

## **1 Introduction**

This document is incorporated into the Port Phillip Planning Scheme pursuant to Section 6 (2)(j) of the Planning & Environment Act 1987. It came into operation on the date of approval of Amendment L34 to the St Kilda Planning Scheme.

This document includes specific controls related to Clauses 37.01 and 81 of the Port Phillip Planning Scheme for the Sea Baths leasehold, forming part of Allotment 102, and land adjoining the north and north west boundaries of the leasehold within the Recreation Reserve, City of Port Phillip, Parish of South Melbourne, County of Bourke, Jacka Boulevard, St Kilda.

## **2 Conditions of use and development**

The following conditions apply to the development and use of the land:

1. All buildings and works which are proposed to be demolished, removed or altered externally by structural work, painting, plastering or in any other way must be approved by the responsible authority.
2. The land may be used and developed for the purpose of a health and fitness centre incorporating heated sea baths as a primary activity; a 25 metre (minimum length) swimming pool; saunas; steam baths; gymnasiums; health and beauty therapy centre; sports medicine centre; multi-purpose activity room which includes the sale and disposal of liquor for consumption in that area; drinking and/or eating areas (including liquor); take-away food facilities; entertainment; tourist, beach and health-related retailing; administrative and maintenance facilities; other special events; a car park; and landscaping if the following conditions are met:
  - 2.1 The development allowed under this consent notice must provide for -
    - clear views of the beach from the centre;
    - views of activities within the centre from the beach; and
    - direct access to and from the beach for users of the centre.
  - 2.2 The development allowed under this consent notice must be undertaken within the existing building site envelope boundary unless otherwise specified under this consent.
  - 2.3 Any special event must be approved in writing prior to the event by the responsible authority.
  - 2.4 The height of any buildings or works allowed under this consent notice must not exceed the height of the existing external wall, the height of which shall be determined as the highest point above the natural surface level at the mid-point of the wall between the two towers. The south west

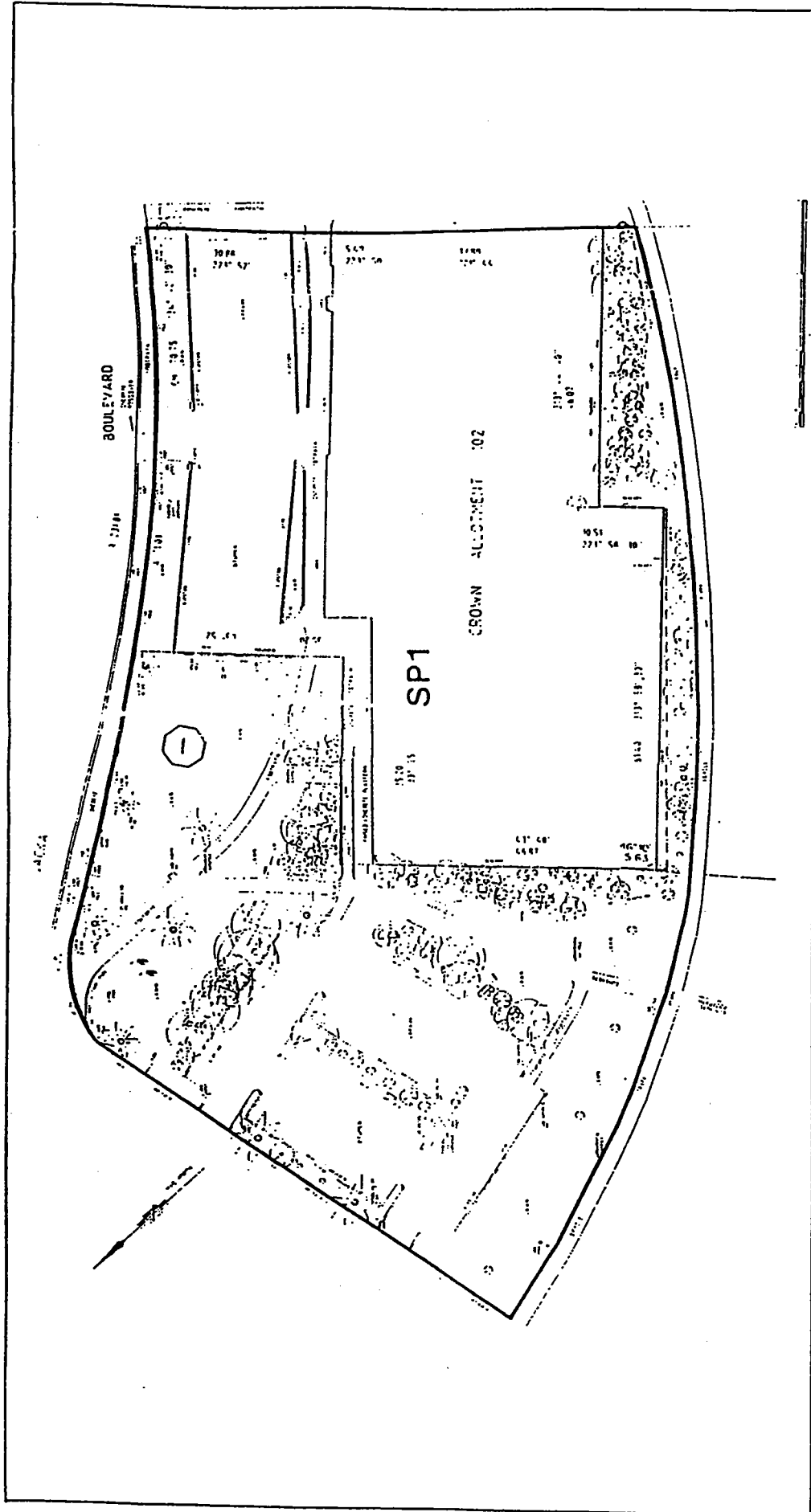
elevation, roof structures and architectural features may exceed that height provided that such structures and features are to the satisfaction of the responsible authority.

- 2.5 The towers, the arcaded structure between the towers and the decorated portion of the southern perimeter wall adjoining the southern tower must be conserved and maintained in accordance with the requirements of the responsible authority and the terms and conditions of any lease or licence with the Department of Natural Resources and Environment.
- 2.6 Prior to the commencement of the development allowed by this consent notice, a development plan drawn to scale showing the details of the development must be prepared to the satisfaction of the responsible authority as evidenced by the endorsement of the responsible authority.
- 2.7 The development plan must show:
- all proposed demolition, removal or alteration of any buildings or works;
  - the proposed uses in accordance with Condition 2 within the building and their location including ancillary services, maintenance rooms and facilities;
  - the layout and elevations of all existing and proposed buildings and works including fencing, signage, landscaping and lighting and any proposed works on land adjacent to the leasehold;
  - details of the external appearance of proposed buildings and works including a schedule of materials, colours and finishes;
  - the layout of car parking on land adjacent to the leasehold including the number and size of spaces and access aisles;
  - the location of loading and unloading and trade waste facilities;
  - information relating to the numbers of existing and any proposed staff;
  - information relating to proposed liquor licensing arrangements; and
  - a staging plan with target dates for the completion of each stage if the development is to be constructed in stages.
- 2.8 The development plan and associated material relating to the development and use of the land must be approved by the Department of Natural Resources and Environment prior to a determination by the responsible authority.
- 2.9 The courtyard identified on the development plan is an open area which caters for recreational and entertainment uses and drinking and/or eating. The nature of the courtyard is its ever-changing activities and festive market atmosphere. Examples of activities include (but are not limited to) food carts; wheelbarrows; trolleys with colourful canopies; novelties coinciding with particular festivals or celebrations; clowns; roaming magicians; and musicians.
- 2.10 Food is to be available in the drinking and/or eating areas at all times that liquor can be consumed.

- 2.11 The operation of the drinking and/or eating areas is to be consistent with the continental/cosmopolitan atmosphere outlined in the developer's submission whereby families and adult groups can socialise in an un-intimidating environment. The eating and/or drinking areas shall be managed in such a way that patrons will be encouraged to generally remain seated whilst eating and/or drinking. It is recognised that there will be occasions when seating will be removed for particular functions.
- 2.12 Plans and associated material relating to the intake and discharge of sea water must be submitted to the responsible authority and must be in accordance with the requirements of the Environment Protection Authority.
- 2.13 Access to the ground floor of the building and the internal layout of the building shall be designed and constructed to ensure ease of use by disabled persons to the satisfaction of the responsible authority.
- 2.14 Upon completion of the building works allowed under this consent notice, the area between Jacka Boulevard and the leasehold boundary shall be landscaped to the satisfaction of the responsible authority.
- 2.15 The area set aside for landscaping on the endorsed development plan including any works adjacent to the leasehold shall be planted to the satisfaction of the responsible authority.
- 2.16 All landscaped areas within the leasehold boundary shall be maintained to the satisfaction of the responsible authority.
- 2.17 No goods under the control of the operator of any use or development allowed under this consent notice shall be stored or left exposed outside the building so as to be visible from any public road or thoroughfare or allowed to remain in view of the public and no odour shall be emitted from any receptacle so as to cause offence to persons off the site.
- 2.18 The location, size, material, construction and form of any advertising sign must be submitted to and approved by the responsible authority prior to its construction and must be located wholly within the site boundary. Any sign approved by the responsible authority shall be maintained in a condition satisfactory to the responsible authority.
- 2.19 All lighting used to externally illuminate building, works and uses shall be to the satisfaction of the responsible authority and shall be fitted with cut-off luminaries (baffles) so as to prevent the emission of direct and indirect light onto adjoining roadways, land and premises.
- 2.20 No part of the use allowed under this consent notice shall be carried on outside the building without the prior written consent of the responsible authority.
- 2.21 The uses allowed under this consent notice shall operate only between the hours of 5:30 am and 1:00 am. Any extension of those hours may be considered and approved by the responsible authority in writing.

- 2.22 The noise level emanating from the subject land shall be restricted to the levels specified in the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 and (Control of Music Noise from Public Premises) No. N-2 or any other guideline or policy prepared by the Environment Protection Authority relating to this site that may from time to time apply to the uses allowed under this consent notice.
- 2.23 Any proposed development or use which involves the consumption or sale of alcohol must be referred to the Liquor Licensing Commission and must comply with the requirements of the Liquor Control Act (1987).
- 2.24 The use or development allowed under this consent notice shall not cause injury to or prejudicially affect the amenity of the locality by reason of the transportation of materials, goods and commodities to and from the premises or by reason of the appearance of any building, works or materials or by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or the presence of vermin or otherwise.
- 2.25 There shall be on the premises at all times whilst the premises are used for any purpose allowed under this consent notice, a person above the age of 18 years responsible for the good conduct of persons resorting to the premises (hereinafter referred to as 'the Manager').
- 2.26 The Manager of the premises shall use his/her best endeavours to ensure that the uses allowed under this consent notice do not cause injury to or prejudicially affect the amenity of the locality by reason of the activities carried on, or by reason of the emission of noise or by the behaviour of patrons or otherwise.
- 2.27 Upon completion of the building works allowed under this consent notice, a minimum of 120 car spaces shall be provided on land adjoining the north west boundary of the leasehold to the satisfaction of the Responsible authority. Three spaces having minimum widths of 3.6 metres shall be made available for the exclusive use of disabled persons or persons using perambulators.
- 2.28 The car parking area shall be formed to levels, constructed, drained, laid out and linemarked to the satisfaction of the responsible authority.
- 2.29 The car parking area shall be used for no other purpose without the approval of the responsible authority.
- 2.30 Bicycle racks to accommodate a minimum of 20 bicycles shall be designed, constructed and located to the satisfaction of the responsible authority.
- 2.31 Building materials used for any new buildings or works must be appropriate to the site and its location and be to the satisfaction of the responsible authority.

- 2.32 The development allowed under this consent notice shall be completed by 23 December 1996, unless alternative staging arrangements have been made to the satisfaction of the responsible authority.
- 2.33 The use and development allowed under this consent notice shall after it is commenced be continued to the satisfaction of the Responsible authority.
- 3 The land must not be used or developed except in accordance with this consent notice.
- 4 If the land is not used or developed in accordance with the conditions of this consent notice, the responsible authority has the right to enforce any breach of any condition.



LOGGED MAP

AMENDMENT L12



I certify that this is a true copy of the Amendment approved by the Minister of Planning and Environment.

*[Signature]*  
 10/10/02

LEGEND

SPECIFIED AREA No. 1 SP1