



6.2 40 ALMA ROAD, ST KILDA - USE OF THE LAND FOR A ROOMING HOUSE IN THE GENERAL RESIDENTIAL ZONE AND ASSOCIATED BUILDINGS AND WORKS WITHIN A HERITAGE OVERLAY.

LOCATION/ADDRESS: 40 ALMA ROAD ST KILDA VIC 3182
EXECUTIVE MEMBER: BRIAN TEE, GENERAL MANAGER, CITY GROWTH AND DEVELOPMENT
PREPARED BY: MATTHEW SCHREUDER, PRINCIPAL PLANNER

1. PURPOSE

- 1.1 to consider and determine Planning Application PDPL/00299/2023 for the use of the land for a rooming house in the General Residential Zone and buildings and works within a Heritage Overlay.

2. EXECUTIVE SUMMARY

WARD:	Lake
TRIGGER FOR DETERMINATION BY COMMITTEE:	More than 16 objections
APPLICATION NO:	PDPL/00299/2023
APPLICANT:	Ahadizadeh Family Super and Seranin Pty Ltd
EXISTING USE:	Residential apartments
ABUTTING USES:	Residential
ZONING:	General Residential Zone Schedule 1
OVERLAYS:	Heritage Overlay Schedule 6
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 12 apartments into a rooming house (containing 22 bedrooms)
- 2.2 The subject site is located on the north side of Alma Road between St Kilda Road and Chapel Street. The site is irregular in shape with a frontage to Alma Road of 25.1m, a side abuttal with Charnwood Crescent of 45.8m and a northern boundary of 40.6m. The site features a broken boundary of 15.21 metres along the north-western side and 15.21 m along the southwestern boundary forming an L-shape. The overall area of the site is 1395.2 square metres.
- 2.3 The site currently contains a heritage graded two storey brick building located centrally on the site and three storey brick building constructed in the 60's which is located in front of and wrapping around the heritage building to the east along Charnwood Crescent. The two buildings are connected on the eastern elevation. The buildings have most recently been used as 12 apartments.



- 2.4 Vehicular access is provided to the site from three point including two existing crossovers. One located off Alma Road close to the intersection of Charnwood Crescent and the other off Charnwood Crescent. A car park containing 12 spaces is located to the rear of the site and is accessed off a lane located to the west of the subject site which is accessed from Alma Road. Three car spaces are also provided with the space between the two buildings.
- 2.5 The open space around the two buildings contains a mixed of exotic trees and shrubs, including a hedge along the Alma Road frontage.
- 2.6 The proposal includes internal demolition and rearrangement of each level of the two buildings. No permit is required for the internal works and no external building and works are proposed. The reconfiguration of the buildings would result in a total of 22 suites comprising 17 one bedroom and 5 two bedrooms. The individual suites range in area from 17.9 – 59.95 square metres. No communal open space has been nominated on the plans however the site has a large area of open space around the east and northeast side of the property.
- 2.7 A permit is required under the General Residential Zone as the proposal does not satisfy the exemptions for a Rooming House as set out at Clause 52.23 of the Planning Scheme. The clause exempts Rooming house that have a floor area not exceeding 300 square metres, accommodate no more than 12 people and with no more than 9 bedrooms. The total floor area of the subject site is 1004 square metres and 22 bedrooms are proposed. No maximum number of residents has been provided.
- 2.8 The proposal would retain the rear car park which exceeds the car parking provision required by Clause 52.06 'Car Parking' which required the provision of 1 space to each four bedrooms (rounded down to the nearest whole number), resulting in a requirement of six spaces.
- 2.9 The application was advertised and received 36 objections. Key concerns include:
- Existing number of rooming houses within local area.
 - Use of the site as a rooming house would lead to loss of standard dwellings from the rental market.
 - The site will be managed off site and the applicant is not located or registered in Victoria.
 - The property would potentially be used as a backpackers or other form of accommodation. Would be better used as low-cost accommodation.
 - There will be an increase in criminal and antisocial behaviour.
 - The accommodation is of a substandard quality and the rooms are too small.
- 2.10 A consultation meeting was held on 13 November 2023. The meeting was attended by Ward Councillors, the applicants, approximately seventeen (17) objectors and Planning Officers. The meeting did not result in any formal changes to the proposal.
- 2.11 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 16.01-1L - 01 'Housing Diversity' each support the provision of a diversity of housing types including rooming houses.



- Rooming houses are supported in areas that are well serviced by public transport and community services. The site is located with close proximity to numerous public transport options and is within the Principal Public Transport Network. The site is within proximity of Carlisle and Fitzroy Street major activity centres.
- The use of the land for a rooming house is consistent with the purpose of the General Residential Zone.
- Noise generated by the use will be consistent with noise expected from residential uses in residential zoned land. Noise can be further managed through appropriate conditions of a planning permit.
- The proposal will not impact on the existing character of the two buildings or the Alma Road streetscape with no external works proposed.
- Car parking is provided at a rate that exceeds the statutory requirements.

3. RECOMMENDATION

- 3.1 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
- 3.2 That a Notice of Decision to Grant a Permit be issued for the use of the land for a Rooming House at 40 Alma Road, St Kilda
- 3.3 That the decision be issued as follows:

Amended Plans Required

1. Before the use starts, amended plans to the satisfaction of the Responsible Authority must be submitted 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 27 July 2023, prepared by Next Architects, consisting of TP00.000, TP00.00, TP00.01, TP00.02, TP00.03, TP00.11, TP00.12, TP00.13, TP01.01, TP01.02, TP01.03, TP02.01, TP02.02 and TP02.03 all revision A dated 26 July 23, and subsequently advertised) but modified to show:
 - a) The location of the onsite managers accommodation and office.
 - b) All areas of communal open space, passive and recreational.
 - c) Indicative landscaping across the site.
 - d) The location of a minimum of 5 undercover and secure bicycle spaces.
 - e) Display of contact details in a prominent location near the building entrance off Charnwood Crescent.
 - f) Details of appropriate screening of the bin storage area.
 - g) Suite 6 indicated as a 1-bed suite.
 - h) Any Changes as required by the amended Waste Management Plan required by Condition 3 of this permit.



- i) Any changes as required by the amended On-site Management Plan required by condition 4 of this permit.

No Alterations

2. 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.

Waste Management Plan

3. 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 site manager nominated as responsible for the transportation of the bins for collection from the storage area to the collection point.
 - The location and space required for the temporary storage of hard waste and e-waste.
 - Measures to ensure the bin storage area will not have an impact on the amenity of the neighbouring residential property to the west.

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

On-site Management Plan

4. 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) Provision of a register of occupant numbers with a limit of 50 occupants at any one time.
 - b) Procedures, and standards for residents to minimise amenity issues in the neighbourhood.
 - c) Establishment of a complaint's hotline for neighbours and residents (to be displayed on the site), and regular meetings with, adjacent residents, as required.
 - d) Standards for property maintenance, health and cleanliness including measures to be undertaken to ensure areas surrounding the establishment are kept clean of litter.
 - e) Security against thefts and break-ins, including security of residents' belongings.
 - f) Development, documentation and promulgation of a fire management plan.
 - g) Establishment of house rules (to be displayed in a prominent location and clearly visible to residents at all times) and which will include:
 - a. Resident behaviour
 - b. Noise
 - c. Alcohol consumption



d. Littering

- h) Appropriate management and security practices to prevent the congregation of residents and visitors in communal and outdoor areas after 10pm.
- i) 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.

Use of land as a rooming house

- 5. The building as per the endorsed plans which form part of this permit must only be used for the purpose of a rooming house in accordance with the Residential Tenancies Act 1997 and must not be used for dwellings to the satisfaction of the Responsible Authority.

Copy of permit and On-site management

- 6. 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.

Storage Of Goods

- 7. 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.

Resident Numbers

- 8. Without the further written consent of the Responsible Authority, no more than 50 residents must live on the premises at any time.

Car park maintenance

- 9. Prior to the commencement of the use, the car park at the rear of the must have the line marking redone. The car park must be maintained to the satisfaction of the Responsible Authority

Time for starting and completion

- 10. 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

4. 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.

5. RELEVANT BACKGROUND

The following relevant applications have previously been considered for the subject site:

Application No.	Proposal	Decision	Date of Decision
PDVP/00231/2022	External painting within a heritage overlay	Approved	12 January 2023

6. PROPOSAL

- 6.1 The plans which are the subject of this report are those submitted to, and date stamped by Council on 27 July 2023.
- 6.2 The application proposes the use of the buildings for a rooming house containing 22 suites comprising 17 x 1-bedroom and 5 x 2-bedrooms. There will be a total of 27 beds. The suites will be self-contained. Limited communal laundry facilities will be provided in two areas of the site.
- 6.3 The proposal can generally be described as follows:

Demolition (no permit required)

Various walls of the existing apartment layout are to be removed to allow for the new arrangement. No external demolition is proposed.

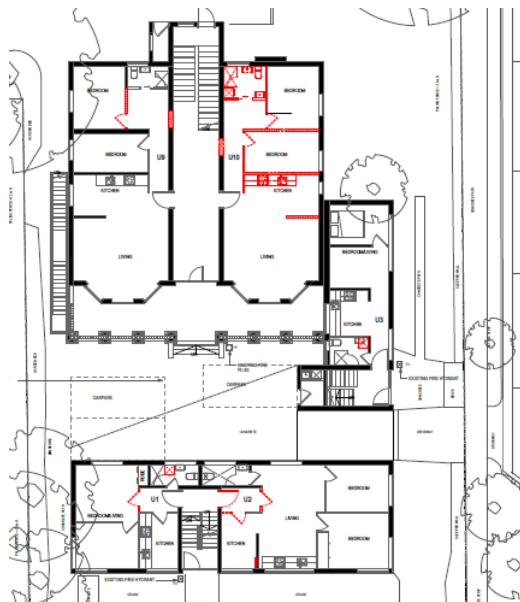


Figure 1 - Ground floor internal demolition

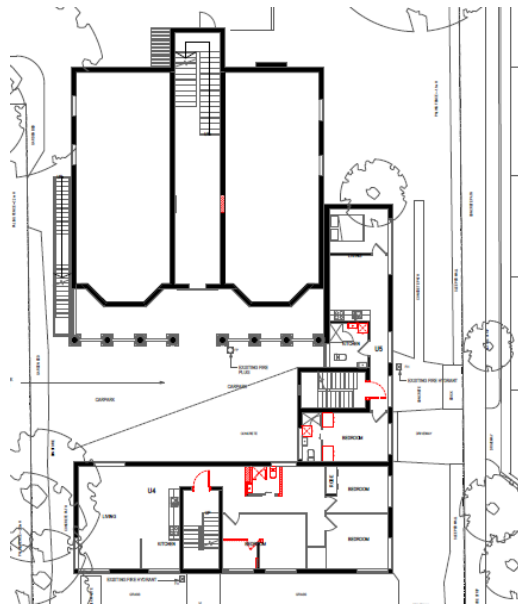


Figure 2 - First floor demolition plan

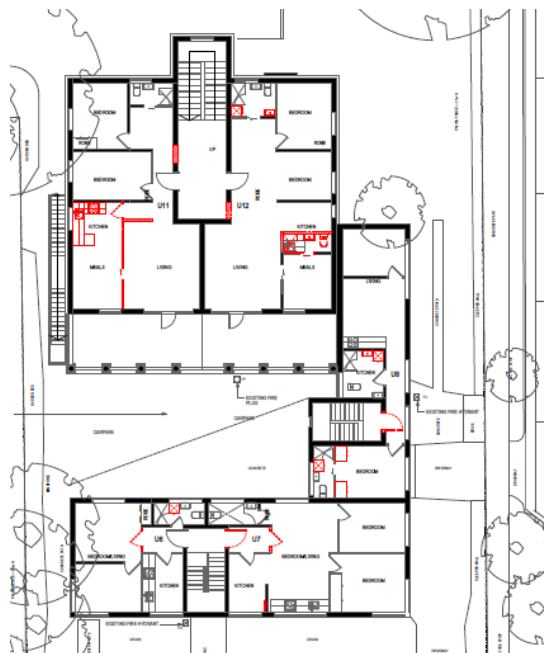


Figure 3 - second floor demolition plan.

Proposed works (no permit required)

The internal works primarily consist of the rearrangement of the floor plans of each level of both buildings. The building footprint remains unchanged. The internal works will result in the creation of 22 suites. Each of the suites will be provided with a private bathroom, kitchen and varied sized area for a kitchen table/living space, dependant on the size of the suite. The suites are self-contained with no commons areas or shared facilities indicated on the plans other than two laundries and common hallways and access. The suites on each level are as follows:

Ground level will have 6, 1-bedroom suites ranging in area from 24.3 square metres to 43.47 square metres and 2 2-bedroom suites with areas of 47.5 square metres and 57.5 square metres.

The first floor of the three-storey front building front building will contain 4 1-bedroom suites with areas ranging from 17.9 square metres to 40.2 square metres and 1 two-bedroom suite with an area of 42.5 square metres.

The second storey of the front building and second level of the rear building will be developed with 7 1-bedroom suites ranging in area of 17.9 square metres to 44.24 square metres and 2 2-bedroom suites with areas of 40.64 square metres and 59.95 square metres. Two private terraces are located on the south elevation of the rear building, and these are each accessed by an individual suite, 1 single bedroom and 1 double bedroom.

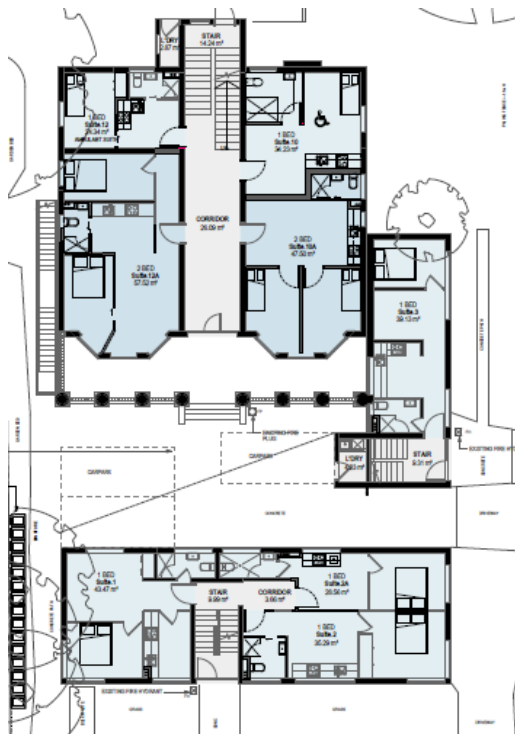


Figure 4 - Proposed ground floor

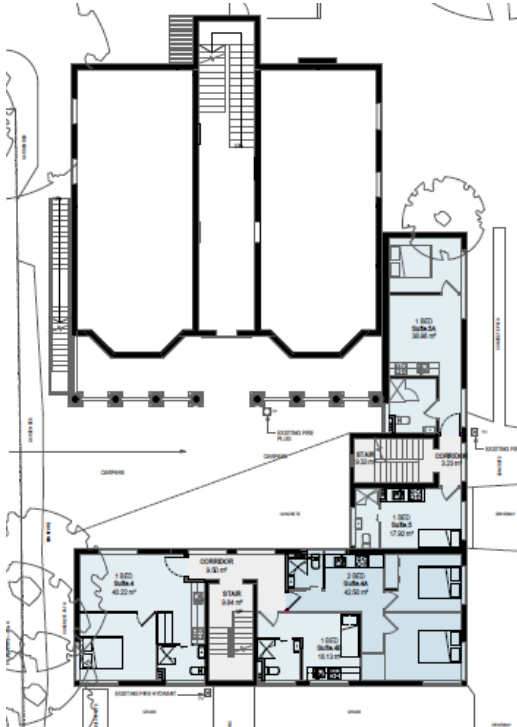


Figure 5 - Proposed first floor.

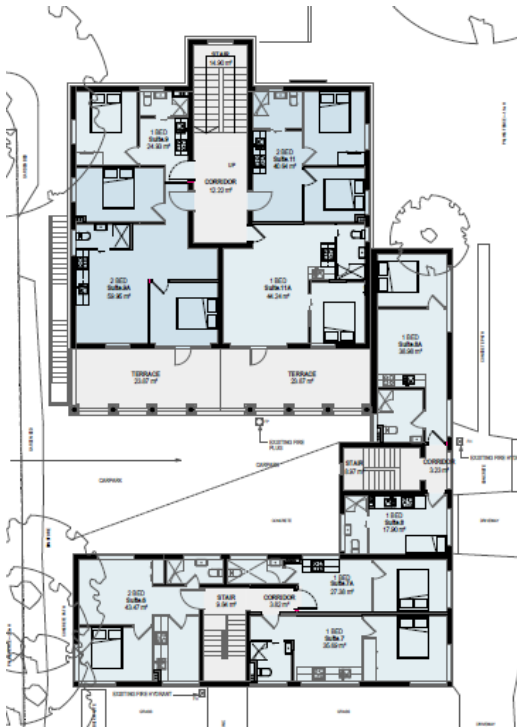


Figure 6- Proposed second level (rear building) and second floor.

Proposed Use.

It is proposed to use the site as a rooming house. The rooms are designed to meet the requirements of the Residential Tenancies Act 1987. The building will also require



registration with the City of Port Phillip under the Public Health and Wellbeing Act 2008. The application was supported by a Management Plan which outlines procedure in relation to the following:

- Tenancy and employment checks
- Surveillance and maintenance
- Anti-graffiti measures
- Accommodation house rules
- Access and waste management systems, and
- Welcome packs and public transport information.

The management plan outlines measures designed to minimise the impact on the amenity of the surrounding residential neighbourhood. A full-time onsite manager is identified as being available to manage issues and general maintenance of the site.

7. SUBJECT SITE AND SURROUNDS

Description of Site and Surrounds	
Site Area	Approximately 1004 square metres.
Existing building & site conditions	<p>The site currently contains two buildings. The original 2 storey heritage graded building is located to the rear of a circa 1960's three storey apartment building. The buildings are connected along the eastern side of the heritage building.</p> <p>A 15 space car park is located to the rear of the site accessed off a lane to the west of the subject site. Additional car parking is located between the two buildings accessed from two crossovers, 1 off Alma Road and 1 off Charnwood Crescent.</p> <p>There is limited vegetation across the remainder of the site.</p>
Surrounds/neighbourhood character	<p>The surrounding area is predominately residential however the site is within 50 metres of land zoned mixed use and 100 metres of commercial zoned land along St Kilda Road.</p> <p>The site has three residential property abutments.</p> <p><u>North</u></p> <p>To the north of the subject site are No.15 and No.17-25 Charnwood Crescent. No.15 contains a single storey brick dwelling with a pitched tile roof. The sites rear private open space is located alongside the car park of the subject site and contains various trees and outbuildings. No.17-25 contains a heritage graded two storey apartment complex consisting of</p>



	<p>three buildings, known as Chandos Court. The sites communal car park is located along the shared boundary with the subject site.</p> <p><u>West</u></p> <p>To the west of the subject site is No. 38 Alma which contains a multi storey apartment building with a significant heritage grading. The site has a tall front fence and significant vegetation within the front setback and across the site.</p> <p>Habitable windows along the eastern elevation look onto the subject site. While vehicular access is available along the lane, the rear area of the site is used as secluded open space.</p> <p>To the northwest of the subject site is the abuttal with the lane that provides access to the rear car park.</p> <p><u>South</u></p> <p>To the south of the subject site on the opposite side of Alma Road there are a number of recently constructed multi storey mixed use developments and apartment buildings, including a large age care facility.</p> <p><u>East</u></p> <p>To the east of the subject site the land is generally developed with two and three storey dwellings and apartments constructed over various time periods.</p>
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8. PERMIT TRIGGERS

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

Zone or Overlay	Why is a permit required?
General Residential Zone – Schedule 1	<p><u>Use</u></p> <p>Pursuant to Clause 32.08-2, 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.</p> <p>Pursuant to Clause 52.23-2, any requirement in the General 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 in this instance as more than 9 bedrooms are proposed, the total floor area exceeds 300 square metres (excluding outbuildings) and more than 12 persons are proposed to be accommodated.</p> <p>As the exemptions are not met the use of the land as a rooming house is therefore a section two use and requires a permit within the General Residential Zone.</p> <p><u>Buildings and works.</u></p> <p>Clause 62.02-2 – (Buildings and works not requiring a permit unless specifically required by the planning scheme), states any requirement in this scheme relating to the construction of a building or the construction or carrying out of works, does not apply to;</p> <ul style="list-style-type: none"> • The internal rearrangement of a building or works provided the gross floor area of the building, or the size of the works, is not increased and the number of dwellings is not increased. <p>As the size of the building, nor the number of dwellings is increasing, a permit is not required for the proposed internal buildings and works.</p>
<p>Heritage Overlay - Schedule 6</p>	<p>Pursuant to Clause 43.01-1 a permit is required to:</p> <ul style="list-style-type: none"> • internally alter a building if the schedule to this overlay specifies the heritage place as one where internal alteration controls apply. <p>Schedule 6 does not specify that a permit is required for internal alterations.</p> <p>Therefore, no permit is required under the Heritage Overlay.</p>
<p>Clause 55 Two or more dwellings on a lot and</p>	<p>The provisions of this clause apply to an application to construct or extend a residential building. A rooming house sits within the definition of a residential building.</p> <p>As the proposed change of use relates to the use of an existing building and extension to the building is proposed,</p>



residential buildings	<p>the objectives and standards of Clause 55 are not technically relevant to this assessment.</p> <p>A limited review of the standards is included at 12.2.6 of this report.</p>
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9. PLANNING SCHEME PROVISIONS

9.1 Planning Policy Frameworks (PPF)

The following State Planning Policies are relevant to this application:

Clause 11.01 Victoria

Clause 11.01-1S Settlement

Clause 11.03-01 Activity Centres

Clause 16 Housing

Clause 16.01-1S Housing Supply

Clause 16.01-1L-01 Housing Diversity

Clause 16.01-1L-02 Location of Housing Development

Clause 16.01-2S Housing affordability

Clause 16.01-2L Affordable housing

9.2 Other relevant provisions

Clause 52.06 Car Parking

Clause 52.23 Rooming Houses

Clause 71.02-3 Integrated Decision Making

9.3 Relevant Planning Scheme Amendment/s

Amendment C203port was approved with changes by the Minister for Planning and was gazetted on 14 April 2023. There are no transitional arrangements in the adoption of C203port. The Planning Scheme Amendment is policy neutral in respect to the majority of the policy changes where it does not alter the meaning of policy previously in the Port Phillip Planning Scheme. Where it is not policy neutral, it introduces and gives effect to adopted Council strategies and plans, augments policy by filling a known policy gap and/or responds to a recommendation of the Port Phillip Planning Scheme Audit 2018.

10. REFERRALS

10.1 Internal referrals

The application was referred to the Council Heritage Advisor for comment.

Councils Heritage advisor does not object to the proposed works noting that the internal works do not trigger a permit under the Heritage Overlay.

The application was also referred to Councils Community Building and Inclusion department. The proposal was generally supported as it was noted that the type and standard of the rooms were superior to what is typically provided for private rooming houses in Port Phillip for the following reasons:



- They are generally of a good size and are fully self-contained, compared with traditional rooming houses with rooms and shared communal facilities.
- They offer privacy to the residents.
- They are being upgraded and based on the plans, appear to provide good amenity for the residents.

10.2 External referrals

The application was not required to be externally referred.

11. PUBLIC NOTIFICATION/OBJECTIONS

11.1 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 (146 letters) and directed that the applicant give notice of the proposal by posting 2 notice(s) on the site for a 14 day period, in accordance with Section 52 of the Planning and Environment Act 1987.

11.2 The application has received 36 objections. The key concerns raised are summarised below (officer comment will follow in italics where the concern will not be addressed in Section 9):

- There are already many rooming houses in St Kilda.
While it is recognised that there are several rooming houses within the local area, this is not a planning consideration. There are no controls contained within the Planning Scheme which seek to limit the number of rooming houses. The Planning Scheme recognises the need for diverse housing and supports the provision of Rooming Houses. This is also discussed under the assessment section below, against the relevant planning scheme policies.
- The site will be managed off-site, and the applicant does not reside nor is registered in Victoria.
The site will have a full-time manager as discussed below. It is not relevant to the assessment of the proposal where the permit applicant lives.
- The use will result in an increased in criminal and antisocial activities.
It is not possible to determine that the future residents will cause an increase in criminal or antisocial behaviour in the area. This is not a planning consideration. The appropriateness of the use of the site as a rooming is considered in the assessment section below.
- It is not certain that the site will be used as a rooming house.
This will be safeguarded through the use of permit conditions requiring the premise to only used for the purpose of a rooming house and not to be used as standard dwellings.
- The proposal removes permanent accommodation from the area.
The site has previously been used as an apartment building with the residents renting the apartment from a landowner. The proposal will continue to provide accommodation to tenants. It is considered that the proposed use of the site as a rooming house responds to a recognised demand for this typology of accommodation.



- The proposal will have an impact on affordable housing.

It is considered that the proposal provides a type of affordable housing by offering a range of suites orientated towards people facing financial stress. There is no way to determine the impact of the proposal on affordable housing more broadly however as noted above, it is considered that the proposed Rooming House use would serve an identified need in this location.

- The altruistic motivation is questionable, and it is more likely a money-making enterprise.

This is not a relevant planning consideration of the application and is an opinion. The assessment will focus of this appropriateness of the proposed land use in this location.

11.3 A consultation meeting was held on 13 November 2023. The meeting was attended by two Ward Councillors, applicants, 13 objectors and Council planning officers. The meeting did not result in any changes to the proposal.

11.4 It is considered that the objectors do not raise any matters of significant social effect under Section 60 (1B) of the Planning and Environment Act 1987.

12. OFFICER'S ASSESSMENT

12.1 Does the proposed use of the site for a rooming house have strategic support

The use of the land for the purpose of a Rooming House is strongly supported and encouraged through state and local planning policies contained within the Port Phillip Planning Scheme.

At 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. The proposal provides for a range of rooming house suites that vary in floor area and the number of bedrooms. Whilst it is acknowledged a number of the suites are relatively small, each suite is provided with a kitchen and private bathroom. The different suites will provide a diversity of options to residents with different needs.

Clause 16.01-2S (Housing Affordability) supports the delivery of more affordable housing that is closer to jobs, transport and services. The subject site is very well serviced by public transport, is in close proximity to multiple commercial centres as well as community services including Balaclava and Fitzroy Street Activity Centre.

Clause 02.03-5 (Housing) of Councils Strategic direction identifies that with increasing land values and housing costs and closure of private rooming houses and subdivision of rental flat, that home ownership and private renting are increasingly unaffordable. A greater supply of affordable and social housing is suggested as a solution to address priority local housing needs, including for the most disadvantaged and marginalised residents. The development of the site for 22 rooming house suites partly addresses this need by providing housing that will be suitable for residents seeking lower cost accommodation and for those with specific needs.

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.

12.2 Are the impacts of the intensification of the residential use acceptable?

The following addresses the potential amenity impacts as a result of the proposed use of the land as a rooming house.

12.2.1 Noise and resident behaviour

While it is recognised that any intensification of the number of residents residing at a property could result in an increase in the noise generated by that use, it is considered that any noise would be largely typical of a residential land use that is expected in residentially zoned land. While the proposal introduces 22 self-contained suites (total 26 Rooms), the previous use of the site consisted of 12 Apartments with a total of 21 rooms. The increase in the number of rooms is not considered significant and the building is typical in scale to numerous other apartment buildings in the area.

The application is supported by a site management plan which, while not required by the planning scheme, offers measures that can be adopted at the site to limit and manage noise complaints should they occur. The management plan includes a range of accommodation house rules that tenants must agree to as part of their residential agreement .

A full-time site manager is identified in management plans however it is not made clear that they will be residing at the property at all times. At the consultation meeting the applicant confirmed that the manager will be residing at the site. A condition included in the officer's recommendation will require that the plans are amended to show the provision of the manager's accommodation. The condition will also require the location of the manager's office to be shown. It is likely that this will reduce the number of rooming suites.

12.2.2 Car parking and bicycle parking

The car park at the rear of the site contains more than the required car parking provision as required by Clause 52.06 (Car Parking) of the Planning Scheme. Pursuant to Clause 52.06-5, a rooming house requires 1 car space for each four bedrooms. With a total of 26 bedrooms across the 1 and 2-bedroom suites, the site requires a total of 6 spaces. 15 spaces are provided with 12 spaces in the rear car park accessed off the lane to the west of the site and 3 spaces are provided within the area between the two buildings. Car spaces are accessed off Charnwood Crescent and from the laneway accessible from Alma Road.

Overall, it is considered that the car parking arrangements are appropriate. The reduced rate required for rooming houses points to the expectation that occupants of Rooming houses typically have a lower rate of car ownership. The proximity of various modes of public transport also supports residents not requiring private cars notably Trams on Chapel Street 450m to the east and on St Kilda Road 150m to the west. There are also bus routes on Alma Road.



There is no provision of bicycle spaces required by the planning scheme under Clause 52.34, however the application indicates that a minimum of 5 spaces will be provided for residents and visitors. A condition is included in the officer recommendation that requires the plans to be amended to show the locations of these Spaces that is demonstrated as secure and undercover.

12.2.3 Waste management

An appropriate waste management plan has been submitted with the application which identifies the amount of waste likely to be generated and the numbers of bins required for collection. The plan identifies that collection will be undertaken by Council. Bins have been provided for all garbage, recycling and FOGO bins. Additional detail is provided in relation to other forms of waste such as e-waste and hard rubbish collect.

Bin storage has been shown on the site plans with the bins along the southwestern boundary of the site. The bins will be located behind the existing hedge along Alma Road and will not be visible from the street. The bins are readily accessible and will also easily be able to be moved to the Charnwood Street reserve for collection. Waste management procedures are included in the site management plan and will be explained to all future residents.

The waste management plan identifies that the residents of the Rooming House will be responsible for the transportation of the bins from the storage space to the collections point. It is considered that it would be more appropriate for the site manager to move the bins to avoid bins being missed. A condition is included in the officer's recommendation that requires that the WMP is updated in this regard.

12.2.4 Number of residents

While the application documentation did not provide a maximum number of patrons, after the Consultation meeting the applicant determined that 50 residents would be requested. This is calculated on 1 person to each single bed suite, 2 persons per each single suite with a double bed and 4 persons per each two-bedroom suite.

Given the range of people with different needs who may reside at the site, it is considered appropriate to allow this number of residents (50). The officer's recommendation will limit the maximum number of residents by condition of permit and will be required to be included in the site management plan. A register of the numbers of residents residing at the Rooming House will also be required to be provided to Council upon request.

12.2.5 Impact on neighbourhood character

The proposed change of use at the site will require a range of internal alterations to the existing floor plans of each level of both buildings. No external alterations are required, and the appearance of the building will not change as a result of this proposal.

Planning permit PDVP/00231/2022 approved the external painting of the building pursuant to the Heritage Overlay controls.

12.2.6 Clause 55 Considerations



While Clause 55 relates to Residential Buildings, the majority of the objectives and standards are more relevant to the construction of new buildings or extension to existing facilities. This proposal seeks to use an existing apartment complex with changes to the layout of the buildings. There are no extensions proposed and the internal works are exempt from requiring a permit under Clause 62.02-2.

An assessment of the relevant objectives is included below:

Amenity impacts

Considerations related to building form amenity impacts are not relevant to the proposal as no external works are proposed. The existing buildings are maintained, and any off-site amenity impacts are existing conditions.

Clause 55.04-8 'Noise impacts objective' aims to contain noise sources in developments that may affect existing dwellings and protect residents from external noise. It is considered that the use of the land as a rooming house will not result in any noise that is not typical of what can be expected from a residential land use in a residential zone area.

On-site amenity and facilities

It is considered that the development can be readily made accessible for people with limited mobility in accordance with the accessibility objectives of Clause 55.05-1. There are suites at ground floor level that have a kitchen and bathroom.

Any compliance in relation to disability access will be required to be considered under the building regulations through the building permit process.

The suites will continue to have access to daylight similar to the previous apartment buildings. Private open space has not been identified however the buildings are sited on a large site with a significant amount of communal open space. A condition is included within the officers recommendation to provide amended plans which nominate the areas of communal open space across the site. The use of the outdoor areas will be consistent with how the site was previously used. Due to the small area of the suites and the nature of the use as a rooming house, it is considered that the provision of storage is not required to meet the standard area of 6 cubic metres.

Detailed design

The objectives related to detailed design are not considered relevant given the reused of an existing building.

Apartment developments

Clause 55.07 relates to the use of the land for an apartment. While the site has previously been used as an apartment building, the proposal intends to change the use to a Rooming House. A condition will be included in the officers recommendation which restricts the use of the land to that of a Rooming house.

It is considered that the objectives of this clause are not relevant to this proposal. Should an application be made to use the site as apartments as has been previously done, an assessment of these objectives would be required.

12.2.7 Characterisation of the use.



A number of objectors expressed concern with the manner in which the site will be used and whether it could be considered to be a motel or other form of accommodation. The application and all supporting documentation relates to the use as a Rooming House. The planning scheme defines a Rooming House at Clause 73.03 (Land Use Terms) as being Land used for a rooming house as defined in the Residential Tenancies Act 1997. The Residential Tenancies Act 1997 defines a rooming house as “a building, other than a SDA Enrolled Dwelling, in which there is one or more rooms available for occupancy on payment of rent –

- a) In which the total number of people who may occupy those rooms is not less than 4; or
- b) In respect of which a declaration under section 19(2) or (3) is in force.

The application meets the criteria above in that the rooms are available for rent and there are more than 4 people who will occupy the rooms.

As a permit contains in the permit description the classification of the approved land use, the use of that land is controlled by the permit. Should the permit holder wish to change the nature of the use an amendment to the permit or a new planning permit would be required and would be assessed on its merits.

A condition will be included in the Officer Recommendation which will require that the use of the land must only be as a Rooming House and not dwellings in accordance with the requirements of the Residential Tenancies Act 1997.

13. COVENANTS

- 13.1 The applicant has completed a restrictive covenant declaration form declaring that there is no restrictive covenant on the titles for the subject site known as Lot 1 of Title Plan 384890D [Parent Title Volume 00729 Folio 709].

14. CONCLUSION

- 14.1 Clause 71.02-3 (Integrated Decision Making) 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.
- 14.2 This application is a change of use application seeking to change two (connected) apartment buildings into 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.
- 14.3 Had the proposed floor area have not exceeded 300 square metres, had no greater than 12 persons accommodated and no more than 9 bedrooms proposed, a permit for the use would not be required.
- 14.4 The proposal is considered to have strong strategic support from the Planning Scheme and would support low-income accommodation which aligns with Council's In Our Backyard- Growing Affordable Housing in Port Phillip 2015-2025.



- 14.5 The proposal would achieve the purpose of the zone by way of providing diverse housing accommodation.
- 14.6 The proposal is appropriate within the context of the residential zoning of the land and a 15-minute walk to the Carlisle Street and St Kilda Major Activity Centres, together with public transport, walking and cycling options within the municipality.
- 14.7 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.
- 14.8 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).
- 14.9 Carparking rates are sufficient and compliant with the requirements of the planning scheme.
- 14.10 Subject to the assessment in this report, the proposal is recommended for approval subject to conditions.

15. OFFICER DIRECT OR INDIRECT INTEREST

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

16. OPTIONS

- 16.1 Approve as recommended
- 16.2 Approve with changed or additional conditions
- 16.3 Refuse - on key issues

- ATTACHMENTS**
- 1. [Site Plans](#)
 - 2. [Management Plans](#)
 - 3. [Zoning Map](#)