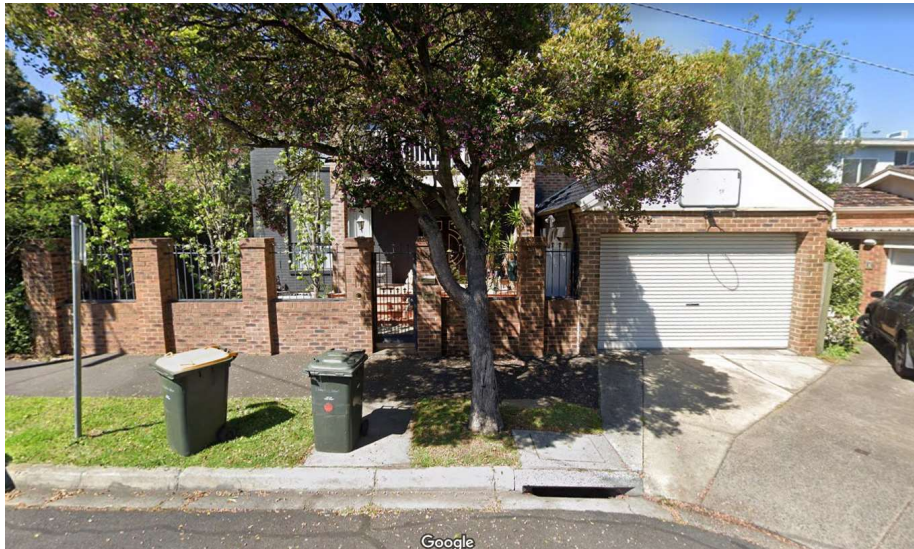


# Planning Report

11 Wenden Grove, St Kilda East



August 2022

Prepared by BM Town Planning

## Table of Contents

<b>Introduction</b> .....	3
<b>Subject site and surrounding area</b> .....	4
Subject site .....	4
Surrounding area .....	6
<b>Proposal</b> .....	7
<b>Planning controls and policy context</b> .....	8
Zone .....	8
Overlays .....	8
Particular Provisions .....	9
Planning Policy Framework .....	11
Municipal Strategic Statement .....	13
<b>Planning considerations</b> .....	14
Appropriateness of use .....	14
External and internal amenity .....	14
<b>Conclusion</b> .....	16

## 1. Introduction

This report has been prepared to accompany a planning permit application to Port Phillip Council for the property 11 Wenden Grove, St Kilda East. The application seeks approval for the use of land for a rooming house.

The report provides the following information and discussion in support of the proposal:

- A description of the subject site and surrounding area;
- An outline of the proposal;
- Identify planning controls and policies applicable to the subject site and application; and
- Discussion on why the proposal is appropriate with respect to the planning considerations.

Having regard to the above factors, the report demonstrates that the proposal has a high level of compliance with the relevant planning controls and policies.

## 2. Subject site and surrounding area

### 2.1. Subject site

The subject site is a rectangular shape block situated on the southern side of Wenden Grove in St Kilda East. The site is formally described as Lot 19 on LP 7666.

The land has a frontage to Wenden Grove of 15.65 metres (m) and a depth of 33.53 m with a total site area of 526 square metres (m<sup>2</sup>). The site is generally flat in topography.

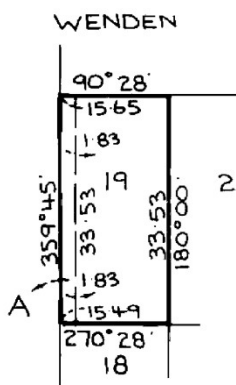


Figure 1 – Title plan showing subject site as Lot 19.



Figure 2 – Aerial imagery of site (Nearmaps, 28 June 2022)

The land enjoys a double storey brick dwelling with hip tile roof. The dwelling features five (5) bedrooms, a gym, indoor swimming pool, living areas and a kitchen on each level. A private open space area is provided to the rear and side of the dwelling, totaling 106 m<sup>2</sup> in area. The total floor area of the dwelling is 494 m<sup>2</sup>.

There is an attached brick and gabled garage on the dwelling's west side which features two spaces in tandem within. Access to the garage is via a shared crossover with the adjacent property to the west, onto Wenden Grove.

There is an existing brick pier and metal infill fence along the property frontage.

There is little vegetation on the land with only low scale landscaping within the front and rear garden.

A 1.83 m wide easement exists along the full length of the western boundary.

A restrictive covenant (instrument no. 1141714) is listed on the title for the land. The covenant prohibits the following on the land:

- Removal of sand or gravel.
- Erection of a building other than a private dwelling and its associated outbuildings with such dwelling to be constructed with no other than slate or tile roof.
- Use the land for storage of timber or other material and erect or allow any hoarding on the land.

The proposal does not breach the covenant.

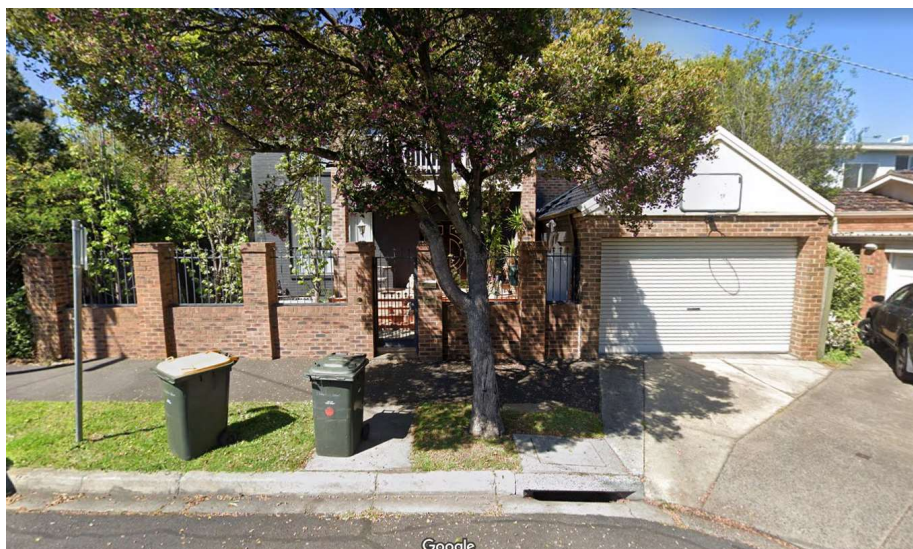


Figure 3 – subject site from Wenden Grove frontage (Google street view, October 2019)

## 2.2. Surrounding area

The surrounding area of the subject site is an established residential neighbourhood approximately 1.2 km to the north-east of the Balaclava commercial/retail centre and railway station. The neighbourhood features a mix of single dwelling allotments and post-war flat style housing. Single dwellings are generally double storey in built form whereas flat and more contemporary apartment buildings are in excess of this height.

Direct abuttals include as follows:

- 9 Wenden Grove (eastern side), single storey brick dwelling.
- 398 Inkerman Street (southern rear), single storey brick dwelling.
- 1 Marne Street (western side), triple storey brick flats.
- 10 Wenden Grove (western side), single storey brick dwelling.
- 8 Montague Avenue (northern opposite), single storey brick dwelling.

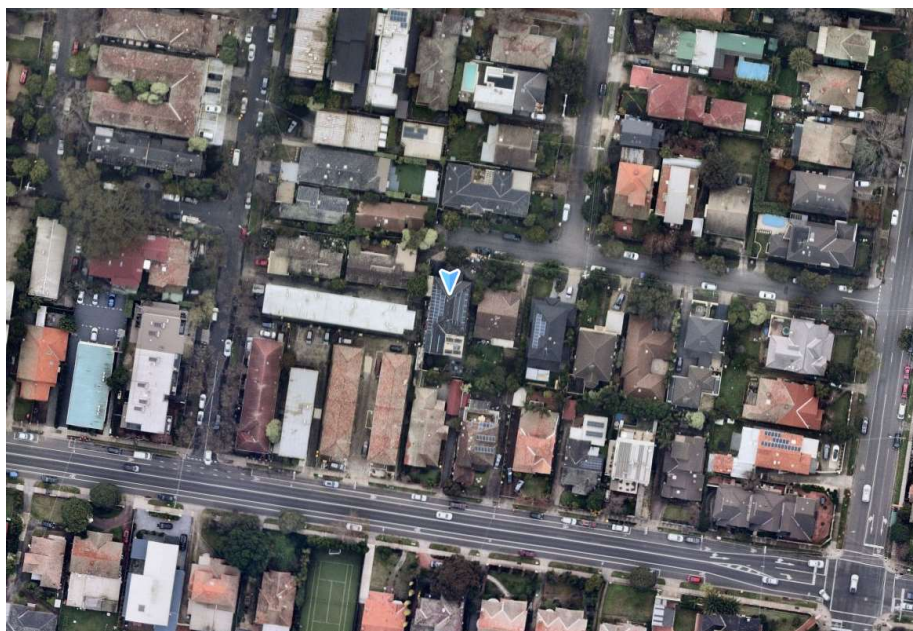


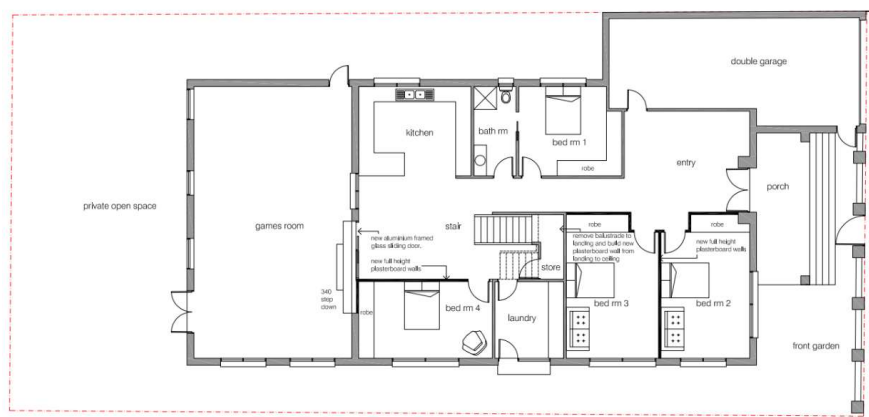
Figure 4 – Aerial image of surrounding land (Nearmaps, 28 June 2022).

### 3. Proposal (to be read in conjunction with submitted plans)

#### Use

It is proposed to use the land and existing dwelling for a rooming house. The rooming house will feature ten (10) bedrooms including four (4) bedrooms on the ground level and six (6) on the upper level. The existing kitchen on each level will be retained together with the bathrooms/ensuite, laundry and upstairs living room. The indoor pool will be infilled and converted into a games room.

No external buildings and works are proposed with the application, with the only works to be internal with no increase to the floor area.



1 Proposed Ground Floor Plan  
scale 1:100



1 Proposed Upper Floor Plan

Figure 5– proposed floor plans

## 4. Planning controls and policy context

### 4.1. Zone

#### Neighbourhood Residential Zone – Schedule 5 (NRZ5)

The land is in the Neighbourhood Residential Zone – Schedule 5. The purpose of the Zone is as follows:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To recognise areas of predominantly single and double storey residential development.*
- *To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

A planning permit is required to use the land for a rooming house in the Neighbourhood Residential Zone as the requirements of Clause 52.23-2 have not been met.

### 4.2. Overlays

#### Special Building Overlay – Schedule 1 (SBO1)

The land is affected by the Special Building Overlay (Schedule 1) relating to the Melbourne Water Main Drain. The purpose of the Overlay include as follows:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify land in urban areas liable to inundation by overland flows from the urban drainage system as determined by, or in consultation with, the floodplain management authority.*
- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*
- *To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.*

A planning permit is not required under the Overlay as it is not proposed to construct any buildings and/or construct/carry out works.



### 4.3. Particular Provisions

#### Clause 52.06 – Car Parking

The purpose of this provision is as follows:

- *To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

In accordance with Table 1 of Clause 52.06-5, a rooming house has a parking rate of 1 space to each 4 bedrooms. As a total of 10 bedrooms will be provided, this equates to a parking requirement of 2.5 spaces, rounded down to 2 spaces.

The existing tandem garage will be retained and accommodates 2 spaces on-site. Therefore, a planning permit is not required to reduce the car parking requirements under Clause 52.06-5.

#### Clause 52.23 – Rooming house

The purpose of this provision is:

- *To facilitate the establishment of domestic-scale rooming houses.*

The provision sets out planning permit exemptions for the use and/or buildings and works associated with a rooming house. As indicated under the Zoning provisions, the proposal does not meet the requirements to exempt the use of land for a rooming house and therefore a planning permit is required under the Zone. The requirements and response to these are provided below:

*Any requirement in the Activity Centre Zone, Capital City Zone, Commercial 1 Zone, General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone to obtain a permit to use land for a rooming house does not apply if all of the following requirements are met:*

- *Any condition opposite the use 'rooming house' in the table of uses in the zone or schedule to the zone is met.*

**Not 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.*

**Total floor area of the rooming house is 494 m<sup>2</sup>.**

- *No more than 12 persons are accommodated.*

**Can be satisfied.**

- *No more than 9 bedrooms are provided.*

**10 bedrooms proposed.**

The buildings and works exemptions do not apply as no buildings and works are proposed.

#### 4.4. Planning Policy Framework

##### Clause 15.03-2S – Aboriginal cultural heritage

The policy seeks to ensure the protection and conservation of areas of aboriginal cultural significance from new use and development of land.

The subject site located within an area of aboriginal cultural sensitivity. The use for a rooming house (residential building) is a high impact activity. Despite this, the land has been subject to significant ground disturbance (SGD) and as such, a rooming house is not a high impact activity in accordance with regulation 58 (4) under the *Aboriginal Heritage Regulations 2018*. Upon review of recent and historical aerial imagery, it is clear that the land has undergone SGD by virtue of the construction of existing/past structures and buildings on-site. Refer to aerial image below:

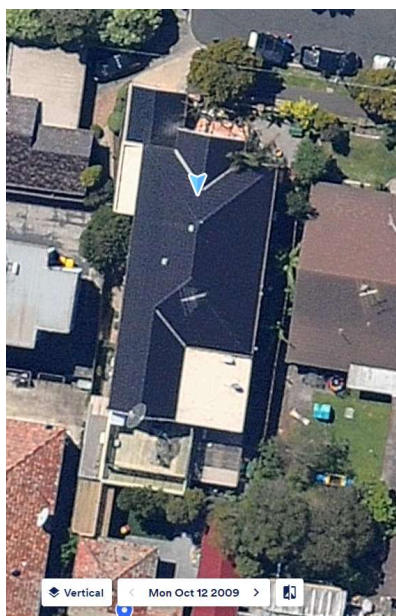


Figure 6 – site conditions on 12 October 2009 (Nearmaps).

As depicted in Figure 6, the land was previously covered by the existing dwelling and associated outbuildings and structure with almost a 100% site coverage. Although clear of any above ground structures, the western boundary contains an existing easement which currently or historically would have housed underground infrastructure resulting in SGD. It can therefore be reasonably assumed that the entirety of the land has undergone SGD and a rooming house is not a high impact activity.

**Clause 16.01-1S – Housing supply**

The policy aims to facilitate well-located, integrated and diverse housing that meets community needs. To achieve this objective, the strategies include (as relevant to the application):

- Ensuring that an appropriate quantity, quality and type of housing is provided, including aged care facilities and other housing suitable for older people, supported accommodation for people with disability, rooming houses, student accommodation and social housing.
- Facilitate diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types.
- Encourage the development of well-designed housing that:
  - Provides a high level of internal and external amenity.
  - Incorporates universal design and adaptable internal dwelling design.
- Support opportunities for a range of income groups to choose housing in well-serviced locations.

**Clause 16.01-1R – Housing supply – Metropolitan Melbourne**

This provision seeks to manage the housing supply within Metropolitan Melbourne to meet the population growth and create a sustainable city. In achieving this, the following strategies (as relevant) apply:

- Facilitate increased housing in established areas to create a city of 20 minute neighbourhoods close to existing services, jobs and public transport.
- Create mixed-use neighbourhoods at varying densities that offer more choice in housing.

**Clause 16.01-2S – Housing affordability**

The objective of this provision is to delivery more affordable housing closer to jobs, transport and services. Relevant strategies in achieving this objective are as follows:

- Ensuring land supply continues to be sufficient to meet demand.
- Increasing choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities.
- Promoting good housing and urban design to minimise negative environmental impacts and keep costs down for residents and the wider community.

Increase the supply of well-located affordable housing by:

- Facilitating a mix of private, affordable and social housing in suburbs, activity centres and urban renewal precincts.

#### 4.5. Municipal Strategic Statement

##### Clause 21.02 – Vision

This Clause sets out the vision for the Port Phillip municipality. Of most relevance, one of the visions is to create:

- A city that promotes affordable, accessible and diverse housing types to meet the needs of all current and future residents.

##### Clause 21.04-1 – Housing and Accommodation

This Clause contains five (5) objectives relating to the provision of housing within Port Phillip. Of most relevance to the application, objective 3 aims:

- To support a diverse range of housing types to suit the needs of Port Phillip’s community.

The relevant strategies in achieving this objective include:

- Support private, public and community sector involvement in the provision of housing to ensure that a range of housing choices is available.
- Support the retention and provision of affordable housing (public, community and private) for lower income households, including the provision of rooming / boarding houses, single bedroom and bed-sit flats, and crisis accommodation.
- Discourage the conversion of registered rooming houses into other forms of residential buildings, such as backpackers’ lodges.

##### Clause 21.06-1 – East St Kilda and Balaclava

Clause 21.06 breaks down the various neighbourhoods within Port Phillip, identifying their specific challenges, vision and strategies. Clause 21.06-1 relates to East St Kilda and Balaclava in which the subject site sits within. It is noted that one of the key planning challenges identified for this area as it relates to the application includes:

- Maximising opportunities for new affordable and social housing.

## 5. Planning considerations

### 5.1. Appropriateness of use

The primary consideration of this application is the appropriateness of the proposed use for the subject site and surrounding area.

The proposal seeks to use the land for residential purposes which fits the purpose of the NRZ. As outlined under section 4 of this submission, the Planning Scheme contains several policies in support of increasing housing supply within metropolitan Melbourne and within the St Kilda East and Port Phillip areas. In particular, emphasis is given to the provision of affordable and social housing in areas where demand is high and it is well served by public transport, employment and services.

The site is in a convenient location to local services, employment and transport. Various public transport options are available to the site including bus route 604 serving nearby Orrong Road 150m to the east of the site, tram route 16 and 3-3a along Balaclava Rd approximately 500m to the south of the site and Balaclava Station approximately 1.6km to the south-west of the site. These public transport routes provide convenient connections to larger nearby employment areas including South Yarra, St Kilda Road and the CBD.

The Carlisle Street activity centre is approximately 1.6km to the south-west that is easily accessible by the tram route specified above. Other local shops and services are in walking distance, approximately 350m to the north of the site on the corner of Orrong and Alma Roads.

The proposed rooming house will add to the diversity of housing in the area and provides more affordable housing options for individuals. As discussed above, the area offers a highly accessible and desirable housing option for individuals on lower incomes rather than pushing out this type of housing into areas with less infrastructure and services resulting in inequality. The neighbourhood is already characterised by a highly diverse housing supply with the proposal adding to this diversity without having any negative impact on its surrounds.

### 5.2. External and internal amenity

The proposed rooming house will have a minimal impact upon the amenity of the surrounding area. Whilst Clause 55 is not strictly required for an application to use land for a rooming house, the proposal has been carefully designed to achieve appropriate amenity outcomes as sought by these standards.

The existing building will retain its appearance as a double storey dwelling with the only works proposed internally to create additional bedrooms. Existing building setbacks, height, site coverage and permeability will remain as is. Therefore, the building's presentation to its neighbours and the street will remain intact.

Car parking is compliant with Clause 52.06 in that 2 spaces are required and provided on-site within the tandem garage. Accordingly, the application does not seek a reliance on on-street parking that may impact on other residents in the street.

The rooming house will be afforded with generous internal and external living and recreational space. Bedrooms are also generously sized. As described under section 3, the rooming house will comprise of multiple kitchen/living spaces, a games room and rear garden providing ample on-site leisure and services for residents. Individuals with limited mobility can be accommodated on the ground level and will be provided with all needs on this level.

It is noted that it is not intended by the owner to convert the rooming house into a backpacker's lodge as discourage by local planning policy.

## 6. Conclusion

Having considered the above assessment, the proposal represents an appropriate outcome for the site and its surrounding area. In particular:

- The Planning Scheme clearly encourages the provision of rooming houses to address affordability and housing supply in areas under population pressures.
- Clause 52.23 generally exempts rooming houses from a planning permit, however due to the size of the subject dwelling and no. of bedrooms proposed (only one more than what would normally be exempt), the proposal requires planning permission.
- The site is well served by public transport, employment options and services, offering a desirable and accessible housing option for those on lower incomes.
- There will be minimal amenity impacts to adjoining properties.
- The layout of the rooming house will provide high level internal amenity for residents.

Accordingly, it is respectfully requested that Council support the application for the rooming house on the basis of comprehensive policy support.