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Our Ref: 665/2016/B

5 July 2021

RATIO CONSULTANTS
C/- Alice Maloney
9 Clifton Street
RICHMOND VIC 3121

Dear Sir/Madam,

Re: **Application to amend Planning Permit No. 665/2016/B**
Address: **1 BRIGHTON ROAD, ST KILDA**

I refer to your recent emails noting that the permit as it currently stands includes an inconsistency between conditions 1 (n) and 15 and thus, you have requested a section 71 amendment to resolve that matter. Accordingly, please find attached the permit which should now properly include all amended matters referred to in the request.

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,

Phillip Beard
Urban Planner

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



PLANNING PERMIT

(Note: This permit was further amended under S71 of the Act correcting administrative errors in the pre-amble and in conditions 12 (a) and 15) and was amended again under section 71 re condition 15.

Application Number: **665/2016/B**
Planning Scheme: **Port Phillip**
Responsible Authority: **City of Port Phillip**

ADDRESS OF THE LAND:

1 BRIGHTON ROAD, ST KILDA

THE PERMIT ALLOWS:

In accordance with the endorsed plans:- Construct a building or construct or carry out works under the C1Z;
- To use the land for a dwelling under the C1Z;
- Construct a building or construct or carry out works in the SBO2;
- ..deleted ..
- ..deleted ..

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. Amended Plans

Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the submitted/advertised plans but modified to show the following:

- (a) The inclusion of planter boxes on the Blessington Street balconies to dwellings 2.04 and 3.02 together with a pergola at the 'step' facing Blessington Street outside dwelling 2.04.
- (b) The use of solid spandrels for the walls adjacent to dwellings 1.04 and 2.04.
- (c) Window elevations clarifying that the curved tops of the lattice features would allow for the adjacent windows to be opened.
- (d) The balcony balustrades facing Blessington Street and Brighton Road at levels 4 to 6 depicted as translucent glass up to 1m high.
- (e) A note indicating that the water tank/s is connected to all toilets for flushing.
- (f) All plant, equipment and domestic services (including air conditioning, heating units, hot water systems, etc) which are to be located externally.

Date Issued: 18/7/17

Date Amended: 11/10/21

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Signature for Responsible Authority

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- (g) Dwellings 1.01 and 2.01 as being deleted and their floorspace consolidated into the adjacent dwellings being 1.02, 1.09, 2.02 and 2.08 respectively.
- (h) The provision of 1.7m high translucent glass to the south faces of the balconies to dwellings 5.01 and 6.02
- (i) Any changes required by condition 6 (Sustainable Management Plan).
- (j) Any changes required by condition 19 (Waste Management Plan).
- (k) Provision of flood protection barriers adjacent to the ground level opening/entrance to 5.59m to AHD for non habitable areas together with provision of a watertight wall where the building interfaces any Special Building Overlay areas up to 5.59m to AHD together with a notation that all electrical switches and similar are located at least 600mm above the 5.44m to AHD flood level.
- (l) The ground level pedestrian corridor and circulation space as being a minimum of 1.5m wide
- (m) The provision of electric bicycle parking together with provision of an additional convex mirror opposite the side of the car park entry
- (n) The notation of at least three retail staff car parking spaces

No layout alteration

- 2 The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

No change to external finishes

- 3 All external materials finishes and paint colours are to be to the satisfaction of the Responsible Authority and must not be altered without the written consent of the Responsible Authority.

Plant and Equipment

- 4 Any plan, equipment or domestic services visible from a street (other than a lane) or public park must be located and visually screened to the satisfaction of the Responsible Authority.

Outdoor lighting

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

Sustainable Management Plan

- 6 Before the development starts (other than demolition or works to remediate contaminated land) an amended Sustainable Management Plan that outlines proposed sustainable design initiatives must be submitted to, be to the satisfaction of and approved by the Responsible Authority. When approved, the Plan will be endorsed and will then form part of the permit and the project must as a minimum incorporate the following additional sustainable design initiatives:
 - Updated daylight modelling as would result from the plans endorsed under condition 1

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- Confirmation of VLT details
- Commitment to use of low VOC and formaldehyde
- Depiction of end of trip facilities
- Confirmation of use of electric vehicle use
- Confirmation of external taps and floor waste for each dwelling

Incorporation of Sustainable Design Initiatives

- 7 The project must incorporate the sustainable design initiatives listed in the endorsed Sustainable Management Plan to the satisfaction of the Responsible Authority.

Implementation of Sustainable Design Initiatives

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

Maintenance Manual for Water Sensitive Urban Design Initiatives (Stormwater Management)

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

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

- Inspection frequency
- Cleanout procedures
- As installed design details/diagrams including a sketch of how the system operates

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

Incorporation of Water Sensitive Urban Design Initiatives

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

Vehicle Crossings – Removal

- 11 Before the occupation of the development allowed by this permit all disused or redundant vehicle crossings must be removed and the area re-instated with footpath, nature strip and

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kerb and channel at the cost of the applicant/owner and to the satisfaction of the Responsible Authority.

Applicant to Pay for Reinstatement

- 12 The Applicant/Owner must do the following things prior to the completion of the development to the satisfaction of the Responsible Authority:
- (a) Pay the costs of all alterations/reinstatement of Council and Public Authority assets necessary and required by such Authorities for the development,
 - (b) Obtain the prior written approval of the Council or other relevant Authority for such alterations/reinstatement.
 - (c) Comply with conditions (if any) required by the Council or other relevant Authorities in respect of alterations/reinstatement.

Public Services

- 13 Before the occupation of the development allowed by this permit, any modification to existing infrastructure and services within the road reservation (including, but not restricted to, electricity supply, telecommunications services, gas supply, water supply, sewerage services and stormwater drainage) necessary to provide the required access to the site, must be undertaken by the applicant/owner to the satisfaction of the relevant authority and the Responsible Authority. All costs associated with any such modifications must be borne by the applicant/owner.
- 14 Deleted.

Car parking allocation

- 15 Without the further written consent of the Responsible Authority, car parking for the approved development must be allocated on any Plan of Subdivision as follows:
- Not less than 1 space for each one and two bedroom dwelling.
 - ...deleted ...
 - At least 3 car spaces for the retail tenancies (combined).

Parking and Loading Areas Must be Available

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

Roads/lanes to remain open

- 17 During the construction of the buildings and works allowed by this permit, the roads, streets and lanes adjacent to the subject land must be kept free of parked or standing vehicles or any other obstruction, including building materials, equipment etc, so as to maintain free vehicular passage to abutting benefiting properties at all times, unless with the written consent of the Responsible Authority.

Urban Art

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- 18 Before completion of the building allowed by this permit, the permit holder must incorporate Urban Art in the development, in accordance with Council's Urban Art Strategy, viewable from the frontage/public realm, to a value of at least 0.5% of the total building cost of the development to the satisfaction of the Responsible Authority.

Waste Management Plan

- 19 Prior to the commencement of the development, an amended Waste Management Plan must be submitted to the Responsible Authority and if satisfactory, endorsed as part of this permit. Once submitted and approved, the waste management plan must be carried out to the satisfaction of the Responsible Authority and must as a minimum include reference to the following:
- Provision for organic and food waste and provision for solid E-waste
 - Provision of charity bin

Architectural Intent

- 20 As part of the consultant team Terry Harper Architects or an experienced architect must be engaged to oversee the design intent and construction quality to ensure that the design and quality is to the satisfaction of the Responsible Authority.

Privacy screens must be installed

- 21 Prior to the occupation of the development, privacy screens as shown on the endorsed plans must be installed and maintained thereafter to the satisfaction of the Responsible Authority.

VicRoads

- 22 The buildings and works must be undertaken to ensure that the development does not compromise the operational efficiency of Brighton Road, St Kilda and other infrastructure of VicRoads.

Acoustic report

- 23 Before development starts, an acoustic report is to be submitted indicating that no dwelling as permitted would be subject to excessive external noise effects, particularly in the form of Traffic noise from Brighton Road.

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Time Limits

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

- (a) The development is not started within one year of the date of amendment of this permit
- (b) The development is not completed within two (2) years of the date of commencement.

In accordance with section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

Notes:

Expiry Date

The words "date of this permit" in condition 23 refers to 18/7/17 being the date of planning permit 665/2016

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Date of Amendment	Brief Description of Amendment
7 May, 2018	<ul style="list-style-type: none">Delete conditions 1 (a), 1 (b), 1 (d) and 1 (g), amend condition 1 (c) revising number of bicycle racks, add new conditions 1 (i) and 1 (k) relating to flood protection barrier and relabelling of car parks respectively.
8 May, 2018	<ul style="list-style-type: none">Condition 15 amended under S. 71 of the act by referring to 4 visitor car spaces rather than 7.
18 May 2021	<ul style="list-style-type: none">Condition 1, 6, 9 & 19 renumberedCondition 14 deletedCondition 24 addedAmendment/deletion of permit conditions regarding visitor parking and loading bay(no longer required by planning controls), bicycle parking (42 racks proposed in lieu of 11) and car parking provision based on revised internal layout.Amendments to internal layout resulting in 36 dwellings (in lieu of 37)Altered/re-designed external appearance and treatment, plus increase in height by 2.5 metresReduction in retail tenancy sizesAmended permit preamble regarding visitor parking and loading bay deleted reference
11 October, 2021	<ul style="list-style-type: none">Amend condition 15 so as to be consistent with condition 1 (n) re provision of three car spaces for all retail premises combined.

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IMPORTANT INFORMATION ABOUT THIS PERMIT

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 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 years after the issue of the permit**; or
 - * the use does not start within the time specified in the permit, or if no time is specified, **within two years after the completion of the development** or
 - * the use is discontinued for a period of two 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 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.