

27 November 2023

J. Thai
NDY MANAGEMENT PTY LTD
Level 48/ 80 Collins Street
Melbourne VIC 3000

Email: j.thai@ndy.com

Dear J. Thai

RE: BUILD OVER CONSENT
LOCATION: 11 Beach Street
MW REFERENCE: MWA-1303060
YOUR REFERENCE: 1207/10/006

ADVERTISED PLAN

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Thank you for your application and plans submitted on 29/08/2023 requesting the proposed works near Melbourne Water's Stormwater drain 174289.

Melbourne Water **does not object** to the proposed works near Melbourne Water's Stormwater drain 174289 (as per submitted Drawing **1207/10/006**) subject to the following conditions:

1. A copy of this correspondence **must** be kept on site at all times.
2. No materials or chemicals are to be stored or electrical equipment installed within the drain/easement/area below flood level unless approved by Melbourne Water.
3. Please note: Melbourne Water's records indicate that the drain listed as being 1500mm deep in your proposal drawings **1207/10/006** sits at roughly 5400mm deep.
4. The manhole/junction pit located on Melbourne Water's Main Drain must not be covered over by the proposed works.

Prior to commencement of any construction, any proposal to adjust manhole cover levels must be forwarded to Melbourne Water for comments and approval.

Any works to be carried out on Melbourne Water's "live" drainage assets must be carried out by a Registered Contractor, subject to Melbourne Water's registration requirements.

5. Any works to be conducted surrounding the Main Drain shall be undertaken in a manner that protects the Main Drain (i.e.: minimum vibration, loading, etc.).
6. Any damage caused to Melbourne Water's Main Drain due to construction works must be repaired at the owner's/agent's cost.

7. Any new or modified 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/planning-and-building/work-or-build-near-our-assets-or-easements/stormwater-connection-guidelines>

8. No services to be installed across the Main Drain unless approval in writing has been granted by Melbourne Water.

For more information and utility clearance requirements please refer to: <https://www.melbournewater.com.au/planning-and-building/work-or-build-near-our-assets-or-easements/utility-installation-guidelines>

9. Melbourne Water requires unrestricted access to the Main Drain for maintenance purposes at any time including during construction.
10. Any new landscaping within 5 metres of the asset will need to 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:

- a. Species and locations of trees to be planted
- b. Details of any hardstand areas, including paved and concrete areas
- c. Fencing details including footings/posts

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

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Agreement Conditions:

11. Notwithstanding consent, the owner must enter into a legal agreement, indemnifying Melbourne Water from any claims of injury or damage arising from the construction of any permitted structure over or in close proximity to a Main Drain. The legal agreement has been attached for signing and must be returned to Melbourne Water for completion.
12. The owner shall remain responsible for both removal of the structure and its reinstatement resulting from works by Melbourne Water. Melbourne Water's responsibility is limited to reinstating to base level. Any hardstand surfaces such as the driveway and floor slab and footings and any other areas that may be disturbed as a result of Melbourne Water activities shall be owner's responsibility or cost.
13. Melbourne Water maintains unrestricted access to the Main Drain for maintenance purposes, hence the owner shall not deny Melbourne Water access to the drain/easement area, and shall take reasonable steps to vacate the area for Melbourne Water to access the Main Drain.
14. The owner shall not make a claim against Melbourne Water for any inconvenience imposed during drainage works. (Where possible Melbourne Water will endeavour to accommodate any special requirements).

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15. The owner shall not make a claim against Melbourne Water for any costs incurred as a result of having to make any special arrangements resulting from Melbourne Water's occupation of the area bound by the easement.
16. The owner agrees that Melbourne Water will not be liable for any damage caused to the proposed construction/development due to floodwater or heavy rainfall.
17. The owner will indemnify Melbourne Water from any claims of injury or damage (including public liability claims) arising from the proposed construction/development.

You are advised that under the Water Act penalties apply for unauthorised interference with assets under Melbourne Water's control.

Work must commence within 12 months from the date of this letter, after which this approval will lapse and Melbourne Water will reserve the right to either grant an extension of time or impose additional conditions.

Please note that our consent to your proposal does not affect the rights of any other parties over the area in question.

Please note the proposed works may trigger approval requirements concerning environmental, biodiversity and cultural heritage controls. Accordingly, you are advised you may need to consult with the following authorities and agencies: Department of Energy, Environment and Climate Action (DEECA), Department of Transport and Planning (DTP), Office of Aboriginal Affairs Victoria (OAAV), Heritage Victoria and Municipal Council.

If further information is required on this matter, please contact the undersigned below on 131 722 or email devconnect@melbournewater.com.au quoting the Melbourne Water reference MWA-1303060.

Yours sincerely



Philip Atanasovski
Asset Protection

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