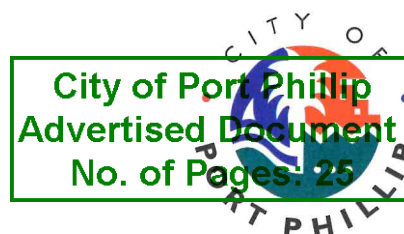


Enquiries: Grant Logan
Telephone: (03) 9209 6616
Facsimile: Grant.logan@portphillip.vic.gov.au
Our Ref: 906/2016



27 June 2017

FULCRUM URBAN PLANNING
PO BOX 1363
CENTRAL PARK VIC 3145

Dear Sir/Madam,

Re: **Application for Planning Permit No. 906/2016**
Address: **200-204 Wells Street, SOUTH MELBOURNE VIC 3205**

I refer to your application for a Planning Permit for Use of land for the purpose of shops, construction of a multi-storey mixed use building over basement levels containing dwellings and shops, reduction in the car parking requirements and a waiver of the loading bay requirements

It has been decided that it is appropriate that a Planning Permit be issued by delegation. I attach a copy of this Planning Permit, which contains certain conditions. You should make sure that you are familiar with these conditions before you act on this permit.

If you are aggrieved by any condition on this permit you may appeal to the Victorian Civil and Administrative Tribunal (VCAT) to have that matter discussed. The last page of the Planning Permit form has some details regarding this process.

SUPERSEDED 1/10/2018

Yours faithfully,

Grant Logan
Appeals Advisor

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 Balaclava VIC

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



PLANNING PERMIT

Application Number: 906/2016
Planning Scheme: Port Phillip
Responsible Authority: City of Port Phillip

ADDRESS OF THE LAND:

200-204 WELLS STREET, SOUTH MELBOURNE VIC 3205

THE PERMIT ALLOWS:

Use of land for the purpose of shops, construction of a multi-stoey mixed use building over basement levels containing dwellings and shops, reduction in the car parking requirements and a waiver of the loading bay requirements. 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 form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans identified as architectural drawings prepared by Artisan Architects and circulated for the purposes of the compulsory conference dated 24 May 2017 (Plans TP00A, TP01B, TP02A – TP20A), but modified to show:

- (a) Minimum setback of 6 metres for Levels 6 and above to the northern title boundary (Little Bank Street).
- (b) The ground and first floor podium level set back 2.2m from Little Bank Street to allow for a passing/waiting lane on the site.
- (c) Levels 3, 4 and 5 setback 3 metres from Little Bank Street;
- (d) Openable habitable room windows facing each street at podium levels.
- (e) Lighting scheme for the building façade including ground floor and podium levels.
- (f) An additional pedestrian access to the shop along Park Street and the introduction of mullions or similar features on the facade of the shops to reflect the fine grain pattern of shop fronts along Park and Wells Street.
- (g) Redesigned residential lobbies that are clearly identifiable from proposed commercial spaces.

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- (h) Permeable material for the proposed garage door with the setback of the garage door to Little Bank Street to the satisfactory of the Responsible Authority.
- (i) All balconies having a minimum width of 1.6m.
- (j) delete occupiable part of the rooftop terrace at TP10 including the 1.7 metre high glass balustrade;
- (k) Minimum 25% of car stackers with a clearance height of 1.8 metres.
- (l) Minimum headroom for car parking in accordance with Design Standard 1 of Clause 52.06-8.
- (m) Minimum 20, on-site bicycle parking spaces accessible for visitors.
- (n) Minimum finished floor levels of the ground floor at 3.5 metres AHD.
- (o) Any changes required by conditions 4, 5, 6, 7, 8 and 9.
- (p) The introduction of an additional basement level to provide not less than 32 additional car parking spaces (having regard to any parking spaces which may be lost on other levels to enable access to that additional basement level).
- (q) The allocation of not less than 15 visitor car parking spaces.
- (r) The setback of dwellings 301, 312, 313, 314, 401, 413, 414, 415, 501, 513, 514 and 515 4.5 metres from the centre line of Little Bank Street.
- (s) The setback of dwellings 409, 410, 411, 412, 509, 510, 511 and 512 and the relevant section of 413 and 513 not less than 5 metres from the western boundary.
- (t) The replacement of the bedroom window with a high light window in the north facing wall of the bedroom to dwellings 312 413 and 513.

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- (u) The deletion of the terraces to dwellings 309, 310, 311 and the redesign of those dwellings to include a balcony/terrace setback not less than 5 metres from the western boundary.
- (v) The redesign of dwelling 312 to provide a balcony/terrace facing towards Little Bank Street.
- (w) Increase in the width of the planter adjacent to the western boundary or other screening device to prevent downwards views to the property at 36 – 38 Park Street to the west.
- (x) The redesign of the floor plates to the tower floor levels from level 6 – 20 (inclusive) generally in accordance with the attached plans TP07 Rev B dated 26.5.17, TP08 Rev B dated 26.5.17, TP20 Rev B dated 26.5.17 and the redesign of the floor plates of:
 - (i) podium levels 2, 4 and 5 generally in accordance with the attached plans TP02, TP04 and TP05 all Rev B dated 26.5.17; and

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- (ii) podium level 3 generally in accordance with the attached plan TP03 Rev B dated 26.5.17 subject to the deletion of the landscaped area on the western boundary to the satisfaction of the responsible authority.
- (y) Changes to the layout of the car parking areas and the shops and apartment layouts in the podium as a consequence of the plan changes required by this condition 1.
- (z) the ground floor plan to provide details of the final dimensions and typical internal layout of each shop in conjunction with the redesign of the parking area on the ground floor as required by this condition 1.
- (aa) modification of all communal corridors to ensure that they are DDA compliant.
- (bb) the provision of a typical bathroom layout for a one, two and three bedroom apartment to demonstrate the ability for those bathrooms to be adapted for disability access;
- (cc) all external glazing must be of a type that does not reflect more than 20% of visible light when measured at an angle of incidence normal to the glass surface.

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.

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- 3 Before the development is occupied, all walls on or facing the boundary of adjoining properties and/or the laneway must be cleaned and finished to a uniform standard. Unpainted or unrendered masonry walls must have all excess mortar removed from the joints and face and all joints must be tooled or pointed 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.

Plant and equipment on roof

- 4 The only plant or equipment shown on the endorsed plan must be erected on the roof top level and the area occupied by all plant and equipment must be in accordance with DDO26.

Project architect

- 5 Unless otherwise agreed by the Responsible Authority, Artisan Architects must be retained as the supervising architect for the development.

Sustainable Management Plan

- 6 Before the development starts (other than demolition or works to remediate contaminated land) a Sustainable Management Plan generally in accordance with the

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Plan prepared by Simpson Kotzman Consulting Engineers dated 22 September 2016 that outlines proposed sustainable design initiatives must be submitted to, be to the satisfaction of and approved by the Responsible Authority. When approved, the Sustainable Management Plan will be endorsed and will then form part of the Permit. The development must incorporate the sustainable design initiatives listed in the approved Sustainable Management Plan to the satisfaction of the Responsible Authority. The plan must be revised to include:

- (a) A minimum of 70% overall score and 50% minimums in Energy, Water, Stormwater and IEQ categories in BESS.
- (b) A preliminary NatHERS assessment of sample units (including FirstRate, Accurate and BERS Pro) or provide information on how energy efficiency requirements will be achieved.
- (c) Confirmation that all major common area services are separately sub metered.
- (d) External shading devices to all unprotected northeast and northwest facing glazing.
- (e) 20% improvement in efficiency for maximum power density.
- (f) All inputs provided in the STORM report and connected treatments.
- (g) IEQ related initiatives to improve score to 50% in BESS.

Water Sensitive Urban Design

7 Before the development starts (other than demolition or works to remediate contaminated land) a Water Sensitive Urban Design Report that outlines proposed water sensitive urban design initiatives must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The Water Sensitive Urban Design

Report must demonstrate how the development meets the water quality performance objectives as set out in the Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) as amended from time to time.

When approved, the Water Sensitive Urban Design Report will be endorsed and will then form part of the permit. The development must incorporate the sustainable design initiatives listed in the approved Water Sensitive Urban Design Report to the satisfaction of the Responsible Authority.

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

8 Before the development starts (other than demolition or works to remediate contaminated land) a Maintenance Manual for Water Sensitive Urban Design Initiatives to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by, the Responsible Authority. The program must include, but is not limited to:

- (a) inspection frequency
- (b) cleanout procedures

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- (c) as installed design details/diagrams including a sketch of how the system operates

The Maintenance Manual for Water Sensitive Urban Design Initiatives may form part of a broader Maintenance Program that covers other aspects of maintenance such as a Building User's Guide or a Building Maintenance Guide. The approved Maintenance Manual for Water Sensitive Urban Design Initiatives must be implemented to the satisfaction of the Responsible Authority.

Site Management Water Sensitive Urban Design

9 The developer must ensure that:

- (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; and
- (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

all to the satisfaction of the Responsible Authority.

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Waste Management

10 Before the development starts (other than demolition or works to remediate contaminated land), a Waste Management Plan must be submitted to, and approved by, the Responsible Authority. The Waste Management Plan must be based on the draft "Best Practice Guidelines for Kerbside Recycling at Multi-Occupancy Residential Developments" (Sustainability Victoria June 2006) and be prepared by a Waste Management Engineer or Waste Management Planner. Once approved, the Waste Management Plan will be endorsed and will then form part of this Permit. The Waste Management Plan must include reference to the following:

- (a) the estimated garbage and recycling generation volumes for the whole development;
- (b) the garbage and recycling equipment to be used and the collection service requirements, including the frequency of collection;
- (c) the location of, proximity, screening of and space allocated both to the garbage and recycling storage areas and collection points;
- (d) the path of access for both users and collection vehicles;
- (e) how noise, odour and litter will be managed and minimised;

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- (f) approved facilities for washing bins and storage areas;
- (g) who is responsible for each stage of the waste management process;
- (h) how tenants and residents will be regularly informed of the waste management arrangements.
- (i) Provision of a loading area adjacent to the bin room for waste collection.
- (j) waste collection from within the building.

The approved Waste Management Plan must be implemented to the satisfaction of the Responsible Authority

Landscape Plan

- 11 Before the development starts (other than demolition or works to remediate contaminated land), a detailed Landscape Plan for the roof top terrace must be submitted to, be to the satisfaction of and approved by the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must incorporate:
- (a) all street trees and/or other trees on Council land;
 - (b) a planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes;;

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Completion of Landscaping

- 12 The landscaping as shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts, or at such later date as is approved by the Responsible Authority in writing.

Landscaping Maintenance

- 13 The landscaping as shown the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the landscaping plan to the satisfaction of the Responsible Authority.

Urban Art Plan

- 14 Before the development is occupied, an Urban Art Plan in accordance with Council's Urban Art Strategy must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The value of the urban art must be at least 0.5% of the total building cost of the development to the satisfaction of the Responsible Authority. Urban art in accordance with the approved Urban Art Plan must be installed before the development is occupied to the satisfaction of the Responsible Authority.

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Parking and Loading Areas must be available

- 15 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.

Vehicle Crossings

- 16 Before the development is occupied, vehicle crossings must be constructed in accordance with Council's current Vehicle Crossing Guidelines and standard drawings to the satisfaction of the Responsible Authority. All redundant crossings must be removed and the footpath, naturestrip, kerb and road reinstated as necessary at the cost of the applicant/owner and to the satisfaction of the Responsible Authority.

Applicant to pay for Reinstatement

- 17 Before the development is occupied, the applicant/owner must do the following 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.

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Public Services

- 18 Before the development is occupied, 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.

Car Parking Allocation

- 19 Without the further written consent of the Responsible Authority car parking for the approved development must be allocated as follows:
- (a) A maximum two spaces for the Shop.
 - (b) A maximum of two spaces for each three bedroom dwelling.
 - (c) A maximum of one space for each two bedroom dwelling.
 - (d) No less than fifteen car parking spaces for visitors with any additional spaces to be allocated for the purposes of visitor parking.
 - (e) Provision of parking for the one bedroom dwellings at a rate not less than 0.8 spaces per one bedroom dwelling.

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No equipment and services

- 20 Except with the written consent of the Responsible Authority, no equipment, services and exhausts other than those shown on the endorsed plan must be erected above the roof level of the building.

Lighting baffled

- 21 All lighting of external areas both during construction and after completion must be suitably baffled so as not to cause nuisance or annoyance to nearby properties or roads, to the satisfaction of the Responsible Authority and all illuminated advertising lighting on cranes must be turned off between the hours of 10PM and 7AM.

Privacy screens must be installed

- 22 Before the development is occupied, privacy screens in accordance with the endorsed plans must be installed to the satisfaction of the Responsible Authority. The privacy screens must be maintained to the satisfaction of the Responsible Authority.

Green Transport Plan

- 23 Before the development starts (other than demolition or works to remediate contaminated land), a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by, the Responsible Authority. The Green Travel Plan must be prepared by a suitably qualified professional and must provide detailed advice regarding how traffic movements and staff parking will be managed and how any alternative, non-private vehicle transport modes will be encouraged. The Green Travel Plan should also identify specific opportunities for the provision of non-sustainable transport options and encouragement of the use of them. The Green Travel Plan must include, but not be limited to:

- (a) a requirement that tram, train and bus timetables be installed in prominent locations in lifts and public areas (on noticeboards, etc);
- (b) a requirement that bicycle parking areas be installed in well secured and prominent locations;
- (c) provide a 'Share Car' parking space within the development for use by residents of the proposed development;
- (d) the installation of signs in prominent locations advising of the location of existing and proposed share car schemes, bicycle parking facilities for residents and visitors, tram stops, taxi ranks, railway stations, bus stops and bicycle paths;
- (e) a requirement that access to the on-site parking is restricted and controlled;
- (f) establishment of a car-pooling database for residents;
- (g) specific targets to guide the plans ongoing implementation;
- (h) identification of persons responsible for the implementation of actions;
- (i) estimate timescales and costs for each action;

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- (j) a plan for monitoring and review of the Green Travel Plan on an annual basis for at least three years.

The approved Green Travel Plan must be implemented to the satisfaction of the Responsible Authority.

SEPP N1

- 24 All air conditioning and refrigeration plant must be screened and baffled and/or insulated to minimise noise and vibration to ensure compliance with noise limits determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 to the satisfaction of the Responsible Authority.

Noise Attenuation for Dwellings

- 25 External traffic noise intrusion within bedroom and living areas (upon completion; with furnishing within the spaces and with windows and doors closed) and measured in accordance with AS/NZS2107/2000 *Acoustics – Recommended Design Sound levels and Reverberation Times for Building Interior* must comply with the following:
- (a) between 10pm and 7am in bedrooms areas must not exceed LAeq, 9hour 40dB(A);
 - (b) between 7am and 10pm in living rooms must not exceed LAeq (15hour) 45dB(A)

to the satisfaction of the Responsible Authority

Public Conditions

- 26 The permit holder must take all reasonable steps to ensure that disruption to tram operation along Park Street is kept to a minimum during the construction of the development. Foreseen disruptions to tram operations during construction and mitigation measures must be communicated to Yarra Trams and Public Transport Victoria fourteen days prior.
- 27 The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of Public Transport Victoria to the full cost of the permit holder

Expiry

- 28 This permit will expire if one of the following circumstances applies:
- (a) The development is not started within three years of the issued date of this permit.
 - (b) The development is not completed within two years of the date of commencement of works.

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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.

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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 specified 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 no 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.

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WHAT ABOUT APPEALS? – ADVICE FOR APPLICANTS

- * 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 (VCAT), 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 (VCAT).
- * An appeal must be made on an Application for Review – Permit Applicant form which can be obtained from the VCAT website, <https://www.vcat.vic.gov.au/resources/document/permit-applicantspermit-holder-application-review-form>
- * 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 VCAT website www.vcat.vic.gov.au or by telephoning VCAT on (03) 9628 9777.



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.

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.

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.

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.

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PLANNING COMPLIANCE

Tree protection

Some planning permits require you to take special measures to protect trees located on your land or on neighbouring properties.

If your planning permit includes conditions regarding tree protection, you must ensure you comply with these conditions. This often means, installing protective fencing around trees and maintaining the fence during construction.

You may also be required to employ the services of a qualified arborist to supervise areas of construction near protected trees.

Domestic services

In heritage areas, domestic services including air conditioners, solar panels, heaters and hot water services require planning approval if visible from a street (front or side) or public park. A condition on the planning permit may also restrict domestic services except with further Council consent. Consideration should be given to any noise issues that may result for neighbours from the placing and operation of these types of units.

Any domestic services you intend to install must be shown on the endorsed plans forming part of your planning permit, including any proposed screening, prior to the unit's installation.

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Floor levels and parapets must comply with the approved heights indicated on the endorsed plans. Over-height buildings are considered a serious breach and can be very expensive to rectify.

Any changes to the height of a building must be approved prior to carrying out any building works, even if these changes are required for technical reasons.

Finishes on boundary walls

Finishes must be completed to an acceptable standard in accordance with the conditions of the planning permit, prior to occupation.

Brick boundary walls must have any excess mortar removed and the brick face cleaned with joints tooled to a consistent finish, prior to occupation of the building.

Screening – windows and decks

All privacy screening must be installed as approved prior to occupation of the building. Screening must comply with the conditions outlined in the approved permit and plans including materials, heights and design.

Generally, windows that require screening must not be able to be opened below a height of 1.7metres above floor level.

Screening materials must not be altered from those approved without first gaining further planning approval for the alternative screening proposal.

For more information contact

Planning Compliance, St Kilda Town Hall
99A Carlisle St, St Kilda, 3182
Ph: (03) 9209 6293
Email: planningcompliance@portphillip.vic.gov.au



PLANNING PERMIT

Application Number: **906/2016**
Planning Scheme: **Port Phillip**
Responsible Authority: **City of Port Phillip**

ADDRESS OF THE LAND:

200-204 WELLS STREET, SOUTH MELBOURNE VIC 3205

THE PERMIT ALLOWS:

Use of the land for the purpose of a food and drink premises and offices, construction of a multi-storey mixed use building over a basement level, containing dwellings with communal facilities, food and drink premise, offices and a reduction of the standard car parking requirement 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 an electronic copy must be provided. The plans must be generally in accordance with the plans lodged with the VCAT appeal prepared by Ewert Leaf marked Revision A dated 26 March 2018 but modified to show the following, to the satisfaction of the Responsible Authority:
 - a) The following changes agreed to on 4 September 2018, which are generally shown on the plans prepared by Ewert Leaf marked Revision C dated 10 September 2018:
 - i. Tower setbacks clearly detailed on the plans and a minimum of:
 - a. 5 m from Wells Street.
 - b. 5 m from Park Street.
 - c. 4.5 m from the west boundary.
 - d. 6 m from Little Bank Street.Architectural features are an allowable encroachment into these setbacks, to a maximum of 300mm from Park Street, Little Bank Street and the western boundary and 430mm from Wells Street.
 - ii. A 1:50 detail plan showing the material, colour and design treatment to the podium parking on Wells Street.
 - iii. All balconies having minimum dimensions in accordance with the requirements of Standard D19 at Clause 58.05-3 Private open space objective.

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CITY OF PORT PHILLIP

Kathryn Pound

Signature for Responsible Authority

- iv. An additional pedestrian entry into the ground floor food and drink premises from Wells Street.
 - v. The height of parapets to be clearly indicated.
 - vi. DDA compliant bathrooms on communal areas.
 - vii. Grease trap adjacent to the rise in the lower levels.
 - viii. Alteration to the internal layouts of the corner apartments at levels 6 to 11 so as to have habitable rooms facing onto Wells Street.
 - ix. Provision of a door into the air-conditioning room.
 - x. Provision of a roof access hatch.
 - xi. Annotation that no telecommunication towers or lighting will be installed on the roof.
 - xii. Relocation of roof plant area and inclusion of screening to plant..
 - xiii. Shadow diagrams correctly drawn and annotated.
- b) The loading bay and the access way to it from Little Bank Street having a height clearance of at least 3.3 m. It may be relocated to be accessed directly off Little Bank Street. A loading bay with minimum dimensions of 4.5 m width x 5 m length x 3.3 m height, accessed off Little Bank Street. This may include a consequential reduction in up to three car parking spaces.
 - c) The minimum levels for the ground floor of the car park must be 3.346 m AHD.
 - d) The main vehicle access ramp off Little Bank Street (excluding the loading bay) with an apex above the flood level to avoid flood water entering (the flood level for the property is 3.196 m AHD).
 - e) All switches and electrical boxes installed 600 mm above the flood level.
 - f) Lighting scheme for the building façade including ground floor and podium levels.
 - g) Permeable material for the proposed garage door.
 - h) The treatment of the substation incorporated into the building façade.
 - i) The ground wall facing Park Street fully abutting the title boundary with any change in levels resolved within the building, to remove indents within the frontage.
 - j) All communal corridors being DDA compliant.
 - k) The provision of a typical bathroom layout for a one, two and three bedroom apartment to demonstrate the ability for those bathrooms to be adapted for disability access.
 - l) All external glazing must be of a type that does not reflect more than 20% of visible light when measured at an angle of incidence normal to the glass surface.
 - m) Any changes required by conditions 4, 6, 7 and 10.
 - n) Designation of the accessible car parking spaces required for the commercial premises.

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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.

Walls on or facing the boundary

- 3 Before the development is occupied, all walls on or facing the boundary of adjoining properties and/or the laneway must be cleaned and finished to a uniform standard. Unpainted or unrendered masonry walls must have all excess mortar removed from the joints and face and all joints must be tooled or pointed 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.

Plant and equipment on roof

- 4 The only plant or equipment shown on the endorsed plan must be erected on the roof top level and the area occupied by all plant and equipment must be in accordance with DDO26.

Project architect

- 5 Unless otherwise agreed by the Responsible Authority, Ewert Leaf must be retained as the supervising architect for the development.

Sustainable Management Plan

- 6 Before the development starts (other than demolition or works to remediate contaminated land) a Sustainable Management Plan generally in accordance with the Plan prepared by Sustainable Design Consultants dated August 2018 that outlines proposed sustainable design initiatives must be submitted to, be to the satisfaction of and approved by the Responsible Authority. When approved, the Sustainable Management Plan will be endorsed and will then form part of the Permit. The development must incorporate the sustainable design initiatives listed in the approved Sustainable Management Plan to the satisfaction of the Responsible Authority. The plan should be revised so that the project is benchmarked against the Green Building Council of Australia's Green Star 'Design and As-built' rating tool to a 4 star Green Star standard and to include:
- a) An itemised summary of the credits that were successfully pursued for the project.
 - b) A description of the initiatives involved in each credit and the evidence provided as required by the Green Star credit's standards set forth in the Technical Manual
 - c) A statement by the report's author that the credits nominated were achieved to the scope and standard set forth in the Green Star Technical Manual.
 - d) A point tally evidencing the credits achieved meet or exceed the points required for the nominated star rating.

Water Sensitive Urban Design

- 7 Before the development starts (other than demolition or works to remediate contaminated land) a Water Sensitive Urban Design Report that outlines proposed water sensitive urban design

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initiatives must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The Water Sensitive Urban Design Report must demonstrate how the development meets the water quality performance objectives as set out in the Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) as amended from time to time.

When approved, the Water Sensitive Urban Design Report will be endorsed and will then form part of the permit. The development must incorporate the sustainable design initiatives listed in the approved Water Sensitive Urban Design Report to the satisfaction of the Responsible Authority.

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

- 8 Before the development starts (other than demolition or works to remediate contaminated land) a Maintenance Manual for Water Sensitive Urban Design Initiatives to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by, the Responsible Authority. The program must include, but is not limited to:

- (a) inspection frequency
- (b) cleanout procedures
- (c) as installed design details/diagrams including a sketch of how the system operates

The Maintenance Manual for Water Sensitive Urban Design Initiatives may form part of a broader Maintenance Program that covers other aspects of maintenance such as a Building User's Guide or a Building Maintenance Guide. The approved Maintenance Manual for Water Sensitive Urban Design Initiatives must be implemented to the satisfaction of the Responsible Authority.

Site Management Water Sensitive Urban Design

- 9 The developer must ensure that:
- (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; and
 - (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

all to the satisfaction of the Responsible Authority.

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Waste Management

- 10 Before the development starts (other than demolition or works to remediate contaminated land), a Waste Management Plan must be submitted to, and approved by, the Responsible Authority. The Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Strata Plan dated 28 March 2018 but modified to address the following:
- a) Commercial uses listed separately with related waste/ recycling generation rates from CoPP's WMP Guidelines for developments.
 - b) Separation of residential and commercial bin rooms.
 - c) Provide for hard waste storage.
 - d) Where bins will stand for collection.
 - e) Limitation of noise from use of rubbish shoots (i.e. from bottles etc).

Once approved, the Waste Management Plan will be endorsed and will then form part of this Permit. The approved Waste Management Plan must be implemented to the satisfaction of the Responsible Authority

Landscape Plan

- 11 Before the development starts (other than demolition or works to remediate contaminated land), a detailed Landscape Plan for the communal terraces must be submitted to, be to the satisfaction of and approved by the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must incorporate:
- (a) all street trees and/or other trees on Council land;
 - (b) a planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes;;

Completion of Landscaping

- 12 The landscaping as shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts, or at such later date as is approved by the Responsible Authority in writing.

Landscaping Maintenance

- 13 The landscaping as shown the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the landscaping plan to the satisfaction of the Responsible Authority.

Urban Art Plan

- 14 Before the development is occupied, an Urban Art Plan in accordance with Council's Urban Art Strategy must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The value of the urban art must be at least 0.5% of the total building cost of the

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development to the satisfaction of the Responsible Authority. Urban art in accordance with the approved Urban Art Plan must be installed before the development is occupied to the satisfaction of the Responsible Authority.

Parking and Loading Areas must be available

- 15 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.

Vehicle Crossings

- 16 Before the development is occupied, vehicle crossings must be constructed in accordance with Council's current Vehicle Crossing Guidelines and standard drawings to the satisfaction of the Responsible Authority. All redundant crossings must be removed and the footpath, naturestrip, kerb and road reinstated as necessary at the cost of the applicant/owner and to the satisfaction of the Responsible Authority.

Applicant to pay for Reinstatement

- 17 Before the development is occupied, the applicant/owner must do the following 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

- 18 Before the development is occupied, 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.

Car Parking Allocation

- 19 Without the further written consent of the Responsible Authority car parking for the approved development must be allocated as follows:
- (a) A minimum of three spaces for the food and drink premises.
 - (b) A maximum of two spaces for each three bedroom dwelling.
 - (c) A maximum of one space for each one and two bedroom dwelling.
 - (d) No less than four car parking spaces for visitors.

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- (e) A minimum of twelve spaces for the offices.
- (f) The loading bay to be shared by all occupants (commercial and residential) and used for loading and unloading purposes.

No equipment and services

- 20 Except with the written consent of the Responsible Authority, no equipment, services and exhausts other than those shown on the endorsed plan must be erected above the roof level of the building.

Lighting baffled

- 21 All lighting of external areas both during construction and after completion must be suitably baffled so as not to cause nuisance or annoyance to nearby properties or roads, to the satisfaction of the Responsible Authority and all illuminated advertising lighting on cranes must be turned off between the hours of 10PM and 7AM.

Privacy screens must be installed

- 22 Before the development is occupied, privacy screens in accordance with the endorsed plans must be installed to the satisfaction of the Responsible Authority. The privacy screens must be maintained to the satisfaction of the Responsible Authority.

Green Transport Plan

- 23 Before the development starts (other than demolition or works to remediate contaminated land), a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to, and approved in writing by, the Responsible Authority. The Green Travel Plan must be prepared by a suitably qualified professional and must provide detailed advice regarding how traffic movements and staff parking will be managed and how any alternative, non-private vehicle transport modes will be encouraged. The Green Travel Plan should also identify specific opportunities for the provision of more sustainable transport options and encouragement of their use. The Green Travel Plan must include, but not be limited to:
- (a) a requirement that tram, train and bus timetables be installed in prominent locations in lifts and public areas (on noticeboards, etc);
 - (b) a requirement that bicycle parking areas be installed in well secured and prominent locations;
 - (c) the installation of signs in prominent locations advising of the location of existing and proposed share car schemes, bicycle parking facilities for residents and visitors, tram stops, taxi ranks, railway stations, bus stops and bicycle paths;
 - (d) a requirement that access to the on-site parking is restricted and controlled;
 - (e) establishment of a car-pooling database for residents;
 - (f) specific targets to guide the plans ongoing implementation;
 - (g) identification of persons responsible for the implementation of actions;
 - (h) estimate timescales and costs for each action;

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- (i) a plan for monitoring and review of the Green Travel Plan on an annual basis for at least three years.

The approved Green Travel Plan must be implemented to the satisfaction of the Responsible Authority.

SEPP N1

- 24 All air conditioning and refrigeration plant must be screened and baffled and/or insulated to minimise noise and vibration to ensure compliance with noise limits determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 to the satisfaction of the Responsible Authority.

Noise Attenuation for Dwellings

- 25 External traffic noise intrusion within bedroom and living areas (upon completion; with furnishing within the spaces and with windows and doors closed) and measured in accordance with AS/NZS2107/2000 *Acoustics – Recommended Design Sound levels and Reverberation Times for Building Interior* must comply with the following:

- (a) between 10pm and 7am in bedrooms areas must not exceed LAeq, 9hour 40dB(A);
- (b) between 7am and 10pm in living rooms must not exceed LAeq (15hour) 45dB(A)

to the satisfaction of the Responsible Authority.

PTV Conditions

- 26 The permit holder must take all reasonable steps to ensure that disruption to tram operation along Park Street is kept to a minimum during the construction of the development. Foreseen disruptions to tram operations during construction and mitigation measures must be communicated to Yarra Trams and Public Transport Victoria fourteen days prior.
- 27 The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of Public Transport Victoria to the full cost of the permit holder

Expiry

- 28 This permit will expire if one of the following circumstances applies:
- (a) The development is not started within three years of the issued date of this permit.
 - (b) The development is not completed within two years of the date of commencement of works.

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.

Note: This permit was amended on 1 October 2018 pursuant to s 91 of the *Planning and Environment Act 1987* in accordance with the Tribunal's order dated 27 September 2018 (VCAT referenced P1028/2018), to make various changes to conditions.

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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? – ADVICE FOR APPLICANTS

- * 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 (VCAT), 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 (VCAT).
- * An appeal must be made on an Application for Review – Permit Applicant form which can be obtained from the VCAT website, <https://www.vcat.vic.gov.au/resources/document/permit-applicantspermit-holder-application-review-form>
- * 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 VCAT website www.vcat.vic.gov.au or by telephoning VCAT on (03) 9628 9777.



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 COMPLIANCE

Tree protection

Some planning permits require you to take special measures to protect trees located on your land or on neighbouring properties.

If your planning permit includes conditions regarding tree protection, you must ensure you comply with these conditions. This often means, installing protective fencing around trees and maintaining the fence during construction.

You may also be required to employ the services of a qualified arborist to supervise areas of construction near protected trees.

Building heights and setbacks

Floor levels and parapets must comply with the approved heights indicated on the endorsed plans. Over-height buildings are considered a serious breach and can be very expensive to rectify.

Any changes to the height of a building must be approved prior to carrying out any building works, even if these changes are required for technical reasons.

Screening – windows and decks

All privacy screening must be installed as approved prior to occupation of the building. Screening must comply with the conditions outlined in the approved permit and plans including materials, heights and design.

Generally, windows that require screening must not be able to be opened below a height of 1.7metres above floor level.

Screening materials must not be altered from those approved without first gaining further planning approval for the alternative screening proposal.

Domestic services

In heritage areas, domestic services including air conditioners, solar panels, heaters and hot water services require planning approval if visible from a street (front or side) or public park. A condition on the planning permit may also restrict domestic services except with further Council consent. Consideration should be given to any noise issues that may result for neighbours from the placing and operation of these types of units.

Any domestic services you intend to install must be shown on the endorsed plans forming part of your planning permit, including any proposed screening, prior to the unit's installation.

Finishes on boundary walls

Finishes must be completed to an acceptable standard in accordance with the conditions of the planning permit, prior to occupation.

Brick boundary walls must have any excess mortar removed and the brick face cleaned with joints tooled to a consistent finish, prior to occupation of the building.

For more information contact

Planning Compliance, St Kilda Town Hall
99A Carlisle St, St Kilda, 3182

Ph: (03) 9209 6293

Email: planningcompliance@portphillip.vic.gov.au