



**6.3** **5 LITTLE GREY STREET, ST. KILDA**  
**LOCATION/ADDRESS:** **5 LITTLE GREY STREET, ST. KILDA**  
**EXECUTIVE MEMBER:** **LILI ROSIC, GENERAL MANAGER, CITY STRATEGY AND SUSTAINABLE DEVELOPMENT**  
**PREPARED BY:** **MICHAEL MOWBRAY, FLOATING PLANNER / PRINCIPAL PLANNER**

## 1. PURPOSE

- 1.1 To consider and determine an application to allow partial demolition and conversion of 49 existing rooms to 36 dwellings for the purposes of community housing and a waiver of the associated car parking and bicycle parking requirements of the Planning Scheme.

## 2. EXECUTIVE SUMMARY

<b>WARD:</b>	Lake
<b>TRIGGER FOR DETERMINATION BY COMMITTEE:</b>	Number of objections exceeds 15.
<b>APPLICATION NO:</b>	84/2019
<b>APPLICANT:</b>	Metropol Planning Solutions
<b>EXISTING USE:</b>	Community Housing
<b>ABUTTING USES:</b>	Residential
<b>ZONING:</b>	Commercial
<b>OVERLAYS:</b>	Design and Development Overlay (Schedule 6-1) Heritage Overlay (Schedule 5)
<b>AREA OF ABORIGINAL CULTURAL HERITAGE SENSITIVITY?</b>	No
<b>STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL</b>	Expired

- 2.1 The application seeks permission for partial demolition and modifications to convert 49 existing rooms to 36 dwellings for the purposes of community housing and a waiver in car and bicycle parking requirements of the Port Phillip Planning Scheme.
- 2.2 Eighteen objections have been received to the application. Objectors have raised concerns about the continued use of the premises for social/community housing and potential anti-social behaviour at the site as well as use of the proposed walkways for social gatherings and associated overlooking.



- 2.3 A consultation meeting attended by Ward Councillors, Council planning officers, objectors and the permit applicant resulted in no formal amendments being made to the proposal.
- 2.5 The key matter for consideration is the potential impact of the proposed development upon the adjacent properties and the potential impact upon residential amenity. The management of the site and the appropriateness of the proposed refurbishment are also relevant considerations.
- 2.6 It is concluded that the existing building could be converted subject to conditions, without unreasonable adverse impact on the amenity of the adjoining and adjacent properties.
- 2.7 The proposal is recommended for approval, subject to the conditions below.

### 3. RECOMMENDATION

- 3.1 That the Planning Committee adopt Recommendation “Part A” and “Part B”, that:
  - I. 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.
  - II. Authorise the Manager City Development to instruct Council’s Statutory Planners and/or Council’s Solicitors on any VCAT application for review.

#### RECOMMENDATION “Part A”

- 3.2 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 for the partial demolition and modifications to create self-contained dwellings and a reduction in the car parking requirement (two car parking spaces provided on site) at 5 Little Grey Street, St Kilda.

That the decision be issued as follows:

#### 1. Amended Plans required

Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- a) The provision of waste bin storage meeting Council’s minimum requirements.
- b) Indication of a fixed sign visible from Little Grey Street displaying contact details for the Registered Housing Provider responsible for the management of the premises.
- c) The metal fins to the external face of the external walkways designed to prevent direct overlooking to the windows of the properties to the north-east.
- d) All externally located plant, equipment and domestic services (including air conditioning, heating units, hot water systems, etc.).



All to the satisfaction of the Responsible Authority.

**2. No Alterations**

The development and colours, materials and finishes as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

**3. Privacy Screens - Cross-Sections Required**

Before the development starts (other than demolition or works to remediate contaminated land), cross section elevation drawings of the screens to the external walkways must be submitted to and approved by the Responsible Authority. The drawings must:

- a) Be drawn to scale and fully dimensioned;
- b) Clearly delineate any solid parts of the screen and any louvre, metal fins or batten parts of the screen;
- c) Clearly illustrate how any louvre or batten will prevent overlooking horizontally/directly across to the property to the north-east,
- d) Show the exact width and thickness of each louvre, metal fin or batten, the exact spacing between each louvre, metal fin or batten and a section detail from behind the screen demonstrating that direct views across to the property to the north-east would be precluded,

**4. Privacy screens must be installed**

Privacy screens as required in accordance with the endorsed plans must be installed before occupation of the building to the satisfaction of the Responsible Authority and maintained thereafter to the satisfaction of the Responsible Authority.

**5. Sustainable Design Assessment**

Before the development starts (other than demolition or works to remediate contaminated land) an updated Sustainable Design Assessment (SDA) that outlines proposed sustainable design initiatives must be submitted to, be to the satisfaction of and approved by the Responsible Authority. When approved, the Assessment will be endorsed and will then form part of the permit and the project must incorporate the sustainable design initiatives listed.

The revised and updated SDA must include reference to the following matters:

- (a) Inclusion of permeable paving related to stormwater control,
- (b) Construction management details and information outlining stormwater management during the construction process
- (c) A commitment to the use of E1 or E0–grade engineered wood products.
- (d) Provision of a secure resident bicycle parking area or areas, including E-bike charging points
- (e) A redesigned bin room that meets Council’s minimum requirements 22 x 240 bins, space for hard waste storage and additional access room for all bins rather than just those at the front of the room.



## **6. Incorporation of Sustainable Design initiatives**

The project must incorporate the sustainable design initiatives listed in the endorsed Sustainable Design Assessment (SDA) to the satisfaction of the Responsible Authority.

## **7. Implementation of Sustainable Design Initiatives**

Before the occupation of the development approved under this permit, a report from the author of the Sustainable Design Assessment (SDA) approved pursuant to this permit, or similarly qualified person or company, must be submitted to the satisfaction of the Responsible Authority. The report must confirm that all measures and recommendations specified in the SDA have been implemented and/or incorporated in accordance with the approved report to the satisfaction of the Responsible Authority.

## **8. On-Site Management Plan**

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

- a) Procedures, and standards for residents to minimise amenity, external occupant noise and parking problems in the neighbourhood.
- b) A process which ensures non car owners are prioritised for occupation of the building over individuals who own a car
- c) Establishment of a Complaints hotline for, and regular meetings with, adjacent residents.
- 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 and appropriate training for all staff.
- g) Establishment of house rules (to be displayed in a prominent location and clearly visible to residents in the premises at all times) including but not limited to:
  - (i) Resident behaviour
  - (ii) Noise
  - (iii) Alcohol consumption in communal areas
  - (iv) Littering
- h) Appropriate management and security practices so as to prevent the congregation of residents in communal areas after 10pm.
- i) Prevention of alcohol consumption in the communal open space and communal rooms.

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.



**9. Section 173 Agreement (Continued use as social housing)**

Before the development starts (other than demolition or works to remediate contaminated land), the applicant must enter into an agreement under Section 173 of the Planning and Environment Act 1987 with the Responsible Authority. The agreement must be in a form to the satisfaction of the Responsible Authority, and the applicant must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority's reasonable costs and expense (including legal expenses) incidental to the preparation, registration and enforcement of the agreement. The agreement must contain covenants to be registered on the Title of the property so as to run with the land pursuant to Section 181 of the Section 173 of the Planning and Environment Act 1987, and must provide for the following:

- a) That the building be managed by HousingFirst (or its successors) or a subsequent Registered Housing Provider for the purpose of social housing.
- b) That the sale or renting of individual units as dwellings to private owners is prohibited.

The agreement will be registered on Title in accordance with Section 181 of the Planning and Environment Act 1987. A dealing number must be provided to the Responsible Authority.

**10. Piping and ducting**

All piping and ducting (excluding down pipes, guttering and rainwater heads) must be concealed to the satisfaction of the Responsible Authority.

**11. No equipment or services**

Any plant, equipment or domestic services visible from a street (other than a lane) or public park must be located and visually screened to the satisfaction of the responsible authority.

**12. Completion of landscaping**

All landscaping works as shown on the endorsed landscape plan must be completed and installed within 3 months of the occupation of the building.

**13. Waste Management**

Before the development is occupied, a revised Waste Management Plans (WMP) must be provided to the responsible authority. The plan must be generally in accordance with the submitted WMP but be modified to include reference to meeting Council's minimum requirements for bin storage capacity and area and so as to allow access to all bins, rather than only the forwardmost and rearmost bins. The plans, when satisfactory, will be endorsed so as to form part of this permit. The waste management for the approved use must at all times be in accordance with the WMP as endorsed.

**14. Time for starting and completion**

This permit will expire if one of the following circumstances applies:

- a) The development is not started within two years of the date of this permit.



- b) The development is not completed within two years of the date of commencement of works.

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 or development allowed by the permit has not yet started; and
- within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

**Permit Notes:**

**Building Approval Required**

This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

**Building Works to Accord With Planning Permit**

The applicant/owner will provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with this planning permit.

**Due Care**

The developer must show due care in the development of the proposed extensions so as to ensure that no damage is incurred to any dwelling on the adjoining properties.

**Days and Hours of Construction Works**

Except in the case of an emergency, a builder must not carry out building works outside the following times, without first obtaining a permit from Council's Local Laws Section:

- Monday to Friday: 7.00am to 6.00pm; or
- Saturdays: 9.00am to 3.00pm.

An after hours building works permit cannot be granted for an appointed public holiday under the Public Holidays Act, 1993.

**Drainage Point and Method of Discharge**

The legal point of stormwater discharge for the proposal must be to the satisfaction of the responsible authority. Engineering construction plans for the satisfactory drainage and discharge of stormwater from the site must be submitted to and approved by the responsible authority prior to the commencement of any buildings or works.

**Noise**

The air conditioning plant must be screened and baffled and/or insulated to minimise noise and vibration to other residences in accordance with Environmental Protection Authority Noise Control Technical Guidelines as follows:

- a) Noise from the plant during the day and evening (7.00am to 10.00pm Monday to Friday, 9.00am to 10.00pm Weekends and Public Holidays) must not exceed the background noise level by more than 5 dB(A) measured at the property boundary.



- b) Noise from the plant during the night (10.00pm to 7.00am Monday to Friday, 10.00pm to 9.00am Weekends and Public Holidays) must not be audible within a habitable room of any other residence (regardless of whether any door or window giving access to the room is open)

**RECOMMENDATION “Part B”**

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

**4. RELEVANT BACKGROUND**

The subject site is currently used as social housing and comprises 49 bedrooms with shared lounge, kitchen, dining, bathroom and laundry facilities. The site is operated by HousingFirst. The subject site does not benefit from any on-site car parking facilities or exclusive vehicle access.

There is no formal planning history associated with the site.

**5. PROPOSAL**

5.1 The application under consideration includes the following;

Demolition:

- Demolition of the existing ground, first and second floor lounge areas and associated entry to the north side of the building.
- Removal of all external window openings to the north, south and east facing elevations.
- Internal demolition of all internal walls facing the internal corridors.
- Demolition of the existing roof.

New Buildings and Works:

Ground Level:

- Conversion of the existing ground level into 12 apartments including 10 dual aspect bedsit apartments (Nos. 1-10) with access from a semi-enclosed walkway to the north-east of the building.
- Construction of a new lift and access lobby towards the front of the site, adjacent to the revised front entry gate.
- Construction of a new semi-enclosed walkway to the north-east side of the building forming a covered path from a new walkway above.
- A communal garden at the north side of the site with space for a communal bin store.
- Continued pedestrian access to the site from the south-east side off Little Grey Street via a covered entrance.

**First floor:**

- Internal conversion into 12 apartments including apartments 11-20 as dual aspect bedsits.
- Construction of an elevated semi enclosed walkway attached to the north-east face of the building. This would form the roof of the walkway below and would



have a width of approximately 1.6m together with external metal fins providing 25% transparency.

- Construction of a new lift and access corridor at the front of the site.

**Second floor:**

- Internal conversion into 13 apartments including apartments 21-30 as dual aspect bedsit apartments.
- Internal re-arrangement to provide for a communal lounge space at the south-east end of the building.
- Construction of an external walkway fixed to the outer north-east face of the building, essentially identical to those below in terms of its siting, 1.6m width and external metal fins with 25% transparency.

**Other alterations:**

- The existing roof replaced with new white profiled metal roofing.
- The overall height of the building, for all practical purposes, the same as exists being 12.65m high to the roof ridge at the rear and 11.94m high at the front roof ridge.
- Photovoltaic cells on the north facing roof slope flush with the roof.
- Additional sections of rendered masonry provided to the north facing elevation to accommodate the stairwell sections and the lift overrun.
- The proposed south facing elevation to Little Grey Street clad in vertical sections of compressed sheeting. The existing window openings to this elevation would be replaced with horizontal split windows.

**Land Use;**

- The building would continue to be used for social housing but in the form of individual, self-contained dwellings catering for a specific clientele being women aged 55 and above. Residents would occupy the individual bedsitter units and would have access as required to the housing provider, HousingFirst. The operator aims to achieve the following objectives as a result of the development:
  - A greater sense of self-sufficient independent living, with a lower overall number of tenants in one building.
  - Better secure apartment access.
  - Better internal amenity including cross ventilation and improved daylight access into the apartments.

**6. SUBJECT SITE AND SURROUNDS**

Description of Site and Surrounds	
Site Area	Approximately 750m <sup>2</sup>
Existing building & site conditions	The subject site is located on the south side of Little Grey Street, St Kilda between Fitzroy Street to the north and Dalgety Street to the south. The site has a frontage to Little Grey Street of 13.9m and a site depth of 47.6m. The rear boundary is approximately 12m in width. The eastern boundary is irregular in shape.



	<p>The site has no car parking facilities on-site with pedestrian access provided exclusively from Little Grey Street.</p> <p>The site contains an existing three storey brick building which has historically accommodated a rooming house and social housing. The building fronts Little Grey Street and presents as a three storey building with a brick facade. The western elevation is constructed partially to the side boundary shared with 145 Fitzroy Street with the remainder of the building setback 1.5m from the boundary. The building adjoins the rear of 149 Fitzroy Street behind and provides some open space on the eastern side of the site. There is existing landscaping in the form of established trees within the eastern setback.</p> <p>The existing building appears to be of early 20<sup>th</sup> century construction and features a red brickwork finish. The existing roof is pitched and features metal profile cladding. The frontage presents as a gable onto Little Grey Street. The building is subject to a significant heritage grading but does not have a citation.</p>
<p>Surrounds/neighbourhood character</p>	<p>The subject site is located within the Commercial 1 Zone but is situated adjacent to land within a Neighbourhood Residential Zone on the opposite side of Little Grey Street to the south.</p> <p>The surrounding area comprises a combination of residential and commercial buildings. The area includes original early 20<sup>th</sup> century buildings located along Little Grey Street and within the Neighbourhood Residential Zone to the south. Built form to the north facing onto Fitzroy street has an increasingly contemporary character. The predominant scale of buildings is also varied with examples of original double storey townhouses and six to seven storey mixed use buildings evident within the vicinity. Little Grey Street is approximately 6m wide and serves as a laneway to sites facing onto Fitzroy and Dalgety Streets. There is no on-street car parking.</p> <p>The subject building adjoins 149 Fitzroy Street immediately to the north. The building is an apartment complex called 'The Regal'. The frontage onto Fitzroy street has seven storeys and features grey masonry finish with glass and steel additions to the top two storeys. The bulk of the site is located in its northern section but there is a narrow strip of land to east side of the subject site. The subject building is graded Significant.</p> <p>No. 145 Fitzroy Street adjoins to the west. That site is occupied by an apartment complex to the upper floors and the rear with a café use operating from the ground floor frontage. The building is four storeys in height and appears to be of 1930s era construction. There are balconies to the upper floor facing onto Fitzroy Street and habitable room windows to the</p>



	<p>rear which face onto the subject site. There is also communal open space to building at the rear of the site. The building is also subject to a significant heritage grading.</p> <p>No. 151 Fitzroy street is located to the east of the subject site. It comprises a five storey building fronting Fitzroy Street called 'The Majestic'. The building accommodates apartments in its upper floors with commercial floor space at ground level. The site features an additional three storey apartment complex to the rear which faces onto Little Grey Street. A number of the apartments at the rear have habitable room window openings and balconies that face onto the subject site. There is expansive communal open space to the interior of the apartment complex.</p> <p>Opposite the subject site to the south is a row of terrace dwellings which face Dalgety Street. The dwellings feature garages built fully up to the Little Grey Street boundary that face the subject site's frontage.</p>
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**7. 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?
Clause 34.01 Commercial 1 Zone	<p>Under Clause 34.01-1 a permit is required for the use of land for the purpose of Accommodation other than Community Care Accommodation, Corrective Institution or Rooming House, where the frontage at ground level exceeds 2 metres. The proposed use is considered to be 'dwellings' which is a different form of 'accommodation' from the existing use, being a shared-facility rooming housing.</p> <p>Under Clause 34.01-4, a permit is required for buildings and works within the Commercial 1 Zone.</p> <p>An apartment development must meet the requirements of Clause 58.</p>
Clause 43.01-1 Heritage Overlay (Schedule 5)	Under Clause 43.01-1 a permit is required to demolish or remove a building or to construct a building or construct and carry out works.
Clause 43.02-2 Design and Development Overlay (Schedule 6-1)	Under Clause 43.02-2 a permit is required to construct a building or construct or carry out works.



Clause 52.06 Car Parking	A permit is required to reduce (including to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the parking overlay.
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## 8. RELEVANT AMENDMENTS

- 8.1 There are none that would be relevant to assessment of this proposal.
- 8.2 By way of information, Amendment VC152 was gazetted on 26 October 2018. It introduced definitions of “community care accommodation” and “rooming house” as follows:

*Community care accommodation: “Land used to provide accommodation and care services. It includes permanent, temporary Community care accommodation and emergency accommodation. It may include supervisory staff and support services for residents and visitors”, and*

*Rooming House: “Land used for a rooming house as defined in the Residential Tenancies Act 1997” being in part “a building in which there is one or more rooms available for occupancy on payment of rent in which the total number of people who may occupy those rooms is not less than 4...”.*

- 8.3 The continued use is close to the definition of Community Care Accommodation which is encouraged by the Planning Scheme (Clause 52.22) and is a permit not required use if carried out by a government department or authority. Because HousingFirst is not a government department or authority, a permit would be required for the use. However, it is to be noted that the use already exists on the site. For the purposes of this report the proposed use has been considered as “dwellings” due to the self-contained nature of each unit.
- 8.4 VC152 also introduced a car parking rate for rooming house being a maximum of one space per four bedrooms.

## 9. PLANNING SCHEME PROVISIONS

### Planning Policy Frameworks (SPPF)

- 9.1 The following Planning Policies are relevant to this application:

Clause 15: Built Environment and Heritage, including:

Clause 15.01-1: Built Environment

Clause 15.01-1S: Urban Design

Clause 15.01-1R: Urban design - Metropolitan Melbourne

Clause 15.01-2S: Building Design

Clause 15.01-5S: Neighbourhood character

Clause 15.02-1: Sustainable development

Clause 15.03: Heritage

Clause 16: Housing, including:

Clause 16.01: Residential development



Clause 16.01-1S: Integrated housing  
Clause 16.01-1R: Integrated housing - Metropolitan Melbourne  
Clause 16.01-2S: Location of residential development  
Clause 16.01-3S: Housing diversity  
Clause 16.01-3R: Housing diversity - Metropolitan Melbourne  
Clause 16.01-4S: Housing affordability

Clause 21.03 Ecologically Sustainable Development, including  
Clause 21.03-1 Environmentally Sustainable Land Use and Development  
Clause 21.03-2 Sustainable Transport  
Clause 21.04 Land Use, including  
    Clause 21.04-1 Housing and Accommodation  
Clause 21.05 Built Form, including  
    Clause 21.05-2 Urban Structure and Character  
    Clause 21.05-3 Urban Design and the Public Realm  
Clause 21.06 Neighbourhoods, including  
    Clause 21.06-6 St Kilda

## 9.2 Other relevant provisions

Clause 52.06 Car Parking  
Clause 58 Construction/additions to apartment developments  
Clause 65 Decision Guidelines

## 10. REFERRALS

### 10.1 Internal referrals

#### Heritage Advisor:

*This building is of limited historic interest as part of the original Regal Hotel. However, the heritage value has been diminished by alterations carried out as part of the last iteration of conversion to a rooming house, which has greatly reduced the integrity. Of what remains, the principal value lies in the gabled form and face brick façade, which retains some original openings, as viewed from Little Grey Street.*

*I was involved in the pre-application discussions and, because of the lesser integrity of the building I agreed that quite significant change, including substantial demolition could be contemplated as long as the form and materiality of the Little Grey Street façade is maintained. This has been done. I note that:*

- *Although the original window openings have been removed, a visual 'memory' of the windows is provided through retention of the segmental arch of the top window and an expressed vertical panel set into the wall. I understand that the changes to the fenestration is in part a consequence of revised internal floor levels that are required to resolve issues of level access. The new openings are discrete insertions expressed with metal surrounds and placed across these panels as a clear contemporary addition.*



- *The face brick materiality and gabled form is retained including along a significant portion of the exposed northern wall, ensuring the building retains a three-dimensional form.*
- *New additions on the north side are set back, ensuring they will be of limited visible and a recessive element.*
- *The canopy provides an appropriate sense of address to the entrance.*

*Accordingly, the proposed alterations are considered acceptable in relation to heritage.*

Planning Officer's Response:

There are no outstanding heritage matters to address or conditions that are required on any permit granted.

**Council Waste Management Services:**

*Bin room does not meet requirement for 22 x 240 bins, no space allocated for hard waste storage and only the forward bins will be able to be used and no access to other bins in bin room.*

Planning Officer's Response:

Recommended conditions 1 (a) and 13 should be required on any permit granted to ensure the provision of a waste/bin area meeting with Council's minimum requirements together with requiring improved access to all bins.

**Council's ESD Officer**

*The architectural drawings, the Sustainable Management Plan (SMP) for the above project were reviewed against the WSUD (LPP 22.12), and ESD (LPP 22.13) policies.*

*Many of the concerns from the previous referral have been addressed. A few more issues listed below for both the report and the drawings need to be addressed before the project can be considered to meet an acceptable level of 'best practice'.*

4. Stormwater

- *Local Policy 22.12: Stormwater Management applies to this application size. Refer to <http://www.portphillip.vic.gov.au/sustainable-design-guidelines-stormwater-management.pdf> on how to provide an appropriate response. This includes addressing the following:*
  - *Maintenance manual needs to include the permeable paving proposed. Proforma are available on the Council's website for simple projects:  
[http://www.portphillip.vic.gov.au/Maintenance\\_Manual\\_Porous\\_Pavement.pdf](http://www.portphillip.vic.gov.au/Maintenance_Manual_Porous_Pavement.pdf)  
[http://www.portphillip.vic.gov.au/Maintenance\\_Manual\\_Rainwater\\_Tank.pdf](http://www.portphillip.vic.gov.au/Maintenance_Manual_Rainwater_Tank.pdf)*
  - *Construction Site Management Plan – Provide a management plan that details stormwater management during construction. References provided on Council's guide mentioned above on page 16.*

5. IEQ

- *Many engineered timber products used in internal fitouts (e.g. mdf and plywood) contain formaldehyde which pose serious health risks to building occupants. The report should include a commitment to the use of E1 or E0-grade engineered wood products.*



#### 6. Transport

- *Cycling is likely one of the main modes of transportation for the residents and there are no secure bike parking space provided. It is likely that bicycles will be parked hazardously along walkways. Council's Best Practice Standard is for residential developments to provide at least one secure bicycle parking space per dwelling and one visitor bicycle parking space per 4 dwellings. Consider provision of well illuminated and weather protected parking, with the provision for electric bike charging.*

#### 7. Waste

- *Bin store appears over-crowded with most of the bins inaccessible.*

#### 8. Urban Ecology

- *Provide more amenity to the communal garden area like a bbq space and food production planters to encourage social encounters of residents.*

#### Planning Officer's Response

It is considered that these matters can adequately be addressed by way of permit conditions. Therefore, recommended condition 5 would require that an updated Sustainable Design Assessment be submitted addressing the matters noted above, aside from that relating to the broad term for 'increased amenity' for the communal garden area. Given the nature of the use being proposed, this matter is not considered reasonable or necessary and it is considered that the communal area would be adequate as proposed.

#### **Council Housing Development Officer:**

*Unit yield, type and size:*

*The current community housing property, originally developed by Council in 2000 and transferred to the Port Phillip Housing Trust in 2007, comprises:*

- *30 single rooms*
- *9 double rooms*
- *10 self-contained bedsitters / studio apartments*

*(I note that the application wrongly indicates that the property currently comprises 49 "bedrooms").*

*This is proposed to be converted to 36 self-contained bedsitters / studio apartments. They are bedsitters / studio apartments, not 'apartments', as the bedroom areas are not in separate rooms to the living areas.*

*This form of housing is suitable as:*

- *They will comprise a significant improvement from the current unit type, which largely comprises traditional rooming house rooms with shared communal facilities.*
- *This form of housing is largely preferred over rooming houses by community housing tenants, and is the current standard of DHHS and the community housing sector.*
- *It will assist in managing the social problems that had occurred at the premises (and in the Fitzroy/Grey/Little Grey Streets area) prior to its closure, by reducing and redesigning the amount of common areas (along with improved security features and a change of target group from single males to older single women).*
- *The unit sizes are between 26 - 35 m<sup>2</sup> (net internal area), and are within a considered appropriate size range for community housing bedsitters/studio apartments.*



- *This form of housing running across the full length width of the building is the most efficient way to maintain most of the unit yield, with a loss of only 13 units, while improving resident amenity by providing the larger and self-contained units.*
- *They enable the meeting of a suitable level of housing accessibility standards (Silver Level Liveable Design Standards, Liveable Housing Australia).*
- *While this efficiency does not create a diversity of housing types, this is acceptable for a project that converts a rooming house to self-contained units while minimising the net loss of community housing units.*

#### *Need*

*The refurbished and repurposed community housing is greatly needed. The St Kilda Hill and Fitzroy St area traditionally had a high concentration of private rooming houses, which have mostly closed over the last few decades, with only some of which have been replaced by community housing. Community housing is needed to address the housing affordability crisis that has increased over the last 20 or more years, and provides opportunities for persons at risk of homelessness to gain affordable, secure long-term housing.*

*Single people living in private rental housing cannot afford any properties in Port Phillip, with 81.3% of single people on very low incomes paying 50% of their income in rent, and 21.4% of singles on low incomes paying 50% of their income on rent (with the affordability benchmark being 30%).*

*The target group- older single women- is a target group experiencing one of the fastest increases in poverty:*

- *In 2016 78% of women 75+ living in private rental housing were on very low and low incomes. This is an increase from 2011 when 435 were on very low income and 67% on low income, and is projected to increase by 2026.*
- *The percentage of women 60 - 74 years on low incomes living in private rental in Port Phillip grew 71.7% between 2011 and 2016. This target group were the highest growing part of the population living in private rental housing.*
- *There are double the number of women 75+ than men on very low incomes living in private rental housing in Port Phillip in 2016.*

*Source: City of Port Phillip Housing Needs Assessment and Allocations Framework Report, Beverley Kliger & Associates, March 2019.*

#### *Policy support*

*This proposal is supported by the following Council policy:*

#### *1. Council Plan 2017-27*

- *Strategic direction 1: We embrace difference and people belong*
  - *Strategic outcome 1.2: An increase in affordable housing.*
  - *Strategy: Establishing and facilitating partnerships to support delivery of diverse and innovative new affordable housing projects, and reduce the risk of homelessness.*
  - *4 year priority: Implement In Our Backyard - Growing Affordable Housing in Port Phillip 2015-25 to increase the supply and diversity of affordable housing aligned to priority local needs- low income families, older persons, key workers and single people at greatest risk of homelessness.*

#### *2. In Our Backyard- Growing Affordable Housing in Port Phillip 2015 - 25*



*The strategy supports this project under two Policies:*

- *Policy 4: 'Facilitate PPHA to leverage existing PPHT property assets to deliver an increased supply of community housing'.*
- *Policy 6: Facilitate the delivery of affordable housing projects by others'.*

*Car parking and bicycle storage*

*The earlier community housing property provided no car parking due to the constraints of the site, with the buildings occupying most of the site. The current proposal to retain this arrangement is suitable as:*

- *The same site constraints remain*
- *The property is very well located to public transport (trams 96, 12, 3a, 16 and 67)*
- *The property is very well located to the Fitzroy Street shopping centre, and a range of community services suitable for very low and low income households:*
  - *Sacred Heart Mission in Grey Street (op shop, social meals, individual support programs and care services, such as Journey to Social Inclusion)*
  - *Salvation Army Crisis Centre, Grey St.*

*It is noted that the GTA study, Social Housing Car Parking Demand, 2009, was adopted by Council in 2009 with discretion for car parking rates below the rates provided in the study (for studio/bedsitter units this rate is 0.09), when projects are well located.*

*Due to the lack of car parking and low car ownership levels found with this target group, it is important that secure, under cover bicycle storage be provided, as there appears to be no provision for bicycle storage. Due to internal space constraints, discretion for reduced levels may be required to the requirements of Clause 53.34 of the Port Phillip Planning Scheme.*

*Other*

*The inclusion of lift access is an important improvement to the property.*

#### Planning Officers Response:

It is acknowledged that the absence of car parking would ordinarily require some sustainable transport 'offset' but in this instance, there are three mitigating factors being

- The nature of the accommodation being provided,
- The site would not be for long term accommodation and
- The proposal would utilise an existing building whereby space for secure parking is limited.

Noting the particular constraints of this proposal, it is not considered necessary to provide for dedicated bicycle parking. This conclusion is also noted in the context that the proposed use would be less intense than existing which does not provide any dedicated bicycle parking.

## **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 (378 letters) and directed that the applicant give notice of the proposal by posting one site notice 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 18 objections. The key concerns raised are summarised below:

- Density of the proposed conversion is still too high leading to high turnover of residents.
- Proposed living accommodation considered to be inadequate in terms of size.
- Inadequate bicycle parking facilities proposed within the development.
- Potential noise and anti-social behaviour as a result of the intended use of the premises.
- Noise from residents utilising the proposed semi-enclosed walkways.
- Potential overlooking from the proposed window openings and the proposed walkways despite screening.
- Dwelling mix considered to be inadequate with only bed-sit accommodation provided.
- Lack of a full-time on-site manager operating from the premises.
- Location of the proposed walk-ways abutting the boundary reduces the available scope for landscaping.
- The lack of any car parking facilities within the site.

11.3 A consultation meeting was held on 28 May 2019 and was attended by a Ward Councillor, Council Planning officers, the applicant and 10 objectors. No changes to the proposal or additional information were submitted following that meeting.

11.4 It is not considered that the number of objections raises an issue of significant social effect under Section 60 (1B) of the Planning Environment Act 1987.

## 12. OFFICER'S ASSESSMENT

12.1 The key matters raised in this application are considered to be the impact of the proposed development (the new roofing, window openings, external walkways and new lift) and the internal conversions/alterations of the building on the amenity of adjacent residential properties and the standard of the proposed accommodation.

### Residential Density

12.2 Clause 21.04-1 (Housing and Accommodation) seeks to direct new medium-high density development to the substantial and moderate growth areas, which are locations that have the capacity for change, and offer highest accessibility to public transport, shops and social infrastructure. The site is located within the Fitzroy Street Major Activity Centre and is therefore within a 'Substantial residential growth' area. In this location, the height, scale and massing of new development must generally align to any relevant planning scheme provision for the area, including any Design and Development Overlay or local urban design policy or respect the surrounding built form context. An assessment of the proposal against all relevant local polices and applicable DDO is discussed further in this report. However, given the proposal is a conversion of the existing building which remains at three storeys, the development would be respectful of the existing built form context.



- 12.3 It is additionally noted that Clause 52.22 encourages community care uses and exempts them from requiring planning permission provided that they would be funded and operated by a government department or authority and have no more than 20 occupants. The proposal would not meet these requirements and hence, needs a permit but nonetheless, the overarching 'community care' use is specifically encouraged by the above clause of the Planning Scheme.
- 12.4 In relation to the policy context, the proposal would advance state-wide policies that promote urban consolidation, housing diversity and housing affordability. In addition, in terms of local policy, there is a need for more diverse housing types to meet demographic trends, including an ageing of the population and a trend towards smaller household size. It is considered that the conversion of the existing building to provide more desirable accommodation is an acceptable outcome within this Activity Centre Location.

#### **Proposed scale and built form**

- 12.5 As described above, the proposed development consists of the partial demolition of the existing three storey building, some external development as previously described and internal conversion to create 36 self-contained apartments. Clause 21.05 (Built form) of the Port Phillip Planning Scheme seeks to reinforce key elements of the City's overall urban structure. Specifically, with regard to building heights, objective 7.6 of Clause 21.05-2 (Urban Structure and Character) seeks the following:
- 12.6 Encourage residential development to respect and be consistent with the prevailing streetscape scale:

*In a streetscape with a consistent building scale, the height of any new residential development is the same or no more than one storey higher than the lower of the adjoining dwellings, with a maximum building height of three storeys. The additional storey should be sited and massed so that it does not dominate the streetscape or cause any adverse amenity impacts.*

*In a streetscape with a diverse building scale, the height of any new residential development is generally no more than one storey above the height of the lower adjoining buildings, with a maximum building height of three storeys.*

Little Grey Street serves as an access road to sites which face onto Fitzroy Street to the north and Dalgety Street to the south. The predominant scale of buildings along this street is three storeys with taller built form facing north onto Fitzroy Street. With no change to the overall height of the building, the proposal would maintain the existing scale of development within the vicinity and would be compliant with objective 7.6 of Clause 21.05-2 as outlined above.

#### **Are colours/materials/finishes appropriate?**

- 12.7 The proposed development would retain the existing brickwork to the exterior and would therefore appear mostly unaltered as viewed from Little Grey Street. The development would introduce elements of compressed sheet cladding to the Little Grey Street frontage in the form of full length strip sections. This is considered an appropriate alteration to the frontage that would add an element of contemporary form to the original building. The proposed altered windows would be subject to metal surrounds that would project beyond the main frontage. Again, the contemporary form of the window frames would bring an updated appearance to the building frontage whilst maintaining the original form. The proposed treatments and materials to the Little Grey Street frontage are considered to be acceptable.



12.8 The most notable new material/feature to the north-east elevation would be the 1.7m high powder coated metal fins to the outer faces of the first and second floor external semi-enclosed walkways. This proposed material is considered appropriate and would provide an acceptable contrast between the original building and the proposed additions. The replacement roof would be constructed from metal profile cladding as is the existing. Overall, the proposed colours and material finishes would provide an acceptable appearance.

**Amenity- internal and external assessment (Including Clause 58)**

12.9 The proposed development would satisfy the Clause 58 Standards and objectives with respect to the urban context, residential policy, infrastructure, integration with the street, energy efficiency, safety, landscaping, access, parking location, integrated water and stormwater management, building setback objectives, internal views, noise impacts, building entry and circulation, common property, site services, room depth, windows and natural ventilation. The proposal seeks variation to the following Clause 58 standards. In each instance, it is considered that the social imperative of the specialised use leads to the variations being acceptable.

D3 Dwelling Diversity objective

The development would continue the social housing function of the building and therefore caters for a specific clientele and provides dwelling diversity in and of itself. The proposed accommodation for 55+ aged women would be based on a single person tenancy to each unit. It is understood that the operators of the development (HousingFirst) would not prevent couples or people with children into the proposed accommodation. The provision of bedsit / studio apartments only is therefore considered to be appropriate in this instance.

It is also noted that the development would provide six dwellings located at the extreme ends of the building that provide larger floor areas (30 sq.m. to 35 sq.m.) than the remainder of the dwellings (typically below 30 sq.m.).

D8 Solar access to communal outdoor open space objective

The communal outdoor space for the development would be contained to the north-east side of the site. Some demolition would make way for the communal open space. It is acknowledged that the open space would not receive the requisite two hours of sunlight required by the standard. Again, it is acknowledged that the development would maintain the existing site layout. Given the adjacent existing built form and the existing three storey building at the site, the scope for creating new areas exposed to sunlight is limited.

D17 Accessibility objective

The development would provide entries to each apartment that achieve the required 850mm width required under the standard. It is noted, however, that the width of internal paths in between the entries and bed spaces would be less than the 1.2m required at between 1000mm and 1090mm. The reduction in width would accommodate the internal bathrooms within each unit. It is considered that the provision of adequate bathroom space within the development is an important consideration. As described above, the conversion of the development is restricted by the existing internal walls.



#### D19 Private open space

It is considered that the very specific nature of the use would not require provision of private open space in the conventional way. The current layout does not provide private open space. The communal open space would be easily accessible, be visible from the majority of apartments and would maximise landscape opportunities.

Some concern was raised by objectors in relation to possible use of the access walkways at first and second floor levels as a form of private open space and the potential disruption this may cause being in such close proximity to adjacent residential properties. The external semi-enclosed walkways would serve as means of pedestrian access to individual apartments only and would not serve as private open space. This is an arrangement that would be confirmed in the management plan discussed below.

#### D20 Storage

Standard D20 requires a minimum of 5 cubic metres of storage within studio dwellings including kitchen, bathroom and bedroom storage space with a total of 8 cubic metres for each dwelling. Given the constraints of the existing site layout and building, external storage is not provided. Given the intended use of the premises for the purpose of community housing, this is considered to be acceptable.

#### D23 Waste and recycling objectives

As discussed in the waste management comments in this report above, there are concerns with the proposed layout of the bin storage area. An amended design should be required to satisfy these concerns and to demonstrate compliance with the standard (refer recommended condition 1(a)).

#### D24 Functional layout

It is noted that the proposed bedrooms would not provide the minimum width of 3m with the majority providing approximately 2.42m to the bed spaces. The majority of bedrooms would however provide the minimum depth, with apartments 1-8, 11-18, 21-28 and 31-36 providing minimum depths of 3.2m. Given reliance on the existing internal structure of the building and the intended use of the building for community housing, this is considered acceptable.

As a result of the existing internal layout, the majority of the units would fall short of the required width for living areas under standard D24 (3.3m) providing 3.2m. The length of the individual units would however allow the required living areas to exceed the required 10sqm under standard D24 with the majority of units providing 3.9m to 4m in depth. This is considered to be an acceptable outcome noting the significant improvement over existing conditions.

#### Internal amenity

The proposed self-contained units would vary in size between approximately 26m<sup>2</sup> and 34m<sup>2</sup>. It is acknowledged that these unit sizes are relatively small compared to conventional studio apartments. However, given the intended use of the premises for community housing and the improvement over existing conditions, the unit sizes are considered to be appropriate to the very specific purpose of the accommodation that is

proposed in this instance, as supported by Council's Housing Officer. There are no universally agreed minimal unit sizes for social housing units however the room sizes would exceed the minimum specified under the original DHHS Community Housing Standard (2002) which recommends a minimum of 14m<sup>2</sup>.

Each unit would have food preparation facilities and en-suite bathrooms with space for internal storage, an improvement over existing conditions. Each unit would also have good circulation space and have a reasonable outlook with a good provision of natural light. As described above, the site would also feature a communal outdoor area to the side of the main building with a paved seating area. In the absence of individual areas of private open space, this is considered a good outcome for the development. Overall, the internal and external amenities at the site are considered to be to a good standard.

#### **12.10 Management of the Units:**

The key concern raised by objectors was the potential for anti-social behaviour and general disturbances at the site as a result of the use of the building and the lack of on-site management. The use of balconies for smoking or social gatherings was also a specific concern.

It is acknowledged that the existing premises has been subject to high profile incidents of anti-social behaviour in the recent past. The site would continue to operate without an on-site manager. The absence of an on site manager was raised as a specific concern by several objections.

This issue was considered in a very similar proposal at 28 Wellington Street, supported by Council in November 2018. It was concluded at that time that it was not essential to have an on-site manager provided the premises did not generate excessive disturbances to adjacent residents. It was concluded in that instance that the most effective approach would be the endorsement of an on-site management plan requiring contact arrangements for residents to report incidents should they occur and which outlines preventative strategies for minimising disturbances on the site.

It is proposed to follow the same process here, refer recommended Condition 8 which would require a management plan, which would include, amongst other requirements, the following:

- Establishment of a complaints hotline for adjacent residents.
- Establishment of house rules and a code of conduct.
- No smoking or loitering on balconies.
- Standards for property maintenance, health and cleanliness.
- Measures relating to external occupant noise
- Measures to prevent alcohol consumption in communal areas.
- Security against thefts and break-ins.
- Details of the placement of HousingFirst contact details.

The availability and transparency of a management plan for the premises would allow a dialogue to occur between adjacent residents and the site operators which would assist in minimising incidents of anti-social behaviour. (Refer recommended condition 8)



**12.11 Traffic and Parking**

The existing site does not have any car parking. The proposed refurbishment of the premises would not provide car parking. Before 2012, Clause 52.06 (Car parking) of the Port Phillip Planning Scheme included an individual car parking rate for Residential Buildings. This required a rate of one space to each lodging room. The premises until recently operated with a combination of 30 single rooms, nine double/larger bedrooms and 10 self-contained bed sits. If 'lodging rooms' are taken to be bedrooms, then the site is currently operating with a credit of 49 car spaces.

Clause 52.06 currently requires a rate of one space to each one bedroom dwelling. No car spaces are required for visitors. With a total of 36 studio apartments being proposed, the development generates a requirement for 36 car parking spaces which is 13 fewer than the current parking credit.

Levels of car ownership by residents of the premises is anticipated to be very low. The 2009 'Review of Social Housing Car Parking Demands' prepared by GTA Consultants identifies an average rate of parking by tenants of rooming houses of 1:10.6 (0.09 per unit). It is noted that other studies including a 1999 Port Phillip Housing Association study identified even lower rates than 0.09 (See table extract from the GTA report below).

On 26 October 2009, Council adopted the following rates for Social Housing Units:

Housing Type	Parking rate (car space to each unit or dwelling)
Rooming houses (rooms with shared communal facilities or rooms mixed with bedsits)	0.09
Older persons' units (1-2 bed)	0.25
Singles units (1 bed)	0.19
Family units (2-4 bed)	0.35

and resolved "That Council agrees that the rates above augment the standard parking rates for residential development identified in the broader Sustainable Transport Policy and Parking Rates Study 2007 (Ratio Study)"

The applicant submits that they anticipate the levels of car ownership to be zero. It is considered that the level of car ownership is likely to be more akin to a rooming house, maintaining that of the current use. Using Council's adopted rate of 0.09 spaces per unit, the development would require three spaces. Given the anticipated nature of occupation, the provision of zero car parking at the premises remains appropriate. Importantly, the current proposal would be less intense than the existing one.

With the Principal Public Transport Network, the subject site would be well served by alternative modes of transport. This includes bus routes along the nearby Fitzroy Street (No. 600) and St Kilda road (No. 246) and multiples trams routes along Fitzroy Street (Nos. 3a, 16 and 96). Reliance on use of a car is therefore further reduced as a result of the location.

As a development of less than four storeys, bicycle parking is not required to be provided pursuant to Table 1 of Clause 52.34-5.

#### 12.12 Other matters not previously assessed

##### Privacy/Overlooking:

Whilst not a management issue per se, it is considered that the potential for overlooking from the external walkways to the abutting property to the north-east should be restricted without making the walkways themselves poorly lit. The walkways would be approximately 10m to the closest adjacent windows. Privacy screening is shown (25% transparency by way of metal fins) to the walkways but this would provide inadequate privacy protection.

Ordinarily, privacy screening is provided to prevent downward views into abutting open space areas and ground level windows. In this instance, it is the protection of privacy directly/horizontally across that needs to be protected. Recommended condition 1 (c) would require that the metal fins be aligned so as to prevent overlooking directly across to the adjacent property to the north-east.

The window openings would generally be in the same location as they currently are, but would be slightly larger. They would, however, be behind the metal screening which would maintain adequate privacy.

##### Density of the proposed conversion is still too high leading to high turnover of residents:

The extent or frequency of tenant turnover is not something that can be controlled by the planning process and is not considered linked to the proposal's density which, would be lower than it currently is.

##### Potential noise and anti-social behaviour result of the use and noise from the proposed semi-enclosed walkways:

The matter of minimising external occupant noise is referenced by the Management Plan required by recommended condition 8.

##### Location of the proposed walk-ways abutting the boundary reduces the available scope for landscaping.

This is agreed with, but it is not considered that landscaping beyond that shown on the endorsed plans is necessary.

#### 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 50 on Title Plan 342166F [Parent title Volume 10142 Folio 804].

#### 13. OFFICER DIRECT OR INDIRECT INTEREST

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



**14. OPTIONS**

- 14.6 Approve as recommended
- 14.7 Approve with changed or additional conditions
- 14.8 Refuse - on key issues

**15. CONCLUSION**

- 15.6 It is considered that the proposed refurbishment of the existing building to individual studio apartments is acceptable and would not have an unreasonable impact upon the amenity of adjacent residents subject to appropriate conditions.
- 15.7 Variations to Clause 58 Standards D3 (Dwelling Diversity), D8 (Solar access to communal outdoor space), D17 (Accessibility), D19 (Private open space), D20 (Storage), D23 (Waste) and D24 (Functional layout) are supportable given the existing site constraints and the intended community housing use of the site.
- 15.8 As an internal conversion, the development would maintain an appropriate scale and would integrate comfortably within the existing streetscape. The development would respect the existing neighbourhood character.
- 15.9 With regard to the proposed reduction of car parking requirements, the reduction is considered to be acceptable given the nature of the existing and proposed use of the building. The reduction is justified based on survey data of other sites with similar uses.
- 15.10 It is acknowledged that there are some outstanding matters relating to sustainable design and waste management within the proposed development. It is considered that these matters could be adequately dealt by conditions on any permit granted.
- 15.11 An increase in social housing provision is supported within the municipality.
- 15.12 The proposed development is therefore considered to be acceptable for approval subject to conditions.

**TRIM FILE NO:** P0084/2019  
**ATTACHMENTS**  
1. Objector Map  
2. Advertised Plans