

Planning and Environment
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

PLANNING PERMIT

Permit No.:	PA2303198
Planning scheme:	Mornington Peninsula Planning Scheme
Responsible authority:	Minister for Planning
ADDRESS OF THE LAND:	1, 1A, 3 & 5 Lumeah Road Somerville & 4 Yaringa Road Somerville (Crown Allotments 29B and 31B Parish of Tyabb, Lot 1 on Plan of Subdivision 42406Q, and Lots 9 & 12 on Plan of Subdivision 053675)

THE PERMIT ALLOWS:

Planning scheme clause No.	Description of what is allowed
37.01-1	Use of the land for industry (boat manufacturing)
37.01-4	Construct a building or construct or carry out works
42.01-2	Construct a building or construct or carry out works
44.01-2	Construct a building or construct or carry out works
44.04-2	Construct a building or to construct or carry out works
44.06-2	Construct a building or to construct or carry out works
52.05-13	Construct and display a business identification sign & pole sign
52.06-3	Reduction to the car parking requirements
52.34-2	Vary a requirement of Clause 52.34-5 and 52.34-6
52.17-1	Removal of native vegetation

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Compliance with documents approved under this permit

Date issued: 25 February 2026 Signature for the responsible authority:



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.

Approved and endorsed staging plan

3. Within three months of the issued date of the permit and before the use (including interim use of the land at 3 Lumeah Road), and development starts, including demolition, vegetation removal, bulk excavation and site preparation works, a staging plan must be submitted to the responsible authority. The staging plan must be approved and endorsed by the responsible authority and prepared to the satisfaction of the responsible authority, drawn to scale and be generally in accordance with the Development Summary Plan (A0.4) prepared by Alfano Studio and must include the following:
 - a) The staging for all demolition and vegetation removal, completion of buildings and works, including the removal of any temporary buildings and works;
 - b) Identification all temporary buildings and works and at which stage they will be removed; and
 - c) Delineation of the extent of the site that is to be utilised in conjunction with the use at each stage.

Approved and endorsed plans – 3 Lumeah Road Interim use

4. Within three months of the issued date of the permit and before the use and development of the land at 3 Lumeah Road, Somerville starts, amended development plans must be submitted to the responsible authority. The amended plans must be approved and endorsed by the responsible authority and generally in accordance with the architectural plans prepared by Alfano Studio and dated 2 October 2025 but modified to show:
 - a) All existing and proposed hard surfaces associated with the use of the land at 3 Lumeah Road, including dimensions.
 - b) A temporary gravel carpark south of the southern warehouse to accommodate parking for 50 cars.
 - c) The boat and vehicle access areas required at 3 Lumeah Road, including to move boats through the site to the proposed 1 and 1A Lumeah Road access road, including dimensions and details of the surface treatment.
 - d) Any proposed increase in height to the western warehouse's northern elevation door compared to existing conditions.
 - e) Any changes required as a result of Melbourne Water's conditions.
 - f) Any changes required as a result of the endorsed Landscape Plan for this stage.
 - g) Any changes required as a result of the endorsed Acoustic Report for this stage.
 - h) Any changes required by the endorsed Traffic and Parking Management plan for this stage.
 - i) Any changes required by the endorsed Waste Management Plan for this stage.



- j) Any changes as a result of the endorsed Site Servicing Report for this stage.

Approved and endorsed plans – all other stages

5. Before any other stage of the use and development (excluding the interim use at 3 Lumeah Road), Somerville starts, amended development plans must be approved and endorsed by the responsible authority. The amended plans must be generally in accordance with the architectural plans prepared by Alfano Studio and dated 2 October 2025 but modified to show:
- a) The permanent layout and buildings and works at 3 Lumeah Road to be used in conjunction with the use.
 - b) The title of fence elevation 3 on plan A0.22 to accurately reference the land it applies to.
 - c) The 'Extent of Fencing' plan on A0.22 to dimension the length of each fencing type on the Lumeah Road and Yaringa Road frontages.
 - d) The width of the Yaringa Road vehicle access and gate reduced to the minimum width required to facilitate emergency vehicle access, with any reduction to the vehicle gate to include a reduction to the steel picket fence section.
 - e) The width of the 5 Lumeah Road vehicle access reduced to the minimum necessary to facilitate access by a medium rigid vehicle (8.8 metres long).
 - f) Any changes required as a result of Melbourne Water's conditions.
 - g) Any changes required as a result of the endorsed Landscape Plan for this stage.
 - h) Any changes required as a result of the endorsed Sustainability Management Plan for this stage.
 - i) Any changes required as a result of the endorsed Stormwater Management Plan for this stage.
 - j) Any changes required as a result of the endorsed Acoustic Report for this stage.
 - k) Any changes as a result of the endorsed Traffic and Parking Management Plan for this stage.
 - l) Any changes required as a result of the endorsed Waste Management Plan for this stage.
 - m) Any changes required as a result of the endorsed Site Servicing Report for this stage.
 - n) Any changes required a result of the endorsed Bushfire Management Plan.

Layout not altered

6. The use and development as shown on the endorsed plans must not be altered (unless the Mornington Peninsula Planning Scheme specifies that a permit is not required) without the prior written consent of the responsible authority.

Landscape Plan – 3 Lumeah Road Interim Use



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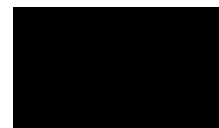
Sections 63, 64, 64A and 86

7. Concurrent with the endorsement of plans for this stage a landscape plan must be approved and endorsed by the responsible authority. The landscape plan must be prepared to the satisfaction of the responsible authority and must include the following:
- a) Any changes to ensure consistency with the endorsed plans for this stage.
 - b) A survey of all existing vegetation to be retained and/or removed for 3 Lumeah Road, including vegetation previously removed from site.
 - c) Additional vegetation within the 3 Lumeah Road frontage capable of screening the western warehouse, Dome 1 and Stack 1 from the public realm which is to be of the EVC 48 (Heathy Woodland) or other appropriate native species.
 - d) Details of surface finishes of pathways, vehicle access ways and other hardstand surfaces.
 - e) 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.
 - f) The defendable space and vegetation management requirements in accordance with Clause 53.02 (Bushfire Planning) of the Mornington Peninsula Planning Scheme and the endorsed Bushfire Management Report.

Landscape Plan – Overall use and development

8. Concurrent with the endorsement of plans for the overall use and development, a landscape plan must be approved and endorsed by the responsible authority. The landscape plan must be prepared to the satisfaction of the responsible authority and be generally in accordance with the landscape plan prepared by MDG Landscape Architects and dated 9 July 2025 and must include the following:
- a) Any changes to ensure consistency with the endorsed plans.
 - b) Include the land at 3 Lumeah Road that forms part of the use and development.
 - c) A survey of all existing vegetation to be retained and/or removed, including vegetation previously removed from site.
 - d) The layout of landscaping and planting within all open areas and abutting property boundaries.
 - e) Details of surface finishes of pathways, vehicle access ways and other hardstand surfaces.
 - f) 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.
 - g) All species planted within open space and perimeter landscape buffer areas to be predominantly from the EVC 48 (Heathy Woodland).
 - h) The extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site.

Date issued: 25 February 2026 Signature for the responsible authority:



- i) The defensible space and vegetation management requirements in accordance with Clause 53.02 (Bushfire Planning) of the Mornington Peninsula Planning Scheme and the endorsed Bushfire Management Report.
- j) Any planting within the pedestrian visibility splay of the 5 Lumeah Road access way's exit lane to not exceed 900mm at maturity.

Landscaping completion

9. Unless with the prior consent of the responsible authority, before each stage of the development is occupied, the landscaping shown on the approved landscape plan must be carried out and completed to the satisfaction of the responsible authority.

Landscaping maintenance

10. At all times the landscaping shown on the approved landscape plan must be maintained (including the replacement of any dead, diseased or damaged plants) to the satisfaction of the responsible authority.

Native vegetation – notification of permit conditions

11. Before works start for any stage, the permit holder must advise all persons undertaking vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.

Native vegetation removal

12. To offset the removal of 2.031 hectares of native vegetation, as identified in the Native Vegetation Removal Report NVR ID: 352_20251119_IY, the permit holder must secure a native vegetation offset, in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017) as specified below:

General offset

A general offset of 1.2160 general habitat units:

- a) Located within the Melbourne Water Catchment Management Authority boundary or Mornington Peninsula Shire municipal district;
- b) With a minimum strategic biodiversity score of at least 0.5851; and
- c) Provide protection for at least 29 large trees.

Native Vegetation Offsets

13. Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the responsible authority. The evidence must be one or both of the following:
- a) Credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
 - 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.

A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit.



Protection of vegetation to be retained

14. Before works start, a native vegetation protection fence must be erected around all patches of native vegetation and scattered trees to be retained on site. This fence must be erected around the patch of native vegetation at a minimum distance of 2 metres from retained native vegetation and/or at a radius of 12 x the diameter at a height of 1.3 metres to a maximum height of 15 metres but no less than 2 metres from the base of the trunk of the tree. The fence must be constructed of star pickets/chain mesh or similar, to the satisfaction of the responsible authority.

Within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:

- a) Vehicular or pedestrian access;
- 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 underground services; and
- e) Any other actions or activities that may result in adverse impacts to retained native vegetation.

The responsible authority may consent in writing to vary these requirements.

Sustainability Management Plan – Overall use and development

15. Concurrent with the endorsement of plans for the overall use and development, an amended Sustainability Management Plan (SMP) must be approved and endorsed by the responsible authority. The SMP must be prepared to the satisfaction of the responsible authority, must be generally in accordance with the SMP prepared by Ark Resources and dated 6 March 2025, but modified to include:

- a) Any changes as a result of the endorsed plans for the overall use and development.

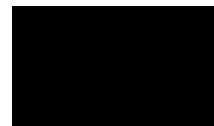
Sustainability Management Plan Implementation

16. Within six months of the occupation of the completed use and development, a report from the author of the endorsed SMP must be submitted to and approved by responsible authority. The report must outline how the design initiatives implemented within the completed development achieve the performance outcomes specified in the endorsed report and confirm achievement of the overall SMP performance outcomes are on track, to the satisfaction of responsible authority.
17. The design initiatives detailed in the endorsed SMP and endorsed plans must be installed and maintained throughout the operational life of the development to the satisfaction of the Responsible Authority.

Stormwater Management Plan

18. Concurrent with the endorsement of plans for the overall use and development, a stormwater management plan must be approved and endorsed by the responsible authority in consultation with Mornington Peninsula Shire Council. The stormwater management plan

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must be generally in accordance with the Stormwater Management Strategy Report prepared by CJ Arms, dated 7 March 2025, but updated to:

- a) Any changes as a result of the endorsed plans, including all proposed (new and retrospective) impervious surfaces at 3 Lumeah Road in the stormwater management assessment
- b) Include any modifications as a result of Melbourne Water and Mornington Peninsula Shire Council requirements.

Stormwater management system – implementation and management

19. The stormwater management system approved by the responsible authority and included in the endorsed stormwater management plan must be constructed, managed and maintained to the satisfaction of Mornington Peninsula Shire Council and Melbourne Water.

Acoustic Report – 3 Lumeah Road Interim Use

20. Concurrent with the endorsement of plans for the 3 Lumeah Road interim use and development starts, an acoustic report must be approved and endorsed by the responsible authority. The report must be prepared by a suitably qualified professional to the satisfaction of the responsible authority and must address:
 - a) All noise emission sources associated with the use and development.
 - b) Any design and/or operational measures to be implemented to meet the requirements of the Environment Protection Regulations 2021 (as amended from time to time) as measured in accordance with the relevant Noise Protocol with respect to nearby sensitive land uses.

Before the interim use starts, all noise attenuation measures required to be implemented within the development must be completed in line with the recommendations of the endorsed Acoustic Report. The noise attenuation measures must not be altered or removed at any time, unless with the written consent of the responsible authority.

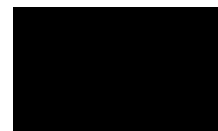
Acoustic Report – Overall use and development

21. Concurrent with the endorsement of plans for the overall use and development, an acoustic report must be approved and endorsed by the responsible authority. The report must be prepared by a suitably qualified professional to the satisfaction of the responsible authority and must address:
 - a) All noise emission sources associated with the use and development.
 - b) Any design and/or operational measures to be implemented to meet the requirements of the Environment Protection Regulations 2021 (as amended from time to time) as measured in accordance with the relevant Noise Protocol with respect to nearby sensitive land uses.

Before the overall use commences, all noise attenuation measures required to be implemented within the development must be completed in line with the recommendations of the endorsed Acoustic Report. The noise attenuation measures must not be altered or removed at any time, unless with the written consent of the responsible authority.

Traffic and parking management – 3 Lumeah Road Interim Use

Date issued: 25 February 2026 Signature for the responsible authority:



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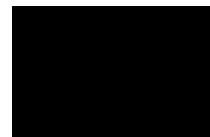
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22. Concurrent with the endorsement of plans for the 3 Lumeah Road Interim Use, a traffic and parking management plan for this stage must be approved and endorsed by the responsible authority. The plan must provide an overview of traffic and car parking management for this stage, be prepared to the satisfaction of the responsible authority and be generally in accordance with the Transport Impact Assessment, prepared by Traffix, dated July 2025 and subsequent memos dated 11 December 2025 and 19 February 2026 and include the following details:
- a) The car parking provision, and maximum staff numbers for both interim use at 3 Lumeah Road.
 - b) The location, layout and detailed design of all areas to be used for vehicle as well as waste collection and deliveries for this stage.
 - c) The type and frequency of heavy vehicle movements associated with deliveries to the site that can be accommodated on Lumeah Road and Whitneys Road.
 - d) Swept path diagrams demonstrating satisfactory access and egress to any customer parking adjacent to 3 Lumeah Road's temporary office by the B85 vehicle while other spaces are occupied.
 - e) Swept path diagrams demonstrating satisfactory access and egress to and movements within 3 Lumeah Road for deliveries and waste collection.
 - f) Clear delineation of the areas of the site that are to remain clear of obstruction to facilitate the movement of boats to the boat harbour at 1A Lumeah Road, including dimensions and swept path diagrams, as necessary.
 - g) Any additional measures such as signage or convex mirrors required to the 5 Lumeah Road vehicle access to ensure suitable visibility to Lumeah Road of vehicles exiting the site.
 - h) The location and content of all signage and/or line marking (or other measures for delineating car parking spaces) proposed for this stage to implement the above measures.

Traffic and parking management – Overall Use and Development

23. Concurrent with the endorsement of plans for the overall use and development, a traffic and parking management plan for must be approved and endorsed by the responsible authority. The plan must provide an overview of traffic and car parking management for this stage, be prepared to the satisfaction of the responsible authority and be generally in accordance with the Transport Impact Assessment, prepared by Traffix, dated July 2025 and subsequent memos dated 11 December 2025 and 19 February 2026 and include the following details:
- a) The car parking provision, bicycle parking provision and maximum staff numbers for the use.
 - b) The location, layout and detailed design of all areas on-site and off-site to be used for vehicle and bicycle parking as well as waste collection and deliveries.
 - c) The type and frequency of heavy vehicles movements associated with deliveries to the site that can be accommodated on Lumeah Road and Whitneys Road.

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- d) Any additional measures such as signage or convex mirrors required to the 5 Lumeah Road vehicle access to ensure suitable visibility to Lumeah Road of vehicles exiting the site.
- e) Amended swept paths demonstrating satisfactory vehicle access to Yaringa Road in accordance with the endorsed plans.
- f) Clear delineation of the areas of the overall site that are to remain clear of obstruction to facilitate the movement of boats to the boat harbour at 1A Lumeah Road, including dimensions and swept path diagrams, as necessary.
- g) The location and content of all signage and/or line marking proposed to implement the above measures.

Use of public roads

24. The permit holder must not at any time use or allow any public road move boats constructed as part of the industry use permitted under this permit, without the prior written consent of the responsible authority.

Use of Yaringa Road Access

25. The gate to the crossover to Yaringa Road must be closed at all times, except in the event of an emergency. This condition may be varied, to the satisfaction of the responsible authority

Completion of vehicle access and parking

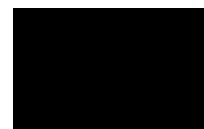
26. Before the initial occupation of the development, vehicle crossings, areas set aside for the parking of vehicles and driveways as shown on the endorsed plans and Traffic and Parking Management Plans must be constructed in accordance with approved engineering plans, surfaced with asphalt or reinforced concrete, and drained to the satisfaction of Mornington Shire Peninsula Council. Car spaces, access lanes and driveways must be kept available for these purposes at all times.

Waste management plan – 3 Lumeah Road Interim Use

27. Concurrent with endorsement of plans for the 3 Lumeah Road Interim Use, a waste management plan must be approved and endorsed by the responsible authority for this stage. The waste management plan must be prepared to the satisfaction of the responsible authority, be generally in accordance with the Waste Management Plan prepared by Leigh Design (dated 6 August 2025) and Traffic Engineering Assessment both prepared by Traffic Group (dated July 2025), but modified to show:
- a) Any modifications as a result of the endorsed plans for this stage.
 - b) Any modifications as a result of the endorsed Car Parking and Traffic Management Plan for this stage and the endorsed Acoustic Report.
 - c) Details of the provision of waste storage areas for this stage.
 - d) The indicated location for waste collection vehicles to prop on site while collecting waste.

Waste management plan – Overall use and development

Date issued: 25 February 2026 Signature for the responsible authority:



28. Concurrent with endorsement of plans for the overall use and development, an amended waste management plan must be approved and endorsed by the responsible authority. The waste management plan must be prepared to the satisfaction of the responsible authority, be generally in accordance with the Waste Management Plan prepared by Leigh Design (dated 6 August 2025) and Traffic Impact Assessment both prepared by Traffic (dated July 2025), but modified to show:
- a) Any modifications as a result of the endorsed plans.
 - b) Any modifications as a result of the endorsed Car Parking and Traffic Management Plan and Acoustic Report.
 - c) Any changes to the waste storage and collection arrangements at 3 Lumeah Road following completion of the interim use.
 - d) The indicated location for waste collection vehicles to prop on site while collecting waste.

Waste storage

29. All waste and recyclables must be stored in and collected from an area set aside for this purpose. This area must be graded, drained and screened from public view to the satisfaction of the responsible authority.

Bushfire management plan

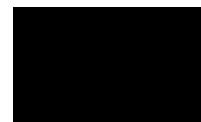
30. Before the development starts, an amended Bushfire Management Plan must be prepared to the satisfaction of CFA then submitted to and endorsed by the responsible authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority. The plan must be generally in accordance with the Bushfire Management Plan prepared by the Terralogic for 4 and 5 Lumeah Road Somerville, Rev 2, dated 12 June 2024, but modified to remove the conditions for Water Supply.

Site Servicing Report – 3 Lumeah Road Interim Use

31. Concurrent with endorsement of plans for the overall use and development, an amended site servicing report must be approved and endorsed by the responsible authority in consultation with Mornington Shire Peninsula Council. The site servicing report must be prepared to the satisfaction of the responsible authority, be generally in accordance with the Site Servicing Report prepared by CJ Arms (dated 3 July 2025), but modified to show:
- a) Any changes as result of the endorsed plans.
 - b) Clear identification of the existing and proposed domestic water supply for 3 Lumeah Road.
 - c) The wastewater management proposed for 3 Lumeah Road.

Site Servicing Report – Overall use and development

32. Concurrent with endorsement of plans for the overall use and development, an amended site servicing report must be approved and endorsed by the responsible authority, in consultation with Mornington Peninsula Shire Council. The site servicing report must be prepared to the satisfaction of the responsible authority, be generally in accordance with the Site Servicing Report prepared by CJ Arms (dated 3 July 2025), but modified to show:



- a) Any changes as result of the endorsed plans.
- b) Clear identification of the existing and proposed domestic water supply for both warehouse sites.
- c) Any changes as a result of the approved Land Capability Assessment report.

Land Capability Assessment

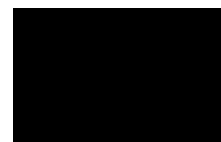
33. Concurrent with endorsement of plans for the overall use and development a Land Capability Assessment for the works at 5 Lumeah Road must be supplied to Mornington Peninsula Shire Council. The Land Capability Assessment must be undertaken by an appropriately qualified soil testing and geotechnical consultant/engineer. The report must be undertaken in accordance with the Victorian Land Capability Assessment Framework (January 2014). The report should include calculation of wastewater hydraulic flow, organic material loading (BOD), proposed wastewater envelope, site plan, soil assessment, soil permeability, management program and water/nutrient balance.

Wastewater Management

34. All wastewater must be managed in accordance with part 5.7 of the Environment Protection Regulations 2021 to minimise the risk of harm to the environment and human health.

Development Engineering

35. Following the endorsement of the development plans for the overall use and development but before the development of this stage starts (excluding demolition, vegetation removal, bulk excavation and site preparation works), a signed and completed 'Checklist for Development Engineering Plan Approval' along with engineering plans to the satisfaction of Mornington Peninsula Shire Council must be submitted to and approved by Mornington Peninsula Shire Council. The engineering plans must be drawn to scale with dimensions and emailed to devengadmin@mornpen.vic.gov.au in PDF format, or as otherwise directed by Morning Peninsula Shire Council. The plans must show (but not limited to) the following:
- a) All areas of the development being drained by a suitable drainage system.
 - b) A drainage surcharge route within the development to avoid inundation of any buildings.
 - c) Drainage computations and documentation for:
 - i) The proposed drainage system;
 - ii) The consideration of any drainage catchment external to the development that may drain to the proposed drainage system; and
 - iii) A STORM, BlueFactor, or MUSIC Report, if applicable.
 - d) Demonstrate to the responsible authority that water quality features will be implemented in accordance with Clause 53.18 (Stormwater management in urban development) of the Mornington Peninsula Planning Scheme.
 - e) Details, including levels, of all driveways and parking areas within the site.
 - f) The design of all vehicle movements entering and exiting the property being in a forward direction.



- g) Vehicular crossings to Council standards, with all redundant vehicle crossing being removed and replaced with reinstated nature strip.
- h) Notional Root Zones (NRZs) impacted by the works, or as shown on any other development plans and documents.
- i) Drainage works designed to avoid the NRZs where possible.
- j) Proposed methodologies for complying with AS4970:2025 (Protection of trees on development sites) for any works that are required within NRZs.

Completion of Drainage Works

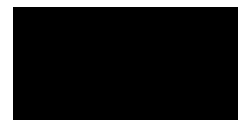
36. Before the internal drainage works commence, all external drainage works must be completed in accordance with the approved engineering plans and to the satisfaction of Mornington Peninsula Shire Council.

Construction Management Plan

37. Following the approval of the Engineering Plans and before any works at 5 Lumeah Road and 4 Yaringa Road commence on, a site-specific Construction Management Plan (CMP) must be prepared by a suitably qualified consultant and endorsed by the Morning Peninsula Shire. All plans submitted must be consistent with all other documents approved under this planning permit. The endorsed CMP must be implemented to the satisfaction of Mornington Peninsula Shire Council prior to, and during the works. The CMP 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 traffic management 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.

Section 173 Agreement – Ongoing Wastewater Management

38. Prior to the commencement of any works the owner of the land must either:
- a) consolidate the land; or



- b) enter into an agreement with the Mornington Peninsula Shire Council, pursuant to Section 173 of the Planning and Environment Act 1987. This agreement must be registered by Mornington Peninsula Shire Council pursuant to Section 181 of the Planning and Environment Act 1987 on the title of the subject land prior to the commencement of any works. This agreement must ensure that the land located at 5 Lumeah Road, Somerville VIC 3912, used for the management of wastewater from surrounding allotments is permanently linked to any such surrounding allotments, and cannot be subdivided or separately disposed of. The landowner must bear all reasonable legal costs and expenses incurred by the responsible authority in relation to the preparation, execution, and registration of this agreement on title.

Demolition of structures

39. Before the development at 5 Lumeah Road and 4 Yaringa Road is occupied, the existing structures at 5 Lumeah Road must be demolished, to the satisfaction of the responsible authority.

Removal of temporary buildings and works

40. Unless with the prior written consent of the responsible authority, within three (3) months of the occupation of the development at 5 Lumeah Road and 4 Yaringa Road, the temporary office and car park at 3 Lumeah Road must be removed and the site rectified in accordance with the endorsed staging plan and to condition that is to the satisfaction of the responsible authority.

Melbourne Water

41. All warehouses/factories including office areas and other amenities must be constructed with finished floor levels set no lower than 3.9 metres to Australian Height Datum (AHD), which is 600 mm above the applicable flood level for the property of 3.3 metres to AHD.
42. Any new or modified stormwater connection shall be made to the Council's drainage system.

Signs not to be altered

43. The location and details of the sign(s), and any supporting structure, as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

Sign Maintenance

44. The sign(s), including the structure and content, must be constructed and maintained to the satisfaction of the responsible authority.

Hours of Operation

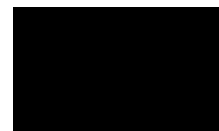
45. The use (all stages) may operate only between the following hours:
- a) 7am – 5:30pm, Monday to Saturday.
- The responsible authority may consent in writing to vary these requirements.

Number of Staff – 3 Lumeah Road Interim Use

46. At any time no more than 50 staff may be present on the land. The responsible authority may consent in writing to vary this requirement.

Number of Staff – Overall Use and Development

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47. At any time no more than 83 staff may be present on the land. The responsible authority may consent in writing to vary this requirement.

Noise Control

48. At all times noise emanating from the land must comply with the requirements of the *Environment Protection Regulations 2021* (as amended from time to time) as measured in accordance with the Noise Protocol to the satisfaction of Mornington Shire Peninsula Council.

Lighting

49. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority

General Amenity Provision

50. The development must be managed so that the amenity of the area is not detrimentally affected, through the:
- a) transport of materials, goods or commodities to or from the land
 - b) appearance of any building, works or materials
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products

to the satisfaction of the responsible authority.

DEECA (MACA Consent)

51. Any change to the proposed use and access of marine and coastal crown land will require further approval by the Regional Manager, Land and Built Environment Programs, Port Phillip Region, DEECA.

Expiry – 3 Lumeah Road Interim Use

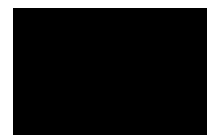
52. This permit as it relates to the interim use and development of the land at 3 Lumeah Road will expire if one of the following circumstances applies:
- a) The development is not started within 1 year of the issued date of this permit.
 - b) The development is not completed within 2 years of the issued date of this permit.
 - c) The interim use does not start within 1 year of completion the development.

In accordance with Section 69 of the Planning and Environment Act 1987, the responsible authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards. The responsible authority may extend the time for completion of the development if a request is made in writing within twelve months after the permit expires and the development started lawfully before the permit expired.

53. The interim use of the land at 3 Lumeah Road must cease 7 years after the date of this permit, unless with the prior written consent of the responsible authority.

Expiry – Overall Use and Development

Date issued: 25 February 2026 Signature for the responsible authority:



Planning and Environment
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Sections 63, 64, 64A and 86

54. This permit as it relates to the overall use and development, will expire if one of the following circumstances applies:

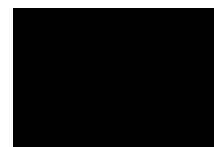
- d) The development is not started within 3 years of the issued date of this permit.
- e) The development is not completed within 5 years of the issued date of this permit.
- f) The use does not start within two years of completion of the development.

In accordance with Section 69 of the Planning and Environment Act 1987, the responsible authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards. The responsible authority may extend the time for completion of the development if a request is made in writing within twelve months after the permit expires and the development started lawfully before the permit expired

PERMIT NOTES

- The property is subject to flooding from the predicted increase in Westernport Bay sea level with a year 2100 1% flood level of 3.3 metres to AHD.
- All wildlife in Victoria is protected under the Wildlife Act 1975. 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>.
- Works or other activities on public land that may affect protected native plants may require a Protected Flor Permit under the Flora and Fauna Guarantee (FFG) Act 1988. All native vegetation likely to be affected should be checked against the most up to date Protected Flora List (DEECA) to determine whether FFG approvals are required. Protected Flora Permits can be obtained from the regional DEECA office (ppr.nep@deece.vic.gov.au).

Date issued: 25 February 2026 Signature for the responsible authority:



Planning and Environment
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Sections 63, 64, 64A and 86

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 issued: 25 February 2026 **Signature for the responsible authority:**

