
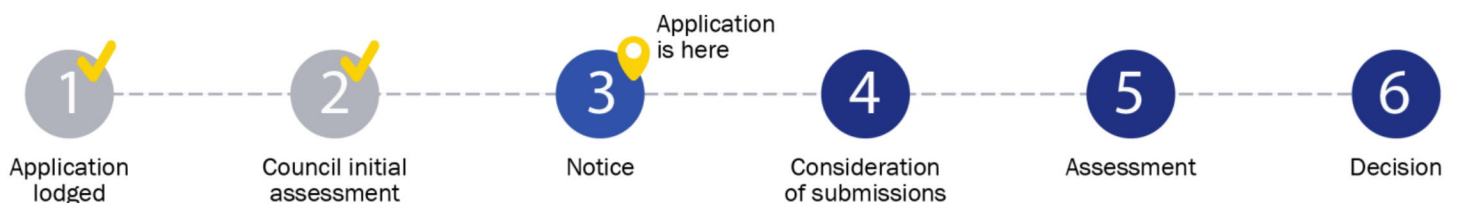


Notice of Application for a Planning Permit

| | | |
|--|---|--|
| The land affected by the application is located at: | L1 TP381279 V4702 F300 28 Beaconsfield-Emerald Road, Beaconsfield Upper VIC 3808 | |
| The application is for a permit to: | Use of the land for a Veterinary Centre | |
| A permit is required under the following clauses of the planning scheme: | | |
| 32.09-2 | Use of the land for a Veterinary Centre | |
| APPLICATION DETAILS | | |
| The applicant for the permit is: | [REDACTED] | |
| Application number: | T240511 | |
| <p>You may look at the application and any documents that support the application at the office of the responsible authority:</p> <p>Cardinia Shire Council, 20 Siding Avenue, Officer 3809.</p> <p>This can be done during office hours and is free of charge.</p> <p>Documents can also be viewed on Council's website at cardinia.vic.gov.au/advertisedplans or by scanning the QR code.</p> | |  |
| HOW CAN I MAKE A SUBMISSION? | | |
| <p>This application has not been decided. You can still make a submission before a decision has been made. The Responsible Authority will not decide on the application before:</p> | | 04 February 2025 |
| <p>WHAT ARE MY OPTIONS?</p> <p>Any person who may be affected by the granting of the permit may object or make other submissions to the responsible authority.</p> <p>If you object, the Responsible Authority will notify you of the decision when it is issued.</p> | <p>An objection must:</p> <ul style="list-style-type: none"> • be made to the Responsible Authority in writing; • include the reasons for the objection; and • state how the objector would be affected. | <p>The Responsible Authority must make a copy of every objection available at its office for any person to inspect during office hours free of charge until the end of the period during which an application may be made for review of a decision on the application.</p> |



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Office Use Only

Application No.:

Date Lodged: / /

Application for a Planning Permit

If you need help to complete this form, read MORE INFORMATION at the end of this form.

⚠ Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the *Planning and Environment Act 1987*. If you have any questions, please contact Council's planning department.

⚠ Questions marked with an asterisk (*) must be completed.

⚠ If the space provided on the form is insufficient, attach a separate sheet.

i Click for further information.

The Land **i**

Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address *

| | | |
|-------------------------------------|-------------|---------------------------------------|
| Unit No.: | St. No.: 28 | St. Name: Beaconsfield - Emerald Road |
| Suburb/Locality: Beaconsfield Upper | | Postcode: 3804 |

Formal Land Description *

Complete either A or B.

⚠ This information can be found on the certificate of title.

If this application relates to more than one address, attach a separate sheet setting out any additional property details.

A Lodged Plan Title Plan Plan of Subdivision

OR

B

The Proposal

⚠ You must give full details of your proposal and attach the information required to assess the application. Insufficient or unclear information will delay your application.

i For what use, development or other matter do you require a permit? *

Small Animal Veterinary Clinic. (Please see additional information for further details of the proposal)

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Provide additional information about the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.

i Estimated cost of any development for which the permit is required *

Cost \$

⚠ You may be required to verify this estimate. Insert '0' if no development is proposed.

If the application is for land within metropolitan Melbourne (as defined in section 3 of the *Planning and Environment Act 1987*) and the estimated cost of the development exceeds \$1 million (adjusted annually by CPI) the Metropolitan Planning Levy must be paid to the State Revenue Office and a current levy certificate must be submitted with the application. Visit www.sro.vic.gov.au for information.



Existing Conditions i

Describe how the land is used and developed now *

For example, vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

Building has been used as a licensed cafe for up to 100 patrons but is currently not in use.

Provide a plan of the existing conditions. Photos are also helpful.

Title Information i

Encumbrances on title *

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

- Yes (If 'yes' contact Council for advice on how to proceed before continuing with this application.)
- No
- Not applicable (no such encumbrance applies).

Provide a full, current copy of the title for each individual parcel of land forming the subject site. The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments', for example, restrictive covenants.

Applicant and Owner Details i

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Provide details of the applicant and the owner of the land:

Applicant *

The person who wants the permit.

Please provide at least one contact phone number *

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

Owner *

The person or organisation who owns the land

Where the owner is different from the applicant, provide the details of that person or organisation.

Name:

Contact person's details* Same as applicant

Name:

Owner Same as applicant

Name:


Owner's Signature (Optional):

Date:
day / month / year



Declaration

This form must be signed by the applicant *

 Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

I declare that I am the applicant; and that all the information in this application is true and the permit application.



Date: 30/9/2024
day / month / year

Need help with the Application?

General information about the planning process is available at planning.vic.gov.au

Contact Council's planning department to discuss the specific requirements for this application and obtain a planning permit checklist. Insufficient or unclear information may delay your application.



Has there been a pre-application meeting with a council planning officer?

No Yes If 'Yes', with whom?:

Date: day / month / year

Checklist

Have you:

- Filled in the form completely?
- Paid or included the application fee?  Most applications require a fee to be paid. Contact Council to determine the appropriate fee.
-  Provided all necessary supporting information and documents?
 - A full, current copy of title information for each individual parcel of land forming the subject site.
 - A plan of existing conditions.
 - Plans showing the layout and details of the proposal.
 - Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.
 - If required, a description of the likely effect of the proposal (for example, traffic, noise, environmental impacts).
 - If applicable, a current Metropolitan Planning Levy certificate (a levy certificate expires 90 days after the day on which it is issued by the State Revenue Office and then cannot be used). Failure to comply means the application is void.
- Completed the relevant council planning permit checklist?
- Signed the declaration?

Lodgement

Lodge the completed and signed form, the fee and all documents with:

Cardinia Shire Council
PO Box 7
Pakenham VIC 3810

In person: 20 Siding Avenue, Officer

Contact information:

Telephone: 1300 787 624
Email: mail@cardinia.vic.gov.au
DX: 81006

Deliver application in person, by post or by electronic lodgement.

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

VOLUME 12589 FOLIO 270

Security no : 124121211600P
Produced 15/01/2025 10:50 AM

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 903311Y.
PARENT TITLE Volume 04702 Folio 300
Created by instrument PS903311Y 19/12/2024

REGISTERED PROPRIETOR

ENCUMBRANCES, CAVEATS AND NOTICES

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

AGREEMENT Section 173 Planning and Environment Act 1987
AX877801Y 05/04/2024

DIAGRAM LOCATION

SEE PS903311Y FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

| NUMBER | PLAN OF SUBDIVISION | STATUS | DATE |
|---------------|---------------------|------------|------------|
| PS903311Y (B) | PLAN OF SUBDIVISION | Registered | 19/12/2024 |

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

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

Street Address: 28 BEACONSFIELD-EMERALD ROAD BEACONSFIELD UPPER VIC 3808

ADMINISTRATIVE NOTICES

NIL

DOCUMENT END

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| | | |
|----------------------------|------------------|---------------------------------|
| PLAN OF SUBDIVISION | EDITION 1 | Plan Number PS903311Y |
|----------------------------|------------------|---------------------------------|

| | |
|--|--|
| <p>LOCATION OF LAND</p> <p>COUNTY: MORNINGTON PARISH: GEMBROOK TOWNSHIP: SECTION: D CROWN ALLOTMENT: 1 (PART) CROWN PORTION: TITLE REFERENCE: VOL.4702 FOL.300 LAST PLAN REFERENCE: TP381279H (LOT 1) POSTAL ADDRESS: 28 BEACONSFIELD-EMERALD ROAD (at time of subdivision) BEACONSFIELD UPPER 3808</p> <p>MGA CO-ORDINATES: E: 360 496 ZONE: 55 (of approx centre of land in plan) N: 5 792 520 GDA 94</p> | <p>Council Name: Cardinia Shire Council</p> <p>Council Reference Number: S21-165 Planning Permit Reference: T210780 SPEAR Reference Number: S183540S</p> <p>Certification</p> <p>This plan is certified under section 11 (7) of the Subdivision Act 1988 Date of original certification under section 6 of the Subdivision Act 1988: 01/11/2023</p> <p>Public Open Space</p> <p>A requirement for public open space under section 18 or 18A of the Subdivision Act 1988 has been made and the requirement has been satisfied</p> <p>Digitally signed by: Fiona Shadforth for Cardinia Shire Council on 24/10/2024</p> <p>Statement of Compliance issued: 29/10/2024</p> |
|--|--|

| VESTING OF ROADS AND/OR RESERVES | | NOTATIONS | |
|---|---------------------|--|--|
| IDENTIFIER | COUNCIL/BODY/PERSON | <p><u>Additional purpose of plan:</u></p> <p>Part of the purpose of this plan is the removal of all easements contained within the land marked 'A' on TP381279H by direction in Planning Permit No. T210780 issued by Cardinia Shire Council on the 17th day of January 2023</p> | |
| NIL | NIL | | |
| NOTATIONS | | | |
| DEPTH LIMITATION - Does not apply | | | |
| <p>SURVEY: This plan is based on survey.</p> <p>STAGING: This is not a staged subdivision. Planning Permit No.</p> <p>This survey has been connected to permanent marks No. 304 in Proclaimed Survey Area No.</p> | | | |

EASEMENT INFORMATION

LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)

| Easement Reference | Purpose | Width (Metres) | Origin | Land Benefited/In Favour Of |
|--------------------|----------|----------------|-----------|-----------------------------|
| E-1 | DRAINAGE | 2 | THIS PLAN | CARDINIA SHIRE COUNCIL |

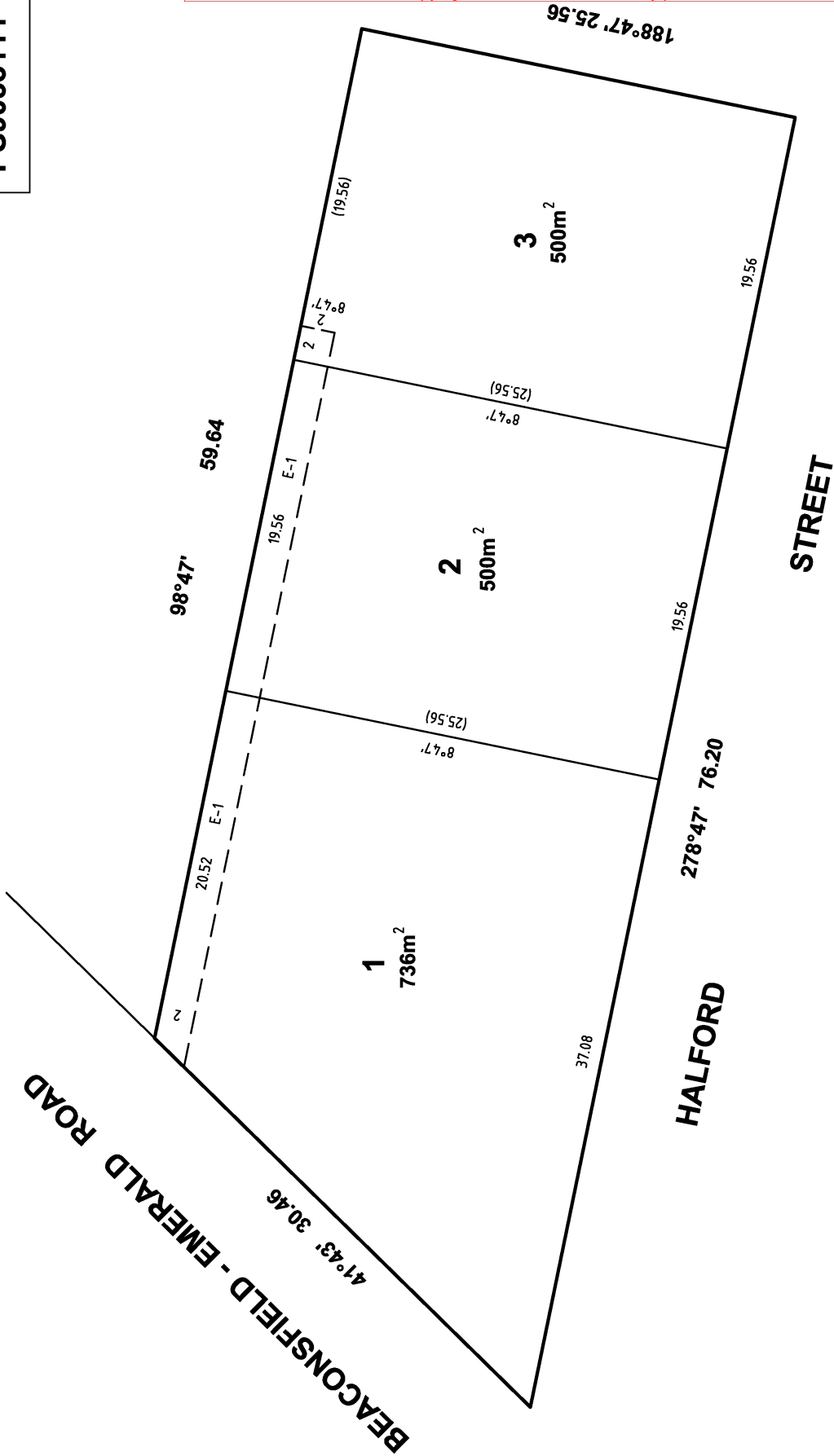
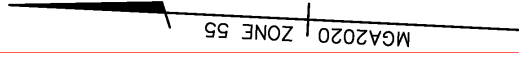
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| | | | |
|--|--|------------------------------------|---|
| <p>BRIAN WATSON SURVEYING P/L</p> <p><small>Office Address: 454 Waverley Road, EAST MALVERN. 3145 Mailing Address: PO Box 113, CARNEGIE. 3163 Phone: 9572 3122 Fax: 9572 3144 Email: admin@brianwatsonsurveying.com.au ABN: 51 618 637 522</small></p> | <p>SURVEYORS FILE REF: 9669</p> | <p>ORIGINAL SHEET SIZE: A3</p> | <p>SHEET 1 OF 2</p> |
| | <p>Digitally signed by: Brian Watson, Licensed Surveyor, Surveyor's Plan Version (16), 14/10/2024, SPEAR Ref: S183540S</p> | | <p>Land Use Victoria Plan Registered 02:47 PM 19/12/2024 Assistant Registrar of Titles</p> |

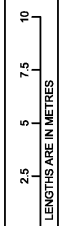
Plan Number

PS903311Y

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SCALE
1: 250



SHEET 2

ORIGINAL SHEET
SIZE: A3

Digitally signed by: Brian Watson, Licensed Surveyor,
Surveyor's Plan Version (16),
14/10/2024, SPEAR Ref: S183540S

BRIAN WATSON SURVEYING P/L
Office Address: 454 Waverley Road, EAST MALVERN, 3146
Mailing Address: PO Box 113, CARNEGIE, 3183
Phone: 9572 3122 Fax: 9572 3144
Email: admin@brianwatsonsurveying.com.au ABN: 51 618 637 522





Department of Environment, Land, Water & Planning

Electronic Instrument Statement

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| | | | |
|----------------------|------------------------|----------------|-----------|
| Status | Registered | Dealing Number | AX877801Y |
| Date and Time Lodged | 05/04/2024 12:48:29 PM | | |

Lodger Details

| | |
|-------------|------------------------|
| Lodger Code | 21884L |
| Name | SETTLE CONNECT PTY LTD |
| Address | |
| Lodger Box | |
| Phone | |
| Email | |
| Reference | Marcus - Cardinia (4) |

APPLICATION TO RECORD AN INSTRUMENT

| | |
|--------------|----------|
| Jurisdiction | VICTORIA |
|--------------|----------|

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Estate and/or Interest

FEE SIMPLE

Land Title Reference

4702/300

Instrument and/or legislation

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

Applicant(s)

| | |
|---------------|------------------------|
| Name | CARDINIA SHIRE COUNCIL |
| Address | |
| Property Name | CARDINIA SHIRE OFFICE |
| Street Number | 20 |
| Street Name | SIDING |
| Street Type | AVENUE |
| Locality | OFFICER |
| State | VIC |
| Postcode | 3809 |

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Department of Environment, Land, Water & Planning

Electronic Instrument Statement

Additional Details

Refer Image Instrument

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

Execution

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

| | |
|-----------------------|-------------------------------|
| Executed on behalf of | CARDINIA SHIRE COUNCIL |
| Signer Name | [REDACTED] |
| Signer Organisation | DYE & DURHAM LEGAL PTY LTD |
| Signer Role | AUSTRALIAN LEGAL PRACTITIONER |
| Execution Date | 05 APRIL 2024 |

File Notes:

NIL

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

Statement End.

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Agreement under section 173 of the Planning and Environment Act 1987

Subject Land: 28 Beaconsfield-Emerald Road, Beaconsfield Upper, Victoria 3808

Cardinia Shire Council

and



AX8778014

A handwritten signature in black ink, consisting of a vertical line with a loop at the bottom.

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Signing Page 9

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AGREEMENT UNDER SECTION 173 OF THE PLANNING AND ENVIRONMENT ACT 1987

DATED 03 / 04 / 2024

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PARTIES

| | |
|------------|--|
| Name | Cardinia Shire Council |
| Address | Civic Centre, 20 Siding Avenue, Officer, Victoria 3809 |
| Short name | Council |

| | |
|------------|--------------|
| Name | [REDACTED] |
| Address | [REDACTED] |
| Short name | Owner |

BACKGROUND

- A. Council is the responsible authority for the Planning Scheme.
- B. The Owner is or is entitled to be the registered proprietor of the Subject Land.
- C. Council granted the Subdivision Permit requiring the Owner to enter into this Agreement providing for the matters set out in conditions 16, 17 and 18 of the Subdivision Permit.
- D. At the date of this Agreement, the Subject Land is subject to a mortgage in favour of the Mortgagee. The Mortgagee consents to the recording of this Agreement on the Certificate of Title comprising the Subject Land.

The Parties agree

1. DEFINITIONS

In this Agreement unless the context admits otherwise:

Act means the *Planning and Environment Act 1987*.

Agreement means this Agreement and includes this Agreement as amended from time to time.

Bushfire Management Plan means the bushfire management plan prepared by Firefront Consultancies, titled 'Bushfire Management Plan – Lots 2 & 3, 28 Beaconsfield-Emerald Road, Upper Beaconsfield' dated 28 July 2023, Version 5, approved with the stamp of Council from time to time, in accordance with conditions 16 and 17 of the Subdivision Permit and forming Appendix A to this Agreement.

Current Address means:

- a. for Council, the address shown on page one of this Agreement, or any other address listed on Council's website; and

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- b. for the Owner, the address shown on page one of this Agreement or any other address provided by the Owner to Council for any purpose relating to the Subject Land.

Current Email means:

- a. for Council, mail@cardinia.vic.gov.au or any other email address listed on Council's website; and
- b. for the Owner, any email address provided by the Owner to Council for the express purpose of electronic communication regarding this Agreement.

Endorsed Plans means the plans endorsed with the stamp of Council from time to time as the plans forming part of the Subdivision Permit.

Lot 1 means that part of the Subject Land that is identified and delineated as "Lot 1", "1" or the like on the Plan of Subdivision.

Mortgagee means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as Mortgagee of the Subject Land or any part of it.

Owner means the person registered or entitled from time to time to be registered as proprietor of an estate in fee simple of the Subject Land and includes a mortgagee-in-possession.

Owner's obligations includes the Owner's specific obligations and the Owner's further obligations.

Party or Parties means the Parties to this Agreement.

Planning Scheme means the Cardinia Planning Scheme and any other planning scheme applying to the Subject Land.

Plan of Subdivision means the plan showing the subdivision of the Subject Land, as approved from time to time by Council under the Subdivision Permit.

Subdivision Permit means planning permit no. T210780, as amended from time to time, issued on 13 January 2023 authorising the three-lot subdivision of the Subject Land and removal of vegetation in accordance with the Endorsed Plans.

Subject Land means the land situated at 28 Beaconsfield-Emerald Road, Beaconsfield Upper, Victoria being the land referred to in certificate of title volume 04702 folio 300 and any reference to the Subject Land includes all or any part of it, including any lot created by the subdivision of the Subject Land or any part of it.

2. INTERPRETATION

In this Agreement unless the context admits otherwise:

- 2.1 the singular includes the plural and vice versa;
- 2.2 a reference to a gender includes all genders;
- 2.3 a reference to a person includes a reference to a firm, corporation or other corporate body and that person's successors in law;
- 2.4 any agreement, representation, warranty or indemnity by 2 or more persons (including where 2 or more persons are included in the same defined term) binds them jointly and severally;

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- 2.5 a term used has its ordinary meaning unless that term is defined in this Agreement. If a term is not defined in this Agreement and it is defined in the Act, it has the meaning as defined in the Act;
- 2.6 a reference to an Act, regulation or the Planning Scheme includes any Act, regulation or amendment amending, consolidating or replacing the Act, regulation or Planning Scheme;
- 2.7 the Background forms part of this Agreement;
- 2.8 the Owner's obligations take effect as separate and several covenants which are annexed to and run at law and equity with the Subject Land; and
- 2.9 any reference to a clause, page, condition, attachment or term is a reference to a clause, page, condition, attachment or term of this Agreement.

3. PURPOSES OF AGREEMENT

The Parties acknowledge and agree the purposes of this Agreement are to:

- 3.1 give effect to conditions 16, 17 and 18 of the Subdivision Permit;
- 3.2 to exempt a planning permit under Clause 44.06-2 of the Planning Scheme;
- 3.3 to incorporate the plan prepared in accordance with Clause 53.02-4.4 of the Planning Scheme and approved under the Subdivision Permit; and
- 3.4 achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the Subject Land.

4. REASONS FOR AGREEMENT

The Parties acknowledge and agree Council has entered into this Agreement for the following reasons:

- 4.1 Council would not have granted the Subdivision Permit without imposing conditions 16, 17 and 18 requiring this Agreement; and
- 4.2 the Owner has elected to enter into this Agreement in order to take the benefit of the Subdivision Permit.

5. AGREEMENT REQUIRED

The Parties agree this Agreement will continue to be required until the Owner has complied with all of the Owner's obligations.

6. OWNER'S SPECIFIC OBLIGATIONS

6.1 Bushfire Management Plan

The Owner covenants and agrees if a dwelling is constructed on the Subject Land, the Owner must implement and maintain all the bushfire protection measures in the Bushfire Management Plan on an ongoing basis, to the satisfaction of Council.

6.2 Lot 1

The Owner covenants, acknowledges and agrees the second permit exemption under Clause 44.06-2 of the Planning Scheme ('A building or works consistent with an agreement under

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Section 173 of the Act prepared in accordance with a condition of permit issued under the requirements of Clause 44.06-5') does not apply to Lot 1.

7. OWNER'S FURTHER OBLIGATIONS

7.1 Notice and registration

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

7.2 Further actions

The Owner:

- 7.2.1 must do all things necessary to give effect to this Agreement;
- 7.2.2 acknowledges and agrees to carry out its obligations under this Agreement at its own expense, in accordance with the Endorsed Plans and to the satisfaction of Council;
- 7.2.3 consents to Council applying to the Registrar of Titles to record this Agreement on the certificate of title of the Subject Land in accordance with section 181 of the Act; and
- 7.2.4 agree to do all things necessary to enable Council to do so, including:
 - (a) sign any further agreement, acknowledgment or document; and
 - (b) obtain all necessary consents to enable the recording to be made.

7.3 Council's costs to be paid

The Owner must pay to Council within 14 days after a written request for payment, Council's costs and expenses (including legal expenses) relating to this Agreement, including:

- 7.3.1 preparing, drafting, finalising, signing, recording and enforcing this Agreement;
- 7.3.2 preparing, drafting, finalising and recording any amendment to this Agreement; and
- 7.3.3 preparing, drafting, finalising and recording any document to give effect to the ending of this Agreement.

7.4 Time for determining satisfaction

If Council makes a request for payment of a fee under clause 7.3 of this Agreement the Parties agree Council will not decide whether the Owner's obligations have been undertaken to Council's satisfaction, or whether to grant the consent sought, until payment has been made to Council in accordance with the request.

7.5 Interest for overdue money

- 7.5.1 The Owner must pay to Council interest in accordance with section 120 of the *Local Government Act 2020* on any amount due under this Agreement that is not paid by the due date.
- 7.5.2 If interest is owing, Council will apply any payment made to interest and any balance of the payment to the principal amount.

8. AGREEMENT UNDER S 173 OF THE ACT

Without limiting or restricting the respective powers to enter into this Agreement, and insofar as it can be so treated, this Agreement is made as a deed in accordance with section 173 of the Act.

9. OWNER'S WARRANTIES

The Owner warrants that apart from the Owner and any other person who has consented in writing to this Agreement, no other person has any interest, either legal or equitable, in the Subject Land which may be affected by this Agreement.

10. SUCCESSORS IN TITLE

Until such time as a memorandum of this Agreement is recorded on the certificate of title of the Subject Land, the Owner must require successors in title to:

- 10.1 give effect to this Agreement; and
- 10.2 enter into a deed agreeing to be bound by the terms of this Agreement.

11. GENERAL MATTERS

11.1 Notices

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

- 11.1.1 personally on the other Party;
- 11.1.2 by leaving it at the other Party's Current Address;
- 11.1.3 by posting it by priority prepaid post addressed to the other Party at the other Party's Current Address; or
- 11.1.4 by email to the other Party's Current Email.

11.2 Counterparts

This Agreement may be executed in counterparts, all of which taken together constitute one document.

11.3 No waiver

Any time or other indulgence granted by Council to the Owner or any variation of this Agreement or any judgment or order obtained by Council against the Owner does not amount to a waiver of any of Council's rights or remedies under this Agreement.

11.4 Severability

If a court, arbitrator, tribunal or other competent authority determines that any part of this Agreement is unenforceable, illegal or void then that part is severed with the other provisions of this Agreement remaining operative.

11.5 No fettering of Council's powers

This Agreement does not fetter or restrict Council's power or discretion to make decisions or impose requirements or conditions in connection with the grant of planning approvals or certification of plans subdividing the Subject Land or relating to the use or the development of the Subject Land.

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11.6 Inspection of documents

A copy of any planning permit, document or plan referred to in this Agreement is available for inspection at Council's offices during normal business hours upon giving the Council reasonable notice.

11.7 Governing law

This Agreement is governed by and is to be construed in accordance with the laws of Victoria.

12. ELECTRONIC EXECUTION

Each Party consents to the signing of this Agreement by electronic means. The Parties agree to be legally bound by this Agreement signed in this way.

Each Party reserves the right to sign this Agreement by electronic means, including by use of software or an online service for this purpose.

13. COMMENCEMENT OF AGREEMENT

This Agreement commences on the date specified on page one of this Agreement or if no date is specified on page one, the date Council executes this Agreement.

14. ENDING OF AGREEMENT

This Agreement may be ended by agreement between Council and all persons who are bound by any covenant in the agreement in accordance with section 177(2)(a) of the Act.

After this Agreement has ended, Council will, at the Owner's written request, apply to the Registrar of Titles under section 183(1) of the Act to cancel the record of this Agreement.

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SIGNING PAGE

Signed, sealed and delivered as a deed by the parties

Signed sealed and delivered by [REDACTED]
Manager Planning and Design, on behalf of)
Cardinia Shire Council in the exercise of a)
Power conferred by an Instrument of Delegation))
in the presence of:)

[REDACTED]

[REDACTED]

.....
Signature of witness

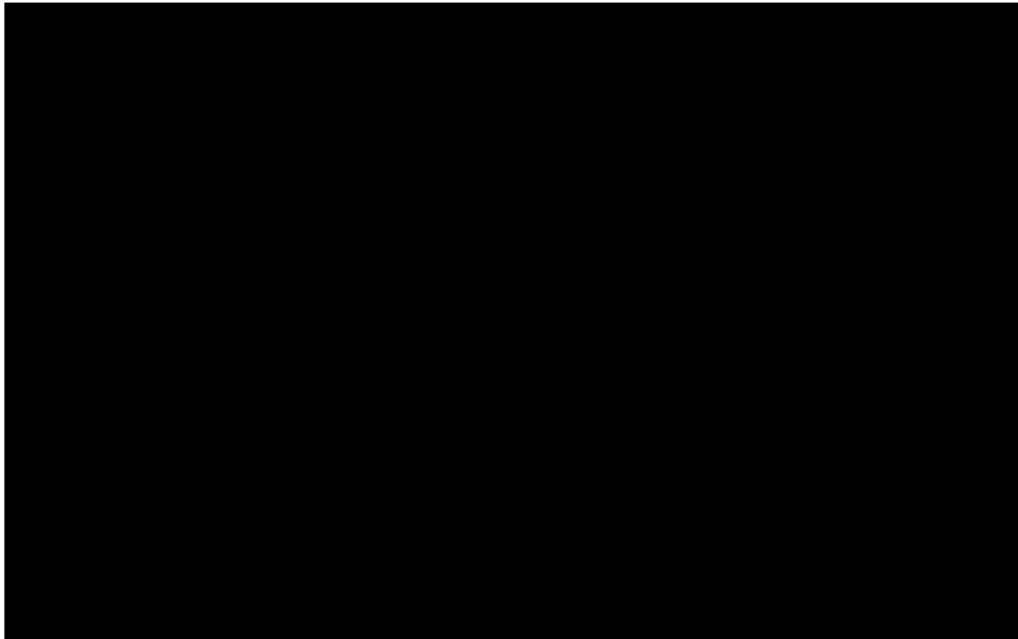
The execution of this document has been witnessed by me
in accordance with the requirements for witnessing by
audio-visual link under section 12 of the Electronic
Transactions (Victoria) Act 2000.
(Strike out if inapplicable)

[REDACTED]

.....
Name of witness
(BLOCK LETTERS)

AX8778017

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Mortgagee's Consent

Westpac Banking Corporation is the registered Mortgagee under instrument AG892451M and consents to the registration of this Agreement on the title to the Subject Land.

13/02/24

Westpac Banking Corporation
ABN 33 007 457 141 the
Mortgagee under Mortgage

No. AG892451M HEREBY
CONSENTS to the within
dated this 13/02/24 day of
Westpac B
By its Attorn

General Po
17 January
Permanent Order Book No. 277
et page 016
in the presence of

Signature of Witness

Name of Witness (BLOCK LETTERS)

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Appendix A – Bushfire Management Plan

Bushfire Management Plan - Lots 2 & 3, 28 Beaconsfield - Emerald Road, Upper Beaconsfield

Version 5: 28/07/2023

- Vegetation Management for Defendable Space**
- Defendable space is required to be maintained around the dwelling on Lots 2 & 3 to the property boundaries on all aspects.** Vegetation and other flammable materials will be modified and managed in accordance with the following requirements:
- Crosses must be kept clear and maintained during the dormant fire danger period.
 - All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
 - Plants growing to a height of 10 centimetres must not be located closer to the vulnerable parts of the building.
 - Struts must not be located under the canopy of trees.
 - Individual and clumps of struts must not exceed 3 sq. metres in area and must be separated by at least 9 metres.
 - Trees must not overhang or touch any part of the building.
 - The canopy of trees must be separated by at least 5 metres.
 - There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

- Water Supply**
- A minimum of 5,000 litres of on-site static storage must be provided on Lots 2 & 3 and be maintained solely for personal firefighting. The water supply must:
- Be stored in an above ground water tank constructed of concrete or metal.
 - Have all floor above ground water pipes and fittings required for personal firefighting purposes made of corrosion resistant material.
 - Provide an outlet for occupant use.

Construction Standards

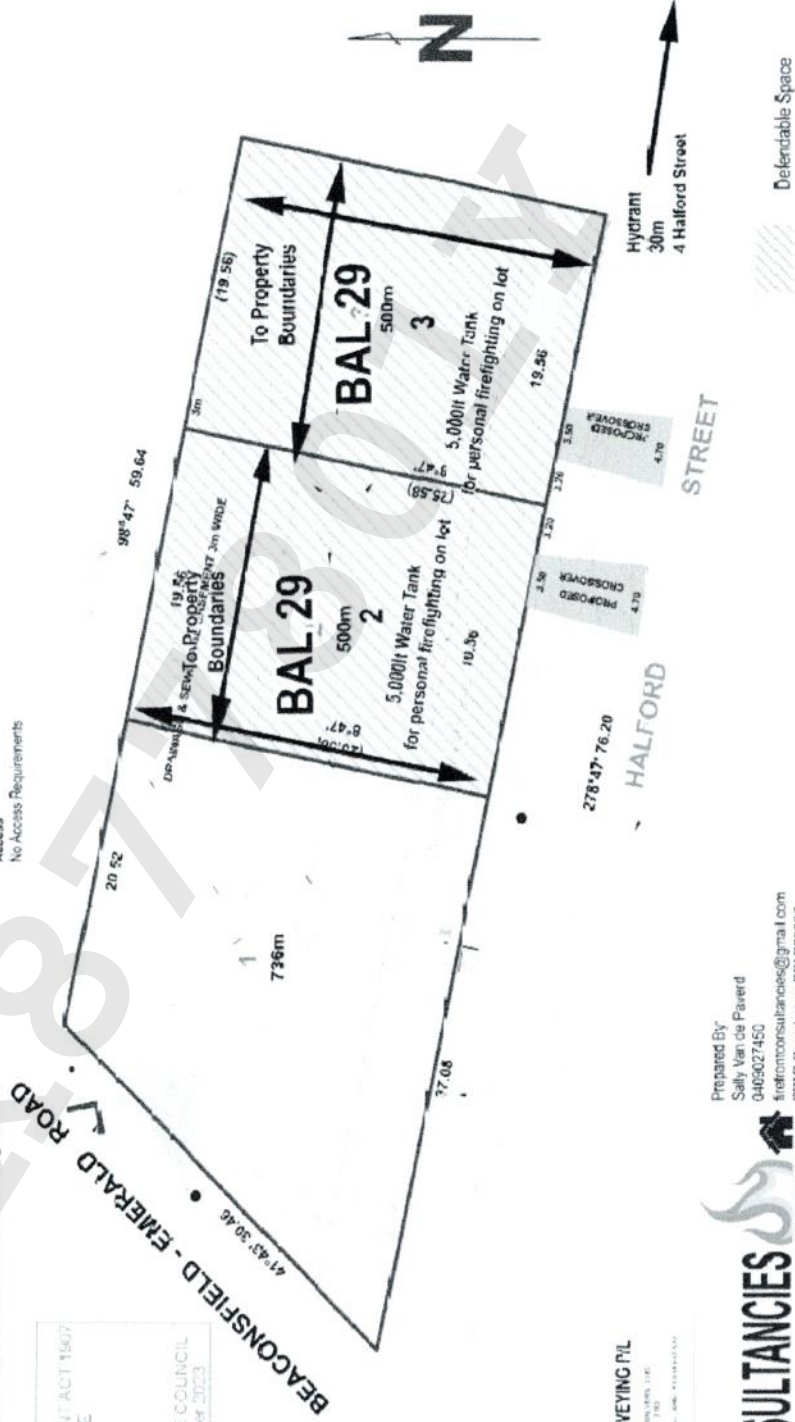
The buildings constructed on Lots 2 & 3 must meet or exceed a Bushfire Attack Level of BAL 29.

Access

No Access Requirements

APPROVED PLAN
PLANNING AND ENVIRONMENT ACT 1967
CARDINIA PLANNING SCHEME

Permit No.: T210780 PCI
Sheet: 4 of 7
Approved by: Michael Stockert
CARDINIA SHIRE COUNCIL
Date: Thursday, 5 October 2023



BRIAN WATSON SURVEYING P/L
100A Avenue Rd, Beacon Hills, VIC 3084, AUSTRALIA
Phone: 0812 722 200 Fax: 0812 722 201
Email: info@briansurveys.com.au www.briansurveys.com.au

FIREFRONT CONSULTANCIES
www.firefrontconsultancies.com.au

Prepared By:
Sally Van de Paerd
0405027450
firefrontconsultancies@gmail.com
BPAID Registration BPAID29067

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25th September 2024

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Planning Application for 28 Beaconsfield-Emerald Road, Beaconsfield Upper 3808

Proposal – Operation of a Veterinary Clinic at this site.

We propose to operate a Veterinary Clinic on the above premises. We are lodging this application prior to undertaking a longterm lease or purchasing the premises, in order to ensure that this site is approved by Council to be used as a Veterinary Clinic. The clinic will provide routine veterinary services to the local area. Initially, the clinic will operate with one veterinarian. We feel that the Beaconsfield Upper community is in need of a veterinary service within the local area. Pets are an important part of people’s lives and at the moment there is no medical, surgical or critical care veterinary service in Beaconsfield Upper.

The clinic will be operated during routine business hours and an afterhours emergency service will not be provided. After hours emergency calls will be referred to the Emergency Veterinary Centre at Hallam.

The building has previously been used as a licensed café. There will be no alterations made to the exterior of the building. However, some alterations will be required to the internal design of the building in order to allow functionality as a veterinary clinic. These alterations will include the addition of walls, and re-instatement of the previous hallway in the centre of the building (Please see attached plans).

This proposal will have a positive impact on the local community. A veterinary service will be provided in the centre of Beaconsfield Upper, eliminating the necessity of travelling to other areas for this important service. There will also be provision of an emergency critical care service to the community during business hours.

The building is positioned in the main shopping area of Beaconsfield Upper. The CFA buildings are an immediate neighbour, and on the opposite side of the building is a road and then a residential address. As the clinic will only be operating during business hours there will not be activity at the clinic during the night. We believe the business will have minimal impact on the neighbours. The hospital wards will be sound-proofed so that there will be minimal noise impact on the local area during the day or night.

If you have any further questions regarding this proposal please do not hesitate to contact me. Please note that this application is part of our due diligence in ensuring that premises is approved for use as a Veterinary Clinic prior to signing a lease or purchasing the building.

Kind Regards



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Response to request for Panning Permit for 28 Upper Beaconsfield-Emerald Road, Upper Beaconsfield.

1. Payment has been made for outstanding fees.

2.a. Decision Guidelines to Clause 32.09 and 21.07-4

Clause 32.09 of the Local Planning Policy Framework for Neighbourhood Residential Zone incorporates provisions for a Commercial business or Medical Clinic. The latter would be the most similar commercial enterprise to a Veterinary Clinic. The proposed site meets the requirements in the 32.09-2 Table of Uses for a Medical Clinic.

In accordance with clause 21.07-4, Figure 7, and Figure 8 of the Upper Beaconsfield Town Centre Framework Plan, the establishment of a Veterinary Clinic at 28 Beaconsfield-Emerald Road, Upper Beaconsfield is consistent with the policy framework. The town centre framework plan for this location states that there should be ***long term potential for commercial/retail use with consideration to protecting historic character. Preference given for cafes, restaurants or medical use. (Tables attached)***

A Veterinary Clinic on this site would align with the framework plan as it would provide medical and surgical care for small domestic animals. Provision of a Veterinary service in the town would also cater for the needs of the local community where a large proportion of the residents are pet owners. The current building has some historic value to the local area, originally being a Tea Room, then a Milk Bar prior to its most current usage as a café. Preservation of this site in keeping with the appropriate heritage overlay would also support the town centre framework plan.

2.b. Alignment with Township Strategy

The Upper Beaconsfield Township Strategy (July 2009) provides a policy framework for further development of the town. The strategy has key directions for future development of the town centre. Figure 10 of this policy shows that there is potential for commercial use with consideration for the historic character at our site (28 Beaconsfield-Emerald Road, Upper Beaconsfield). It also states that preference would be given for medical usage at this site. As mentioned previously the proposed site has some heritage value for the area and a heritage overlay is already in place to protect the character of the building.

2.c. Number of Veterinarians working from Clinic

Initially there will be 1 Veterinarian employed at the clinic but we hope to expand the clinic to a 2 Veterinarian Clinic over time. There would be 2 support staff per Veterinarian.

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2.d. Animal Types

Small domestic animals will be treated at the clinic, this would include dogs, cats, rabbits, guinea pigs, rodents. The Clinic would not provide large animal services (Equine, Farm Animal or Ambulatory calls).

2.e. Overnight Care

There may be times when an animal is required to be kept in hospital overnight. This would be a rare occasion as animals that require overnight care will routinely be referred to the Animal Emergency Centre at Hallam. The area where animals are housed will be inside the building and will be sound proofed to avoid excessive noise in the local area.

2.f. Calculation of car parking requirement as per clause 52.06-5, Table 1.

We have assumed the following regarding the carparking calculations.

- 5 carparking spaces for the Veterinarian (Consulting Room 1)
- 3 carparking spaces for the Veterinarian (Consulting Room 2)
- 0 carparking spaces assigned to Administration staff x 2
- 0 carparking spaces assigned to Veterinarian Nurse x 1

We have assumed that both consulting rooms will be used by the Veterinarians with assistance from the qualified nurse when required. The surgery will be used by the incumbent Veterinarians when required.

Total amount of staff 5

Please see attached plan of carparking scheme.

3. Waste Management Plan.

- Municipal solid waste (MWS) - waste produced in routine office operation. This is mostly paper and plastic packaging and food service items.
- Estimated generation rate (5 employees): 6200kg/yr.
- To be separated into recyclable and non-recyclable waste and collected at regular council waste collections. Approximately 2 non-recyclable 240 litre bins and 2 recyclable 240 litre bins (Assume fortnightly collection of each bin).
- Pathological waste (human) - none
- Radioactive waste - none
- Hazardous waste (RCRA) - none
- Biomedical (potentially infectious) waste – commercial waste management services will provide appropriate bins for sharps, biohazard and chemotherapy waste disposal
- Animal carcasses – 270kg per year. These will be stored in a large freezer and will be collected by a commercially accredited animal disposal company. Some

carcasses will go for general disposal and some for cremation at the discretion of the owner.

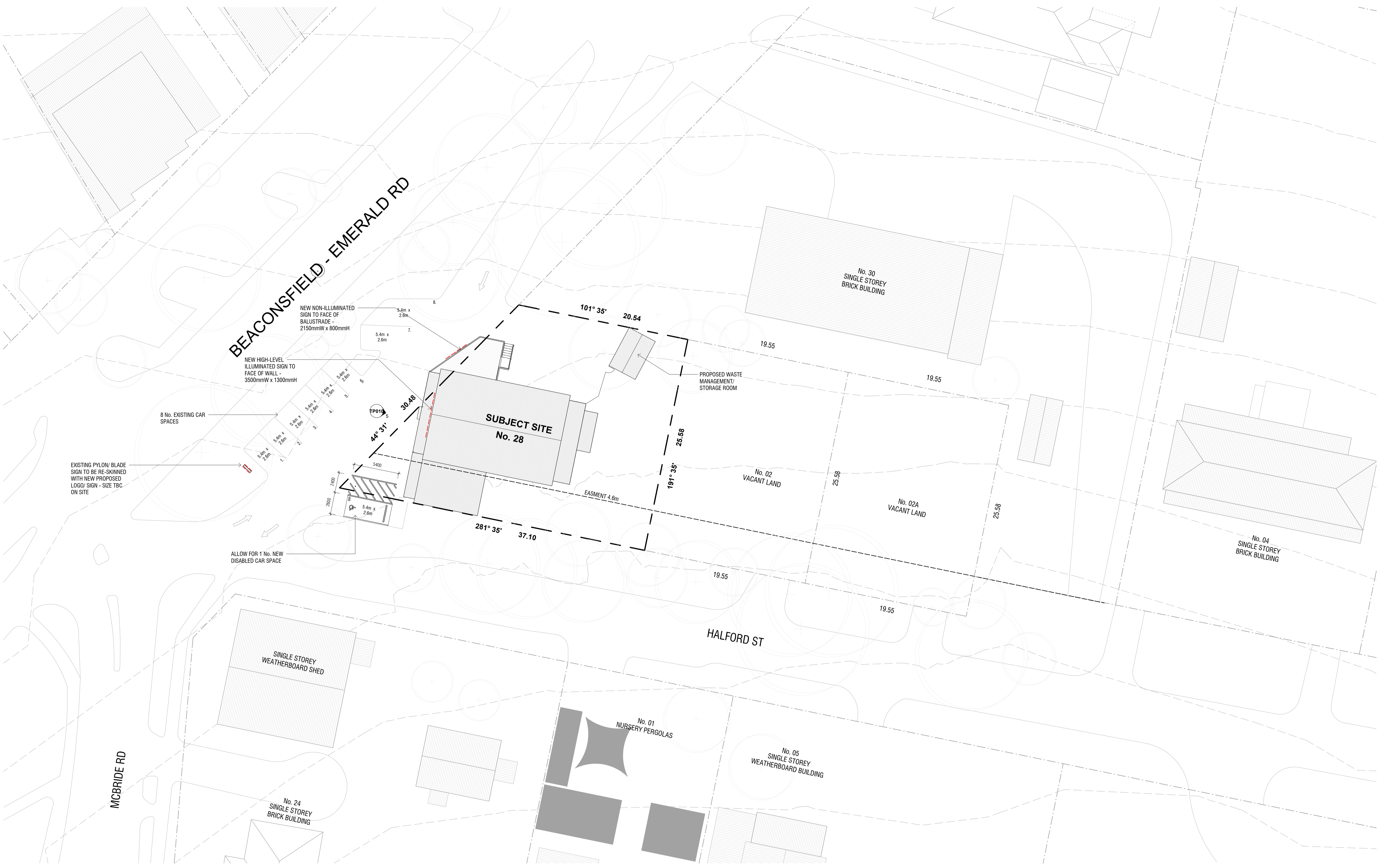
4. **Site Plan**

See attached plan.

5. **Building Plan with correct labelling of rooms**

See attached plan.

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 51 Southeast Blvd, Pakenham VIC 3810
 admin@caraipm.com.au
 www.caraipm.com.au

PROJECT
BEACONSFIELD UPPER - VET CLINIC
 28 BEACONSFIELD-EMERALD RD,
 BEACONSFIELD UPPER, VIC 3808
 CLIENT

| Rev | Date | Reason for Issue | Submitted By |
|-------|----------|--------------------|--------------|
| TP-01 | 22.11.24 | TOWNPLANNING ISSUE | AK |

Builders / Contractors shall verify all dimensions before any work commences. Dimensions shown are nominal. Figured dimensions shall take precedence over scaled dimensions. Any discrepancies are to be made known to the Architects / Designers studio prior to any works commencing on site. All shop drawings shall be submitted for review and manufacture shall not commence prior to the return of stamped shop drawings.

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**PRELIMINARY
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DRAWING
SITE PLAN

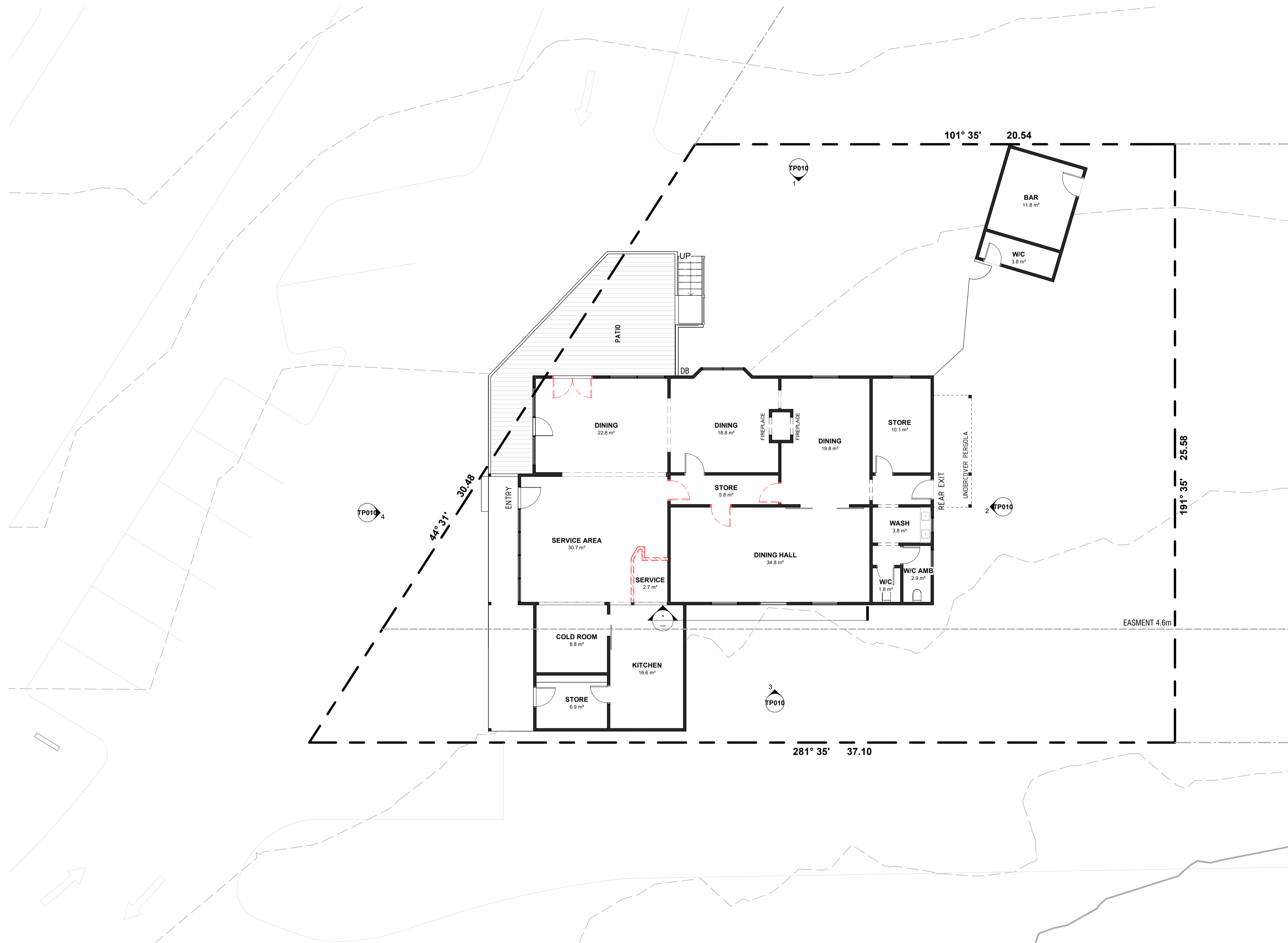
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2402
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 TOWNPLANNING

DRAWING NO.
TP003
 REVISION
 TP-01

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AREA SCHEDULE - EXISTING

| ROOM NAME | AREA |
|--------------|-----------------------|
| BAR | 11.81 m ² |
| COLD ROOM | 8.82 m ² |
| DINING | 61.41 m ² |
| DINING HALL | 34.76 m ² |
| KITCHEN | 16.65 m ² |
| SERVICE | 2.70 m ² |
| SERVICE AREA | 30.70 m ² |
| STORE | 22.87 m ² |
| W/C | 5.53 m ² |
| W/C AMB | 2.89 m ² |
| WASH | 3.82 m ² |
| TOTAL: 16 | 201.96 m ² |



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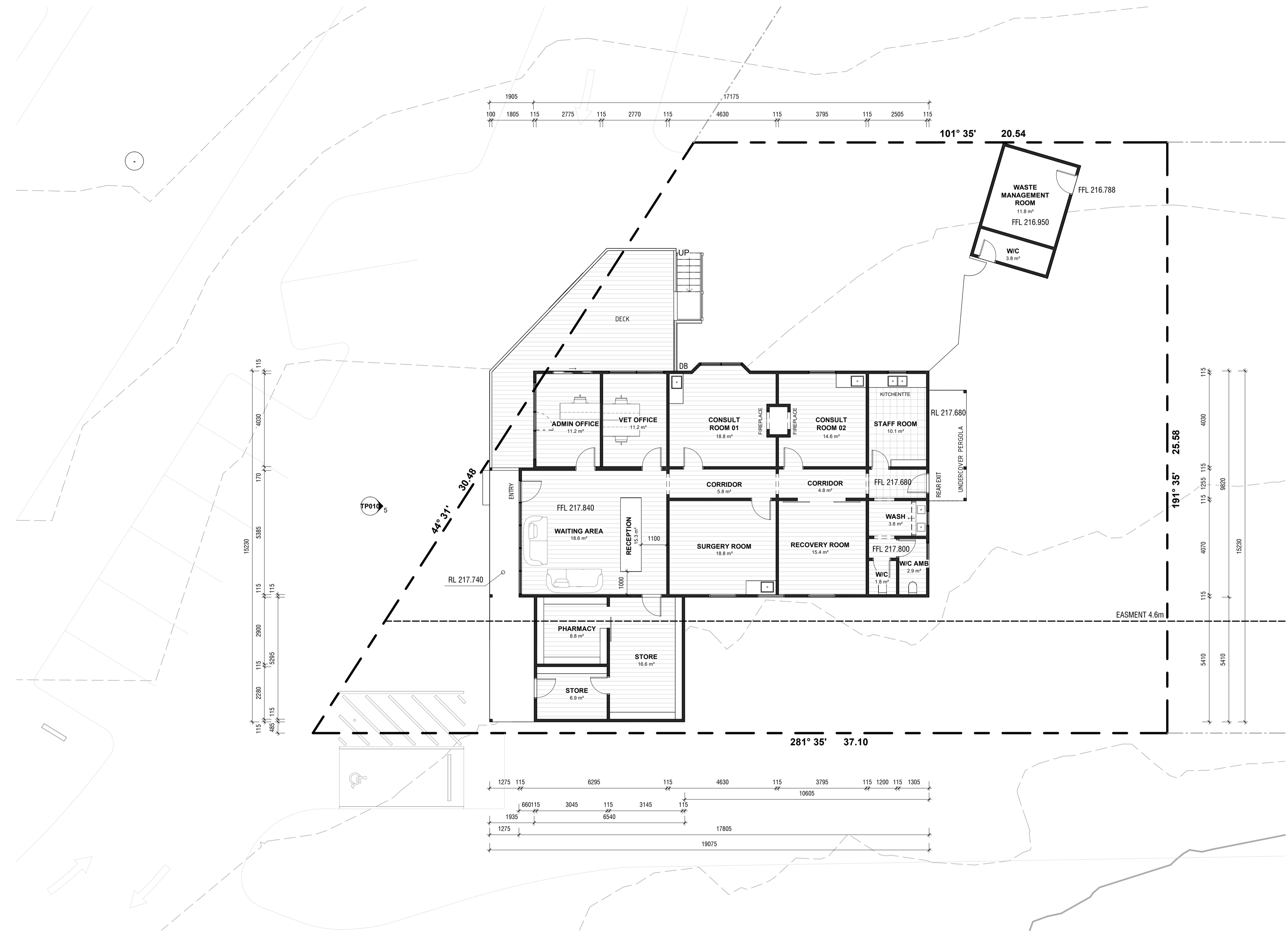
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**PRELIMINARY
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DRAWING
**FLOORPLAN - EXISTING/
 DEMOLITION**
 PROJECT NO.
2402
 DRAWING PHASE
 TOWNPLANNING
 DRAWING NO.
TP005
 REVISION
 TP-01

| AREA SCHEDULE - PROPOSED | |
|--------------------------|-----------------------|
| ROOM NAME | AREA |
| ADMIN OFFICE | 11.19 m ² |
| CONSULT ROOM 01 | 18.84 m ² |
| CONSULT ROOM 02 | 14.56 m ² |
| CORRIDOR | 10.56 m ² |
| PHARMACY | 8.82 m ² |
| RECEPTION | 15.25 m ² |
| RECOVERY ROOM | 15.44 m ² |
| STAFF ROOM | 10.12 m ² |
| STORE | 23.59 m ² |
| SURGERY ROOM | 18.84 m ² |
| VET OFFICE | 11.16 m ² |
| W/C | 5.53 m ² |
| W/C AMB | 2.89 m ² |
| WAITING AREA | 18.64 m ² |
| WASH | 3.82 m ² |
| WASTE MANAGEMENT ROOM | 11.81 m ² |
| TOTAL: 19 | 201.08 m ² |



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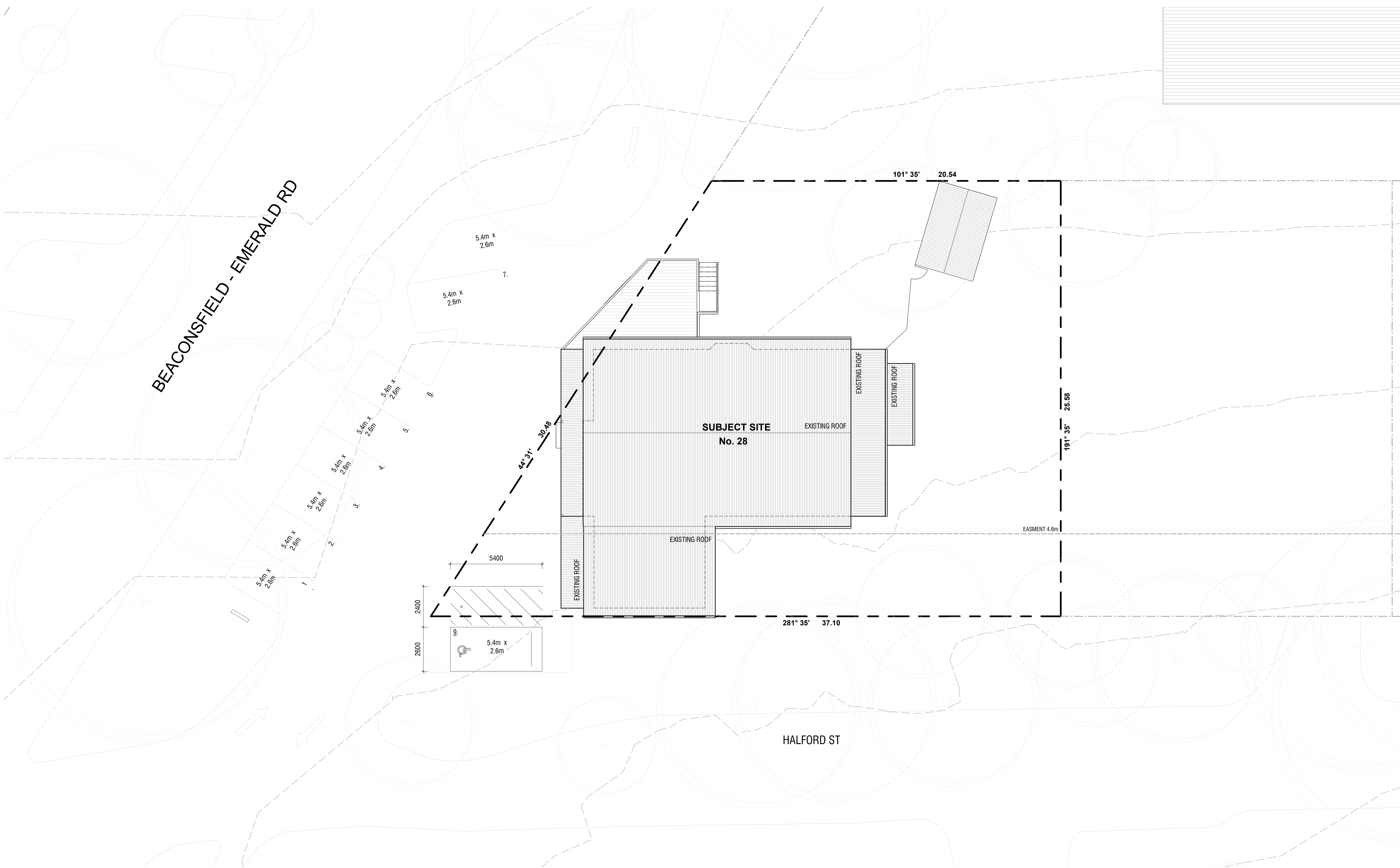
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 NORTH
PRELIMINARY
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DRAWING
FLOOR PLAN - PROPOSED
 PROJECT NO.
2402
 DRAWING PHASE
 TOWNPLANNING
 DRAWING NO.
TP006
 REVISION
 TP-01

BEACONSFIELD - EMERALD RD



SUBJECT SITE
No. 28

EXISTING ROOF

EXISTING ROOF

EXISTING ROOF

EXISTING ROOF

EXISTING ROOF

EASMENT 4.6m

281° 35' 37.10

191° 35' 25.68

101° 35' 20.54

2400

5400

2600

44° 37' 30.48

5.4m x 2.6m

5.4m x 2.6m

5.4m x 2.6m

5.4m x 2.6m

5.4m x 2.6m

5.4m x 2.6m

5.4m x 2.6m

5.4m x 2.6m

19.



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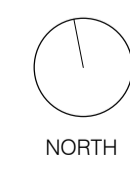
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28 BEACONSFIELD-EMERALD RD,
BEACONSFIELD UPPER, VIC 3808
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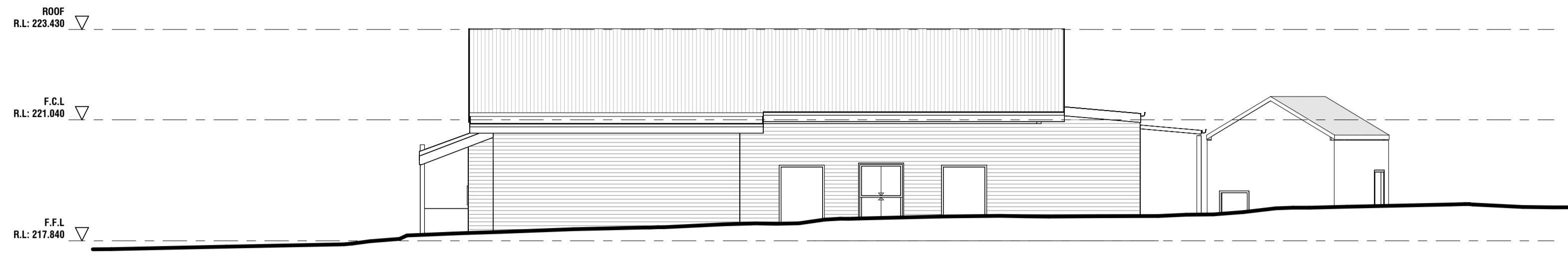
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DRAWING
ROOF PLAN - PROPOSED

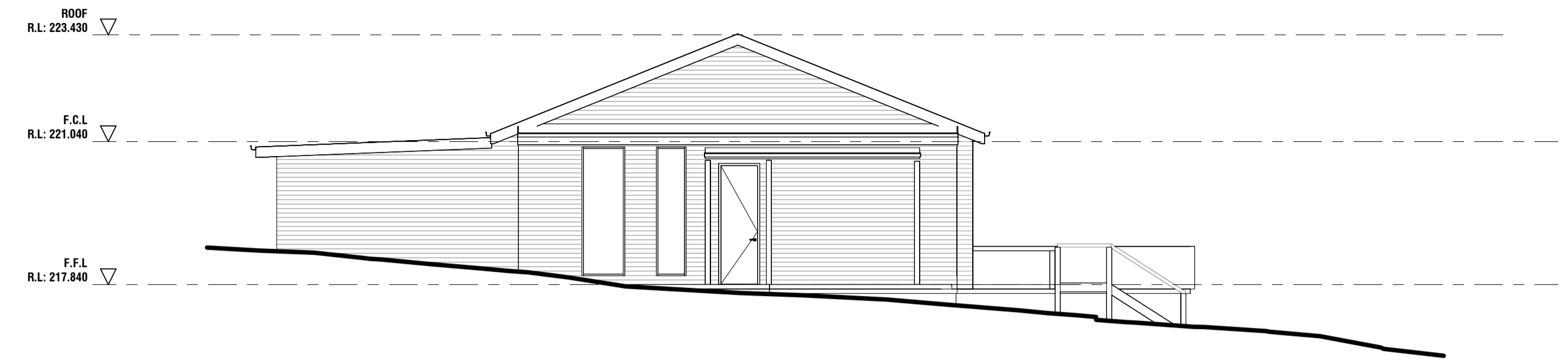
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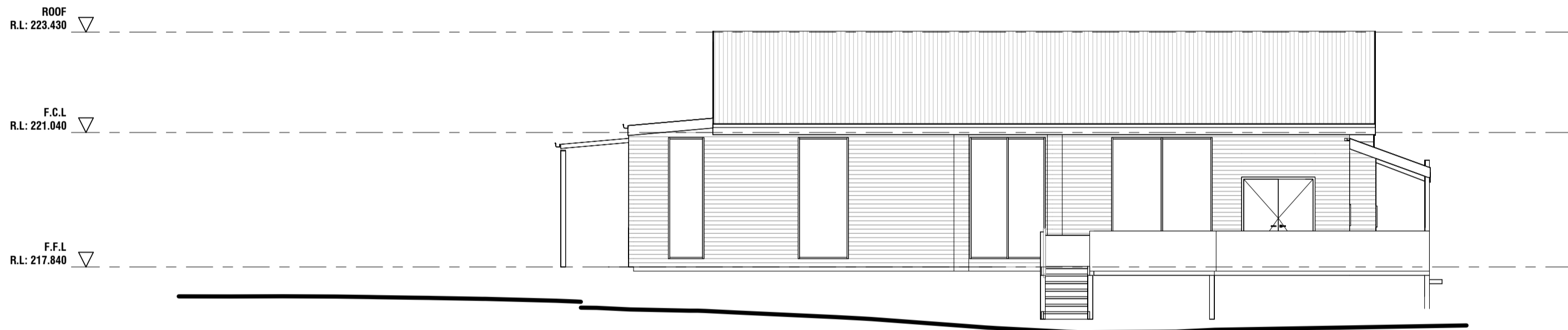
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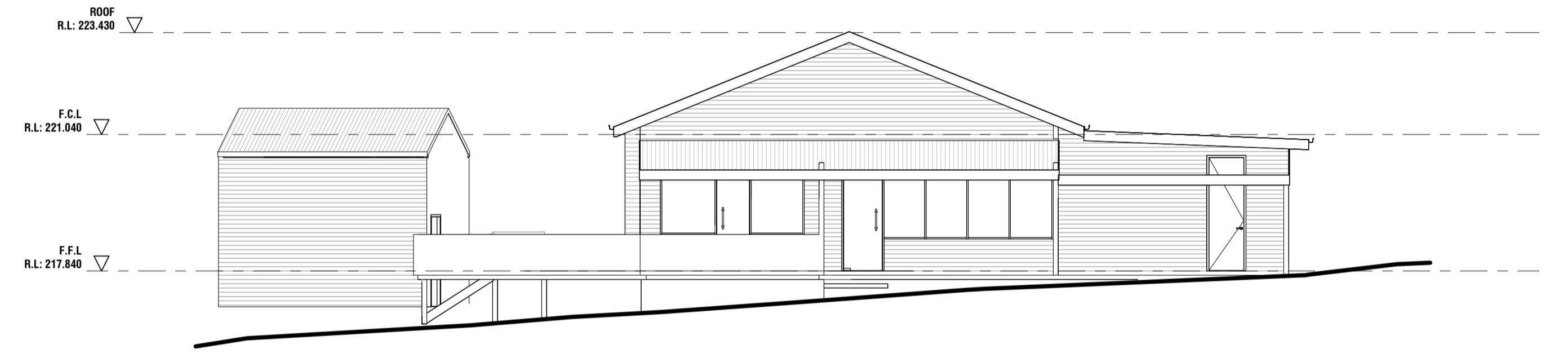
3 SOUTH ELEVATION - EXISTING
TP005/Scale: 1 : 100



2 EAST ELEVATION - EXISTING
TP005/Scale: 1 : 100

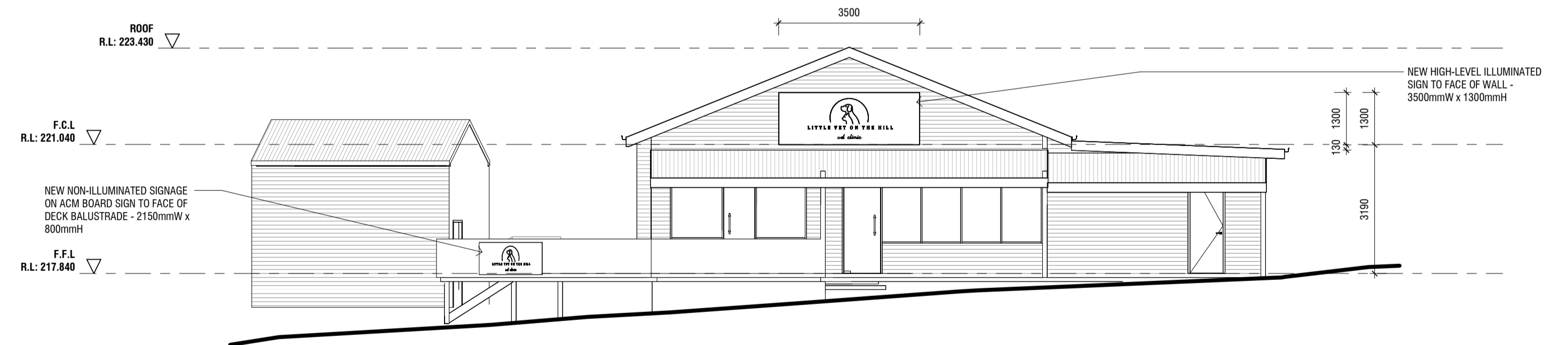


1 NORTH ELEVATION - EXISTING
TP005/Scale: 1 : 100



4 WEST ELEVATION - EXISTING
TP005/Scale: 1 : 100

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5 WEST ELEVATION - PROPOSED
A131/Scale: 1 : 100



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PROJECT
BEACONSFIELD UPPER - VET CLINIC
28 BEACONSFIELD-EMERALD RD,
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CLIENT

| Rev | Date | Reason for Issue | Submitted By |
|-------|----------|--------------------|--------------|
| TP-01 | 22.11.24 | TOWNPLANNING ISSUE | AK |

Builders / Contractors shall verify all dimensions before any work commences. Dimensions shown are nominal. Figured dimensions shall take precedence over scaled dimensions. Any discrepancies are to be made known to the Architects / Designers studio prior to any works commencing on site. All shop drawings shall be submitted for review and manufacture shall not commence prior to the return of stamped shop drawings.

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SCALE@A1 1 : 100

**PRELIMINARY
NOT FOR CONSTRUCTION**

DRAWING
ELEVATIONS

PROJECT NO.
2402
DRAWING PHASE
TOWNPLANNING

DRAWING NO.
TP010
REVISION
TP-01