

Notice of an Application for an Amendment to a Planning Permit

The land affected by the application is located at:	28 Commercial Drive, Pakenham 3810 (PT L2 PS720773)
The application is to:	Section 72 Amendment: The construction of Fifty (50) Warehouses, use of the land for a restricted recreation facility and reduction in Car Parking

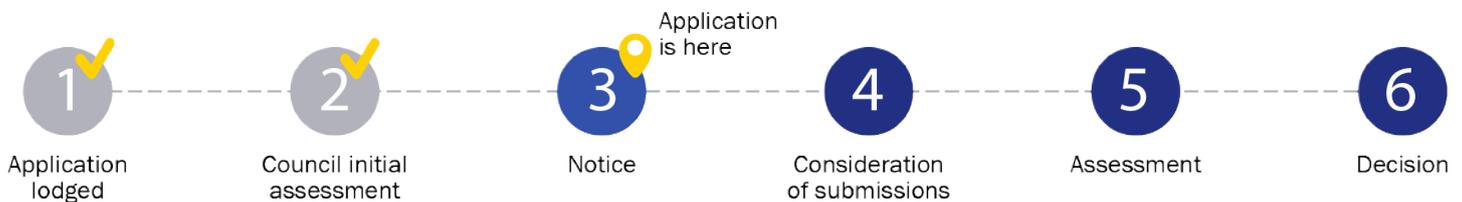
APPLICATION DETAILS

The applicant for the amendment to the permit is:	proUrban Advisory, Planning & Management
Application number:	T230659 - 1
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.	


ADVERTISED MATERIAL
 Planning Permit: T230659 - 1
 Date Prepared: 26 March 2026
This document is for the purpose specified above and is not to 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.

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:	10 April 2026
WHAT ARE MY OPTIONS? Any person who may be affected by the proposed amendment to 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.



Amendment Summary

Portal Reference	M42515GG
Reference No	T230659

Basic Information

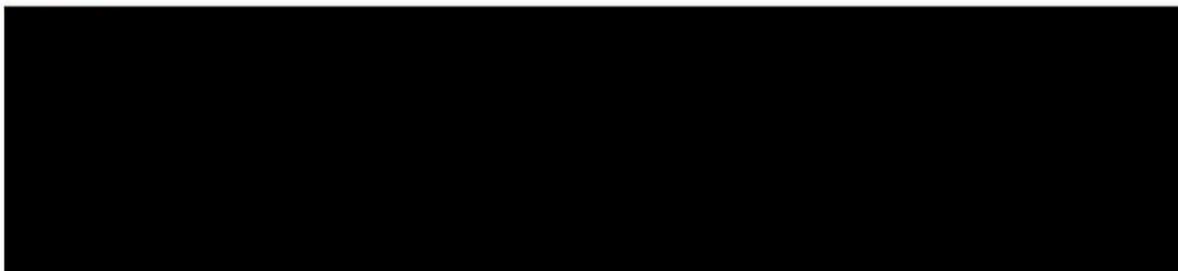
Proposal Type	Change Of Use, Other Development
Proposed Use	Construction of Thirty-Two (32) Warehouses and Reduction in Car Parking
Current Use	Car sales yard
Cost of Works	\$35,174,700
Amended Cost of Works	\$0
Amendments	What the permit Allows Changed Permit Conditions Plans Changed
Proposed Changes	Change of use of Unit 1 from warehouse to restricted recreation facility; removal of office floor area, noting 12 of the tenancies are not proposed to have mezzanine offices; increase in the number of units from 12 to 50; reconfiguration of southeastern block; and addition of 49 car parking spaces (480 total). Refer to Application T230659-1 to reflect above mentioned changes.
Site Address	28 Commercial Drive Pakenham VIC 3810


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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
<input type="checkbox"/> Note: During the application process you may be required to provide more information in relation to any encumbrances.	

Contacts



Fees

Regulation Fee Condition	Amount	Modifier	Payable
11 - Class 2 Amendment to a permit (other than a permit to develop land for a single dwelling per lot or to use and develop land for a single dwelling per lot or to undertake development ancillary to the use of land for a single dwelling per lot) to change the statement of what the permit allows or to change any or all of the conditions which apply to the permit.	\$1,496.10	100%	\$1,496.10
11 - Class 11 Amendment to a class 11, 12, 13, 14, 15 or 16 permit (change in cost of \$100,000.00 or less)	\$1,302.80	50%	\$651.40



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.vic.gov.au

Monday to Friday 8.30am–5pm
Phone: 1300 787 624
After Hours: 1300 787 624
Fax: 03 5941 3784

Total **\$2,147.50**

Documents Uploaded

Date	Type	Filename
19-12-2025	Site Plan	251219 - 28 Commercial Drive, Pakenham - Architectural Plans.pdf
19-12-2025	Additional Document	251219 - 28 Commercial Drive, Pakenham - Planning Report.pdf
19-12-2025	Additional Document	251219 - 28 Commercial Drive, Pakenham - WMP.pdf
19-12-2025	Additional Document	251219 - 28 Commercial Drive, Pakenham - Traffic Report.pdf
19-12-2025	Additional Document	251219 - 28 Commercial Drive, Pakenham - Certificate of Title.pdf

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

Lodged By



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28 COMMERCIAL DRIVE, PAKENHAM, VIC

Sheet Number	Sheet Name	Current Revision	Current Revision Date
2512-344-DA-000	COVER PAGE	E	03/03/2026
2512-344-DA-001	LOCALITY PLAN	D	17/12/2025
2512-344-DA-002	SITE PLAN	F	13/02/2026
2512-344-DA-003	UNIT 1-8 ROOF PLAN	D	03/03/2026
2512-344-DA-004	UNIT 9-12 ROOF PLAN	C	12/12/2025
2512-344-DA-005	UNIT 13-20 ROOF PLAN	C	12/12/2025
2512-344-DA-006	UNIT 21-36 ROOF PLAN	C	12/12/2025
2512-344-DA-007	UNIT 37-40 ROOF PLAN	C	12/12/2025
2512-344-DA-008	UNIT 41-50 ROOF PLAN	C	12/12/2025
2512-344-DA-100	UNIT 2-8 PLANS	D	17/12/2025
2512-344-DA-101	UNIT 9-12 PLANS	C	12/12/2025
2512-344-DA-102	UNIT 13-20 PLANS	C	12/12/2025
2512-344-DA-103	UNIT 21-40 PLANS	C	12/12/2025
2512-344-DA-104	UNIT 41-50 PLANS	D	17/12/2025
2512-344-DA-105	UNIT 1 PLANS	A	17/12/2025
2512-344-DA-200	UNIT 1-8 ELEVATIONS	E	03/03/2026
2512-344-DA-201	UNIT 9-12 ELEVATIONS	C	12/12/2025
2512-344-DA-202	UNIT 13-20 ELEVATIONS	C	12/12/2025
2512-344-DA-203	UNIT 21-36 ELEVATIONS	C	12/12/2025
2512-344-DA-204	UNIT 37-40 ELEVATIONS	C	12/12/2025
2512-344-DA-205	UNIT 41-50 ELEVATIONS	C	12/12/2025



1 28 COMMERCIAL DRIVE INDICATIVE AERIAL

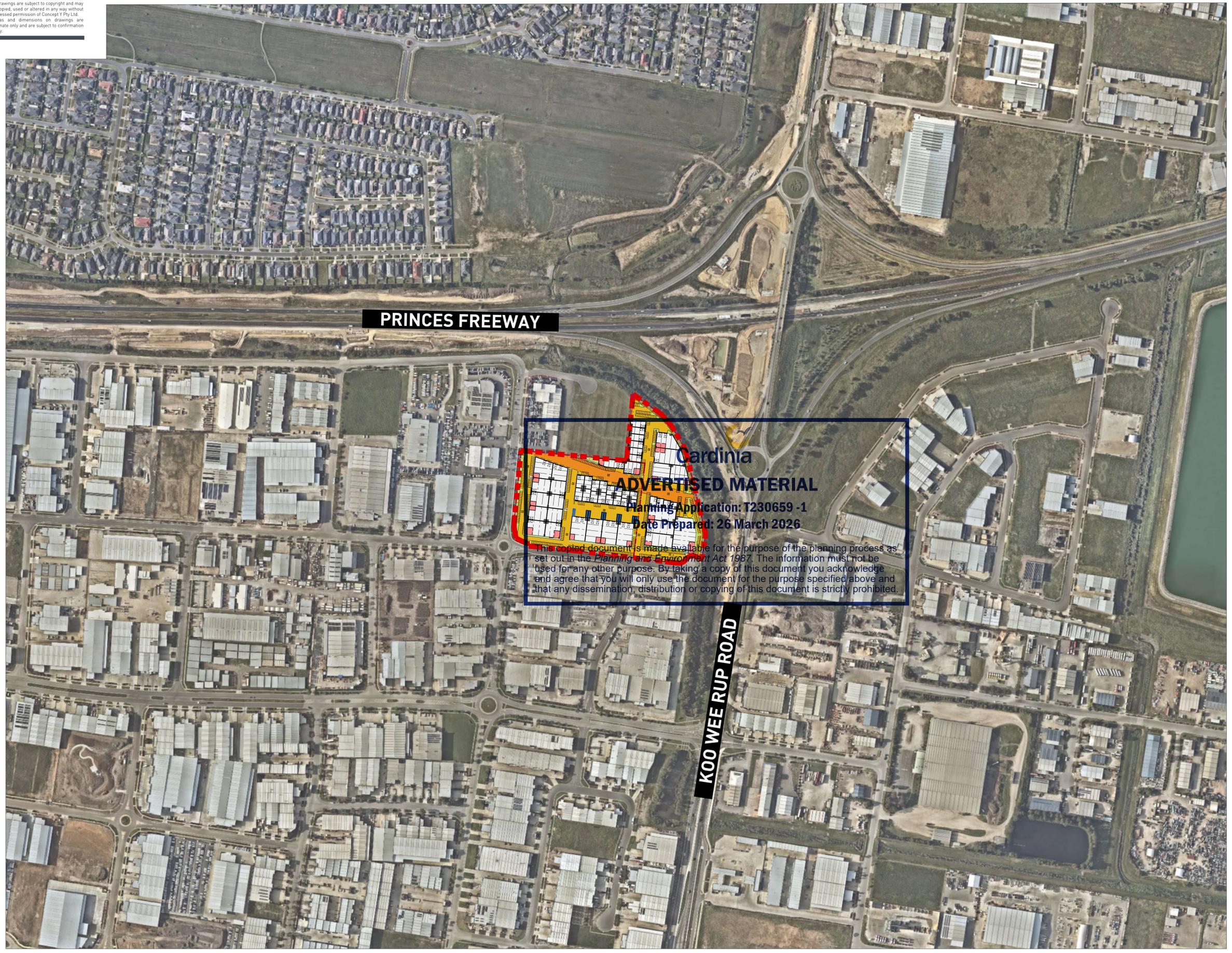

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CLIENT: **TPC GROUP**



PRINCES FREEWAY

Cardinia

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KOO WEE RUP ROAD

 SUBJECT SITE

 EASEMENTS

CLIENT: _____

TPC GROUP



DEVELOPMENT SUMMARY

SITE AREA	53,768	sqm. approx.
Proposed Total Warehouse Area	25,945	sqm.
Proposed Total Office Area	1,818	sqm.
TOTAL BUILDING AREA	27,763	sqm.
Proposed Paving Area	23,155	sqm. approx.
Total Car Parking Provided	484	spaces

LANDSCAPING
 Landscaping to be in accordance with requirements of the Responsible Authority. Refer to Landscape Consultant's drawings and specifications for full details.

LIGHTING
 External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority. Building mounted flood lights to be provided within the car park area.

CAR PARKING
 Car parking spaces to be 4900mm long x 2600mm wide (unless noted otherwise) and be in accordance with Table 2 to Clause 52.06 of Responsible Authority's Planning Scheme. Disabled car parking spaces to be 5400mm long x 2400mm wide, with a shared vacant space of equal size to one side of the allocated disabled space in accordance with A.S. 2890.6 (2009). Disabled car parking spaces may encroach into an accessway width by 500mm as specified in Table 2 to Clause 52.06 of Responsible Authority's Planning Scheme. All car parking bays to be line marked in 80mm wide white weatherproof paint in accordance with A.S. 2890.1 (2004).

VEHICLE CROSSINGS AND ACCESS
 All new vehicle crossings shall be to the requirements of the relevant Statutory Authority.

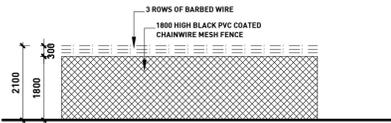
BIKE RACKS
 Vertical bicycle rack, designed as per AS2890.3, are detailed on Individual Unit Plans. To be located clear of loading areas.

LOADING BAYS
 All loading bays to be 7600mm long x 3600mm wide and line marked in accordance with A.S. 2890.1 (2004).

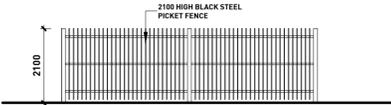
PLANT & EQUIPMENT
 All external plant and equipment to be screened or positioned to prevent unreasonable visual impact.

DISABILITY ACCESS
 All building entrances are to be in accordance with A.S. 1428.1 (2009).

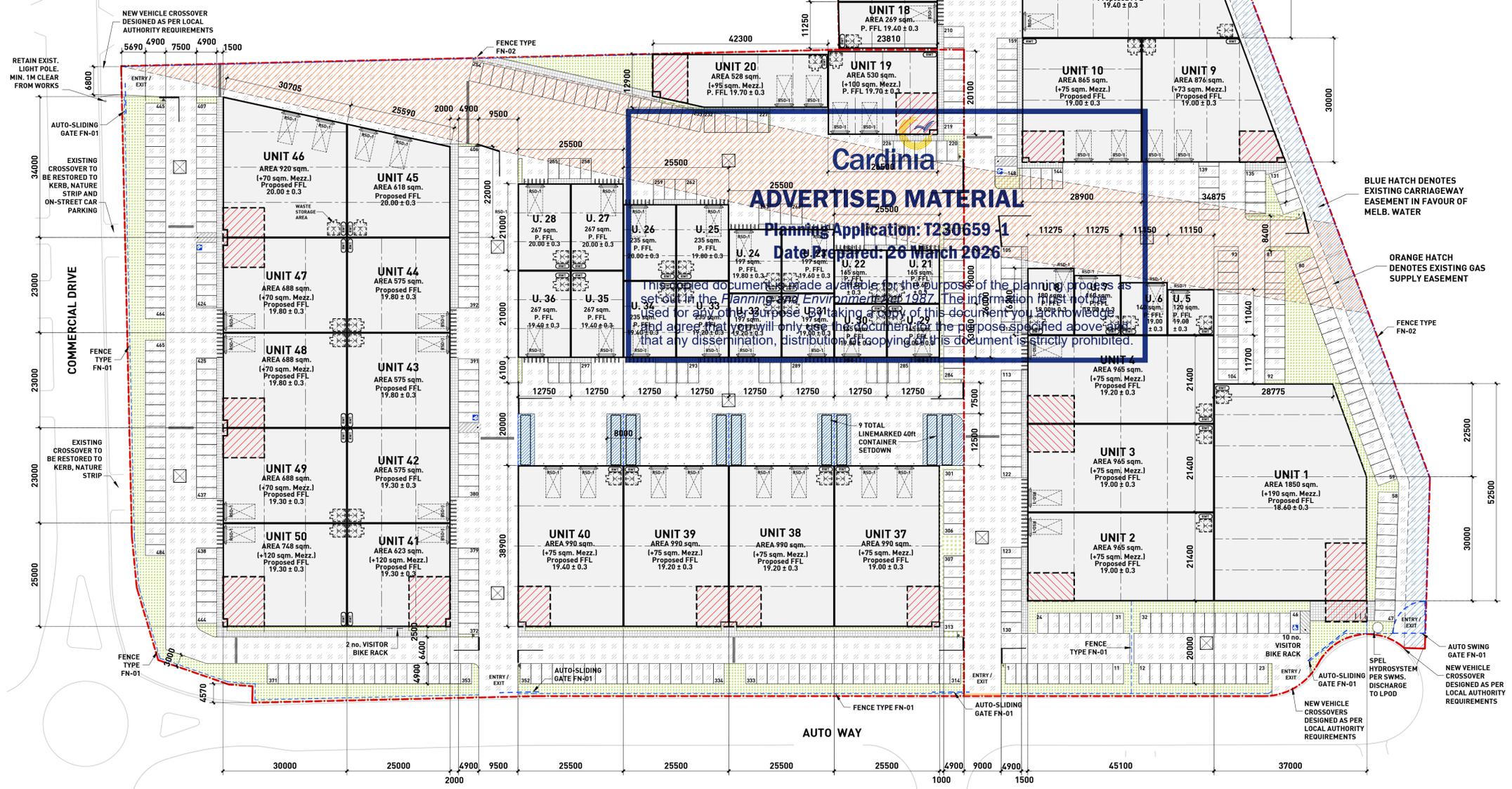
AUTHORITY ASSETS
 All existing stormwater pits and/or light poles impacted by the location of the proposed crossovers to be relocated and replaced to the satisfaction of the Responsible Authority and any other relevant authorities at the full cost of the permit holder/owner.



FENCE TYPE FN-02
 TYPICAL SIDE & REAR BOUNDARY FENCE ELEVATION
 SCALE 1:100



FENCE TYPE FN-01
 TYPICAL STREET FRONT FENCE & GATE ELEVATION
 SCALE 1:100



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UNIT AREA SUMMARY

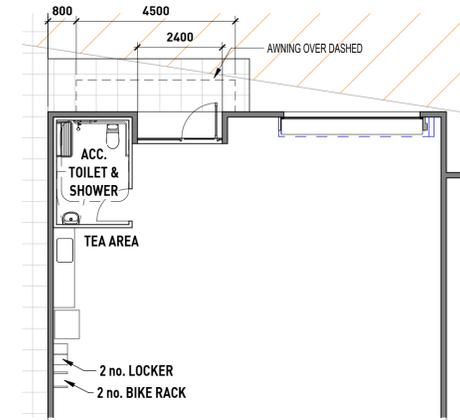
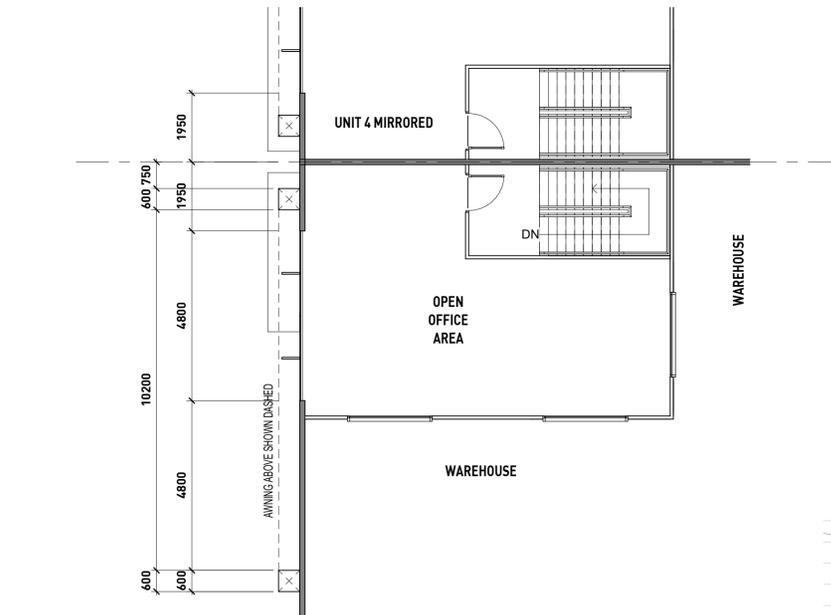
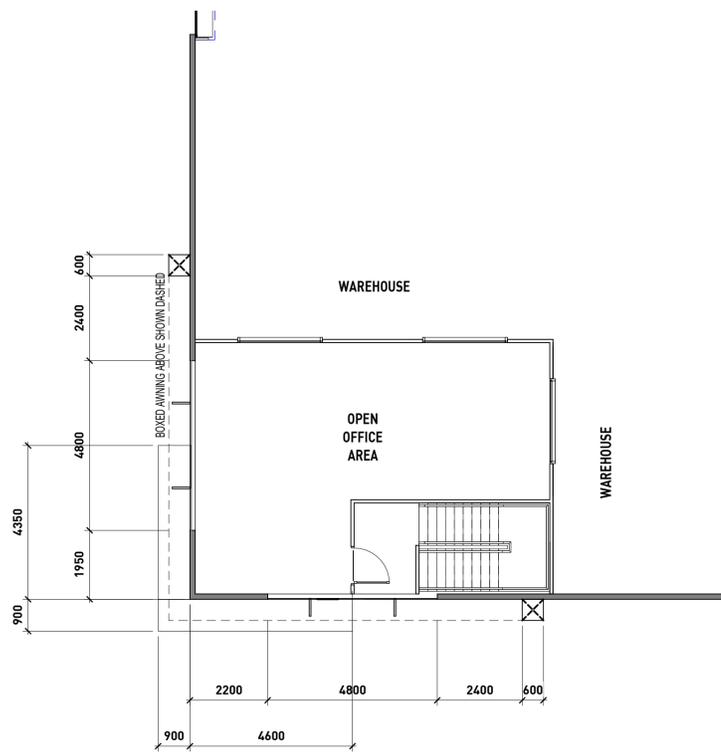
Unit No.	Warehouse Area (m ²)	Office Area (m ²)	Total Gross Floor Area (m ²)	Total Net Floor Area (m ²)
Unit 1	1,850	190	2,040	2,033
Unit 2	965	75	1,040	1,006
Unit 3	965	75	1,040	1,006
Unit 4	965	75	1,040	1,006
Unit 5	120	-	120	93
Unit 6	140	-	140	113
Unit 7	160	-	160	133
Unit 8	180	-	180	153
Unit 9	876	73	949	888
Unit 10	865	75	940	879
Unit 11	1,195	120	1,315	1,254
Unit 12	835	120	955	894
Unit 13	283	-	283	256
Unit 14	280	-	280	253
Unit 15	278	-	278	251
Unit 16	275	-	275	248
Unit 17	272	-	272	245
Unit 18	269	-	269	242
Unit 19	530	100	630	569
Unit 20	528	95	623	562
Unit 21	165	-	165	138
Unit 22	165	-	165	138
Unit 23	197	-	197	170
Unit 24	197	-	197	170
Unit 25	235	-	235	208
Unit 26	235	-	235	208
Unit 27	267	-	267	240
Unit 28	267	-	267	240
Unit 29	165	-	165	138
Unit 30	165	-	165	138
Unit 31	197	-	197	170
Unit 32	197	-	197	170
Unit 33	235	-	235	208
Unit 34	235	-	235	208
Unit 35	267	-	267	240
Unit 36	267	-	267	240
Unit 37	990	75	1,065	1,004
Unit 38	990	75	1,065	1,004
Unit 39	990	75	1,065	1,004
Unit 40	990	75	1,065	1,004
Unit 41	623	120	743	709
Unit 42	575	-	575	548
Unit 43	575	-	575	548
Unit 44	575	-	575	548
Unit 45	618	-	618	564
Unit 46	920	70	990	929
Unit 47	688	70	758	724
Unit 48	688	70	758	724
Unit 49	688	70	758	724
Unit 50	748	120	868	834
TOTAL	25,945	1,818	27,763	25,976

- BLUE HATCH DENOTES EXISTING CARRIAGEWAY EASEMENT IN FAVOUR OF MELB. WATER
- ORANGE HATCH DENOTES EXISTING GAS SUPPLY EASEMENT
- EXTENT OF EXISTING GAS SUPPLY EASEMENT
- EXTENT OF EXISTING CARRIAGEWAY EASEMENT IN FAVOUR OF MELB. WATER
- EXTENT OF PAVING AREA
- EXTENT OF LANDSCAPE AREA
- RSD-1 ROLLER SHUTTER DOOR 4.0mW x 5.0mH
- PROPOSED NEW CROSSEVERS
- INDICATIVE LOCATION FOR BIN STORAGE AREA WITH SEPARATE WASTE AND RECYCLING BINS. REFER TO WMP FOR REQUIRED SIZES AND NO. BINS.
- 50 no. 2000L (100000L TOTAL) RAIN WATER TANK TO BE CONNECTED TO TOILETS AND IRRIGATION. OVERFLOW TO STORMWATER SYSTEM.
- INDICATIVE LOCATION FOR 10 no. SPEL STORMSACKS. REFER TO SWMS FOR DETAIL.
- GIVE WAY SIGNAGE LOCATION. REFER TO TRAFFIC REPORT FOR DETAIL.

CLIENT: _____

TPC GROUP

UNIT 1 PLANS
 RELOCATED TO
 2512-344-DA-105



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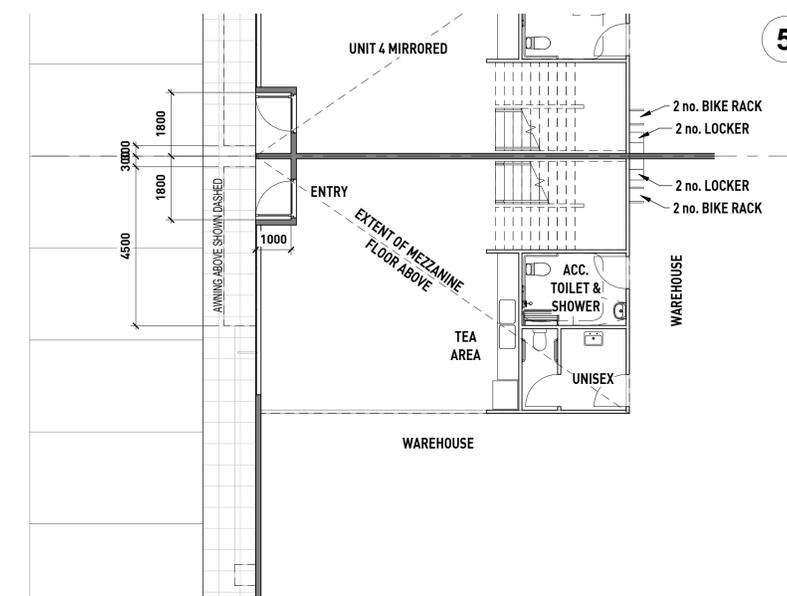
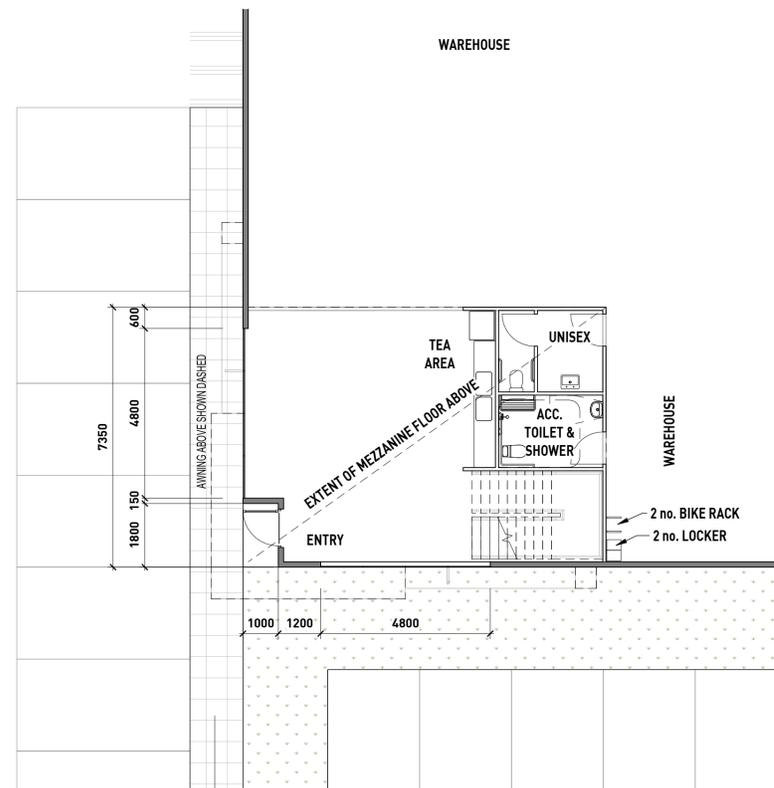
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2 1F PLAN (UNIT 2)
 1 : 100

7 1F PLAN (UNIT 3 & 4 SIMILAR)
 1 : 100

5 GF PLAN (UNIT 5-8 SIM.)
 1 : 100

UNIT 1 PLANS
 RELOCATED TO
 2512-344-DA-105



1 GF PLAN (UNIT 2)
 1 : 100

8 GF PLAN (UNIT 3 & 4 SIMILAR)
 1 : 100

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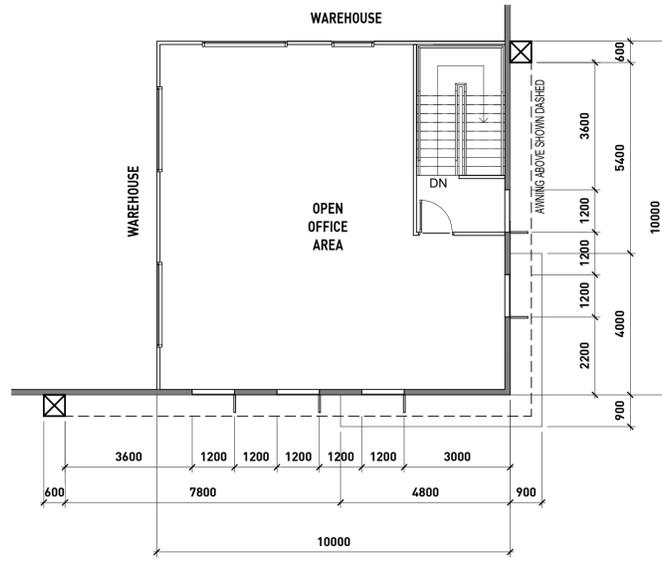
TPC GROUP



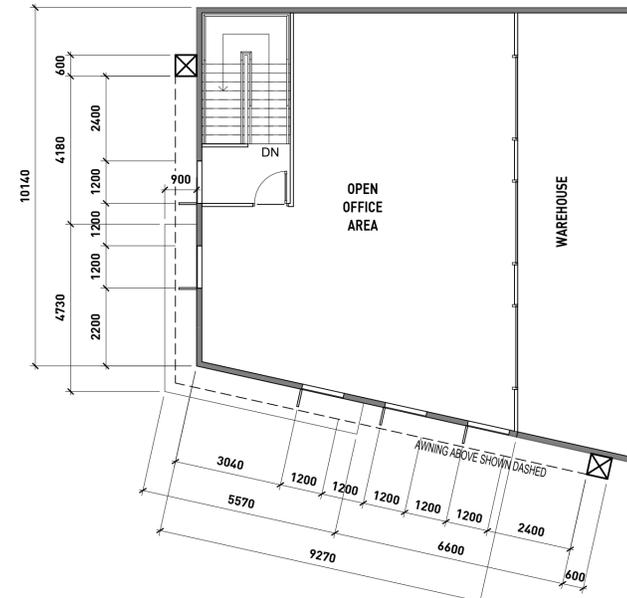
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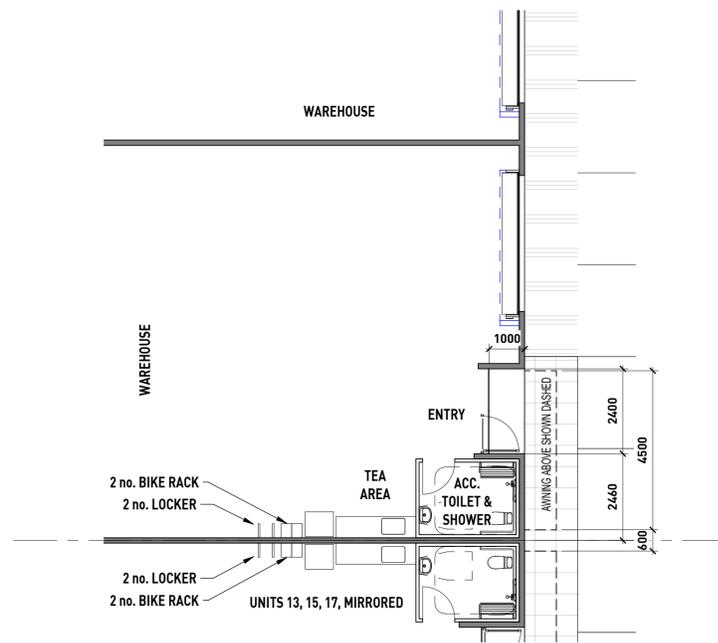
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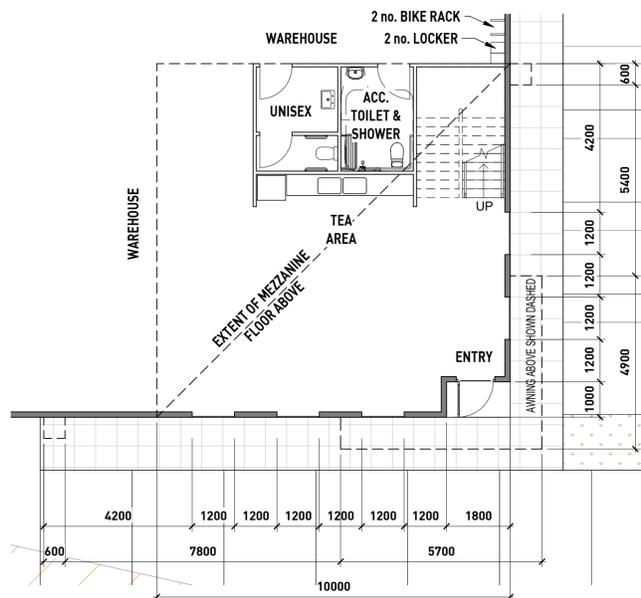
4 1F PLAN (UNIT 19)
 1 : 100



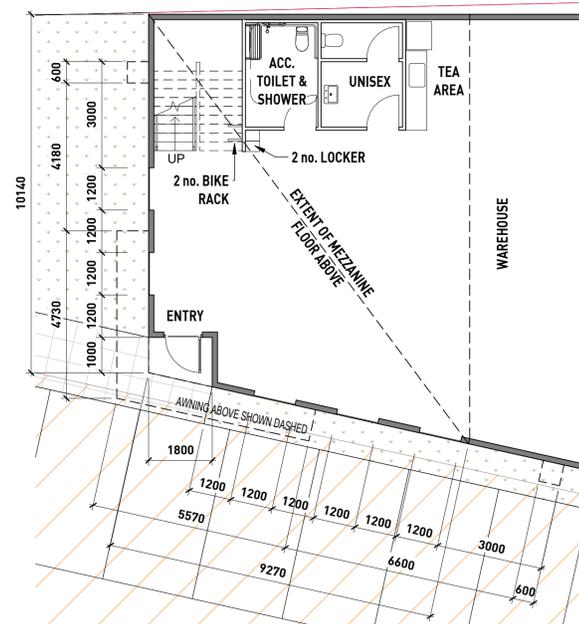
5 1F PLAN (UNIT 20)
 1 : 100



7 GF PLAN (UNITS 13-18 SIMILAR)
 1 : 100



9 GF PLAN (UNIT 19)
 1 : 100



10 GF PLAN (UNIT 20)
 1 : 100

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Suite 307
 546 Collins Street
 Melbourne VIC 3000
 t: (03) 9978 9888
 e: architect@concepty.com.au

PROPOSED DEVELOPMENT

28 Commercial Drive, Pakenham VIC

UNIT 13-20 PLANS

DRAWING TYPE:
 DEVELOPMENT APPLICATION
 DRAWING NUMBER:
 2512-344-DA-102

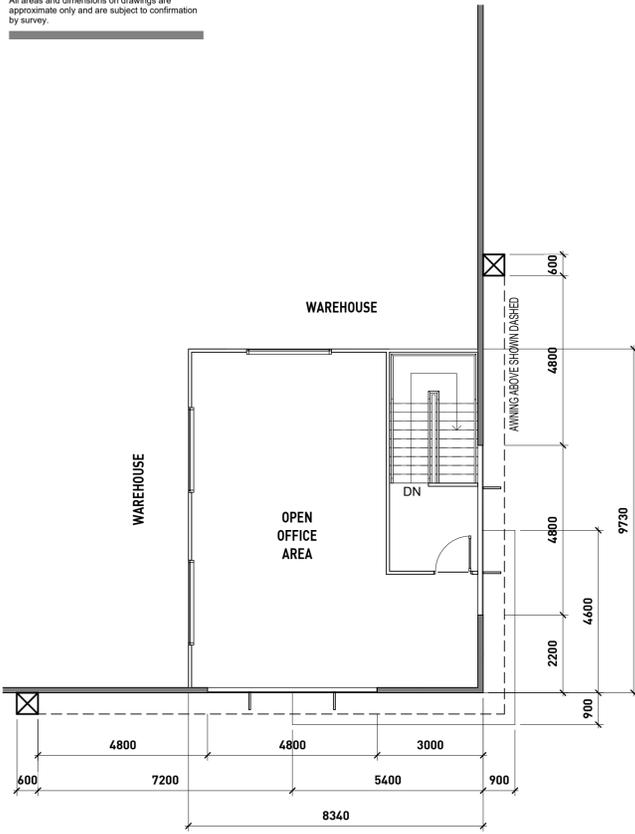
REVISION:
 C

DATE: 12/12/2025
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 SCALE BAR @ A1

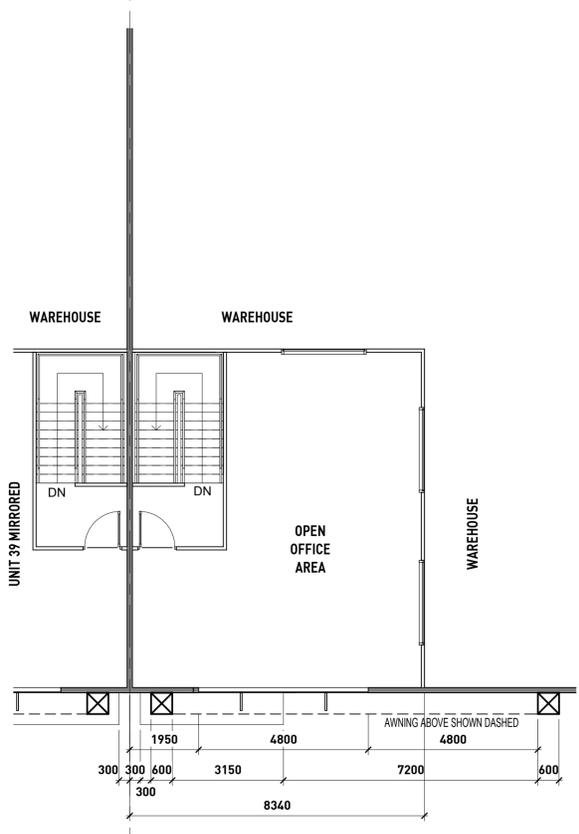



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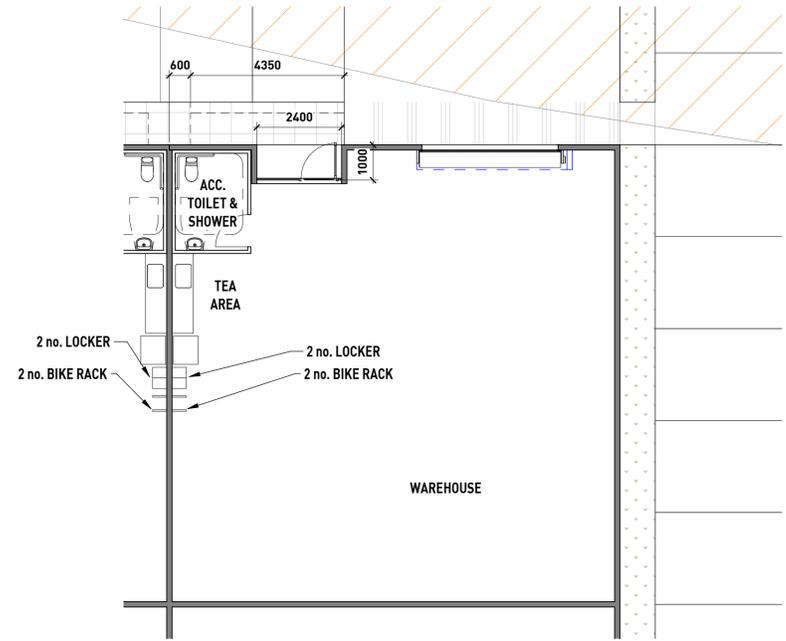
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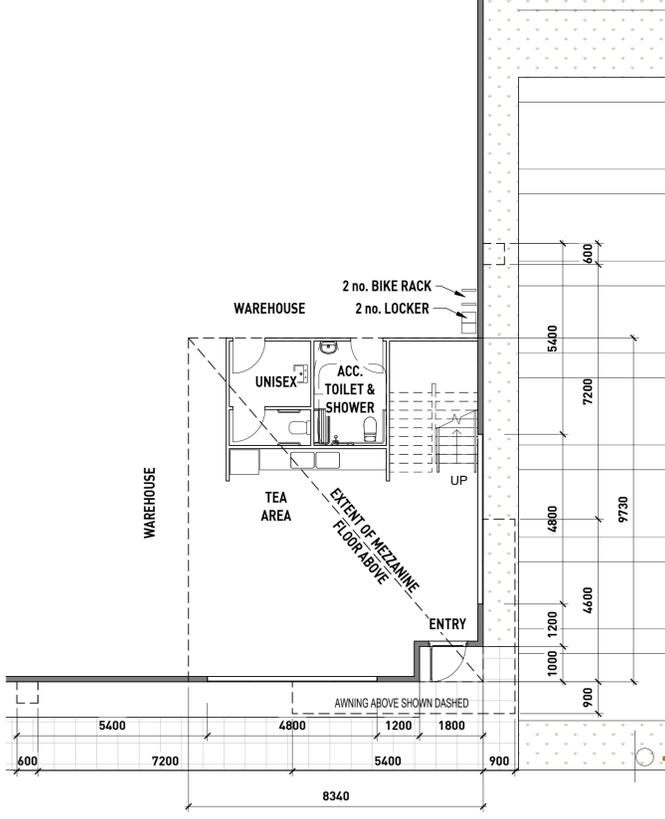
5 1F PLAN (UNIT 37 & 40 SIMILAR)
 1 : 100



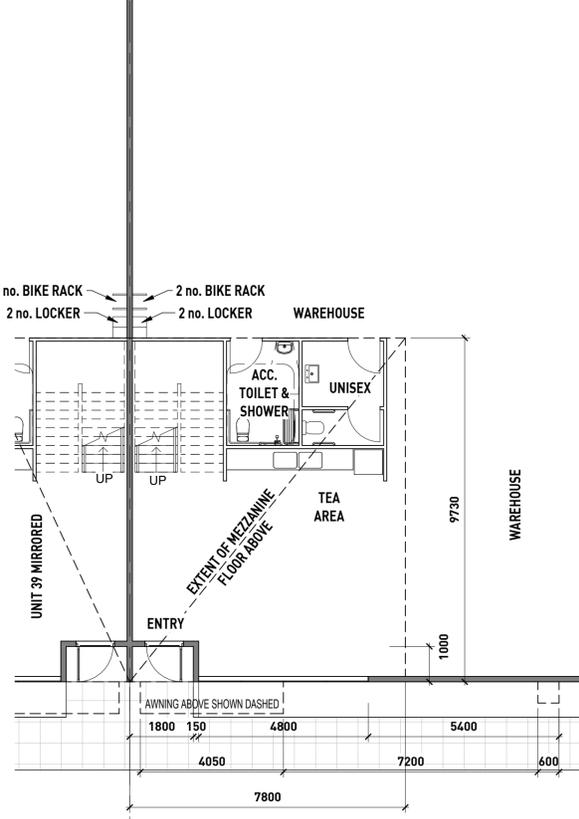
6 1F PLAN (UNIT 38 & 39 SIMILAR)
 1 : 100



1 GF PLAN (UNITS 21-36 SIMILAR)
 1 : 100



2 GF PLAN (UNIT 37 & 40 SIMILAR)
 1 : 100



4 GF PLAN (UNIT 38 & 39 SIMILAR)
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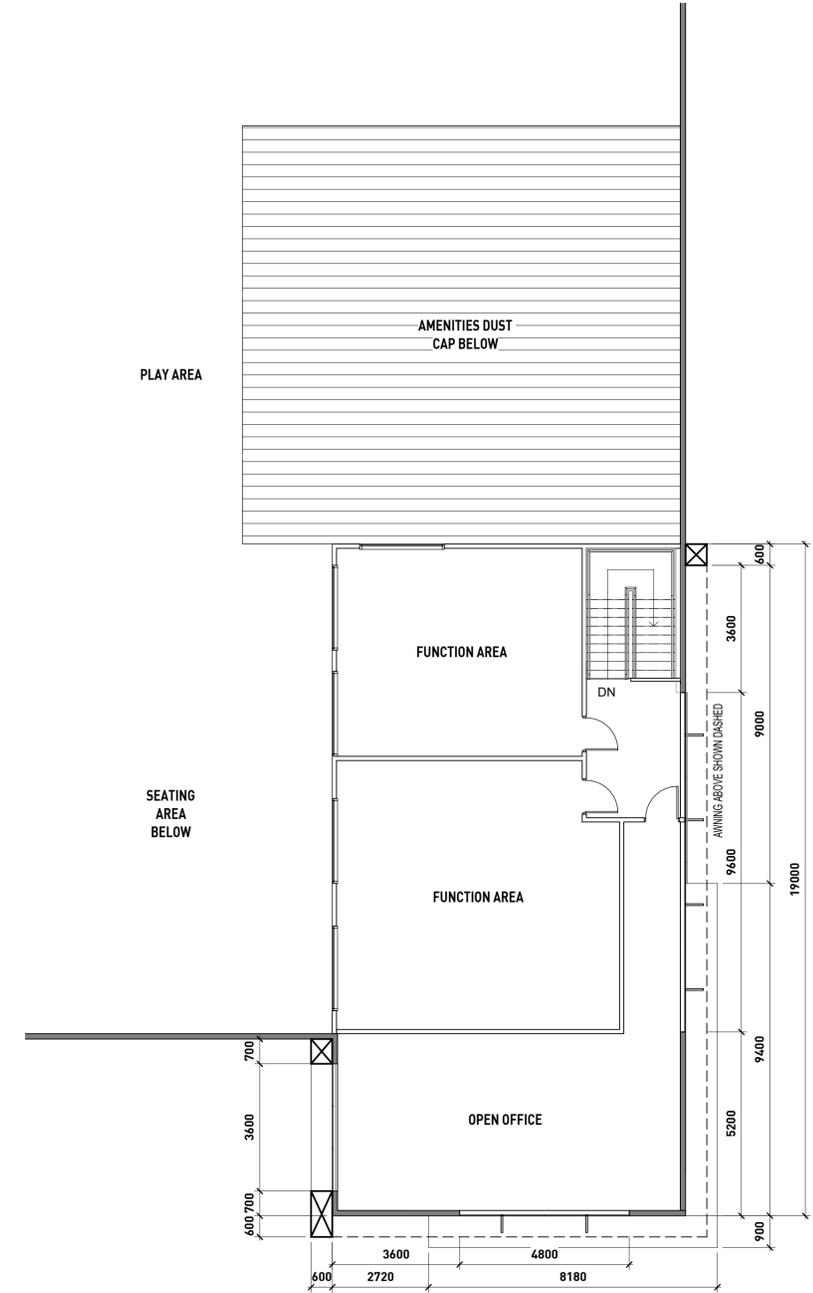
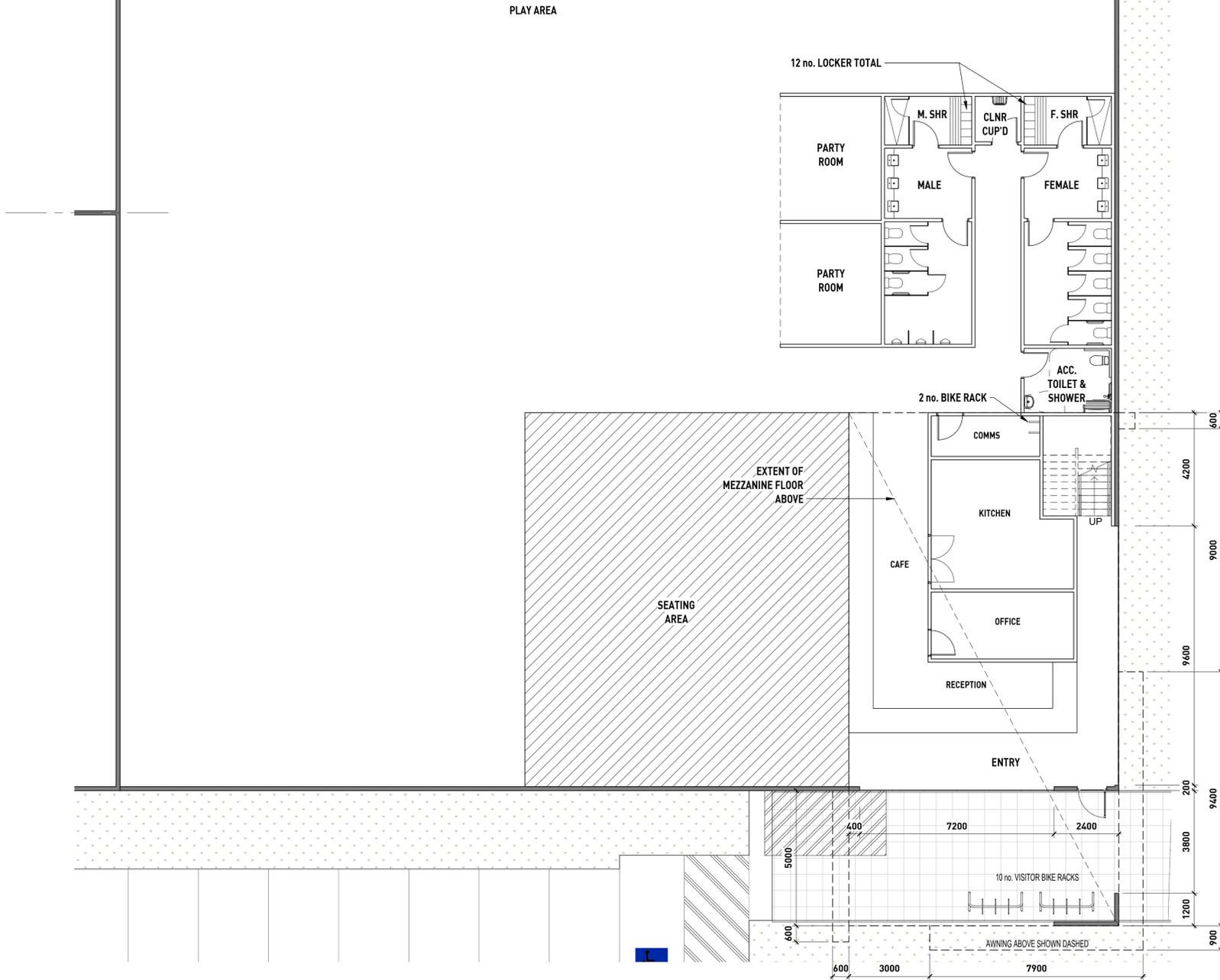
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PROPOSED DEVELOPMENT

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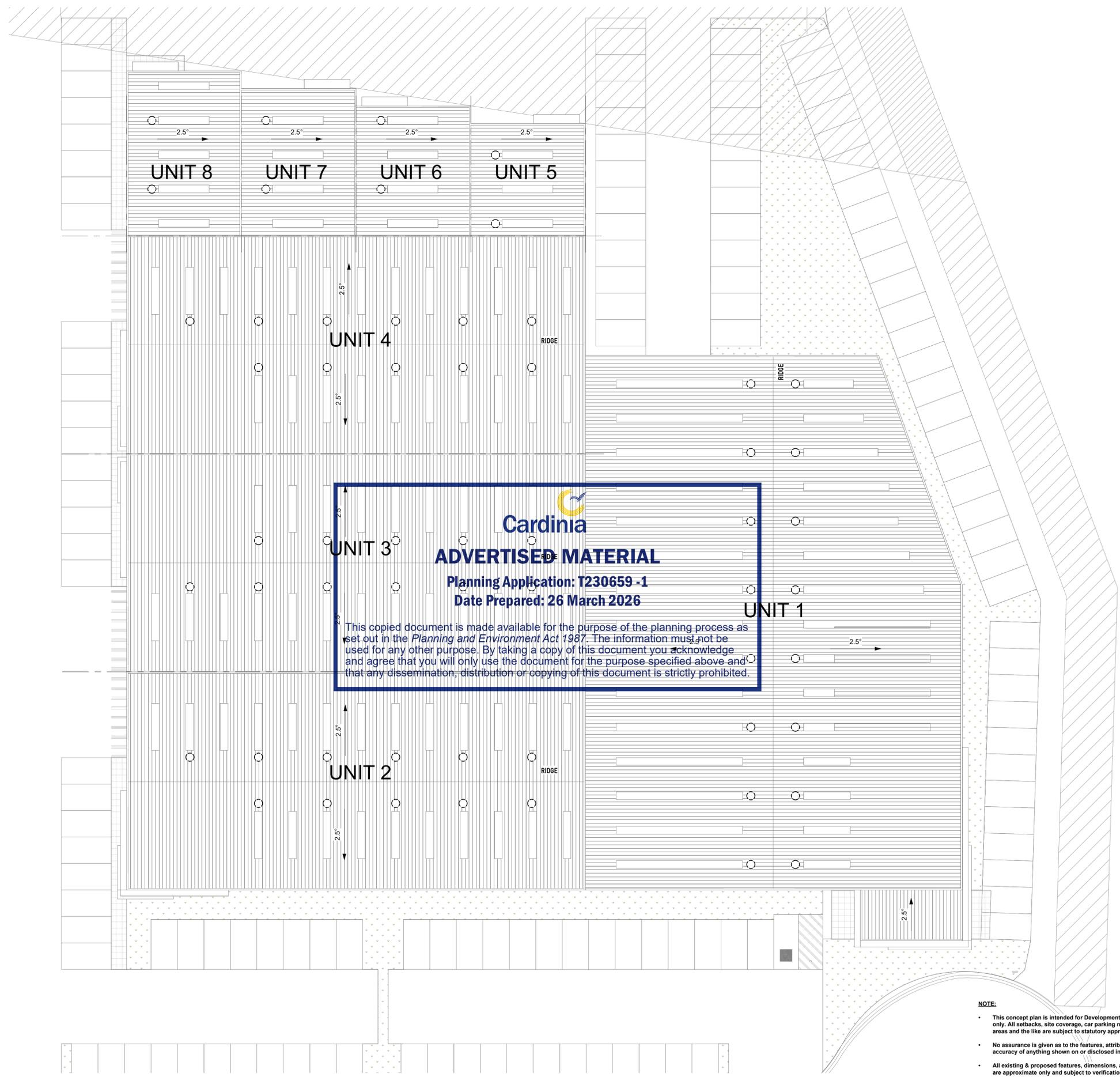
UNIT 1 PLANS

DRAWING TYPE:
 DEVELOPMENT APPLICATION
 DRAWING NUMBER:
 2512-344-DA-105

REVISION:
 A

DATE: 17/12/2025
 SCALE: 1:100 @ A1 / 1:200 @ A3
 0 5 10
 SCALE BAR @ A1





○ INDICATIVE ROOF VENTILATION COWLS PER SMP REQUIREMENTS

TRANSLUCENT ROOF SHEETING TO APPROX. 10% OF TOTAL WAREHOUSE ROOF AREA

NOTE:

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CLIENT:

TPC GROUP



Suite 307
 546 Collins Street
 Melbourne VIC 3000
 t: (03) 9978 9888
 e: architect@concepty.com.au

PROPOSED DEVELOPMENT

28 Commercial Drive, Pakenham VIC

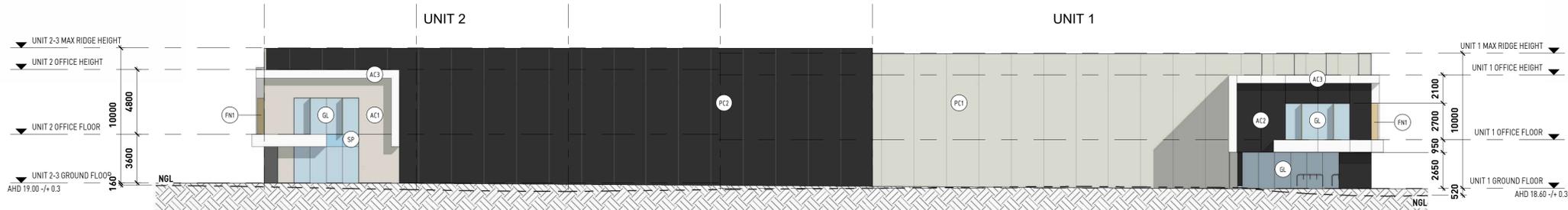
UNIT 1-8 ROOF PLAN

DRAWING TYPE:
 DEVELOPMENT APPLICATION
 DRAWING NUMBER:
 2512-344-DA-003

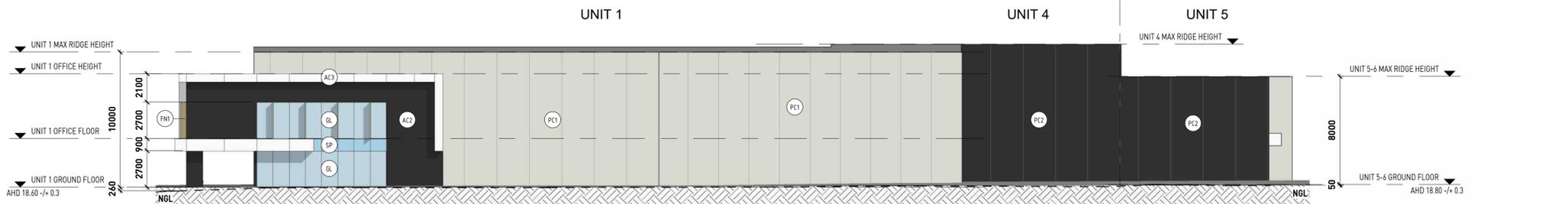
REVISION:
 D

DATE: 03/03/2026
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 SCALE BAR @ A1

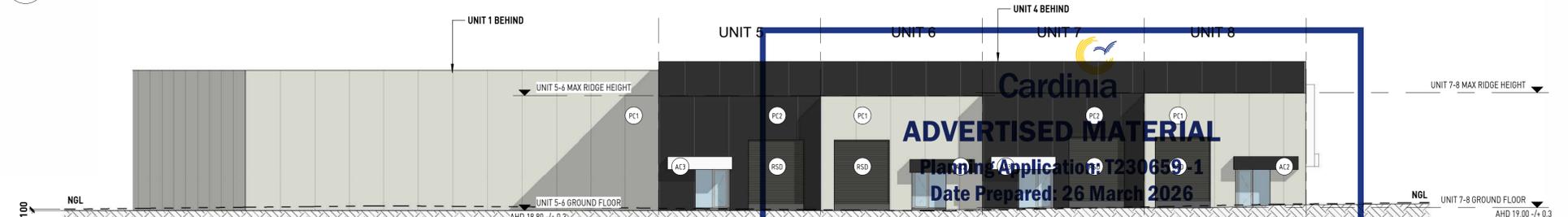




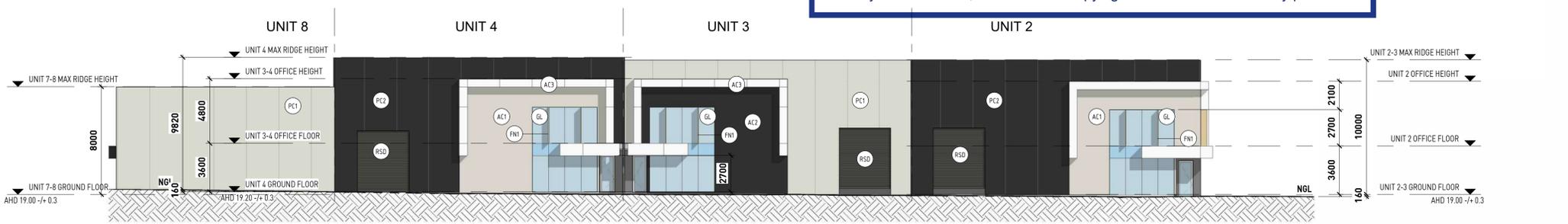
1 UNIT 1-8 SOUTH ELEVATION
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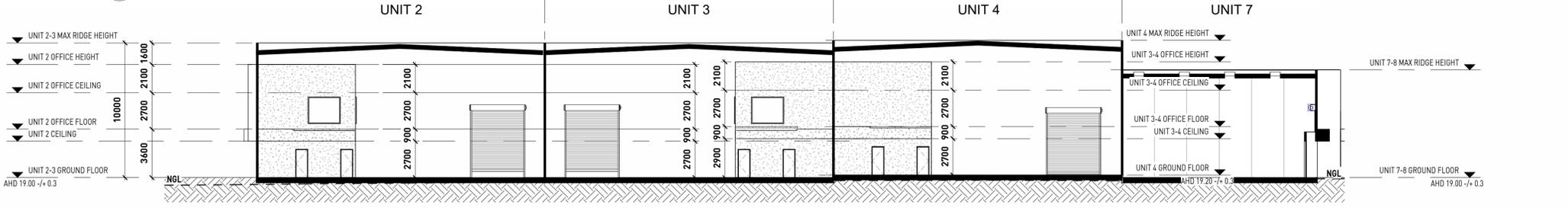
2 UNIT 1-8 EAST ELEVATION
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3 UNIT 1-8 NORTH ELEVATION
 1 : 200



4 UNIT 1-8 WEST ELEVATION
 1 : 200



5 UNIT 1-8 SECTION
 1 : 200



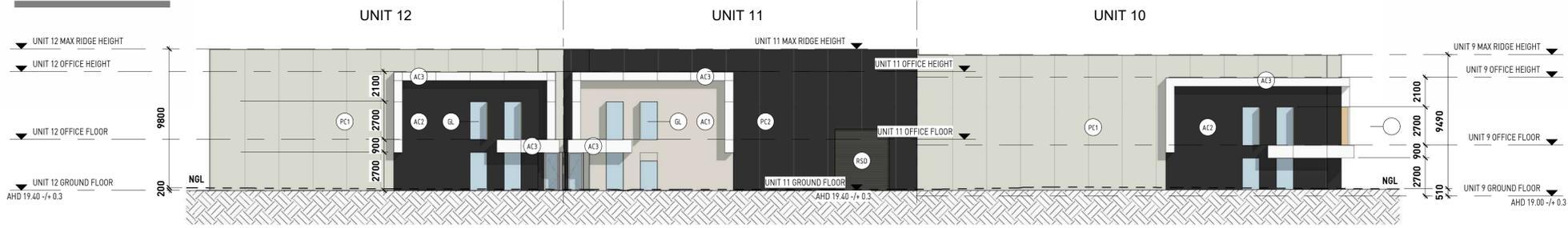
6 UNIT 1-8 PERSPECTIVE

MATERIAL AND COLOUR SCHEDULE			
Material Code	ITEM/ LOCATION	MATERIAL DESCRIPTION	FINISHES
AC1	OFFICE CLADDING	LIGHTWEIGHT NON-COMBUSTIBLE METALLIC CLADDING IN MANUFACTURER'S STANDARD COLORBOND 'SURFMIST' OR SIMILAR	
AC2	OFFICE CLADDING	LIGHTWEIGHT NON-COMBUSTIBLE METALLIC CLADDING IN MANUFACTURER'S STANDARD COLORBOND 'MONUMENT' OR SIMILAR	
AC3	OFFICE CLADDING	LIGHTWEIGHT NON-COMBUSTIBLE METALLIC CLADDING IN MANUFACTURER'S STANDARD WHITE FINISH	
FNT	OFFICE FEATURE FINS	FEATURE ALUMINIUM VERTICAL FINS. 500 x 100 POWDER COATED TIMBER LOOK FINISH OR SIMILAR. FIXED TO GLAZING SUITE	
GL	GLAZING PANELS	ALUMINUM FRAMED OFFICE GLAZING SUITE IN BLACK POWDERCOAT FINISH	
PC1	PRECAST CONCRETE PANEL	PRECAST CONCRETE PANELS IN PAINT FINISH TO MATCH COLORBOND 'SURFMIST' OR EQUIVALENT.	
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RF	METALLIC ROOF SHEETING	IN 'ZINCALUME' WITH TRANSLUCENT ROOF SHEETING TO APPROX. 10% OF ROOF AREA.	
RSD	ROLLER SHUTTER DOOR	METAL ROLLER SHUTTER DOORS IN POWDERCOAT FINISH TO MATCH COLOURBOND 'MONUMENT'	
SP	SPANDREL GLAZING SUITE	ALUMINUM FRAME IN BLACK POWDERCOAT FINISH	

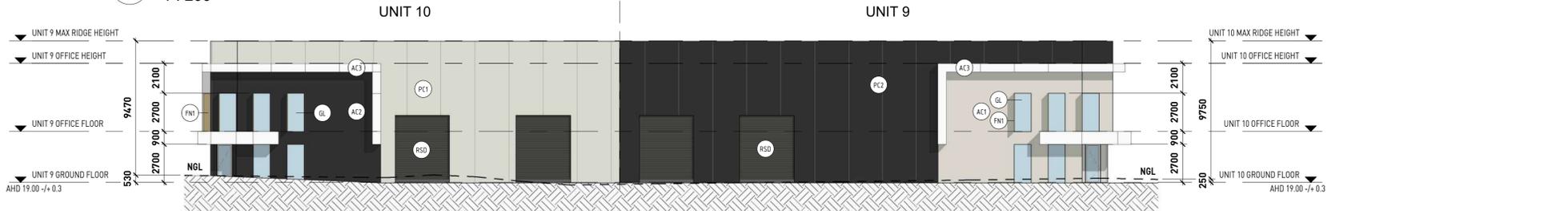
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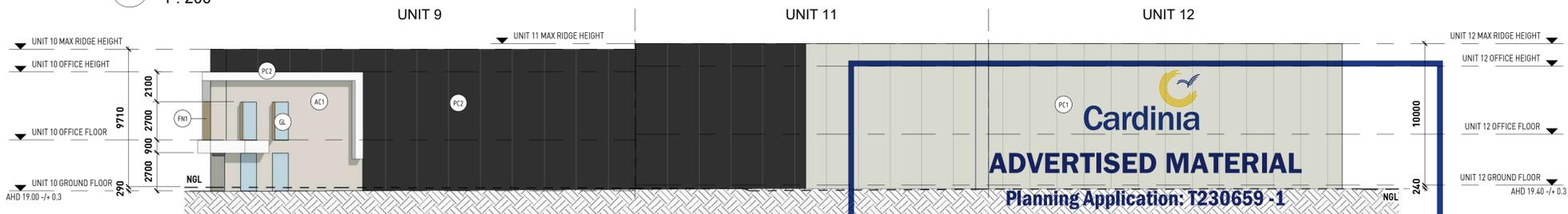
CLIENT: **TPC GROUP**



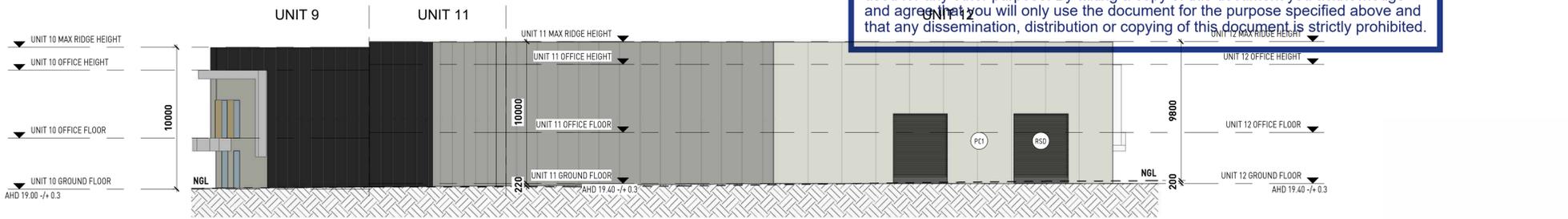
1 UNITS 9-12 WEST ELEVATION
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2 UNITS 9-12 SOUTH ELEVATION
 1 : 200



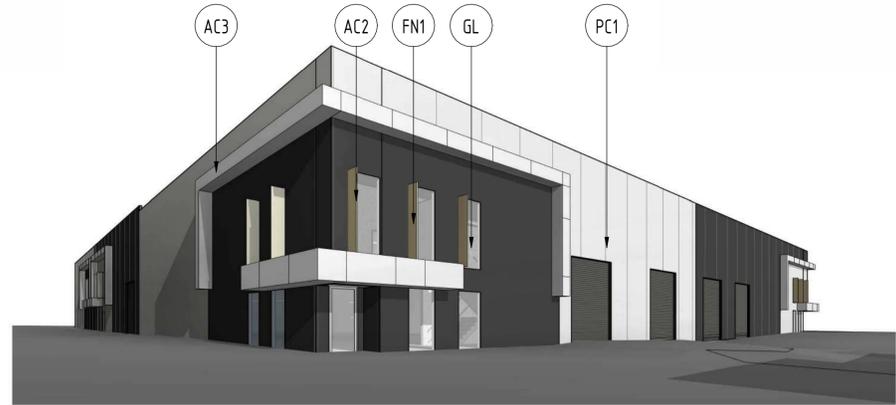
3 UNITS 9-12 EAST ELEVATION
 1 : 200



4 UNITS 9-12 NORTH ELEVATION
 1 : 200



5 UNITS 9-12 SECTION
 1 : 200



6 UNITS 9-12 PERSPECTIVE

Cardinia
ADVERTISED MATERIAL
 Planning Application: T230659-1
 Date Prepared: 26 March 2026

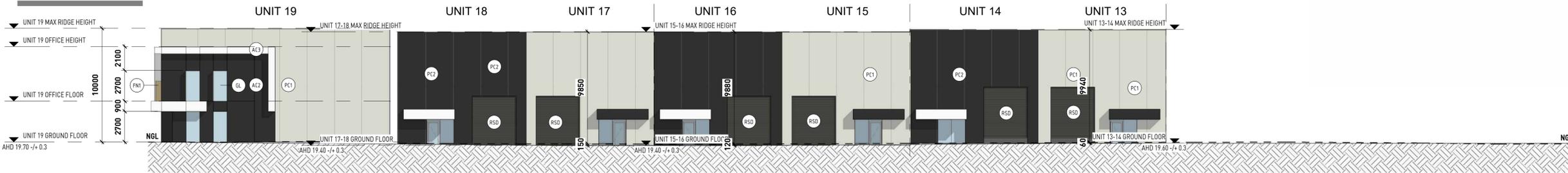
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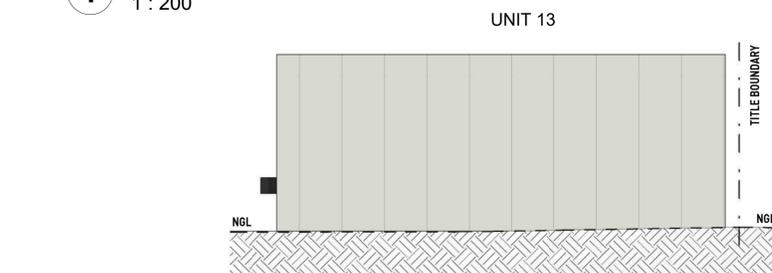
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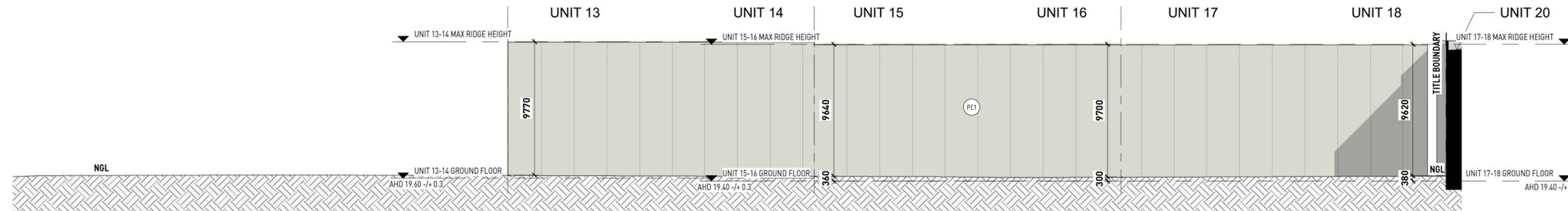
CLIENT: **TPC GROUP**



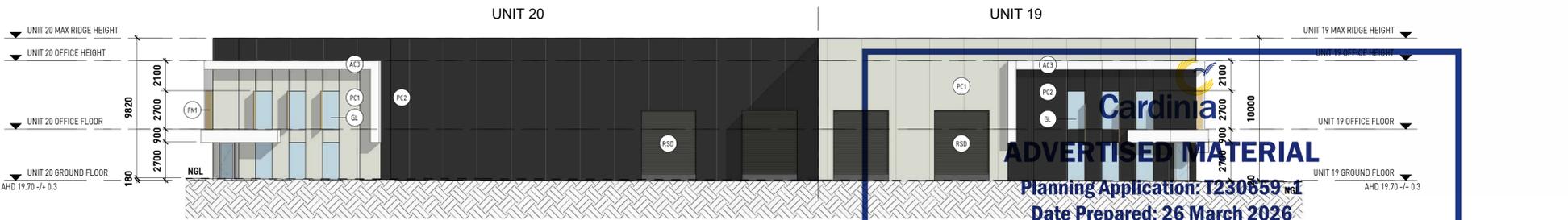
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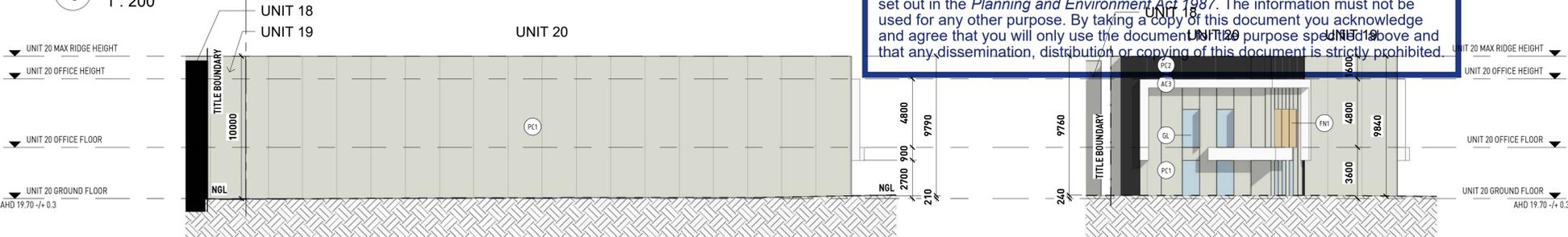
2 UNIT 13-20 NORTH ELEVATION
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3 UNIT 13-20 INNER WEST ELEVATION
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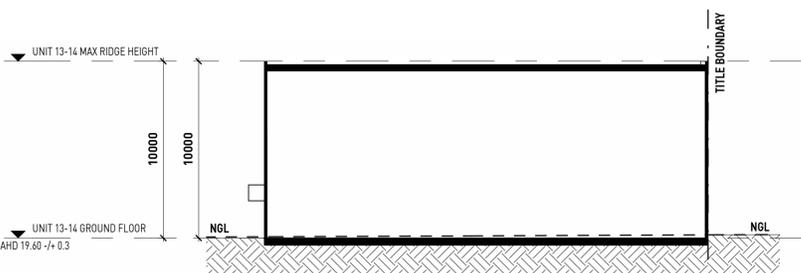
4 UNIT 13-20 SOUTH ELEVATION
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5 UNIT 13-20 INNER NORTH ELEVATION
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6 UNIT 13-20 WEST ELEVATION
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SP	SPANDREL GLAZING SUITE	ALUMINIUM FRAME IN BLACK POWDERCOAT FINISH	



7 UNIT 13-20 TYPICAL SECTION
 1 : 200

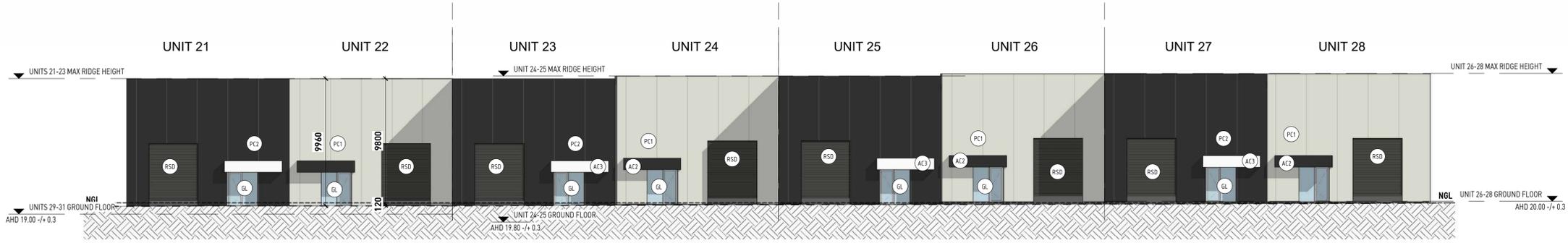


8 UNIT 13-20 PERSPECTIVE

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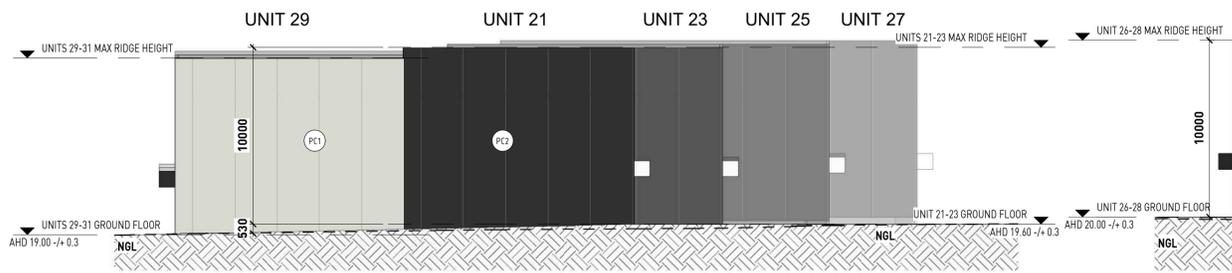
CLIENT: **TPC GROUP**



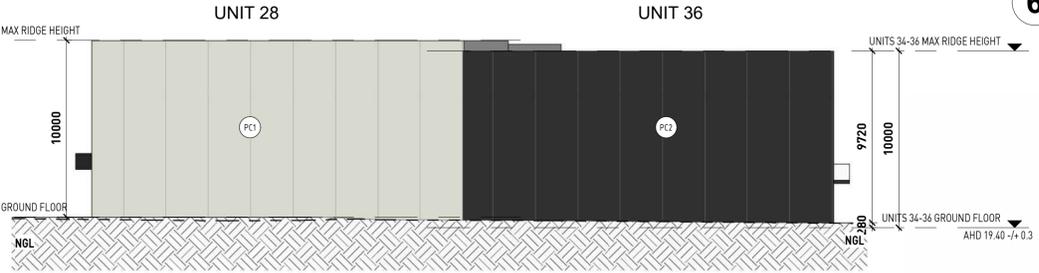
1 UNITS 21-28 NORTH ELEVATION
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6 UNITS 21-36 PERSPECTIVE

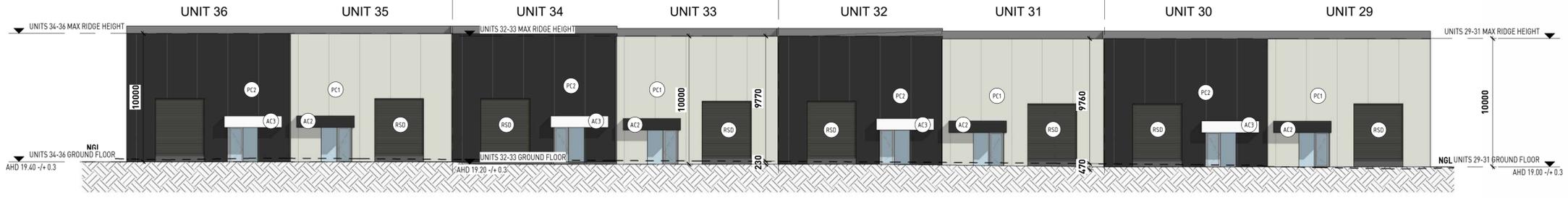


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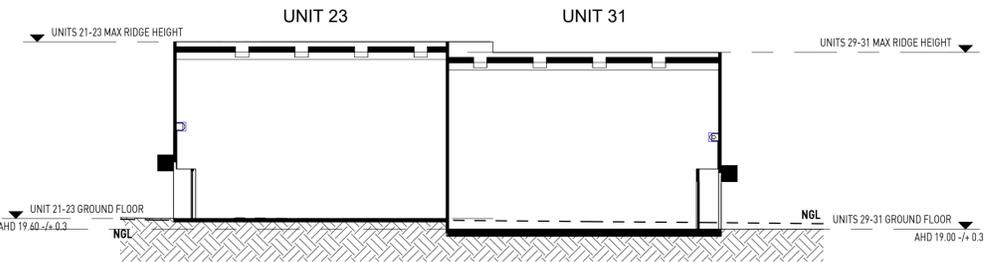


3 UNITS 21-28 WEST ELEVATION
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MATERIAL AND COLOUR SCHEDULE			
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RSD	ROLLER SHUTTER DOOR	METAL ROLLER SHUTTER DOORS IN POWDERCOAT FINISH TO MATCH COLOURBOND ' MONUMENT'	
SP	SPANDREL GLAZING SUITE	ALUMINIUM FRAME IN BLACK POWDERCOAT FINISH	



4 UNITS 21-36 SOUTH ELEVATION
 1 : 200



5 UNITS 21-36 TYPICAL SECTION
 1 : 200



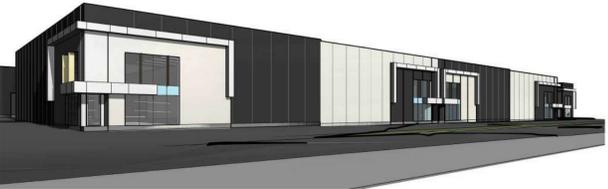
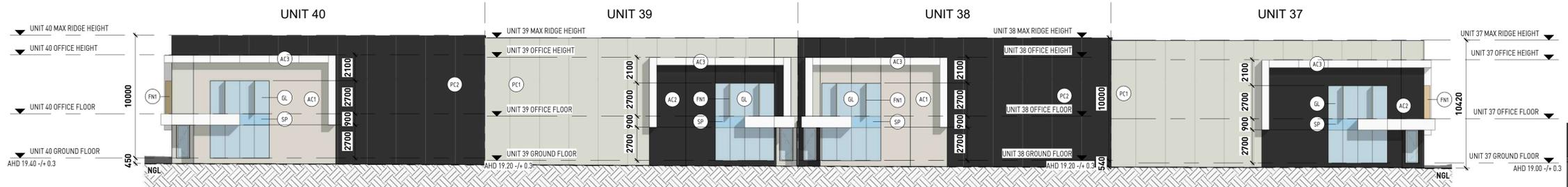
ADVERTISED MATERIAL
 Planning Application: T230659 -1
 Date Prepared: 26 March 2026

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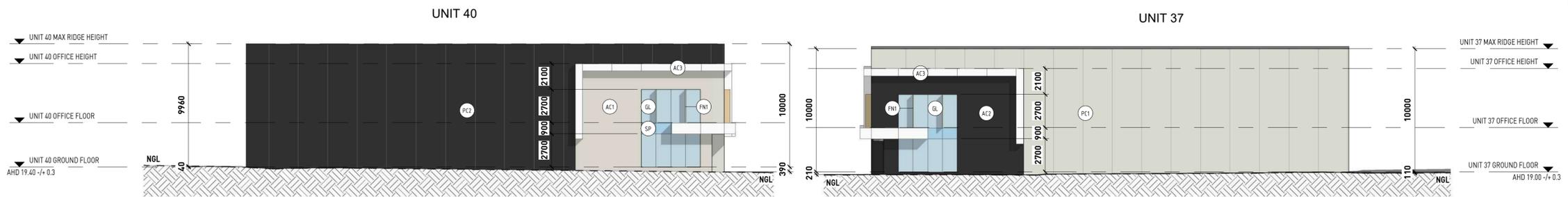
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CLIENT: **TPC GROUP**



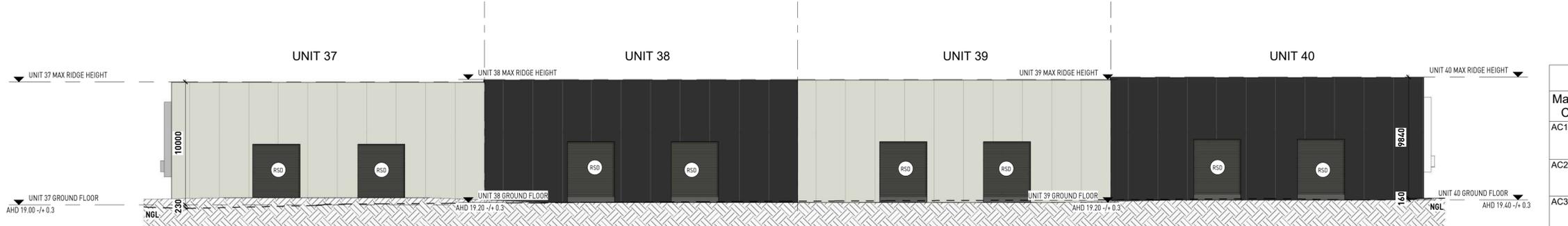
1 UNIT 37-40 SOUTH ELEVATION
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6 UNIT 37-40 PERSPECTIVE

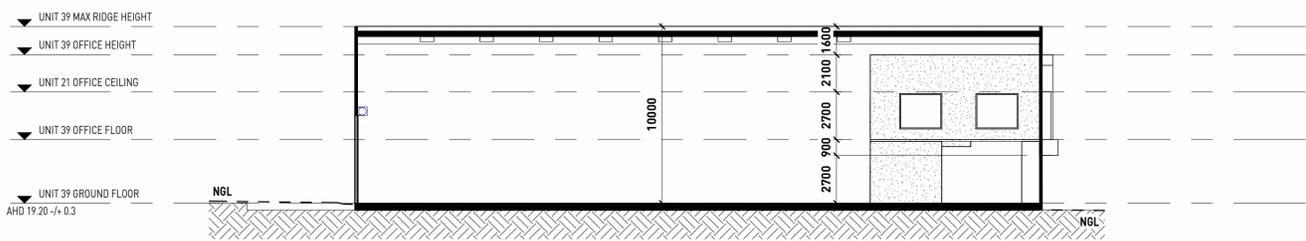


2 UNIT 37-40 WEST ELEVATION
 1 : 200

3 UNIT 37-40 EAST ELEVATION
 1 : 200



4 UNIT 37-40 NORTH ELEVATION
 1 : 200



5 UNIT 37-40 TYPICAL SECTION
 1 : 200

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Material Code	ITEM/ LOCATION	MATERIAL DESCRIPTION	FINISHES
AC1	OFFICE CLADDING	LIGHTWEIGHT NON-COMBUSTIBLE METALLIC CLADDING IN MANUFACTURER'S STANDARD COLORBOND 'SURFMIST' OR SIMILAR	
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AC3	OFFICE CLADDING	LIGHTWEIGHT NON-COMBUSTIBLE METALLIC CLADDING IN MANUFACTURER'S STANDARD WHITE FINISH	
FN1	OFFICE FEATURE FINIS	FEATURE ALUMINIUM VERTICAL FINIS. 500 x 100 POWDER COATED TIMBER LOOK FINISH OR SIMILAR. FIXED TO GLAZING SUITE	
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ADVERTISED MATERIAL
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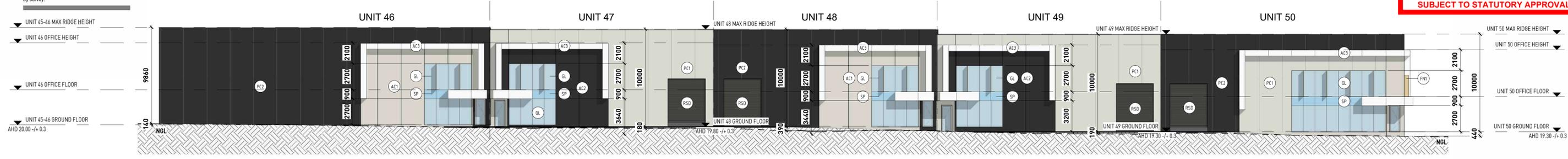
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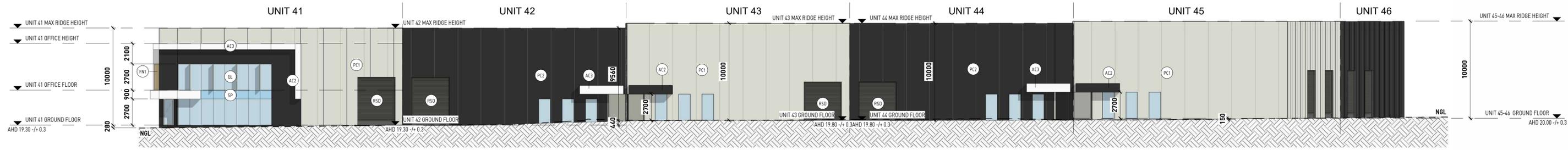
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TPC GROUP



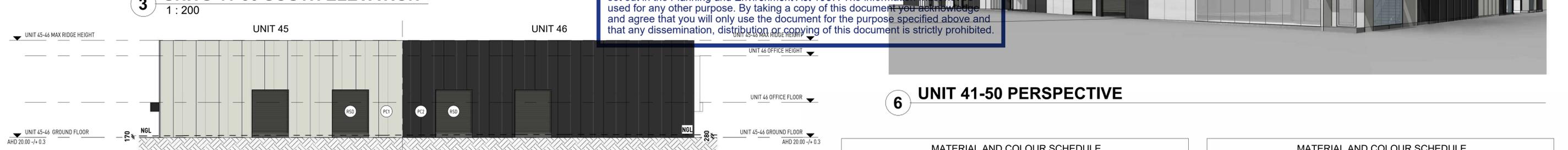
1 UNITS 41-50 WEST ELEVATION
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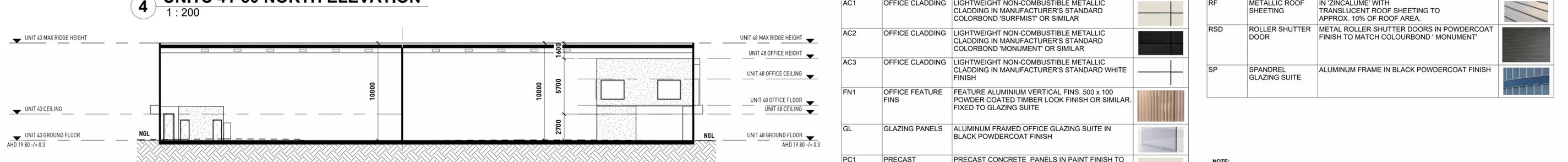
2 UNITS 41-50 EAST ELEVATION
 1 : 200



3 UNITS 41-50 SOUTH ELEVATION
 1 : 200



4 UNITS 41-50 NORTH ELEVATION
 1 : 200



5 UNITS 41-50 TYPICAL SECTION
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Cardinia
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6 UNIT 41-50 PERSPECTIVE

Material Code	ITEM/ LOCATION	MATERIAL DESCRIPTION	FINISHES
AC1	OFFICE CLADDING	LIGHTWEIGHT NON-COMBUSTIBLE METALLIC CLADDING IN MANUFACTURER'S STANDARD COLORBOND 'SURFMIST' OR SIMILAR	[Sample]
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AC3	OFFICE CLADDING	LIGHTWEIGHT NON-COMBUSTIBLE METALLIC CLADDING IN MANUFACTURER'S STANDARD WHITE FINISH	[Sample]
FN1	OFFICE FEATURE FINIS	FEATURE ALUMINIUM VERTICAL FINIS. 500 x 100 POWDER COATED TIMBER LOOK FINISH OR SIMILAR. FIXED TO GLAZING SUITE	[Sample]
GL	GLAZING PANELS	ALUMINIUM FRAMED OFFICE GLAZING SUITE IN BLACK POWDERCOAT FINISH	[Sample]
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RSD	ROLLER SHUTTER DOOR	METAL ROLLER SHUTTER DOORS IN POWDERCOAT FINISH TO MATCH COLOURBOND 'MONUMENT'	[Sample]
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CLIENT: _____

19 December 2025

Town Planning Department
Cardinia Shire Council
PO Box 7
Pakenham VIC 3810



Via Online Portal.

Dear Town Planning Department,

28 COMMERCIAL DRIVE, PAKENHAM SECTION 72 AMENDMENT TO PLANNING PERMIT T230659

proUrban Advisory, Planning & Management (proUrban) continues to act on behalf of *TPC Group* ('the applicant') in relation to the land at 28 Commercial Drive, Pakenham ('the site'). This permit application is made to Cardinia Shire Council ('the responsible authority').

The applicant has requested proUrban prepare and submit a Section 72 application for the following amendments to planning permit T230659:

- Change of use of Unit 1 from warehouse to restricted recreation facility;
- Removal of office floor area, noting 12 of the tenancies are not proposed to have mezzanine offices;
- Increase the number of units from 32 to 50;
- Reconfiguration of southeastern block; and
- Addition of 49 car parking spaces (480 total).

The following documentation supports this application:

- Architectural plans prepared by *Concept Y*;
- Traffic and Transport Assessment prepared by *Impact*; and
- Waste Management Plan prepared by *Impact*.

Current Permit

Planning permit T230659 was issued on 5 December 2024. The permit allows:

Clause 33.01-4 – Construct and building or construct or carry out works.

Clause 52.06-3 – Reduce the number of car parking spaces required.

Site Context

The site is located at 28 Commercial Drive, Pakenham, and is formally identified as:

- Lot 2 on Plan of Subdivision 720773B (Volume 11477; folio 431)

The site is located on the corner of Commercial Drive and Auto Way, with a 150-metre (approx.) frontage to Commercial Drive and a 310-metre (approx.) frontage to Auto Way. The site has an area of 53,772 square metres

The site currently contains a car sales yard on the western portion of the site, with the eastern side of the site currently vacant with no vegetation or notable slope.

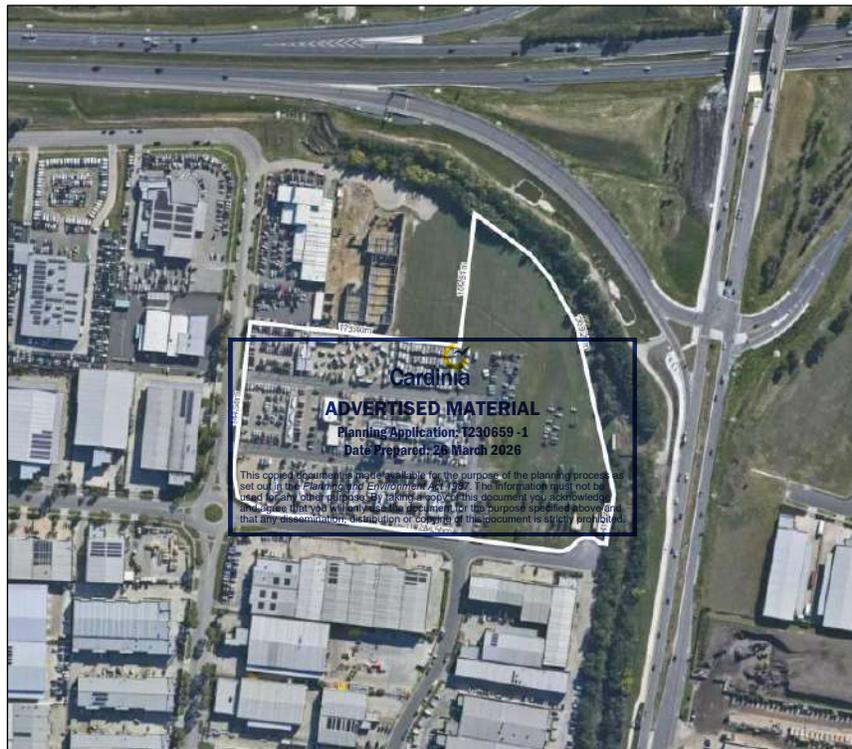


Figure 1 | Aerial image of subject site (Source: Landchecker)

Surrounding Area

The subject site is located approximately 55km south-east of the Melbourne CBD. Located south of the Princes Freeway, the site sits within a developing industrial and commercial area known as the 'Southeast Business Park'. The precinct predominantly consists of car retailers, warehouses and storage facilities.

The adjacent sites along Auto Way have been approved for similar developments and uses, containing medium-large format warehousing, which is a similar size and format to the proposed development. The site at 24-26 Auto Way contains an Izuzu Dealership, 4 and 6 Auto Way contains auto parts stores, and 12 Auto Way contains an RV dealer. To the west of the site, at 40 National Avenue, contains an Insulation supplier.

Proposed Amendments

The application seeks approval for the following minor amendments:

Technically the amendment seeks to make the following changes to the previously issued permit:

- Amend the plans approved that form part of the previous planning permit application and have the plans submitted with this amendment approved. The changes capture on the revised plans include:
 - Removal of office floor area, noting 12 of the tenancies are not proposed to have mezzanine offices;
 - Increase the number of units from 32 to 50;
 - Reconfiguration of southeastern block; and
 - Addition of 49 car parking spaces (480 total).
- Incorporate an additional permit trigger to allow Unit 1 to be used for the purpose of a Restricted Recreational Facility. This use is defined within the planning scheme as:
 - *Land used by members of a club or group for leisure, recreation, or sport, such as a bowling or tennis club, gymnasium and fitness centre. It may include food and drink for consumption on the premises, and gaming. It may also include use by members' guests, or by the public on payment of a fee. A*
- Revise the following conditions within the existing permit:
 - Condition 2.d) as per the (tracked changes) rewording below:
 - **2. d) Reduction of additional 10 car parking spaces to provide 5 additional landscaping areas in the following car parking bay locations:**
 - East of Unit ~~4~~ 1;
 - West of Unit ~~8~~ 12;
 - East of Unit ~~19~~ 37;
 - South of Unit ~~20-21~~ 38-39; and
 - West of Unit ~~28-30~~ 46-48.
 - Condition 10 will also need to be consequently amended as per the (tracked changes) rewording below:
 - 10. The development must only be accessed by vehicles up to 12.5 metres in size, with the exception of Unit ~~7~~ 11, which must only be accessed by vehicles up to 8.8 metres in size.

Please refer to the architectural plans and schedule of revisions prepared by *Concept Y* for further details.

Restricted Recreational Facility Operation

The proposal seeks to change the use of Unit 1 from a warehouse to a restricted recreation facility to enable the operation of FlipOut, <https://www.flipout.com.au/>.

FlipOut is a children's indoor trampoline play centre which offers a variety of activities and services such as:

- Hosting children's birthday parties;



- Casual/regular fitness classes;
- Play groups.

The proposed operations of the prospective tenant will have the following opening hours:

- Monday – Thursday: 9am – 7pm
- Friday – Saturday: 9am – 10pm
- Sunday: 9am – 6pm

The proposed children's play centre is planned to operate with a patron capacity of 150 patrons, being served by a maximum of 9 staff at any given time.

Statutory Planning Controls

Industrial 1 Zone (IN1Z)

The subject site is located within the Industrial 1 Zone (IN1Z). The purpose of the IN1Z is to:

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

Pursuant to Clause 33.01-1 a permit **is required** to use the land for a restricted recreation facility.

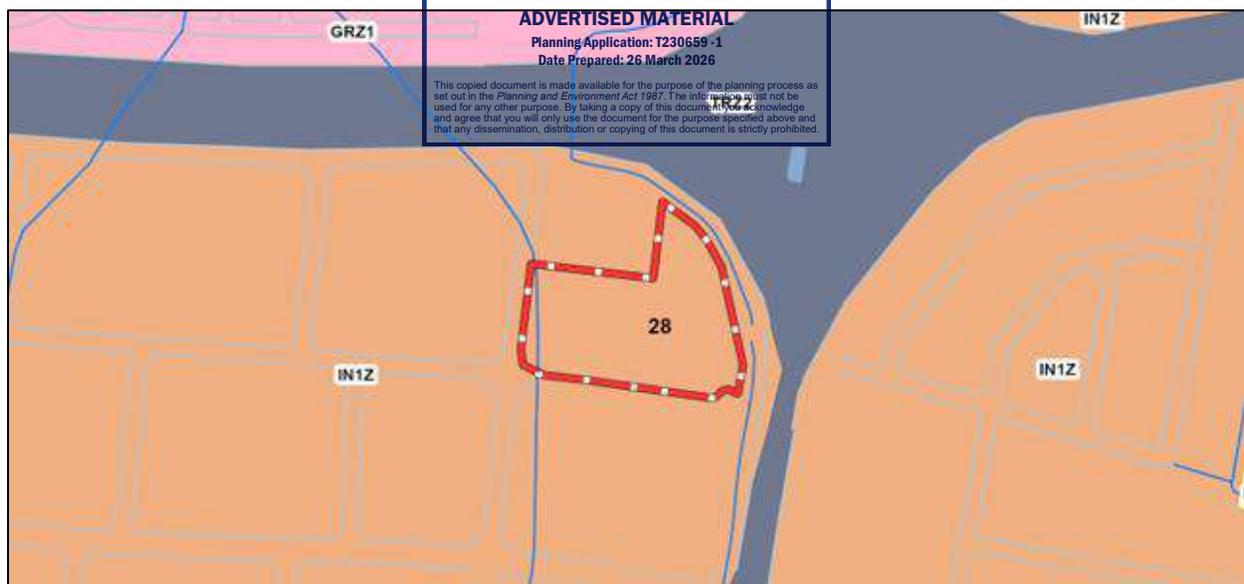


Figure 2 | Industrial 1 Zone

The site is not subject to any overlay.

Particular Provisions

Clause 52.06 Car Parking

Clause 52.06 outlines the statutory car parking requirements which apply to particular land uses. Pursuant to Clause 52.06 of the Cardinia Planning Scheme, the relevant Car Parking objectives include:

- To ensure that car parking is required 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 environment for users and enables easy and efficient use.

Pursuant to Clause 52.06 the following car parking requirements apply to the proposed development. The site is not located within the Principal Public Transport Network Area Map (PPTN) and therefore is subject to the parking provisions depicted within Column A of Table 1 to Clause 52.06.

- Warehouse – 2 car spaces to each premises, plus 1.5 to each 100sqm of net floor area
- Restricted Recreation Facility – To the satisfaction of the Responsible Authority.

A permit **is not required** as the amendment does not seek to reduce the number of car parking spaces required as contained in Clause 52.06.



Notice and Review

The application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act as the subject land is not within 30 metres of land (not a road) which is in a residential zone or land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

Relevant Planning Policy

The Planning Policy Framework (PPF) seeks to ensure that the objectives of planning in Victoria (as set out in Section 4 of the *Planning and Environment Act 1987*) are adopted through appropriate land use and development policies and practices.

It informs the preparation and implementation of local planning policy objectives and the introduction of zone and overlay controls, and seeks to integrate relevant environmental, cultural, social and economic factors in the interest of increased community benefit and sustainable development. The clauses most relevant to the current proposal include:

Settlement

- **Clause 11.01-1S Settlement:** To facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.
- **Clause 11.02-1S Supply of urban land:** To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

Environmental and Landscape Values



- **Clause 13.05-1S Noise management:** To assist the management of noise effects on sensitive land uses.
- **Clause 13.07-1S Land use compatibility:** To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

Built Environment and Heritage

- **Clause 15.01-1S Urban design:** To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.
- **Clause 15.01-2S Building design:** To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.

Economic Development

- **Clause 17.01-1S Diversified economy:** To strengthen and diversify the economy.
- **Clause 17.02-1S Business:** To encourage development that meets the community's needs for retail, entertainment, office and other commercial services.

The above-mentioned policies and objectives relate to the general provisions of the Planning Scheme and are relevant to the proposal generally. The principles of land use and development have been considered, and the proposed development meets the strategic directions outlined in the PPF.

Local Planning Policy Framework

The Local Planning Policy Framework (LPPF) sets local and regional strategic policy context for a municipality. It comprises the Municipal Strategic Statement (MSS), specific local planning policies and operates consistently with the PPF.



Municipal Strategic Statement

Council's MSS outlines the vision, strategies and objectives for use and development of land in the municipality. It provides the basis for the application of local policies, zones, overlays and other provisions in the Cardinia Planning Scheme. Those clauses most relevant to the current proposal include:

Clause 21.04 Economic Development

Clause 21.04-1 identifies key issues surrounding employment within the Cardinia Shire. The following relevant key objectives are detailed in Clause 21.04-1:

- *To develop diverse local employment opportunities to meet the needs of a growing residential population.*

Clause 21.04-4 identifies key issues surrounding industry within the Cardinia Shire. The following relevant key objectives are detailed in Clause 21.04-1:

- *To develop manufacturing and service industries that provide services to local residents and businesses, support local employment and reflect a high standard of urban design.*



Clause 21.06 Particular Uses and Development

Clause 21.06 identifies key issues within Cardinia's urban design. The key issues identified have informed local objectives relating to Particular Uses and Development. The following relevant objectives are detailed:

- *To promote a high standard of design which creates a strong character and identity for the area, provides for a functional built environment, and promotes community and personal safety.*



Planning Assessment

Altered Building Footprint

The built form amendments that are sought by this proposal are designed to maximise the design and functionality of the site. The changes will not impact the amenity of the area or significance of the site and surrounding streetscape.

The design of the proposed built form is very similar to that of the approved scheme, however the predominant change relates to the reconfiguration and internal changes to the units. The previous scheme approved 32 units and we now propose 50 units. The increase in units numbers is a result of smaller units being proposed. Despite the increase in unit numbers the floor area of the development has reduced from 31,977sqm to 27,763sqm.

The reduction in floor space is largely a result of the removal of numerous mezzanine offices, with the office floor area reducing from 4,150sqm to 1,818sqm.

We submit the proposed scheme maintains a suitable mix of tenancy sizes that will cater for a variety of warehouse users and will appropriately service the communities needs. Thus continuing to respond to the objective of the industrial zone. Furthermore, given the built form when viewed externally has minimal change we do not consider any adverse amenity impacts will arise from the proposed changes.

Land Use

Pursuant to Clause 21.04-1, the site is located within an employment area. The addition of a restricted recreation facility provides a diverse mix of employment opportunities and provides an alternate location for residents to socialise. As per the 2021 Census data approximately 17% of Pakenham's population is aged less than 10 years old. Therefore, a playcentre in the area would be greatly beneficial in entertaining the younger population.

Additionally, Unit 1 is easily accessible within the estate as it is adjacent to the approved new crossovers to be constructed (as per local authority requirements) in the southeastern corner of the site. Additionally, it is anticipated that the site's peak hours of operation will be on the weekends, outside of typical industrial warehouse operating hours. Thus, patrons of the playcentre will have minimal interactions with the peak times of the rest of the industrial warehouse estate and the proposed new use will be minimally impacted by nearby industries.

Given the operational model, the proposed restricted recreation facility will not generate noise levels which would raise concern or affect neighbouring properties, in accordance with Clause 13.05-1S.

We provide the following assessment of the proposed land usage against the Decision Guidelines listed within the Industrial 1 Zone:



Design Guideline	Response
<p><i>The Municipal Planning Strategy and the Planning Policy Framework</i></p>	<ul style="list-style-type: none"> Contributing to a diversity in land uses and furthering the sustainable development of the industrial precinct; Foster new development contributes to the existing low intensity industrial character of the area whilst achieving high quality urban design and creating visual interest; Supporting the local economy through the provision of a successful mixed use operation in an appropriate location; and Maintaining adequate provision of on-site car spaces to meet the demand of the new warehouse development.
<p><i>The effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.</i></p>	<p>The subject site is predominantly surrounded by industrial land, thus it will have minimal off-site effects. Notwithstanding, the proposed development will not detrimentally affect the residential land located approximately 300 metres northwest, across Princes Freeway.</p>
<p><i>The effect that nearby industries may have on the proposed use.</i></p>	<p>The subject site is located within an industrial precinct with low intensity uses. As previously noted, the surrounding context predominantly consists of car retailers, warehouses and storage facilities. It is submitted that these uses will not cause any material detriment to the proposed restricted recreation facility.</p>
<p><i>The drainage of the land.</i></p>	<p>The drainage of the land will largely remain unchanged as approved in the submitted Sustainability Management Plan (dated 19 December 2023) prepared by GIW with the original planning permit application. It is noted that rainwater collected from all impervious ground areas and landscaping of the site and directed into 10 x SPEL Stormsacks for primary treatment.</p>
<p><i>The availability of and connection to services.</i></p>	<p>The availability of and connection to services remains the same as accepted in the original planning application.</p>
<p><i>The effect of traffic to be generated on roads.</i></p>	<p>It is anticipated that the proposed development will generate up to 222 movements to / from the external road network during the peak periods, equating to approximately 4 vehicle movements every minute. The anticipated increase of traffic is not expected to have any significant impact on the operations of the surrounding road network. Please refer to the attached traffic and transport assessment prepared by Impact for further details.</p>
<p><i>The interim use of those parts of</i></p>	<p>The use of the land not required for the proposed use will be</p>


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 City of Cardinia

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<p><i>the land not required for the proposed use.</i></p>	<p>used by the remainder of the multi-unit warehouse development with sufficient landscaping and internal vehicle network.</p>
---	--

Car Parking

In accordance with Clause 52.06 of the Cardinia Planning Scheme, the proposal requires the following car parking rates:

- Warehouse: 2 spaces to each premise, plus 1.5 spaces to each 100 sqm of net floor area.
- Restricted Recreation Facility – To the satisfaction of the Responsible Authority.

Application of the above rates to the new proposal requires a total car parking provision of 436 spaces. The proposal seeks to provide 480 spaces for the entire mixed use development.

Although Clause 52.06 does not outline a specific car parking rate for restricted recreation, the attached traffic report provides an analysis of the anticipated car parking demand for this use. In summary, it is expected that the play centre will generate parking generations rates of:

- 0.33 spaces per patron, and
- 0.8 spaces per staff member.



The proposed children's play centre is planned to operate with a patron capacity of 150 patrons, being served by a maximum of 9 staff at any given time. Application of the above rates to the proposed facility yields an anticipated demand for 57 spaces at peak operation.

Considering the statutory requirements for warehouse use, the development is expected to generate a total demand for 493 car parking spaces.

The anticipated car parking demand assessment conducted by Impact, through case study data, adopts a parking rate of 1.0 spaces per 100sqm for the warehouse uses. While the warehouse uses are expected to generate its peak parking demands during typical working hours (Monday-Friday, 9am-5pm), the children's play centre is only expected to generate minimal demand during these periods.

- Warehouse = 239 spaces (100% demand)
- Play Centre = 29 spaces (50% demand)
- Total = 268 spaces

It is expected that the play centre will only experience a minor increase in parking demand during after school hours during the week at which point it is typical for tenants of the warehouse units to have left the development for the day.

- Warehouse = 179 spaces (75% demand)



- Play Centre = 53 spaces (75% demand)
- Total = 222 spaces

The play centre will generate its peak parking demand on weekends when the balance of the development is experiencing minimal demand.

- Warehouse = 60 spaces (25% demand)
- Play Centre = 57 spaces (100% demand)
- Total = 117 spaces

Considering the above car parking demand assessment, the development is expected to generate a peak parking demand of 268 spaces at any one time. Thus, it is submitted that the proposed car parking arrangement is sufficient to accommodate the parking demand for both warehouse and restricted recreation facility uses.

Please refer to the traffic and transport assessment report prepared by Impact for further details.

Condition 2 Assessment

The table enclosed outlines an assessment of the amended architectural plans against the requirements of Planning Permit T230659.


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CONDITION	RESPONSE
<p>Amended Plans</p> <p>2. d. Before the development starts, plans must be approved and endorsed by the Responsible Authority. The plans must be generally in accordance with the plans forming part of the application but be amended to show the following details:</p>	
<p>i. Required amendments to the on-street car parking on Commercial Drive as a result of the new crossover and removal of the redundant crossovers.</p>	<p>Please refer to Drawing DA-002 of the architectural plans prepared by Concept Y for the notation that reads:</p> <p><i>EXISTING CROSSOVER TO BE RESTORED TO KERB, NATURE STRIP AND ON-STREET CAR PARKING.</i></p>
<p>ii. Bin storage areas clearly labelled.</p>	<p>Please refer to Drawing DA-002 of the architectural plans prepared by Concept Y for the indicative locations for bin storage area with separate waste and recycled bins. The bin storages areas are all proposed to be located within the units.</p>



<p>iii. Traffic calming treatments to the main east-west and north-south access aisles to manage internal vehicle speeds and provision of dedicated pedestrian crossing areas.</p>	<p>Please refer to Drawing DA-002 of the architectural plans prepared by Concept Y for locations of added speed humps and give way signage details which will assist in managing internal vehicle speeds.</p>
<p>iv. Vertical bicycle rack, designed as per AS2890.3, are to be shown and located clear of loading areas.</p>	<p>Please refer to Drawing DA-002 of the architectural plans prepared by Concept Y for the added notation that reads:</p> <p><i>Vertical bicycle rack, designed as per AS2890.3, are detailed on Individual Unit Plans. To be located clear of loading areas.</i></p>
<p>v. Vehicle and Pedestrian Line Marking, inclusive of 'give way' line markings and similar at internal aisle intersections and site ingress/egress points to avoid vehicle and vehicle – pedestrian conflict.</p>	<p>Please refer to Drawing DA-002 of the architectural plans prepared by Concept Y for locations of added 'give way' line markings within the internal layout of the development.</p>
<p>vi. Reduction of additional 10 car parking spaces to provide 5 additional landscaping areas in the following car parking bay locations:</p> <ul style="list-style-type: none"> • East of Unit 4; • West of Unit 8; • East of Unit 19; • South of Unit 20-21; and • West of Unit 28-30. 	<p>Please refer to the amended Units as per this amendment application.</p> <p>Please refer to Drawing DA-002 of the architectural plans prepared by Concept Y for required additional landscape areas adjacent to the units noted in the condition.</p>

Cardinia
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The submitted architectural plans are considered to satisfy the conditional requirements of planning permit T230659.

Overall, it is submitted that the proposed changes are minor and will enhance the design of the site without impacting the amenity of the area, ultimately the proposal supports the objectives and relevant policy of the Cardinia Planning Scheme.



Conclusion

Overall, the proposed changes are considered minor and necessary to diversify the industrial activity within Pakenham without causing any detrimental effects to local amenities.

As such, we request Council approve the proposed amendment under the provisions of Section 72. If you require any further information or clarification, please do not hesitate to contact me on 0400 614 534, or via email at tom.hamilton@pro-urban.com.au.

Yours sincerely,



Associate Director



38°05'43.5"S
145°29'11.8"E

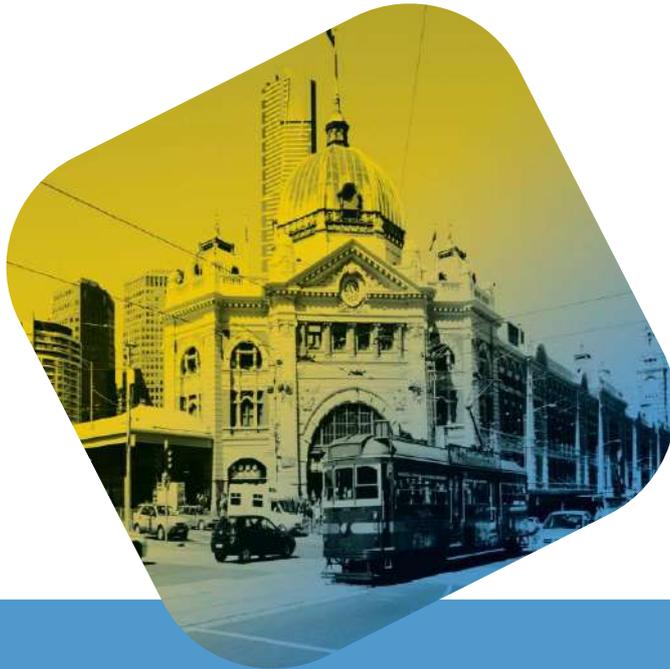
Mixed-Use Development: 28 Commercial Drive, Pakenham

Cardinia

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Traffic and Transport Assessment

17 February 2026
Prepared for TPC Group

IMP2310058TTA01F05

Impact

Cardinia
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 Planning Application: 1230659-1
 Date Prepared: 26 March 2026

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1 IMPACT® Snap Shot

Development Proposition

Location	38°05'43.5"S 145°29'11.8"E	28 Commercial Drive, Pakenham
Use	Mixed-Use Development - Restricted Recreation Facility & Warehouse	
Yield	50 tenancies Restricted Recreation - 2,040 sq.m GFA, 150 patrons Warehouse - 25,723 sq.m GFA / 23,943 sq.m NFA	
Car Parking	484 car parking spaces proposed	
Bicycle Parking	114 bicycle parking spaces proposed	

Statutory Controls

Particular Provisions

Clause 52.06 - Car Parking

Requirement vs Provision	<p>Restricted Recreation Facility- To the satisfaction of the responsible authority.</p> <p>Warehouse - 436 spaces required.</p> <p>484 spaces provided total.</p>
Adequacy of Provision	<p>Case study data for warehouses of similar typology indicates that a car parking demand of 1.0 spaces per 100sqm floor area can be expected.</p> <p>Case study data for children's play centres indicates that a car parking demand of 0.33 spaces per patron and 0.8 spaces per staff member can be expected.</p> <p>While the warehouse uses are expected to generate its peak parking demands during typical working hours (Monday-Friday, 9am-5pm), the children's play centre is only expected to generate minimal demand during these periods. Conservatively assuming the play centre operates at half-capacity during these times, the development can expect the following demand:</p> <ul style="list-style-type: none"> — Warehouse: 239 spaces (100% demand) — Play Centre: 29 spaces (50% demand) ○ Total 268 spaces <p>The provision of 484 spaces shall cater sufficiently for the maximum anticipated demand.</p>
Design	<p>The proposed parking has been assessed against Clause 52.06-09 and is deemed to satisfy the relevant design guidelines.</p>



Clause 52.34 - Bicycle Facilities

Requirement vs Provision

12 spaces required. 114 spaces proposed.

Adequacy of Provision

Each tenancy is provided with two bicycle spaces each, located internally.

In addition, 14 visitor spaces are located throughout the development.

The proposed bicycle parking provision exceeds the statutory requirements and is therefore deemed appropriate.

Design

Bicycle parking is proposed to be provided in the form of proprietary bicycle hoops, designed to satisfy all relevant standards.

Clause 65.01 - Approval of an Application or Plan

Requirement vs Provision

The proposed loading arrangements have been assessed and determined to have satisfied the relevant design guidelines / principles contained with Clause 65.01 and AS2890.1:2018.

Traffic Considerations

Traffic Generation

The site is expected to generate up to 222 vehicle movements during peak periods.

Traffic Impact

The anticipated traffic demand is not expected to have any significant impact on the operations of the surrounding road network.

Conclusion

- The proposed development satisfies relevant statutory requirements as they relate to technical design of accessways, car parking spaces, and loading areas.
- Where the statutory requirements are not explicitly met, specifically in relation to the provision of car parking spaces, the development satisfies decision guidelines that allow for a reduction of car parking, with case studies validating the reduction sought.
- We are satisfied that there are no traffic and transport grounds that should prohibit the issue of a permit.



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2 Introduction

2.1 Engagement

IMPACT® have been engaged by TPC Group to undertake a Traffic and Transport Impact Assessment for the proposed multi-unit warehouse development at 28 Commercial Drive, Pakenham

2.2 Scope of Engagement

This Traffic and Transport Impact Assessment has been prepared to accompany a town planning submission.

In preparing this assessment we have referenced the following:

- Development plans prepared by Concept Y,
- Cardinia Shire Council Planning Scheme, specifically:
 - Clause - 52.06 - Car Parking,
 - Clause - 52.34 - Bicycle Facilities,
 - Clause - 65.01 - Approval of an Application or Plan,
- Australian Standards AS2890.1:2004, AS2890.2:2018, AS 2890.3:2015 & AS2890.6:2022

3 Existing Conditions

3.1 Location

The subject site is located on the north-eastern corner of Commercial Drive and Auto Way as illustrated in Figure 1 and Figure 2.

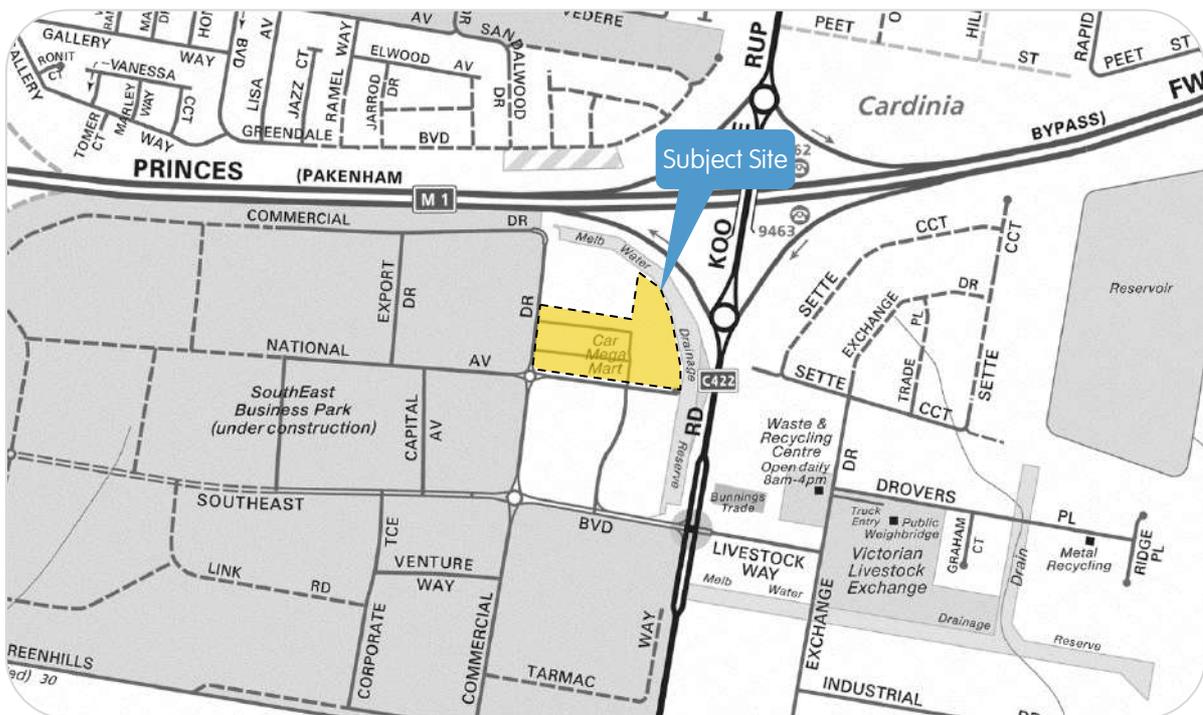


Figure 1 Location of Subject Site





Figure 2 Aerial View of Subject Site

The site is irregular in shape. Land surrounding the subject site are primarily industrial in nature. Part of subject site is currently developed and is facilitating a number of car dealerships.

3.2 Planning Zone

The subject site is located within the Industrial Zone (IN1Z) as illustrated in Figure 3.

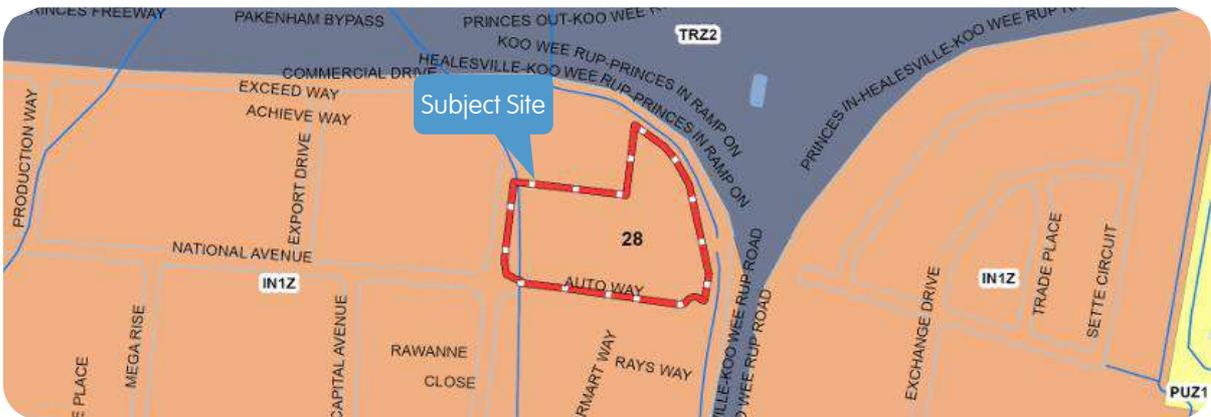


Figure 3 Land Use Planning Zone

The purpose of this zone is. In part, 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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Planning Application: T230659 -1
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3.3 Road Network

3.3.1 Commercial Drive

Commercial Drive is classified as local road and adjacent the subject site, is aligned in a north-south direction between Greenhills Road to the south and extends west to the north.

Along the site frontage, Commercial Drive comprises an approximate 12 metre road pavement that provides two trafficable lanes. A roundabout is located immediately southwest of the subject site. Kerbside parallel parking is unrestricted proximate to the site.

A typical cross-section of Commercial Drive facing north is illustrated in Figure 4.



Figure 4 View of Commercial Drive facing north adjacent the subject site

3.3.2 Auto Way

Auto Way is classified as a local road. Auto Way is aligned in an east-west direction, extending from National Avenue at its intersection with Commercial Drive to the west and terminating in a court bowl to the east.

Along the site frontage, Auto Way comprises an approximate 9 metre road pavement that provides two trafficable lanes. Kerbside parallel parking is unrestricted proximate to the site.

A typical cross-section of Auto Way facing west is illustrated in Figure 51




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Figure 5 View of Auto Way facing west adjacent the subject site

3.4 Bicycle Network

The site is easily accessible to Melbourne’s extensive bicycle network with the Racecourse path, connecting to Southeast Boulevard, a street away from the subject site.

The Racecourse path is identified as a Main Route (C2) in the strategic cycling corridor as illustrated in Figure 6.



Figure 6 Strategic Cycling Corridor Network Plan

4 Development Proposition

4.1 Use and Yield

It is proposed to demolish the existing site and construct a mixed-use development comprising warehouse and restricted recreation facility (child play centre) uses, with a total Gross Floor Area (GFA) of 27,763sqm, across of 50 tenancies. A development summary is presented in Table 1.

Table 1 Development Summary

Use	Tenancy	Gross Floor Area (sqm)	Total NFA (sqm)
Restricted Recreation Facility	1	2,040	2,033
Warehouse	2-50	25,723	23,943
Total	50	27,763	28,009

It is intended for the restricted recreation facility is intended to operate as a children's play centre with a patron capacity of 150, serviced by a maximum of 9 staff. The play centre is planned to operate during the following hours:

- Monday to Thursday, 9am - 7pm,
- Friday & Saturday, 9am - 10pm, and
- Sunday, 9am - 6PM

4.2 Car Parking

A total of 484 car parking spaces are proposed on-site. The schedule of car parking is provided below in Table 2.

Table 2 Car Parking Provision

Type	Quantity
Standard 90-Degree Spaces	479
DDA Compliant Disabled Bays	5
Total Car Spaces	484

4.3 Bicycle Parking

A total of 114 bicycle spaces are proposed throughout the development. Specifically:

- 100 x employee spaces (2 x per tenancy)
- 14 x visitor spaces

Bicycle spaces are proposed in the form of vertical bicycle racks for the warehouse tenancies and proprietary bicycle hoops for the visitors.

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4.4 Loading Arrangements

Proposed loading arrangements are as follows:

- Site Circulation** — The site is designed to be circulated by rigid vehicles up to 12.5 metres in length.
- Warehouse Loading Bays** — All units are provided with internal loading bays capable of being accessed by rigid vehicles up to 12.5 metres in length.

4.5 Access Arrangements

The access arrangements are illustrated in Figure 7.

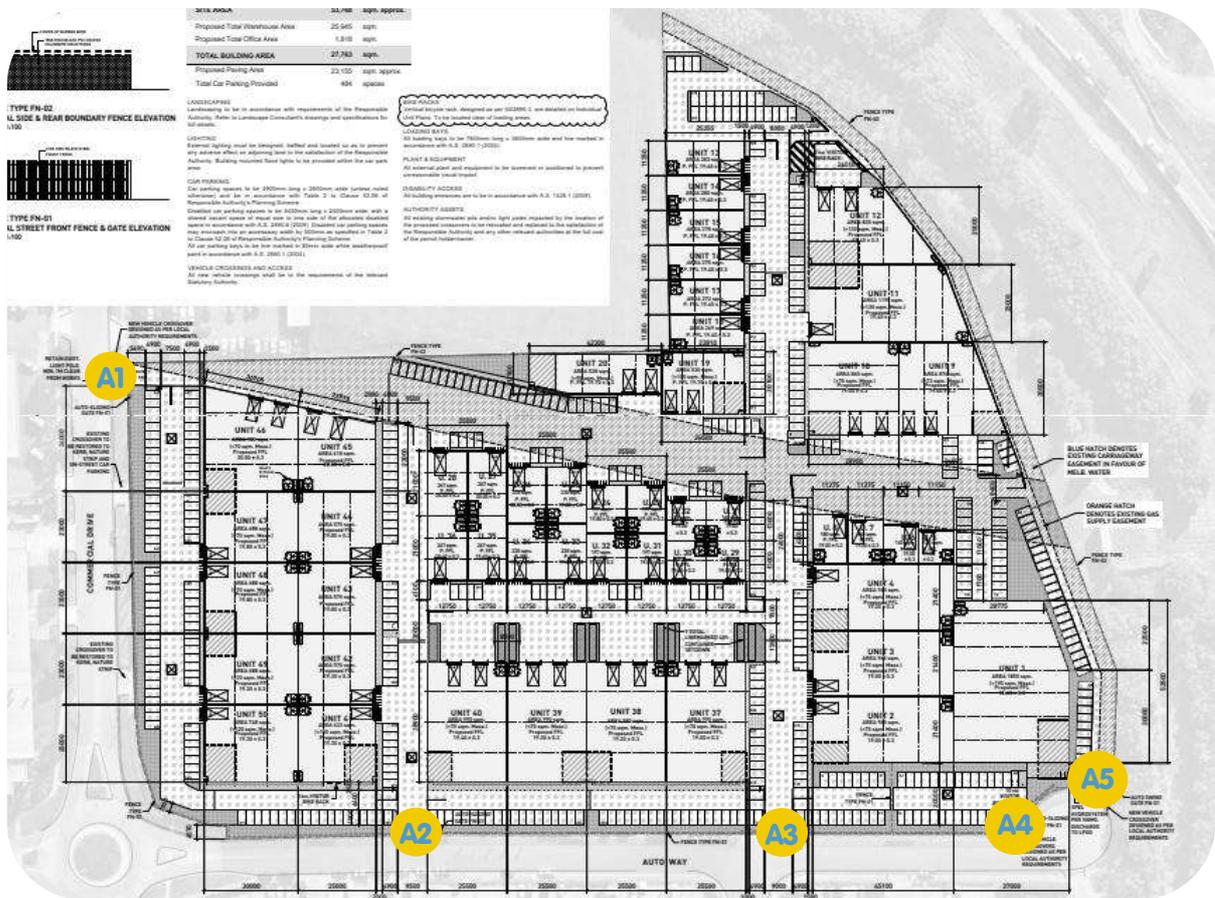


Figure 7 Crossover Locations

These access points will operate as follows:

- Crossover A1:** Entry and exit for commercial & passenger vehicles from Commercial Drive.
- Crossover A2:** Entry and exit for commercial & passenger vehicles from Auto Way.
- Crossover A3:** Entry and exit for commercial & passenger vehicles from Auto Way.
- Crossover A4:** Entry and exit for passenger vehicles from Auto Way.
- Crossover A5:** Entry and exit for commercial & passenger vehicles from Auto Way.

5 Statutory Controls

The relevant traffic and transportation Statutory Controls are:

Particular Provisions

- Clause 52.06 - Car Parking
- Clause 52.34 - Bicycle Facilities
- Clause 65.01 - Approval of an Application or Plan

5.1 Clause 52.06 - Car Parking

5.1.1 Purpose

The purpose of Clause 52.06 is:

- To ensure that car parking is provided in accordance with the Municipal Planning Strategy and 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 environment for users and enables easy and efficient use.

5.1.2 Provision and Design Requirements

To satisfy the above purpose, Clause 52.06 of the Cardinia Shire Council Planning Scheme specifies requirements relating to the provision and design of car parking as follows:

5.1.3 Car Parking Provision Requirements - Clause 52.06-5

Table 1 to Clause 52.06-05 of the Cardinia Shire Council Planning Scheme provides rates for various land uses. A summary of each use within the subject site and their parking requirements are described in Table 3.

Table 3 Statutory Car Parking Requirements

Use	Rate	Yield	Statutory Requirement
Restricted Recreation	To the satisfaction of the responsible authority	N/A	N/A
Warehouse	2 per tenancy + 1.5 per 100sqm NFA	23,943	459



5.1.4 Anticipated Parking Demand

Where a statutory parking requirement rate is not specified in Clause 52.06, parking is to be provided to the satisfaction of the Responsible Authority. The following analysis determines the anticipated demand for the relevant uses.

5.1.4.1 Restricted Recreation Facility - Children's Play Centre

It is intended for the restricted recreation facility to operate as a children's play centre.

To determine the likely car parking generation characteristics of a children's play centre, interview travel surveys undertaken by the Traffix Group have been sourced. Traffix Group undertook mode of travel surveys of patrons arriving at a Funtopia facility in Maribyrnong to establish mode of travel characteristics and parking generation rates of patrons. The surveys were undertaken on a weekday and weekend and revealed car parking generation rates of 0.26 - 0.27 spaces per patron.

With regards to staff, the same mode of travel surveys revealed approximately 60% of staff generated a demand for a car parking space.

Given the context of the above case study site in respect to its metropolitan location and serviceability by public transport, slightly higher parking demands can be expected. To this end, it is expected that the play centre will generate parking generations rates of:

- 0.33 spaces per patron, and
- 0.8 spaces per staff member.

The proposed children's play centre is planned to operate with a patron capacity of 150 patrons, being served by a maximum of 9 staff at any given time.

Application of the above rates to the proposed facility yields an anticipated demand for 57 spaces

5.1.4.2 Total Car Parking Demand

Considering the above and the statutory requirements for the warehouse tenancies,

The development is expected to generate a total demand for 494 car parking spaces.

5.1.5 Proposed Provision

The proposed development is planned with 484 car parking spaces.

This provision is below the statutory requirement. This proposal therefore seeks approval to reduce the number of parking spaces required under Clause 52.06-5.

5.1.6 Application Requirements and Decision Guidelines to Reduce Car Parking Requirement

An application to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 must be accompanied by a Car Parking Demand Assessment.

The Car Parking Demand Assessment must assess the car parking demand likely to be generated by the proposal and must also address the following matters, to the satisfaction of the responsible authority.

- The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the proposed use.
- The variation of car parking demand likely to be generated by the proposed use over time.
- The short-stay and long-stay car parking demand likely to be generated by the proposed use.
- The availability of public transport in the locality of the land.

- The convenience of pedestrian and cyclist access to the land.
- The provision of bicycle parking and end of trip facilities for cyclists in the locality of the land.
- The anticipated car ownership rates of likely or proposed visitors to or occupants (residents or employees) of the land.
- Any empirical assessment or case study.

Before granting a permit to reduce the number of spaces, the responsible authority must consider the following, as appropriate:

- The Car Parking Demand Assessment.
- Any relevant local planning policy or incorporated plans.
- The availability of alternative car parking in the locality of the land, including:
 - Efficiencies gained from the consolidation of shared car parking spaces.
 - Public car parks intended to serve the land.
 - On-street parking in non-residential zones.
 - Streets in residential zones specifically managed for non-residential parking.
- On-street parking in residential zones in the locality of the land that is intended to be for residential use.
- The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.
- Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.
- The future growth and development of any nearby activity centre
- Any car parking deficiency associated with the existing use of the land.
- Any credit that should be allowed for car parking spaces provided on common land or by a Special Charge Scheme or cash-in-lieu payment.
- Local traffic management in the locality of the land.
- The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.
- The need to create safe, functional and attractive parking areas.
- Access to or provision of alternative transport modes to and from the land.
- The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses.
- The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.
- Any other matter specified in a schedule to the Parking Overlay.
- Any other relevant consideration.

Considering the foregoing, we have undertaken the following car parking demand assessment which outlines our expectations of likely parking demand.

5.1.7 Car Park Demand Assessment

5.1.7.1 Case Study

Multi-Unit Warehouse Developments

IMPACT[®] have built a robust reputation in the assessment of warehouse developments of this nature over a number of years and recorded parking demand characteristics of these development types across numerous municipalities.

Our findings are that the statutory rate is conservative and that a lower car parking demand rate is generally considered appropriate. To support this notion, Table 4 has been prepared summarising a number of case study datasets of multi-unit warehouse sites in similar locations which exhibit similar characteristics to the proposal.

Table 4 Case Study Data Summary

Site Location	Size	Peak Car Parking Demand Rate
81-82 Paramount Boulevard, Derrimut	7,000 sqm (multi-unit)	0.5 spaces per 100 sqm
44-58 Mahoneys Road, Thomastown	18,850 sqm (multi-unit)	0.94 spaces per 100 sqm
53 Gateway Boulevard, Epping	5,500 sqm (multi-unit)	0.85 spaces per 100 sqm

As shown by the summary presented in Table 4, it is evident that the statutory car parking demand rate for warehouse uses is conservative and that lower car parking demands are being generated by multi-unit warehouse sites.

Conservatively adopting a rate of 1.0 spaces per 100sqm for the warehouse uses, this translates to an expected demand of 239 car parking spaces.

Children's Play Centre

As discussed in Section 5.1.4.1, the play centre component is expected to generate a demand for a maximum of 57 car parking spaces at peak operation.

5.1.7.2 Variation in Demand Over Time

While the warehouse uses are expected to generate its peak parking demands during typical working hours (Monday-Friday, 9am-5pm), the children's play centre is only expected to generate minimal demand during these periods. Conservatively assuming the play centre operates at half-capacity during these times, the development can expect the following demand:

- Warehouse: 239 spaces (100% demand)
- Play Centre: 29 spaces (50% demand)
 - Total 268 spaces

It is expected that the play centre will only experience a minor increase in parking demand during after school hours during the week at which point it is typical for tenants of the warehouse units to have left the development for the day. Assuming each component is generating a car parking demand at 75% of their respective peaks, the development can expect the following demands:

- Warehouse: 179 spaces (75% demand)
- Play Centre: 53 spaces (75% demand)
 - Total 222 spaces

The play centre will generate its peak parking demand on weekends when the balance of the development is experiencing minimal demand. During these times, the development can expect the following demand:

- Warehouse: 60 spaces (25% demand)
- Play Centre: 57 spaces (100% demand)
 - Total 117 spaces

5.1.8 Adequacy of Proposed Provision

Considering the above car parking demand assessment, the development is expected to generate a peak parking demand of 268 spaces at any one time.

The provision of 484 car parking spaces is considered adequate in this scenario.

5.1.9 Conclusion - Car Parking Provision

We can conclude that an adequate number of spaces are provided to cater for the projected demand.

Accordingly, the development proposition satisfies the purpose of Clause 52.06, specifically:

- 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.

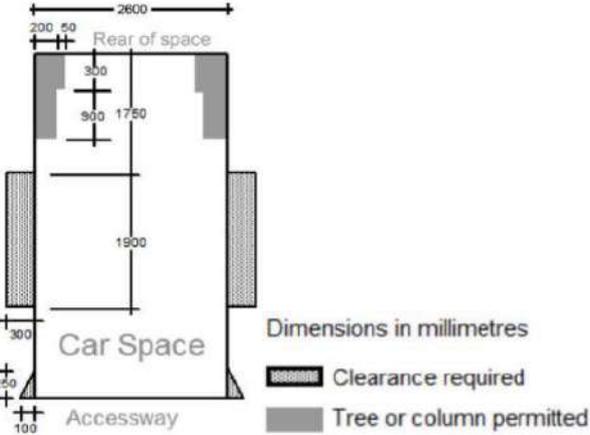
5.1.10 Design Standard for Car Parking - Clause 52.06 - 9

We have assessed the proposed car parking design and access arrangements against the requirements of Clause 52.06-9 of the Planning Scheme. Our findings are as follows:

5.1.10.1 Design Standard 1 - Accessways

Requirements	Design Response	Status
Accessways Must:		
1 Be at least 3 metres wide.	Accessways exceed 3m metres in width throughout.	Comply
2 Have an internal radius of at least 4 metres at changes of direction or intersection or be at least 4.2 metres wide	Intersections at changes of direction exceed 4.2m in width.	Comply
3 Allow vehicles parked in the last space of a dead-end accessway in public car parks to exit in a forward direction with one manoeuvre.	No dead end accessways are proposed.	Comply
4 Provide at least 2.1 metres headroom beneath overhead obstructions, calculated for a vehicle with a wheel base of 2.8 metres.	Sufficient headroom is provided above car parking spaces and accessways.	Comply
5 If the accessway serves four or more car spaces or connects to a road in a Transport Zone 2 or Transport Zone 3, the accessway must be designed so that cars can exit the site in a forward direction.	Accessway does not connect to a Transport Zone.	Comply
6 Provide a passing area at the entrance at least 6.1 metres wide and 7 metres long if the accessway serves ten or more car parking spaces and is either more than 50 metres long or connects to a road in a Transport Zone 2 or Transport Zone 3.	Passing areas at entrances exceed 6.1 metres in width and 7 metres in length.	Comply
7 Have a corner splay or area at least 50 percent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road. The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height.	Sufficient pedestrian sight splay areas are provided.	Comply
8 If an accessway to four or more car parking spaces is from land in a Transport Zone 2 or Transport Zone 3, the access to the car spaces must be at least 6 metres from the road carriageway.	Access is not from a road in Transport Zone 2 or Transport Zone 3.	Comply

5.1.10.2 Design Standard 2 - Car Parking Spaces

Requirements	Design Response	Status																													
<p>1 Car parking spaces and accessways must have the minimum dimensions in Table 2 of Clause 52.06-9.</p> <table border="1" data-bbox="284 443 938 707"> <thead> <tr> <th>Angle of car parking spaces to access way</th> <th>Accessway width</th> <th>Car space width</th> <th>Car space length</th> </tr> </thead> <tbody> <tr> <td>Parallel</td> <td>3.6 m</td> <td>2.3 m</td> <td>6.7 m</td> </tr> <tr> <td>45°</td> <td>3.5 m</td> <td>2.6 m</td> <td>4.9 m</td> </tr> <tr> <td>60°</td> <td>4.9 m</td> <td>2.6 m</td> <td>4.9 m</td> </tr> <tr> <td rowspan="4">90°</td> <td>6.4 m</td> <td>2.6 m</td> <td>4.9 m</td> </tr> <tr> <td>5.8 m</td> <td>2.8 m</td> <td>4.9 m</td> </tr> <tr> <td>5.2 m</td> <td>3.0 m</td> <td>4.9 m</td> </tr> <tr> <td>4.8 m</td> <td>3.2 m</td> <td>4.9 m</td> </tr> </tbody> </table>	Angle of car parking spaces to access way	Accessway width	Car space width	Car space length	Parallel	3.6 m	2.3 m	6.7 m	45°	3.5 m	2.6 m	4.9 m	60°	4.9 m	2.6 m	4.9 m	90°	6.4 m	2.6 m	4.9 m	5.8 m	2.8 m	4.9 m	5.2 m	3.0 m	4.9 m	4.8 m	3.2 m	4.9 m	<p>Car parking spaces are designed in accordance with Table 2.</p>	<p>Comply</p>
Angle of car parking spaces to access way	Accessway width	Car space width	Car space length																												
Parallel	3.6 m	2.3 m	6.7 m																												
45°	3.5 m	2.6 m	4.9 m																												
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	5.8 m	2.8 m	4.9 m																												
	5.2 m	3.0 m	4.9 m																												
	4.8 m	3.2 m	4.9 m																												
<p>2 A wall, fence, column, tree, tree guard or any other structure that abuts a car space must not encroach into the area marked 'clearance required' on Diagram 1 other than: A column, tree or tree guard, which may project into a space if it is within the area marked 'tree or column permitted' on Diagram 1 of the design standard A structure, which may project into the space if it is at least 2.1 metres above the space.</p> 	<p>Sufficient clearance (as illustrated in diagram 1) is provided to car parking spaces.</p>	<p>Comply</p>																													
<p>3 Car spaces in garages or carports must be at least 6 metres long and 3.5 metres wide for a single space and 5.5 metres wide for a double space measured inside the garage or carport.</p>	<p>No garages / carports are proposed.</p>	<p>N/A</p>																													
<p>4 Where parking spaces are provided in tandem (one space behind another) an additional 500mm in length must be provided between each space.</p>	<p>No tandem spaces are proposed.</p>	<p>N/A</p>																													
<p>5 Where two or more car parking spaces are provided for a dwelling, at least one space must be under cover.</p>	<p>No dwellings are proposed.</p>	<p>N/A</p>																													
<p>6 Disabled car parking spaces must be designed in accordance with AS 2890.6-2009 (disabled) and the Building Code of Australia. Disabled car parking spaces may encroach into an accessway width specified in Table 2 by 500mm.</p>	<p>Disabled car parking has been designed in accordance with AS2890.6-2022.</p>	<p>Comply</p>																													

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5.1.10.3 Design Standard 3 - Gradients

No areas of significant grading are proposed within the development.

5.1.10.4 Design Standard 4 - Mechanical Parking

No mechanical parking proposed as part of this development.

5.1.10.5 Design Standards 5-7

Design standards 5-7 do not form part of this assessment.

5.1.11 Conclusion - Car Park Design

The proposed car park and accessways have been assessed and determined to have satisfied the relevant design guidelines.

Accordingly, the proposal satisfies the purpose of Clause 52.06, specifically:

- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.





5.2 Clause 52.34 - Bicycle Facilities

5.2.1 Purpose

The purpose of Clause 52.34 is to encourage cycling as a mode of transport, and provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.

5.2.2 Provision Requirements - Clause 52.34.3

To satisfy the above purpose, Clause 52.34-3 of the Cardinia Shire Council Planning Scheme specifies the bicycle parking provision requirements for a variety of different uses within Table 1.

The statutory bicycle parking requirements for the proposed development is shown in Table 5.

Table 5 Bicycle Parking Requirements

Use	Yield	Rate		Statutory Requirement	
		Employee	Visitors	Employee	Visitor
Restricted Recreational Facility	2,033 sq.m NFA	1 per 4 employees	1 to each 200sqm of net floor area	2	10
Warehouse	23,943 sq.m NFA	<u>No parking rates are nominated for warehouse use</u>		0	0
Total	-	-	-	2	10

5.2.2.1 End of Trip Facilities: Shower / Change Rooms

Clause 52.34 requires that if 5 or more employee bicycle spaces are required, 1 shower should be provided for the first 5 employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter.

Based on this rate, the development does not trigger a requirement for shower / change room facilities.

5.2.3 Design Requirements

Bicycle spaces should:

- Provide a space for a bicycle of minimum dimensions of 1.7 metres in length, 1.2 metres in height and 0.7 metres in width at the handlebars.
- Be located to allow a bicycle to be ridden to within 30 metres of the bicycle parking space.
- Be located to provide convenient access from surrounding bicycle routes and main building entrances.
- Not interfere with reasonable access to doorways, loading areas, access covers, furniture, services and infrastructure.
- Not cause a hazard.
- Be adequately lit during periods of use.

5.2.4 Proposed Provision

The development plans shows **100 spaces for employees**, and **14 spaces for visitors**.

This provision meets the statutory requirements, and is therefore considered adequate.

5.2.5 Proposed Design

The bicycle spaces are to be provided in the form of vertical bicycle racks and proprietary bicycle hoops designed to satisfy the relevant standards.

5.2.6 Conclusion - Bicycle Parking

We can conclude that bicycle parking provided as part of this development satisfies the purpose of Clause 52.34, specifically:

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



5.3 Clause 65.01 - Approval of An Application or Plan

5.3.1 Loading Requirements and Objectives

To address the adequacy of loading for new developments, the Cardinia Shire Council Planning Scheme specifies the following:

- The responsible authority must consider, as appropriate, the adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

5.3.2 Adequacy of Proposed Loading Facilities

In response to the above, we note that each tenancy is designed with 1-2 at-grade RSDs, providing access to loading bays located internal to the warehouse building.

Swept paths prepared (and attached as Appendix A) illustrate that vehicles up to 12.5m are able to access each unit's internal loading bays.

5.3.3 Conclusion - Loading Arrangements

The proposed loading arrangements have been assessed and determined to have satisfied the relevant design guidelines / principles contained within Clause 65.01 and AS2890.2:2018.

Accordingly, it is considered that the proposal:

- Provides adequate vehicle loading and unloading facilities, which will not result in associated amenity, traffic flow and road safety impacts.



6 Traffic Considerations

6.1 Traffic Generation

Traffic survey data available to **Impact**[®] indicate that small format, multi-tenancy developments such as the proposed typically generate their peak AM and PM traffic volumes at the following rates:

- AM Peak **0.7 movements per 100 sq.m** gross floor area, noting:
 - 60% of vehicle movements being inbound and 40% of movements being outbound.
- PM Peak **0.8 movements per 100 sq.m** gross floor area, noting:
 - 40% of vehicle movements being inbound and 60% of movements being outbound.

Application of the above rates to the proposed 27,763 sq.m GFA development equates to the following anticipated traffic generation during the peak periods:

- AM Peak
 - 194 movements, comprised of:
 - 117 inbound; and
 - 77 outbound.
- PM Peak
 - 222 movements, comprised of:
 - 89 inbound; and
 - 133 outbound.

6.2 Traffic Impact

It is anticipated that the proposed development will generate up to 222 movements to / from the external road network during the peak periods, equating to approximately 4 vehicle movements every minute.

The anticipated increase of traffic is not expected to have any significant impact on the operations of the surrounding road network.



38°05'43.5"S
145°29'11.8"E

Mixed-Use Development: 28 Commercial Drive, Pakenham




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Waste Management Plan

17 December 2025
Prepared for TPC Group

IMP2310058WMP01F02


Impact

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Approved By [REDACTED]

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1 Introduction

1.1 Engagement

IMPACT[®] have been engaged by TPC Group to prepare a Waste Management Plan (WMP) for the proposed development at 28 Commercial Drive, Pakenham.

1.2 Scope of Engagement

This Waste Management Plan has been prepared to accompany a town planning submission.

In preparing this assessment we have referenced the following:

- Development plans prepared by Concept Y,
- Cardinia Shire Council Waste Services Policy,
- Sustainability Victoria's 'Waste Management and Recycling in Multi-Unit Developments Better Practice Guide'.

2 Existing Conditions

2.1 Location

The subject site is located on the north-eastern corner of Commercial Drive and Auto Way as illustrated in Figure 1 and Figure 2.

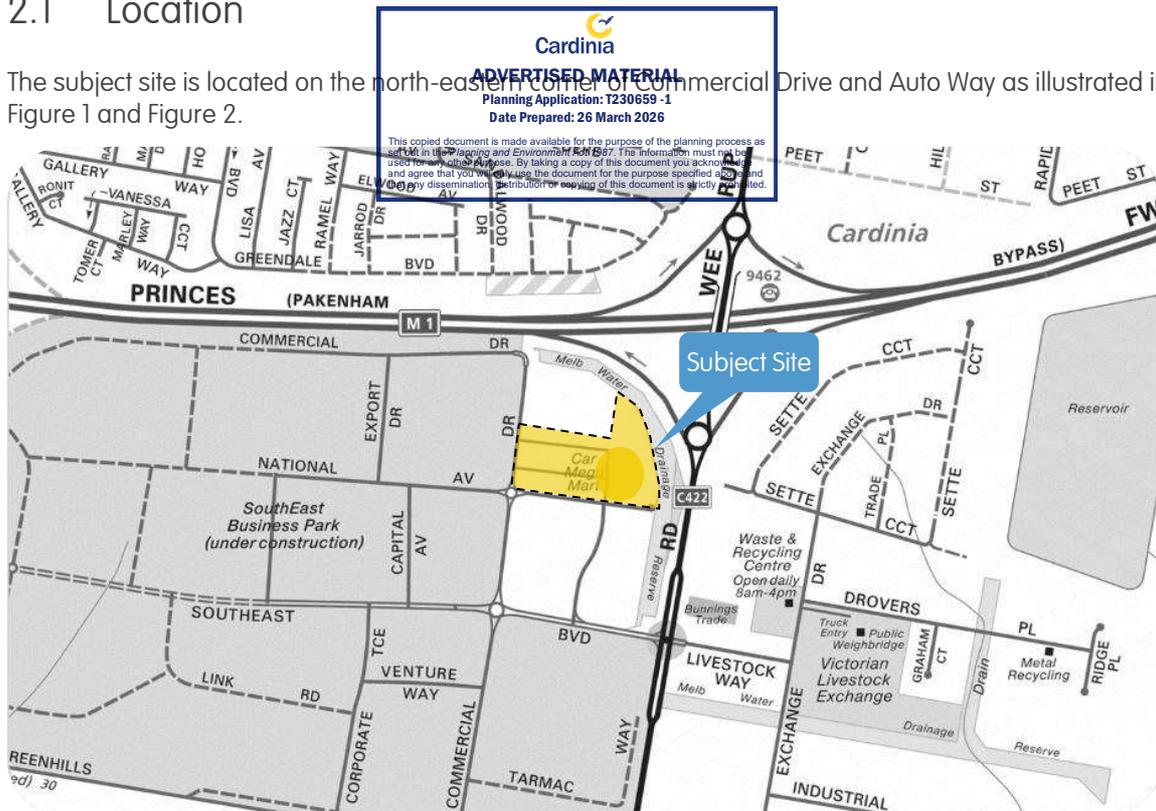


Figure 1 Location of Subject Site

The site is located within the Industrial 1 Zone (IN1Z), covering a total area of 53,768 sq.m. Uses surrounding the site are generally commercial in nature.



Figure 2 Aerial View of Subject Site

The site is irregular in shape. Land surrounding the subject site are primarily industrial in nature. Part of subject site is currently developed and is facilitating a number of car dealerships.

2.2 Planning Zone

The subject site is located within the Industrial Zone (IN12) as illustrated in Figure 3.

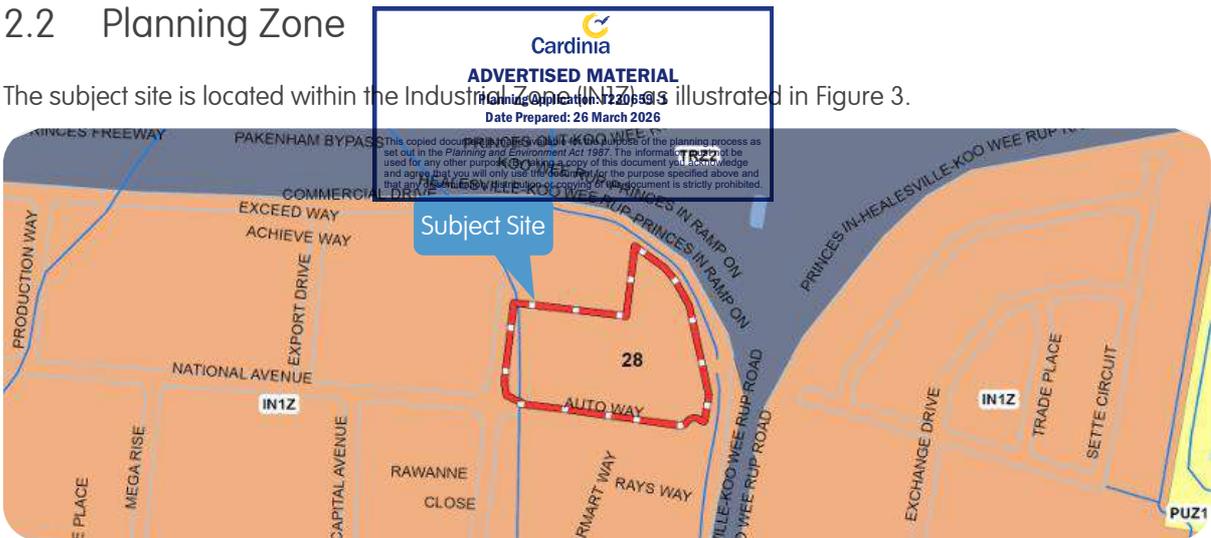


Figure 3 Land Use Planning Zone

The purpose of this zone is. In part, 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.

3 Development Proposition

3.1 Use and Yield

It is proposed to demolish the existing development and construct a mixed-use development with a total Gross Floor Area (GFA) of 27,763 sqm, consisting of 50 tenancies ranging from 120sqm to 2,040sqm GFA. A development summary providing the Ground Floor Area (GFA) for each tenancy is presented in Table 1.

Table 1 Development Summary

Tenancy	Warehouse Area (sqm)	Ancillary Office Floor Area (sqm)	Total Gross Floor Area (sqm)
1	1850	190	2,040
2	965	75	1,040
3	965	75	1,040
4	965	75	1,040
5	120	-	120
6	140	-	140
7	160	-	160
8	180	-	180
9	865	75	940
10	876	73	949
11	1,195	120	1,315
12	835	120	955
13	283	-	283
14	280	-	280
15	278	-	278
16	275	-	275
17	272	-	272
18	269	-	269
19	530	100	630
20	528	95	623
21	165	-	165
22	165	-	165
23	197	-	197
24	197	-	197
25	235	-	235
26	235	-	235
27	267	-	267
28	267	-	267
29	165	-	165
30	165	-	165
31	197	-	197
32	197	-	197

33	235	-	235
34	235	-	235
35	267	-	267
36	267	-	267
37	990	75	1,065
38	990	75	1,065
39	990	75	1,065
40	990	75	1,065
41	623	120	743
42	575	-	575
43	575	-	575
44	575	-	575
45	618	-	618
46	920	70	990
47	688	70	758
48	688	70	758
49	688	70	758
50	748	120	868
Total	25,945	1,818	27,763

Tenancy 1 is proposed to operate as a children's play centre (restricted recreation facility). The balance of the site will operate as traditional warehouse tenancies.



4 Objectives

The primary objective of this WMP is to:

- Identify all potential waste streams likely to be generated on site; and
- Provide a description of how waste is likely to be stored, handled, processed and disposed of, or reused and recycled.

This WMP seeks to establish principles by which the design, provision and maintenance of services and infrastructure that enable garbage, recycling, organics and bulky waste services to be operated at the development site in the best possible way in order to improve resource recovery and align with the principles of waste hierarchy.



5 Waste Generation

5.1 Warehouse

To estimate the likely waste generated for garbage and recycling, reference is made to Sustainability Victoria's 'Multi-unit and Commercial Development Waste and Recycling Generation Rates Calculator'.

The above guide suggests that warehouse tenancies generate waste as detailed as follows:

- Warehouse Garbage: 10 L / 100 sq.m / day
- Warehouse Recycling: 10 L / 100 sq.m / day

Application of the above rates to the proposed development yields the following volume of waste as shown in Table 2.

Table 2 Weekly Warehouse Waste Generation

Use	Floor Area (sq.m)	Garbage (L)	Recycling (L)
Warehouse	25,723	18,006	18,006

5.2 Restricted Recreation Facility (Children's Play Centre)

Play Area

For the purposes of garbage and commingled recycling, the restricted recreation facility components of the development are expected to typically generate waste at rates comparable to a standard gym development.

Therefore, adopting the prescribed generation rate for 'gym' uses in this instance, the proposed restricted recreational facility components are expected to generate waste at the following rates:

- Garbage: 10 L / 100 sq.m floor area / day; and
- Commingled Recycling: 10 L / 100 sq.m floor area / day.

Cafe

It is expected that the restricted recreation facility will accommodate a small cafe component within the tenancy. For the purposes of this assessment, it is assumed that the internal cafe component will make up approximately 200 sq.m of the tenancy.

Adopting the prescribed generation rate for 'cafe' uses from Sustainability Victoria's guidelines, the cafe is expected to generate waste at the following rates:

- Garbage: 300 L / 100 sq.m floor area / day; and
- Commingled Recycling: 200 L / 100 sq.m floor area / day.

In addition to the above, we note that the City of Melbourne's "Guidelines for Waste Management Plans 2021" provides a further breakdown of waste generation rates, splitting commercial garbage into separated garbage and organic waste streams.

The following rates are prescribed within the City of Melbourne's guidelines:

- Garbage: 300 L / 100 sq.m floor area / day; comprised of:
 - Garbage: 240 L / 100 sq.m floor area / day; and
 - Organics: 60 L / 100 sq.m floor area / day.
- Commingled Recycling: 200 L / 100 sq.m floor area / day.

Application of the above rates to the proposed development yields the following volume of waste as shown in Table 3.

Table 3 Weekly Restricted Recreation Facility Waste Generation

Use	Floor Area (sq.m)	Garbage (L)	Recycling (L)	Organics (L)
Play Area (Gym)	1,840	1,288	1,288	-
Cafe	200	3,360	2,800	840
Total		4,648	4,088	840



ADVERTISED MATERIAL
 Planning Application: T230659 -1
 Date Prepared: 26 March 2026

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6 Equipment and Systems

6.1 Bins

A Private Contractor will be engaged to manage the collection, storage and disposal of garbage and recycling.

To reduce the number of bins required, it is recommended that 1,700L, 770L, 660 L, 240 L, 120 L, or 660L MGB bins be used where appropriate. The approximate dimensions for proposed bins are provided in Table 4 and are derived from Sulo MGB Australia Pty.

Bin colours should be adopted from options provided in AS4123.7 and labelled accordingly to identify the waste generator and site address.

As private collection is proposed, Council's minimum waste service charge will apply.

Table 4 Bin Dimensions

Bin Size	Height	Depth	Width
1,700L MGB	1,470 mm	1,250 mm	1,770 mm
770L MGB	1,425 mm	1,100 mm	1,370 mm
660 L MGB	1,235 mm	765 mm	1,360 mm
240L MGB	1,080 mm	735 mm	580 mm
140 L MGB	1,065 mm	540 mm	485 mm
120 L MGB	940 mm	560 mm	485 mm

For either waste stream, warehouses will be allocated either a 1,700L, 770L, 660 L, 240 L, 120 L, or 660L mobile garbage bin (MGB) depending on the waste generation.

The proposed bin allocation for each tenancy is detailed in Table 5 below.

Table 5 Waste Generation and Bin Allocations

Tenancy	Use	GFA (sq.m)	Waste Generation (L / week)	Recycling Generation (L / week)	Organics Generation (L / week)	Waste Bins	Recycling Bins	Organics Bins
1	Restricted Recreation Facility	2,040	4,648	4,088	840	1x 3,000 L Skip	1x 3,000 L Skip	2 x 240 L MGB
2	Warehouse	1,040	728	728	-	1x 770 L MGB	1x 770 L MGB	-
3	Warehouse	1,040	728	728	-	1x 770 L MGB	1x 770 L MGB	-
4	Warehouse	1,040	728	728	-	1x 770 L MGB	1x 770 L MGB	-
5	Warehouse	120	84	84	-	1x 120 L MGB	1x 120 L MGB	-
6	Warehouse	140	98	98	-	1x 120 L MGB	1x 120 L MGB	-

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Tenancy	Use	GFA (sq.m)	Waste Generation (L / week)	Recycling Generation (L / week)	Organics Generation (L / week)	Waste Bins	Recycling Bins	Organics Bins
7	Warehouse	160	112	112	-	1x 120 L MGB	1x 120 L MGB	-
8	Warehouse	180	126	126	-	1x 140 L MGB	1x 140 L MGB	-
9	Warehouse	940	658	658	-	1x 660 L MGB	1x 660 L MGB	-
10	Warehouse	949	664	664	-	1x 660 L MGB	1x 660 L MGB	-
11	Warehouse	1,315	921	921	-	1x 1,100 L MGB	1x 1,100 L MGB	-
12	Warehouse	955	669	669	-	1x 660 L MGB	1x 660 L MGB	-
13	Warehouse	283	198	198	-	1x 240 L MGB	1x 240 L MGB	-
14	Warehouse	280	196	196	-	1x 240 L MGB	1x 240 L MGB	-
15	Warehouse	278	195	195	-	1x 240 L MGB	1x 240 L MGB	-
16	Warehouse	275	193	193	-	1x 240 L MGB	1x 240 L MGB	-
17	Warehouse	272	190	190	-	1x 240 L MGB	1x 240 L MGB	-
18	Warehouse	269	188	188	-	1x 240 L MGB	1x 240 L MGB	-
19	Warehouse	630	441	441	-	1x 660 L MGB	1x 660 L MGB	-
20	Warehouse	623	436	436	-	1x 660 L MGB	1x 660 L MGB	-
21	Warehouse	165	116	116	-	1x 140 L MGB	1x 140 L MGB	-
22	Warehouse	165	116	116	-	1x 140 L MGB	1x 140 L MGB	-
23	Warehouse	197	138	138	-	1x 140 L MGB	1x 140 L MGB	-
24	Warehouse	197	138	138	-	1x 140 L MGB	1x 140 L MGB	-
25	Warehouse	235	165	165	-	1x 240 L MGB	1x 240 L MGB	-
26	Warehouse	235	165	165	-	1x 240 L MGB	1x 240 L MGB	-
27	Warehouse	267	187	187	-	1x 240 L MGB	1x 240 L MGB	-
28	Warehouse	267	187	187	-	1x 240 L MGB	1x 240 L MGB	-
29	Warehouse	165	116	116	-	1x 140 L MGB	1x 140 L MGB	-

Tenancy	Use	GFA (sq.m)	Waste Generation (L / week)	Recycling Generation (L / week)	Organics Generation (L / week)	Waste Bins	Recycling Bins	Organics Bins
30	Warehouse	165	116	116	-	1x 140 L MGB	1x 140 L MGB	-
31	Warehouse	197	138	138	-	1x 140 L MGB	1x 140 L MGB	-
32	Warehouse	197	138	138	-	1x 140 L MGB	1x 140 L MGB	-
33	Warehouse	235	165	165	-	1x 240 L MGB	1x 240 L MGB	-
34	Warehouse	235	165	165	-	1x 240 L MGB	1x 240 L MGB	-
35	Warehouse	267	187	187	-	1x 240 L MGB	1x 240 L MGB	-
36	Warehouse	267	187	187	-	1x 240 L MGB	1x 240 L MGB	-
37	Warehouse	1,065	746	746	-	1x 770 L MGB	1x 770 L MGB	-
38	Warehouse	1,065	746	746	-	1x 770 L MGB	1x 770 L MGB	-
39	Warehouse	1,065	746	746	-	1x 770 L MGB	1x 770 L MGB	-
40	Warehouse	1,065	746	746	-	1x 770 L MGB	1x 770 L MGB	-
41	Warehouse	743	520	520	-	1x 660 L MGB	1x 660 L MGB	-
42	Warehouse	575	403	403	-	1x 660 L MGB	1x 660 L MGB	-
43	Warehouse	575	403	403	-	1x 660 L MGB	1x 660 L MGB	-
44	Warehouse	575	403	403	-	1x 660 L MGB	1x 660 L MGB	-
45	Warehouse	618	433	433	-	1x 660 L MGB	1x 660 L MGB	-
46	Warehouse	990	693	693	-	1x 770 L MGB	1x 770 L MGB	-
47	Warehouse	758	531	531	-	1x 660 L MGB	1x 660 L MGB	-
48	Warehouse	758	531	531	-	1x 660 L MGB	1x 660 L MGB	-
49	Warehouse	758	531	531	-	1x 660 L MGB	1x 660 L MGB	-
50	Warehouse	868	608	608	-	1x 660 L MGB	1x 660 L MGB	-

6.2 Location

Each tenancy will contain a dedicated bin storage area within their respective building to store garbage and recycling bins.

6.3 Collection Frequency

It is proposed for tenancy 1 to have its waste collected twice per week.

The remaining tenancies within the development are to have both its waste and recycling waste collected once per week.

6.4 Collection Arrangements

6.4.1 Waste Disposal

Garbage shall be placed within tied plastic bags prior to being transferred to the designated waste bins.

Cardboard shall be flattened and recycling containers un-capped, drained, and rinsed prior to disposal into the appropriate bin. It is noted that bagged recycling is not permitted.

6.4.2 Waste Collection

Waste shall be collected within the development, with a private waste collection contractor engaged.

All warehouse tenants will be required to place their respective bins within the light duty paving area adjacent their tenancy for collection by the waste collection vehicle. It is recommended that tenants place their bins to the nominated collection points the night before collection day to avoid amenity impacts.

The waste collection vehicle shall enter the site in a forward direction from either Auto way or Commercial Drive and circulate the site to collect each tenancy's bins. Upon completion of collection, the waste collection vehicle will then exit the site in a forward direction to either Auto Way or Commercial Drive.

A swept path analysis, provided as Appendix A confirms that the development plans make adequate provision for the safe and convenient manoeuvring of a 12.5 metre rigid vehicle.

6.5 Amenity Management

6.5.1 Washing, Ventilation and Vermin-Prevention Measures

Each tenant shall maintain, wash, sanitise/deodorise and arrange vermin prevention measures for their bin area as required.

6.5.2 Noise Reduction Measures

Tenants will be required to wheel their bins out for collection the night before collection day to avoid amenity impacts. The collection bins will also have rubber wheels for quiet rolling during transfers.

The hours of waste collections shall be as specified in Council's local laws and / or in accordance with the Victorian EPA Noise Control Guideline, which sets out the following requirements:

- Collection occurring once a week should be restricted to the hours: 6am to 6pm Monday to Saturday.
- Collections occurring more than once a week should be restricted to the hours: 7am to 6pm Monday to Saturday.
- Compaction should only be carried out while on the move.
- Bottles should not be broken up at the point of collection.
- Routes which service entirely residential areas should be altered regularly to reduce early morning disturbance.
- Noisy verbal communication between operators should be avoided where possible

6.5.3 Stormwater Pollution Prevention

To prevent stormwater pollution, each tenant will be required to:

- Ensure all waste is disposed into bins;
- Ensure rubbish and recycling items are secured so they can't blow away;
- Keep bins closed to prevent animals from searching through waste; and
- Make sure any bin spillage is cleaned up using dry absorbent materials (such as sand, sawdust or paper towel, as required).

6.5.4 Other Waste Streams

6.5.4.1 Hard Waste

It is expected that the tenants will arrange for the disposal of hard waste, chemical waste and miscellaneous waste streams (as required) with a private contractor for an agreed cost.

6.5.4.2 E-Waste

Any e-waste (mobile phones, computers, household appliances, etc) is expected to be recycled at allocating drop off points in the locality.

E-waste drop-off points include:

- Beaconsfield Home Timber and Hardware;
- Bunyip Rural Supplies; and
- Libraries and Community Hubs

6.5.4.3 Garden Waste

The tenants shall engage a private contractor to maintain all landscaped areas. The appointed contractor will be directly responsible for the same-day disposal of any green waste.



6.6 Contact Information

6.6.1 Council

Cardinia Shire Council Local Council ph 1300 787 624

6.6.2 Suppliers / Contractors

iDump: Private Waste Collector ph 1300 443 867

Kartaway Private Waste Collector ph 1300 362 362

Waste Wise Environmental Private Waste Collector ph 03 9359 1555

Sulo MGB Australia Bin supplier ph 1300 364 388

6.6.3 Other Useful Contacts

Sustainability Victoria ph 1300 363 744

Online: www.sustainability.vic.gov.au

Eco Waste Recycle Centre & Transfer Station

Online: www.ecowasterecycling.com.au

Cleanaway

Online: www.cleanaway.com.au



7 Limitations

This Waste Management Plan is intended to inform and accompany a town planning application.

The waste generation data presented in this report are estimates only based on the existing operations. Actual waste generation characteristics could vary month to month depending on demand and productivity. Accordingly, it is our expectation that the Building Manager / Site Operator will adjust the recommended strategy to respond to actual operational conditions post development. These adjustments could include, but are not limited to increasing the number of bins and or increasing the collection frequency - Subject to Council Approval.

To this end, Subject to Council request, changes in legal requirements, changes in the development's needs and / or waste patterns (waste composition, volume or distribution), or to address unforeseen operation issues, the operator shall be responsible for coordinating the necessary Waste Management Plan revisions, including (if required):

- A waste audit and new waste strategy;
- Revision of the waste systems (bin sizes / quantity / streams / collection frequency);
- Re-education of tenants;
- Revision of the services provided by the waste collector(s); and
- Any necessary statutory approval(s).

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

Page 1 of 1

VOLUME 11477 FOLIO 431

Security no : 124130905735L
Produced 19/12/2025 10:26 AM

LAND DESCRIPTION

Lot 2 on Plan of Subdivision 720773B.
PARENT TITLE Volume 11436 Folio 043
Created by instrument PS720773B 12/03/2014

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor

AV5120051 08/02/2022

ENCUMBRANCES, CAVEATS AND NOTICES

COVENANT AK541924U 21/08/2013

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
AF690981Q 03/03/2008

NOTICE Section 45 Melbourne Strategic Assessment (Environment Mitigation Levy) 2020
AT390538K 01/07/2020

DIAGRAM LOCATION

SEE PS720773B FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

DOCUMENT END

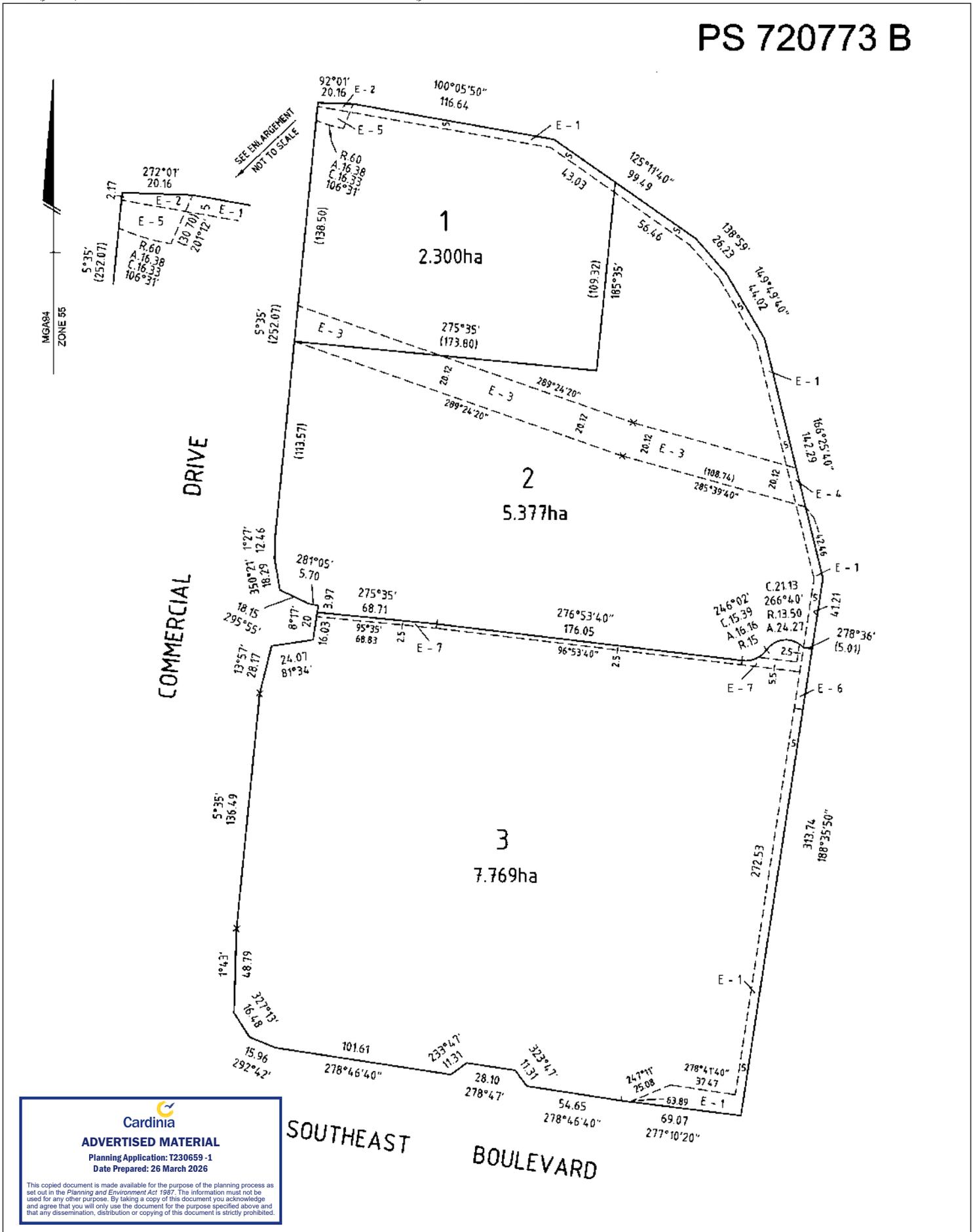


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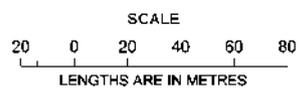
PS 720773 B



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NOBELIUS LAND SURVEYORS
 P.O. BOX 461
 PAKENHAM 3810
 Ph 03 5941 4112
 Fax 03 5941 7359
 rob@nobelius.com.au



ORIGINAL SCALE
 1 : 2000

Sheet 2
 ORIGINAL SHEET SIZE A3

DIGITALLY SIGNED BY LICENSED SURVEYOR: B. S. NOBELIUS

REF: 11,487 VERSION C

AK541924U

TRANSFER OF LAND

Section 45 Transfer of Land Act 1958

Lodged by: National Australia Bank SE
Name:
Phone: 406664648.1.1
Address: TN 3089.683
Ref:
Customer Code:

Privacy Collection Statement

The information from this form is collected under statutory authority and is used for the purpose of maintaining publicly searchable registers and indexes in the Victorian Land Registry.

MADE AVAILABLE/CHANGE CONTROL

Office Use Only

The transferor at the direction of the directing party (if any) transfers to the transferee the estate and interest specified in the land described for the direction expressed-

- together with any easements created by this transfer;
- subject to the encumbrances affecting the land including any created by dealings lodged for registration before the lodging of this transfer; and
- subject to any easements reserved by this transfer or restrictive covenant contained or covenant created pursuant to statute and included in this transfer.

Land:

Volume 11436 Folio 043

Estate and Interest:

All my estate in fee simple

Consideration:

\$9,020,000.00

Transferor:

Leamac Enterprises Pty Ltd ACN 123 723 222

Transferee:

Carmega Properties Pty Ltd ACN 164 678 184 of 9 Embrey Court, Pakenham 3810

Directing Party:

nil

Creation and/or Reservation of easement and/or Covenant

Dated: 7/08/2013

"The Transferee with the intent of binding the owner for the time being of the land in this transfer ("the land") COVENANTS with the Transferor and each of the owners of the land in Plan of Subdivision No. 711377L (apart from the land) that the Transferee will not:

- (a) Erect or permit or suffer any building or buildings to be erected or to remain on the land hereby transferred unless:
 - I. Erection of the building or buildings are commenced within three (3) years of the date of registration of Plan of Subdivision No. 711377L and completed within twelve (12) months following commencement or such latter date as may be approved in writing by SouthEast Business Park Pty Ltd;

Approval No. 16001211A

ORDER TO REGISTER

STAMP DUTY USE ONLY

Please register and issue title to

T2

Page 1 of 4



Anstat Pty Ltd

Signed Cardinia Cust.
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Land Registry, 570 Bourke Street, Melbourne 3000. Phone 03 8636 2010

AK541924U

- II. The plans and specifications of the said building or buildings including landscaping plans have been approved in writing by SouthEast Business Park Pty Ltd; and
- III. The said building or buildings and landscaping plans and specifications are in conformity with the SouthEast Business Park Design Guidelines.
- (b) Use or permit or suffer any part of the land hereby transferred to be used for purposes of a bank, café/take-away food premises, restaurant, motor vehicle repairs and panel-beating as defined in the Cardinia Planning Scheme without prior written consent of SouthEast Business Park Pty Ltd which consent shall be given or denied at the absolute discretion of SouthEast Business Park Pty Ltd.
- (c) Cause a plan of subdivision affecting the land hereby transferred (without prior written approval from SouthEast Business Park Pty Ltd) to be lodged with the Registrar of Titles for approval.
- (d) Erect or cause to be erected on the land hereby transferred any building other than a building of which one hundred percent (100%) of the wall area (save for the provision of windows and doors) of the front wall and any side wall fronting a road is constructed of brick or block masonry or concrete with applied paint or aggregate finish or such other materials and finish as may be approved by SouthEast Business Park Pty Ltd.
- (e) Erect or cause to be erected on the land hereby transferred any building other than a building of which the whole (save for the provision of window and doors) of any wall not facing any street or road is constructed up to a height of 2.1 metres above ground level of brick, masonry or such other materials as may be approved in writing by SouthEast Business Park Pty Ltd.
- (f) Use or permit to be used for the purposes of external walls (including doors) on any building or buildings any cladding material unless the same is finished with durable paint or permanent colour surface;
- (g) Suffer or store or permit goods, materials, containers or any other commodities or any tank, plant and machinery or rubbish to be stored or placed outside any building erected on the land hereby transferred unless they are substantially screen from view from the road frontage and from any secondary road by a wall of at least 2.5 metres in height or by other means approved by SouthEast Business Park Pty Ltd.
- (h)
 - I. Use or permit or suffer that part of the land hereby transferred situated within any setback area required pursuant to the provisions of the Cardinia Planning Scheme (hereinafter called "the landscaped area") to be used otherwise than for the purpose of a maintained landscaped garden or for the purpose of access to any building on the land hereby transferred; and
 - II. Develop or permit or suffer the landscaped area to be developed as a landscaped garden or for the purpose of access of any building erected on the land hereby transferred unless and until the plans and specifications for the landscaped area have been approved in writing by SouthEast Business Park Pty Ltd which approval is not to be unreasonably withheld;
- (i) Use or permit or suffer any part of the land hereby transferred to be used for the purpose of a motor vehicle wrecking or junk/scrap metal yard or container storage or recycling facility.
- (j) Erect or cause to be erected any front or side fence forward of the Landscape Set-back referred to below without the prior written consent of SouthEast Business Park Pty Ltd.

Approval No. 16001211A

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Landscape Set-back

Street Frontage	No service Road Min distance (m)	Service Road
Koo Wee Rup Road	3	3
SouthEast Blvd	3	N/A
Greenhills	3	3
McGregor	3	3
All other roads	3	N/A

- (k) Erect or cause to be erected any fence constructed of a material other than coated chain or mesh, steel pickets or materials to match the walls of the Building where that fence faces the road frontage or a secondary road, without the prior written consent of SouthEast Business Park Pty Ltd.
- (l) Erect or cause to be erected any side and rear boundary fence not facing a road other than in industrial chain mesh with a minimum height of 2.1m and a maximum height of 2.5m, without the prior written consent of SouthEast Business Park Pty Ltd.
- (m) Erect or cause to be erected on the land before any building is erected on the land any sign or hoarding advertising the land for sale other than a sign approved by SouthEast Business Park Pty Ltd for a period of four (4) years from registration of Plan of Subdivision No. 711377L.
- (n) Erect or cause to be erected on the land any Building unless the Building includes a Rainwater Tank with a minimum storage capacity of not less than 5000 litres, and which is plumbed or connected to the Buildings Toilet facilities.

Covenants in Clauses (a) (b) and (c) above shall cease to operate 10 years after registration of Plan of Subdivision No 711377L.

"AND IT IS AGREED that the benefit each of these covenants runs with the land in Plan of Subdivision No. 711377L (apart from the Land) and that the burden runs with the Land".

Executed by Leamac Enterprises Pty Ltd (ACN 123 723 222)
by being signed by those persons who are authorised to sign for the Company




Cardinia

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Approval No. 16001211A

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Land Registry, 570 Bourke Street, Melbourne 3000. Phone 03 8636 2010

DATED

27 FEBRUARY 2008

BETWEEN:

CARDINIA SHIRE COUNCIL

and

ROADS CORPORATION

and

SOUTHEAST BUSINESS PARK PTY LTD
ACN 106 055 056

AF690981Q



AGREEMENT UNDER SECTION 173
OF THE PLANNING AND ENVIRONMENT ACT 1987



GARLAND HAWTHORN BRAHE
Lawyers
Level 20
31 Queen Street
MELBOURNE VIC 3000
Tel:9629 5551
DX:327
Ref: AJG:sta:608193

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THIS AGREEMENT UNDER SECTION 173 OF THE PLANNING AND ENVIRONMENT ACT

1987 is made the **27th** day of **FEBRUARY** 2008.

AF690981Q

BETWEEN:



CARDINIA SHIRE COUNCIL of Municipal Offices, Henty Way,
Pakenham, Victoria, 3810

AND

ROADS CORPORATION
of 60 Denmark Street, Kew, Victoria, 3101

Cardinia **(Council)**

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(VicRoads)

AND

SOUTHEAST BUSINESS PARK PTY LTD (ACN 106 055 056)
of Suite 101, 12-14 Cato Street, Hawthorn East, Victoria, 3123

(SEBP)

INTRODUCTION:

- A. The Council is the Responsible Authority pursuant to the Act for the Scheme.
- B. The Council is as at the date of this Agreement the registered proprietor of the subject land, and has agreed to execute this Agreement in both its capacities.
- C. SEBP is the assignee from Parklea Pty Ltd ACN 005 736 256 and Shebyl Pty Ltd ACN 006 280 959 of their interests as developer under a development agreement with the Council dated 7 May 2003 (Development Agreement) for development of the subject land.
- D. The Permit was issued by the Council on 26 April 2006 permitting the Proposed Development subject to conditions, including a condition that the holder of the Permit enter into an agreement with the Council and VicRoads under Section 173 of the Act. The parties agreed to amend the Permit to include a further condition that the holder of the Permit also enter into an agreement with VicRoads to secure payment to VicRoads of the cost of identified road works.
- E. SEBP and the Council as Owner have agreed to limit the amount of compensation that they may seek from VicRoads in relation to any acquisition by VicRoads of certain lands specified in this Agreement to the amount determined by reference to this Agreement.



F. The parties have agreed that the closure of any access of any road within the subject land to Healesville-Koo Wee Rup Road or any upgrade thereof to freeway standard shall not give rise to any right to compensation against VicRoads pursuant to the provisions of the *Planning and Environment Act 1987* or the *Land Acquisition and Compensation Act 1986* or any amendment of either of them. In that regard the Owner has further agreed and acknowledged that alternative access to the subject land shall at all times be adequate existing alternative access to the subject land for the purposes of section 127 of the *Road Management Act 2004*.

THE PARTIES AGREE:


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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 **approved** means approved by Council.
- 1.4 **Business Day** means Monday to Friday excluding public holidays in Victoria.
- 1.5 **Council** means the Council being the Responsible Authority for the administration and enforcement of the Scheme.
- 1.6 **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 subject land or any part of it under the provisions of the *Transfer of Land Act 1958* which at the date of this Agreement is the Council.


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- 1.7 **Permit** means Permit T050636 of the Council.
- 1.8 **Proposed Development** means the development and subdivision of the subject land as permitted by the Permit in the manner shown on Plan of Subdivision 537513A a copy of which is attached.
- 1.9 **Scheme** means the Cardinia Planning Scheme.
- 1.10 **subject land** means Lots 1, 2 and 5 on Plan of Subdivision No. 142486 being the land more particularly described in Certificates of Title Volume 9512 Folios 804, 805, 808 and Lots 1 and 2 on Title Plan No. 162540W being the land more particularly described in Certificate of Title Volume 9105 Folio 367 or any part thereof.
- 1.11 **Termination Date** means the date upon which this Agreement shall end in accordance with Section 177 of the Act namely the date upon which Council, with VicRoads' prior written consent, reasonably determines and notifies the Owner in writing that the Owner has complied with all of its obligations under this Agreement or the date upon which Council, with VicRoads' prior written consent, notifies the Owner in writing that Council no longer requires the Owner to perform such obligations.
- 1.12 **VicRoads** means Roads Corporation established under Section 15 of the *Transport Act 1983* and includes its successors.

2. INTERPRETATION

In this Agreement, unless expressed or necessarily implied to the contrary—

- 2.1 undefined terms or words have the meanings given in the Act or the Scheme;

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- 2.2 the singular includes the plural and the plural includes the singular;
- 2.3 a reference to a gender includes a reference to any other gender;
- 2.4 a reference to a person includes a reference to a firm, corporation or other corporate body;
- 2.5 if a party consists of more than one person, this Agreement binds them jointly and each of them severally;
- 2.6 a reference to a "planning scheme" or "the Scheme" includes any amendment, consolidation, or replacement of such scheme and any document incorporated by reference into such scheme;
- 2.7 a reference to a statute includes any statute amending, consolidating or replacing that statute and any regulation made under the statute;
- 2.8 where in this Agreement Council or VicRoads may exercise any power duty or function, that power duty or function may be exercised on behalf of Council or VicRoads respectively by an authorised or delegated officer;
- 2.9 all headings form part of this Agreement;
- 2.10 the Introduction to this Agreement forms part of this Agreement.

3. AGREEMENT UNDER SECTION 173 OF THE ACT

- 3.1 The Council, the Council as owner of the subject land, VicRoads and SEBP agree that this Agreement is made pursuant to Section 173 of the Act.

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3.2 Upon execution by the Council, the Council as owner of the subject land and SEBP of this Agreement and every party of each other agreement referred to in the Permit, VicRoads consents to the Proposed Development in accordance with the Permit.



4. EFFECT OF AGREEMENT

It is agreed that—

- 4.1 This Agreement is effective from the date of this Agreement.
- 4.2 The Owner’s use and development of the subject land is subject to the conditions and obligations set out in this Agreement and the Permit which are intended to achieve or advance the objectives of the Scheme.
- 4.3 The Owner’s obligations will take effect as separate and several covenants which will be annexed to and run at law and equity with the subject land to bind the Owner and each successor, assignee or transferee of the Owner including the registered proprietor, any mortgagee in possession and the beneficial owner for the time being of the subject land.

5. OWNER’S WARRANTIES

Without limiting the operation or effect of this Agreement, the Owner warrants that—

- 5.1 except for the Owner, no other person has any interest either legal or equitable in the subject land which may be affected by this Agreement or the development or use of the subject land pursuant to the Scheme or any permit or approved plan under the Scheme; and
- 5.2 the Owner has obtained all necessary authorities and consents to bind all



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persons who have any interest either legal or equitable in the subject land.

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6. SUCCESSORS IN TITLE

Without limiting the operation or effect of this Agreement, the Owner warrants that, until this Agreement is recorded on the folios of the register which relate to the subject land, the Owner and the Owner's successors in title will—

- 6.1 give effect to, do all acts and sign all documents requiring those successors to give effect to this Agreement; and
- 6.2 execute a deed agreeing to be bound by this Agreement.

7. COVENANTS OF VICROADS

VicRoads covenants and agrees that the closure of any access of any road within the subject land to Healesville-Koo Wee Rup Road or any upgrade thereof to freeway standard, when required by VicRoads, shall not—

- (i) be on less than 12 months' notice;
- (ii) occur before 1 February 2022;
- (iii) be prior to an upgrade of the intersection of Healesville-Koo-Wee-Rup Road and Greenhills Road, such that the intersection can accommodate traffic predicted to be diverted as a result of any such road closures, to the satisfaction of VicRoads and Council.

8. COVENANTS OF OWNER

The Owner covenants and agrees that—

- 8.1 Compensation for any compulsory acquisition of land necessary to implement

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the upgrade of Healesville-Koo Wee Rup Road to freeway standard shall be the lesser of—

8.1.1 compensation which would have been payable if the temporary access had not been allowed and no access to the subject land permitted at Healesville-Koo Wee Rup Road; and

8.1.2 compensation which would be payable in accordance with the provisions of the *Land Acquisition and Compensation Act 1986*.

8.2 Subsequent to the registration of the Plan of Subdivision for the Proposed Development, the Owner shall forthwith deliver the original Certificates of Title that issue in the name of Roads Corporation to “VicRoads – Property Services Department, 60 Denmark Street, KEW, 3101”.

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9. FURTHER OBLIGATIONS OF OWNER AND SEBP

The Owner further covenants and agrees and SEBP covenants and agrees that they jointly and severally—

9.1 Notice

will bring this Agreement to the attention of all prospective purchasers, mortgagees, transferees and assigns and any other person with an interest in the subject land;

9.2 Compliance

will—

9.2.1 comply with the requirements of all statutory authorities in relation to the development of the subject land;

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9.2.2 comply with all statutes, regulations, local laws and planning controls in relation to the subject land; and

9.2.3 take all necessary steps to comply with the obligations of each Clause in this Agreement;

9.3 Registration

will—

9.3.1 consent to Council making an Application to the Registrar of Titles to make a recording of this Agreement in the Register on the folios of the Register which relate to the subject land in accordance with Section 181 of the Act; and

9.3.2 do all acts matters and things necessary to enable the Council to do so including signing any further agreement, acknowledgement or document or procuring the consent to this Agreement of any mortgagee caveator or other person to enable the recording to be made in the Register under that Section;

9.4 Mortgagee to be Bound

will obtain the consent of any mortgagee to be bound by the covenants in this Agreement if the mortgagee becomes mortgagee in possession of the subject land;

9.5 Assignee to be Bound

will obtain execution by each and every assignee of any right or obligation in relation to the subject land or this Agreement of an agreement in terms equivalent to this Agreement.

9.6 Proportion of VicRoads' Costs to be Paid



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will immediately pay to VicRoads on demand fifty percent of VicRoads' reasonable costs and expenses (including legal expenses on a solicitor-client basis) of and incidental to the preparation, execution and registration of this Agreement and the enforcement of this Agreement which (until paid) shall remain a charge on the subject land;

9.7 Indemnity

hereby indemnify and keep indemnified each of the Council and VicRoads, their officers, employees, agents, workmen and contractors from and against all costs, expenses, losses or damages which they or any of them may sustain incur or suffer or be or become liable for or in respect of any suit action proceeding judgment or claim brought by any person arising from or referable to this Agreement or any non-compliance with this Agreement;

9.8 Non-Compliance

if the Owner or SEBP has not complied with this Agreement within 14 days after service of a notice by Council or VicRoads ("the notifying party") specifying any non-compliance, will do the following:

- 9.8.1 allow the notifying party, its officers, employees, contractors or agents to enter the subject land and rectify the non-compliance;
- 9.8.2 pay to the notifying party on demand, the notifying party's reasonable costs and expenses (including legal expenses on a solicitor-client basis) incurred as a result of the non-compliance which (until paid) shall be and shall remain a charge on the subject land;
- 9.8.3 pay interest at the rate prescribed under the *Penalty Interest Rates Act 1983* on all moneys outstanding under this Agreement until they are paid in full;

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and the Owner and SEBP further agree—

9.8.4 to accept a certificate signed by the Chief Executive Officer (or the nominee of the Chief Executive Officer) of the notifying party as prima facie evidence of the costs and expenses incurred by the notifying party in rectifying a non-complying party's non-compliance with this Agreement; and

9.8.5 that any payments made for the purposes of this Agreement are appropriated first in payment of any interest and any unpaid costs and expenses of the notifying party and then applied in repayment of the principal sum;

10. VICROADS' WORKS

Subject to Clauses 7, 8 and 9, VicRoads shall at its discretion undertake works for the closure of South East Boulevard when required. VicRoads shall be responsible for undertaking such works and for their cost. The Owner will allow VicRoads, its officers, employees, contractors and agents or any of them to enter the subject land (at any reasonable time) to undertake such works.

11. DISPUTE RESOLUTION

11.1 If a dispute between any two or more parties to this Agreement arises out of or in any way connected with this Agreement, either or any party in such dispute may deliver by hand or send by certified mail to each other party a notice of dispute ("Notice of Dispute") which must—

11.1.1 identify and provide adequate details of the dispute so as to enable each other party to fully understand the nature of the dispute; and

11.1.2 designate as a party's representative in negotiations a person with authority



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to settle the dispute.

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- 11.2 Within 5 Business Days after a party receives a Notice of Dispute under this Clause 9 it must give a notice to the other party designating its representative who will have authority to settle the dispute.
- 11.3 The designated representatives under Clauses 10.1 and 10.2 will have 10 Business Days from the date of the Notice of Dispute within which to negotiate a resolution of the dispute.
- 11.4 The parties will ensure that the designated representatives use their best endeavours to settle the dispute by negotiation within that period.
- 11.5 In the event that the persons negotiating pursuant to Clause 11.3 cannot resolve the dispute within the period mentioned, any party in dispute may give notice of particulars of such dispute to each other party and require that such dispute be resolved by an expert acceptable to all parties.
- 11.6 If the parties are unable to agree on an expert within 10 Business Days of the date of such notice of dispute, any party may request the President for the time being of the Institute or Arbitrators and Mediators in Australia (Victoria Chapter) to nominate an appropriate person or persons (having regard to the matters the subject of dispute) to determine the matters so under dispute and the parties agree to accept as expert the person so nominated.
- 11.7 The parties agree that the determination of the expert appointed under this Clause 11 shall be final and binding upon the parties.

12. POWER OF ATTORNEY

- 12.1 The Owner and SEBP each appoints Council and any persons deriving title under Council and VicRoads and any persons deriving title under VicRoads, to be



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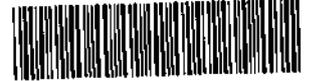
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severally the attorney of the Owner and SEBP respectively for the purposes of carrying out the Owner's and SEBP's respective obligations under this Agreement if the Owner or SEBP fails to do so.

12.2 The Attorney so appointed may not execute any documents under this power of attorney unless the Owner has failed to comply with this Agreement within 14 days after the date of service by the Attorney of a notice specifying such non-compliance.

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13. GENERAL

13.1 Further Assurance

Each party covenants that it shall promptly execute and deliver all documents and take all other action necessary or desirable (including registration, where applicable) to effect, perfect or complete the transactions contemplated by this Agreement.

13.2 No Waiver

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

13.3 Severability

If a court, arbitrator, tribunal or other competent authority determines that a



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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 remain operative.

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13.4 No Fettering of Council's or VicRoads' Powers

13.4.1 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.

13.4.2 It is acknowledged and agreed that this Agreement does not fetter or restrict the power or discretion of VicRoads to impose any requirements or conditions in connection with the granting of any planning approval relating to the subject land or relating to any use or development of the subject land.

13.5 SEBP Covenant to the Council

SEBP covenants that SEBP will immediately pay to the Council on demand any amounts paid by the Council to VicRoads in accordance with clause 9.6.

14. ENDING OF AGREEMENT

14.1 This Agreement ends on the Termination Date.

14.2 As soon as reasonably practicable after the Termination Date, Council will, at the request and at the cost of the Owner and subject to the prior written consent of VicRoads, make application to the Registrar of Titles under Section 183(2) of the

Act to cancel the registration of this Agreement on the Register.

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15. NOTICES

15.1 Service of Notice

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—

15.1.1 personally on the party; or

15.1.2 by sending it by pre-paid post, addressed to that party at the address for service specified in this document or subsequently notified to each party;

or

15.1.3 by facsimile to the person’s number for service specified in this document or subsequently notified to each party.

15.2 Time of Service

A notice or other communication is deemed served—

15.2.1 if served personally, upon service;

15.2.2 if posted within Australia to an Australian address, two Business Days after posting and in any other case, seven Business Days after posting; or

15.2.3 if served by facsimile, at the time indicated on the transmission report produced by the sender’s facsimile machine indicating that the facsimile was sent in its entirety to the addressee’s facsimile;

15.2.4 if received in the place of receipt on a Business Day after 5.00pm or on a day which is not a Business Day, at 9.00am on the next Business Day.


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EXECUTED AS A DEED by the parties on the date set out at the commencement of this Agreement.

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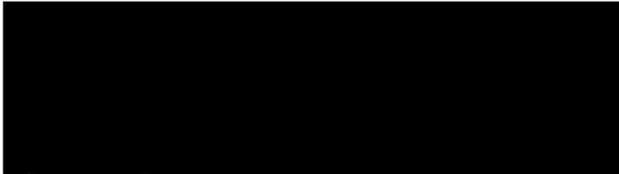
SIGNED by and on Behalf, and with the authority of the **CARDINIA SHIRE COUNCIL** being the responsible authority for the administration and enforcement of the Cardinia Planning Scheme by Philip Walton, in the exercise of power conferred by an Instrument of Delegation dated 16 October 2006



[Handwritten signature]
[Redacted signature area]

(Witness)

SIGNED by and on Behalf, and with the authority of the **CARDINIA SHIRE COUNCIL** being the owner of the subject land by Gary McQuillan, in the exercise of power conferred by an Instrument of Delegation dated 19 June 2006




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