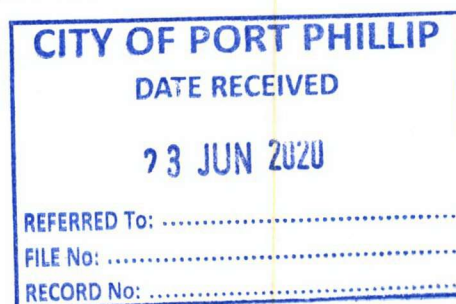


VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL
PLANNING AND ENVIRONMENT DIVISION
PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P735/2020

APPLICANT Andreas & Sylvia Padelas
RESPONSIBLE AUTHORITY Port Phillip City Council
SUBJECT LAND 108 Argyle Street
 ST KILDA VIC 3182
WHERE HELD Melbourne
BEFORE Katherine Paterson, Member
HEARING TYPE No hearing
DATE OF ORDER 2 June 2020



ORDER

Hearing details

Item	Hearings	Date/Detail
A	Hearing date	26 February 2021
	Commencement time	10:00 AM
	Duration	3 Hours
	Location	55 King St, Melbourne
	Major Cases List	No
	Short Cases List	No

- 1 This proceeding is listed for a hearing in accordance with the details set out in **item A** above.

Any changes to the hearing details will be notified by further order of the Tribunal. This may include an earlier date for the hearing, if the opportunity arises in the Tribunal's listing commitments.



Other key dates

2 The following dates are the dates referred to in these orders.

Item	Action	By no later than	Order number
B	Applicant to serve application and specified documents on responsible authority	24-June-2020	3
C	Responsible authority to file with VCAT and serve on the applicant details of notice to be given	01-July-2020	8
D	Applicant to give notice and responsible authority to display application on its website	08-July-2020	4 & 10
E	Responsible authority to file PNPE2 material	08-July-2020	11
F	Applicant to file statement of notice with VCAT	29-July-2020	6
G	Closing date for objectors and referral authorities to lodge statement of grounds with VCAT and serve on applicant and responsible authority	29-July-2020	5 & 13

ACTIONS REQUIRED – APPLICANTS

Service of application on responsible authority

3 By no later than the date set out in **item B of order 2**, the applicant must serve on the responsible authority in hard copy and in electronic PDF form:

- a copy of the application and all attachments;
- other material filed with the Tribunal; and
- a copy of this order.

Notice

4 The applicant must give notice of the application in accordance with the attached directions (as relevant) as follows:

- a By no later than the date set out in **item D of order 2**, serve the documents set out below on the following persons:
- the owner and occupier of the subject land;
 - any persons who may have a material interest in the outcome of the application who are named in the application;
 - any additional persons identified by the responsible authority in response to order 8;



- all relevant referral authorities.

The documents served must include:

- the application excluding attachments;
 - a copy of this order;
 - a description of the proposed changes to the permit, including details of the changes from the previous plans;
 - a cover letter, which must:
 - explain that an application to amend a permit has been lodged and VCAT has directed service of the documents
 - include the information required by order 5
 - advise that a complete copy of the application, including amended plans, can be inspected during business hours at the main office of the responsible authority and on the responsible authority's website;
 - advise that the person may obtain a copy of the amended plans or other attachments upon request to the applicant.
- b By no later than the date set out in **item D of order 2**, publish a notice of the application by erecting a sign(s) on the land and maintaining the sign(s) in good order and condition for not less than 14 days from the date of erection in accordance with any directions by the responsible authority in response to order 8.
- c Within 7 days from the date set out in **item D of order 2**, publish a notice of the application in a newspaper in accordance with any directions by the responsible authority in response to order 8.
- 5 All notices must:
- a Specify the closing date, which is the date set out in **item G of order 2**, by which a statement of grounds must be received by the Tribunal and served on the responsible authority and applicant.
 - b Explain that a statement of grounds may be lodged with VCAT as described in Appendix A.
 - c Specify the date and time scheduled for the hearing as set out in **item A of order 1**.
 - d If applicable, include a statement setting out those matters within the application for which there is no right of review under section 82 of the *Planning and Environment Act 1987*.

Statement of notice

- 6 By no later than the date set out in **item F of order 2**, the applicant must file with VCAT:
- a completed statement of notice;



- a list of names and addresses of all persons and authorities served;
- a sample of the cover letter sent with the documents served;
- all other information required by the statement of notice.

If a statement of notice is not filed by the specified date, this application may be struck out without further notice. No reminder will be sent.

Hearing fees

- 7 If you are the applicant in this proceeding, you may be required to pay a daily hearing fee before the hearing commences. For more information, see Appendix A and the VCAT website.

ACTIONS REQUIRED – RESPONSIBLE AUTHORITY

Extent of notice required

- 8 By no later than the date set out in **item C of order 2**, the responsible authority must file with VCAT and provide the applicant with:
- the names and addresses of all relevant referral authorities;
 - the names and addresses of all persons it considers may have a material interest in the outcome of this application to amend a permit who should be given notice of the application; and
 - details of any other form of notice required.
- 9 If the applicant disputes the extent of persons to whom notice should be given or other form of notice, which the responsible authority identifies pursuant to order 7, or the responsible authority fails to provide the information as directed, the applicant may request an urgent practice day hearing to resolve the dispute.

Display application

- 10 By no later than the date set out in **item D of order 2**, the responsible authority must make available for inspection at its main office and display on its website a complete copy of the application and all other material served on it pursuant to order 3.

Practice Note 2 material

- 11 By no later than the date set out in **item E of order 2**, the responsible authority must file with VCAT information about the application as specified in the current version of **VCAT Practice Note PNPE2 – Information from Decision Makers**, unless this material has already been filed in another related proceeding.
- 12 The responsible authority must comply with **VCAT Practice Note PNPE2 – Information from Decision Makers** and serve a copy of the completed table (excluding attachments) on the applicant.



ACTIONS REQUIRED – OBJECTORS & REFERRAL AUTHORITIES**Statement of grounds**

- 13 If you wish to contest this application, you must, within the time specified in **item G of order 2** (and also set out in the applicant's notice):
- lodge a copy of your statement of grounds with VCAT, indicating that a copy was served on the applicant and the responsible authority and the date(s) this was done. You must ensure your statement of grounds is received by VCAT by the specified date;
 - serve a copy of your statement of grounds on the person making this application (the applicant);
 - serve a copy of your statement of grounds on the responsible authority.

ACTIONS REQUIRED – ALL PARTIES**Communicating with VCAT**

- 14 All communications to VCAT about this proceeding must quote the VCAT reference number included in this order (see page 1, top right corner).
- 15 A party who communicates in writing with VCAT must serve a copy of that communication on all other parties at the same time and notify VCAT this has been done. The communication must state that a copy was sent to the other parties and list the parties it was sent to. This applies to communications sent by letter, fax or email.

Katherine Paterson
Member



APPENDIX A

IMPORTANT INFORMATION FOR ALL PARTIES

Non-compliance with orders and directions

Please read the orders and following information carefully. Non-compliance with these orders may result in an application being struck out, or other sanctions under the *Victorian Civil and Administrative Tribunal 1998*, including an award of costs.

Major Cases List

If this proceeding has been included in the Major Cases List, **VCAT Practice Note PNPE 8 – Major Cases List (Planning)** governs the procedures for matters in this list.

Short Cases List

If this proceeding has been included in the Short Cases List, **VCAT Practice Note PNPE7 – Short Cases List** governs the procedures for matters in this list.

Statement of grounds

If you wish to contest this application or you are a referral authority, you are entitled to become a party to this proceeding if you file and serve a statement of grounds in accordance with this order, unless third party review rights are excluded by the planning scheme or you indicate that you do not intend to participate in the hearing of the proceeding.

If you file a statement of grounds and indicate that you do not intend to participate in the hearing of the proceeding, you will not be a party to the proceeding but your statement of grounds will be considered at any contested hearing of the proceeding.

Fees apply if you intend to appear or present a submission at the hearing. If you do not pay the fee at the time of lodging your statement of grounds, you will not be a party and will not be entitled to take part at the hearing or any compulsory conference, even if you indicated that you wanted to participate. For information about fees and fee relief, visit www.vcat.vic.gov.au.

Your statement of grounds should provide sufficient information so that the issues you intend to raise can be clearly identified. Normally VCAT does not have copies of previous objections made to the responsible authority so do not assume that VCAT is aware of any statement you may have already made.

Lodge your statement of grounds online with VCAT

You may lodge your statement of grounds online with VCAT. Go to www.vcat.vic.gov.au. Alternatively, you may access a blank statement of grounds form on the VCAT website.

Withdrawals

If you are an objector and wish to withdraw your objection at any time after you lodge your statement of grounds, you must inform VCAT, the applicant and the responsible authority in writing. You will then be withdrawn from VCAT's record and receive no further correspondence.

If you are the applicant, any application for withdrawal of the application must follow the procedures set out in **VCAT Practice Note PNVCAT1 – Common Procedures**.

Adjournments

Applications for adjournment of a hearing are not encouraged and you should not expect that an adjournment will be granted even if all parties consent.

VCAT may refuse an adjournment if it considers that the adjournment is:

- not in the public interest
- prejudicial to the interests of one or more parties or the expeditious determination of the proceeding
- contrary to efficient case management, or
- otherwise not justified.



If you wish to apply for an adjournment, choose the **Application for Consent to adjournment** form on the VCAT website or call us for a hard copy. Any application for adjournment must follow the procedures set out in **VCAT Practice Note PNVCAT1 – Common Procedures**. Refer to the VCAT website for more detail.

Providing your email address

VCAT will send copies of all orders, including the final decision, to a party's email address. VCAT will not send a hard copy in addition.

A party's email address will be available on VCAT's records for other parties to access. If you do not want other parties to have access to your email address, do not provide your email address. If VCAT does not have your email address, you will be sent a hard copy of any order, but you may receive it after other parties have received the order by email and after the order has been published.

VCAT does not accept any responsibility for emails not received due to changes in address, firewall or other security measures that may be attached to your email account.

Inspecting VCAT's file

Any party to the proceeding may inspect the VCAT file relating to the proceeding without a fee. Anyone else can inspect the file, but they must pay a fee. There is a charge for photocopying. To arrange an inspection time, complete the **File and Document Access Request Form** available on the VCAT website.

Hearing fees and waiver or reduction of hearing fees

If you are the applicant in this proceeding, you are required to pay a daily hearing fee for each day or part day of hearing. This includes accompanied site visits.

The amount of fee will depend on whether your case is deemed to be a complex case. You will be advised if your application is considered a complex case by the Registrar in advance and prior to the hearing. If your application is deemed a complex case you will be required to pay higher hearing fees. See VCAT's website for information on hearing fees for complex cases.

You are required to pay your fee online or at Counter Services on the ground floor at 55 King Street the day before the hearing. If you do not pay the fee, your hearing may be adjourned or struck out.

There are some exceptions to this requirement to pay hearing fees. **VCAT Practice Note – PNVCAT 6 Hearing Fees** sets out the procedures that apply to the charging of daily hearing fees in proceedings before the Tribunal, including who is liable to pay the daily hearing fee. This Practice Note and other information is available on VCAT's website.

For example, Day 1 hearing fees do not apply to a VicSmart application or a change in conditions application unless an objector application is also lodged, in which case the permit applicant must pay the Day 1 hearing fee. If an objector application is transferred into the Major Cases List, the permit applicant must pay any hearing fee.

The Principal Registrar has the power to waive or reduce a daily hearing fee in certain circumstances. An **Application for Fee Relief** form is available on VCAT's website. Any application to waive or reduce the daily hearing fee should be made as soon as possible in order to avoid any delay in the hearing.



PLANNING AND ENVIRONMENT LIST

STATEMENT OF NOTICE

To be completed by or for the Applicant

Subject Land	108 Argyle Street ST KILDA VIC 3182	VCAT Ref: P735/2020
---------------------	--	----------------------------

I,(Print full name)
 of(Print name of firm, if relevant)
(Print address)

STATE to the Victorian Civil and Administrative Tribunal (VCAT) that:

- On (**date of service**) I served on the responsible authority a hard copy and a copy in electronic PDF form of the application and all attachments and other material filed with the Tribunal and a copy of the initiating order.
- (Only complete if applicable)** I caused Notice of the Application to VCAT to be given by publishing the notice in the following newspapers.

Name of Newspaper	Date of Publication

I attach clippings of the notices published.

- (Only complete if applicable)** On (**date of erection**) I caused Notice of the Application to VCAT to be given by erecting a sign on the subject land.

Such notice was maintained in good condition on the land for not less than 14 days until it was removed on (**date of removal**)

I erected the following number of signs in the following locations:

Number of signs erected (total)	
Location of signs erected: Specify each street frontage or other location	

I attach the following document **(tick as applicable)**

- ☐ Original sign erected on the land
☐ True copy of the completed sign erected on the land



4. On (***date of service***) I served the following documents on each of the persons specified below by post*/by email*/in person*. (****delete whichever does not apply***)

Documents served:

- a copy of the application (excluding attachments) and any other relevant documents required to be served by VCAT's initiating order;
- a copy of the VCAT initiating order;

Persons served: (*tick as appropriate*)

- ☐ any referral authorities
☐ those persons set out in the attached list I obtained from the relevant municipal council or other responsible authority
☐ any person directed by the Tribunal
☐ any other person or authority

I attach copies of the following documents.

Documents attached: (*tick as appropriate*)

- ☐ list of names and addresses of all persons or authorities served
☐ copy of sample cover letter sent with documents served

ALTERNATIVELY

5. There are no objectors or referral authorities to serve because:

- ☐ The responsible authority did not require notice to be given to anyone
☐ The application is exempt from third party notice and review rights

I understand that knowingly giving false or misleading information to VCAT may result in imprisonment or fine (section 136 of the *Victorian Civil and Administrative Tribunal Act 1998*).

Signature Date.....





Enquiries: Hamish Beere
Telephone: 9209 6424
Fax: 9536 2740

27 May 2019

ACT ON PROPERTY GROUP
PO BOX 419
ALBERT PARK VIC 3206

Dear Sir/Madam,

Planning Permit No: 745/2013
Address: 108 Argyle Street, ST KILDA VIC 3182
Development of two or more dwellings on a lot in a General Residential zone and variations to the car parking requirements pursuant to Clause 52.06.

I refer to your letter requesting an extension of time for the completion of the development pursuant to the above Planning Permit.

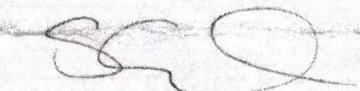
An extension is hereby approved.

The time in which the development must be completed is hereby extended by 1 year from 26 June 2019 to 26 June 2020.

The permit will now expire on 26 June 2020 if the development is not completed.

NOTE: The owner or occupier may request a further extension of time within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started and before the permit expires.

Yours faithfully,


Simon Gutteridge
Coordinator Planning

Cnr Carlisle St & Brighton Rd,
St Kilda Victoria 3182

Private Bag No 3,
PO St Kilda Victoria 3182,
DX35706 Balacava VIC

Phone (03) 9209 6777
Facsimile (03) 9536 2722
assist@portphillip.vic.gov.au
www.portphillip.vic.gov.au

Enquiries: Aidan Robinson
Telephone: (03) 9209 6424
Facsimile: (03) 9536 2740
Our Ref: 745/2013



23 February 2015

Andreas Padelas
PO BOX 369
ALBERT PARK VIC 3206

Dear Sir/Madam,

Re: **Application for Planning Permit No. 745/2013**
Address: **108 ARGYLE STREET, ST KILDA VIC 3182**

I refer to the above matter and associated hearing for application for review to the Victorian Civil and Administrative Tribunal (VCAT) held on 15 December 2014 and advise that the Tribunal have now advised of their determination to grant a permit for the proposal.

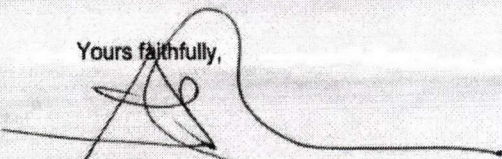
Accordingly, please find attached a copy of Planning Permit No. 745/2013 as per the direction of the Tribunal. You should make sure that you are familiar with these conditions before you act on this permit.

You may also need building or other approvals from the Council, so you should ensure that these matters are also attended to prior to acting on this Planning Permit.

Note: Any variation from the Planning Permit and Approved Plans will require prior written consent from the Responsible Authority, this may require you to submit a new application for a planning permit from Planning & Building Services at the City of Port Phillip. An Enforcement Notice will be issued to a building surveyor who fails to comply with the Building Regulations as they relate to Planning consent. Enforcement action under the Planning & Environment Act 1987 may also involve the owner where they have shown disregard for the conditions of this Planning Permit issued under the Port Phillip Planning Scheme.

PLEASE READ AND CONSIDER THE CONDITIONS CAREFULLY.

Yours faithfully,


Aidan Robinson
Urban Planner

Planning & Building Services Located at:-
St Kilda Office
99A Carlisle Street, St Kilda

Cnr Carlisle St & Brighton Rd,
St Kilda Victoria 3182

Private Bag No 3,
PO St Kilda Victoria 3182,
DX 35706 Balclava VIC

Phone (03) 9209 6777
Facsimile (03) 9536 2722
assist@portphillip.vic.gov.au
www.portphillip.vic.gov.au

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745/2013



PLANNING PERMIT

Application Number: 745/2013
 Planning Scheme: Port Phillip
 Responsible Authority: City of Port Phillip

ADDRESS OF THE LAND:

108 ARGYLE STREET, ST KILDA VIC 3182

THE PERMIT ALLOWS:

Development of two or more dwellings on a lot in a General Residential Zone and variations to the car parking requirements pursuant to Clause 52.06, generally in accordance with the endorsed plans and subject to the following conditions.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended Plans Required

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 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. An area of 6m² of externally accessible storage space for each dwelling;
 - b. The height of the front fence reduced to 1.5m high;
 - c. All plant, equipment and domestic services (including air conditioning, heating units, hotwater systems, etc.) which are to be located externally;
 - d. All plan and elevation drawings fully dimensioned, including natural ground level, floor levels, and incremental and total wall and building heights and lengths, with heights to be expressed to Australian Height Datum (AHD) and/or reduced levels;
 - e. Screening of the first floor front balcony of Unit 3 and first floor rear balcony of Unit 2 in accordance with the provisions of Clause 55.04-6 (Standard B22) of the Port Phillip Planning Scheme. Where louvre or batten screening is to be used, cross section elevation drawings of the screens must be submitted to and approved by the Responsible Authority. The drawings must:
 - Be drawn to scale and fully dimensioned;
 - Clearly delineate any solid parts of the screen and any louvre or batten parts of the screen;
 - Clearly illustrate how any louvre or batten system may allow horizontal or upward views but will prevent downward views to neighbouring properties;

23 February 2015

DATE

Signature for Responsible Authority

- 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.
- f. Remove the crossing and car space in front of Unit 1 and reinstate the area between the front boundary and the building with landscaping.
 - g. The front wall of the third level of Unit 2 must be setback a minimum of 11.082 metres and the balcony must not be closer than 9.282 metres from the frontage.
 - h. The first floor western elevation of Unit 3 must be setback a minimum of 1 metre from the western boundary for a distance of 7 metres from the building frontage and in addition the balcony must also be setback 1 metre with a screen of 1.7 metres in height on its western elevation.
 - i. The ground floor eastern elevation of Unit 1 must have a light court provided commencing 11.25 metres from the frontage and ending 19.75 metres from the frontage with a minimum depth of 1 metre.
 - j. The first floor of Unit 1 must be setback a minimum of 14 metres from the rear boundary.
 - k. The solar hot water units on top of the garages to the rear of the units must not extend more than 300mm above the top of the roof of each of the garages.

No Alterations

2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason without the prior written consent of the Responsible Authority, unless the Port Phillip Planning Scheme exempts the need for a permit.

Satisfactory Continuation

3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Walls on or Facing the Boundary

4. Before the occupation of the development allowed by this permit, all new or extended walls on or facing the boundary of adjoining properties and/or a laneway must be cleaned and finished to a uniform standard to the satisfaction of the Responsible Authority. Unpainted or unrendered masonry walls must have all excess mortar removed from the joints and face and all joints must be tooled or pointed also to the satisfaction of the Responsible Authority. Painted or rendered or bagged walls must be finished to a uniform standard to the satisfaction of the Responsible Authority.

Sustainable Design Assessment

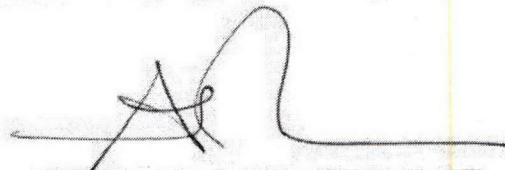
5. Before the development starts (other than demolition or works to remediate contaminated land) a Sustainable Design Assessment that outlines proposed sustainable design initiatives must be submitted to and approved by the Responsible Authority. Upon approval the Assessment will be endorsed as part of the planning permit and the project must incorporate the sustainable design initiatives listed.

23 February 2015

DATE

Planning and Environment Regulations 1988 Form 4.4

745/2013



Signature for Responsible Authority

Page 2 of 3

Piping and Ducting

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

No Equipment or Services

7. 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.

Privacy Screens must be installed

8. 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.

Vehicle Crossings

9. Prior to the occupation of the building(s) allowed by this permit, vehicle crossings must be constructed in accordance with Council's current Vehicle Crossing Guidelines and standard drawings and all redundant crossings must be removed and the footpath, naturestrip, kerb and road reinstated as necessary at cost of the applicant/owner to the satisfaction of the Responsible Authority.

Alteration/Reinstatement of Council or Public Authority Assets

10. Before the occupation of the development allowed by this permit, the Applicant/ Owner shall do the following things to the satisfaction of the Responsible Authority:
- Pay the costs of all alterations/reinstatement of Council and Public Authority assets necessary and required by such Authorities for development;
 - Obtain the prior written approval of the Council or other relevant Authority for such alterations/reinstatement;
 - Comply with conditions (if any) required by the Council or other relevant Authorities in respect of reinstatement.

Time for Starting and Completion

11. This permit will expire if one of the following circumstances applies:
- The development is not started within two (2) years of the date of this permit;
 - The development is not completed within two (2) years of the date of commencement of works.

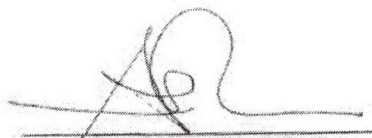
The Responsible Authority may extend the periods referred to if a request is made in writing before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started; and within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

Landscape Plan

12. Prior to the commencement of works a landscape plan must be submitted and approved by the Responsible Authority. Once approved the landscaping must be maintained to the satisfaction of the Responsible Authority.

23 February 2015

DATE


Signature for Responsible Authority

IMPORTANT INFORMATION ABOUT THIS NOTICE

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit.

WHEN DOES A PERMIT BEGIN?

A permit operates:

- * from the date specified in the permit, or
- * if no date is specified, from
 - (i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal, or
 - (ii) the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if: -
 - * the development or any stage of it does not start within the time specified in the permit, or
 - * the development requires the certification of a plan of subdivision or consolidation under the Subdivision Act, 1988 and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
 - * the development or any stage is not completed within the time specified in the permit, or if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within five (5) years of the certification of the plan of subdivision or consolidation under the Subdivision Act, 1988.
2. A permit for the use of land expires if: -
 - * the use does not start within the time specified in the permit, or if no time is specified, within two (2) years after the issue of the permit, or
 - * the use is discontinued for a period of two (2) years
3. A permit for the development and use of land expires if: -
 - * the development or any stage of it does not start within the time in the permit; or
 - * the development or any stage of it is not completed within the time specified in the permit or if no time is specified, within two (2) years after the issue of the permit; or
 - * the use does not start within the time specified in the permit, or if not time is specified, within two (2) years after the completion of the development or
 - * the use is discontinued for a period of two (2) years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in Section 6A(2) of the Planning and Environment Act, 1987 or to any combination of use, development or any of those circumstances requires the certification of a plan under the Subdivision Act, 1988 unless the permit contains a difference provision -
 - * the use or development of any stage is to be taken to have started when the plan is certified; and
 - * the permit expires if the plan is not certified within two (2) years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT APPEALS?

- * The person who applied for the permit may appeal against any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal where, in which case no right of appeal exists.
- * An appeal must be lodged within 60 days after the permit was issued, unless a Notice of Decision to grant a permit has been issued previously, in which case the appeal must be lodged within 60 days after the giving of that notice.
- * An appeal is lodged with the Victorian Civil and Administrative Tribunal.
- * An appeal must be made on a Notice of Appeal form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the prescribed fee.
- * An appeal must state the grounds upon which it is based.
- * An appeal must also be served on the Responsible Authority.
- * Details about appeals and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.
- * The address of the Victorian Civil and Administrative Tribunal is 55 King Street, Melbourne. The telephone number is (03) 9628 9777.

Planning and Environment Regulations 1988 Form 4.4



PLANNING COMPLIANCE

Common planning compliance issues when developing land

Fact sheet

Planning and building permit compliance

Building permit plans must match planning permit plans for development. While building permit plans will have more technical and structural detail than planning permit plans, they must be consistent with the endorsed planning permit plans.

Council will enforce compliance with the endorsed planning permit plans, even in cases where an error in the building permit plans causes an inconsistency.

Expired planning permits

You must pay careful attention to any conditions relating to the expiration of your planning permit. Once the permit expires you may no longer be able to lawfully commence or continue any building and works allowed by the permit.

You can apply to extend your planning permit by contacting Council's Planning Department. This must be done while the permit is still valid; within six months of the permit's expiry date if the development has not commenced or within 12 months of the permit's expiry date to complete the development.

Additional reports and documents

Most planning permits require you to submit additional documentation to Council prior to commencing the development allowed by the permit. These documents must be endorsed by Council by the times specified.

Typical examples of documents still required after the issue of a planning permit include revised plans, demolition method statements, arborist reports, sustainable design statements and acoustic reports.

Please pay careful attention to the conditions of your permit, as failure to comply with the requirements of these conditions can result in enforcement action being taken with no notice to you.

Demolition within Heritage Overlay sites

Heritage Overlays are used to protect sites that have heritage significance, and are contained within Council's planning schemes.

Much of the municipality is covered by a Heritage Overlay, and as such, many planning permits deal with partial demolition of protected heritage buildings.

It is essential that you take particular care not to exceed the extent of any demolition that has been allowed by the planning permit. You should ensure that you are familiar with the Demolition Method Statement and the plans indicating the extent of demolition permitted.

Council takes illegal demolition very seriously and offenders may be referred to the Magistrates Court for prosecution.

Landscaping

Landscaping must be completed in accordance with the permit, usually before or within a set period of time after the occupation of the building.

Planning and Environment List Planning and Environment Division

Application by a Permit Holder to cancel or amend a permit under section 87 or 87A of the *Planning and Environment Act 1987*

Making an application

Information that must accompany your application form

- A copy of the permit to be cancelled or amended and current endorsed plans
- A description of the proposed changes, including a list of proposed amended plans
- A track-changes version of the proposed amended permit (where relevant) which includes any changes to what the permit allows and any new, amended or deleted conditions
- Proposed amended plans which highlight where changes are proposed
- A title search of the land not more than 14 days old
- List of interested persons, if a separate sheet is necessary
- A copy of any VCAT decision relating to the permit
- A copy of any other permit that contains a condition requiring the cancellation or amendment of this permit

You must also provide information about the zone, overlays or other planning controls that affect your land and any additional permission required under the planning scheme for the amended proposal, which the permit does not already include. You should also provide information about whether the proposal is exempt from the notice requirements or review rights under the *Planning and Environment Act 1987*, and if so, specify by what provision in the planning scheme. You may need to obtain this information from the responsible authority if you do not know the details.

If your application is incomplete and you do not include all the material and information required, plus payment of the fee, your application may be rejected or struck out.

What will happen after you lodge your application for review?

After you lodge your application for review, the Tribunal will allocate a hearing date to hear the application. The Tribunal will issue an initiating order setting out the hearing date and giving directions about steps that you and other parties to the proceeding must comply with. The initiating order will set dates by which each step must be completed. A hearing date will not be allocated until your application is complete.

If you fail to comply with the Tribunal's initiating order by the dates specified in the order, your application may be struck out without further notice. If you are unable to comply with any aspect of the initiating order, you must apply to the Tribunal in writing for an extension of time. You cannot change dates without an order by the Tribunal.

The Tribunal relies on the accuracy of the information you provide with your application to calculate the length of time required for the hearing. If you believe the time allocated is insufficient or too much, please advise the Tribunal in writing when you return the statement of service that will be sent to you with the initiating order.

**Planning and Environment List
Planning and Environment Division
Section 87 & 87A**

VCAT Reference Number (Office Use Only)

P

/

Cost of the Development

The estimated cost of this development is:

\$1,350,000

*The cost of development will normally be the cost specified in the original permit application.***Name of Applicant(s)**

Full Name

Andreas & Sylvia Padelas

*Include the complete name if the applicant is a company: e.g. XYZ Co. Pty Ltd.***Address and Contact Details of Applicant(s)***All correspondence will be sent to the applicant(s) at this address or email, unless the 'Details of Representative' section is completed, in which case all correspondence will be sent to the representative address or email. Complete only one section. DO NOT COMPLETE BOTH SECTIONS.*

Address

116 Beaconsfield Pde Albert Park Vic 3206

Business phone

0404947262

After hours phone

Mobile

0404947262

Fax number

Email

info@actonpropertygroup.com

Details of Representative

Name/Firm

Reference Number/ Contact person

Address

Business phone

Fax number

Mobile

Email

Category of applicant(s)

Please tick in which category you are making this application. More than one box may be ticked if relevant. If you are not one of the following, do not use this form.

- ☒ Owner of the land
- ☐ Occupier of the land
- ☐ Person who is entitled to use or develop the land

Information about the land to which this application and the permit applies

If there is no conventional address (street number, street and locality) insert a land description:

- Certificate of Title volume and folio;
- Lot and lodged plan number;
- Crown allotment; or
- Section number /Township/Parish.

A title search of the land not more than 14 days old must be attached.

Address or description of the land

108 Argyle St in St Kilda Vic 3182

(currently known 106, 106A , 108 Argyle St in St Kilda Vic 3182)

Responsible Authority

City of Port Phillip

Information about the permit to be cancelled or amended.

Only permits issued at the direction of VCAT may be cancelled or amended under section 87A. A permit issued by a predecessor of VCAT (Planning Appeals Board or Administrative Appeals Tribunal) cannot be amended under section 87A. An application may be made to the responsible authority under section 72 Planning and Environment Act 1987 or to VCAT under section 87 Planning and Environment Act 1987.

Relevant Decision: Popular Pastimes Pty Ltd v Melbourne CC (Red Dot) [2008] VCAT 1184

You must provide a copy of the permit to be amended in its current form and the current endorsed plans with your application.

Permit details

Permit number

P745/2013

Date issued

23 February 2013

Was the permit issued at the direction of VCAT?

- ☒ Yes ☐ No

If yes, please cite the VCAT reference number and/or AustLii citation

VCAT reference number

VCAT Ref P1093/2014

AustLii citation

Is this an application under section 87 or 87A Planning and Environment Act 1987?

- ☐ Section 87 ☒ Section 87A

Please provide the following information and material about the permit to assist the Tribunal to process your application as expeditiously as possible.

Provide a copy of the permit in its current form and a track-changes version of the proposed amended permit (where relevant)	Please refer to attachment No 1 and Attachment No 2, proposed changes shown on endorsed town planning drawings with list of retrospective changes
When does the permit expire? (The Tribunal cannot extend an expired permit.)	Please refer to attachment with Extension of time
What is the name of the relevant planning scheme, the zone and any overlay or other control applying to the subject land?	GENERALRESIDENTIALZONE
Identify any additional permission required under the planning scheme for the amended proposal, which the permit does not already include.	
Is the proposal exempt from the notice requirements or review rights under the <i>Planning and Environment Act 1987</i> , and if so, specify by what provision in the planning scheme.	

Details of cancellation or amendment

You must attach a precise description of the amendment(s) you propose. If you want to:

- *amend what the permit allows, you must state what the permit allows now and what changes you want;*
- *amend, delete or add conditions, you must set out the draft conditions that are to replace existing conditions. This should be in the form track-changes version of the proposed amended permit;*
- *amend plans, you must submit with the application a clearly readable, identifiable copy of the amended plans drawn to scale with dimensions, and a statement in writing describing the changes from the previous plans.*

Do you want the permit to be cancelled?

☐ Yes ☒ No

If yes, is the cancellation applied for as a condition in another permit?

☐ Yes ☐ No

If yes, that permit number is:

If you want the permit amended, is an amendment required in respect of:

- ☐ What the permit allows
☒ Conditions of the permit
- ☐ Plans referred to in the permit or endorsed under the permit

Does the responsible authority consent to the cancellation or amendment?

☐ Yes ☒ No ☐ Don't know

Details of person(s) potentially affected by the amendment

VCAT will require you to serve the application on any person who appears to it to have a material interest in the outcome of the application. In determining who may have a material interest, VCAT will consider the effect of the proposed amendments on other people. In its initiating order, VCAT will direct you to serve the application on people you have identified below and any people whom the responsible authority considers should be given notice of the application. If you disagree with the responsible authority, you may apply for an urgent practice day hearing to resolve the matter.

You should contact the responsible authority for details of persons it considers should be given notice of the application before lodging this application.

Please provide the name and address for service of other persons who may have a material interest in the outcome of this application. Attach a separate list if necessary.

Name of interested person	Address for service
City of Port Phillip c/o Best Hooper Lawyers	Emily Marson emarson@besthooper.com.au Level9/451 Little Bourke St Melbourne Vic 3000

Other Proceedings affecting the land

Do you know of any other planning proceedings, such as an application for review or enforcement order application, relating to or affecting the land? If so, give details including Tribunal reference numbers, if possible.

Reference numbers

Attachments

Attach the following documents to this application. Tick and reference the attachments provided. Attach a separate schedule of attachments if necessary.

<input checked="" type="checkbox"/> A copy of the permit to be cancelled or amended and current endorsed plans	Ref. No.	1
<input checked="" type="checkbox"/> Two Secondary Consents dated 7/06/2017 and 8/03/2019 including endorsed drawings	Ref. No.	2
<input checked="" type="checkbox"/> Details of proposed amendment(s) and any amended plans as required by this application form	Ref. No.	3
<input checked="" type="checkbox"/> List of interested persons, if a separate sheet is necessary Best Hoopers letter with list of breaches	Ref. No.	4
<input checked="" type="checkbox"/> A title search of the land not more than 14 days old	Ref. No.	5
<input checked="" type="checkbox"/> A copy of the VCAT decision relating to the permit	Ref. No.	6
<input type="checkbox"/> A copy of any other permit, which contains a condition requiring the cancellation or amendment of this permit	Ref. No.	
<input type="checkbox"/> Copy of cultural heritage management plan and approval (if relevant)	Ref. No.	

Other attachments (if relevant)		
<input type="checkbox"/>	Ref. No.	
<input type="checkbox"/>	Ref. No.	

Hearing time and complexity

Estimate the time it will take you to present your complete case at the hearing (submissions plus witnesses) and the number of expert witnesses you intend to call, if any.

Time to make submissions & present evidence: Hours Minutes

Number of witnesses: Expertise:

See VCAT's Practice Note PNVCAT2 – Expert Evidence for information about the obligations of expert witnesses and what must be included in the report of an expert witness.

Acknowledgement

I acknowledge that:

- To the best of my knowledge, all information provided in this application is true and correct and that no details relevant to the application have been left out.
- I approve the information that has been provided.
- It is an offence under section 136 of the *Victorian Civil and Administrative Tribunal Act* 1998 to knowingly give false or misleading information to VCAT.

Category of person completing this application:

- ☒ Applicant in person ☐ Authorised Representative

Name of person completing this application (print)

Date

Checklist

Before you lodge this application, make sure that:

- ☐ You have completed all details and responded to all questions
- ☐ All documents regarding fees (e.g. fee waiver documents, credit card form or cheque) are supplied with your application.
- ☐ You have attached and properly referenced all of the attachments listed in this form.

Fees

You must pay the relevant application fee at the same time you lodge this form. Fees may change each year. To find out about the current fee, visit the VCAT website www.vcat.vic.gov.au or call VCAT on 1300 01 8228.

Application Fee	\$870.80
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VCAT may waive the requirement to pay a fee in some instances. Details are available on the VCAT website. You should apply for a waiver at the same time that you lodge this form.

Attachment 3 to Application under section 87A amend town planning permit

Retrospective Proposal to Changes to Planning Permit 745/2013 for 108 Argyle St in St Kilda (currently known as 3 separate dwellings 108 Argyle (Unit 1), 106 A Argyle (Unit 2), 106 Argyle (Unit 3))

Description of changes as per Best Hooper letter acting on the behalf City of Port Phillip compliance department, letter dated 20 February 2020 that identify changes as breaches

Unit 3 :106 Argyle Please refer to clouded point indications on proposed drawings

Changes Number	Description of Changes (Breaches)	Planning Permit Conditions
1. Point 1 On proposed drawings	The overall height of the front façade has been constructed to 17.07m in excess of the shown on the endorsed drawings. As per Secondary Consent dated on 7June 2017 floor level has been increased of the ground floor by 300mm from 10.7m AHD to 11m AHD and increase overall height by 240mm from 9400 to 9700mm. According to Land Surveyor Peter Richards Surveying, 106 A (Unit2) parapet level is 19.69m. Taking way AHD of 10.00m shown on contour plan ground level where building is constructed overall height of building from the ground is 9690mm, approved 9700mm. The building is below approved height	No breaching of the Town planning
2. Point 2 On proposed drawings	The height of the rear fasade has been constructed in excess of the height shown on the endorsed plans. There are no dimensions showing on drawings with the height of the rear fasade. No details of excess of height or details even any measurements in the breach	No breach of Town planning
3. Point 5 On proposed drawings	The hot water system in the rear open space has not been installed. Hot water Installed on the roof not at the rear. Relocation to provide more rear open space	Internal changes
4. Point 4	The canopy cladding between the ground and the first-floor constructed cladding has been constructed to a height in excess of 300mm shown on the endorsed plans As per Secondary Consent dated on 7June 2017 floor level has been increased of the	No breach of town planning

On proposed drawings	ground floor by 300mm from 10.7mAHD to 11m AHD and increase overall height by 240mm. Please refer to correct drawings. Further there is no specification to the size on front elevation of the canopy in the drawings. 300 mm refer to floor AHD level running across the building	
5 Point 6 On proposed drawings	The rainwater tank in rear open space has not been installed. Amendment to sustainability report	5. Sustainability Report Assessment
6. Point 7 On proposed drawings	The storage shed in rear open space has not been installed. Double garage for 2 vehicle provides enough storage space. Relocation of storage to the garage To provide practical bigger rear open space	Internal changes
7.	The proposed canopy tree in the rear open space has not been installed. Six Magnolias tree were planted at the rear	No breach of the permit
8. Point 8 On proposed drawings	No door or gate has been installed for access to rear garage. As per Secondary Consent approved on 12/02/2019 Roller door to access garage at the rear has been replaced with Obscured glass sliding door 3000W, therefore construction of additional door next to was not necessary.	Internal changes
9. Point 9 On proposed drawings	The grass area to rear open space has been changed to artificial grass. Please refer to updated Permeability and Sustainability report for details Sustainable alternative to natural grass reducing constant maintenance requirements	5. Sustainability Report Assessment
10. Point 10 On proposed drawings	The height of solar hot water system on the rear garage exceed 300mm contrary to condition 1k of the Development Permit. Solar Hot Water tank had to be installed according to manufacture regulations to function.	Condition 1k : "the solar hot water unit on top of the garages must not exceed more than 300mm above the roof of the garages"

11.	The canopy tree in the front setback has not been planted. Canopy tree has been planted,	No breach of the permit
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Attachment 3 to Application under section 87A amend town planning permit

Retrospective Proposal to Changes to Planning Permit 745/2013 for 108 Argyle St in St Kilda (currently known as 3 separate dwellings 108 Argyle (Unit 1), 106 A Argyle (Unit 2), 106 Argyle (Unit 3))

Description of changes as per Best Hooper letter acting on the behalf City of Port Phillip compliance department, letter dated 20 February 2020 that identify changes as breaches

Unit 1 :108 Argyle Please refer to clouded point indications on proposed drawings

Changes Number	Description of Changes (Breaches)	Planning Permit Conditions
1 Point 14 On proposed drawings	Front canopy at the ground floor has been constructed to a depth of 310 mm as opposed to 1 m on endorsed plans? Constructed front canopy has been constructed in depth 1000mm as per endorsed drawings	No breach of town planning
2. Point 8 On proposed drawings	No door or gate has been installed for access to rear garage As per Secondary Consent approved on 12/02/2019 Roller door to access garage at the rear has been replaced with Obscured glass sliding door 3000W, therefore construction of additional door next to it was not necessary.	2. Layout Not Altered without the written consent of the Responsible Authority
3. Point 10 On proposed drawings	The height of solar hot water system on the rear garage exceed 300mm contrary to condition 1k of the Development Permit. Solar Hot Water tank had to be installed according to manufacture regulations to function. Solar hot water system is not visible from the main street only rear lane	Condition 1k : <i>"the solar hot water unit on top of the garages must not exceed more than 300mm above the roof of the garages"</i>
4. Point 4 on proposed drawings	Front canopy between the ground and first floor has been constructed in the height in excess of 300mm shown on the endorsed drawings As per Secondary Consent dated on 7 June 2017 floor level has been increased of the ground floor by 300mm from 10.7m AHD to 11m AHD and increase overall height by 240mm. Please refer to correct drawings.	No breach of Town planning

Attachment 3 to Application under section 87A amend town planning permit

Retrospective Proposal to Changes to Planning Permit 745/2013 for 108 Argyle St in St Kilda (currently known as 3 separate dwellings 108 Argyle (Unit 1), 106 A Argyle (Unit 2), 106 Argyle (Unit 3))

Description of changes as per Best Hooper letter acting on the behalf City of Port Phillip compliance department, letter dated 20 February 2020 that identify changes as breaches

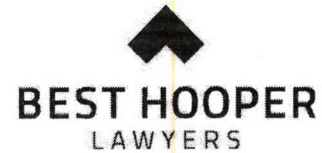
Unit 2 :106 A Argyle . Please refer to clouded point indications on proposed drawings

Changes Number	Description of Changes (Breaches)	Planning Permit Conditions
1 Point 1 On Proposed drawings	<p>The overall height of the front facade has been constructed of a height 19.71m in excess of the height shown on the endorsed drawings</p> <p>As per Secondary Consent dated on 7June 2017 floor level has been increased of the ground floor by 300mm from 10.7mAHD to 11m AHD and increase overall height by 240mm to 9700mm.</p> <p>According to Land Surveyor Peter Richards Surveying, 106 A (Unit2) parapet level is 19.69m. Taking way AHD of 10.00m shown on contour plan ground level where building is constructed overall height of building from the ground is 9690mm, approved 9700mm. The building is below approved height.</p> <p>Measurement taken by council officer are according original town planning drawings</p>	No breach of Town planning Secondary Consent 7June2017
2. Point 13 On Proposed drawings	<p>The second-floor front balcony has been constructed to depth of 3 m as opposed to 1.8 contained in the endorsed plans and contrary to condition 1g</p> <p>The condition 1G refer to the setback. The setback from the frontage façade has not been changed.</p> <p>However, balcony size was not correctly indicated on the drawings showing part of balcony as roof lines and wrongly dimension as 1.8m D. Current size of balcony is 3m.</p>	<p>Condition 1 g; refer to setback: <i>"The front wall of the third level of Unit 2 must be setback a minimum of 11.082m and the balcony must be no closer than 9.282m from the frontage"</i></p> <p>2. Layout Not Altered without the written consent of the Responsible Authority</p>
3		

3. Point 3 On Proposed drawings	The front canopy has been constructed in excess of 300mm As per Secondary Consent dated on 7 June 2017 floor level has been increased of the ground floor by 300mm from 10.7m AHD to 11m AHD and increase overall height by 240mm to 9700mm. Measurement taken by council officer are according original town planning drawings	No breach of Town planning Secondary Consent 7 June 2017
4. Point 5 on proposed drawings	The hot water system in the rear open space has not been installed. Hot water system Installed on the roof, not at the rear, provide more open space to the rear	Internal changes
5. Point 6 on proposed drawings	The rainwater tank in rear open space has not been installed Changes to Sustainability report	Sustainability Report Assessment
6. Point 7 on proposed drawings	The storage shed in rear open space has not been installed. The size of the garage is 4200 x 6000m above standard single garage size 3000x5400. Therefore there is sufficient space to relocate storage area to garage and provide more open space to the rear	<i>Condition 1 a: an area of 6m2 of external accessible storage space for each unit</i>
7.	The proposed canopy tree in the rear open space has not been installed. Six Magnolias tree were planted at the rear	No breach of town planning
8. Point 8 on proposed drawings	No door or gate has been installed for access to rear garage. As per Secondary Consent dated 8/03/2019 Roller door to access garage at the rear has been replaced with Obscured glass sliding door 3000W, therefore construction of additional door next to sliding door was not necessary.	Internal changes Secondary Consent approved on 8/03/2019
9 Point 9 on proposed drawings	the grass area to rear open space has been changed to artificial grass. Please refer to updated Permeability report. Sustainable alternative to natural grass reducing constant maintenance requirements	2. Layout Not Altered without the written consent of the Responsible Authority
10. Point 10 on proposed drawings	The height of solar hot water system on the rear garage exceed 300mm contrary to condition 1k of the Development Permit. Solar Hot Water tank had to be installed according to manufacture regulations to function. Solar hot water system is not visible from street only rear lane	<i>Condition 1k: "the solar hot water unit on top of the garages must not exceed more than 300mm above the roof of the garages"</i>
11. Point 11 on proposed drawings	Air conditioning unit at rear of second floor have not been screened Unit is not visible from the street or lane. Please refer to photos	<i>Condition 7. Any equipment, plant or domestic service visible from the street (other from the lane) must be screened. No breach</i>

		2. Layout Not Altered without the written consent of the Responsible Authority
12 Point 12 on proposed drawings	The first-floor balustrades have been rendered in dark finish as opposed to being constructed of aluminum finish. Colour has been changed to match colour of the windows next to it. Changes provide more attractive modern architectural and appealing finish.	2. Layout Not Altered without the written consent of the Responsible Authority

Contact: Emily Marson
 Direct line: 03 9691 0234
 Email: emarson@besthooper.com.au
 Principal: Tania Cincotta
 Our Ref: TC:EM:191175



20 February 2020

Prodon Developments Pty Ltd
 116 Beaconsfield Parade
 ALBERT PARK VIC 3206

Also by email: apadelas@actonpropertygroup.com

Dear Sir,

108 Argyle Street, St Kilda Vic 3182
Planning Permit No. 745/2013 (Development Permit)
Planning Permit No. 384/2015 (Subdivision Permit)

We act on behalf of Port Phillip City Council in relation to the above matter and refer to the Development Permit issued on 23 February 2015 and the Subdivision Permit issued on 14 July 2015 in respect of 108 Argyle Street, St Kilda (**Land**).

Development Permit

The Development Permit authorises:

"Development of two or more dwellings on a lot in a General Residential Zone and variations to the car parking requirements pursuant to Clause 52.06, generally in accordance with the endorsed plans and subject to the following conditions."

The Development Permit includes the following relevant conditions:

"Amended Plans Required"

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 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. *An area of 6m² of externally accessible storage space for each dwelling;*
 - b. *The height of the front fence reduced to 1.5m high;*

Best Hooper Pty Ltd

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 Melbourne VIC 3000, Australia

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 Law Courts 8010

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 ACN 137 307 692

DX 215 Melbourne

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- c. All plant, equipment and domestic services (including air conditioning, heating units, hot water systems, etc.) which are to be located externally;
- d. All plan and elevation drawings fully dimensioned, including natural ground level, floor levels, and incremental and total wall and building heights and lengths, with heights to be expressed to Australian Height Datum (AHD) and/or reduced levels;
- e. Screening of the first floor front balcony of Unit 3 and first floor rear balcony of Unit 3 and first floor rear balcony of Unit 2 in accordance with the provisions of Clause 55.04-6 (Standard B22) of the Port Phillip Planning Scheme. Where louvre or batten screening is to be used, cross section elevation drawings of the screens must be submitted to and approved by the Responsible Authority. The drawings must:
- Be drawn to scale and fully dimensioned;
 - Clearly delineate any solid parts of the screen and any louvre or batten parts of the screen;
 - Clearly illustrate how any louvre or batten system may allow horizontal or upward views but will prevent downward views to neighbouring properties;
 - 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.
- f. Remove the crossing and car space in front of Unit 1 and reinstate the area between the front boundary and the building with landscaping.
- g. The front wall of the third level of Unit 2 must be setback a minimum of 11.082 metres and the balcony must not be closer than 9.282 metres from the frontage.
- h. The first floor western elevation of Unit 3 must be setback a minimum of 1 metre from the western boundary for a distance of 7 metres from the building frontage and in addition the balcony must also be setback 1 metre with a screen of 1.7 metres in height on its western elevation.

- i. *The ground floor eastern elevation of Unit 1 must have light court provided commencing 11.25 metres from the frontage and ending 19.75 metres from the frontage with a minimum depth of 1 metre.*
- j. *The first floor of Unit 1 must be setback a minimum of 14 metres from the rear boundary.*
- k. *The solar hot water units on top of the garages to the rear of the units must not extend more than 300mm above the top of the rood of each of the garages.*

No Alterations

- 2. *The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason without the prior written consent of the Responsible Authority, unless the Port Phillip Planning Scheme exempts the need for a permit.*

Satisfactory Continuation

- 3. *Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority."*

We are instructed that the following documents have been endorsed under the Development Permit. Plans comprising sheets 1-7 endorsed on 7 June 2017, comprising sheet nos. 5 of 13 to 13 of 13.

Subdivision Permit

The Subdivision Permit preamble authorises the following:

"To develop the land for the purpose of a three lot subdivision generally in accordance with endorsed plans and subject to the following conditions."

The Subdivision Permit included the following relevant conditions:

"10. Completion of Works

Prior to the issue of the Statement of Compliance construction of the proposed buildings on the subject site authorised by Permit No. 745/2013 are to reach a stage of practical completion including buildings and works which define boundaries to the satisfaction of the Responsible Authority.

Or

Prior to the issue of a Statement of Compliance, the owner shall enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 under which it specifically covenants that:-

- a) The land shall only be developed in accordance with the plans endorsed under Planning Permit No. 745/2013 dated 23 February 2015; and
- b) It shall pay the Responsible Authority's Solicitor/client costs in respect to the preparation and registration of the agreement.

The agreement shall otherwise be on terms satisfactory to the Responsible Authority.

A Section 173 Agreement (**Agreement**) contained in Instrument No. AM840942H was registered on 8 June 2016 against the title to the Land being Certificate of Title Volume 11810 Folio 865. The Agreement provides *inter alia*:

"3. SPECIFIC OBLIGATIONS OF THE OWNER

The Owner covenants and agrees that:

- 3.1 The Subject Land must only be developed in accordance with the Endorsed Plan which forms part of the Development Permit."

"Subject Land" is defined in the Agreement as:

"the land situation at 108 Argyle Street, St Kilda being the land comprises in Certificate of Title Volume 2115 Folio 891 and any reference to the Subject Land in this Agreement will include a reference to any lot created by the subdivision of the Subject Land or any part of it".

"Endorsed Plan" is defined as:

"the Plan(s) endorsed with the stamp of the Council from time to time, as the Plan(s) which form part of the Development Permit."

"Development Permit" is defined as:

"Planning Permit No. 745/2013 issued on 23 February 2015 by the Council as amended from time to time described in Recital C of this Agreement."

We are instructed that Council planning officers have undertaken inspections of the Land and have identified the following non-compliances with Conditions 1, 2 and 3 in the Development Permit, Conditions 4 and 10 in the Subdivision Permit and the Agreement registered against the Land.

Unit 1 – 108 Argyle Street:

1. The front canopy at the ground floor has been constructed to a depth of 310mm as opposed to 1m on endorsed plans;
2. No door or gate has been installed for access to rear garage;
3. The height of solar hot water system on the rear garage roof exceeds 300mm contrary to Condition 1(k) of the Development Permit.
4. The canopy between the ground and the first floor has been constructed to a height in excess of 300mm shown on the endorsed plans;

Unit 2 - 106A Argyle Street:

1. The overall height of the front façade has been constructed to a height of 19.71m in excess of the height shown on the endorsed plans;
2. The second floor front balcony has been constructed to a depth of 3m as opposed to 1.8m contained in the endorsed plans and contrary to Condition 1(g);
3. The canopy between the ground and the first floor has been constructed to a height in excess of 300mm shown on the endorsed plans;
4. The hot water system in the rear open space has not been installed;
5. The rain water tank in rear open space has not been installed;
6. The storage shed in rear open space has not been installed;
7. The proposed canopy tree in rear open space has not been installed;
8. No door or gate has been installed for access to rear garage;
9. The grass area to rear open space changed to artificial grass (it is unclear what impact this has had on the permeability of the approved proposal);
10. The height of solar hot water system on the rear garage roof exceeds 300mm contrary to Condition 1(k) of the Development Permit;
11. Air-conditioning units at rear of second floor have not been screened;
12. The first floor balustrade have been rendered in a dark finish as opposed to being constructed of aluminium bars and glass with a grey/light material used.

Unit 3 – 106 Argyle Street:

1. The overall height of the front façade has been constructed to 17.07m in excess of the height shown on the endorsed plans ;
2. The height of the rear façade has been constructed in excess of the height shown on the endorsed plans;
3. The hot water system in rear open space has not been installed;
4. The canopy cladding between the ground and the first floor constructed cladding has been constructed to a height in excess of 300mm shown on the endorsed plans;
5. The rain water tank in rear open space has not been installed;
6. The storage shed in rear open space has not been installed;
7. The canopy tree in rear open space has not been planted;
8. No door or gate has been installed for access to rear garage;
9. The grass area to rear open space changed to artificial grass (it is unclear what impact this has had on the permeability of the approved proposal);
10. The height of solar hot water system on the rear garage roof exceeds 300mm contrary to Condition 1(k) of the Development Permit; and
11. The canopy tree in the front setback has not been planted.

Council has instructed us that no application to amend the Development Permit pursuant to Section 72 of the Planning and Environment Act 1987 (Vic) has been lodged with Council's Statutory Planning Department seeking retrospective approval of the breaches identified above.

We are instructed to put you on notice that, should the breaches identified by Council not be rectified by 23 March 2020 or an application seeking retrospective approval of the above breaches made by 23 March 2020, Council will instruct our office to bring an application for an enforcement order pursuant to Section 126 of the *Planning and Environment Act 1987* (Vic) with the Victorian Civil and Administrative Tribunal in respect of breaches of the Development Permit, Subdivision Permit and the Agreement.

In the event the breaches identified above are not rectified and enforcement proceedings are required to be initiated, this letter will be produced on the question of costs.

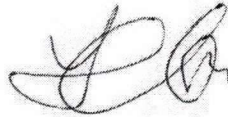
Council otherwise reserves its position in relation to the breaches and the assessment of the merits and any retrospective application to amend should such an application be lodged.

Yours faithfully

BEST HOOPER



Emily Marson
Senior Associate



Tania Cincotta
Principal



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**REGISTER SEARCH STATEMENT (Title Search) Transfer of
Land Act 1958**

Page 1 of 1

VOLUME 11810 FOLIO 864

Security no : 124082970799B
Produced 06/05/2020 08:25 PM

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 737341N.
PARENT TITLE Volume 02115 Folio 891
Created by instrument PS737341N 09/08/2016

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors
ANDREAS PADELAS
SYLVIA PADELAS
PRODOM DEVELOPMENTS PTY LTD all of LEVEL 1 592 CITY ROAD SOUTH MELBOURNE VIC
3205
PS737341N 09/08/2016

ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

AGREEMENT Section 173 Planning and Environment Act 1987
AM840942H 08/06/2016

DIAGRAM LOCATION

SEE PS737341N FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 108 ARGYLE STREET ST KILDA VIC 3182

OWNERS CORPORATIONS

The land in this folio is affected by
OWNERS CORPORATION 1 PLAN NO. PS737341N

DOCUMENT END



Imaged Document Cover Sheet

The document following this cover sheet is an imaged document supplied by LANDATA®, Victorian Land Registry Services.

Document Type	Plan
Document Identification	PS737341N
Number of Pages (excluding this cover sheet)	3
Document Assembled	06/05/2020 20:27

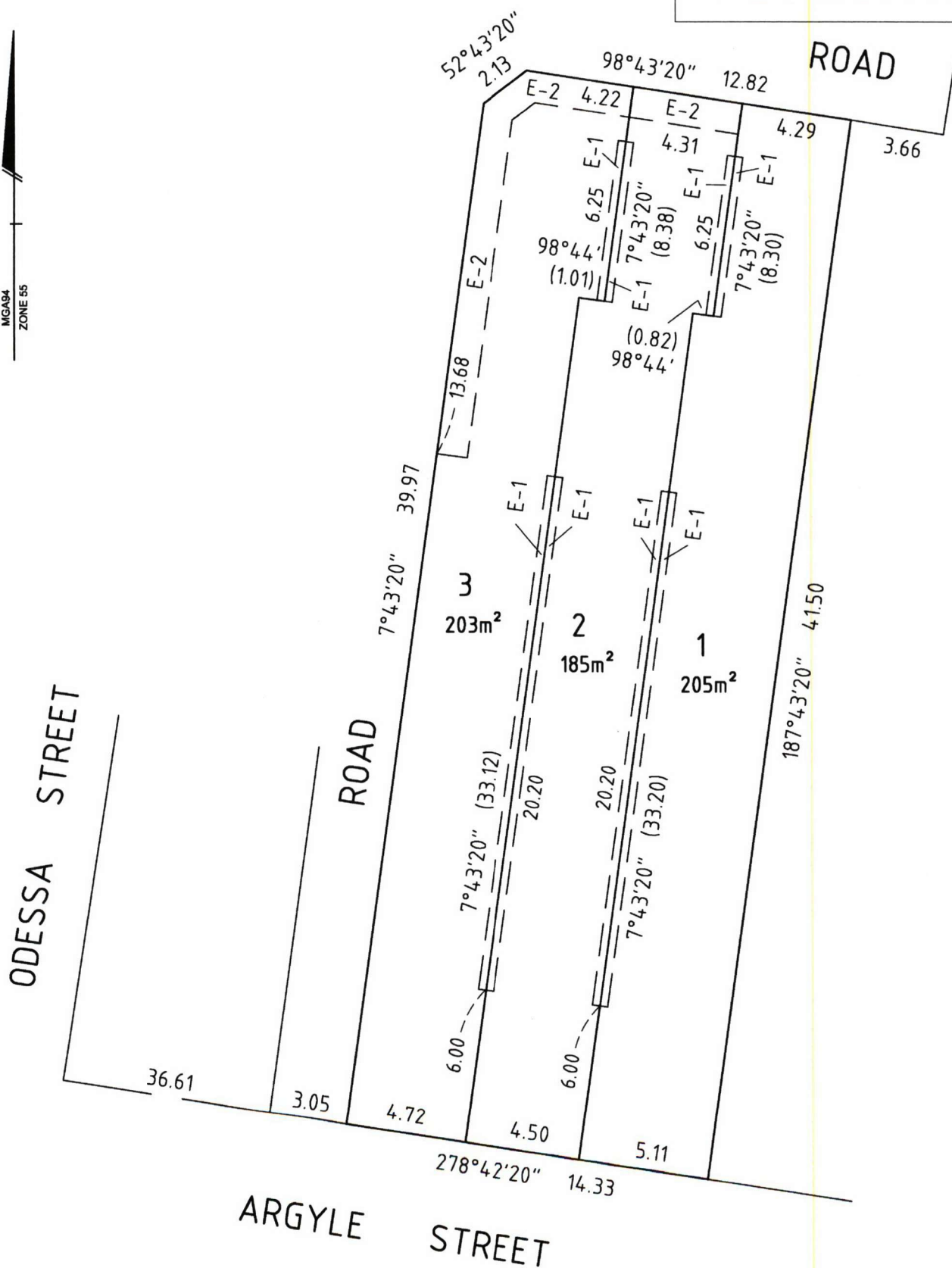
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The document is invalid if this cover sheet is removed or altered.

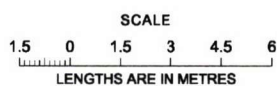
Signed by: Benjamin Stephen Nobelius (Nobelius Land Surveyors Pty Ltd) Surveyor's Plan Version (C) SPEAR Ref: S066365H 09/06/2015. Amended: 08/08/2016.

PS 737341 N



Pakenham & San Remo

Postal: 22 Wynne Rd
San Remo 3925
Tel: 03 5678 5559
Fax: 03 5678 5412
Email: admin@aabs.net.au
www.aabs.net.au



ORIGINAL
SCALE
1 : 150

DIGITALLY SIGNED BY LICENSED SURVEYOR: B. S. NOBELIUS

REF: 11532

VERSION C

Sheet 2

ORIGINAL SHEET SIZE A3

**Plan of Subdivision PS737341N****Certification of plan by Council (Form 2)**

SUBDIVISION (PROCEDURES) REGULATIONS 2011

SPEAR Reference Number: S066365H

Plan Number: PS737341N

Responsible Authority Name: Port Phillip City Council

Responsible Authority Permit Ref. No.: P0384/2015

Responsible Authority Certification Ref. No.: S/51/2015

Surveyor's Plan Version: C

Certification☒ This plan is certified under section 6 of the Subdivision Act 1988**Public Open Space**

A requirement for public open space under section 18 of the Subdivision Act 1988

- ☐ Has been made and the requirement has not been satisfied at Certification
- ☐ Has been made and the requirement has been satisfied at Statement of Compliance (Document updated 10/06/2016)

Digitally signed by Council Delegate: Sandra Stewart

Organisation: Port Phillip City Council

Date: 26/05/2016



Enquiries: Aidan Robinson
Telephone: 9209 6424
Facsimile: 9536 2740

Our Ref: **745/2013**

7 June 2017

Andreas Padelas
PO BOX 419
ALBERT PARK VIC 3206

Dear Sir/Madam,

Re: Planning Permit Application 745/2013
Address: 108 Argyle Street, ST KILDA VIC 3182

Please find enclosed a copy of the endorsed plans amended by secondary consent and showing the following changes:

- Increase the floor level of the ground floor by 300mm from 10.7m AHD to 11m AHD and increase overall height by 240mm.
- Delete study from second floor of Unit 2 and replace with Rumpus/Kitchen

Should you have any queries regarding this matter, please contact me on telephone 9209 6424.

Yours faithfully,

Aidan Robinson
Urban Planner

Cnr Carlisle St & Brighton
Rd,
St Kilda Victoria 3182

Private Bag No 3,
PO St Kilda Victoria 3182,
DX35706 Balaclava VIC

Phone (03) 9209 6777
Facsimile (03) 9536 2722
assist@portphillip.vic.gov.au
www.portphillip.vic.gov.au

spadelas@actonpropertygroup.com

From: Kathryn Pound <Kathryn.Pound@portphillip.vic.gov.au>
Sent: Friday, 8 March, 2019 2:24 PM
To: spadelas@actonpropertygroup.com
Subject: FW: 108 Argyle St St Kilda - Endorsed Plans
Attachments: tpzA34C.tmp.pdf

FYI please see below.

Kathryn Pound

Planning Coordinator Canal Ward | City Development

T: 03 9209 6619 | M: 0468567227

St Kilda Town Hall | 99a Carlisle Street, St Kilda, Victoria 3182

From: Hamish Beere
Sent: Friday, 8 March 2019 2:22 PM
To: fklasic@hotmail.com
Cc: Kathryn Pound <Kathryn.Pound@portphillip.vic.gov.au>
Subject: 108 Argyle St St Kilda - Endorsed Plans

8 March 2019

ACT ON PROPERTY GROUP
PO BOX 419
ALBERT PARK VIC 3206

Dear Sir/Madam,

Re: Planning Permit Application 745/2013
Address: 108 Argyle Street, ST KILDA VIC 3182

Please find enclosed a copy of the endorsed plans amended by secondary consent and showing the following changes:

- The use of render as an alternative to blue stone cladding to the ground floor western side façade and the removal of the feature aluminium bars from the first-floor western side façade and;
- The internal roller garage doors replaced with glass sliding doors.

Should you have any queries regarding this matter, please contact me on telephone 9209 6424.

Yours faithfully,

Hamish Beere
Urban Planner

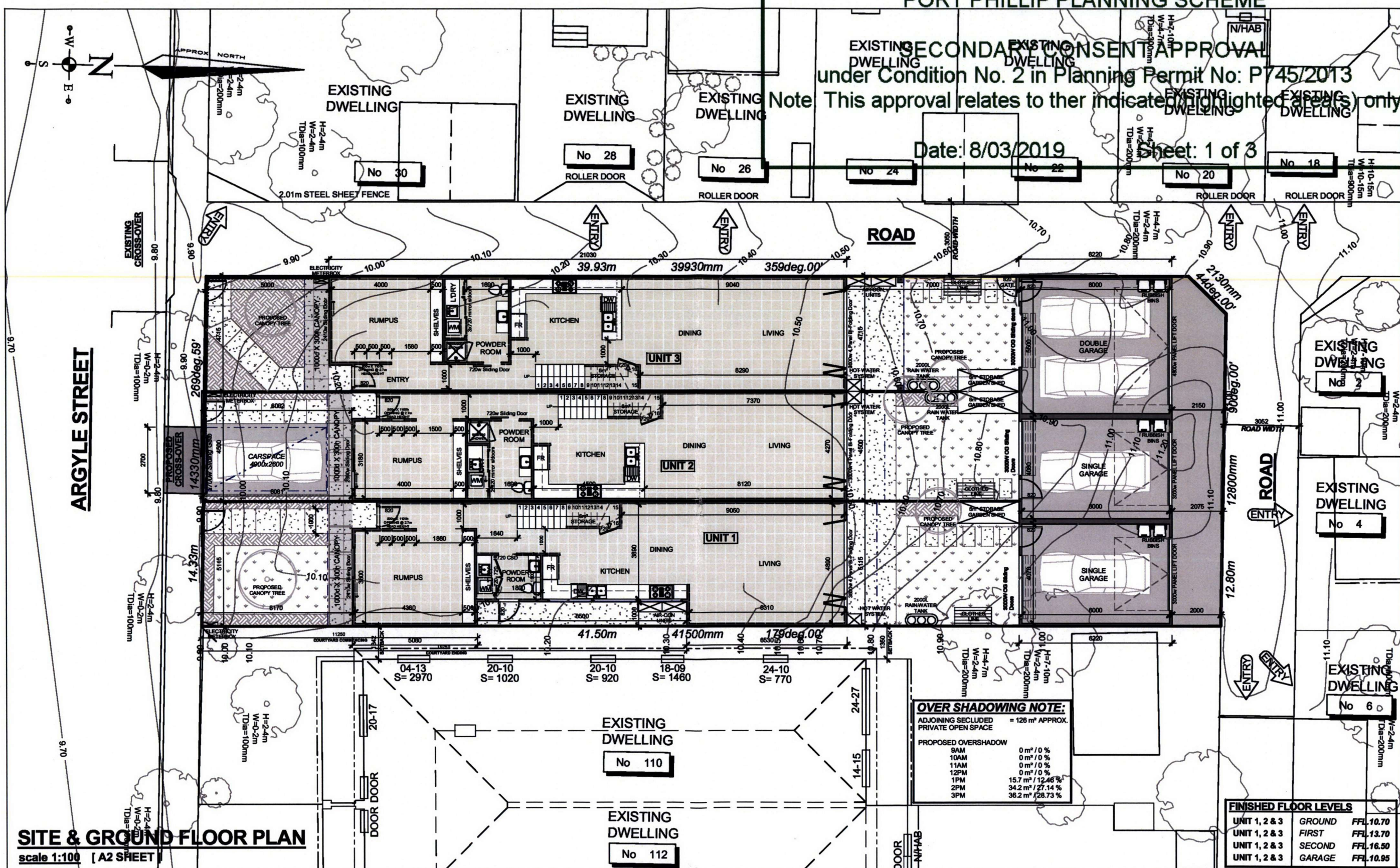
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PORT PHILLIP PLANNING SCHEME

SECONDARY CONSENT APPROVAL
under Condition No. 2 in Planning Permit No: P745/2013
Note This approval relates to the indicated highlighted areas only

Date: 8/03/2019

Sheet: 1 of 3

UNIT 104, NO.22-30 WALLACE AVENUE, POINT COOK 3030
PH. 9018 9016 FAX. 8360 3448 MOB. 0421 706 334

GENERAL NOTES:

- *All measurements & levels to be checked prior to construction
- *Provide impervious floor & well finish to all wet areas
- *Provide safety glass where required to A.S. 1288 - 1989.
- *Provide control joints at approx 5.0 M ctrs max
- *Provide smoke detectors as per A.S. 3786

NOTE: ALL MEASUREMENTS & LEVELS TO BE CHECKED PRIOR TO CONSTRUCTION BY BUILDER OR OWNER.

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UNIT 1	UNIT 2	UNIT 3	SITE COVERAGE %
GROUND 93.27 m²	GROUND 89.40 m²	GROUND 96.14 m²	389.84 m² / 593.0 m² = 65.56 %
FIRST 57.57 m²	FIRST 52.57 m²	FIRST 94.26 m²	
GARAGE 25.71 m²	SECOND 58.50 m²	GARAGE 35.61 m²	PERMEABILITY %
	GARAGE 25.81 m²	BALCONY (FF) 4.45 m²	178.84 m² / 593.0 m² = 30.15 %
	BALCONY (FF) 5.41 m²		
	BALCONY (SF) 8.08 m²		CONCRETE %
TOTAL 277.85 m²	TOTAL 278.87 m²	TOTAL 232.46 m²	44.12 m² / 593.0 m² = 7.44 %
TOTAL SQ. 28.28 SQ.	TOTAL SQ. 28.19 SQ.	TOTAL SQ. 25.85 SQ.	

Design by:
Andreas PadelasLot 33, No.108 Argyle
Street, St.Kilda 3182

Site & Ground Floor Plan

Project number Job #2831

Date REV: Mach 2015

Drawn by NDT

Checked by LEJLA IZIC

5 OF 13

Scale 1 : 100

PORT PHILLIP PLANNING SCHEME

SECONDARY CONSENT APPROVAL
under Condition No. 2 in Planning Permit No. P745/2019
This approval relates to the indicated/highlighted area(s) only

NOTE:
It is the builder's responsibility to establish the finished floor levels and finished wall heights in relation to the relevant ground levels during setout and before any excavation works are undertaken so as to ensure that all design assumptions are fully realized in practice and comply with the relevant building and structural requirements.

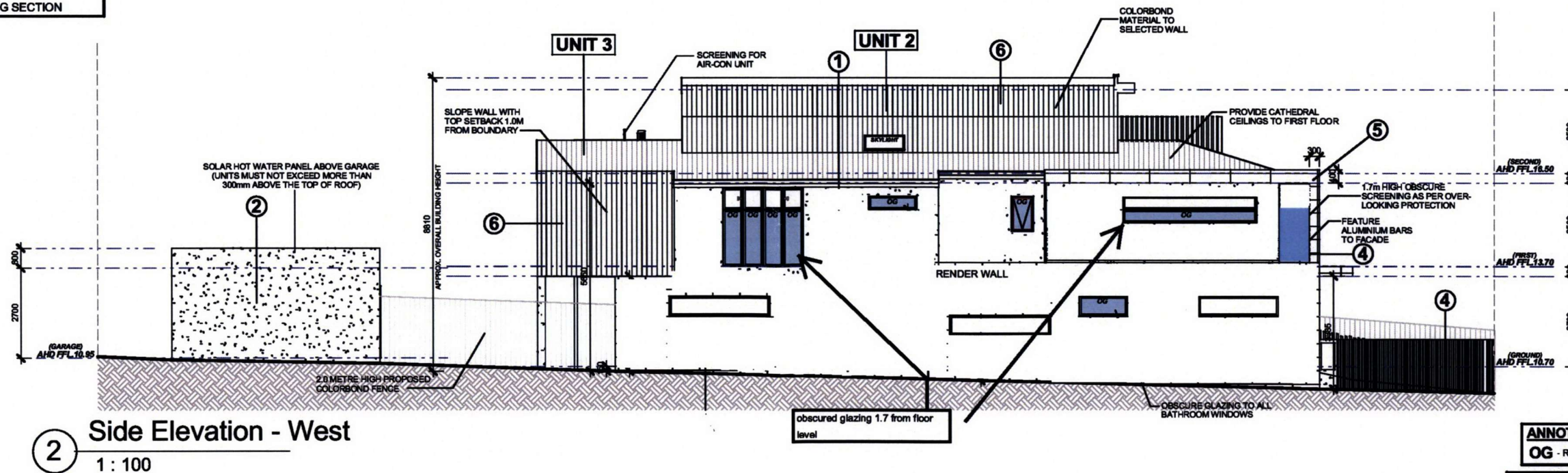
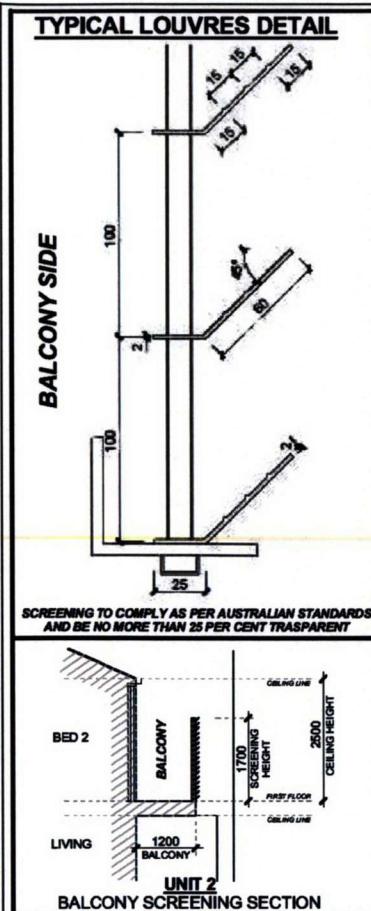
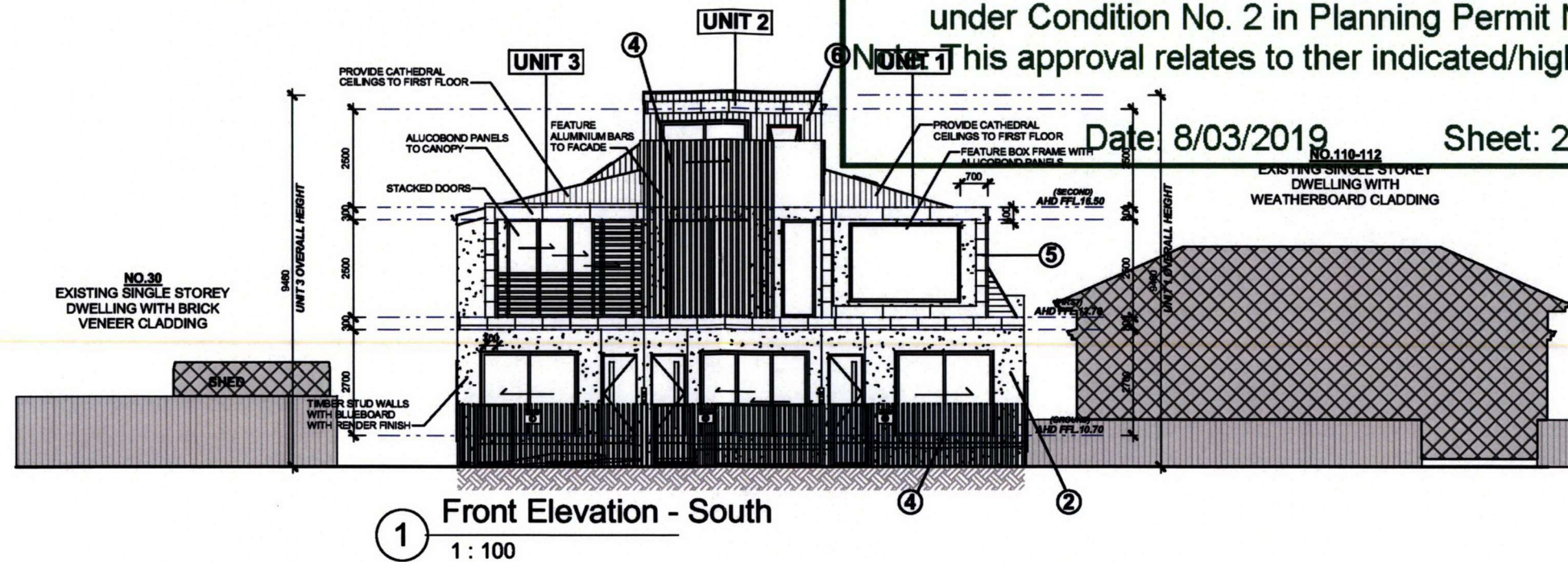
NOTE:
Should any discrepancy between structural and architectural drawings be noted with regards to locations and dimensions the builder is to notify the design drafting office to seek clarification.

NOTE:
No gaps, cracks or opening greater than 3mm permitted in facade or roof, in order to comply with AS 3958-2009

Date: 8/03/2019

Sheet: 2 of 3

NO.110-112
EXISTING SINGLE STOREY
DWELLING WITH
WEATHERBOARD CLADDING



ANNOTATION NOTE
OG - REPRESENTS FIXED OBSCURE GLASS

FINISHED FLOOR LEVELS		
UNIT 1, 2 & 3	GROUND	FFL.10.70
UNIT 1, 2 & 3	FIRST	FFL.13.70
UNIT 1, 2 & 3	SECOND	FFL.16.50
UNIT 1, 2 & 3	GARAGE	FFL.10.95

ELEVATIONS

scale 1:100 [A2 SHEET]



UNIT 104, NO.22-30 WALLACE AVENUE, POINT COOK 3030
PH. 9018 9016 FAX. 8360 3448 MOB. 0421 706 334

GENERAL NOTES:

*All measurements & levels to be checked prior to construction
*Provide impervious floor & wall finish to all wet areas
*Provide safety glass where required to A.S. 1298 - 1989.
*Provide control joints at approx 5.0 M ctrs max
*Provide smoke detectors as per A.S. 3786
NOTE: ALL MEASUREMENTS & LEVELS TO BE CHECKED PRIOR TO CONSTRUCTION BY BUILDER OR OWNER.
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UNIT 1	UNIT 2	UNIT 3	SITE COVERAGE %
GROUND 98.47 m²	GROUND 98.40 m²	GROUND 98.14 m²	378.14 m² / 593.0 m² = 63.75 %
FIRST 92.38 m²	FIRST 92.67 m²	FIRST 102.32 m²	
GARAGE 26.71 m²	SECOND 92.99 m²	GARAGE 35.61 m²	PERMEABILITY %
	GARAGE 26.81 m²	BALCONY (FF) 5.85 m²	188.22 m² / 593.0 m² = 31.74 %
	BALCONY (FF) 5.41 m²		
	BALCONY (SF) 8.98 m²		CONCRETE %
TOTAL 217.96 m²	TOTAL 275.28 m²	TOTAL 241.72 m²	98.84 m² / 593.0 m² = 16.67 %
TOTAL SQ. 234.44 SQ.	TOTAL SQ. 283.77 SQ.	TOTAL SQ. 247.56 SQ.	

Design by:
Andreas Padelas

Lot 33, No.108 Argyle
Street, St.Kilda 3182

Elevations

Project number Job #2831

Date REV: Mach 2015

Drawn by NDT

Checked by LEJLA IZIC

8 OF 13

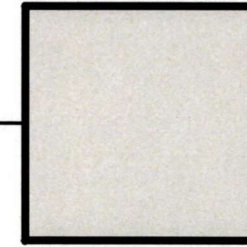
Scale 1:100

(1) STATELY FRILLS HALF - DULUX
- FIRST FLOOR RENDER

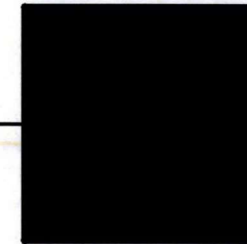
Date: 8/03/2019

Sheet: 3 of 3

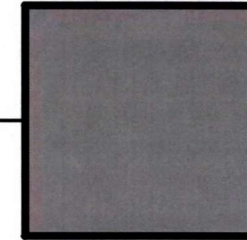
(2) PEPLUM QUARTER - DULUX
- GROUND FLOOR RENDER



(3) BLACK - DULUX
- WINDOW FRAMES



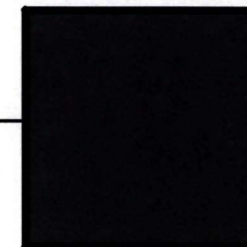
(4) APO GREY - DULUX
- FRONT FENCE & ALUMINIUM BARS



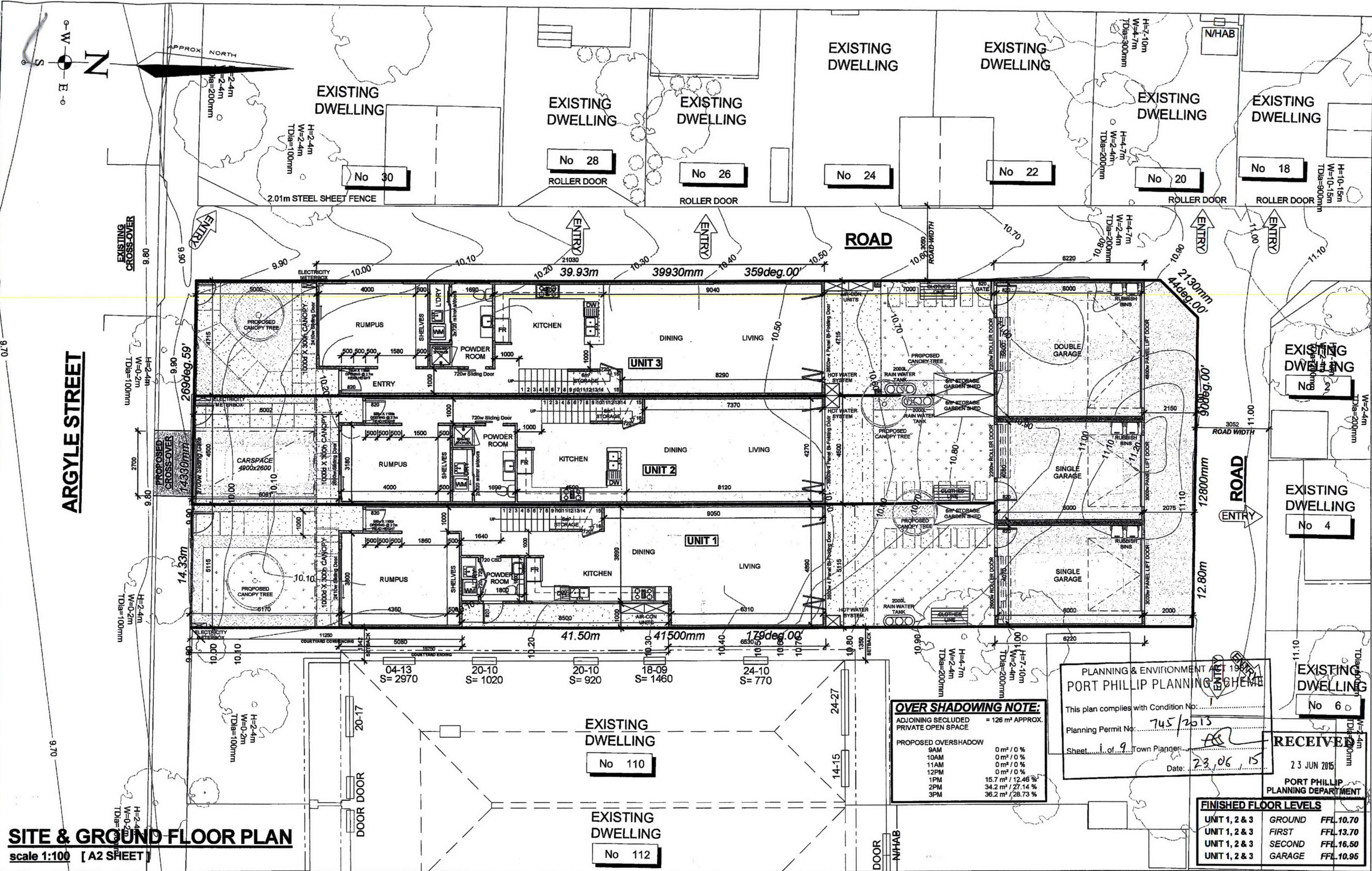
(5) GREY SILVER - ALUCOBOND
- FEATURE CLADDING



(6) MONUMENT - COLORBOND
- ROOF & SLOPE WALLS FLOOR RENDER



COLOURS DISPLAYED ABOVE MAY APPEAR DIFFERENT TO ACTUAL COLOURS DUE TO PRINTER



SITE & GROUND FLOOR PLAN

scale 1:100 [A2 SHEET]



UNIT 104, NO.22-30 WALLACE AVENUE, POINT COOK 3030
PH. 9018 9016 FAX. 8360 3448 MOB. 0421 706 334

GENERAL NOTES:

- *All measurements & levels to be checked prior to construction
- *Provide impervious floor & wall finish to all wet areas
- *Provide safety glass where required to A.S. 1288 - 1989.
- *Provide control joints at approx 5.0 M ctrs max
- *Provide smoke detectors as per A.S. 3786

NOTE: ALL MEASUREMENTS & LEVELS TO BE CHECKED PRIOR TO CONSTRUCTION BY BUILDER OR OWNER.

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UNIT 1		UNIT 2		UNIT 3		SITE COVERAGE %
GROUND	93.27 m ²	GROUND	89.40 m ²	GROUND	96.14 m ²	369.84 m ² / 593.0 m ² = 62.38 %
FIRST	87.87 m ²	FIRST	82.67 m ²	FIRST	94.26 m ²	
GARAGE	26.71 m ²	SECOND	58.50 m ²	GARAGE	35.81 m ²	PERMEABILITY %
		GARAGE	26.81 m ²	BALCONY (FF)	4.45 m ²	178.84 m ² / 593.0 m ² = 30.16 %
		BALCONY (FF)	5.41 m ²			
		BALCONY (SF)	8.08 m ²			CONCRETE %
TOTAL	207.85 m²	TOTAL	279.67 m²	TOTAL	232.46 m²	44.12 m ² / 593.0 m ² = 7.44 %
TOTAL SQ.	22.39 SQ.	TOTAL SQ.	29.19 SQ.	TOTAL SQ.	26.05 SQ.	

Design by:
Andreas Padelas

Lot 33, No.108 Argyle
Street, St.Kilda 3182

Site & Ground Floor Plan

Project number	Job #2831
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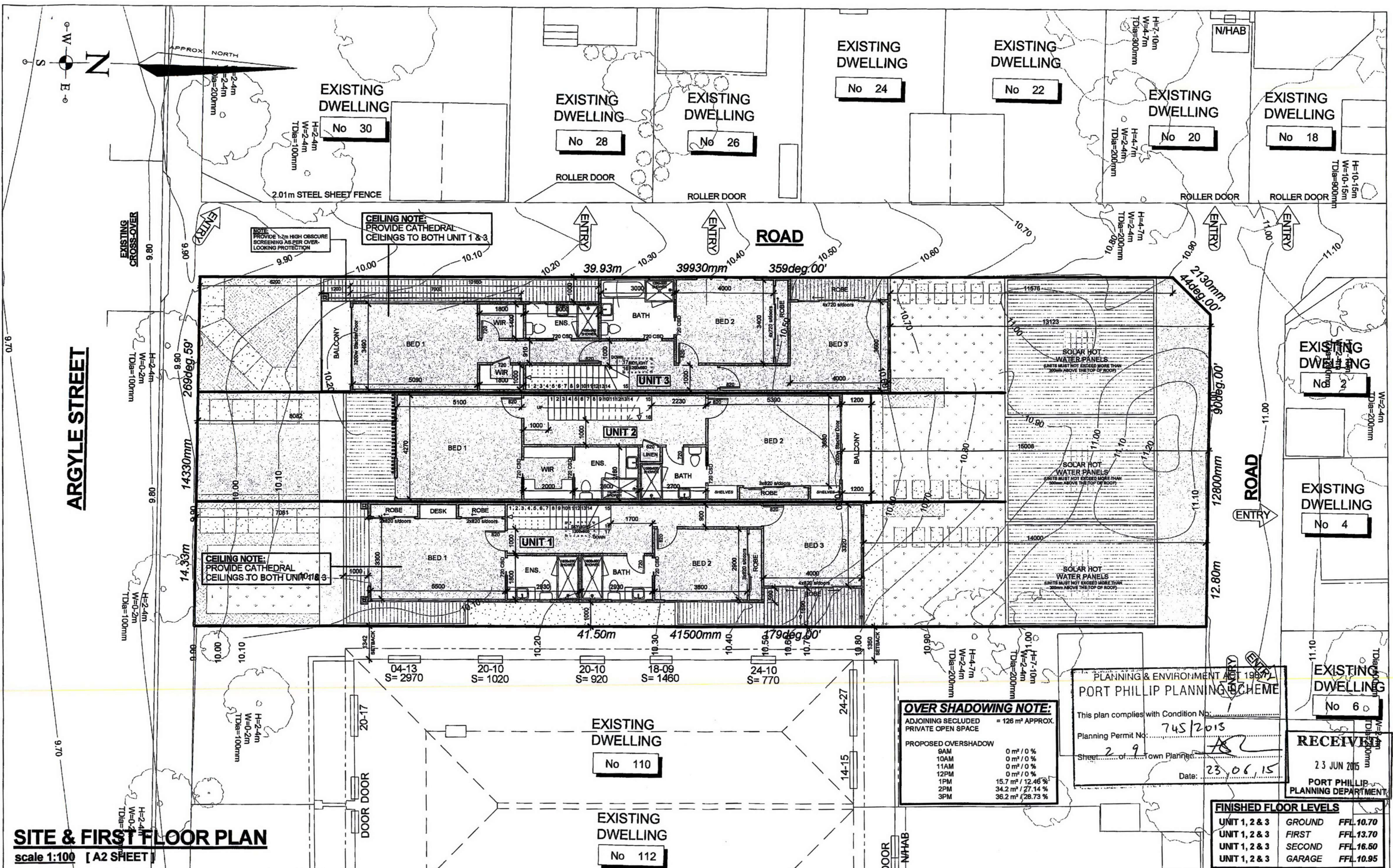
Date REV: Mach 2015

Drawn by	NDT
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Checked by LEJLA IZIC
DB-Ad 16150

5 OF 13

Scale	1 : 100
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SITE & FIRST FLOOR PLAN

scale 1:100 [A2 SHEET]



UNIT 104, NO.22-30 WALLACE AVENUE, POINT COOK 3030
PH. 9018 9016 FAX. 8360 3448 MOB. 0421 706 334

GENERAL NOTES:

*All measurements & levels to be checked prior to construction
*Provide impervious floor & wall finish to all wet areas
*Provide safety glass where required to A.S. 1288 - 1989.
*Provide control joints at approx 5.0 M ctrs max
*Provide smoke detectors as per A.S. 3786

NOTE: ALL MEASUREMENTS & LEVELS TO BE CHECKED PRIOR TO CONSTRUCTION BY BUILDER OR OWNER.
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UNIT 1		UNIT 2		UNIT 3		SITE COVERAGE %	
GROUND	93.27 m²	GROUND	89.40 m²	GROUND	98.14 m²	369.84 m² / 593.0 m² = 62.36 %	
FIRST	87.87 m²	FIRST	82.67 m²	FIRST	94.26 m²		
GARAGE	26.71 m²	SECOND	58.50 m²	GARAGE	35.61 m²	PERMEABILITY %	
		GARAGE	26.81 m²	BALCONY (FF)	4.45 m²	178.84 m² / 593.0 m² = 30.15 %	
		BALCONY (FF)	5.41 m²				
		BALCONY (SF)	8.08 m²			CONCRETE %	
TOTAL	207.85 m²	TOTAL	270.87 m²	TOTAL	232.46 m²	44.12 m² / 593.0 m² = 7.44 %	
TOTAL SQ.	22.38 SQ.	TOTAL SQ.	28.19 SQ.	TOTAL SQ.	25.05 SQ.		

Design by:
Andreas Padelas

Lot 33, No.108 Argyle
Street, St. Kilda 3182

Site & First Floor Plan

Project number Job #2831

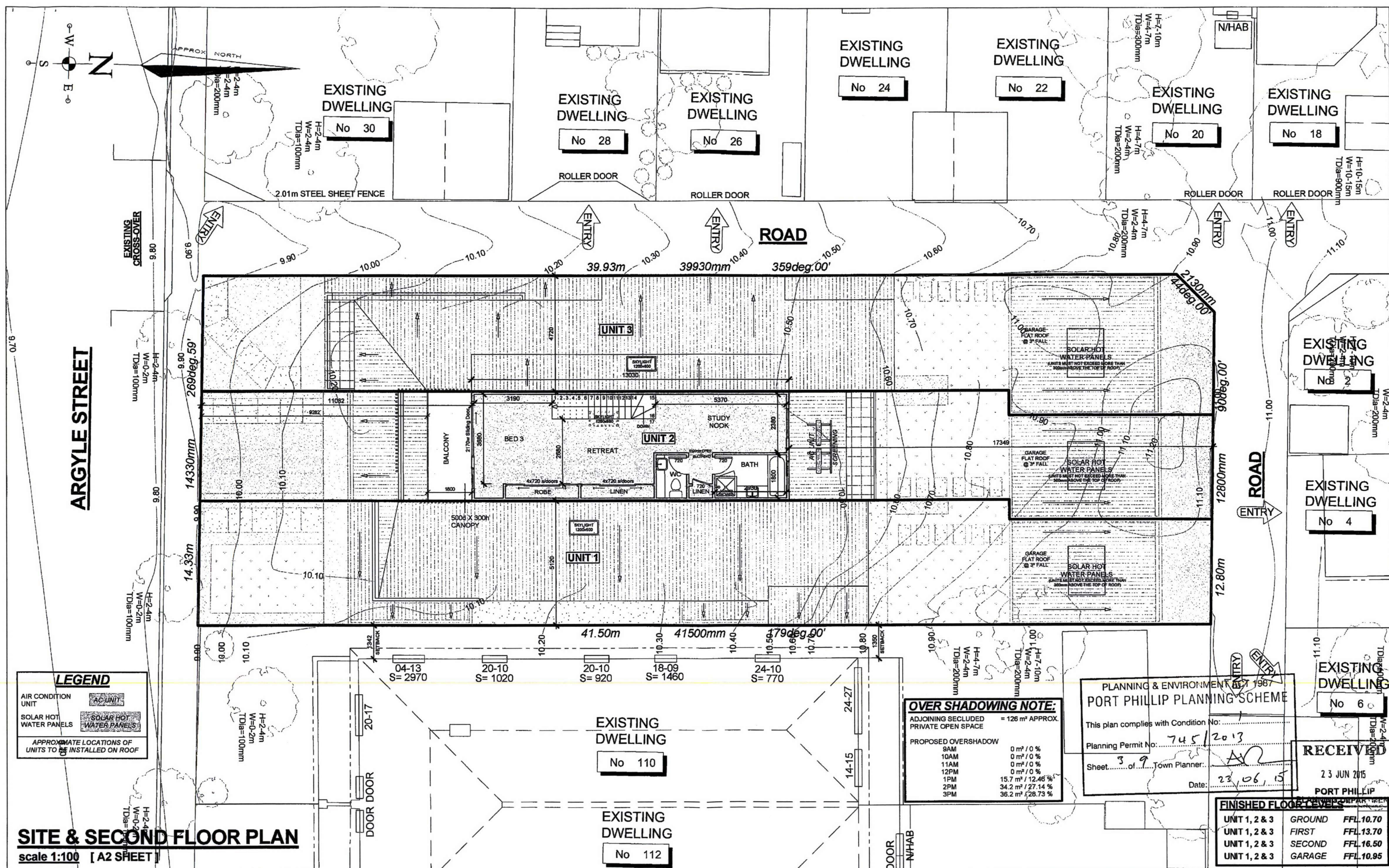
Date REV: Mach 2015

Drawn by NDT

Checked by LEJLA IZIC

6 OF 13

Scale 1 : 100



SITE & SECOND FLOOR PLAN

scale 1:100 [A2 SHEET]

Design by:
Andreas Padelas

Lot 33, No.108 Argyle
Street, St.Kilda 3182

Site & Second Floor Plan

Project number Job #2831

Date REV: Mach 2015

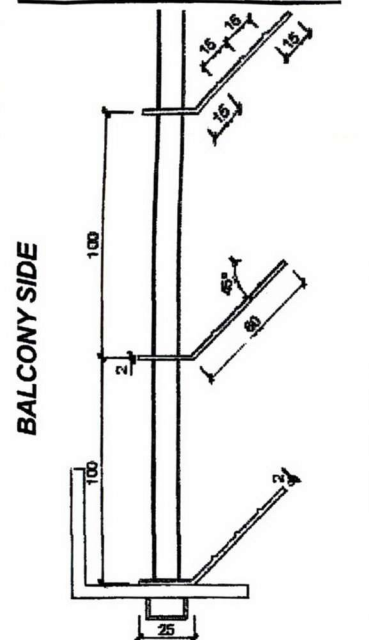
Drawn by NDT

Checked by LEJLA IZIC

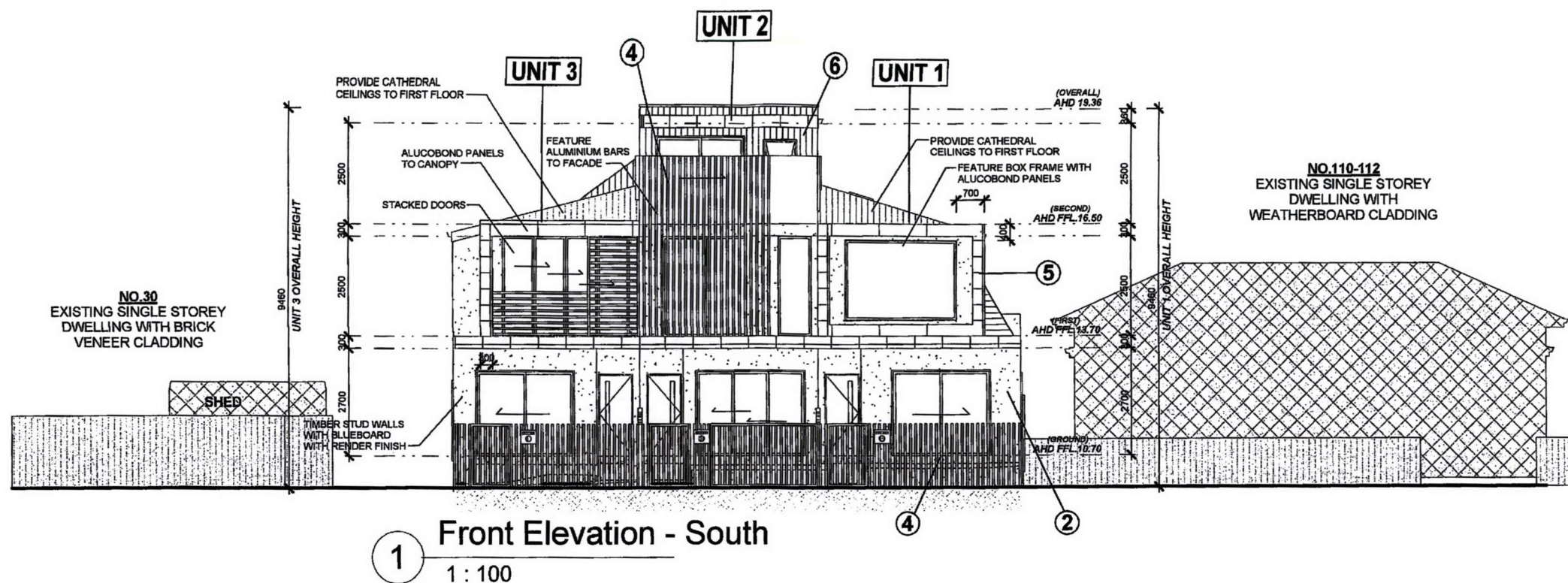
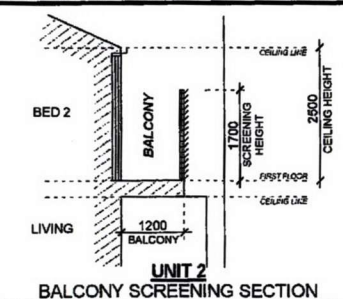
7 OF 13

Scale 1 : 100

TYPICAL LOUVRES DETAIL



SCREENING TO COMPLY AS PER AUSTRALIAN STANDARDS
AND BE NO MORE THAN 25 PER CENT TRANSPARENT



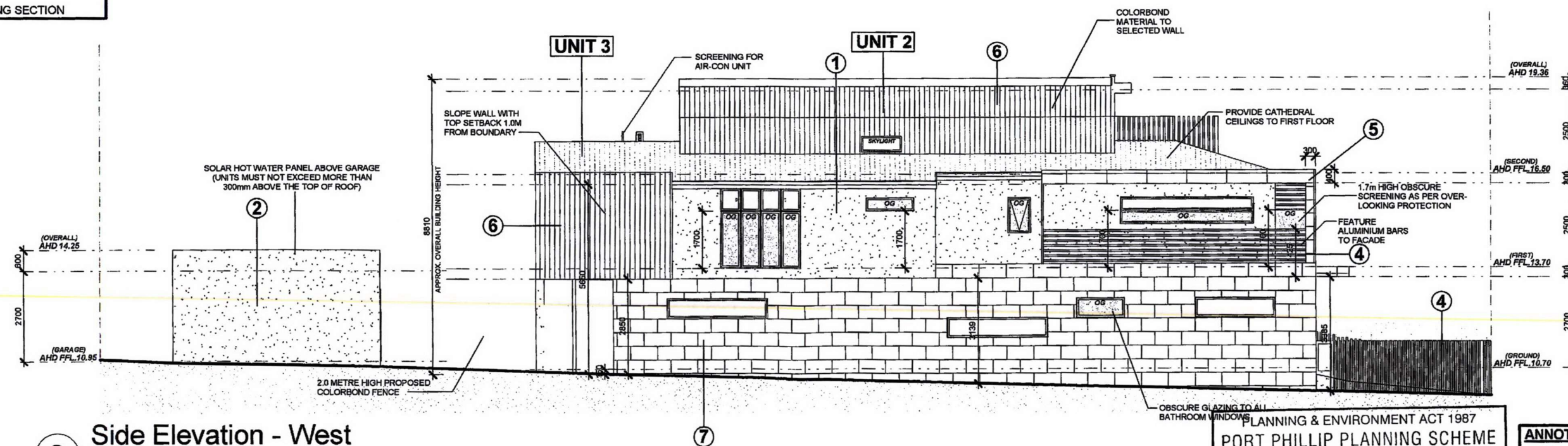
1 Front Elevation - South

1 : 100

NOTE:
It is builders responsibility to establish the finished floor levels and finished wall heights in relation to the relevant ground levels during setout and before any excavation works are undertaken so as to ensure that all design assumptions are fully realized in practice and comply with the relevant building codes and sitting requirements.

NOTE:
Should any discrepancy between structural and architectural drawings be noted with regards to locations and dimensions the builder is to notify bn. design drafting office to seek clarification.

NOTE:
No gaps, cracks or opening greater than 3mm permitted in Facade or roof, in order to comply with AS 3959-2009



2 Side Elevation - West

1 : 100

ELEVATIONS

scale 1:100 [A2 SHEET]



UNIT 104, NO.22-30 WALLACE AVENUE, POINT COOK 3030
PH. 9018 9016 FAX. 8360 3448 MOB. 0421 706 334

GENERAL NOTES:

- *All measurements & levels to be checked prior to construction
- *Provide impervious floor & wall finish to all wet areas
- *Provide safety glass where required to A.S. 1288 - 1989.
- *Provide control joints at approx 5.0 M ctrs max
- *Provide smoke detectors as per A.S. 3786

NOTE: ALL MEASUREMENTS & LEVELS TO BE CHECKED PRIOR TO CONSTRUCTION BY BUILDER OR OWNER.

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UNIT 1	UNIT 2	UNIT 3	SITE COVERAGE %
GROUND 98.47 m²	GROUND 89.40 m²	GROUND 98.14 m²	375.14 m² / 593.0 m² = 63.26 %
FIRST 92.38 m²	FIRST 82.67 m²	FIRST 102.32 m²	
GARAGE 26.71 m²	SECOND 62.99 m²	GARAGE 35.61 m²	PERMEABILITY %
	GARAGE 26.81 m²	BALCONY (FF) 5.65 m²	159.22 m² / 593.0 m² = 26.85 %
	BALCONY (FF) 5.41 m²		
	BALCONY (BF) 6.98 m²		CONCRETE %
			68.64 m² / 593.0 m² = 9.89 %
TOTAL 217.85 m²	TOTAL 278.28 m²	TOTAL 241.72 m²	
TOTAL SQ. 23.44 SQ.	TOTAL SQ. 29.77 SQ.	TOTAL SQ. 26.85 SQ.	

Design by:
Andreas Padelas

Lot 33, No.108 Argyle
Street, St.Kilda 3182

Elevations

Project number Job #2831

Date REV: Mach 2015

Drawn by NDT

Checked by LEJLA IZIC

8 OF 13

Scale 1 : 100

RECEIVED

23 JUN 2015

PLANNING & ENVIRONMENT ACT 1987
PORT PHILLIP PLANNING SCHEME

This plan complies with Condition No: 1

Planning Permit No: 745/2013

Sheet 4 of 9 Town Planner: A

Date: 23.06.15

PORT PHILLIP
PLANNING DEPARTMENT
ANNOTATION NOTE
OG - REPRESENTS FIXED OBSCURE GLASS

FINISHED FLOOR LEVELS

UNIT 1, 2 & 3	GROUND	FFL.10.70
UNIT 1, 2 & 3	FIRST	FFL.13.70
UNIT 1, 2 & 3	SECOND	FFL.16.50
UNIT 1, 2 & 3	GARAGE	FFL.10.95

SECONDARY CONSENT APPROVAL
under Condition No. 2 in Planning Permit No: P745/2013
e. This approval relates to ther indicated (highlighted areas) only

Sheet: 1 of 3



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OVER SHADOWING NOTE:
ADJOINING SECLUDED PRIVATE OPEN SPACE = 126 m² APPROX

PROPOSED OVERSHADOW

9AM	0 m ² / 0 %
10AM	0 m ² / 0 %
11AM	0 m ² / 0 %
12PM	0 m ² / 0 %
1PM	15.7 m ² / 12.46 %
2PM	34.2 m ² / 27.14 %
3PM	36.2 m ² / 28.73 %

FINISHED FLOOR LEVELS		
UNIT 1, 2 & 3	GROUND	FFL.10.70
UNIT 1, 2 & 3	FIRST	FFL.13.70
UNIT 1, 2 & 3	SECOND	FFL.16.50
UNIT 1, 2 & 3	GARAGE	FFL.10.95

Checked by LEJLA IZIC
DE-44 18150

Scale	1 : 100
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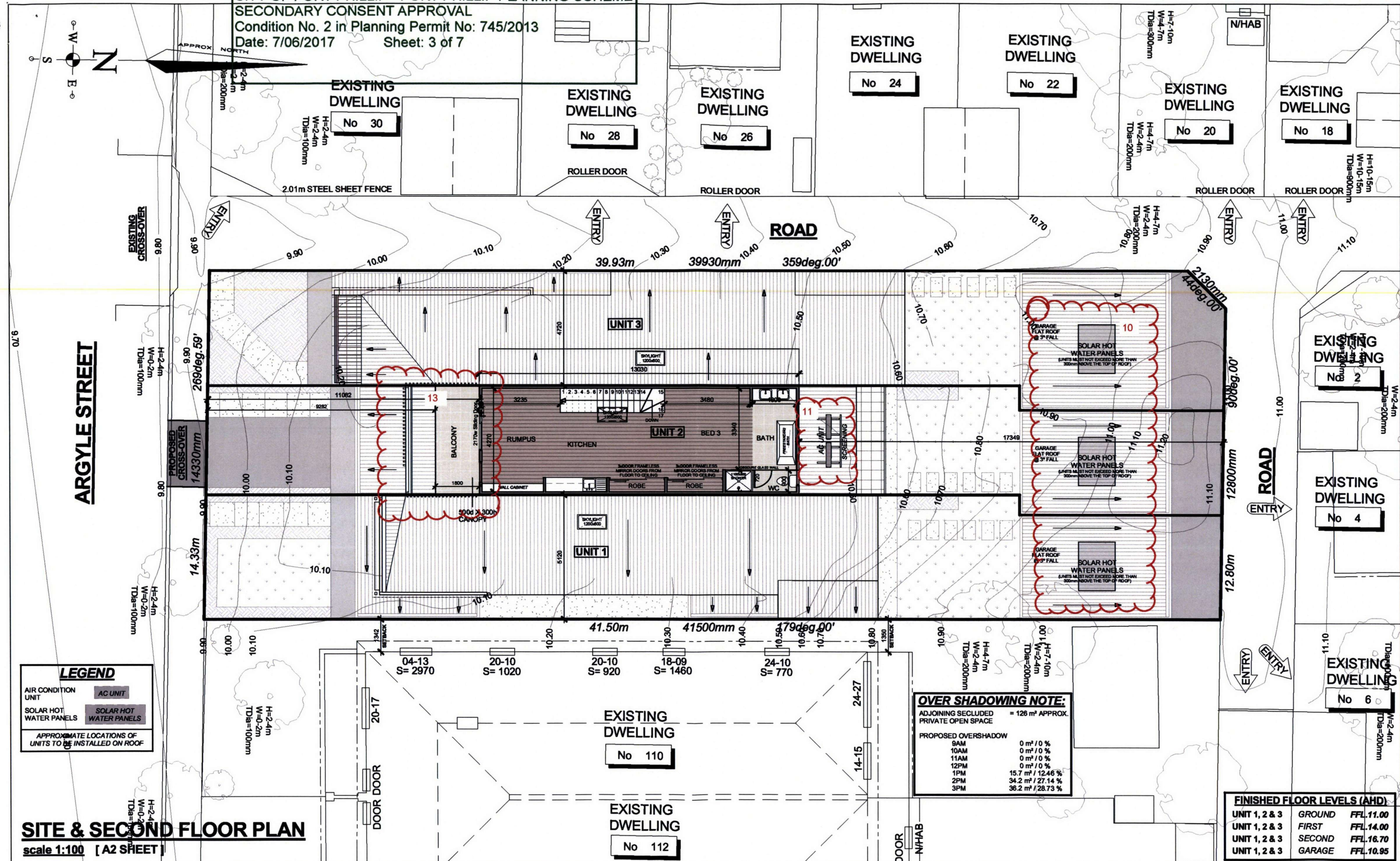
CITY OF PORT PHILLIP - PORT PHILLIP PLANNING SCHEME

SECONDARY CONSENT APPROVAL

Condition No. 2 in Planning Permit No: 745/2013

Date: 7/06/2017

Sheet: 3 of 7



UNIT 104, NO.22-30 WALLACE AVENUE, POINT COOK 3030
PH. 9018 9016 FAX. 8360 3448 MOB. 0421 706 334

GENERAL NOTES:

- *All measurements & levels to be checked prior to construction
- *Provide impervious floor & wall finish to all wet areas
- *Provide safety glass where required to A.S. 1288 - 1989.
- *Provide control joints at approx 5.0 M ctrs max
- *Provide smoke detectors as per A.S. 3786

NOTE: ALL MEASUREMENTS & LEVELS TO BE CHECKED PRIOR TO CONSTRUCTION BY BUILDER OR OWNER.
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UNIT 1		UNIT 2		UNIT 3		SITE COVERAGE %	
GROUND	93.27 m²	GROUND	89.40 m²	GROUND	98.14 m²	389.94 m² / 593.0 m² = 65.58 %	
FIRST	87.87 m²	FIRST	82.87 m²	FIRST	94.26 m²		
GARAGE	28.71 m²	SECOND	58.50 m²	GARAGE	35.81 m²	PERMEABILITY %	
		GARAGE	26.81 m²	BALCONY (FF)	4.45 m²	178.94 m² / 593.0 m² = 30.16 %	
		BALCONY (FF)	5.41 m²				
		BALCONY (SF)	8.06 m²			CONCRETE %	
TOTAL	207.85 m²	TOTAL	278.87 m²	TOTAL	232.48 m²	44.12 m² / 593.0 m² = 7.44 %	
TOTAL SQ.	22.38 SQ.	TOTAL SQ.	28.38 SQ.	TOTAL SQ.	25.05 SQ.		

Design by:
Andreas Padelas

Lot 33, No.108 Argyle
Street, St.Kilda 3182

Site & Second Floor Plan

Project number Job #2831

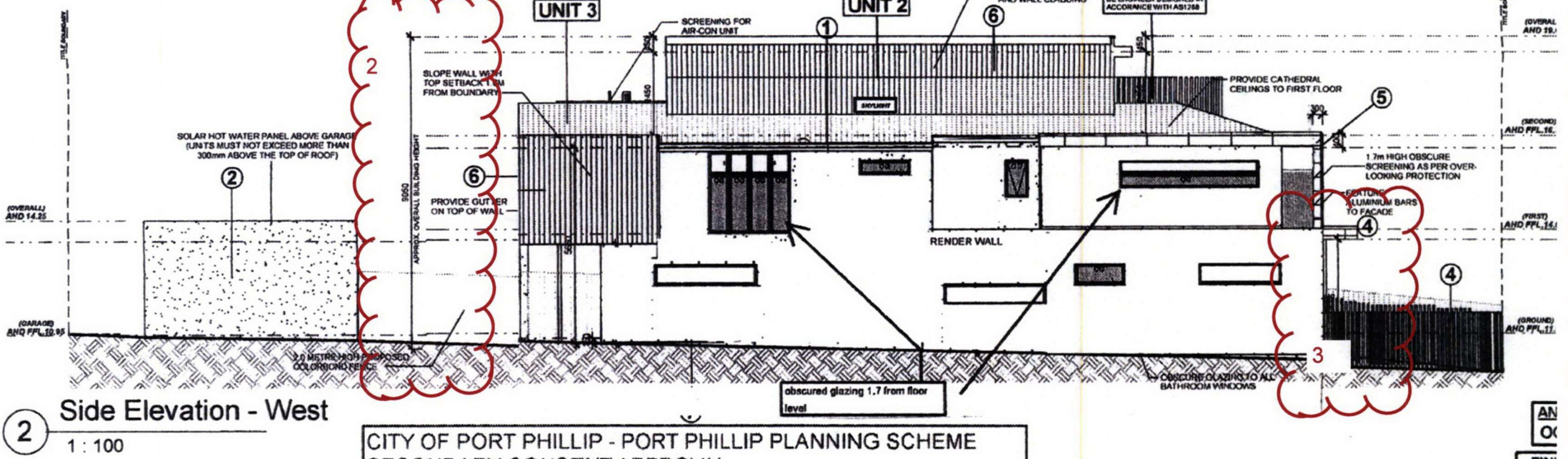
Date REV: May 2017

Drawn by NDT

Checked by LEJLA IZIC

7 OF 13

Scale 1 : 100



SKYLIGHT NOTE:
ENSURE ALL PROPOSED SKYLIGHTS TO BE
MINIMUM 900mm AWAY FROM TITLE
BOUNDARIES. PRODUCT TO BE INSTALLED AS
PER 'CUSTOM SKYLIGHTS PTY LTD' - CUSTOM
HI-FLEX SKYLIGHTS SPECIFICATIONS

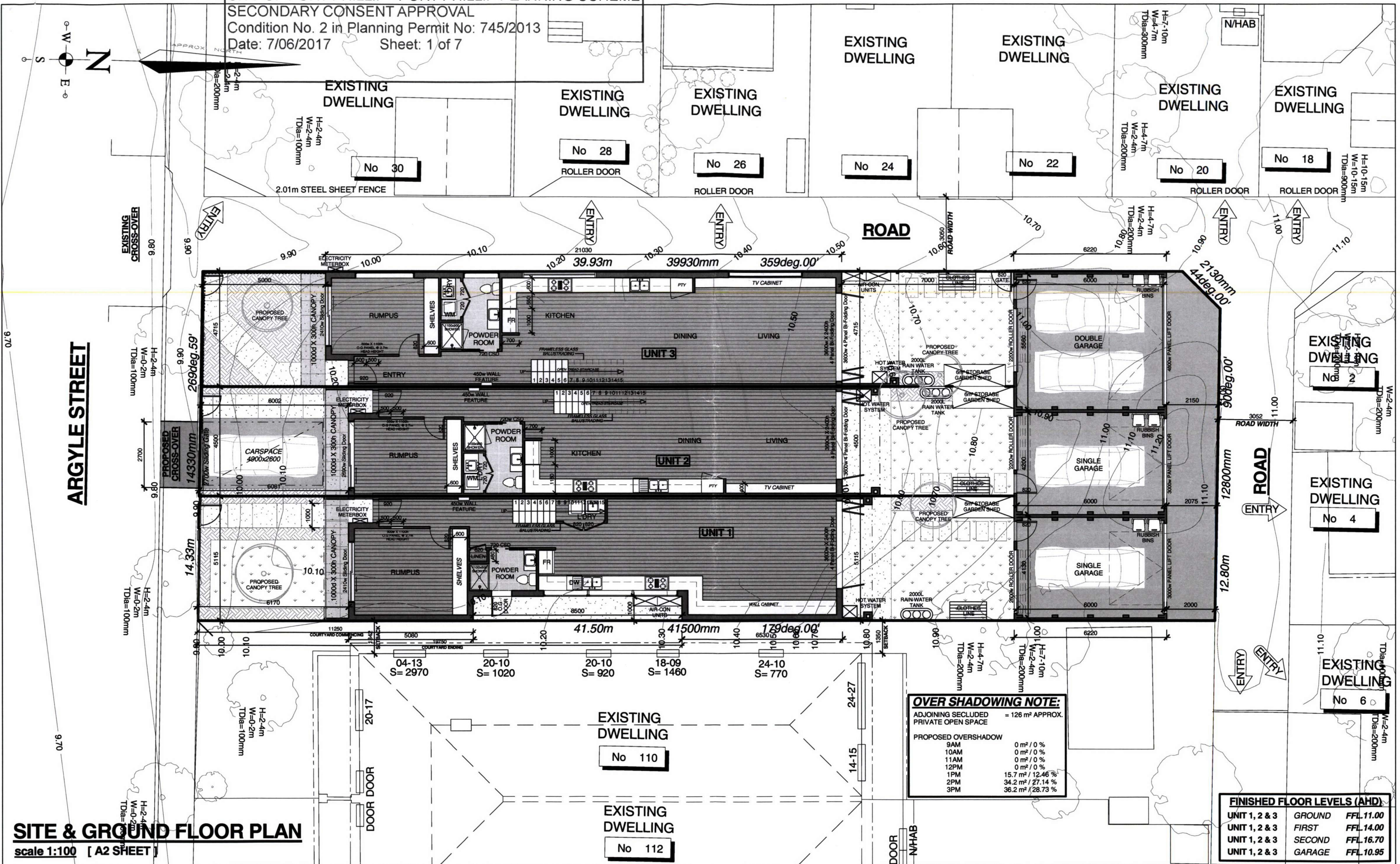
<div><div>DESIGN</div><div>RAL DRAFTING & DESIGN</div></div> <div>CE AVENUE, POINT COOK 3030 60 3448 MOB. 0421 706 334</div>	<div>GENERAL NOTES:</div> <div>*All measurements & levels to be checked prior to construction</div> <div>*Provide impervious floor & wall finish to all wet areas</div> <div>*Provide safety glass where required to A.S. 1238 - 1989.</div> <div>*Provide control joints at approx 5.0 M ctra max</div> <div>*Provide smoke detectors as per A.S. 3788</div> <div>NOTE: ALL MEASUREMENTS & LEVELS TO BE CHECKED PRIOR TO CONSTRUCTION BY BUILDER OR OWNER.</div> <div>© COPYRIGHT - THESE PLANS BELONG TO BN DESIGN AND ARE NOT ALLOWED TO BE COPIED OR SOLD.</div>	<table><tr><th colspan="2">UNIT 1</th><th colspan="2">UNIT 2</th><th colspan="2">UNIT 3</th><th colspan="2">SITE COVERAGE %</th></tr><tr><td>GROUND</td><td>88.47 m²</td><td>GROUND</td><td>88.48 m²</td><td>GROUND</td><td>98.14 m²</td><td>375.54 m² / 583.0 m² = 63.36 %</td><td></td></tr><tr><td>FIRST</td><td>92.38 m²</td><td>FIRST</td><td>42.67 m²</td><td>FIRST</td><td>162.33 m²</td><td></td><td></td></tr><tr><td>GARAGE</td><td>26.71 m²</td><td>SECOND</td><td>62.99 m²</td><td>GARAGE</td><td>35.81 m²</td><td>PERMEABILITY %</td><td></td></tr><tr><td></td><td></td><td>GARAGE</td><td>26.81 m²</td><td>BALCONY (FF)</td><td>5.85 m²</td><td>159.32 m² / 583.0 m² = 26.85 %</td><td></td></tr><tr><td></td><td></td><td>BALCONY (FF)</td><td>5.41 m²</td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td>BALCONY (SF)</td><td>8.88 m²</td><td></td><td></td><td></td><td></td></tr><tr><td>TOTAL</td><td>217.96 m²</td><td>TOTAL</td><td>218.29 m²</td><td>TOTAL</td><td>243.72 m²</td><td>CONCRETE %</td><td></td></tr><tr><td>TOTAL BG.</td><td>22.46 BG.</td><td>TOTAL BG.</td><td>26.77 BG.</td><td>TOTAL BG.</td><td>28.09 BG.</td><td>58.84 m² / 583.0 m² = 9.89 %</td><td></td></tr></table>	UNIT 1		UNIT 2		UNIT 3		SITE COVERAGE %		GROUND	88.47 m²	GROUND	88.48 m²	GROUND	98.14 m²	375.54 m² / 583.0 m² = 63.36 %		FIRST	92.38 m²	FIRST	42.67 m²	FIRST	162.33 m²			GARAGE	26.71 m²	SECOND	62.99 m²	GARAGE	35.81 m²	PERMEABILITY %				GARAGE	26.81 m²	BALCONY (FF)	5.85 m²	159.32 m² / 583.0 m² = 26.85 %				BALCONY (FF)	5.41 m²							BALCONY (SF)	8.88 m²					TOTAL	217.96 m²	TOTAL	218.29 m²	TOTAL	243.72 m²	CONCRETE %		TOTAL BG.	22.46 BG.	TOTAL BG.	26.77 BG.	TOTAL BG.	28.09 BG.	58.84 m² / 583.0 m² = 9.89 %		<div>Design by:</div> <div>Andreas Padelas</div> <div>Lot 33, No.108 Argyle Street, St.Kilda 3182</div>	<div>Elevations</div> <div>Project number Job #:</div> <div>Date REV: May :</div> <div>Drawn by</div> <div>Checked by LEJLA</div>
	UNIT 1		UNIT 2		UNIT 3		SITE COVERAGE %																																																																					
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CITY OF PORT PHILLIP - PORT PHILLIP PLANNING SCHEME

SECONDARY CONSENT APPROVAL

Condition No. 2 in Planning Permit No: 745/2013

Date: 7/06/2017 Sheet: 1 of 7



SITE & GROUND FLOOR PLAN

scale 1:100 [A2 SHEET]

OVER SHADOWING NOTE:

ADJOINING SECLUDED PRIVATE OPEN SPACE = 126 m² APPROX.

PROPOSED OVERSHADOW	
9AM	0 m ² / 0 %
10AM	0 m ² / 0 %
11AM	0 m ² / 0 %
12PM	0 m ² / 0 %
1PM	15.7 m ² / 12.46 %
2PM	34.2 m ² / 27.14 %
3PM	36.2 m ² / 28.73 %

FINISHED FLOOR LEVELS (AHD):

UNIT 1, 2 & 3	GROUND	FFL.11.00
UNIT 1, 2 & 3	FIRST	FFL.14.00
UNIT 1, 2 & 3	SECOND	FFL.16.70
UNIT 1, 2 & 3	GARAGE	FFL.10.95

GENERAL NOTES:

- *All measurements & levels to be checked prior to construction
- *Provide impervious floor & wall finish to all wet areas
- *Provide safety glass where required to A.S. 1288 - 1989.
- *Provide control joints at approx 5.0 M ctrs max
- *Provide smoke detectors as per A.S. 3786

NOTE: ALL MEASUREMENTS & LEVELS TO BE CHECKED PRIOR TO CONSTRUCTION BY BUILDER OR OWNER.

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UNIT 1	UNIT 2	UNIT 3	SITE COVERAGE %
GROUND 93.27 m ²	GROUND 99.40 m ²	GROUND 96.14 m ²	369.94 m ² / 593.0 m ² = 62.38 %
FIRST 87.87 m ²	FIRST 82.67 m ²	FIRST 94.26 m ²	
GARAGE 26.71 m ²	SECOND 58.50 m ²	GARAGE 35.81 m ²	PERMEABILITY %
	GARAGE 26.81 m ²	BALCONY (FF) 4.45 m ²	178.94 m ² / 593.0 m ² = 30.18 %
	BALCONY (FF) 5.41 m ²		
	BALCONY (SF) 8.08 m ²		CONCRETE %
TOTAL 207.85 m ²	TOTAL 270.87 m ²	TOTAL 232.46 m ²	44.12 m ² / 593.0 m ² = 7.44 %
TOTAL SQ. 22.39 SQ.	TOTAL SQ. 28.19 SQ.	TOTAL SQ. 25.05 SQ.	

Design by:
Andreas Padelas

Lot 33, No.108 Argyle
Street, St.Kilda 3182

Site & Ground Floor Plan

Project number Job #2831

Date REV: May 2017

Drawn by NDT

Checked by LEJLA IZIC

5 OF 13

Scale 1 : 100



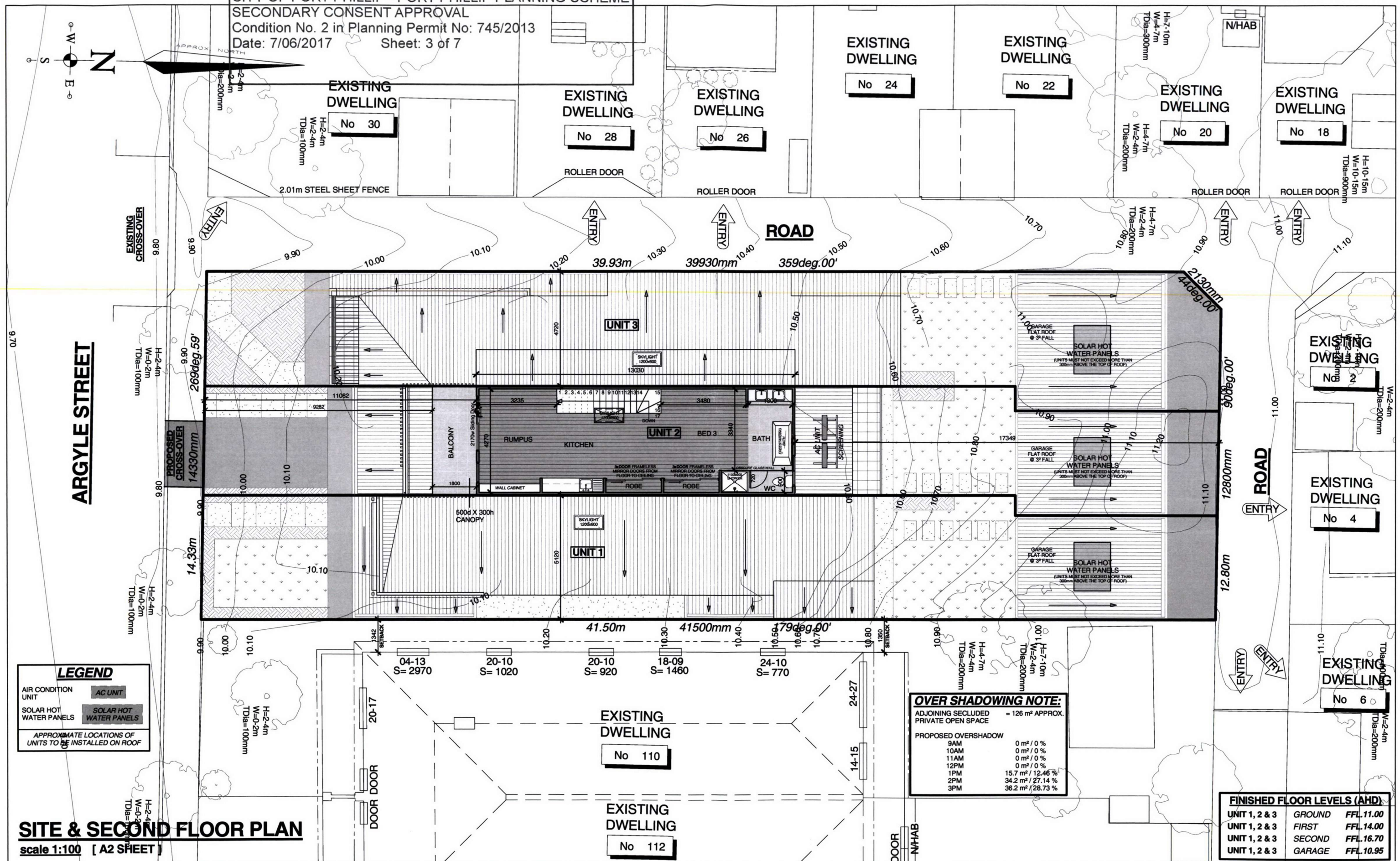
UNIT 104, NO.22-30 WALLACE AVENUE, POINT COOK 3030
PH. 9018 9016 FAX. 8360 3448 MOB. 0421 706 334

CITY OF PORT PHILLIP - PORT PHILLIP PLANNING SCHEME

SECONDARY CONSENT APPROVAL

Condition No. 2 in Planning Permit No: 745/2013

Date: 7/06/2017 Sheet: 3 of 7



SITE & SECOND FLOOR PLAN

scale 1:100 [A2 SHEET]



UNIT 104, NO.22-30 WALLACE AVENUE, POINT COOK 3030
PH. 9018 9016 FAX. 8360 3448 MOB. 0421 706 334

GENERAL NOTES:

- *All measurements & levels to be checked prior to construction
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- *Provide safety glass where required to A.S. 1288 - 1989.
- *Provide control joints at approx 5.0 M ctrs max
- *Provide smoke detectors as per A.S. 3786

NOTE: ALL MEASUREMENTS & LEVELS TO BE CHECKED PRIOR TO CONSTRUCTION BY BUILDER OR OWNER.

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UNIT 1	UNIT 2	UNIT 3	SITE COVERAGE %
GROUND 93.27 m ²	GROUND 89.40 m ²	GROUND 98.14 m ²	369.94 m ² / 593.0 m ² = 62.38 %
FIRST 87.87 m ²	FIRST 82.87 m ²	FIRST 94.26 m ²	
GARAGE 25.71 m ²	SECOND 58.50 m ²	GARAGE 35.81 m ²	PERMEABILITY %
	GARAGE 26.81 m ²	BALCONY (FF) 4.45 m ²	178.94 m ² / 593.0 m ² = 30.18 %
	BALCONY (FF) 5.41 m ²		
	BALCONY (SF) 8.08 m ²		CONCRETE %
TOTAL 207.85 m²	TOTAL 220.87 m²	TOTAL 232.46 m²	44.12 m ² / 593.0 m ² = 7.44 %
TOTAL SQ. 22.39 SQ.	TOTAL SQ. 29.19 SQ.	TOTAL SQ. 25.06 SQ.	

Design by:
Andreas Padelas

Lot 33, No.108 Argyle
Street, St.Kilda 3182

Site & Second Floor Plan

Project number Job #2831

Date REV: May 2017

Drawn by NDT

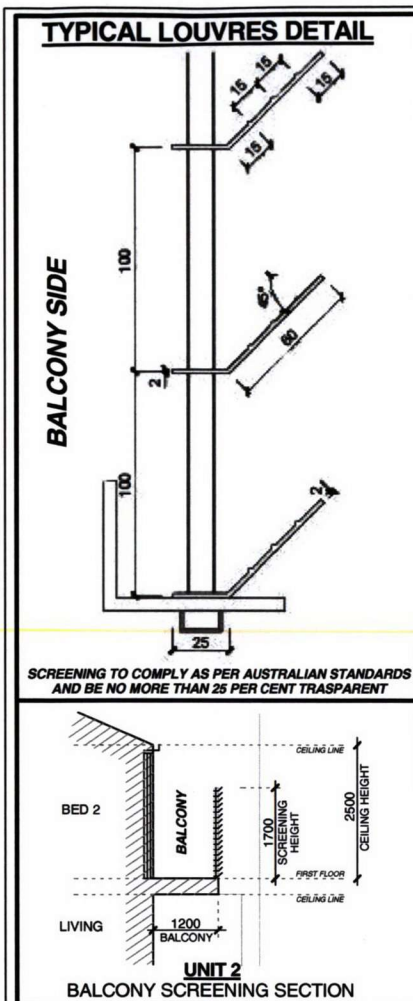
Checked by LEJLA IZIC

7 OF 13

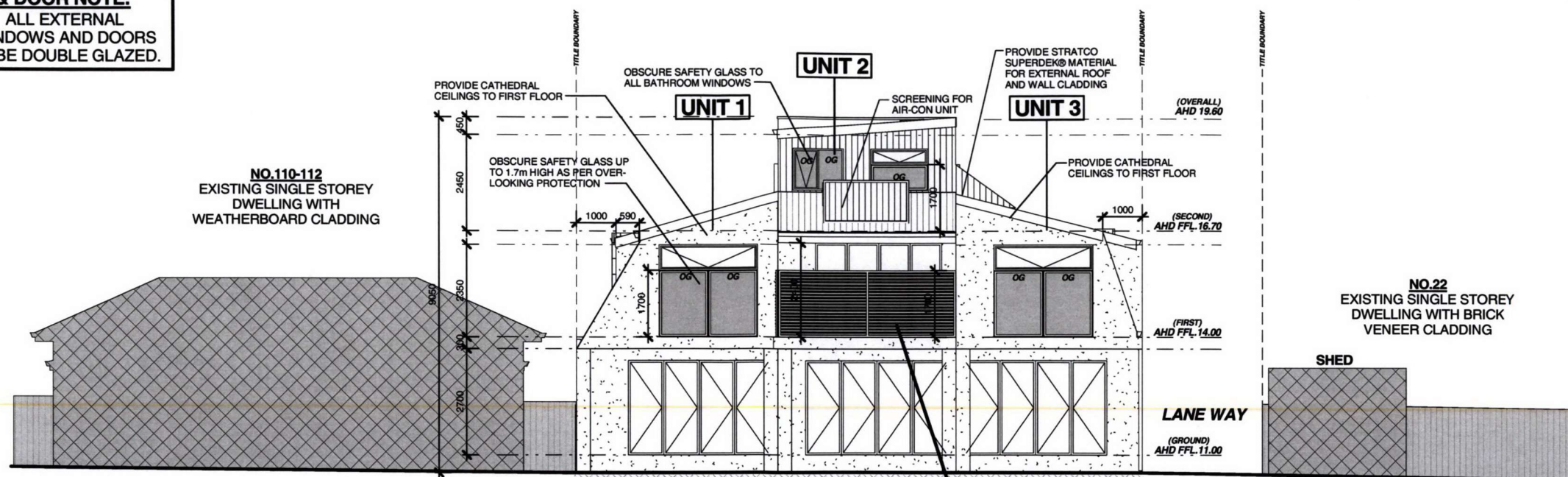
Scale 1 : 100

UNIT 104, NO.22-30 WALLACE AVENUE, POINT COOK 3030
PH. 9018 9016 FAX. 8360 3448 MOB. 0421 706 334





EXTERNAL WINDOW & DOOR NOTE:
ALL EXTERNAL WINDOWS AND DOORS TO BE DOUBLE GLAZED.

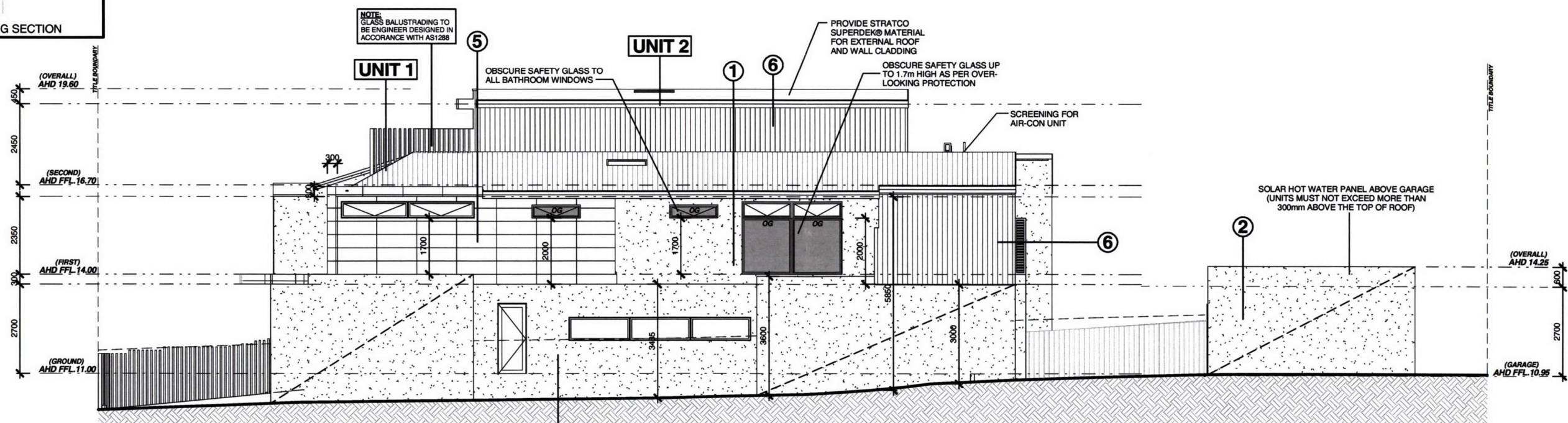


NOTE:
It is builders responsibility to establish the finished floor levels and finished wall heights in relation to the relevant ground levels during setout and before any excavation works are undertaken so as to ensure that all design assumptions are fully realized in practice and comply with the relevant building codes and sitting requirements.

NOTE:
Should any discrepancy between structural and architectural drawings be noted with regards to locations and dimensions the builder is to notify bn. design drafting office to seek clarification.

NOTE:
No gaps, cracks or opening greater than 3mm permitted in Facade or roof, in order to comply with AS 3959-2009

1 Rear Elevation - North
1 : 100



2 Side Elevation - East
1 : 100

CITY OF PORT PHILLIP - PORT PHILLIP PLANNING SCHEME
SECONDARY CONSENT APPROVAL
Condition No. 2 in Planning Permit No: 745/2013
Date: 7/06/2017 Sheet: 6 of 7

ANNOTATION NOTE
OG - REPRESENTS FIXED OBSCURE GLASS

FINISHED FLOOR LEVELS (AHD)

UNIT	FLOOR	FLOOR LEVEL (AHD)
UNIT 1, 2 & 3	GROUND	FFL 11.00
UNIT 1, 2 & 3	FIRST	FFL 14.00
UNIT 1, 2 & 3	SECOND	FFL 16.70
UNIT 1, 2 & 3	GARAGE	FFL 10.95

SKYLIGHT NOTE:
ENSURE ALL PROPOSED SKYLIGHTS TO BE MINIMUM 900mm AWAY FROM TITLE BOUNDARIES. PRODUCT TO BE INSTALLED AS PER 'CUSTOM SKYLIGHTS PTY LTD' - CUSTOM HI-FLEX SKYLIGHTS SPECIFICATIONS

ELEVATIONS

scale 1:100 [A2 SHEET]



UNIT 104, NO.22-30 WALLACE AVENUE, POINT COOK 3030
PH. 9018 9016 FAX. 8360 3448 MOB. 0421 706 334

GENERAL NOTES:

*All measurements & levels to be checked prior to construction
*Provide impervious floor & wall finish to all wet areas
*Provide safety glass where required to A.S. 1288 - 1989.
*Provide control joints at approx 5.0 M ctrs max
*Provide smoke detectors as per A.S. 3786

NOTE: ALL MEASUREMENTS & LEVELS TO BE CHECKED PRIOR TO CONSTRUCTION BY BUILDER OR OWNER.
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UNIT 1	UNIT 2	UNIT 3	SITE COVERAGE %
GROUND 98.47 m²	GROUND 89.40 m²	GROUND 98.14 m²	375.14 m² / 593.0 m² = 63.26 %
FIRST 92.38 m²	FIRST 82.67 m²	FIRST 102.32 m²	
GARAGE 26.71 m²	SECOND 62.90 m²	GARAGE 35.61 m²	PERMEABILITY %
	GARAGE 26.81 m²	BALCONY (FF) 5.65 m²	199.22 m² / 593.0 m² = 33.60 %
	BALCONY (FF) 5.41 m²		
	BALCONY (SF) 8.98 m²		CONCRETE %
TOTAL 217.56 m²	TOTAL 278.26 m²	TOTAL 241.72 m²	58.64 m² / 593.0 m² = 9.89 %
TOTAL SQ. 23.44 SQ.	TOTAL SQ. 29.77 SQ.	TOTAL SQ. 26.06 SQ.	

Design by:
Andreas Padelas

Lot 33, No.108 Argyle
Street, St.Kilda 3182

Elevations

Project number Job #2831

Date REV: May 2017

Drawn by NDT

Checked by LEJLA IZIC

9 OF 13

Scale 1 : 100

Termite Note:

A termite barrier to be installed to minimise the risk of termite attack to primary building elements in accordance with AS3660.1.

A durable notice must be permanently fixed to the building in a permanent location, indicating the following:

- The method of termite risk management;
- The date of installation of the system;
- Where chemical barrier is used, its life expectancy as listed on the National Registration Authority label;
- The installer's or manufacturer's recommendations for the scope and frequency of future inspections for termite activity

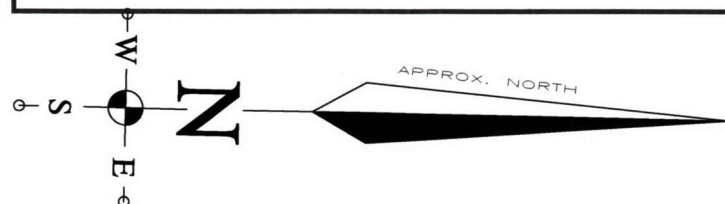
LAND SURVEYOR NOTES:

LEVELS ARE TO AHD BASED ON PSM 'PRAHRAN PM 108' @ RL 18.135
REFER TO AABS GROUP PTY LTD 'FEATURE & LEVELS SURVEY' FOR ALL NOTES AND DETAILS

TBM = 9.83
RIVET IN FOOTPATH

ARGYLE STREET

CITY OF PORT PHILLIP - PORT PHILLIP PLANNING SCHEME
SECONDARY CONSENT APPROVAL
Condition No. 2 in Planning Permit No: 745/2013
Date: 7/06/2017 Sheet: 7 of 7

**ROOF APPLIANCE PLAN**

scale 1:200



UNIT 104, NO.22-30 WALLACE AVENUE, POINT COOK 3030
PH. 9018 9016 FAX. 8360 3448 MOB. 0421 706 334

GENERAL NOTES:

- *All measurements & levels to be checked prior to construction
- *Provide impervious floor & wall finish to all wet areas
- *Provide safety glass where required to A.S. 1288 - 1989.
- *Provide control joints at approx 5.0 M ctrs max
- *Provide smoke detectors as per A.S. 3786

NOTE: ALL MEASUREMENTS & LEVELS TO BE CHECKED PRIOR TO CONSTRUCTION BY BUILDER OR OWNER.

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AREA SCHEDULE

UNIT 1	UNIT 2	UNIT 3
GROUND 98.47 m ²	GROUND 89.40 m ²	GROUND 98.14 m ²
FIRST 92.38 m ²	FIRST 82.67 m ²	FIRST 102.32 m ²
GARAGE 26.71 m ²	SECOND 62.99 m ²	GARAGE 35.61 m ²
	GARAGE 26.81 m ²	BALCONY (FF) 5.65 m ²
	BALCONY (FF) 5.41 m ²	
TOTAL 217.56 m²	BALCONY (SF) 8.98 m ²	TOTAL 241.72 m²
TOTAL SQ. 23.44 SQ.	TOTAL 275.26 m² = 29.77 SQ.	TOTAL SQ. 26.05 SQ.

Designed by
Andreas Padelas

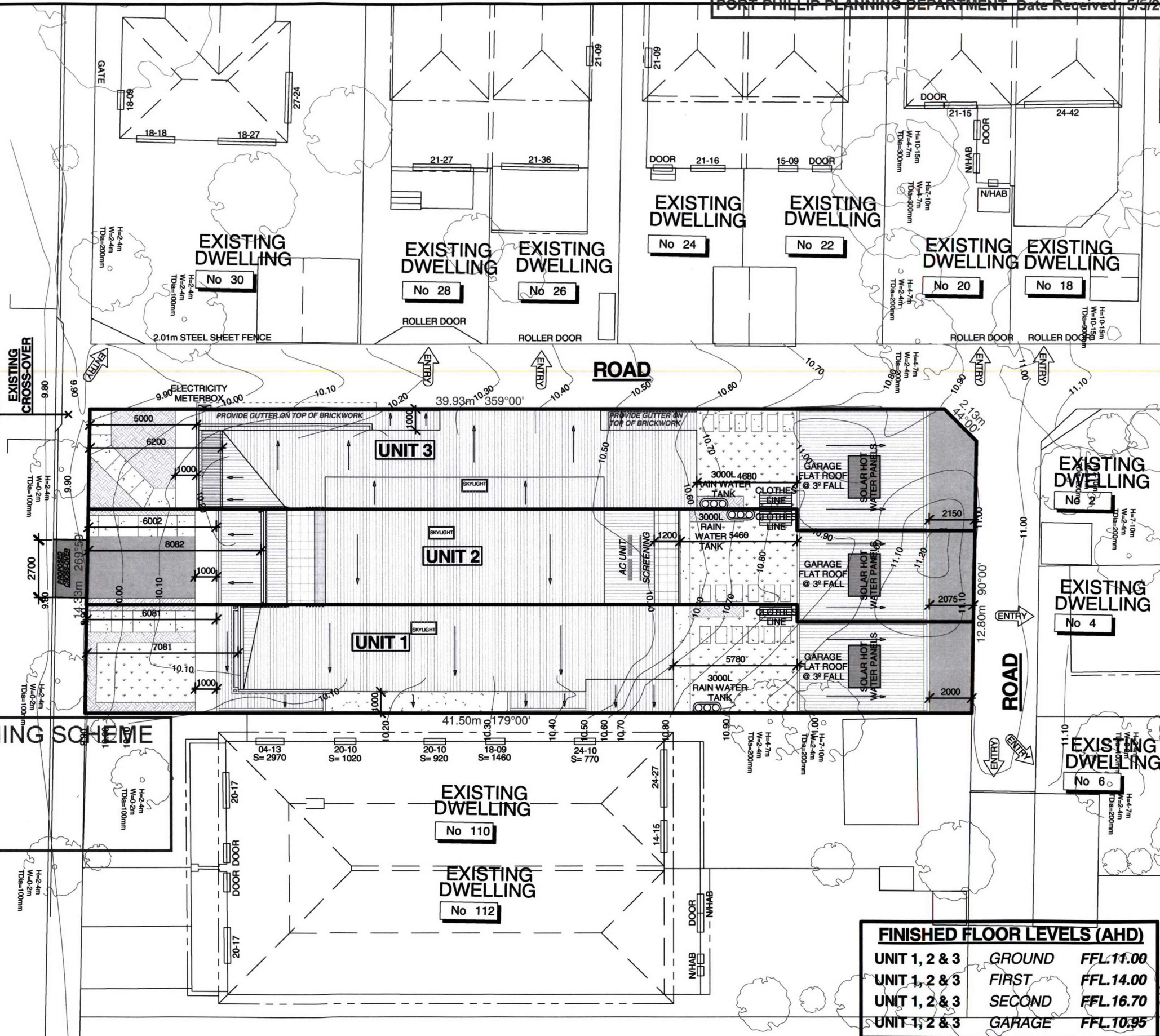
Lot 33, No.108 Argyle
Street, St.Kilda 3182

Roof Appliance Plan

Project number Job #2831
Date REV: May 2017
Drawn by NDT
Checked by DP-Ad 16150
LEJLA IZIC

13 OF 13

Scale 1 : 200

**FINISHED FLOOR LEVELS (AHD)**

UNIT 1, 2 & 3	GROUND	FFL.11.00
UNIT 1, 2 & 3	FIRST	FFL.14.00
UNIT 1, 2 & 3	SECOND	FFL.16.70
UNIT 1, 2 & 3	GARAGE	FFL.10.95