

STATUTORY PLANNING COMMITTEE
10 JUNE 2008

B3	21 LYELL STREET, SOUTH MELBOURNE
ADDRESS:	21 Lyell Street, South Melbourne
PROPOSAL:	Demolition of existing dwelling, and the construction of a new two storey dwelling and basement and two storey garage/studio
WARD:	Emerald Hill
NEIGHBOURHOOD	South Melbourne
TRIGGER FOR DETERMINATION BY STANDING COMMITTEE:	Demolition of a contributory building
APPLICATION NO.:	1470/2007
APPLICANT:	Mr D Kinimorth & Mrs K. Humphreys C/O Untitled Interior Designers P/L
EXISTING USE:	Single storey dwelling
ABUTTING USES:	Residential
ZONING:	Residential 1 Zone
OVERLAYS:	Heritage Overlay (HO3) Special Building Overlay (SBO1)
STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL	Expired
RESPONSIBLE EXECUTIVE DIRECTOR:	Geoff Oulton, Executive Director Community Development & Planning
AUTHOR:	Allison Hawke, Urban Planner

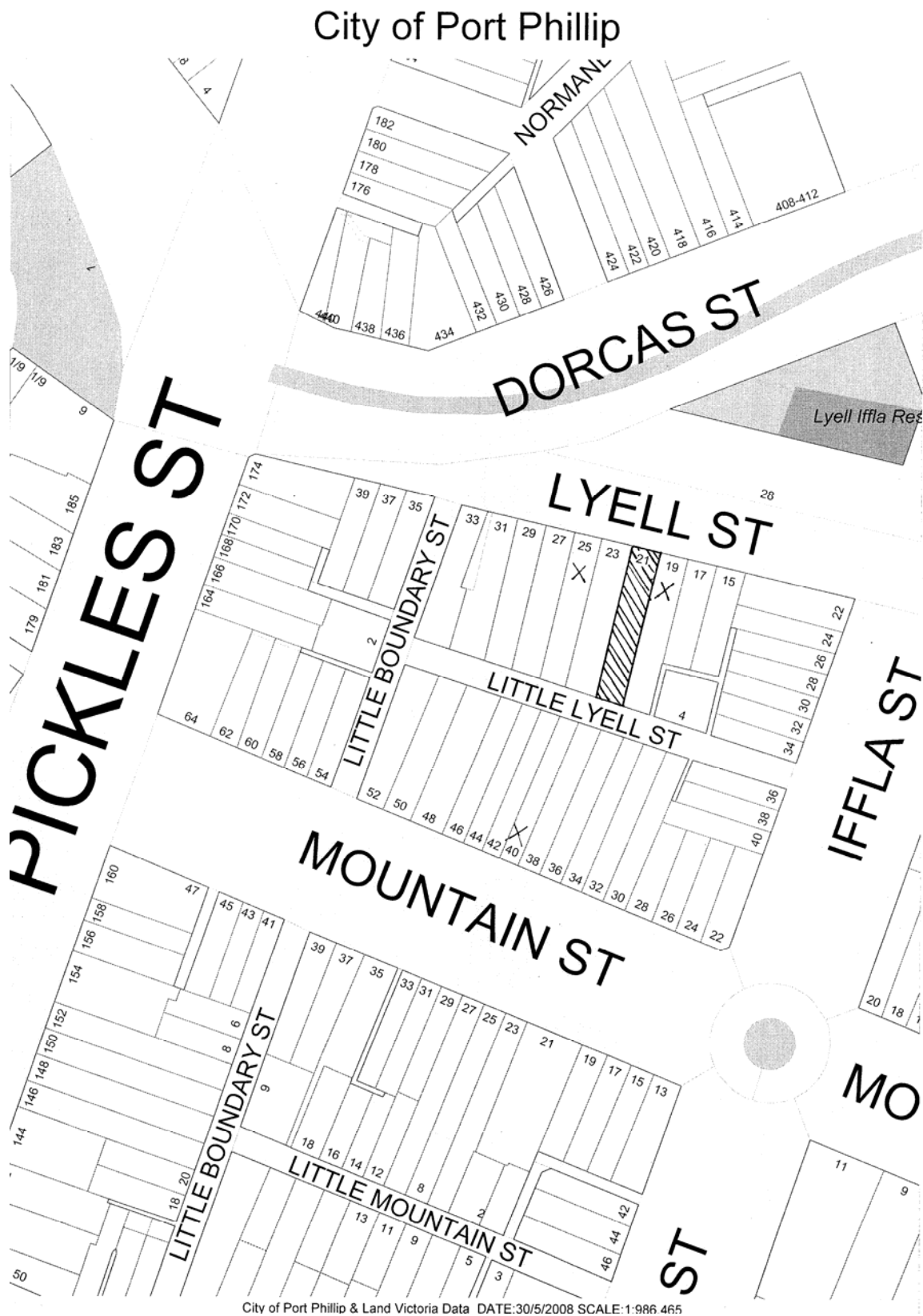
1. EXECUTIVE SUMMARY

- 1.1. The application proposes demolition of an existing dwelling, and the construction of a new two storey dwelling and basement and two storey garage/studio.
- 1.2. The application was advertised and attracted three (3) objections. The main thrust of the objections is in relation to the demolition of the heritage dwelling and the impact of the new development on neighbourhood character and the amenity of the surrounding dwellings.
- 1.3. Council's Heritage and Urban Design Architect, in agreement with Council's Municipal Building Surveyor, does not support the demolition of the building based on the argument of structural unsoundness. Given the extent to which the building has been altered, the Heritage and Urban Design Architect has suggested that the building should be 'nil' graded rather than

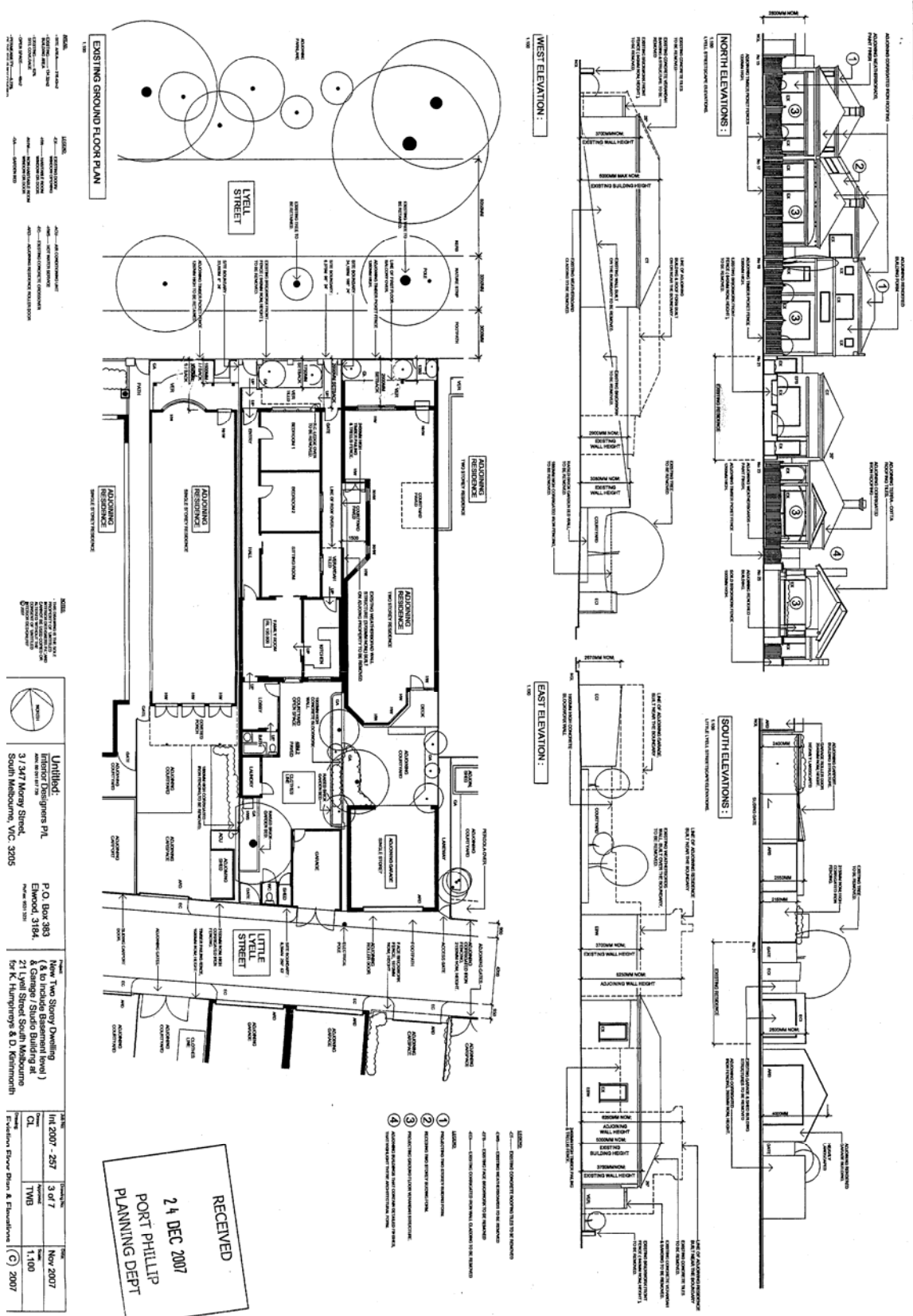
'contributory' graded. Upon a complete examination of the plans submitted with the application it was acknowledged that whilst contemporary in design, the proposed new dwelling would be generally responsive to the site context in terms of setbacks, front fence, roof form, verandah, solar access and construction materials. It is recommended that the size of the internal courtyard be increased to improve internal amenity in terms of natural light penetration. The proposal is considered to meet the relevant provisions of the planning scheme, would limit impacts on adjoining properties and is considered suitable for support subject to conditions.

KEY ISSUES

1. Demolition of a contributory building in a Heritage Overlay.
2. Non compliance with ResCode standards.
3. Appearance of the replacement building.
4. Impact on residential amenity.



Subject Property Objectors X Supporters ✓



Unifit
3/347 Moony Street,
South Melbourne, VIC, 3205

P.O. Box 383
Elwood, 3184

New Two Storey Dwelling
(1 & 2)
& Garage / Studio Building set
21 Lyle Street South Melbourne
for K. Humphreys & D. Keirmonth

Plan No. 1
Date: 21/11/07

Plan No. 2
Date: 21/11/07

Plan No. 3
Date: 21/11/07

Plan No. 4
Date: 21/11/07

Plan No. 5
Date: 21/11/07

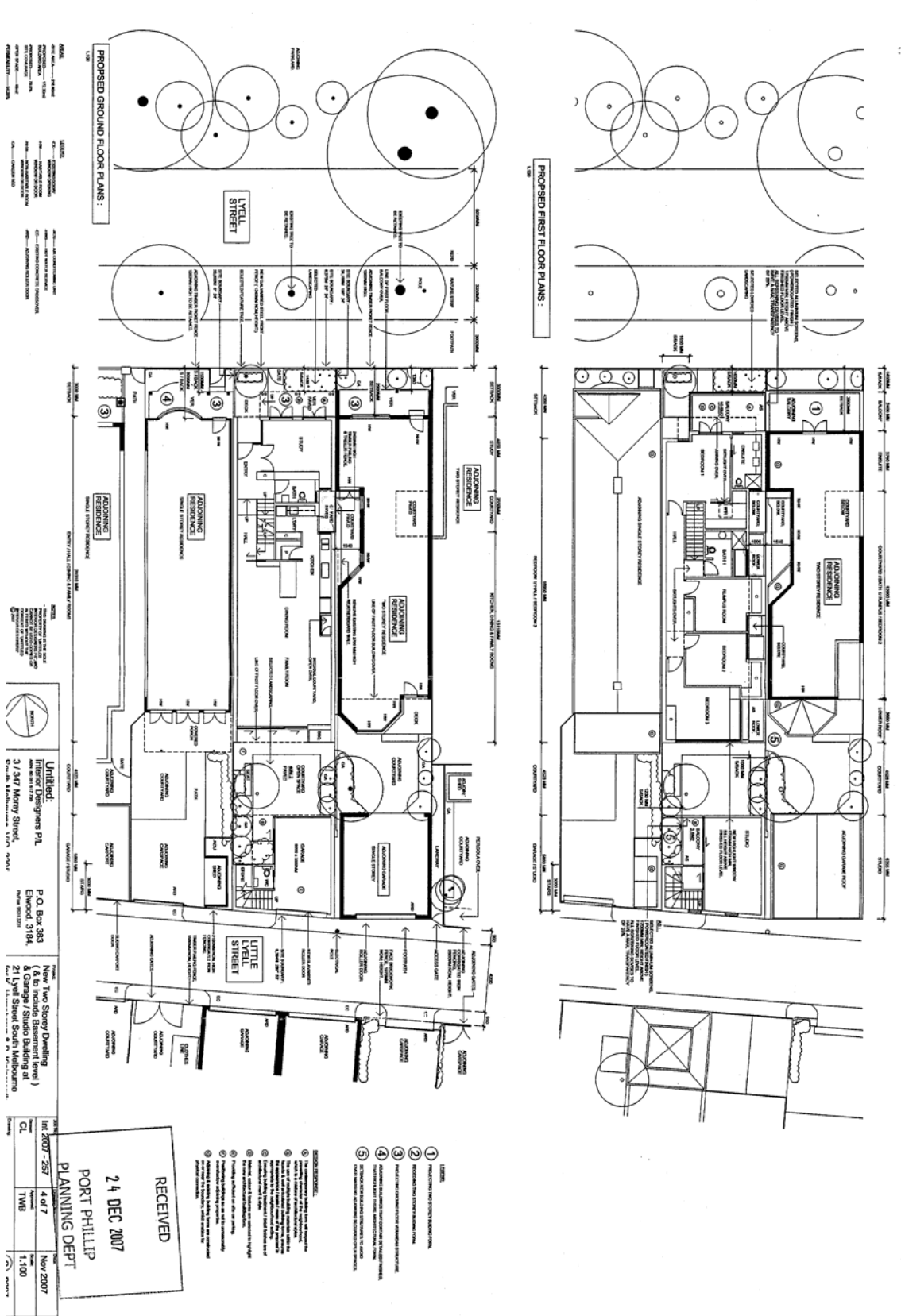
Plan No. 6
Date: 21/11/07

Plan No. 7
Date: 21/11/07

Plan No. 8
Date: 21/11/07

Plan No. 9
Date: 21/11/07

Plan No. 10
Date: 21/11/07



2. RELEVANT HISTORY

- 2.1. Council records indicate that no planning permit applications have been lodged for the subject site in the last 14 years.

3. PROPOSAL

- 3.1. The application proposes the demolition of the existing dwelling, garage, outbuildings and front fence. Further details are as follows:

Basement

- Construction of a 15.6m long x 4.2m wide basement storeroom under the bathroom, laundry, kitchen and dining rooms.
- The basement area will be setback 1m from the site's eastern boundary and 1.2m from the site's western boundary.
- The basement will occupy an area of approximately 65.5m²

Ground Floor

- Ground floor will be setback 2.99m from the street, with a front verandah encroaching into this space with a setback of 1.45m from the street.
- The ground floor comprises of a study, bath, laundry towards the front of the dwelling, a kitchen and open plan dining / family room opening onto the private open space area to the rear of the dwelling.
- The ground floor will occupy the entire width of the site except for a 1m light well adjacent to the bathroom and laundry, from a 2.99m setback for a distance of 24.8m.
- The ground floor would have internal floor to ceiling heights of 2.7m.
- The ground floor will occupy an area of approximately 151.0m²

First Floor

- First floor will be setback 3.90m from the street, with a balcony in front located directly over the verandah below.
- The first floor comprises a master bedroom with ensuite and walk in robes and balcony access, a rumpus room and a communal bathroom and two additional bedrooms to the rear of the site.
- The first floor will occupy the entire width of the site except for two 1m wide light wells adjacent to the eastern site boundary.
- The rear of the first floor will also be setback 1m from the eastern boundary for a distance of 2.5m where it protrudes past the rear wall of the adjacent dwelling.
- The first floor will project 0.8m past the rear wall of the ground floor and would have internal floor to ceiling heights of 2.4m.
- The first floor will occupy an area of approximately 117.5m²

Garage / Studio

- Construction of a single car garage and amenities with a studio room over accessible from the Little Lyell Street to the rear of the site and abutting the sites eastern boundary.

- The studio will be located directly over the garage and both will have dimensions of 6m long x 3.5 wide.
- The stairwell and amenities area will be located in the south western corner of the site.
- The garage / studio will have a boundary wall height of 5m with an open gable roof form sloping up, away from the side boundaries, to an overall height of 6.4m.

Building Materials

- Roof to be constructed of corrugated iron with a galvanized finish
- Exterior walls to be rendered face brickwork
- Balcony balustrading and verandah detailing to be perforated metal
- Rear facing windows to first floor to have obscure glazing below 1.7m
- 1.7m high powder coated aluminum screening device erected to the rear of dwelling
- Construction of a 1.26m high galvanized steel picket front fence. subject site and surrounds

- 3.2. The site is located on the south side of Lyell Street in South Melbourne between Little Boundary Street and Iffla Street.
- 3.3. The site has a frontage approximately 6.5m wide and a depth of 34.2m. The total area of the site is approximately 212.66m². The land is developed with a single storey cottage constructed in the late 19th century, which has been significantly altered from its original fabric at some stage in the late 1950s or early 1960s to alter the façade verandah and roofing materials, replace the windows and front fence and demolish the chimney. The dwelling is graded as “contributory” under the City of Port Phillip Heritage Review, Version 7, 2007.
- 3.4. Nearly all of the dwellings in this section of Lyell Street are graded as “significant” with the exception of a row of four “contributory” graded dwellings commencing at No. 21 Lyell Street and including three dwellings located to the east. Dwellings located to the east of the subject site along Lyell Street are predominantly double storey in scale with dwellings located to the west of the subject site predominantly single storey in scale.
- 3.5. Lyell Street is a residential neighbourhood that contains a variety of built form. There is a mix of single and double storey dwellings. Roofing styles within the street are generally consistent, being pitched gable designs with either terracotta tiled or corrugated iron gable roofs. To the rear of the site is a laneway running the length of Lyell Street that connects to Little Boundary Street to the west and Iffla Street to the south.

4. ADVERTISING/OBJECTIONS

- 4.1. Notice of the application was given by the placement of a sign on the Lyell Street frontage and by way of mailed notices to nine (9) surrounding properties.
- 4.2. Three (3) objections were received to the proposal at the time of writing the report. The grounds of objection are summarized as follows (*Officers comments italicized*):

Demolition of a heritage dwelling and the presentation of the proposed new dwelling to the streetscape.

Given the extent of the works undertaken to the original dwelling, Council's Heritage and Urban Design Architect considers that there is a limited opportunity for restoration and that restoration could lead to a historicist outcome. Council's Heritage and Urban Design Architect considers that demolition of this building would have a negligible impact upon the heritage overlay, and that the proposed replacement dwelling would be an acceptable outcome for the site, subject to conditions (refer Section 8.2 below).

Inadequate car parking proposed

The dwelling proposes to replace an existing three bedroom dwelling with a single car garage to the rear with a new three bedroom dwelling with a new single car garage to the rear. Furthermore the site is located in a reasonable walking distance from several transport routes, including the Port Melbourne light rail.

Overlooking

The boundary fence is 1.88m in height ensuring that there are no overlooking issues from ground level.

The south facing windows at first floor level to both the main dwelling and studio are all detailed as either highlight windows or containing obscure glazing to a height of 1.7m above finished floor level.

Several east facing windows to the main dwelling, and west facing windows to the studio, are not shown to be screened to prevent overlooking.

Where a window may result in overlooking and it is not clear whether it is screened or not, a condition will be required on any approval to demonstrate that all windows should be screened or glazed to a height of 1.7m in line with the requirements of Standard A15.

Overshadowing

Most of the overshadowing contributed from the proposed development will be onto the dwelling itself, over the roofs of the adjoining dwellings, and over the laneway to the rear of the site. The first floor will contribute a small amount of overshadowing to the dwelling to the private open space at No. 19 Lyell Street, between 2pm and 3pm. This is compliant with Standard A14.

Due to concerns regarding solar access to private open space on the subject site, changes would be required to the development which will relieve the amount of overshadowing the proposal would contribute to the surrounding dwellings (refer Section 8.4).

Visual bulk

The maximum height of the building would be 7.3m; the existing dwelling has a maximum height of 5m. The street has a number of double storey buildings and rear first floor extensions. The height of the dwelling is consistent with the two storey scale of the dwellings located on the two adjacent properties to the west.

A few variations from the ResCode standards which directly affect visual bulk have being sought. Specifically, these variations relate to the 'Walls on Boundaries' objective.

The new double storey dwelling is mostly built to the side boundaries for its entire length, with the exception of two light wells to the eastern setback.

A 3.4m high wall is proposed on the east (side) boundary which would extend 0.5m past the rear of the adjacent dwelling to the east. A boundary wall should not exceed an average height of 3m. A wall of between 3m and 3.6m in height should be setback a distance of 1m from the boundary.

A variation from the standard is considered acceptable, given that there are no habitable room windows on the adjacent property that directly face the proposed new wall. The limited wall height combined with the minimal length that the wall protrudes past the rear of the dwelling means that the variation is considered to be minor.

A 6.3m high boundary wall is proposed on the west (side) boundary which would extend 1.8m past the rear wall of the adjacent dwelling to the west. The required setback at first floor level should be 1.81m. A variation from the standard is sought.

A variation is considered to be acceptable as the wall would abut a covered porch area. The roof to the porch would limit the visual bulk resulting from the development when standing on the porch. This section of the western wall would not have a significant impact on the amount of additional shadowing to the adjacent properties private open space area to the west (Refer to overshadowing assessment above). Furthermore, no objection has been lodged on behalf of the owner / occupiers of the neighbouring property to the west.

Despite the above variations being considered acceptable, due to concerns regarding solar access to private open space on the subject site, changes would be required to the development which will relieve the perceived bulk of the dwelling (refer Section 8.4).

The garage / studio boundary walls abut an existing garage (to the east) and outbuilding (to the west).

5. PLANNING SCHEME REQUIREMENTS

A planning permit is required to construct more than one dwelling on a lot pursuant to **Clause 32.01 - Residential 1 Zone (R1Z)** of the Port Phillip Planning Scheme.

Before deciding on an application, Council must consider, as appropriate:

- The decision guidelines at Cl. 65.
- The SPPF and LPPF, including the MSS and local planning policies.
- Clause 54 (Rescode).

A planning permit is also required to demolish or remove a building, construct a building or construct or carry out works pursuant to the provisions of **Clause 43.01 - Heritage Overlay (HO3)**. Relevant considerations include:

- *The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.*
- *Any applicable heritage study and any applicable conservation policy.*
- *Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.*
- *Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.*
- *Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.*
- *Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.*

A permit is also required to construct a building or to construct or carry out works, including a fence and roadworks pursuant to Clause 44.05 – **Special Building Overlay (SBO1)**.

6. CONSULTATION

6.1. Internal Referrals:

6.1.1. Building Department

The applicant has attempted to pursue the structural unsoundness argument as justification for demolition under the Heritage Policy at Clause 22.04.

Upon the submission of a revised Structural Report, dated 3 March, 2008, Council's Municipal Building Surveyor, and Heritage Architect both came to the same conclusion that the report failed to substantiate that the existing building is structurally unsound.

In comments issued on 29 April, 2008, Council's Municipal Building Surveyor said;

The observations made and detailed in the report are not adequate to require demolition of the building. In fact the building work required to rectify the building is not considered excessive for the age of the building.

Like any building for this age it will require restumping, a new sub floor and replacement of a few plates.

Note that the building remains tenanted.

The structural unsoundness argument is therefore not a viable course of action for the applicant to pursue.

6.1.2. Heritage and Urban Design Architect

The plans submitted with the application were referred to Council's Heritage and Urban Design Architect who made the following comments (planning officer's response below):

Significance: *It should be noted that the extent of alterations to this building are extensive. This typical Victorian workers cottage has seen the removal of the façade, concrete tiles over the existing corrugated iron roofing, windows, verandah and door. Subsequent additions, inconsistent with the period of the dwelling include face brickwork façade, front door portico, canvas window awning, concrete tiles and front brickwork porch.*

It is my opinion that the contributory grading for the dwelling is incorrect and this should be a NIL graded dwelling.

The extent of the original fabric remaining is, at best, minimal whilst the level of heritage significance non existent. This scenario therefore limits opportunity for restoration and could lead to a historicist outcome. It is my opinion that demolition of this building would have a negligible impact upon the heritage overlay.

Note that the Andrew Ward Study incorrectly listed no. 19 Lyell as Contributory, however this building is only 20 years old. Strategic Planning were advised of this discrepancy on the 22.01.08.

Replacement Building: *The following comments relate to the plans I received 28.04.08 and stamped 24.12.07.*

The replacement building will encourage passive surveillance from the ground floor study area. The two storey form reflects the typology of the immediate area presenting with a hipped roof form and verandah. The building provides solar control to the north through an external awning to the first floor and verandah to the ground floor. The materials are generally reflective of the heritage overlay context. There is a low front fence that is contemporary in detailing and will integrate with the existing street. Front setbacks are site responsive.

Recommendations: *Increase the size of the internal courtyard to improve internal amenity in terms of natural light penetration. The building significantly overshadows itself. Red face brickwork to the rear laneway interface as opposed to render.*

6.2. External Referrals:

6.2.1. Melbourne Water

The plans submitted with the application were referred to Melbourne Water who advised that they did not object to the proposal subject to conditions (refer condition 9).

7. URBAN PLANNERS ANALYSIS OF KEY ISSUES

7.1. Local Planning Policy Framework

The proposal has been assessed against Local Planning Policies (copy of assessment matrix is held on file). The assessment indicates that the proposal generally complies with the relevant Local Policies.

7.2. Heritage / demolition

The existing building on the site has a contributory grading pursuant to the updated Port Phillip Heritage Review (2006). In relation to graded buildings, Council policy states the following:

Where a permit is required for demolition of a contributory....building, it is policy to not support the demolition of a contributory building unless and only to the extent that,

- *The building is structurally unsound or cannot be feasibly re-used, and either*
- *The replacement building....displays design excellence which clearly supports the ongoing heritage significance of the area, or,*
- *In exceptional circumstances the streetscape is not considered intact or consistent in heritage terms.*

The permit applicant via their heritage submission has admitted that the current buildings are not structurally unsound and that they could be feasibly re-used. The proposal would therefore fail on that first heritage test.

It is recognised that policy is only a guide as to the exercise of discretion, but it is nonetheless an important and clear intent of how the Council wishes to achieve its overall strategic aim (as at Clause 22.04) that significant and contributory graded heritage places in the Heritage Overlay are conserved. There is no dispute in this instance about the current structural soundness of the building, and the recommendation of the policy in that regard is that the existing building be retained. The applicant is therefore seeking to set aside the policy to allow demolition based on the premise that the existing dwelling makes only a minimal contribution to the streetscape as it has undergone significant changes over time, that the area has undergone considerable recent change, and that the proposed development displays sufficient design qualities to respect its context and the wider Heritage Overlay 3.

The ability to set aside any policy in the Planning Scheme exists because policies are guides and not mandatory measures. However, in exercising discretion to set aside this policy, officers have to consider both the heritage value of the existing building and the design quality of the proposed replacement building. The planning officer and Council's Heritage Adviser have reviewed the heritage submission, the development plans lodged with the application and undertaken site visits and have resolved to concur with the applicant's rationale for demolition.

It is considered that the streetscape and immediate surrounds to the subject site can best be described as mixed which has undergone much change and development during the late 20th century, particularly in recent years with the increase in pressure to maximize development potential in the form of first floors on small lot sizes. The subject building, whilst surrounded by contributory and significant graded dwellings, does not offer a positive contribution to heritage value or neighbourhood character of the streetscape to dwelling and is not clearly identifiable as a definite product of its era. It would require such a substantial amount of work to remove inappropriate works that it could potentially lead to a historicist outcome. As a result it is considered that its demolition would not be detrimental to the streetscape or heritage place. With regard to the replacement building Section 8.3 provides the assessment.

7.3. Does the development respect existing/preferred scale, setbacks, form and pattern of subdivision?

The replacement building avoids reproduction architecture and adopts a distinctly contemporary architectural expression, while drawing from features of the surrounding area. The two storey dwelling reflects the typology of the immediate area presenting with a hipped roof form and verandah as well as the use of a restrained palette of modern materials.

The replacement dwelling is respectful of the existing setback and form. The main façade will be setback in line with the dwelling to the east as will the verandah. The materials are generally reflective of the Heritage Overlay context. There is a low front fence that is contemporary in detailing and will integrate with the existing street. Modifications to the garage would be required so as to present as red face brickwork to the heritage laneway. The perforated metal components on the front elevation should be replaced with a material that is more sympathetic to the heritage streetscape.

While the massing of the building may be questionable if it were sited within a more consistent setting of one and two storey Victorian dwellings, in this somewhat altered and more developed context, it is considered that the proposed development could be absorbed. It is accepted that the development would result in an obvious change to the street; however, it is a current characteristic of the immediate locality that one storey residences interface with newer double storey developments.

With specific regard to the pattern of development/subdivision, it is fair to suggest that it is currently mixed with narrow single dwelling lots with traditional rear yard space, and more substantial and often consolidated plots with boundary to boundary development and limited private open space. The proposed redevelopment of a single semi-detached dwelling on a small lot to a double storey terraced, boundary to boundary building would not therefore be out of place in this location.

Lastly, in line with good urban design principles, the development would have an active frontage to Lyell Street through the incorporation of a low and transparent front fence and easily identifiable entrances, while the car park entrance would be to the rear of the site as is characteristic of the rear laneway.

7.4. Non-compliance with Rescode

A full ResCode matrix has been completed (copy of assessment matrix is held on file). There are some issues of non-compliance with Rescode, the bulk of which can be controlled by conditions attached to any permit granted. Those ResCode standards specifically relating to the impact of the proposed development on the amenity of neighbouring properties have been discussed in Section 5.2 above. Variations to the site coverage and permeability standards are able to be supported on the basis that the lot is small and the prevailing neighbourhood character is one of high site coverage.

However a full discussion regarding the potential solar access to the private open space of the new dwelling is warranted. According to the formula listed under standard A18, the southern boundary of the private open space area should be setback 7.4m from any wall on the north of the space. Given the southern boundary of the rear private open space is only setback 4.5 from the rear wall to the north of this area, a variation is being sought by the applicant.

While it is acknowledged that the orientation of the lot means that the private open space is located to the south of the dwelling and offers limited opportunity to gain solar access, it is considered that the scale of development could be reduced and still achieve a substantial upgrade to the size of the dwelling. The development proposed a substantial increase from the size of the existing dwelling - from a 2 bedroom dwelling to a 3 bedroom dwelling with a study, rumpus room and studio. Council considers it would not be unreasonable to propose a reduction in the extent of the first floor to enhance the amenity of the subject site in terms of solar access to the private open space.

This would also have the added benefit of setting back the rear wall of the first floor so as not to protrude past the ground floor of the dwellings located either side of the subject site, and in effect lessening the impact of overshadowing and visual bulk to these dwellings.

A setback of 2.7m, to align with the rear wall for the first floor of the dwelling to the east would be required. This would result in the loss of one bedroom, but could allow for internal rearrangements to extend the size of one of the bedrooms and possibly provide an opportunity for an ensuite [refer Condition 1 a)].

A second option could require the deletion of the garage /studio to the rear to create a paved courtyard with a permeable surface, serving the dual purpose of allowing for a car space and additional private open space area. As stated above a substantial increase to the intensity of the use of the site would still be achieved without a studio space. Storage could be provided for elsewhere and the provision of off street car parking still achieved on the site. Studios over garages are not a particular characteristic of the immediate area and the extra private open space would also result in a decreased site coverage and increased site permeability while allowing for a larger private open space area with improved solar access. However it is considered that the first option would be less onerous for the applicant, requiring fewer changes to the submitted design.

7.5. Architecture and Urban Design

Contemporary design is appropriate for this site, although regard has been given to the schedule of materials and finishes to assess the treatment to the streetscape. Two storey built form is supported here, although some minor modifications and clarification of details on the plans are required and can be achieved by conditions attached to any permit granted to preserve the amenity of neighbouring occupiers and enhance the proposed dwellings integration with the streetscape.

8. ENVIRONMENTAL ASSESSMENT

8.1. The applicant was asked to complete Council's Sustainable Scorecard, however, no scorecard was forthcoming. The applicant has agreed to submit a Sustainable Design Statement as a requirement of a condition to be placed on the permit.

9. COVENANT

9.1. The Title for the property was checked and there are no covenants or other restrictions on the title.

10. OPTIONS

10.1. Approve as recommended

10.2. Approve with changed conditions

10.3. Refuse - on key issues

(refer to key issues on page 1.)

11. CONCLUSION

11.1. The proposed works have been assessed against ResCode and Council's Heritage Policy and found to be generally compliant.

11.2. The existing building has been so substantially altered that it makes little contribution to the Heritage Overlay. Consequently, given the particular circumstances of the application, the demolition of the existing building is considered to be an appropriate outcome. The proposed design is respectful of the context of the site and the heritage value of the surrounding area by being appropriately designed in terms of size, massing and design detail including the use of contextual finishes.

11.3. Subject to the recommended changes, the development will offer high quality accommodation for future residents without unreasonably impacting on the amenity of adjoining residential properties.

11.4. It is therefore recommended that the application be approved, subject to conditions.

12. RECOMMENDATION

- 12.1. That the Statutory Planning Committee being the Responsible Authority, (having caused the application to be advertised) and having received and noted the objections, is of the opinion that the proposed **demolition of the existing dwelling and the construction of a new two storey dwelling and basement and two storey garage / studio** will not cause material detriment to any person other than the applicant.
- 12.2. That a Notice of Decision to Grant a Permit be issued for the purposes of the **demolition of the existing dwelling and the construction of a new two storey dwelling and basement and two storey garage / studio**.
- 12.3. That a Notice of Decision be issued subject to the following conditions.
1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) Improve solar access to the private open space area in line with Standard 18 through the deletion of bedroom 3 and an increase the rear setback of the south facing wall by 2.7m, to align with the first floor rear wall of the dwelling to the east.
 - b) The deletion of the perforated metal components to front elevation and replacement of the balustrading material with a material that is solid and blends in with the building and streetscape.
 - c) All first floor windows located on the east and south elevations to clearly indicate that they will be either screened or have fixed obscure glazing to a minimum height of 1.7m above finished floor level to limit overlooking.
 - d) A notation on the site plans indicating the locations of the water tank and solar panels.
 - e) A notation on the site plans that the paved courtyard area will be constructed on a sand base or a similarly permeable surface so as not to decrease site permeability and contribute to additional storm water run-off.
 - f) The garage studio to have red face brickwork to the rear laneway interface as opposed to a rendered finish.
 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
 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.
 4. Before the development commences a sustainable design statement must be submitted to and approved by the Responsible Authority. The sustainable design statement must outline proposed sustainable design initiatives. When approved, the statement will be endorsed and will then form part of the permit.
 5. The project must incorporate the sustainable design initiatives listed in the endorsed Sustainability Statement

6. Prior to the completion of the development any new walls on or facing the boundary of adjoining properties must be cleaned and finished in a manner to the satisfaction of the Responsible Authority.
7. All piping and ducting (excluding down pipes, guttering and rainwater heads) must be concealed to the satisfaction of the Responsible Authority.
8. No equipment, services and architectural features other than those shown on the endorsed plan must be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.
9. Melbourne Water condition

No polluted and sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.

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

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.

FOOTNOTES

Melbourne Water

- Information available at Melbourne Water indicates that the property is **not subject to flooding from Melbourne Water's drainage system**, based on a flood level that has a probability of occurrence of 1% in any one year
- If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on telephone 9235 2517, quoting Melbourne Water's reference 151046.

Building Approval Required:

This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain the appropriate building approval under the Building Code Australia.

Building Works to Accord With Planning Permit:

The applicant/owner will provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by and building permit is consistent with this planning permit.

Due Care:

The developer must show due care in the development of the proposed extensions so as to ensure that no damage is incurred to any adjoining building and property.

Days and Hours of Construction Works

Developers:

Except in the case of an emergency, a builder must not carry out building works outside the following times, without first obtaining a permit from Council's Local Laws Section:

- Monday to Friday: 7.00am to 6.00pm; or
- Saturdays: 9.00am to 3.00pm.

An after hours building works permit cannot be granted for an appointed public holiday under the Public Holidays Act, 1993.

Owner Builders:

Except in the case of an emergency, an owner/builder must not carry out building works outside the following times, without first obtaining a permit from Council's Local Laws Section:

- Monday to Friday: 7.00am to 8.00pm; or
- Saturdays, Sundays and public holidays: 9.00am to 6.00pm.
- Saturdays, Sundays and public holidays: 9.00am to 6.00pm.