

PLANNING PERMIT

Permit Number: PDPL/00115/2024/C

Planning Scheme: Port Phillip

Responsible Authority: City of Port Phillip

ADDRESS OF THE LAND:

424-426 ST KILDA ROAD MELBOURNE VIC 3004

THE PERMIT ALLOWS:

Planning Scheme Clause	Matter for which the permit has been granted
Clause 34.01-1	The use of the land for Accommodation
Clause 34.01-4	To construct a building or construct or carry out works
Clause 43.02-2	To construct a building or construct or carry out works
Clause 52.06-3	Reduce the number of car parking spaces required under Clause 52.06-5 for Office and Retail
In accordance with the endorsed plans.	

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended Plans Required

1. Before the use and 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 prepared by SOM Architects dated 18 December 2025.

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.

Privacy Screening Must be Installed

3. Prior to occupation of the development approved by this permit the installation of privacy screens must be undertaken in accordance with the endorsed plans. The privacy screens must be maintained thereafter to the satisfaction of the Responsible Authority.

No Equipment or Services

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

No Change to External Finishes

5. All external materials, finishes, and colours as shown on the endorsed plans must not be altered without the written consent of the responsible authority

Sustainable Management Plan

6. Prior to the endorsement of condition 1 plans, a Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. Upon approval the SMP will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the SMP to the satisfaction of the Responsible Authority. Amendments to the SMP must be incorporated into plan changes required under Condition 1. The report must be generally in accordance with the SMP prepared by ADP Consulting Pty Ltd dated 30 January 2026:

Green Star Pre Certification

7. Prior to occupation or commencement of any use, a Green Star Designed assessment representing pre-certification that the building's design is on track to achieve a minimum 4-star Green Star rating when assessed after construction must be obtained from the Green Building Council of Australia (GBCA) and submitted to the Responsible Authority.

When approved, the report will be endorsed and will then form part of this permit.

Implementation Report for Environmentally Sustainable Design

8. Prior to the issue of any Certificate of Occupancy or Certificate of Final Inspection for the development approved by 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 SMP and WSUD report have been implemented in accordance with the approved plans, or otherwise 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.

Incorporation of Sustainable Design Initiatives and Green Star Certification

9. The project must incorporate the sustainable design initiatives and Green Star certification listed in the endorsed Sustainable Management Plan to the satisfaction of the Responsible Authority.

Within 12 months of completion of the development, a certificate must be obtained from the Green Building Council of Australia (GBCA), and provided to the Responsible Authority, that a 4 Star Green Star Buildings rating has been achieved for the development.

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 SMP to the satisfaction of the Responsible Authority, and thereafter maintained to the satisfaction of the Responsible Authority.

Construction Management Water Sensitive Urban Design

11. 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.

Landscape Plan

12. Prior to the endorsement of condition 1 plans (other than demolition or works to remediate contaminated land), an amended Landscape Plan must be submitted to, approved by and be to the satisfaction of the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape must be generally in accordance with the Landscape Plan submitted with the application (identified as *424-426 St Kilda Road, Melbourne Town Planning Report: Landscape Architecture*, revision 3, prepared by T.C.L and dated 27 October 2025

Completion of Landscaping

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

Landscaping Maintenance

14. The landscaping as shown in 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.

Tree Management Protection Report

15. The Arboricultural Assessment and report prepared by Glenn Waters dated 1 May 2024 and endorsed by Council on 18 July 2025 shall not be amended without the prior written consent of the Responsible Authority

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Street Tree Protection

16. Tree Protection Fencing is to be established around the four street trees parallel to the subject site frontage prior to demolition and maintained until all works on site are complete.

The fencing is to be a 1.8-metre-high temporary fence constructed using chain wire / cyclone mesh panels, with shade cloth attached (if required), held in place with concrete feet/pads. Alternative materials may be used, if approved by the Responsible Authority.

The fencing is to encompass the entire nature strip with each end beyond the TPZ of each tree as shown in the Tree Protection and Management Plan (drawing).

No excavation, construction activity, grade changes, surface treatment or storage of materials of any kind is permitted within the TPZ, unless approved in the endorsed Tree Management Protection Report.

Wind Assessment

17. The Pedestrian Wind Environment Study prepared by Windtech dated 3 April 2025 and endorsed by Council on 18 July 2025 shall not be amended without the prior written consent of the Responsible Authority.

Waste Management Plan

18. Prior to the endorsement of condition 1 plans, a Waste Management Plan based on the City of Port Phillip's Waste Management Plan Guidelines for Developments must be prepared by a Waste Management Engineer or Waste Management Planner to the satisfaction of the Responsible Authority and endorsed as part of this permit. The Waste Management Plan must be generally in accordance with the Waste Management Plan submitted with the application prepared by Ratio dated 18/12/2025.

Loading / Unloading

19. The loading and unloading of vehicles and the delivery of goods to and from the premises must at all times be conducted entirely within the site and in a manner that limits interference with other vehicular traffic to the satisfaction of the Responsible Authority.

External lighting of the areas set aside for car parking, access lanes and driveways must be designed, baffled and located to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.

Vehicle Crossings

20. 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. All redundant crossings must be removed, and the footpath 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

21. Prior to the occupation of the development, 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.

Urban Art Plan

22. Within 180 days of the development starting, an urban art plan in accordance with Council's Urban Art Strategy must be submitted to the satisfaction of the Responsible Authority. When the Urban Art Plan is approved, it will become an endorsed plan forming part of this Permit. 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 Installation

23. Urban Art in accordance with the approved plan must be installed prior to the occupation of the building to the satisfaction of the Responsible Authority.

Car Parking and Bicycle Parking Layout

24. Before the use or occupation of the development starts, the area(s) set aside for the parking of vehicles and bicycles and access lanes as shown on the endorsed plans must be:

- (a) Constructed.

- (b) Properly formed to such levels that may be used in accordance with the plans.
- (c) Surfaced with an all-weather surface or seal coat (as appropriate).
- (d) Drained and maintained.
- (e) Line marked to indicate each car space, visitor space, bicycle space, loading bay and/or access lane.
- (f) Clearly marked to show the direction of traffic along access land and driveways.

All to the satisfaction of the Responsible Authority.

Acoustic assessment

- 25. All base building mechanical plant on the Subject Land must be assessed by a suitably qualified acoustic consultant prior to occupation of development to ensure that noise impacts are managed to comply with the Noise Protocol at all on-site and off-site sensitive uses.
- 26. The roof top plant and services 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

Piping, Ducting, Service Units

- 27. All service pipes/service units (excluding down pipes, guttering and rainwater heads) must be concealed from view from the public realm and any screening devices suitably integrated into the design of the building to the satisfaction of the Responsible Authority.

Lighting baffled

- 28. All lighting of external areas must be suitably baffled so as not to cause nuisance or annoyance to nearby residential properties.

Glare

- 29. Specular light reflectance must be less than 15 per cent for all external building glazing and cladding materials and finishes when measured at an angle of 90 degrees to the surface of the material (normal incidence), except with the written consent of the responsible authority.

Satisfactory Continuation and Completion

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

Time for Starting and Completion

- 31. This permit will expire if one of the following circumstances applies:
 - (a) The development is not started within three (3) years of the date of this permit.
 - (b) The development is not completed within six (6) years of the date of this permit.
 - (c) The use is not commenced within two (2) years of the completion of the development.

The Responsible Authority may extend the periods referred to if a request is made in writing:

- before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started; and
- within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.