More than 16 objections
APPLICATION NO:	PDPL/00537/2022
APPLICANT:	Sam Bove
EXISTING USE:	Residential
ABUTTING USES:	Residential
ZONING:	Neighbourhood Residential Zone – Schedule 5 (Neighbourhood Residential Areas – Garden Suburban)
OVERLAYS:	Special Building Overlay – Schedule 1 (Melbourne Water Main Drain)
STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL	Expired

- 2.1 This application seeks approval for the change of use of the land from a single dwelling to a rooming house (containing 11 bedrooms).
- 2.2 Wenden Grove is a relatively short street of approximately 130m in length, located between Orrong Road and Wilgah Street, St Kilda East. The subject site is regular in shape with a 15.7m wide frontage and 33.5m depth, with an overall area of approximately 526m². It is located at the western-most end of Wenden Grove, upon the southern side. Also at the western end of Wenden Grove is a pedestrian walkway which connects with Marne Street.
- 2.3 The site contains a large double storey dwelling with five bedrooms across the ground and first floors, with an indoor swimming pool. A double garage in tandem arrangement is located adjacent the western boundary.
- 2.4 The proposal includes internal demolition works and re-arrangement of the internal layout at ground and first floors of which a planning permit is not required. The proposed ground and first floor areas would be reconfigured to locate four bedrooms at ground level and seven bedrooms at first floor. There are existing kitchens at both



levels with new communal areas to be located at both levels. The laundry facilities will be retained.

- 2.5 A planning permit is required as the proposal does not satisfy the exemptions for a *Rooming House* as set out at Clause 52.23 of the Planning Scheme. These exemptions require the total floor area to not exceed 300m², accommodate no more than 12 persons and have no more than 9 bedrooms. In this instance, a planning permit is required because the total floor area of the building is 494 m², there are 11 bedrooms and up to 13 residents proposed.
- 2.6 The garage would be retained which accommodates two car spaces. This meets the requirement of Clause 52.06 Car Parking, which requires 1 car space to each four bedrooms. The existing car parking arrangements, together with the provision of 2 car spaces meets the planning scheme requirements.
- 2.7 The application was advertised, and 60 objections were received. Key concerns include:
 - Noise and resident behaviour
 - Car parking
 - Waste
 - Impact on the neighbourhood character of the area
 - Poor location regarding public transport and access to services
 - Number of residents is not specified
 - Conflict with the registered covenant on title
- 2.8 A Consultation meeting was held 21 November 2022. The meeting was attended by Ward Councillors, the applicants, approximately thirty (30) objectors and Planning Officers. The meeting did not result in any changes to the proposal.
- 2.9 The proposal is considered acceptable for the following reasons:
 - At both state and local level, rooming house accommodation has strong planning scheme policy support. Clause 16.01-1S (Housing Supply) and Clause 21.04-1 (Housing and Accommodation) both support the provision of diverse housing types including rooming houses.
 - Rooming houses are supported within well-established urban locations such as Wenden Grove. The proposed residential use is in proximity to public transport and the Carlisle Street Major Activity Centre.
 - The noise generated by the residential use is consistent with accepted noise from residentially zoned areas. Noise can be further managed through appropriate permit condition.
 - The existing dwelling presentation to Wenden Grove will remain unaltered, thus maintaining the existing streetscape.
 - The required car parking rate has been met therefore car parking is not within scope of the planning assessment.
 - Waste can be adequately managed through appropriate permit condition.
 - The proposal does not breach the restrictive covenant.



RECOMMENDATION PART A

- a. That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Decision to Grant a Permit.
- b. That a Notice of Decision to Grant a Permit be issued for use of the land for a rooming house at 11 Wenden Grove, St Kilda East.
- c. That the decision be issued as follows:

1. Amended Plans Required

Before the use starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and an electronic copy must be provided. The plans must be generally in accordance with the plans submitted with the application (identified as those date stamped received by Council on 15 September 2022, prepared by CAD Productions, consisting of TP01 through TP08, all dated July 22, and subsequently advertised) but modified to show:

- a) 3 x 240L bins for general waste and 3 x 240L bins for recyclables.
- b) Provision for the future location of bins for food organics and garden organics (FOGO).
- c) All bins located in a bin corral providing suitable screening from the street and located away from habitable room windows.
- d) A dedicated area to locate any hard waste and e-waste.
- e) Any other requirements as per the Waste Management Plan at condition 3.
- f) The secure and under cover location of at least two bicycle spaces.
- g) Any modifications as required by the On-Site Management Plan at condition 4.
- h) Notation on plans that the maximum number of residents will not exceed 13.

2. No Alterations

The layout and description of the use(s) as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

3. Waste Management Plan

Before the use starts, the Waste Management Plan submitted with the application must be amended to the satisfaction of the Responsible Authority and endorsed as part of this permit. The Waste Management Plan (and associated site and floor plans, where relevant) must include reference to the following:

- The estimated garbage and recycling volumes for the use.
- The location and space allocated to the garbage and recycling bin storage area and collection point.

Once submitted and approved, the Waste Management Plan must be carried out to the satisfaction of the Responsible Authority.

4. On-Site Management Plan

Before the use commences, a management plan must be prepared to the satisfaction of the Responsible Authority. The plan must include, but not be limited to, the following:



- a) Procedures, and standards for residents to minimise amenity and parking problems in the neighbourhood.
- b) Establishment of a complaints hotline for, and regular meetings with, adjacent residents, as required.
- c) Standards for property maintenance, health and cleanliness including measures to be undertaken to ensure areas surrounding the establishment are kept clean of litter.
- d) Security against thefts and break-ins, including security of residents' belongings.
- e) Development, documentation and promulgation of a fire management plan.
- f) Establishment of house rules (to be displayed in a prominent location and clearly visible to residents at all times) and which will include:
 - (i) Resident behaviour
 - (ii) Noise
 - (iii) Alcohol consumption
 - (iv) Littering
- g) Appropriate management and security practices to prevent the congregation of residents and visitors in communal and outdoor areas after 10pm.
- h) How residents will be regularly informed of the waste management arrangements

Once to the satisfaction of the responsible authority, the management plan will be endorsed and form part of this permit. The management of the use must always be in accordance with the endorsed management plan to the satisfaction of the Responsible Authority.

5. A copy of the permit and on-site management plan shall be displayed at all times in a prominent location within the premises, to the satisfaction of the Responsible Authority.

6. Storage of Goods

Without the further written consent of the Responsible Authority, no goods are permitted to be stored, or left exposed, outside the building so as to be visible from any public area.

7. Resident Numbers

Without the further written consent of the Responsible Authority, no more than 13 residents must live on the premises at any time.

8. Time for starting and completion

This permit will expire if the use is not started within two (2) years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing:

- before or within 6 months after the permit expiry date, where the use allowed by the permit has not yet started

RECOMMENDATION PART B – CONSENT GRANTED

That the Planning Committee authorise the Manager City Development to instruct Council's Statutory Planners and/or Council's solicitors on any VCAT application for review should one be lodged.

3. RELEVANT BACKGROUND

3.1 There is no relevant history or background for this application.

4. PROPOSAL

4.1 The plans which are the subject of this report are those received, and date stamped by Council on 15 September 2022.

4.2 The application proposes the use of the dwelling for a rooming house which will contain 11 bedrooms with shared facilities. Further details are noted below.

Demolition (permit not required)

Removal of internal walls, doors, cabinetry at ground and first floors along with infilling of the ground level indoor pool and spa. The following drawings illustrate demolition, highlighted red.

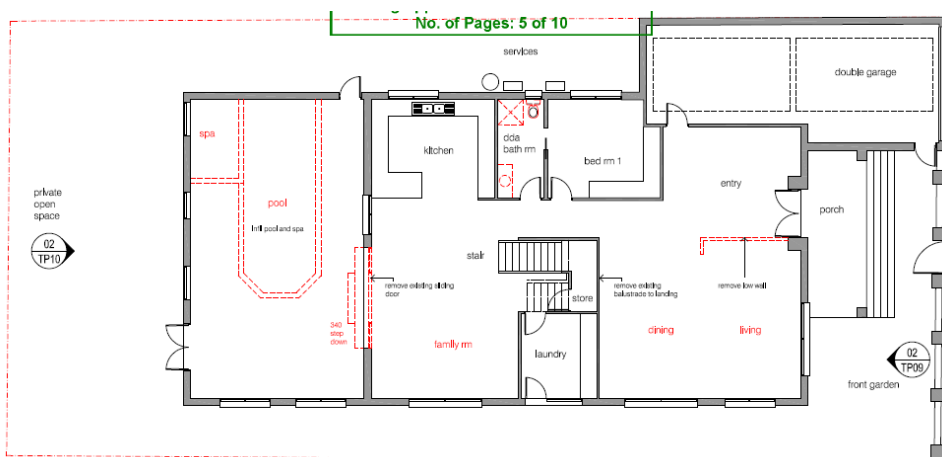


Fig. 1 - Proposed Ground Floor Demolition Plan

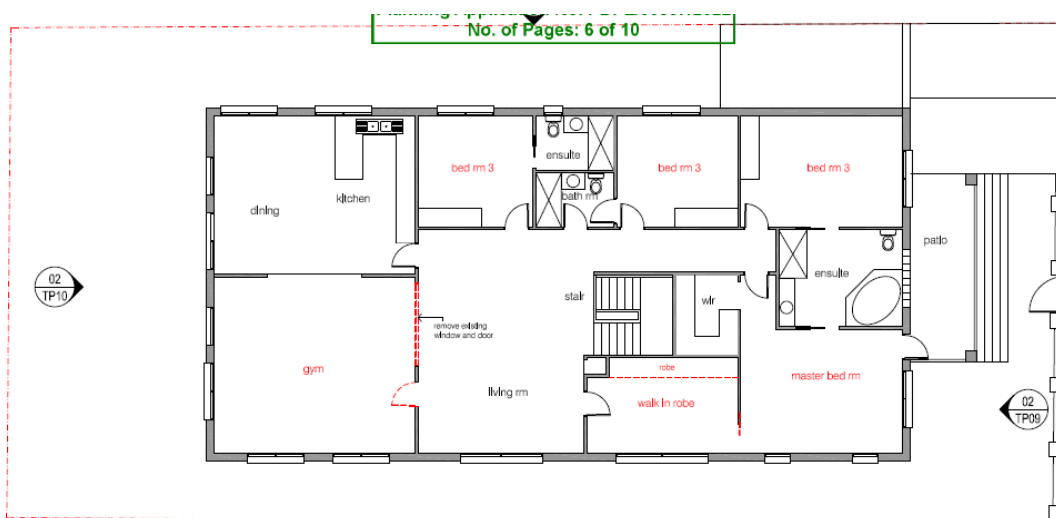


Fig. 2 - Proposed Upper Floor Demolition Plan

Proposed works

The building footprint would remain unchanged. The existing ground floor layout includes entry, dining/living area, one bedroom, bathroom, laundry, kitchen/family room and an indoor pool and spa. All works are proposed to be carried out internally, with no change to external windows or doors.

The family room is to be converted to bedroom 4, the dining/living area converted into bedroom 2 and 3 and the pool/spa room converted to a large communal games room. The existing bedroom 1 will be retained. Overall, there would be four bedrooms, kitchen (existing layout), bathroom (made DDA compliant), laundry and games room at ground level. The entrance to the dwelling would remain unchanged.

At first floor level the existing gym would be converted to two bedrooms (bedroom 9 and 10), the WIR converted to a bedroom 11, with the existing open plan kitchen/dining and central living area remaining unchanged. Overall, the first floor would include a further three bedrooms (seven in total), three bathrooms (includes two ensuites), dining/kitchen and separate living area.

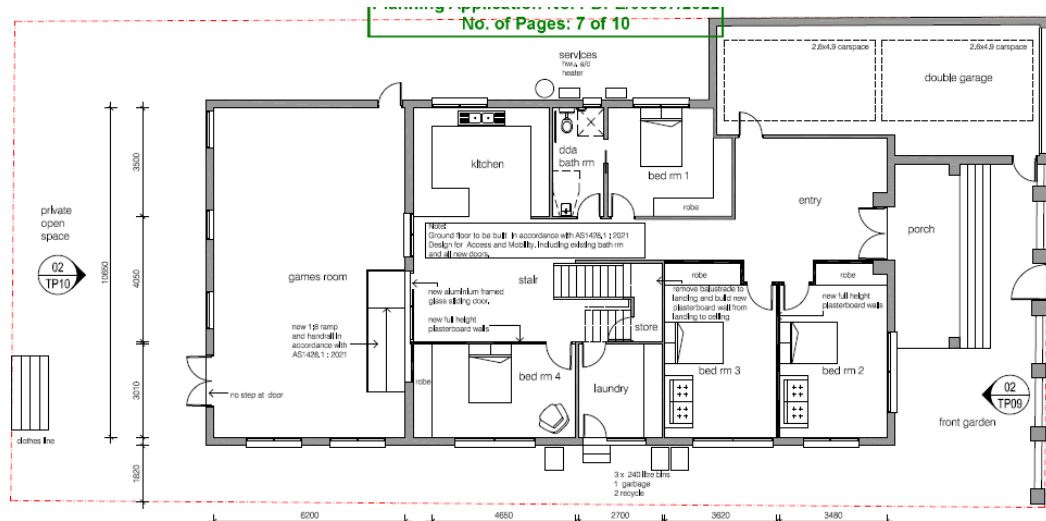


Fig. 3 - Proposed Ground Floor Plan

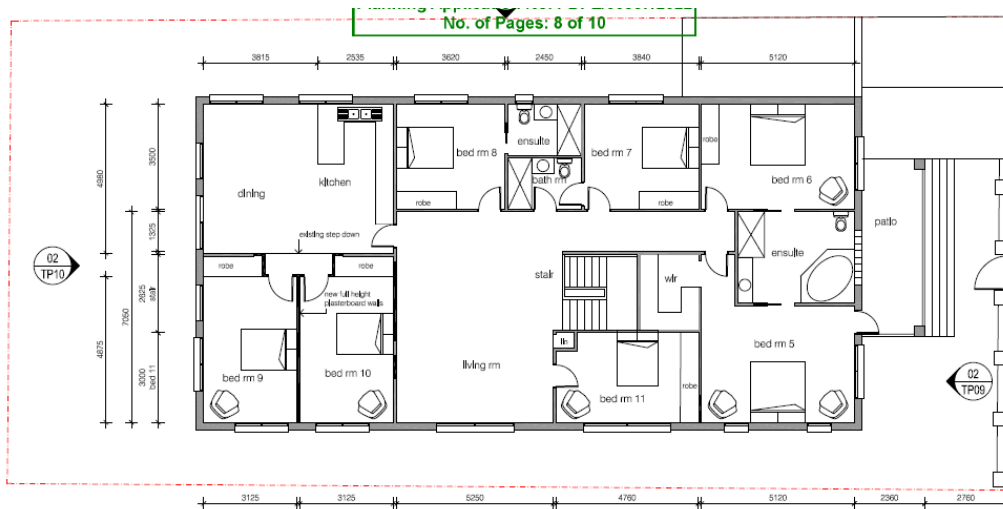



Fig. 4 - Proposed First Floor Plan

No external works are proposed.



5. SUBJECT SITE AND SURROUNDS

Description of Site and Surrounds	
Site Area	Approximately 526sqm
Existing building & site conditions	<p>The site is regular in shape, with a north (front) boundary of 15.65m, east boundary of 33.53m, south boundary of 15.49m and west boundary of 33.53m.</p> <p>The site contains a large double storey brick and tile-roofed dwelling with a tandem garage along the western boundary. The front setback contains several established trees, with a brick and metal palisade front fence.</p>  <p><i>Fig 5 – 11 Wenden Grove. (Source: Council officer, 28/10/22).</i></p>
Surrounds/neighbourhood character	<p>The site is located in an established residential area and generally comprises large single and double storey dwellings, along with older style apartment buildings.</p> <p>Wenden Grove is approximately 130m long with an east-west orientation, and terminating at the western end, where the subject site is located. It contains 12 dwellings located across both sides, in a mix of single and double storey, of varying eras and architectural styles.</p> <p>The lots are generally consistent in frontage width, depth and areas, which allows for larger single dwellings with established front and side setback vegetation, along with off-street car parking.</p> <p>Crossovers are prevalent along the length of the street, with on-street un-restricted parking, with exception the western end, where there is no-standing.</p> <p>Fencing is medium to high with varying degrees of visual permeability. Street trees are mature, generally consistently spaced and with full canopies which provide additional amenity.</p>



	<p>Wenden Grove is located approximately 1.6km east of the Carlisle Street Major Activity Centre and Balaclava train station. The site is also 800m east of the commercial zone on Inkerman Street.</p> <p>These nearby commercial areas are accessible via foot and several public transport options as follows, and which also provide access to areas well beyond the subject site and surrounds.</p> <p>Route 78 tram – Chapel Street (1.5km west)</p> <p>Route 604 bus – Orrong Road (125m east)</p> <p>Route 3/3a and 16 tram – Balaclava Rd/Carlisle St(400m south)</p> <p>Route 603 bus – Hotham Street (600m west)</p> <p>Furthermore, there are a range of community facilities in the immediate vicinity including the St Kilda Town Hall and Library and St Kilda Botanical Gardens.</p>
<p>Immediate interfaces</p>	<p>Wenden Grove contains primarily single-dwelling lots, as described below.</p> <p>8 Montague Avenue on the corner of Wenden Grove and Montague Avenue (opposite the subject site) contains one single storey dwelling with off street parking accessible via Montague Avenue, and the primary entrance located on Wenden Grove.</p> <p>9 Wenden Grove directly east contains a single storey older style dwelling with off street car parking along the eastern boundary.</p> <p>398 Inkerman Street directly south contains a single storey bungalow style dwelling with off street car parking accessible via the eastern boundary.</p> <p>1 Marne Street and 10 Wenden Grove are located along the subject site's western boundary, with 1 Marne Street containing a 1970's block of flats, and 10 Wenden Grove containing a smaller single storey dwelling with off street parking interfacing with the street.</p>



6. PERMIT TRIGGERS

6.1 The following zone and overlay controls apply to the site, with planning permission required as described.

Zone or Overlay	Why is a permit required?
<p>Neighbourhood Residential Zone – Schedule 5 (Garden Suburban)</p>	<p>Pursuant to Clause 32.09-2, a rooming house is a Section 1 use (permit not required) provided the rooming house meets the use exemption requirements of Clause 52.23 Rooming House. Pursuant to Clause 52.23-2, any requirement in the Neighbourhood Residential Zone to obtain a permit to use land for a rooming house does not apply if all of the following requirements are met:</p> <ul style="list-style-type: none"> • Any condition opposite the use “rooming house” in the table of uses in the zone or schedule to the zone is met. • The total floor area of all buildings on the land, measured from the outside of external walls or the centre of party walls, does not exceed 300 square metres, excluding outbuildings. • No more than 12 persons are accommodated. • No more than 9 bedrooms are provided. <p>The use exemption requirements at Clause 52.23-2 are not met because 11 bedrooms are proposed, the total floor area exceeds 300m² (excluding outbuildings) and 13 persons are to be accommodated.</p> <p>Clause 32.09-5 - Construction and extension of one dwelling on a lot, states no permit is required to;</p> <ul style="list-style-type: none"> • Make structural changes to a dwelling provided the size of the dwelling is not increased or the number of dwellings is not increased. <p>As the size of the dwelling, nor the number of dwellings is increasing, a permit is not required for the proposed internal changes.</p>
<p>Special Building Overlay – Schedule 1 (Melbourne Water Main Drain)</p>	<p>Clause 44.05-2 states a permit is not required;</p> <ul style="list-style-type: none"> • To an alteration to an existing building where the original building footprint remains the same and floor levels are constructed to at least 300mm above flood level. <p>As the building footprint is to remain the same, and there is no change to the existing floor levels, a permit is not required for the proposed internal changes.</p>



7. PLANNING SCHEME PROVISIONS

7.1 State Planning Policy Frameworks (SPPF)

The following State Planning Policies are relevant to this application:

Clause 11	Settlement, including
Clause 11.01-1R1:	Settlement - Metropolitan Melbourne
Clause 11.02:	Managing Growth
Clause 11.03:	Planning for Places
Clause 13	Environmental Risks and Amenity, including
Clause 13.07	Amenity, Human Health and Safety
Clause 15	Built Environment and Heritage, including
Clause 15.01	Built Environment
Clause 15.01-5S:	Neighbourhood character
Clause 16	Housing, including
Clause 16.01:	Residential development
Clause 16.01-1S:	Housing supply
Clause 16.01-1R:	Housing Supply – Metropolitan Melbourne
Clause 21.01	Vision and approach, including
Clause 21.01-1	Vision
Clause 21.03	Ecologically Sustainable Development, including
Clause 21.03-1	Environmentally Sustainable Land Use and Development
Clause 21.04	Land Use, including
Clause 21.04-1	Housing and Accommodation
Clause 21.04-8	Social Impact Assessments
Clause 21.05	Built Form, including
Clause 21.05-2	Urban Structure and Character
Clause 21.06	Neighbourhoods, including
Clause 21.06-1	East St Kilda and Balaclava

7.2 Local Planning Policy Framework (LPPF)

The following local planning policies are relevant to this application:

Clause 22.13	Environmentally Sustainable Development
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7.3 Other relevant provisions

Clause 52.06	Car Parking
Clause 52.23	Rooming House
Clause 65	Decision Guidelines
Clause 71.02	Operation of the Planning Policy Framework

7.4 Relevant Planning Scheme Amendment/s

Amendment C203port proposes to update the Local Planning Policies at Clause 22, with Municipal Planning Strategy, local policies within the Planning Policies at Clause 22, with a Municipal Planning Strategy, local policies within the Planning Policy Framework and selected local schedules to the heritage overlay, particular provisions and operational provisions.

MEETING OF THE PORT PHILLIP CITY COUNCIL

8 DECEMBER 2022



Amendment C203port was adopted by Council on 17 August 2022 and is currently with the Minister for Planning for consideration of approval.

These amendments do not affect the proposal under consideration as applied for.

8. REFERRALS

8.1 Internal referrals

The application was referred to the following areas of Council for comment.

Internal Department	Referral comments (summarised)
<p>Community Building and Inclusion</p>	<p>No objection</p> <ul style="list-style-type: none"> • It is consistent with Council’s In Our Backyard- Growing Affordable Housing in Port Phillip 2015-2025 strategy, which has the goal of: Grow the supply and diversity of social and affordable housing in the City of Port Phillip to address priority local housing needs, including the most disadvantaged and marginalised . The relevant policy in this strategy is Policy 6 - Facilitate delivery of affordable housing projects by others. The proposal supports this objective through increasing housing diversity, and potentially housing diversity. • It increases housing diversity and choice for lower income persons, in contrast to conventional self-contained apartments or flats typically provided by the private sector, by proposing a mix of rooms, rooms with shared ensuites, and a room with a sole ensuite. • It potentially provides affordable housing, given the form of housing (rooms or semi-self-contained bedsitters) is likely to target lower income households, and rent for less than self-contained units (noting, however, that this cannot be fully determined as rent levels and target household incomes have not been provided, and some private rooming houses have higher rents than equivalent social housing). • The internal communal spaces (kitchens, dining areas, lounges) are generous, and there is an outdoor open space, although no plans of the rear open space shown in the aerial photo have been provided to identify the amount of useable open space. • The site is relatively well located to public transport and shops • While fully self-contained bedsitters or flats with ensuites and kitchenettes are preferred standards for social housing, there is no standard for private rooming houses. Thus, the type of room mix can be acceptable, as referred to above, as it will provide greater housing diversity, choice and potentially affordability



<p>Transport Safety Engineer</p>	<p>No objection</p> <p>The garage is considered acceptable, noting the Planning Scheme car parking requirements are met, with the proposed use not expected to result in an increase in the traffic carrying capacity of local streets. The provision of at least two secure, undercover bicycle spaces is required which can be addressed by planning permit conditions.</p>
<p>Waste Management</p>	<p>No objection</p> <p>Supportive of the proposal subject to further details which can be addressed by planning permit conditions.</p>
<p>Health Services</p>	<p>No objection</p> <p>The proposal would require registration under the Public Health and Wellbeing Act, and it is noted based on the floor plan provided it appears that it would comply with the regulations and there would be no reason why registration would not be granted.</p> <p>There is potential for noise/amenity issues arising from the games room and outdoor private open space areas, which it is encouraged permit conditions be employed to control amenity. A possible suggestion could be to require an amenity management plan which may include an onsite manager.</p> <p>Officer comment</p> <p><i>The scale of the proposed rooming house is considered not to require an onsite manager for the reason there are to be no more than 13 residents at any one time. An amenity management plan (refer condition 4. On-site Management Plan) will be required as a condition of permit.</i></p>

8.2 External referrals

The application was not required to be externally referred.

9. PUBLIC NOTIFICATION/OBJECTIONS

- 9.1 It was determined that the proposal may result in material detriment therefore Council gave notice of the proposal by ordinary mail to the owners and occupiers of surrounding properties (28 letters) and directed that the applicant give notice of the proposal by posting 1 notice on the site for a minimum 14 day period, in accordance with Section 52 of the Planning and Environment Act 1987.
- 9.2 The application has received 60 objections (from 35 addresses). The key concerns raised in the objections are summarised below:
- Impacts associated with intensification of residential use such as:



- noise and resident behaviour
- car parking
- waste
- Impact on the neighbourhood character of the area
- Number of residents not specified
- Poor location regarding public transport and services
- Conflict with covenant registered on title

The objector concerns are addressed within the Officer Assessment at Section 10 of this report.

- 9.3 A consultation meeting was held on 21 November 2022. The meeting was attended by two ward councillors, the applicants, objectors and planning officers. The meeting provided an opportunity to explain the application, for the objectors to elaborate on their concerns and for the applicant to respond. No changes have been made to the proposal following the meeting.

10. OFFICER'S ASSESSMENT

10.1 Does the proposed use of the site for a rooming house have strategic policy support?

The provision of housing for in-need members of the community is strongly encouraged through state and local planning policy.

- At the state level, the Planning Policy Framework directly encourages diversity of housing choice. Clause 16.01-1S (Housing supply) has a key objective '*To facilitate well-located, integrated and diverse housing that meets community needs*'. This is achieved through strategies that ensure the provision of an appropriate quantity, quality and type of housing, including rooming houses.
- At the local level, Clause 21.04-1 (Housing and Accommodation) of the Port Phillip Planning Scheme has the objective '*To support a diverse range of housing types to suit the needs of Port Phillip's community*'. Identified strategies to achieve this objective include:
 - *Support private, public and community sector involvement in the provision of housing to ensure that a range of housing choices is available.*
 - *Support the retention and provision of affordable housing (public, community and private) for lower income households, including the provision of rooming / boarding houses, single bedroom and bed-sit flats, and crisis accommodation.*
- An identified 'key challenge' at Clause 21.06-1 (Neighbourhoods) of the Port Phillip Planning Scheme for the St Kilda East and Balaclava neighbourhood is
 - *Maximising opportunities for new affordable and social housing.*

In addition, the proposal is consistent with Homes for Victorians – Affordability, Access and Choice (Victorian Government, 2017) which is an incorporated document of Clause 16.01-2S, Housing Affordability. The report identifies the importance of rooming houses in providing housing diversity.

This further supports Council's role in facilitating an increase in the supply and diversity of affordable housing.

To achieve this, the planning of neighbourhoods needs to provide for housing choice including liveable housing that is designed to be accessible in locations where existing infrastructure can support this new accommodation. The proposed location provides appropriate infrastructure (public transport and access to goods and services).



Some objections raised concern that the site is not well located in relation to public transport and community facilities and services. The site is located approximately 1.6km east of the Carlisle Street Major Activity Centre and Balaclava train station. These are both accessible via foot and the Carlisle Street Route 3-3a tram. The site is also 800m east of the commercial zone on Inkerman Street.

It is considered that the residents would have easy access to day-to-day shopping, health and recreation facilities as outlined above. Public transport is accessible to and from the site and bike lanes are close by. It is therefore considered the site is well located to cater for residents occupying this accommodation.

The rooming house accommodation as proposed provides a clear alternative to traditional housing stock, by providing a housing product that is likely to be lower cost and meeting the specific needs of members of our community.

At the consultation meeting held on 21 November 2022, the applicant stated that students currently reside at the subject site, walk to the corner of Orrong and Balaclava Roads (a distance of approximately 600 metres) and catch the tram to Monash University, Caulfield Campus. The applicant also suggested it likely that future residents of the rooming house will be students and that they have an association with an organisation that provides students with contacts of rooming house accommodation. Whilst the 'type' of residents of a rooming house cannot be a condition of approval, the model put forward by the applicant seems reasonable given that international students benefit from this type of housing.

10.2 Are the following impacts of the intensification of the residential use acceptable?

The following addresses the amenity impacts relating to the rooming house.

10.2.1 Noise and resident behaviour

A number of objectors have raised noise as a concern with the proposed rooming house. Eleven bedrooms are proposed, and which is comparable to a typical multi-dwelling site that could reasonably be expected to be accommodated on a lot of this size, and which may accommodate a greater number of residents than 13. Residential noise from residential uses (including rooming houses) is to be expected within any residential zone. There is no evidence nor planning scheme policy that would indicate rooming houses are inherently noisier than other residential uses. Furthermore, typical multi-dwelling sites with any number of residents do not benefit from a manager and an amenity management plan. Should a permit for the use as a rooming house issue, an appropriate amenity management plan would be required as a condition of permit and would address such matters as behaviour and noise. Refer to condition 4.

Some objections raised concern about resident behaviour. However, as per the consideration regarding noise, the proposed (rooming house) use is not expected to result in any behaviour that would be any different to that exhibited at a single dwelling or a multi-dwelling site, of which it is noted both types of dwelling are in proximity to the subject site.

The provision of an on-site management plan would ensure appropriate control of the proposed rooming house and may minimise any adverse impact on the residential amenity of the surrounding area or any disturbance or disruption to adjoining neighbours (Refer to Condition 4).



10.2.2 Car parking

The planning scheme at Clause 52.06 Car Parking sets out the provisions for the number of car spaces required having regard to the activities on the land and the nature of the locality.

The use of the land as a rooming house attracts a parking rate of 1 on-site car space to each four bedrooms, as per Table 1 at Clause 52.06-5. There are currently two on-site car spaces.

Clause 52.06 states *'if in calculating the number of car parking spaces the result is not a whole number, the required number of car parking spaces is to be rounded down to the nearest whole number.'* Based on the provision of the proposed 11 bedrooms, two car spaces are therefore required to satisfy the planning scheme requirements (that being 1 car space to each four bedrooms). The proposal would therefore satisfy Clause 52.06.

It is recognised that a rooming house is a low generator of car parking, as evident in the statutory requirement for the number of car parks. There are two existing car spaces located on site in the form of a tandem garage and therefore the proposal complies with the car parking requirements at Clause 52.06. This required rate of car parking demonstrates there is an expectation that there is a lower rate of car ownership for occupants of rooming houses than that of an equivalent sized dwelling. For example, a new three or more bedroom dwelling requires at least two car spaces to be provided, with a multi-residential development requiring the same ratio; two car parks per three bedroom dwelling, in accordance with Clause 52.06 Car Parking.

At the consultation meeting it was suggested that the existing tandem spaces provided should be modified to become a typical side-by-side double garage arrangement. A review of the site indicates that there is an established street tree and stormwater drain that would conflict with any modified access, along with the physical location of the dwelling itself. The provision of a double garage with zero street setback would also impact the appearance of the streetscape and neighbourhood character. It is considered the existing arrangement on site is satisfactory and the management of two tandem spaces would not be difficult and is not dissimilar to numerous other tandem spaces throughout the area, and on Wenden Grove, where tandem car parking is located within dwelling side setbacks in some instances.

Furthermore, it is noted that Council's Transport Safety department do not expect excessive traffic resultant of the proposed use.

10.2.3 Traffic and bicycle parking

The expected traffic generation of the proposed use is expected to have negligible impacts on surrounding local street and intersections. Any increase in the residential use of the site is not expected to exceed the traffic carrying capacity of local streets.

Bicycle parking is not a requirement under Clause 52.34 Bicycle Facilities. However, there is adequate space within the site to locate bicycle parking. As such, Council's Traffic Safety department recommends a bicycle parking rate of at least two secure, undercover spaces. This can be addressed by any permit condition should a permit be granted. This matter was discussed at the



Consultation meeting with the applicant expressing that they would be open to providing bicycle spaces onsite. Refer recommended condition 1f).

It is therefore considered the proposed use would not significantly add to the demand for on-street parking along Wenden Grove for the following reasons:

- The parking requirements for rooming houses are generally lower as per the requirement at Clause 52.06 Car Parking.
- Bicycle parking would be provided on site in a safe and secure location.
- There is adequate public transport such as local bus route 603 nearby (Inkerman/Orrong Rd) linking to Ripponlea station or tram routes 3/3a or 16 along Balaclava Road/Carlisle Street, to Balaclava Station and beyond.
- A 20-minute walk to Balaclava train station from the application site.
- There are adequate walking and cycling paths surrounding the site.

10.3 Waste Management

Concerns have been raised by a number of objections regarding waste. The proposed plans note the storage of rubbish and recycling bins would be located along the east side of the dwelling near the laundry. Council Waste Management team have not raised any objection to the proposal subject to conditions included on any permit granted, as per condition 1 and 3. There is adequate room within the site to store the garbage, recycling, and any future FOGO bins.

Waste would continue to be collected by Council on the allocated collection days and this will be communicated with the future residents as per the On-Site Management Plan per recommended Condition 4.

10.4 Number of residents

The number of residents was not specified within the planning permit application. This was raised by a number of objections. The applicant has since advised that the maximum number of residents would be 13, and which is comparable to a smaller multi-dwelling site. The number of residents is also controlled under the building regulations with any more than 13 residents requiring the provision of a fire sprinkler system to be installed in the building. A condition of any permit, if issued, would include a condition limiting the number of residents on the site at any one time. Refer recommended condition 1h).

10.5 Are the impacts on character acceptable?

Some objectors raised concern about the impact on the character of the area. There are no external changes proposed to the dwelling, and therefore no change to the existing character of the street, with regards how the building will present. The use as a rooming house remains a residential use, as per the existing single and multi-dwelling sites within the immediate and wider neighbourhood.

11. INTEGRATED DECISION MAKING

11.1 Clause 71.02 of the Planning Scheme requires the decision-maker to integrate the range of policies relevant to the issues to be determined and balance the positive and negative environmental, social, and economic impacts of the proposal in favour of net community benefit and sustainable development. When considering net community benefit, fair and orderly planning is key, the interests of present and future Victorians must be balanced and the test is one of acceptability.



The proposal would result in several positive, neutral and negative impacts, which are outlined below:

Positive

- The proposal is considered to have strong strategic support from the Planning Scheme.
- The proposal would support low-income accommodation.
- The proposal delivers affordable housing which aligns with Council's In Our Backyard- Growing Affordable Housing in Port Phillip 2015-2025.
- The proposal would achieve the purpose of the zone by way of providing diverse housing accommodation.
- There is no change to the external fabric of the existing building and would therefore have no negative impact on the appearance of the streetscape character or wider neighbourhood.

Neutral

- Any off-site amenity impacts can be appropriately addressed by way of permit conditions (i.e. an on-site management plan, maximum number of residents and a waste management plan).
- Carparking rates are considered to be sufficient and compliant with the requirements of the planning scheme.
- Traffic impacts are not considered to be significant.

Negative

- The application has received 60 objections.

12. COVENANTS AND OTHER TITLE MATTERS

12.1 There is a restrictive covenant on the title (Crown Allotment 19, volume 04979, folio 799).

12.2 In support of the application, the applicant was requested to seek legal advice on the covenant, whereby advice provided stated the covenant would not be breached.

12.3 *Covenant* 1141714 is registered on title. Part b) of the covenant states:

“ Will not erect on either said lots any building except a private dwelling house and outbuildings thereof ‘

Legal advice received summarises below;

- *the dwelling house restriction in the Restrictive Covenant is a restriction in relation to built form. This is by reference to the terms in the Restrictive Covenant “building” and “constructed” rather than use of the land.*
- *the architectural plans submitted with the Permit Application being plans prepared by CAD Productions comprised in Drawing Nos. TP02 to TP08 (all Rev A) and TP09 to TP10 (Rev -) dated July 2022 do not result in a breach of the Restrictive Covenant*



The two pieces of independent legal advice interpreting the covenant do not conflict, and as such officers are satisfied that the conversion of the dwelling to a rooming house would not breach the covenant on title.

13. OFFICER DIRECT OR INDIRECT INTEREST

13.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.

14. OPTIONS

14.1 Approve as recommended

14.2 Approve with changed or additional conditions

14.3 Refuse – on key issues

15. CONCLUSION

15.1 This application is generally a change of use, i.e seeking to convert the large, double storey single dwelling to a rooming house. As per Clause 52.23 Rooming House of the Port Phillip Planning Scheme, a planning permit is required for the use as the floor area exceeds 300m², more than 12 persons are to be accommodated, and greater than 9 bedrooms are proposed.

15.2 Had the proposed floor area not have exceeded 300m², no greater than 12 persons accommodated and no more than 9 bedrooms proposed, a permit for the use would not be required.

15.3 The proposed rooming house has strong state and local planning policy support.

15.4 The proposal is appropriate within the context of the residential zoning of the land and a 25-minute walk to the Carlisle Street Major Activity Centre, together with public transport, walking and cycling options within the municipality.

15.5 The proposal does not change the character of the street for the reason no buildings and works are proposed and that the proposed residential use aligns with the objectives of the zoning of the land.

15.6 Car parking requirements have been satisfied.

15.7 Planning permit conditions will ensure matters relating to waste, noise and on-site management are formalised.

15.8 Subject to the assessment in this report, the proposal is recommended for approval subject to any conditions.

ATTACHMENTS

1. **Advertised Plans**  

2. **Advertised Planning Report**  