

14 January, 2022

Ratio Consultants
8 Gwynne Street
Cremorne, 3121

ATTN: C. Helfer



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

portphillip.vic.gov.au

ASSIST Customer Service

03 9209 6777

Dear Claire ,

Re: **Application for Planning Permit No. 742/2020**
Address: **61-63 Inkerman Street, St. Kilda**

I refer to your application for a Planning Permit at the above address.

The Tribunal has directed that a permit be issued. I attach a copy of this Planning Permit in accordance with that direction. The permit contains certain conditions. 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 sincerely,

A handwritten signature in brown ink that reads 'P Beard'.

Phillip Beard
Urban Planner

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

Enquiries: Phillip Beard
Phone: (03) 9209 6424
Our Ref: 352/2021



PLANNING PERMIT

Application Number: 742/2020
Planning Scheme: City of Port Phillip
Responsible Authority: City of Port Phillip

(NOTE: This permit was issued at the direction of
VCAT)

ADDRESS OF THE LAND:

61-63 INKERMAN STREET, ST. KILDA

THE PERMIT ALLOWS:

In accordance with the endorsed plans:

- Use of the land for office having a leasable floor area of more than 250 square metres.
- Construction of a building or carrying out of works for a use in Section 2 of Clause 32.04-2 (the office use).
- Construction of a building or carrying out of works in the Special Building Overlay
- Reduction in the number of car parking spaces required under Clause 52.06-5.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended Plans

- 1 Before the development starts amended plans 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 Drawing Nos. A01 to A15 inclusive and A17 – A23 inclusive all Revision E and all dated 16 August 2021 prepared by Ammache Architects but modified to show the following:
 - (a) Use of light/high transparency glass for the ground floor tenancies
 - (b) Increased depth of the level 6 planters together with depiction of an automatic watering system for the planter boxes.
 - (c) Depiction of lift overruns and plant areas on the elevations.

Once approved, these plans become the endorsed plans under this permit.

No Layout Change

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

External colours and 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.

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Equipment and Services Above Roof Level

- 4 No plant, equipment (including any associated screening devices) or architectural features, other than those shown on the endorsed plan are permitted, except where they would not be visible from the primary street frontage (other than a lane) or public park without the written consent of the Responsible Authority.

Plant & Equipment

- 5 Any plant, equipment visible from the primary street frontage (other than a lane) or public park must be located and visually screened to the satisfaction of the Responsible Authority.

Implementation Report for Environmentally Sustainable Design

- 6 Prior to occupation of the development approved under this permit, an ESD Implementation Report (or reports) from a suitably qualified person or company, must be submitted to and endorsed by the Responsible Authority. The Report must confirm that all ESD initiatives in the endorsed SDA/SMP and WSUD report have been implemented in accordance with the approved plans to the satisfaction of the Responsible Authority. The ESD and WSUD initiatives must be maintained throughout the operational life of the development to the Satisfaction of the Responsible Authority.

Construction Management Water Sensitive Urban Design

- 7 The developer must ensure that throughout the construction of the building(s) and construction and carrying out of works allowed by this permit;
- (a) No water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the site;
 - (b) All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;
 - (c) The amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads is minimised when vehicles are leaving the site.
 - (d) No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system;
 - (e) The site is developed and managed to minimise the risks of stormwater pollution through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants in accordance with currently accepted best practice.

Parking Areas Must Be Available

- 8 Car and bicycle parking 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.

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Vehicle Crossings

- 9 Before the occupation of the development allowed by this permit, vehicle crossings must be constructed in accordance with Council's current Vehicle Crossing Guidelines and standard drawings to the satisfaction of the Responsible Authority.

Vehicle Crossings- Removal

- 10 Before the occupation of the development allowed by this permit, any disused or redundant vehicle crossings must be removed and the area re-instated with footpath, nature strip and kerb and channel as appropriate at the cost of the applicant/owner and to the satisfaction of the Responsible Authority.

Applicant to Pay for Reinstatement

- 11 Before the occupation of the development allowed by this permit, the applicant/owner must do the following things 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

- 12 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.

Walls on or facing a boundary

- 13 Before the occupation of the development allowed by this permit, all new 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. 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.

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Car Stacker Maintenance

- 14 The mechanical car stackers are to be maintained in a good working order and be permanently available for the parking of vehicles in accordance with their purpose, to the satisfaction of the Responsible Authority.

Melbourne Water Conditions

- 15 Finished floor levels associated with the ground floor of the proposed building must be set no lower than 4.89 metres to Australian Height Datum (AHD), which is 300 mm above the applicable flood level of 4.59 m to AHD.
- 16 The entrance to the car stacker garage must be set no lower than 4.2 m to AHD which is the applicable flood level at that point of the site.
- 17 The car stacker garage area must be protected by a self-closing Flood Barrier to a height of no lower than 4.5 metres to AHD, which is 300 mm above the applicable flood level. This is to prevent floodwaters entering the garage areas including pit associated with the car stacker.
- 18 All areas with electrical installations (e.g. electrical substations, switch rooms etc) must be set no lower than 300 mm above the applicable flood level or to the satisfaction of the relevant authority.
- 19 Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
- 20 Prior to commencement of works, design plans of the self-closing flood barrier unit including details of general principles of operation, intake structures, control pit details, alarms, flood barrier rise times, risk assessment, maintenance schedule and monitoring of operations must be submitted and approved by Melbourne Water.
- 21 Prior to the commencement of works, a Flood Risk Management Plan (FRMP) prepared by a suitably qualified professional must be provided to the satisfaction and approval of Melbourne Water and the Responsible Authority. The FRMP is to detail ongoing effective management of flood risks. The approved FRMP must include:
- (a) Details of how the self-closing flood barrier unit is to be regularly maintained and managed for the life of the structure.
 - (b) Details of how the self-closing flood barrier unit is to be maintained and managed during a flood event.
 - (c) How access to the car stacker garage will be managed leading up to, during and following a flood event (including notification, signage etc)

If, on a formal review of the FRMP, it is proposed to amend the FRMP the proposed amendments and proposed updated FRMP (if appropriate) must be submitted to Melbourne

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Water and the Responsible Authority for approval. When approved, the updated FRMP will be the FRMP for the purposes of this permit. Melbourne Water may require the permit holder to provide to Melbourne Water and to the Responsible Authority and independent peer review by a suitably qualified person at the permit holder's cost, to the satisfaction of Melbourne Water for Melbourne Water's approval.

- 22 The FRMP must be implemented to the satisfaction of the Responsible Authority and Melbourne Water.

End Melbourne Water conditions

Green Travel Plan

- 23 Before the use commences a Green Travel Plan must be submitted to and approved by the Responsible Authority.
- 24 After approval, the Green Travel Plan must be implemented to the satisfaction of the Responsible Authority.

Time Limits

- 25 This permit will expire if one of the following circumstances applies:
- (a) The development is not started within 3 years of the date of this permit.
 - (b) The development is not completed within 2 years of the date of commencement.
- The Responsible Authority may extend the periods referred to if a request is made in writing:
- (c) before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started; and
 - (d) within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

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Permit Notes:

- **Boundary Fences**

1. This permit has been assessed only against the relevant planning controls relating to fencing in the Port Phillip Planning Scheme. Property owners rights and responsibilities for fences on a common boundary are prescribed by the provisions of the *Fence Act 1968* (refer particularly to Part 3 Procedures; Division 1, Sections 11 to 22).
2. A fence exceeding two metres in height may require a Building Permit. Please contact the relevant Building Surveyor.

- **Building Approval Required**

This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

- **Building Works to Accord With Planning Permit**

The applicant/owner will provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with this planning permit.

- **Due Care**

The developer must show due care in the development of the proposed extensions so as to ensure that no damage is incurred to any dwelling on the adjoining properties.

- **Days and Hours of Construction Works**

Except in the case of an emergency, a builder must not carry out building works outside the following times, without first obtaining a permit from Council's Local Laws Section:

- Monday to Friday: 7.00am to 6.00pm; or
- Saturdays: 9.00am to 3.00pm.

An after hours building works permit cannot be granted for an appointed public holiday under the Public Holidays Act, 1993.

- **Drainage Point and Method of Discharge**

The legal point of stormwater discharge for the proposal must be to the satisfaction of the responsible authority. Engineering construction plans for the satisfactory drainage and discharge of stormwater from the site must be submitted to and approved by the responsible authority prior to the commencement of any buildings or works.

- **Noise**

The air conditioning plant must be screened and baffled and/or insulated to minimise noise and vibration to other residences in accordance with Environmental Protection Authority Noise Control Technical Guidelines as follows:

- a) noise from the plant during the day and evening (7.00am to 10.00pm Monday to Friday, 9.00am to 10.00pm Weekends and Public Holidays) must not exceed the background noise level by more than 5 dB(A) measured at the property boundary
- b) noise from the plant during the night (10.00pm to 7.00am Monday to Friday, 10.00pm to 9.00am Weekends and Public Holidays) must not be audible within a habitable room of any other residence (regardless of whether any door or window giving access to the room is open).

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IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit at the direction of the Victorian Civil & Administrative Tribunal. *

CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

The responsible authority may amend this permit under Division 1A of Part 4 of the Planning and Environment Act 1987 .

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

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- * 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 REVIEWS? – ADVICE FOR APPLICANTS

- * The person who applied for the permit may apply for a review any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal (VCAT), in which case no right of appeal exists.
- * An application for review 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 application for review must be lodged within 60 days after the giving of that notice.
- * An application for review is lodged with the Victorian Civil and Administrative Tribunal (VCAT).
- * An application for review must be made on the relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- * An application for review must state the grounds upon which it is based.
- * An application for review must also be served on the Responsible Authority.
- * Details about applications for review and the fees payable can be obtained from the VCAT website www.vcat.vic.gov.au or by telephoning VCAT on (03) 9628 9777.