



<b>8.6</b>	<b>17 NOTT STREET, PORT MELBOURNE</b>
<b>LOCATION/ADDRESS:</b>	<b>17 NOTT STREET, PORT MELBOURNE</b>
<b>RESPONSIBLE MANAGER:</b>	<b>GEORGE BORG, MANAGER CITY DEVELOPMENT</b>
<b>AUTHOR:</b>	<b>RICHARD LITTLE, SENIOR URBAN PLANNER</b>
<b>TRIM FILE NO.:</b>	<b>PF16/638120</b>
<b>ATTACHMENTS:</b>	<b>1. 904/2016 - Objector Map 2. 904/2016 - Advertised Plans 3. 904/2016 - 3D Perspective</b>
<b>WARD:</b>	Gateway
<b>TRIGGER FOR DETERMINATION BY COUNCIL:</b>	More than 16 objections
<b>APPLICATION NO:</b>	904/2016
<b>APPLICANT:</b>	Adapt Architecture Pty Ltd
<b>EXISTING USE:</b>	SINGLE DWELLING
<b>ABUTTING USES:</b>	Dwelling
<b>ZONING:</b>	Mixed Use Zone
<b>OVERLAYS:</b>	Design and Development Overlay- Schedule 1-1A, Development Contributions Plan – Schedule 1, Environmental Audit Overlay
<b>STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL</b>	Expired

## **PROPOSAL**

Construction of a four storey mixed use building comprising ground floor car parking, office and dwelling, removal of four party wall easements and a reduction in the car parking requirements for the office.

### **I. EXECUTIVE SUMMARY**

- 1.1 The proposal seeks permission for the construction of a four storey mixed-use building comprising ground floor car parking, first floor office and a single dwelling over the second and third floor levels. The application also seeks to remove four party wall easements and a reduction in the car parking requirements.
- 1.2 Following the initial notice of the application, thirty (30) objections were received. The objectors are concerned about overlooking, loss of on street car parking, failure to provide enough on site car parking, design of the building, neighbourhood character, noise from plant equipment, visual impact of plant equipment, proximity of the proposal



to balconies, front setback, proximity of four storey wall opposite courtyard, increase in noise between apartments, length of the wall on the boundary, daylight to windows, permeability, noise from the office, loss of sea views and impact on air circulation.

- 1.3 A consultation meeting was held on 24<sup>th</sup> April 2017 and attended by the Ward Councillor, Planning Officer, objectors and applicants. As a result of the consultation meeting, where objectors discussed their concerns with the application, the proposal was formally amended on 21<sup>st</sup> July 2017 pursuant Section 57A of the Planning and Environment Act (1987). This resulted in the the following changes:
- rear setback being reduced by 1m.
  - rear courtyard to be paved to comply with the Environmental Audit Overlay.
  - provision of a car stacker, to increase the number of car spaces to three.
  - the building being setback 1.5m – 1.778m at first, second and third floor level to the balconies facing the site at No. 19-25 Nott Street.
  - balcony provided at first floor level.
  - internal reconfigurations.
  - increase articulation to the northern elevation through the use of planter boxes and privacy screens to new windows and a mansard roof form
- 1.4 The amended plans were advertised on 14<sup>th</sup> August 2017 to all objectors but did not result in any objections being withdrawn, but did result in a further twelve (12) objections being received. This resulted in a total of forty two (42) objections received for the application.
- 1.5 The proposal is a mixed-use development with a contemporary design that reflects modern contemporary residential buildings that are now part of the character of the area. The changes proposed via the Section 57A amendment addressed some of the issues raised, but objectors still maintain a number of concerns with the proposal. The application has been supported by Council's Urban Design Officer and Council's Traffic Engineer, subject to further conditions, such as reduction in the width of the crossover and provision of convex mirrors for traffic safety.
- 1.6 In regards to residential amenity to the adjoining properties, the proposal is generally compliant with the provisions of Clause 54 (ResCode). The application subject to conditions on any approval is supported.

## **2. RELEVANT BACKGROUND**

- 2.1 The demolition of the dwelling was approved, under Section 29A on 16<sup>th</sup> November 2016 which allowed for demolition of the dwelling which had a nil grading.
- 2.2 There is no planning history for this site.
- 2.3 The application was amended pursuant to Section 57A of the Planning and Environment Act (1987) on 21<sup>st</sup> July 2017.



### 3. PROPOSAL

#### 3.1 Building and Works

##### **Ground Floor**

- The ground floor would comprise a parking area for three car spaces (two spaces for the dwelling and one space for the office), an entry (with letter and meter boxes), three bikes racks, stairs, lobby and lift.
- The car parking area would be accessed via a 3m wide crossover from Nott Street.
- To the rear of the building would be a 6.48m<sup>2</sup> courtyard for use by occupiers of the dwelling. The courtyard would contain a 1000L water tank.
- The ground floor would measure 23.39m in length and 6.3m wide and built to the front and side boundaries and would be 1.0 - 1.015m from the rear boundary.
- The ground floor would have a total area of 119.4m<sup>2</sup>.

##### **First Floor**

- The first floor would contain an office (108.3m<sup>2</sup>) bathroom, lift, lobby and stairs.
- The use of the office would be independent from the residential use on the upper floors.
- The first floor would measure 23.39m in length and 6.3m wide.
- The development at this level would be built to the street frontage and both side boundaries excluding a 1.0m by 3.0m light court on the boundary to the south with No. 15 Nott Street.

##### **Second Floor**

- The second floor level would have the same footprint as the level below. It would contain a master bedroom with en-suite, two bedrooms, bathroom, lift and stairs. There would also be a light court (1.0m by 3.0m) on the boundary to the south with No. 15 Nott Street.
- The second floor would be setback 1.5m increasing to 1.778m abutting the rear 6m of the shared boundary with No. 19-25 Nott Street.
- The second floor would be 23.39m in length and 6.3m wide and be built to the front and side boundaries and would be 1.0 to 1.065m off the rear boundary.

##### **Third Floor**

- The third floor would contain an open plan kitchen and dining area, lightcourt (1.0m by 3.0m), powder room, study area, lounge, entry and lift.
- There would be a 29.3 m<sup>2</sup> terrace accessed via the lounge fronting Nott Street.
- The third floor would measure 18.66m in length and 6.3m wide. The third floor would be setback 750mm from the front of the site, with the main lounge room wall setback 5m from the front of the site. The setback from the rear of the boundary would be 1.0 to 1.065m. Within the front setback would be the terrace.



- The third floor would be setback 1.5m increasing to 1.778m abutting the rear 6m of the shared boundary with No. 19-25 Nott Street.

#### **Roof Plan**

- The roof level would contain two air conditioning/ heater units.

#### Heights

- The overall height of the building would be 14.5m.

#### Materials

- The building would contain a mixture of materials including, metal roofing, render, pre cast concrete, timber and metal cladding. The proposed colours include anthra, limed white, shale grey, natural grey, black and walnut.

#### Site Coverage

- The proposed site coverage would be 95.1 %.
- The application also seeks to remove four party wall easements.

The assessment under consideration relates to the Section 57A plans (TP-00-TP-15 all Rev C, TP-15a, TP-16, TP-16a, TP-17, TP-17a, TP18 and TP-19 all Rev C) all prepared by Adapt Architecture and received by Council on 21<sup>st</sup> July 2017.

#### **4. SUBJECT SITE AND SURROUNDS**

- 4.1 The subject site is located on the western side of Nott Street, Port Melbourne between Donaldson Street to the north and Beach Street to the south. The subject site is approximately 35m from the corner of Beach Street.
- 4.2 The site has a frontage to Nott Street of 6.3m and a depth of 24m with an overall area of approximately 154.3sqm.
- 4.3 To the rear of the site is a 1.034m wide laneway.
- 4.4 The site (identified by the green dot in Figure 1) contained a single storey brick dwelling and outbuilding (now demolished). The site had a previous site coverage of 78.09% and had no on-street car parking.



**Figure 1:** Aerial photograph of the site and surrounding area.

- 4.5 To the north of the site is a six storey residential apartment building containing 44 dwellings. The building is constructed to the front of the site and has vehicular access at the rear via Donaldson Street. The building has balconies facing the subject site to the rear.
- 4.6 To the east of the site is Nott Street. On the opposite side of Nott Street is a part four and six storey residential building.
- 4.7 To the south of the site is a two storey apartment building containing two apartments. Further to the south, on the corner with Beach Street, is a six storey residential building containing 46 apartments
- 4.8 To the west of the site is a laneway which provides pedestrian access to the rear of No. 55-62 Beach Street. Further to the west is the two storey car park associated with the apartment building south of the subject site.
- 4.9 The site is located within the south western corner of the Bay Street Activity Centre, with Bay Street located 120m to the east of the site. This section of Nott Street, south of Rouse Street, is diverse with a mixture of contemporary six storey residential apartment buildings, older two and four storey townhouses and low scale light industrial buildings. The western side of Nott Street has unrestricted parking, whilst the eastern side is limited to 1hr parking, between the hours of 8am to 6pm. Along Beach Street is unlimited metered parking whilst Rouse Street has a mixture of 2hr parking (between 8am and 6pm), permit zone (all day) and metered parking (unlimited). The site has reasonable access to public transport with a tram route (400m) and bus routes 234 (Graham Street) and 236 (Beach Street) located within easy walking distance to the site.



**5. PERMIT TRIGGERS**

The following zone and overlay controls apply to the site, with planning permission required as described.

<i>Zone or Overlay</i>	<i>Why is a permit required?</i>
<i>Clause 32.04 Mixed Use Zone</i>	Pursuant to Clause 32.04- a permit is not required to use the land for a dwelling and office.  A planning permit is required for the construction and extension of a dwelling on a lot pursuant to Clause 32.04-5.
<i>Clause 43.02 Design and Development Overlay Schedule 1-1A</i>	A planning permit is required to construct a building or construct or carry out works, pursuant to Clause 43.02-2.
<i>Clause 45.06 Development Contributions Plan Overlay – Schedule 1</i>	Pursuant to Clause 45.06-1, a permit must not be granted to subdivide land, construct a building or construct or carry out works until a development contributions plan has been incorporated into this scheme. This does not apply to the construction of a building, the construction or carrying out of works or a subdivision specifically excluded by a schedule to this overlay.  A development contributions would apply in this case as the proposal would include an office where there is an increase in the number of persons that would be on the property.
<i>Clause 52.02 Easements, Restrictions and Reserves</i>	A permit is required to create, vary or remove an easement.
<i>Clause 52.06 Car Parking</i>	Pursuant to Clause 52.06 a planning permit is required to; <ul style="list-style-type: none"> <li>• a new use; or</li> <li>• an increase in the floor area or site area of an existing use; or</li> <li>• an increase to an existing use by the measure specified in Column C of Table 1 in Clause 52.06-5.</li> </ul> Pursuant to Clause 52.06-3 a permit is required to Reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay.
<i>Clause 52.34 Bicycle Facilities</i>	Under Clause 52.34 bicycle parking facilities are only required if there is more than 1000m <sup>2</sup> of office floor area. In this case the proposal would have 108.3m <sup>2</sup> of office floor area. This would not result in a permit trigger under this Clause.

**6. PLANNING SCHEME PROVISIONS**

**6.1 State Planning Policy Frameworks (SPPF)**

The following State Planning Policies are relevant to this application:





- Clause 21.03 Ecologically Sustainable Development, including
  - Clause 21.03-1 Environmentally Sustainable Land Use and Development
  - Clause 21.03-2 Sustainable Transport
- Clause 21.04 Land Use, including
  - Clause 21.04-1 Housing and Accommodation
  - Clause 21.04-3 Office and Mixed Activity Areas
  - Clause 21.04-8 Social Impact Assessments
- Clause 21.05 Built Form, including
  - Clause 21.05-2 Urban Structure and Character
  - Clause 21.05-3 Urban Design and the Public Realm
  - Clause 21.05-4 Physical Infrastructure
- Clause 21.06 Neighbourhoods, including
  - Clause 21.06-4 Port Melbourne and Garden City

## 6.2 Local Planning Policy Framework (LPPF)

The following local planning policies are relevant to this application:

- Clause 22.06 Urban Design Policy for Non - Residential Development and Multi - Unit Residential Development
- Clause 22.14 Bay Street Activity Centre Policy

## 6.3 Other relevant provisions

- Clause 52.06 Car parking
- Clause 54 ResCode
- Clause 65 Decision Guidelines

## 6.4 Relevant Planning Scheme Amendment/s

Nil

## 7. REFERRALS

### 7.1 Internal referrals

The application was referred to the following areas of Council for comment. The comments are discussed in detail in Section 9.

#### Council's Sustainable Architect

A Water Sustainable Urban Design Response has been received, but requires



further details to be acceptable.

Planner Comment:

A Sustainable Management Plan has been submitted, but requires further details to be acceptable. If the remainder of the application is acceptable a condition should be included on any permit granted that requires a revised water sustainable urban development plan and a revised sustainable management plan. **(Refer recommended conditions 4 to 9).**

**Council's Urban Design Officer:**

Built Form

*No issue with height, or mass. The development character is appropriate to the streetscape.*

*The 57A revision reduces the setback and size of the rear courtyard from approximately 2.0 to 1.0 metres. This creates an effectively unusable courtyard space. Restoring the courtyard to 2.0 metres would improve amenity and daylight access. This should not have adverse effects on the bedroom, dining, office spaces or parking.*

Public realm & ground floor

*No issue with legibility, access and entry.*

Façade treatment & detail

*No issue with façade detail and treatment. The building has appropriate and considered detailing.*

*The wall constructed from precast concrete panels and facing 55-62 Nott Street should have a greater level of articulation in order to reduce the visual impact the blank wall will have on neighbouring residences.*

Amenity

*The terrace will provide a high level of residents' amenity. Terrace screening height may need to be raised to 1.7m on the southern side responding to neighbour's privacy concerns.*

**RECOMMENDATION**

*We generally support the proposal with the following conditions:*

- *Improved articulation of south facing precast wall.*
- *Increase rear setback to 2.0m assuming this will not impact the functioning of the car parking spaces.*





Planner Comment:

The proposal is generally supported by Council's Urban Design Officer. The applicant has increased articulation on the north elevation (Section 57A amendment) through the use of a mansard roof and windows with screens. No additional articulation has been provided on the southern elevation, this is considered to be appropriate because of its limited visibility from the street, due to the existing built form on the adjoining lots. It is not considered necessary to increase the rear setback as it would not improve the useability of the courtyard. The dwelling has a generous third floor terrace accessed from the main living area and would be well utilised by the future occupiers of the dwelling.

Council's Traffic Engineer:

- *The amended plans now show a double stacker (no details provided) resulting in total of 3 car spaces on-site. The single standalone car space should be allocated to the office use.*
- *No swept paths were provided to demonstrate vehicle manoeuvres to/from the car spaces. Based on the site constraints cars will not be able to turnaround and have to reverse down the accessway onto Nott St when exiting the site.*
- *Crossover should be reduced to 2.5m wide as per SD4101.*
- *While restricted on the southern corner (adjacent to 15 Nott St), there is opportunity on the other side to improve pedestrian visibility. Consideration to be given to options including setback structural column and/or car park gates, increase visual permeability, install convex mirrors within property, etc.*

We have no further objection should the application be considered for approval subject to requirement of Items 3 and 4 above as planning permit conditions.

Planner Comment:

The proposal is supported by Council's Traffic Engineer, subject to the crossover being reduced to 2.5m (**refer to condition 1a**) and provision of convex mirrors (**refer condition 1b**).

7.2 **External referrals**

The application was not required to be externally referred.

8. **PUBLIC NOTIFICATION/OBJECTIONS**

- 8.1 It was determined that the proposal may result in material detriment therefore Council gave notice of the proposal by ordinary mail to the owners and occupiers of surrounding properties (171 letters) and directed that the applicant give notice of the proposal by posting one (1) notice on the site for a 14 day period, in accordance with Section 52 of the Planning and Environment Act 1987.



- 8.2 The application has received forty-two (42) objections. The key concerns raised are summarised below (officer comment will follow in italics where the concern will not be addressed in Section 9):
- overlooking,
  - loss of on street car parking,
  - insufficient car parking provided,
  - design and appearance of the building,
  - neighbourhood character,
  - noise from plant equipment,
  - visual impact of plant equipment,
  - proximity of the proposal to balconies,
  - front setback,
  - proximity of four storey wall opposite courtyard,
  - increase in noise between apartments buildings,  
*The levels of residential noise produced in surrounding buildings is not a relevant planning matter.*
  - length of the wall on the boundary,
  - daylight to windows,
  - permeability,
  - noise from the office,  
*The site is within a Mixed Use Zone and planning permission is not required to use the land as an office under this zone. However, it is noted that the office is small in terms of floor area and would unlikely result in noise and disturbance to adjoining residential properties.*
  - loss of sea views  
*The principle view from the front facing balconies is across Nott Street. However, the balconies do have views along the flank elevation, across the subject site to Port Phillip Bay. Views are not protected under the Port Phillip Planning scheme, and in this case, the views of the bay are obtained over the subject site.*
  - Impact on air circulation.  
*The proposed building would allow adequate air flow and ventilation to the adjoining buildings, windows and open space.*
- 8.3 A consultation meeting was held on 24<sup>th</sup> April 2017 which was attended by the Ward Councillor, Planning Officers, objectors and applicant. It resulted in the modification to the application by providing an additional car space and increasing the setback of the rear of the development opposite the balconies at No. 19-25 Nott Street.
- 8.4 It is not considered that the number of objections raises an issue of significant social effect under Section 60 (1B) of the Planning Environment Act 1987.



## 9. OFFICER'S ASSESSMENT

### 9.1 Local Policy

#### **Does planning policy support the proposal?**

Clause 21.04-1 (Housing and Accommodation) seeks to direct new medium-high density development to the substantial and moderate growth areas, which are locations that have the capacity for change, and offer highest accessibility to public transport, shops and social infrastructure.

The site is located in a Substantial Residential Growth Area, as per the definitions at Clause 21.04-1 of the Port Phillip Planning Scheme, as the site is a strategically appropriate location for higher density residential development, being proximate to PPTN and the Bay Street Activity Centre.

The proposed four storey mixed-use development of office and residential is supported by the objectives of Clause 22.14-02 (Bay Street Activity Centre) which encourages “the new contemporary higher-rise character of Port Melbourne mixed use area south of Graham Street”. The subject site is located within the mixed use precinct (south of Graham Street) as identified on the Activity Centre Housing Opportunities Framework Plan. Whilst it is acknowledged that policies encourage high residential densities in this location, the constraints of the site would make it difficult to increase the number of dwellings on this particular site.

In relation to the policy context, the proposal would advance statewide policies that promote urban consolidation, housing diversity and to a limited extent, housing affordability. In addition, in terms of local policy, there is a need for more diverse housing types to meet demographic trends, including an ageing of the population and a trend towards smaller household size. It is considered that the proposed dwelling in this location would contribute to these policy goals. Whilst the proposal only includes a single dwelling, given the site constraints, a higher level of density would be difficult to achieve on this site.

#### **Is the proposal an acceptable response to the design objectives of the relevant planning controls?**

Clause 21.06-4 (Port Melbourne and Garden City) of the Port Phillip Planning Scheme, amongst others, encourages, enhancing the integration of the Bay Street Activity Centre in order to strengthen its activity mix, place identity, accessibility and sense of community. This is supported by the Bay Street Activity Centre at Clause 22.14 (Reinforcing urban character) which requires new development to provide a street wall height that is consistent with the prevailing streetscape context. The development would be four stories in height and would be in keeping with the character of the immediate area. The zero front setback at ground, first, second and third floor from the front of the site, would be in keeping with the setbacks found on adjoining properties. Furthermore, the proposal would contribute to the character of the area through



contemporary architecture. The form, scale, massing, articulation and materials of the proposal also responds to this section of Nott Street, which has a number of contemporary residential and mixed use developments.

The Design and Development Overlay Schedule I-1A provides further guidance on the recommended design outcomes in this location.

#### Design Objectives

The proposal is considered to comply with the design objectives of the overlay to the extent that:

- The built form, being only four storeys, responds to the site development opportunity whilst maintaining the low rise character of Nott Street.
- The proposal would not impact on solar access to the foreshore and associated bicycle and pedestrian routes.
- The built form responds to the existing character of Nott Street by providing a height and design that is in keeping with the established character of the area.
- The four storey development achieves an acceptable balance between opportunity for increased bulk, form and height and a reasonable level of residential amenity to surrounding properties.

#### Buildings and Works

##### Height

The overall height of the proposal would be 14.5m which is below the absolute maximum height (25.5m) of the schedule to the overlay. The schedule to the overlay also has a preferred building height of 10.5m within 5m of the road boundary. The proposal would have a height of 11.4m, within 5m of the road boundary. The part of the proposal that is above the preferred height is planter boxes and low level open metal balustrade at the front of the terrace. This variation to the preferred height within 5m of the road boundary is considered to be acceptable as it is for metal balustrading and planter boxes. The main building facade at the fourth floor would be setback 5.0m from the road boundary.

##### Setbacks

The proposed zero setback would meet the requirements to the schedule of this overlay.

##### Overshadowing

The proposal would not result in casting shadow beyond the road reserve adjoining Port Phillip Bay, the kerblines on the southern-eastern side of Bay Street or the kerblines on the south-western side of Rouse Street.

#### Building Design

The proposal is considered to predominantly satisfy the design objectives to the extent that:

- The proposal provides direct access from the footpath with minimal change of



level.

- The proposal uses a pre cast concrete design with punched openings which would have windows.
- The third floor level would have a ‘lighter’ appearance given the building would be setback from the lower levels and would include a terrace facing the street. The metal balustrade and planter boxes would help soften the appearance of the building when viewed from Nott Street.
- The proposal does not provide for ‘interaction’ between ground floor activity and pedestrians given the ground level would include a car park. In this instance a variation to the objectives are considered appropriate given the narrow width of the site and the appropriateness to provide on-site car parking.

Table I to the Schedule (DDO1-1a) has a preferred front setback of 0m, a preferred maximum height less than 5m from any road boundary of 10.5m and an absolute maximum height of 25.5m. The table also provides a number of outcomes, an assessment against these outcomes is outlined below.

Outcome	Response
Development responds to the traditional low rise, hard edge, ‘solid’ character of the area’s built form.	<b>Complies.</b> The proposal would have a zero front setback at ground, first and second floor level.
Vibrant pedestrian-orientated precinct with active ground floor uses supporting pedestrian movement to Station and Princes Piers.	<b>Does not comply.</b> Given the narrow width of the site it is not possible to provide an active ground floor, beyond the front foyer. This is considered to be an acceptable balance between providing an active frontage and on-site car parking spaces.
Development incorporates a 2 – 3 storey podium, built to the street boundary, with a simple form, masonry finish, active edge at ground level and ‘punched’ openings above, and weather protection of the footpath.	<b>Complies.</b> The first three storeys are built to the street boundary and have a simple precast concrete form. The windows at first and second floor provide a punched opening form. The proposal would not include weather protection over the footpath, but would have a covered entrance, which is typical of features on the adjoining buildings.
Higher development occurs which does not dominate the lower scale setting of the remainder of Beach Street.	<b>Complies.</b> The development is low scale, being only four storeys high. Furthermore, the site is on Nott Street and not Beach Street.



<p>Upper level to a maximum total height of 8 storeys are distinct from the podium through setbacks, a more expressive and heavily articulated form and nautical reference.</p>	<p><b>Complies.</b> The proposal would have a total of four storeys, with the upper level setback in accordance with the schedule of this overlay.</p>
<p>The roof form contributes to a visually interesting skyline</p>	<p><b>Complies.</b> The proposed flat roof would contribute to the varied roof forms in the area and contribute to a visually interesting skyline.</p>
<p>The foreshore including associated bicycle and pedestrian paths enjoys good solar access.</p>	<p><b>Complies.</b> The proposal would not impact on solar access to the foreshore.</p>

Clause 22.06 (Urban Design Policy for Non-Residential Development and Multi – Unit Residential Development) requires development to achieve high quality urban design and architecture that:

- Responds to the context of places within the municipality
- Integrates with the prevailing neighbourhood character and contributes to the amenity and vitality of the area
- Respects and enhances places and sites with significant heritage, architectural, scientific and cultural significance.
- Protects and enhances the valued elements of the municipality

Many of the policy areas referred to in this clause have been considered under the Design and Development Overlay and ResCode assessment, including Public Realm, Street Level Frontages, Energy and Resource Efficiency, Building Design, Private Open Space, Residential Amenity, Car Parking and Site Facilities.

In addition to the policy areas already considered in this report, this Clause also requires a proposal to consider landmarks, views and vistas. The policy (landmarks, views and Vistas) “encourages new development to preserve the visual prominence of key landmarks from adjoining street, foreshore areas and other key public spaces. “ It is noted that the surrounding properties are six to eight storey’s high. Given the proposal would be lower than the prevailing streetscape character, landmarks, views or vistas would not be affected.

**Are the impacts on the amenity of adjoining residents acceptable?**

Objective 9 of Clause 21.05-2 (Built Form) is “to ensure new development minimises any detrimental impacts on neighbouring properties. Strategy 9.1 of the objective is to “ensure new development does not unreasonably affect the amenity of adjoining properties by way of overshadowing, privacy or visual bulk”.





#### Overshadowing

In terms of overshadowing the shadow would fall to the south in the morning and later in the day over Nott Street. The only secluded private open space on an abutting property is to the north at no. 19-25 Nott Street. The proposal would not result in any overshadowing of this secluded private open space and accords with the requirements of this Standard.

#### Privacy

In terms of overlooking the proposal would have a front facing terrace at third floor level and would be within 9m of habitable room windows at the front of No. 19-25 Nott Street. The proposal includes a 2.1m high perforated privacy screen to prevent views into the front facing windows of No. 19-25 Nott Street. Whilst the proposal includes a perforated screen, further details would be required to ensure that the screen would not allow views through it. **(Refer to condition 1d)**. The terrace would also be within 9m of the terrace and habitable room windows of No. 55 - 62 Beach Street. The proposal does not include any privacy screens to prevent overlooking and loss of privacy to the terrace and habitable room windows of No. 55 - 62 Beach Street. A condition would be required to include a 1.7m high privacy screen to prevent overlooking to No. 55-62 beach Street. **(Refer to condition 1e)**.

The first, second and third floor level would have habitable room windows, towards the rear, on the northeast elevation that would be within 9m of the habitable room windows and ground floor courtyard of No. 19-25 Nott Street. Whilst the proposal includes a perforated screens, further details would be required to ensure that the screens would not allow views through it. A condition would require further details of the privacy screens to ensure it would prevent overlooking to No. 19-25 Nott Street. **(Refer to condition 1d)**.

There would be windows at first, second and third floor level on the rear elevation. However, these windows would face the roof of the two storey building to the rear and not any habitable room window or balcony. As such, there would be no loss of privacy or overlooking from the rear elevation.

#### Visual Bulk (Walls on boundaries)

The southwest elevation would include a four storey wall, with a maximum height of 14.550m, on the shared boundary with No. 15 and 15A Nott Street. There is currently a two storey building with a wall on the length of the boundary. The adjoining property (No. 15 and 15A) has a light court on the boundary and the proposal would also include a lightcourt, directly opposite it. The proposed wall would not be opposite any secluded private open space or habitable room windows at No. 15 and 15A Nott Street. The nearest habitable room windows are at No. 55-62 Beach Street. As the wall abuts an existing two storey wall and roof area it is not considered that there would be any loss of amenity from the proposed wall on the boundary.

The proposal would have a wall length of 18.4m on the shared boundary with No. 19-25 Nott Street to the northeast elevation. The wall would have a height ranging from 4.1m up to 14.388m. The first 14.6m of the wall would be four storeys (14.388m) in height



and would be opposite an existing three storey wall on the boundary. However, 2.5m of the four storey section of wall would be opposite a single storey wall on the boundary and the flank wall of the building. The flank wall is setback 1.26m from the boundary and does not have any habitable room windows or balconies.

The remaining 3.6m long section of boundary wall would be part two storey (7.324m) and part one storey (4.125m). The wall would be opposite the ground floor courtyard and the first floor windows and balconies on the flank elevation of No. 19-25 Nott Street. Whilst the single storey wall with a height 4.125m on the boundary would exceed ResCode requirements it would be considered acceptable in this instance. It is noted that high walls on the boundary is a common feature in the immediate area. To the rear of the site is a similar height wall opposite a rear courtyard at No. 19-25 Nott Street and the secluded private open space of the now demolished dwelling on the subject site.

The first floor section of wall would be 1.1m long and have a height of 7.23m from ground level. This section of wall would be located opposite the ground floor courtyard of No. 19-25 Nott Street. Given the height of the wall, it is considered that it would result in loss of amenity to the occupiers of the ground floor apartment through loss of daylight, presentation of visual bulk and creating a sense of enclosure. To reduce the impact to the adjoining ground floor apartment, it is recommended that the length of boundary wall should be reduced by a minimum of 1.18m on the shared boundary and the wall to be setback a minimum of 1.55m opposite the courtyard, as shown in diagram 1 below. **(Refer to condition 1c).**

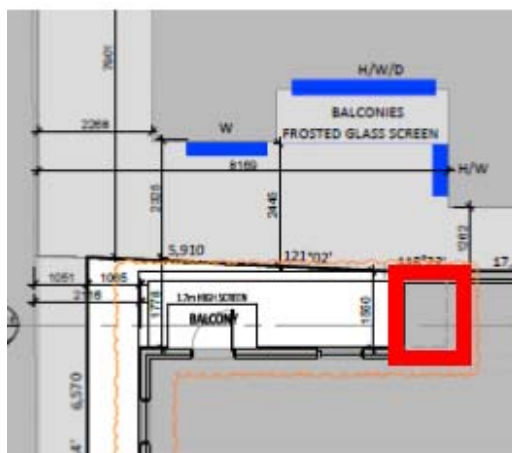


Diagram 1: Area of the first floor to be deleted, in red, in accordance with Condition 1c.

The proposal includes a balcony on the northeast elevation, facing the windows and balconies of No. 19-25 Nott Street. Given the proximity of the balcony to the adjoining property it is considered that it would result in loss of amenity through loss of daylight, presentation of visual bulk and creating a sense of enclosure. To reduce the impact on the adjoining properties, it is recommended that the balcony is located at the rear of the office, which would face a car park. **(Refer to condition 1g).**

On the northwest boundary the proposal would be setback 1.00m to 1.065m from the



rear boundary. To the rear of the site is a 1.016m – 1.051m wide laneway. On the opposite side of the laneway is a two storey building built to the boundary. The proposal would not cause any unreasonable detriment to the rear of the site.

Noise

The site is within a Mixed-Use Zone and the use of an office or dwelling does not require planning permission. However, the proposal does include plant equipment, which could result in noise and disturbance to the surrounding residential properties. The plant equipment would be located at roof level along the southwest boundary away from the nearest residential properties. As such it is considered that the plant equipment would not result in any loss of amenity through noise and disturbance to the adjoining residential properties. If Council decide to support the application, then a general amenity condition should be imposed on any permit granted to ensure that the amenity of the area must not be affected by noise, due to plant equipment. **(Refer recommended condition 10)**

Internal Amenity

The development would have a high regard for internal amenity. The proposal includes a large four bedroom dwelling with a generous terrace facing Nott Street. All bedrooms have access to a window, the open plan living and kitchen areas face either the front or rear of the site and the layout provides good cross ventilation. The ground level provides garaged area for two car spaces, adequate storage and service courtyard.

**Will the proposal provide adequate on-site car parking and bicycle provision?**

Car Parking

Pursuant to Clause 52.06-3 a permit may be granted to reduce (including reduce to zero) the requirement to provide the number of car parking spaces required under this clause. The table at Clause 52.06-5 states two spaces is required for a three bedroom dwelling and 3.5 spaces is required for every 100sqm of net floor area for an office. The proposal would provide two car spaces, within a double stacker, for the dwelling and one space for the office.

The following table outlines the car parking requirements set out at Clause 52.06 of the port Phillip Planning Scheme.

	Planning Scheme Requirement	Required Car Parking Spaces	Proposed provision of car parking spaces
Office (m <sup>2</sup> of 108.3 floor area)	3.5 spaces per 100m <sup>2</sup> of floor area	3 car parking spaces	1
Dwelling	2 spaces per 3 or more bedrooms.	2	2

The proposal seeks a reduction of the car parking requirements for the office, resulting in a reduction of two car parking spaces as outlined above. Given, there is adequate



room at the ground floor level for an additional car stacker, it is considered reasonable to provide four car spaces on-site. This would further reduce the impact of the proposal, in terms of car parking, on the surrounding streets. The western side of Nott Street has unrestricted parking, whilst the eastern side is limited to 1hr parking, between the hours of 8am to 6pm. Along Beach Street is unlimited metered parking whilst Rouse Street has a mixture of 2hr parking (between 8am and 6pm), permit zone (all day) and metered parking (unlimited). The site has reasonable access to public transport with a tram route (No. 109) at Beacon Cove (400m) and bus routes 234 (Stop on Graham Street) and 236 (Stop on Beach Street). Given the available parking nearby and the accessible public transport options that are available, a reduction of one car space for the office would be acceptable in this instance.

A condition would require that an additional two car stacker is provided at ground level. This would result in a total of 4 car spaces on-site and the reduction of one space, for the office, can be supported. **(refer condition 1g)**.

Council's Traffic Engineer has advised that the swept paths show satisfactory access to and from the car spaces located at the rear of the site. They have not raised any concerns with the proposal subject to the crossover being reduced in width to 2.5m **(Refer condition 1a)** and the provision of convex mirrors to improve pedestrian visibility **(Refer condition 1b)**.

#### Bicycle Facilities

Pursuant to Clause 52.35, bicycle parking facilities are only required if there is more than 1000m<sup>2</sup> of office floor area. In this case the proposal would have 108.3m<sup>2</sup> of office floor area. However, the proposal would include the provision of three bicycle spaces. The bicycle spaces would be located at ground floor level, with convenient access to the lobby and Nott Street. This is convenient for the future occupants of the office and dwelling given the site is in close proximity to the Beach Street bike path along the foreshore.

#### **Any other issues?**

##### Party Wall Easement

Pursuant to Clause 52.02 (Easements, Restrictions and Reserves) a permit is required to remove or vary an easement. The proposal seeks the removal of four party wall easements. These easements are now redundant, as the original dwelling on the adjoining lots have been demolished and the dwelling on the subject site has now been demolished. As such, there is no further need for the party wall easements.

Prior to deciding on an application, the Responsible Authority must consider the interests of affected people. The application was advertised to the adjoining properties and no objection was received in relation to the removal of easements. As such, the proposal raises no concerns with the removal of the party wall easement.

##### Sustainable Design and Water Sensitive Urban Design

A Sustainable Design Assessment and Water Sensitive Urban Design Response has



been submitted. Whilst the Sustainable Design Statement and Water Sensitive Urban Design Response is not yet of a standard for approval, the Sustainability Officer has recommended that a revised statement is submitted via condition. **(Refer to conditions 4, 5, 6, 7, 8 and 9)**

#### Development Contributions Plan Overlay

This application would result in the construction of a mixed use building comprising a dwelling and an office. Given the proposal would include an office it would result in an increase in people on the property from the previous use of the site as single dwelling. As such the requirements of the Development Contributions Plan Overlay apply to this application **(refer to condition 15)**.

### **9.2 Would there be an unreasonable direct amenity impacts, most particularly in relation to wall lengths and heights, setbacks, visual bulk impacts, overlooking and response to nearby windows and open space areas?**

Rescode is used to assess direct amenity impacts that may flow from a proposal, especially in terms of shadowing, setbacks, permeability, access to light and overlooking. The Clause 54 assessment shows that the proposal would either comply with or exceed the following standards:

A1 (Neighbourhood Character), A2 (Integration with the street), A3 (Street Setback), A8 (Significant Trees), A12 (Daylight to windows), A13 (North facing windows), A14 (Overshadowing), A16 (Daylight to new windows), A17 (Private open space), A18 (Solar access to open space), A19 (Detailed design) and A20 (Front fences).

Where a variation to the ResCode standard is required, the variation can be justified as follows:

#### A4- Building Height Objective

The proposal would result in a height of 14.5 m to the top of the flat roof. The variation to the Standard is considered to be acceptable as this section of Nott Street is characterised by tall buildings which are typically 5-7 storeys.

#### A5- Site Coverage

The proposal would have a site coverage of 91.4%. In this instance the high level of site coverage is considered to be acceptable as the adjoining residential buildings all have almost 100 percent site coverage. In this instance the variation to the Standard is considered to be acceptable.

#### A6 Permeability

The proposal would have a site permeability of 7.9%. In this case the reduction in the requirement of the Standard is considered to be acceptable. It is noted that the surrounding properties all have very low levels of site permeability and the proposal would be similar to the neighbouring sites. Furthermore, the proposal includes a water



tank to facilitate on-site stormwater management which would endeavour to counteract the lack of site permeability and meet the objective. In this instance the variation to the Standard is considered to be acceptable.

A7- Energy Efficiency Protection

The site is orientated east to west which limits the ability of any development to achieve good northern access. In addition to this to the north of the site is a five storey building that would reduce northern access to the site. In this instance the variation to the Standard is considered to be acceptable.

A10- Side and Rear Setbacks

Northeast elevation

The proposed setback would be 1.55m increasing to 1.778m. Under this Standard the required setback is 9.47m. In this instance the variation to the side setback requirements is considered to be acceptable. The proposed setback of 1.55m to 1.778m would allow for a light court to the ground floor court yard at No. 19-25 Nott Street.

In considering the potential impact on the balconies and windows opposite the subject site (No. 19-25 Nott Street) it is noted that the balconies have 1.7m high frosted glass balustrades and the windows have sill heights of 1.7m. As such, the outlook from these windows is limited to upwards views.

Given the narrow width of the site it is not reasonable to expect the development to comply with the requirements of ResCode. It is considered that the proposed setback of 1.5m – 1.778m combined with the 2.44m setback on the adjoining site would provide a suitable separation between the two buildings.

On this basis the proposed setback is considered to provide an adequate light court for the apartments opposite. It is considered that the objective is met in this instance.

Southwest elevation

The proposed setback would be 1.05m increasing to 1.065m. Under this Standard the required setback is 9.47m. In this instance the variation to the rear setback requirements is considered to be acceptable. The proposed wall would abut a laneway and a two storey building. The wall would not face any habitable room window or secluded private open space. On this basis there would be no loss of amenity to the property to the rear and the objective this Standard is met in this instance.

A11- Walls on Boundaries

The proposal would have a four storey wall built on the northern boundary. The wall would abut an existing three storey wall for the first 18.4m of the shared boundary. As such, only 3.6m of the proposed wall would not abut an existing wall. At first floor level 1.1m of the wall would be opposite a balcony. At second and third floor level there would be no wall opposite the existing balconies at No. 19-25 Nott Street.

It is considered that the 1.1m section of wall at first floor level would result in loss of





amenity to the occupiers of the ground floor apartment, due to the proposed two storey wall on the boundary through loss of day light, presentation of visual bulk and creating a sense of enclosure. If the remainder of the application is considered to be acceptable a condition would require the first floor to be setback a minimum of 1.5m opposite the ground floor court yard at No. 19-25 Nott Street. **(Refer to condition 1c).**

#### A15- Overlooking

The terrace at third floor level would be within 9m of habitable room windows at No. 19-25 Nott Street. The proposal includes a 2.1m high perforated privacy screen to prevent views into the front facing windows of No. 19-25 Nott Street. Whilst the proposal includes a perforated screen, further details would be required to ensure that the screen would not allow views through it. If the remainder of the application is considered to be acceptable a condition would require further details of the privacy screen to ensure it would prevent overlooking to No. No. 19-25 Nott Street. **(Refer to condition 1d).**

However, the terrace does not have a privacy screen to prevent views into the windows facing the subject site at No. 55-62 beach Street. If the remainder of the application is considered to be acceptable a condition would be required 1.7m high privacy screen to prevent overlooking to No. 55-62 beach Street. **(Refer to condition 1e).**

The second and third floor level would have habitable room windows on the northern elevation within 9m of the habitable room windows and secluded private open space of No. 19-25 Nott Street. Whilst the proposal includes a perforated screen, further details would be required to ensure that the screen would not allow views through it. If the remainder of the application is considered to be acceptable a condition would require further details of the privacy screen to ensure it would prevent overlooking to No. 19-25 Nott Street. **(Refer to condition 1d).**

## 10. COVENANTS

- 10.1 The applicant has completed a restrictive covenant declaration form declaring that there is no restrictive covenant on the titles for the subject site known as Lot 2 of Plan of Subdivision 015790 [Parent Title Volume 06812 Folio 279].

## 11. OFFICER DIRECT OR INDIRECT INTEREST

- 11.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.

## 12. OPTIONS

- 12.1 Approve as recommended  
12.2 Approve with changed or additional conditions  
12.3 Refuse - on key issues



**13. CONCLUSION**

13.1 It is considered that the proposed four storey mixed use building is an appropriate built form outcome for the area, given the established streetscape. The Council's Urban Design Officer has assessed the proposal and all supporting documentation submitted by the applicant and supports the application.

Furthermore, the proposal has been sympathetically designed to protect the amenity of neighbouring occupiers and is considered to be worthy of support subject to the conditions noted below.

The contemporary design of the proposal would represent an appropriate design response with respect to both the Design and Development Overlay and neighbourhood character.

Variations to ResCode have been supported in relation to A4, A5, A6, A7, A10, A11 and A15 however, this is justified having regard to the existing pattern of development in the locality, proposed design and the existing conditions.

Approval is recommended subject to conditions.



**14. RECOMMENDATION - Notice of Decision**

- 14.1** That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Decision to Grant a Permit.
- 14.2** That a Notice of Decision to Grant a Permit be issued for the construction of a four storey mixed use building, removal of four party wall easements shown as E-1 on Lot 2 on Lot 1 on Plan of Subdivision 015790 (Parent Title Volume 06812 Folio 279) and a reduction in the car parking requirements at 17 Nott Street, Port Melbourne.
- 14.3** That the decision be issued as follows:

**I. Amended Plans required**

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. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- a) The crossover to Nott Street to be 2.5m wide.
- b) Notation showing two convex mirrors on either side of the accessway.
- c) The first floor on the northeast elevation setback a minimum of 1.5m from the shared boundary for a minimum length of 1.18m, opposite the ground floor court yard at No. 19-25 Nott Street.
- d) Further details of the privacy screen on the northeast elevation to the third floor terrace and the privacy screens for the windows at first, second and third floor ensure it would prevent overlooking to No. 19-25 Nott Street (any screening must be demonstrated to be effective in accordance with the requirements of condition 1f below and to the satisfaction of the Responsible Authority).
- e) A 1.7m high privacy screen to prevent overlooking to No. 55-62 Beach Street (any screening must be demonstrated to be effective in accordance with the requirements of condition 1f below and to the satisfaction of the Responsible Authority).
- f) Cross section elevation drawings of all the privacy screens that:
  - I. Show the screens being fixed;
  - II. Are drawn to scale and fully dimensioned;
  - III. Clearly delineate any solid parts of the screen and any louvre or batten parts of the screen;
  - IV. Clearly illustrate how any louvre or batten system may allow upward views but will prevent downward or horizontal views to neighbouring properties; and
  - V. Show the exact width and thickness of each louvre or batten, the exact spacing between each louvre or batten and a section detail from behind the screen demonstrating that direct views of adjacent secluded private open space/ windows are precluded, while allowing outlook horizontally and upward from the terrace.
- g) Provide an additional car stacker at ground floor level, to provide a total of four car spaces.



- h) The first floor balcony deleted from the northeast elevation and located on the northwest elevation and any subsequent elevation changes. Should a window be replaced to the northeast elevation the window must be screened per the requirements of condition 1d).

All to the satisfaction of the Responsible Authority.

## **2. No Alterations**

The development and colours, materials and finishes as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

## **3. Walls on or facing the boundary**

Prior to the occupation of the building(s) allowed by this permit, all new or extended walls on or facing the boundary of adjoining properties and/or the laneway must be cleaned and finished to a uniform standard. Unpainted or unrendered masonry walls must have all excess mortar removed from the joints and face and all joints must be tooled or pointed 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.

## **4. Sustainable Design Assessment**

Before the development starts (other than demolition or works to remediate contaminated land) a Sustainable Design Assessment (SDA) that outlines proposed sustainable design initiatives must be submitted to, be to the satisfaction of and approved by the Responsible Authority. When approved, the Assessment will be endorsed and will then form part of the permit and the project must incorporate the sustainable design initiatives listed.

## **5. Incorporation of Sustainable Design initiatives**

The project must incorporate the sustainable design initiatives listed in the endorsed Sustainable Design Assessment (SDA) to the satisfaction of the Responsible Authority.

## **6. Implementation of Sustainable Design Initiatives**

Before the occupation of the development approved under this permit, a report from the author of the Sustainable Design Assessment (SDA) approved pursuant to this permit, or similarly qualified person or company, must be submitted to the satisfaction of the Responsible Authority. The report must confirm that all measures and recommendations specified in the SDA have been implemented and/or incorporated in accordance with the approved report to the satisfaction of the Responsible Authority.

## **7. Water Sensitive Urban Design**

Before the development starts (other than demolition or works to remediate contaminated land) a Water Sensitive Urban Design Report that outlines proposed water sensitive urban design initiatives must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The report must demonstrate how the development meets the water quality performance objectives as set out in the Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) or as amended.

When approved, the Report will be endorsed and will then form part of the permit and the



project must incorporate the sustainable design initiatives listed.

**8. Incorporation of Water Sensitive Urban Design initiatives**

Before the occupation of the development approved under this permit, the project must incorporate the water sensitive urban design initiatives listed in the endorsed Water Sensitive Urban Design Report to the satisfaction of the Responsible Authority, and thereafter maintained to the satisfaction of the Responsible Authority.

**9. Maintenance Manual for Water Sensitive Urban Design Initiatives (Stormwater Management)**

Before the development starts (other than demolition or works to remediate contaminated land) 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:

- inspection frequency
- cleanout procedures
- 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.

**10. Noise (SEPP NI)**

All air conditioning and refrigeration plant must be screened and baffled and/or insulated to minimise noise and vibration to ensure compliance with noise limits determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 to the satisfaction of the Responsible Authority.

**11. Piping and ducting**

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

**12. No equipment or services**

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

**13. Privacy screens must be installed**

Privacy screens as required in accordance with the endorsed plans must be installed prior to occupation of the building to the satisfaction of the Responsible Authority and maintained thereafter to the satisfaction of the Responsible Authority.

**14. Environmental Audit**

Before the use commences or before the construction or carrying out of buildings and works in association with the use hereby approved sensitive use commences, either:

- A certificate of environmental audit must be issued for the land in accordance with Part



IXD of the Environment Protection Act 1970, or

- An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

**15. SP52 Port Melbourne Developer Contribution Levy**

- (1) Prior to the commencement of the development hereby permitted the permit holder must either:
  - (a) Pay or provide a bank guarantee, insurance bond or similar security to the satisfaction of the Responsible Authority for the full amount of the development levy applying to the land in accordance with the provisions of the Port Melbourne Mixed Use Area Development Contributions Plan (Streetscape Works) July 1999 which is an incorporated plan under the Port Phillip Planning Scheme ('the DCP'); or
  - (b) Elect by notice in writing to Council to carry out the works ('the Works') generally in accordance with plans of the streetscape works provided by the owner and consented to by the Council.
- (2) If the election referred to in (1)(b) is made, the following provisions must apply:
  - (a) (i) Prior to the commencement of the Works, plans and specifications of the Works must be submitted to the Council for its approval. Once approved, the Works must be carried out only in accordance with such plans and specifications subject to any amendments that the Council may agree to.
  - (ii) Unless otherwise agreed in writing by the Council, the Works must be completed to the satisfaction of the Council prior to the issue of a Certificate of Occupancy.
  - (b) (i) As security for the carrying out of Works, on approval by the Council of the plans and specifications for the Works, the owner must lodge with the Council a bank guarantee or insurance bond for the value of the Works.
  - (ii) The Councils must be entitled to call upon such security to meet the cost of carrying out or completing the Works as the case may be in the event that the Works have not been completed to its satisfaction by the completion date.
  - (iii) The Bank Guarantee or insurance bond must be returned to the owner immediately upon Council advising the owner in writing that the streetscape works have been completed to its satisfaction.
- (3) If the works are carried out on or behalf of the Owner, the Owner must pay to the Council a supervision fee determined in accordance with the Subdivision Act 1998 for the supervision of the Works.

Guidance for Officers re Conditions SP56-63: To determine when each of the below conditions should be used, confirm the status of the land with the Coordinator Property Services. In some cases, both a condition and a note are required. Generally, projections of less than 300mm are not subject to these requirements. The need for a legal agreement or licence should always be discussed with the applicant, to allow for the proposal to be





redesigned without projections as an alternative.

### **16. Time for starting and completion**

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 date of commencement of works.
- c) The plan of removal of easement is not certified within two (2) years of the date of this permit.
- d) The certified plan is not registered at Land Registry within five (5) years of the date of the Plan of Subdivision being Certified by Council.

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:**

#### **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 appropriate building approval.

#### **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 any 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 dwelling on the adjoining properties.

#### **Days and Hours of Construction Works**

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.

#### **Drainage Point and Method of Discharge**

The legal point of stormwater discharge for the proposal must be to the satisfaction of the responsible authority. Engineering construction plans for the satisfactory drainage and



discharge of stormwater from the site must be submitted to and approved by the responsible authority prior to the commencement of any buildings or works.

**Noise**

The air conditioning plant 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 as follows:

- a) noise from the plant during the day and evening (7.00am to 10.00pm Monday to Friday, 9.00am to 10.00pm Weekends and Public Holidays) must not exceed the background noise level by more than 5 dB(A) measured at the property boundary
- b) noise from the plant during the night (10.00pm to 7.00am Monday to Friday, 10.00pm to 9.00am Weekends and Public Holidays) must not be audible within a habitable room of any other residence (regardless of whether any door or window giving access to the room is open).