


Notice of Application for a Planning Permit

The land affected by the application is located at:	L105 PS741575 V12203 F372 13 Sette Circuit, Pakenham VIC 3810
The application is for a permit to:	Use of the land for Materials Recycling (Waste tyre recycling) and variation of restrictive Covenant AU646465E

A permit is required under the following clauses of the planning scheme:

33.01-1	Use of the land for materials recycling
52.02	To proceed under Section 23 of the Subdivision Act 1988 to create, vary or remove an easement or restriction or vary or remove a condition in the nature of an easement in a Crown grant

APPLICATION DETAILS

The applicant for the permit is:	
Application number:	T240350

You may look at the application and any documents that support the application at the office of the Responsible Authority:

Cardinia Shire Council, 20 Siding Avenue, Officer 3809.

This can be done during office hours and is free of charge.

Documents can also be viewed on Council's website at cardinia.vic.gov.au/advertisedplans or by scanning the QR code.



HOW CAN I MAKE A SUBMISSION?

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:		28 October 2025
WHAT ARE MY OPTIONS? Any person who may be affected by the granting of the permit may object or make other submissions to the responsible authority. If you object, the Responsible Authority will notify you of the decision when it is issued.	An objection must: <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. 	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.



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ePlanning

Application Summary

Portal Reference A3249681

Basic Information

Proposed Use Use of land for Materials Recycling
Current Use Double storey warehouse
Site Address 13 Sette Circuit Pakenham 3810

Covenant Disclaimer

Does the proposal breach, in any way, an encumbrance on title such as restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope? No such encumbrances are breached

☐ Note: During the application process you may be required to provide more information in relation to any encumbrances.

Contacts

Type	Name	Address	Contact Details
Applicant			
Owner			
Preferred Contact			

Fees

Regulation Fee Condition	Amount	Modifier	Payable
9 - Class 1 Change of use only	\$1,453.40	100%	\$1,453.40
Total			\$1,453.40

Documents Uploaded

Date	Type	Filename
25-07-2024	A Copy of Title	TPA - Title Package (ID 16647).pdf
25-07-2024	Site plans	TPA - Plans (ID 16650).pdf
25-07-2024	Written Explanation	TPA - Town Planning Report (ID 16656).pdf
25-07-2024	Additional Document	TPA - Cover Letter (ID 16645).pdf



Civic Centre
20 Siding Avenue, Officer, Victoria

Council's Operations Centre (Depot)
Purton Road, Pakenham, Victoria

Postal Address
Cardinia Shire Council
P.O. Box 7, Pakenham VC, 3810

Email: mail@cardinia.vc.gov.au

Monday to Friday 8.30am–
5pm

Phone: 1300 787 624

After Hours: 1300 787 624

Fax: 03 5941 3784

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

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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.

Clear Form

The Land **i**

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

Street Address *

Unit No.:	St. No.: 13	St. Name: Sette Circuit
Suburb/Locality: Pakenham		Postcode: 3810

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	Lot No.: 105	<input type="radio"/> Lodged Plan	<input type="radio"/> Title Plan	<input checked="" type="radio"/> Plan of Subdivision	No.: 741575
OR					
B	Crown Allotment No.:		Section No.:		
Parish/Township Name:					

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? *

Use of land for Materials Recycling

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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.

Cost \$ 0

⚠ 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.

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


Existing Conditions

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.

Double storey warehouse

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

Title Information

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

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.

Business phone:

Email:

Mobile phone:

Fax:

Contact person's details*

Same as applicant ☒

Name:

Title:

First Name:

Surname:

Organisation (if applicable):

Postal Address:

If it is a P.O. Box, enter the details here:

Unit No.:

St. No.:

St. Name:

Suburb/Locality:

State:

Postcode:


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.

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 correct; and the owner has been notified of the permit application.

Signature: 

Date: 25/07/2024

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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Request to amend a current planning permit application

This form is used to request an amendment to an application for a planning permit that has already been lodged with Council, but which has not yet been decided. This form can be used for amendments made before any notice of the application is given (pursuant to sections 50 / 50A of the *Planning and Environment Act 1987*) or after notice is given (section 57A of the Act).

PERMIT APPLICATION DETAILS

Application No.:	T240350
Address of the Land:	13 Sette Circuit, Pakenham VIC 3810

APPLICANT DETAILS

Name:	[REDACTED]
Organisation:	Adept Exports Pty Ltd
Address:	38 Brock Street, Thomastown VIC 3074
Phone:	[REDACTED]
Email:	[REDACTED]

AMENDMENT TYPE

Under which section of the Act is this amendment being made? (select one)	
Section 50 – Amendment to application at request of applicant before notice:	X <input type="checkbox"/>
Section 50A - Amendment to application at request of responsible authority before notice:	<input type="checkbox"/>
Section 57A – Amendment to application after notice is given:	<input type="checkbox"/>

AMENDMENT DETAILS

What is being amended? (select all that apply)		
What is being applied for <input type="checkbox"/> X	Plans / other documents <input type="checkbox"/>	Applicant / owner details <input type="checkbox"/>
Land affected <input type="checkbox"/>	Other <input type="checkbox"/>	
Describe the changes. If you need more space, please attach a separate page.		
<p><u>This application seeks to amend the planning permit application to include for the removal of covenant on Lot 105 PS741575 via instrument AA6382. The covenant prevents the site from being used as a materials recycling facility. The details of the covenant proposed to be removed via this amendment application are:</u></p> <p><u>"The Transferre for himself, his executors, administrators, personal representatives and transferees and the registered proprietors for the time being of the land hereby transferred COVENANTS with the Transferor and all other registered proprietors for the time being of every part of the land comprised in</u></p>		

<u>Plan or Subdivision PS/415/5M ("the Plan") other than the land hereby transferred:</u>		
i. Not any time,		
ii. Not at any time ...		
iii. Not at any time ...		
iv. Not at any time conduct a business with the primary purpose of recycling, transferring or managing waste, including the storage of deliverable skip bins.		
Specify the estimated cost of any development for which the permit is required:		
Not applicable <input type="checkbox"/>	Unchanged <input checked="" type="checkbox"/>	New amount \$

DECLARATION

I declare that all the information in this request is true and correct and the owner (if not myself) has been notified of this request to amend the application.	
Name:	<u>Shradha Pandey</u>
Signature:	<u>Shradha Pandey</u>
Date:	<u>8 November 2024</u>

LODGEMENT

<p>Please submit this form, including all amended plans/documents, to mail@cardinia.vic.gov.au</p> <p>You can also make amendments to your application via the Cardinia ePlanning Portal at https://eplanning.cardinia.vic.gov.au/</p> <p>If you have any questions or need help to complete this form, please contact Council's Statutory Planning team on 1300 787 624.</p>
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IMPORTANT INFORMATION

<p>It is strongly recommended that before submitting this form, you discuss the proposed amendment with the Council planning officer processing the application.</p> <p>Please give full details of the nature of the proposed amendments and clearly highlight any changes to plans (where applicable). If you do not provide sufficient details or a full description of all the amendments proposed, the application may be delayed.</p> <p>No application fee for s50/s50A requests unless the amendment results in changes to the relevant class of permit fee or introduces new classes of permit fees. The fee for a s57A request is 40% of the relevant class of permit fee, plus any other fees if the amendment results in changes to the relevant class (or classes) of permit fee or introduces new classes of permit fees. Refer to the <i>Planning and Environment (Fees) Regulations 2016</i> for more information.</p> <p>The amendment may result in a request for more under section 54 of the Act and/or the application requiring notification (or re-notification). The costs associated with notification must be covered by the applicant.</p> <p>Council may refuse to amend the application if it considers that the amendment is so substantial that a new application for a permit should be made.</p> <p>Any material submitted with this request, 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 <i>Planning and Environment Act 1987</i>.</p>
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Request to amend a current planning permit application

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APPLICANT DETAILS

Name:	
Organisation:	Adept Exports Pty Ltd
Address:	38 Brock Street, Thomastown VIC 3074
Phone:	0477 731 802
Email:	

AMENDMENT TYPE

Under which section of the Act is this amendment being made? (select one)	
Section 50 – Amendment to application at request of applicant before notice:	<input checked="" type="checkbox"/>
Section 50A – Amendment to application at request of responsible authority before notice:	<input type="checkbox"/>
Section 57A – Amendment to application after notice is given:	<input type="checkbox"/>

AMENDMENT DETAILS

What is being amended? (select all that apply)		
What is being applied for <input checked="" type="checkbox"/>	Plans / other documents <input checked="" type="checkbox"/>	Applicant / owner details <input type="checkbox"/>
Land affected <input type="checkbox"/>	Other <input type="checkbox"/>	
Describe the changes. If you need more space, please attach a separate page.		
The application seeks to amend the planning permit application to consider for the		
changes advised in the revised Traffic Impact Assessment (TIA) submitted to the		
Council on 14 July 2025. The revised TIA also includes the amended swept path analysis suggesting the maximum length of vehicle entering the premises will be 8.8m.		

Specify the estimated cost of any development for which the permit is required:		
Not applicable	Unchanged	New amount

DECLARATION

I declare that all the information in this request is true and correct and the owner (if not myself) has been notified of this request to amend the application.	
Name:	
Signature:	
Date:	

LODGEMENT

<p>Please submit this form, including all amended plans/documents, to mail@cardinia.vic.gov.au</p> <p>You can also make amendments to your application via the Cardinia ePlanning Portal at https://eplanning.cardinia.vic.gov.au/</p> <p>If you have any questions or need help to complete this form, please contact Council's Statutory Planning team on 1300 787 624.</p>
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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

Page 1 of 2

VOLUME 12203 FOLIO 372

Security no : 124116856420F
Produced 23/07/2024 04:34 PM

LAND DESCRIPTION

Lot 105 on Plan of Subdivision 741575M.
PARENT TITLE Volume 11920 Folio 035
Created by instrument PS741575M 21/04/2020

REGISTERED PROPRIETOR

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AX315788A 03/10/2023
EQUITY-ONE MORTGAGE FUND LTD

COVENANT AU646465E 02/08/2021

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
AF973167S 16/07/2008

AGREEMENT Section 173 Planning and Environment Act 1987
AM525956E 03/02/2016

NOTICE Section 45 Melbourne Strategic Assessment (Environment Mitigation
Levy) 2020
AT390548G 01/07/2020

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DIAGRAM LOCATION

SEE PS741575M FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

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

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

Street Address: 13 SETTE CIRCUIT PAKENHAM VIC 3810

ADMINISTRATIVE NOTICES

NIL

eCT Control 19219M PURCELL PARTNERS

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

Page 2 of 2

Effective from 03/10/2023

DOCUMENT END

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Document Type	Plan
Document Identification	PS741575M
Number of Pages (excluding this cover sheet)	6
Document Assembled	23/07/2024 16:34

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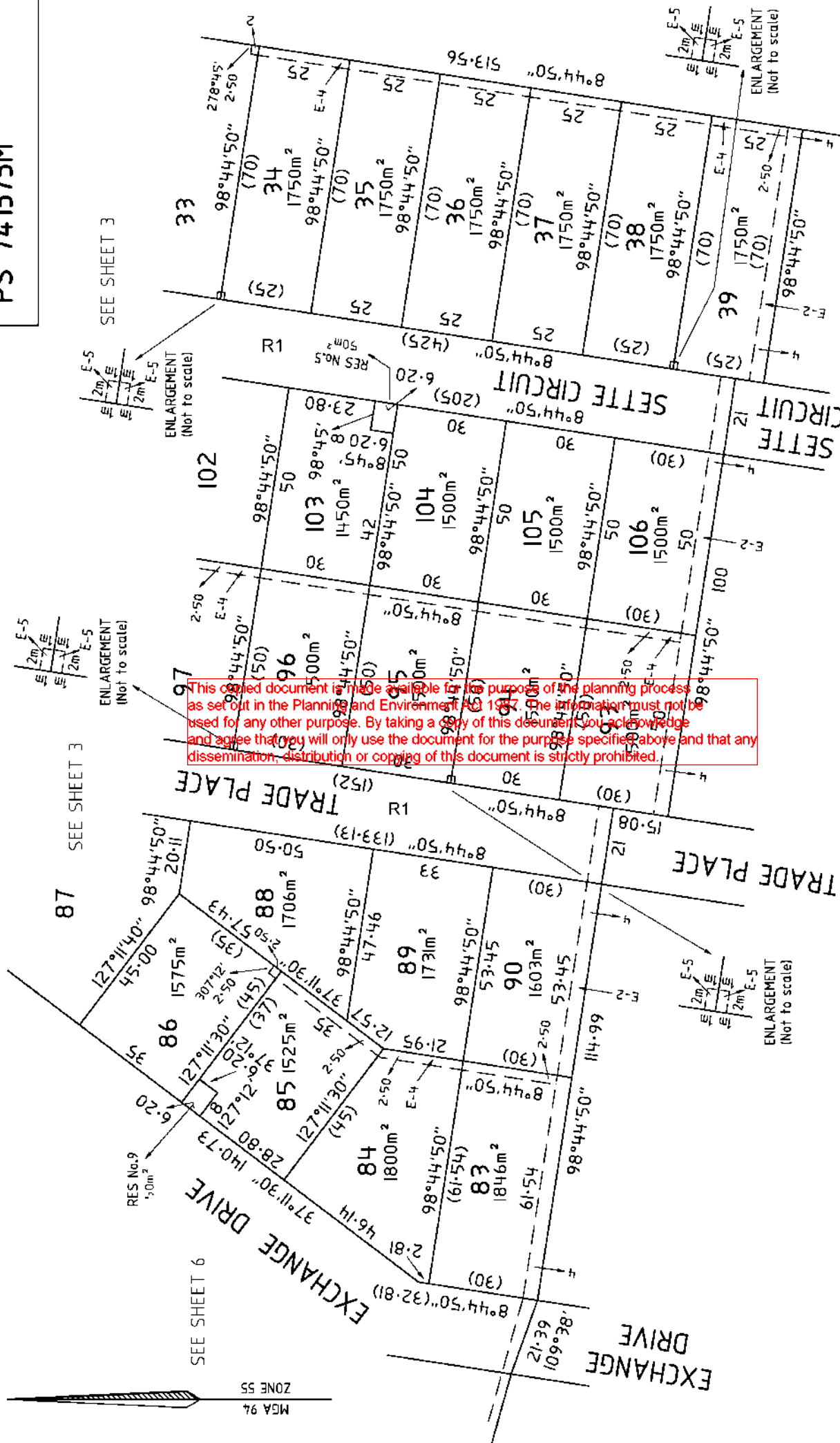
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<div>PLAN OF SUBDIVISION</div>			<div>EDITION 1</div>		<div>PS 741575M</div>																										
<div>LOCATION OF LAND</div> <div> <div>PARISH: NAR NAR GOON</div> <div>TOWNSHIP: -</div> <div>SECTION: -</div> <div>CROWN ALLOTMENT: 32 (Part)</div> <div>CROWN PORTION: -</div> <div>TITLE REFERENCE: Volume 11920 Folio 035</div> </div> <div> <div>LAST PLAN REFERENCE: PS 701419D Lot B</div> <div> <div>POSTAL ADDRESS: 1160 Healesville Koo Wee Rup Road,</div> <div>(at time of subdivision) PAKENHAM, Vic., 3810</div> </div> <div> <div>MGA CO-ORDINATES: E: 367800 ZONE: 55</div> <div>(of approx centre of land N: 5782500 GDA 94</div> <div>in plan)</div> </div> </div>			<div>Council Name: Cardinia Shire Council</div> <div> <div>Council Reference Number: S16/218</div> <div>Planning Permit Reference: T050298-2</div> <div>SPEAR Reference Number: S093222B</div> </div> <div>Certification</div> <div> <div>This plan is certified under section 6 of the Subdivision Act 1988</div> <div>Public Open Space</div> <div>A requirement for public open space under section 18 of the Subdivision Act 1988 has been made and the requirement has not been satisfied at Certification</div> <div>Digitally signed by: Simone Norbury for Cardinia Shire Council on 16/05/2019</div> <div>Statement of Compliance issued: 16/03/2020</div> <div>Public Open Space</div> <div>A requirement for public open space under section 18 of the Subdivision Act 1988 has been made and the requirement has been satisfied at Statement of Compliance</div> </div>																												
<div>VESTING OF ROADS AND/OR RESERVES</div> <table border="1"> <tr> <th>IDENTIFIER</th> <th>COUNCIL/BODY/PERSON</th> </tr> <tr> <td>R1</td> <td>CARDINIA SHIRE COUNCIL</td> </tr> <tr> <td>RESERVE No. 5</td> <td>Ausnet Electricity Services Pty. Ltd.</td> </tr> <tr> <td>RESERVE No. 6</td> <td>Ausnet Electricity Services Pty. Ltd.</td> </tr> <tr> <td>RESERVE No. 7</td> <td>Ausnet Electricity Services Pty. Ltd.</td> </tr> <tr> <td>RESERVE No. 8</td> <td>Ausnet Electricity Services Pty. Ltd.</td> </tr> <tr> <td>RESERVE No. 9</td> <td>Ausnet Electricity Services Pty. Ltd.</td> </tr> <tr> <td>RESERVE No.10</td> <td>Ausnet Electricity Services Pty. Ltd.</td> </tr> </table>			IDENTIFIER	COUNCIL/BODY/PERSON	R1	CARDINIA SHIRE COUNCIL	RESERVE No. 5	Ausnet Electricity Services Pty. Ltd.	RESERVE No. 6	Ausnet Electricity Services Pty. Ltd.	RESERVE No. 7	Ausnet Electricity Services Pty. Ltd.	RESERVE No. 8	Ausnet Electricity Services Pty. Ltd.	RESERVE No. 9	Ausnet Electricity Services Pty. Ltd.	RESERVE No.10	Ausnet Electricity Services Pty. Ltd.	<div>NOTATIONS</div>												
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<div>DEPTH LIMITATION</div> <div> <div>SURVEY:</div> <div>This plan is based on survey.</div> <div>STAGING:</div> <div>This is not a staged subdivision.</div> <div>Planning Permit No.</div> <div>This survey has been connected to permanent marks No(s).</div> <div>In Proclaimed Survey Area No.</div> </div>			<div> <div>This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.</div> </div>																												
<div>EASEMENT INFORMATION</div>																															
<div>LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)</div>																															
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<div> <div>M. J. PARSONS AND ASSOCIATES</div> <div>LAND SURVEYORS</div> <div>P. O. Box 832, ELTHAM, Vic., 3085</div> <div>Tel: 03 9712 0692 Mob: 0412 388 274</div> <div>Email: m.j.parsons@optusnet.com.au</div> </div>			<div>SURVEYORS FILE REF: 5155F</div> <div>Digitally signed by: maxwell james parsons, Licensed Surveyor, Surveyor's Plan Version (03), 17/08/2018, SPEAR Ref: S093222B</div>		<div>ORIGINAL SHEET SIZE: A3</div> <div>SHEET 1 OF 6</div>																										
<div> <div>PLAN REGISTERED</div> <div>TIME: 02:26pm DATE: 21/04/2020 H.L.</div> <div>Assistant Registrar of Titles</div> </div>																															

PS 741575M



SEE SHEET 3

SEE SHEET 3

SEE SHEET 6

M. J. PARSONS AND ASSOCIATES LAND SURVEYORS P. O. Box 932, ELTHAM, Vic., 3095 Tel: 03 9712 0682 Mob: 0412 388 274 Email: m.j.parsons@optusnet.com.au		M. J. PARSONS AND ASSOCIATES LAND SURVEYORS P. O. Box 932, ELTHAM, Vic., 3095 Tel: 03 9712 0682 Mob: 0412 388 274 Email: m.j.parsons@optusnet.com.au		M. J. PARSONS AND ASSOCIATES LAND SURVEYORS P. O. Box 932, ELTHAM, Vic., 3095 Tel: 03 9712 0682 Mob: 0412 388 274 Email: m.j.parsons@optusnet.com.au	
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Surveyor,
Surveyor's Plan Version (03),
17/08/2018, SPEAR Ref: S093222B

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Cardinia Shire Council,
16/05/2019,
SPEAR Ref: S093222B

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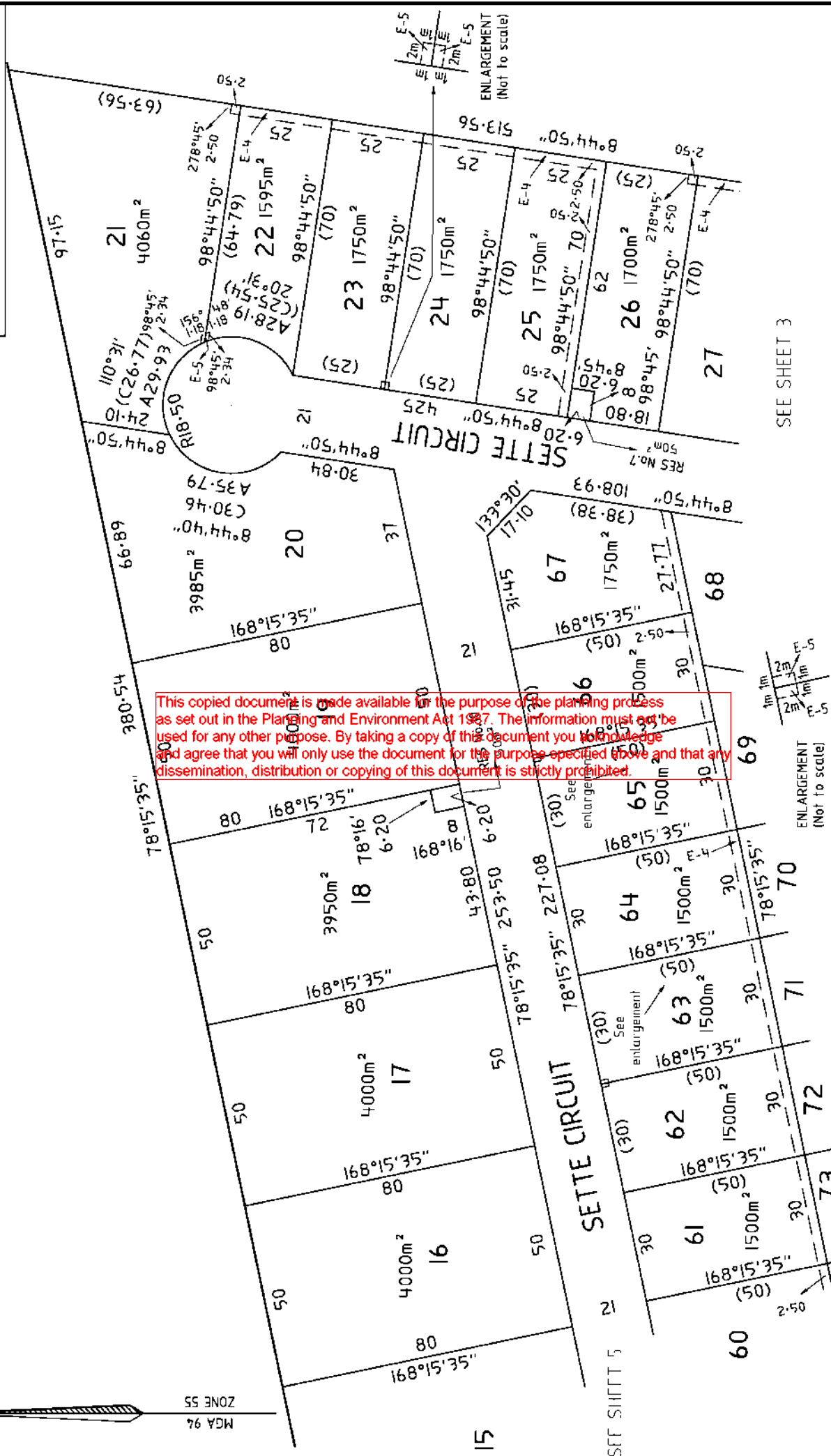
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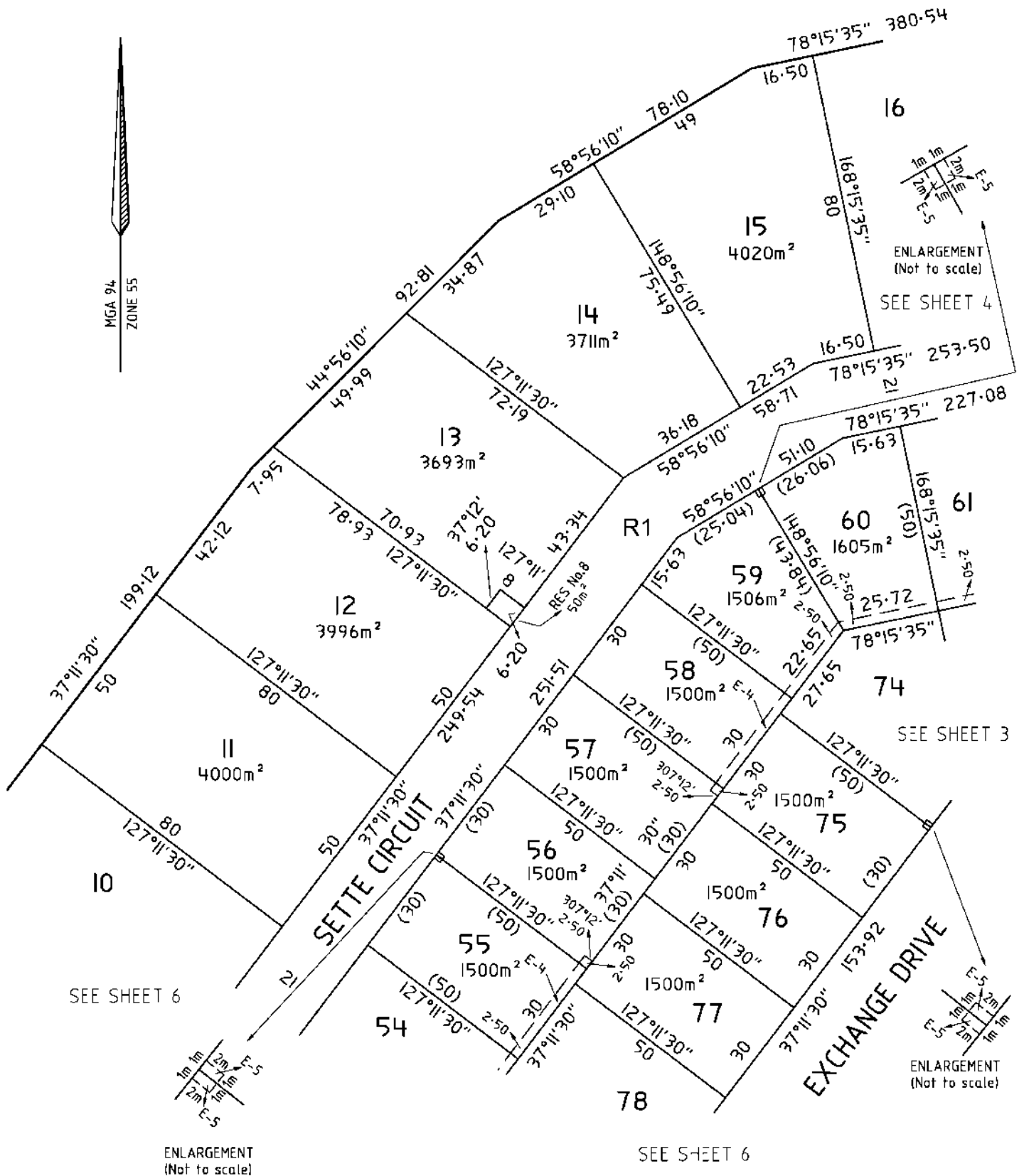
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Tel: 03 9712 0892 Mob: 0412 388 274
Email: m.j.parsons@optusnet.com.au

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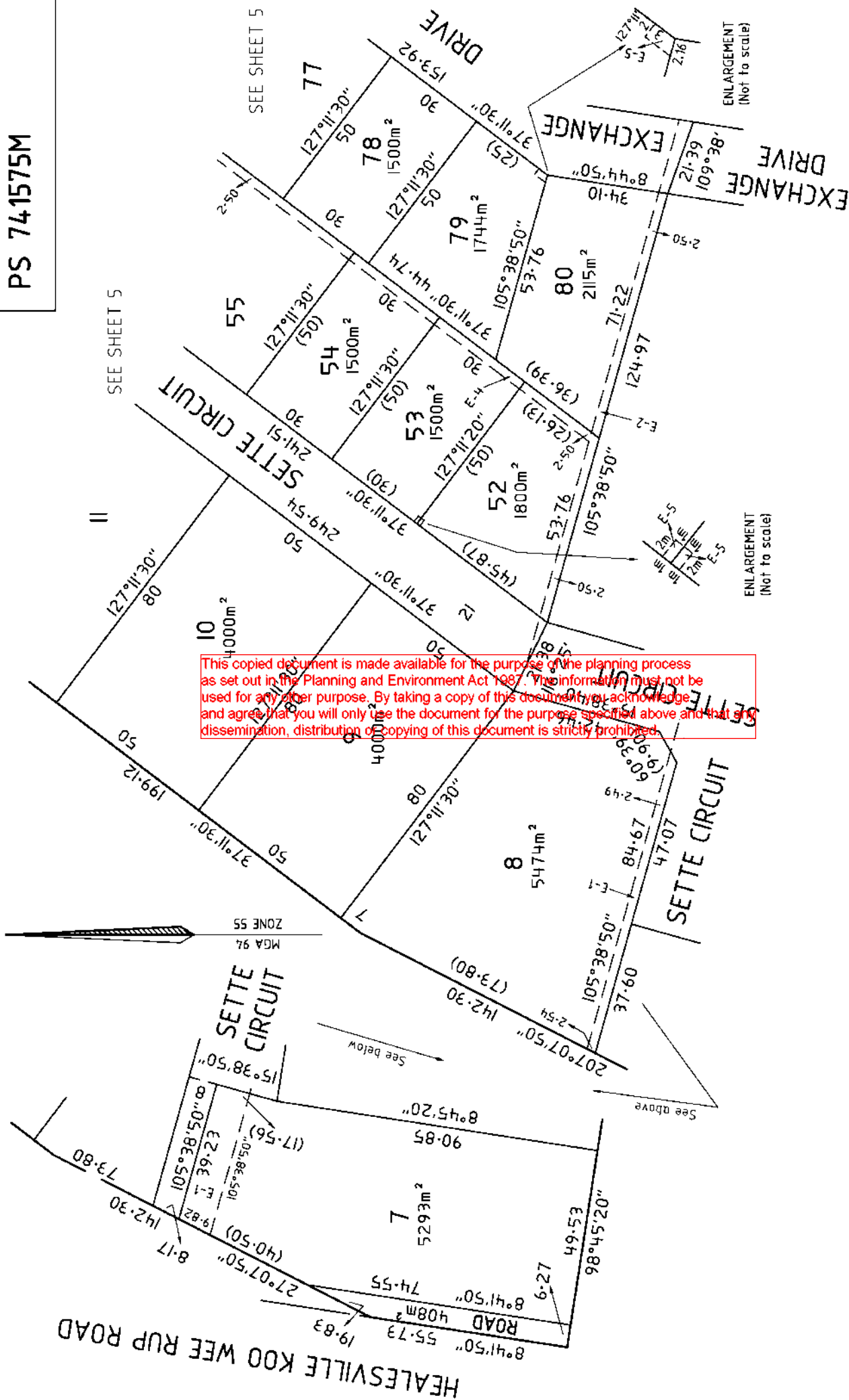
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Surveyor's Plan Version (03),
17/08/2018, SPEAR Ref: S093222B

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16/05/2019,
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SHEET 6

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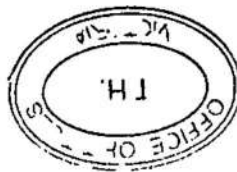
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16/07/2008 \$99.90 173



**APPLICATION BY A RESPONSIBLE AUTHORITY FOR THE MAKING AND
RECORDING OF AN AGREEMENT**

Planning and Environment Act 1987

Lodged at the Land Titles Office by:

Name:

Phone:

Address

Ref: Customer Code: 101735

The Authority having made an agreement referred to in section 181(I) of the Planning and Environment Act 1987 requires a recording to be made in the Register for the land.

Land: 1160 Kooweerup Road, Pakenham

Certificate of Title Volume 9944 Folio 050

Authority: Cardinia Shire Council, Municipal Officer, Henty Way, Pakenham Vic 3810

Section and Act under which agreement made: S173 of the Planning and Environment Act.

A copy of the Agreement is attached to this Application

Signature for the Authority

Name of Officer

Date

9 July 2008

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DATED

9th July

2008

CARDINIA SHIRE COUNCIL

and



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

Land: 1160 Kooweerup Road, Pakenham.

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THIS AGREEMENT UNDER SECTION 173 OF THE PLANNING AND ENVIRONMENT ACT 1987 is made on 2007

BETWEEN

**Cardinia Shire Council
Municipal Offices,
Henty Way
Pakenham Vic 3810**

(Council)

AND

**Sette Brothers Pty. Ltd.
(A.C.N.004756647)
11 Read Street
Templestowe Vic 3106**

(Owner)

RECITALS:

- A.** The Council is the responsible authority for the administration of the Cardinia Shire Council Planning Scheme pursuant to the provisions of the Planning and Environment Act 1987.
- B.** The Owner is entitled to be the registered proprietor of the Land.
- C.** On 20 July 2007 Council issued Planning Permit T.050298 (Planning Permit) allowing the subdivision of the land into one hundred and eight lots and the acquisition and creation of a carriageway easement on part Lot H LP.511176 Exchange Drive, Pakenham generally in accordance with the endorsed plans. Condition 4 of Planning Permit requires the Owners to enter into this Agreement to provide for the matters set out in that condition. A copy of the Planning Permit is available for inspection at Council Offices during normal business hours upon giving the Council reasonable notice.
- D** Condition 4 of Planning Permit provides:-
 - 4.** The permit holder must enter into a Section 173 Agreement with the responsible authority for the provision of the following matters. The form and content of the agreement must be to the satisfaction of the responsible authority, and all costs relating to the preparation and registration of the agreement on title must be met by the permit holder. Prior to the issue of statement of compliance, the permit holder must provide a dealing number to the responsible authority to demonstrate that the agreement on the following matters has been lodged with the Land Titles Office:
 - i.** implementation of the salinity management plan under condition 3(iv) that states:-
 - 3(iv)** The applicant must produce a salinity management plan to the satisfaction of responsible authority that clearly states how the applicant will meet the recommendation to mitigate salinity impacts on-site as described by the report by Chadwick Group titled 'ENV306', dated 26 July 2005. The management plan must include the following elements:



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- a. drainage and water infiltration design;
 - b. appropriate siting and placement of development features.
 - c. appropriate building materials and techniques;
 - d. appropriate building codes and guidelines.
- ii. the registered proprietor or proprietors for the time being of any of the lots 6 to 21 (both inclusive) must not:-
- a. construct any building outside the area shown hatched on the plan of subdivision unless having first obtained the written permission of the responsible authority.
 - b. use the area shown cross hatched on the plan of subdivision except for the purpose of vehicular parking, road access, tree planting and a five metre wide landscaped strip adjacent to the Pakenham Bypass and interchange, unless having first obtained the written permission of the responsible authority.

E. The parties enter into this Agreement:

- (a) to give effect to the requirements of the Planning Permits ; and
- (b) to achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the Land.

OPERATIVE PROVISIONS:

1. DEFINITIONS

In this Agreement the terms and words set out in this clause shall have the following meanings unless otherwise indicated by the context:

- 1.1. "Act" means the Planning and Environment Act 1987
- 1.2. "Agreement" means this Agreement and any agreement executed by the parties expressed to be supplemental to this Agreement.
- 1.3. "Land" means Certificate of Title Volume 9944 Folio 050 at 1160 Kooweerup Road, Pakenham.
- 1.4. "Owner" means the person or persons entitled from time to time to be registered by the Registrar of Titles as proprietor or proprietors of an estate in fee simple of the Land or any part of it and includes a Mortgagee-in-Possession.
- 1.5. "Party or parties" means the Owner and Council under this Agreement as appropriate.

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- 1.6. **"Permit"** means T050298 issued by the Council on 20 July 2007 referred to in recital C of this Agreement..
- 1.7. **"Endorsed Plan"** means the plans endorsed with the stamp of Council from time to time as the Plans which form part of the Planning Permits. A copy of the Endorsed Plans are available for inspection at Council during normal business hours upon giving the Council reasonable notice.
- 1.8. **"Mortgage"** means any mortgage as, from time to time, is registered on the Land.
- 1.9. **"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 Land or any part of it.
- 1.10. **"Scheme"** means the Cardinia Shire Council Planning Scheme and any other Planning Scheme that applies to the Land.
- 1.11. **"Works"** means the works to be carried out pursuant to the Development Permit.

2. INTERPRETATION

In this Agreement unless the context admits otherwise:

- 2.1. The singular includes the plural and the plural includes the singular.
- 2.2. A reference to a gender includes a reference to each other gender.
- 2.3. A reference to a person includes a reference to a firm, corporation or other corporate body and that person's successors in law.
- 2.4. If the owner is more than one person this Agreement binds them jointly and each of them severally.
- 2.5. A reference to legislation includes a modification or re-enactment of it, a legislative provision substituted for it or amendment of it, and a regulation or statutory instrument issued under it.
- 2.6. All headings are for ease of reference only and shall not be taken into account in the construction or interpretation of this Agreement.
- 2.7. The recitals to this Agreement are and will be deemed to form part of the Agreement.
- 2.8. A term used in this Agreement 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.

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- 2.9.** The obligations of the Owner under this Agreement, will take effect as separate and several covenants which are annexed to and run at law and equity with the Land.

3. AGREEMENT UNDER SECTION 173 OF THE ACT

The Council and the Owner agree that without limiting or restricting their respective powers to enter into this Agreement and insofar as it can be so treated, this Agreement is made pursuant to Section 173 of the Act and the obligations of the Owner under the Agreement are obligations to be performed by the Owner as conditions subject to which the subject Land may be used and developed pursuant to the Planning Permit.

4. EFFECT OF AGREEMENT

This Agreement shall be deemed to come into force and effect as from the date of commencement of the Agreement and the benefit and burden of this Agreement shall run with and be annexed to the Land.

5. SUCCESSORS IN TITLE

Without limiting the operation or effect which this Agreement has, the Owner shall until such time as a memorandum of this Agreement is registered on the title to the Land ensure that the Owner successor in title:

- 5.1.** give effect to and do all acts and sign all documents which will require those successors to give effect to this Agreement; and
- 5.2.** execute under seal a deed agreeing to be bound by the terms of this Agreement and upon such execution this Agreement shall continue as if executed by such successors as well as by the parties to this Agreement as if the successor's name appeared in each clause in which the name of the Owner appears and in addition to the name of the Owner.

6. COVENANTS OF OWNER

6.1 Specific Obligations

6.1.1. Compliance with other permits

The Owner agrees that regardless of any rights conferred by the Planning Scheme, except with the consent of Council, the Subdivision of the Land must be in accordance with:

- 6.1.1.1.** the Subdivision Permit. A copy of the Subdivision Permit is available for inspection at Council offices during normal business hours upon giving the Council reasonable notice.
- 6.1.1.2.** the plans from time to time endorsed pursuant to the Subdivision Permit.

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6.1.2. Development must be to approval of Council

The Owner agrees that if the Subdivision Permit expires after this Agreement commences, the Subdivision of the Land must be to the satisfaction of Council.

6.1.3. Things Council can take into account

The Owner agrees that in deciding whether to give its consent under this Agreement Council may consider any relevant design guide.

6.1.4. No changes without further Council consent

The Owner agrees that after the completion of the subdivision, no buildings or any works comprising the subdivision may be altered or extended without the further written consent of Council.

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

6.2. Further Actions

The Owner agree that it will:

6.2.1. do all things necessary including the signing of any further agreements, undertakings, covenants and consents, approvals or other documents necessary for the purpose of ensuring that the Owner carries out the Owner covenants, agreements and obligations under this Agreement and to enable the Council to enforce the performance by the Owner of such covenants and undertakings; and

6.2.2. consent to the Council making application to the Registrar of the Land Titles Office to make a recording of this Agreement in the Register on the Certificates of Title of the Land in accordance with Section 181 of the Act and do all things necessary to enable the Council to do so including signing any further agreement, acknowledgment or document or procuring the consent to this Agreement of any mortgagee or caveator to enable the recording to be made in the Register under that Section.

6.2.3. not sell, transfer, dispose of, assign mortgage or otherwise part with possession of the Land or any part thereof without first disclosing to any intended purchaser, transferee, assignee or mortgagee the existence and nature of this Agreement.

6.2.4. ensure that a copy of this Agreement is attached to any part of the Land together with a special condition in the following form:

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“Attention is drawn to the provisions of an agreement entered into under Section 173 of the Planning and Environment Act and which has been registered at the Office of Titles and the provisions of which run with the Land. A copy of such agreement is attached to and forms part of this contract”.

6.3. Costs

The Owner shall forthwith pay on demand to the Council the Council’s costs and expenses including legal expenses of and incidental to:

- 6.3.1** the negotiation, preparation, execution registration and enforcement of this Agreement including all moneys, costs (including charges for consultants, architects and legal advice and assistance) charges and expenses for which the Council may pay, incur or expend, in consequence of any default in the performance and observance of any covenant, proviso, condition or agreement herein contained or implied and on the Owner part to be performed and observed or under or in exercise or enforcement or attempted exercise or enforcement of any right, power or remedy herein contained;
- 6.3.2** administration and supervision costs of the Council properly and reasonably incurred in relation to this Agreement except for administration and supervision which the Council is obliged to undertake pursuant to its statutory duties; and
- 6.3.3** any request by the Owner for the Council’s consent or approval where such consent or approval is required under any covenant, proviso, condition or agreement herein contained or implied immediately the Council shall have expended or incurred the same.

7. DEFAULT OF OWNER

In the event of the Owner defaulting or failing to perform any of the Owner obligations under this Agreement, the Council may without prejudice to any other remedies rectify such default and the cost of any works undertaken by the Council to rectify any default shall be borne by the Owner and any such costs shall be capable of being recovered by the Council in any Court of competent jurisdiction as a civil debt recoverable summarily.

8. COUNCIL’S POWERS

8.1. Default Notice

- 8.1.1.** Should the Owner fail or neglect to carry out or complete the works the Council may cause to be served on the Owner a notice in writing (“the notice”) specifying the works in respect of which the owner is in default.

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- 8.1.2. Should the default continue for a period of 14 days after the service of the notice the Council may enter upon the land and cause the works to be constructed or completed.
- 8.1.3. The notice may set out the cost as estimated by the Council of constructing or completing the construction of the Works. If the Owner do not comply with the notice to remedy the default the Council may cause to be served on the Owner a demand in writing ("the demand") for the amount of the costs specified in the notice.
- 8.1.4. The costs specified in the demand shall be paid forthwith by the Owner to the Council.

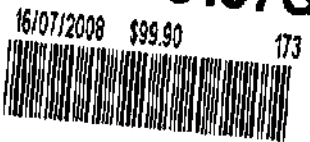
8.2. Completion of Works

- 8.2.1. As soon as practicable after the completion of the work the Council shall certify the actual costs of the works to the Council. The certificate of the Council shall be final, binding and conclusive as between the parties to this Agreement. The difference between the actual cost and the estimated cost paid to the Council pursuant to this Clause shall be paid by the Owner to the Council or by the Council to the Owner as the case may require.
- 8.2.2. If the notice does not require the Owner to pay the estimated costs, the actual costs of any works carried out by or on behalf of the Council pursuant to this Clause of this Agreement shall be paid on demand by the Owner to the Council.
- 8.2.3. The Owner covenants and agrees that the Owner will indemnify and keep indemnified the Council from and against all costs, expenses, losses or damages whatsoever which they may sustain, incur or suffer or be or become liable for or in respect of any suit, action, proceeding, judgement or claim brought by any person whatsoever arising from or referable to the carrying out of works referred to in this Clause.

9. INTEREST AND CHARGE

- 9.1. If any of the monies payable pursuant to this Agreement are not paid by the due date, the amount then due and unpaid shall attract interest from the relevant due date until the date when such money is paid at the rate of interest from time to time which the Council may be authorised by legislation to charge as interest on any unpaid rates and charges.
- 9.2. For better securing compliance with this Agreement, the Owner hereby charges in favour of the Council all the Owner's estate and interest both legal and equitable in the Land to the extent of the obligations imposed on the Owner under this Agreement provided always that nothing in this sub-clause shall prevent the Owner from mortgaging the subject land by way of registered mortgage or otherwise for the purposes of raising funds to facilitate the development of the Land.

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10. NOTICES

10.1. A notice or other communication required or permitted to be served by a party on another party shall be in writing and may be served

10.1.1. by delivering it personally to that party;

10.1.2. by sending it by registered prepaid post personally signed by the owner;

or

10.1.3. by sending it by facsimile provided that a communication sent by facsimile shall be confirmed immediately in writing by the sending party by hand delivery or registered prepaid post personally signed by the owner.

10.2. And notice or other communication is deemed served:

10.2.1. if delivered, on the next following business day;

10.2.2. if posted, by registered mail and personally signed for by the Owners; or

10.2.3. if sent by facsimile, at the time recorded by the facsimile machine of the party receiving the transmission provided always that if the time recorded is after business hours, the time will be deemed to be 9.00am on the business day following the transmission.

11. FURTHER ASSURANCE

Each of the parties to this Agreement shall respectively sign and execute all further documents and deeds and do all acts and things as shall reasonably be required to effect the terms and conditions contained in this Agreement.

12. INDEMNITY

The Owner covenant and agree that the Owner will indemnify and keep indemnified the Council and the Council's agents in relation to all costs, expenses, losses or damages whatsoever which the Council or its agents may sustain, incur or suffer or be or become liable for in respect of any suit, action, proceeding, judgment or claim brought by any person whatsoever arising from or referable to the matters referred to in this Agreement or any breach of this Agreement.

13. NO WAIVER

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

AF973167S



14. SEVERABILITY

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

15. NO FETTERING OF COUNCIL'S POWERS

It is acknowledged and agreed that this Agreement does not fetter or restrict the power or discretion of the Council to make or impose requirements or conditions in connection with the granting of any planning approval or certification of any plans of subdivision or consolidation applicable to the lands.

16. MORATORIUM

To the fullest to which it may from time to time be lawful so to do the provisions of all statutes (including moratorium statutes) whether now existing or hereafter to come into force and operating directly or indirectly to lessen or otherwise modify or vary or affect in favour of any party the obligation of that party or stay, postpone or otherwise prevent or prejudicially affect the exercise by a party of all or any to the rights, powers and remedies conferred on the party by this Agreement are hereby expressly negated and excluded from this Agreement.

17. COUNTERPARTS

This Agreement may be executed in any number of counterparts each of which when so executed shall be deemed to be an original and such counterparts shall together constitute but one agreement.

18. GOVERNING LAW

This Agreement takes effect, is governed by and shall be construed in accordance with the laws from time to time in force in the State of Victoria.

19. COMMENCEMENT OF AGREEMENT

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

- 20. The Owner further covenants and agrees that the Owner will bring this Agreement to the attention of all prospective purchasers, lessees, mortgagees, chargees, transferees and assigns.**

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173



EXECUTION PAGE

Executed by Sette Brothers Pty. Ltd.
A.C.N.004756647 by being signed by

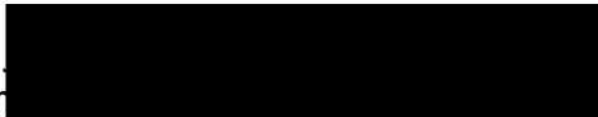


Pat Sette, Director
11 Read Street
Templestowe Vic 3106

Signed by and on behalf, and with the
authority of the Cardinia Shire Council
by ~~Tracey Parker~~ ^{Jan Gule}, in the exercise of
power conferred by an instrument of) ...
Delegation dated 19 June 2006.



In the presence of



Witr

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Form 13

Section 181

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APPLICATION BY A RESPONSIBLE AUTHORITY FOR THE MAKING OF A RECORDING OF AN AGREEMENT

Planning and Environment Act 1987

Lodged at the Land Titles Office by :

Name:

Phone:

Address:

Ref: Customer Code

The Authority having made an agreement referred to in Section 181(1) of the Planning and Environment Act 1987 requires a recording to be made in the Register for the land.


Land: Volume ~~9940~~ Folio 050

Authority: CARDINIA SHIRE COUNCIL of Henty Way, Pakenham, Vic. 3810

Section and Act under which agreement made:

Section 173 of the Planning and Environment Act 1987

A copy of the Agreement is attached to this Application.

Signature for the Authority:

Name of Officer:

Date:

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

CARDINIA SHIRE COUNCIL

And

ROADS CORPORATION

And

SETTE BROTHERS PTY LTD

Subject Land:

NO. 1160 KOO WEE RUP ROAD, PAKENHAM
Certificate of Title Volume 9940 Folio 050

201766Z_5VC

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**THIS AGREEMENT UNDER SECTION 173
OF THE PLANNING AND ENVIRONMENT ACT 1987**

Is made on the 11 day of December 2015

BETWEEN

CARDINIA SHIRE COUNCIL
of Henty Way, Pakenham Vic 3810

("Council")

AND

ROADS CORPORATION
of 60, Denmark Street, Kew Vic 3101

("VicRoads")

AND

SETTE BROTHERS PTY LTD
(A.C.N. 004 756 647)
of 11 Read Street, Templestowe Vic 3106

("Owner")

In relation to land described in Certificate of Title Volume 9940 Folio 050 and located at 1160 Koo Wee Rup Road, Pakenham ("**Subject Land**")

RECITALS

- A. Cardinia Shire Council is the Responsible Authority pursuant to the Act for the Planning Scheme.
- B. VicRoads means the Roads Corporation, being the body established under section 15 of the *Transport Act 1983* and continued under the *Transport Integration Act 2010*, and includes any successor to that body.
- C. The Owner is or is entitled to be the registered proprietor of the Subject Land.
- D. On **20 July 2007** Council issued Planning Permit No. **T050298** allowing the subdivision of the Subject Land into one hundred and eight lots and the acquisition and creation of a carriageway easement on part Lot H PS511176M Exchange Drive, Pakenham generally in accordance with the endorsed plans ("**Planning Permit**"). On 21 December 2009, 18 November 2009 and 15 August 2014, the Planning Permit was amended.
- E. Condition 47 of the Planning Permit requires the Owner to enter into this Agreement to provide that no compensation will be payable as a result of the possible future closure

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of Livestock Way at the intersection of Healesville-Koo Wee Rup Road when required by VicRoads, provided suitable alternative access is provided to the local road network;

A copy of the Planning Permit, as amended, may be inspected at the Council Offices during normal business hours upon giving the Council reasonable notice.

F. The parties enter into this Agreement:

- (a) to give effect to the requirements of Condition 47 of the Planning Permit; and
- (b) to achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the Subject Land.

THE PARTIES AGREE

1. DEFINITIONS AND INTERPRETATION

1.1 Definitions

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

Act means the Planning and Environment Act 1987;

Agreement means this agreement and any agreement executed by the parties expressed to be supplemental to this Agreement;

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 or persons registered or entitled from time to time to be registered by the Registrar of Titles as proprietor or proprietors of an estate in fee simple of the Subject Land or any part of it and includes a Mortgagee-in-possession;

Party or parties means the Owner, Council and VicRoads under this Agreement as appropriate;

Planning Permit means the Amended Planning Permit No.T050298-2 referred to in recital D of this Agreement;

Planning Scheme means the Cardinia Planning Scheme and any other planning scheme that applies to the Subject Land;

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Subject Land means the land situated at 1160 Koo Wee Rup Road, Pakenham being Lot 1 on LP 137522 and being the land referred to in Certificate of Title Volume 9944 Folio 050.

1.2 Interpretation

In this Agreement unless the context admits otherwise:

- a. The singular includes the plural and vice versa.
- b. A reference to gender includes a reference to each other gender.
- c. A reference to a person includes a reference to a firm, corporation or other corporate body and that person's successors in law.
- d. If a party consists of more than one person this Agreement binds them jointly and each of them severally.
- e. A term used in this Agreement 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.
- f. A reference to an Act, Regulation or the Planning Scheme includes any Acts, Regulations or amendments amending, consolidating or replacing the Act, Regulation or Planning Scheme.
- g. The introductory clauses to this Agreement are and will be deemed to form part of this Agreement.
- h. The obligations of the Owner under this Agreement, will take effect as separate and several covenants which are annexed to and run at law and equity with the Subject Land and every part thereof.

1.3 Headings

In this Agreement, headings are for convenience only and do not affect interpretation.

2. CONFIRMATION OF RECITALS

Each of the parties to this Agreement confirms the recitals that relate to that party.

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3. SPECIFIC OBLIGATIONS OF THE OWNER:

The Owner acknowledges and agrees that no compensation will be payable to the Owner or its successors in Title as a result of the possible future closure of Livestock Way at the intersection of Healesville-Koo Wee Rup Road, when required by VicRoads, provided suitable alternative access is provided to the local road network.

4. FURTHER OBLIGATIONS OF THE OWNER

4.1 Notice and Registration

- a. The Owner covenants and agrees that the Owner will bring this Agreement to the attention of all prospective purchasers, lessees, mortgagees, chargees, transferees and assigns;
- b. the Owner will consent to Council making application to the Registrar of Titles to make a recording of this Agreement in the Register on the Certificate of Title of the Subject Land in accordance with Section 181 of the Act and do all things necessary to enable Council to do so including signing any further agreement, acknowledgment or document or procuring the consent to this Agreement of any mortgagee or caveator to enable the recording to be made in the Register under that section.

4.2 Further actions

The Owner further covenants and agrees that:

- a. the Owner will do all things necessary to give effect to this Agreement;
- b. the Owner will comply with the requirements of all statutory authorities in relation to the development of the Subject Land;
- c. the Owner will comply with all statutory regulations local laws and planning controls in relation to the Subject Land.

4.3 Costs

The Owner further covenants and agrees that the Owner will pay the Council and VicRoads' costs (including legal costs) of:

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AM525956E



- a. The preparation, negotiation and execution of this Section 173 Agreement (inclusive of GST and disbursements);
- b. The registration of this Agreement on the title under Section 181 of the Act.

5. EFFECT OF THE AGREEMENT AND REGISTRATION

5.1 Agreement under Section 173 of the Act

The parties agree that without limiting or restricting their respective power to enter into this Agreement and, insofar as it can be so treated, this Agreement is made pursuant to Section 173 of the Act.

5.2 Covenants to run with the Subject Land

The parties agree and declare that the obligations imposed on the Owner under this Agreement are intended to take effect as covenants which shall be annexed to and run at law and equity with the whole or any part of the Subject Land and bind the Owner, its successors, transferees and permitted assigns and the registered proprietor or proprietors for the time being of the Subject Land.

6. OWNER'S WARRANTIES

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

7. SUCCESSORS IN TITLE

Without limiting the operation or effect which this Agreement has, the Owner must ensure that until such time as a memorandum of this Agreement is registered on the title to the Subject Land, successors in title shall be required to:

- a. give effect to and do all acts and sign all documents which will require those successors to give effect to this Agreement; and
- b. execute a deed agreeing to be bound by the terms of this Agreement.

8. GENERAL MATTERS

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8.1 Notices

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

- a. by delivering it personally to that party;
- b. by sending it by prepaid post addressed to that party at the address set out in this Agreement or subsequently notified to each party from time to time; or
- c. by sending it by facsimile provided that a communication sent by facsimile shall be confirmed immediately in writing by the sending party by hand delivery or prepaid post.

8.2 Service of Notices

A notice or other communication is deemed served:

- a. if delivered, on the next following business day;
- b. if posted, on the expiration of two business days after the date of posting; or
- c. if sent by facsimile, on the next following business day unless the receiving party has requested transmission before the end of that business day.

8.3 No Waiver

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

8.4 Severability

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

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8.5 No Fettering of Council's Powers

It is acknowledged and agreed that this Agreement does not fetter or restrict the power or discretion of Council to make any decision or impose any requirements or conditions in connection with the granting of any planning approval or certification of any plans of subdivision applicable to the Subject Land or relating to any use or development of the Subject Land.

8.6 No Fettering of VicRoads' Powers

It is acknowledged and agreed that this Agreement does not fetter or restrict the power or discretion of VicRoads to make any decision or impose any requirements or conditions in connection with the granting of any planning approval or certification of any plans applicable to the Subject Land or relating to any use or development of the Subject Land.

9. COMMENCEMENT OF AGREEMENT

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

10. AMENDMENT OF AGREEMENT

This Agreement may be amended in accordance with section 178 of the Act:

- a. by agreement between the Council and all persons who are bound by any covenant in the Agreement; or
- b. otherwise in accordance with Division 2 of Part 9 of the Act.

11. ENDING OF AGREEMENT

- a. This Agreement may be terminated by agreement between the Council and the Owner in accordance with section 177 of the Act or otherwise in accordance with Division 2 of Part 9 of the PE Act.
- b. As soon as reasonably practicable after the Agreement has ended the Council will, at the request and at the cost of the Owner, make application to the Registrar of Titles under section 183(2) of the Act to cancel the recording of this Agreement on the Register.

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12. GOVERNING LAW

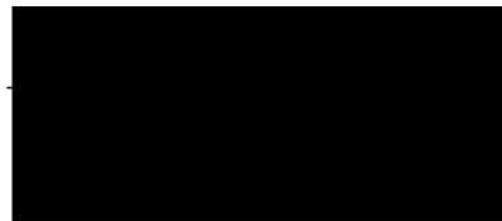
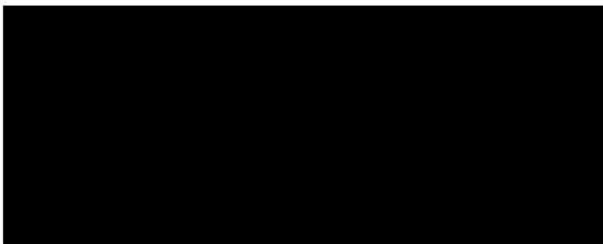
This Agreement takes effect, is governed by and shall be construed in accordance with the laws from time to time in force in the State of Victoria.

~~EXECUTED~~ by the parties on the date set out at the commencement of this Agreement.



~~EXECUTED BY SEPTA BROTHERS~~
PTY LTD (A.C.N. 004 756 647) by

being signed by the authorized persons:



~~EXECUTED by ROADS CORPORATION~~
~~ABN 61 760 960 480 by being signed by the persons~~
~~who are authorised to sign for the Company:~~

Name:

Title:

Signature

In the presence of:

Please refer to next page

AM525956E

03/02/2016 \$119.70 173



Agreement under Section 173 of the
Planning & Environment Act 1987 between

CARDINIA SHIRE COUNCIL

And

ROADS CORPORATION

And



Subject Land:

NO. 1160 KOO WEE RUP ROAD, PAKENHAM

Certificate of Title Volume 9940 Folio 050

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12. GOVERNING LAW

Cont.

EXECUTED by ROADS CORPORATION

ABN 61 760 960 480 by being signed by the persons

Who are authorised to sign for the Company:



Name

Title: *EXECUTIVE DIRECTOR - METROPOLITAN OPERATIONS*

Signature

In the presence of:

Name: Stephen Parker
Senior Lawyer

Title:

Signature



Department of Environment, Land, Water & Planning

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Phone
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Reference



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Jurisdiction VICTORIA

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Land Title Reference

12203/372

Transferor(s)

Name
ACN



Estate and/or Interest being transferred

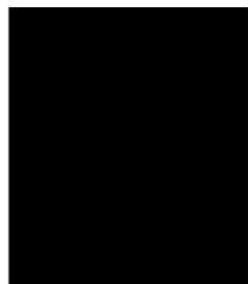
Fee Simple

Consideration

\$AUD 420000.00

Transferee(s)

Tenancy (inc. share)
Name
ACN
Address
Street Number
Street Name
Street Type



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Department of Environment, Land, Water & Planning

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Covenants

The registered proprietors of the burdened land covenant with the registered proprietors of the benefited land as set out in the restrictive covenant with the intent that the burden of the restrictive covenant runs with and binds the burdened land and the benefit of the restrictive covenant is annexed to and runs with the benefited land.

Burdened land the Land
Benefited land MCP: AA6382
Restrictive covenant MCP: AA6382
Expiry Date

Duty Transaction ID
5183358

The transferor transfers to the transferee their estate and/or interest in the land specified for the consideration, subject to any restrictive covenant set out or referred to in this transfer.

Execution

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

Execution

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

File Notes:
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Department of Environment, Land, Water & Planning

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AA6382

Memorandum of common provisions
Section 91A Transfer of Land Act 1958

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Lodged by	
Name:	
Phone:	
Address:	
Reference:	
Customer code:	

This memorandum contains provisions which are intended for inclusion in instruments and plans to be subsequently lodged for registration.

Provisions:

This Covenant is to be included in the Instrument of Transfer for lots on Plan of Subdivision PS741575M and recorded as an encumbrance on the Certificates of Title to be issued pursuant to the Instrument of Transfer:

"The Transferee for himself, his executors, administrators, personal representatives and transferees and the registered proprietor or proprietors for the time being of the land hereby transferred COVENANTS with the Transferor and all other registered proprietors for the time being of every part of the land comprised in Plan of Subdivision PS741575M ("the Plan") other than the land hereby transferred:

- I. *Not at any time, to construct, erect or permit the construction or erection on the land hereby transferred of any building unless the external walls of such building which have a street frontage are comprised of 100% concrete or masonry, excluding windows and doors, and all other external walls of any building to be comprised of not less than 50% concrete and masonry; or any fence other than a black fence and,*
- II. *Not at any time conduct or allow to be conducted a cafe, lunch shop or takeaway food business on any of the land comprised in the said plan.*
- III. *Not at any time conduct or allow to be conducted a panel beaters business on any of the land comprised in the said plan.*
- IV. *Not at any time conduct a business with the primary purpose of recycling, transferring or managing waste, including the storage of deliverable skip bins.*

AND it is intended that the benefit of this Covenant shall be attached to and run at law and in equity with the land on the Plan other than the land hereby transferred and that the burden of this Covenant shall be annexed to and run at law and in equity with the land hereby transferred and that the Covenant shall be noted and shall appear on every future Certificate of title for the land hereby transferred as an encumbrance affecting it"

35271702A

V3

1. The provisions are to be numbered consecutively from number 1.
2. Further pages may be added but each page should be consecutively numbered.
3. To be used for the inclusion of provisions in instruments and plans.

91ATLA

Page 1 of 1

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23 January 2025

Cardinia Shire Council

PO Box 7

Pakenham VIC 3810

[Redacted]

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Subject: Response to the further information requested for application T240350PA

The response is detailed below:

- 1. A confirmation email from the applicant is attached along advising that the owner is fully aware of the application to remove the covenant associated with the land.
- 2. The Covenant AU646465E advises that it is to be included in the Instrument of Transfer for lots of Plan of Subdivision PS741575M. The following properties are listed in the PS741575M and are benefitted by Covenant AU646465E

Lot no. on PS741575M	Current Address
[Redacted]	



3. A site context plan is attached as Appendix 2.

4. The application proposes to vary the wording of the Covenant to read as below:

“The Transferee for himself, his executors, administrators, personal representatives and transferees and the registered proprietor or proprietors for the time being of the land hereby transferred COVENANTS with the Transferor and all other registered proprietors for the time being of every part of the land comprised in Plan of Subdivision PS741575M (“the Plan”) other than the land hereby transferred:

- I. Not at any time, to construct, erect or permit the construction or erection on the land hereby transferred of any building unless the external walls of such building which have a street frontage are comprised of 100% concrete or masonry, excluding windows and doors, and all other external walls of any building to be comprised of not less than 50% concrete and masonry; or any fence other than a black fence and,*
- II. Not at any time conduct or allow to be conducted a cafe, lunch shop, or takeaway food business on any of the land comprised in the said plan.*
- III. Not at any time conduct or allow to be conducted a panel beaters business on any of the land comprised in the said plan.*
- IV. Not at any time conduct a business with the primary purpose of the storage of deliverable skip bins.*

AND it is intended that the benefit of this Covenant shall be attached to and run at law and in equity with the land on the Plan other than the land hereby transferred and the burden of this Covenant shall be annexed to and run at law and in equity with the land hereby transferred and that the Covenant shall be noted and shall appear on every future Certificate

of title for the land hereby transferred as an encumbrance affecting it.” application proposes to vary the wording of the Covenant to read as below:

5. Additional information relating to Section 60(2) of the *Planning and Environment Act 1987*, with further explanation as to why any owner of any land benefitted by the restriction will be unlikely to suffer
 - i. **Financial loss:** The site is currently a warehouse, and it is believed that there is no other materials recycling facility operating on the Sette Circuit and adjoining roads including the Trade Place and Exchange Drive benefitted by the Covenant which could bear a financial loss from the competing market. This business will bring a financial stability rather than financial loss to the Council by providing employment opportunities.
 - ii. **Loss of amenity:** The site is a warehouse as described previously, and all the business activities will be conducted inside the closed boundaries (inside the shed) of the warehouse. Therefore, there will be no loss to the amenity. This blends with the surrounding properties in the area.

It is also understood that the properties south of the PS741575M on Exchange Drive and Drovers Place operate different types of recycling businesses (steel, soil, concrete, etc.) including a transfer station.

This development will ensure that the recycling facilities are located in a particular pocket of the Pakenham.
 - iii. **Loss arising from change to the character of neighbourhood:** The proposed development will not change the character of the neighbourhood as there will be no additional building works, landscaping or fencing. The site will be used as is. The business hours of the site will be commensurate with the surrounding businesses which does not require any changes.

This business is also identified as an industry which is appropriately proposed in the industrial zone. In fact, the properties south of the plan (PS741575M) do operate as recycling businesses. This development will blend with the existing businesses of similar nature in the area.
 - iv. **Material detriment:** there will be no harm or damage to any other property or the area. The other businesses will remain unimpacted through this development.
6. All the documents submitted via the initial application are attached along to confirm that the previously submitted documentation as part of original submission predating the section 50 amendment is permitted to be used.

I have outlined the response to the information requested on 6 December 2024. Please don't hesitate to contact me at E: [REDACTED]


I look forward to hearing from you.

Regards

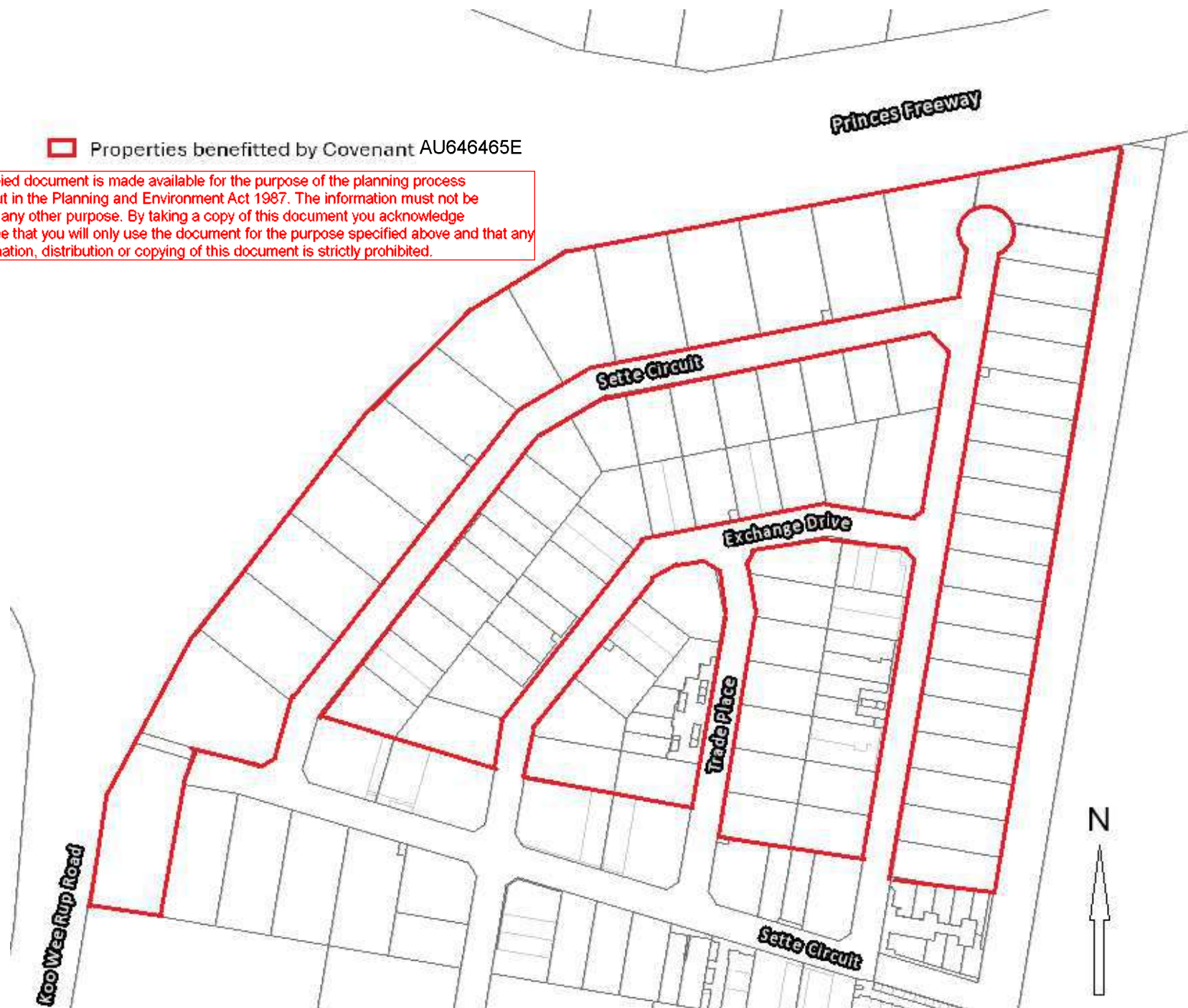
Attachments:

- *Request to remove covenant – Appendix 1*
- *Site context Plan – Appendix 2*
- *Plan of subdivision PS741575M– Appendix 3*
- *TPA_Application form*
- *TPA_Cover Letter*
- *TPA_Plans*
- *TPA_Title Package*
- *TPA_Town Planning*
- *RFI_Covenant*
- *RFI_Cover letter*
- *RFI_EPA license*
- *RFI_Plans*
- *RFI_TIA*
- *RFI_WMP*

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 Properties benefitted by Covenant AU646465E

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[REDACTED]

From: Concept Transport [REDACTED]
Sent: Wednesday, 11 December 2024 7:50 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Request to remove covenant

Hi [REDACTED],

I am writing to confirm that, as the owner of the property located at 13 & 15 Sette Circuit, Pakenham, VIC 3810, I am fully aware of the application to remove the covenant associated with the land.

Please let me know if any further documentation or information is required to process this application.

Kind regards,

[REDACTED]

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Registration

Environment Protection Act 2017

Registration number	R000309714
Issue date	28 June 2024
Expiry date	28 June 2029
Registration holder	
ACN	664351928
Activity site(s)	13 Sette Circuit, Pakenham, Victoria, 3810, Australia
Prescribed permission activities	A09b (Waste tyre storage - small)

Granted under section 85(1) of the *Environment Protection Act 2017* (the Act).

Manager, Permissioning

Delegate of Environment Protection Authority Victoria (EPA)

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epa.vic.gov.au

Environment Protection Authority Victoria
GPO BOX 4395 Melbourne VIC 3001
1300 372 842

14 July 2025

Cardinia Shire Council

PO Box 7

Pakenham VIC 3810

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Subject: Response to the further information requested for application T240344PA from EPA

The response is detailed below:

1a) An Environment Management Plan (EMP) is attached for the site addressing the concerns in the RFI from EPA.

1b) A fire risk assessment has been conducted, and the report is attached.

1c) The maximum height of tyre stockpile stored on site will be 3 m.

1d) Yes, the site activities including debanding process. The details and risks associated are addressed in EMP.

2) The tyres are received in two deliveries in a day scheduled between 11:00AM to 12:30 PM and 3:00 PM to 4 PM. The tyres are processed on site between 6 AM to 6 PM on weekdays. These tyres once shredded are stored in bulk bags and leave the site every week. Schedules may vary depending on the incoming tyres.

2a) No tyres are processed on Sunday. Saturdays are reserved for site and machinery maintenance. In case of any unforeseen circumstances, the applicant has contacted couple of facilities in the vicinity where the tyres will be taken for processing to maintain the A09b registration limits.

3) Yes, there will be a diesel generator on site. A 200L hydraulic oil tank will be ordered to requirement (once every 6 months) on site for servicing the shredder which will be stored on banded pallet. The spill kits are available for staff to manage any spills. Further risks and controls are described in the EMP.

I look forward to hearing from you.

ADEPT EXPORTS

Environment Management Plan

13 Sette Cct, Pakenham VIC 3810



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Abbreviations

EPA	Environment Protection Authority
EP Act	Environment Protection Act 2017
EP Regulations	Environment Protection Regulations 2021
P&E Act	Planning and Environment Act
LGA	Local Government Area

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1. Introduction

Purpose

The purpose of this Environment Management Plan (EMP) is to outline the environmental management strategies, responsibilities, and actions necessary to ensure that all environmental impacts of tyre recycling operation are fully understood, prevented, and mitigated.

Scope

Covers all operations at the site including receipt, storage, shredding, processing, storage of recycled materials, and disposal of waste/residue.

Regulatory Context

This EMP complies with:

- Environment Protection Act 2017 (EP Act)
- Environment Protection Regulations 2021 (EP Regs)
- Planning & Environment Act 1987 (P&E Act)
- General Environmental Duty (GED)

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2. Facility Description

Location

The site is located in an Industrial 1 Zone (IN1Z) which is appropriate to conduct tyre recycling operation. The lot is identified as Lot 105 Plan of Subdivision 741575 (Lot105\PS741575). The address for the site is 13 Sette Circuit Pakenham VIC 3810.

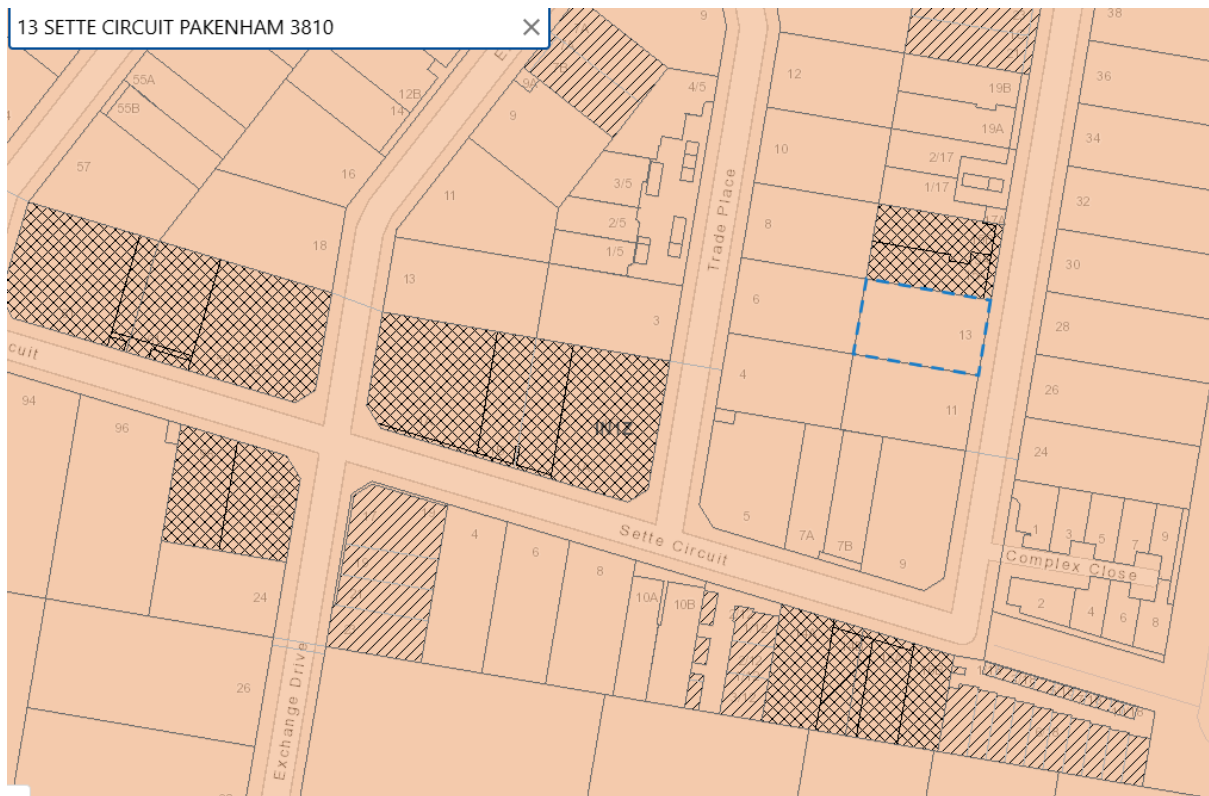


Figure 1: Site appropriately zoned in Industrial 1 Zone (Source: Vicplan)

Activities

The site is primarily used to receive and store end of life tyres (raw material). The waste tyres when received on site are stockpiled on site. The waste tyres are debanded and then shredded to smaller pieces. The steel wire is stored in a bin which is sent to the steel recycler every fortnight. The shredded tyres are stored in bulk bags before being exported overseas.

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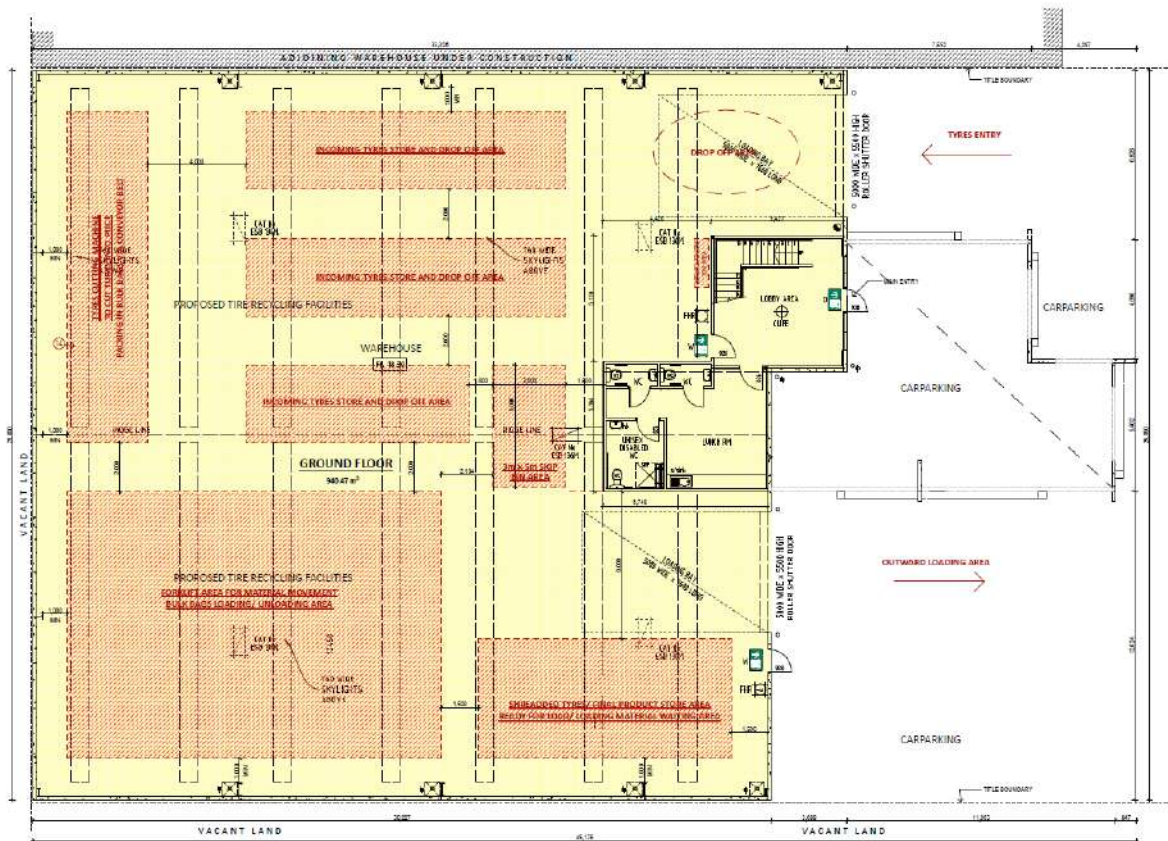


Figure 2 Site activity plan

The waste tyres will be received on site in two batches one at 12 noon and second at 4 PM. All the tyres once shredded will be leave the site in another truck the following day.

Stockpile management

The tyres will be stored in the tyre storage area as allocated in the *Figure 2*. The maximum size of stockpiles will be (10mx3mx3m) (LxWxH). The tyres once debanded, steel will be removed and stored in the skip bin identified as identified in the *Figure 2*. It will be ensured that no stockpile exceeds the limit as suggested. In case of unforeseen circumstances, the tyres will be sent to other tyre processing facilities in the vicinity to exceed the A09b registration limits.

Capacity

Adept Exports will ensure to limit the volume of tyres on site to be within the limits of an A09b registration (storing less than or equal to 40 tonnes or 5000 EPU (Equivalent Passenger Units) of waste tyres on a site at any time and for any purpose). The site operations ensure that the tyres received on a site are processed by the end of the day or by next day.

In case of equipment breakdown, the tyres will be sent to other tyre processing facilities to prevent accumulating tyres on site.

3. Environmental Aspects and Impacts

Aspect	Potential Impact	Risk Level	Controls in Place
Tyre storage	Fire hazard	High	Back to Base system will be installed on site – ensuring the alarms are sent off to fire brigade, sprinklers installed on the shredder, stockpile management and Fire extinguishers available on site, training will be provided to staff by conducting an evacuation drill and how to use fire extinguishers
Noise from machinery	Noise affecting neighbours	Low	Separation distance of more than 1000 metres from nearest sensitive receptor, activities conducted within an enclosed building, state of the art machinery used, PPE provided to staff
Dust generation	Air quality deterioration	Low	Activities conducted within an enclosed building, PPE provided to staff
Emissions from equipment	Air pollution	Low	Regular maintenance of the machinery and forklift
Waste oils & residues	Soil and water contamination	Medium	Diesel tank is self bunded and filled to a maximum 80% capacity at any time to prevent spills, forklift is taken offsite for repairs and servicing, Hydraulic oil for shredder is stored in a tank on bunded pallet, spill kits available on site and staff trained to use the spill kit
Stormwater runoff	Water pollution	Low	Activities conducted within an enclosed building, no source of contaminants entering stormwater

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4. Environmental Management Strategies

4.1 Tyre Storage and Handling

The tyres once received will be stockpiled in rows with a maximum height of 3m. It will be aimed to shred the tyres by end of day or the following day. After debanding and shredding the tyres, they will be stored in bulk bags.

- Tyres will be stored in compliance with the publication Management and storage of combustible recyclable and waste materials guidance
- Tyres will be stockpiled with a maximum height of 3m
- All the tyres will be stored within the premises on a hard stand, without any contact to the soil
- No tyres will be left outside after end of business hours
- No waste other than tyres is accepted on site

4.2 Fire Prevention and Control

A fire risk assessment has been conducted by Specialists on Safety (SOS). The recommendations by SOS are being adopted on site and all of them will be incorporated by end of August 2025.

- Shredder is equipped with a sprinkler which is activated when it detects any fire
- Fire Extinguishers are available on site
- Fire hydrant available at the front of the site
- No combustible material is stored outside the premises
- Quotes for back to base system (automatic fire detection) has been received, will be installed by end of August 2025
- Develop and practice an Emergency Fire Response Plan.
- Stockpile management to minimise the risks of fire
- No waste other than tyres is accepted on site

4.3 Water Management

The processing of tyres does not involve usage of any water. However, the controls are in place to prevent any contamination of surface run off in case of spills.

- Spill kits available and staff is trained to use the equipment in case of any spills
- Diesel will be stored in a self-bunded tank

- Hydraulic oil stored on a bunded pallet.

4.4 Air Quality Management

The site operations are conducted within the closed premises in a warehouse. There is no potential for any dust to be generated or leave the site.

- Activities conducted in an enclosed premises in a warehouse
- All the site is covered with concrete.
- Vehicle movement will be on the hard stands in the driveway of the warehouse
- State of the art machinery used on site which has minimum carbon emissions.

4.5 Noise Control

The site operations are conducted within the closed premises in a warehouse. There is no potential for any noise to leave the site.

- The site will be operational from 6AM to 6PM on weekday and 6 AM to 12 noon on a Saturday with Sunday closed.
- Activities will be conducted within the closed premises
- Nearest sensitive receptor is more than 750metres northwest of the site
- Noise levels commensurate with the zoning (Industrial 1 zone) of the land

4.6 Waste Management

All the waste received and produced on site will be managed in accordance with waste management guidelines.

- Tyres once shredded will be stored in bulk bags for being exported overseas
- Tyres will be stored in stockpiles with a maximum height of 3m and length of 10m.
- Steel wires after debanding tyres will be stored in skip bins which will be sent to metal recycler every fortnight.
- Hydraulic oil will be replaced once every six months, and the waste oil be sent to a lawful place the same day
- Other waste which will be produced by staff consuming food items, will be disposed off in Council bins available on site.
- No waste other than tyres will be received on site.

4.7 Hazardous Materials

All the hazardous material will be stored in accordance with liquid storage and handling guidelines.

- Store lubricants and fuel in bunded and labelled areas.
- Maintain Safety Data Sheets (SDS) for all hazardous materials.
- Train staff in safe handling and spill response.
- Spill kit available on site to manage any spills.

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5. Monitoring and Reporting

Parameter	Frequency	Method	Responsible
Stormwater quality	Everyday	Visual inspection	Supervisor
Dust emissions	Ongoing	Visual inspection	Supervisor
Waste tracker	Ongoing	Complete the waste tracker for any waste received and removed from site	Admin Team
Fire drills	Annually	Emergency response test	OHS Officer

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6. Roles and Responsibilities

Role	Responsibilities
Facility Manager	Oversee implementation and compliance with EMP
OHS Officer	Coordinate fire safety, hazardous materials training, and emergency response
Environmental Officer	Monitor and report environmental performance
All Staff	Comply with SOPs, report spills/incidents, participate in training

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7. Training and Awareness

- All employees receive induction training on environmental responsibilities.
- Regular refresher sessions (annually).
- Toolbox talks on issues like spill response, waste sorting, and fire prevention.

8. Incident and Emergency Response

- Maintain Incident Register.
- Backup facilities to move tyres in case of equipment breakdown or other emergency situations
- Report to EPA within 2 hours of notifiable incidents (pollution, fires)
- Investigate incidents, identify root causes, and update EMP accordingly.

9. Continuous Improvement

- Annual review of EMP based on operational changes, audit findings, and incident outcomes.

10. Attachments and Supporting Documents

Below documents form part of this EMP

- Site layout
- Fire Risk Assessment
- Training Records Template
- Traffic Impact Assessment

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FIRE RISK ASSESSMENT REPORT

for



13 Sette Circuit, Pakenham VIC 3810



Completed By:



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Specialists On Safety
PO Box 686, Bayswater VIC 3153
Tel: 03 9761 6959 Mob: 0401 018 696
www.sosaustralia.com.au

METHOD

This Risk Assessment Report has been completed based on information provided by staff and observations during an inspection conducted on Monday 12 May 2025.

The Risk Assessment Matrix has been used as the basis for documenting identified hazards and assessing the potential likelihood and consequences of these hazards eventuating. Existing controls or recommended controls that can be implemented or maintained by the user have been provided.

Risk Assessment Matrix

Likelihood	Potential Consequences					
		Insignificant	Minor	Medium	Major	Catastrophic
	Almost Certain	High	High	Extreme	Extreme	Extreme
	Likely	Moderate	High	High	Extreme	Extreme
	Possible	Low	Moderate	High	High	Extreme
	Unlikely	Low	Low	Moderate	High	High
	Rare	Low	Low	Low	Moderate	High

LIMITATIONS

This Fire Risk Assessment has been conducted based on information obtained during the inspection of Monday 12 May 2025. This includes information provided by staff at the time of the inspection that has not been formally validated. Any changes to the site after this date have not been taken into account.

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DESCRIPTION

This Fire Risk Assessment is based on information provided by staff, and observations from a site visit conducted on Monday 12 May 2025.

General observations are that the site is clean and currently has a small amount of stock – staff advised this is generally the amount kept on site and processed each day, as they usually collect tyres themselves (rather than have them delivered). Bags of shredded tyres are regularly loaded into the truck.

Staff advised they have been trained in how to use Fire Extinguishers and Hose Reels, but there were no records available to provide evidence of this training. There is new Fire Equipment that has not yet been installed, and some areas where additional equipment may be required (such as in the upstairs office).

There are currently Security Cameras installed that send a notification to staff if motion is detected, enabling monitoring outside of Business Hours. The site is investigating the installation of a back-to-base monitored fire system that will automatically notify the Fire Brigade if activated. There is a sprinkler system in the Shredding Machine that will provide immediate suppression if a fire was to start.

Documentation available through the EPA and WorkSafe Victoria has been taken into consideration in preparing this Fire Risk Assessment Report. This includes:

- 1667.3 - Management and Storage of Combustible Recyclable and Waste Materials – Guideline
- 1695.1 - Assessing and Controlling Risk
- 1698 - Liquid Storage Handling Guide
- 1699 - Prevent Liquid Spills
- 1700 - Preventing Liquid Leaks Entering Environment
- 1810.1 - Auto Recyclers Guideline
- 1984 - Changes to Permissions in the Waste Sector
- 2018 - Storage and Management of Waste Batteries Guideline

All recommended controls take into consideration the Victorian Occupational Health and Safety Act 2004, OHS Regulations 2017, and relevant Australian Standards.

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Risk Assessment

Hazard	Details	Likelihood	Consequence	Risk Rating	Controls	Residual Risk		
						Likelihood	Consequence	Risk
Electrical Fire	There is electrical equipment used on site, such as the shredder, kitchen equipment, etc., that could overheat and cause a fire (see Pictures 6 & 13). Test & Tag is required on all equipment.	Possible	Major	High	Ensure all electrical equipment is tested and tagged according to AS3760. Protection should be provided to exposed leads, where possible, to reduce potential for damage from vehicles driving over them or staff tripping.	Unlikely	Major	High
Flammable Liquid Fire	There are flammable liquids in the form of diesel and oils for the generator (see Pictures 12 & 16). Vehicles may leak oil or fuel while being loaded or unloaded when on site. There may also be cleaning chemicals and hand sanitiser that are flammable.	Possible	Major	High	There are no approved Spill Kits available on site that are accessible by staff to use if a spill occurs – include a SOP for decanting fuel and oils for use with Generator or Shredding Machine. Any other flammable liquids must be stored away from any heat sources. Ensure staff are trained in the use of spill kits and handling of flammable liquids. Provide supervision to ensure the appropriate handling for all flammable liquids.	Unlikely	Major	High

Hazard	Details	Likelihood	Consequence	Risk Rating	Controls	Residual Risk		
Flammable Gas Fire	There are portable gas bottles used at this site for the Forklift. Compressed in aerosol cans may be used on site that could present a risk if exposed to heat sources (see Pictures 15 & 16).	Possible	Major	High	Provide a cage to store gas bottles to reduce the potential for damage causing leaks. Ensure all flammable gas in aerosol cans are stored away from ignition sources after use.	Unlikely	Major	High
Access to Portable Fire Equipment	Most Hose Reels and Fire Extinguishers on site are accessible in an emergency (see Pictures 8, 9, 10)	Unlikely	Medium	Moderate	Ensure all fire equipment can be accessed and is correctly labelled to use in an emergency. Ensure additional equipment is installed near machinery, if required.	Unlikely	Minor	Low
Portable Fire Equipment in good working order	Fire Hose Reels & Fire Extinguishers are due to be serviced according to AS1851 – additional fire extinguishers may be required (such as in upstairs office)	Possible	Major	High	Ensure all Fire Hose Reels & Fire Extinguishers continue to be maintained according to AS1851 and access is not obstructed	Unlikely	Minor	Low
Access for Emergency Services	There is clear access to the front of the site for the Fire Brigade to respond in an emergency.	Unlikely	Minor	Low	Continue to maintain access for the Emergency Services and ensure there are no obstructions that could block access to the building by the Fire Brigade.	Unlikely	Minor	Low

Hazard	Details	Likelihood	Consequence	Risk Rating	Controls	Residual Risk		
Egress from Site	Paths of travel to exits and egress from the site is good, with a small potential for staff at the rear of the warehouse not having clear egress to if stockpiles size increased.	Unlikely	Medium	Moderate	Ensure paths of travel to an exit are available from all areas within the warehouse. Ensure exit paths continue to be kept clear and enable occupants to evacuate to safety in an emergency.	Unlikely	Minor	Low
Use of Equipment that Generates Heat	There is a Generator used on site to provide power to the Shredding Machine. The Generator is located outside, which will reduce potential for heat to be generated near flammable material. Hot Works may be conducted at this site when completing repairs on the Shredding Machine.	Possible	Medium	High	Ensure space is maintained around the Generator and no flammable material is stored close enough to ignite. Ensure there is a Hot Works procedure in place and that staff follow the relevant Safe Work Procedure for any equipment being used on site that may generate heat, such as welding guards on the Shredding Machine.	Unlikely	Medium	Moderate
Open Flames	There are no obvious sources of heat from open flames on site. Staff or visitors may smoke on site, and there is potential for open flame if a BBQ is used.	Unlikely	Medium	Moderate	Ensure there is an area allocated for staff and visitors to smoke and install additional No Smoking signs to ensure it is clear to occupants they are not allowed to smoke (unless there is a dedicated Smoking Area).	Unlikely	Medium	Moderate
Training	There is no evidence that staff have been trained in the use of Fire Equipment or how to respond to an emergency, which could result in more damage should a fire occur	Possible	Major	High	Complete Workplace Emergency Response Training and Fire Equipment Training to enable staff to control the fire in the early stages and understand how to respond to a variety of emergencies. Ensure training is provided annually to all staff.	Unlikely	Medium	Moderate

Hazard	Details	Likelihood	Consequence	Risk Rating	Controls	Residual Risk		
Procedures	There is no evidence of documented procedures on how to respond to an emergency. There is no Evacuation Diagram that identifies the location of equipment, exits from the building and the nominated Assembly Area. There are no Safe Work Procedures for refuelling the Generator of adding oil to the Shredding Machine.	Possible	Major	High	Ensure an Emergency Management Plan compliant with AS3745 Planning for emergencies in facilities is developed and communicated to staff. Develop Evacuation Diagrams to comply with AS3745 that shows the correct location of equipment, exits from the building and the nominated Assembly Areas. Include the stockpile layout of tyres on site.	Unlikely	Medium	Moderate
External Fire	A fire at a neighbouring site has the potential to spread to this site due to the combustible material stored on site (especially from vacant lot next door).	Possible	Major	High	Reduce flammable materials located outside to reduce the potential for fire from radiant heat or embers due to a fire in the area. Ensure procedures in place to close external doors if there is a fire in the area.	Rare	Major	Moderate
Arson	As there is a large quantity of combustible material on site, there is potential for an offender to cause a fire by arson.	Rare	Major	Moderate	Ensure appropriate security is provided to reduce the potential for access to the site. Consider installing fire detection equipment (such as smoke or thermal alarms) to a security company or direct notification to the Fire Brigade. Continue to monitor Security cameras, especially outside of normal Business Hours, to identify potential emergencies.	Rare	Major	Moderate

Hazard	Details	Likelihood	Consequence	Risk Rating	Controls	Residual Risk		
Lightning	The risk of a lightning strike starting a fire at this site is Low, as it will likely hit the building, not flammable material inside the Warehouse.	Rare	Minor	Low	Ensure there is no flammable material in exposed outdoor locations.	Rare	Minor	Low
Contaminated Water Run-Off	There is potential for contaminated water following a fire to flow into stormwater drains and into waterways. Drains were observed at the front of the site (see Pictures 19 & 20), but there are no controls in place to minimise the likelihood of contaminated water to flow into public drains.	Likely	Major	Extreme	Ensure staff are aware of the location of all drains (include in Site Plan or Evacuation Diagram) and ensure equipment is available to control or direct the flow of water following a fire. This may include bunding, sandbags or socks. Ensure there are procedures in place for staff to follow in an emergency that could involve contaminated water run-off. Provide a Spill Kit for minor spills of flammable liquids inside the Warehouse and ensure staff are trained in use of the Spill Kit.	Unlikely	Medium	Moderate
Stockpile Management Not Maintained	There is potential for staff not to actively manage stockpiles by checking length, width and height restrictions are maintained.	Possible	Major	High	Continue to ensure stockpile size is managed according to a Stockpile Management Plan. If stockpiles are not maintained in accordance with the SMP, cease receipt of new material and ensure processed material is removed from site.	Unlikely	Medium	Moderate



Picture 1 – Tyre stockpile and Bags of Shredded Tyres



Picture 2 – Tyre Stockpile



Picture 3 –Machines at Rear of Warehouse

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Picture 4 – Shredding Machine



Picture 5 – Inside Front of Warehouse



Picture 6 – Fans at Rear of Warehouse

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Picture 7 – Shredding Machine



Picture 8 – Fire Hose Reel



Picture 9 – Fire Extinguisher



Picture 10 – Hydrant at Front

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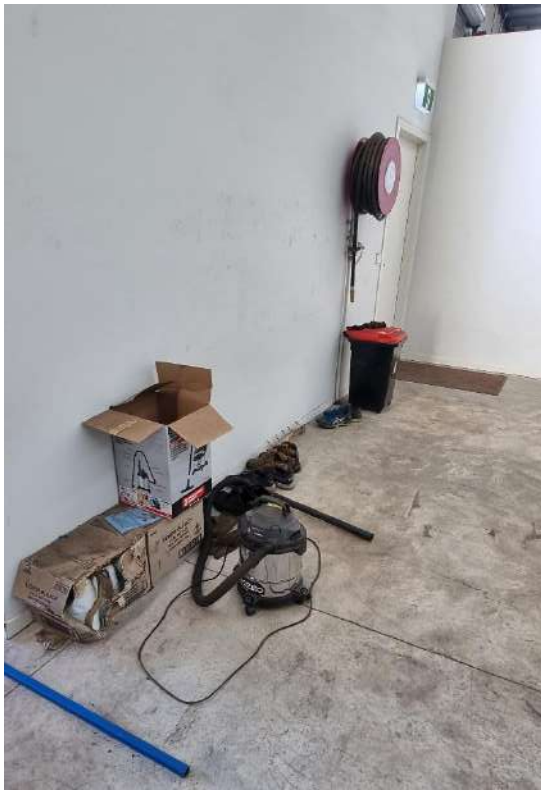
Picture 11 – No Smoking Sign



Picture 12 – Oil Drum



Picture 13 – Electrical Switchboard

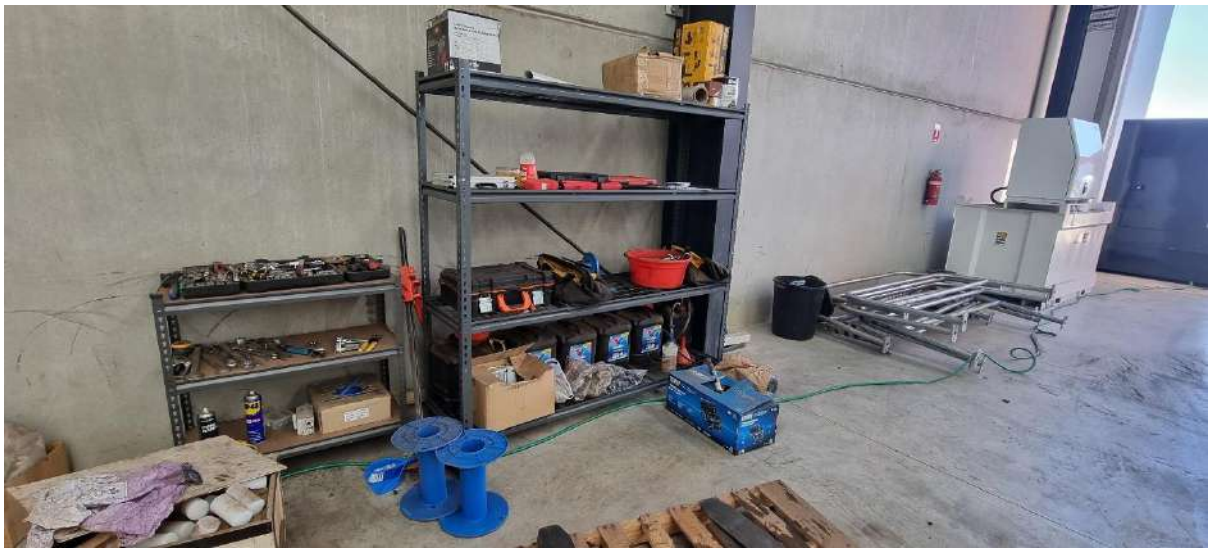


Picture 14 – Electrical Equipment



Picture 15 – Gas Bottles

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Picture 16 – Tools & Equipment in Warehouse



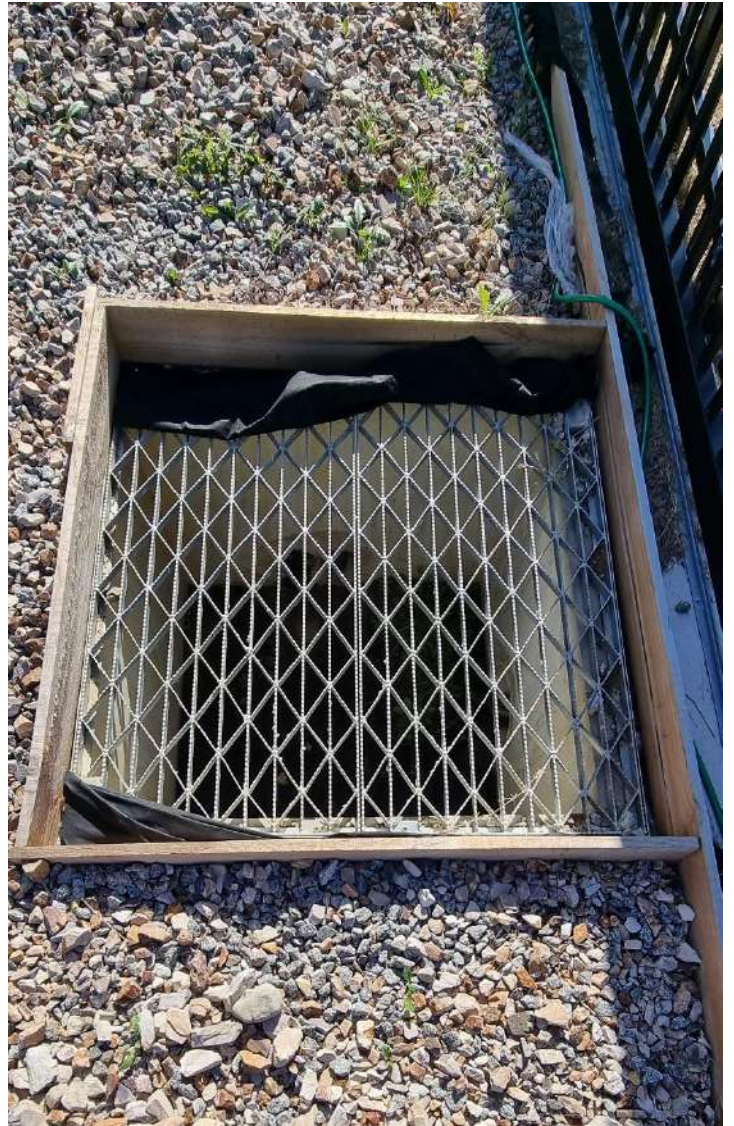
Picture 17 – Generator & Fuel Container



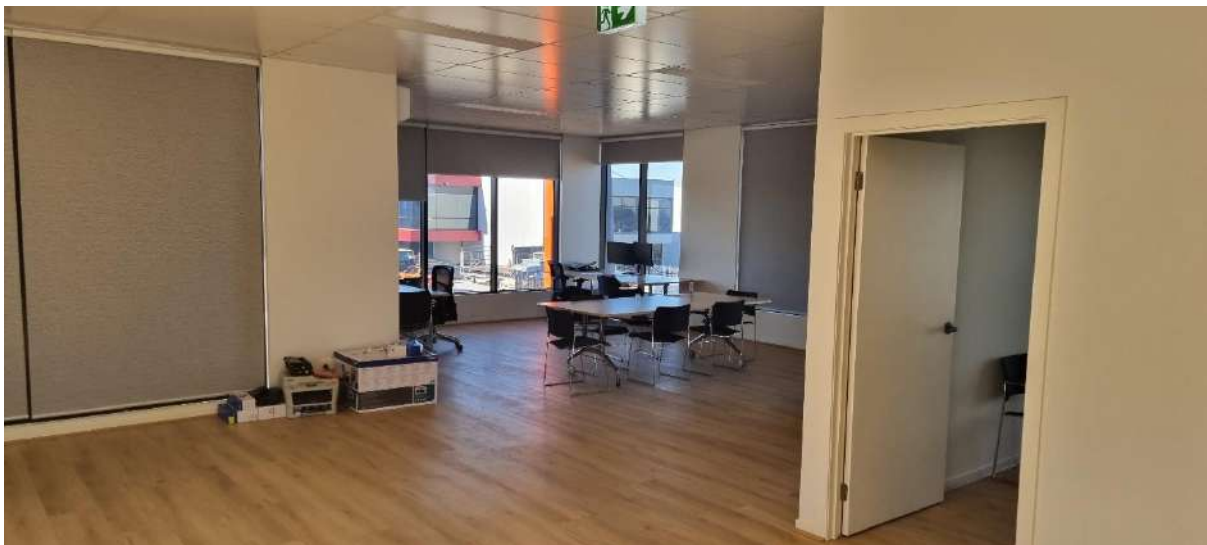
Picture 18 – Kitchen



Picture 19 – Drain at Front



Picture 20 – Drain at Front



Picture 21 – Upstairs Office

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Picture 22 – Stairs

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Recommendations

Specialists On Safety recommends the following controls be implemented to assist with managing the fire risk at this workplace:

- Develop an Emergency Management Plan compliant with AS3745 Planning for emergencies in facilities
- Develop Evacuation Diagrams compliant with AS3745 and correctly identify the location of fire equipment and the nominated Assembly Areas – include stockpile locations for all machinery and tyres stored on site
- Conduct Workplace Emergency Response and Fire Equipment Training to ensure staff know how to respond in an emergency
- Conduct an Evacuation Exercise to test the procedures and practice how to respond to a fire scenario
- Ensure all Essential Safety Measures (fire equipment, exit and emergency lighting, paths of travel to exits, etc.) are serviced according to the relevant Australian Standards and Building Regulations
- Ensure all fire equipment is accessible, with at least 1 metre of space around each item
- Consider additional Dry Chemical Powder Fire Extinguishers near electrical equipment (machines and switchboards) and in upstairs office
- Ensure the egress path to emergency exits from all areas on site is maintained – this would only be an issue if stockpile size changed dramatically from the day of inspection, which is unlikely based on process of collecting tyres as advised by staff
- Ensure all electrical equipment, including extension leads, is tested and tagged according to AS3760
- Develop a Safe Work Procedure (SWP) for refuelling the Generator and using oils for Generator or Shredding Machine
- Provide Training for all staff on the SWP for handling Flammable Liquids – maintain records for all Training
- Provide a Bunded Pallet for storage of Oil Drums and store in an area away from heat sources
- Provide an approved Spill Kit in the Warehouse and ensure it is accessible by staff (and that staff are trained in the use of the Spill Kit for minor Flammable Liquid spills)
- Provide Spill Kits with bunding, sandbags or socks to assist with minimising the potential entry of contaminated water into drains at the front of the site
- Remove any rubbish or equipment no longer in use, including old or broken pallets (especially outside the building)
- Consider line marking for pedestrian walkways, safe distances around equipment (including Shredding Machine), raw material stockpile and bags of shredded tyres prior to collection

- Consider installation of smoke or thermal alarms to assist with providing an early warning of fire, including back-to-base monitoring and automatic notification to the Fire Brigade
- Consider installing an automatic sprinkler system for the Shredding Machine that will activate when heat is detected
- Ensure all gas bottles are store appropriately, ideally in a cage to reduce the potential for damage
- Ensure there is a procedure in place for changing gas bottles on the Forklift to reduce the risk of leaks or damage
- Prepare a Site Plan with the location of drains to assist with identifying potential contaminated water run-off locations that could enter the drainage system and make it's way into waterways
- Install additional No Smoking signs to ensure it is clear to staff and visitors that smoking is not permitted on site (except in a dedicated Smoking Area, if required)
- Ensure Safety Data Sheets are available for all hazardous chemicals used on site

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Status of Recommendations in Fire Risk Assessment Report

Recommendation	Status
Develop an Emergency Management Plan compliant with AS3745 Planning for emergencies in facilities	Emergency Management Plan is ready and available on site
Develop Evacuation Diagrams compliant with AS3745 and correctly identify the location of fire equipment and the nominated Assembly Areas – include stockpile locations for all machinery and tyres stored on site	Emergency Management Plan is ready and available on site
Conduct Workplace Emergency Response and Fire Equipment Training to ensure staff know how to respond in an emergency	Have contacted couple of training agencies, will engage the trainers who can provide training at earliest.
Conduct an Evacuation Exercise to test the procedures and practice how to respond to a fire scenario	Have contacted couple of training agencies, will engage the trainers who can provide training at earliest.
Ensure all Essential Safety Measures (fire equipment, exit and emergency lighting, paths of travel to exits, etc.) are serviced according to the relevant Australian Standards and Building Regulations	Every service will be conducted on time (regular basis) by registered tradesperson
Ensure all fire equipment is accessible, with at least 1 metre of space around each item	Stockpiles arranged according to the site plan
Consider additional Dry Chemical Powder Fire Extinguishers near electrical equipment (machines and switchboards) and in upstairs office	Additional fire extinguishers installed on site
Ensure the egress path to emergency exits from all areas on site is maintained – this would only be an issue if stockpile size changed dramatically from the day of inspection, which is unlikely based on process of collecting tyres as advised by staff	Noted
Ensure all electrical equipment, including extension leads, is tested and tagged according to AS3760	Have engaged an electrician, should be completed within next week
Develop a Safe Work Procedure (SWP) for refuelling the Generator and using oils for Generator or Shredding Machine	SWP is at draft stage will be finalised by 31 July 2025

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Provide Training for all staff on the SWP for handling Flammable Liquids – maintain records for all Training	Have contacted couple of training agencies, will engage the trainers who can provide training at earliest.
Provide a Bunded Pallet for storage of Oil Drums and store in an area away from heat sources	Bunded Pallet available on site now and oil drum stored on it.
Provide an approved Spill Kit in the Warehouse and ensure it is accessible by staff (and that staff are trained in the use of the Spill Kit for minor Flammable Liquid spills)	Spill kit available on site and accessible by Staff
Provide Spill Kits with bunding, sandbags or socks to assist with minimising the potential entry of contaminated water into drains at the front of the site	Spill kit available on site and accessible by Staff
Remove any rubbish or equipment no longer in use, including old or broken pallets (especially outside the building)	No waste is left outside the building at the end of the day
Consider line marking for pedestrian walkways, safe distances around equipment (including Shredding Machine), raw material stockpile and bags of shredded tyres prior to collection	Will be completed by end of month
Consider installation of smoke or thermal alarms to assist with providing an early warning of fire, including back-to-base monitoring and automatic notification to the Fire Brigade	Quotes are arranged and a back to base system will be installed by 30 August 2025
Consider installing an automatic sprinkler system for the Shredding Machine that will activate when heat is detected	Sprinkler installed on shredding machine
Ensure all gas bottles are store appropriately, ideally in a cage to reduce the potential for damage	Cage will be installed by 31 July 2025
Ensure there is a procedure in place for changing gas bottles on the Forklift to reduce the risk of leaks or damage	SOP available to staff
Prepare a Site Plan with the location of drains to assist with identifying potential contaminated water run-off locations that could enter the drainage system and make it's way into waterways	Site plan available to staff
Install additional No Smoking signs to ensure it is clear to staff and visitors that smoking is not permitted on site (except in a dedicated Smoking Area, if required)	Smoking is not permitted on site, signs are available on the entrance
Ensure Safety Data Sheets are available for all hazardous chemicals used on site	SDS available on site

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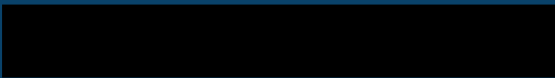
13 Settle Circuit, Pakenham.

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APPLICATION

USE OF LAND FOR MATERIALS RECYCLING.

AUTHOR



SUBMISSION DATE

23/07/2024



■ REFERENCE CS2194

■ ENQUIRIES ■

■ OFFICE (03) 9824 1902

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CS Town Planning has been engaged to submit this planning application to obtain a permit for the use of land for Materials Recycling.



1. INTRODUCTION

The site falls within the Industrial 1 Zone (IN1Z) and is not affected by any overlay controls.

This report provides details of the site and the proposal; summarises the planning controls and policies which apply and, provides an assessment of the proposal against those controls and policies.

1.1 Supporting Documents

- Architectural plans;
- Full property title;
- Technical town planning report.

1.2 Site and Location

The subject land is located on the western side of Sette Circuit. It is situated approximately 60 kilometres southeast of Melbourne CBD.

The site appears to be within a recently developed industrial subdivision. Blocks in the area are under different stages of development.

The site itself is rectangular in shape and comprises of approximately 1,500 square metres in area. A warehouse has been recently built on the site, it fully abuts the rear boundary and the rear half of the side boundaries.



Subject Site

1.3 Vehicle Access

The site is accessible via two approved crossovers located to the opposite ends of the street frontage. They are connected to Sette Circuit for vehicle access.

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2. THE PROPOSAL

2.1 Development Summary

2.1.1 PROPOSAL

The proposal seeks to occupy the recently developed warehouse for use as a materials recycling facility, limited to the recycling of tyres.

Unprocessed tyres will be delivered to the site twice daily (11pm and 4pm), resulting in ten (10) deliveries a week. No more than 40 metric tonnes of unprocessed tyres will be stored on site at any one time.

The tyres will be processed via a shredder to reduce the tires to small pieces (<150mm). The processed materials are then palletized and stored temporarily on site.

Processed materials will be transported off the premises twice a week, between 8 and 9 am.

We also note that the proposed use has applied for and received all the relevant registrations required from the Environment Protection Authority (EPA).

2.1.2 OPENING HOURS

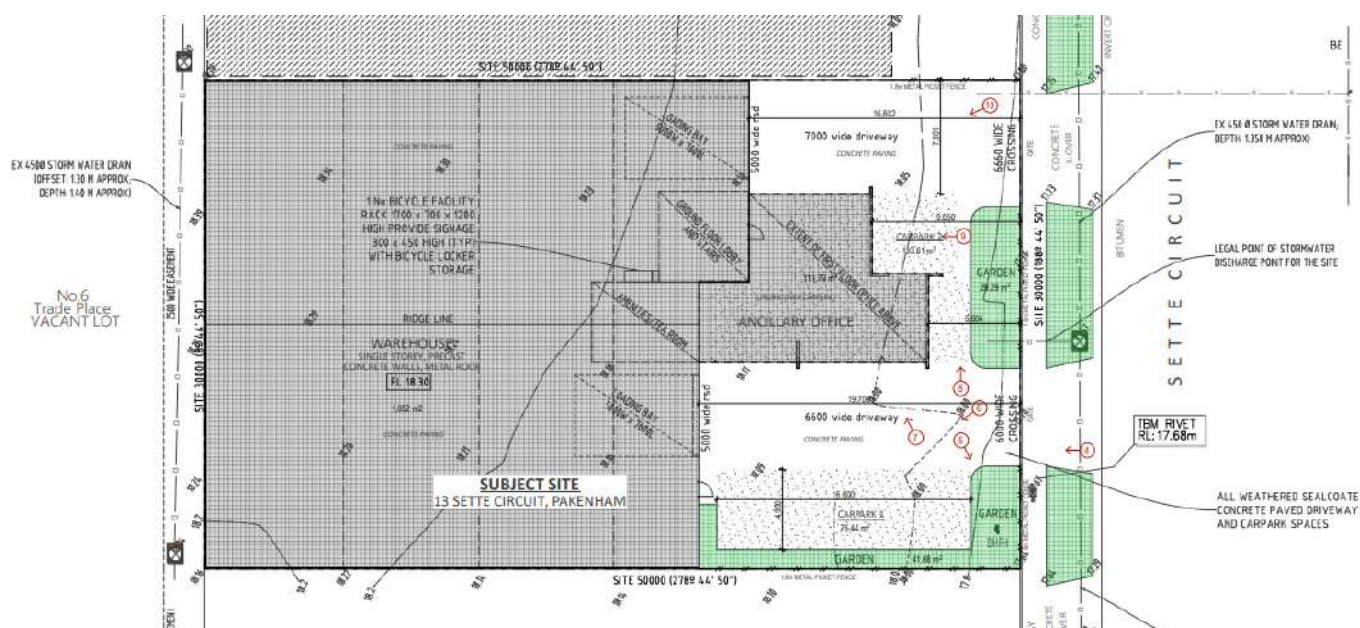
The business will operate from 8:00am - 5:30pm, Monday to Friday.

2.1.3 STAFF NUMBERS

There will be a maximum of 4 staffs expected on site at any one time.

2.1.4 PATRON NUMBERS

The use does not expect to have visitors.



Proposed Plan

3. PLANNING POLICY FRAMEWORK

The following is an outline of the Cardinia Planning Policy Framework relevant to the site. A comprehensive analysis of the proposal against this matrix of applicable policy is provided below.

3.1 Planning Policy Framework

3.1.1 CLAUSE 13.05 NOISE MANAGEMENT

The objective of this clause is – To assist the management of noise effects on sensitive land uses.

The proposed use is located within an establishing industrial estate, and is located approximately 750m from the nearest sensitive use.

The operation of the use during normal business hours (8.00 am - 5.30 pm), operating machinery indoors combined with the distance of the sensitive uses will ensure that noise impacts are contained within the site and the industrial area.

Therefore it is considered the proposed use will not have any adverse noise impacts on the surrounding sensitive uses.

3.1.2 CLAUSE 13.07-1S LAND USE COMPATIBILITY

The clause also implements the following strategies:

- *Ensure that use or development of land is compatible with adjoining and nearby land uses.*
- *Avoid locating incompatible uses in areas that may be impacted by adverse off-site amenity impacts from commercial, industrial and other uses.*

- *Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.*
- *Protect commercial, industrial and other employment generating uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.*

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The proposed use is located within an establishing industrial estate, and is located approximately 750m from the nearest sensitive use. The use is located approximately 750 m from the closest sensitive use, ensuring that adverse off-site impacts are minimised.

The use is located approximately 750 m from the closest sensitive use, ensuring that adverse off-site impacts are minimised.

The proposed use also implements a number of operational measure to ensure adverse impacts are avoided, that include:

- Operating within normal business hours to avoid any noise impacts.
- Conducting all operations within the warehouse to confine any amenity impacts to the site and within the industrial zone.

As such, the proposed use is considered to be compatible with the land and avoids adverse off-site amenity impacts.

3.1.3 CLAUSE 17.03-1S INDUSTRIAL LAND SUPPLY

This application proposes a use that is to be located within an establishing precinct within the Industrial 1 Zone.

As mentioned above, the proposed use is compatible with the Industrial 1 zone and ensures that land zone for industrial uses is being utilised as intended.

3.1.4 CLAUSE 17.03-2S SUSTAINABLE INDUSTRY

The relevant strategies outlined at this clause include the following:

- Ensure that industrial activities requiring substantial threshold distances are located in the core of industrial areas.
- Provide adequate separation and buffer areas between sensitive uses and offensive or dangerous industries and quarries to ensure that residents are not affected by adverse environmental effects, nuisance or exposure to hazards.

It is noted the proposed use is located 750 m from the closest sensitive use, not complying with the threshold distance required at 53.10.

However, the site is located within a central position within an establishing Industrial precinct. The proposed use also has all the relevant registrations and licenses required from the Environmental Protection Agency.

As mentioned above, the proposal also implements a number of operational measures that will ensure that adverse off-site amenity impacts are avoided.

3.2 Local Planning Policy Framework

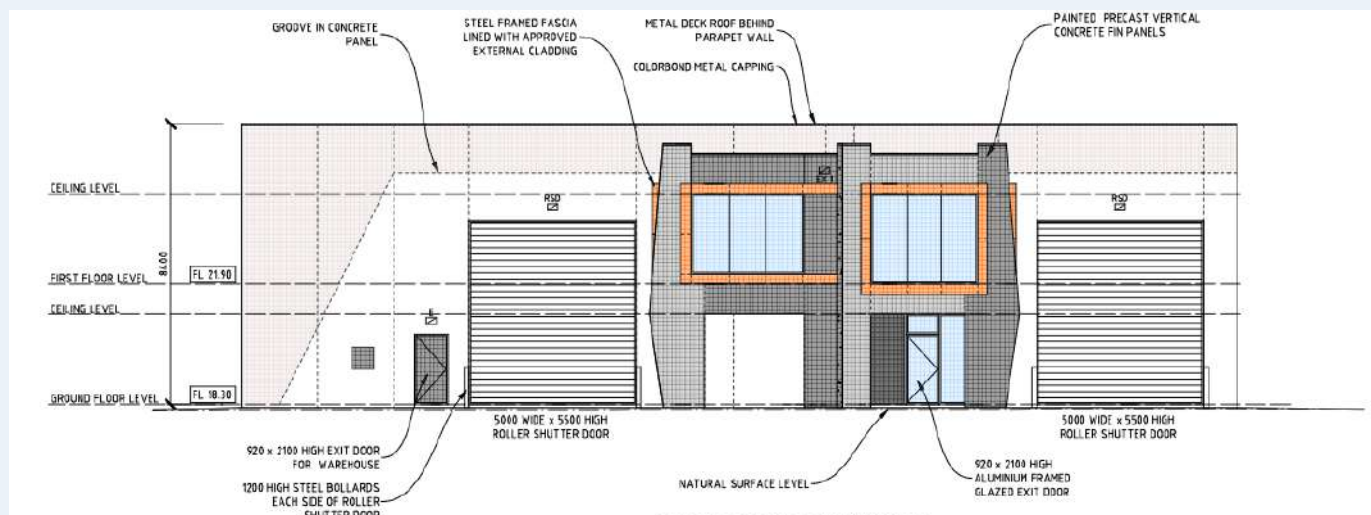
3.2.1 CLAUSE 21.04-1 EMPLOYMENT

The following strategies under this clause are of relevance:

- Assist in meeting local and regional employment needs in terms of the supply, type, quality and availability of employment land by facilitating appropriate development.

The site is located within the employment area shown on Figure 1 at Clause 21.04-1.

The proposed use of land provides employment opportunities to the local and regional community. It is located within a convenient distance from the residential area of Pakenham.



Proposed Elevation

3.2.2 CLAUSE 21.04-4 INDUSTRY

The following strategies under this clause are of relevance:

- *Provide for office and research and development in association with industrial activities in appropriate locations.*
- *Ensure developments provide a functional layout in terms of access, car parking and loading.*

The subject site is located within an establishing industrial area and is suited to support the proposed industrial use. Office space is available to the front of the warehouse, on both the ground and first floors. Furthermore, sufficient parking spaces and adequate loading areas are provided to support safe operation.

3.3 Zones.

3.3.1 INDUSTRIAL 1 ZONE (IN1Z)

The purpose of the zone, along with implementing state and local policy is:

- *To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.*

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The zone nominates 'Materials Recycling' to be a Section 2 use pursuant to Clause 33.01-1, on the condition that the land is 30m away from any nearby residential or commercial zones, or land used (or to be used) for a hospital, education centre or corrective institution.

The subject site is located well within a dedicated industrial area, satisfying the above condition. As such, the site is eligible to be used as a Materials Recycling facility pursuant to the granting of a permit.

Pursuant to Clause 33.01-4, a permit is required to construct a building or carry out works.

However, proposed changes are limited to the interior of the existing warehouse. This is exempt under Clause 62.02-2 as it is:

- *The internal rearrangement of a building or works, provided the gross floor area of the building or the size of the works is not increased, and the number of dwellings is not increased.*

3.4 Overlays

This site is unaffected by planning overlays.

3.5 Particular Provisions

3.5.1 CLAUSE 52.05 SIGNS

The purpose of the clause, along with implementing state and local policy is:

- To regulate the development of land for signs and associated structures.
- To regulate the development of land for signs and associated structures.
- To ensure signs do not contribute to excessive visual clutter or visual disorder.
- To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.

Pursuant to Clause 33.0-5 of the Industrial 1 Zone, the site falls within Category 2 at Clause 52.05.

Category 2 relates to office and industrial areas and applies a low limitation.

Business identification signs are included in Section 1 at Clause 52.05-12 and do not require a planning permit if the total display area of all signs does not exceed 8 sqm.

No signage is proposed as part of this application.

3.5.2 CLAUSE 52.06 CAR PARKING

The purpose of the clause, along with implementing state and local policy is:

- To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.

- To support sustainable transport alternatives to the motor car.
- To promote the efficient use of car parking spaces through the consolidation of car parking facilities.

- To ensure that car parking does not adversely affect the amenity of the locality.

- To ensure that the design and location of car parking is of a high standard, creates a safe

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the proposed use involves a new use. 'Materials Recycling' triggers a car parking rate of 10% of the site area.

The subject site has a total area of 1,500 sqm, which requires 150 sqm to be set aside for car parking spaces.

The site is provided with 16 car parks which equates to an area of 210.05 sqm, comprising 14% of the site area. The car parks are sited within the front setback of the site.

As such, the proposed use complies with the statutory parking requirements.

3.5.3 CLAUSE 52.34 BICYCLE FACILITIES

The purpose of the clause, along with implementing state and local policy is:

- To encourage cycling as a mode of transport.
- To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.

'Materials Recycling' is nested under the broader term of 'Industry'. This use attracts 1 bicycle space to each 1000 sqm of net floor area.

For a total floor area of 1,083.89 sqm, 1 bicycle space is required to be provided on site. This can be comfortably accommodated.

4. CONCLUSION

The proposed use has demonstrated compliance with the controls of the zone and overlays as evaluated earlier in the report.

It is submitted that this proposal is designed in a manner which will make efficient use of the site and will impact positively on the surrounding neighbourhood. Given the nature of the application and its compliance with the zone and overlays, we respectfully request that this application be supported by Council and proceeds to approval at the earliest convenience.

For any queries or further clarification, please contact directly on 9324 1902 or via email wendy@estownplanning.com.au.

Sincerely,

[Redacted Signature]

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13 Sette Circuit, Pakenham

Waste Management Plan



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17 September 2024

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DOCUMENT INFORMATION

Prepared for	Adept Exports Pty Ltd		
File Name	240547WMP001A.docx	Report Date	17 September 2024
Prepared by	JD	Reviewed by	AWG

onemilegrid operates from Wurundjeri Woiworung Country of the Kulin nation. We acknowledge and extend our appreciation to the Wurundjeri People, the Traditional Owners of the land. We pay our respects to leaders and Elders past, present and emerging for they hold the memories, the traditions, the culture, and the hopes of all Wurundjeri Peoples.

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1 INTRODUCTION

onemilegrid has been requested by Adept Exports Pty Ltd to prepare a Waste Management Plan for the proposed tyre recycling facility at 13 Sette Circuit, Pakenham.

The preparation of this management plan has been undertaken with due consideration of the Sustainability Victoria Better Practice Guide for Waste Management and Recycling in Multi-unit Developments and relevant Council documentation.

2 BEST PRACTICE WASTE MANAGEMENT

Best Practice Waste Management is an initiative designed to reduce the amount of waste generated, through encouraging a change of behaviour and action on waste management and moreover recycling.

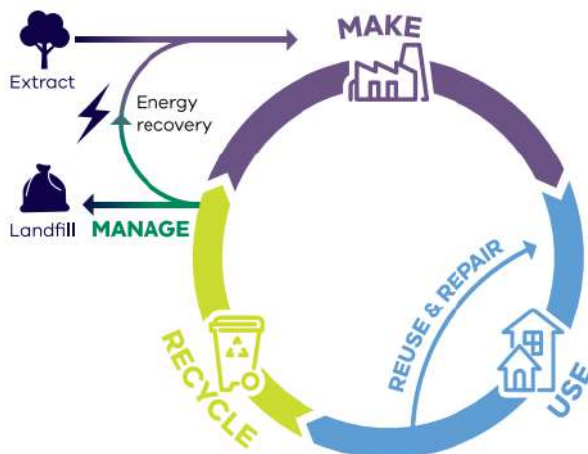
The benefits of reducing waste generation are far reaching and have been identified as significantly important by Council and the Victorian Government.

Recycling Victoria: A New Economy is a policy and 10-year action plan, prepared by the Victoria Government, to "deliver a cleaner, greener Victoria, with less waste and pollution, better recycling, more jobs and a stronger economy".

Four overarching goals have been identified in order to achieve a circular economy in relation to waste, as below:

1. MAKE – Design to last, repair and recycle;
2. USE – Use products to create more value;
3. RECYCLE – Recycle more resources;
4. MANAGE – Reduce harm from waste and pollution.

Figure 1 Resource Flows in a Circular Economy



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3 EXISTING SITE CONDITIONS

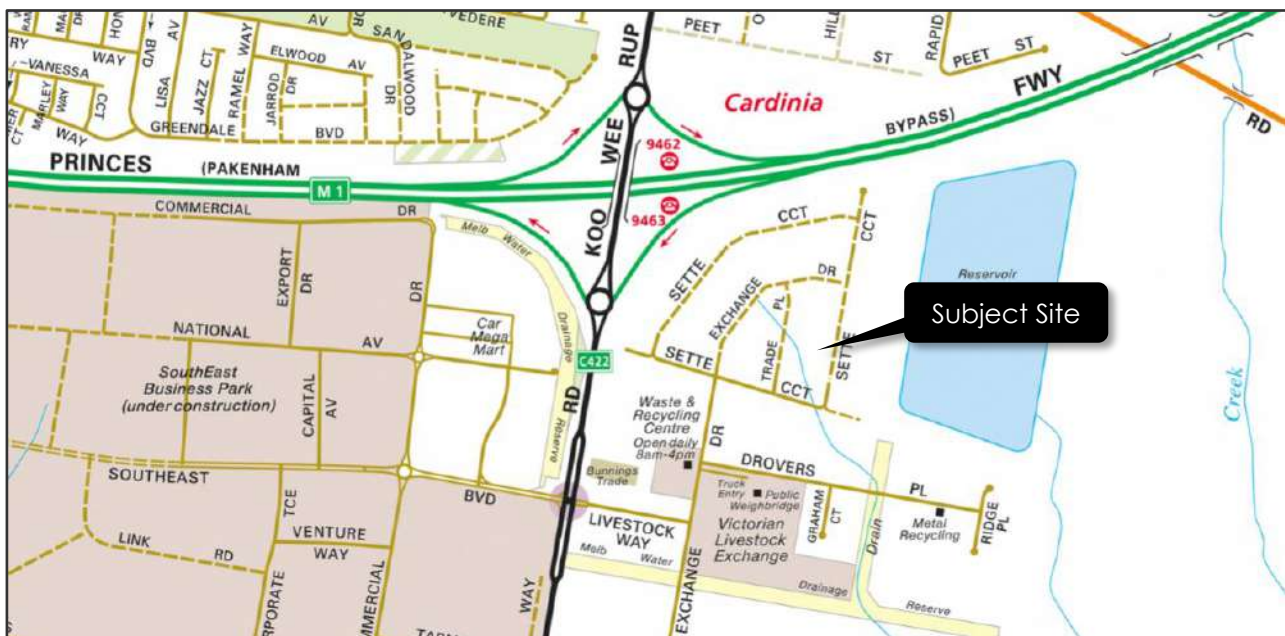
The subject site, addressed as 13 Sette Circuit, Pakenham, is located on the western side of Sette Circuit, along the eastern side of the Sette Circuit Business Park. This is located to the south-east of the Koo Wee Rup Road interchange with the Princes Freeway, as shown in Figure 2.

The site has an area of approximately 1,500m², and is currently occupied by a warehouse with ancillary office totalling approximately 1,084 m² gross floor area. On-site car parking is provided along the eastern side of the warehouse building, with an area of approximately 210m², which currently provides 16 spaces, including 1 accessible parking space. Access to the on-site car park, and the loading areas located within the warehouse, is provided via two industrial crossovers to Sette Circuit along the eastern boundary of the site.

The site is located within an Industrial Zone (IN1Z) of the Cardinia Planning Scheme. Land use in the immediate vicinity of the site is primarily industrial in nature, and includes the Victorian Livestock Exchange to the south, and also a large reservoir to the east.

It is noted that the Sette Circuit Business Park has not yet been fully developed, with approximately 50 percent of the lots currently vacant.

Figure 2 Site Location



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4 PROPOSED DEVELOPMENT

It is proposed to use the subject site for the purposes of Materials Recycling, specifically the recycling of tyres. The business will pelletize or shred waste tyres to allow re-use in products such as road pavement and playground surfaces.

No modifications are proposed to the existing parking, loading areas or site access arrangements.

The use is proposed to operate 8:00am to 5:30pm, Monday to Friday with four staff on-site at any one time.

It has been advised that there will be two deliveries per day, one in the morning and the other towards the end of the day.

5 WASTE MANAGEMENT

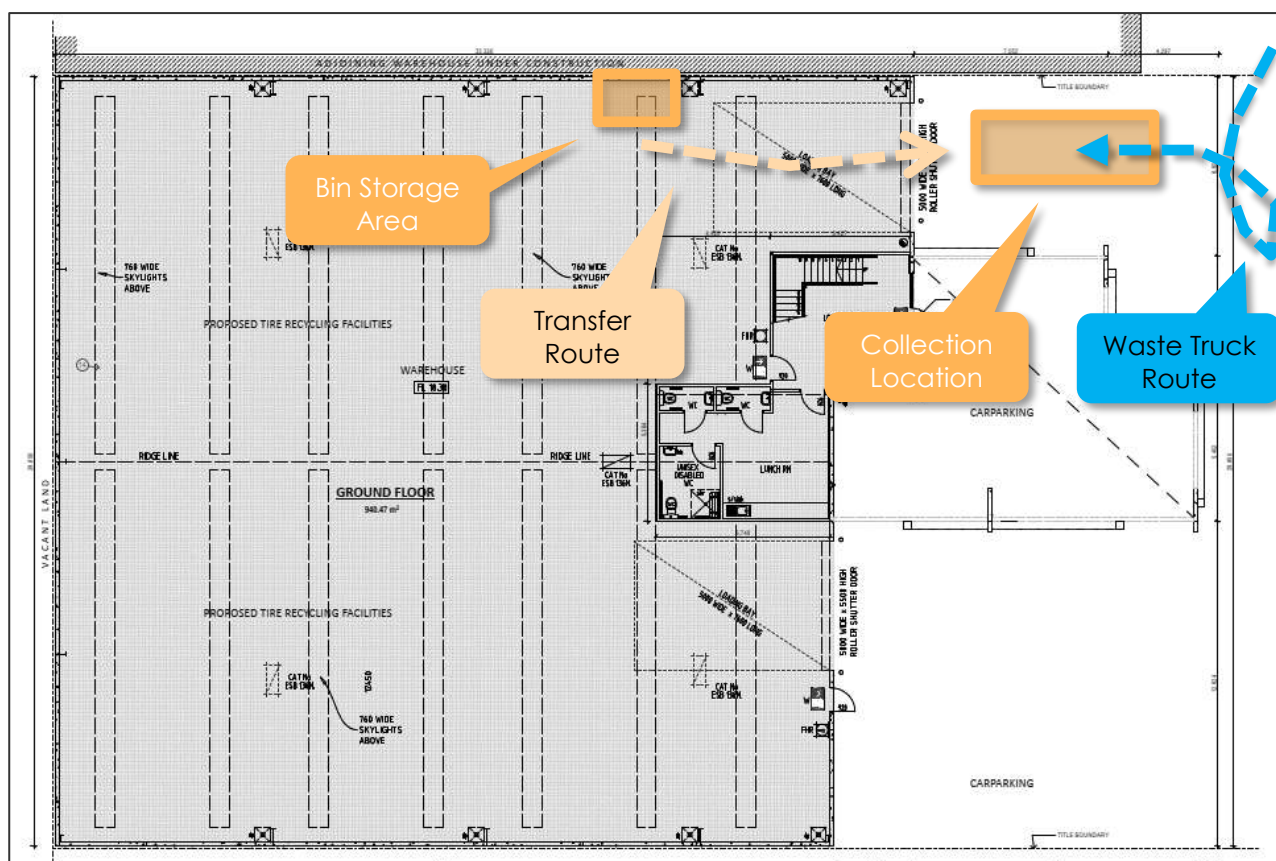
5.1 General

It is proposed to utilise a private contractor to manage the collection and disposal of garbage and recycling associated with the development.

Bins will be stored within a dedicated bin storage area on the ground floor of the warehouse, and will be collected on-site within the accessways on the eastern side of the building. Staff, or the appointed contractor, will be responsible for the transfer of bins to and from the collection point.

The collection location and expected transfer route is shown in Figure 3.

Figure 3 Bin Storage Room and Collection Details



5.2 Waste Streams

5.2.1 Garbage

The garbage stream comprises of non-recyclable material which is to be disposed of in landfill, and is one of the four primary waste streams identified by Recycling Victoria and forms part of the standard commercial collection system.

A mobile garbage bin will be provided for the collection and disposal of garbage.

5.2.2 Recycling

The commingled recycling stream is a mixed material stream consisting of paper, cardboard, cans, plastics, and glass (where not collected as part of a separate glass collection service) and is one of the four primary waste streams identified by Recycling Victoria and forms part of the standard commercial collection system.

A mobile garbage bin will be provided for the collection and disposal of recycling.

5.2.3 Container Deposit Scheme (CDS)

On 1 November 2023, Victoria's Container Deposit Scheme (CDS) commenced, which marked a significant milestone towards Victoria achieving its Circular Economy goal.

The CDS rewards Victorians with a 10 c refund for all eligible cans, cartons and bottles that are returned. Most aluminium, glass, plastic, and liquid paperboard (carton) drink containers, between 150 mL and 3 L are eligible, with a 10 c mark provided on the drink container label, often located near the barcode. Container lids are able to be kept on, as they can also be recycled.

There are multiple ways to receive the 10 c refund, including vouchers, which can be spent and participating shops, cash, electronic payment, and the option to donate the refund to charities and community groups.

The eligible containers can be returned to several different types of container refund points, in many locations across Victoria, with the number of locations expected to continue to grow. Typical refund points include the following:

- Reverse Vending Machines (RVMs) – Typically located in shopping centre and supermarket car parks, eligible containers are inserted into the machine, where the containers are scanned and verified;
- Depots – Larger refund points which typically offer a walk-in or drive-through services to get containers counted and refunded on the spot. Best suited for larger loads;
- Over the counter (OTC) – Some small businesses or organisations provide over-the-counter services, which essentially work like a miniature depot; and
- Pop-ups – Zone operators may offer pop-up services or events, that will have set times and locations that drinks containers can be returned.

The locations of the CDS refund points are provided at <https://cdsvic.org.au/locations>.

Staff should be encouraged to contribute to the CDS, by the provision of specific CDS bins throughout the building to assist in separating eligible containers, with staff appointed by the operator to regularly take the containers for to a refund point.

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5.2.4 Green Waste

Given the nature of the proposed development, it is expected that green waste generation will be minimal or negligible, and therefore a green waste collection service is not expected to be required.

5.2.5 Hard Waste

Any hard waste or bulky items generated during operations will be collected and disposed of by a private contractor. Hard waste will be stored within the warehouse tenancy between collections, and will be undertaken on an as-needs basis.

5.2.6 Electronic Waste (E-Waste)

E-waste includes all manner of electronic waste, such as televisions, computers, cameras, phones, household electronic equipment, batteries and light bulbs. E-waste contains valuable materials that can be recovered and reused such as tin, nickel, zinc, aluminium, copper, silver and gold.

On 1st July 2019, the disposal of E-waste to landfill was banned by the Victorian Government.

It is expected that the development will generate very little E-Waste, other than on specific occasions (such as replacement of IT equipment, etc), and a specific E-Waste collection service is not considered to be necessary.

The collection of e-waste should be organised with a private contractor on an as needs basis or taken to approved disposal points as required.

5.2.7 Industrial Waste

Industrial waste is the waste produced by industrial activities, with certain industrial waste having properties that make them hazardous and potentially harmful to human health and/or the environment.

The operator has advised that no use-specific waste streams will be generated during operations, with all tyre product fully recycled. As such, waste generation will be that generated during administrative and typical warehousing operations.

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6 WASTE GENERATION

Waste generation rates published within Sustainability Victoria's "Better Practice Guide for Waste Management and Recycling in Multi-unit Developments" suggest the following rates commercial uses, based on the rates published by the City of Melbourne.

Table 1 Sustainability Victoria Recommended Rates – Commercial

Use	Garbage Rate	Recycling Rate
Warehouse (office)	10 L per 100 m ² per day	10 L per 100 m ² per day

Based on the rates detailed above, the following weekly waste generation is expected. This assumes a 5 day per week operation.

Table 2 Expected Waste Generation

Floor Area	Total Garbage/Week	Total Recycling/Week
1,084 m ²	542 litres	542 litres

In relation to the warehouse floor area, the waste requirements will be very specific to the use, and may be negligible for a warehouse use which includes simple storage and distribution of goods. Conversely, a warehouse use which receives bulk items for splitting and distribution may generate considerable volumes of cardboard packaging. Given the potential variance in waste generation, the actual volume of waste is uncertain, and the waste storage will need to be monitored and managed by the operator, with additional services or bins added where required.

7 WASTE DISPOSAL AND COLLECTION REQUIREMENTS

7.1 Bin Provision and Specifications

It is proposed to utilise a private waste contractor, providing weekly garbage and recycling collection.

Consequently, the following bins will be required for the proposed development.

Table 3 Bin Provision

Stream	Total Waste/Week	Bin Size	Collection Frequency	Bins Required
Garbage	542 litres	660 litres	Weekly	1 bin
Recycling	542 litres	660 litres	Weekly	1 bin

Typical bin specifications for each bin size are provided in Table 4 below.

Table 4 Bin Specifications

Capacity	Width	Depth	Height	Area
660 litres	1.25 m	0.80 m	1.30 m	1.00 m ²

Bins are to be colour coded to the Australian Standard (AS4123), as shown in Table 5 below.

Table 5 Bin Colours

Stream	Colour
Garbage	Red lid and dark green or black body
Commingled Recycling	Yellow lid and dark green or black body

7.2 Bin Storage

As indicated in Figure 3, it is proposed to provide a bin storage area on the ground floor of the warehouse.

The area is capable of accommodating the required bins, as calculated in Table 3.

Furthermore, the bin storage room is located appropriately for access by staff, and is secured from public access.

The bin storage room should be vermin proof, and have appropriate ventilation, lighting and drainage.

The bin storage room shall be suitably ventilated, and have provision for bin washing.

7.3 Bin Usage

Staff will be responsible for bagging (only garbage) and disposing of waste in the provided bins.

Cardboard boxes should be flattened, and containers rinsed and cleaned prior to disposal.

7.4 Bin Collection

On collection days, staff or the appointed contractor will be responsible for transferring bins from the storage area to the accessway for collection.

Collection is to occur using a conventional rear-lift collection truck, nominally 8.8 metres in length.

Swept paths have been prepared illustrating an 8.8 m medium rigid vehicle (MRV) accessing the site and each of the loading areas and can be seen attached to this report. The drawings indicate that the site is readily accessible with a reverse-in manoeuvre, allowing forwards-out manoeuvres to Sette Circuit.

Each waste stream is to be collected by dedicated trucks and waste streams are not to be collected in one truck. Each waste stream is to be taken to dedicated waste facilities for disposal and processing.

7.5 Bin Cleaning

The operator shall ensure that the bins are kept in a clean state, to minimise odours and to discourage vermin. This may include regular cleaning by a third party, cleaning by the waste contractor, bin swapping by the waste contractor, or maintenance by staff.

A bin cleaning area should be provided adjacent the bin storage area, with a drain connected to sewer.

Where cleaning is to be undertaken on-site, it should only occur in a designated bin cleaning area, provided with a drain connected to sewer.

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7.6 Signage

To avoid contamination between garbage streams, bin lids will be colour coded in accordance with the Australian Standard (AS4123), to ensure the bin type is easily distinguishable. Furthermore, bins should include typical signage (preferably on the bin lid) to reinforce the appropriate materials to be deposited in each bin. Example signage is shown in Figure 4 below.

Figure 4 Example Waste Signage



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8 MANAGEMENT

8.1 General

In relation to the proposed development, recycling is of key importance, and in this regard, the operator shall encourage staff to participate in minimising and reducing solid waste production by:

- Promoting the waste hierarchy, which in order of preference seeks to:
 - + Avoid waste generation in the first place;
 - + Increase the reuse and recycling of waste when it is generated;
 - + Recover, treat or contain waste preferentially to; and
 - + Its disposal in Land Fill (which is least desirable).
- Providing information detailing recyclable materials to ensure that non-recyclable materials do not contaminate recycling collections;
- Providing information regarding safe chemical waste disposal methods and solutions, including correct battery and electronics disposal methods;
- Encouraging composting for staff; and
- Providing tips for recycling and reusing waste, including encouraging the disposal of reusable items in good condition via donations to Opportunity Shops and Charities.
- Comply with regulations.

8.2 Staff Information

To ensure all staff are aware of their responsibilities with regard to waste and bin management, an information package will be provided by the operator to all staff, including the following information:

- A copy of this Waste Management Plan;
- Methods and techniques for waste reduction and minimisation;
- Information regarding bin collection days and requirements;
- Staff responsibilities with regard to bin usage, storage, and collection; and
- Staff responsibilities with regard to litter and waste removal from the common property.

8.3 Waste Management Plan Implementation

The implementation, coordination and funding of the Waste Management Plan is the responsibility of the operator, and should be a dynamic document, reflecting changes in on-site and off-site conditions e.g., varying bin requirements, or changing waste collection methodology. As such, the plan should be regularly revisited and amended to provide the most accurate and relevant information to achieve the desired objectives of effectively managing the storage and disposal of waste generated on-site.

Should any significant operational changes occur on-site, a new or amended Waste Management Plan prepared by a suitable qualified and experienced person or firm may be required, detailing changes to the storage and disposal of the general, recyclable and e-wastes, responsibility in management and maintenance of the bins, location and area of bin rooms, etc.

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9 OCCUPATIONAL HEALTH & SAFETY RESPONSIBILITIES

The operator shall ensure compliance to all relevant OH&S regulations and legislation, including the following:

- Worksafe Victoria Guidelines for Non-Hazardous Waste and Recyclable Materials.

10 CONTACT INFORMATION

10.1 Council

Cardinia Shire Council

Phone: 1300 787 624 (Customer Service)

Web: www.cardinia.vic.gov.au

Email: mail@cardinia.vic.gov.au

10.2 Contractors

CSC Waste & Recycling

Services: Private contractor

Phone: 1300 499 927

Web: www.cscwaste.com.au

Email: info@cscwaste.com.au

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Cleanaway

Services: Private contractor

Phone: 131 339

Web: www.cleanaway.com.au/

10.3 Equipment

OzChutes (waste chutes, diverters, carousels, compactors)

Phone: (03) 9716 7557

Web: www.ozchutes.com.au

Email: sales@ozchutes.com.au

Electrodrive (bin tug systems)

Phone: 1800 333 002

Web: www.electrodrive.com.au

Email: vic@electrodrive.com.au

Movexx (bin tug systems)

Phone: 1300 188 098

Web: www.movexx.com.au

Email: vic@electrodrive.com.au

10.4 Others

Sustainability Victoria

Services: Sustainable Waste Management initiatives and information

Phone: 1300 363 744 (Energy, Waste and Recycling)

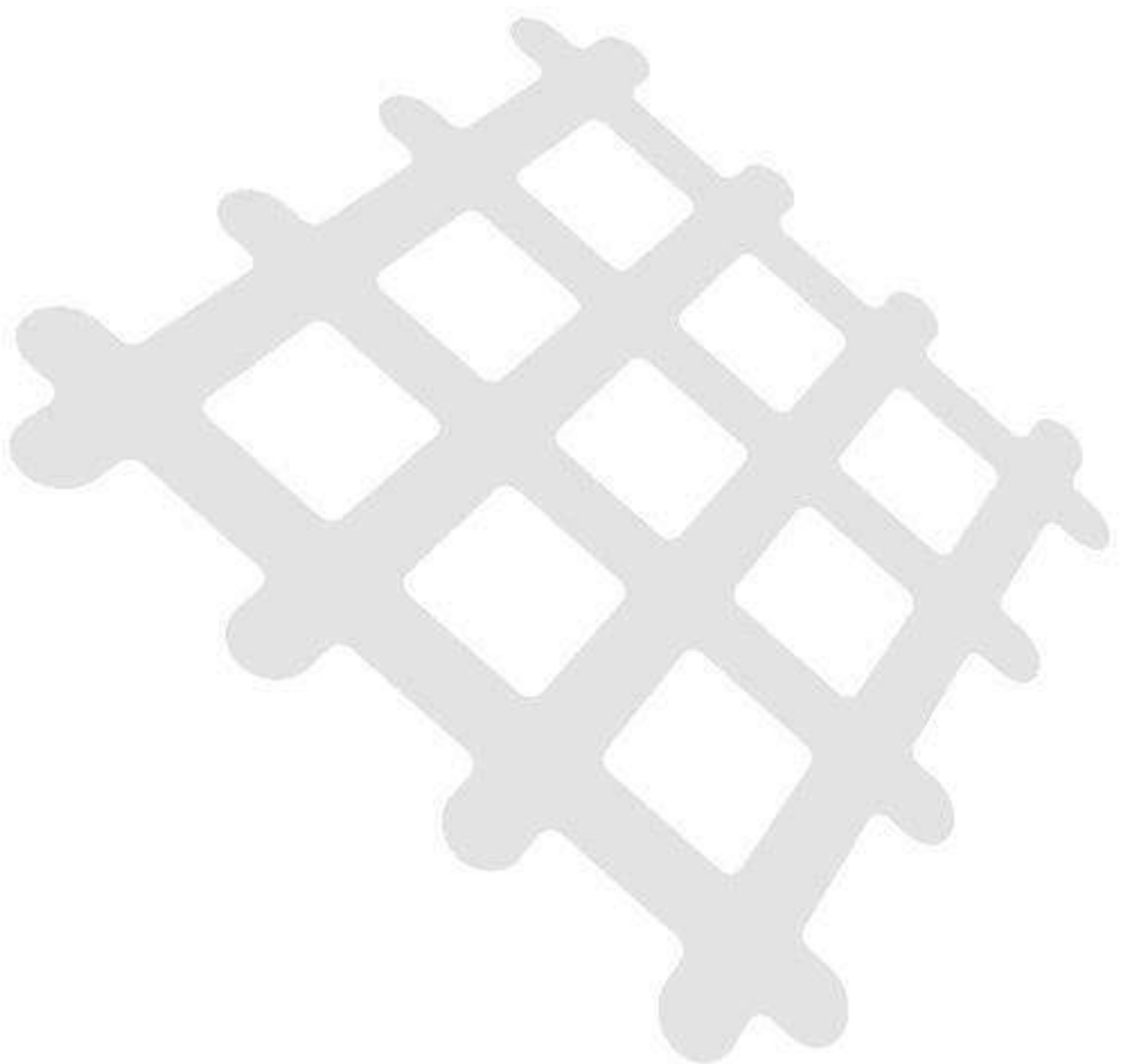
Web: www.sustainability.vic.gov.au

Email: info@sustainability.vic.gov.au

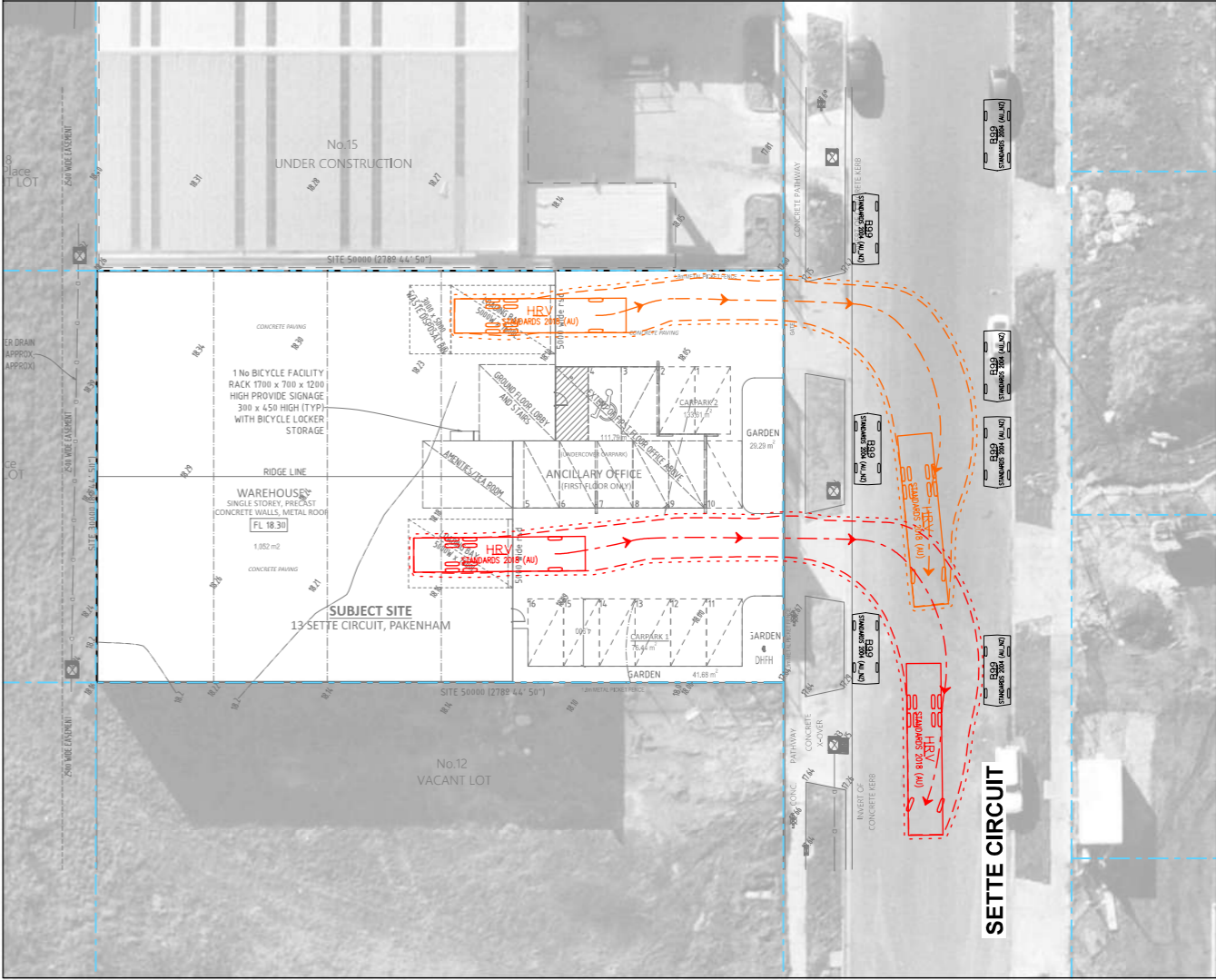
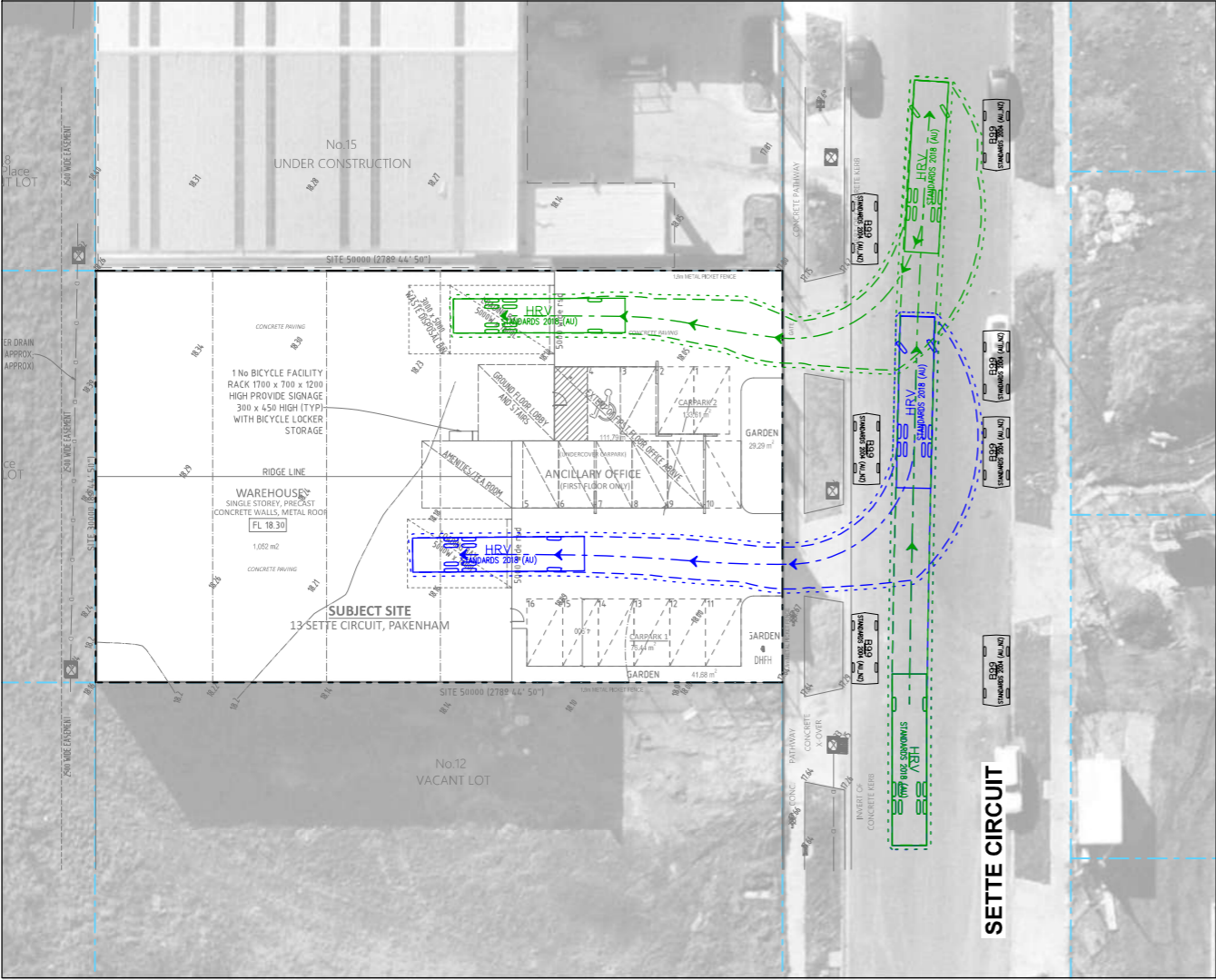
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Appendix A *Swept Path Diagram*

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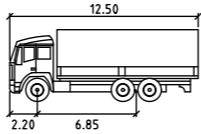


ENTRY MANOEUVRES

- DESIGN VEHICLE SWEEP PATHS SHOWN DASHED
- 300mm CLEARANCE ENVELOPE SHOWN DOTTED

EXIT MANOEUVRES

- DESIGN VEHICLE SWEEP PATHS SHOWN DASHED
- 300mm CLEARANCE ENVELOPE SHOWN DOTTED

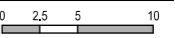


HRV
Width : 2.50
Track : 2.50
Lock to Lock Time : 6.0
Steering Angle : 36.7



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Phone (03) 9939 8250

Scale
1:500 @ A3



Drawing Title
13 SETTE CIRCUIT, PAKENHAM
VEHICLE SITE ACCESS
SWEEP PATH ANALYSIS

Designed JPB	Approved JD	Melway Ref 323 G1
Project Number 240547	Drawing Number SPA100	Revision A

1 July 2025

Adept Exports Pty Ltd

13 Sette Circuit, Pakenham

Transport Impact Assessment

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Introduction

onemilegrid has been requested by CS Town Planning Services to undertake a Transport Impact Assessment of the proposed change of use to a Material Recycle use at 13 Sette Circuit, Pakenham.

This Transport Impact Assessment has been prepared in response to the Request for Further information (RFI) issued by Cardinia City Council (Application no: T240350PA, dated 22 August 2024), which requested the following information:

1. A Traffic Impact Assessment prepared by a suitably qualified professional which details the impact of traffic generation, including heavy vehicles, on local roads.
2. A swept path diagram, prepared by a suitably qualified and licensed Traffic Engineer, demonstrating appropriate vehicle types (with reference to Australian Standards AS 2890.2:2018) can safely access all proposed loading areas.

Existing Conditions

The subject site, addressed as 13 Sette Circuit, Pakenham, is located on the western side of Sette Circuit, along the eastern side of the Sette Circuit Business Park. This is located to the south-east of the Koo Wee Rup Road interchange with the Princes Freeway, as shown in Figure 1.

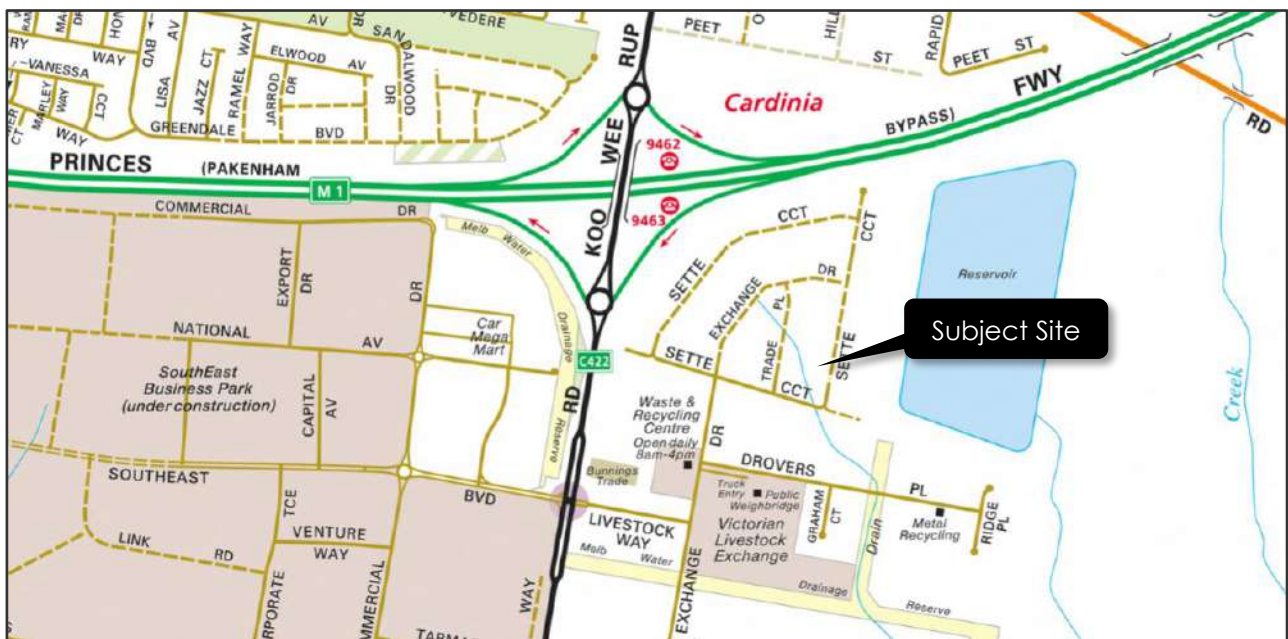
The site has an area of approximately 1,500m², and is currently occupied by a warehouse with ancillary office totalling approximately 1,084 m² gross floor area. On-site car parking is provided along the eastern side of the warehouse building, with an area of approximately 210m², which currently provides 16 spaces, including 1 accessible parking space. Access to the on-site car park, and the loading areas located within the warehouse, is provided via two industrial crossovers to Sette Circuit along the eastern boundary of the site.

The site is located within an Industrial Zone (IN1Z) of the Cardinia Planning Scheme. Land use in the immediate vicinity of the site is primarily industrial in nature, and includes the Victorian Livestock Exchange to south, and also a large reservoir to the east.

It is noted that the Sette Circuit Business Park has not yet been fully developed, with approximately 50 percent of the lots currently vacant.

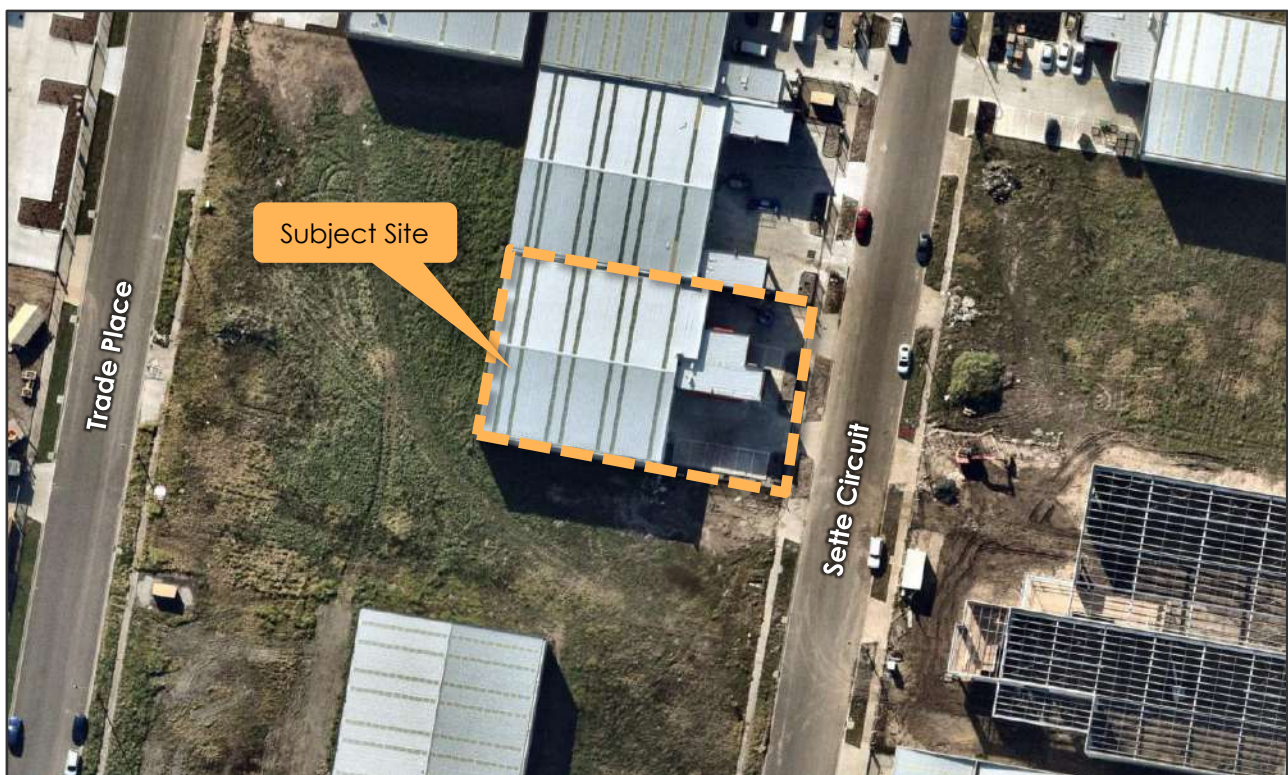
An aerial view of the subject site is provided in Figure 2.

Figure 1 Site Location



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Figure 2 Site Context (1 August 2024)



Copyright Nearmap

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Road Network

Sette Circuit is a local industrial road generally aligned in a loop, originating at Exchange Drive along the southern side of the business park, and looping around to the north. Sette Circuit provides an approximately 12 metre wide carriageway adjacent to the site, with kerbside parking permitted on both sides. The default 50 km/h speed limit applies to Sette Circuit in the vicinity of the site.

Proposal

It is proposed to use the subject site for the purposes of Materials Recycling, specifically the recycling of tyres. The business will pelletize or shred waste tyres to allow re-use in products such as road pavement and playground surfaces.

No modifications are proposed to the existing parking, loading areas or site access arrangements.

The use is proposed to operate 8:00am to 5:30pm, Monday to Friday with four staff on-site at any one time.

It has been advised that there will be 2-3 deliveries per day.

Loading

The existing site is provided with two loading areas, each accessible by a separate crossover to Sette Circuit.

Swept paths have been prepared illustrating a 8.8 m medium rigid vehicle (MRV) accessing the site and each of the loading areas, which are attached to this report. The drawings indicate that the site is readily accessible with a reverse-in manoeuvre, allowing forwards-out manoeuvres to Sette Circuit.

It is noted that the Australian Standard for Parking facilities, Part 2: Off-street commercial vehicle facilities (AS 2890.2:2018) outlines that regular service with delivery/loading vehicles from a minor road (such as Sette Circuit) is suitable to occur with a reverse movement either onto or off the street, and that vehicles may traverse the full width of the access driveway when undertaking manoeuvres. As such, the proposed access arrangements are considered acceptable.

Bicycle Parking

The bicycle parking requirements for the subject site are identified in Clause 52.34 of the Cardinia Planning Scheme. The Planning Scheme does not specifically refer to parking requirements for Materials Recycling uses, therefore, no bicycle parking is required.

Regardless, it is considered that employee bicycle parking could be accommodated on-site within the warehouse, should the need arise.

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Car Parking

The car parking requirements for the subject site are identified in Clause 52.06 of the Cardinia Planning Scheme, which specifies the following requirements for the proposed use.

Table 1 Clause 52.06 – Car Parking Requirements

Use	Area	Rate	Car Parking Measure	Total
Materials Recycling	1,500m ²	10	per cent of site area	150m ²

Based on the above calculations, the proposal requires a minimum area of 150m² on-site for parking.

No modifications are proposed to the existing on-site car parking, which has an area of approximately 210m² and provides a total of 16 spaces, including 1 accessible space.

The provision of parking is therefore in excess of the Planning Scheme requirements outlined above, and is considered appropriate.

It is noted that the supply of parking is more than sufficient to cater for the four staff indicated by the operator.

Traffic

The use will generate only limited traffic volumes, typically associated with staff arrivals and departures in commuter peak periods, and the delivery and collection of tyres and recycled tyre material during operating hours.

During the critical commuter peak periods, the use will generate a maximum of four staff arrivals or departures, which will be readily accommodate by the surrounding road network including Sette Circuit, Exchange Drive and Livestock Way as drivers access the external road network.

The additional traffic generated by deliveries, which as previously indicated, comprise 2-3 deliveries per day are not expected to materially impact traffic conditions around the site.

Conclusions

It is proposed to use the subject site for the purposes of Materials Recycling, with no modifications to the existing warehouse area, car parking, loading or site access.

Considering the analysis presented above, it is concluded that:

- The proposed use has no requirement for bicycle parking, though it is considered provision could be made within the warehouse for staff if needed;
- The proposed supply of car parking is appropriate for the proposal and exceed the requirements of the Planning Scheme;
- The proposal is expected to generate minimal traffic and is expected to have a negligible impact on the surrounding road network when compared to the existing operation.

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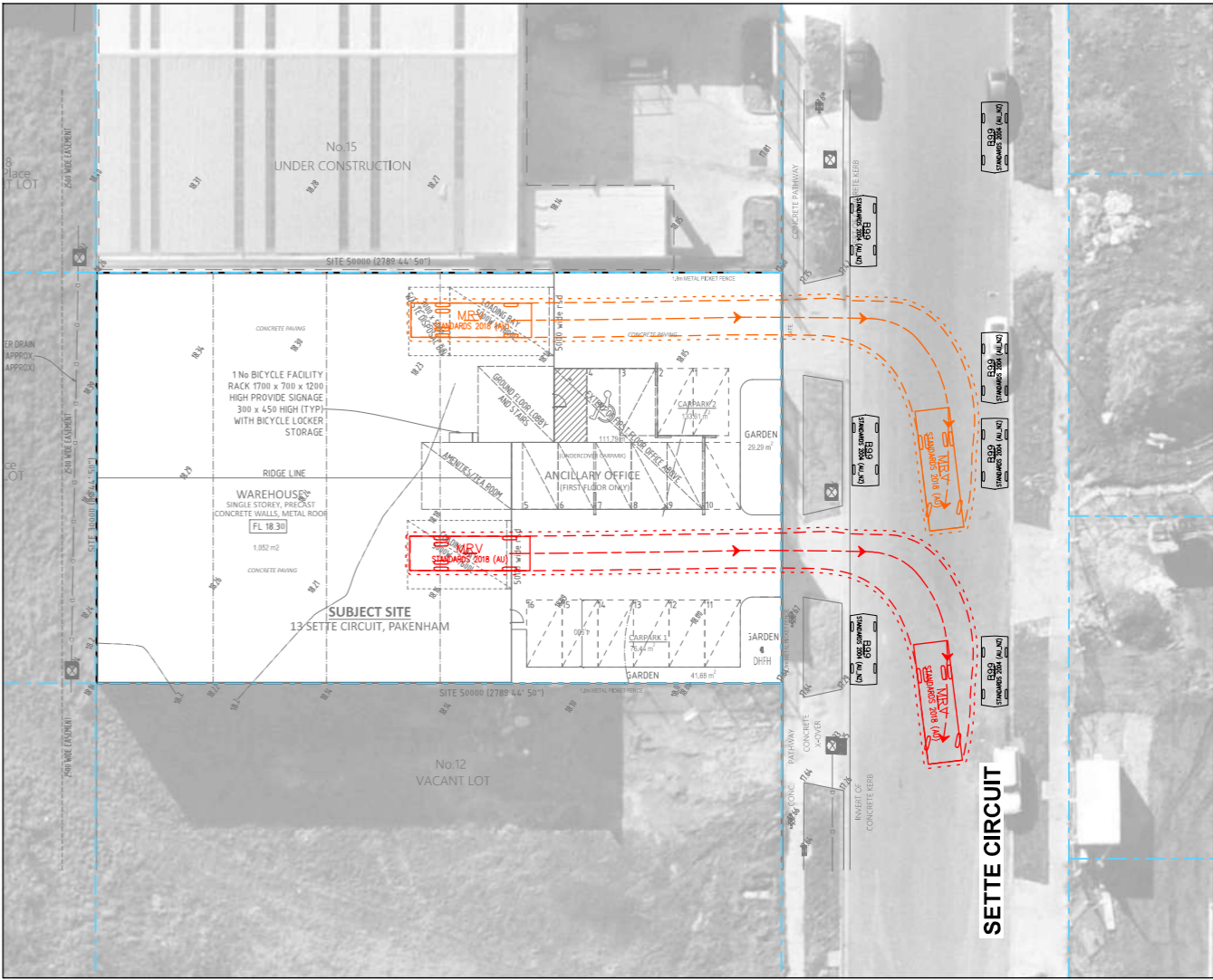
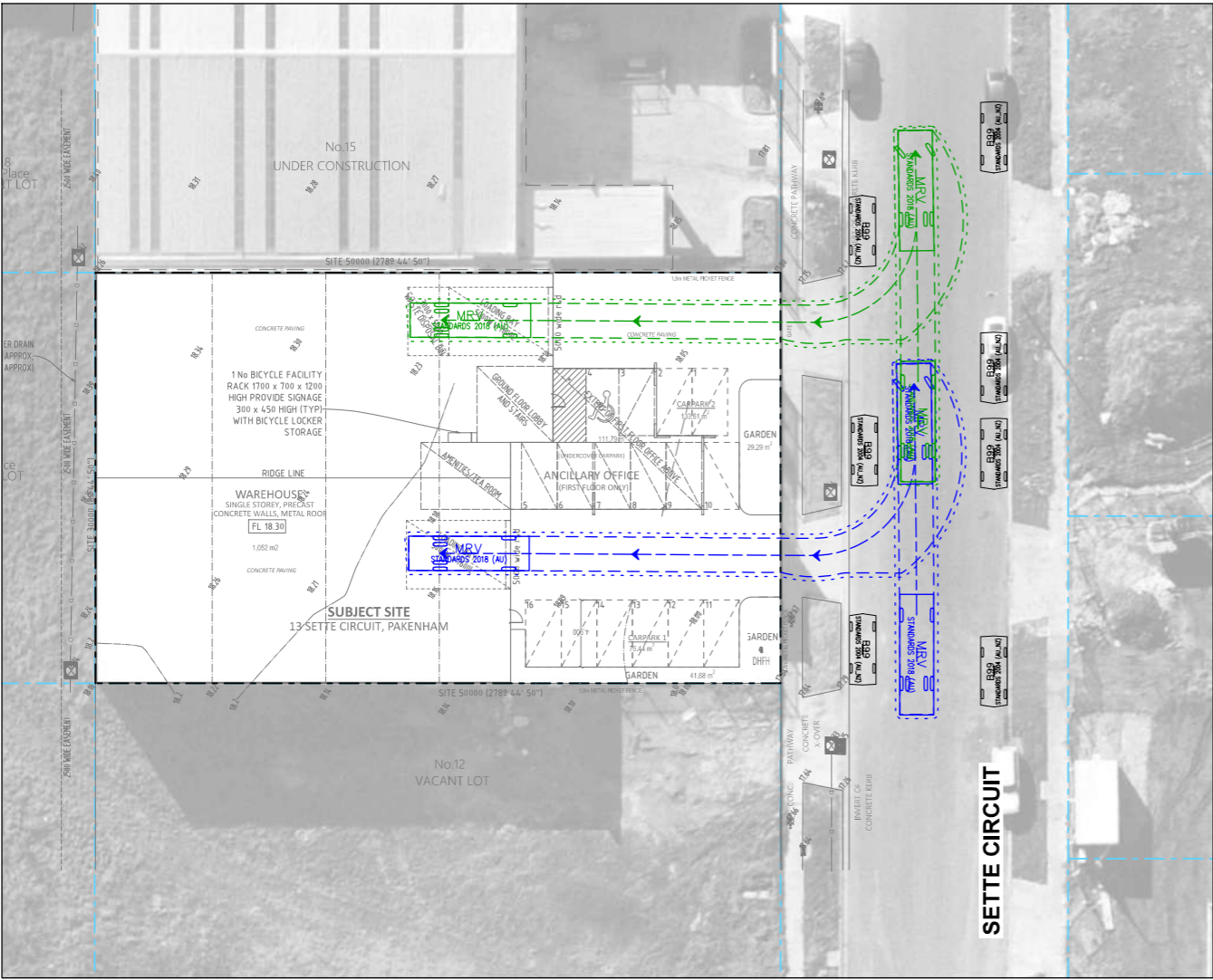
Please do not hesitate to contact the undersigned, or [REDACTED] on [REDACTED] or at [REDACTED] should you wish to discuss the above.

Yours sincerely



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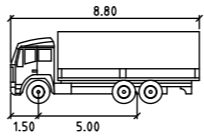


ENTRY MANOEUVRES

- DESIGN VEHICLE SWEEP PATHS SHOWN DASHED
- 300mm CLEARANCE ENVELOPE SHOWN DOTTED

EXIT MANOEUVRES

- DESIGN VEHICLE SWEEP PATHS SHOWN DASHED
- 300mm CLEARANCE ENVELOPE SHOWN DOTTED

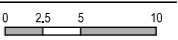


MRV
Width : 2.50
Track : 2.50
Lock to Lock Time : 6.0
Steering Angle : 34.0



Wurundjeri Woiwurrung Country
56 Down Street, Collingwood, VIC 3066
Email: info@onemilegrid.com.au Web: www.onemilegrid.com.au
Phone: (03) 9939 8250

Scale
1:500 @ A3



Drawing Title
13 SETTE CIRCUIT, PAKENHAM
VEHICLE SITE ACCESS
SWEEP PATH ANALYSIS

Designed JPB	Approved JD	Melway Ref 323 G1
-----------------	----------------	----------------------

Project Number 240547	Drawing Number SPA101	Revision A
--------------------------	--------------------------	---------------





VIEW 1



VIEW 2



VIEW 3



VIEW 4

PHOTOS OF EXISTING CONDITION

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LOCATION PLAN NOT TO SCALE

LEGEND:
← ③ PHOTO VIEW LOCATION

NOTE:

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Registration: Binh Nguyen | DP-AD 41315

Client:
PRATIK PATEL

Project:
PROPOSED TIRE RECYCLING FACILITY

Project address:
13 SETTE CIRCUIT PAKENHAM
VICTORIA 3810 AUSTRALIA

TOWN PLANNING

Drawing name:
EXISTING CONDITIONS
AND SITE PLAN

Date:	23/09/2024	Drawn:	BN
Scale:	NTS @A1	Job No.:	23160
Drawing No.:			

Revision:
03

TP.0



VIEW 4



VIEW 5



VIEW 6



VIEW 7



VIEW 8



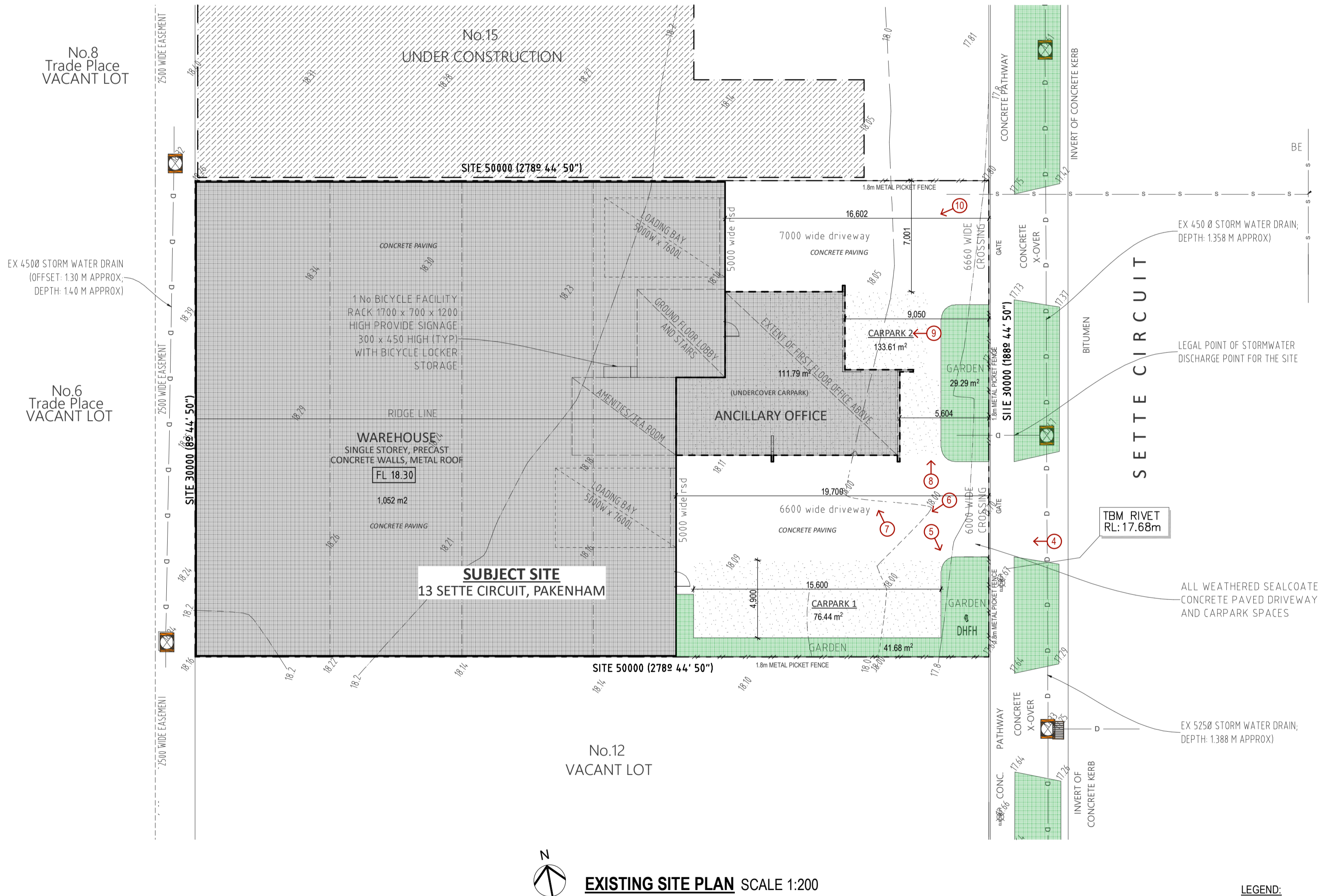
VIEW 9



VIEW 10

PHOTOS OF EXISTING CONDITION

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EXISTING SITE PLAN SCALE 1:200

LEGEND:
③ PHOTO VIEW LOCATION

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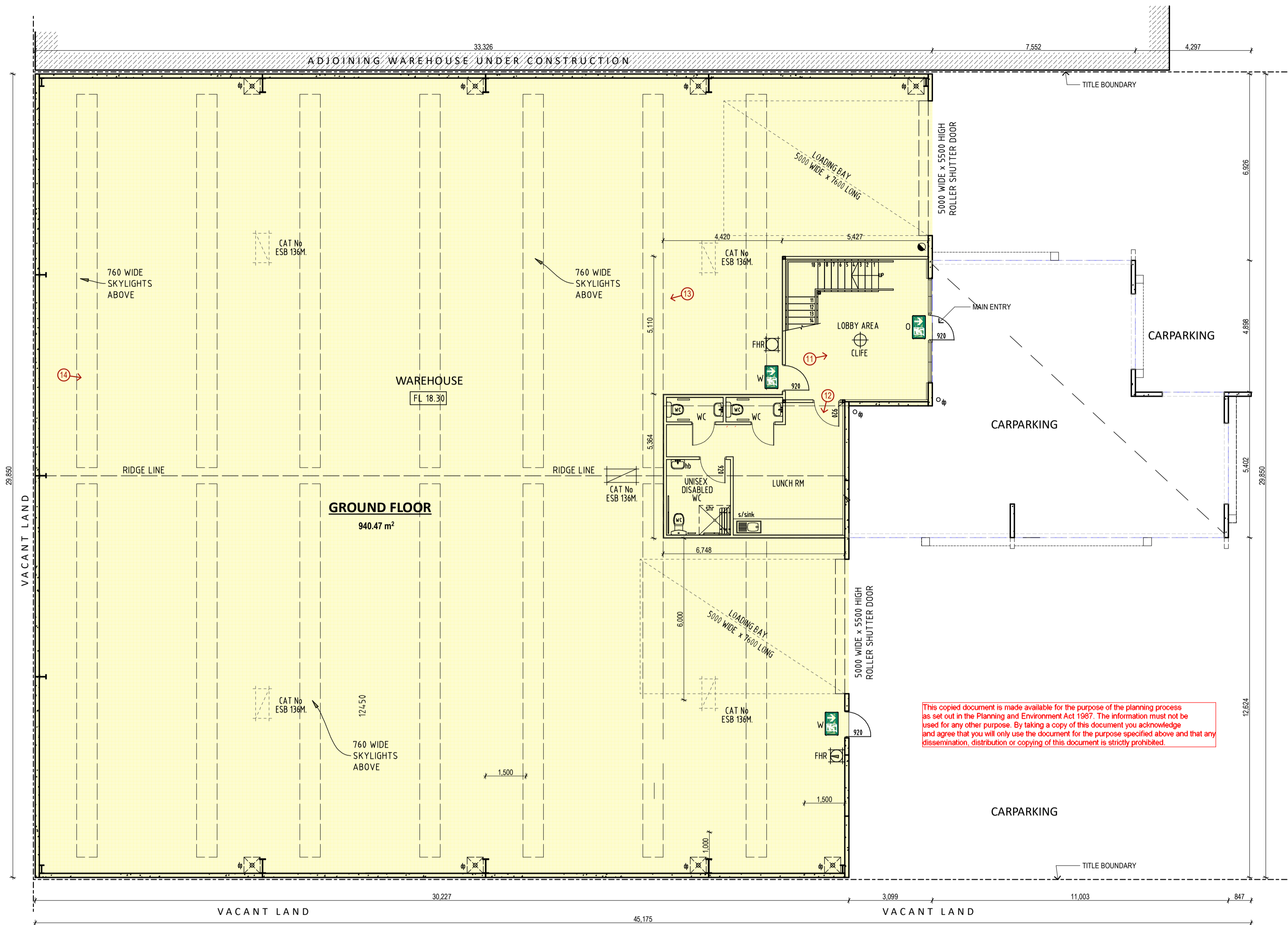
Project:
PROPOSED TIRE RECYCLING FACILITY

Project address:
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VICTORIA 3810 AUSTRALIA

TOWN PLANNING
Drawing name:
EXISTING SITE PLAN

Date:	Drawn:
23/09/2024	BN
Scale:	Job No.:
1:200 @A1	23160
Drawing No.:	

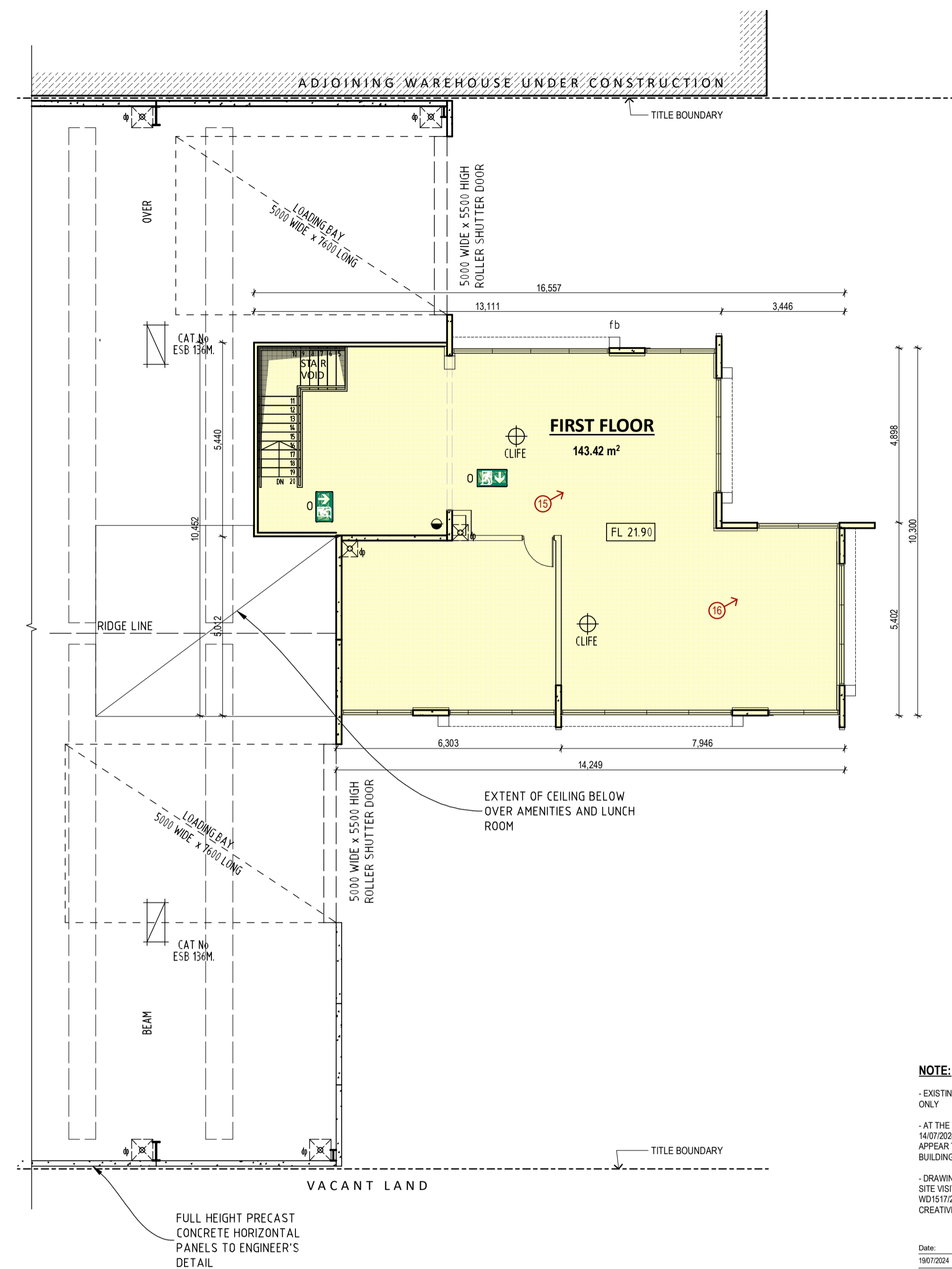
Revision:
03
TP.1



LEGEND:
← ③ PHOTO VIEW LOCATION



EXISTING GROUND FLOOR PLAN SCALE 1:100



EXISTING GROUND FLOOR PLAN SCALE 1:100

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Drawing name:
EXISTING GROUND
FLOOR AND FIRST FLOOR
PLANS

Date:	Drawn:
23/09/2024	BN
Scale:	Job No.:
1:100 @A1	23160
Drawing No.:	

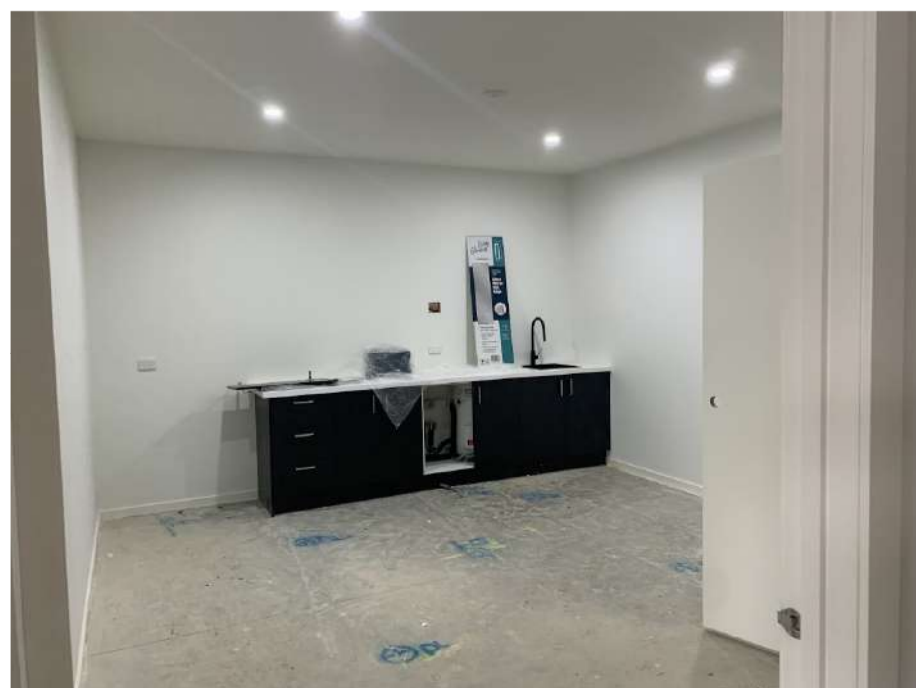
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TP.2

PHOTOS OF EXISTING CONDITION



VIEW 11



VIEW 12



VIEW 13



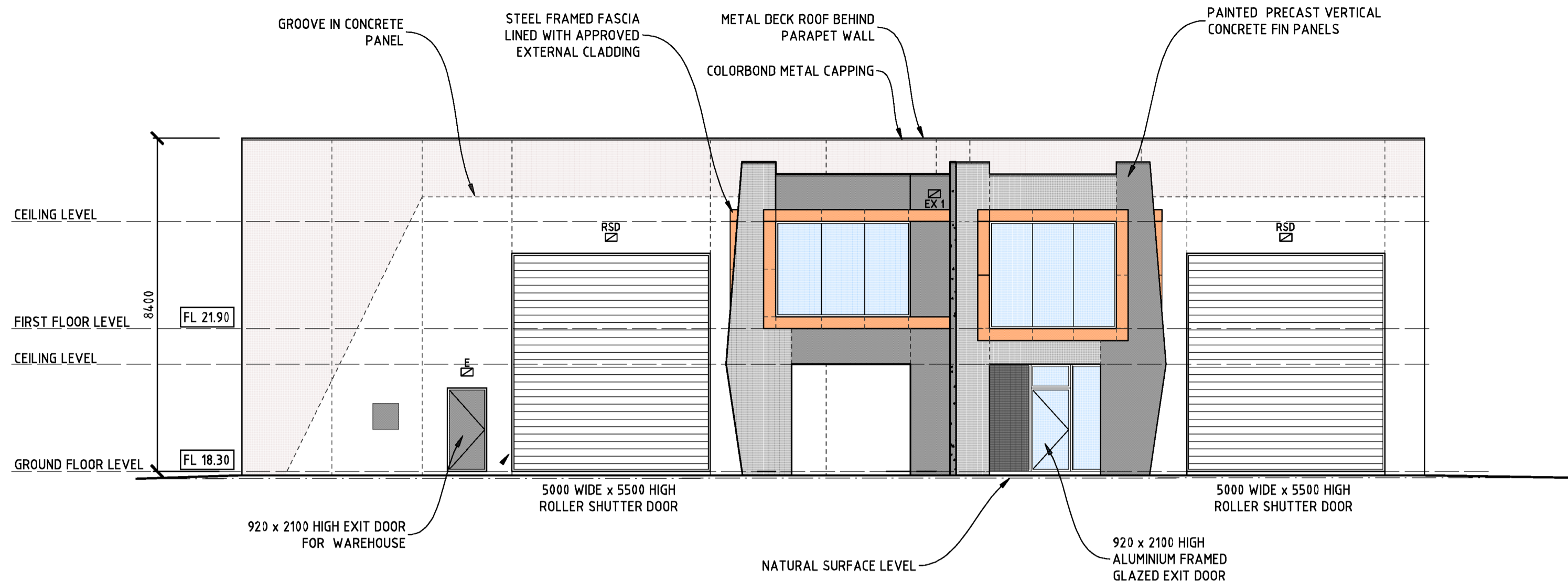
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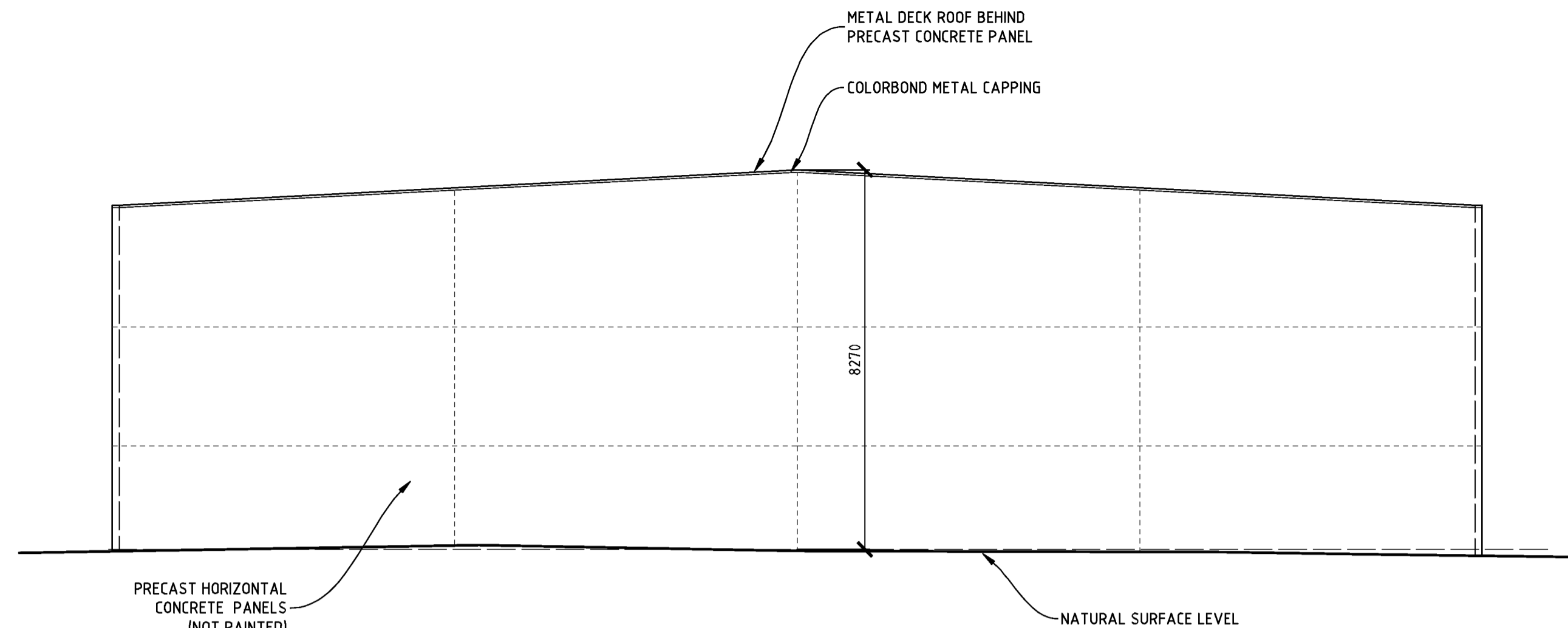
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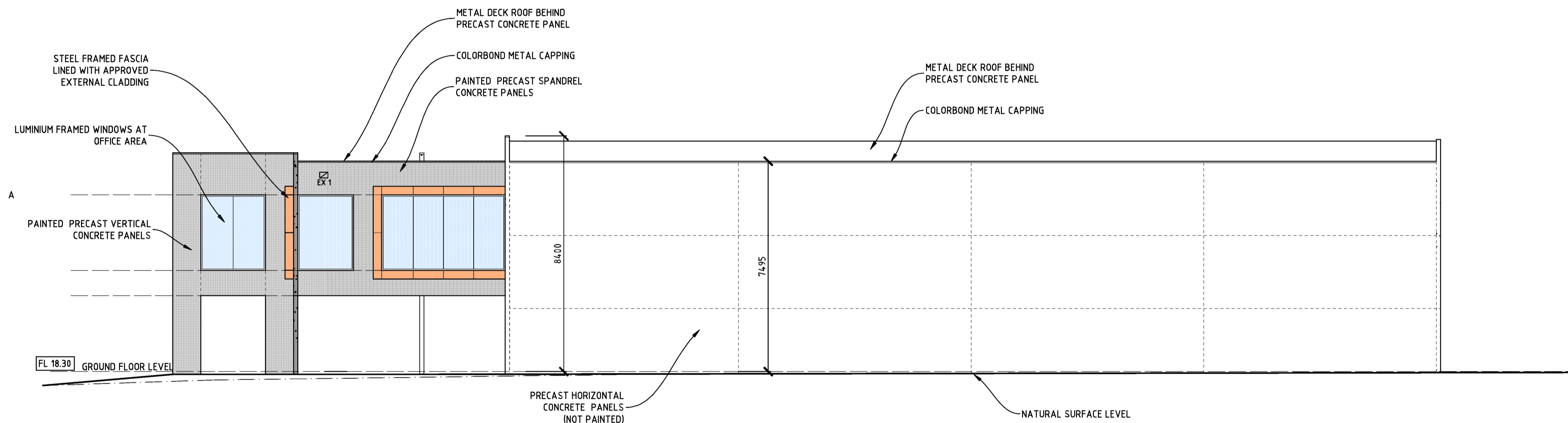
VIEW 16



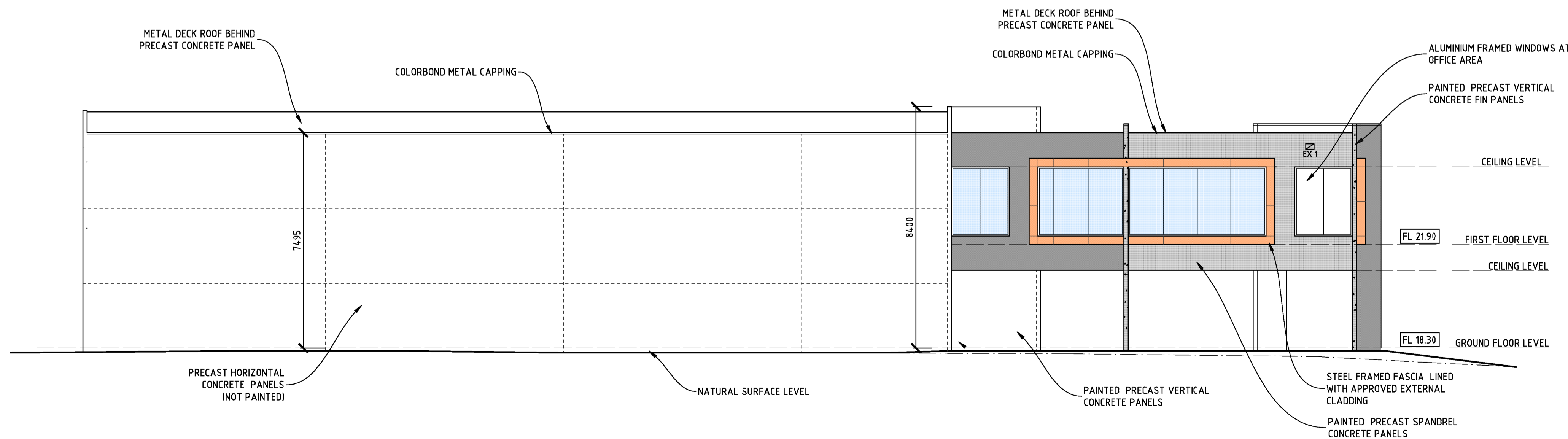
EXISTING EASTERN ELEVATION



EXISTING WESTERN ELEVATION



EXISTING NORTHERN ELEVATION



EXISTING SOUTHERN ELEVATION

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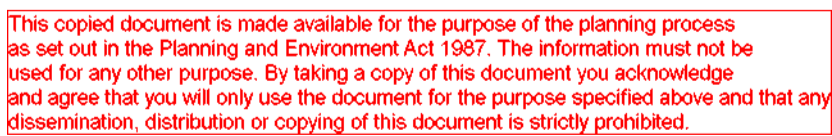
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Drawing name:
EXISTING ELEVATIONS

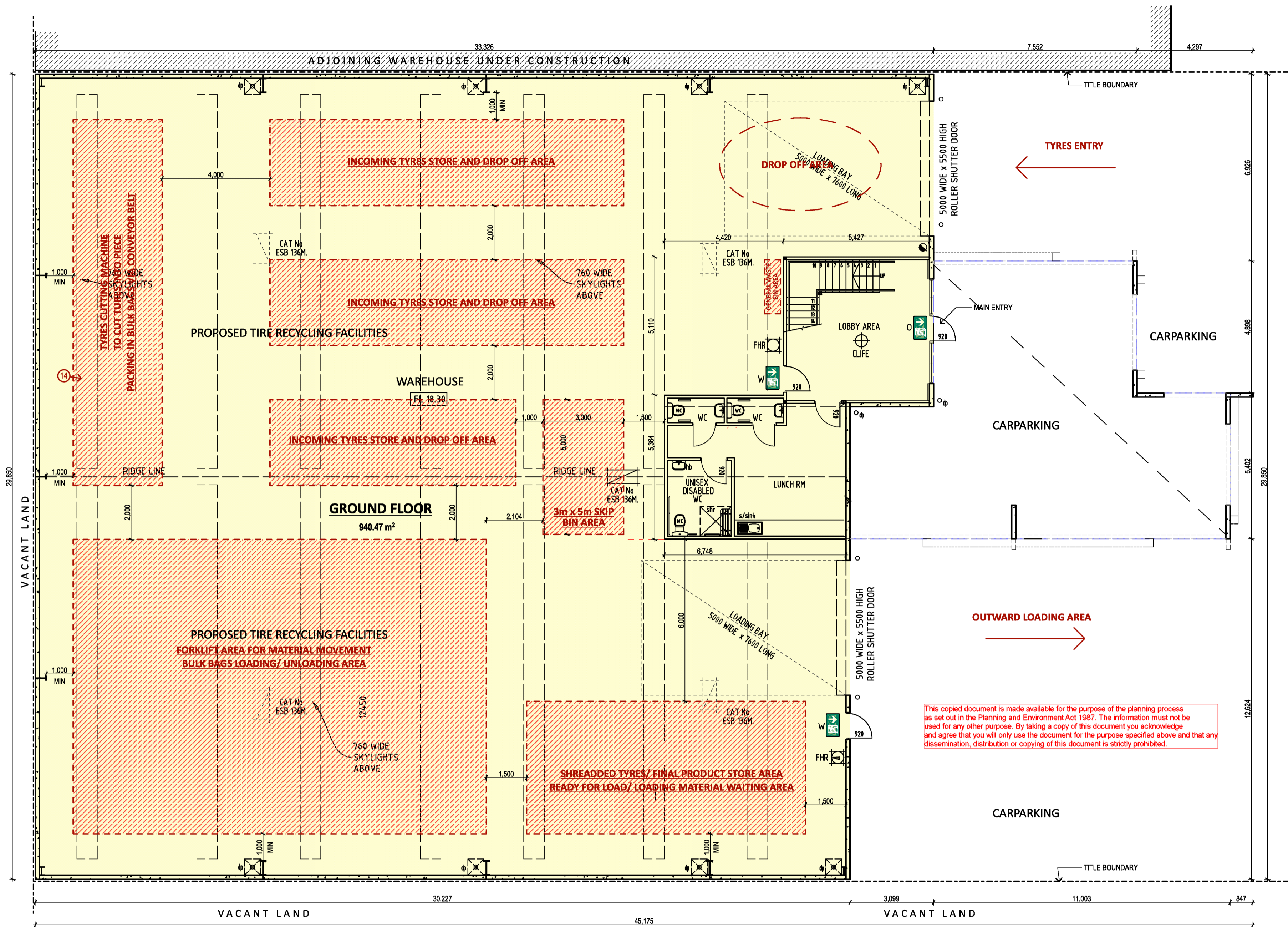
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Drawing No.:	

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TP.3

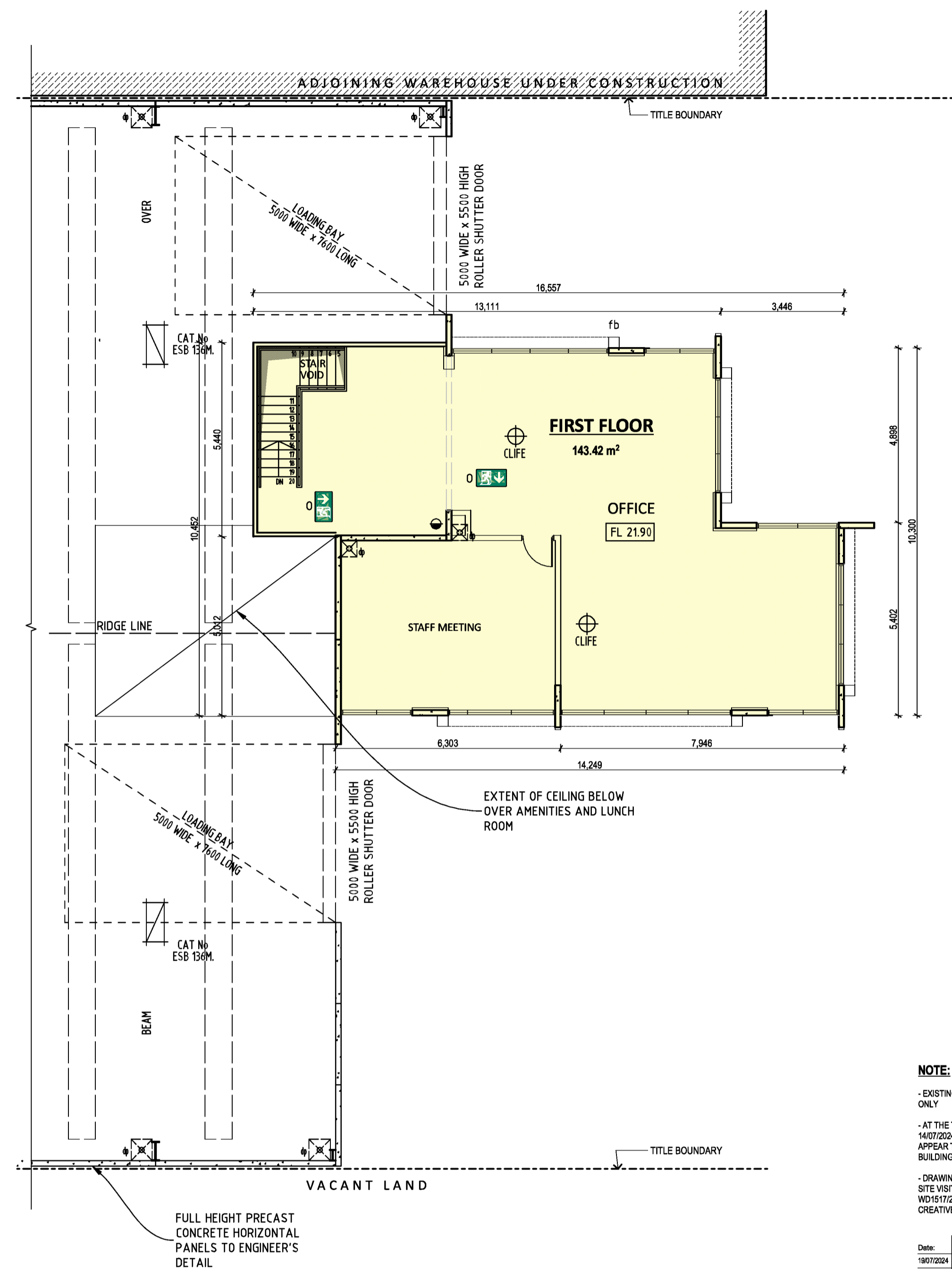


TP.4



PROPOSED GROUND FLOOR PLAN SCALE 1:100

(NO CHANGE TO THE FLOOR LAYOUT)



PROPOSED GROUND FLOOR PLAN SCALE 1:100

(NO CHANGE TO THE FLOOR LAYOUT)

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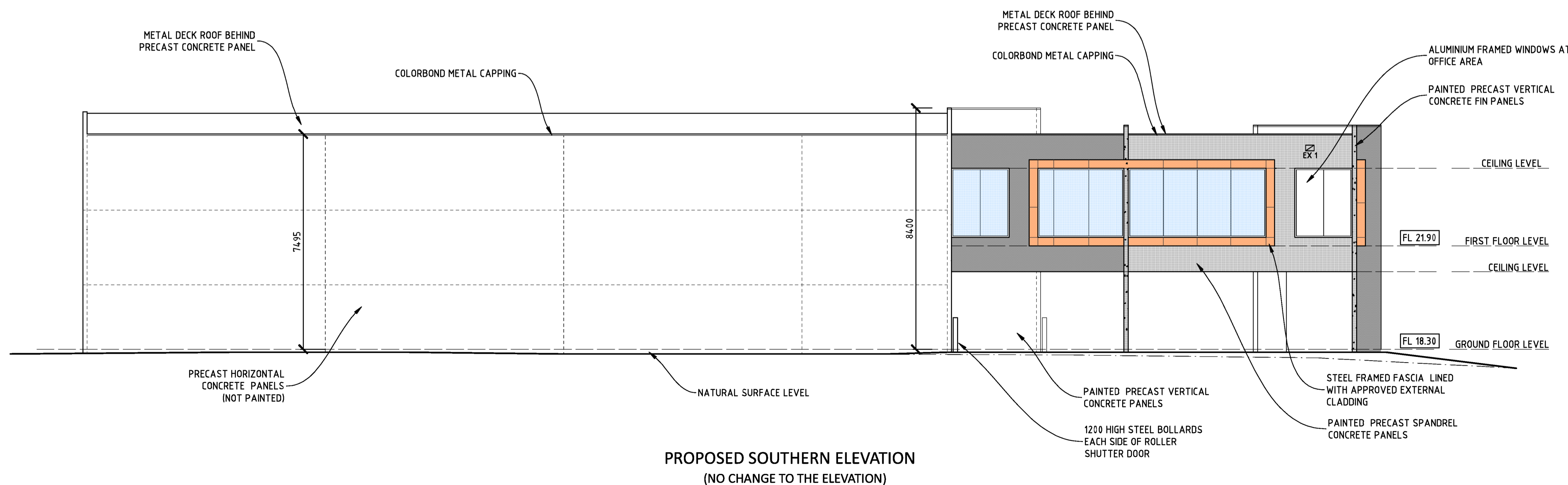
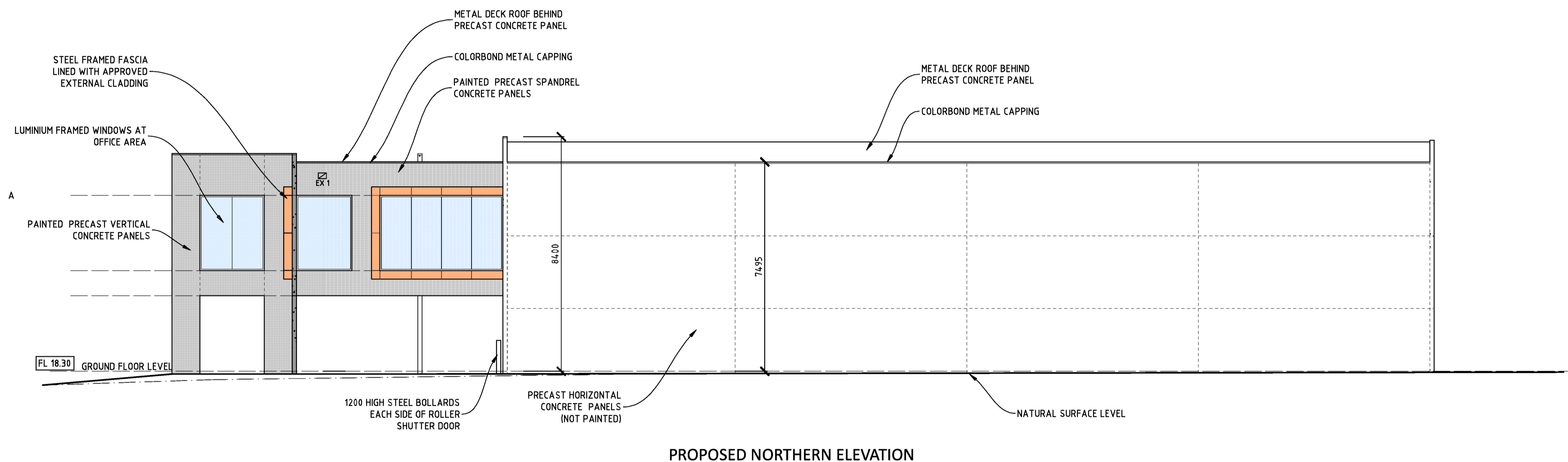
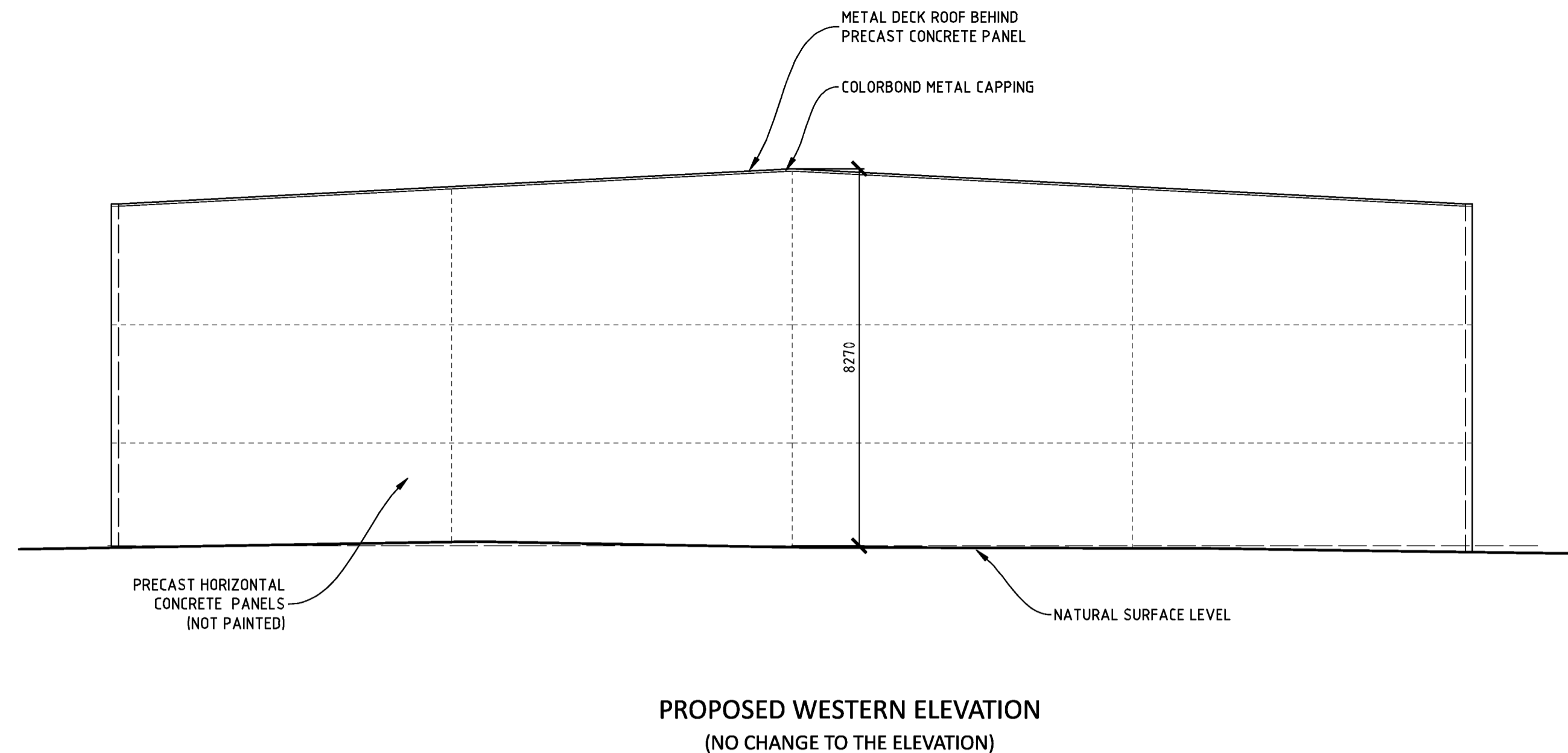
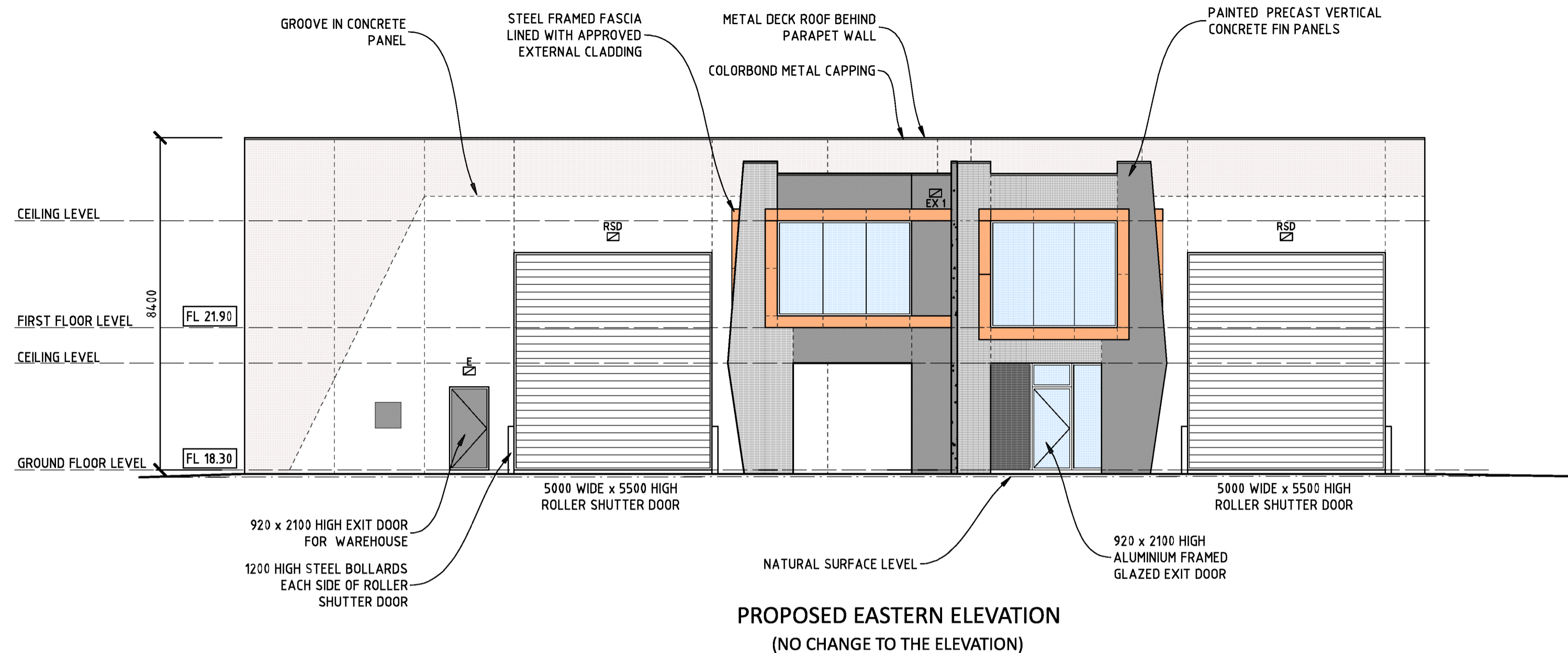
TOWN PLANNING

Drawing name:
PROPOSED GROUND
FLOOR AND FIRST FLOOR
PLANS

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Scale:	Job No.:
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Project address:
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VICTORIA 3810 AUSTRALIA

Drawing name:
PROPOSED ELEVATIONS
AND SIGNAGE DETAILS

Date:	Drawn:
23/09/2024	BN
Scale:	Job No.:
1:100 @A1	23160
Drawing No.:	

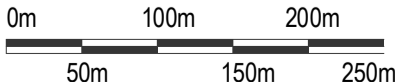
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PLAN OF LOCAL SENSITIVE USES WITHIN 1000m FROM THE SUBJECT ALLOTMENT SCALE 1:5000



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Project address:
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VICTORIA 3810 AUSTRALIA

TOWN PLANNING

Drawing name:
LOCAL SENSITIVE USES
WITHIN 1000m OF THE
SUBJECT SITE

Date:	Drawn:
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Scale:	Job No.:
@A1	23160
Drawing No.:	

Revision:
03
TP.7