



4 July 2024

Mills Oakley
ABN: 51 493 069 734

Your ref:
Our ref: CCWM/CCWM/6260737

Victorian Civil and Administrative Tribunal
Planning and Environment List
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Att: The Principal Registrar

Dear Sir/Madam

VCAT Proceeding No. P1630/2023
Permit Application No. PDPL/00299/2023
Subject Site: 40 Alma Road, ST KILDA VIC 3182
PNPE9 – Amendment of Planning Permit Application and Plans

We continue to act for the Applicant Seranin Pty Ltd in VCAT Proceeding P1630/2023. The matter is listed for a **Compulsory Conference on 18 July 2024** 10am-1pm and a **Hearing on 29 & 30 August and 5 September**, in person at 55 King Street, Melbourne.

In accordance with paragraph 8 of the Tribunal's Order dated 1 July 2024 we give notice that the permit applicant seeks to amend:

- the application plans to the set prepared by Next Architects dated 2 July 2024; and
- the proposed development to make clear that permission is sought under Clause 32.08 and 43.01 for minor developments and works associated with the change in use from dwellings to Rooming house.

The existing buildings on site are proposed to be retained. The buildings will not be extended and their gross floor area is not being increased. The proposed use continues to be as previously sought, namely use of the land for a "Rooming house".

The number of Rooming house rooms has not changed (22 rooms, including Suite 3 for the onsite manager). The kitchen facilities of 17 rooms have been deleted and communal kitchens and laundries provided for all residents. The 5 self-contained rooms are "Rooming house" rooms consistent with the land use definition at Clause 73.03 of the Port Phillip Planning Scheme and Section 18(2) of the *Residential Tenancies Act 1997*.

The changes have been introduced to respond to Council's Grounds of Refusal and the Statement of Grounds submitted by the parties to the proceeding. The development and works are for minor external works to buildings and works required to provide disabled access, bicycle parking, landscaping, mailboxes, enable additional waste storage and to improve security, privacy and amenity for residents. The three car parking spaces in the courtyard area are to be removed to enable the area to be used as communal private open space by the residents.

Pursuant to VCAT Practice Note PNPE9, please find enclosed for filing together with this cover letter:

- VCAT PNPE9 Notice of Amendment Form A (which has been completed online);

- a copy of the proposed amended architectural plans prepared by Next Architects dated 2 July 2024 (Amended Plans);
- A Statement of Changes prepared by Next Architects dated 2 July 2024 describing the differences between the plans originally advertised (and subject of the Application for Review and the proposed amended plans, and the reason and explanation for the change; and
- Supporting materials, including:
 - a Landscape Plan prepared by RFA Landscape Architects dated 28 June 2024;
 - a revised Town Planning Report prepared by Urban Edge Consultants Pty Ltd dated 3 July 2024, which in addition to the Statement of Changes, contains further details regarding the changes;
 - a ResCode Assessment (Clause 55) prepared by Urban Edge Consultants Pty Ltd dated 3 July 2024;
 - a revised Seranin Group Management Plan dated 3 July 2024;
 - a revised Waste Management Plan prepared by Frater Consulting Services dated 2 July 2024;
 - a Heritage Impact Statement prepared by Bryce Raworth dated 4 July 2024;
 - a Traffic Engineering Assessment prepared by Traffix Group dated 3 July 2024; and
 - a survey plan (2 pages) prepared by Steve Palmer Surveys dated 20 May 2024;

(Supporting Materials).

The permit applicant continues to rely on the ESD Letter prepared by Frater Consulting Services dated 24 July 2023, which was submitted with the Application for Review. Any amendments required to that plan to reflect the changes in the amended plans can be dealt with by way of permit condition.

Permit Triggers

The permit application as originally advertised sought a permit for:

“Use of the land for a Rooming house in the General Residential Zone and associated buildings and works within a Heritage Overlay” .

The amendment to the permit application seeks to clarify that a permit for use and for works and development is sought in accordance with the following clauses of the Port Phillip Planning Scheme:

- Clause 32.08-2 - Use of the land for a rooming house;
- Clause 32.08-10 - Buildings and Works associated with a Section 2 use; and
- Clause 43.01-1 - Construct a building or construct or carry out works.

The Applicant considers that as the existing buildings are already constructed and are not being extended, and no new residential buildings are being constructed, a permit is not required under Clause 32.08-7 (Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings). Accordingly, the works and development are not required to meet the requirements of Clause 55. However, if, contrary to this position, it is determined that a permit is required pursuant to Clause 32.08-7, then the Applicant seeks to amend its application to include permission under that clause. A ResCode assessment has been included with the supporting materials should it be required by the Tribunal.

In addition to the Statement of Changes which outlines the revisions to the Amended Plans we set out below a summary of the key changes to the amended Application materials.

Supporting Materials – Summary of Key Changes

In addition to an amended set of architect and landscape plans, the Permit Application has made amendments to the following Supporting Materials which accompanied the advertised Application and the Application for Review:

- (a) Town Planning Report: revised to reflect the proposal as sought under the proposed amendments to the permit application and plans;
- (b) Management Plan: to respond to the key concerns of the respondent objectors and the draft permit conditions proposed by the Council; and
- (c) Waste Management Plan: to respond to the draft permit conditions identified by the Council Officer.

The revised Management Plan provides for the following:

- (a) A maximum of 35 residents at any one time;
- (b) Procedures to minimise amenity issues for residents and neighbours;
- (c) Introduction of a complaint hotline that residents and neighbours can call 24 hours a day, every day of the year and which will be displayed on site;
- (d) The role of the on site manager, including the manager's role in ensuring the property is well-maintained and in responding to complaints, emergencies and concerns of residents and neighbours;
- (e) Details regarding the maintenance of the property and cleanliness, including measures to be undertaken to ensure common areas are kept free of litter and waste. This includes professional cleaning staff and garden maintenance;
- (f) Security measures to protect against thefts and break ins;
- (g) Development, documentation, and promulgation of a fire management plan;
- (h) Establishment of house rules and providing notice of these rules;
- (i) Appropriate management and security practices to prevent the congregation of residents and visitors in communal and outdoor areas after 10pm;
- (j) The display of information relating to the waste collection schedule.

Waste Management Plan

The Waste Management Plan has been updated to include the following:

- (a) identification that the manager that be responsible for the transportation of the bins from the bin storage areas to the kerbside collection point.
- (b) An increase in the number of bins available for household waste, co-mingled recycling and food waste, with glass recycling bins to be made available when introduced by Council. The number of bins is being increased from 15 to 19;
- (c) Changes in response to the amendments to the architectural plans, including the increase in total number of bins, the changes to the bin storage area and screening and securing of the bin storage area.

We confirm that these documents have been served on all parties to the Proceeding.

Notice will be provided to all persons who were notified of the original Application by no later than Friday, 5 July 2024. This will include a copy of this letter in addition to the Statement of Changes outlining the changes to the Amended Plans.

If you have any questions or require further information, please do not hesitate to contact Chris Wiseman on +61 3 8568 9622 or cwiseman@millsoakley.com.au.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Chris', is enclosed in a light gray rectangular box.

**CHRIS WISEMAN
PARTNER**

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