

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	13 THORNELLS ROAD, TYABB VIC 3913
------	-----------------------------------

Vendor's name	Douglas Norman Donovan	Date
		/ /
Vendor's signature		
Vendor's name	Clare Donovan (formerly Jones)	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) ☒ Their total does not exceed: \$3,000.00

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

Not Applicable

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

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:

Not Applicable

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:

☒ Are contained in the attached certificates and/or statements

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:

NIL

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:

NIL

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):

Not Applicable

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.

Not Applicable

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 ☒ Bottle Gas	Water supply ☐	Sewerage ☒ Aquanova Sewerage System	Telephone services ☐
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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 2000m²; (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)

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.



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The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

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

Page 1 of 1

VOLUME 10561 FOLIO 356

Security no : 124099362165A
Produced 02/08/2022 12:17 PM

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 434238U.

PARENT TITLES :

Volume 08305 Folio 266 Volume 08926 Folio 361

Created by instrument PS434238U 28/12/2000

REGISTERED PROPRIETOR

Estate Fee Simple

Joint Proprietors

DOUGLAS NORMAN DONOVAN

CLARE JONES both of 13 THORNELLS RD. TYABB 3913

X380435B 23/03/2001

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE X380436X 23/03/2001

COMMONWEALTH BANK OF AUSTRALIA

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.

DIAGRAM LOCATION

SEE PS434238U 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: 13 THORNELLS ROAD TYABB VIC 3913

ADMINISTRATIVE NOTICES

NIL

eCT Control 15940N COMMONWEALTH BANK OF AUSTRALIA
Effective from 23/10/2016

DOCUMENT END

Imaged Document Cover Sheet

The document following this cover sheet is an imaged document supplied by LANDATA®, Secure Electronic Registries Victoria.

Document Type	Plan
Document Identification	PS434238U
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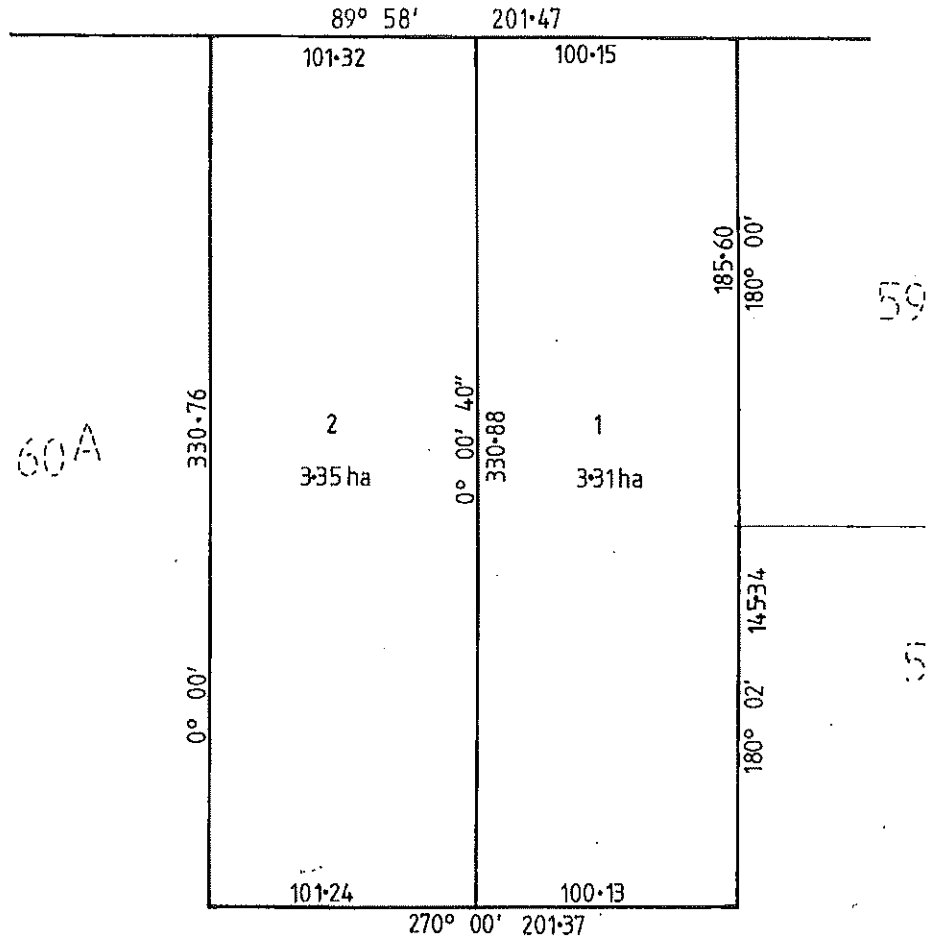
PLAN OF SUBDIVISION

STAGE No.

PLAN NUMBER

PS 434238U

THORNELLS ROAD



J.A. THOMPSON SURVEYORS,
21 ELATA STREET,
OAKLEIGH SOUTH. 3167
PHONE & FAX 95706536

20 0 20 40 60 80 100
LENGTHS ARE IN METRES

ORIGINAL
SCALE SHEET
1:2000 SIZE
A3

LICENSED SURVEYOR (PRINT) James Alex. THOMPSON

SIGNATURE DATE / /

REF 00413

VERSION 3

SHEET 2 OF 2 SHEETS

DATE / /

COUNCIL DELEGATE SIGNATURE

0 10 20 30 40 50 60 70 80 90 100 110 120 130 140 150mm

Creffield PS03

Mornington Peninsula Shire
Private Bag 1000,
Besgrove Street, Rosebud 3939



ABN 53 159 890 143
For general enquiries, call us or visit our website
② mornpen.vic.gov.au
② 1300 850 600 (local call, fees apply)



D N Donovan & C J Donovan
13 Thornells Road
TYABB VIC 3913



032
1028074
R4_313

Property details

13 Thornells Road TYABB VIC 3913
Lot 1 PS 434238 Vol 10561 Fol 356

Site Value:
\$625,000
Capital improved value
\$1,110,000
Net annual value
\$55,500
AVPCC
117 - Residential

Date of issue
11/08/2021
Date of declaration
22/06/2021
Date of valuation
01/01/2021

Financial details

Residential Improved
(0.0015555 X CIV) \$1,726.60
Waste Service Charge \$338.00

R/N 20210341 26/9/2021

Total Shire rates and charges

Fire Service Levy Residential Fixed \$114.00
Fire Service Levy Residential Variable (0.000059 X CIV) \$65.45

Total State Government Fire Levy \$179.45

Balance due

\$2,244.05

The rating year is from 01/07/2021 to 30/06/2022. Please check BPAY reference number before making any payments. Important interest on late payments will be charged at 10.00% p.a. See reverse for details and important information. If 1st instalment payment is not received by 30 September 2021, total amount must be received by 15 February 2022. Please note a \$20.00 charge will apply if another copy of this notice is requested.
Your property may be eligible for Conservation Land Rate

Green/hard waste voucher

Non-transferable. Expires 30 September 2022.

20210110977703



Green/hard waste voucher

Non-transferable. Expires 30 September 2022.

20210110977703



Green/hard waste voucher

Non-transferable. Expires 30 September 2022.

20210110977703



Bill code: 20537
Ref no: 4001097777

BPAY® this payment via Internet or phone banking. BPAY View® View and pay this bill using internet banking.
BPAY View Registration No: 4001097777



Post Billpay Billpay code: 3064
Ref no: 1097 777

Pay in person at any post office, by phone
① 13 18 16 or go to ② postbillpay.com.au



*3064 1097777

Property location: 13 Thornells Road, TYABB VIC 3913
Name: D N Donovan & C J Donovan
Property number: 109777

Full payment amount: \$2,244.05 Instalment amount: \$561.05
Full payment due: 15/02/2022 Instalment due: 30/09/2021



For emailed notices
② mornpen.enotices.com.au
Ref no: 16E8CFBC0Y



Council use only

2021-22 Rates and Valuation Notice



MORNINGTON
PENINSULA
Shire

Property number

109777

Total amount due

\$2,244.05

Arrears (due immediately)

\$0.00

Current payable

\$2,244.05 15/02/2022

Instalments

1st	\$561.05	Due 30/09/2021
2nd	\$561.00	Due 30/11/2021
3rd	\$561.00	Due 28/02/2022
4th	\$561.00	Due 31/05/2022



MORNINGTON
PENINSULA
Shire



475130-001 002110(4291) 9032 H1
DOUGLAS N DONOVAN & CLARE JONES
13 THORNELLS RD
TYABB VIC 3913

Payments (Visa/MasterCard) & account balances:
southeastwater.com.au or call 1300 659 658
Account enquiries:
southeastwater.com.au/enquiries or call 131 851
Mon-Fri 8am to 6pm
Faults and emergencies (24/7):
live.southeastwater.com.au or call 132 812
Interpreter service:
For all languages 9209 0130
TTY users 133 677 (ask for 131 851)

Account number: 11665973
Date due: 05 July 2022

Last bill	Payments received	Balance	Current charges	Total due
\$350.75	— \$350.75cr	\$0.00	+\$194.60	\$194.60

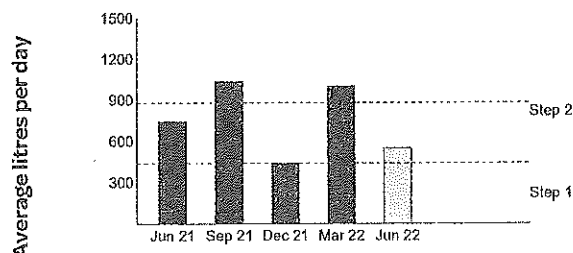
Your account breakdown

Issue date	16 June 2022
Property	13 Thornells Road TYABB VIC 3913
Property reference	03C//02005/00014
Last bill	\$350.75
Payment received	\$350.75cr
Balance brought forward	\$0.00
Our charges (no GST)	\$168.21
Other authorities' charges (no GST)	\$26.39
Total due	\$194.60

Your snapshot

Average daily water use	554 litres
Average daily cost	\$1.84

Your water use



Previous bills

Number of people in a household	4	3	3	3	3
Average daily use (litres) per person	554	277	185	139	111
Meeting Target 155?	x	x	x	✓	✓

Payment options



Direct Debit
Set up payments at mysoutheastwater.com.au



EFT (Electronic Funds Transfer)
BSB: 033-874 Account number: 11665973
Account name: South East Water Corporation



BPAY® (Up to \$20,000)
Biller code: 24208 Ref: 1001 1665 9700 008



Postbillpay
BillpayCode: 0361 Ref: 1001 1665 9700 008
Call 131 816 Visit: postbillpay.com.au
Or visit an Australia Post store.



Credit Card
Pay by Visa or MasterCard at southeastwater.com.au
or call 1300 659 658.



Centrepay
Arrange regular deductions from your Centrelink payments
visit humanservices.gov.au/centrepay CRN: 555 050 397J

Property ref: 03C//02005/00014
13 THORNELLS ROAD
TYABB VIC 3913

PN03C



*361 100116659700008

Total due: \$194.60
Account number: 11665973
Date paid:
Receipt number:

+00000011665973> +009124+ <0000000000> <0000019460> +444+

Walsh Conveyancing C/- Triconvey
(Reseller)
E-mail: certificates@landata.vic.gov.au

Statement for property:
LOT 1 13 THORNELLS ROAD TYABB
3913
1 PS 434238

REFERENCE NO.	YOUR REFERENCE	DATE OF ISSUE	CASE NUMBER
03C//02005/00014	LANDATA CER 65463938-024-0	02 AUGUST 2022	42143428

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.

Parks Victoria - Parks Service Charge			
	01/07/2022 to 30/06/2023		\$81.60
Melbourne Water Corporation Total Service Charges			
	01/07/2022 to 30/09/2022		\$27.42
Water Service Charge			
	01/07/2022 to 30/09/2022		\$20.93
Subtotal Service Charges			\$129.95
TOTAL UNPAID BALANCE			\$129.95

- The meter at the property was last read on 15/06/2022. Fees accrued since that date may be estimated by reference to the following historical information about the property:

Water Usage Charge \$2.28 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.

- 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.

AUTHORISED OFFICER:



MIKALA HEHIR
GENERAL MANAGER
CUSTOMER & COMMUNITY ENGAGEMENT

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

- 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 (Disposition of Land) Regulations 2010. 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.

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

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

AUTHORISED OFFICER:



MIKALA HEHIR
GENERAL MANAGER
CUSTOMER & COMMUNITY ENGAGEMENT

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



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.

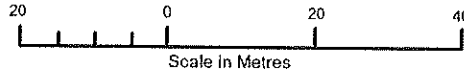
AUTHORISED OFFICER:

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GENERAL MANAGER
CUSTOMER & COMMUNITY ENGAGEMENT

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



Case Number: 42143428



Date: 02AUGUST2022

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13

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.

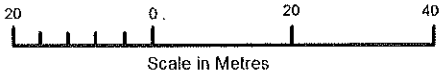
	Title/Road Boundary		Subject Property		Maintenance Hole
	Proposed Title/Road		Sewer Main & Property Connections		Inspection Shaft
	Easement		Direction of Flow	<1.0>	Offset from Boundary
Melbourne Water Assets					
	Sewer Main		Underground Drain		Natural Waterway
	Maintenance Hole		Channel Drain		Underground Drain M.H.



ASSET INFORMATION - WATER



Property: Lot 1 13 THORNELLS ROAD TYABB 3913



Case Number: 42143428

Date: 02AUGUST2022

14



100 AC
1/01/19

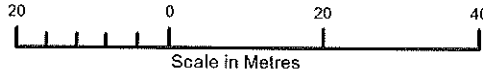
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LEGEND

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



Case Number: 42143428



Date: 02AUGUST2022

14

13

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

Proposed Title/Road

Easement



Subject Property



Recycled Water Main Valve

Recycled Water Main & Services



Hydrant



Fireplug/Washout

~ 1.0

Offset from Boundary



Service Agreement - No: 1107253

PAID
1-2-2022
\$395.00

Aquaclear Services ABN 255733597927 (the "Service Agent") offers to:

The "Owner" - Name: Doug & Claire Donovan
Address: 13 Thornells Road TYABB VIC 3913

The "System" - Type: Aquanova
Address: 13 Thornells Road TYABB VIC 3913

an agreement to provide 4 X 3 monthly services of the wastewater treatment system described above in compliance with manufacturer's guidelines, Environment Protection Agency and local Council regulations.

The Period of this Agreement is 12 months.

Annual Fee \$395.00

Terms and Conditions of this Agreement are:

The Service Agent agrees:

- 1/ to inspect the System components and water quality, and
- 2/ to check the operation of pumps, switches, alarms, and
- 3/ to change/clean air and water filters where fitted,
- 4/ and provide a written report to the Owner and relevant authorities as required.

The Service Agent shall immediately notify the Owner of any repairs required, and will submit a quotation for such repairs. No such repair will commence without approval of the Owner.

The Service Agent does not guarantee the performance of the System.

The Owner agrees:

- 1/ to allow **clear access*** to the System site by the Service Agent, or employees, at all reasonable times, for the purposes of inspection and maintenance, and
- 2/ to report immediately to the Service Agent any noticeable defect in the System covered by this Agreement, and
- 3/ to pay for any authorized pumping, cleaning, vacuuming and any NATA water sample testing that may be required, and
- 4/ that any services provided by the Service Agent, in addition to the 4 X 3 monthly service covered by this agreement such as emergency callouts, will incur separate charges

***clear access** - no vegetation, mulch, pots, furniture, decks, etc is allowed on the System covers or control box

Please note that EPA and Council regulations require that the owners of residential wastewater water treatment systems have them checked and serviced every 3 months and written reports of system condition are kept. Once this Offer is accepted a legally binding contract exists between Owner and Service Agent.

Property Clearance Certificate

Taxation Administration Act 1997



INFOTRACK / WALSH CONVEYANCING

Your Reference: 22/3778
Certificate No: 57111668
Issue Date: 02 AUG 2022
Enquiries: ESYSPROD

Land Address: 13 THORNELLS ROAD TYABB VIC 3913

Land Id	Lot	Plan	Volume	Folio	Tax Payable
28492621	1	434238			\$0.00

Vendor: CLARE DONOVAN & DOUGLAS DONOVAN
Purchaser: FOR INFORMATION PURPOSES

Current Land Tax	Year	Taxable Value	Proportional Tax	Penalty/Interest	Total
MR DOUGLAS NORMAN DONOVAN	2022	\$625,000	\$0.00	\$0.00	\$0.00

Comments: Property is exempt: LTX Principal Place of Residence.

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 IMP VALUE:	\$1,110,000
--------------------	-------------

SITE VALUE:	\$625,000
-------------	-----------

AMOUNT PAYABLE:	\$0.00
-----------------	--------

Notes to Certificates Under Section 95AA of the *Taxation Administration Act 1997*

Certificate No: 57111668

Power to issue Certificate

1. The Commissioner of State Revenue can 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. If a purchaser of the land described in the Certificate has applied for and obtained a Certificate, the amount recoverable from the purchaser cannot exceed the 'amount payable' shown. 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.

General information

6. 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.
7. 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 = \$1,100.00

Taxable Value = \$625,000

Calculated as \$975 plus (\$625,000 - \$600,000) multiplied by 0.500 cents.

Property Clearance Certificate - Payment Options

BPAY



Billers Code: 5249
Ref: 57111668

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: 57111668

Visa or Mastercard

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

sro.vic.gov.au/paylandtax

PLANNING CERTIFICATE

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

CERTIFICATE REFERENCE NUMBER

862811

APPLICANT'S NAME & ADDRESS

WALSH CONVEYANCING C/- TRICONVEY (RESELLER) C/-
LANDATA

MELBOURNE

VENDOR

DONOVAN, DOUGLAS NORMAN

PURCHASER

N/A, N/A

REFERENCE

368657

This certificate is issued for:

LOT 1 PLAN PS434238 ALSO KNOWN AS 13 THORNELLS ROAD TYABB
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 SPECIAL USE ZONE - SCHEDULE 1

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/>

02 August 2022

Hon. Richard Wynne MP
Minister for Planning

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.

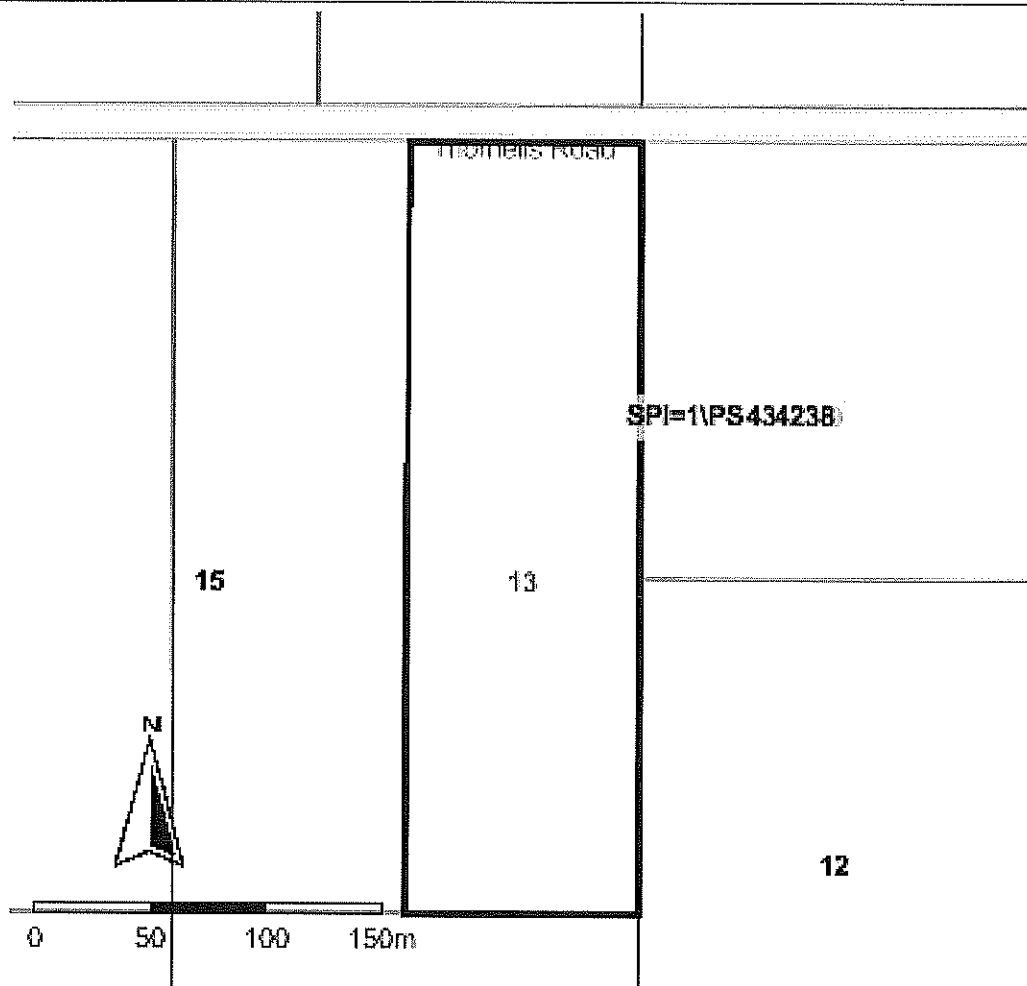
LANDATA@
T: (03) 9102 0402
E: landata.enquiries@servictoria.com.au

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.



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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 02 August 2022 11:59 AM

PROPERTY DETAILS

Address: **13 THORNELLS ROAD TYABB 3913**
Lot and Plan Number: **Lot 1 PS434238**
Standard Parcel Identifier (SPI): **1\PS434238**
Local Government Area (Council): **MORNINGTON PENINSULA**
Council Property Number: **109777**
Planning Scheme: **Mornington Peninsula**
Directory Reference: **Melway 149 C12**

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

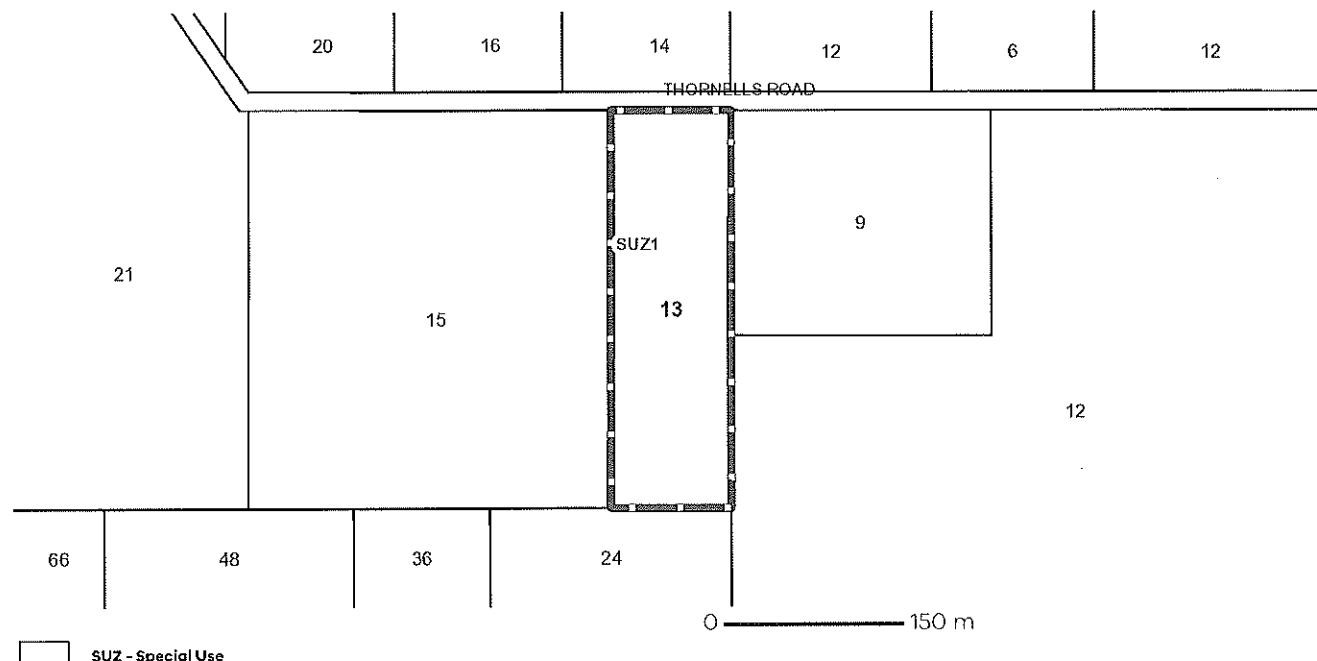
Registered Aboriginal Party: **Bunurong Land Council Aboriginal Corporation**

[View location in VicPlan](#)

Planning Zones

SPECIAL USE ZONE (SUZ)

SPECIAL USE ZONE - SCHEDULE 1 (SUZ1)



SUZ - Special Use

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

Planning Overlays

No planning overlay found

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Notwithstanding this disclaimer, a vendor may rely on the information in this report for the purpose of a statement that land is in a bushfire prone area as required by section 32C (b) of the Sale of Land 1962 (Vic).

PLANNING PROPERTY REPORT: 13 THORNELLS ROAD TYABB 3913

Page 1 of 3

Further Planning Information

Planning scheme data last updated on 27 July 2022.

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.

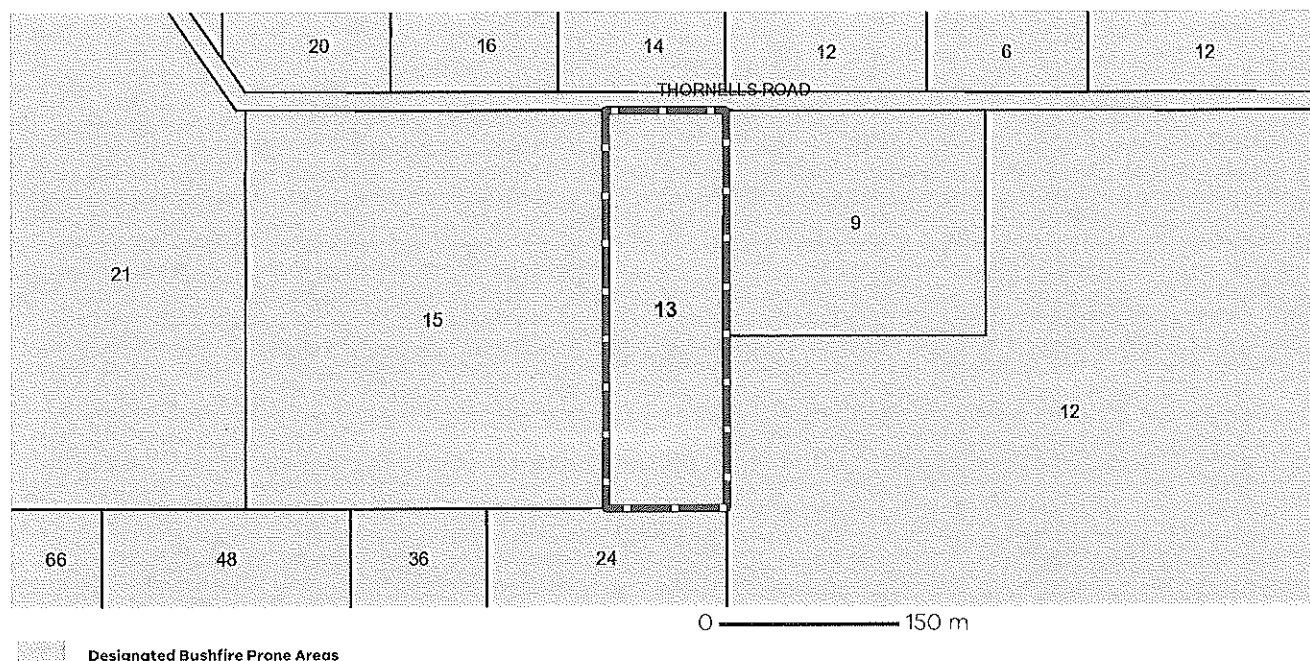
To view planning zones, overlay and heritage information in an interactive format visit <https://mapshare.maps.vic.gov.au/vicplan>

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

Designated Bushfire Prone Areas

This property is in a designated bushfire prone area.

Special bushfire construction requirements apply. Planning provisions may apply.



Designated bushfire prone areas as determined by the Minister for Planning are in effect from 8 September 2011 and amended from time to time.

The Building Regulations 2018 through application of the Building Code of Australia, apply bushfire protection standards for building works in designated bushfire prone areas.

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

Note: prior to 8 September 2011, the whole of Victoria was designated as bushfire prone area for the purposes of the building control system.

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 \(environment.vic.gov.au\)](https://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 \(environment.vic.gov.au\)](https://environment.vic.gov.au)

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PROPERTY REPORT



Environment,
Land, Water
and Planning

From www.planning.vic.gov.au at 02 August 2022 11:59 AM

PROPERTY DETAILS

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Lot and Plan Number: **Lot 1 PS434238**
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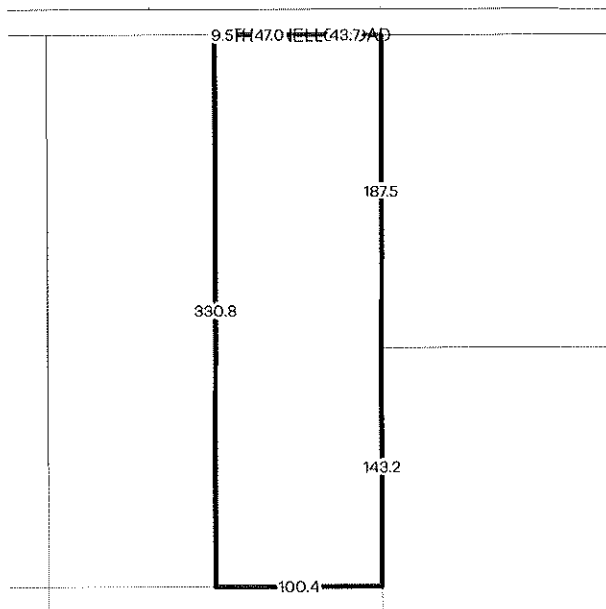
www.mornpen.vic.gov.au

This property is in a designated bushfire prone area.
Special bushfire construction requirements apply. Planning provisions may apply.

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>

SITE DIMENSIONS

All dimensions and areas are approximate. They may not agree with those shown on a title or plan.



Area: 33184 sq. m (3.32 ha)

Perimeter: 862 m

For this property:

— Site boundaries

— Road frontages

Dimensions for individual parcels require a separate search, but dimensions for individual units are generally not available.

Calculating the area from the dimensions shown may give a different value to the area shown above

For more accurate dimensions get copy of plan at [Title and Property Certificates](#)

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**

PLANNING INFORMATION

Planning Zone SPECIAL USE ZONE (SUZ)
SPECIAL USE ZONE - SCHEDULE 1 (SUZ1)

Planning Overlay None

PROPERTY REPORT



Environment,
Land, Water
and Planning

Planning scheme data last updated on 27 July 2022.

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>

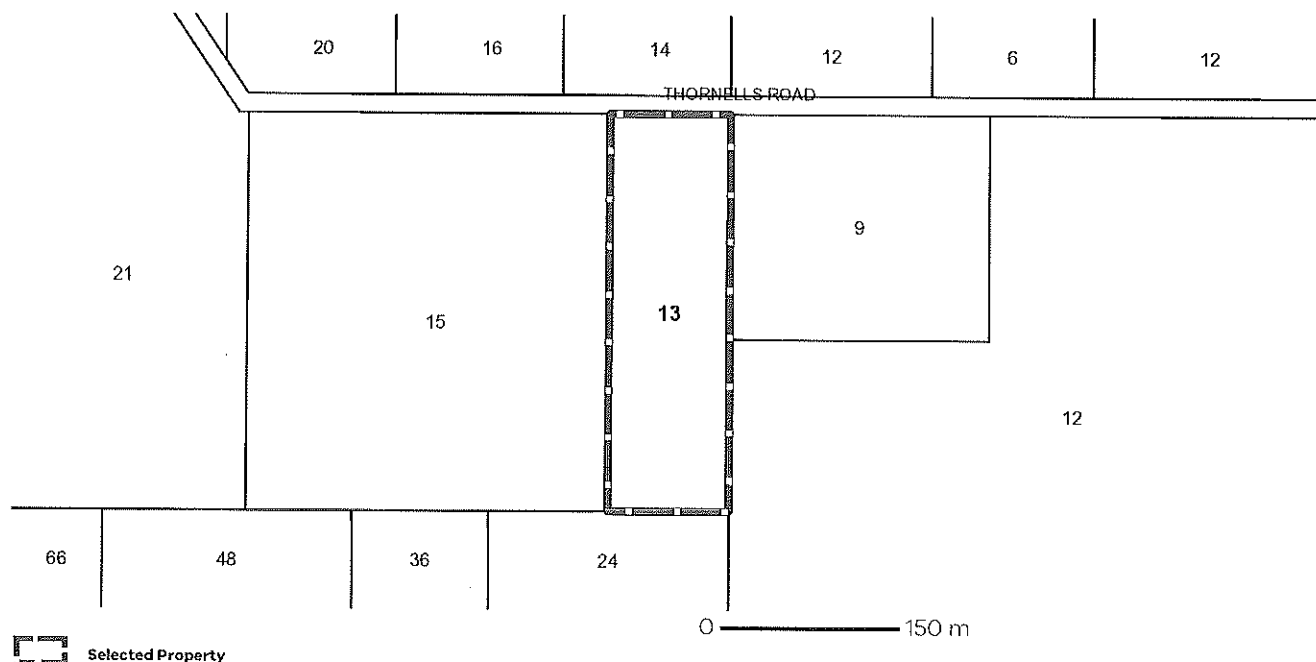
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Area Map



37.0131/07/2018
VC148**SPECIAL USE ZONE**

Shown on the planning scheme map as **SUZ** with a number.

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To recognise or provide for the use and development of land for specific purposes as identified in a schedule to this zone.

37.01-119/01/2006
VC37**Table of uses****Section 1 - Permit not required**

Use	Condition
-----	-----------

Any use in Section 1 of the schedule to this zone

Must comply with any condition in Section 1 of the schedule to this zone

Section 2 - Permit required

Use	Condition
-----	-----------

Any use in Section 2 of the schedule to this zone

Must comply with any condition in Section 2 of the schedule to this zone.

Any other use not in Section 1 or 3 of the schedule to this zone

Section 3 - Prohibited

Use

Any use in Section 3 of the schedule to this zone

37.01-231/07/2018
VC148**Use of land**

Any requirement in the schedule to this zone must be met.

Application requirements

An application to use land must be accompanied by any information specified in the schedule to this zone.

Exemption from notice and review

The schedule to this zone may specify that an application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any guidelines in the schedule to this zone.

37.01-331/07/2018
VC148**Subdivision****Permit requirement**

A permit is required to subdivide land.

Any requirement in the schedule to this zone must be met.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Subdivide land to realign the common boundary between 2 lots where: • The area of either lot is reduced by less than 15 percent. • The general direction of the common boundary does not change.	Clause 59.01
Subdivide land into lots each containing an existing building or car parking space where: • The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme. • An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.	Clause 59.02
Subdivide land into 2 lots if: • The construction of a building or the construction or carrying out of works on the land: • Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired. • Has started lawfully. • The subdivision does not create a vacant lot.	Clause 59.02

Application requirements

An application to subdivide land must be accompanied by any information specified in the schedule to

this zone.

Exemption from notice and review

The schedule to this zone may specify that an application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any guidelines in the schedule to this zone.

37.01-4
20/12/2021
VC174

Buildings and works

Permit requirement

A permit is required to construct a building or construct or carry out works unless the schedule to this zone specifies otherwise.

Any requirement in the schedule to this zone must be met.

An apartment development must meet the requirements of Clause 58.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Construct a building or construct or carry out works with an estimated cost of up to \$500,000 and the land is not:	Clause 59.04
• Within 30 metres of land (not a road) which is in a residential zone. • Used for a purpose listed in the table to Clause 53.10.	

Transitional provisions

Clause 58 does not apply to:

- An application for a planning permit lodged before the approval date of Amendment VC136.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136.

Clause 58 of this scheme, as in force immediately before the approval date of Amendment VC174, continues to apply to:

- An application for a planning permit lodged before that date.

- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

Application requirements

An application to construct a building or construct or carry out works must be accompanied by any information specified in the schedule to this zone.

An application to construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development, must be accompanied by an urban context report and design response as required in Clause 58.01.

Exemption from notice and review

The schedule to this zone may specify that an application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- For an apartment development, the objectives, standards and decision guidelines of Clause 58.
- Any guidelines in the schedule to this zone.

37.01-5

31/07/2018
VC148

Signs

Sign requirements are at Clause 52.05. This zone is in Category 3 unless a schedule to this zone specifies a different category.

22/07/2021
C255morn

SCHEDULE 1 TO CLAUSE 37.01 SPECIAL USE ZONE

Shown on the planning scheme map as SUZ1 .

PORT RELATED USES

Purpose

To provide a location for selected port and industrial uses which depend upon or gain significant economic advantages from the natural deep water channels in Westernport.

To enable the effective implementation of the Hastings Port Industrial Area Land Use Structure Plan (Department of Planning and Development 1996).

To protect the environmental values of the waters, coastline and intertidal areas of Westernport and adjoining land.

To provide for the interim rural use of land to the extent consistent with maintaining land resources for future port and port related development.

To protect the towns of Tyabb, Hastings, Crib Point and Bittern by ensuring that no port industrial development which may have an adverse effect on the amenity or safety of residents occurs in proximity to residential areas.

1.0

24/12/2021
C287morn

Table of uses

Section 1 - Permit not required

Use	Condition
Crop raising (other than Timber production)	
Grazing animal production	
Home based business	
Horse stables	
Informal outdoor recreation	
Mineral exploration	
Mining	Must meet the requirements of Clause 52.08-2.
Railway	
Search for stone	Must not be costeaning or bulk sampling.
Tramway	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01

Section 2 - Permit required

Use	Condition
-----	-----------

Section 2 - Permit required

Use	Condition
Agriculture (other than Apiculture, Domestic animal husbandry, Crop raising, Grazing animal production and Horse stables).	
Domestic animal husbandry	The premises must be located at least 1 kilometre from the nearest residential zone if more than four animals are kept.
Boat and caravan storage	
Car park	Must be used in conjunction with another use in Section 1 or 2.
Caretaker's house	
Dependent person's unit	Must be the only dependent person's unit on the lot.
Dwelling (other than Caretaker's house)	Must meet the requirements under the heading Dwellings of Clause 2 to this schedule. Must not be located in the Restricted Occupancy Area.
Education centre (other than Primary School and Secondary School).	
Industry (except Rural industry)	Must be dependent on or gain significant economic advantage from proximity to deep water port facilities, be directly associated with such a use or be a marine service industry.
Leisure and recreation (other than Indoor recreation facility and Informal outdoor recreation)	
Market	
Mineral, stone, or soil extraction (other than Mineral exploration, Mining, and Search for stone)	
Plant nursery	
Primary produce sales	
Rural store	

Use	Condition
Store (other than Boat and caravan storage, Rural store and Vehicle store)	Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.
Timber production	Must meet the requirements of Clause 53.11.
Transport terminal	Must be dependent on or gain significant economic advantage from proximity to deep water port facilities or be directly associated with such a use.
Utility installation (other than Minor utility installation and Telecommunications facility)	
Vehicle store	
Warehouse (other than Store)	Must be dependent on or gain significant economic advantage from proximity to deep water port facilities or be directly associated with such a use or a marine service industry.
Any other use not in Section 1 or 3	

Section 3 - Prohibited

Use
Accommodation (other than Dependent person's unit and Dwelling)
Art and craft centre
Brothel
Education centre
Cinema based entertainment facility
Display home centre
Hospital
Indoor recreation facility
Office
Place of assembly
Primary school
Retail premises (other than Market, Plant nursery and Primary produce sales)

Use**Secondary school****Service station****2.0**22/07/2021
C255morn**Use of land****Amenity of the neighbourhood**

A use must not adversely affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any stored goods or materials.
- Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

Access for industry must not be made through a residential area. This does not apply to emergency access.

Application requirements

The following application requirements apply to an application for a permit to use land for a port related use under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A report which demonstrates a need or significant benefit for the use to establish close to port facilities or associated uses.
- An assessment of the environmental significance the site and proposals relating to the maintenance of significant conservation values.
- The purpose of the use and the types of processes to be utilised.
- The type and quantity of goods to be stored processed or produced.
- How the land not required for immediate use is to be maintained.
- Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.
- Whether a licence under the Dangerous Goods Act 1985 is required.
- The likely effects, if any, on adjoining land, including:
 - Noise levels.
 - Air-borne emissions.
 - Emissions to land or water.
 - Traffic, including the hours of delivery and dispatch.
 - Light spill or glare.

Decision guidelines

The following decision guidelines apply to an application for a permit to use land under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The effect that the use may have in terms the proper future use and development of the land and adjoining areas for port and port related purposes.
- The effect that the use may have on the waters and intertidal areas of Westernport and the environmental values of adjoining land and the need for appropriate environmental assessment studies.
- The need for and adequacy of risk assessment and environmental response plans.
- The effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to Clause 53.10 and any comments or directions of referral authorities.
- The effect that nearby industries and other forms of activity may have on the proposed use.
- Whether there is a demonstrated need or significant benefit associated with any proposed industrial or warehouse use being located near port facilities or associated uses.
- The drainage of the land.
- The availability of and connection to services.
- Provision for fire protection and other emergency services.
- The effect of traffic likely to be generated on roads including the need for and provision of traffic management plans and works to the satisfaction of the responsible authority to minimise the adverse impact of major developments on urban communities.
- The intended interim use of those parts of the land not required for the proposed use.
- Any State or local policy guidelines relating to the protection, use or development of port facilities and associated areas, including the Hastings Port Industrial Area Land Use Structure Plan (Department of Development 1996).

Dwellings

No more than one dwelling on a lot

No more than one dwelling may be permitted on a lot, except as provided under the heading Additional dwelling.

Minimum site area for a dwelling

A site for a dwelling must have a minimum area of at least 1 hectare, except that a permit may be granted for lesser area if the responsible authority is satisfied that:

- Approval will not prejudice the future development of the area for port and port related uses.
- The site can absorb all domestic sewage, sullage and effluent.
- The dwelling would be compatible with adjoining uses and would not be situated in a dangerous location or where a nuisance to the occupants of the dwelling would or is likely to arise.

Where a site is subject to Clause 45.05 Restructure Overlay the site must comply with the restructure plan.

Restricted occupation area – Long Island Point

The purpose of this provision is to prevent human habitation on the land surrounding the Long Island Fractionation Plant and Crude Oil Storage Tanks. The land south of Bayview Road and east of Jeremiahs Road, Tyabb (Long Island Point) must not be used for a dwelling other than a Caretaker's house.

Before deciding on an application for any other use the responsible authority must refer the application to the Minister administering the Dangerous Goods Act 1989.

Availability of services

A lot may only be used for a dwelling if the following requirements are met:

- Access must be provided via an all-weather road to the satisfaction of the responsible authority.
- The dwelling must be connected to a reticulated sewerage system or if not available, all wastewater must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environmental Protection Act 1970.
- The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes to the satisfaction of the responsible authority.
- The dwelling must be connected to a reticulated electricity supply or have an alternative energy source to the satisfaction of the responsible authority.

These requirements also apply to a dependent person's unit.

Additional dwelling

A permit may be granted for an additional dwelling if:

- It is proposed to replace an existing dwelling to be demolished; or
- The dwelling is required to accommodate a person working on the land or a member of the family owning the land.

Before deciding on an application the responsible authority must be satisfied that the additional accommodation is justified due to the intensity and nature of the farming activity on the land.

3.0

22/07/2021
C255morn

Subdivision

A permit is required to subdivide land.

Lots may only be created if the land is:

- To be used for an approved port related use, or
- Used as an existing lawful poultry farm, with the minimum lot area for each new lot to be no less than 8 hectares, or
- To be re-subdivided in accordance with any Restructure Plan under Clause 45.05, or
- At least 40 hectares in area and has been continuously owned by the same family since the 23rd September 1981. A permit may be granted to subdivide the land into 2 lots each of which is at least 20 hectares. If a permit is granted further subdivision is prohibited under this provision.

Guidelines for permit

The following decision guidelines apply to an application for a permit to subdivide land under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The ability of the land as subdivided to accommodate future port related uses.
- The ability of the land to be combined with other lots for use as a port related use.
- The suitability of the subdivision having regard to:
 - Any natural and cultural values on or near the land.
 - The purpose of the zone.

- The use intended.
- The extent of any existing or proposed reclamation works.
- The topography of the land.
- The availability and standard of road access, drainage, sewerage and other infrastructure available to the site.
- Whether the frontage is adequate to provide for industrial traffic requirements.
- Any easement or rights of way which may be required to convey public or private goods or services to or across the land.
- Any other matters which the responsible authority considers relevant to the management of the land resources adjacent to the deep channel in the northern arm of Western Port for selected port and industrial development.

4.020/01/2022
VC205**Buildings and works****Setbacks for buildings and works****Setbacks for buildings and works related to specific uses**

Buildings and works associated with the uses described in the Buffer Area Table below must be constructed or carried out in accordance with the Table and land within 50 metres of a Residential Zone or Low Density Residential Zone or abutting road must be planted with trees and shrubs to the satisfaction of the responsible authority.

Buffer Area Table

Column 1	Column 2	Column 3
Building & works related to a specific form of port related use	Minimum distance from Residential Zone	Minimum distance from Green Wedge Zone, Farming Zone or Low Density Residential Zone
Building & works related to the processing of chemical and petro- chemical products.	400 m	200 m
The bulk storage of flammable products.	400 m	200 m
The bulk storage of non-flammable products.	200 m	100 m
Buildings & works related to the processing of other products.	200 m	100 m
Other buildings & works	100 m	60 m
Car parks & internal access	60 m	30 m

Column 1	Column 2	Column 3
Building & works related to a specific form of port related use	Minimum distance from Residential Zone	Minimum distance from Green Wedge Zone, Farming Zone or Low Density Residential Zone

roads.

These requirements do not apply to any of the following buildings or works:

- Existing approved port related developments.
- Landscaping.
- Pipelines.
- Minor farm structures, fences or works related to farming.
- Sewerage, drainage, water and gas mains.
- Power lines.
- Telephone lines.
- Buildings or works constructed or carried out by the Council or a public authority.

Setbacks - Non Restricted Uses.

A permit is required to construct or carry out any of the following:

- Any building or works associated with a port related use which is within any of the following setbacks:
 - 100 metres from a Transport Zone 2 or a Transport Zone 3, or land in Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority and the purpose of the acquisition is for a road.
 - 40 metres from any other road or land within Public Acquisition Overlay 4 – Port service and access corridor.
 - 15 metres from any other boundary.
 - 60 metres from any house on adjoining land.
- A building or works not associated with a port related use which is within any of the following setbacks:
 - 100 metres from a Transport Zone 2 or a Transport Zone 3, or land in Public Acquisition Overlay if the Head, Transport for Victoria is not the acquiring authority and the purpose of the acquisition is for a road.
 - 20 metres from any other road or land within Public Acquisition Overlay 4 – Port service and access corridor.
 - 3 metres for every metre of building height from any other boundary.

A permit may be granted to reduce setbacks in any of the following circumstances:

- The responsible authority is satisfied no loss of amenity would be caused to the landscape or to ecologically significant areas.
- The building to be constructed is any of the following:
 - A house extension.

- A farm building extension.
- A farm out-building.
- The responsible authority is satisfied that compliance would be unreasonable or impractical and the building would not prejudice the amenity of the area.

The minimum setback from land within a Transport Zone 2 or a Transport Zone 3, including any associated Public Acquisition Overlay to be acquired for a road, must be no less than 30 metres, other than for extensions to houses and farm buildings.

The setback requirements do not apply to any of the following buildings or works:

- Landscaping including vehicular and pedestrian access.
- Gatehouses or weighbridges.
- Pipelines or conveyors.
- Minor farm structures and also pumps, bores, windmills, troughs, stock loading yards and the like.

Industrial Development - Application Requirements

The following information must be submitted with any application for the development of land for the purpose of industry:

- A plan drawn to scale which shows the locations and proposed use of all existing and proposed buildings, the provision of on-site parking, loading and unloading areas, internal vehicle movement, material stockpiles, landscaping, site entrance and exit points, proposed signs and such other information as may be relevant to assessment of the development.
- Details of any proposed removal of native vegetation.
- Plans and information indicating the profile and maximum heights of proposed buildings and equipment installations.
- Details concerning the provision of services including water supply, sewerage, gas and electricity and the provision of the disposal of waste materials, effluent and other pollutants.
- Details relating to the staging of development and an appropriate time scale in which each stage of development should be completed.
- Where the development involves reclamation, specific information concerning the type and amount of material used to carry out the reclamation works and the most appropriate uses to which reclaimed land can be put.
- Details relating to the establishment of buffer areas particularly in those areas adjacent to residential areas and the landscaping of buffer areas so created.
- An assessment and proposals relating to the visual integration of proposed buildings and works with the character, landscape and seascape of the area including the colour and finishes to be used in the external faces and coverings of buildings.
- Where a proposed development is located within Design and Development Overlay 8 (Pipeline Policy Area), consent to the development by the Minister for Energy and Minerals must be obtained by the applicant and submitted with the application.

Control over the removal of native vegetation

Except with a permit, native vegetation must not be removed, destroyed or lopped. This control includes natural swamp vegetation or vegetation forming part of the natural plant association along the shoreline of Western Port Bay.

Further exemptions are as listed at Clause 52.17.

Before deciding on an application the responsible authority must consider:

- The value of the native vegetation to be removed in terms of its physical condition, rarity or variety.
- Any alternative means of locating buildings or works to conserve the native vegetation of the area.
- The stability of the soil or surface subsoil after the removal of the native vegetation.
- The effect on the fauna of the area after the removal of the native vegetation.
- The maintenance of the ecological balance of the area.

Decision guidelines

The following decision guidelines apply to an application for a permit to construct a building or construct or carry out works under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Any natural and cultural values on or near the land.
- The effect of the proposed development on the future development of the land and adjoining area for port and port related uses.
- The effect of the development on adjoining areas outside of the Special Use Zone.
- Traffic generation and traffic management proposals.
- The adequacy of provision for parking and site access.
- The location and extent of loading, storage and service areas.
- The adequacy of existing roads and infrastructure to support the proposed development.
- The built form and visual impact of the proposed development, including signage.
- The objectives and likely effectiveness of the proposed landscaping treatment and the extent of indigenous planting.

5.0

20/01/2022
VC205

Signs

Sign requirements are at Clause 52.05. This zone is in Category 3, except that a permit may be granted for signs not complying with the requirements of Clause 52.05 in conjunction with the approval of a port related use.

Before deciding on an application, the responsible authority must consider as appropriate:

- The total area, height and number of signs proposed.
- The possible effect of the sign on the amenity and efficiency of a road, particularly a road in Transport Zone 2 or a Transport Zone 3, and the safety of all road users.

**NOTICE OF
DECISION TO
GRANT A
PERMIT**

Application No.: PA2001067

Planning Scheme: Mornington Peninsula Planning Scheme

Responsible Authority: Minister for Planning

**THE RESPONSIBLE AUTHORITY HAS DECIDED TO GRANT A PERMIT
THE PERMIT HAS NOT BEEN ISSUED**

ADDRESS OF THE LAND:

Land

The land is located at 15 and 21 Thornells Road, Tyabb VIC 3913. Formally described as:

Volume	Folio	Description
10194	708	Crown Allotment 60A Parish of Tyabb
03913	551	Lot 1 on Title Plan 568319H (formerly known as part of Crown Allotment 60 Parish of Tyabb)

WHAT WILL THE PERMIT ALLOW?

Use and development of Utility installations and associated buildings and works, and the removal of native vegetation.

WHAT WILL THE CONDITIONS OF THE PERMIT BE?

DEVELOPMENT PLANS

1. Before development commences, including the removal of native vegetation, amended development plans must be submitted to, approved and endorsed by the responsible authority. When endorsed, the plans will form part of this permit.

The development plans must be fully dimensioned and drawn to scale. The plans must be generally in accordance with the advertised development plans and elevations prepared by EMM, dated 17 and 18 June 2021, all generally titled 'Mornington BESS' but modified to include:

- a. Detailed, fully dimensioned location / site layout, floor, elevations and other typical detail plans (including specifications, model, dimensions and materials) of all proposed buildings, structures, signage, fencing, and works, including:
 - i. Battery storage containers, including inverters and transformers;
 - ii. Substations;
 - iii. Transmission infrastructure including underground cabling and overhead poles and powerlines;

- iv. Operations and maintenance buildings;
 - v. Internal access tracks;
 - vi. Site access points, including emergency site access points;
 - vii. Car parking area capable of accommodating at least three vehicles;
 - viii. Construction laydown and material storage areas;
 - ix. Proposed security fencing and lighting infrastructure designed to comply with *Australian Standard 4282 Control of the obtrusive effects of outdoor lighting*;
 - x. Noise attenuation measures prescribed by the Predictive Noise Assessment required by condition 16.b.
 - xi. Risk and emergency management design features and facilities specified by the Country Fire Authority (CFA) conditions 19-40 inclusive.
- b. Setbacks of all proposed buildings and works from site title boundaries and buildings.
 - c. The colours and finishes of all buildings and works, including fencing. The colours and materials must be non-reflective, and matched where possible to colours present within the surrounding landscape to minimise visual impact.
 - d. The location and areas of all native vegetation on site and on adjoining land that is permitted to be removed under this permit.
 - e. The location and areas of all native vegetation on site and adjoining land that is to be retained; this must include all patches of vegetation, scattered trees and associated tree protection zones and waterbodies.
 - f. Any modifications to existing roads and accessways.
 - g. Any landscaping in accordance with the Landscaping Plan required under condition 3.
 - h. Any further design changes required to comply with any other condition of this permit.

WRITTEN CONSENT TO MODIFY ENDORSED PLANS

- 2. The use and development must be generally in accordance with the plans endorsed in accordance with this permit. The development plans endorsed under condition 1, and any other plan endorsed under a condition of this permit, must not be altered or modified without the written consent of the responsible authority.

LANDSCAPING PLAN

- 3. Before development commences, a Landscaping Plan must be submitted to, approved and endorsed by the responsible authority. When endorsed, the Landscaping Plan will form part of this permit.

The Landscaping Plan must include:

- a. Details (including location, type, species and heights at maturity) of existing and proposed planting and vegetation buffers around the perimeter of the site to achieve screening of the Utility installation (including views from the north and south to the noise walls) from surrounding roads and dwellings. New planting must include canopy trees indigenous to the local Ecological Vegetation Class.
- b. Details of all ground surface finishes, including internal access tracks, pathways, laydown areas and driveways.
- c. Locations and heights of proposed fencing.
- d. Schedule of timing of planting, which must be completed prior to the use commencing (unless otherwise agreed to in writing by the responsible authority).

4. Maintenance and monitoring program, including weed management and the replacement of dead or diseased plants as soon as practicable. The endorsed Landscaping Plan must be implemented to the satisfaction of the responsible authority.

ENVIRONMENTAL MANAGEMENT PLAN

5. Before development commences, including the removal of native vegetation, an Environmental Management Plan (EMP) must be submitted to, approved and endorsed by the responsible authority. Once endorsed, the EMP will form part of this permit.
6. The EMP must include:
 - a. Measures to avoid and minimise amenity and environmental impacts during the operation of the Utility installation;
 - b. Measures to ensure all wastewater must be contained on-site in accordance with Mornington Peninsula Shire Council's Wastewater Management Plan and *EPA Publication 891.4: Code of Practice – Onsite wastewater management*.
 - c. Measures to mitigate any consequential impacts on native vegetation retained on and off site, including tree protection zones;
 - d. Design measures and/or procedures to manage dust, odour, light spill, mud, flooding, surface water quality and stormwater runoff;
 - e. Procedures for weed management and control prior to construction and post-construction that do not risk causing off-site soil contamination;
 - f. Vehicle and equipment hygiene measures to prevent the spread of weeds and pathogens to, from and within the site;
 - g. Fuel load management measures that are to be implemented including but not limited to vegetation management and possible grazing opportunities;
 - h. Any other measures to address the requirements of the CFA's Guidelines for Renewable Energy Installations listed at conditions 19-40 inclusive;
 - i. Measures to manage, monitor and review erosion and control sediment-laden runoff;
 - j. Response measures to environmental incidents;
 - k. A program for recording and reporting environmental incidents; and
 - l. The persons responsible for implementing the above measures, including procedures for staff training and communication.
7. The recommendations of the endorsed EMP must be implemented to the satisfaction of the responsible authority.

Construction Environment Management Plan

8. The EMP must include a Construction Environment Management Plan (CEMP), which must include:
 - a. Measures to avoid and minimise amenity and environmental impacts during the construction of the Utility installation;
 - b. Procedures to ensure all disturbed surfaces on the land are revegetated and stabilised.
 - c. Procedures to manage construction noise and vibration in accordance with the requirements of *EPA Publication 1254.2: Noise control guidelines* and *EPA Publication 480: Environmental guidelines for major construction sites*;
 - d. Erosion and sediment control measures to ensure that no polluted and/or sediment laden runoff or other stormwater is discharged directly or indirectly onto adjoining land or into drains or watercourses;

- e. Procedures to manage any dust emissions;
- f. Vehicle and equipment hygiene measures to prevent the spread of weeds and pathogens to, from and within the site;
- g. Locations of any construction waste storage and the method of storage and disposal;
- h. Procedures and measures to ensure the appropriate management of stockpile and storage areas;
- i. The location of any temporary buildings or works and procedures to remove these and reinstate the affected parts of the land when construction is complete;
- j. Measures to protect native vegetation being retained on site and in the vicinity of the subject land, including tree protection zones during and post construction. These measures must include:
 - i. The erection of a native vegetation protection fence around all native vegetation to be retained on site.
 - ii. The erection of temporary fencing around waterbodies of high ecological value on the site.
 - iii. The tree protection zones of all native trees to be retained and this to be marked on plan(s). All tree protection zones must comply with *Australian Standard 4970-2009 Protection of Trees on Development Sites*.
 - iv. Detailed description of the measures to be implemented to protect all native vegetation to be retained on site and on land directly adjoining the subject site, including any tree protection zones.
- k. A construction timetable, including typical daily start and end times.
- l. The persons responsible for implementing the above measures, including details of a site contact/site manager.
- m. All person/s responsible for implementation and compliance of each of the CEMP requirements;
- n. All persons undertaking works on site must be fully briefed on all aspects and requirements of the endorsed CEMP. All works constructed or carried out must be in accordance with the endorsed CEMP, to the satisfaction of the responsible authority.

Drainage and Stormwater Management Plan

9. The EMP must include a Drainage and Stormwater Management Plan (DSMP), which must be submitted to and approved by the responsible authority. The DSMP must include:
 - a. Details (and computations) of how the works on the land are to be drained including drains conveying stormwater to the legal point of discharge.
 - b. Details of how the drainage design affects the continuation of existing overland flow paths and flood patterns across the land.
 - c. Assessment of impacts on onsite infiltration and surface water quality.
 - d. Details on how polluted or contaminated run off is to be managed.
 - e. Details of wastewater management in accordance with Mornington Peninsula Shire Council's Domestic Wastewater Management Plan and *EPA Publication 891.4: Code of Practice – Onsite wastewater management*.

LIGHTSPILL MANAGEMENT

10. All lighting installed and operated at the site must comply with *Australian Standard 4282 Control of the obtrusive effects of outdoor lighting*.

TRAFFIC MANAGEMENT

Vehicle Access

11. Vehicle access points must be designed and located to the following standards, to the satisfaction of the relevant road management authority (or authorities):
 - a. To the extent practicable, access points must be able to accommodate turning movements without vehicles encroaching onto the incorrect side of the road.
 - b. Safe sight distances must be provided.
 - c. Potential through traffic conflicts must be avoided.

Traffic Management Plan

12. Before development commences, a Traffic Management Plan (TMP) must be submitted to, approved and endorsed by the responsible authority. When endorsed, the TMP will form part of this permit.
13. The TMP must be prepared by a suitably qualified independent civil or traffic engineer and must be approved by the relevant road management authority (or authorities) prior to submission to the responsible authority.

The TMP must include:

- a. The scheduling of all construction works.
- b. Measures to limit construction vehicle movements undertaking left and right turning movements at the Dandenong-Hastings Road/Thornells Road intersection during peak hours (6.00am – 7.00am and 3.45pm – 4.45pm) throughout the construction phase of the development to five (5) construction vehicle movements per hour.
- c. Measures required to maintain safe sight distances for vehicles accessing the site.
- d. Measures to be taken to appropriately eliminate, reduce or mitigate road safety hazards and traffic impacts associated with the construction and operation of the Utility Installation, giving consideration to equestrian traffic along Thornells Road.
- e. Designate vehicle access points to the site from surrounding roads and description of any necessary modifications to vehicle access points.
- f. Designated transport routes for vehicles travelling to and from the site.
- g. Address coordination between construction traffic and school bus travel.
- h. An assessment prepared by a suitably qualified person to determine the geotechnical condition and strength of Thornells Road from Western Port Highway (Dandenong-Hastings Road) to the entrance of the site, including its suitability for construction traffic associated with the development. The assessment must include recommendations for pavement treatments or upgrades (if required) to the road surface to ensure it can appropriately accommodate the proposed construction traffic, to the satisfaction of the relevant road management authority.
- i. Road maintenance measures to be put in place for Thornells Road to ensure its condition does not deteriorate during the construction phase of the project, to the satisfaction of the relevant road management authority. Following construction, Thornells Road must be reinstated to at least its pre-construction condition.
- j. Procedures to manage mud and debris on the surrounding road network which may occur during construction.
- k. A program to inspect, maintain and (where required) repair public roads used by construction traffic.

- l. The proposed provision for traffic and signing, on Western Port Highway, for the duration of the works, at least 21 days prior to the commencement of works, to the satisfaction of the Head, Transport for Victoria.
 - m. Confirmation that the TMP complies with the Australian Standard 1742.3-2009 Code of Practice for Worksite Safety – Traffic Management.
 - n. Traffic management/Control must be carried out by suitably trained personnel in accordance with Section 99A of the *Road Safety Act 1986*.
 - o. Any further updates required to address Council's conditions 64-79, as relevant.
14. The endorsed TMP must be implemented to the satisfaction of the responsible authority and relevant road management authority (or authorities).

Any proposed alteration or modification to the endorsed TMP must be approved by the relevant road management authority (or authorities) prior to submission to the responsible authority for endorsement.

OPERATIONAL NOISE

15. The use of the land must at all times comply with the *Environmental Protection Authority (EPA) Publication 1826.4 Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues* (EPA Publication 1826.4).
16. Prior to the endorsement of plans in accordance with condition 1, an updated Predictive Noise Assessment Report must be provided to the Minister for Planning and Mornington Peninsula Shire Council that:
- a. Is modelled using the final design layout and electrical components for the facility.
 - b. Provides detail of the noise attenuation measures that need to be implemented to achieve compliance with the EPA Publication 1826.4.
 - c. Demonstrates the proposal will comply with EPA Publication 1826.4 at all times without relying on limiting the operating capacity of any part of the facility.

All measures relied on to achieve compliance with the Noise Standard, as documented in EPA Publication 1826.4, must be shown on the endorsed plans under condition 1, and implemented to the satisfaction of the responsible authority.

The Predictive Noise Assessment must be made available to the public.

17. Within 1 month of the commencement of the use, a Post-Construction Acoustic Assessment Report must be prepared by a suitably qualified acoustic engineer and must be submitted to the Minister for Planning and Mornington Peninsula Shire Council, demonstrating compliance with EPA Publication 1826.4 at all times. The report must be made available to the public. The report must assess the compliance of the use with EPA Publication 1826.4 and, where necessary, make recommendations to limit the noise impacts in accordance with the EPA Publication 1826.4. If recommendations to limit the noise impacts are made, they must be implemented to the satisfaction of the responsible authority.
18. Within 1 year of the commencement of the use, a Post-Construction Acoustic Assessment Report must be prepared by a suitably qualified acoustic engineer and must be submitted to the Minister for Planning and Mornington Peninsula Shire Council, demonstrating compliance with EPA Publication 1826.4 at all times. The report must be made available to the public. The report must assess the compliance of the use with the EPA Publication 1826.4 and, where necessary, make recommendations to limit the noise impacts in accordance with the EPA Publication 1826.4. If recommendations to limit the noise impacts are made, they must be implemented to the satisfaction of the responsible authority.

FIRE AND EMERGENCY MANAGEMENT

Risk Management Plan

19. Before development plans are endorsed under condition 1, a risk management plan (RMP), incorporating a risk assessment, must be prepared in conjunction with the relevant fire authority. The plan must:
- a. Be prepared with consideration to the CFA's Guidelines for Renewable Energy Installations (the most up-to-date version at the time of preparing the RMP).
 - b. Specify the appropriate fire break width, which must be no less than 10m and scaled to the risk of surrounding vegetation (including landscaping required to be planted under a condition of this permit).
 - c. Identify and assess controls for the management of onsite and offsite risks at the facility, including but not limited to:
 - i. Battery chemistry and technology risks including thermal runaway, off-gassing, toxic smoke.
 - ii. Electrical equipment faults.
 - iii. Fire spread between battery containers.
 - iv. Grassfire/bushfire to and from the battery energy facility.
 - v. Ember attack to the battery energy facility.
 - vi. Radiant heat and flame contact.
 - vii. Physical/mechanical damage to battery containers.
 - viii. Radiant heat from battery containers fully involved in fire as an ignition source (to other battery containers, site infrastructure, on-site buildings, site boundary and vegetation).
 - ix. Related dangerous goods storage and handling including transformer oil/diesel spills/leaks, refrigerant gas releases.
 - x. Evidence-based determination of the effectiveness of the risk controls against the identified hazards.
 - d. Identify battery safety and protective systems including battery management systems, monitoring systems, overcharge detection, off-gas detection, pressure relief systems, thermal detection, smoke detection, gaseous or extinguishing agent systems, refrigeration/cooling systems, visual and audible warning systems.

Fire Management Plan

20. Before development commences, a fire management plan, incorporating a risk assessment, must be prepared in conjunction with the relevant fire authority. The plan must:
- a. Consider fire risks to and from the site and detail the control measures (systems, activities and accountabilities) for the prevention and management of fire.
 - b. Include but not be limited to:
 - i. Monitoring for fire in the area.
 - ii. Vegetation and fire break management.
 - iii. Battery energy storage system inspections, testing, monitoring and servicing.
 - iv. Peat presence and management (if applicable).
 - v. Fire detection, protection systems and equipment inspections and servicing.

- vi. Hot work permits/processes and other ignition control mechanisms.
- vii. Internal access roads, gates and fencing maintenance.
- c. Inform the construction and operational requirements for the facility.

Siting and Design for Battery Energy Storage Systems

21. Battery energy storage system facilities must be:

- a. Designed to separate battery containers to a distance that prevents radiant heat exposure from igniting;
- b. Other battery containers (battery to battery ignition).
- c. Related system infrastructure (inverters, substations, etc.).
- d. Buildings and structures.
- e. Vegetation, both on-site and off-site, including screening vegetation. The potential for radiant heat impact from surrounding vegetation must be reduced to a level that prevents ignition of battery infrastructure.
- f. Provided with an in-built fire detection and suppression system in each battery container/enclosure.
- g. Provided with a suitable access road for emergency services vehicles to and within the site, including to battery energy storage system(s) and fire service infrastructure.
- h. Installed on a non-combustible surface such as concrete.
- i. Provided with adequate ventilation as per the manufacturer's requirements/the Safety Data Sheet(s) for the BESS and/or any relevant national or international standards.
- j. Provided with underground (buried) cabling and enclosed wiring, except where required to be above-ground for grid connection.
- k. Provided with impact protection to at least the equivalent of the W guardrail-type barrier, installed in accordance with the manufacturer's instructions.
- l. Provided with appropriate spill containment (bundling or otherwise) that includes provision for management of fire water runoff.

22. Landscaping / vegetation (buffers, screening or otherwise) to be planted under a requirement of this permit with a width of greater than 15m must be designed in consultation with the relevant fire authority.

Fire Monitoring and Detection

23. For battery energy storage systems at unmanned sites, appropriate monitoring and intervention measures must be provided to ensure that any shorts, faults, off-gassing, temperature increases above normal parameters and equipment failures with the potential to ignite or propagate fire are rapidly identified and controlled, and any off-gassing, smoke or fire is notified to 000 immediately.
24. The provision for direct alarm monitoring to the fire brigade for BESS automatic detection systems must be considered.

Fire Protection

25. A fire water supply suitable for the risks and hazards at the facility must be provided. The area of the battery installation includes the fire break width (as specified in the Risk Management Plan) around battery infrastructure (rather than the area of yard or site) may be substituted for the purposes of determining requirements under AS 2419.1. The fire water supply must include at a minimum:

- a. A fire hydrant system that meets the requirements of AS 2419.1-2005: Fire hydrant installations, Section 3.3: Open Yard Protection, and Table 3.3: Number of Fire Hydrants Required to Flow Simultaneously for Protected Open Yards, except:
 - i. Fire hydrants must be provided and located so that every part of the BESS is within reach of a 10m hose stream issuing from a nozzle at the end of a 90m length of hose connected to a fire hydrant outlet.

OR

- b. Where no reticulated water is available, a fire water supply in static storage tanks.
 - i. The fire water supply must be of a quantity no less than 300,000L or as per the provisions for Open Yard Protection of AS 2419.1-2005 flowing for a period of no less than four hours, whichever is the greater.
 - ii. Fire hydrants must be provided and located so that every part of the BESS is within reach of a 10m hose stream issuing from a nozzle at the end of a 90m length of hose connected to a fire hydrant outlet.
 - iii. Comply with AS 2419.1-2005, Section 5: Water Storage.

Note: The quantity of static fire water storage is to be calculated from the number of hydrants required to flow from AS 2419.1-2005, Table 3.3. (E.g., For battery installations with an aggregate area of over 27,000m², 4 hydrant outlets are required to operate at 10L/s for four hours, which equates to a minimum static water supply of 576kL).

Firefighting Water Supply

26. Fire water access points must be clearly identifiable and unobstructed to ensure efficient access.

27. Any static fire water storage tank(s) must be:

- a. Above ground water tank(s) constructed of concrete or steel.
- b. Capable of being completely refilled automatically or manually within 24 hours.
- c. Located at vehicle entrances to the facility and must be positioned at least 10m from any infrastructure (electrical substations, inverters, batter energy storage systems, etc.).
- d. Provided with a hard-suction point, with a 150mm full bore isolation valve, equipped with a Storz connection, sized to comply with the required suction hydraulic performance. (Adapters that may be required to match the connection are 125mm, 100mm, 90mm, 75mm, 65mm Storz tree adapters with a matching blank end cap provided.) The hard-suction point must be:
 - i. Positioned within four (4) metres to a hardstand area and provide a clear access for emergency services personnel.
 - ii. Protected from mechanical damage (e.g. bollards) where necessary.
- e. An all-weather road access and hardstand must be provided to the hard-suction point. The hardstand must be maintained to a minimum of 15 tonne GVM, eight (8) metres long and six metres wide or to the satisfaction of the relevant fire authority.
- f. The road access and hardstand must be kept clear at all times.
- g. Where the access road has one entrance, a ten (10) metre radius turning circle must be provided at the tank.
- h. An external water level indicator must be provided to the tank and be visible from the hardstand area.

- i. Signage indicating 'FIRE WATER' and the tank capacity must be fixed to each tank.
- j. Signage must be provided at the front entrance to the facility, indicating the direction to static water tank(s).

Access

28. Roads including on-site access tracks, are to:

- a. Be of all-weather construction and capable of accommodating a vehicle of fifteen (15) tonnes.
- b. Where roads are constructed roads, they are to be a minimum of four (4) metres in trafficable width with a four (4) metre vertical clearance for the width of the formed road surface.
- c. Be of average grade no more than 1 in 7 (14.4% or 8.1°) with a maximum of no more than 1 in 5 (20% or 11.3°) for no more than fifty (50) metres.
- d. Where there are dips in the road, they are to be no more than a 1 in 8 (12.5% or 7.1°) entry and exit angle.
- e. Where a single point of access is proposed, a suitable turning arrangement at the end of the internal access road must be provided, such as a turning circle of 10m radius or T-turn arrangement.

29. Road networks must enable responding emergency services to access all areas of the facility.

Operation of Battery Energy Storage System Facilities

- 30. Battery energy storage systems are to be inspected regularly for any signs of mechanical damage to the external container(s) and any accumulation of materials (including leaf litter) in or within ten (10) metres of the system. Any identified issues must be immediately remedied.
- 31. Battery energy storage systems are to be regularly serviced as per the manufacturer's specifications to ensure that all safety and protective systems are in effective working order.

Fuel / Vegetation Management

32. Fire breaks of a width specified in the Risk Management Plan, must be maintained around:

- a. The perimeter of the facility.
- b. Containers and infrastructure for battery energy storage systems.

33. Fire break(s) must:

- a. At the perimeter, commence from the boundary of the facility or from the vegetation screening (landscape buffer) inside the property boundary.
- b. Be constructed using either mineral earth or non-combustible mulch such as crushed rock.
- c. Be free of vegetation, including grass, at all times.
- d. Be free of all combustible and extraneous materials at all times (e.g., this area must not be used for the storage of materials or the placement of infrastructure of any kind).

34. Grass within the facility must be maintained at below 100mm in height during the declared Fire Danger Period.

35. All plant and heavy equipment must carry at least a 9-litre water stored-pressure fire extinguisher with a minimum rating of 3A, or firefighting equipment as a minimum when on-site during the Fire Danger Period.

36. Long grass and/or deep leaf litter must not be present in areas where plant and heavy equipment will be working.

Emergency Management Plan

37. Before development commences, an Emergency Management Plan (EMP) must be developed for the facility in conjunction with the relevant fire authority. The plan must:
- a. Be prepared with consideration to CFA's Guidelines for Renewable Energy Installations.
 - b. Incorporate emergency procedures based on identified risks and hazards at the facility, including but not limited to:
 - i. Bushfire/grassfire.
 - ii. Electrical infrastructure faults and fire.
 - iii. BESS damage or faults, including battery monitoring faults, temperature increases above normal operating parameters, electrical faults, chemical spills or reactions, off-gassing, thermal runaway, smoke and fire.
 - c. Incorporate a plan for partial and full decommissioning of the BESS in the event of an emergency incident that renders the facility inoperable or unsafe, prior to its anticipated end-of-life.
38. Arrangements must be made for site familiarisation with the local brigade prior to commissioning of facilities to confirm access arrangements, fire detection, suppression and protection systems, and contact information for at least two persons who may be able to provide information or support during emergencies (24 hours a day).
39. An invitation is to be provided to the local brigade at least annually for a site familiarisation visit, prior to October each year.

Provision of Emergency Information

40. Prior to the commissioning of the facility, an Emergency Information Container must be installed at each road entry to the site. The container must:
- a. Be painted red and marked 'EMERGENCY INFORMATION' in white contrasting lettering not less than 25mm high.
 - b. Be installed at a height of 1.2m-1.5m above ground level.
 - c. Be unobstructed and accessible with a fire brigade standard 003 key.
 - d. Be maintained to ensure that the information within is current and accurate, and that the container remains accessible (e.g., clear of vegetation and infestations, and clearly identifiable).
 - e. Contain emergency information for the facility, including:

General Information

- i. A description of the facility, its infrastructure and operations.
- ii. Site plans that include the layout of the entire site, including any buildings, internal roads, infrastructure, fire detection and protection systems and equipment, dangerous goods storage areas (including battery energy storage systems and inverters), substations, grid connections, bunds, drains and isolation valves, site neighbours and the direction of north.
- iii. Details of smoke and fire detection, fire suppression (including the quantity of any on-site fire water supply and related infrastructure) warning and alarm systems at the facility.
- iv. Contact details for site personnel and/or facility operators, regulatory authorities and site neighbours.

- v. Procedures for management of emergencies, including evacuation, containment of spills and leaks, and fire procedures (including bushfire/grassfire).
- vi. A manifest of dangerous goods (if required) as per Schedule 3 of the Dangerous Goods (Storage and Handling) Regulations 2012.
- vii. Safety Data Sheets (SDS) for any dangerous goods stored on-site, including batteries.

Battery Energy Storage Systems

- viii. Specifications for safe operating conditions for temperature.
- ix. Schematics and technical data for battery energy storage system containers.
- x. Details of the hazards for the battery energy storage system, including thermal runaway, electrical safety hazards, explosion hazards, dangerous goods hazards (including off-gassing), and the effects of fire on the BESS.
- xi. Details of battery monitoring systems and safety systems, including battery smoke and fire detection systems, fire suppression systems, thermal detection, gas detection and pressure relief systems, cooling systems, and warning and alarm systems at the facility.
- xii. The shut down and/or isolation procedures if the batteries are involved in fire.

NATIVE VEGETATION REMOVAL

- 41. Before development commences, the permit holder must advise all persons undertaking any works on site, including native vegetation removal, of all relevant permit conditions and associated statutory requirements or approvals.
- 42. Before development commences, native vegetation protection fencing must be erected around all patches of native vegetation and scattered trees to be retained on the work site. This fencing must be erected in accordance with the *Australian Standard 4970-2009 Protection of Trees on Development Sites*. The fence must be:
 - a. Constructed of highly visible, strong and durable materials to the satisfaction of the responsible authority.
 - b. Remain in place until all works are completed on site to the satisfaction of the responsible authority.
- 43. Except with the written consent of the responsible authority, within the areas of native vegetation to be retained and any tree or vegetation protection zone associated with the permitted development, the following is prohibited:
 - a. Vehicular and machinery access, other than for construction of fences.
 - b. Trenching or soil excavation.
 - c. Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products.
 - d. Entry and exit pits for the provision of underground services.
 - e. Any other actions or activities that may result in adverse impacts to retained native vegetation.
- 44. The native vegetation permitted to be removed, destroyed or lopped under this permit is 0.279 hectares of native vegetation with strategic biodiversity value scores of between 0.558 and 0.599.

45. To offset the removal of 0.279 hectares of native vegetation, the permit holder must secure the following native vegetation offset in accordance with *Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017)*:
- a. A general offset of 0.062 general habitat units:
 - i. located within the Westernport Catchment Management Authority boundary or the Mornington Peninsula Shire Council local government area,
 - ii. with a minimum strategic biodiversity value of at least 0.449.
46. Before any native vegetation is removed or impacted, evidence that the offset required by this permit has been secured, must be provided to the satisfaction of responsible authority.
- This evidence must be one or both of the following:
- a. A credit extract(s) allocated to the permit from the Native Vegetation Credit Register; and/or
 - b. An established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site.
47. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit.
48. Where the offset includes a first party offset(s), the permit holder must provide an annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

COMPLAINTS

Complaint Investigation and Response Plan

49. Before development commences, a Complaint Investigation and Response Plan (CIRP) must be submitted to, approved and endorsed by the responsible authority. Once endorsed, the CIRP will form part of the permit.

The CIRP must:

- a. Respond to all aspects of the construction and operation of the BESS facility.
- b. Be prepared in accordance with *Australian/New Zealand Standard AS/NZS 10002:2014 – Guidelines for Complaint Management in Organisations*.
- c. Include a process to investigate and resolve complaints (different processes may be required for different types of complaints).

The endorsed CIRP must be implemented to the satisfaction of the responsible authority.

Publishing Information about Complaints Handling

50. Before development commences, the following information must be made publicly available and readily accessible from the BESS facility project website, or another publicly available resource to the satisfaction of the responsible authority:
- a. A copy of the endorsed CIRP.
 - b. A toll-free telephone number and email contact for complaints and queries to the BESS facility operator.

Complaints Register

51. Before development commences, a Complaints Register must be established which records:
- a. The complainant's name and address (if provided).

- b. A receipt number for each complaint, which must be communicated to the complainant.
 - c. The time and date of the incident, and operational conditions at the time of the incident.
 - d. A description of the complainant's concerns.
 - e. The process for investigating the complaint, and the outcome of the investigation, including the actions taken to resolve the complaint.
52. All complaints received must be recorded in the Complaints Register.
53. The complete copy of the Complaints Register must be provided, along with a reference map of complaint locations, to the responsible authority on each anniversary of the date of this permit and at other times on request.

AUSNET CONDITIONS

54. No part of the proposed development is permitted on AusNet Transmission Group's easement unless otherwise agreed to in writing by AusNet Transmission Group.
55. Access to and along the easement must be maintained at all times for AusNet Transmission Group's vehicles, staff and contractors.
56. Parking, loading, unloading and load adjustment of large commercial vehicles is not permitted on the easement.
57. Fuelling of any vehicles, equipment or plant is not permitted on the easement.
58. The use of vehicles and equipment exceeding 3 metres in height are not permitted to operate on the easement without prior written approval from AusNet Transmission Group.
59. Details of proposed road construction and the installation of services within the easement must be submitted to AusNet Transmission Group and approved in writing prior to the commencement of work on site.
60. All trees and shrubs planted on the easement must not exceed 3 metres maximum mature growth height.
61. Natural ground surface levels on the easement must not be altered by the stockpiling of excavated material or by landscaping without prior written approval from AusNet Transmission Group.
62. All services traversing the easement must be installed underground.

WORKSAFE CONDITIONS

63. The proposed development must comply with the relevant requirements of the *Dangerous Goods Act 1985* and its subordinate legislation, in particular the Dangerous Goods (Storage and Handling) Regulations 2012, Regulation 66 and Regulation 54 (b).

MORNINGTON PENINSULA SHIRE COUNCIL CONDITIONS

Engineering Conditions

64. Following the endorsement of development plans under condition 1 and before development commences, a signed and completed 'Checklist for Development Engineering Plan Approval' along with Engineering Plans must be submitted to and approved by Mornington Peninsula Shire Council. The plans must be drawn to scale with dimensions and emailed to devengadmin@mornpen.vic.gov.au.

The Engineering Plans must include (unless otherwise agreed to in writing by the Mornington Peninsula Shire Council):

- a. All areas of the development being drained by means of a drainage system directed to a stormwater detention system within the property to retain a post-development 1% AEP

storm event for the critical storm duration. Discharge from the site must be limited to an equivalent pre-development flow based on a 0.5 EY storm event for the critical storm duration.

- b. Discharge from the stormwater detention system being directed to an open table drain constructed along the southern side of Thornells Road, in an easterly direction to a low point in front of 13 Thornells Road.
 - c. A drainage culvert pipe being constructed across Thornells Road at the low point in front of 13 Thornells Road, to direct stormwater into an open earth swale drain constructed in a northerly direction through 14 Thornells Road, then through an open earth swale drain constructed through either 12 Thornells Road or 25 Dandenong-Hastings Road, then through an open earth swale drain constructed through 33 Dandenong-Hastings Road and then an open earth swale drain constructed through 20 McKirdys Road.
 - d. Alternatively to, or in addition to conditions 64.b and 64.c, discharge from the stormwater detention system being directed via an open earth swale drain constructed through 15 Thornells Road, then an open earth swale drain constructed through 13 Thornells Road and then an open earth swale drain constructed through 12 Denham Road.
 - e. A bioretention system on the site being designed to ensure that stormwater 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).
 - f. A drainage surcharge route within the development to avoid inundation of any buildings or other assets within the site.
 - g. Details, including levels, of all driveways and constructed areas within the site.
 - h. The design of all vehicle movements entering and exiting the property being in a forward direction.
 - i. A crushed rock vehicular crossing to Mornington Peninsula Shire Council standards, with any redundant crossing being removed and replaced with reinstated nature strip.
 - j. Sight distances for vehicles not being unduly restricted at the exit from site by fencing or landscaping works.
 - k. Tree Protection Zones (TPZs) impacted by the works, or as shown on any other development plans and documents.
 - l. Drainage works designed to avoid TPZs where possible.
 - m. Proposed methodologies for complying with *Australian Standard 4970-2009 Protection of trees on development sites* for any works that are required within TPZs.
 - n. Any upgrades to Thornells Road, if required, in accordance with the CEMP and TMP.
 - o. The upgraded road pavement in Thornells Road from Western Port Highway (Dandenong-Hastings Road) to the entry to the development site being surfaced with a bituminous spray seal or temporary asphalt surface of sufficient width to cater for all construction vehicles.
65. Prior to the approval of engineering plans, a report prepared by a geotechnical consultant which examines the existing road pavement in Thornells Road to determine its suitability to cater for all construction traffic associated with the construction of the proposed development, and which provides recommendations for required upgrading of the existing road pavement to cater for all construction traffic associated with the construction of the proposed development, must be submitted to the Mornington Peninsula Shire Council.

66. Before the approval of engineering plans, the developer must obtain access from the owners of all properties through which stormwater discharge from the development will flow, to undertake an on-site survey along the drainage route through their respective properties.
67. Before the approval of engineering plans, drainage computations and documentation are required for:
 - a. The proposed drainage system.
 - b. The consideration of any drainage catchment external to the development that may drain to the proposed drainage system.
 - c. A MUSIC Report.
68. Prior to the approval of Engineering Plans, the applicant must demonstrate to Mornington Peninsula Shire Council that water quality features will be implemented in accordance with Clause 53.18 of the Mornington Peninsula Planning Scheme.
69. Before development commences, the applicant must obtain written consent from all property owners to access their property for the construction of drainage works within their property, and a copy of their written consent lodged with Mornington Peninsula Shire Council.
70. After the approval of Engineering Plans and before any works commence on site, a site-specific Construction and Environment Management Plan (CEMP) must be prepared by a suitably qualified consultant and endorsed by the Mornington Peninsula Shire.

Any plans submitted must be consistent with all other documents approved under this permit. The endorsed CEMP must be implemented to the satisfaction of Mornington Peninsula Shire Council prior to, and during the works.

The CEMP must include the following:

- a. Contact details of the project manager, including emergency 24 hour mobile phone number.
- b. Hours during which construction activity will take place.
- c. Identification of all possible environmental risks associated with the works.
- d. Measures and monitoring systems to minimise and control identified environmental risks, including but not limited to runoff, erosion, noise, sediment, dust, and litter escaping from the construction site.
- e. Measures to minimise any adverse impacts on surrounding property owners.
- f. Proposed arrangements to ensure roads in the locality are not prejudiced or damaged by the movement of construction vehicles to and from the site.
- g. Proposed communications for locally affected stakeholders and residents.
- h. Proposed location of all stockpiles, storage of machinery, and materials on the site.
- i. The proposed methodology for management of waste and its collection from the construction site.
- j. The location of any temporary cabins, sheds, security fencing and site access details.
- k. A dilapidation report on the access route nominated in the CTMP between the site and Western Port Highway (Dandenong-Hastings Road).
- l. Upgrades to the road pavement in Thornells Road from Western Port Highway (Dandenong-Hastings Road) to the entry to the development site, including road widening, and pavement strengthening in accordance with a report prepared by a geotechnical consultant to cater for all construction vehicles accessing the site.

- m. The upgraded road pavement in Thornells Road from Western Port Highway (Dandenong-Hastings Road) to the entry to the development site being surfaced with a bituminous spray seal or temporary asphalt surface of sufficient width to cater for all construction vehicles.
71. Prior to the commencement of works, a project specific Construction Traffic Management Plan (CTMP) must be submitted to Council for approval. The CTMP must then be implemented to the satisfaction of the Responsible Authority prior to and during construction of the works.
72. The CTMP must show heavy vehicle access routes to the site, turning movements for heavy vehicle access and egress to the site, traffic management, and internal parking provisions during construction.
73. Prior to the commencement of any works on site, a bond to the value of \$150,000 is to be lodged with the Mornington Peninsula Shire to ensure compliance with the road maintenance conditions, and to ensure Council has the ability to rectify any damages to Council assets caused by the works. On completion of all works, and satisfactory rectification of any damage identified by the Mornington Peninsula Shire's inspection officer, the bond will be returned to the applicant.
74. The road pavement and road drainage in Thornells Road must be maintained to the satisfaction of Mornington Peninsula Shire Council throughout the entire construction period of the development.
75. Thornells Road must be reinstated to at least its pre-existing condition within three months of the completion of construction works on the development site, to the satisfaction of Mornington Peninsula Shire Council.
76. Before the commissioning of the development, drainage works within and external to the development must be constructed in accordance with approved engineering plans, and to the satisfaction of Mornington Peninsula Shire Council
77. Before development commences, drainage works within and external to the development must be constructed in accordance with the Engineering Plans, to the satisfaction of Mornington Peninsula Shire Council.
78. The owner must operate and maintain the drainage works including the on-site storm water detention and treatment system at their cost and must allow the system to be inspected by an authorised officer of the Mornington Peninsula Shire Council from time to time. The owner must not modify the on-site storm water detention and treatment system without prior written approval from Mornington Peninsula Shire Council.
79. Before the commissioning of the development, a vehicle crossing, 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, and surfaced and drained to the satisfaction of Mornington Peninsula Shire Council.

Car spaces and driveways must be kept available for these purposes at all times.

DECOMMISSIONING

80. The responsible authority and Mornington Peninsula Shire Council must be notified within three months of the Utility installation permanently ceasing operation.
81. Subject to condition 82, once the Utility installation permanently ceases operation, all infrastructure, equipment, buildings, structures and works must be removed, and the site or the relevant part of the site must be rehabilitated and reinstated to the condition it was in prior to the commencement of development to allow it to be used for agricultural purposes (or any proposed alternative use). This includes, but is not limited to, all battery storage

containers, inverters/transformer containers, control building, substation, switchyard, and above and below ground electrical infrastructure and equipment.

82. If the landowner requests, items of infrastructure or other works (such as access tracks or the control building) that are suitable for the ongoing agricultural use of the land (or proposed alternative use) may be retained, subject to the written consent of the responsible authority.
83. Within three months of the Utility installation permanently ceasing operation, a Decommissioning Management Plan (DMP) prepared by a suitably qualified and experienced person must be submitted to, approved and endorsed by the responsible authority. Once endorsed, the DMP will form part of the permit.

The DMP must include, as a minimum:

- a. Identification of infrastructure, equipment, buildings and structures to be removed, and details of how these will be removed.
- b. Details of how the site will be rehabilitated to meet the requirements of condition 81.
- c. A requirement that a Decommissioning Traffic Management Plan (DTMP) be submitted to, approved and endorsed by the responsible authority prior to decommissioning works starting.
 - i. The DTMP must be approved by the relevant road management authority (or authorities) prior to submission to the responsible authority for endorsement.
 - ii. The DTMP must specify measures to manage traffic impacts associated with removing the infrastructure, equipment, buildings and structures from the site, to the satisfaction of the responsible authority.
- d. A requirement that all decommissioning works identified in the DMP be completed to the satisfaction of the responsible authority as soon as practicable, but no later than 12 months after the DMP is endorsed, or such other period approved by the responsible authority.
- e. The endorsed DMP must be implemented to the satisfaction of the responsible authority.

EXPIRY

84. This permit will expire if one of the following applies:

- a. The development is not started within three years of the date of this permit.
- b. The development is not completed within six years of the date of this permit.
- c. The use has not commenced within six years of the date of this permit.

The responsible authority may extend the time if a request is made in writing before the permit expires or within six months afterwards.

DATE OF NOTICE: 9/12/2021

A handwritten signature in black ink, appearing to read 'Sam Mason', is written over a horizontal line.

SIGNATURE OF SAM MASON, ACTING MANAGER, DEVELOPMENT APPROVALS AND
DESIGN, AS DELEGATE FOR THE MINISTER FOR PLANNING

IMPORTANT INFORMATION ABOUT THIS NOTICE

WHAT HAS BEEN DECIDED?

The responsible authority has decided to grant a permit. The permit has not been issued.

This notice sets out what the permit will allow and what conditions the permit will be subject to if issued.

WHAT ABOUT REVIEWS?

For the applicant—

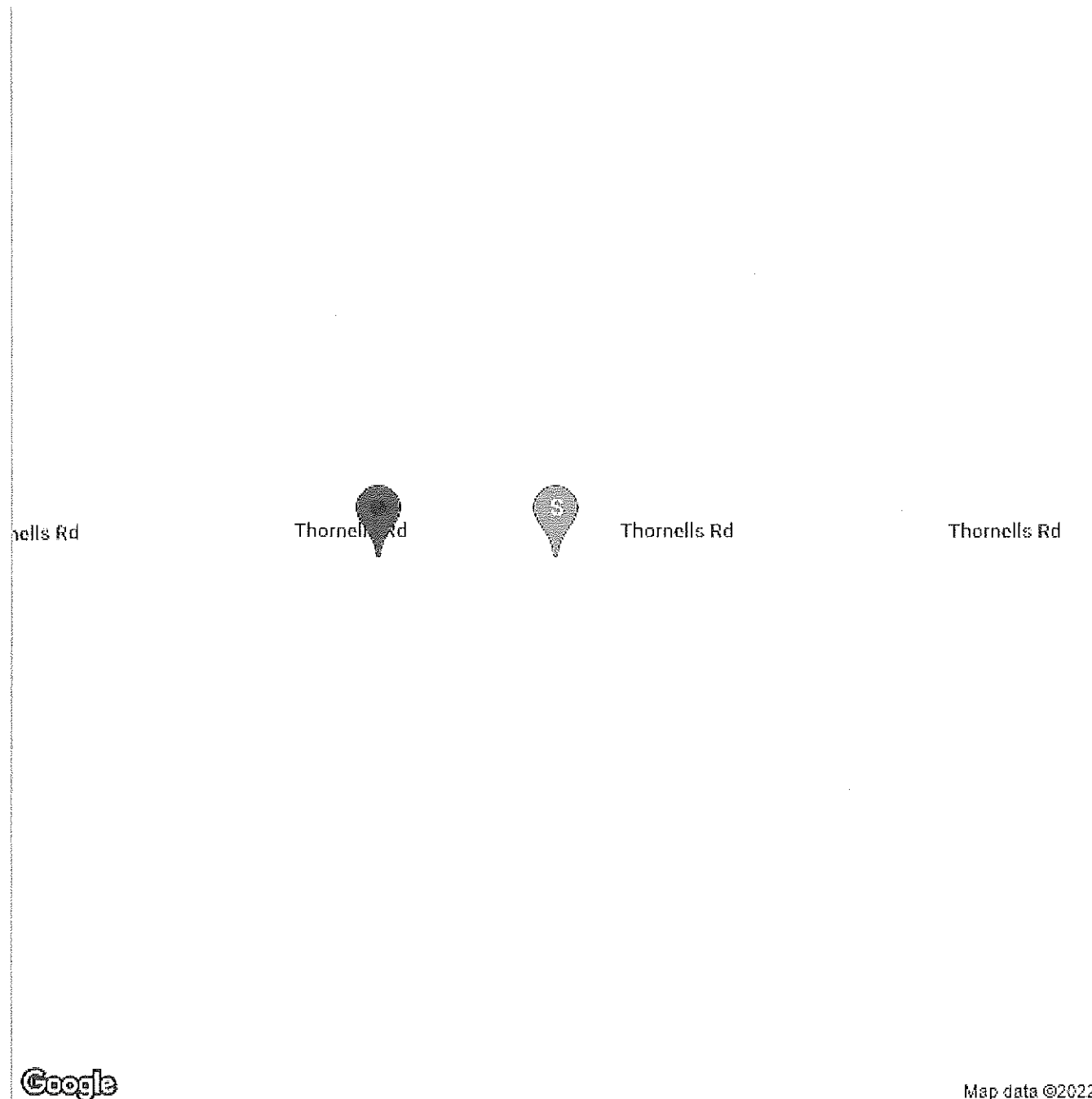
- The person who applied for the permit may apply for review of any condition in the notice of decision to grant a permit. The application for review must be lodged within 60 days of the giving of this notice.

For an objector—

- An objector may apply for review of the decision of the responsible authority to grant a permit. The application for review must be lodged within 28 days of the giving of this notice.
- If there is no application for review, a permit will be issued after 28 days of the giving of this notice.

For all applications for review—

- 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 be served on the responsible authority, each other party and each other person entitled to notice of the application for review under the **Planning and Environment Act 1987** and the **Victorian Civil and Administrative Tribunal Act 1998** within 7 days after lodging the application with the Victorian Civil and Administrative Tribunal.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.



13 THORNELLS ROAD, TYABB VIC 3913

Matter 22/3778 **Council** Mornington Peninsula

 **1**
Applications

 **24/02/2020**
Last Update

 **400m**
Range

Whilst efforts are made to ensure the accuracy of data and the content of Development Application reports, InfoTrack cannot guarantee the accuracy or completeness of information contained therein. Records are currently limited to the first 200 applications based on proximity to the property. By using the Development Application product and Development Application reports, you agree to indemnify InfoTrack (and its related body corporate, directors, officers, agents, employees and contractors) from any claim, action, demand, loss or damages made or incurred directly or indirectly by you or any third party (including all or relating to your conduct, your use of the Development Application product or Development Application reports).

Summary

1

15 Thornells Road
TYABB VIC 3913

Distance100m

Applications1

Thornells Rd

Thornells Rd

Google

Map data ©2022

Details

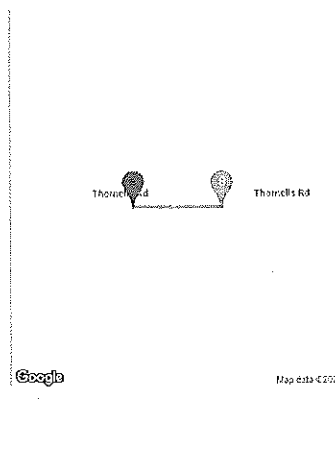
1

15 Thornells Road TYABB VIC 3913

Distance 100m

Applications 1

P20/0274 Use and development of land for a dwelling





All correspondence to:

P.O. Box 139, Somerville 3912
DX 91205, Somerville

Address:

6D Eramosa Road East, Somerville 3912

Email us at:

admin@walshconveyancing.com.au

Phone: 03 5977 5111

Fax: 03 5977 5777

