



**6.3** **5 PRENTICE STREET, ST KILDA EAST**

**LOCATION/ADDRESS:** **5 PRENTICE STREET, ST KILDA EAST**

**EXECUTIVE MEMBER:** **LILI ROSIC, GENERAL MANAGER, CITY STRATEGY AND SUSTAINABLE DEVELOPMENT**

**PREPARED BY:** **ANGUS BEVAN, PRINCIPAL PLANNER**

**1. PURPOSE**

- 1.1 To consider and determine Planning Permit Application P1164/2014/B to amend existing Planning permit P1164/2014/A under Section 72 of the *Planning and Environment Act 1987* to make amendments to the plans to allow for the addition of a third bedroom to Unit 1 and Unit 2 at 5 Prentice Street, St Kilda East with a reduction of one car parking space to each unit.

**2. EXECUTIVE SUMMARY**

<b>WARD:</b>	Canal
<b>TRIGGER FOR DETERMINATION BY COMMITTEE:</b>	More than 15 Objectors
<b>APPLICATION NO:</b>	1164/2014/B
<b>APPLICANT:</b>	S Kaufman
<b>EXISTING USE:</b>	Residential
<b>ABUTTING USES:</b>	Residential
<b>ZONING:</b>	General Residential Zone Schedule 1
<b>OVERLAYS:</b>	Not Applicable
<b>STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL</b>	Expired

- 2.1 The current application that is the subject of this report relates to an application to amend existing Planning Permit 1164/2014/A under Section 72 of the *Planning and Environment Act 1987*.
- 2.2 The existing permit allows for the development of the land for the purpose of two double storey, two-bedroom dwellings and front fencing. Each dwelling has a separate street frontage with one fronting Prentice Street and the other fronting Leslie Street.
- 2.3 Both dwellings are currently provided with one off street car parking space. The car space allocated to Unit 1 is accessible via Prentice Street whereas the car space allocated to Unit 2 is accessible via Leslie Street.



- 2.4 It is proposed to undertake internal alterations to increase the number of bedrooms to three for each dwelling (a total of two dwellings). There are no external works proposed to the approved building which includes no new windows or openings.
- 2.5 The application has received 20 objections citing concerns predominantly relating to the car parking reduction and its impact on the performance and safety of Prentice and Leslie Streets.
- 2.6 The internal alterations require consideration of overlooking as well as triggering a permit requirement for a reduction in car parking requirements for a total of two parking spaces.
- 2.7 The proposed internal alterations and the reduction in parking requirement is supported on the basis of compliance with the relevant matters of Clause 55, the availability of on-street parking within the area of the site and the contextual location of the site.
- 2.8 It is recommended that Council issue a Notice of Decision to Amend the Permit.



**3. RECOMMENDATION A**

3.1 That the Planning Committee adopt Recommendation “Part A” and “Part B”, that:

- A. The Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Decision to Grant an Amended Permit.
- B. Authorise the Manager City Development to instruct Council’s Statutory Planners and/or Council’s Solicitors on the VCAT application for review.

**RECOMMENDATION “PART A”**

3.2 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 an Amended Permit to develop the land for the purpose of two double storey dwellings and front fencing and a reduction in parking requirements at 5 Prentice Street, St Kilda East with the following amendments:

**Amended Preamble**

*Develop the land for the purpose of two double storey dwellings and front fencing and a reduction in parking requirements*

**New or Amended Conditions:**

Nil

**Amendment Plans**

*First Floor Plan (rev C) – reconfiguration of layout to provide for an additional bedroom.*

**RECOMMENDATION “PART B”**

3.3 Authorise the Manager City Development to instruct Council’s Statutory Planners and/or Council’s Solicitors on the VCAT application for review.

**4. RELEVANT BACKGROUND**

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

Application No.	Proposal	Decision	Date of Decision
312/2014	Development of the land for the purpose of three double storey dwellings Discussed further below	Refused Appealed to VCAT Refused by VCAT	13 August 2015
1164/2014	To develop the land for the purpose of two double storey dwellings and front fencing	Permit Issued	3 August 2015
1164/2014/A	Amend plans to alter the first floor envelope associated with Dwelling 2.	Permit Issued	20 February 2017



1164/2014/A Secondary Consent	Fitment of one highlight window to southern wall on Unit 2, Bed 2 located on first floor	Approved	8 July 2019
-------------------------------------	--	----------	-------------

- 4.1 The expiry provision of the permit was extended on 7 July 2017. The permit would have expired on 3 August 2018 if works had not commenced. The site has since been developed in accordance with the endorsed plans under 1164/2014/A.
- 4.2 Council received an application to construct three double storey dwellings on the land at 5 Prentice Street in early 2014.
- 4.3 The applicant sought review of the application ***P312/2014 Kaufman v Port Phillip CC [2015] VCAT 1280 (13 August 2015)*** due to the failure of Port Phillip City Council to determine the application within the prescribed time.
- 4.4 Council submitted to the Tribunal that it would have sought to issue a Notice of Refusal with the following grounds:
  - Failure to respect neighbourhood character.
  - Inconsistency with land use policy.
  - Failure to satisfy relevant standards and objectives of ResCode at Clause 55.
- 4.5 On review of the proposal against the pertinent matters of local housing policy, neighbourhood character, and residential amenity, the Tribunal upheld Council’s decision and determined that no permit should be granted.
- 4.6 The Tribunal’s reasons for refusal did not include discussion of parking-related matters.
- 4.7 As the current Section 72 Application seeks to amend a currently approved development with no change to the external building envelope the previous Tribunal hearing is of limited relevance to the subject application.

**5. PROPOSAL**

- 5.1 The proposal seeks to amend Planning Permit 1164/2014/A to facilitate the addition of a third bedroom to both dwellings and subsequently seek a reduction of the parking requirement by one car parking space per dwelling (a total of two parking spaces waived).
- 5.2 More specifically the proposal does not seek to make any external changes to the currently approved building envelope or any windows located in any elevation, rather it seeks to partition the existing first-floor Bedroom 2 area (including walk-in-robe) into two separate bedrooms (without walk-in-robos).
- 5.3 The new bedrooms will be accessible via the unchanged hallway and will include built-in-wardrobes in the dividing wall between rooms.
- 5.4 Each bedroom will be approximately 3.5m by 3.6m including built-in-wardrobe.
- 5.5 The existing northern and southern-facing windows that will provide light to each bedroom will remain unchanged at a sill height of 1.7m above Finished Floor Level.



- 5.6 Both existing off street car parking spaces would be retained (one per dwelling per frontage).
- 5.7 The amendment would require an updated planning permit preamble to include reference to the car parking reduction.
- 5.8 The amendment does not require any amendments to any permit condition and would remain consistent with their requirements.
- 5.9 This application has not been made as a result of enforcement action.

**6. SUBJECT SITE AND SURROUNDS**

Description of Site and Surrounds	
Site Area	279sqm
Existing building & site conditions	<p>The subject site is currently under construction pursuant to Planning Permit 1164/2014.</p> <p>This permit has been acted upon and the development approved under the permit has been constructed.</p> <p>The currently constructed development provides for two dwellings each with interdependent frontages to Prentice Street and Leslie Street. Vehicular access is provided at each respective dwellings frontage.</p> <p>See Figure 1 below.</p>
Abutting/Adjacent Properties	<p>The site interfaces with Prentice Street to the east and Leslie Street to the west. Adjacent properties include 3 and 7 Prentice Street.</p> <p><b>3 Prentice Street</b></p> <p>This property is to the north of the subject site and accommodates a single storey Victorian cottage constructed of timber and galvanised iron.</p> <p>This building is setback approximately 3.9m from the street and approximately 1m from the shared title boundary.</p> <p>Pedestrian access to the building is provided via Prentice Street with vehicle access via Leslie Street. A garage/carport is constructed to Leslie Street.</p> <p>Several south-facing habitable room windows face the subject site.</p> <p><b>7 Prentice Street</b></p> <p>This property is to the south of the subject site and accommodates a single storey dwelling constructed of timber and metal roof (appears colorbond).</p>



	<p>This building is setback 3.6m from the street and approximately 1.2m from the shared title boundary.</p> <p>Pedestrian access to the building is provided via Prentice Street with vehicle access via Leslie Street. A garage/carport is constructed to Leslie Street.</p>
<p>Surrounds/neighbourhood character</p>	<p>The site is located within the Prentice Street cul-de-sac accessible via Inkerman Street.</p> <p>In terms of built form this portion of the street comprises a number of single and double storey dwellings and features an eclectic mix of traditional and contemporary architectural styles. Contemporary redevelopment is present within the street alongside more modern extensions to existing dwellings.</p> <p>Roof forms vary with hipped and flat roofs within the streetscape. Pitches vary between hipped roof forms.</p> <p>Front setbacks are typically small and vary between 3-10m. Side setbacks are typically minimal and vary from 0-2m.</p> <p>Fencing is typically medium to tall in height and varies in materiality.</p> <p>Materiality is varied and includes timber, masonry, and metallic finishes with both corrugated metal and tiled roofing.</p> <p>Vehicle access is common within Prentice Street however not all dwellings require them due to the double-frontages of lots within this area.</p> <p>Prentice Street has a limited amount of established streetscape vegetation and a limited amount of private landscaping.</p> <p>The subject site is proximate to commercial centres, services, community facilities and infrastructure, including:</p> <ul style="list-style-type: none"> <li>● Inkerman Street neighbourhood centre (approx. 150m south);</li> <li>● Carlisle Street Major Activity Centre (approx. 600m south);</li> <li>● Train services accessible at Balaclava Station (approx. 630m south-west);</li> <li>● Tram services available along Carlisle Street (approx. 550m south);</li> </ul>

	<ul style="list-style-type: none"><li>• Bus services accessible Along Hotham Road (approx. 250m south-east);</li><li>• Dedicated cycling infrastructure available at Carlisle Street (550m south), Alma Road (approx. 250m north) and St Kilda Road (1100m west);</li><li>• Alma Park East and West (approx. 350m north-west); and</li><li>• Hewison Reserve (approx. 200m south).</li></ul>
--	--

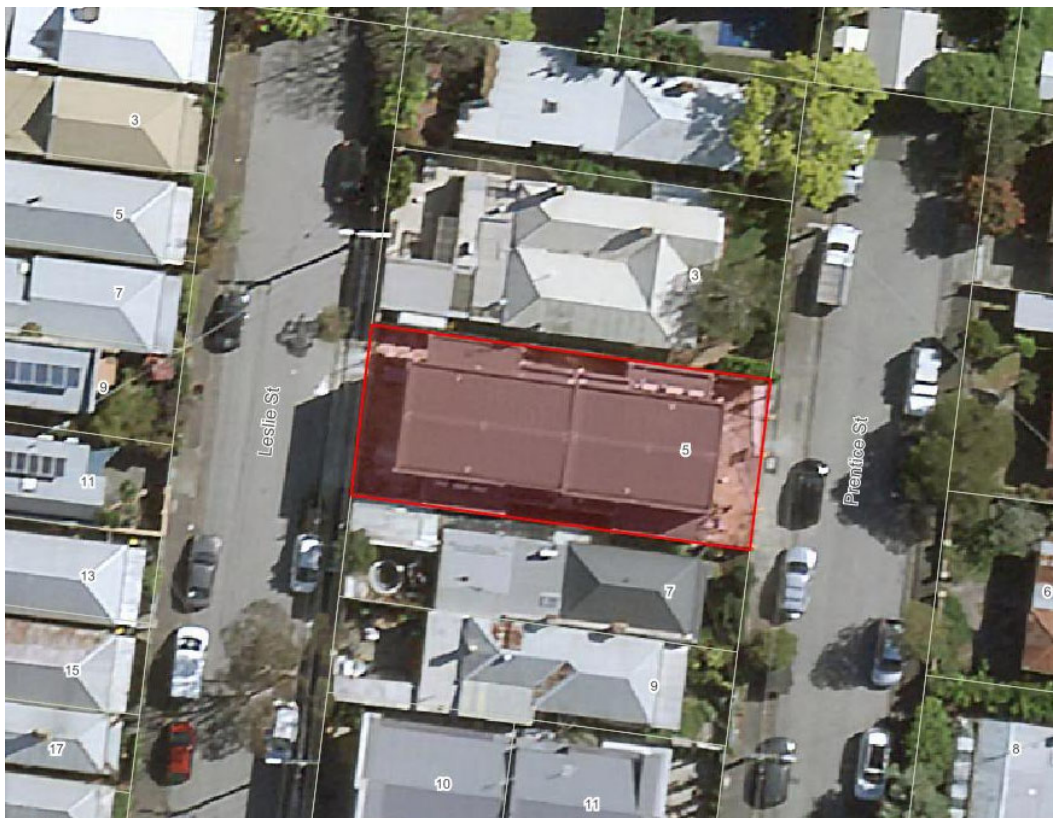


Figure 1 – City of Port Phillip Aerial imagery of subject site (October 2019).



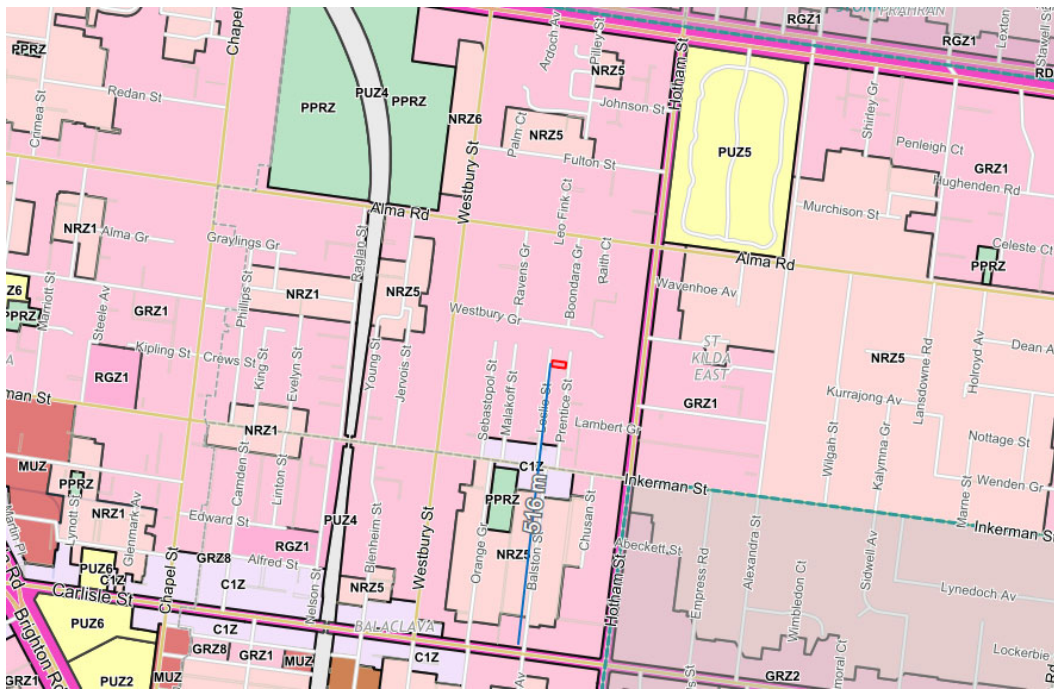


Figure 2 – Zoning context of site including distance to Carlisle Street Major Activity Centre.





Figure 3 – Parking controls in local area (noting absence of parking controls for substantial portion of both Prentice Street and Leslie Street. Note small Permit Zone (PZ) at southern end of Leslie Street.

**Legend**

- PZ (Pink) – Permit Zone
- LZ (Yellow) – Loading Zone
- 1P (Green) – One Hour Restriction
- Red – No Parking Permitted

**7. PERMIT TRIGGERS**

- 7.1 The application for an amended permit is made subject to the provisions of Section 72 of the Planning and Environment Act 1987.
- 7.2 The Victorian planning system recognises that a permit holder’s intentions may change over time. Rather than requiring a new permit to be made every time a change is proposed; Section 72 of the Planning and Environment Act allows applicants to apply to the responsible authority for an amendment to a permit.
- 7.3 An application to amend a permit under Section 72, including any plans, drawings or other documents approved under a permit, follows the same process as an application for a permit. It has the same requirements for giving notice and referral. However, the assessment for an application to amend a permit applies only to the amendment itself and does not reopen issues associated with the existing permit.



7.4 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	<ul style="list-style-type: none"> <li>• A permit is required to construct two or more dwellings on a lot. A development requiring a permit under this provision must also meet the requirements of Clause 55.</li> <li>• A permit is required to construct a front fence within 3 metres of a street if the fence is associated with two or more dwellings on a lot.</li> <li>• No minimum garden area is required for lots less than 400sqm in area.</li> <li>• A building used as a dwelling cannot exceed 11 metres and contain more than 3 storeys at any point. The dwelling has been constructed to a maximum height of 6.3m and contains two storeys which complies with this requirement.</li> </ul>

**8. PLANNING SCHEME PROVISIONS**

**8.1 Planning Policy Frameworks (PPF)**

The following State Planning Policies are relevant to this application:

- Clause 16          Housing
- Clause 18          Transport
- Clause 21.04      Land Use
- Clause 21.05      Built Form
- Clause 21.06      Neighbourhoods, including
  - Clause 21.06-1    East St Kilda and Balaclava

**8.2 Other relevant provisions**

Clause 52.06      Car Parking.

Clause 52.06 applies to an increase to an existing use by the measure specified in Table 1 in Clause 52.06-5. Pursuant to Clause 52.06-3 a permit is required to reduce the number of car parking spaces required under Clause 52.06-5.

The site is located within the Principal Public Transport Network Area and as such Column B rates of Clause 52.06-5 apply.

Clause 52.06-5 requires a total of two parking spaces to each three or more bedroom dwelling. In this instance a total of four parking spaces are required pursuant to Clause 52.06-5.

The applicant seeks to provide (retain) two parking spaces and subsequently requires a permit under Clause 52.06-3 to reduce the number of car parking spaces required under Clause 52.06-5.



Clause 55 Two or More Dwellings on a Lot (ResCode)

Clause 55 requires consideration under the permit requirement for buildings and works associated with two or more dwellings on a lot pursuant to Clause 32.08-5 of the General Residential Zone.

The considerations under ResCode are discussed later in this report.

## 9. REFERRALS

### 9.1 Internal referrals

The application was referred to the following areas of Council for comment. The comments are discussed in detail in Section 9.

#### Transport Safety Engineer

*The amendment refers to the addition of a third bedroom to Unit 1 and 2.*

- *Typical residential developments generate a daily traffic rate of between 4-7 vehicle movements per dwelling, with peak hour rates 10% of daily volumes. Based on these rates, traffic generation will be in the order of 20 vehicle movements a day and 2 vehicle movements during the peak hours.*
- *Overall the expected traffic generation of the proposed development is expected to have a negligible impact on surrounding local streets and intersections.*
- *Clause 52.06 of the planning scheme requires 4 off-street parking spaces to be provided for the proposed land uses, 2 for each dwelling.*
- *The applicant is seeking a waiver in car parking provisions and proposes to provide 2 off street car parking spaces, 1 for each dwelling.*
- *Given the above, the proposed development results in a shortfall of 1 off-street parking space.*

*The assessment for the appropriate rate for car parking provisions lies with Statutory Planning. Reference should be made to CoPPs Sustainable Parking Policy.*

Additional comments were provided by Council's Transport Safety Engineer following the receipt of an addendum Traffic Report by Auswide Consulting dated February 2020 and a subsequent peer review of the report by TTM Consulting as summarised below:

*According to Council records there has been only one investigation into changing parking restrictions in these [Leslie and Prentice Streets] streets. In 2011, residents requested "1P 8am-6pm & Permit Zone All Other Times" restrictions along the west side of Leslie Street.*

*Council officers assessed the request and deemed that an overnight 'Permit Zone' restriction was not appropriate based on observed parking levels and negative implications to surrounding streets. A revised parking change proposal was presented to remove the existing "Permit Zone" outside 41-57 Leslie Street and install "1P 8am-6pm Monday-Saturday" restrictions along the west side of Leslie Street.*



*The consultation results indicated the majority of respondents opposed the proposal. There was a mix of responses with some seeking more stringent restrictions and others wanting no restrictions. In view of this, the proposal was abandoned’.*

*We have compared the results of area-wide parking surveys undertaken in July 2016 with the parking data provided by Auswide Consulting and TTM Consulting.*

*Based on the results above, it can be inferred that:*

- *Parking levels have generally increased in both streets between 2016 and 2020.*
- *The peak parking demand occurs overnight.*
- *Based on the 2020 data, I am satisfied to conclude that at least 7 unrestricted spaces are available in Leslie Street, and 10 unrestricted spaces are available in Prentice Street at any one time. This represents a maximum parking occupancy of 84% and 82% in Leslie Street and Prentice Street respectively.*

*I am satisfied with the peer review prepared by TTM Consulting on 26 February 2020. The following comments are provided to support their findings:*

- *Council officers agree that the site location and ABS car ownership data for the area may support a partial waiver of parking for this site.*
- *As per Council’s Parking Management Policy 2020, the parking availability target in residential areas is for at least one in 10 spaces to be available across the day. Parking change is not immediately warranted in Leslie Street and Prentice Streets as the parking availability exceeds this figure.*
- *A demonstration of community support is required in the form of a jointly signed letter to initiate a review of parking restrictions in a street, as per Council officer procedures.*
- *Resident and Visitor Parking Permits are not available to residential properties built after 1 October 2002 that have increased the number of properties on a block and all residential properties on a subdivided property where the subdivision has taken place after 1 October 2002.*

**Planning Officer response:**

The proposal seeks to make internal changes to the dwelling that induce a requirement for a parking reduction under Clause 52.06. It does not seek to make alterations to the broader access configuration to the currently approved single-space carports accessible via Prentice Street and Leslie Street.

As the access arrangements are not proposed to be altered and are currently approved these cannot be considered as part of this application.

Council’s traffic engineers have provided a peer review of the three parking studies provided by the applicant and generally confirm their accuracy and provide support for their findings.

Council’s traffic engineers have recognised that the assessment for the appropriateness of any parking reduction sought rests with Council’s Statutory Planning department.



This reduction is discussed in greater detail in Section 11 of this report.

## 9.2 External referrals

The application was not required to be externally referred.

## 10. PUBLIC NOTIFICATION/OBJECTIONS

10.1 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 (15 letters) and directed that the applicant give notice of the proposal by posting two notice(s) on the site for a 14 day period, in accordance with Section 52 of the Planning and Environment Act 1987.

10.2 The application has received 20 objections from various addresses both within Prentice and Leslie Streets and elsewhere. The key concerns raised are summarised below in italics (officer comment will follow after each ground):

- *Object to the waiver of parking spaces as on-street parking is limited;*

Addressed in Section 11

- *Traffic accidents and property damage due to width of street;*

Traffic accidents do not generally form part of an assessment for a parking waiver as minor accidents relating to a tight street can occur anywhere in the municipality. Any accidents or property damage are a result of driver negligence / other mitigating factors as opposed to a parking waiver.

- *Precedent set for other developments within street;*

Any future development will be assessed independently and on its own merits. An approved parking reduction does not set a precedent that affords future developments parking reductions.

- *Parking demand assessment is incorrect as it does not recognise parking restrictions (permit zones);*

Addressed in Section 11. The permit application has provided a revised traffic study to supplement the original parking demand assessment. Council's traffic engineers have confirmed the accuracy of these reports and support their findings.

- *Cul-de-sac inappropriate location for multi-dwelling development of this scale;*

Cul-de-sac locations are taken into consideration when assessing a proposal. There is no evidence to suggest that this particular cul-de-sac is inappropriate for multi-dwelling development which is further evidenced by the existing approval.

- *Three bedroom households not required in Port Phillip (preference is for smaller dwellings);*

Council's strategic policies envisage an increase in population, an increase in demand for accommodation and encourage a diverse range of housing types.

- *Size of vehicles is increasing which places more pressure on on-street car parking spaces;*



There is no evidence to suggest that the size of vehicles is increasing to the extent that that this will negatively impact Prentice or Leslie Streets.

- *Dwellings with no off-street parking rely on on-street car parking*

This is partly due to the age of some of the dwellings within Prentice and Leslie Street. It should be recognised that a large part of Prentice and Leslie Street do not have any on-street parking limitations such as permit zones or timed parking. On-street parking is a public asset that can be used by the community at any time. There is no ownership of these spaces to any particular dwelling regardless of the provision of on-street parking. Older dwellings with no on-street parking benefit from being able to be granted parking permits. Should there be a need to have permit zones within the Street this would be a matter that would be required to be discussed with Council's Traffic Safety Engineers outside of the planning process. As noted by Council's traffic engineers *A demonstration of community support is required in the form of a jointly signed letter to initiate a review of parking restrictions in a street, as per Council officer procedures*'.

- *Cars parking across driveways*

Planning cannot control the ability to park illegally. Parking across a driveway is an enforceable offence and would be required to be taken up with the relevant authority when it occurs.

- *Inconsistency with previous VCAT hearing*

The previous VCAT hearing was for three double storey dwellings that did not require a planning permit for a parking dispensation. The VCAT application is materially different than this application as approval has already been provided for two double storey dwellings. The relevance of this hearing is limited as it does not detail parking related issues.

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

10.4 The application has received 6 letters of support from a number of addresses within Prentice and Leslie Streets. The key matters for support are summarised below:

- No noticeable parking issues within Prentice or Leslie Street and would not expect the dispensation to adversely impact on parking availability;
- The proposal is a good reflection of the changing qualities of characteristics of the neighbourhood which is well supported by public transport.

## 11. OFFICER'S ASSESSMENT

### 11.1 Local Policy

The assessment seeks approval for an increase in the number of bedrooms for each dwelling and a subsequent reduction in car parking requirements.

The currently approved and constructed built form is not proposed to change with the exception of internal changes.





Noting this, the assessment of the application cannot consider the built form outcomes in terms of off-site amenity impact (overshadowing, visual bulk, etc), character, or urban design outcomes.

The intensification of the two dwellings by one bedroom each has limited impacts on the broader land use or settlement objectives for the St Kilda East.

The Planning Policy Framework however does encourage increased residential density in areas that are appropriately serviced by public transport and activity centres through Clauses 16.01-1S (Integrated Housing), 16.01-2S (Location of Residential Development), 21.04-1 (Housing and Accommodation), 18.01-2S (Transport System), and 18.02-2R (Principal Public Transport Network).

As discussed earlier in this report at Section 7 the site is located in an area that is well serviced by public transport through train services at Balaclava Station, tram services along Carlisle Street, and bus services along Hotham Road, all of which are located within a walkable distance (being a maximum distance of 630m) south-west of the site.

Further, the site is located within a walkable distance to two activity centres of varying scale and role being the Inkerman Street neighbourhood centre and the Carlisle Street major activity centre being a maximum distance of 600m south of the site.

A network of cycling infrastructure is also located to the north (Alma Road), south (Carlisle Street), and west (St Kilda Road) further improving the transport options for future residents.

It follows that the subject site is considered to be located in a well serviced location that can facilitate increased residential density as per the Planning Policy Framework outlined above. The intensification of each dwelling by one extra bedroom each (for a total increase of two bedrooms across the development) is considered acceptable with respect to the Planning Policy Framework subject to the resolution of more technical matters relating to Clause 55 (ResCode) and car parking as detailed over the following assessment.

It is also recognised that the development approved under the permit (not as proposed) has been fully constructed in accordance with the current permit. The proposed works would require only minor changes to internal partitioning walls.

### **11.2 Amenity – Clause 55 (Rescode)**

The application does not seek to alter the current building envelope which therefore limits the extent of consideration Council has with respect to the objectives and standards of Clause 55.

The amendment would result in two existing non-habitable room windows associated with the first-floor southern facing windows to the walk-in-robe now being categorised as habitable room windows.

This requires consideration of the proposal against Clause 55.04-6 – Overlooking.

The objective of Clause 55.04-6 seeks to *'limit views into existing secluded private open space and habitable room windows'*.



One way a habitable room window can comply with Standard A15 of Clause 55.04-6 is if it constructed with a sill height of 1.7m above the finished floor level. This arrangement is considered to adequately limit overlooking possible between two properties.

The two southern-facing first-floor windows associated with the two proposed bedrooms are currently constructed with sill heights of 1.7m above the internal finished floor level.

This arrangement satisfies Standard A15 and the objective of Clause 55.04-6 which is therefore considered acceptable in restricting overlooking potential between the subject site and the dwelling immediately to the south.

As no other elements of the currently approved development are proposed to be altered the proposed amendment would therefore be consistent with the Objectives and Standards of Clause 55.

The proposed amendment is therefore not considered to have an unreasonable impact on the existing amenity of its neighbours.

### **11.3 Traffic and Parking**

The proposed amendment would increase the overall number of bedrooms for the development to six (three per dwelling).

Pursuant to Clause 52.06 this requires a total of four parking spaces to be provided on the land.

A total of two parking spaces are currently provided on the land (one to each dwelling). At the time of the original application this satisfied Clause 52.06 and did not require a permit under this provision.

The current parking arrangement of one on-site car parking space to each dwelling is not proposed to be altered. The site also continues to be located within the Principal Public Transport Network Area.

Therefore, the proposed amendment requires a permit for the reduction of the parking requirements under Clause 52.06 for a total of two spaces.

Pursuant to Clause 52.06-7 an application that seeks to reduce the number of car parking spaces required under Clause 52.06-5 must prepare and submit a Car Parking Demand Assessment in order to determine the appropriateness of the reduction.

The permit applicant has submitted a total of three parking reports in conjunction with this application. The initial report, prepared by Auswide Consulting (dated December 2019) was submitted in conjunction with the proposal. An addendum was later provided by Auswide Consulting dated February 2020, which was later peer reviewed by TTM Consulting via letter dated February 2020. These reports have been subsequently reviewed by Council's traffic engineers who have confirmed their accuracy and provided support for their findings.

The initial Auswide Consulting December 2019 report undertook parking studies within a 250m radius of the site on various dates and times in December 2019 which were outside the holiday period.



The February supplementary Auswide study identified that there was a significant number of vacant parking spaces (between 105-233) within 250m walking distance of the site during what they considered to be 'peak times'. This translates to a parking demand of approximately 50-65% for on-street parking spaces and suggests that the proposed dispensation of two parking spaces could be accommodated within the proximity of the site.

Through the process of the application numerous objections were received on the accuracy of the study specifically with respect to what was considered 'peak' parking demand time.

In response to these objections the applicant engaged TTM to further assess the application and provide a peer review the car parking demand prepared by Auswide Consulting.

The TTM report acknowledges:

*'...the timing of their surveys [referring to Auswide Consulting February survey] didn't really coincide with the expected peak demand periods which would be midweek overnight for these predominantly residential streets'.*

Subsequently, TTM undertook additional parking surveys on Tuesday 11 February 2020 between 8.30pm through 10pm. This additional survey concluded there to be a total of 14 available parking spaces clear of driveways in Prentice Street and 11 (four of which are permit area parks) available parking spaces clear of driveways in Leslie Street.

TTM conclude:

*'In summary, at 10:00pm when it could be expected that most residents would be home for the night, there were fourteen spaces available in Prentice Street and seven unrestricted spaces available in Leslie Street. It is worth noting that most available parking in both streets was at the northern ends.*

TTM also investigated car ownership through 2016 Census data and recognise that within Postcode area 3183 the average car ownership for three-bedroom dwellings was 1.47 vehicles per dwelling.

The two studies submitted by the applicant represent a considerable undertaking that qualifies the proposal above and beyond what is considered typical for most applications. The studies, when reviewed in tandem, provide surveys across a various range of times and dates and are considered to represent an accurate depiction of the number of car parking spaces available within the area of the site. Furthermore, Council's traffic engineers have reviewed the reports provided by the applicant and have confirmed their accuracy and provided support for their findings.

Based on these two studies it would therefore be considered that there is sufficient on-street car parking available to residents within Prentice Street and Leslie Street during peak times. Council's traffic engineers have further noted *'based on the 2020 data, I am satisfied to concluded that at least 7 unrestricted spaces are available in Leslie Street, and 10 unrestricted spaces are available I Prentice at any one time'.*



Ultimately Councils traffic engineers concluded that *‘Council officers agree that the site location and ABS car ownership data for the area may support a partial waiver of parking for this site’*.

Whilst it has been established that there is on-street parking available at peak times and there is potential for a partial waiver of parking for the site, Council must be satisfied that approving a reduction of one car parking space per dwelling represents an appropriate outcome. The question Council needs to consider is that just because there is available on-street parking during peak times does this warrant the waiver sought?

Contextually, the site is located within the Principal Public Transport Network Area and is within walking distance to a number of centres that provide a range of daily and weekly goods, services and additional entertainment and commercial uses. As discussed earlier in this report this includes the Inkerman Street neighbourhood centre and the Carlisle Street Major Activity Centre.

Further, as previously identified, the site is located in close proximity to high quality public transport infrastructure including train services via Balacclava Station, tram services along Carlisle Street, and bus services along Hotham Road.

The distances to these transport options outlined above marginally exceed the criteria for usually granting a reduction of parking for three bedroom dwellings under Council’s Sustainable Parking Policy. Despite this, there is strong policy support for addressing traffic congestion, limiting greenhouse emissions, and encouraging a modal shift to more sustainable transport options as per Clauses 16.01-1S (Integrated Housing), 16.01-2S (Location of Residential Development), 21.04-1 (Housing and Accommodation), 18.01-2S (Transport System), and 18.02-2R (Principal Public Transport Network). On this basis, a balanced outcome needs to be achieved acknowledging that the Sustainable Transport Plan explicitly seeks to reduce the high rate of private vehicle ownership within the municipality and subsequently reduce the dependence on cars as a mode of transport.

It is accepted that the site and proposed development is well positioned to achieve the objectives of Council’s Sustainable Transport Plan. In this instance there is therefore sufficient justification to reduce the statutory car parking rate due to the site’s proximity to nearby activity centres and public transport as well as strong alignment to state and local policy.

Clause 52.06-7 outlines the considerations the Responsible Authority must have regard to in determining the appropriateness of a car parking reduction.

The following table provides an assessment of the proposal against these considerations:

Clause 52.06-7 Consideration	Assessment
The Car Parking Demand Assessment.	As discussed above, the car parking demand assessments provided by the applicant and subsequent peer reviews have identified that there will be



	<p>sufficient car parking spaces available for the development.</p> <p>Councils traffic engineers have peer reviewed the applicant provided car parking demand assessments and confirmed their accuracy and support for their findings.</p>
Any relevant local planning policy or incorporated plan.	The proposal is considered to be supported by Council’s local planning policy as discussed earlier in this report.
The availability of alternative car parking in the locality of the land.	As discussed above and identified in the Parking Studies, there is available on-street parking along both Prentice Street and Leslie Street during peak hours.
On street parking in residential zones in the locality of the land that is intended to be for residential use.	The site is located at the terminus of Prentice and Leslie Streets (with one dwelling fronting each street respectively) where it is anticipated that the majority of parking is for residential purposes including any increased parking potential as a result of the proposal.
The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.	<p>Providing two car parking spaces per dwelling on the site would require an atypical configuration that would require uncharacteristically wide garages set within each streetscape, tandem configuration which would constrain living areas, or stacker units which have substantial cost implications and can cause additional noise.</p> <p>Having regard to the size of each lot (approximately 140sqm and 160sqm each) it is considered that it would be impractical to provide two car parking spaces per dwelling on the land.</p>
Any adverse economic impact a shortfall of parking may have on the	As the land is located at the terminus of both Prentice and Leslie Street it is not considered to have an unreasonable impact on the Inkerman Street



<p>economic viability of any nearby activity centre.</p>	<p>neighbourhood centre (being the closest centre to the site). It is also recognised that this centre is at a scale where its catchment is most likely local residents who are more likely to opt to walk as opposed to drive.</p>
<p>The future growth and development of any nearby activity centre.</p>	<p>There is no current strategic impetus to facilitate an increased role of the Inkerman neighbourhood centre that would see increased demand for car parking within the immediate surrounds of the subject site.</p>
<p>Any car parking deficiency associated with the existing use of the land.</p>	<p>There is currently no parking deficiency associated with the existing use of land.</p>
<p>Any credit that should be allowed for car parking spaces provided on common land or by a Special Charge Scheme or cash-in-lieu payment.</p>	<p>This is not applicable to this application.</p>
<p>Local traffic management in the locality of the land.</p>	<p>There is limited traffic management in the vicinity of the site along both Prentice and Leslie Streets. These roads however are under Council management who has sufficient ability to control parking restrictions within the area if the need arises.</p> <p>Councils traffic engineers have advised that there is potential for parking restrictions within the street provided that there is <i>'a demonstration of community support... in the form of a jointly signed letter to initiate a review of parking restrictions in a street, as per Council officer procedures'</i>.</p>
<p>The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.</p>	<p>The reduction of one car parking space per dwelling is not considered to be at scale that would have unreasonable impacts on local amenity.</p> <p>As both Leslie and Prentice Streets are also cul-de-sacs they would not experience any volume of through</p>





	<p>traffic and would have existing elevated levels of amenity in comparison to streets providing thoroughfare connections.</p> <p>Having regard to the orientation of each dwelling to Leslie and Prentice Streets respectively, the potential for overflow parking will likely be directed to each particular street the dwellings front helping to equitably split demand between the two streets.</p>
The need to create safe, functional and attractive parking areas.	The current garage access is not proposed to change and will therefore not have any physical impacts as read from the street. As previously discussed the available space provided on the site where any further parking may be provided would require an atypical configuration that would impact on the functionality and attractiveness of the parking areas.
Access to or provision of alternative transport modes to and from the land	As discussed earlier in this report the site is located within close proximity to train, tram, and bus services in addition to dedicated cycling infrastructure.
The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses.	This is not relevant to this application.
The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.	The current car parking configuration has been constructed in accordance with the original permit. In the determination of the application it was concluded that a single car garage to each frontage was an acceptable urban design outcome. The application does not seek to alter this and as such it would have no further impact on the character of the area.

In summary, the proposal is considered acceptable with respect to the considerations of Clause 52.06-7 and would bear favourably in granting the proposed car parking waiver.



It is understood that in the worst-case scenario based on both traffic studies where both dwellings own two vehicles each, the parking demands can be met within their respective Prentice and Leslie Street frontages. However, Council traffic engineers have noted that ABS data on car ownership in the area provides support for a dispensation which suggests that the worst-case scenario may not be a likely outcome for future residents.

Whilst an excess of on-street parking is sought to be avoided, there is limited evidence to suggest that the proposal will have an unreasonably adverse impact on the traffic and parking performance in this context. Furthermore, the development will not be eligible for parking permits which will have no impact on the permit zones within surrounding streets, giving preference to older dwellings with no off-street parking spaces.

In summary, the proposal is considered to represent an acceptable traffic and parking outcome.

## **12. COVENANTS**

- 12.1 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 on Title Plan 697371J Volume 04042 Folio 247.

## **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 The proposed amendment raises no planning concerns warranting refusal of the application.
- 15.2 The internal alterations proposed are acceptable and would not result in any unreasonable amenity impacts on neighbouring allotments.
- 15.3 The increase in number of bedrooms and the subsequent parking reduction required would not bear unreasonably on the capacity of parking in the immediate area or on the performance and/or safety of these roads.
- 15.4 Whilst objectors oppose the amendment due to the parking reduction, the evidence supplied by the applicant has provided a comprehensive case that there is sufficient on-street parking available if the need arises. The site is also located in a highly accessible location that naturally encourages active sustainable transportation.
- 15.5 It is therefore recommended that Council supports the application and issues a Notice of Decision to Amend a Planning Permit.

**PLANNING COMMITTEE– 24 JUNE 2020**



**TRIM FILE NO: PF19/56379**

**ATTACHMENTS**

- 1. 1164/2014/B - Proposed Plans**
- 2. 1164/2014/B - Endorsed Plans**
- 3. 1164/2014/B - Parking Demand Assessment**
- 4. 1164/2014/B - Parking Demand Assessment Peer Review**