

DATED

2024

PYE & SWIFT PTY LTD ACN (098 114 428)

VENDOR STATEMENT

Property: 2/44 Station Street, Somerville VIC 3912

McCarthy Partners Pty Ltd
Lawyers & Advisers
2247 Point Nepean Road
Rye Vic 3941
PO Box 310, Rye 3941
Tel: 03 5985 3211
www.mccarthypartners.com.au
karen@mccarthypartners.com.au
Ref: 20811

Vendor Statement

The vendor makes this statement in respect of the land in accordance with section 32 of the *Sale of Land Act 1962*.

This statement must be signed by the vendor and given to the purchaser before the purchaser signs the contract.

The vendor may sign by electronic signature.

The purchaser acknowledges being given this statement signed by the vendor with the attached documents before the purchaser signed any contract.

Land

LOT 2 ON PLAN OF SUBDIVISION 831021H BEING ALL OF THE LAND DESCRIED
IN CERTIFICATE OF TITLE VOLUME 12371 FOLIO 982 AND KNOWN AS **2/44**
STATION STREET, SOMERVILLE VIC 3912.

Vendor's name Pye & Swift Pty Ltd (ACN 098 114 428)

Date

/ /

Vendor's signature

Purchaser's name

Date

/ /

Purchaser's signature

Purchaser's name

Date

/ /

Purchaser's signature

1. FINANCIAL MATTERS

1.1 Particulars of any Rates, Taxes, Charges or Other Similar Outgoings (and any interest on them)

(a) ☒ Are contained in the attached certificate/s.

1.2 Particulars of any Charge (whether registered or not) imposed by or under any Act to secure an amount due under that Act, including the amount owing under the charge

Refer to attached Land Information Certificate or Council Rates Notice

1.3 Terms Contract

This section 1.3 only applies if this vendor statement is in respect of a terms contract where the purchaser is obliged to make 2 or more payments (other than a deposit or final payment) to the vendor after the execution of the contract and before the purchaser is entitled to a conveyance or transfer of the land.

Not Applicable

1.4 Sale Subject to Mortgage

This section 1.4 only applies if this vendor statement is in respect of a contract which provides that any mortgage (whether registered or unregistered), is NOT to be discharged before the purchaser becomes entitled to possession or receipts of rents and profits.

Not Applicable

1.5 Commercial and Industrial Property Tax Reform Act 2024 (Vic) (CIPT Act)

(a) The Australian Valuation Property Classification Code (within the meaning of the CIPT Act) most recently allocated to the land is set out in the attached Municipal rates notice or property clearance certificate or is as follows	AVPC No.100
(b) Is the land tax reform scheme land within the meaning of the CIPT Act?	☐ YES ☒ NO
(c) If the land is tax reform scheme land within the meaning of the CIPT Act, the entry date within the meaning of the CIPT Act is set out in the attached Municipal rates notice or property clearance certificate or is as follows	Date: OR ☒ Not applicable

2. INSURANCE

2.1 Damage and Destruction

This section 2.1 only applies if this vendor statement is in respect of a contract which does NOT provide for the land to remain at the risk of the vendor until the purchaser becomes entitled to possession or receipt of rents and profits.

Not Applicable

2.2 Owner Builder

This section 2.2 only applies where there is a residence on the land that was constructed by an owner-builder within the preceding 6 years and section 137B of the Building Act 1993 applies to the residence.

Not Applicable

3. LAND USE

3.1 Easements, Covenants or Other Similar Restrictions

(a) A description of any easement, covenant or other similar restriction affecting the land (whether registered or unregistered):

☒ Is in the attached copies of title document/s

(b) Particulars of any existing failure to comply with that easement, covenant or other similar restriction are:

To the best of the vendor's knowledge there is no existing failure to comply with the terms of any easement, covenant, caveat or similar restriction. The purchaser should note that there may be sewers, drains, water

pipes, underground and/or overhead electricity cables, underground and/or overhead telephone cables and underground gas pipes laid outside any registered easements and which are not registered or required to be registered against the Certificate/s of Title.

3.2 Road Access

There is NO access to the property by road if the square box is marked with an 'X' ☐

3.3 Designated Bushfire Prone Area

The land is in a designated bushfire prone area within the meaning of section 192A of the *Building Act* 1993 if the square box is marked with an 'X' ☐

3.4 Planning Scheme

☒ Attached is a certificate with the required specified information.

4. NOTICES

4.1 Notice, Order, Declaration, Report or Recommendation

Particulars of any notice, order, declaration, report or recommendation of a public authority or government department or approved proposal directly and currently affecting the land, being a notice, order, declaration, report, recommendation or approved proposal of which the vendor might reasonably be expected to have knowledge:

Not Applicable

4.2 Agricultural Chemicals

There are NO notices, property management plans, reports or orders in respect of the land issued by a government department or public authority in relation to livestock disease or contamination by agricultural chemicals affecting the ongoing use of the land for agricultural purposes. However, if this is not the case, the details of any such notices, property management plans, reports or orders, are as follows:

None to the Vendor's knowledge.

4.3 Compulsory Acquisition

The particulars of any notices of intention to acquire that have been served under section 6 of the *Land Acquisition and Compensation Act* 1986 are as follows:

None to the Vendor's knowledge.

5. BUILDING PERMITS

Particulars of any building permit issued under the *Building Act* 1993 in the preceding 7 years (required only where there is a residence on the land):

☒ Are contained in the attached certificate

6. OWNERS CORPORATION

This section 6 only applies if the land is affected by an owners corporation within the meaning of the *Owners Corporations Act* 2006.

6.1 ☒ The owners corporation is an inactive owners corporation.

7. GROWTH AREAS INFRASTRUCTURE CONTRIBUTION ("GAIC")

Words and expressions in this section 7 have the same meaning as in Part 9B of the *Planning and Environment Act* 1987.

Not Applicable

8. SERVICES

The services which are marked with an 'X' in the accompanying square box are NOT connected to the land:

Electricity supply ☐	Gas supply ☒	Water supply ☐	Sewerage ☐	Telephone services ☒
---	--	---------------------------------------	-----------------------------------	--

9. TITLE

Attached are copies of the following documents:

9.1 ☒ (a) Registered Title

A Register Search Statement and the document, or part of a document, referred to as the 'diagram location' in that statement which identifies the land and its location.

10. SUBDIVISION

10.1 Unregistered Subdivision

This section 10.1 only applies if the land is subject to a subdivision which is not registered.

Not Applicable

10.2 Staged Subdivision

This section 10.2 only applies if the land is part of a staged subdivision within the meaning of section 37 of the *Subdivision Act 1988*.

(a) Attached is a copy of the plan for the first stage if the land is in the second or subsequent stage.

(b) The requirements in a statement of compliance relating to the stage in which the land is included that have Not been complied With are As follows:

NIL

(c) The proposals relating to subsequent stages that are known to the vendor are as follows:

NIL

(d) The contents of any permit under the Planning and Environment Act 1987 authorising the staged subdivision are:

NIL

10.3 Further Plan of Subdivision

This section 10.3 only applies if the land is subject to a subdivision in respect of which a further plan within the meaning of the *Subdivision Act 1988* is proposed.

Not Applicable

11. DISCLOSURE OF ENERGY INFORMATION

(Disclosure of this information is not required under section 32 of the Sale of Land Act 1962 but may be included in this vendor statement for convenience.)

Details of any energy efficiency information required to be disclosed regarding a disclosure affected building or disclosure area affected area of a building as defined by the *Building Energy Efficiency Disclosure Act 2010* (Cth)

(a) to be a building or part of a building used or capable of being used as an office for administrative, clerical, professional or similar based activities including any support facilities; and

(b) which has a net lettable area of at least 1000m²; (but does not include a building under a strata title system or if an occupancy permit was issued less than 2 years before the relevant date):

Not Applicable

12. DUE DILIGENCE CHECKLIST

(The Sale of Land Act 1962 provides that the vendor or the vendor's licensed estate agent must make a prescribed due diligence checklist available to purchasers before offering land for sale that is vacant residential land or land on which there is a residence. The due diligence checklist is NOT required to be provided with, or attached to, this vendor statement but the checklist may be attached as a matter of convenience.)

Is attached

13. ATTACHMENTS

(Any certificates, documents and other attachments may be annexed to this section 13)

(Additional information may be added to this section 13 where there is insufficient space in any of the earlier sections)

(Attached is an "Additional Vendor Statement" if section 1.3 (Terms Contract) or section 1.4 (Sale Subject to Mortgage) applies)

Register Search Statement volume 12371 folio 982

Plan of Subdivision PS831021H

Agreement AT934518N

OC Report - Basic

Planning Certificate

Planning Property Report – Lot 2 PS831021

MPSC land information certificate

MPSC building information certificate

Letter from MPSC dated 31 January 2020

Planning Permit P19/1261

Endorsed Plans

Letter from MPSC dated 16 July 2021

Building Permit no.7462066292026

Domestic Building Insurance

South East Water information certificate

VicRoads property certificate

SRO Land Tax Certificate

SRO CIPT Certificate

SRO Windfall Gains Tax Certificate

Due diligence checklist

What you need to know before buying a residential property

Before you buy a home, you should be aware of a range of issues that may affect that property and impose restrictions or obligations on you, if you buy it. This checklist aims to help you identify whether any of these issues will affect you. The questions are a starting point only and you may need to seek professional advice to answer some of them. You can find links to organisations and web pages that can help you learn more, by visiting the [Due diligence checklist page on the Consumer Affairs Victoria website](http://consumer.vic.gov.au/duediligencechecklist) (consumer.vic.gov.au/duediligencechecklist).

Urban living

Moving to the inner city?

High density areas are attractive for their entertainment and service areas, but these activities create increased traffic as well as noise and odours from businesses and people. Familiarising yourself with the character of the area will give you a balanced understanding of what to expect.

Is the property subject to an owners corporation?

If the property is part of a subdivision with common property such as driveways or grounds, it may be subject to an owners corporation. You may be required to pay fees and follow rules that restrict what you can do on your property, such as a ban on pet ownership.

Growth areas

Are you moving to a growth area?

You should investigate whether you will be required to pay a growth areas infrastructure contribution.

Flood and fire risk

Does this property experience flooding or bushfire?

Properties are sometimes subject to the risk of fire and flooding due to their location. You should properly investigate these risks and consider their implications for land management, buildings and insurance premiums.

Rural properties

Moving to the country?

If you are looking at property in a rural zone, consider:

- Is the surrounding land use compatible with your lifestyle expectations? Farming can create noise or odour that may be at odds with your expectations of a rural lifestyle.
- Are you considering removing native vegetation? There are regulations which affect your ability to remove native vegetation on private property.
- Do you understand your obligations to manage weeds and pest animals?

Can you build new dwellings?

Does the property adjoin crown land, have a water frontage, contain a disused government road, or are there any crown licences associated with the land?

Is there any earth resource activity such as mining in the area?

You may wish to find out more about exploration, mining and quarrying activity on or near the property and consider the issue of petroleum, geothermal and greenhouse gas sequestration permits, leases and licences, extractive industry authorisations and mineral licences.

Soil and groundwater contamination

Has previous land use affected the soil or groundwater?

You should consider whether past activities, including the use of adjacent land, may have caused contamination at the site and whether this may prevent you from doing certain things to or on the land in the future.

(04/10/2016)

Land boundaries

Do you know the exact boundary of the property?

You should compare the measurements shown on the title document with actual fences and buildings on the property, to make sure the boundaries match. If you have concerns about this, you can speak to your lawyer or conveyancer, or commission a site survey to establish property boundaries.

Planning controls

Can you change how the property is used, or the buildings on it?

All land is subject to a planning scheme, run by the local council. How the property is zoned and any overlays that may apply, will determine how the land can be used. This may restrict such things as whether you can build on vacant land or how you can alter or develop the land and its buildings over time.

The local council can give you advice about the planning scheme, as well as details of any other restrictions that may apply, such as design guidelines or bushfire safety design. There may also be restrictions – known as encumbrances – on the property's title, which prevent you from developing the property. You can find out about encumbrances by looking at the section 32 statement.

Are there any proposed or granted planning permits?

The local council can advise you if there are any proposed or issued planning permits for any properties close by. Significant developments in your area may change the local 'character' (predominant style of the area) and may increase noise or traffic near the property.

Safety

Is the building safe to live in?

Building laws are in place to ensure building safety. Professional building inspections can help you assess the property for electrical safety, possible illegal building work, adequate pool or spa fencing and the presence of asbestos, termites, or other potential hazards.

Building permits

Have any buildings or retaining walls on the property been altered, or do you plan to alter them?

There are laws and regulations about how buildings and retaining walls are constructed, which you may wish to investigate to ensure any completed or proposed building work is approved. The local council may be able to give you information about any building permits issued for recent building works done to the property, and what you must do to plan new work. You can also commission a private building surveyor's assessment.

Are any recent building or renovation works covered by insurance?

Ask the vendor if there is any owner-builder insurance or builder's warranty to cover defects in the work done to the property.

Utilities and essential services

Does the property have working connections for water, sewerage, electricity, gas, telephone and internet?

Unconnected services may not be available, or may incur a fee to connect. You may also need to choose from a range of suppliers for these services. This may be particularly important in rural areas where some services are not available.

Buyers' rights

Do you know your rights when buying a property?

The contract of sale and section 32 statement contain important information about the property, so you should request to see these and read them thoroughly. Many people engage a lawyer or conveyancer to help them understand the contracts and ensure the sale goes through correctly. If you intend to hire a professional, you should consider speaking to them before you commit to the sale. There are also important rules about the way private sales and auctions are conducted. These may include a cooling-off period and specific rights associated with 'off the plan' sales. The important thing to remember is that, as the buyer, you have rights.

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

Page 1 of 2

VOLUME 12371 FOLIO 982

Security no : 124119063509V
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LAND DESCRIPTION

Lot 2 on Plan of Subdivision 831021H.
PARENT TITLE Volume 05881 Folio 050
Created by instrument PS831021H 05/05/2022

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
PYE & SWIFT PTY LTD of 77 LEON AVENUE ROSEBUD VIC 3939
AV671720P 26/05/2022

ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

AGREEMENT Section 173 Planning and Environment Act 1987
AT934518N 11/01/2021

DIAGRAM LOCATION

SEE PS831021H FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: UNIT 2 44 STATION STREET SOMERVILLE VIC 3912

ADMINISTRATIVE NOTICES

NIL

eCT Control 17992G MCCARTHY PARTNERS
Effective from 26/05/2022

OWNERS CORPORATIONS

The land in this folio is affected by
OWNERS CORPORATION 1 PLAN NO. PS831021H

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

Page 2 of 2

DOCUMENT END

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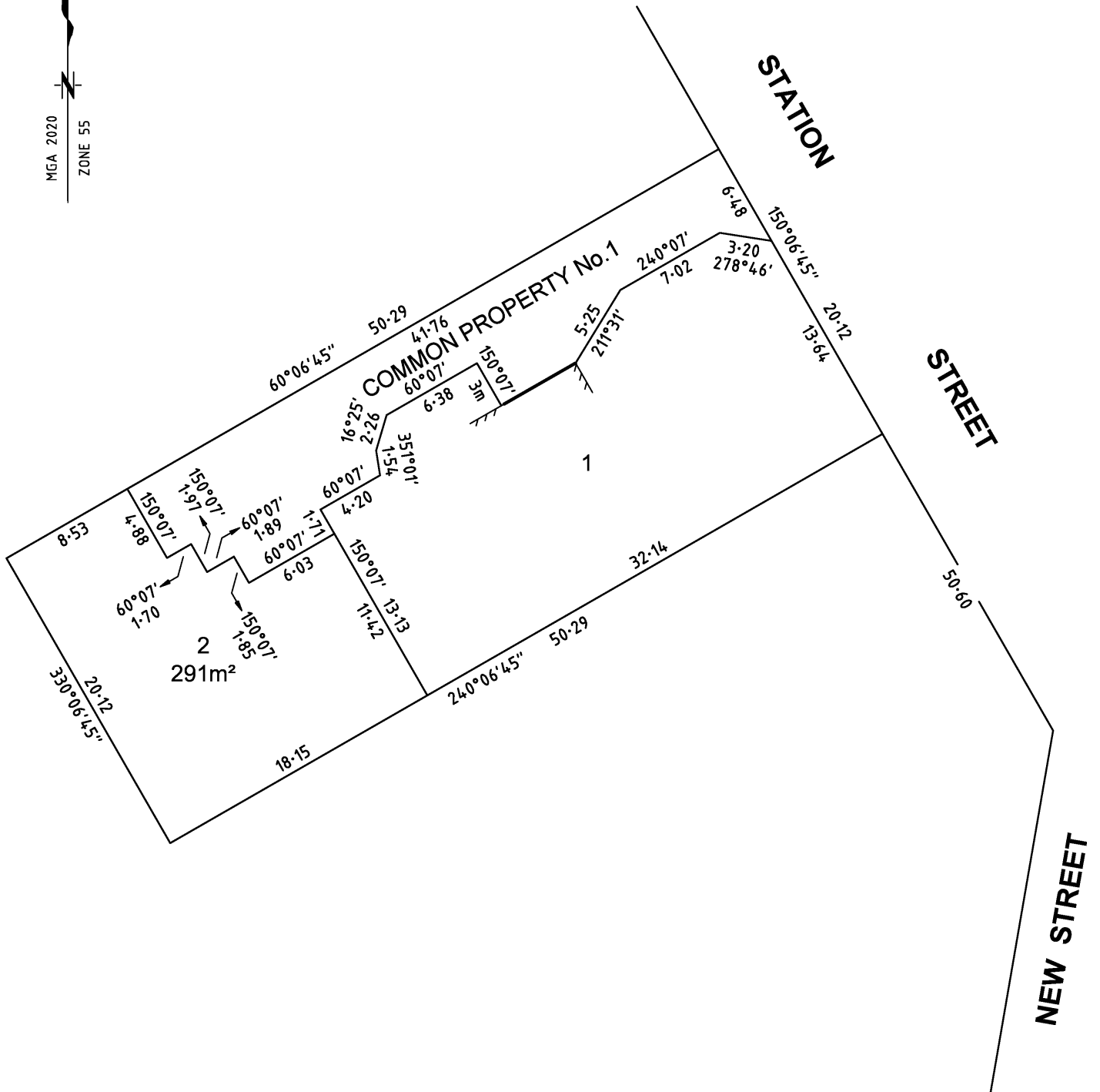
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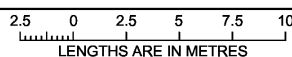
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PS 831021H



CARSON DEVELOPMENT CONSULTANTS Pty. Ltd.
Land & Engineering Surveyors
Planning Consultants
SUITE 6, 6 - 8 HIGH STREET,
P.O. Box 1056, CRANBOURNE 3977
Tel. 03 5995 1860
Email: info@cdcsurvey.com.au

SCALE
1:250



Digitally signed by: Clifford Carson, Licensed Surveyor,
Surveyor's Plan Version (04),
09/04/2021, SPEAR Ref: S154423E

ORIGINAL SHEET
SIZE: A3

Sheet 2 of 2 Sheets

Digitally signed by:
Mornington Peninsula Shire Council,
03/05/2021,
SPEAR Ref: S154423E



Department of Environment, Land, Water & Planning

Owners Corporation Search Report

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OWNERS CORPORATION 1
PLAN NO. PS831021H

The land in PS831021H is affected by 1 Owners Corporation(s)

Land Affected by Owners Corporation:

Common Property 1, Lots 1, 2.

Limitations on Owners Corporation:

Unlimited

Postal Address for Services of Notices:

44 STATION STREET SOMERVILLE VIC 3912

OC055411T 05/05/2022

Owners Corporation Manager:

NIL

Rules:

Model Rules apply unless a matter is provided for in Owners Corporation Rules. See Section 139(3) Owners Corporation Act 2006

Owners Corporation Rules:

NIL

Additional Owners Corporation Information:

OC055411T 05/05/2022

Notations:

NIL

Entitlement and Liability:

NOTE – Folio References are only provided in a Premium Report.

Land Parcel	Entitlement	Liability
Common Property 1	0	0
Lot 1	50	50
Lot 2	50	50
Total	100.00	100.00

From 31 December 2007 every Body Corporate is deemed to be an Owners Corporation. Any reference to a Body Corporate in any Plan, Instrument or Folio is to be read as a reference to an Owners Corporation.



Department of Environment, Land, Water & Planning

Owners Corporation Search Report

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OWNERS CORPORATION 1
PLAN NO. PS831021H

Statement End.



Department of Environment, Land, Water & Planning

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Status	Registered	Dealing Number	AT934518N
Date and Time Lodged	11/01/2021 04:17:06 PM		

Lodger Details

Lodger Code	19167E
Name	FALSE DENOUEMENT PTY LTD
Address	
Lodger Box	
Phone	
Email	
Reference	2200387 MPSC & Edwar

APPLICATION TO RECORD AN INSTRUMENT

Jurisdiction	VICTORIA
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Privacy Collection Statement

The information in this form is collected under statutory authority and used for the purpose of maintaining publicly searchable registers and indexes.

Estate and/or Interest

FEE SIMPLE

Land Title Reference

5881/050

Instrument and/or legislation

RECORD - AGREEMENT - SECTION 173
Planning & Environment Act - section 173

Applicant(s)

Name	MORNINGTON PENINSULA SHIRE COUNCIL
Address	
Street Number	90
Street Name	BESGROVE
Street Type	STREET
Locality	ROSEBUD
State	VIC
Postcode	3939

Additional Details



Department of Environment, Land, Water & Planning

Electronic Instrument Statement

Refer Image Instrument

The applicant requests the recording of this Instrument in the Register.

Execution

1. The Certifier has taken reasonable steps to verify the identity of the applicant or his, her or its administrator or attorney.
2. The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
3. The Certifier has retained the evidence supporting this Registry Instrument or Document.
4. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Executed on behalf of	MORNINGTON PENINSULA SHIRE COUNCIL
Signer Name	PAIGE LINLEY CUNNINGHAM
Signer Organisation	MORNINGTON LEGAL PTY LTD
Signer Role	LAW PRACTICE
Execution Date	11 JANUARY 2021

File Notes:

NIL

This is a representation of the digitally signed Electronic Instrument or Document certified by Land Use Victoria.

Statement End.

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MORNINGTON PENINSULA SHIRE COUNCIL

Council

-and-

DON NIGEL EDWARDS

Current Owner

-and-

NAOMI KATHLEEN EDWARDS

Current Owner

**Agreement under Section 173 of the
Planning and Environment Act 1987**

Subject Land: -

44 Station Street, Somerville

MORNINGTON LEGAL

Solicitors

342 Main Street

MORNINGTON VIC 3931

Telephone: (03) 5975 7611

Fax: (03) 5975 7765

DX: 93120 Mornington

Our Ref:LE:2200387

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PLANNING AND ENVIRONMENT ACT 1987
SECTION 173 AGREEMENT

THIS AGREEMENT is made the 24th day of DECEMBER 2020
BETWEEN:

MORNINGTON PENINSULA SHIRE COUNCIL
of 90 Besgrove Street, Rosebud, VIC 3939
("Council")

-and-

DON NIGEL EDWARDS
of 44 Station Street, Somerville, VIC 3712
("Current Owner")

-and-

NAOMI KATHLEEN EDWARDS
of 44 Station Street, Somerville, VIC 3712
("Current Owner")

INTRODUCTION

- A. Under the Act, Council is the Responsible Authority for the Planning Scheme.
- B. The Current Owner is the registered proprietor of the Subject Land.
- C. On 31 January 2020, Council issued the Planning Permit.
- D. Conditions 27 and 28 of the Planning Permit require the Current Owner to enter into this Agreement to regulate the development of the Subject Land.
- E. The parties enter into this Agreement to:
 - a. give effect to the Planning Permit; and
 - b. achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme as it applies to the Subject Land.
- F. The Mortgagee:
 - a. holds a mortgage over the Subject Land; and
 - c. consents to this Agreement.

THE PARTIES AGREE:

1. DEFINITIONS

In this Agreement, unless the context admits otherwise, the words and expressions set out in this clause have the following meanings:

- 1.1** "Act" means the *Planning and Environment Act 1987*.
- 1.2** "Agreement" means this Agreement as amended from time to time.
- 1.3** "Approved Dwelling" means the new dwelling that is shown on the Endorsed Plan and which the Planning Permit authorises for construction on the Subject Land.
- 1.4** "Current Owner" means the person who, as at the date of this Agreement, is registered by the Registrar of Titles as proprietor or proprietors of an estate in fee simple of the Subject Land.
- 1.5** "Drainage Detention Works" means the drainage detention works depicted in the Drainage Plan.
- 1.6** "Drainage Plan" means the plans submitted to, and approved by, Council under condition 16 of the Planning Permit.
- 1.7** "Endorsed Plan" means the plan endorsed with the stamp of Council from time to time, where such endorsement records the fact that the plan is approved under, and forms part of, the Planning Permit.
- 1.8** "Lot" means a lot created by the subdivision of the Subject Land.
- 1.9** "Lot 2" means that part of the Subject Land that is identified and delineated on the Endorsed Plan as "lot 2" or "2" or the like, and which, once the Subject Land is subdivided, will be lot 2 on the Plan of Subdivision.
- 1.10** "Mortgagee" means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as mortgagee of the Subject Land or any part of it.
- 1.11** "Owner" means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as proprietor or proprietors of an estate in fee simple of the Subject Land or any part of it and includes the Current Owner and a Mortgagee-in-possession.
- 1.12** "party or parties" means the Current Owner, the Owner, and Council under this Agreement as appropriate, but does not include a person who has disposed of all of their interest in the Subject Land.
- 1.13** "Plan of Subdivision" means the registered plan of subdivision, which depicts, and gives effect to, the Subdivision.
- 1.14** "Planning Permit" means planning permit number P19/1261, as amended from time to time, which was issued by Council on 31 January 2020, and which authorises subdivision of the Subject Land into 2 lots, development of a second dwelling on the Subject Land and associated works, all in accordance with the Endorsed Plan.

1.15 "Planning Scheme" means the Mornington Peninsula Planning Scheme.

1.16 "Subdivision" means the subdivision of the Subject Land in accordance with the Endorsed Plan, as authorised by the Planning Permit.

1.17 "Subject Land" means the land situated at 44 Station Street, Somerville in the State of Victoria, being the land referred to in Certificate of Title Volume 5881 Folio 050, and any reference in this Agreement to the Subject Land is a reference to any part of it.

1.18 "Transfer" means a transfer in ownership, by sale or otherwise, from the Current Owner to any other person.

2. INTERPRETATION

In this Agreement unless the context admits otherwise:

2.1 The singular includes the plural and vice versa.

2.2 A reference to a gender includes a reference to each other gender.

2.3 A reference to a person includes a reference to a firm, corporation or other corporate body and that person's successors in law.

2.4 If a party consists of more than one person this Agreement binds them jointly and each of them severally.

2.5 Words and expressions defined in this Agreement have the meaning given to them in this Agreement. Words and expressions not defined in this Agreement have their ordinary meaning unless defined in the Act, in which case they have the meaning given to them in the Act.

2.6 Where a word or expression is defined in this Agreement, or in the Act, other grammatical forms of that word or expression have the corresponding meaning.

2.7 A reference to an Act, Regulation or Planning Scheme includes any Acts, Regulations or amendments amending, consolidating or replacing the Act, Regulation or Planning Scheme.

2.8 The introductory clauses to this Agreement are and will be deemed to form part of this Agreement.

2.9 Subject to clause 2.10, all obligations of the Owner under this Agreement will take effect as separate and several covenants which are annexed to and run at law and equity with the Subject Land

2.10 After the Subject Land is subdivided, an Owner of a Lot is not required to comply with, or liable for any contravention of, any provision of this Agreement that does not, in any way, apply to that Owner's Lot.

3. SPECIFIC OBLIGATIONS OF THE OWNER

The Owner covenants and agrees that:

3.1 Compliance with the Planning Permit

Except with the prior written consent of Council:

3.1.1 the Owner must not develop the Subject Land, or cause or permit any other person to develop the Subject Land, other than in accordance with the Planning Permit; and

3.1.2 the Owner must not alter, extend or change, or cause or permit any other person to alter, extend or change, the Approved Dwelling after it has been completed.

3.2 Ongoing effect

Clause 3.1 will still apply even if:

3.2.1 a planning permit is not otherwise required under the Planning Scheme to develop the Subject Land; and

3.2.2 the Planning Permit expires or ceases to have effect for any other reason.

3.3 Drainage Detention Works

3.3.1 Before Lot 2 is Transferred, the Owner must construct the Drainage Detention Works:

- a. at the full cost of the Owner;
- b. in accordance with the Endorsed Plan and the Drainage Plan; and
- c. to the satisfaction of Council.

3.3.2 Until the Drainage Detention Works are constructed in accordance with clause 3.3.1:

- a. a Lot 2 must not be Transferred; and
- b. the Approved Dwelling on Lot 2 must not be occupied by any person.

4. FURTHER OBLIGATIONS OF THE OWNER

The Owner further covenants and agrees that:

4.1 Notice and Registration

The Owner will bring this Agreement to the attention of all prospective occupiers, lessees, licensees, purchasers, mortgagees, transferees and assigns.

4.2 Further actions

The Owner will:

4.2.1 do all things necessary to give effect to this Agreement;

4.2.2 consent to Council making application to the Registrar of Titles to make a recording of this Agreement in the Register on the Certificate of Title of the Subject Land in accordance with Section 181 of the Act; and

4.2.3 do all things necessary to enable Council to make the application referred to above, including signing any further agreement, acknowledgement or document and procuring the consent to this Agreement of the Mortgagee.

4.3 Council's Costs to be Paid

4.3.1 The Owner will immediately pay to Council, all reasonable costs and expenses (including legal expenses) incurred by Council in the finalisation, registration and enforcement of this Agreement and all such costs and expenses are, and until paid will remain, a debt due to Council by the Owner.

4.3.2 Without limiting clause 4.3.1, if requested to do so, upon being provided a Tax Invoice, the Owner will pay Council's legal service provider directly.

4.4 Interest

If the Owner does not pay any amount payable to Council under this Agreement by the date on which that amount is due, the Owner must pay interest to Council on the outstanding amount, calculated in accordance with s 227A of the *Local Government Act 1989*.

5. FEATURES OF AGREEMENT

5.1 Without limiting or restricting the parties' respective powers to enter into, or enforce, this Agreement, the parties agree that this Agreement is made pursuant to Section 173 of the Act.

5.2 Once the Registrar of Titles has made a recording of this Agreement in the Register on the Certificate of Title of the Subject Land, this Agreement forms part of the planning controls affecting the Subject Land, with the effect that the Subject Land must not be used or developed in contravention of this Agreement.

6. OWNER'S WARRANTIES

Without limiting the operation or effect which this Agreement has, the Owner warrants that, apart from the Owner and any other person who has consented in writing to this Agreement, no other person has any legal or equitable interest in the Subject Land which may affect, or be affected by, this Agreement.

7. SUCCESSORS IN TITLE

Until the Registrar of Titles has made a recording of this Agreement in the Register on the Certificate of Title of the Subject Land, the Owner must obtain the agreement of any prospective purchasers, mortgagees, transferees and assigns to:

7.1 give effect to and do all acts and sign all documents which will require those successors to give effect to this Agreement; and

7.2 execute a deed agreeing to be bound by the terms of this Agreement.

8. GENERAL MATTERS

8.1 Notices

A notice or other communication required or permitted to be served by a party on another party must be in writing and may be served:

8.1.1 by delivering it personally to that party;

8.1.2 by sending it by prepaid post address to that party at the address set out in this Agreement or subsequently notified to each party from time to time; or

8.1.3 by sending it by facsimile.

A Notice or other communication is deemed served:

8.1.4 if delivered, on the next following business day;

8.1.5 if posted on the expiration of four business days after the date of posting; or

8.1.6 if sent by facsimile, on the next following business day unless the receiving party has requested retransmission before the end of that business day.

8.2

No Waiver

Any time or other indulgence granted by Council to the Owner, or any variation of the terms and conditions of this Agreement or any judgment or order obtained by Council against the Owner, will not in any way amount to a waiver of any of the rights or remedies of Council in relation to the terms of this Agreement.

8.3

Severability

If a court, arbitrator, tribunal or other competent authority determines that a word, phrase, sentence, paragraph or clause of this Agreement is unenforceable, illegal or void then it must be severed and all other provisions of this Agreement will remain operative.

8.4

No Fettering of Council's Powers

This Agreement does not fetter or restrict the power or discretion of Council to make any decision or impose any requirements or conditions in connection with the granting of any planning approval or certification of any plans of subdivision

applicable to the Subject land or relating to any use or development of the Subject Land.

8.5 Documents

Provided reasonable notice is first given, all documents referred to in this Agreement may be inspected during normal office hours at Council's office.

8.6 Law

This Agreement is subject to the law of Victoria.

9. COMMENCEMENT OF AGREEMENT

Unless otherwise provided in this Agreement, this Agreement commences from the date of this Agreement.

AT934518

Signed, sealed and delivered as a deed by the parties.

Blank

Nebraska

Ronella Letar Witness
Kontak Vel

Consent of Mortgagee

As Mortgagee under instrument of mortgage number AQ126275V, Perpetual Ltd:

- a. consents to the Owner entering into this Agreement; and
- b. agrees, if it becomes mortgagee-in-possession, to be bound by this Agreement.

Mortgage Operations Officer
Level 18 Angel Place
123 Pitt Street Sydney
NSW 2000 (02) 9229 9000

Signed in my presence for and on behalf of Perpetual Limited (ACN 000 431 827) under the Power of Attorney dated 10/11/12 a certified copy of which is filed in Permanent Order No BK 211Page 93, Item JK, by its Attorneys			
Jade Ratana		Justin Aridho	
who are personally known to me and each of whom declare that they have received no notice of the revocation of their powers			
	Patsy Woolford		Manager
Signature of Witness	FULL NAME OF WITNESS	Signature of Attorney	Title of Attorney
Patsy Woolford			Administrator
Full Name of Witness	SIGNATURE OF WITNESS	Signature of Attorney	Title of Attorney

AT934518

PLANNING CERTIFICATE

Official certificate issued under Section 199 Planning & Environment Act 1987
and the Planning and Environment Regulations 2005

CERTIFICATE REFERENCE NUMBER

1079069

APPLICANT'S NAME & ADDRESS

MCCARTHY PARTNERS PTY LTD C/- INFOTRACK
(SMOKEBALL) C/- LANDATA

DOCKLANDS

VENDOR

PYE & SWIFT PTY LTD

PURCHASER

NOT KNOWN, NOT KNOWN

REFERENCE

4513

This certificate is issued for:

LOT 2 PLAN PS831021 ALSO KNOWN AS 2/44 STATION STREET SOMERVILLE
MORNINGTON PENINSULA SHIRE

The land is covered by the:

MORNINGTON PENINSULA PLANNING SCHEME

The Minister for Planning is the responsible authority issuing the Certificate.

The land:

- is included in a GENERAL RESIDENTIAL ZONE - SCHEDULE 1
- is within a HERITAGE OVERLAY (HO317)

A Proposed Amending Planning Scheme C219morn has been placed on public exhibition which shows this property :

- is included in a NEIGHBOURHOOD RESIDENTIAL ZONE- SCHEDULE 2 - C219morn

A detailed definition of the applicable Planning Scheme is available at :

<http://planningschemes.dpcd.vic.gov.au/schemes/morningtonpeninsula>

Historic buildings and land protected under the Heritage Act 1995 are recorded in the Victorian Heritage Register at:

<http://vhd.heritage.vic.gov.au/>

Additional site-specific controls may apply.
The Planning Scheme Ordinance should be checked carefully.

The above information includes all amendments to planning scheme maps placed on public exhibition up to the date of issue of this certificate and which are still the subject of active consideration

Copies of Planning Schemes and Amendments can be inspected at the relevant municipal offices.

LANDATA®

T: (03) 9102 0402

E: landata.enquiries@servictoria.com.au

16 October 2024

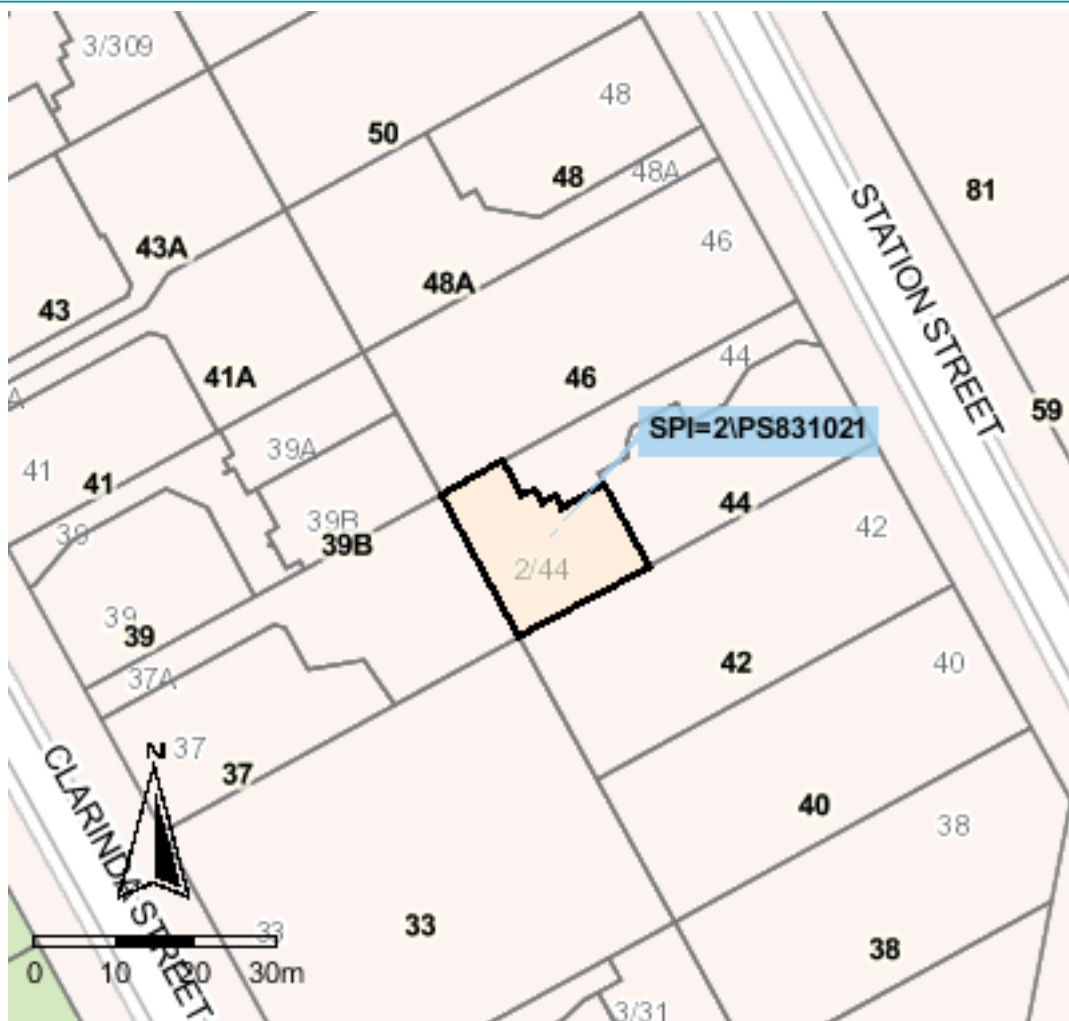
Sonya Kilkeny
Minister for Planning

The attached certificate is issued by the Minister for Planning of the State of Victoria and is protected by statute.

The document has been issued based on the property information you provided. You should check the map below - it highlights the property identified from your information.

If this property is different to the one expected, you can phone (03) 9102 0402 or email landata.enquiries@servictoria.com.au

Please note: The map is for reference purposes only and does not form part of the certificate.



Copyright © State Government of Victoria. Service provided by maps.land.vic.gov.au

Choose the authoritative Planning Certificate

Why rely on anything less?

As part of your section 32 statement, the authoritative Planning Certificate provides you and / or your customer with the statutory protection of the State of Victoria.
Order online before 4pm to receive your authoritative Planning Certificate the same day, in most cases within the hour.
Next business day delivery, if further information is required from you.

Privacy Statement

The information obtained from the applicant and used to produce this certificate was collected solely for the purpose of producing this certificate. The personal information on the certificate has been provided by the applicant and has not been verified by LANDATA®. The property information on the certificate has been verified by LANDATA®. The zoning information on the certificate is protected by statute. The information on the certificate will be retained by LANDATA® for auditing purposes and will not be released to any third party except as required by law.

PLANNING PROPERTY REPORT



Environment,
Land, Water
and Planning

From www.planning.vic.gov.au at 06 December 2024 03:59 PM

PROPERTY DETAILS

Address: **2/44 STATION STREET SOMERVILLE 3912**
Lot and Plan Number: **Lot 2 PS831021**
Standard Parcel Identifier (SPI): **2\PS831021**
Local Government Area (Council): **MORNINGTON PENINSULA**
Council Property Number: **151804**
Planning Scheme: **Mornington Peninsula**
Directory Reference: **Melway 148 E1**

www.mornpen.vic.gov.au

[Planning Scheme - Mornington Peninsula](#)

UTILITIES

Rural Water Corporation: **Southern Rural Water**
Melbourne Water Retailer: **South East Water**
Melbourne Water: **Inside drainage boundary**
Power Distributor: **UNITED ENERGY**

STATE ELECTORATES

Legislative Council: **EASTERN VICTORIA**
Legislative Assembly: **HASTINGS**

OTHER

Registered Aboriginal Party: **Bunurong Land Council Aboriginal Corporation**

[View location in VicPlan](#)

Planning Zones

[GENERAL RESIDENTIAL ZONE \(GRZ\)](#)

[GENERAL RESIDENTIAL ZONE - SCHEDULE 1 \(GRZ1\)](#)



Note: labels for zones may appear outside the actual zone - please compare the labels with the legend.

Planning Overlay

[HERITAGE OVERLAY \(HO\)](#)

[HERITAGE OVERLAY - SCHEDULE \(HO317\)](#)



Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

Further Planning Information

Planning scheme data last updated on 4 December 2024.

A **planning scheme** sets out policies and requirements for the use, development and protection of land. This report provides information about the zone and overlay provisions that apply to the selected land. Information about the State and local policy, particular, general and operational provisions of the local planning scheme that may affect the use of this land can be obtained by contacting the local council or by visiting <https://www.planning.vic.gov.au>

This report is NOT a **Planning Certificate** issued pursuant to Section 199 of the **Planning and Environment Act 1987**. It does not include information about exhibited planning scheme amendments, or zonings that may affect the land. To obtain a Planning Certificate go to Titles and Property Certificates at Landata - <https://www.landata.vic.gov.au>

For details of surrounding properties, use this service to get the Reports for properties of interest.

To view planning zones, overlay and heritage information in an interactive format visit <https://mapshare.maps.vic.gov.au/vicplan>

For other information about planning in Victoria visit <https://www.planning.vic.gov.au>

Designated Bushfire Prone Areas

This property is not in a designated bushfire prone area.
No special bushfire construction requirements apply. Planning provisions may apply.

Where part of the property is mapped as BPA, if no part of the building envelope or footprint falls within the BPA area, the BPA construction requirements do not apply.

Note: the relevant building surveyor determines the need for compliance with the bushfire construction requirements.



Designated BPA are determined by the Minister for Planning following a detailed review process. The Building Regulations 2018, through adoption of the Building Code of Australia, apply bushfire protection standards for building works in designated BPA.

Designated BPA maps can be viewed on VicPlan at <https://mapshare.vic.gov.au/vicplan/> or at the relevant local council.

Create a BPA definition plan in [VicPlan](#) to measure the BPA.

Information for lot owners building in the BPA is available at <https://www.planning.vic.gov.au>.

Further information about the building control system and building in bushfire prone areas can be found on the Victorian Building Authority website <https://www.vba.vic.gov.au>. Copies of the Building Act and Building Regulations are available from <http://www.legislation.vic.gov.au>. For Planning Scheme Provisions in bushfire areas visit <https://www.planning.vic.gov.au>.

Native Vegetation

Native plants that are indigenous to the region and important for biodiversity might be present on this property. This could include trees, shrubs, herbs, grasses or aquatic plants. There are a range of regulations that may apply including need to obtain a planning permit under Clause 52.17 of the local planning scheme. For more information see [Native Vegetation \(Clause 52.17\)](#) with local variations in [Native Vegetation \(Clause 52.17\) Schedule](#)

To help identify native vegetation on this property and the application of Clause 52.17 please visit the Native Vegetation Information Management system <https://nvim.delwp.vic.gov.au/> and [Native vegetation \(environment.vic.gov.au\)](#) or please contact your relevant council.

You can find out more about the natural values on your property through NatureKit [NatureKit \(environment.vic.gov.au\)](#)

Property no: 151804
Issue date: **28 October 2024**

Certificate no: **BLIC09718/24**

Applicant's name:

McCarthy Partners Pty Ltd
Landata
2 Lonsdale Street
MELBOURNE VIC 3000



Your reference: **4513**

LAND INFORMATION CERTIFICATE
Section 229 Local Government Act 1989

This certificate provides information regarding valuation, rates, charges, other monies owing and any orders and notice made under the Local Government Act 1958, Local Government Act 1989 or under a Local Law of Council and specified flood level by Council (if any). This Certificate **is not required** to include information regarding planning, building, health, land fill, land slip, other flooding information or service easements. Information regarding these matters may be available from the Council or the relevant authority. A fee may be charged for such information.

Property address: 2/44 Station Street SOMERVILLE VIC 3912

Legal description: Lot 2 PS 831021 Vol 12371 Fol 982

*** RATES, CHARGES AND OTHER MONIES ***
For year ending 30 June 2025

Current Year's Rates	
Vacant Land Rates	611.45
Waste Service Charge	406.00
Fire Services Levy	160.70
Payment/Adjustments	-294.65
Balance Outstanding	\$883.50

Valuations: Level of value date: **1/01/2024**

Effective date: **1/07/2024**

Site Value: **330000**

Capital Improved Value: **330000**

Net Annual Value: **16500**

1. This certificate may be updated verbally to the person to whom it was issued within a period of 90 days from date of issue.
2. In accordance with Section 175 (1) *Local Government Act 1989*, the purchaser must pay any current rate or charge on the land and any arrears of rates and charges (including interest) which are due and payable.

For further information, please contact Council's Revenue Team on (03) 5950 1080.

Payment Details – PEXA

Authorised Officer



Biller Code: 304618
Ref: 4001518043

Your Ref: 74587357-018-1



17 October 2024

Landata
2 Lonsdale Street
MELBOURNE VIC 3000

Dear Sir/Madam,

REQUEST FOR BUILDING INFORMATION - 2/44 Station Street SOMERVILLE VIC 3912

In response to your request received 16/10/2024 for building approval particulars in accordance with Regulation 51 of the Building Regulations 2018, the following information is provided:

1. Building Permit No. 7462066292026 Council ref C2880/23 was issued by a Private Building Surveyor on 14/06/2023 for the Construction of Dwelling and Garage. Council has not recorded any inspections to date.
2. Council has no record of any Occupancy Permits issued in the previous ten years.
3. Outstanding Notices & Orders – Council has no record of outstanding notices or reports issued in the previous 10 years pursuant to the Building Act 1993.
4. Swimming Pools/Spas – There is no known swimming pool/spa on this property.

*As a site inspection has not been undertaken, I wish to draw your attention to the requirements of Building Regulations 2018 requiring **owners** to ensure compliance with:*

Regulation 137 - safety of existing swimming pools and spas;

Regulation 142 & 143 - swimming pool safety maintenance and operation;

Regulation 145 - the provision of self-contained smoke detection and alarms in residential buildings.

Council's records may be deficient (due to limitations in the period they have been kept and/or because of their accuracy in recording or failing to record other permits, orders, variations or revocations), therefore the information provided may be incomplete and/or inaccurate. In addition, the existence of permits or certificates does not indicate whether all construction on a property complies with approvals, or whether further additions, alterations or structures exist without approval. Independent enquiries should be made, and independent experts used, if any doubt or problem is anticipated or encountered.

Yours faithfully

Mathew Hopwood-Glover
Municipal Building Surveyor
Mornington Peninsula Shire Council

Ref: P19/1261: Direct Dial: Krystal Li on (03) 5950 1162:
Applicant Ref



31 January 2020

C/- James Turner Design
12 Espie Court
BOTANIC RIDGE VIC 3977

Dear Sir / Madam

**PLANNING APPLICATION P19/1261
44 STATION STREET SOMERVILLE VIC 3912**

I refer to the above application, which has been considered and approved.

Please note that pursuant to Condition 1 of the Permit, amended plans must be submitted to and approved by the Responsible Authority before buildings or works commence. Please email the amended plans to planning@mornpen.vic.gov.au. When approved, the plans will be endorsed and will then form part of the Permit.

As a permit has been issued for the development of buildings or works, a Building Permit may be required before the buildings or works commence and advice should be sought from a Private Building Surveyor.

If you have any further questions I will be pleased to assist.

Yours faithfully

A handwritten signature in grey ink, appearing to read "Krystal Li", is positioned above the printed name.

**KRYSTAL LI
PLANNER**

Contact the Mornington Peninsula Shire

☎ 1300 850 600
✉ mornpen.vic.gov.au
✉ customerservice@mornpen.vic.gov.au

By post: Private Bag 1000,
90 Besgrove Street, Rosebud VIC 3939
ABN: 53 159 890 143

**PLANNING
PERMIT**

Permit No:

P19/1261

Planning Scheme:

Mornington Peninsula

Responsible
Authority:Mornington Peninsula
Shire**ADDRESS OF THE LAND:**

44 Station Street SOMERVILLE VIC 3912
Lot 41 LP 2408 Vol 5881 Fol 050

THE PERMIT ALLOWS:

**SUBDIVISION OF THE LAND INTO TWO (2) LOTS, DEVELOPMENT OF A
 SECOND DWELLING AND ASSOCIATED WORKS IN ACCORDANCE
 WITH THE ENDORSED PLANS**

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:**Conditions Nos. 1 to 31 inclusive****Amended plans**

1. Before the developments 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 in accordance with the plans submitted with the application but modified to show:
 - a) The common property driveway to have a corner splay at the north-western corner of Lot 1 to provide a clear view of pedestrians on the footpath in accordance with the Design standard 1 – Accessways of Clause 52.06-9;
 - b) The storage shed proposed to be constructed in the north west corner of lot 2 to be relocated to the south so that it falls outside the Tree Protection Zone (TPZ) of Tree 9.
 - c) A landscaping plan prepared by a suitable landscape professional, that must show:

Date Issued:**31/01/2020****Signature for the Responsible Authority:**

KRYSTAL LI - PLANNER

**PLANNING
PERMIT****Permit No:****P19/1261****Planning Scheme:**

Mornington Peninsula

**Responsible
Authority:**Mornington Peninsula
Shire

- i. A survey (including botanical names) of all existing vegetation to be retained including Tree Protection Zones (TPZ) for trees to be retained, calculated in accordance with Australian Standard AS 4970-2009 Protection of trees on development sites;
- ii. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant;
- iii. A minimum of 1 canopy tree which will grow to a minimum height of 15 metres to be planted in the private open space of Lot 2.
- iv. The delineation of all excavation, garden beds, paving, grassed areas, retaining walls, fences and other landscape works;
- v. Landscaping and planting within all open areas of the site;
- vi. 50% species selection by type and number must be to indigenous to the local Ecological Vegetation Class to the satisfaction of the Responsible Authority.
- vii. All trees must to be installed at a minimum pot size of 250mm and height when planted of 1.5 metres and shrubs installed at a minimum pot size of 200mm.
- viii. No trees with a mature height over five (5) meters are to be planted over proposed or existing easements; and
- ix. The provision of notes regarding site preparation, including the removal of all weeds, proposed mulch, planting instructions, plant establishment procedures and any specific maintenance requirements.

Layout not altered

2. The layout of the land, the size and type of the buildings and works, including the materials of construction, on the endorsed plans must not

Date Issued:**31/01/2020****Signature for the Responsible Authority:**

KRYSTAL LI - PLANNER

PLANNING PERMIT

Permit No:

P19/1261

Planning Scheme:

Mornington Peninsula

Responsible
Authority:Mornington Peninsula
Shire

be altered or modified without the written consent of the Responsible Authority.

Colours/Materials

- The materials and colours of the exterior finish of the building must be in accordance with the endorsed plans unless with the further permission of the Responsible Authority.

Finishes

- Prior to the initial occupation of the dwelling external finishes must be completed to a professional standard to the satisfaction of the Responsible Authority.

Disturbed Surfaces

- All disturbed surfaces on the land resulting from the development must be revegetated and stabilised to the satisfaction of the Responsible Authority.

Driveway/Crossover

- A vehicular crossing must be provided to the standards of the Responsible Authority prior to the initial occupation of the development.
- A driveway must be provided to the land and surfaced to the satisfaction of the Responsible Authority. It must be completed prior to the initial occupation of the development.

Vegetation removal

- The extent of clearing of vegetation as shown on the endorsed plans must not be altered or modified without the consent of the Responsible Authority.
- All disturbed surfaces on the land must be revegetated and stabilised to the satisfaction of the Responsible Authority.

Date Issued:

31/01/2020

Signature for the Responsible Authority:



KRYSTAL LI - PLANNER

PLANNING PERMIT

Permit No:

P19/1261

Planning Scheme:

Mornington Peninsula

Responsible
Authority:Mornington Peninsula
Shire

Landscaping

10. Prior to the occupation of the development (or other time agreed to in writing by the Responsible Authority) the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
11. The landscaping referred to in Condition 1 above must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced as soon as practicable.

Tree protection

12. The Tree Protection Zones, Recommendations, Tree Protection Plan and Tree Protection Measures identified in the Arboricultural Assessment Report prepared by DB Horticulture dated 25/10/2019 must be implemented and complied with to the satisfaction of the Responsible Authority.
13. Any pruning of trees on the subject site and adjoining land must be undertaken by a qualified arborist in compliance with the procedures and practices described in AS 4373-2007 Australian Standard pruning of amenity trees.
14. The owner and occupier of the site must ensure that, prior to the commencement of buildings and works, all contractors and tradespersons operating on the site are advised of the status of trees to be retained and are advised of any obligations in relation to the protection of those trees.
15. No trenching or soil excavation is to occur within the Tree Protection Zones of retained trees unless shown on the endorsed plans without the prior written consent of the Responsible Authority.

Engineering Plans

16. After the endorsement of Condition 1 plans and before any works associated with the development starts, engineering plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must be drawn to

Date Issued:

31/01/2020

Signature for the Responsible Authority:


KRYSTAL LI - PLANNER

**PLANNING
PERMIT****Permit No:****P19/1261****Planning Scheme:**

Mornington Peninsula

**Responsible
Authority:**Mornington Peninsula
Shire

scale with dimensions and may be emailed to
devengadmin@mornpen.vic.gov.au in pdf format.

The plans must show:

- a) Areas of the proposed development excluding the existing dwelling being drained by an underground drainage system to retain a post development 1 in 10 year storm event for the critical storm duration. Discharge from the proposed development must be limited to an equivalent pre-development flow based on a 1 in 2 year storm event for the critical storm duration. Discharge from the total area of the site is to be connected to the existing underground drainage system at the front of the property via a 150mm minimum diameter drainage pipe and junction pit.
- b) All surface areas of private open spaces being drained by a minimum 100 mm diameter drainage pipe connected to the storm water system.
- c) A drainage system on the site being designed to ensure storm water runoff exiting the site meets the current best practice performance objectives for stormwater quality, as contained in the Urban Stormwater Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).
- d) A drainage surcharge route within the development to avoid inundation of any dwellings.
- e) Details, including levels of the common driveway within the site.
- f) The design of all vehicle movements entering and exiting the property being in a forward direction.
- g) Reinforced concrete vehicular crossings to Council standards, with any redundant crossing or vehicle laybacks being removed and replaced with kerb and channel, including reinstatement of the nature strip fronting the site.

Date Issued:

31/01/2020

Signature for the Responsible Authority:

KRYSTAL LI - PLANNER

**PLANNING
PERMIT****Permit No:****P19/1261****Planning Scheme:**

Mornington Peninsula

**Responsible
Authority:**Mornington Peninsula
Shire

- h) Sight distance for vehicles and pedestrians not being unduly restricted at the exit from site by fencing or landscaping works.
 - i) Tree Protection Zones (TPZs) impacted by the works, or as shown on any other development plans and documents.
 - j) Drainage works designed to avoid TPZs where possible.
 - k) Proposed methodologies for complying with AS4970-2009 (Protection of trees on development sites) for any works that are required within TPZs.
17. Before any works associated with the development commences, drainage computations are required for the proposed drainage system, including consideration of any drainage catchment external to the development that may drain to the proposed drainage system.
18. Before the initial occupation of the development drainage works within the development must be constructed in accordance with approved engineering plans, and to the satisfaction of the Responsible Authority.
19. Before the initial occupation of the development, vehicle crossings, areas set aside for the parking of vehicles and driveways as shown on the endorsed plans must be constructed in accordance with approved engineering plans, surfaced with reinforced concrete and drained to the satisfaction of the Responsible Authority. Car spaces, access lanes and driveways must always be kept available for these purposes.
20. Prior to the issue of a Statement of Compliance, works must be completed in accordance with engineering plans and specifications approved by the Responsible Authority and must include:
- a) Each lot being provided with a property drainage inlet located within that lot.
 - b) Discharge from the site being connected to the underground drainage system at the front of the property.

Date Issued:**31/01/2020****Signature for the Responsible Authority:**

KRYSTAL LI - PLANNER

**PLANNING
PERMIT****Permit No:****P19/1261****Planning Scheme:**

Mornington Peninsula

**Responsible
Authority:**Mornington Peninsula
Shire

21. Prior to the issue of a Statement of Compliance, the applicant must provide to Council the schedule of quantities and rates for the construction of works.
22. Prior to the issue of a Statement of Compliance, the applicant must pay to the Responsible Authority appropriate fees for plan checking and supervision.
23. Prior to the issue of a Statement of Compliance the applicant must:
- Demonstrate to the Responsible Authority that water quality features have been implemented in accordance with clause 56.07-4 of the planning scheme;
- and/or
- Submit a completed "Stormwater Quality Offset Contribution Form" to the Responsible Authority to send to Melbourne Water and prove by way of advice from Melbourne Water that Melbourne Water Stormwater Quality Contributions has been paid.

Subdivision

24. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
25. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
26. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

Date Issued:**31/01/2020****Signature for the Responsible Authority:**

KRYSTAL LI - PLANNER

**PLANNING
PERMIT****Permit No:****P19/1261****Planning Scheme:**

Mornington Peninsula

**Responsible
Authority:**Mornington Peninsula
Shire**Section 173 Agreement Condition**

27. Prior to the issue of a Statement of Compliance, the owner of the land must enter into an agreement with the Responsible Authority, pursuant to Section 173 of the Planning and Environment Act 1987. This agreement must be registered by the Responsible Authority pursuant to Section 181 of the Planning and Environment Act 1987 on the title of the subject land prior to approval of the subdivision.

This agreement must provide for Common Property and drainage detention being constructed in accordance with engineering plans approved by the Responsible Authority prior to the transfer or occupation, whichever occurs first, of lot 2 created by the subdivision.

The costs in preparation and registration of such agreement are to be met by the subdivider and must be paid prior to the registration of the agreement.

The above condition will be deemed to be satisfied and the Responsible Authority will waive the need for the subdivider to enter into an Agreement, if the Common Property areas and drainage detention have been completed in accordance with engineering plans approved by the Responsible Authority.

28. Prior to the issue of a Statement of Compliance, the subdivider must enter into an agreement with the Responsible Authority, pursuant to Section 173 of the Planning and Environment Act 1987. This agreement must be registered by the Responsible Authority pursuant to Section 181 of the Planning and Environment Act 1987 on the title of the subject land prior to approval of this subdivision.

This agreement must ensure that any building constructed on a lot resulting from this subdivision is in accordance with the development plan endorsed as part of permit P19/1261 or authorised by a further Planning Permit.

The costs in preparation and registration of such agreement are to be met by the subdivider and must be paid prior to the registration of the agreement.

Date Issued:**31/01/2020****Signature for the Responsible Authority:**

KRYSTAL LI - PLANNER

**PLANNING
PERMIT****Permit No:****P19/1261****Planning Scheme:**

Mornington Peninsula

**Responsible
Authority:**Mornington Peninsula
Shire

The above condition will be deemed to be satisfied, and the Responsible Authority will waive the need for the subdivider to enter into an Agreement, if all of the approved buildings have been substantially completed in accordance with the development plans endorsed as part of planning permit P19/1261.

Telecommunications

29. The owner of the land must enter into an agreement with:

* a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and

* a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

30. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

* a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and

* a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Expiry

31. This permit will expire if:

Date Issued:**31/01/2020****Signature for the Responsible Authority:**

KRYSTAL LI - PLANNER

**PLANNING
PERMIT****Permit No:****P19/1261****Planning Scheme:**

Mornington Peninsula

**Responsible
Authority:**Mornington Peninsula
Shire

- i. The Responsible Authority has not certified the plan of subdivision within 2 years of the date of issue of this permit.
- ii. 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*, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

Date Issued:**31/01/2020****Signature for the Responsible Authority:****KRYSTAL LI - PLANNER**

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**.)

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?

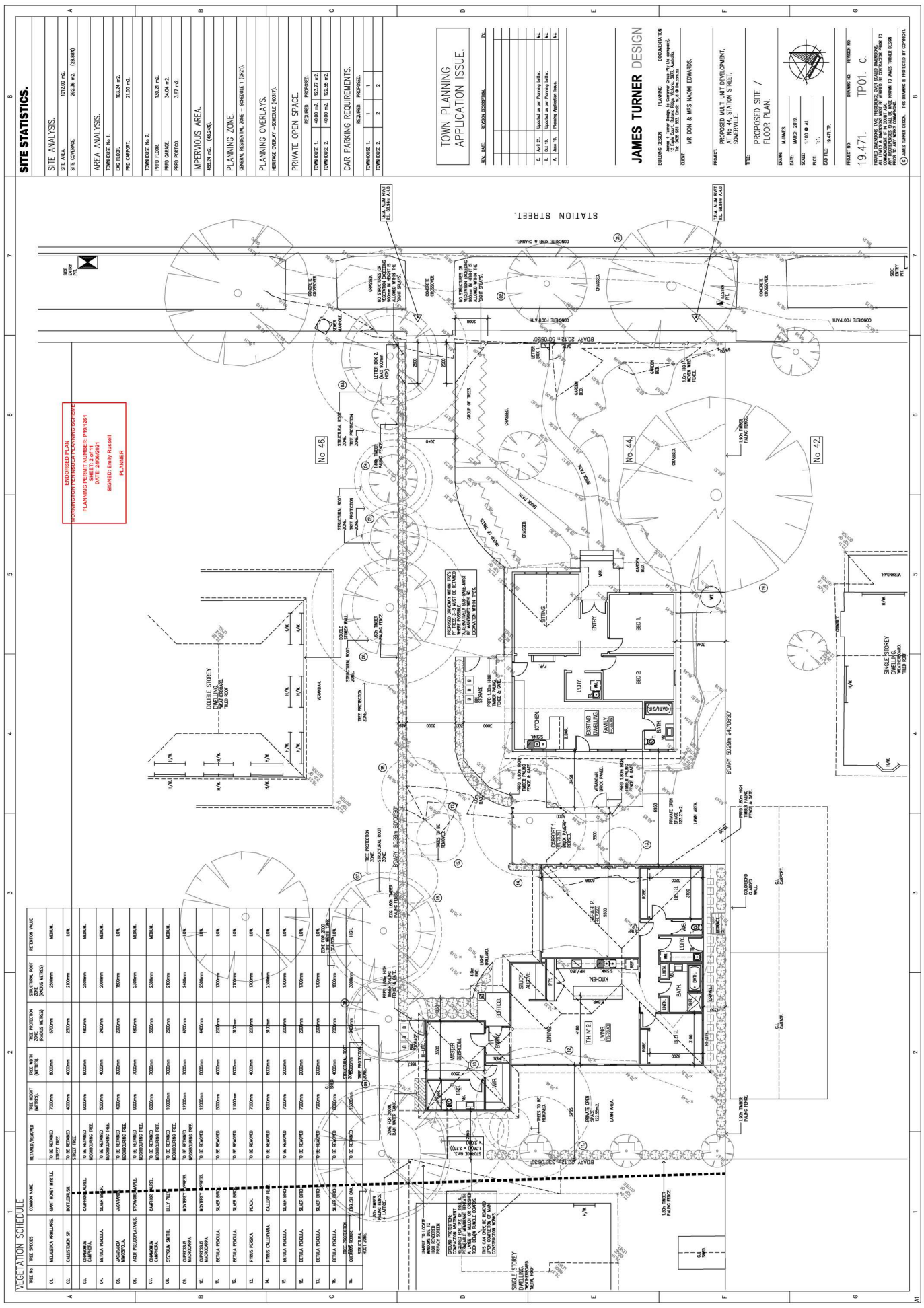
- * The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal where, in which case no right of appeal exists.
- * An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the appeal 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 the relevant 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.
- * A copy of 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
Planning and Environment List
55 King Street,
Melbourne, 3000.

Phone: 1300 01 8228

Fax: (03) 9628-9789

DX 210576



PROPOSED PLAN
ADMINISTRATIVE RECORDING SCHEME
PLANNING PERMIT NUMBER: P19/191
SHEET 2 of 11
DATE: 24/05/2021
SIGNED: Emily Russell
PLANNER

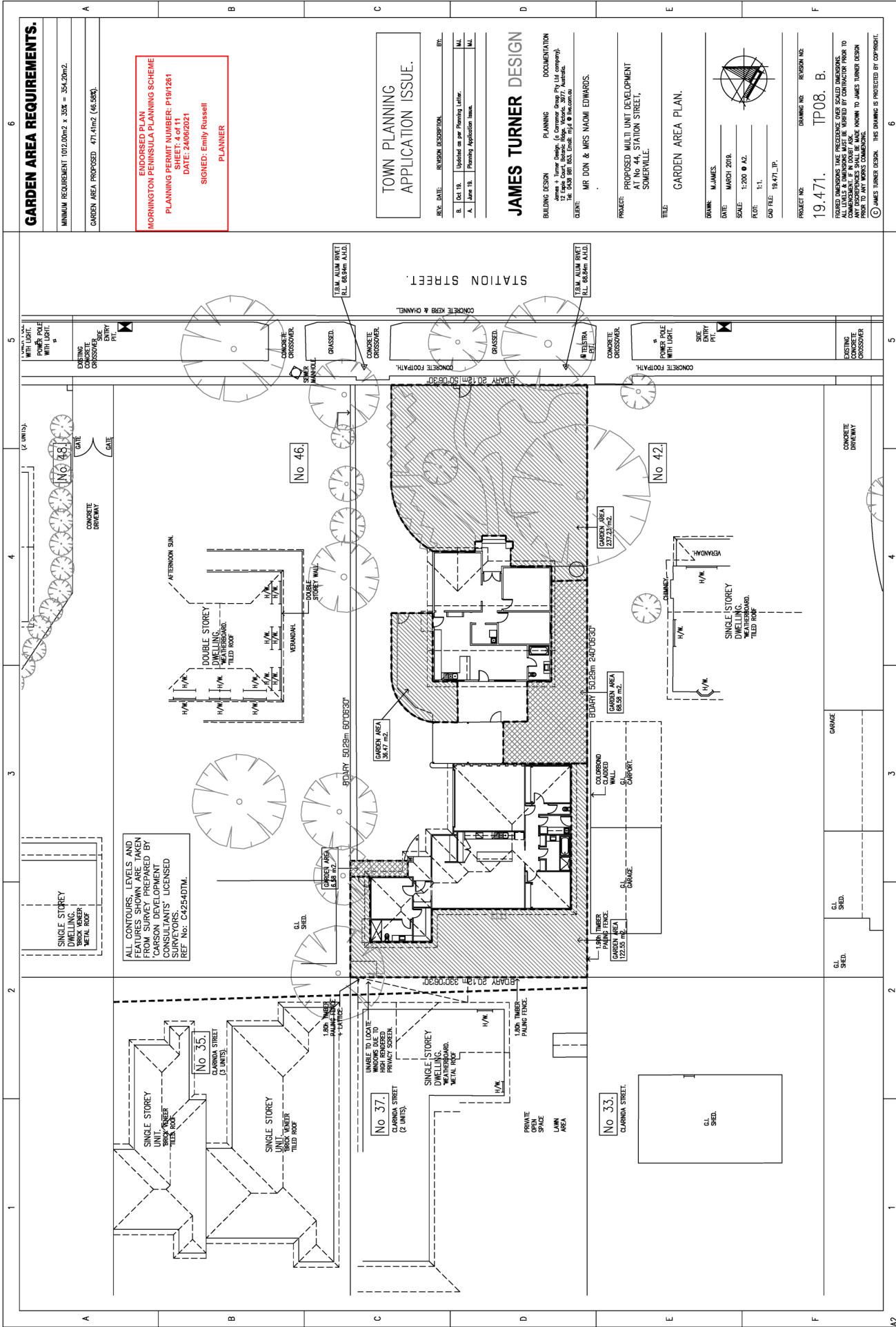
SITE STATISTICS.

SITE ANALYSIS.	
SITE AREA	1022.00 m ²
SITE COVERAGE	262.38 m ² (25.68%)
AREA ANALYSIS.	
TOWNHOUSE No. 1	103.34 m ²
TOWNHOUSE No. 2	21.00 m ²
TOWNHOUSE No. 3	13.07 m ²
TOWNHOUSE No. 4	34.04 m ²
TOWNHOUSE No. 5	3.87 m ²
IMPERVIOUS AREA.	
IMPERVIOUS AREA	488.24 m ² (47.68%)
PLANNING ZONE.	
GENERAL RESIDENTIAL ZONE - SCHEDULE 1 (RPT1).	
PLANNING OVERLAYS.	
VEGETATION OVERLAY - SCHEDULE (RPT2).	
PRIVATE OPEN SPACE.	
TOWNHOUSE 1	40.00 m ² 13.07 m ²
TOWNHOUSE 2	40.00 m ² 13.07 m ²
CAR PARKING REQUIREMENTS.	
TOWNHOUSE 1	1 1
TOWNHOUSE 2	2 2

TOWN PLANNING
APPLICATION ISSUE.

JAMES TURNER DESIGN	
PLANNING DOCUMENTATION	
17 The Glen, Glenview, Sydney NSW 1522, Australia	
02 9339 1000	
www.james-turner-design.com.au	
CLIENT: MR DOR & MRS NAOMI EDWARDS.	
PROJECT: PROPOSED NEW 11 UNIT DEVELOPMENT, AT NO 44, STATION STREET, SOMERVILLE.	
TITLE: PROPOSED SITE / FLOOR PLAN.	
DRAWN: JAMES TURNER	
SCALE: 1:100 & A4.	
FILE: 19.471	
DATE FILE: 19.471.DWG	
PROJECT NO: 19.471	
TOWNHOUSE NO: 19.471	

19.471. C.
TP01. C.
NOTES:
1. THIS PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.
2. ANY CHANGES TO THIS PLAN MUST BE APPROVED BY JAMES TURNER DESIGN.
3. THIS PLAN IS PROVIDED BY JAMES TURNER DESIGN AS A SERVICE TO THE CLIENT.
4. THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSE.
5. THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSE.



GARDEN AREA REQUIREMENTS.

MINIMUM REQUIREMENT 101.0m² x 33% = 354.0m².

GARDEN AREA PROPOSED 471.4m² (46.58%).

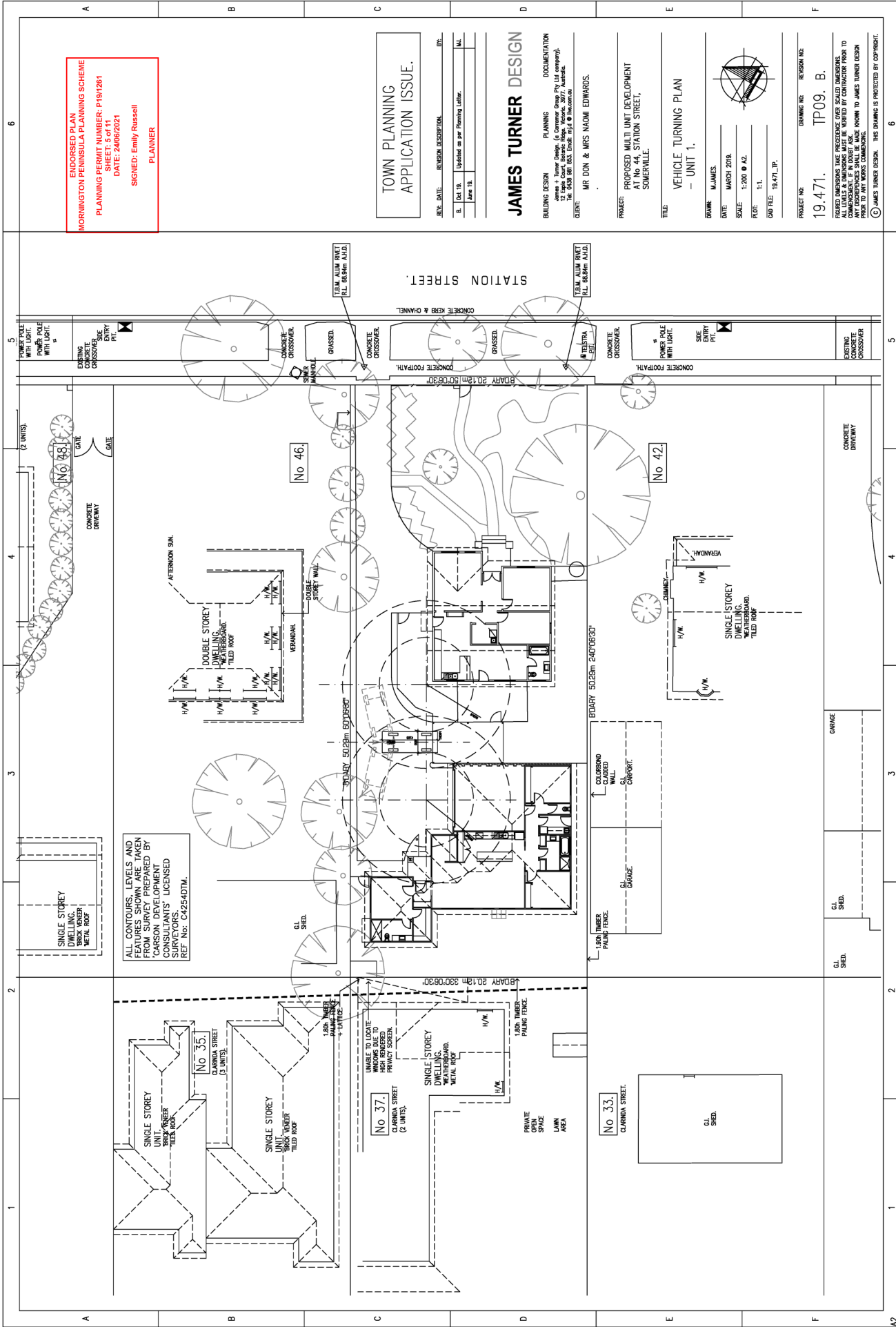
ENDORSED PLAN
MORNINGTON PENINSULA PLANNING SCHEME
PLANNING PERMIT NUMBER: P19/1261
SHEET: 4 of 11
DATE: 24/09/2021
SIGNED: Emily Russell
PLANNER

TOWN PLANNING
APPLICATION ISSUE.

REV.	DATE	REVISION DESCRIPTION
B.	Oct 19.	Updated as per Planning Letter.
A.	June 19.	Planning Application Issues.

JAMES TURNER DESIGN

BUILDING DESIGN
PLANNING
DOCUMENTATION
James + Turner Design (a Corporate Group Pty Ltd company)
104/106-108/110-112/114-116/118-120/122-124/126-128/130-132/134-136/138-140/142-144/146-148/150-152/154-156/158-160/162-164/166-168/170-172/174-176/178-180/182-184/186-188/190-192/194-196/198-200/202-204/206-208/210-212/214-216/218-220/222-224/226-228/230-232/234-236/238-240/242-244/246-248/250-252/254-256/258-260/262-264/266-268/270-272/274-276/278-280/282-284/286-288/290-292/294-296/298-300/302-304/306-308/310-312/314-316/318-320/322-324/326-328/330-332/334-336/338-340/342-344/346-348/350-352/354-356/358-360/362-364/366-368/370-372/374-376/378-380/382-384/386-388/390-392/394-396/398-400/402-404/406-408/410-412/414-416/418-420/422-424/426-428/430-432/434-436/438-440/442-444/446-448/450-452/454-456/458-460/462-464/466-468/470-472/474-476/478-480/482-484/486-488/490-492/494-496/498-500/502-504/506-508/510-512/514-516/518-520/522-524/526-528/530-532/534-536/538-540/542-544/546-548/550-552/554-556/558-560/562-564/566-568/570-572/574-576/578-580/582-584/586-588/590-592/594-596/598-600/602-604/606-608/610-612/614-616/618-620/622-624/626-628/630-632/634-636/638-640/642-644/646-648/650-652/654-656/658-660/662-664/666-668/670-672/674-676/678-680/682-684/686-688/690-692/694-696/698-700/702-704/706-708/710-712/714-716/718-720/722-724/726-728/730-732/734-736/738-740/742-744/746-748/750-752/754-756/758-760/762-764/766-768/770-772/774-776/778-780/782-784/786-788/790-792/794-796/798-800/802-804/806-808/810-812/814-816/818-820/822-824/826-828/830-832/834-836/838-840/842-844/846-848/850-852/854-856/858-860/862-864/866-868/870-872/874-876/878-880/882-884/886-888/890-892/894-896/898-900/902-904/906-908/910-912/914-916/918-920/922-924/926-928/930-932/934-936/938-940/942-944/946-948/950-952/954-956/958-960/962-964/966-968/970-972/974-976/978-980/982-984/986-988/990-992/994-996/998-1000/1002-1004/1006-1008/1010-1012/1014-1016/1018-1020/1022-1024/1026-1028/1030-1032/1034-1036/1038-1040/1042-1044/1046-1048/1050-1052/1054-1056/1058-1060/1062-1064/1066-1068/1070-1072/1074-1076/1078-1080/1082-1084/1086-1088/1090-1092/1094-1096/1098-1100/1102-1104/1106-1108/1110-1112/1114-1116/1118-1120/1122-1124/1126-1128/1130-1132/1134-1136/1138-1140/1142-1144/1146-1148/1150-1152/1154-1156/1158-1160/1162-1164/1166-1168/1170-1172/1174-1176/1178-1180/1182-1184/1186-1188/1190-1192/1194-1196/1198-1200/1202-1204/1206-1208/1210-1212/1214-1216/1218-1220/1222-1224/1226-1228/1230-1232/1234-1236/1238-1240/1242-1244/1246-1248/1250-1252/1254-1256/1258-1260/1262-1264/1266-1268/1270-1272/1274-1276/1278-1280/1282-1284/1286-1288/1290-1292/1294-1296/1298-1300/1302-1304/1306-1308/1310-1312/1314-1316/1318-1320/1322-1324/1326-1328/1330-1332/1334-1336/1338-1340/1342-1344/1346-1348/1350-1352/1354-1356/1358-1360/1362-1364/1366-1368/1370-1372/1374-1376/1378-1380/1382-1384/1386-1388/1390-1392/1394-1396/1398-1400/1402-1404/1406-1408/1410-1412/1414-1416/1418-1420/1422-1424/1426-1428/1430-1432/1434-1436/1438-1440/1442-1444/1446-1448/1450-1452/1454-1456/1458-1460/1462-1464/1466-1468/1470-1472/1474-1476/1478-1480/1482-1484/1486-1488/1490-1492/1494-1496/1498-1500/1502-1504/1506-1508/1510-1512/1514-1516/1518-1520/1522-1524/1526-1528/1530-1532/1534-1536/1538-1540/1542-1544/1546-1548/1550-1552/1554-1556/1558-1560/1562-1564/1566-1568/1570-1572/1574-1576/1578-1580/1582-1584/1586-1588/1590-1592/1594-1596/1598-1600/1602-1604/1606-1608/1610-1612/1614-1616/1618-1620/1622-1624/1626-1628/1630-1632/1634-1636/1638-1640/1642-1644/1646-1648/1650-1652/1654-1656/1658-1660/1662-1664/1666-1668/1670-1672/1674-1676/1678-1680/1682-1684/1686-1688/1690-1692/1694-1696/1698-1700/1702-1704/1706-1708/1710-1712/1714-1716/1718-1720/1722-1724/1726-1728/1730-1732/1734-1736/1738-1740/1742-1744/1746-1748/1750-1752/1754-1756/1758-1760/1762-1764/1766-1768/1770-1772/1774-1776/1778-1780/1782-1784/1786-1788/1790-1792/1794-1796/1798-1800/1802-1804/1806-1808/1810-1812/1814-1816/1818-1820/1822-1824/1826-1828/1830-1832/1834-1836/1838-1840/1842-1844/1846-1848/1850-1852/1854-1856/1858-1860/1862-1864/1866-1868/1870-1872/1874-1876/1878-1880/1882-1884/1886-1888/1890-1892/1894-1896/1898-1900/1902-1904/1906-1908/1910-1912/1914-1916/1918-1920/1922-1924/1926-1928/1930-1932/1934-1936/1938-1940/1942-1944/1946-1948/1950-1952/1954-1956/1958-1960/1962-1964/1966-1968/1970-1972/1974-1976/1978-1980/1982-1984/1986-1988/1990-1992/1994-1996/1998-2000/2002-2004/2006-2008/2010-2012/2014-2016/2018-2020/2022-2024/2026-2028/2030-2032/2034-2036/2038-2040/2042-2044/2046-2048/2050-2052/2054-2056/2058-2060/2062-2064/2066-2068/2070-2072/2074-2076/2078-2080/2082-2084/2086-2088/2090-2092/2094-2096/2098-2100/2102-2104/2106-2108/2110-2112/2114-2116/2118-2120/2122-2124/2126-2128/2130-2132/2134-2136/2138-2140/2142-2144/2146-2148/2150-2152/2154-2156/2158-2160/2162-2164/2166-2168/2170-2172/2174-2176/2178-2180/2182-2184/2186-2188/2190-2192/2194-2196/2198-2200/2202-2204/2206-2208/2210-2212/2214-2216/2218-2220/2222-2224/2226-2228/2230-2232/2234-2236/2238-2240/2242-2244/2246-2248/2250-2252/2254-2256/2258-2260/2262-2264/2266-2268/2270-2272/2274-2276/2278-2280/228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ENDORSED PLAN
MORNINGTON PENINSULA PLANNING SCHEME
PLANNING PERMIT NUMBER: P19/261
SHEET 5 of 15
DATE: 24/06/2021
SIGNED: Emily Russell
PLANNER

TOWN PLANNING
APPLICATION ISSUE.

JAMES TURNER DESIGN

BUILDING DESIGN
PLANNING
DOCUMENTATION
James + Turner Design, (a Corporate Group Pty Ltd company)
104 KILPATRICK ROAD, SOMERVILLE, VIC 3067
Tel: 0438 981 863, Email: info@jtdesign.com.au

CLIENT: MR DON & MRS NAOMI EDWARDS.

PROJECT: PROPOSED MULTI UNIT DEVELOPMENT
AT No. 44, STATION STREET,
SOMERVILLE.

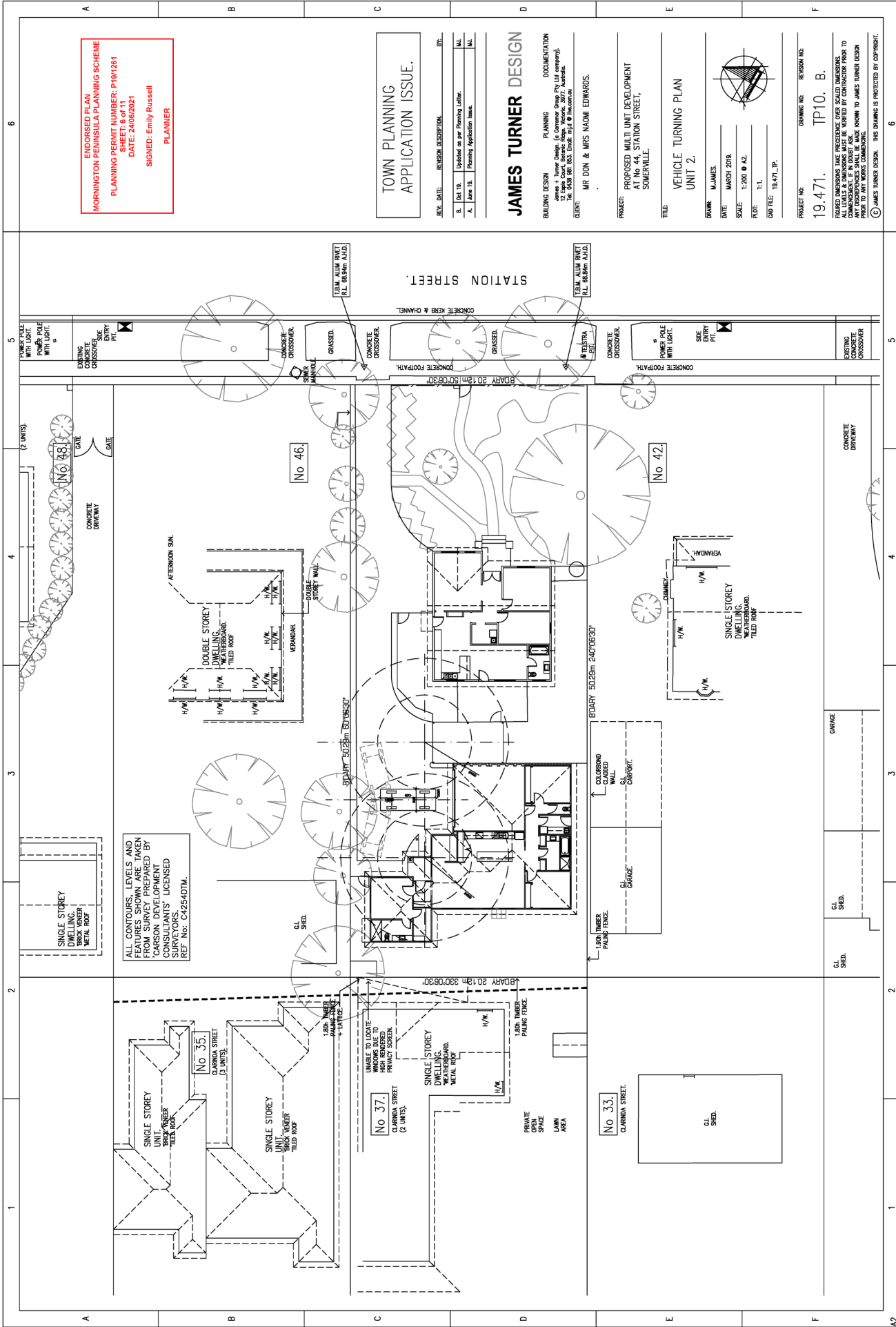
TITLE: VEHICLE TURNING PLAN
- UNIT 1.

DRAWN: M. JAMES.
DATE: MARCH 2019.
SCALE: 1:200 @ A2.
PLOT: 1:1.
GSD FILE: 19.471.JP.

PROJECT NO: 19.471.
DRAWING NO: TP09. B.

FORWARD DIMENSIONS AND PROVISIONS AND SHALL BE MAINTAINED.
ALL LEVELS & DIMENSIONS MUST BE VERIFIED BY CONTRACTOR PRIOR TO
CONSTRUCTION. ANY DISCREPANCIES SHALL BE MADE KNOWN TO JAMES TURNER DESIGN
PRIOR TO ANY WORK COMMENCING.

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ENDORSED PLAN
MORNINGTON PENINSULA PLANNING SCHEME
PLANNING PERMIT NUMBER: P191281
SHEET: 8 of 11
DATE: 24/06/2021
SIGNED: Emily Russell
PLANNER

TOWN PLANNING
APPLICATION ISSUE.

REV.	DATE	REVISION DESCRIPTION
B.	Oct 19.	Updated as per Planning Letter.
A.	June 19.	Planning Application Issue.

JAMES TURNER DESIGN

BUILDING DESIGN
James + Turner Design (a Corporate Group Pty Ltd company)
104/106-108/110-112/114-116/118-120/122-124/126-128/130-132/134-136/138-140/142-144/146-148/150-152/154-156/158-160/162-164/166-168/170-172/174-176/178-180/182-184/186-188/190-192/194-196/198-200/202-204/206-208/210-212/214-216/218-220/222-224/226-228/230-232/234-236/238-240/242-244/246-248/250-252/254-256/258-260/262-264/266-268/270-272/274-276/278-280/282-284/286-288/290-292/294-296/298-300/302-304/306-308/310-312/314-316/318-320/322-324/326-328/330-332/334-336/338-340/342-344/346-348/350-352/354-356/358-360/362-364/366-368/370-372/374-376/378-380/382-384/386-388/390-392/394-396/398-400/402-404/406-408/410-412/414-416/418-420/422-424/426-428/430-432/434-436/438-440/442-444/446-448/450-452/454-456/458-460/462-464/466-468/470-472/474-476/478-480/482-484/486-488/490-492/494-496/498-500/502-504/506-508/510-512/514-516/518-520/522-524/526-528/530-532/534-536/538-540/542-544/546-548/550-552/554-556/558-560/562-564/566-568/570-572/574-576/578-580/582-584/586-588/590-592/594-596/598-600/602-604/606-608/610-612/614-616/618-620/622-624/626-628/630-632/634-636/638-640/642-644/646-648/650-652/654-656/658-660/662-664/666-668/670-672/674-676/678-680/682-684/686-688/690-692/694-696/698-700/702-704/706-708/710-712/714-716/718-720/722-724/726-728/730-732/734-736/738-740/742-744/746-748/750-752/754-756/758-760/762-764/766-768/770-772/774-776/778-780/782-784/786-788/790-792/794-796/798-800/802-804/806-808/810-812/814-816/818-820/822-824/826-828/830-832/834-836/838-840/842-844/846-848/850-852/854-856/858-860/862-864/866-868/870-872/874-876/878-880/882-884/886-888/890-892/894-896/898-900/902-904/906-908/910-912/914-916/918-920/922-924/926-928/930-932/934-936/938-940/942-944/946-948/950-952/954-956/958-960/962-964/966-968/970-972/974-976/978-980/982-984/986-988/990-992/994-996/998-1000/1002-1004/1006-1008/1010-1012/1014-1016/1018-1020/1022-1024/1026-1028/1030-1032/1034-1036/1038-1040/1042-1044/1046-1048/1050-1052/1054-1056/1058-1060/1062-1064/1066-1068/1070-1072/1074-1076/1078-1080/1082-1084/1086-1088/1090-1092/1094-1096/1098-1100/1102-1104/1106-1108/1110-1112/1114-1116/1118-1120/1122-1124/1126-1128/1130-1132/1134-1136/1138-1140/1142-1144/1146-1148/1150-1152/1154-1156/1158-1160/1162-1164/1166-1168/1170-1172/1174-1176/1178-1180/1182-1184/1186-1188/1190-1192/1194-1196/1198-1200/1202-1204/1206-1208/1210-1212/1214-1216/1218-1220/1222-1224/1226-1228/1230-1232/1234-1236/1238-1240/1242-1244/1246-1248/1250-1252/1254-1256/1258-1260/1262-1264/1266-1268/1270-1272/1274-1276/1278-1280/1282-1284/1286-1288/1290-1292/1294-1296/1298-1300/1302-1304/1306-1308/1310-1312/1314-1316/1318-1320/1322-1324/1326-1328/1330-1332/1334-1336/1338-1340/1342-1344/1346-1348/1350-1352/1354-1356/1358-1360/1362-1364/1366-1368/1370-1372/1374-1376/1378-1380/1382-1384/1386-1388/1390-1392/1394-1396/1398-1400/1402-1404/1406-1408/1410-1412/1414-1416/1418-1420/1422-1424/1426-1428/1430-1432/1434-1436/1438-1440/1442-1444/1446-1448/1450-1452/1454-1456/1458-1460/1462-1464/1466-1468/1470-1472/1474-1476/1478-1480/1482-1484/1486-1488/1490-1492/1494-1496/1498-1500/1502-1504/1506-1508/1510-1512/1514-1516/1518-1520/1522-1524/1526-1528/1530-1532/1534-1536/1538-1540/1542-1544/1546-1548/1550-1552/1554-1556/1558-1560/1562-1564/1566-1568/1570-1572/1574-1576/1578-1580/1582-1584/1586-1588/1590-1592/1594-1596/1598-1600/1602-1604/1606-1608/1610-1612/1614-1616/1618-1620/1622-1624/1626-1628/1630-1632/1634-1636/1638-1640/1642-1644/1646-1648/1650-1652/1654-1656/1658-1660/1662-1664/1666-1668/1670-1672/1674-1676/1678-1680/1682-1684/1686-1688/1690-1692/1694-1696/1698-1700/1702-1704/1706-1708/1710-1712/1714-1716/1718-1720/1722-1724/1726-1728/1730-1732/1734-1736/1738-1740/1742-1744/1746-1748/1750-1752/1754-1756/1758-1760/1762-1764/1766-1768/1770-1772/1774-1776/1778-1780/1782-1784/1786-1788/1790-1792/1794-1796/1798-1800/1802-1804/1806-1808/1810-1812/1814-1816/1818-1820/1822-1824/1826-1828/1830-1832/1834-1836/1838-1840/1842-1844/1846-1848/1850-1852/1854-1856/1858-1860/1862-1864/1866-1868/1870-1872/1874-1876/1878-1880/1882-1884/1886-1888/1890-1892/1894-1896/1898-1900/1902-1904/1906-1908/1910-1912/1914-1916/1918-1920/1922-1924/1926-1928/1930-1932/1934-1936/1938-1940/1942-1944/1946-1948/1950-1952/1954-1956/1958-1960/1962-1964/1966-1968/1970-1972/1974-1976/1978-1980/1982-1984/1986-1988/1990-1992/1994-1996/1998-2000/2002-2004/2006-2008/2010-2012/2014-2016/2018-2020/2022-2024/2026-2028/2030-2032/2034-2036/2038-2040/2042-2044/2046-2048/2050-2052/2054-2056/2058-2060/2062-2064/2066-2068/2070-2072/2074-2076/2078-2080/2082-2084/2086-2088/2090-2092/2094-2096/2098-2100/2102-2104/2106-2108/2110-2112/2114-2116/2118-2120/2122-2124/2126-2128/2130-2132/2134-2136/2138-2140/2142-2144/2146-2148/2150-2152/2154-2156/2158-2160/2162-2164/2166-2168/2170-2172/2174-2176/2178-2180/2182-2184/2186-2188/2190-2192/2194-2196/2198-2200/2202-2204/2206-2208/2210-2212/2214-2216/2218-2220/2222-2224/2226-2228/2230-2232/2234-2236/2238-2240/2242-2244/2246-2248/2250-2252/2254-2256/2258-2260/2262-2264/2266-2268/2270-2272/2274-2276/2278-2280/228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PLAN OF SUBDIVISION				LV USE ONLY EDITION	PS 831021H
LOCATION OF LAND PARISH : TYABB TOWNSHIP : ----- SECTION : ----- CROWN ALLOTMENT : ----- CROWN PORTION : 19 (PART) TITLE REFERENCE : VOL.5881 FOL.050 LAST PLAN REFERENCE : LP 2408 (LOT 41) POSTAL ADDRESS : 44 STATION STREET (At time of subdivision) SOMERVILLE 3912 MGA94 Co-ordinates (of approx centre of land in plan) E 340 370 ZONE: 55 N 5 767 382 GDA 94				MORNINGTON PENINSULA SHIRE COUNCIL	
VESTING OF ROADS AND/OR RESERVES				NOTATIONS	
IDENTIFIER		COUNCIL/BODY/PERSON			
NIL		NIL			
NOTATIONS					
DEPTH LIMITATION DOES NOT APPLY.					
Survey: This plan is based on survey. This survey has been connected to Tyabb permanent marks no(s) 229 and 231 In Proclaimed Survey Area No. 17 STAGING This is not a staged subdivision. Planning Permit No. _____				CREATION OF RESTRICTION THE REGISTERED PROPRIETORS OF THE BURDENED LAND COVENANT WITH THE REGISTERED PROPRIETORS OF THE BENEFITED LAND AS SET OUT IN THE RESTRICTION WITH THE INTENT THAT THE BURDEN OF THE RESTRICTION RUNS WITH AND BINDS THE BURDENED LAND AND THE BENEFIT OF THE RESTRICTION IS ANNEXED TO AND RUNS WITH THE BENEFITED LAND. ON REGISTRATION THE FOLLOWING RESTRICTION IS CREATED: BURDENED LAND: LOT 2 ON THIS PLAN OF SUBDIVISION. BENEFITED LAND: LOT 1 ON THIS PLAN OF SUBDIVISION. RESTRICTION: THE BURDENED LAND SHALL NOT: 1. CONSTRUCT ANY BUILDING OR WORKS OTHER THAN IN ACCORDANCE WITH THE ENDORSED PLANS FORMING PART OF PLANNING PERMIT No. _____ ISSUED BY THE MORNINGTON PENINSULA SHIRE COUNCIL WITHOUT THE WRITTEN CONSENT OF THE RESPONSIBLE AUTHORITY. THE RESTRICTION SHALL EXPIRE TWO (2) YEARS AFTER THE ISSUE OF CERTIFICATE OF OCCUPANCY PERMIT FOR THE DWELLING LOCATED ON LOT 2 THIS PLAN OF SUBDIVISION.	
EASEMENT INFORMATION					
LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)					
Section 12(2) of the Subdivision Act 1988 applies to all lots on this plan.					
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of	
				ENDORSED PLAN MORNINGTON PENINSULA PLANNING SCHEME PLANNING PERMIT NUMBER: P19/1261 SHEET: 8 of 11 DATE: 24/06/2021 SIGNED: Emily Russell PLANNER	
 CARSON DEVELOPMENT CONSULTANTS Pty. Ltd. Land & Engineering Surveyors Planning Consultants SUITE 6, 6-8 HIGH STREET P.O. Box 1056, CRANBOURNE 3977 Tel. 03.5995.1860 Email: info@cdcsurvey.com.au			SURVEYORS FILE REF: C 4254 PF DIGITALLY SIGNED BY LICENSED SURVEYOR: CLIFF C. CARSON VERSION 02		ORIGINAL SHEET SIZE: A3 Sheet 1 of 2 Sheets

PS 831021H

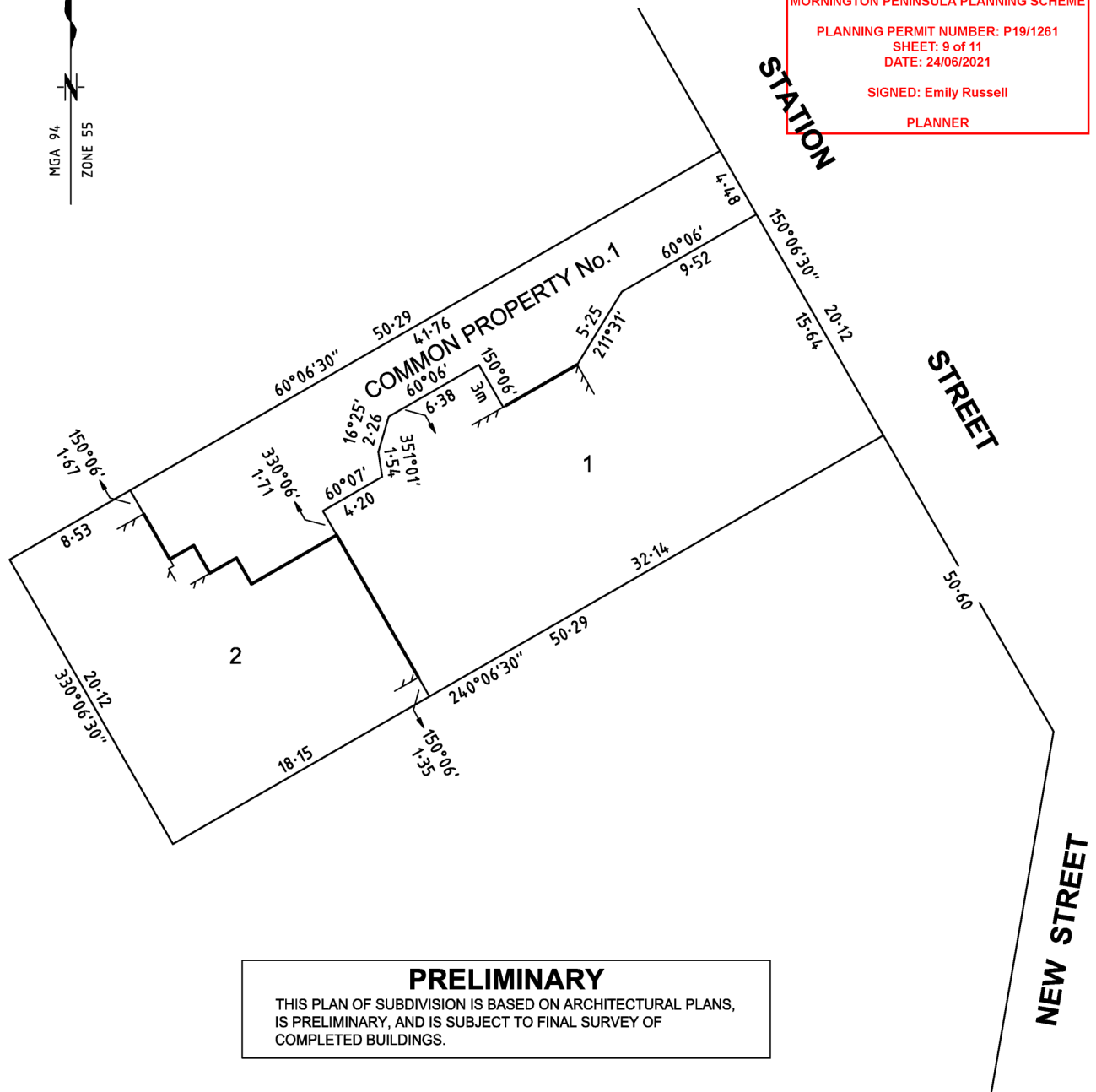
MGA 94
ZONE 55

ENDORSED PLAN
MORNINGTON PENINSULA PLANNING SCHEME

PLANNING PERMIT NUMBER: P19/1261
SHEET: 9 of 11
DATE: 24/06/2021

SIGNED: Emily Russell

PLANNER



CARSON DEVELOPMENT
CONSULTANTS Pty. Ltd.
Land & Engineering Surveyors
Planning Consultants
SUITE 6, 6-8 HIGH STREET,
P.O. Box 1056, CRANBOURNE 3977
Tel. 03.5995.1860
Email: info@cdcsurvey.com.au

SCALE
1:250

2.5 0 2.5 5 7.5 10
LENGTHS ARE IN METRES

ORIGINAL SHEET
SIZE: A3

Sheet 2 of 2 Sheets

DIGITALLY SIGNED BY LICENSED SURVEYOR:

CLIFF C. CARSON

REF C 4254 PF

VERSION 02

PS831021H

PS831021H

Land affected by Owners Corporation

Lots: ALL OF THE LOTS IN THE TABLE BELOW

Common Property No.: 1

Limitations of Owners Corporation:

UNLIMITED

Notations

ENDORSED PLAN
MORNINGTON PENINSULA PLANNING SCHEME

PLANNING PERMIT NUMBER: P19/1261
SHEET: 10 of 11
DATE: 24/06/2021

SIGNED: Emily Russell

PLANNER

Totals

Entitlement	
-------------	--

Liability

This schedule

100

100

Previous stages

0

0

Overall Total

100

100

Lot Entitlement and Lot Liability

Lot	Entitlement	Liability
1	50	50
2	50	50

< SURVEY FIRM LOGO >

SURVEYORS FILE REFERENCE: C 4254

SHEET 1 of 1

ORIGINAL SHEET
SIZE: A3

CLIFF C. CARSON / VERSION 02

ARBORICULTURAL ASSESSMENT REPORT

44 STATION STREET, SOMERVILLE

REPORT PREPARED FOR: JAMES TURNER DESIGN

REPORT PREPARED BY: DAMIEN BURGESS
CONSULTING ARBORIST - DB HORTICULTURE PTY LTD.

25/10/2019



www.dbhorticulture.com.au

20 Glen Avenue, Croydon Vic 3136 | phone: 0422 999 754 | email: damien@dbhorticulture.com.au

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2. Brief

James Turner Design has requested an Arboricultural Assessment Report for trees within and near to the property at 44 Station Street, Somerville.

3. Overview

4.

The property contains a single-storey, weatherboard dwelling. A two-lot subdivision is proposed.

5. Methodology

A visual site inspection of the trees took place on Friday October 25th, 2019. The trees were not climbed nor was any soil excavation or diagnosis of the internal or below ground components of the trees undertaken.

The trees were photographed on site using an iPhone 8. Height and Spread of trees was recorded via visual estimation. Diameter at Breast Height (DBH) was taken at 1.4 metres above ground level using a diameter tape.

Only trees 5m in height or greater were included in this report.

A Retention Value for each tree has been determined using tree condition factors and values as listed on Page 11 of this report.

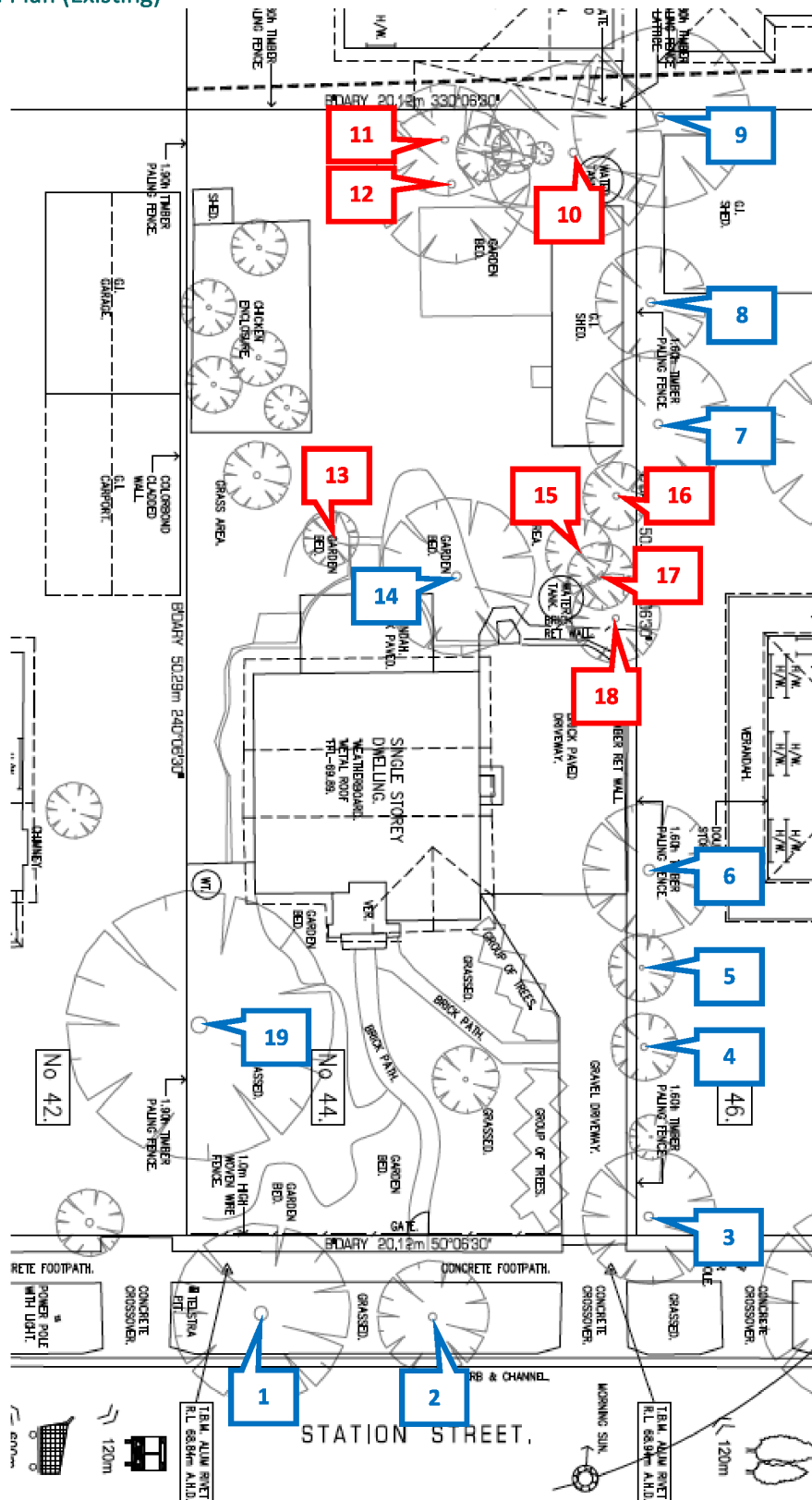
6. Tree Protection Zones (TPZ's)

Where appropriate, Tree Protection Zones and Structural Root Zones have been applied as per AS4970-2009, 'Protection of Trees on Development Sites'.

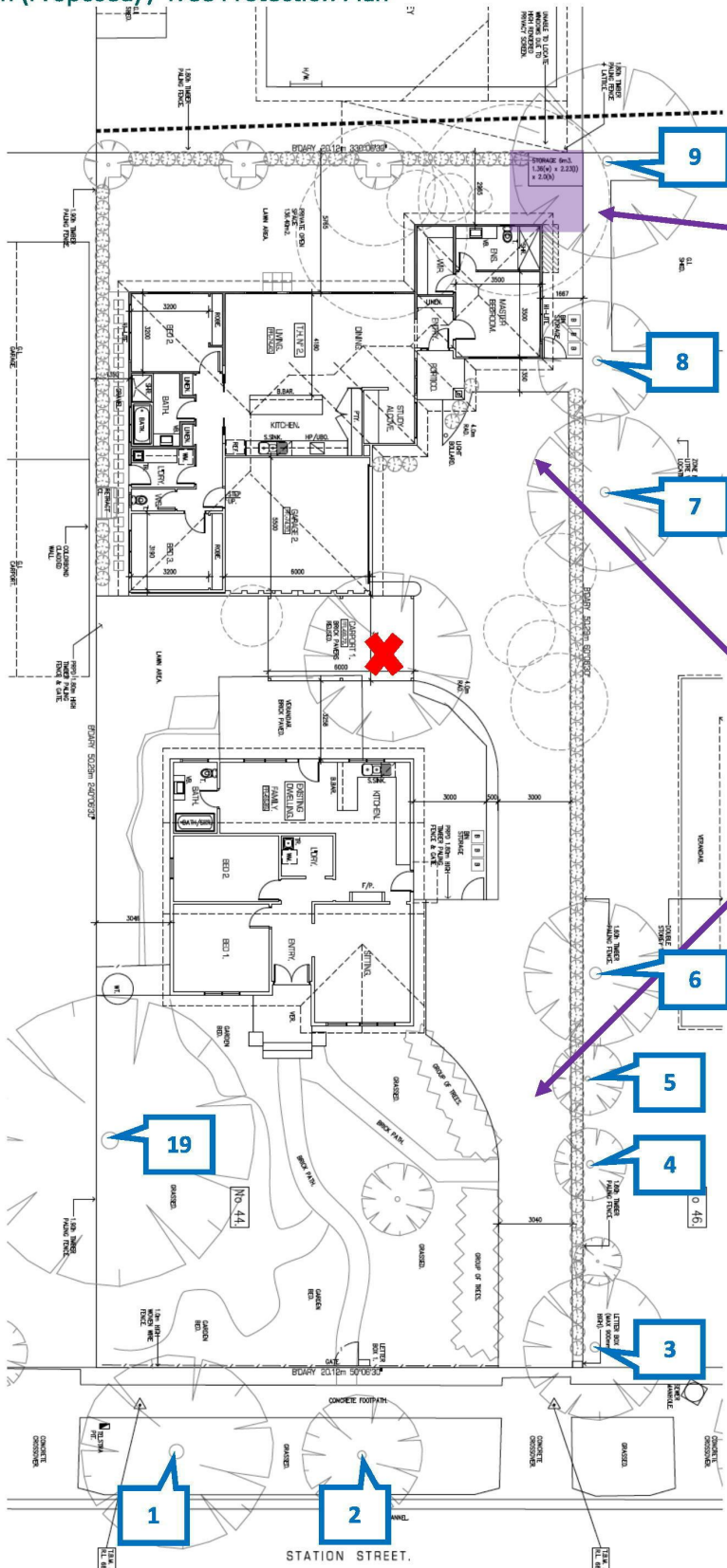
Tree Protection Zones are determined by multiplying the Trunk Diameter @ Breast Height (DBH) x 12. TPZ's are measured from the centre of the trunk.

Structural Root Zones are the area required for tree stability and are only necessary where major encroachment into the TPZ is to occur. The SRZ radius = $(\text{Diameter} \times 50)^{0.42} \times 0.64$.

7. Site Plan (Existing)



8. Site Plan (Proposed) / Tree Protection Plan



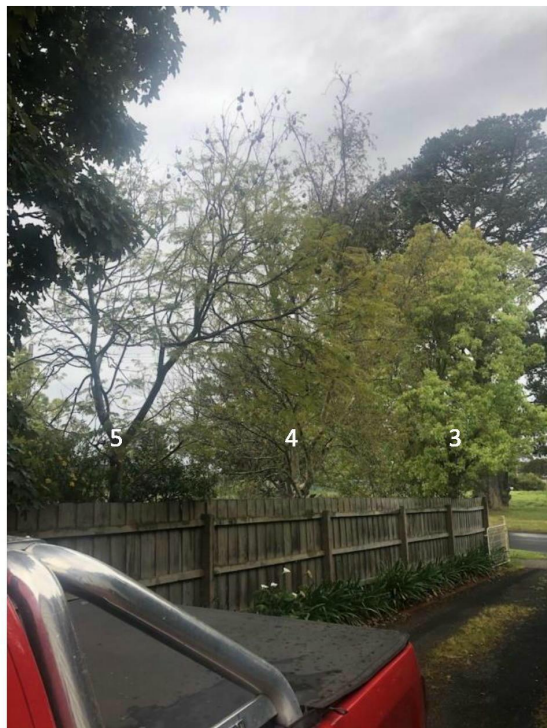
9. Tree Assessment Table

#	Species	Common name	Native/ Exotic	Height (m)	Spread (m)	DBH (cm)	TPZ (m)	SRZ (m)	Age	Condition	Structure	Form	Amenity value	Retention value	Comments
STREET TREES															
1	<i>Melaleuca armillaris</i>	Giant Honey Myrtle	N	7	8	56	6.7	2.5	M	P	F	F	F	M	
2	<i>Callistemon</i> sp.	Bottlebrush	N	4	4	12/15	2.3	2.1	M	F	F	F	P	L	
TREES WITHIN NEIGHBOURING PROPERTIES															
3	<i>Cincomomum camphora</i>	Camphor Laurel	E	9	6	40	4.8	2.5	SM	G	F	F	F	M	
4	<i>Betula pendula</i>	Silver Birch	E	5	4	20	2.4	2.0	SM	G	G	G	F	M	
5	<i>Jacaranda minosfolia</i>	Jacaranda	E	4	3	12	2.0	1.5	SM	G	F	F	F	L	
6	<i>Acer pseudoplatanus</i>	Sycamore Maple	E	9	7	26/30	4.8	2.3	M	G	G	G	F	M	
7	<i>Cincomomum camphora</i>	Camphor Laurel	E	6	7	30	3.6	2.3	SM	F	F	F	F	M	
8	<i>Syzygium smithii</i>	Lilly Pilly	N	10	7	22	2.6	2.1	SM	G	F	G	F	M	
9	<i>Cupressus macrocarpa</i>	Monterey Cypress	E	12	7	35	4.2	2.4	M	F	F	F	F	L	
TREES WITHIN SUBJECT PROPERTY															
10	<i>Cupressus macrocarpa</i>	Monterey Cypress	E	12	8	37	4.4	2.5	M	F	F	F	F	L	
11	<i>Betula pendula</i>	Silver Birch	E	5	4	17	2.0	1.7	SM	P	P	P	P	L	
12	<i>Betula pendula</i>	Silver Birch	E	11	8	26	3.1	2.1	M	G	G	G	F	L	
13	<i>Prunus persica</i>	Peach	E	7	4	12/8	2.0	1.7	M	F	F	F	P	L	
14	<i>Pyrus calleryana</i>	Gallery Pear	E	8	8	19/18	3.1	2.3	M	G	F	F	F	L	
15	<i>Betula pendula</i>	Silver Birch	E	7	2	15	2.0	1.7	SM	F	G	G	P	L	
16	<i>Betula pendula</i>	Silver Birch	E	7	2	15	2.0	1.7	SM	F	G	G	P	L	
17	<i>Betula pendula</i>	Silver Birch	E	7	2	15	2.0	1.7	SM	F	G	G	P	L	
18	<i>Betula pendula</i>	Silver Birch	E	8	4	17	2.0	1.8	SM	G	G	G	P	L	
19	<i>Quercus robur</i>	English Oak	E	15	15	78	9.4	3.0	M	G	G	G	G	H	
<i>*Trees listed in red are considered appropriate for removal</i>															

10. Photos



Trees 1, 2 & 19



Trees 3, 4 & 5



Tree 6



Trees 7 & 8



Trees 9 - 12



Trees 14 & 18



Trees 15 – 17



Tree 13

11. Discussion / Recommendations

Street Trees

Tree 1 is a Giant Honey Myrtle and Tree 2 is a Bottlebrush; both on the Station Street naturestrip. Neither tree will be affected by the proposed works.

Trees within Neighbouring Properties

Trees 3 to 9 are located within the neighbouring property to the north. Tree types include Cypress, Camphor Laurel, Jacaranda, Lilly Pilly and Sycamore Maple.

Trees within Subject Property

Trees 10 to 19 are located within the subject site. Tree types include Ornamental Pear, Peach, Silver Birch, Cypress and English Oak. Tree 19, the English oak is rated as High Retention Value. All other trees are rated as Low Retention value and will be removed under the design proposal.

Construction Impact Assessment

Tree 19, the English Oak on the south side is the only tree within the site to be retained and it will be unaffected by the proposed works. Trees 1 and 2 on the naturestrip will also be unaffected. If the existing driveway in the front part of the site is maintained in-situ, Trees 3 to 6 will not be affected. If the driveway needs to be rebuilt, the existing sub-base should be retained and therefore no excavation will be required within the TPZ's of these trees. The proposed driveway extends to the area adjacent to Trees 7 and 8. A shed on a concrete slab currently exists in this location. Again, the existing sub-base should be retained and therefore no excavation will be required within the TPZ's of these trees. A storage shed is proposed within the TPZ of Tree 9. This should be relocated to the south outside the TPZ of Tree 9. The building footprint proposed for the rear dwelling encroaches into the TPZ of this tree by less than 1% and is therefore not an issue.

It is the view of the author that the proposed project is viable and will not adversely affect the health of any neighbouring trees.

Damien Burgess

Consulting Arborist/Director
DB Horticulture Pty Ltd.

Grad. Cert. Arboriculture (AQF 8) Cert. Horticulture ISA TRAQ

October 25th, 2019.

Retention value should be considered in the context of a tree being worthy of being a material constraint on the site. Low retention value trees are by definition not worthy of being a material constraint, however, Low Retention value trees should not necessarily always be removed in all cases. Trees of Moderate Retention Value should be considered for retention where they are not a material constraint on the site. Where they conflict with plans for the site, either retention or removal are considered as appropriate options. High Retention Value trees should be retained and designed around.

12. Tree Descriptors

Age

Y	Young	Tree is juvenile or recently planted
SM	Semi-mature	Tree is established and actively growing
M	Mature	Tree has reached expected maximum size
OM	Over Mature	Tree is over mature and in decline

Condition

G	Good	Full crown, free of disease, good colour, good extension growth of twigs, no dieback
F	Fair	Tree shows one or more of the following: <25% deadwood, dieback, unbalanced canopy, minor pathogens
P	Poor	Tree shows one or more of the following: >25% deadwood, major pathogen presence, structural faults
D	Dead	Tree is dead

Structure

G	Good	Good branch attachments and no structural defects present, no co-dominant stems, good branch and trunk taper, good buttressing at base of trunk
F	Fair	Some minor structural defects or cavities may be present
P	Poor	Major defects to trunk, branches or roots, poor attachment points, missing bark, likely points of failure
H	Hazardous	Tree poses immediate danger and should be removed

Form

G	Good	Full and balanced canopy
F	Fair	Minor asymmetry in canopy shape
P	Poor	Major asymmetry, unbalanced appearance

Amenity Value

G	Good	Attractive tree which contributes significantly to the surrounding landscape and public realm, may provide good screening and shade qualities
F	Fair	Tree contributes to its immediate surroundings, may be one of a group of trees and/or provide moderate screening and shading qualities
P	Poor	Tree does not make a positive contribution to the landscape and could be considered for removal

Retention Value

L M H	Low, Moderate or High	An assessment which incorporates the above criteria and the Safe Useful Life Expectancy of the tree
-------	-----------------------	---

13. References

- Clark, J.R. & Matheny N.P. (1998), *Trees and Development: A Technical guide to preservation of trees during land development*, ISA Publishing
- Standards Australia (2009), *AS4970-2009 Protection of Trees on Development Sites*, Standards Australia

Disclaimer: The views expressed in this report are those of the author only. All due care and skill has been used to provide this information to the extent permitted by law that you agree that DB Horticulture is not liable for any loss or liability; or alleged loss or liability caused either directly or indirectly by any person(s) using this information.

Unless expressed otherwise; the information contained in this report covers only those items that were covered in the project brief or that were examined during the assessment and reflect the condition of those items at the time of inspection; and the inspection undertaken as part of the preparation of this report was limited to visual examination of accessible components of any tree without climbing the tree or removal of any part of the tree or any dissection, excavation or probing unless otherwise stipulated.

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DESIGN RESPONSE WRITTEN STATEMENT.

RE: PROPOSED MULTI UNIT DEVELOPMENT,
FOR: MR & MRS EDWARDS.
AT: No 44, STATION STREET, SOMERVILLE.

1.0 STANDARD B1 – NEIGHBOURHOOD CHARACTER & INFRASTRUCTURE.

The site is located in an area designated as a General Residential 1 Zone as defined by the Mornington Peninsula Shire Planning Scheme.

The dwelling has been designed to respond to the surrounding area and the features of the site.

It is felt that 1 no new dwellings behind existing house was appropriate to this site (1 existing, 1 proposed).

The proposed dwelling will have a conc. slab floor with the floor level set as low as possible (whilst allowing to accommodate the garage), with selected face brickwork/render/lining boards, tiled roofing, flat roof with porch area (mixing roof types with that in the local area) and grey window frames.

The use of these colour schemes and construction methods is in keeping with that in the surrounding area whilst also using modern day colour schemes.

The development will also consist of a good level of new landscaping throughout the site.

The proposal will build on the existing character of the site and neighbourhood.

It is considered that the development complies with Standard B1 of Rescode.

2.0 STANDARD B2 – RESIDENTIAL POLICY.

This application & proposal complies with the State Planning Policy Framework, the Local Planning Policy Framework, the Municipal Strategic Statement and Local Planning Policies where ever applicable, if in fact it is applicable.

It is considered that the development Councils Planning Policy and therefore Standard B2 of Rescode.

3.0 STANDARD B3- DWELLING DIVERSITY.

As the proposed development consists of 1 No New dwellings, the proposed dwelling is individually designed to work with the constraints of the site, with the dwelling setback, separated and landscaped.

It is considered that the development complies with Standard B3 of Rescode.

MORNINGTON PENINSULA SHIRE
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4.0 STANDARD B4- INFRASTRUCTURE.

The proposed paved area within the site has been minimised and as much paving as possible will be graded towards the new landscaped areas provided, so as to maximise the on-site capacity of stormwater.

All necessary services such as electricity, gas and telephone are available for use to this site, and there is open space availability provided for these services.

There should be little or no additional strain on the existing infrastructure such as drainage, roads, social and community services.

It is considered that the development complies with Standard B4 of Rescode.

5.0 STANDARD B5 – INTERGRATION WITH THE STREET.

The development involves the existing crossover to access the existing dwelling and access Townhouse 2.

It is considered that the development complies with Standard B5 of Rescode.

6.0 STANDARD B6 – STREET SETBACK OBJECTIVE.

The Proposed Dwelling is located behind existing Dwelling.

It is considered that the development complies with Standard B6 of Rescode

7.0 STANDARD B7- BUILDING HEIGHT.

The maximum building height for this development does not exceed 9 metres in height. Please refer to elevations for proposed building heights.

It is considered that the development complies with Standard B7 of Rescode

8.0 STANDARD B8- SITE COVERAGE.

The site area covered by buildings is 29.50% site coverage, below the maximum of 60%.

It is considered that the development complies with Standard B8 of Rescode.

9.0 STANDARD B09- PERMEABILITY.

The total pervious area of the site will be 482.01m² or 47.63%, some 32.37% less than the maximum 80% allowable as stated in Rescode.

Also, as stated previously, as much paving as possible will be graded towards the new landscaped areas so as to maximise the on-site capacity of stormwater and also minimise the effect on local drainage networks.

It is considered that the development complies with Standard B9 of Rescode.

10.0 STANDARD B10- ENERGY EFFICIENCY.

The building proposed for this development have been oriented to make appropriate use of solar energy. The buildings have been sited and designed to ensure that the energy efficiency of existing dwelling on our site & adjoining lots is not reasonably reduced.

Living areas and private open space has been orientated to the north side of this development, and the Private Open Spaces, have been designed, to allow for existing trees to remain, and not adversely affect the tree on the neighboring property.

It is considered that the development complies with Standard B10 of Rescode

11.0 STANDARD B11- OPEN SPACE.

Due to the small nature of the development, no communal open space has been provided within the development.

There is therefore no need to integrate the layout of the development with either communal or public open space however the development has been designed with the location of neighbouring open space in mind.

It is considered that the development complies with Standard B11 of Rescode.

12.0 STANDARD B12- SAFETY.

The Proposed Dwelling has been provided with a separate entrance to ensure individual identity, clear visibility to visitors etc. and personal security.

The dwellings have been designed and positioned to allow individual identity creating a sense of personal address.

It is considered that the development complies with Standard B12 of Rescode.

13.0 STANDARD B13- LANDSCAPING.

The development has been provided with reasonably dense landscaping proposed throughout the site, located around each dwelling and also along the driveway to reduce the visual impact of the driveways from the street.

It is considered that the development complies with Standard B13 of Rescode.

14.0 STANDARD B14- ACCESS.

Access has been designed to allow safe and efficient movements within the development and to provide safe movement exiting from the site.

The development provides for sufficient access by service, emergency & delivery vehicles.

It is considered that the development complies with Standard B14 of Rescode.

15.0 STANDARD B15- PARKING LOCATION.

The carport/garage within the development has been located next to each individual dwelling & has been designed to provide occupants access either through the front garage tilt/roller door or through the pedestrian door with access via individual private open space areas, and directly into the residence.

The proposed dwellings have no windows located within 1.50m of the shared driveway or neighbouring garage.

It is considered that the development complies with Standard B15 of Rescode

16.0 STANDARD B16- PARKING PROVISION.

The proposed 3 No bedroom dwelling has been provided with 2 No car spaces. The double garage for this proposal have been designed with a minimum width of 5.5 metres.

It is considered that the development complies with Standard B16 of Rescode.

17.0 STANDARD B17- SIDE AND REAR SETBACKS.

Setbacks have been designed to be a minimum of 1.35 metres from the side (Townhouse No 2) & a 2.965 setback to the rear boundary(Townhouse 2).

The proposed open space setback is a min 3.00-metre minimum setback, and also an enlarged area is provided to accommodate an outdoor seating area.

All and any fascias, gutters, eaves etc. will not encroach on the minimum side & rear setback requirements stated in Standard B17 of Rescode that being no more than the 0.5m into the setbacks nominated by the Standard.

It is considered that the development complies with Standard B17 of Rescode.

18.0 STANDARD B18- WALLS ON BOUNDARIES.

There is walls to be built within 200mm of any boundary and then 1.35m is the nearest other proposed setback from any boundary being that of the proposed unit no 2.

It is considered that the development complies with Standard B18 of Rescode.

19.0 STANDARD B19- DAYLIGHT TO EXISTING WINDOWS.

There are no existing habitable room windows which are affected by the proposed development, all a greater distance from the minimum setbacks required.

It is considered that the development complies with Standard B19 of Rescode.

20.0 STANDARD B20- NORTH FACING WINDOWS.

There are no north facing habitable room windows to the proposed dwelling or to neighboring properties, which are effected by the development.

It is considered that the development complies with Standard B20 of Rescued.

21.0 STANDARD B21- OVERSHADOWING OPEN SPACE.

This development has been designed not to significantly overshadow any neighbouring existing secluded open space.

Neighboring properties shall receive over 5 hours of sunlight in secluded private open space areas between the hours of 9am to 3pm on September 22nd in an area greater than 40m².

It is considered that the development complies with Standard B21 of Rescued.

22.0 STANDARD B22- OVERLOOKING.

The Development satisfies the requirement due to the proposed dwelling being provided with the minimum distance from the floor to the surrounding natural surface levels and the minimum allowable distance of the proposed dwelling to common boundaries thus maximizing the privacy aspect to other neighboring dwellings and properties.

This development has been designed to kept views into existing secluded open space to a minimum.

It is considered that the development complies with Standard B22 of Rescued.

23.0 STANDARD B23- INTERNAL VIEWS.

There shall be no overlooking from habitable room windows of any dwelling within the development due to the small nature of the development and location of the proposed dwelling.

It is considered that the development complies with Standard B23 of Rescued.

24.0 STANDARD B24- NOISE IMPACTS.

This development has been designed to contain noise sources that may affect existing dwellings.

It is considered that the development complies with Standard B24 of Rescued.

25.0 STANDARD B25- ACCESSIBILITY.

The development has been designed to easily allow it to be made accessible and to accommodate the possible future needs of people with limited mobility. Proposed conc. pathways, landings & steps could be easily converted to ramps if the need did ever arise.

It is considered that the development complies with Standard B25 of Rescued.

26.0 STANDARD B26- DWELLING ENTRY.

The development has been designed to provide the dwellings with a separate entrance to ensure individual identity, clear visibility to visitor's etc. and personal security.

It is considered that the proposed dwelling has been positioned to allow individual identity from the street creating a sense of personal address.

It is considered that the development complies with Standard B26 of Rescued.

27.0 STANDARD B27- DAYLIGHT TO NEW WINDOWS.

Habitable room windows have been provided an outdoor space clear to the sky with a minimum dimension of 1 metre clear to the sky.

It is considered that the development complies with Standard B27 of Rescode

28.0 STANDARD B28- PRIVATE OPEN SPACE.

The proposed dwelling has been provided with over the minimum 40 sq m. of private open space all with convenient access from a living room.

Each private opens space area will receive various levels of morning (east) & afternoon (north & west) sunlight throughout the year.

It is considered that the development complies with Standard B28 of Rescode.

29.0 STANDARD B29- SOLAR ACCESS.

It was neither appropriate nor practicable to locate open space areas in the direct northerly aspect however all open space areas have been located in a position where they will each receive sufficient sunlight from the northerly, southerly & westerly aspect.

Due to the location & angle of the open space to north there is no such "northern" or "southern" wall that will have an affect on the development.

It is considered that the development complies with Standard B29 of Rescode.

30.0 STANDARD B30- STORAGE.

As part of the development each dwelling has been provided with 6m³ of storage facilities in the form of storage sheds or storage area at rear of Garage.

It is considered that the development complies with Standard B30 of Rescode.

31.0 STANDARD B31- DESIGN DETAIL.

The dwellings have been designed to respond to the surrounding area and the features of the site with established trees to remain where possible.

It is felt that a single storey dwellings was appropriate to this site, providing a reduction in site cover while maintaining dwelling size appropriate to the proposed market niche.

The articulation of building mass enhances the sense of transition between neighbouring properties, and the combined effect of a new dwelling at the front, is a built form that is suited to the streetscape.

The building form is reflective of the surrounding area with flat roof areas along with face brick / rendered walls exists whilst windows throughout the area vary in style and materials, so a complimentary style has been chosen.

It is considered that the development complies with Standard B31 of Rescode.

32.0 STANDARD B32- FRONT FENCES.

There is a low front fence proposed to be retained for this development.

It is considered that the development complies with Standard B32 of Rescode.

33.0 STANDARD B33- COMMON PROPERTY.

This development has been designed so there is common property within the development.

It is considered that the development complies with Standard B33 of Rescode

34.0 STANDARD B34- SITE SERVICES.

The development has been provided with letterboxes in accordance with Australia Post, clothes drying facilities in the private open space areas and lockable storage areas which are incorporated in to the design of the dwellings and garages. Each occupant of the proposed dwellings will be responsible for the storage of rubbish & recycling bins within their own areas such as the garage or open space area.

It is considered that the development complies with Standard B34 of Rescode.

Ref: Eng19/0407
FOR COUNCIL INSPECTIONS PHONE (03) 5950 1040.

A COPY OF THIS APPROVAL AND STAMPED PLANS MUST BE HELD ON SITE AT ALL TIMES.

16 July 2021

Graham Dunn

Email: grahamdunnbcd@outlook.com>

Dear Graham,

**PLANNING PERMIT P19/1261
44 STATION STREET SOMERVILLE VIC 3912
ENGINEERING APPROVAL WITH APPROVED PLANS**

I advise the plans No. EX932, Sheet 1 for drainage connection into the existing underground system within Station Street, drainage detention within the site, vehicle crossing and internal driveway on the above project are in general accordance with conditions of the planning permit and are approved, **subject to notes in red on approved plans.**

Council inspections are required:

- Prior to commencement of any works on site
- Prior to the backfilling of any drainage pipes to be maintained by Council
- Prior to the backfilling of any connections to Council's drainage pipes
- Prior to pouring of concrete drainage pits within the road reserve and drainage easement
- Prior to pouring of concrete or laying of pavement for new vehicle crossing(s)
- At the completion of works on site

Please ensure the consultant or works supervisor is on site to carry out a joint inspection with Council's supervising officer.

In accordance with the Road Management Act 2004 and the Road Management (Works and Infrastructure) Regulations 2005, a Permit to Undertake Non-Utility Minor Works within a Road will be required prior to the commencement of any vehicle crossing works and/or drainage works or other road openings within the road reserve. The application form is available via the Mornington Peninsula Shire Website: <http://www.mornpen.vic.gov.au>

Inspections listed above and the permit to undertake works within a Road Reserve (and associated inspections) must be arranged **PRIOR TO COMMENCEMENT OF WORKS** by telephoning the Mornington Peninsula Shire "Asset Protection Team" on (03) 5950 1040.

Please note the following:

- It will be the responsibility of the developer and/or their consultant to ensure that all works are carried out with due regard for the environment. Caution should be

exercised to ensure that no environmental contamination results from the use of bituminous products, concrete works or via sediment laden discharge.

- Where approved plans specify the use of a bituminous prime prior to asphaltting then either a penetration prime or an emulsion prime and grit may be used depending on pavement and weather conditions.
- All works carried out and all materials used must conform to the current standards and requirements of the Mornington Peninsula Shire Council and any other Authority concerned and must be undertaken in a manner that protects the safety of the general public.
- The Contractor must at all times identify and take necessary precautions for health and safety and comply with WorkSafe Victoria Legislation.
- Traffic management must be conducted in accordance with a traffic management plan prepared in accordance with the Road Management Act Code of Practice for Worksite Safety – Traffic Management. Safe alternative arrangements must be provided for pedestrians and cyclists where necessary.
- A notice of intention to commence work is to be supplied to WorkSafe prior to commencement of any trenching works that exceed 1.5 metres in depth.
- Neither Council, nor its officers will accept any responsibility for any errors or omissions on the plans or during the execution of the works. This project remains the responsibility of the developer and/or their consultant and compliance with planning permit conditions and any other relevant requirements from Council or other authorities will still be required.
- If during the course of construction of the works, on site difficulties are encountered with the compliance of details shown on the plans and/or permit, then it will be the responsibility of the developer and/or their consultant to resolve these problems to the satisfaction of Council and any other relevant authorities.

This information is to be given to contractors engaged to undertake works.

Yours faithfully,
Alex Chisholm

DEVELOPMENT ENGINEER

Development Engineering – Project Delivery | MORNINGTON PENINSULA SHIRE

E: Development.Engineering@mornpen.vic.gov.au

Enclosed:

- i. Approved Plans
- ii. Stormwater Quality Offset Contribution Form to be returned to Council completed and signed once Plan of Subdivision has been issued -
<https://www.melbournewater.com.au/planning-and-building/apply-to-build-or-develop/stormwater-quality-offset-contribution>
- iii. Undertake Works within a Road Reserve – Road Opening Application if required -
<http://mornpen.vic.gov.au/Roadopeningpermit>
- iv. Undertake Works within a Road Reserve – Vehicle Crossings Application -
<http://mornpen.vic.gov.au/Vehiclecrossings>
- v. Construction Management Plans - [Construction Management Plan \(CMP\) - Mornington Peninsula Shire \(mornpen.vic.gov.au\)](http://mornpen.vic.gov.au/ConstructionManagementPlan)

STORMWATER DRAINAGE PLAN 1:100

SHOULDER GROUND SURFACE SO THAT ALL GROUND SURFACE WATER (IF PRACTICAL) FLOW IS COLLECTED BY ADJACENT SURFACE PITS. BUILDERS TO CONSIDER INTERFACES ARE ADVISED THAT COMPLETION OF ANY WORKS CONTACT ENGINEER IF NOT. RETAINING WALLS MAY BE REQUIRED TO ACHIEVE DESIRED SLOPE OR FLAT.

STAMPED AND APPROVED

DATE: 10/01/2024

PROJECT: 24070500

ENGINEER: [Signature]

APPROVED: [Signature]

A COPY OF THE APPROVED AND STAMPED PLANS ARE TO BE LEFT ON SITE AT ALL TIMES.

NOTE: The relevant Building Surveyor is responsible for the approval of the plans and the relevant Council is responsible for the approval of the plans. The relevant Building Surveyor is responsible for the approval of the plans and the relevant Council is responsible for the approval of the plans. The relevant Building Surveyor is responsible for the approval of the plans and the relevant Council is responsible for the approval of the plans.

ALL DIMENSIONS AND LEVELS MUST BE VERIFIED BY BUILDER/OWNER/MANUFACTURER/FABRICATOR PRIOR TO ANY WORKS

RAIN WATER TANK FOR TOILET FLUSHING STANDARD DETAIL NTS

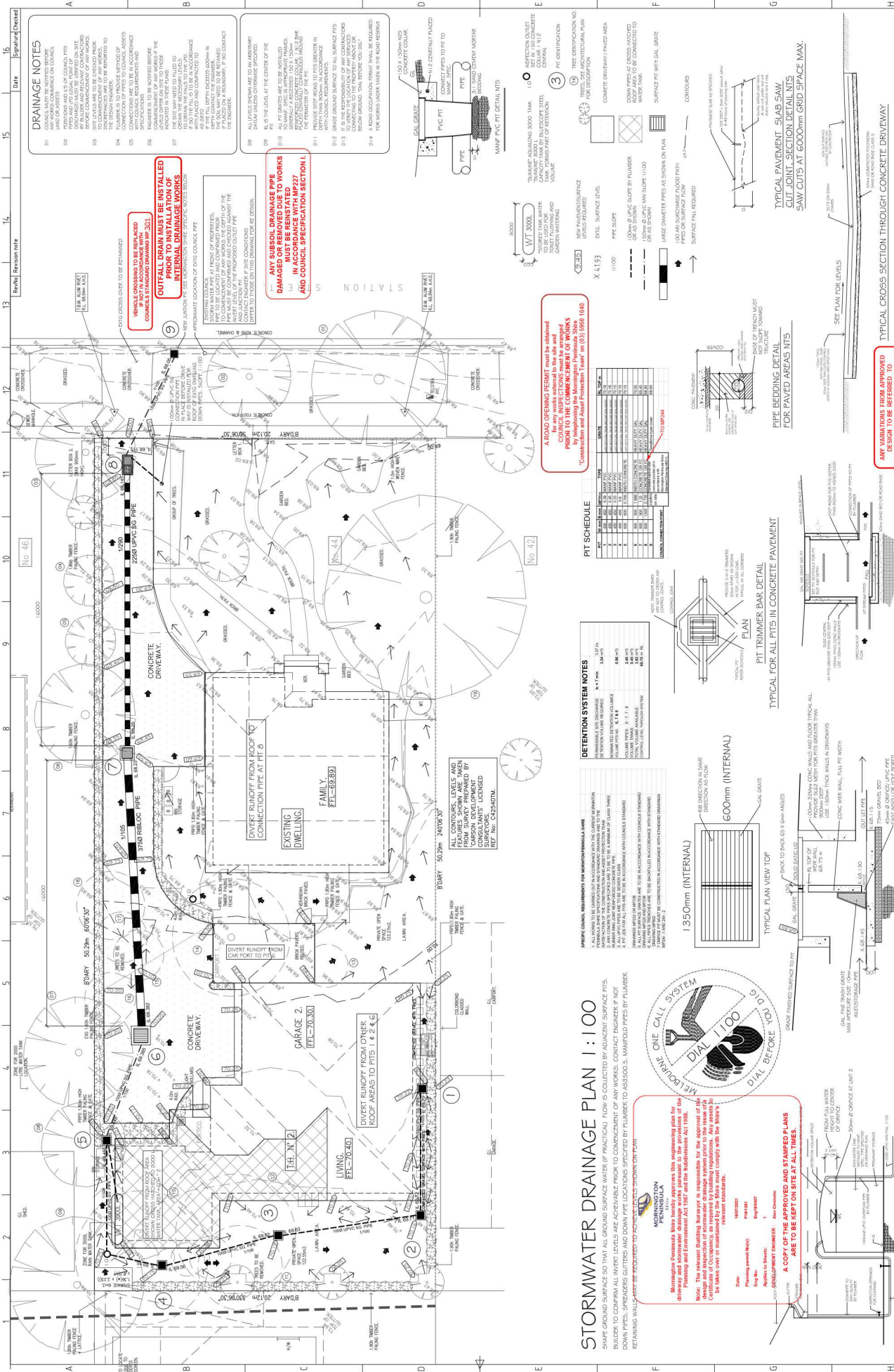
ALL OF THE ABOVE INSTALLED BY FLUMBER TO MANF. SPEC AND STAND. 3500

STANDARD PIT WITH OFFICE NTS PIT 6

WITH COAST STANDARD DETAIL NTS 2404 AND 2405

RAIN WATER TANK FOR TOILET FLUSHING STANDARD DETAIL NTS

ALL OF THE ABOVE INSTALLED BY FLUMBER TO MANF. SPEC AND STAND. 3500



DETENTION SYSTEM NOTES

DETENTION SYSTEM NOTES

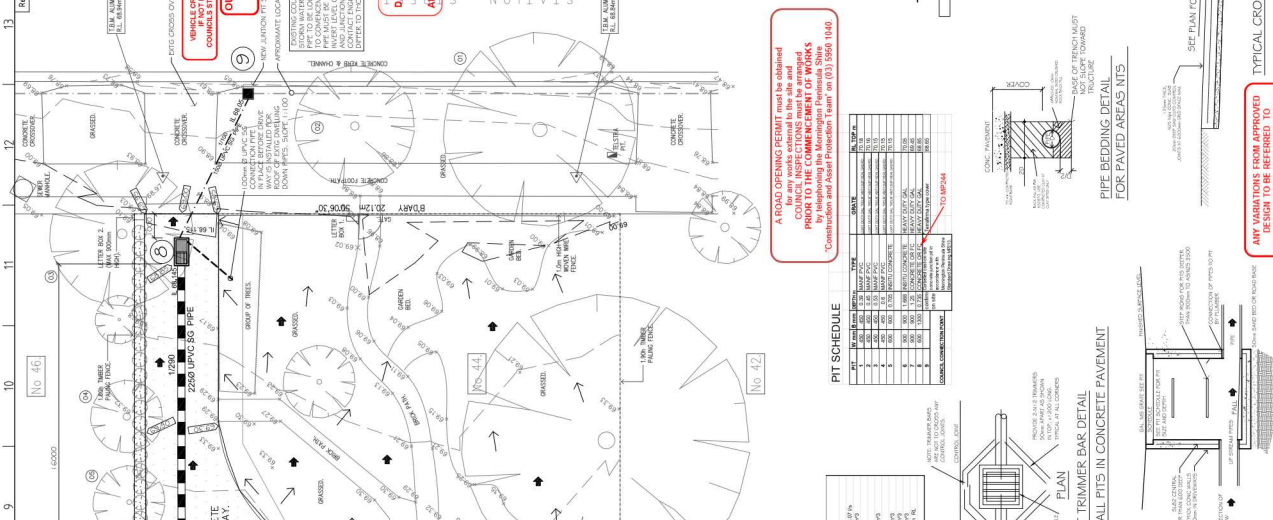
PIT	TYPE	SIZE	DEPTH	LOCATION
1	1	1000	1000	1
2	2	1000	1000	2
3	3	1000	1000	3
4	4	1000	1000	4
5	5	1000	1000	5
6	6	1000	1000	6
7	7	1000	1000	7
8	8	1000	1000	8
9	9	1000	1000	9
10	10	1000	1000	10

PIT SCHEDULE

PIT	TYPE	SIZE	DEPTH	LOCATION
1	1	1000	1000	1
2	2	1000	1000	2
3	3	1000	1000	3
4	4	1000	1000	4
5	5	1000	1000	5
6	6	1000	1000	6
7	7	1000	1000	7
8	8	1000	1000	8
9	9	1000	1000	9
10	10	1000	1000	10

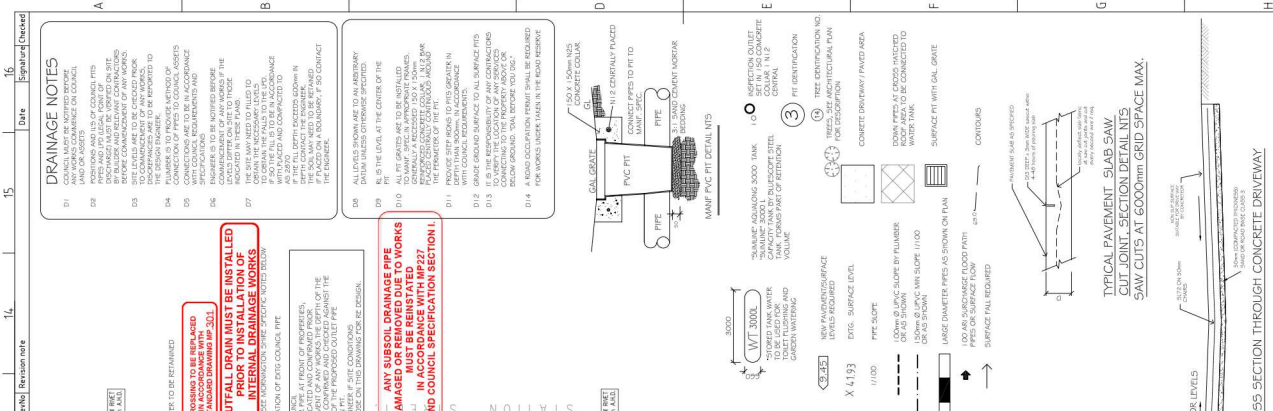
PIPE BEDDING DETAIL

PIPE BEDDING DETAIL



TYPICAL CROSS SECTION THROUGH CONCRETE DRIVEWAY

TYPICAL CROSS SECTION THROUGH CONCRETE DRIVEWAY



DRAINAGE NOTES

DRAINAGE NOTES

Nepean Building Permits

1-5/1283 Point Nepean Road ROSEBUD VIC 3939
PO Box 2234
Rosebud Victoria 3939

T: 03 5986 2466
E: info@nepeanbuildingpermits.com.au



Nepean
Building Permits

ABN: 35 264 254 279 ACN: 103 281 527
www.nepeanbuildingpermits.com.au

BUILDING PERMIT

Form 2
Building Act 1993
Building regulations 2018
Regulation 37(1)

Issued to:

Agent: Pye & Swift Pty Ltd
Address: 64 Woonton Crescent
Rosebud Vic 3939
Contact: Travis Pye
Email: pyeconstructions@me.com
Phone: 0417 500 985
ACN/ARBN: 098 114 428

Owner: Pye & Swift Pty Ltd
Address: 64 Woonton Crescent
Rosebud Vic 3939
Contact: Travis Pye
Email: pyeconstructions@me.com
Phone: 0417 500 985
ACN/ARBN: 098 114 428

Address for serving or giving of documents:

64 Woonton Crescent
Rosebud Vic 3939

Builder: Pye & Swift Pty Ltd
Address: 64 Woonton Crescent
Rosebud Vic 3939
Contact: Travis Pye
Email: pyeconstructions@me.com
Phone: 0417 500 985
Rego No: CDB-U 49290
ACN/ARBN: 098 114 428

This builder is specified under section 24B(6) of the Building Act 1993 for the building work to be carried out under this permit.
Natural person for service of directions, notices and orders (if builder is a body corporate) as noted above.

Property Details:

Number:	Street/Road:	City/Suburb/Town:	Postcode:
2 / 44	Station Street	Somerville	3912

Municipal district: Mornington Peninsula Shire

Lot/s: 2	LP/PS: PS831021	Volume: 12371	Folio: 982
Crown Allot:	Section:	Parish: Tyabb	County:

Nature of Building Work:

Construction of Dwelling
Construction of Garage

Building Classification:

1a(a)
10a

Stages of Building Work Permitted:	All parts
Cost of Building Work:	\$350,000.00
Total Floor Area of New Building Work in m ² :	164

Amended Date of Issue:	20/02/2024-Bored Piers Inspection Added
Date of Issue of permit:	14/06/2023
Building Permit No:	7462066292026
NBP Ref No:	202256920/0

Nepean Building Permits

1-5/1283 Point Nepean Road ROSEBUD VIC 3939
PO Box 2234
Rosebud Victoria 3939

T: 03 5986 2466
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Nepean
Building Permits

ABN: 35 264 254 279 ACN: 103 281 527
www.nepeanbuildingpermits.com.au

BUILDING PERMIT

Storeys contained:	1	Rise in storeys:	N/A
Effective height:	N/A	Type of construction:	N/A
Version of BCA applicable to permit:		BCA 2019 Volume 2, Amendment 1	

Details of Domestic Building Work Insurance:

Name of Builder:	Pye & Swift Pty Ltd
Name of issuer or provider:	VMIA
Policy Number:	C741018
Policy Cover:	\$300,000.00

Inspection Requirements:**The mandatory notification stages are:**

Bored Piers Prior to Pouring Concrete
Pre Slab (Sand) Prior to Placing Polythene
Pre Pour (Steel) Prior to Pouring Concrete
Framework Prior to Covering
Final

Occupation or Use of Building:

An occupancy permit is required prior to the occupation or use of this building.

If an occupancy permit is required, the permit is required for the whole of the building in relation to which the building work is carried out.

Commencement and Completion:

This building work must be commenced by: 14/06/2024

If the building work to which this building permit applies is not commenced by this date, this building permit will lapse, unless an extension is applied for and granted by the relevant building surveyor before this date under Regulation 59 of the Building Regulations 2018.

This building work must be completed by: 14/06/2025

If the building work to which this building permit applies is not completed by this date, this building permit will lapse, unless an extension is applied for and granted by the relevant building surveyor before this date under Regulation 59 of the Building Regulations 2018.

Practitioner or architect engaged to prepare documents for this permit:

Practitioner Name:	Category/Class:	Registration No:
Malcolm James	DP-AD	19432
Graham Dunn	PE	0004067

Details of Relevant Planning Permit:

Planning Permit No: P19/1261

Date of grant of planning permit: 31/01/2020

Amended Date of Issue:	20/02/2024-Bored Piers Inspection Added
Date of Issue of permit:	14/06/2023
Building Permit No:	7462066292026
NBP Ref No:	202256920/0

Nepean Building Permits

1-5/1283 Point Nepean Road ROSEBUD VIC 3939
PO Box 2234
Rosebud Victoria 3939

T: 03 5986 2466
E: info@nepeanbuildingpermits.com.au



Nepean
Building Permits

ABN: 35 264 254 279 ACN: 103 281 527
www.nepeanbuildingpermits.com.au

BUILDING PERMIT

Protection Work:

Protection work is not required in relation to the building work proposed in this permit.

Permit Conditions:

This permit is subject to the following conditions:

1. The Town Planning Permit will expire if the works are not completed prior to 31st January 2024 unless an extension of time has been granted by the Council, with a copy provided to this office.
2. Roof truss computations and layout plans from the manufacturer to be submitted and approved prior to frame construction & inspection.
3. Protection against infestation by termites to be provided in accordance with AS3660.1 and certificates of installation submitted.
4. Prior to Occupancy Permit provide certification that the building complies with the Energy Report and permit documentation.
5. Appropriate signage must be displayed at the front of the property visible to the public advising: Builders Name, Reg Number, contact details, Building Permit number and date of issue. Building Surveyors name, Reg Number and contact details.
6. Note: It is the owner/builder's responsibility to ensure that endorsed plans are kept on site during construction. These plans must be made available to relevant contractors at all times, to ensure compliance.

Relevant Building Surveyor:
Comet Trail Pty Ltd

Reg No:
CBS-U 58177

ACN:
103 281 527

Designated Building Surveyor:
Christopher Sanderson

Reg No:
BS-L 46520

Signature:

Amended Date of Issue: 20/02/2024-Bored Piers Inspection Added
Date of Issue of permit: 14/06/2023
Building Permit No: 7462066292026
NBP Ref No: 202256920/0

Domestic Building Insurance

Certificate of Insurance

PYE & SWIFT PTY LTD
**174 Elizabeth Dr
ROSEBUD
VIC 3939**

Policy Number:

C741018

Policy Inception Date:

14/10/2022

Builder Account Number:

001023

A contract of insurance complying with the Ministerial Order for Domestic Building Insurance issued under Section 135 of the Building Act 1993 (Vic) (Domestic Building Insurance) has been issued by the insurer Victorian Managed Insurance Authority a Statutory Corporation established under the Victorian Managed Insurance Authority Act 1996 (Vic), in respect of the domestic building work described below.

Policy Schedule Details

Domestic Building Work: **C01: New Single Dwelling Construction**

At the property: **U 2 44 Station St SOMERVILLE VIC 3912 Australia**

Carried out by the builder: **PYE & SWIFT PTY LTD**

Builder ACN: **098114428**

! If the builder's name and/or its ABN/ACN listed above does not exactly match with the information on the domestic building contract, please contact the VMIA. If these details are incorrect, the domestic building work will not be covered.

For the building owner(s): **PYE & SWIFT PTY LTD**

Pursuant to a domestic building contract dated: **14/10/2022**

For the contract price of: **\$ 350,000.00**

Type of Cover: **Cover is only provided if PYE & SWIFT PTY LTD has died, becomes insolvent or has disappeared or fails to comply with a Tribunal or Court Order ***

The maximum policy limit for claims made under this policy is: **\$300,000 all inclusive of costs and expenses ***

The maximum policy limit for non-completion claims made under this policy is: **20% of the contract price limited to the maximum policy limit for all claims under the policy***

PLEASE CHECK

If the information on this certificate does not match what's on your domestic building contract, please contact the VMIA immediately on 1300 363 424 or email dbi@vmia.vic.gov.au

IMPORTANT

This certificate must be read in conjunction with the policy terms and conditions and kept in a safe place. These documents are very important and must be retained by you and any successive owners of the property for the duration of the period of cover.

* The cover and policy limits described in this certificate are only a summary of the cover and limits and must be read in conjunction with, and are subject to the terms, conditions, limitations and exclusions contained in the policy terms and conditions.

Period of Cover

Cover commences on the earlier of the date of the domestic building contract or date of building permit for the domestic building work and concludes:

- Two years from completion of the domestic building work or termination of the domestic building contract for non structural defects*
- Six years from completion of the domestic building work or termination of the domestic building contract for structural defects*

Subject to the Building Act 1993, and the Ministerial Order and the conditions of the insurance contract, cover will be provided to the building owner named in the domestic building contract and to the successors in title to the building owner in relation to the domestic building work undertaken by the Builder.

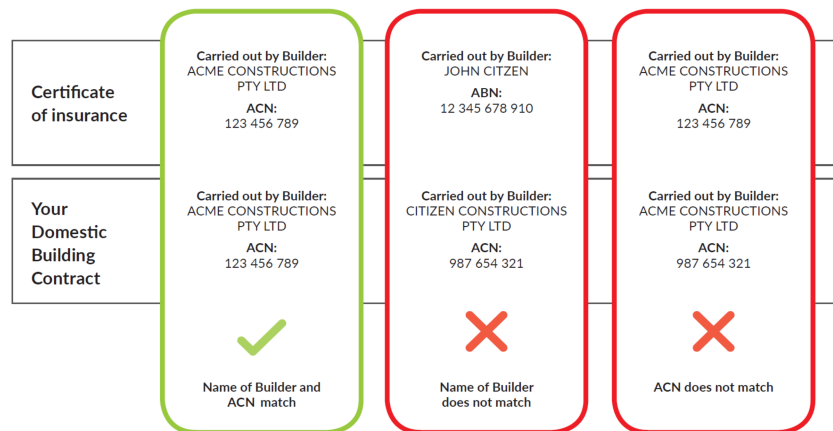
Issued by Victorian Management Insurance Authority (VMIA)

Domestic Building Insurance Premium and Statutory Costs

Base DBI Premium:	\$925.00
GST:	\$92.50
Stamp Duty:	\$101.75
Total:	\$1,119.25

If the information on the certificate does not match exactly what is on your domestic building contract, please contact VMIA on 1300 363 424

Below are some example of what to look for



ROADS PROPERTY CERTIFICATE

The search results are as follows:

McCarthy Partners Pty Ltd C/- InfoTrack (Smokeball)
135 King Street
SYDNEY 2000
AUSTRALIA

Client Reference: 4513

NO PROPOSALS. As at the 16th October 2024, VicRoads has no approved proposals requiring any part of the property described in your application. You are advised to check your local Council planning scheme regarding land use zoning of the property and surrounding area.

This certificate was prepared solely on the basis of the Applicant-supplied address described below, and electronically delivered by LANDATA®.

Unit 2 44 STATION STREET, SOMERVILLE 3912
SHIRE OF MORNINGTON PENINSULA

This certificate is issued in respect of a property identified above. VicRoads expressly disclaim liability for any loss or damage incurred by any person as a result of the Applicant incorrectly identifying the property concerned.

Date of issue: 16th October 2024

Telephone enquiries regarding content of certificate: 13 11 71

[Vicroads Certificate] # 74587357 - 74587357092359 '4513'

McCarthy Partners Pty Ltd C/- InfoTrack
(Smokeball)
E-mail: certificates@landata.vic.gov.au

Statement for property:
UNIT 2 LOT 2 44 STATION STREET
SOMERVILLE 3912
2 PS 831021

REFERENCE NO.	YOUR REFERENCE	DATE OF ISSUE	CASE NUMBER
03B//01908/00142	LANDATA CER 74587357-029-7	16 OCTOBER 2024	47808715

1. Statement of Fees Imposed

The property is classified as a serviced property with respect to charges which as listed below in the Statement of Fees.

(a) By Other Authorities

Parks Victoria - Parks Service Charge	01/10/2024 to 31/12/2024	\$21.79
Melbourne Water Corporation Total Service Charges	01/10/2024 to 31/12/2024	\$30.52

(b) By South East Water

Water Service Charge	01/10/2024 to 31/12/2024	\$22.58
Sewerage Service Charge	01/10/2024 to 31/12/2024	\$98.05
Subtotal Service Charges		<u>\$172.94</u>
TOTAL UNPAID BALANCE		\$172.94

- The meter at the property was last read on 02/09/2024. Fees accrued since that date may be estimated by reference to the following historical information about the property:

Water Usage Charge **\$0.04 per day**

- Financial Updates (free service) are only available online please go to (type / copy the complete address shown below): <https://secureapp.southeastwater.com.au/PropertyConnect/#/order/info/update>

* Please Note: if usage charges appear above, the amount shown includes one or more of the following:

Water Usage, Recycled Water Usage, Sewage Disposal, Fire Service Usage and Trade Waste Volumetric Fees.

Interest may accrue on the South East Water charges listed in this statement if they are not paid by the due date as set out in the bill.

AUTHORISED OFFICER:



LARA SALEMBIER
GENERAL MANAGER
CUSTOMER EXPERIENCE

South East Water
Information Statement Applications
PO Box 2268, Seaford, VIC 3198

- The total annual service fees and volumetric fees for water usage and sewerage disposal for each class of property are set out at www.southeastwater.com.au.
- Updates of rates and other charges will only be provided for up to six months from the date of this statement.
- If this property has recently been subdivided from a "parent" title, there may be service or other charges owing on the "parent" which will be charged to this property, once sold, that do not appear on this statement. You must contact us to see if there are any such charges as they may be charged to this property on sale and should therefore be adjusted with the owner of the parent title beforehand.
- If the property is sold, the vendor is liable to pay all fees incurred in relation to the property until the vendor gives South East Water a Notice of Disposition of Land required by the Water (General) Regulations 2021, please include the Reference Number set out above in that Notice.
- Fees relating to the property may change from year-to-year in accordance with the Essential Service Commission's Price Determination for South East Water.
- Every fee referred to above is a charge against the property and will be recovered from a purchaser of the property if it is not paid by the vendor.
- Information about when and how outstanding fees may be paid, collected and recovered is set out in the Essential Services Commission's Customer Service Code, Urban Water Businesses.
- If this Statement only sets out rates and fees levied by Parks Victoria and Melbourne Water, the property may not be connected to South East Water's works. To find out whether the property is, or could be connected upon payment of the relevant charges, or whether it is separately metered, telephone 131 694.
- For a new connection to our water or sewer services, fees / charges will be levied.

2. Encumbrance Summary

Where available, the location of sewers is shown on the attached plan. Please ensure where manholes appear, that they remain accessible at all times "DO NOT COVER". Where driveways/paving is proposed to be constructed over easements for water supply/sewerage purposes, or within 1 metre of a South East Water asset, the owner will be responsible for all costs associated with any demolition and or re-instatement works, necessary to allow maintenance and or repair of the asset effected. Where changes to the surface levels requires maintenance shafts/holes to be altered, all works must be carried out by South East Water approved contractors only. For information call 131694. For all other works, prior consent is required from south East Water for any construction over easements for water supply/sewerage purposes, or within 1 metre of a South East Water asset.

To assist in identifying if the property is connected to South East Waters sewerage system, connected by a shared, combined or encroaching drain, it is recommended you request a copy of the Property Sewerage Plan. A copy of the Property Sewerage Plan may be obtained for a fee at www.southeastwater.com.au Part of the Property Sewerage Branch servicing the property may legally be the property owners responsibility to maintain not South East Waters. Refer to Section 11 of South East Waters Customer Charter to determine if this is the case. A copy of the Customer Charter can be found at www.southeastwater.com.au. When working in proximity of drains, care must be taken to prevent infiltration of foreign material and or ground water into South East Waters sewerage system. Any costs associated with rectification works will be charged to the property owner.

Information available at Melbourne Water indicates that this property is not subject to flooding from Melbourne Water's drainage system, based on a flood level that has a probability of occurrence of 1% in any one year.

ENCUMBRANCE ENQUIRY EMAIL infostatements@sew.com.au

AUTHORISED OFFICER:

A handwritten signature in black ink, appearing to read 'Lara Salembier'.

LARA SALEMBIER
GENERAL MANAGER
CUSTOMER EXPERIENCE

South East Water
Information Statement Applications
PO Box 2268, Seaford, VIC 3198

If no plan is attached to this Statement, South East Water is not aware of any works belonging to South East Water being present on the property.

If a plan is attached to this Statement, it indicates the nature of works belonging to South East Water, their approximate location, and the approximate location of any easement relating to those works.

Important Warnings

The map base for any attached plan is not created by South East Water which cannot and does not guarantee the accuracy, adequacy or completeness of any information in the plan, especially the exact location of any of South East Water's works, which may have changes since the attached plan was prepared. Their location should therefore be proven by hand before any works are commenced on the land.

Unless South East Water's prior written approval is obtained, it is an offence to cause any structure to be built or any filling to be placed on a South East Water easement or within 1 metre laterally of any of its works or to permit any structure to be built above or below any such area.

Any work that requires any South East Water manhole or maintenance shaft to be altered may only be done by a contractor approved by South East Water at the property owner's cost.

If the owner builds or places filling in contravention of that requirement, the owner will be required to pay the cost of any demolition or re-instatement of work that South East Water considers necessary, in order to maintain, repair or replace its asset.

This Statement does not include any information about current or outstanding consent issued for plumbing works on at the property.

3. Disclaimer

This Statement does not contain all the information about the property that a prospective purchaser may wish to know. Accordingly, appropriate enquiries should be made of other sources and information.

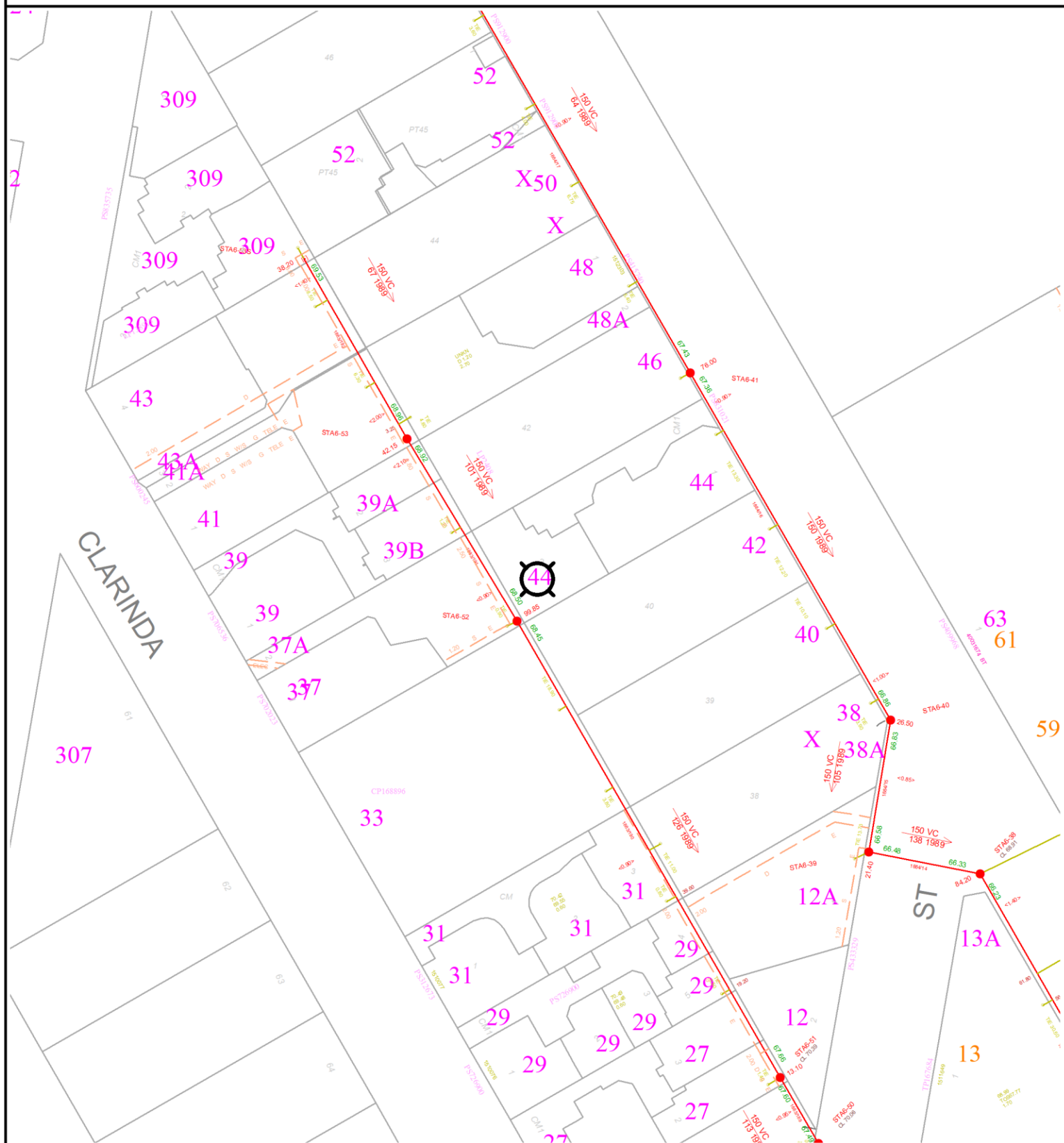
South East Water has prepared the information in this Statement with due care and diligence. It cannot and does not accept liability for any loss or damage arising from reliance on the information given, beyond the extent set out in section 155 of the Water Act 1989 and sections 18 and 29 of the Australian Consumer Law.

AUTHORISED OFFICER:

A handwritten signature in black ink, appearing to read "Lara Salembier".

LARA SALEMBIER
GENERAL MANAGER
CUSTOMER EXPERIENCE

South East Water
Information Statement Applications
PO Box 2268, Seaford, VIC 3198



WARNING: This plan is issued solely for the purpose of assisting you in identifying South East Water's and Melbourne Water's specified assets through further investigation only. It is not to be used for any other purpose, including to identify any other assets, property boundaries or dimensions. Accordingly, the location of all assets should be proven by hand on site prior to the commencement of any work. (Refer to attached letter for further details). Assets labelled AC may contain asbestos and therefore works on these assets must be undertaken in accordance with OH&S Regulations. Abandoned and currently unused assets are shown in orange.

	Title/Road Boundary		Subject Property		Maintenance Hole
	Proposed Title/Road		Sewer Main & Property Connections		Inspection Shaft
	Easement		Direction of Flow		Offset from Boundary

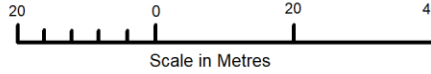
Melbourne Water Assets

	Sewer Main		Underground Drain		Natural Waterway
	Maintenance Hole		Channel Drain		Underground Drain M.H.

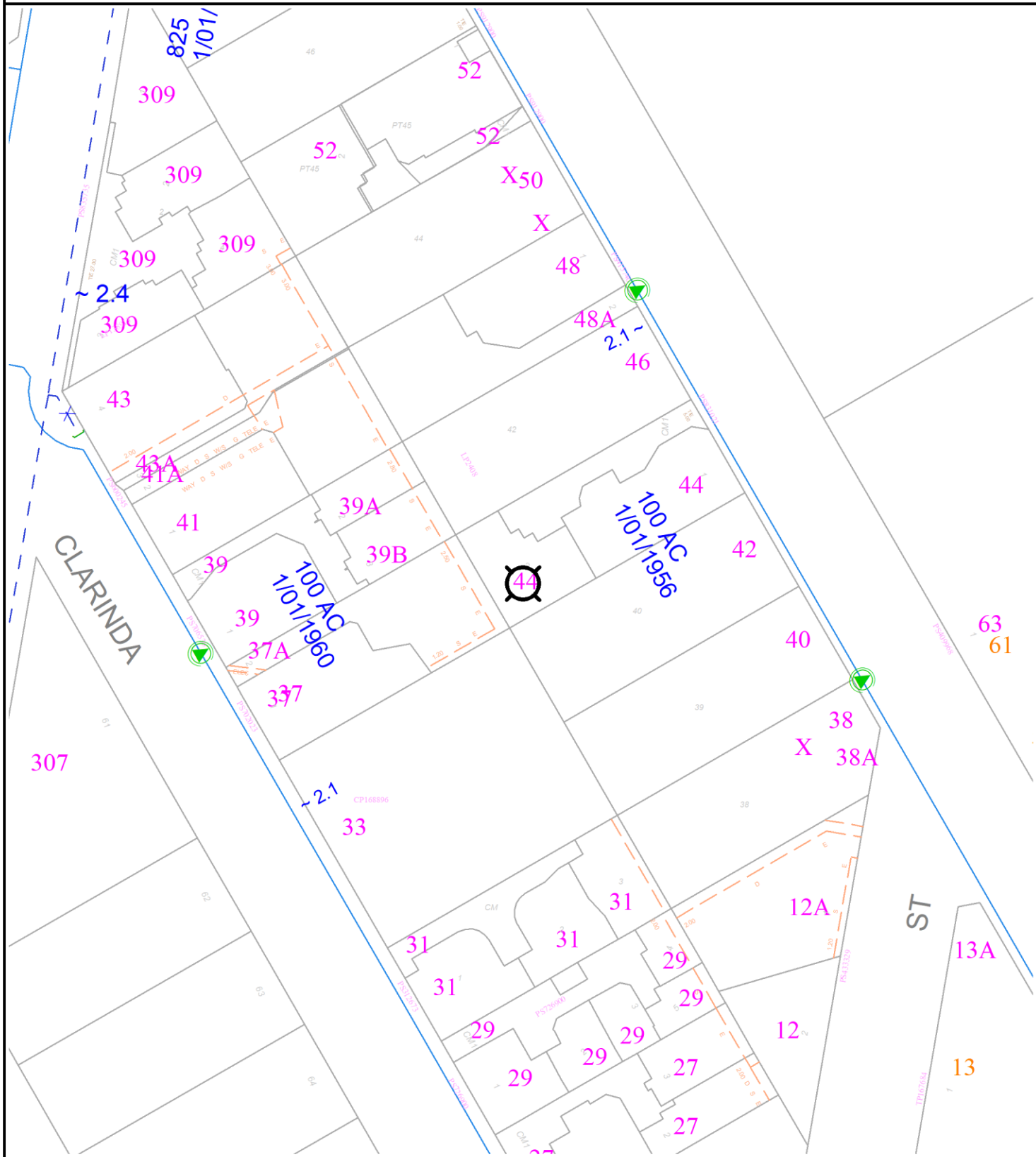


Property: Lot 2 UNIT 2 44 STATION STREET SOMERVILLE 3912

Case Number: 47808715



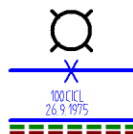
Date: 16OCTOBER2024



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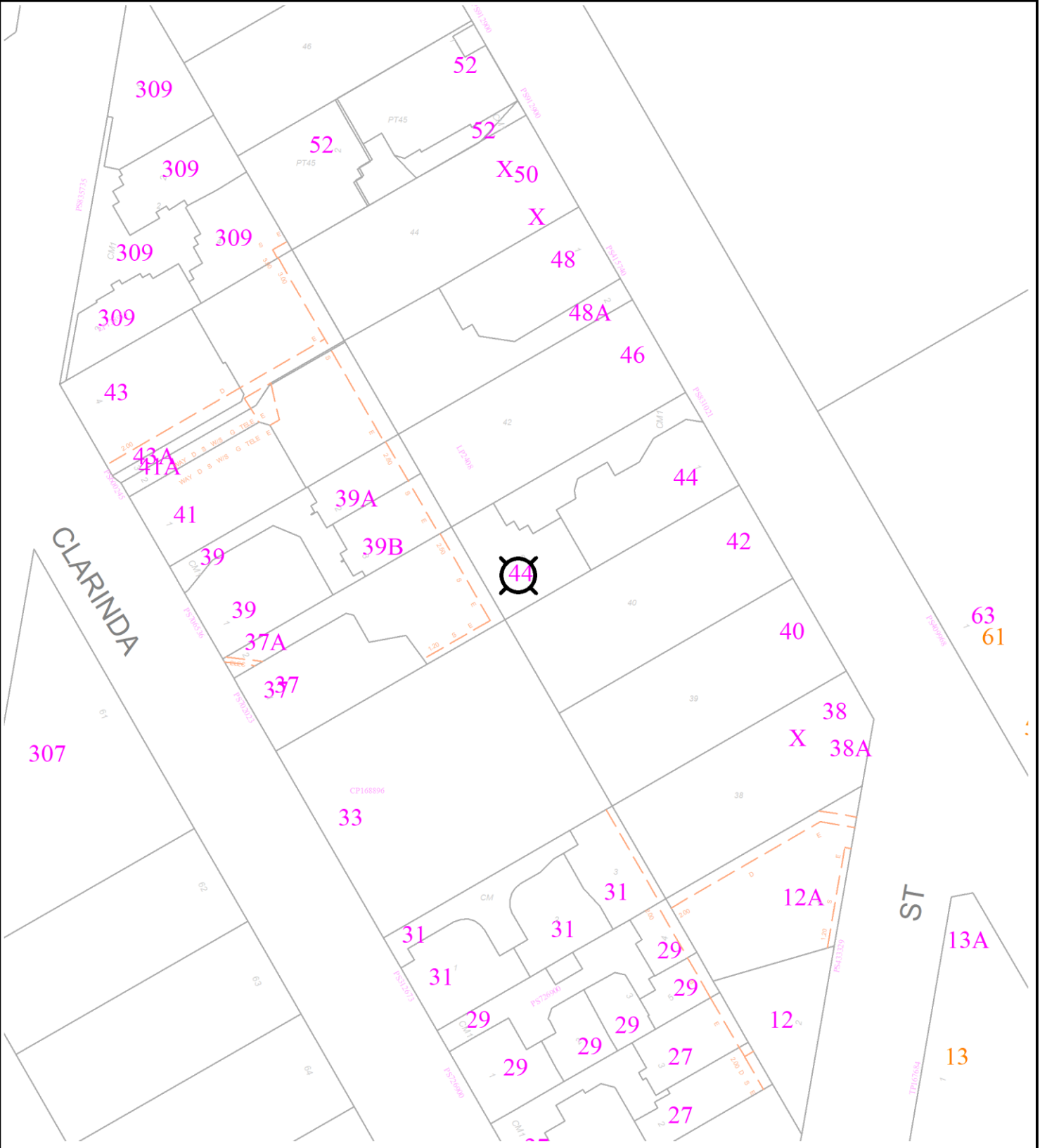
LEGEND

- Title/Road Boundary
- Proposed Title/Road
- Easement



- Subject Property
- Water Main Valve
- Water Main & Services

- Hydrant
- Fireplug/Washout
- Offset from Boundary



WARNING: This plan is issued solely for the purpose of assisting you in identifying South East Water's and Melbourne Water's specified assets through further investigation only. It is not to be used for any other purpose, including to identify any other assets, property boundaries or dimensions. Accordingly, the location of all assets should be proven by hand on site prior to the commencement of any work. (Refer to attached letter for further details). Assets labelled AC may contain asbestos and therefore works on these assets must be undertaken in accordance with OH&S Regulations. Abandoned and currently unused assets are shown in orange.

LEGEND			
	Title/Road Boundary		Subject Property
	Proposed Title/Road		Recycled Water Main Valve
	Easement		Recycled Water Main & Services
			Hydrant
			Fireplug/Washout
			~ 1.0 Offset from Boundary

Property Clearance Certificate

Land Tax



INFOTRACK / MCCARTHY PARTNERS PTY LTD

Your Reference:	20811-24
Certificate No:	80340408
Issue Date:	16 OCT 2024
Enquiries:	ESYSPROD

Land Address: UNIT 2, 44 STATION STREET SOMERVILLE VIC 3912

Land Id	Lot	Plan	Volume	Folio	Tax Payable
49026485	2	831021	12371	982	\$0.00

Vendor: PYE & SWIFT PTY LTD
Purchaser: FOR INFORMATION PURPOSES

Current Land Tax	Year	Taxable Value	Proportional Tax	Penalty/Interest	Total
PYE & SWIFT PTY LTD	2024	\$350,000	\$1,500.00	\$0.00	\$0.00

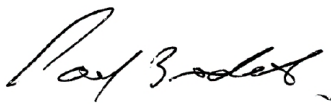
Comments: Land Tax of \$1,500.00 has been assessed for 2024, an amount of \$1,500.00 has been paid.

Current Vacant Residential Land Tax	Year	Taxable Value	Proportional Tax	Penalty/Interest	Total
-------------------------------------	------	---------------	------------------	------------------	-------

Comments:

Arrears of Land Tax	Year	Proportional Tax	Penalty/Interest	Total
---------------------	------	------------------	------------------	-------

This certificate is subject to the notes that appear on the reverse. The applicant should read these notes carefully.


Paul Broderick
Commissioner of State Revenue

CAPITAL IMPROVED VALUE:	\$350,000
SITE VALUE:	\$350,000
CURRENT LAND TAX CHARGE:	\$0.00



Notes to Certificate - Land Tax

Certificate No: 80340408

Power to issue Certificate

1. Pursuant to section 95AA of the *Taxation Administration Act 1997*, the Commissioner of State Revenue must issue a Property Clearance Certificate (Certificate) to an owner, mortgagee or bona fide purchaser of land who makes an application specifying the land for which the Certificate is sought and pays the application fee.

Amount shown on Certificate

2. The Certificate shows any land tax (including Vacant Residential Land Tax, interest and penalty tax) that is due and unpaid on the land described in the Certificate at the date of issue. In addition, it may show:
 - Land tax that has been assessed but is not yet due,
 - Land tax for the current tax year that has not yet been assessed, and
 - Any other information that the Commissioner sees fit to include, such as the amount of land tax applicable to the land on a single holding basis and other debts with respect to the property payable to the Commissioner.

Land tax is a first charge on land

3. Unpaid land tax (including Vacant Residential Land Tax, interest and penalty tax) is a first charge on the land to which it relates. This means it has priority over any other encumbrances on the land, such as a mortgage, and will continue as a charge even if ownership of the land is transferred. Therefore, a purchaser may become liable for any such unpaid land tax.

Information for the purchaser

4. Pursuant to section 96 of the *Land Tax Act 2005*, if a purchaser of the land described in the Certificate has applied for and obtained a certificate, the amount recoverable from the purchaser by the Commissioner cannot exceed the amount set out in the certificate, described as the "Current Land Tax Charge" overleaf. A purchaser cannot rely on a Certificate obtained by the vendor.

Information for the vendor

5. Despite the issue of a Certificate, the Commissioner may recover a land tax liability from a vendor, including any amount identified on this Certificate.

Apportioning or passing on land tax to a purchaser

6. A vendor is prohibited from apportioning or passing on land tax to a purchaser under a contract of sale of land entered into on or after 1 January 2024, where the purchase price is less than \$10 million (to be indexed annually from 1 January 2025, as set out on the website for Consumer Affairs Victoria).

General information

7. A Certificate showing no liability for the land does not mean that the land is exempt from land tax. It means that there is nothing to pay at the date of the Certificate.
8. An updated Certificate may be requested free of charge via our website, if:
 - The request is within 90 days of the original Certificate's issue date, and
 - There is no change to the parties involved in the transaction for which the Certificate was originally requested.

For Information Only

LAND TAX CALCULATION BASED ON SINGLE OWNERSHIP

Land Tax = \$1,500.00

Taxable Value = \$350,000

Calculated as \$1,350 plus (\$350,000 - \$300,000) multiplied by 0.300 cents.

Land Tax - Payment Options

BPAY



Bill Code: 5249
Ref: 80340408

Telephone & Internet Banking - BPAY®

Contact your bank or financial institution to make this payment from your cheque, savings, debit or transaction account.

www.bpay.com.au

CARD



Ref: 80340408

Visa or Mastercard

Pay via our website or phone 13 21 61.
A card payment fee applies.

sro.vic.gov.au/paylandtax

Property Clearance Certificate

Commercial and Industrial Property Tax



INFOTRACK / MCCARTHY PARTNERS PTY LTD

Your Reference:	20811-24
Certificate No:	80340408
Issue Date:	16 OCT 2024
Enquires:	ESYSPROD

Land Address: UNIT 2, 44 STATION STREET SOMERVILLE VIC 3912					
Land Id	Lot	Plan	Volume	Folio	Tax Payable
49026485	2	831021	12371	982	\$0.00
AVPCC	Date of entry into reform	Entry interest	Date land becomes CIPT taxable land	Comment	
100	N/A	N/A	N/A	The AVPCC allocated to the land is not a qualifying use.	

This certificate is subject to the notes found on the reverse of this page. The applicant should read these notes carefully.

Paul Broderick
Commissioner of State Revenue

CAPITAL IMPROVED VALUE:	\$350,000
SITE VALUE:	\$350,000
CURRENT CIPT CHARGE:	\$0.00



Notes to Certificate - Commercial and Industrial Property Tax

Certificate No: 80340408

Power to issue Certificate

1. Pursuant to section 95AA of the *Taxation Administration Act 1997*, the Commissioner of State Revenue must issue a Property Clearance Certificate (Certificate) to an owner, mortgagee or bona fide purchaser of land who makes an application specifying the land for which the Certificate is sought and pays the application fee.

Amount shown on Certificate

2. The Certificate shows any commercial and industrial property tax (including interest and penalty tax) that is due and unpaid on the land described in the Certificate at the date of issue.

Australian Valuation Property Classification Code (AVPCC)

3. The Certificate may show one or more AVPCC in respect of land described in the Certificate. The AVPCC shown on the Certificate is the AVPCC allocated to the land in the most recent of the following valuation(s) of the land under the *Valuation of Land Act 1960*:
 - a general valuation of the land;
 - a supplementary valuation of the land returned after the general valuation.
4. The AVPCC(s) shown in respect of land described on the Certificate can be relevant to determine if the land has a qualifying use, within the meaning given by section 4 of the *Commercial and Industrial Property Tax Reform Act 2024* (CIPT Act). Section 4 of the CIPT Act Land provides that land will have a qualifying use if:
 - the land has been allocated one, or more than one, AVPCC in the latest valuation, all of which are in the range 200-499 and/or 600-699 in the Valuation Best Practice Specifications Guidelines (the requisite range);
 - the land has been allocated more than one AVPCC in the latest valuation, one or more of which are inside the requisite range and one or more of which are outside the requisite range, and the land is used solely or primarily for a use described in an AVPCC in the requisite range; or
 - the land is used solely or primarily as eligible student accommodation, within the meaning of section 3 of the CIPT Act.

Commercial and industrial property tax information

5. If the Commissioner has identified that land described in the Certificate is tax reform scheme land within the meaning given by section 3 of the CIPT Act, the Certificate may show in respect of the land:
 - the date on which the land became tax reform scheme land;
 - whether the entry interest (within the meaning given by section 3 of the Duties Act 2000) in relation to the tax reform scheme land was a 100% interest (a whole interest) or an interest of less than 100% (a partial interest); and
 - the date on which the land will become subject to the commercial and industrial property tax.
6. A Certificate that does not show any of the above information in respect of land described in the Certificate does not mean that the land is not tax reform scheme land. It means that the Commissioner has not identified that the land is tax reform scheme land at the date of issue of the Certificate. The Commissioner may identify that the land is tax reform scheme land after the date of issue of the Certificate.

Change of use of tax reform scheme land

7. Pursuant to section 34 of the CIPT Act, an owner of tax reform scheme land must notify the Commissioner of certain changes of use of tax reform scheme land (or part of the land) including if the actual use of the land changes to a use not described in any AVPCC in the range 200-499 and/or 600-699. The notification

must be given to the Commissioner within 30 days of the change of use.

Commercial and industrial property tax is a first charge on land

8. Commercial and industrial property tax (including any interest and penalty tax) is a first charge on the land to which the commercial and industrial property tax is payable. This means it has priority over any other encumbrances on the land, such as a mortgage, and will continue as a charge even if ownership of the land is transferred. Therefore, a purchaser may become liable for any unpaid commercial and industrial property tax.

Information for the purchaser

9. Pursuant to section 27 of the CIPT Act, if a bona fide purchaser for value of the land described in the Certificate applies for and obtains a Certificate in respect of the land, the maximum amount recoverable from the purchaser is the amount set out in the Certificate. A purchaser cannot rely on a Certificate obtained by the vendor.

Information for the vendor

10. Despite the issue of a Certificate, the Commissioner may recover a commercial and industrial property tax liability from a vendor, including any amount identified on this Certificate.

Passing on commercial and industrial property tax to a purchaser

11. A vendor is prohibited from apportioning or passing on commercial and industrial property tax to a purchaser under a contract of sale of land entered into on or after 1 July 2024 where the purchase price is less than \$10 million (to be indexed annually from 1 January 2025, as set out on the website for Consumer Affairs Victoria).

General information

12. Land enters the tax reform scheme if there is an entry transaction, entry consolidation or entry subdivision in respect of the land (within the meaning given to those terms in the CIPT Act). Land generally enters the reform on the date on which an entry transaction occurs in respect of the land (or the first date on which land from which the subject land was derived (by consolidation or subdivision) entered the reform).
13. The Duties Act includes exemptions from duty, in certain circumstances, for an eligible transaction (such as a transfer) of tax reform scheme land that has a qualifying use on the date of the transaction. The exemptions apply differently based on whether the entry interest in relation to the land was a whole interest or a partial interest. For more information, please refer to www.sro.vic.gov.au/CIPT.
14. A Certificate showing no liability for the land does not mean that the land is exempt from commercial and industrial property tax. It means that there is nothing to pay at the date of the Certificate.
15. An updated Certificate may be requested free of charge via our website, if:
 - the request is within 90 days of the original Certificate's issue date, and
 - there is no change to the parties involved in the transaction for which the Certificate was originally requested.

Property Clearance Certificate

Windfall Gains Tax



INFOTRACK / MCCARTHY PARTNERS PTY LTD

Your Reference:	20811-24
Certificate No:	80340408
Issue Date:	16 OCT 2024

Land Address: UNIT 2, 44 STATION STREET SOMERVILLE VIC 3912

Lot	Plan	Volume	Folio
2	831021	12371	982

Vendor: PYE & SWIFT PTY LTD
Purchaser: FOR INFORMATION PURPOSES

WGT Property Id	Event ID	Windfall Gains Tax	Deferred Interest	Penalty/Interest	Total
		\$0.00	\$0.00	\$0.00	\$0.00

Comments: No windfall gains tax liability identified.

This certificate is subject to the notes that appear on the reverse. The applicant should read these notes carefully.

Paul Broderick
Commissioner of State Revenue

CURRENT WINDFALL GAINS TAX CHARGE:
\$0.00



Notes to Certificate - Windfall Gains Tax

Certificate No: 80340408

Power to issue Certificate

1. Pursuant to section 95AA of the *Taxation Administration Act 1997*, the Commissioner of State Revenue must issue a Property Clearance Certificate (Certificate) to an owner, mortgagee or bona fide purchaser of land who makes an application specifying the land for which the Certificate is sought and pays the application fee.

Amount shown on Certificate

2. The Certificate shows in respect of the land described in the Certificate:
- Windfall gains tax that is due and unpaid, including any penalty tax and interest
 - Windfall gains tax that is deferred, including any accrued deferral interest
 - Windfall gains tax that has been assessed but is not yet due
 - Windfall gains tax that has not yet been assessed (i.e. a WGT event has occurred that rezones the land but any windfall gains tax on the land is yet to be assessed)
 - Any other information that the Commissioner sees fit to include such as the amount of interest accruing per day in relation to any deferred windfall gains tax.

Windfall gains tax is a first charge on land

3. Pursuant to section 42 of the *Windfall Gains Tax Act 2021*, windfall gains tax, including any accrued interest on a deferral, is a first charge on the land to which it relates. This means it has priority over any other encumbrances on the land, such as a mortgage, and will continue as a charge even if ownership of the land is transferred. Therefore, a purchaser may become liable for any unpaid windfall gains tax.

Information for the purchaser

4. Pursuant to section 42 of the *Windfall Gains Tax Act 2021*, if a bona fide purchaser for value of land applies for and obtains a Certificate in respect of the land, the maximum amount recoverable from the purchaser by the Commissioner is the amount set out in the certificate, described as the "Current Windfall Gains Tax Charge" overleaf.
5. If the certificate states that a windfall gains tax is yet to be assessed, note 4 does not apply.
6. A purchaser cannot rely on a Certificate obtained by the vendor.

Information for the vendor

7. Despite the issue of a Certificate, the Commissioner may recover a windfall gains tax liability from a vendor, including any amount identified on this Certificate.

Passing on windfall gains tax to a purchaser

8. A vendor is prohibited from passing on a windfall gains tax liability to a purchaser where the liability has been assessed under a notice of assessment as at the date of the contract of sale of land or option agreement. This prohibition does not apply to a contract of sale entered into before 1 January 2024, or a contract of sale of land entered into on or after 1 January 2024 pursuant to the exercise of an option granted before 1 January 2024.

General information

9. A Certificate showing no liability for the land does not mean that the land is exempt from windfall gains tax. It means that there is nothing to pay at the date of the Certificate.
10. An updated Certificate may be requested free of charge via our website, if:
- The request is within 90 days of the original Certificate's issue date, and
 - There is no change to the parties involved in the transaction for which the Certificate was originally requested.
11. Where a windfall gains tax liability has been deferred, interest accrues daily on the deferred liability. The deferred interest shown overleaf is the amount of interest accrued to the date of issue of the certificate.

Windfall Gains Tax - Payment Options

BPAY  Billers Code: 416073 Ref: 80340409 Telephone & Internet Banking - BPAY® Contact your bank or financial institution to make this payment from your cheque, savings, debit or transaction account. www.bpay.com.au	CARD  Ref: 80340409 Visa or Mastercard Pay via our website or phone 13 21 61. A card payment fee applies. sro.vic.gov.au/payment-options	Important payment information Windfall gains tax payments must be made using only these specific payment references. Using the incorrect references for the different tax components listed on this property clearance certificate will result in misallocated payments.
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