

ADDRESS OF THE LAND:

331-335 ST KILDA ROAD, ST KILDA

THE PERMIT ALLOWS:

Construction of a mixed use building comprising dwellings, ~~office, shops and a café~~ above two basement levels with a reduction in the car parking requirement.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended plans

1. 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 generally in accordance with the ~~following plans prepared by Rothelowman (TP.0100 – TP.10.00, all marked Revision D and dated 16.08.21), but modified to show the following:~~

- ~~● TP00.01 REV P2 dated 23 June 2020~~
- ~~● TP01.00 REV P4 dated 23 June 2020~~
- ~~● TP01.01 REV P3 dated 23 June 2020~~
- ~~● TP01.02 REV P3 dated 23 June 2020~~
- ~~● TP01.03 REV P3 dated 23 June 2020~~
- ~~● TP01.04 REV P3 dated 23 June 2020~~
- ~~● TP01.05 REV P4 dated 23 June 2020~~
- ~~● TP01.06 REV P4 dated 23 June 2020~~
- ~~● TP01.07 REV P4 dated 23 June 2020~~
- ~~● TP01.08 REV P4 dated 23 June 2020~~
- ~~● TP01.09 REV P4 dated 23 June 2020~~
- ~~● TP02.01 REV P3 dated 23 June 2020~~
- ~~● TP02.02 REV P2 dated 23 June 2020~~
- ~~● TP02.03 REV P2 dated 23 June 2020~~
- ~~● TP02.04 REV P2 dated 23 June 2020~~
- ~~● TP03.01 REV P3 dated 23 June 2020~~
- ~~● TP03.02 REV P2 dated 23 June 2020~~
- ~~● TP03.03 REV P1 dated 23 June 2020~~
- ~~● TP4.02 REV P3 dated 23 June 2020~~
- ~~● TP4.03 REV P3 dated 23 June 2020~~
- ~~● TP4.04 REV P3 dated 23 June 2020~~
- ~~● TP4.05 REV P3 dated 23 June 2020~~
- ~~● TP4.06 REV P3 dated 23 June 2020~~
- ~~● TP4.07 REV P3 dated 23 June 2020~~
- ~~● TP6.01 REV P2 dated 23 June 2020~~
- ~~● TP6.02 REV P1 dated 4 June 2020~~
- ~~● TP6.03 REV P1 dated 4 June 2020~~
- ~~● TP6.04 REV P1 dated 4 June 2020~~
- ~~● TP6.05 REV P1 dated 4 June 2020~~
- ~~● TP6.06 REV P1 dated 4 June 2020~~
- ~~● TP6.07 REV P1 dated 4 June 2020~~
- ~~● TP6.08 REV P1 dated 4 June 2020~~
- ~~● TP6.09 REV P1 dated 4 June 2020~~

~~but modified to show the following:~~

- ~~(a) Greater articulation and reduction in mass presentation to the St. Kilda Road elevation.~~
- ~~(b) Details of any necessary acoustic treatments to the dwellings fronting/facing St. Kilda Road.~~

- ~~(c) The depiction of privacy screening on the west elevation (either in the form of 1.7m high screens or louvre/blades) for any habitable sections of the proposal within 10m of nearby secluded open space.~~
- ~~(d) At least six additional bicycle rails along the St. Kilda Road frontage.~~
- ~~(e) The provision of one additional rain water tank in the basement, being at least 10,000 litres in capacity.~~
- ~~(f) Allocated space for electronic waste and a charity bin and space for a food/organic bin.~~
- ~~(g) An electric vehicle charge point.~~
- ~~(h) The provision of 10 additional basement car spaces for the use of commercial tenancy visitors.~~
 - (a) A Sustainability Management Plan in accordance with Condition 6.
 - (b) A Landscape Plan in accordance with Condition 16.
 - (c) A Waste Management Plan in accordance with Condition 19.

All to the satisfaction of the responsible authority.

No layout alteration

2. The development and use as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

No change to external finishes

3. All external materials, finishes and paint colours are to be to the satisfaction of the responsible authority and must not be altered without the written consent of the responsible authority.

Plant and equipment

4. 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.

Outdoor lighting

5. Outdoor lighting must be designed, baffled and located to prevent any adverse effect on adjoining land, to the satisfaction of the responsible authority.

Sustainable Management Plan

6. Before the development starts a ~~revised~~ Sustainable Management Plan generally in accordance with the Sustainability Management Plan prepared by WSP (dated 02.08.2021) must be submitted for approval. that modifies the submitted plan so as to accord with the comments received from Council's Sustainability Design Officer, most particularly including the following:
 - ~~(i) Clarification in relation to the Green Star Accredited Professional credit being claimed and indication in the statement that engagement of such a professional for planning through to construction will be obtained.~~
 - ~~(j) Show/clarify energy modelling and commitment to % reduction in greenhouse gas emission that reflects the 7 points claimed in 15E.1 Comparison to a Reference Building Pathway has been made and that 16B Performance Pathway Reference Building credit claimed is also suitably clarified.~~
 - ~~(k) Include and provide transport calculations in relation to 2 Points claimed in 17B.1 Access by Public Transport~~

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~~(f) Clarify the calculations in relation to 2 Points claimed in 26.1 Stormwater Peak Discharge & 26.2 Stormwater Pollution Targets and show that the green star credits criteria have been met.~~

~~(a) Clarify the statements in relation to innovation points so as to be more detailed and committed.~~

When approved, the Sustainable Management Plan will be endorsed and will then form part of the permit and the development must incorporate the sustainable design initiatives listed.

Implementation of sustainable design Initiatives

7. Before the development is occupied, a report from the author of the approved Sustainable Management Plan, 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 approved Sustainable Management Plan have been implemented and/or incorporated to the satisfaction of the responsible authority.

Car park

8. The car parking areas and access ways as shown on the endorsed plans must be left available and unobstructed for those purposes at all times and must be formed to such levels so that they may be used in accordance with the plan, and shall be properly constructed, surfaced, drained and line-marked. The car park and driveways shall be maintained to the satisfaction of the responsible authority.

Roads/lanes to remain open

9. During the construction of the development, the roads, streets and lanes adjacent to the subject land must be kept free of parked or standing vehicles or any other obstruction, including building materials, equipment etc. so as to maintain free vehicular passage to abutting benefiting properties at all times, unless with the written consent of the responsible authority.

Urban Art

10. Before the development is completed, the permit holder must incorporate Urban Art in the development, in accordance with Council's Urban Art Strategy, viewable from the frontage/public realm, to a value of at least 0.5% of the total building cost of the development to the satisfaction of the responsible authority.

Applicant to pay for reinstatement

11. The Applicant/Owner must do the following before the development is completed to the satisfaction of the responsible authority:
 - (a) pay the costs of all alterations/reinstatement of Council and Public Authority assets necessary and required by such Authorities for the development, in particular the electricity pole at the front of the site and the removal/making good/reinstatement of the exiting crossover to St. Kilda Road with kerb, channel, footpath and nature strip as relevant reinstated to Council's standards and satisfaction;
 - (a) obtain the prior written approval of the Council or other relevant Authority for such alterations/reinstatement; and
 - (b) comply with conditions (if any) required by the Council or other relevant Authorities in respect of alterations/reinstatement.

Car parking allocation:

12. Without the further written consent of the responsible authority the car parking must be allocated as follows:

- ~~(c) not less than 2 car spaces for each 100m² of office floor space.~~
- ~~(d) not less than 2 car spaces to each 100m² of retail/shop floor space (2 spaces per tenancy).~~
- ~~(e) not less than 1 car spaces to each 100m² of café floor space (2 spaces per tenancy).~~
- ~~(f) not less than one car space to each one and two bedroom dwelling and not less than two spaces for each three bedroom (or larger) dwelling.~~
- ~~(g) at least 10 car spaces allocated for the office/shop/café tenancy visitors/customers.~~
- (c) Residential car spaces – 94
- (d) Commercial car spaces – 10
- (e) Visitor car spaces – 10

Parking and loading areas must be available

13. Car and bicycle parking and loading areas and access lanes must be developed and kept available for those purposes at all times and must not be used for any other purpose such as storage to the satisfaction of the responsible authority.

Bicycle spaces

14. The applicant shall fund the supply and installation of six bicycle rails on public land. Installation shall be arranged by the responsible authority along the St Kilda Road frontage of the site or a nearby location.

Crossover

15. The new vehicle crossover to Blanche Street shall be installed to the satisfaction of the responsible authority.

Landscape plan

16. Before the development starts (other than demolition or works to remediate contaminated land), a ~~detailed~~ Landscape Plan generally in accordance with the Landscape Plan prepared by Tract (marked revision 06 and dated 13.08.2021) must be submitted to, approved by and be to the satisfaction of the responsible authority. When the Landscape Plans are approved, they will become endorsed plans forming part of this Permit. ~~The Landscape Plans must be generally in accordance with revised plans submitted to the Tribunal and 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 3.0 metres of the boundary;~~
 - ~~(c) Significant trees greater than 1.5 metres in circumference, 1.0 metre 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;~~

~~(h) Additional detail of tree planters/vertical gardens to demonstrate the viability and ease of maintenance of the proposed planting~~

~~All species selected must be to the satisfaction of the responsible authority.~~

Completion of landscaping

17. The landscaping as shown on the endorsed Landscape Plans must be carried out and completed to the satisfaction of the responsible authority before the development is occupied and/or the commencement of the use or at such later date as is approved by the responsible authority in writing.

Landscaping maintenance

18. 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.

Waste Management Plan

19. Before occupation of the building a modified Waste Management Plan generally in accordance with the Waste Management Plan prepared by Leigh Design (dated 27 July 2021) must be submitted to the responsible authority for endorsement. ~~The plan must be in accordance with the submitted plan but be modified to include:~~

~~(a) reference to the matters noted in condition 1(f).~~

~~(b) matters relating to green waste collection~~

~~(c) any amendments necessary to clarify and reflect the 1 point being claimed in Operational Waste & A Performance Pathway Specialist Plan.~~

Melbourne Water Conditions

20. Prior to the endorsement of plans, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with surface and floor levels to Australian Height Datum (AHD) and must be modified to show:
 - (a) A flood proof apex and associated walls/bunding along the driveway set no lower than 4.51 metres to AHD.
21. The ground level must be constructed with finished floor levels set no lower than 4.51 metres to AHD, which is 300mm above the applicable flood level of 4.21 metres to AHD.
22. The driveway entrance to the basement must incorporate a flood proof apex and associated walls/bunding set no lower than 4.51 metres to AHD, which is 300mm above the applicable flood level of 4.21 metres to AHD.
23. Any openings to the basement (windows, doors, vents etc.), excluding the driveway protected by the flood proof apex, must be set no lower than 4.51 metres to AHD, which is 300mm above the applicable flood level of 4.21 metres to AHD.
24. All utilities and telecommunications fittings e.g. gas meters, fire controls etc. must be designed to the standards of the relevant utility/telecommunications authorities for areas subject to inundation, for all services contained within the ground floor.
25. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels of the ground floor and driveway apex (as constructed) reduced to AHD, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

26. Imported fill within the flood extent must be kept to a minimum on the property and only be used for the sub floor areas of the building and driveway ramp.
27. Any new fence within the flood extent must be of an open style of construction (minimum 50% open) or timber paling unless with the written consent of Melbourne Water, to allow for the passage of overland flows.

End Melbourne Water Conditions

Time limit

28. This permit will expire if one of the following circumstances applies:
 - (a) The development is not started within three years of the issue date of this permit.
 - (b) The development is not completed, or the use does not start, within four years of the issue 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.