



**6.4** **28 WELLINGTON STREET, ST KILDA**  
**LOCATION/ADDRESS:** 28 WELLINGTON STREET, ST KILDA  
**EXECUTIVE MEMBER:** LILI ROSIC, GENERAL MANAGER, CITY STRATEGY AND SUSTAINABLE DEVELOPMENT  
**PREPARED BY:** MICHAEL MOWBRAY, PLANNER

## 1. PURPOSE

- 1.1 To consider and determine an application for the construction of an extension to an existing rooming house resulting in a three-storey building, internal alterations / reconfiguration to create 28 self-contained rooming house units and a reduction in the car parking requirement (two car parking spaces provided on site).

## 2. EXECUTIVE SUMMARY

<b>WARD:</b>	Albert Park
<b>TRIGGER FOR DETERMINATION BY COMMITTEE:</b>	No. of objections exceeds 15.
<b>APPLICATION NO:</b>	507/2017
<b>APPLICANT:</b>	Urban Edge Consultants
<b>EXISTING USE:</b>	Rooming House
<b>ABUTTING USES:</b>	Residential
<b>ZONING:</b>	General Residential
<b>OVERLAYS:</b>	None
<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 original application sought permission for the construction of an extension to an existing rooming house to create a three-storey building and internal alterations to create 28 self-contained rooming house units and a reduction in the car parking requirements.
- 2.2 Following notice of the application, 18 objections have been received. The objectors are concerned about the increased height and bulk, the potential impact upon residential amenity through overlooking and overshadowing, potential adverse impact of intensification of the existing land use, potential anti-social behaviour at the site, lack of waste storage on site and the impact of the proposed car parking dispensation.



- 2.3 Following the consultation meeting, attended by Ward Councillors, Council planning officers, objectors and applicants, the proposal was modified under Section 57A, pursuant to the Planning and Environment Act 1987. The proposed changes include additional fencing to the front of the site, a designated area for waste storage, reposition of the proposed solar panels, provision of additional bicycle parking on site, a designated area of communal open space, additional screening to habitable room windows and internal reconfigurations which provide a dedicated communal living space at ground level at the front of the building. The plans were informally recirculated to all original objectors but did not result in any objections being withdrawn.
- 2.4 The proposal under consideration still consists of the extension of the existing building to provide an additional storey and internal alterations to provide 28 self-contained social housing units as well as a reduction in the required car parking rate.
- 2.5 The key consideration is the potential impact of the proposed additions upon the adjacent properties and the potential impact upon residential amenity. The management of the site and the appropriateness of the proposed intensification must also be considered.
- 2.6 It is concluded that the existing residential building could be extended without unreasonable adverse impact on the amenity to the adjoining and adjacent properties.
- 2.7 The proposal is recommended for approval, subject to conditions below.

### 3. RECOMMENDATION

#### Part A:

- 3.1 That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Decision to Grant a Permit.
- 3.2 That a Notice of Decision to Grant a Permit be issued for the construction of an extension to an existing rooming house (resulting in a three-storey building), internal alterations / reconfiguration to create 28 self-contained rooming house units and a reduction in the car parking requirement (two car parking spaces provided on site) at 28 Wellington Street, St Kilda.
- 3.3 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) All habitable room window openings at first and second floor levels to the east, west and south facing elevation screened to 1.7m above FFL in accordance with condition 3 of this permit.
- b) Indication of storage space for a minimum of 16 bins to be stored outside of the main building.



- c) Indication of a fixed sign which is visible on Wellington Street displaying contact details of St Kilda Community Housing or any subsequent Registered Housing Provider responsible for the management of the premises.
- d) Details of the connectivity and intended use of Stormwater harvested to the proposed rainwater tanks.
- e) Indication of the operability of all window openings within the building.
- f) A coloured schedule of the materials, colours and finishes to be used on the main external surfaces, including roofs, walls, windows, doors of the proposed additions.
- g) All plant, equipment and domestic services (including air conditioning, heating units, hot water systems, etc.) which are to be located externally.
- h) Any alterations to the plans required by conditions 5 (Landscaping), 8 (Sustainable Design) 11, 15 (Waste Management).

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 windows 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 or batten parts of the screen;
- c) Clearly illustrate how any louvre or batten system may allow horizontal or upward views but will prevent downward views to neighbouring properties;
- d) Show the exact width and thickness of each louvre or batten, the exact spacing between each louvre or batten and a section detail from behind the screen demonstrating that direct views of adjacent private open space are precluded, while allowing outlook horizontally and upward from the balcony and/or window.

## **4. Privacy screens must be installed**

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

## **5. Landscape Plan**

Before the development starts (other than demolition or works to remediate contaminated land), a detailed Landscape Plan must be submitted to, approved by and be to the satisfaction of the Responsible Authority.



When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must incorporate:

- (a) A survey plan, including botanical names, of all existing vegetation/trees to be retained;
  - (b) Buildings and vegetation (including botanical names) on neighbouring properties within 3m of the boundary;
  - (c) Significant trees greater than 1.5m in circumference, 1m above ground;
  - (d) All street trees and/or other trees on Council land;
  - (e) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways;
  - (f) Landscaping and planting within all open space areas of the site;
  - (g) Water sensitive urban design;
- All species selected must be to the satisfaction of the Responsible Authority.

#### **6. Completion of Landscaping**

The landscaping as shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the development and/or the commencement of the use or at such later date as is approved by the Responsible Authority in writing.

#### **7. Landscaping Maintenance**

The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the landscaping plan to the satisfaction of the Responsible Authority.

#### **8. Sustainable Design Assessment**

Before the development starts (other than demolition or works to remediate contaminated land) a Sustainable Design Assessment (SDA) that outlines proposed sustainable design initiatives must be submitted to, 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 submitted SDA must include minimum scores of 50% for the Energy, Water, Indoor and Environmental Quality (IEQ) categories of the BESS assessment.

#### **9. 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.

#### **10. 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.

#### **11. Water Sensitive Urban Design**

Before the development starts (other than demolition or works to remediate contaminated land) a Water Sensitive Urban Design Report that outlines proposed water sensitive urban design initiatives must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The report must demonstrate how the development meets the water quality performance objectives as set out in the Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) or as amended.

When approved, the Report will be endorsed and will then form part of the permit and the project must incorporate the sustainable design initiatives listed.

#### **12. Incorporation of Water Sensitive Urban Design initiatives**

Before the occupation of the development approved under this permit, the project must incorporate the water sensitive urban design initiatives listed in the endorsed Water Sensitive Urban Design Report to the satisfaction of the Responsible Authority, and thereafter maintained to the satisfaction of the Responsible Authority.

#### **13. Maintenance Manual for Water Sensitive Urban Design Initiatives (Stormwater Management)**

Before the development starts (other than demolition or works to remediate contaminated land) a Maintenance Manual for Water Sensitive Urban Design Initiatives must be submitted to and approved by the Responsible Authority.

The manual must set out future operational and maintenance arrangements for all WSUD (stormwater management) measures. The program must include, but is not limited to:

- inspection frequency
- cleanout procedures
- as installed design details/diagrams including a sketch of how the system operates

The WSUD Maintenance Manual may form part of a broader Maintenance Program that covers other aspects of maintenance such as a Builder' User's Guide or a Building Maintenance Guide.

#### **14. 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 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) regarding:
  - (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.

#### **15. Waste Management Plan for Higher Density Residential Development**

Before the development starts (other than demolition or works to remediate contaminated land), a Waste Management Plan based on the City of Port Phillip's Waste Management Plan Guidelines for Developments must be prepared by a Waste Management Engineer or Waste Management Planner to the satisfaction of the Responsible Authority and endorsed as part of this permit. The Plan must include reference to the following:

- Land use type.
- The estimated garbage and recycling volumes for the whole development.
- Bin quantity, size and colour.
- The garbage and recycling equipment to be used.
- Collection frequency.
- The location and space allocated to the garbage and recycling bin storage area and collection point.
- The waste services collection point for vehicles.
- Waste collection provider.
- How tenants will be regularly informed of the waste management arrangements.
- Scaled waste management drawings.
- Signage.

Once submitted and approved, the waste management plan must be carried out to the satisfaction of the Responsible Authority.



#### **16. 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 St Kilda Community Housing Ltd or a subsequent Registered Housing Provider for the purpose of social housing.
- b) The sale 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.

#### **17. Piping and ducting**

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

#### **18. 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.

#### **19. 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).

**Part B:**

That Council Officers initiate discussions with the property owner with regards to the owner's potential purchase of the abutting Council lane.



#### 4. RELEVANT BACKGROUND

The subject site is currently used as a rooming house providing eleven units and shared kitchen, dining and laundry areas. The subject site has operated for this purpose since the 1990's in the ownership of the Department of Human Services. The current tenancy and property management rights are granted to St Kilda Community Housing Limited (SCH) who are a Registered Housing Provider under the Victorian Housing Act.

There are no previous planning applications at the site.

#### 5. PROPOSAL

5.1 Following the consultation meeting, the application was formally amended pursuant to Section 57A of Planning and Environment Act (1987).

5.2 The changes include:

- Solar panels re-positioned to be flush with the proposed roof slope.
- Front ground floor laundry room amended to become a communal lounge.
- Introduction of a new laundry area to the south side of the building at ground floor level.
- Introduction of a new gate and fence between the walk way and the front garden.
- Introduction of a new double vehicle gate half way along the driveway on the west side of the site.
- Indication on plans that the trees to the east side boundary are to be retained.
- Relocation of water tanks to the south-east corner of the subject site.
- Indication of a designated bin storage area for 7 bins also to the south-east corner of the site.
- Bicycle racks which would accommodate eight bicycle parking spaces to the east side of the site.
- Indication of a paved area with seating to serve as a dedicated communal outdoor area to the south side of the site.
- Clarification of screening details to the habitable room windows.

5.3 The assessment in this report relates to the Section 57A plans referred to as drawing nos. PL002 – PL012 (all prepared by De Jong Architects) Council dates stamped 20 July 2018.

5.4 The application under consideration includes the following;

Demolition (No permit trigger for demolition):

- Demolition of the existing roof and removal of existing steel window canopies from the front and side elevations of the building at ground and first floor level.
- Removal of existing sunshade structure from the front of the building and internal reconfiguration including removal of internal walls at ground and first floor level.
- Removal of existing vegetation in the form of bushes from the rear of the building.

New Buildings and Works:

**Ground Level:**

- New laundry area to the rear of the existing building.



- Internal reconfiguration to provide seven self-contained units, each with cooking and bathroom facilities and a separate communal lounge area to the front of the building.
- An altered ground level maintaining the existing front and side setbacks. The proposed laundry area would be setback from the rear boundary by approximately 13m and from the eastern boundary by 2.2m.
- A new outdoor communal area to the rear and retention of the existing communal area to the front of the building.

**First floor level:**

- The first floor extended to a total length of 39.1m maintaining a setback of 7.2m from the rear site boundary.
- The building would have a maximum width of 9.2m with setbacks from the eastern boundary of 2.3m and 3.3m from the western boundary.
- The proposed front setback at first floor level would match the existing ground floor setback of approximately 4.1m.
- The extended first floor level would accommodate eleven self-contained units with room sizes varying between 15.4m<sup>2</sup> and 21.3m<sup>2</sup>.

**Second floor level:**

- The proposed second floor level with a total length of 35.5m.
- The additional level would maintain a setback of 7.7m from the rear boundary with setbacks of 2.3m and 3.3m from the east and west boundaries respectively.
- The proposed front setback would be approximately 7.1m.
- The extended building would feature a hipped roof with a maximum overall height of 10.2m and heights up to the eaves of 8.7m.
- The proposed hipped roof would accommodate a total of 91 solar panels to both side roof slopes and the forward-facing section of the roof.
- Side setbacks would be consistent with the ground and first floor level. The proposed rear setback would increase to 7.7m.
- A total of ten self-contained units would be contained at second floor level. Rooms would vary in size between 12.2m<sup>2</sup> and 18.1m<sup>2</sup>.

**External areas:**

- Provision of bicycle parking spaces adjacent to the front entrance of the building and additional bike spaces to the rear of the building.
- A designated communal area to the rear of the site with a paved seating area and landscape features.
- A designated area for two car parking spaces underneath the rear section of the first-floor level. Parking would be accessible from the existing driveway which would have a vehicle gate to a height of 1.5m.
- 2 x 2500 litre rain water tanks located to the south-east corner of the subject site.
- A bin enclosure with space for seven bins provided to the eastern boundary adjacent to the proposed rain water tanks.
- A 1.5m high timber clad fence located between the existing front wall and the front elevation providing enclosure of the front garden area.

**External material finishes**

- The proposed development would maintain the existing beige and red brickwork which characterises the existing building including the front wall.



- The development would feature new brickwork which is consistent with the existing brickwork to the first and second floor side elevations and front façade.
- The side and front elevations would also feature metal cladding which continues for the proposed roof finish.

**Land Use**

- The land has been used as a rooming house since November 2004 and would continue to provide housing to people of low income. The aim of the development is to provide secure housing for socially marginalised people to provide them with opportunities to find employment. Residents would accommodate the individual bedsitter units but would have constant access as required to the housing provider, St Kilda Community Housing (SCH). SCH has the following applicable housing objectives:
  - Providing medium and long term single room accommodation to people disadvantaged by market forces in the inner city; and
  - Providing collaborative housing and support programs in association with health and welfare agencies.

**6. SUBJECT SITE AND SURROUNDS**

Description of Site and Surrounds	
Site Area	Approximately 687sqm
Existing building & site conditions	<p>The subject site is located on the south side of Wellington Street, St Kilda in between St Kilda Road to the west and the intersection with Queensway / Dandenong Road to the east. The site has a frontage to Spring Street East of 13.6m and a site depth of 45m. The rear boundary is 14.8m in width. The western boundary is irregular in shape to accommodate the driveway.</p> <p>The site is accessed off Wellington Street via an existing driveway from the lane which runs along the west side of the site.</p> <p>The site contains an existing part single part double storey building which accommodates rooming house units also managed by SCH. The building features a double storey frontage with a front setback of 4.2m. The building is single-storey to the rear and is positioned with a setback of 14m from the rear boundary. Side setbacks are between 1.8m from the east side boundary and approximately 4.2m from the western boundary.</p> <p>The existing building appears of 1980/90s era construction and features a brickwork finish in a combination of beige and red.</p>



	<p>There is an existing front boundary wall which reaches a height of approximately 2.2m which is also constructed in the red/beige brickwork finish. The main building features steelwork shades to a number of the window openings and a hipped roof with a tile finish.</p> <p>There is some existing landscaping within the front setback in the form of medium height bushes to the rear elevation of the existing building.</p> <p>The rear setback accommodates some temporary structures including a storage unit. There is also space for car parking however no dedicated area is indicated.</p>
<p>Surrounds/neighbourhood character</p>	<p>The subject site is located within the General Residential Zone but borders the Commercial 1 Zone immediately to the west. As a result, the surrounding area is a combination of residential and commercial buildings. The era of existing buildings is varied with some original Victorian buildings located along the east side of Wellington Street and an increasing number of contemporary buildings towards the western end of Wellington Street towards St Kilda Road. The predominant scale of buildings is also varied with examples of single storey dwellings and 6-7 storey mixed use buildings all evident within the vicinity. Wellington Street is approximately 13m in width and features on street parallel parking on both sides. On street car parking is restricted generally to one hour parking on both sides of Wellington Street.</p> <p>26 Wellington Street is located to the west of the site. The site is occupied by an existing three storey apartment building. The building is contemporary in style and features concrete precast panels, metal cladding and brickwork to the elevations and a flat roof. The building incorporates a side setback from the subject site boundary and is partially constructed to the western boundary. There are also balconies located throughout the building, notably to the front elevation and the adjacent elevation to the subject site. The site features a rear setback which provides private open space to residents of the building. The site also features vehicle basement parking which is accessed off Wellington Street.</p> <p>30 Wellington Street is located to the east side of the street. The site is occupied by a three-storey apartment building which appears of 1960/70s era construction. The building is constructed with a cream painted facing brickwork finish.</p>



	<p>The west facing elevation of the building is separated from the subject site by a concrete driveway which provides vehicle access off Wellington Street and to the existing car parking area to the rear of the site. The site also features a white painted front boundary brick wall and a designated pedestrian access from the east side of the site frontage.</p> <p>To the south side of the site is a small residential estate referred to as Octavia Court. The estate is characterised by double storey adjoining townhouses each of which feature off street car parking. Nos 13 and 14 Octavia Court are located immediately to the south side of the subject site. Both dwellings are double storey and feature private open space to the north adjacent to the subject site.</p> <p>Opposite the subject site on the other side of Wellington Street is 23-37 Wellington Street which is a double storey contemporary office building. The building is constructed in pre-cast concrete and features large glass expanses to the façade. There is also some low-level landscaping with the front setback.</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 32.08 General Residential Zone Schedule 10	<p>A permit is required for the construction and extension of two or more dwellings on a lot pursuant to Clause 32.08-6.</p> <p>The subject site has a maximum building height requirement of three storeys and 11m. The development would not exceed these limits.</p> <p>For a site in excess of 650sqm, a minimum of 35% is required to be set aside for garden space. This would be achieved within the development.</p> <p>A development must meet the requirements of Clause 55.</p>
Clause 52.06 Car Parking	<p>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.</p>



## 8. RELEVANT AMENDMENTS

- 8.1 Amendment C122 was gazetted on 18 October 2018. The amendment introduces new planning controls to support *the St Kilda Road Urban Design and Land Use Framework 2015* which is now an incorporated a reference document incorporated into the Planning Scheme and applies to properties on the east side of St Kilda Road from the junction to Inkerman Street, properties on the west side of St Kilda Road between the junction and Carlisle Street and all of Wellington Street.
- 8.2 The impact on the subject site is that the land is now included in General Residential Zone Schedule 10 which applies to the Wellington Street Neighbourhood area.
- 8.3 The neighbourhood character objectives are:
- To reinforce the established two and three storey scale generally west of Upton Road, allowing for new infill development on larger sites consistent with the established neighbourhood character.
  - To ensure new development maintains the established street rhythm of space between buildings and landscaping in the frontage setback and
  - To ensure development makes a positive contribution to the creation of Wellington Street as a landscaped (green) pedestrian link.
- 8.4 The Urban Design and Land Use Framework identifies the site as suitable for three storey development (10m) with a residential frontage and landscaped setback.
- 8.5 The proposal would not offend any of the neighbourhood character objectives.
- 8.6 The proposal does not conflict with the objectives and guidelines of the Urban Design and Land Use Framework and there are no other new specific planning controls over development introduced into the Planning Scheme which affect the subject site.
- 8.7 Amendment VC152 was also gazetted on 26 October 2018. It introduces 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: means a building in which there is one or more rooms available for occupancy on the payment of rent in which the total number of people who may occupy these rooms is not less than four or in respect of which a declaration (by the Minister) is in force.

- 8.8 VC152 also introduces a car parking rate for rooming house being a maximum of one space per 4 bedrooms.

## 9. PLANNING SCHEME PROVISIONS

### State Planning Policy Frameworks (SPPF)

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

Clause 11: Settlement, including:



Clause 11.01-1R1: Settlement - Metropolitan Melbourne

Clause 11.02: Managing Growth

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 19: Infrastructure including:

Clause 19.01-1S: Energy supply

Clause 19.01-2S: Renewable energy

Clause 19.01-2R: Renewable energy - Metropolitan Melbourne

Clause 19.03: Development Infrastructure

Clause 19.03-4S: Stormwater

Clause 19.03-6S: Waste and resource recovery

## 9.2 Local Planning Policy Framework (LPPF)

The following local planning policies are relevant to this application:

The following State Planning Policies are relevant to this application:

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

### 9.3 Other relevant provisions

- Clause 52.06 Car Parking
- Clause 55 Construction of two or more dwellings on a lot.
- Clause 65 Decision Guidelines

## 10. REFERRALS

### 10.1 Internal referrals

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

#### **Urban Design Officer:**

The following comments were made about the originally submitted plans before formal amendment:

#### ***Built Form & Materiality***

- *The building maintains its current setback and pitched two-storey roof form to the frontage with the additional level added behind this. The use of cream brick is continued with the first floor simplified to a squarer form behind the pitch on the front and the new second floor added in a contrasting dark metal cladding, itself with a pitch (in response to ResCode side setback requirements). This takes the overall height to three-storeys which is consistent with the development on both adjacent sites. This built form outcome is supported.*
- *The pitched top to the additional level does serve to minimise its bulk when viewed from the street, but this pitch isn't strictly necessary given the building's setback from the street and the adjacent height and siting of developments. It also requires the proposed solar panels to be fitted on metal scaffolding that adds visual clutter to the roof, and requires lower headroom to the top-level apartments, which isn't really a great outcome. Urban design would support the top level being 'squared-up' if this was supported by the statutory planner.*
- *The proposed palette of materials (brick and metal cladding) responds appropriately to the existing streetscape and is supported.*

#### ***Public Realm, Ground floor & Landscaping***

- *The replacement of the existing ground floor communal kitchen, dining and living spaces (as well as shared toilet and bath facilities) with individual kitchenettes and bathrooms to each of the new dwellings will dramatically improve the safety, security, amenity and wellbeing of residents of the redeveloped facility. This is fully supported.*



- *However, the replacement of the living space in the ground floor frontage with a laundry room is not supportable. This reduces the usability of the frontage for communal activities and reduces surveillance opportunities of the street. A small communal lounge must be provided that opens up onto the front garden.*
- *Front garden – a design is required for the front garden that provides for some sort of communal activities to occur within the space. Activating the space (along with changes to the fence outlined below) will enhance the safety of the street by enhancing passive surveillance from the redeveloped site.*
- *Front fence – the existing high brick fence blocks views of the street and reduces perceptions of safety for passers-by. This is an issue likely compounded by the architecture, which typifies social/government housing of its era and has negative connotations for some. The front fence must be lowered in height (to the change in brick colour from red to cream) with only an open picket style fence provided above. The landscaping currently provided behind the fence line is permitted to remain as it will provide a degree of privacy for future users of the communal open space behind, while allowing views out onto the street, providing passive surveillance.*
- *Part of the existing driveway is a Council lane as a result of the historical subdivision of original properties and shared side access to rear carports or the like. The ambiguous nature of the ownership and resulting maintenance and safety issues of the driveway would be best mitigated by providing a gate across the driveway in the alignment of the current front fence. This would require either a sale or lease of Council's laneway to the applicant. Council should facilitate the discontinuance and disposal of this laneway with the applicant as this will significantly reduce future operational requests from Council for issues of rubbish and anti-social behaviour.*
- *Rear yard – An indication of what will happen in the space is required. It mustn't be allowed to become a parking lot by default. Perhaps a communal BBQ area or vegetable garden might be a nice idea in this space.*
- *Side access – landscaping is shown along the driveway, down the side of the property, as per the existing condition. New or existing trees are unlikely to fit in the proposed configuration of roadway, kerb and overhanging building. Can any new space or additional landscaping be provided along the western edge of the driveway?*
- *Rooms 1-4 could be provided with small private side yards for their personal use, if the gardening of private spaces was allowed by the applicant/Housing Association. It is understood that this could be a management issue so the landscaping and maintenance of the side strip of landscaping can be left as communal/body corporate if desired.*

#### **RECOMMENDATION**

Urban Design generally supports the proposal with the following conditions:

- *Provision of a truly communal and activated use in the ground floor front room that will allow residents to make use of the front yard.*
- *Changes to the existing front fence to provide a lower and/or more highly permeable fence that provides a greater activation of the street.*



- *That the applicant comes to an arrangement with Council (sale or lease) for the short section of laneway to enable it to be fenced and managed as part of the complex to remove existing issues of anti-social behaviour.*
- *Urban Design would also support the provision of private side courtyards to Units 1-4.*
- *Urban Design would also support a simplification of the upper level roof form to more easily accommodate the rooftop solar panels and remove head height limitations from upper level apartments.*

Planning Officer's Response:

In response to the Council's Urban Design Advisor, the applicant has formally amended the plans to provide a communal lounge at the front of the building replacing what was previously to be a laundry room. The front yard area would now provide communal open space for residents.

Concerns with the existing front fence are noted. Whilst it could be desirable to replace it, there is no proposal to remove or alter it, therefore there is no planning power to require a new fence. It is also considered that the front fence serves to enclose the intended use of the front yard for communal open space which is an arrangement likely to be supported by local residents. It retention is therefore supported.

The applicant has been in discussion with Council regarding the sale of the abutting Council laneway. Council's Property Department has indicated in principle support for the sale which solely provides access to the subject site, and it is acknowledged the sale of the land would allow easier management of the site as a whole. It is acknowledged that the sale of the land between Council and the owner of the subject site is desirable, but is a process that sits outside the Planning and Environment Act 1987. Part B of the recommendation is that the appropriate Council officers be requested to commence discussions with the owner of the subject land with regards to the potential sale of the lane for incorporation into the subject site.

With regard to the formation of private courtyards to units 1-4 on the east side of the building, it is noted that this would likely lead to the loss of existing trees along the eastern boundary which are to be retained. It is considered that management of the remainder of open space on the land as communal open space is a more appropriate response to the social housing model. The loss of the existing trees along the eastern boundary is not considered a favourable outcome and would be detrimental to the landscape response at the site.

The proposed roof form is considered to be acceptable and is consistent with the existing building. It is noted however that the S57A amendment has repositioned the proposed solar panels to sit flat against the roof slope.

**Council's Transport Safety Engineer**

**1. Car park and accessway**

- *No modification or changes to existing driveway access.*

**2. Vehicle crossover**

- *No Changes proposed to existing vehicle crossover.*



### **3. Parking Overlay and Parking Provisions**

- *Note that the assessment for the appropriate rate for car parking provision lies with Statutory Planning. Reference should be made to CoPP's Sustainable Parking Policy. We also suggest comparing previous approved parking provision rates of adjacent developments as part of the Planning team's assessment / determination.*

### **4. Bicycles**

- *Four bicycle parking spaces are proposed on the ground level. This exceeds the requirements set out in Clause 52.34 and is considered acceptable.*
- *Given the parking waiver being sought and to promote the use of sustainable transport, it is considered appropriate to provide bike parking spaces on the site to the satisfaction of the Responsible Authority. The bike parking will need to be convenient and fully accessible and meet the design guidelines of Planning Scheme 52.34 or other bicycle parking design guidelines.*

### **5. On Street Parking:**

- *The existing on-street parking is a mixture of 1/4P and 1pm (8am–6pm Monday-Saturday) parking generally high turnover and Permit Zone.*
- *Residents/visitors/staff of the development will not be eligible for resident parking permits and will need to abide by on-street parking restrictions*

### **6. Traffic generation**

- *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 10 vehicle movements a day and 2 vehicle movements during the peak hours.*
- *Overall the expected traffic generation of the proposed development are expected to have negligible impacts on surrounding local street and intersections.*

### **7. Other items**

- *Future residents/visitors will not be eligible for residential parking permits.*
- *The Waste Management Plan (WMP) will need to be referred to Council's Waste Management department for assessment.*
- *All redundant crossovers must be reinstated to Council satisfaction.*
- *All proposed crossovers must be installed to Council satisfaction.*
- *Any costs associated with changes to on-street parking signage and/or line marking is to be covered wholly by the applicant.*



Planning Officers Response:

A formal assessment of the appropriateness of the proposed car parking reduction is at section 9.7. The continued use of the premises as a Rooming house has a designated car parking requirement of 1 space to each four bedrooms under clause 52.06. It is acknowledged that residents/visitors would not be eligible for resident car parking permits.

With regard to bicycle parking, it is noted that the S57A amendment includes additional bicycle car parking spaces taking the total provision to 12. The proposed bicycle parking is considered to be appropriate, convenient and fully accessible. This is discussed in greater detail in section 9.7.

The application has also been referred to Councils Waste Management team for comment.

**Environmentally Sustainable Design**

*In the context of this design and application I am satisfied it meets councils expectations for environmentally sustainable design & water sensitive urban design. In its entirety, the report can be endorsed as part of the permit, with this being conditional on the following:*

- **BESS Assessment** – *Given a number of the BESS categories need to be updated it is important to note that the project still needs to meet the minimum 50% overall score and minimums in Energy (50%), Water (50%), IEQ (50%) and Stormwater (100%) categories in BESS. In areas falling short of the aforementioned targets adjustments will need to be made to demonstrate that the project meets the BESS minimums.*
- **Natural ventilation** – *Unclear on plans whether windows to the stairs are openable to allow for natural ventilation through the stairs and corridors.*
- **Water 3.1 Water Efficient Landscaping** – *Include a commitment to water efficient landscaping on plans and report. Otherwise amend BESS assessment to NO.*

**Stormwater** – Provide a site layout plan which clearly indicates all impermeable exposed areas on site and the area.

- all impermeable areas clearly marked with the area shown for each
- note the water treatment area for each catchment area
- clearly identify each area as per the rating report (such as a STORM rating)
- additional notes on plans indicating rainwater tank connection to toilets & irrigation taps
- provide detail showing how all roofs can effectively drain into the proposed tanks.



**Maintenance manuals** - Provide a maintenance manual for the stormwater management strategy. These must set out future operational and maintenance arrangements for all measures. The program must include, but is not limited to:

- inspection frequency
- cleanout procedures
- as installed design details/diagrams including a sketch of how the system operates
- it may form part of a broader maintenance program that covers other aspects of maintenance such as a builder' user's guide or a building maintenance guide.

**Waste 2.2 Operational Waste – Convenience of recycling** – Current plans show existing bin space being maintained. With the increase in the number of beds, it is unclear whether this is sufficient space allocation for general waste and co-mingled recycling bins.

Planning Officers Response:

To satisfy the requirements relating to the BESS assessment, an amended BESS assessment should be required by condition on any approval granted (refer recommended condition 8). The amended BESS assessment would be required to demonstrate the minimum targets required for all identified areas above.

Amended plans should be required by condition on any approval granted to demonstrate operability of all windows including the stair wells and any communal areas which demonstrate adequate cross-ventilation within the development (refer recommended condition 1 e).

It is noted that the submitted stormwater treatment measures are largely insufficient.

An amended water sensitive urban design (WSUD) response should be required by condition on any approval granted, which would require details of all impermeable surfaces, catchment areas, all measures included on the STORM Rating report and all details of connectivity to proposed rainwater tanks (refer recommended condition 11).

In addition to this, a maintenance manual should be required by condition of any approval granted (refer to recommended conditions 11, 12 and 13).

Refer to below for comments on waste and bin storage. It is noted however that a waste management could be required by condition which would require details of recycling facilities on site (refer recommended condition 15).

**Council Housing Development Officer:**

**1. Policy position**

*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*

- **Policy 6:** *Facilitate others to deliver affordable housing in Port Phillip, through Council providing assistance and guidance.*

### 2. **Project location**

*The location of the proposed project is within 120 metres walk from a number of fixed rail (tram) routes:*

- *Trams 5 & 64 (Dandenong Rd)*
- *Trams 3, 3a, 16, 67 & 79 along St Kilda Rd and Carlisle St.*
- *Trams 16 & 96 along Fitzroy St*

*The site is also 750 - 1,000 metres from the following social services targeting singles at greatest risk of homelessness:*

- *Salvation Army Crisis Centre, Grey Street.*
- *Sacred heart Mission, Grey St (including its op shop, social means, rooming and women's housing, individual support programs and care services such as Journey to Social Inclusion, and aged care).*

*The location is approximately 750 m from the Fitzroy Street shopping centre and approximately 750 m from the Chapel Street, Prahran shopping centre.*

*As a result, the proposed project is very well located to a range of community services and infrastructure that will service the needs of low to moderate income households.*

### 3. **Affordable housing demand**

*There is a high demand for affordable housing in Port Phillip due to the broadening and deepening of the housing affordability problem:*

- *Less than 1% of private rental housing is affordable to low income households.*
- *Rental housing is unaffordable to households up to the lower 60-70% of the income range.*
- *Rental stress impacts 6,261 households in Port Phillip (2013).*
- *The traditional form of private affordable housing has largely disappeared over the last 10-20 years with the closure of private rooming houses and the subdivision of private rental flats for home ownership or investment flats.*

*Source: In Our Backyard- Growing Affordable Housing in Port Phillip 2015-25 (p 16).*



*The need for community housing generally:*

*In general, there is very significant need in Port Phillip for increased community housing as a perpetual form of affordable housing. This need is created by the gentrification process. Gentrification occurs when higher income earners and investment dollars flow into the local housing market, driving up prices and rents and creating an affordability problem for existing and future low to moderate income residents.*

*All units are self-contained bedsitter units targeting singles at greatest risk of homelessness. This is a priority housing needs group in the In Our Backyard strategy.*

*The experience of community housing organisations is that a majority of tenants of community rooming houses prefer to live in self-contained accommodation. These tenants primarily comprise singles under 55 years and secondarily singles over 55 years. Converting rooming house rooms with shared communal facilities into self-contained bedsitters will meet this demand.*

*There is a high demand for affordable housing for single persons.*

**4. Unit sizes**

*The proposal provides self-contained bedsitters of various sizes between 12.17 m<sup>2</sup> and 21.32 m<sup>2</sup>. The average size is 17.48 m<sup>2</sup>.*

*There are no universally agreed standards for sizes (net internal areas) of self-contained community housing units, including bedsitter units/studio apartments. There are a number of standards/guidelines used by various organisations, including:*

- *Standards/guidelines used by some individual community housing organisations - eg. one organization specifies at least 25 m<sup>2</sup>.*
- *Original DHHS Community Housing Standards (2002) - specifies minimum 14 m<sup>2</sup>.*
- *CoPP submission to the Better Apartments Discussion Paper (July 2015) - specifies 37 m<sup>2</sup>.*

*It is noted that the Better Apartments Design Standards, and Better Apartment Design Guidelines did not specify minimum unit sizes.*

*There are a range of considerations about the adequacy of the 17.48 m<sup>2</sup> average unit size, such as degree of improved amenity proposed, and project viability and building/site constraints. In the case of 28 Wellington St, the constraints are that it is an existing building being extended, with the extent of new construction is limited to the rear of the building and additional level.*

*While the average unit size is lower than some of the standards/guidelines, it is acceptable given the existing building/site constraints and that the proposal will result in:*



- a significant level of improved amenity for the tenants of the premises compared with the current rooming house
- an ongoing and increased supply of affordable housing for low income singles.

Consequently, the proposed dwelling sizes are supported due to the social benefit of the proposal.

The existing housing does not provide private open space via balconies. The proposal provides modest sized balconies. These are not fully dimensioned on the plans, but appear to be on average 3 metres long and either 625 or 720 mm wide. This would provide balconies of only 1.875 - 2.16 m<sup>2</sup> in area.

This is significantly less than the generally agreed standard of 8 m<sup>2</sup> private balconies (with a minimum width of 1.8 - 2 m) for self-contained bedsitter or one bedroom units. While it would be preferable that balconies be larger, as the project significantly improves residential amenity and introduces balconies to a building that is being extended, it is considered acceptable that the balconies are undersized.

#### **5. Car parking and bicycle storage**

The property is reasonably located to a range of community services and infrastructure or its tenants can access other services by use of public transport.

The proposal can be assessed under two policies:

1. Adopted Sustainable Transport Policy and Parking Rates based on the Ratio Consultants study 2007. This allows reduced parking to be allowed based on proximity to services such as activity centres, supermarkets and public transport.
2. Social Housing Car Parking Demand Oct 2009 GTA Consultants study, amended Nov 2011) that was adopted October 2009. While 8 years old, the relevance of this study remains as car ownership levels for the target group would not have changed.

The latter (GTA) study is the most relevant to this proposal. This indicates that:

- The average level of car ownership in community rooming houses in the inner urban region is 0.09 cars / unit or a ratio of 1 car to 10.6 units. Rooming houses are defined as traditional rooming houses or rooming houses mixed with bedsitters. However, while the proposal targets similar household types (singles at greatest risk of homelessness), it provides self-contained singles units. At a rate of 0.09 cars/unit, this would equate to 2.7 car spaces.
- The average level of car ownership for community 1 bedroom units is 0.19 cars / unit or a ratio of 1 car to every 5.2 units. At a rate of 0.19 cars/unit, this would equate to 5.7 car spaces.

Given the above opinions, the proposal under the GTA rates falls between a rooming house and one bedroom units. However, the level of car ownership is likely to be similar to that of a rooming house.



*The GTA study was adopted by Council to guide reduced levels of social housing car parking. This resolution also allowed for discretion to reduce car parking provided to lower levels, e.g. for well-located projects.*

*The proposal will provide no car parking but should be justified as:*

- *It is well located to public transport (trams) which provides links to shops and community services. Council policy is to allow discretion for reducing car parking rates below the specified rates for well-located social housing projects.*
- *The site is constrained and does not allow additional car parking without reducing communal landscaped open space at the rear. It is considered that communal open space has a greater social benefit compared with increasing car parking levels (as well as a greater environmental benefit).*

*The provision of bicycle storage is important so that bicycles can be used as an alternative to cars and public transport. This is because tenants of community housing, especially rooming houses, often have a high usage of bicycles as a mode of transport to reduce the cost of public transport as a component of the cost of living.*

*Table 1 to Clause 52.34 of the Port Phillip Planning Scheme, for 'Residential building other than specified in this table', requires:*

- *one bicycle storage space for every 10 lodging rooms (noting this proposal is neither a lodging room ie. rooming house), although targets a similar resident type/income, ie. 3 bicycle spaces; or*
- *1 space for every 5 dwellings in buildings of 4 stories or more, ie. 6 bicycle spaces.*

*It is recommended that a higher level of bicycle storage should be required than that specified in clause 52.34, eg. doubling the number of spaces to say 8. (Note that bicycle parking provision has since been increased to 12 spaces by way of amended plans).*

*This is based on anecdotal information on the experience of other community housing projects. A sample of three projects managed by Port Phillip Housing Association is provided below.*

*The new Kyme Place rooming house developed by Port Phillip Housing Association (PPHA) in Port Melbourne, completed in 2012, provides 8 spaces for 27 bedsitter units or 1 space per 3.4 tenants.*

*Further, the Housing Services Manager with Port Phillip Housing Association (PPHA) had indicated the following experience in bicycle utilisation:*

- *'Kyme Place, 121 Liardet Street, Port Melbourne. This is a newly constructed rooming house. All 8 spaces are well utilised.*



- *'Woodstock', 28 Woodstock Street, Balaclava. The 10 spaces are well used by this rooming house comprising 15 rooming house rooms and 15 bedsitter units and are insufficient to meet demand from the 30 tenants. PPHA is considering adding another 8-10 spaces via a hanging system. This would result in a rate of 0.66 bicycle spaces (66% of dwellings with a bicycle space).*
- *'John Cribbes House', 3 Albion Street, Balaclava. PPHA is looking to increase the number of bicycle storage spaces to 20 for a 42 units mixed rooming house and bedsitter property as existing storage is inadequate and tenants are resorting to securing bicycles to stair balustrades. This new level of storage would result in there being a rate of nearly 0.48 bicycle spaces (47.6 %), or nearly 50% of dwellings with a bicycle space.*

*Generally, this indicates that bicycle usage in rooming houses is very high with at least 50% of tenants having and using bicycles. For this proposal of 30 units, this means a potential need for up to 15 bicycle storage spaces. On this basis, doubling the number of proposed spaces to 8 is reasonable.*

*Bicycle storage should be secure and weather protected, not open to the weather if they are to be utilised by tenants.*

## **6. Status of units as perpetual social housing**

*In response to the question (email of 4 December 2017) about the ability to sell the units for private housing, given that car parking rates are reduced, the following is provided:*

- *Social housing typically is not sold as its purpose is for the long-term supply of affordable housing.*
- *The property is owned by the State Government and managed by a registered community Housing Provider under the Housing Act. If DHHS ever seeks to sell in the future, this can be mitigated by advocacy from the management organisation, in contrast to public housing that is owned and managed by the State Government.*
- *The conversion and extension of the building will result in it remaining a viable use for the next few decades. If the standards change in the future, requiring further redevelopment, the demand for social housing is likely to increase, and mitigate any reason to sell the property.*

## **7. Conclusion**

*While the average size of the bedsitters is a little smaller than they could be, balcony sizes are small and bicycle storage rates can be doubled, the proposed conversion and extension of this rooming house will improve the amenity for residents of this property, and address the high level of demand for affordable housing by singles in Port.*

*In general, the proposed rooming house upgrade is strongly supported.*



Planning Officers Response:

The above comments reaffirm Council's strategic support for the provision of additional rooming house units within the municipality.

With regard to the balconies, it is noted that this was originally an error made by the comments. It has since been clarified with Council's Housing Officer that there are no private balconies within the development. The following comments were provided by the Housing Officer in response to this:

*With reference to the applicant's justification for communal open space in-lieu of private open space, I support this argument in relation to rooming houses, even where converted to self-contained units but targeting the same type of residents. It will be beneficial for residents, some of whom may be socially isolated, to use communal open space (internal and external) rather than small, private balconies. This approach is typical for similar types of projects for this target group.*

It is also noted that the provision of bicycle parking spaces is increased to 12 in the amended plans.

**Waste Management**

*As a minimum they will need space for 16 bins based on a rough estimate of 80L (two bedroom apartments) x 28. So 7 will not be adequate at all, unless they were opting to use private services. Council would not provide twice a week collection for 28 units. For a development of this size, I would discourage twice a week collection to assist traffic amenity.*

*As well, there needs to be space on site as a hard waste collection point which is currently not provided in this bin room.*

*A waste management plan will be required.*

Planning Officers Comments

The inadequate number of bins proposed on site is acknowledged. It is considered that there is adequate space on site to provide storage for 16 bins. A waste management plan should be required providing details of collection arrangements and recycling facilities on site (refer to recommended condition 15).

**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 (28 letters) and directed that the applicant give notice of the proposal by posting two site notices 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 (officer comment will follow in italics where the concern will not be addressed in Section 9):



- Non-compliance with ResCode Standards particularly B28 & B29 (Private open space and solar access to private open space), B30 (Storage), B41 (Accessibility objective), B43 (Private open space above ground floor).

*A full ResCode Assessment is contained in the appendix section of this report. Areas of non-compliance with all applicable standards is discussed in the assessment section of this report (section 9.5 and 9.6). As an extension of a residential building, standards B41 and B42 and all Clauses between 55.07-1 and 55.07-15 are not applicable to the proposal.*

- Overlooking and overshadowing of adjacent properties.

*Refer ResCode assessment at Sections 9.5 and 9.6 of this report.*

- General disturbance as a result of the intensification of the existing use.

*The increase in units is not opposed to on strategic grounds. As discussed in section 9.2 of the assessment below, the subject site can support an increase to the proposed density. It is also noted that the proposed development would not exceed the mandatory height limit for the site. The increase to the provision of units at the site is not considered to be excessive. The adoption of an on-site management plan would minimise incidents of disturbance at the site. This is discussed in greater detail in the assessment section of this report (refer to Section 9 below).*

- Lack of provision of on-site management.

*It is acknowledged that the development would not facilitate a permanent on-site manager. It is noted that this is not a universal feature of social housing sites. Alternatives to an on-site management presence include a management plan which includes procedures for recording and acting upon any reported incidents, relationship of the management company and the police and procedures in case of incidents and details of how adjacent residents can contact the management company. This could be required by condition on any approval granted (refer to recommended condition 14).*

- Lack of security gate to the front of the site.

*The existing front wall would be retained which creates separation between the site and Wellington Street. In addition to this, the S57A plans indicate new fencing/gates to the section of driveway within the title boundary and between the front wall and the building frontage. At just 1.5m in height, the additional fence/gates cannot be considered as security fencing. However the fence/gates would provide separation between the subject site and the street and would therefore discourage non-residents from entering the site. It is also acknowledged that the west boundary adjacent to the existing driveway would remain partially open. This is considered acceptable as a tall concrete wall exists along the boundary to 26 Wellington Street. It is considered that the separation between the two sites is acceptable and additional fencing beyond what is currently proposed is unnecessary.*



- No provision for waste storage for the increased number of tenants at the premises.

*The submitted S57A plans indicate a designated area for waste storage located to the rear of the site within an enclosure. Comments with regard to the adequacy of this space to serve the building are contained in Council's waste management officer's referral comments above. It is acknowledged that additional storage facilities and a waste management plan should be required by condition on any approval granted (refer recommended condition 15).*

- Lack of information on plans regarding air-conditioning units.

*The provision of air-conditioning units or other domestic services does not require a planning permit. Despite this, a condition could be placed on the permit which requires details of services to be indicated on the plans. It should be ensured that all domestic services are concealed from view and located in positions which would cause minimal disturbance to adjacent properties (refer recommended condition 19).*

- The proposed car parking dispensation is unacceptable and the proposed car parking provision is inadequate.

*The proposed car parking provision and dispensation is discussed in the assessment section of this report (section 9.7).*

- Proposed provision of bicycle parking is inadequate.

*The submitted S57A plans indicated additional bicycle parking spaces to the rear of the building. The adequacy of the proposed bicycle parking is discussed in the assessment below (section 9.7)*

- Lack of proposed landscaping as part of the development. Also, clarification of the treatment of existing trees is required.

*It is considered the landscaping to be retained and proposed is acceptable. A landscape plan should be required by condition on any approval granted (refer recommended condition 5).*

- Visual appearance of the proposed solar panels.

*The S57A plans indicate the proposed solar panels to now be positioned flat against the roof. This is considered a much improved visual outcome which allows the proposed roof form to be identifiable.*

- 11.3 A consultation meeting was held on 14 March 2017 and was attended by a Ward Councillor, Council Planning officers, 10 (ten) objectors and the applicant. It resulted in the submission of revised plans under S57A. The changes are described above and are assessed in section 9 of the report below.
- 11.4 A significant issue raised by residents in the consultation meeting was the potential for residents to own a car and how this could be prevented. Also, the potential for the units to be sold as private units in the future, thus increasing the rate of car ownership at the site.



- 11.5 The anticipated low level of car ownership for the residents of the building is discussed in the assessment below. However, it cannot be guaranteed that any future residents of the premises would not own a car. Notwithstanding, a process which requires the management company to prioritise individuals who do not own cars above those with cars can be incorporated into the management plan for the site (refer to recommended condition 14 b)
- 11.6 Should the dispensation of car parking requirements be granted on the basis of the type of use managed by St Kilda Community Housing Ltd (or any subsequent registered housing provider), it is legitimate to require that the building be used for the purpose of social housing only and that the units are not sold in the future to individual private owners. This can be ensured through condition on any approval granted that a Section 173 Agreement be entered into (refer to recommended condition 16). By virtue of the nature of the use, car ownership rates at the site would remain typically low.
- 11.7 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 on the existing streetscape and neighbourhood character and the residential amenity impacts as a result of the addition and intensification of the existing use.

### 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. In this instance, the site is not located within a substantial residential growth area or a moderate residential growth area.
- 12.3 The site is located in an 'incremental residential growth area', which is a location with a frontage to a main road adjacent to the Principal Public Transport Network (PPTN) and / or proximity to a Major Activity Centre, and where there is an existing diverse neighbourhood character capable of accommodating change.
- 12.4 In this instance, the subject site is located approximately 250m from the border of the Fitzroy Street Major Activity Centre. Situated adjacent to a Commercial 1 Zone, the subject site is within immediate surrounds that feature a highly diverse neighbourhood character. The subject site may therefore be considered suitable for some additional housing development.
- 12.5 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 an increase in housing density by an additional 17 self-contained units is an acceptable increase given the capacity of the site and the location within 750m of the Fitzroy Street Activity Centre.



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

12.6 The proposed development consists of the partial demolition of the existing part single/part double storey building and subsequent extension to create a three-storey building. 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:

12.7 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.

The existing streetscape is relatively diverse and features varied building heights of between single and three storeys. There are also taller buildings towards the St Kilda Road junction and taller buildings on the opposite side of Wellington Street. The sites either side of the subject site feature three storey buildings. This scale continues towards the east with Nos. 30 to 36 Wellington Street each developed with three storey buildings. The proposed increase of the development height to a three-storey building is therefore consistent with the prevailing scale of buildings along this side of Wellington Street. The development is also compliant with objective 7.6 of Clause 21.05-2 which is outlined above.

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

12.8 The proposed addition would utilise similar materials currently in place within the existing development. Large sections of the existing cream and red brickwork would remain to the elevations while the upper floors would feature extended sections of matching cream coloured brickwork. In addition to the retention of the existing material, new section of metal cladding are proposed including to the roof. This is considered to be an appropriate response which is consistent with the contemporary appearance of buildings within the immediate vicinity. Additional details of material finishes including the proposed windows and doors must be provided through condition. However, plans appear to indicate black painted metal frames which would be an acceptable response

### **Amenity- internal and external assessment (Including ResCode Clause 55)**

12.9 The proposed development would satisfy the Clause 55 standards and objectives with respect to the neighbourhood character, residential policy, infrastructure, integration with the street, street setback, building height, energy efficiency, safety, landscaping, access, parking location, walls on boundaries, daylight to existing and proposed windows, internal views, accessibility, dwelling entry, daylight to new windows, detail design, common property and site services. The proposal seeks variation to the following Clause 55 standards:



### B17 Side and Rear Setbacks Objectives

As described above, the proposed addition would increase the existing building up to three storeys. The site adjoins residential land uses to each of its side and rear boundaries. The proposed east side elevation would have a maximum height of 10.8m. The east side elevation would however reach heights of between 8.5m and 7.7m up to the proposed eaves level. Setbacks from the eaves height would equate to between 3.2m and 3.14m.

It is noted these setbacks are marginally outside of the ResCode requirements under Standard B17 which require setbacks of 3.6m and 2.8m. It is noted however that the front section of the building which features the tallest height would not be adjacent to habitable room windows within the facing elevation at 30 Wellington Street. The main projecting brickwork section up to second floor level would reach heights of between 7m and approximately 6.4m. The proposed brickwork elevation would be setback from the eastern boundary by distances of between 2.3 and 1.7m. Again, the proposed setbacks are marginally outside of the required setbacks under Standard B17. Which require setbacks of 2.1m and 1.8m. Again, the taller section of the building would be contained to the north side of the site and would not be adjacent to habitable room windows.

The section of the proposed east elevation which would be adjacent to habitable room windows would be compliant with the standard. In terms of daylight access to existing windows, the eaves height would be setback from the west facing elevation of 30 Wellington Street by distances of between 6.6m and approximately 7.1m. with heights of between 8.5m and 7.7m the required setbacks from these windows are between 4.2m and 3.9m. The main brickwork elevation would be setback between approximately 5.7m and 6m. It is noted that not all of the windows within the adjacent elevation serve habitable rooms. The proposed setbacks from these opening are however compliant with Standard B19 (Daylight to existing windows).

The proposed west facing elevation would feature heights of between 8.687m and approximately 8.06m up to the eaves height. Again, this elevation would feature projecting brickwork sections with heights up to between 7.65m and 6.6m approximately. Standard B17 requires setbacks of between 3.77m and 3.15 between the eaves and the boundary. The development proposes setback of 3.29m and 5.7m from the boundary with 26 Wellington Street. The proposed projecting brickwork section is required to be setback 2.74m and 1.9m. This section proposes setbacks of between 3.29m and 4.75m. Given the variations in height along the western boundary, the proposed setbacks would be compliant with the requirements of Standard B17. Taking into account the existing driveway between the subject site and the site boundary of 26 Wellington Street, the slight variation to the standard as it relates to the subject site boundary is considered to be acceptable. The existing apartment building at 26 Wellington Street features habitable room windows which face towards the subject site. The proposed eaves heights of 8.68m and 8.06m require setbacks from these windows of between 4.34m and 4.03m approximately under Standard B19. This would be achieved with proposed minimal setbacks of approximately 6.3m from the nearest habitable room windows at 26 Wellington Street. The proposed west facing elevation would therefore be adequately setback from the facing elevation at 26 Wellington Street.



The proposed south facing rear elevation would have a maximum height of 9.4m. This requires a minimum setback of 4.49m from the rear boundary. This is achieved with minimum setbacks from the rear of 7.2m.

#### B21 Overshadowing Open Space Objective

In terms of overshadowing, the proposed development would have a minimal impact above the existing site circumstances. The development would lead to additional overshadowing of 26 Wellington Street between 9am and 10am. This would technically lead to non-compliance with the standard as this area does not receive the required 5 hours of daylight to a 40sqm area. The additional overshadowing would equate to 20.68sqm to the paved area of private open space to the south side of the neighbouring building. Given the impact would only occur between 9am and 10am, this is not considered to be an excessive amount of shadowing.

#### B22 Overlooking Objective

With regard to overlooking, the development would create additional habitable room windows at ground first and second floor level. The site features a 2.2m brick fence to the western boundary which would eliminate overlooking opportunities from the ground level of the extended building into the adjacent site 26 Wellington Street. The eastern boundary would in turn feature a 2m paling fence adjacent to the extended building. Again, this provision of screening would prevent overlooking from the ground level of the building. The rear boundary would feature a 2.4m brick and timber fence which would in turn prevent overlooking from the communal area to the rear of the subject site.

At first floor level the extended building would feature habitable room windows within 9m of the private open space at habitable room windows at 26 Wellington Street. Each of the habitable room windows are indicated as fitted with screens up to heights of 1.7m above the finished floor levels of each respective room. A number of the devices are however positioned away from the windows by up to 720mm. The proposed screens would not therefore fully prevent views down into the adjacent sites. Alternative screening must be provided which demonstrates that downward views would not be possible into adjacent sites. The same scenario occurs to the proposed second floor level and to the east facing elevation at first and second floor levels. Again, the plans must specify screening measures which prevent downward views into the adjacent sites. Should the proposal be supported, recommended condition 1 a) would ensure the prevention of views into neighbouring properties.

#### Standards B28 and 29 Private open space and Solar Access to Private Open Space

It is acknowledged that the proposal would not include secluded private open space to any of the individual units within the extended building. It is also noted however that the building has never operated this way. The introduction of balconies to each individual unit would not provide a significant amount of secluded private open space and would more likely lead to detrimental impacts upon adjacent sites through overlooking and overbearing. It is considered that the consolidation of the external areas at ground level as communal private open space is a more practical solution.



It is noted that the southern setback of the front garden is partially non-compliant with standard B29 which requires a setback of 3.98m from the existing north wall. The shorter section is setback 4.12m and is therefore compliant. The larger setback section provides a setback of 7.2m which is considerably in excess of the required setback. With regard to the rear section, the proposed north wall requires a south setback of 9.02m while only a setback of 7.2m is proposed. Again, the proposed wall would extend an existing building. It is therefore difficult to provide an outcome which would not lead to partial overshadowing of the communal open space to the south of the building. The communal area is also not fully enclosed on its north side. It is considered that a 7.2m setback is adequate and a variation is considered to be acceptable.

#### Standard B30 Storage Objective

It is noted that there are no allocated external storage facilities to each individual unit. Given the manner in which the premises would operate i.e. with no secluded private open space it is considered more practical to provide storage space internally. This is indicated on plans to each individual unit and is considered to be satisfactory.

#### Internal amenity

The development would provide a total of 28 self-contained units at the site within the extended building. The proposed self-contained units would vary in size between approximately 17sqm and 30sqm. It is acknowledged that these unit sizes are relatively small compared to conventional studio apartments. However given the intended use of the premises for a rooming house, the unit sizes are considered to be to a standard size. 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 14sqm. The development would exceed this minimum to each unit.

The proposed units are not intended as long term accommodation and would generally serve single people to each individual unit. Each unit would have food preparation facilities and en-suite bathrooms with space for internal storage. Each unit would also have good circulation space and have a reasonable outlook with a good provision of natural light. In addition to the internal facilities of each unit, the extended building would feature communal laundry facilities as well as access to a communal lounge area. The site would also feature communal outdoor areas to the front and rear of the site with a paved seating area to the rear. 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 for a this type of facility.

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

- 12.10 One of the primary concerns raised by objectors at the consultative meeting and through written objections was the potential for anti-social/aggressive behaviour and general disturbances at the site as a result of the use of the building and the lack of an on-site management presence.

It is acknowledged that the existing premises has been subject to incidents of anti-social behaviour in the past. It is also noted that the site would continue to operate without on-site management presence.



It is not considered however that an on-site manager is essential provided the premises does not generate excessive disturbances to adjacent residents. The most effective approach would be the endorsement of an on-site management plan which would provide details of how to report incidents should they occur and which outlines preventative strategies for minimising disturbances on the site. A condition could be imposed on any approval granted to require an on-site management plan. The management plans would include, amongst other requirements, the following:

- Establishment of a complaints hotline for adjacent residents.
- Establishment of house rules and a code of conduct.
- Standards for property maintenance, health and cleanliness.
- Measures to prevent alcohol consumption in communal areas.
- Security against thefts and break-ins.
- Details of the placement of SCH 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. It is noted that were the proposed development for conventional houses, no contact details other than a body corporate would be available and the responsibility would remain with private tenants to limit disturbances. The management plan could also include details of a process for prioritising individuals who do not own a car as occupants of the building (refer to recommended condition 14).

### **Traffic and Parking**

12.11 The proposed development would provide two car parking spaces at the rear of the the existing building. The proposed car parking spaces would be 4.9m in length which complies with Design Standard 1 of Clause 52.06. The spaces would utilise the existing driveway which provides adequate turning space and would allow vehicles to enter and exit the site in a forward motion. The car parking layout is therefore considered to be acceptable.

The proposed development would have a total of 28 individual units each of which is a single bed unit. As a Rooming house, the required rate (as per Amendment VC152 gazetted 26 October 2018) under Table 1 of Clause 52.06 is a maximum of one car parking space to each four bedrooms. This equates to a requirement for up to seven car parking spaces on site. The development therefore requires a dispensation of five car parking spaces.

Expected levels of car ownership by residents of the premises would be much lower than for standard dwellings. 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. Given the self-contained nature of the proposed units, the proposal would fall between a rooming house and one bedroom units. However the level of car ownership is likely to be more akin to a rooming house which is its current use. Using Council's adopted rate of 0.09 spaces per unit, the development would require 2.5 spaces. The provision of parking is therefore consistent with Council Policy.

To further minimise the demand for car parking on site generated by future residents, individuals who do not own a car must be prioritised for admission over those who do not. A process should therefore be put in place by the management which ensures this. As described above (section 11.6) a site management plan should be required by condition if a permit is issued. The site management plan should also include details of an outlined procedure for prioritising individuals who do not own a car over those who do for occupation of the building (refer to recommended condition 14 b).

The subject site would also be well served by 12 bicycle parking spaces exceeding the requirement for dwellings. In addition to this, the subject site is well served by alternative modes of transport. This includes bus routes along the nearby Fitzroy Street (Nos. 600, 922 and 923) and multiples trams routes along the nearby St Kilda Road and (route Nos. 3 and 67) and Dandenong Road to the north (Nos. 5 and 64). Reliance on use of the car is therefore further reduced as a result of the location. The site is also within close proximity to substantial local services and amenities including the Principal Activity Centres at Fitzroy and Acland Streets and the amenity spaces at Albert Park, St Kilda Botanical Gardens and St Kilda Foreshore.

### 13. COVENANTS

13.1 The applicant has completed a restrictive covenant declaration form declaring that there is no restrictive covenant on the titles for the subject site known as Lot 1 on Title Plan 120387P [parent title Volume 01302 Folio 257].

### 14. OFFICER DIRECT OR INDIRECT INTEREST

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



## 15. OPTIONS

- 15.1 Approve as recommended
- 15.2 Approve with changed or additional conditions
- 15.3 Refuse - on key issues

## 16. CONCLUSION

- 16.1 It is considered that the proposed extension of the existing building to provide additional rooming house units would be appropriate and would not have an unreasonable impact upon the amenity of adjacent residents subject to appropriate conditions.
- 16.2 Slight variations to ResCode standards B17 (side and rear setbacks) and B21 (Overshadowing) are supportable given the anticipated impact upon adjacent sites and the compliance with Standards B18 (Walls on the boundary) and B19 (daylight to existing windows). Additional screening measures can be provided to bring the development fully in compliance with Standard B22 (overlooking).
- 16.3 It is considered that the development is a reasonable scale and would integrate comfortably within the existing streetscape. The development would respect the existing neighbourhood character.
- 16.4 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 similar sites.
- 16.5 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 dealt with via conditions on any permit granted.
- 16.6 An increase in social housing provision is supported within the municipality.
- 16.7 The proposed development is therefore considered to be acceptable subject to conditions.

<insert text>

**TRIM FILE NO:** PF17/277284  
**ATTACHMENTS**  
1. Drawings  
2. Objector Map - 19 October 2018