



PLANNING PERMIT

Application Number: **PDPL/00817/2022**

Planning Scheme: **Port Phillip**

Responsible Authority: **City of Port Phillip**

ADDRESS OF THE LAND:

146-150 Bridport Street ALBERT PARK VIC 3206

THE PERMIT ALLOWS:

In accordance with the endorsed plans:

- The partial demolition and construction of a multi-storey building over two (2) basement levels within the Heritage Overlay (HO443) and comprising a restaurant (as-of-right); the use of the land for accommodation with a ground floor frontage exceeding 2 metres in width; a reduction in the number of car parking spaces required under clause 52.06-5 for the restaurant and a reduction in the bicycle requirements of clause 52.34.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended Plans Required

1. Before the use and/or 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 and dimensioned. The plans must be generally in accordance with the amended plans by Cera Stribley Revision C dated September 2023, but modified to show:
 - a) The deletion of Level 4.
 - b) Alteration of the materials colour palette to warmer tones.
 - c) The material for the screening to the balcony associated with dwelling 102.
 - d) The 'non-heritage shopfront to be demolished' annotation on TP.0302 deleted and specific items detailed in accordance with the Schedule of Conservation Works at Condition 5.
 - e) If feasible, having regard to any relevant engineering and authority requirements, the relocation of the fire booster cupboard from shop 150 to the rear of the building and integrated into the fencing along Bevan Street.
 - f) The location of a mailroom.

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- g) 'Food and beverage' notation deleted and replaced with 'restaurant'.
- h) Shower and changeroom facilities for restaurant employees in accordance with Clause 52.34-5.
- i) Bicycle signage as required by Clause 52.34-7.
- j) All columns within each basement to be clearly annotated to comply with AS2890.1.
- k) A notation that new on-street parking area parallel to the Bevan Street title boundary is to be signposted as 1P and include the same day/time restrictions to match those current parking restrictions in this section of Bevan Street.
- l) All grades, length of grades, and intermediate levels along the internal edge of the main ramp in accordance with AS2890.1.
- m) The northern boundary fence identified on the ground floor plan consistent with the north elevation.
- n) The design of the terrace gates to Bevan Street, as depicted in the north elevation, to allow for some visual permeability to the street.
- o) The fluted glass in west facing habitable room windows to be no more than 25% transparent.
- p) Urban Art in accordance with Condition 4.
- q) Any changes required by Condition 5 Schedule of Conservation Works.
- r) Any changes required by Condition 6 Waste Management Plan.
- s) Any changes required by Condition 7 Sustainable Management Plan.
- t) Any changes required by Condition 12 Landscape Plan.

No Alterations - use and development

- 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.

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No alterations - external materials

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

Urban Art

4. Before the occupation of the development allowed by this permit, 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 plan must be installed prior to the occupation of the building to the satisfaction of the Responsible Authority.

Schedule of Conservation Works

5. Prior to the any demolition and endorsement of plans under Condition 1 of this permit, an amended Schedule of Conservation Works based on the report prepared by Bryce Raworth dated 28 August 2023 and the amended plans by Cera Stribley Revision C dated September 2023, must be submitted to and approved by the Responsible Authority. When approved, the Schedule of Conservation Works will be endorsed and will form part of the permit. The amended Schedule of Conservation Works must:
- a) Revise the South Elevation – Proposed CWS 1.3 (Rev B) plan to align with the Cera Stribley (Rev C) architectural plans dated September 2023 modified in accordance with Condition 1.
 - b) Detail the proposed methodology for paint removal.
 - c) Detail the extent of render repair required and any proposed applied finish (skim coat, limewash or mineral silicate paint to the external walls).
 - d) Detail a historically appropriate colour scheme for the existing building.

Shop 146

- a) Delete all reference to option B at 4.6;
- b) Detail the proposed treatment of the reconstructed verandah at shop 146; and
- c) Specify items to be demolished, salvaged and retained to the shopfront.

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Shop 148

- a) Specify items to be demolished, salvaged and retained to the shopfront.

Shop 150

- a) Investigate whether the original tiling to the floor of the ingo is still extant below the concrete of the splayed doorway and if applicable, provide an assessment of its restoration.
- b) Delete reference to 'salvage and retain granite from No 150 shopfront for reuse'.
- c) Detail the proposed entrance treatment to shop 150; and
- d) Specify items to be demolished, salvaged and retained to the shopfront.

Reconstruction of verandah and conservation works

- a) Provide further details of:
 - i. the works required to the existing roof and flashing;
 - ii. the works, including specific items to be demolished, salvaged and retained to each shop front;
 - iii. the works to the verandah, including like-for-like replacement of the steel verandah battens; and
 - iv. reinstatement of urns or orbs to the balustrade and/or parapet.

Once approved by the Responsible Authority, all buildings and works must be in accordance with the demolition method statement.

Waste Management Plan

- 6. Prior to the endorsement of plans under Condition 1 of this permit, an amended Waste Management Plan based on the report prepared by OneMileGrid, dated 14 September 2023 must be submitted to, approved by and be to the satisfaction of the Responsible Authority. When approved, the report will be endorsed and will then form part of the permit.

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The report must be amended to detail:

- a) Any relevant Condition 1 changes and requirements.
- b) Specify the number of floors specified within the development.
- c) Provide a wash down area to each waste room.
- d) The provision of storm water pollution prevention.
- e) The provision of an electronic waste (e-waste) recycling bin / skip.
- f) Include scaled waste management drawings.

Once submitted and approved, the waste management plan must be carried out to the satisfaction of the Responsible Authority.

Sustainable Management Plan (SMP)

7. Prior to the endorsement of plans under Condition 1 of this permit, an amended Sustainable Management Plan (SMP) based on the report prepared by GIW Environmental Solutions, Revision D, dated 14 September 2023 must be submitted to and approved by the Responsible Authority. The report must be amended to:

- a) All condition 1 changes where relevant.
- b) All reports and assessment tools to be published and finalised so as to not be in draft form.

Incorporation of Sustainable Design

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

Implementation of Sustainable Design

9. 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 SMP and WSUD report have been implemented in accordance with the approved plans to the satisfaction of the Responsible Authority. The SMP and WSUD initiatives must be maintained throughout the operational life of the development to the Satisfaction of the Responsible Authority.

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Incorporation of Water Sensitive Urban Design (WSUD) Initiatives

10. Prior to occupation of the development approved under this permit, the project must fully implement the water sensitive urban design initiatives listed in the SMP to the satisfaction of the Responsible Authority. These initiatives must be maintained throughout the operational life of the development to the satisfaction of the Responsible Authority.

Maintenance manual for Water Sensitive Urban Design (WSUD) Initiatives

11. Before the occupation of the development approved under this permit, a Maintenance Manual for Water Sensitive Urban Design Initiatives must be submitted to and approved by the Responsible Authority. The manual must set out future operational and maintenance arrangements for all WSUD (stormwater management) measures. The program must include, but is not limited to:

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

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

Landscape Plan

12. Concurrent with the endorsement of plans under Condition 1 of this permit, an amended Landscape Plans based on the Plans prepared by Myles Baldwin Design, Issue A, dated 14 September 2023 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 Plan must incorporate:

- a) All condition 1 changes.
- b) Planter dimension, depth and volume notated.
- c) Details of access to planter boxes and a maintenance schedule.
- d) Water Efficient Landscaping as claimed in the SDA and BESS report at Condition 8.
- e) Water Sensitive Urban Design treatments as claimed in the SDA and BESS report at condition 8.

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- f) Level 1 and 2 plans updated to match Condition 1 plans.

All to the satisfaction of the Responsible Authority.

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.

Site Management Water Sensitive Urban Design

15. 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.
- 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.

Car Parking and bicycle parking layout

16. 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;

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- c) Surfaced with an all-weather surface or seal coat (as appropriate);
- d) Drained and maintained;
- e) Line marked, as appropriate, to indicate each car space, visitor space, bicycle space, loading bay and/or access lane; and
- f) Clearly marked to show the direction of traffic along access land and driveways.

All to the satisfaction of the Responsible Authority.

On-Site Bicycle Parking

17. Before the development is occupied, bicycle racks must be provided on the land to the satisfaction of the Responsible Authority.

Parking and Loading Areas

18. 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

19. 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

20. 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.

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Street Tree Protection

21. Tree Protection Fencing is to be established around the trees parallel to the Bevan Street boundary.

- a) 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.
- b) No excavation, construction activity, grade changes, surface treatment or storage of materials of any kind is permitted within the Tree Protection Zone without the prior written consent of the Responsible Authority.

Walls on or facing the boundary

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

No Equipment or Services

23. Any plant, equipment or domestic services 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.

Piping and ducting

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

EPA noise guidelines

25. 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.

Ongoing Involvement of the Architect

26. The applicant must retain Cera Stribley (or a suitably qualified firm), to complete the design and provide architectural oversight of the delivery of the detailed design as shown in the endorsed plans and endorsed schedule of materials and finishes during construction except with the prior written approval of the Responsible Authority.

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Time for Starting and Completion

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

- a) The development is not started within four (4) years of the date of this permit.
- b) The development is not completed within two (2) years of the date of commencement of works.

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

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

PERMIT NOTES

- The new on-street parking area within Bevan Street as part of the crossover works is to be signed posted as 1P at the same days/times to match the parking restrictions in the street.
- A vehicle crossing permit must be obtained from Council's City Permits Unit prior to the carrying out of any vehicle crossing works.
- This Planning Permit represents the Planning approval for the development of the land. Side and rear boundary fences do not form part of this Planning approval. All matters relating to the boundary fences shall be in accordance with the provisions of the Fences Act 1968.
- Before the development starts (including demolition) an Asset Protection Permit must be obtained from Council's City Permits Unit.
- All construction activities associated with the development must comply with the requirements of Council's Community Amenity Local Law 2023.

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IMPORTANT INFORMATION ABOUT THIS NOTICE

WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit at the direction of the Victorian Civil & Administrative Tribunal.

(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the *Planning and Environment Act 1987*)

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 years of the certification of the plan of subdivision or consolidation under the *Subdivision Act 1988*.

2. A permit for the use of land expires if:-

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

4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the *Planning and Environment Act 1987*, or to any combination of use, development or any of those circumstances requires the certification of a plan under the *Subdivision Act 1988*, unless the permit contains a different provision –



IMPORTANT INFORMATION ABOUT THIS NOTICE

- the use or development of any stage is to be taken to have started when the plan is certified; and
 - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review 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.
- 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.
- A copy of 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 Victorian Civil and Administrative Tribunal of the permit.

Sch. 1 Form 5 amended by S.R. No. 111/2020 reg. 5(1)
Planning and Environment Regulations 2015

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.

The layout of the site and the size, levels, design, and location of buildings and works shown on the endorsed plans associated with the planning permit must not be modified for any reason without the prior written consent of the Responsible Authority (Council).

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 with 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.

➤ Please turn over for more information.

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 1.7 metres 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

Domestic services shown on the endorsed plans form part of your planning permit, including any proposed screening, and must not be altered without the written consent of the Responsible Authority unless otherwise permitted by the planning permit.

If the associated land being developed is covered by a heritage overlay, domestic services including air conditioners, solar panels, heaters, and hot water services require planning approval if visible from a street (front, back or side) or public park.

Please note a further 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.

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 Street, St Kilda, Victoria, 3182
Ph: 03 9209 6293

Email: helpplanningcompliance@portphillip.vic.gov.au

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