

**PLANNING PERMIT**

**Application No.:** 5/2022/185/1  
**Planning Scheme:** Bayside  
**Responsible Authority:** Bayside City Council

**ADDRESS OF THE LAND:**

37 Graham Road HIGHETT

**THE PERMIT ALLOWS:**

Buildings and works associated with a Section 2 use, and buildings and works in 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 plans and reports 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 amended plans and reports must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted to Council on 14 April 2022, prepared by Stantec, dated 1 April 2022 and Revision E but modified to show:
  - a. Any changes required by the Melbourne Water conditions at 4 – 14 inclusive.
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. As outlined in the Stormwater Management Plan (SWMP) (Stantec) for Park Village Highett development ref: 29150-2 dated 5/03/21, 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. The orifice flow control will be sized to limit flows to the PSD values calculated as follows:

Catchment Proposed drain size (to be connected into Melbourne Water's Drain)

- |   |           |
|---|-----------|
| 1 | 0.38m dia |
| 2 | 0.28m dia |

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3 0.2m dia

Note: Civil Drawings indicating large drain pipes of size 450mm and 525mm respectively are proposed to discharge flows into Melbourne Water's drainage system without controlling flow rate to 20% AEP. Melbourne Water requires specified safety conditions as per table above to be satisfied.

6. Roads within the development must be designed to contain and convey the 1% AEP flow exceeding the capacity of the underground drainage system to the overland flow path traversing the site.
7. The new/ re-aligned Melbourne Water's asset through the open space area must be contained within the 6.0 metre wide easement in favour of Melbourne Water.
8. 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.
9. Future building development on site must consider flood levels as per the Flood Impact Assessment report for setting finished floor levels for each building and basement entries. (300mm above determined 1%AEP flood levels at locations as per this report).
10. 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. 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;
- ii. Method for removal of the structure must not require the use of plant and equipment such as cranes, scaffolding or elevated work platforms;
- 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. Footings must be independent and self-supporting;
- v. Please note the following are classified as Permanent structures and not permitted in the lateral clearance zone: water tanks, air-conditioning units, hot water systems.

For more information please refer to: <https://www.melbournewater.com.au/planning-and-building/work-or-build-near-ourassets-or-easements/building-requirements>

11. Earthworks - Cut and fill earthworks to alter existing levels (or repaving) must factor in the following:

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- 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.
12. Landscaping - Any new landscaping within 5 metres of Melbourne Water's asset must 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

For more information please refer to: <https://www.melbournewater.com.au/planning-and-building/work-or-build-near-ourassets/planting-guidelines>

13. 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.

For more information please refer to: <https://www.melbournewater.com.au/planningand-building/work-or-build-near-our-assets-or-easements/stormwater-connectionguidelines>

14. Utility Installation - No services are to be installed across Melbourne Water's Asset or within the easement/s that are in favour of Melbourne Water unless approval in writing has been granted by Melbourne Water. A separate Utility Installation application will need to be submitted.

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<https://www.melbournewater.com.au/planning-and-building/work-or-build-near-our-assets-or-easements/utility-installation-guidelines>

Drainage

15. Prior to works associated with the installation of the Legal Point of Discharge for each of the proposed public open space reserves commencing, an updated Stormwater Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Stormwater Management Plan must include the reserves in the Catchment Plan and any changes to the Civil Drawings or Stormwater Management Plan required by the new calculations must be made accordingly. The Stormwater Management Plan must include details of the proposed drainage Legal Point of Discharge locations including Legal Points of Discharge for all future public open space reserves to the satisfaction of the Responsible Authority.
16. Prior to works associated with the installation of the Legal Point of Discharge for each of the proposed public open space reserves commencing, amended civil engineering plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - a) The 'Overall Services Layout Plan' reflecting proposed drainage Legal Point of Discharge locations for all future public open space reserves
  - b) The 'Stormwater Drainage Plan' reflecting proposed drainage Legal Point of Discharge locations for all future public open space reserves and mounding to direct overland flows from conservation area to Road E.

Final Inspection of Works

17. Prior to the commencement of works associated with any other stage of the development plan, the construction of the civil works associated with that stage of the development including but not limited to access ways, road, drainage infrastructure, footpaths, internal and external signs, and mounding must be fully completed, and inspected and approved by an approved Civil Engineer at the arrangement and expense of the developer. The Civil Engineer must supply the Responsible Authority with written confirmation that the works have been constructed in accordance with this permit and to relevant standards to the satisfaction of the Responsible Authority.

Construction Management Plan

18. Prior to commencement of any building works and / or the issue of a Building Permit a Construction Management Plan (CMP) prepared to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for (but not limited to):

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- a) A pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
- b) Works necessary to protect road and other infrastructure;
- c) Remediation of any damage to road and other infrastructure;
- d) Containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
- e) Facilities for vehicle washing, which must be located on the land;
- f) The location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- g) Site security;
- h) Management of any environmental hazards including, but not limited to,:
  - i contaminated soil and ground water,
  - ii materials and waste,
  - iii dust,
  - iv stormwater contamination from run-off and wash-waters,
  - v sediment from the land on roads,
  - vi washing of concrete trucks and other vehicles and machinery, and
  - vii spillage from refuelling cranes and other vehicles and machinery;
- i) The construction program;
- j) Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;

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- k) Parking facilities for construction workers;
- l) Measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- m) An outline of requests to Council /Public authorities to occupy public footpaths or roads, or anticipated disruptions to local services;
- n) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- o) The provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- p) Include details of bus movements throughout the precinct during the construction period;
- q) A Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
  - i using lower noise work practice and equipment,
  - ii the suitability of the land for the use of an electric crane,
  - iii silencing all mechanical plant by the best practical means using current technology,
  - iv fitting pneumatic tools with an effective silencer,
  - v other relevant considerations, and
  - vi any site-specific requirements;

During the construction:

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- r) Any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
- s) Stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
- t) Vehicle borne material must not accumulate on the roads abutting the land;
- u) The cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
- v) All litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

If required, the Construction Management Plan may be approved in stages. Construction of each stage must not commence until a Construction Management Plan has been endorsed for that stage, to the satisfaction of the Responsible Authority.

**Permit Expiry**

19. 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.


**Permit Notes:**

- Council would be supportive of the applicant and/or owner making a tax deductible donation equal to 0.1% of the sale price of any dwelling approved under this permit to Homes for Homes Limited (CAN 143 141 544) or equivalent social and/or affordable housing not-for-profit organisation.
- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.

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- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.

**Permit Notes**

Date	Details
4 April 2023	<ul style="list-style-type: none"> <li>• Correction to the planning permit pursuant to Section 71 of the <i>Planning and Environment Act 1987</i> by updating the endorsed plans to include the previously omitted Signage and Linemarking Plans.</li> <li>• The Signage and Linemarking Plans (Part 1 and 2) prepared by Stantec and dated 23/6/2022 are to be endorsed. These are to be read in conjunction with sheets 1-10 previously endorsed on 11/10/2022</li> </ul>

**THIS PERMIT SUPERSEDES ALL OTHER PERMITS ISSUED.**

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Planning and Environment Regulations 2015 Form 4		



**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](http://www.epa.vic.gov.au)
- Council's Environmental Health Unit on 9599 4417