

PLANNING PERMIT

Application No.: 5/2022/633/1
Planning Scheme: Bayside
Responsible Authority: Bayside City Council



ADDRESS OF THE LAND: 37 Graham Road HIGHETT

THE PERMIT ALLOWS: Construct or carry out works within a Special Building Overlay in accordance with the endorsed plans and subject to the following conditions.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. Before the development starts, amended Landscape plans 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 amended plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans labelled Landscape Design Report_rev 02, issued 29 March 2023 but modified to show:
 - a) Removal of 'indigenous cultivar' from the key on the plant list on page 10.
 - b) Correction of 'Cost tea tree' to 'Coast tea tree' on page 10 (twice error).
 - c) Any changes required by the Melbourne Water conditions at 4 – 12 inclusive.
 - d) Any other changes as agreed with Council.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.

Melbourne Water

4. Melbourne Water's Asset Re-alignment Works must be completed to the satisfaction of Melbourne Water in accordance with the Works offer dated 13 December 2021 and detailed design acceptance.
5. The overall Permissible Site Discharge (PSD) of the minor drainage system discharging into the Highett Main Drain must be limited to the 20% AEP event. In order to achieve this requirement, the peak flow rate of the minor drainage discharging to the Highett Main Drain must be controlled by orifice flow control fitted to the last pit in the network prior to the discharge point; to Melbourne Water specifications.
6. The new/ re-aligned Melbourne Water's asset through the open space area must be

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Date issued: **19 May 2023***Michael Kelleher*

Signature for the Responsible Authority

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contained within the 6.0 metre wide easement in favour of Melbourne Water.

7. Building envelopes as shown on the civil drawing and in the Stormwater Management report are considered indicative only and will be subject to future planning permit requirements/ conditions from Melbourne Water.
8. Build over - A Build Over application must be submitted online for Melbourne Water's review and approval prior to finalising plans and prior to any construction of permanent or temporary structures, demolition of structures existing structures or tree removal within 5m of Melbourne Water's asset: Note: upon further assessment a legally binding Build Over Agreement may be deemed necessary.

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

- i. Please note the following are classified as Permanent structures and not permitted in the lateral clearance zone: water tanks and as otherwise specified.
 - ii. Footings must be independent and self-supporting;
 - iii. Footings must not exceed a 600mm x 600mm square pad footing, and maintain a minimum lateral clearance of 500mm from the outside edge of the drain;
 - iv. Method for removal of the structure must not require the use of plant and equipment such as cranes, scaffolding or elevated work platforms;
 - v. Structures are to be designed as a simple pinned connection that facilitates for ease of removal within a reasonable time of less than 4hrs for two people;
9. Earthworks - Cut and fill earthworks to alter existing levels (or repaving) must factor in the following:
 - a) A minimum 850mm vertical cover must be maintained over the pipeline;
 - b) The manhole/junction pits located on Melbourne Water's drain must not be covered over by the proposed works;
 - c) A loading (including construction) and vibration assessment will be required to be undertaken by a qualified structural and geotechnical engineer, where +/- 500mm or greater is proposed in existing levels. The assessment must factor in current condition of the drain and include any recommendations for limiting loading or vibration caused in the short (during construction) and long term (post construction), where a proposed change in landscape is evident (e.g. non-traffic to trafficable);
 - d) Access manholes are required to be lowered/raised as per Melbourne Water standard drawing 7251/08/417 to the finished surface level. Note: this standard is only applicable for reinforced concrete pipes, with lowering depths up to 500mm and raise heights up to 300mm only. Manhole material and depths outside of this range is to be designed from first principles by a qualified structural engineer and submitted to Melbourne Water for review.
 10. Landscaping - Any new landscaping within 5 metres of Melbourne Water's asset must

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comply with Melbourne Water's Planting Guidelines. A Plant near sewers, drains, waterways and water mains application detailing of any landscaping will need to be submitted.

Details to be submitted shall include:

- i. Species and locations of trees to be planted
 - ii. Details of any hardstand areas, including paved and concrete areas
 - iii. Fencing details including footings/posts
11. Storm Water - Any new stormwater connection shall be made to Council's drainage system. In the event that connection cannot be made to Council's system a separate application is necessary for any new or modified stormwater connection or alteration to Melbourne Water's drainage system (i.e. junction pits) and shall require approval from Melbourne Water. Evidence will need to be provided by Council regarding the legal point of discharge.
12. The design of the finished surfaces within the 1 ha open space (park area) must allow for the free passage of overland flows. This includes the following requirements to accommodate overland flows:
- i. No additional imported fill is permitted within the 1%AEP overland flows path except minor fill for drainage purposes and park equipment.
 - ii. The density and massing of vegetation must be minimised to avoid flow obstruction (particularly within play space).
 - iii. Open space between Apartment G (Stace 1A Works) and Apartment K / Community Hub must be kept on open and unobstructed.
 - iv. Proposed shared path must be set at current surface levels.
 - v. The chain mesh fence (yellow dotted alignment as per landscape plan) is acceptable, provided mesh fence is maintained to allow overland flows to freely pass through fence.

Drainage

13. Detailed design plans for the diverted Council stormwater drains must be submitted to and approved by Council prior to construction.
14. The Council drainage assets must be contained within a 2-metre-wide easement in favour of Bayside City Council.

Permit Expiry

15. 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 four years of the date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.

Michael Kelleher

Date issued: **19 May 2023**

Signature for the Responsible Authority

IMPORTANT INFORMATION ABOUT THIS PERMIT**WHAT HAS BEEN DECIDED?**

The Responsible Authority has issued a permit.

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

CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

The responsible authority may amend this permit under Division 1A of Part 4 of the **Planning and Environment Act 1987**.

WHEN DOES A PERMIT BEGIN?

A permit operates:

- from the date specified in the permit; or
- if no date is specified, from —
 - (i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
 - (ii) the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development requires the certification of a plan of subdivision or consolidation under the Subdivision Act 1988 and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
 - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the Subdivision Act 1988.
2. A permit for the use of land expires if—
 - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
 - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
 - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the Planning and Environment Act 1987, or to any combination of use, development or any of those circumstances requires the certification of a plan under the Subdivision Act 1988, unless the permit contains a different provision—
 - the use or development of any stage is to be taken to have started when the plan is certified; and
 - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on an Application for Review form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- An application for review must also be served on the Responsible Authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

Installation of fixed domestic plant equipment

Operating fixed domestic plant equipment can create a significant amount of noise. It is important to carefully plan their location so any noise generated does not affect your neighbours. Unreasonable noise can disturb people from their normal work, relaxation and sleep.

What is fixed domestic plant equipment?

Items such as air conditioners, swimming pool equipment, spa pumps, ducted internal vacuum systems and ducted heating systems are considered to be fixed domestic plant equipment.

What to consider before installation

- When planning new developments or renovating existing dwellings identify the equipment required to service the dwelling.
- Undertake a site assessment to establish the potential impact of noise created by your equipment on neighbours.
- Plan to locate equipment as far as practicable from neighbouring properties, in particular habitable rooms (e.g. bedrooms, living areas).
- Consider what barriers, fences or vegetation is available to reduce the impact of noise to your neighbours. Also consider surrounding walls or structures that may reflect or amplify noise.
- Seek professional advice from an installer to ensure the equipment is suitable for its proposed application.
- Consult your neighbours to address any concerns that they may have in relation to the location and operation of the equipment before it is installed.

Implications of poorly located equipment

Failure to appropriately plan the location of domestic plant equipment can result in noisy equipment being sited too close to neighbours, which can lead to complaints.

Even though the location of your equipment may have been included in an approved planning permit, Council may still direct you to undertake works or stop using equipment if it impacts your neighbours.

More information

- Environment Protection Authority website www.epa.vic.gov.au
- Council's Environmental Health Unit on 9599 4417