

PLANNING PERMIT

Permit No.:	PA2504077
Planning scheme:	Mornington Peninsula Planning Scheme
Responsible authority:	Minister for Planning
ADDRESS OF THE LAND:	4, 5, 6, 7, 8 & 10 Woodbyne Crescent and 93 Watt Road, Mornington (Formally described as: Lots 2, 3, 4, 5, 6 and 7 and Reserve 1 on Plan of Subdivision 346179Y)

THE PERMIT ALLOWS:

Planning scheme clause	Matter for which the permit has been granted
32.03-1	Use the land for accommodation (including a retirement village and residential aged care facility)
32.03-4	Buildings and works associated with a Section 2 use
36.02-1	Use the land for accommodation (including a retirement village and residential aged care facility)
36.02-2	Buildings and works associated with a Section 2 use
43.02-2	Buildings and works under the Design and Development Overlay – Schedule 6.
42.02-2	Remove, destroy or lop vegetation
44.01-2	Buildings and works
44.01-3	Remove, destroy or lop vegetation
52.17	Removal of native vegetation

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Compliance with documents approved under this permit

1. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.

Commencement

2. This permit will operate from the issued date of this permit.

Date of issue: 28 April 2026 Signature for the responsible authority:



Early Works and Vegetation Removal

3. Before the development starts, the following plans must be submitted to and approved by the Responsible Authority:
- a) An early works plan showing the extent of demolition, excavation, piling, site preparation works to be completed.
 - b) A vegetation removal and retention plan showing the trees to be removed and the tree protection measures for trees to be retained, in accordance with the Tree Management and Protection Plan (TMPP) in Condition 6.
 - c) A Construction Management Plan (CMP) that identifies measures to be taken to minimise adverse environmental effects of the early works and vegetation removal.
 - d) Evidence of native vegetation offset being secured in accordance with Condition 25-26.

When approved, the plans will be endorsed and will then form part of this permit.

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

Staging and Infrastructure Plan

4. Before the development starts (excluding early works such as demolition, excavation, piling, site preparation works and vegetation removal hereby approved), a Staging and Infrastructure Plan must be submitted to and approved by the responsible authority in consultation with the Mornington Peninsula Shire Council. The Staging and Infrastructure Plan must be prepared to the satisfaction of the responsible authority, be drawn to scale and be generally in accordance with the plans submitted with the application and must include the construction of the drainage basin and associated drainage works within the first stage, the timing of the precinct infrastructure external to the site, and construction of the Council park reserve within an appropriate stage associated with buildings to be occupied, and the proposed temporary treatment and use of vacant land.

The development must proceed in the order of the stages as shown on the endorsed plan(s), unless otherwise agreed to in writing by the Responsible Authority.

Amended Plans

5. Before the developments starts (excluding early works such as demolition, excavation, piling, site preparation works and vegetation removal hereby approved), amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
- a) Pedestrian access through the site that allows for continuous accessible path to walk around the site, notably between residences and activity centre. Additional path locations to be provided:
 - i. Connect the pathway on the eastern side of Woodbyne Crescent to the southern villas east of the retarding basin (to allow for safe pedestrian access across the northern gate).
 - ii. Connect the path north of the lawn bowls to the east-west running path to the eastern



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Form 4

Sections 63, 64, 64A and 86

- council reserve, by a new short path across the front of the adjacent Town House.
- iii. Connect the path around the main building to the access road in the north-west, by a new short path across the front of the corner Villa.
 - iv. Connect the path around the main building to the access road in the south-west, by a new short path across the front of the corner Villa.
 - v. Kerb ramps between path and road must be provided.
- b) Show the existing footpath within Racecourse Road and provide a minimum of two private footpath connections between the development and the existing footpath in Council Reserve (Racecourse Road).
 - c) Provide swept path diagrams for B85 vehicles. This includes Swept path diagrams to demonstrate two cars can drive around bends in opposite directions simultaneously without driving on the incorrect side of the road; and any amendments to the layout required by this condition.
 - d) Parking bay to allow for the provision of a courtesy shuttle bus for the use of residents.
 - e) Provision of intercom button, fob scanner, or similar infrastructure for gates, and backup or independent power supply. The location must be accessible to the drivers side of vehicles, and have clearance to not be hit by vehicles.
 - f) Driveway colours to be 'light-coloured' in accordance with any approved Sustainability Management Plan.
 - g) Residential Aged Care building to provide external shading devices to north-and west-facing windows of the internal courtyard
 - h) Updated design and layout of the stormwater detention basin in in the north-western corner of No. 5 Woodbyne Crescent notating the following:
 - i. Silt trap.
 - ii. The detention volume being capable of retaining a post development 1% Annual Exceedance Probability storm event for the critical storm duration.
 - iii. Discharge from the detention basin being limited to the pre-development flow based on a 20% Annual Exceedance Probability storm event for the critical storm duration.Or Alternatively,
 - iv. If stormwater detention basin and stormwater treatment area cannot be accommodated in the nominated location, alternative private stormwater detention and stormwater treatment systems which satisfy stormwater treatment and the above stormwater detention requirements must be provided to the satisfaction of the Mornington Peninsula Shire.
 - i) Noise mitigation measures for buildings in accordance with the endorsed Acoustic Assessment Report in Condition 31.
 - j) Amended development plans (where applicable) show any design modifications; amended setbacks; special construction methods; or special construction materials; required to comply with the recommendations resulting from the TMPP in Condition 6.
 - k) Retention of Trees 81, 169, 170, 171, and 172G.
 - l) Details of screening for the utility services within the Racecourse Road frontage to be visually



integrated with the development.

- m) Mechanical noise sources such as plant equipment to be located away from bedrooms.

Tree Management and Protection Plan

6. Before the development starts, a Tree Management and Protection Plan (TMPP) prepared by a qualified Arborist (in accordance with Australian Standard AS 4970-2025 Protection of trees on development sites) must be submitted to and approved by the Responsible Authority in consultation with the Mornington Peninsula Shire Council. When approved, the plans will be endorsed and will then form part of the permit. The TMPP must include all retained trees on the subject site, road reserve or adjoining land whose Notional Root Zones (NRZ) fall within the proposed development footprint (including any associated buildings, works, excavation or fencing). and demonstrate that the trees will remain viable during all stages of development. The report must include:

- a) The appointment of a Level 5 Project Arborist;
- b) Where the development encroachment is greater than 20% of the NRZ or within Structural Root Zone of any tree; a Tree Root Investigation must be undertaken to the required depth along the alignment of the encroachment within the NRZ. The location and distribution of roots must be determined through minimally destructive investigation methods (pneumatic, hydraulic, hand digging or ground penetrating radar). Photographs must be taken, and a root map prepared to the satisfaction of the Responsible Authority.
- c) Recommendations for the protection of retained trees, including any design modifications; amended setbacks; special construction methods; or special construction materials; which are required to ensure the retained trees are protected, including those recommended in the Development Impact Assessment prepared by Arbor Survey dated 21 January 2026;
- d) A development design review;
- e) Tree Protection Specifications (TPS) including:
 - i. A description of all tree protection fencing, special construction methods, special construction materials, and tree protection measures; which must be implemented and certified;
 - ii. A Supervision Timetable to ensure Arboricultural oversight during critical stages of the development;
 - iii. A Certification Document using a logical and sequential process; and,
- f) A Tree Protection Plan (TPP) drawn to scale.
- n) Retention of Trees 81, 169, 170, 171, and 172G.

Landscape Plan (Private Realm)

7. Before the use or developments starts (excluding early works such as demolition, excavation, piling, site preparation works and vegetation removal hereby approved), an amended Landscape Plan (Private Realm) must be submitted to and approved by the Responsible Authority in consultation with the Mornington Peninsula Shire. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the landscape plans submitted with the application but modified to show:

- a) A survey (including botanical names) of all existing vegetation to be retained including



Notional Root Zones (NRZ), calculated in accordance with Australian Standard AS 4970-2025 Protection of trees on development sites;

- b) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant;
- c) A range of plant types from ground covers to large shrubs and trees;
- d) Provision of street trees, feature trees, perimeter planting, and mass plantings of the type; species; and in the locations and densities; identified in the Landscape Schematic Package prepared by Site Image Landscape Architects dated January 2026 with the following changes:
 - i. The works "Norminal Rootable Zone" to be replaced with "Notional Root Zone".
 - ii. The species "Eucalyptus viminalis BALLARINENSIS YELLOW GUM" to be replaced with "Eucalyptus viminalis subsp. pryoriana COAST MANNA GUM".
- e) All perimeter planting to be of species indigenous to the local Ecological Vegetation Class (Grassy Woodland);
- f) The delineation of all excavation, garden beds, paving, grassed areas, retaining walls, fences and other landscape works;
- g) All trees must to be installed at a minimum height when planted of 2.0 metres and shrubs installed at a minimum pot size of 150mm.
- h) No trees with a mature height over six (6) meters are to be planted over proposed or existing easements; and
- i) The provision of notes regarding site preparation, planting instructions, plant establishment procedures and any specific maintenance requirements.
- j) Main Building internal courtyard landscaping to align with entry doors.
- k) Deletion of annotation 'Existing Council Services Zone'.
- o) Retention of Trees 81, 169, 170, 171, and 172G.

Stormwater detention and stormwater treatment

8. Before the use or developments starts (excluding early works such as demolition, excavation, piling, site preparation works and vegetation removal hereby approved), a plan and documents for all stormwater detention and stormwater treatment infrastructure must be submitted and approved by the Responsible Authority in consultation with the Mornington Peninsula Shire. When approved, the plan and documents will become endorsed under this permit. These plans and documents must include:
- a) Vehicle swept paths for the stormwater detention area for maintenance vehicles, including cars, trucks, and trailers to these vehicles. The design of all vehicle movements entering and exiting the stormwater detention area must be in a forward direction.
 - b) Vehicle swept paths for maintenance vehicles, including cars, trucks, and trailers to these vehicles, from Woodbyne Crescent to the stormwater detention area.
 - c) Internal roads designed to allow for access of maintenance vehicles from Woodbyne Crescent to the stormwater detention area.
 - d) Batters to be to the satisfaction of the Responsible Authority, and:



- i. No more than 13% or 1 in 7 where the surface is grass or lawn.
 - ii. No more than 25% or 1 in 4 where the surface is landscaped (not grass or lawn).
 - e) A landscape plan for the stormwater detention area.
 - f) Demonstration that the stormwater detention and stormwater treatment infrastructure are in accordance with the approved Hydrological Report.
 - g) Demonstration that the stormwater detention and stormwater treatment infrastructure are designed to serve Lots 1-11 and reserves on Plan of Subdivision 346179Y.
 - h) Gate access to the stormwater detention area and deletion of bollards.
 - i) A maintenance program for the ongoing maintenance stormwater detention area.
 - j) Alternatively, if the stormwater detention basin and stormwater treatment area cannot be accommodated in the nominated location, alternative stormwater detention and stormwater treatment systems which satisfy stormwater treatment requirements for Lots 1-11 and reserves on Plan of Subdivision 346179Y must be provided to the satisfaction of the Responsible Authority.
9. Vehicle access to the stormwater detention area must allow for internal road movements and maintenance vehicle manoeuvring, to the satisfaction of the Mornington Peninsula Shire.
10. The stormwater treatment and detention area to be in conformity with the Melbourne Water guidelines.
11. The stormwater detention and stormwater treatment infrastructure approved by the Mornington Peninsula Shire and included in the endorsed stormwater detention and stormwater treatment infrastructure plans and documents must be constructed, managed and maintained to the satisfaction of the Mornington Peninsula Shire. The details of the stormwater detention and stormwater treatment infrastructure must not be altered from the details in the endorsed stormwater management plan without the written consent of the Mornington Peninsula Shire.

Section 173 Agreement – Drainage reserve

12. Before the use or development starts (excluding early works such as demolition, excavation, piling, site preparation works and vegetation removal hereby approved) or other time agreed to in writing by the Responsible Authority in consultation with the Mornington Peninsula Shire, the owner of the land must enter into an agreement with the Mornington Peninsula Shire, pursuant to Section 173 of the Planning and Environment Act 1987. This agreement must provide for:
- a) The stormwater detention and stormwater treatment infrastructure to be designed, constructed and maintained in accordance with the approved plans for the infrastructure.
 - b) The stormwater detention and stormwater treatment infrastructure designed to serve Lots 1-11 and reserves on Plan of Subdivision 346179Y.
 - c) The construction of the stormwater detention and stormwater treatment infrastructure to the satisfaction of Mornington Peninsula Shire to be completed prior to the occupation of the approved dwellings in the relevant stage.
 - d) The construction of the stormwater detention and stormwater treatment infrastructure to the satisfaction of Mornington Peninsula Shire, prior to the vesting of the land in favour of Council.
 - e) The maintenance of the stormwater detention and stormwater treatment infrastructure and landscaping to the satisfaction of Mornington Peninsula Shire for a period of 12 months after completion of works approved under this permit and until the land is vested in favour of



Council.

- f) Prior to the vesting of the stormwater detention and stormwater treatment infrastructure to Council, a carriageway easement or the like created to provide for access to the stormwater detention and stormwater treatment infrastructure area by relevant authorities.

Condition 12 a) to f) do not apply if an alternate stormwater detention basin is being provided under Condition 8 (j).

The agreement may provide that the agreement will end in accordance with Section 177 of the Planning and Environment Act 1987 upon achieving compliance with requirements.

The owner of the land must pay all of the Mornington Peninsula Shire's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.

13. Before the use or developments starts (excluding early works such as demolition, excavation, piling, site preparation works and vegetation removal hereby approved), a Hydrological Report prepared by a suitably qualified and experienced Engineer for the proposed development, which also includes the consideration of all external flows and recommendations for any changes to existing drainage network. The report should use an analysis method to the satisfaction of the Mornington Peninsula Shire and a copy of the hydrological report lodged with the Mornington Peninsula Shire.
14. Before the use or developments starts (excluding early works such as demolition, excavation, piling, site preparation works and vegetation removal hereby approved), a Hydrological Peer Review Report prepared by a suitably qualified and experienced Hydrology Engineer for the proposed development, which also includes the consideration of all external flows and recommendations for any changes to existing drainage network, which must be amended if required to the written satisfaction of the Peer Reviewer. A copy of the Peer Review Report/s amended Flood Modelling Report/s which may arise as a result of the Peer Review Report/s, and written confirmation from the Peer Reviewer that they are now satisfied with the Flood Modelling Report/s, all lodged with the Mornington Peninsula Shire.
15. After the endorsement of development plans and before the use or developments starts (excluding early works such as demolition, excavation, piling, site preparation works and vegetation removal hereby approved), a signed and completed 'Checklist for Development Engineering Plan Approval' along with engineering plans to the satisfaction of the Mornington Peninsula Shire must be submitted to and approved by the Mornington Peninsula Shire. The plans must be drawn to scale with dimensions and shall be emailed to devengadmin@mornpen.vic.gov.au in pdf format.

The plans must show:

- a) All areas of the development being drained by means of an underground drainage system to retain a post-development 1% Annual Exceedance Probability (AEP) storm event for the critical storm duration. Discharge from the site must be limited to an equivalent pre-development flow based on a 20% AEP storm event for the critical storm duration and be connected to the existing underground drainage system within the rear of property No 12 Katherine Court.
- b) If the stormwater detention basin cannot be provided, an alternative means of detention within the development is to be provided and approved by the Responsible Authority in consultation with Mornington Peninsula Shire.
- c) The internal road network to convey overland flow paths towards the underground drainage within the rear of property No 12 Katherine Court.



Protection of Sun Orchids

16. Prior to the commencement of any demolition, building or works, or vegetation removal, appropriate exclusion fencing, must be erected at a distance of at least 2 metres outside the surveyed location of the Sun Orchids (identified as GW7 in the Biodiversity Assessment prepared by Ecology & Heritage Partners dated November 2025) to form a NO GO ZONE to the satisfaction of the Mornington Peninsula Shire. The fencing must remain in place until the completion of any works hereby approved. Within the No Go Zone the following activities are prohibited unless shown on the endorsed plans or approved in writing by the Responsible Authority:
- a) Excavation, cultivation or disturbance of the soil, including scraping of the surface.
 - b) Equipment and material storage.
 - c) Preparation of chemicals, including preparation of cement products.
 - d) Movement or parking of vehicles and plant.
 - e) Dumping of waste.
 - f) Spreading or stockpiling of fill.
 - g) Refuelling.
 - h) Washing down and cleaning of equipment or hard surfaces.
 - i) Fires.
 - j) Physical damage to the vegetation.

Protection of Fauna

17. Prior to the removal of the vegetation, the site/trees(s) must be inspected for signs of habitation by fauna. If wildlife is present when removing vegetation, only a suitably qualified wildlife handler or zoologist can handle wildlife to ensure it is not harmed.

Vegetation Removal

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

Landscaping

20. Prior to the occupation of any stage of development (or otherwise agreed to in writing by the Responsible Authority) the landscaping works shown on the endorsed plans must be carried out and completed for that stage to the satisfaction of the Mornington Peninsula Shire. The landscaping must be maintained to the satisfaction of the Mornington Peninsula Shire, including that any dead, diseased or damaged plants are to be replaced as soon as practicable.

Tree protection

21. Prior to the commencement of any demolition, excavation or works, or vegetation removal; and during all stages of development, the Tree Protection Zones (TPZ), tree protection fencing, recommendations, special construction methods; special construction materials; and tree protection measures; identified in the approved Tree Protection and Management Plan (TPMP); must be implemented, complied with, and certified; to the satisfaction of the Mornington Peninsula Shire. A final certified copy of the Tree Protection Plan demonstrating that compliance



with the plan has been implemented and achieved must be prepared and made available at the reasonable request of a statutory authority.

22. Any underground services must be installed outside the Notional Root Zone (NRZ) of any retained trees (unless shown on the approved plans) or installed by directional boring outside of the Structural Root Zone (SRZ); and at a minimum depth of 600mm; unless with the written permission of the Mornington Peninsula Shire and by using non-destructive excavation techniques (methods pneumatic, hydraulic, hand digging or similar); under the direct supervision of a Level 5 (AQF) Arborist; and in accordance with any requirements of the Mornington Peninsula Shire.
23. The owner and occupier of the site must ensure that, prior to the commencement of buildings and works, all contractors and tradespersons operating on the site are advised of the status of trees to be retained and are advised of any obligations in relation to the protection of those trees.
24. No trenching or soil excavation is to occur within the Notional Root Zone (NRZ) of retained trees during development unless shown on the endorsed plans, without the prior written consent of the Mornington Peninsula Shire.

Offset requirement

25. To offset the removal of 0.084 hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DEECA 2025) as specified below:
 - a) A general offset of 0.023 general habitat units:
 - i. located within the Port Phillip and Westernport CMA boundary or Mornington Peninsula Shire municipal district
 - ii. with a minimum strategic biodiversity score of at least 0.251.
26. Before any native vegetation is removed, evidence that the required offset has been secured must be provided to the satisfaction of the responsible authority. This evidence is one or both of the following:
 - a) 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 and/or
 - b) credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
27. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Energy, Environment and Climate Action (DEECA).
28. 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.

Environmental Health

29. The emission of noise from the development hereby permitted shall not exceed the noise limits determined in accordance with EPA publication 1834.1, Civil construction, building and demolition guide or any subsequent revision of this publication or EPA regulations.



30. The emission of noise from the use hereby permitted shall not exceed the noise limits determined in accordance with EPA publication 1826.5, Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues (Noise Protocol) or any subsequent revision of this publication or EPA regulations.
31. The noise mitigation strategies must be undertaken in accordance with “Woodbyne Crescent, Mornington Revised Planning Application Acoustic Assessment” dated 13 November 2025, Report R01 Rev1 25051, prepared by Clarity Acoustics, or as amended.

Noise Assessment Reports

32. Before the occupation of the relevant stage of development, Noise Assessment Report(s) are to be submitted to and approved by the Mornington Peninsula Shire. The Noise assessment report must:
 - a) Be prepared to the satisfaction of the Mornington Peninsula Shire.
 - b) Be prepared by a suitably qualified acoustic expert.
 - c) Demonstrate that noise emissions of the Industrial Zone comply with the noise limits determined to be applicable at the nearest noise sensitive areas (including but not limited to dwellings), in accordance with the conditions of this Planning Permit.
 - d) Noise generated from within the Industrial Zone must not be audible within the habitable rooms with windows closed of any nearby dwellings in accordance with the requirements of the Environment Protection Regulations 2021 (as amended from time to time).
 - e) Assess and nominate maximum noise limits applicable to each of the identified noise sensitive areas.
 - f) Detail noise mitigation measures to address noise emissions from the Industrial Zone.
 - g) The set maximum noise level is to be complied within all prevailing weather conditions.
 - h) Be provided to the Mornington Peninsula Shire:
 - i. Prior to the dwellings being occupied.
 - ii. Within 21 days on request by Mornington Peninsula Shire thereafter.

Any amendments to the approved use and development as shown on the endorsed plans to ensure compliance with this condition must be with the prior written consent of the Mornington Peninsula Shire.

33. Confirmation must be submitted to Mornington Peninsula Shire within 10 business days of a Noise Assessment Report confirming that any acoustic treatments recommended in the submitted report have been installed.
34. Air-conditioning, external fans or other like plant equipment as shown on the endorsed plans must be installed, screened, baffled, and maintained to prevent loss of amenity to the area by its appearance, noise emission or otherwise to the satisfaction of the Responsible Authority.
35. The amenity of the area must not be detrimentally affected by the use or development, through the:
 - a) Transporting materials, goods, or commodities to and from the land.
 - b) The appearance of any buildings, works, or materials.
 - c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.



36. All security alarms or similar devices installed on the land must be of a silent type approved by the Standards Association of Australia and be connected to a registered security service to the satisfaction of the Mornington Peninsula Shire.

Waste management and collection

37. Waste management and collection must be carried out in accordance with the requirements of the endorsed Waste Management Plan prepared by Ratio dated 12 November 2025 to the satisfaction of the Mornington Peninsula Shire.

Environmentally Sustainable Development

38. The use and development must be undertaken in accordance with the endorsed Sustainable Management Plan (SMP) to the satisfaction of the Responsible Authority except where alterations to stormwater management and detailed drainage design (including STORM/MUSIC reports) are approved under this permit, and the approved uses and building must operate in accordance with this Plan, to the satisfaction of the Responsible Authority. No alterations to the SMP may occur without the written consent of the Responsible Authority.

Development Engineering

39. Prior to the commencement of works (excluding early works such as demolition, excavation, piling, site preparation works and vegetation removal hereby approved), to the satisfaction of Mornington Peninsula Shire, demonstration that the existing pipe network (at each catchment connection point into that network) up to the discharge point can cater for the 20% post development AEP storm event for the entire catchment (as defined by catchment A, B, C, D & E in the submitted Stormwater Management Strategy prepared by DPM Civil Engineering dated 22 January 2026).
40. To the satisfaction of Mornington Peninsula Shire, upgrading of any existing pipe network (at each catchment connection point into that network) to cater for the 20% post development AEP storm event for the entire catchment (as defined by catchment A, B, C, D & E in the submitted Stormwater Management Strategy prepared by DPM Civil Engineering dated 22 January 2026).
41. Prior to the commencement of works (excluding early works such as demolition, excavation, piling, site preparation works and vegetation removal hereby approved), to the satisfaction of Mornington Peninsula Shire, demonstration of the 1% AEP post development gap flow along the existing pipe network (at each catchment connection point into that network) being catered for overland flow path. Allowance must be made for these gap flows in the development proposal.
42. Prior to the commencement of works (excluding early works such as demolition, excavation, piling, site preparation works and vegetation removal hereby approved), alignment of all replacement Council stormwater pipes to the satisfaction of the Mornington Peninsula Shire.
43. After the endorsement of development plans and before the use or development starts (excluding early works such as demolition, excavation, piling, site preparation works and vegetation removal hereby approved), a signed and completed 'Checklist for Development Engineering Plan Approval' along with engineering plans to the satisfaction of the Mornington Peninsula Shire must be submitted to and approved by the Mornington Peninsula Shire. The plans must be drawn to scale with dimensions and shall be emailed to devengadmin@mornpen.vic.gov.au in pdf format. The plans must show:
- a) Design and alignment of all replacement Council stormwater pipes to the satisfaction of the Mornington Peninsula Shire.
 - b) Floor levels of proposed dwellings and buildings determined by the flood modelling.



- c) All surface areas of private open spaces being drained by a minimum 150 mm diameter drainage pipe connected to the storm water system.
- d) A drainage system on the site being designed to ensure storm water runoff exiting the site meets the current best practice performance objectives for stormwater quality, as contained in the Urban Stormwater Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).
- e) A drainage surcharge route within the development to avoid inundation of any dwellings.
- f) Details, including levels of the car parks and driveways within the site.
- g) Details, including levels of all roads, footpaths external to the site and links within the site and intersections of Watt Road.
- h) Footpaths on the road reserve of the below.
 - i. Eastern side of Woodbyne Crescent between Watt Road footpath and access.
 - ii. Eastern side of Woodbyne Crescent, connecting the paths north and south of the park reserve.
 - iii. Northern side of Albany Way, connected to existing path to Katherine Court.

Footpaths referred to in this condition must:

- Be designed and located to not impact retained vegetation.
 - Provide kerb ramps between footpath and road.
 - Be 2.00 metre wide exposed aggregate concrete.
- i) The existing footpath along the northern side of Watt Road between Racecourse Road and the south-western corner of 3 Albany Way being replaced with a 3.00 metre wide exposed aggregate concrete footpath.
 - j) Details of line marking for the visitor parking spaces within the development.
 - k) The reinforced concrete vehicle crossings being a minimum width of 6.1 metres at the property boundary.
 - l) The design of all vehicle movements entering and exiting the property being in a forward direction.
 - m) Reinforced concrete vehicular crossings in Woodbyne Crescent to Mornington Peninsula Shire standards, with any redundant vehicle crossings and vehicle laybacks being removed and replaced with kerb and channel, including reinstatement of the nature strip fronting the site.
 - n) Sight distance for vehicles and pedestrians not being unduly restricted at the exit from site by fencing or landscaping works.
 - o) The removal from the subject land of any excess excavated material from all construction within the site.
 - p) Any existing open drainage channels being drained, cleaned out and filled to the satisfaction of the Mornington Peninsula Shire. On completion of the filling, the standard of compaction which has been achieved must be to the satisfaction of the Mornington Peninsula Shire.
 - q) Notional Root Zones (NRZs) and Tree Protection Zones (TPZs) impacted by the works, or as shown on any other development plans and documents.
 - r) Drainage works designed to avoid NRZs and TPZs where possible.



- s) Proposed methodologies for complying with AS4970-2005 (Protection of trees on development sites) for any works that are required within NRZs and TPZs.
44. 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) MUSIC Report.

Construction Management Plan

45. Before the use or developments starts (excluding early works such as demolition, excavation, piling, site preparation works and vegetation removal hereby approved), a project-specific Major Construction Management Plan (CMP) must be submitted and approved by the Responsible Authority. This CMP is to be based on the standard Major CMP template found on the Mornington Peninsula Shire's website. When approved, the CMP will be endorsed and form part of the Planning Permit. The endorsed CMP must be implemented to the satisfaction of the Mornington Peninsula Shire prior to, and during the works.

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

Traffic Management Plan

46. Before the use or developments starts (excluding early works such as demolition, excavation, piling, site preparation works and vegetation removal hereby approved), a project specific Traffic Management Plan (TMP) must be submitted to and approved by the Responsible Authority in consultation with the Mornington Peninsula Shire. The TMP must then be implemented to the satisfaction of the Mornington Peninsula Shire prior to and during construction of the development works.

Drainage works

47. Before internal drainage works commence, all external drainage works must be completed in accordance with approved engineering plans, and to the satisfaction of the Mornington Peninsula Shire.
48. Before the occupation of the development or any stage of development, all drainage works associated with the development must be constructed in accordance with approved engineering plans, and to the satisfaction of the Mornington Peninsula Shire.
49. 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 from time to time, for the time period specified in Condition 12 of this permit.

The owner must not modify the on-site storm water detention and treatment system without prior written approval from the Mornington Peninsula Shire.

Vehicle access, driveways and parking areas

50. Before the occupation of the relevant stage of development, vehicle crossings and areas set aside for the parking of vehicles and driveways as shown on the endorsed plans must be



constructed in accordance with approved engineering plans, surfaced with reinforced concrete and drained to the satisfaction of the Mornington Peninsula Shire.

51. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
52. All disused or redundant vehicle crossings must be removed and the area reinstated with nature strip, kerb and channel, and footpath to the satisfaction of the Mornington Peninsula Shire.
53. Before the use starts, a sign/signs must be provided directing drivers to the area(s) set aside for car parking to the satisfaction of the Mornington Peninsula Shire. The area of each sign must not exceed 0.3 square metres. At all times, the sign/signs must be located and maintained to the satisfaction of the Mornington Peninsula Shire.
54. The loading and unloading of goods from vehicles must only be carried out on the land and must not disrupt the circulation and parking of vehicles on the land, to the satisfaction of the Mornington Peninsula Shire.

Section 173 Agreement – Precinct Infrastructure

55. Before the use or development starts (excluding early works such as demolition, excavation, piling, site preparation works and vegetation removal hereby approved) or other time agreed to in writing by the Responsible Authority, the owner of the land must enter into an agreement with the Mornington Peninsula Shire, pursuant to Section 173 of the Planning and Environment Act 1987. This agreement must provide for:

- a) Footpaths on the road reserve of the below.
 - i. Eastern side of Woodbyne Crescent between Watt Road footpath and access.
 - ii. Eastern side of Woodbyne Crescent, connecting the paths north and south of the park reserve.
 - iii. Northern side of Albany Way, connected to existing path to Katherine Court.

Footpaths referred to in this condition must:

- Be designed and located to not impact retained vegetation.
 - Provide kerb ramps between footpath and road.
 - Be 2.00 metre wide exposed aggregate concrete.
- b) The existing footpath along the northern side of Watt Road between Racecourse Road and the south-western corner of No. 3 Albany Way being replaced with a 3.00 metre wide exposed aggregate concrete footpath.
 - c) All works requested in the Section 173 Agreement to be completed prior to the occupation of the relevant stage of the development, and be to the satisfaction of the Mornington Peninsula Shire.

The agreement may provide that the agreement will end in accordance with Section 177 of the Planning and Environment Act 1987 upon achieving compliance with requirements.

The owner of the land must pay all of the Mornington Peninsula Shire's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.

Section 173 Agreement – Council park reserve

56. Before the use or development starts (excluding early works such as demolition, excavation, piling, site preparation works and vegetation removal hereby approved) or other time agreed to in writing by the Responsible Authority in consultation with the Mornington Peninsula Shire, the



owner of the land must enter into an agreement with the Mornington Peninsula Shire, pursuant to Section 173 of the Planning and Environment Act 1987. This agreement must provide for:

- a) Council entering a contract of sale for approximately 1,627 square metre (sqm) of Reserve No. 1 on PS346179 and vesting of alternate public open space in Council. The contract of sale and vesting of alternate public open space in Council must be to the satisfaction of Council as landowner.
- b) The Council park reserve to be designed, constructed and maintained in accordance with approved plans for the reserve.
- c) The construction of the Council park reserve to the satisfaction of Mornington Peninsula Shire to be completed, prior to the vesting of the land in favour of Council.
- d) The maintenance of the Council park reserve to the satisfaction of Mornington Peninsula Shire for a period of 12 months after completion of works approved under this permit and until the land is vested in favour of Council.

The owner of the land must pay all of the Mornington Peninsula Shire's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.

Public Realm Plan

57. Before the use or developments starts (excluding early works such as demolition, excavation, piling, site preparation works and vegetation removal hereby approved), a detailed public realm plan for all road reserves and drainage reserves (where applicable) must be submitted to and approved by the Mornington Peninsula Shire. The plans must show:

- a) Details of surface treatments and dimensions of all footpaths.
- b) The location of retained vegetation and all vegetation to be planted within road reserves and drainage reserves.
- c) A planting schedule of all proposed street tree and trees, shrubs and ground covers within reserves, including botanical names, common names, pot sizes, sizes at planting, sizes at maturity and quantities of each plant.
- d) The proposed location, materials, finishes, suppliers, details, and final set out of pavement, structures and street furniture, with these items provided to Council's specifications.
- e) Appropriate fencing provided to reserves with location, height and type of fencing detailed.
- f) Standard 150 mm square timber bollards at 1.50 metre maximum centres to prevent vehicular access to all drainage and public open space reserves, with removable timber bollards to provide access for maintenance vehicles.

58. Prior to the occupation of the relevant stage of development (excluding early works such as demolition, excavation, piling, site preparation works and vegetation removal hereby approved), the public realm works shown on the endorsed Public Realm Plans must be constructed to the satisfaction of the Responsible Authority.

Council Park reserve

59. Before the use or developments starts (excluding early works such as demolition, excavation, piling, site preparation works and vegetation removal hereby approved) or other time agreed to in writing by the Responsible Authority, a detailed plan for the Council park reserve must be submitted to and approved by the Mornington Peninsula Shire. The plans must show:

- g) Details of surface treatments and dimensions of all footpaths.



- h) The location of retained vegetation and all vegetation to be planted within adjacent road reserves and public open space reserves.
 - i) A planting schedule of all proposed street tree and trees, shrubs and ground covers within reserves, including botanical names, common names, pot sizes, sizes at planting, sizes at maturity and quantities of each plant.
 - j) The proposed location, materials, finishes, suppliers, details, and final set out of pavement, structures and street furniture, with these items provided to Council's specifications.
 - k) The provision of park furniture (playground equipment, picnic tables, seats, paths, and bike rack, and other features) and playground equipment to the satisfaction of the Mornington Peninsula Shire and to Council specifications.
 - l) Appropriate fencing provided to reserves with location, height and type of fencing detailed.
 - m) Standard 150 mm square timber bollards at 1.50 metre maximum centres to prevent vehicular access to all public open space reserves, with removable timber bollards to provide access for maintenance vehicles.
 - n) Council park reserve public open space to be a minimum of 1627 square metres.
 - o) Fencing between the Council park reserve and private land to be transparent to enable passive surveillance.
60. Prior to the occupation of the relevant stage of development that has the first direct interface with the Council park reserve (excluding early works such as demolition, excavation, piling, site preparation works and vegetation removal hereby approved), the Council park reserve shown on the endorsed detailed plans for the Council park reserve must be constructed to the satisfaction of the Mornington Peninsula Shire.

Lighting Management Plan

61. Before the use or developments starts (excluding early works such as demolition, excavation, piling, site preparation works and vegetation removal hereby approved), a detailed Lighting Management Plan, by a suitably qualified lighting professional, must be submitted to and approved by the Responsible Authority. When approved, the Lighting Management Plan will be endorsed and will then form part of the permit. The Lighting Management Plan must include:
- a) The layout and location of all outdoor lights, to provide adequate lighting of parking areas, accessways and pedestrian pathways.
 - b) The type, height and colour of light poles to be utilised in the development.
 - c) Outdoor lighting designed, baffled and located to prevent any adverse effect on adjoining land.
 - d) Lights to be designed to minimise energy use while complying with standards.
62. Prior to the occupation of the development or any stage of development, external lighting shown on the Lighting Management Plan must be installed and operational to the satisfaction of the Responsible Authority.
63. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.

Section 173 agreement – Affordable Housing

64. Before the use or development of the land begins, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land, the owner of the land must enter



into an agreement with the responsible authority under section 173 of the Act, in a form to the satisfaction of the responsible authority, that provides for a contribution towards affordable housing (affordable housing contribution) in the following manner:

- a) At least 10 per cent of the total number of dwellings in the development must be provided as affordable housing for sale or lease to a registered housing agency or to Homes Victoria. The details of when and how the affordable housing will be delivered and the total value of the affordable housing contribution must be set out in the agreement. The affordable housing dwellings provided should be representative of the approved dwelling mix to the satisfaction of the responsible authority; or
- b) An alternative contribution (3%) towards the provision of affordable housing must be provided to the satisfaction of the responsible authority. The details of when and how the alternative contribution is to be made and the total value of the affordable housing contribution must be set out in the agreement.

The landowner must pay the responsible authority's reasonable costs of the preparation, execution, registration and ending of the section 173 agreement (where applicable).

Retirement Village

65. The retirement village must be operated and managed in accordance with the *Retirement Villages Act 1986* (or relevant superseded legislation) unless otherwise agreed in writing by the Responsible Authority.

Expiry

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

- a) The development is not started within five (5) years of the issued date of this permit.
- b) The development is not completed within seven (7) years of the issued date of this permit.
- c) The use does not start within two (2) years of completion of the development.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

PERMIT NOTES:

- Prior to undertaking any vegetation removal works on the road reserve a permit to 'Undertake Works within a Road Reserve-Landscaping/Tree Removal' is required in compliance with the Mornington Peninsula Shire's 'Private Works on Nature Strips & Road Reserves Policy'. An Application Form is available on the internet at Nature Strip Landscaping Permit - Mornington Peninsula Shire (mornpen.vic.gov.au)
- A profile and list of plant species for each local Ecological Vegetation Class can be found on the Mornington Peninsula Shire website at Plants of the Peninsula - Mornington Peninsula Shire (mornpen.vic.gov.au)
- All wildlife in Victoria is protected under the Wildlife Act 1975 (Wildlife Act). Prior to removal of vegetation landholders are advised to determine whether a Wildlife Act authorisation is required. For further information please visit <https://www.vic.gov.au/wildlife-licences-and-permits>.
- If wildlife is present when removing vegetation, only a suitably qualified wildlife handler or zoologist can handle wildlife to ensure it is not harmed. If displaced wildlife cannot be



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relocated on site to an appropriate location away from the construction footprint, or injured wildlife is captured, please contact DEECA on 136 186 for further advice.

- Endorsed copies of offset evidence should be sent to the Department of Energy, Environment and Climate Action (DEECA) Port Philip Region Planning and Approvals Team at ppr.planning@delwp.vic.gov.au.



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IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit

CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

The responsible authority may amend this permit under Division 1A of Part 4 of the **Planning and Environment Act 1987**.

WHEN DOES A PERMIT BEGIN?

A permit operates:

- from the date specified in the permit; or
- if no date is specified, from—
 - i. the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
 - ii. the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
 - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation, within five years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if—
 - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
 - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
 - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—
 - the use or development of any stage is to be taken to have started when the plan is certified; and
 - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on the relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must also be served on the responsible authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

Date of issue: 28 April 2026 Signature for the responsible authority:

