

PLANNING PERMIT

Application No.: 5/2022/443/1
Planning Scheme: Bayside
Responsible Authority: Bayside City Council

**ADDRESS OF THE LAND:**

37 Graham Road HIGHETT

THE PERMIT ALLOWS:

To construct a building or to construct or carry out works constituting 53 townhouses, two apartment buildings and front fences that exceed a height of 1.5m in the Special Building Overlay, and to reduce the number of car parking spaces required under Clause 52.06 of the Bayside Planning Scheme. 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 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 further information response) prepared by Clarke Hopkins Clarke referenced 220035, date 3/11/2022 and revision number B but modified to show:
 - a) Any changes required by the Melbourne Water or Department of Transport conditions as appropriate.
 - b) Provision of a Car Parking Management Plan for the basement car parking spaces in the basement. The Car Parking Management Plan must include details of the following:
 - i. Allocation of parking spaces to each dwelling.
 - ii. Traffic directional arrows.
 - iii. Traffic signs and locations.
 - iv. Convex mirrors where appropriateAll to the satisfaction of the Responsible Authority.
 - c) A Sustainable Management Plan in accordance with Condition 13.
 - d) A Landscaping Plan in accordance with Condition 14.
 - e) A Stormwater management Plan in accordance with Condition 27.
 - f) A Waste Management Plan in accordance with Condition 31.
 - g) A Construction Management Plan in accordance with Condition 37.
 - h) Provision of the development contributions fee in accordance with Condition 38.

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All to the satisfaction of the Responsible Authority.

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.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
8. Vehicle Crossings must be constructed to Council's Standard Vehicle Crossover Guidelines and standard drawing unless otherwise approved by the Responsible Authority. Separate consent/permit for crossovers is required from Council's Asset Protection Unit. Kerb and channel to be constructed or reinstated to the satisfaction of Council.
9. The existing footpath levels must not be lowered or altered in any way at the property line (to facilitate the basement ramp). This is required to ensure that normal overland flow from the street is not able to enter the basement due to any lowering of the footpath at the property line. Any public assets (including service pits, poles and trees) that are required to be removed/relocated to facilitate the development must be done so at the cost of the owner/applicant and subject to the relevant authority's consent. The redundant vehicular crossing must be removed and the footpath, nature strip and kerb reinstated at the owner's cost to the satisfaction of Council.
10. Prior to the commencement of any proposed works above basement level, all levels and gradients of the ramp must be checked by a qualified surveyor.
11. All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants must be installed underground and located to the satisfaction of the relevant servicing authority and the Responsible Authority.

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12. Storage areas within the basement visible from common areas to be enclosed within a metal cladding to ensure they are secure and goods within the storage area are not visible and in accordance with Standard D20 of Clause 58 of the Bayside Planning Scheme.

Sustainability Management Plan

13. Prior to the endorsement of plans pursuant to Condition 1, a Sustainability Management Plan (SMP) must be submitted to and approved by the Responsible Authority. The SMP must be generally in accordance with the Sustainability Management Plan prepared by Stantec, reference 29150-2, dated 8/11/2022.

Landscaping

14. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept report drawn by Tract, reference 320-0732-00-L-03-RP01, dated 9/11/2022 and the Bayside Landscaping Guidelines and be drawn to scale with dimensions.
15. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
16. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Protection of trees for services

17. All underground services must be located outside of Tree Protection Zones (TPZ) of all trees to be retained. If this is not possible, any underground service installations within a TPZ must be bored beneath the entire TPZ to a minimum depth 800mm. If this is not possible, any excavation within the TPZ required for the connection of services must be undertaken by approved non-destructive digging techniques, under the supervision of a project arborist and with the written approval of the Responsible Authority.

Melbourne Water

18. Prior to the development plans being endorsed, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be amended as follows:
- a) 6.0m wide easement set aside for Melbourne Water's re-aligned underground drain must be clearly shown on the site plan for the stage 1.
19. Storm Water Management for the stage 1 development must be as per Storm Water Management Plan Prepared By: Peter Munzel; Ref: 29150-2; Dated 5/03/2021; Revision: E.

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20. Surface level of parkland area and internal roads in the DP (in particular, along overland flow path) must be set as per assumptions made in hydraulic modelling by Engeny. (Flood Impact Assessment, dated: 04/02/2021 by Engeny (Scott Dunn) & Memorandum by Engeny for On-site Detention and Existing/Developed Flows, dated 5 February 2021). (Functional Design plans and re-alignment of Melbourne Water's existing asset is part of a separate application process with Melbourne Water)
21. Runoff from the site must be treated to comply with the criteria in the Urban Storm water Best Practice Environmental Management Guidelines regarding pollutant removal. Acceptable methods for the design of treatment measures include the storm water treatment modelling software package 'Model for Urban Stormwater Improvement Conceptualisation' (MUSIC), or the 'Water Sensitive Urban Design Engineering Procedures Manual' available at <http://www.melbournewater.com.au/wsud> which provides the procedure for design of various treatment measures.
22. Finished ground floor levels of all proposed dwellings (within Superlots 01 & 02) and apartment buildings labelled 'G' and 'J' of stage 1 of the Development Plan must be set no lower than 300mm above the applicable flood level at the location as per Melbourne Water accepted Memo prepared by Engeny Water Management; Dated: 23/11/2022, or 300mm above top of the kerb of internal roadways whichever is higher.
23. Basement entry/s to apartment buildings 'G' and 'J' must also be set no lower than 300mm above the applicable flood level at the location as per Melbourne Water accepted Memo prepared by Engeny Water Management; Dated: 23/11/2022, or 300mm above top of the kerb of internal roadways whichever is higher.
24. No solid obstructions such as solid fencing, earth filling & retaining walls, raised solid landscaping etc must be located within the flood extent.
25. No permanent structures must be placed within the 6.0m wide easement set aside for Melbourne Water's re-aligned underground drain. Any temporary structures (e.g. playground equipment) within the easement or lateral clearance zone must meet temporary structure footings and setback requirements. A separate Build Over Application for assessment and approval of any proposed works over and near Melbourne Water's asset and easement must be part of future development applications. (Fees and special conditions will apply)
26. 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/building-and-works/work-or-build-near-our-assets-or-easements/stormwater-connection-guidelines>

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Stormwater Management Plan

27. Prior to the endorsement of plans pursuant to Condition 1, a Stormwater Management Plan (SWMP) must be submitted to and approved by the Responsible Authority. The SWMP must be generally in accordance with the Stormwater Management Plan prepared by MCG Consult, reference 29150-2, dated 22/8/2022.

Drainage

28. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
29. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.
30. The surface of all balconies and terraces are to be sloped to collect the stormwater run-off into stormwater drainage pipes that connect into the underground drainage system of the development to the satisfaction of the Responsible Authority.

Waste Management

31. Before the endorsement of plans, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must be in accordance with the WMP prepared by Leigh Design, reference Park Village Stage 1, dated 23/8/2022.

Department of transport

32. The demolition and construction of the development must not disrupt bus operations on Graham Road without the prior written consent of the Head, Transport for Victoria.
33. Any request for written consent to disrupt bus operations on Graham Road during the demolition and construction of the development must be submitted to the Head, Transport for Victoria not later than 8 weeks prior to the planned disruption and must detail measures that will occur to mitigate the impact of the planned disruption
34. Prior to commencement of buildings and works, a Functional Layout Plan must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be generally in accordance with the Scenario 2 Concept Layout Plan date stamped 30 July 2021 and annotated V181370-02-01 Issue P1 but modified to show:
- a) Design of Traffic Signals at the intersection of Bay Road and Graham Road, inc foot paths and pram crossing to be DDA compliant, line marking etc,

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- b) Existing electric pole on the south side of Bay Road, to the east of the proposed signals at Bay Road/Graham Road to be relocated or undergrounded (preferred)
 - c) Traffic Lane widths on Bay Road at a minimum 3 metres
 - d) Bay Road eastbound traffic, existing dual lane and line marking to be extended along Bay Road for approx. 70m east of the pedestrian operated signals near Jack Road
 - e) Bay Road westbound traffic, east of the Graham Road intersection for approx. 80m, to be dual lane and line marked
 - f) Jack Road and Bay Road stop sign, line and intersection, to be designed in accordance with the new road design of Bay Road
 - g) Details of any works required (i.e. design of a particular intersection, road alignment, road access etc – be specific). Where standard engineering requirements exist, require that the plans are prepared to accord with those requirements
 - h) All works to be in accordance with AustRoads
35. Prior to the occupation of the development, the following roadworks on Bay Road must be completed at no cost to and to the satisfaction of the Head, Transport for Victoria
- a) Traffic Signals at Graham Road and Bay Road, dual lane works and Bay Road line marking in accordance with the approved Functional Layout Plan
 - b) The three signalised intersection (being existing signals at Bay Road/Reserve Road, proposed signals at Bay Road/ Graham Road and existing pedestrian operated signals at Bay Road near Jack Road) to be coordinated, at 90 second cycle times
 - c) Queue detectors to be installed on the departure side of Reserve Road for eastbound traffic, and at the Pedestrian Operated Signals near Jack Road for westbound traffic
36. A Road Safety Audit must be submitted to and approved by the Head, Transport for Victoria, at both the functional and detail design review stages. The road safety audit(s) must be undertaken by a suitably qualified road safety auditor.

Construction Management Plan

37. Prior to commencement of any building works (including demolition works in a Heritage Overlay) 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):
- a) A pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;

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- 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;
- 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;

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- 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:

- 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;

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- 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

Development Contribution

38. Prior to endorsement of the plan/s required under Condition 1 of this permit, the permit holder must pay a drainage levy in accordance with the amount specified under the Bayside Drainage Development Contributions Plan. The levy amount payable will be adjusted to include the Building Price Index applicable at the time of payment.

The levy payment shall be submitted to Council with the Bayside Drainage Development Levy Charge Sheet and it must include the Building Price Index applicable at the time of payment.

Permit Expiry

39. 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:

- Foreseen disruptions to bus operations and mitigation measures must be communicated to Department of Transport eight (8) weeks prior by telephoning 1800 800 007 or emailing customerservice@transport.vic.gov.au
- Separate consent for works within the road reserve and the specifications of these works is required under the Road Management Act 2004. For the purposes of this application the works will include provision of:
 - i. Traffic Signals at Bay Road and Graham Road
 - ii. Line marking and dual lane works on Bay Road.
 - iii. Any associated works and signage.

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- 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.
- Gazetted road names will be required for the new roads, and the walkway to Buildings I and J, prior to street numbering being allocated. The applicant must submit a request to the Responsible Authority (Bayside City Council – Governance Coordinator) for this to be named as per the Rules for Naming of Places in Victoria ("The Rules"), issued by the Office of Geographic Names (OGN).
- Once road names have been approved by the OGN and Responsible Authority, the Applicant must then submit a request to the Responsible Authority (Bayside City Council – Senior Property Data Officer) for addressing to be allocated for the proposed development.
- The Applicant should commence this process as early as possible, due to the statutory process and timelines, including but not limited to those outlined in The Rules, to avoid any undue delays later in the development process.
- Council is the responsible authority for the allocation of street addressing in accordance with the "Rural and Urban Addressing Standards (4819:2011)". It is the applicant/property owner's obligation to comply with the Street address allocations prior to the completion of construction.

For more information on street numbering, please contact Council's Revenue Services Team on 9599 4444.

- 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.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- 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.

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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