

5.2 33 Henry St, Koo Wee Rup - Development of the Land for a Rooming House and Associated Works

Responsible GM: Peter Benazic
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Recommendation(s)

That Council issue Planning Permit T200473 for the development of the land for an accommodation building (rooming house) and associated works at 33 Henry Street, Koo Wee Rup VIC 3981 subject to the conditions attached to this report.

Attachments

1. Locality Map [5.2.1 - 1 page]
2. Development Plan [5.2.2 - 1 page]
3. Copy of Objections - Circulated to Councillors only [5.2.3 - 57 pages]

Executive Summary

APPLICATION NO.:	T200473
APPLICANT:	Mr Joe Rossi, Community Project Foundation
LAND:	33 Henry Street, Koo Wee Rup VIC 3981
PROPOSAL:	Construction of an accommodation building (boarding house) and associated works
PLANNING CONTROLS:	Clause 32.09 Neighbourhood Residential Zone – Schedule 1 ('NRZ') Clause 44.04 Land Subject to Inundation ('LSIO') Clause 52.23 Rooming House
TITLE RESTRICTIONS	Covenant 2028370 – Relates to earthworks
NOTIFICATION & OBJECTIONS:	Exempt from public notification pursuant to Clause 44.04-6 39 objections/submissions received
KEY PLANNING CONSIDERATIONS:	Flood plain management
RECOMMENDATION:	Issue permit

Background

Council has received an application for an accommodation building (rooming house) at the subject site 33 Henry Street Koo Wee Rup.

Planning permit T190714 for a two-lot subdivision is still under consideration by Council, a Notice of Decision is yet to be issued.

Subject Site

The site is located on the south side of Henry Street, Koo Wee Rup.

The subject site is a standard rectangular shape with a site depth of 50.29 metres, a site width of 15.39 metres and total site area of 773.96sqm.

A crossover is located adjacent to the western boundary on the northern boundary.

The site currently contains an existing fibro-cement dwelling and a vacant backyard. There is no vegetation located on the property and there are no easements affecting the site.

The topography of the land is generally flat.

The subject site is located in an established residential precinct. The allotments immediately adjoining the subject site contain single detached dwellings and garages. Unit developments and subdivisions appear to be an emerging theme in the area, with several allotments currently developed with multiple dwellings. The houses are largely single storey and are constructed of a variety of materials including fibro-cement, weatherboard and brick.

The main commercial street of Koo Wee Rup and the Koo Wee Rup Community centre are respectively located 260 metres and 400 metres from the subject site. Within a 3-kilometre radius of the subject site there are pre-schools, primary and secondary schools, childcare centres, public open space and access to medical care.

Relevance to Council Plan

Nil.

Proposal

It is proposed to construct an accommodation building at the subject site. The accommodating building is more specifically defined as a rooming house with nine (9) separate living areas/bedrooms. The rooming house will setback 12.63 metres from the front setback, 2 metres from the eastern boundary, 7.5 metres from the southern boundary and 2.89 metres from the west boundary.

The total floor area of the building is proposing to be 299.49sqm. The building will be single storey-built form with a pitched roof, the floor level of the building will be FFL 5.2 and the building height will be of 5.3 metres from natural ground level.

Five car spaces including a disabled space will provided on site with access via the existing crossover.

Planning Scheme Provisions

Planning Policy Framework (PPF)

The relevant clauses of the LPPF are:

- Clause 13.03-1S – Floodplain Management
- Clause 16.01-1S – Housing Supply
- Clause 21.01 - Cardinia Shire Key Issues and Strategic Vision
- Clause 21.03-1 - Housing

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.23 – Rooming House
- Clause 65.01 – Approval of Application or Plan
- Clause 67.02 – Notice requirements
- Homes for Victorians – Affordability, Access and Choice (Victorian Government 2017)
- Social and Affordable Housing Strategy and Action Plan 2018–25 (Cardinia Shire Council)

Cardinia Shire's Liveability Plan 2017-2029

This proposal has regard to Cardinia Shire's Liveability Plan 2017-2029, in particular:

- Increased access to appropriate and affordable housing
- Encourage diversity of housing to meet the needs of the existing and future residents across all stages, including those with specific housing requirements.

Zone

The land is subject to the Neighbourhood Residential Zone – Schedule 1

Overlays

The land is subject to the following overlays:

- Land Subject to Inundation

Planning Permit Triggers

The proposal for development of the land for an accommodation building (rooming house) requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 44.04 (Land Subject to Inundation) a planning permit is required for to construct a building.

The use of the land for a rooming house and the buildings and works associated with the rooming house are exempt from planning permit consideration (can occur "as of right") in this application, as the proposal meets the exemptions under Clause 52.23-2 & 52.23-2 (Rooming House)

Public Notification

- Pursuant to Clause 44.04-6 (LSIO) and Clause 67.02(Notice Requirements) of the Cardinia Planning Scheme the proposal is exempt from the notice requirements of Section 52(1)(a), (b) and (d) of the Planning and Environment Act 1987.

Council received 39 submissions(objections) to the application.

Matters raised in submissions:

- Community safety
- Car parking & traffic
- Lack of public services in the township i.e police, public transport, and social services
- Neighbourhood character

Referrals

Melbourne Water

The application was referred to Melbourne Water as a statutory referral. Melbourne Water had no objection to the proposal subject to conditions.

Discussion

The application for the development of the land for an accommodation building (rooming house) is considered to be consistent with the objectives of State and Local Planning Policy Framework, the purpose of the Land Subject to Inundation overlay, Clause 52.23 (Rooming House) and Clause 65 of the Cardinia Planning Scheme.

State and Local Planning Policy Framework

It is considered that the proposal is consistent with the State and Local Planning Policy Framework. The proposal meets the objectives of Clause 16.01-1S (Housing Supply) that encourages an appropriate quantity, quality and type of housing (including rooming houses) are supplied to meet community needs.

This Clause is supported by the Victorian State Government's *Homes for Victorians Policy* that outlines that importance of rooming houses in assisting vulnerable Victorians access accommodation while trying to find secure accommodation or avoid homelessness. The Cardinia Shire's Liveability Plan further encourages a variety of housing options to meet the diverse community needs both State and Local policy encourage diversity of housing in established residential areas.

Clause 13.03-1S (Floor plain management) aims to manage land affected by flooding by ensuring that use and development of the land does not intensify flooding risks. The subject site is located in a flood plain and as such, appropriate consideration of flood risks must be given to the application. All applications under the LSIO require comment by the floodplain management authority, in this instance Melbourne Water.

Overall, the design of the proposal is considered to be consistent with the objective of the relevant planning policies including floodplain management

Clause 32.09 – Neighbourhood Residential Zone 1

The purpose of this Zone is to implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies, to encourage development that respects the neighbourhood character of the area and to encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.

Use:

Pursuant to Clause 32.09 – 2 and Clause 32.08- 8, a planning permit is not required for the use the land for a Rooming House, provided the requirements of Clause 52.23-2 have been satisfied.

Pursuant to Clause 52.23-2 a permit to use land for a rooming house does not apply if all of the following requirements are met:

Any condition opposite the use 'rooming house' in the table of uses in the zone or schedule to the zone is met.	Satisfies the below.
The total floor area of all buildings on the land, measured from the outside of external walls or the centre of party walls, does not exceed 300 square metres, excluding outbuildings.	A total floor area of 299.49 sqm is proposed.
No more than 12 persons are accommodated.	No more than 12 persons proposed.
No more than 9 bedrooms are provided.	Nine (9) separate bedrooms provided.
In accordance with Clause 32.09-4, a minimum 35% of the site is allocated for garden area.	The lot area is 773.96sqm 35% of 773.96 is 270.886sqm. It is proposed to provide 272.51sqm of Garden area.

Buildings and works:

A planning permit is not required for buildings and works for a Rooming House provided the requirements of Clause 52.23-3 have been satisfied:

No more than 9 bedrooms are developed on the land	Only 9 rooms provided.
Bedrooms can only be accessed from within the building.	The bedrooms are all provided a courtyard are all of which will be fenced so no pedestrian access to the rooms is provided from external area. All rooms are accessed internally.
The total floor area of all buildings on the land, measured from the outside of external walls or the centre of party walls, does not exceed 300 square metres, excluding outbuildings.	A total floor area of 299.49 sqm is proposed.
If the development is in the General Residential Zone or Neighbourhood Residential Zone, a garden area is provided in accordance with the minimum garden area requirement specified in the zone.	The lot area is 773.96sqm 35% of 773.96 is 270.886sqm. It is proposed to provide 272.51sqm of Garden area.
Shared entry facilities and common areas, including a kitchen and living area, are provided.	Provided.

Taking the above into consideration the proposed development of the land for an accommodation building (boarding house) and associated works is exempt from planning permit consideration under the Neighbourhood Residential Zone.

Clause 44.04 - Land Subject to Inundation

The purpose of the Land Subject to Inundation (LSIO) among other things is to identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.

Pursuant to Clause 44.04 of the Cardinia Planning Scheme a permit is required to construct a building therefor a permit is required for the development of the land for an accommodation building (boarding house) and associated works.

Pursuant to Clause 66.03 an application under consideration of the LSIO must be referred to the relevant referral authority in this instance Melbourne Water who are deemed to be a Determining Authority. The application was referred to Melbourne Water who did not object to the proposal but did request that conditions were placed on the permit that will require amended plans.

Clause 65 Decision Guidelines

The proposal is consistent with Clause 65 as the development will result in minimal off-site amenity impacts. There is no native vegetation removal required with the required landscape plan to include native species. The development will not impact native vegetation on adjoining land. Storm water will be mitigated via condition.

Submissions and Objections

As discussed above pursuant to Clause 44.04-6 (LSIO) and Clause 67.02(Notice Requirements) of the Cardinia Planning Scheme the proposal is exempt from the notice requirements of Section 52(1)(a), (b) and (d) of the Planning and Environment Act 1987. However, Council received 39 submissions/objections which while the application considerations are restricted to the LSIO and flood plain management Section 60 (1) of the Planning and Environment Act 1987 does allow Council to consider social affects of an application as such a discuss regarding the submissions and objections follows.

The 39 submissions/objections received by Council are summaries in the following points:

- Community safety
- Lack of public services in the township i.e police, public transport, and social services
- Car parking & traffic
- Neighbourhood character

The proposed building is to be used for an accommodation use which is consistent with the objectives of the Neighbourhood Residential Zone to facilitate residential uses. The rooming house use is not under consideration in this application. There are other legislative measures in place to ensure the tenants are protected and that are directed at ensuring operators are suitable to run rooming houses and comply with basic hygiene, safety and security standards.

The Victorian State Government's *Homes for Victorians Policy* which encourages dwelling and residential diversity in established areas also lead to the introduction of the *Rooming House Operators Act 2015* that requires all operators of rooming houses to pass a 'fit and proper person' test to obtain a licence. This regulation is supplemented, by the regulation under the *Building Act* and the *Public Health and Wellbeing Act*, which are the primary means of

regulating rooming house standards. These standards help to safeguard and ensure that rooming houses are as they are intended and that is to be a safe accommodation for those who need temporary accommodation to avoid homelessness or while securing permanent accommodation. Victoria Police will be responsible to respond to domestic or residential disputes that cannot be managed by the caretaker of the premises. No evidence of negative community benefit has been provided as part of any of the objections. While the submissions relate to negative impacts, the positive community impacts have been acknowledged in this report.

Car parking has been proposed for the development at 4 car spaces plus a disabled space. The Car parking rate as per Clause 52.06 is 1 car space per each 4 bedrooms and therefore the car parking rate is satisfied. The design of the car park is not entirely satisfactory, and therefore conditions are proposed for the permit to amend car park design.

Neighbourhood character was raised in objections, however the design of the building is modest with sufficient side setbacks. The proposal is a single storey residential building which is consistent with the neighbourhood character. A condition has been placed on the permit to require a landscape plan to ensure that the car parking will be screened by vegetation and appear to be more residential in character.

Conclusion

The proposal is consistent with the State Planning Policy Framework & Local Planning Policy Framework; the purpose of the zone and is consistent with the Land Subject to Inundation Overlay. The development will be consistent with the surrounding built and natural environment and should be supported.

Conditions

1. Before the development starts, 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 show:
 - a. Plans amended to comply with Melbourne Water condition 15
 - b. A schedule of construction materials, external finishes and colours
 - c. Car spaces to be no less than 2.6 metres wide
 - d. The disabled car space to designed to meet Australian Standard AS2890.6-2009 (disabled)
 - e. Car parking setback 1 metre from the front (north) boundary to allow for a landscaping strip
 - f. a landscape plan prepared by a person suitably qualified and experienced in landscape design to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - i. A survey (including botanical names) of all existing vegetation to be retained and/or removed.
 - ii. Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
 - iii. Details of surface finishes of pathways and driveways.
 - iv. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.

v. Landscaping and planting within all open areas of the subject land

To the Satisfaction of the Responsible Authority

2. The use or development as shown on the endorsed plan must not be altered without the written consent of the Responsible Authority.
3. The development approved by this permit must not be occupied until the following works have been completed to the satisfaction of the Responsible Authority
4. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
5. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose. Any dead, diseased or damaged plants are to be replaced.
6. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority
7. Sediment control measures must be undertaken during construction to the satisfaction of the Responsible Authority to ensure that the development subject land is adequately managed in such a way that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system.
8. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain discharged to an outlet in the street or to an underground pipe drain to the satisfaction of the Responsible Authority.
9. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
10. Before the development starts, drainage plans must be submitted to and approved by the Responsible Authority. The plans must show the provision of a stormwater detention system. The stormwater detention system will become the responsibility of the property owner or body corporate to maintain to the satisfaction of the Responsible Authority.

Note: As the development has an impervious ratio greater than 35%, the developer shall engage the services of a suitably experienced Engineer to design a stormwater detention system that will reduce the intensity of the storm water discharge entering Council's drainage system, i.e.: a detention system. The storm water detention system shall provide for the same five (5) year ARI peak discharge as that for a standard house lot with no storm water detention. A standard house lot is assumed to have a fraction impervious area of 35%. Calculations and a plan shall be submitted to Council for approval prior to construction. The storm water detention system must be constructed prior to the occupation of the proposed development. 74 – Redundant Vehicle Crossing

11. Before the development is occupied or by such later date as is approved by the Responsible Authority in writing:
 - a. The landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

- b. A residential standard concrete vehicle crossing/s as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority
 - c. All proposed areas set aside on the approved plan/s for access, circulation and car parking must be constructed with concrete, asphalt or other approved hard surfacing material, drained and the parking areas delineated to the satisfaction of the Responsible Authority. Once constructed, these areas must be maintained to the satisfaction of the Responsible Authority.
12. No more than 12 occupants may be present on the premises at any one time without the written consent of the Responsible Authority.
 13. The exterior colour and cladding of the building/s must be of a non-reflective nature and/or either painted or have a pre-painted finish in natural, muted toning to the satisfaction of the Responsible Authority.
 14. The works associated with the construction of the development must not detrimentally affect the amenity of the area, through the:
 - a. Transport of materials, goods or commodities to or from the land.
 - b. Appearance of any building, works or materials.
 - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - d. Presence of vermin

Melbourne Water

15. The building must be constructed with finished floor levels set no lower than 5.5 metres to Australian Height Datum (AHD), which is 600mm above the applicable flood level of 4.9m to AHD.
16. The private open space and parking spaces must be maintained at natural surface levels to allow for the passages of overland flows.
17. No fill is permitted outside of the building envelope.

Expiry

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 four years of the date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

Notes:

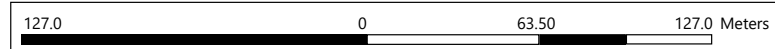
- A Building Permit may be required for this development. To obtain a building permit you will need to contact a registered building surveyor.

- A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.

Melbourne Water

- For general development enquiries contact our Customer Service Centre on 131722.

33 Henry St Koo Wee Rup



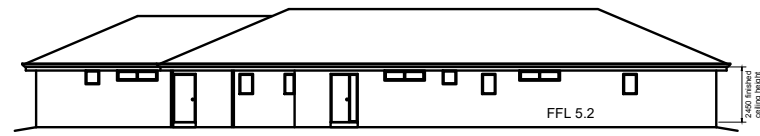
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Data Source: State & Local Government. © CARDINIA SHIRE COUNCIL

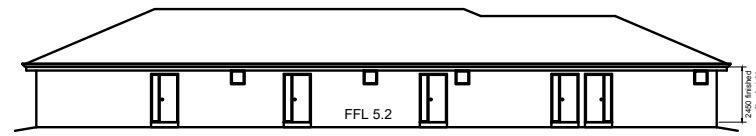
19-Nov-2020

Notes

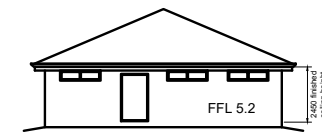




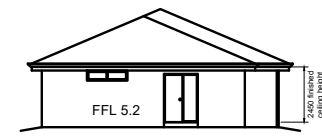
EAST ELEVATION A



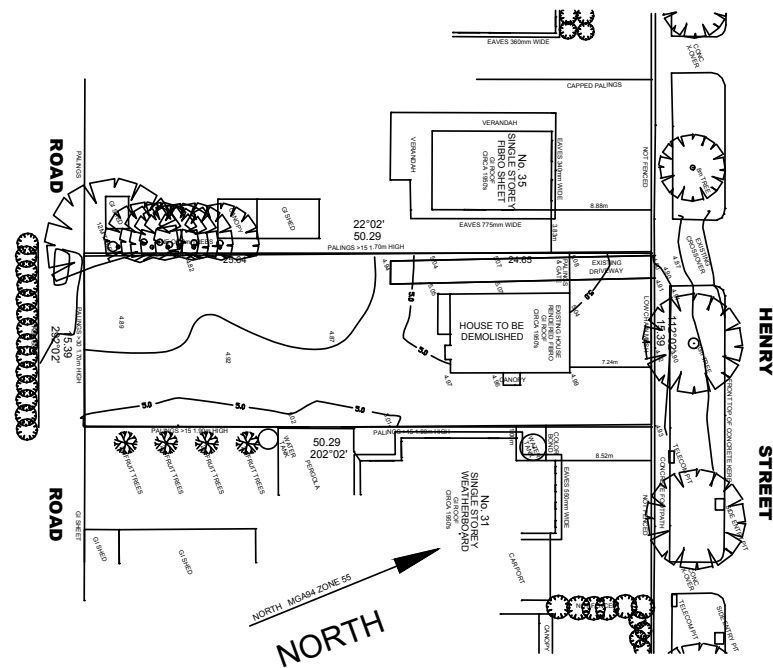
WEST ELEVATION B



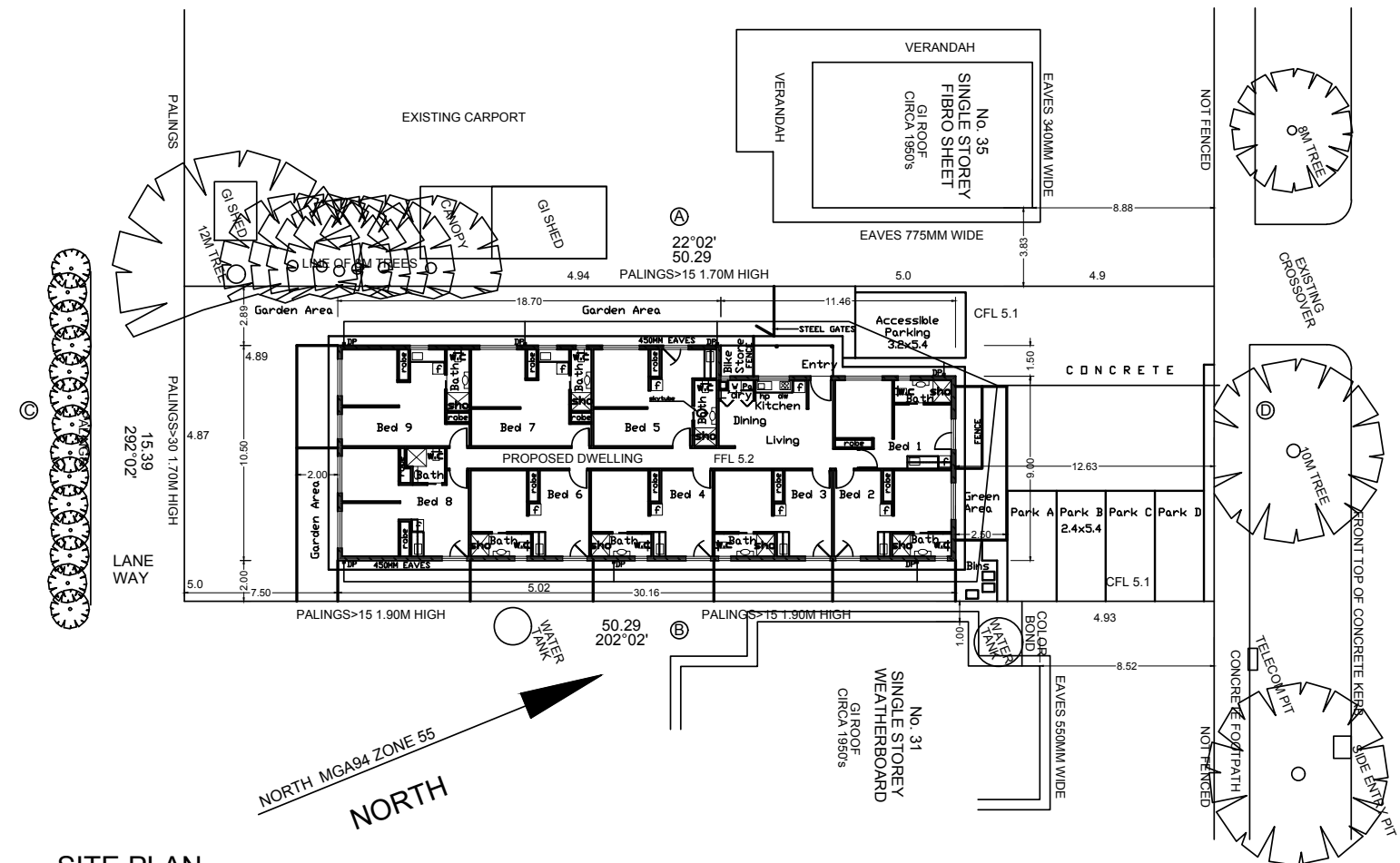
SOUTH ELEVATION C



NORTH ELEVATION D



EXISTING SITE CONDITION PLAN



SITE PLAN

AREAS
 Site: 773.96m²
 Dwelling: 299.49m²
 Garden Area: 272.51m²

LEVELS
 Levels shown on plans are to AHD

**EXISTING SITE CONDITIONS AND SITE PLANS - Proposed Dwelling at 33 Henry St.
 Koo Wee Rup**

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Scale	1:600 , 1:300
Drawn	2/03/2020
Sheet	1 of 2