Planning and Environment
Interim Regulations 2026

Form 9

Regulation 43

PLANNING PERMIT GRANTED UNDER SECTION 96I OF THE PLANNING AND ENVIRONMENT ACT 1987

Permit No.:	PA2503985
Planning Scheme:	Port Phillip Planning Scheme
Responsible authority:	Minister for Planning
ADDRESS OF THE LAND:	2-8 Carlisle Street, 3 Albert Street and 3-9 Havelock Street, St Kilda

THE PERMIT ALLOWS:

Planning scheme clause	Matter for which the permit has been granted
32.08-2	Use of the land for a residential hotel
32.08-2	Use of the land for a food and drink premises
32.08-10	Construct a building or carry out works associated with a section 2 use
43.01-1	Demolish or remove a building.
43.01-1	Construct a building or construct or carry out works, externally alter a building in a Heritage Overlay
44.05-2	Construct a building or construct or carry out works
52.37	Remove a boundary canopy tree

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Date issued: 1 October 2026

Date permit comes into operation: The permit comes into operation on the same day as the amendment to which the permit applies comes into operation

Signature for the responsible authority:



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Compliance with documents approved under this permit

1. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.

Commencement

2. This permit will operate from the issued date of this permit.

Approved and Endorsed Plans – changes required

2. Before the use and development starts, including demolition, excavation, piling, site preparation works plans must be approved and endorsed by the responsible authority. The plans must be prepared to the satisfaction of the responsible authority, be drawn to scale with dimensions, be generally in accordance with the plans prepared by Techne Architecture, dated 4 February 2026, Revision F, but amended to show the following details:

   a) Appropriate measures to preclude direct overlooking into the secluded private open space or habitable windows of 5 Albert Street.

   b) The deletion of the third level (top floor) of the loft suite in the north-east corner on Havelock Street resulting in the removal of the upper level of one (1) loft suite, and the lower level of that loft suite to be redesigned as a single-level suite.

   c) The car parking layout of Basement Level 1 redesigned to comply with the design standards and dimensions of Clause 52.06-9 (Car parking) of the Port Phillip Planning Scheme.

   d) A landscape barrier or screen barrier between the roof deck area associated with the wellbeing centre and the bar terrace to restrict access between these outdoor spaces to ensure that the terrace associated with the wellbeing centre cannot be accessed by patrons of the bar terrace.

   e) The eastern ground level internal courtyard labelled as inaccessible to staff or patrons of the hotel, function rooms and food and drinks premises.

   f) Entry and exit points between the rooftop bar and terrace.

   g) A minimum 1.8 metre solid imperforate barrier shown on the rooftop terrace area in accordance with the approved Acoustic Report.

   h) Relocation of 4 of the 7 floor mounted bicycle hoops on the Havelock Street frontage to a location visible from the Albert Street frontage, and the adjacent deep soil landscape area in Havelock Street extended to the property boundary and landscaped.

   i) The initiatives outlined within the approved Sustainability Management Plan annotated on all plans and elevations, wherever possible and practical.

   j) The initiatives outlined within the approved Acoustic Report annotated on all plans and elevations, wherever possible and practical.

   k) Any changes required by the approved Conservation Management Plan.

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l) Any changes required by the approved Stormwater Management Strategy.

m) Any changes required by the approved Waste Management Plan.

n) Any changes required to comply with Melbourne Water conditions.

Layout Not Altered

3. The use and development as shown on the endorsed plans must not be altered (unless the Port Phillip Planning Scheme specifies that a permit is not required) without the prior written consent of the responsible authority.

Recording before demolition

4. Before the use and development starts, including demolition, excavation, piling, site preparation, an annotated photographic study and detailed plans must be submitted to the responsible authority. The study must be prepared by a suitably qualified person, and must include the following details:

   a) A record of the retained heritage buildings at 5 and 9 Havelock Street, St Kilda

   b) Detail elevations of both buildings;

   c) All key architectural design details of each building including, but not limited to, cast iron and verandah posts, windows, and architrave profiles);

   d) A statement prepared by an architectural historian describing and explaining both the design and construction of the building and the photographs.

Conservation Management Plan

5. Before the use and development starts, including demolition, excavation, piling, site preparation, a conservation management plan must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will form part of the permit. The plan must be prepared by a suitably qualified person, and must include the following details:

   a) Identification of the buildings at 5 and 9 Havelock Street, St Kilda being retained.

   b) Identification of the buildings and works to be conserved.

   c) Fully describe and clearly demonstrate the methods of dismantling of the heritage fabric, restoration and repair.

   d) Fully describe the subsequent reconstruction of the buildings and credible construction methods such that the heritage fabric is reinstated accurately.

   e) Include references to the staging of demolition and reconstruction works on the site.

   f) Details the necessary protection works required during the demolition works to protect those parts of the building to be retained.

   g) Detail the necessary conservation methods for protection of materials during storage.

The works details in the approved conservation management plan must be completed before the use approved by this permit commences, to the satisfaction of the responsible authority.

Stormwater Management Plan

6. Before the development starts, including demolition, bulk excavation and site preparation works, a stormwater management plan must be approved and endorsed by the responsible authority in consultation with Port Phillip City Council. The stormwater management plan must be prepared to the satisfaction of the responsible authority, and must:
   a) Include details of the relocation of the current stormwater pipe that traverses the site, to the satisfaction of Port Phillip City Council.
   b) Include details of the proposed stormwater management system, including drainage works and retention, detention and discharges of stormwater to the drainage system, consistent with aspects of the approved Sustainability Management Plan, as it results to stormwater management and water sensitive urban design.
   c) Set out how the stormwater management system will be managed on an ongoing basis.
   d) Demonstrate how all relevant standards set out in the planning scheme relating to stormwater management will meet the objectives in the planning scheme, including modelling and calculations, as appropriate.

Landscape Plans

7. Concurrent with the endorsement of plans, a landscape plan must be approved and endorsed by the responsible authority. When approved, the Landscape Plan will be endorsed and will then form part of the permit. The landscape plan must be generally in accordance with the landscape concept plan prepared by RDLA, Revision B, dated 4 March 2025, but modified to show:
   a) Increased density of tree planting within the deep soil zones;
   b) Provision of low-level external lighting/bollards;
   c) Layout of landscaping and planting, and location of paths, courtyards and decks, consistent with the approved plans;
   d) Layout of landscaping and planting within all open space areas of the subject land, and within all upper-floor areas shown as ‘Landscape’ consistent with the approved plans;
   e) Details of surface finishes of pathways, decks, courtyards, and driveways;
   f) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
   g) Planter height, width, depth, and soil volume details, and confirmation the planters are of sufficient size to accommodate the plants they are proposed to accommodate;
   h) Confirmation that the landscaping does not involve any noxious weeds or invasive species.

Completion of Landscaping

8. Before the development is occupied, the landscaping shown on the approved landscape plan must be carried out and completed to the satisfaction of Port Phillip City Council.

Landscaping maintenance

9. At all times the landscaping shown on the approved landscape plan must be maintained (including the replacement of any dead, diseased or damaged plants) to the satisfaction of the Port Phillip City Council.

Tree Protection Management Plan

10. Concurrent with the endorsement of plans, a Tree Protection Management Plan (TPMP) must be submitted to and approved by the responsible authority. The TPMP must be prepared to the satisfaction of the responsible authority and must:

    a) Be prepared by a suitably qualified person;

    b) Include the following:

        i. Measures to ensure the protection of all trees identified for retention, determined in accordance with Australian Standard AS4970-2009 - Protection of Trees on Development Sites

        ii. The location of tree protection zones (TPZ) and tree protection fencing for trees identified for retention, generally in accordance with the Arborist Report prepared by Constructive Arboriculture, dated November 2025, on a plan that is drawn to scale with dimensions. The plan must address the retention of Street Trees 3, 4, and 5.

Tree Protection Management Plan

11. Before the development starts, including demolition, bulk excavation and site preparation works, a tree protection fence must be erected around the trees identified for retention and protection, at a minimum radius from the base of the trunks to define a TPZ in accordance with the endorsed TPMP.

12. The tree protection fencing and TPZ must be established and maintained in accordance with the following requirements to the satisfaction of Port Phillip City Council:

    a) the tree protection fence must be constructed of a material to form a physical and visual barrier that is continuous and will prevent access.

    b) the tree protection fence must remain in place until the development is completed.

    c) the TPZ must be covered by a 100mm deep layer of mulch and watered regularly.

Acoustic Report

13. Concurrent with the endorsement of plans, an acoustic report must be approved and endorsed by the responsible authority. The acoustic report must be generally in accordance with the Acoustic Report prepared by Acoustic Logic, Revision 1, dated 16 December 2025. The

recommendations of the approved acoustic report must be implemented to the satisfaction of the responsible authority.

Sustainability Management Plan

14. Concurrent with the endorsement of plans, a Sustainability Management Plan (SMP) must be submitted to and approved by the responsible authority. When approved, the SMP will be endorsed and will then form part of the permit. The SMP must be generally in accordance with the SMP prepared by WSP, Revision 3, dated 22 July 2025, but modified to show:
    a) A BESS Report, incorporated as an appendix to the report, and achieving at minimum best practice and pass scores in mandatory categories;
    b) A Water Sensitive Urban Design (WSUD) catchment plan which shows all permeable and impermeable surfaces, and associated catchment areas in accordance with the submitted STORM Rating Report (or if amendments are made a revised stormwater management report i.e. Blue Factor or MUSIC);
    c) Energy assessment provided under National Construction Code 2022 (NCC 2022)
    d) Daylight modelling to support compliance with IEQ – 1.1 – Living Areas and 1.2 Daylight Access – Bedrooms requirements within the BESS Report.

Implementation of ESD Statement Initiatives

15. Before the development is occupied, a report from the author of the endorsed report must be submitted to and approved by the responsible authority. The report must outline how the design initiatives implemented within the completed development achieve the performance outcomes specified in the endorsed report, to the satisfaction of the responsible authority.

Waste Management Plan

16. Concurrent with the endorsement of plans, a Waste Management Plan (WMP) must be approved and endorsed by the responsible authority in consultation with Port Phillip City Council. The WMP must be generally in accordance with the WMP prepared by onemilegrid, dated 4 March 2025, but modified to show:
    a) A restaurant waste generation rate used for the restaurant/café use;
    b) The following waste generation rate used for the bar use:
        i. General waste – 50L per 10m2 per day;
        ii. Recycling – 50L per 100m2 per day.
    c) A maximum organic bin size of 240L;
    d) A minimum 1.5 metre door and corridor width for areas where 660L or 1100L bins are required to be moved;
    e) Details of the washdown area for bins, including location, and provision of any taps or drains;

f) Details of the role of building management in the management of waste and resource recovery;

g) Details of where hard waste will be stored;

h) No more than three collections per waste stream per week;

i) A scaled waste management drawing, including details of:

   i. The hard waste storage area and bin washing facilities;

   ii. Transfer paths of waste from the hotel to the waste storage area;

   iii. The transfer path of hard waste if hard waste is located in a different location from the bin storage area.

Waste Management

17. The approved WMP must be implemented and complied with to the satisfaction of the Port Phillip City Council and must not be varied except with the prior written consent of Port Phillip City Council and the responsible authority.

18. All garbage and other waste material must be stored in an area within the land and set aside for such purpose to the satisfaction of Port Philip City Council.

19. No garbage bin or surplus material generated by the site may be deposited or stored outside the site and bins must be returned to the garbage store areas as soon as practicable after garage collection to the satisfaction of Port Phillip City Council.

Waste Collection

20. Waste collection must only take place between 7.00 am and 6.00 pm Monday to Saturday. There must be no waste collection on Sundays or outside of these hours without the written consent of the responsible authority.

Traffic and Parking Management Plan

21. Concurrent with the endorsement of plans, a traffic and parking management plan must be approved and endorsed by the responsible authority. The traffic and parking management plan must be prepared to the satisfaction of the responsible authority, and show:

    a) Any changes required by the approved plans.

    b) Detail of how the approved on-site car and bicycle parking facilities will be operated, allocated, and managed.

    c) Detail regarding access control measures in place for the car park.

22. The car parking spaces approved as part of this development must only be used in association with the approved uses on the land and must not be publicly available for other uses, either by fee, leasehold or sale, to the satisfaction of Port Phillip City Council.

Car Park Construction

23. Before the use commences, the areas set aside for the parking of vehicles and bicycles, and access lanes for the stage as shown on the endorsed plans must be:
    a) constructed;
    b) properly formed to such levels that they can be used in accordance with the plans;
    c) surfaced with an all-weather-seal coat;
    d) drained;
    e) line marked to indicate each car space and all access lanes; and
    f) clearly marked to show the direction of traffic along access lanes and driveways,

    to the satisfaction of the responsible authority.

24. At all times car spaces, access lanes and driveways must be kept available for these purposes. Once constructed, these areas must be maintained to the satisfaction of the responsible authority.

Loading and Unloading

25. The loading and unloading of goods from vehicles must only be carried out on the land within designated loading bays or within the basement levels, and must not disrupt the circulation and parking of vehicles on the land, to the satisfaction of the Port Phillip City Council.
26. Deliveries to and from the site must only take place between 7am and 10pm each day. The responsible authority may consent in writing to vary this requirement.

Green Travel Plan

27. Concurrent with the endorsement of plans, a Green Travel Plan (GTP) must be submitted to and approved by the responsible authority. When approved, the GTP will be endorsed and will form part of this permit. The GTP must be prepared to the satisfaction of the responsible authority, and must:
    a) outline the provisions, recommendations and requirements to promote the use of sustainable transport options.

Hours of Operation

28. The food and drink premises use may only operate between the hours of 5am to 1am (of the following day) between Monday to Sunday.
29. The residential hotel (function rooms) use may only operate between the hours of 7am to 1am (of the following day) between Monday to Sunday.
30. The residential hotel (rooftop bar and terrace) use may only operate between the hours of 7am to 10pm between Monday to Sunday.

Date issued: 1 October 2026

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Signature for the responsible authority:



31. The responsible authority may consent in writing to vary these requirements.

Regulation of rooftop bar and terrace

32. The residential hotel (rooftop bar and terrace) use may accommodate no more than 200 patrons, at any one time.
33. Music played within the rooftop terrace must be limited to background music only at approximately 70 dB(A) sound pressure level. Final music noise must be set to ensure 'EPA Publication 1826.4 Noise Protocol Part 2' criteria is achieved.
34. Beyond 10pm, any windows or openings onto the rooftop terrace must be closed to operate as an acoustic barrier.
35. Roof plant equipment must be acoustically treated to ensure compliance with EPA Publication 1826.4 Noise Protocol Part 1 criteria is achieved.

Plant/Equipment or Features on Roof

36. No plant, equipment, services or architectural features other than those shown on the approved plans are permitted above the roof level of the buildings.

Construction Management Water Sensitive Urban Design

37. Throughout the construction of the buildings 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 to be 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 waste or gross pollutants in accordance with currently accepted best practice.

Vehicle Crossings – Removal

38. Before the use starts, all existing disused or redundant vehicle crossings must be removed and the nature strip and kerb and channel reinstated to the satisfaction of Port Phillip City Council at the cost of the permit holder.

Hotel Management Plan

39. Before the use starts, a Hotel Management Plan (HMP) to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority, in consultation with

Port Phillip City Council. When approved, the HMP will be endorsed and will form part of this permit. The HMP must include or show, but is not limited to, the following:

a) Responsibilities of the General or Duty Manager, and detailing they will be onsite at all times, providing immediate oversight of security, noise issues, maintenance and actioning of any complaints.

b) CCTV surveillance provided across the premises at all times.

c) Reception/concierge operating hours.

d) Hours of operation for the food and drinks premises, rooftop bar, rooftop terrace and function centre areas, and how these areas will be managed to protect neighbouring amenity.

e) Patron numbers for the rooftop bar and rooftop terrace.

f) Staffing/management arrangements including any measures necessary for supporting the efficient operation of regular and/or frequent loading and deliveries such as waste collection and laundry services, and to ensure the orderly arrival and departure of guests of the residential hotel and patrons of the food and drinks premises and bar.

g) Provision for ‘after hours’ hotel arrivals and departures.

h) Security arrangements, which comply with condition 46.

i) The training of staff in the management of patron behaviour.

j) Ongoing measures to be taken to ensure residential hotel guests and restaurant/café and bar patrons do not cause any unreasonable amenity impact to persons beyond the land;

k) Establishment of a line of communication with adjoining property owners and occupiers aimed at identifying and addressing amenity concerns.

l) A Patron Management Plan that addresses matters including:

    i. Security arrangements.

    ii. Queuing arrangements.

    iii. Complaints handling process that must include a Complaints Register to be kept at the premises which records details of the complaint received, any action taken and the response provided to the complainant.

    iv. Signage used to encourage responsible off-site behaviour.

    v. Measures for patron dispersal when events in the restaurant/function area/rooftop bar cease, to protect the amenity of nearby residential areas, including a strategy to communicate these measures to guests and visitors.

    vi. An outline of all ‘house rules’ intended to be used to manage residents and guests including:

        1. Guest behaviour.

2. Noise.
3. Use of private terraces.
4. Methods of eviction if house rules are broken.

m) Confine operating hours for the rooftop bar and terrace to between 7am to 10pm each day;

n) Limit maximum patron numbers to no more than 200 within the rooftop bar and terrace.

o) Detail that music played within the terrace to be limited to background music only at approximately 70 dB(A) sound pressure level. Final music noise to be set to ensure compliance with EPA Publication 1826.4 Noise Protocol Part 2 criteria is achieved.

p) Detail that deliveries must only be carried out on the land within the designated loading bays or within the basement levels, and must not disrupt the circulation and parking of vehicles on the land.

q) Detail that deliveries to the land will occur only between 7am and 10pm to the satisfaction of the responsible authority.

r) Detail that management of waste collection will be in accordance with the approved Waste Management Plan.

The provisions, recommendations, and requirements of the endorsed Hotel Management Plan must be implemented and complied with to the satisfaction of Port Phillip City Council

Amenity

40. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:

a) Transport of materials, goods or commodities to or from the land

b) Appearance of any building, works or materials

c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil

d) Presence of vermin.

To the satisfaction of Port Phillip City Council.

Control of Light Spill

41. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.

Noise Control

42. At all times noise emanating from the land must comply with the requirements of the Environment Protection Regulations 2021 (as amended from time to time) as measured in accordance with the Noise Protocol to the satisfaction of the responsible authority.

43. Music played within the terrace shall be limited to background music only at approximately 70 dB(A) sound pressure level. Final music noise to be set to ensure compliance with EPA Publication 1826.4 Noise Protocol Part 2 criteria is achieved.

Live Music

44. No amplified live music or entertainment is permitted on the premises without the prior written consent of the responsible authority.

Security Staff Numbers

45. Licensed security staff must be present on the premises during operating hours of the rooftop bar calculated at the ratio of two (2) security officers for the first 100 patrons and an additional security officer for the next 100 patrons or part thereof.

Control of Light Spill

46. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining private land to the satisfaction of the responsible authority.

Boundary Walls

47. Before the use starts, all new or extended walls on or facing the boundaries of adjoining properties must be cleaned and finished to the satisfaction of the responsible authority.

Consolidation of Titles

48. Before the development is occupied, all of the land affected by the approved development must be owned by the one entity and consolidated into the one certificate of title to the satisfaction of the responsible authority.

Head, Transport for Victoria

49. The permit holder must avoid disruption to tram operation along Carlisle Street during the construction of the development. Any planned disruptions to tram operation during construction and mitigation measures must be communicated to and approved by the Head, Transport for Victoria and the tram operator a minimum of thirty five days (35) prior.

50. 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 the Head, Transport for Victoria at the full cost of the permit holder.

Melbourne Water – Conditions

51. Ground floor (including areas with access to lifts/stairs to the basement floors) finished floor levels are to be set no lower than 3.82 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 3.52 metres to Australian Height Datum (AHD).

52. All external doors, windows, vents and openings to the basement must be set no lower than 3.82 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 3.52 metres to Australian Height Datum (AHD)

53. The entry/exit driveway of the basement carpark must incorporate a flood proof apex set no lower than 3.82 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 3.52 metres to Australian Height Datum (AHD).
54. The finished floor levels as shown at ground floor, including all access points to the ground floor and car parks and basement including all electrical installation locations, and all bicycle parking facilities are not to be altered unless with the prior written consent of Melbourne Water.
55. Prior to the issue of an Occupancy Permit or occupation of the approved development (whichever occurs first), a Flood Risk Management Plan (FRMP), prepared by an accredited risk management professional, must be submitted to and approved by the responsible authority and Melbourne Water. When approved, the FRMP (as revised from time to time in accordance with this condition) will form part of this permit. The FRMP must:
    a) Include and agree that:
        i. the Subject Land and access and egress to the Subject Land is subject to flooding from the Shakespeare Grove Main Drain;
        ii. the flood depths predicted on the Subject Land and on the surrounding land (including the adjacent road network) may result in a risk to human safety and property.
    b) The FRMP must also detail the following:
        i. Site specific flood risks associated with flooding from Melbourne Water's drains;
        ii. Identify and list all relevant organisations associated with flood and weather warnings;
        iii. Include a requirement for there to be a building manager, flood warden or responsible person to be the single point of contact responsible for the application and maintenance of all aspects of the FRMP, and for that person to be present on Site during all operational hours (Responsible Person);
        iv. Require that, in implementing the FRMP, the Responsible Person is to:
            a) formally confirm in writing to the property owner(s) and Melbourne Water that the FRMP is operational and that all measures required to give effect to the FRMP are in place, active and functional;
            b) address any concerns, uncertainties, questions or other matters as a matter of priority and on an ongoing basis; and,
            c) include a copy of the FRMP in an operational folder kept in prominent locations on the Site that is well known to the Responsible Person and other persons who need to access it;
        v. Identify management procedures to mitigate flood risk in the lead up to, during, and post, a flood emergency. E.g. evacuation plans and procedures / clearly defined plan of evacuation (inclusive of confirmation of how / whether any proposed route is viable), including Responsible person's role and responsibilities; procedures to reduce

likelihood of vehicles being unable to be moved from the car-park; and details of any lockable pedestrian and vehicular gates that may require access;

vi. Notification and contacts of people to be alerted in the event of a flood (e.g. building manager);

vii. Specific details of any additional flood warning systems to be relied upon;

viii. Ongoing staff training and periodic review of procedures;

ix. Use of flood warning signage and flood markers as appropriate; and

x. Ongoing use and periodic review of the FRMP (undertaken by suitably qualified person);

xi. General principles of operation of any flood barrier(s), including: flood barrier rise times; and maintenance and reporting Schedule;

to the satisfaction of Melbourne Water.

56. Prior to the issue of an Occupancy Permit under the Building Act 1993 (Vic) or the occupation of the development, the owner(s) of the land must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987 (Vic) with the Responsible Authority and Melbourne Water Corporation, as below.

57. All costs (including legal fees) associated with the creation, review, execution and registration of the agreement must be borne by the owner(s) of the land. The agreement must be registered on title and run with the land prior to the occupation of the development and must provide, to the satisfaction of the Responsible Authority and Melbourne Water, for:

a) prospective and future owners and occupiers of the land to be informed that the land is subject to inundation and flood risk;

b) the use of the approved development to at all times be in accordance with the FRMP approved by Melbourne Water;

c) the owners of the land to maintain all flood related measures identified in the FRMP in good working condition; and

d) for the owners to comply with ongoing maintenance and reporting requirements in the approved FRMP.

Melbourne Water – Asset Locating

58. A Pre and Post CCTV inspection of the underground drain must be carried out at the cost of the owner in accordance with WSA 05-2013 Conduit Inspection Reporting Code of Australia. The nearest access maintenance hole must be referenced in the CCTV. A Melbourne Water access permit to this maintenance hole must be submitted for approval.

Note: The CCTV inspection must demonstrate that there no drain defects and post works CCTV will be carried out. A CCTV inspection must be carried out at 6 months or prior to the

end of their defects liability period (for the works) to ensure that any repair required on the Melbourne Water asset can be carried out during the lifetime of the works.

59. Melbourne Water's underground drain must be located by a licensed surveyor complying with Melbourne Water's Asset Proving Standard (to quality level B or higher in accordance with AS5488).

    Results of drain survey must be included on plan drawings. Setbacks from the outside edge of Melbourne Water's drain and drain survey must be sent to Melbourne Water for review.

Melbourne Water – Asset protection (Shakespeare Grove Main Drain)

60. A Build Over application must be submitted for Melbourne Water's review and approval prior to finalising plans and prior to construction or demolition of existing structures, or tree removal within 5.0 metres of a Melbourne Water asset.

    Note: Upon further assessment a legally binding Build Over Agreement may be deemed necessary.

    a) Details for permanent structures must include:

        i. The building/structure including footings, eaves etc. must be set outside an easement or a minimum 2.8* metre laterally clear of the outside edge of the Melbourne Water Asset, whichever is greater.

        ii. Plans showing the lateral relation of the works to the Melbourne Water Asset, particularly car park basements of 2 or more storeys.

        Note: No overhangs or eaves are permitted within the lateral clearance zone

        iii. The depth of the footings must be adequate to satisfy the angle of repose relative to the drain in accordance with Melbourne Water's specification.

        iv. Concrete piers must be provided for future excavation work necessary to be undertaken by Melbourne Water that may affect or abut the footing. No screw piles are to be used.

        v. A work method statement or an arborist report must be approved for tree removal within 5.0 metres laterally of a Melbourne Water asset.

        vi. A work method statement from a suitably qualified engineer must be provided for demolition and should include details of machinery access.

        Note: No additional loading is to be placed on the asset.

    b) Details for temporary structures (e.g. Light weight sheds, fences, paving) must include:

        i. Structures must be designed as a simple pinned connection that facilitates for ease of removal within less than 4 hours for two people.

        ii. Method for removal of the structure must not require the use of plant and equipment including cranes, scaffolding or elevated work platforms.

iii. Footings must not exceed a 600mm x 600mm square pad footing x 150mm depth and maintain a minimum lateral clearance of 500mm from the outside edge of the drain.

iv. Footings must be independent and self-supporting.

Note: Permanent structures include water tanks, air-conditioning units, hot water systems and are not permitted in the lateral clearance zone.

Melbourne Water – Landscaping/Earthwork

61. Cut and fill earthworks to alter existing levels (or repaving) must include the following:
    a) A minimum 850mm vertical cover must be maintained over the pipeline.
    b) A loading (including construction) and vibration assessment must be managed during demolition and construction by a suitably qualified structural and geotechnical engineer, where +/- 500mm or greater is proposed in existing levels. The assessment must consider current condition of the drain and include any recommendations for limiting loading or vibration caused in the short (during construction) and long term (post construction), where a change in landscape is evident (e.g. non-traffic to trafficable).
62. Landscaping within 5.0 metres of the asset must comply with Melbourne Water's Planting Guidelines. A Plant near sewers, drains, waterways and water mains application detailing landscaping must be submitted for approval and include:
    a) Species and locations of trees to be planted;
    b) Hardstand areas, including paved and concrete areas; and,
    c) Fencing including footings/posts.

Melbourne Water – Storm Water

63. New or modified stormwater connection must be made to Council's drainage system. If connection cannot be made to Port Phillip City Council's system a separate application must be submitted for approval for stormwater connection or alteration to Melbourne Water's drainage system (i.e. junction pits). Evidence must be provided by Port Phillip City Council regarding the legal point of discharge.

Expiry – Use and Development

64. This permit will expire if one of the following circumstances applies:
    a) The development is not started within 3 years of the issued date of this permit.
    b) The development is not completed within 5 years of the issued date of this permit.
    c) The use does not start within 3 years of completion of the development.
65. In accordance with Section 69 of the Planning and Environment Act 1987, the responsible authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards. The responsible authority may extend the time for completion of

the development if a request is made in writing within twelve months after the permit expires and the development started lawfully before the permit expired.

Date issued: 1 October 2026

Date permit comes into operation: The permit comes into operation on the same day as the amendment to which the permit applies comes into operation

Signature for the responsible authority:



Planning and Environment
Interim Regulations 2026

Form 9

Regulation 43

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit. This permit was granted by the Minister under section 96I of the **Planning and Environment Act 1987** on approval of Amendment No. N/A to the Port Phillip Planning Scheme.

WHEN DOES A PERMIT BEGIN?

The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

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 if no time is specified, within 3 years after the issue of 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 of it is not completed within the time specified in the permit, or, if no time is specified, within 5 years after the issue of the permit or in the case of a subdivision or consolidation, within 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 3 years after the issue of the permit; or
   - the use is discontinued for a period of 3 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 if no time is specified, within 3 years after the issue of 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 5 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 3 years after the completion of the development; or
   - the use is discontinued for a period of 3 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–
   - 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 2 years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

In accordance with section 96M of the **Planning and Environment Act 1987**, the applicant may not apply to the Victorian Administrative Tribunal for a review of any condition in this permit.

Date issued: 1 October 2026

Date permit comes into operation: The permit comes into operation on the same day as the amendment to which the permit applies comes into operation

Signature for the responsible authority:

