


Notice of Application for a Planning Permit

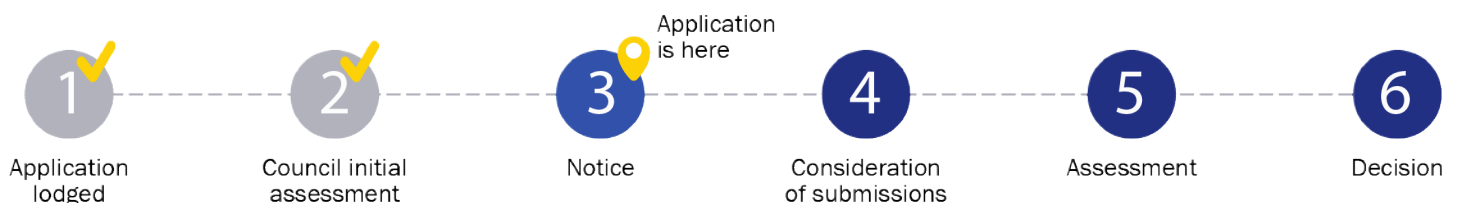
The land affected by the application is located at:	L47 PS724175 V12010 F357 We 1/2 Southeast Boulevard, Pakenham VIC 3810
The application is for a permit to:	Use of Land for Motor Vehicle Sales

APPLICATION DETAILS

The applicant for the permit is:	Patterson Cheney Pty Ltd c/- KLM Spatial
Application number:	T240068
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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: cardinia.vic.gov.au/advertisedplans or by scanning the QR code.	

HOW CAN I MAKE A SUBMISSION?

This application has not been decided. You can still make a submission before a decision has been made. The Responsible Authority will not decide on the application before:	19 July 2024	
WHAT ARE MY OPTIONS? Any person who may be affected by the granting of the permit may object or make other submissions to the responsible authority.	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. If you object, the Responsible Authority will notify you of the decision when it is issued.	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.



Planning Enquiries
Phone: 1300 787 624
Web: www.cardinia.vic.gov.au

Application for a Planning Permit

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

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

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

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

i Click for further information.

Clear Form

The Land **i**

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

Street Address *

Unit No.: 1	St. No.: 2	St. Name: Southeast Boulevard
Suburb/Locality: Pakenham		Postcode: 3810

Formal Land Description *

Complete either A or B.

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

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

A	Lot No.: 47	<input type="radio"/> Lodged Plan	<input type="radio"/> Title Plan	<input checked="" type="radio"/> Plan of Subdivision	No.: PS724175B
OR					
B	Crown Allotment No.:		Section No.:		
Parish/Township Name:					

The Proposal

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

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

Use of the land for Car Sales and motor repairs

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

Cost \$ 0

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

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

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

Existing Conditions i

Describe how the land is used and developed now *

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

Vacant warehouse/showroom

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

Title Information i

Encumbrances on title *

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

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

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

Applicant and Owner Details i

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

Applicant *

The person who wants the permit.

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Name:

Title:

First Name:

Surname:

Organisation (if applicable): Patterson Cheney Pty Ltd C/- KLM Spatial

Postal Address:

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

Unit No.: S1

St. No.: B2, 3

St. Name: Ordish Road

Suburb/Locality: Dandenong South

State: Vic

Postcode: 3175

Please provide at least one contact phone number *

Contact information for applicant OR contact person below

Business phone: 97941600

Email: Manager@klms.com.au

Mobile phone:

Fax:

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

Contact person's details*

Same as applicant

Name:

Title:

First Name:

Surname:

Organisation (if applicable): KLM Spatial

Postal Address:

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

Unit No.: S1

St. No.: B2, 3

St. Name: Ordish Road

Suburb/Locality: Dandenong South

State: Vic

Postcode: 3175

Owner *

The person or organisation who owns the land

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

Name:

Same as applicant

Owner's Signature (Optional):

Date:

day / month / year



Declaration i

This form must be signed by the applicant *

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

I declare that I am the applicant; and that all the information in this application is true and correct; and the owner (if not myself) has been notified of the permit application.

Signature:

Date:

day / month / year

Need help with the Application? i

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

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

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

No

Yes

If 'Yes', with whom?:

Date:

day / month / year

Checklist i

Have you:

Filled in the form completely?

Paid or included the application fee?



Most applications require a fee to be paid. Contact Council to determine the appropriate fee.



Provided all necessary supporting information and documents?

A full, current copy of title information for each individual parcel of land forming the subject site.

A plan of existing conditions.

Plans showing the layout and details of the proposal.

Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.

If required, a description of the likely effect of the proposal (for example, traffic, noise, environmental impacts).

If applicable, a current Metropolitan Planning Levy certificate (a levy certificate expires 90 days after the day on which it is issued by the State Revenue Office and then cannot be used). Failure to comply means the application is void.

Completed the relevant council planning permit checklist?

Signed the declaration?

Lodgement i

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

Cardinia Shire Council
PO Box 7
Pakenham VIC 3810

In person: 20 Siding Avenue, Officer

Contact information:

Telephone: 1300 787 624

Email: mail@cardinia.vic.gov.au

DX: 81006

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

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

VOLUME 12010 FOLIO 357

Security no : 124111793057L
Produced 11/01/2024 11:40 AM

LAND DESCRIPTION

Lot 47 on Plan of Subdivision 724175B.
PARENT TITLES :
Volume 11538 Folio 158 Volume 11538 Folio 177
Created by instrument PS724175B/D1 23/08/2018

REGISTERED PROPRIETOR



ENCUMBRANCES, CAVEATS AND NOTICES

COVENANT AK541924U 21/08/2013

COVENANT as to part PS724175B 03/12/2014

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
AT390547J 01/07/2020

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DIAGRAM LOCATION

SEE PS724175B FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NUMBER		STATUS	DATE
AX601035J (E)	DISCHARGE OF MORTGAGE	Registered	22/12/2023
AX601036G (E)	TRANSFER	Registered	22/12/2023

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

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

Street Address: WAREHOUSE 1 2 SOUTHEAST BOULEVARD PAKENHAM VIC 3810

OWNERS CORPORATIONS

The land in this folio is affected by
OWNERS CORPORATION 1 PLAN NO. PS724175B
OWNERS CORPORATION 4 PLAN NO. PS724175B

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

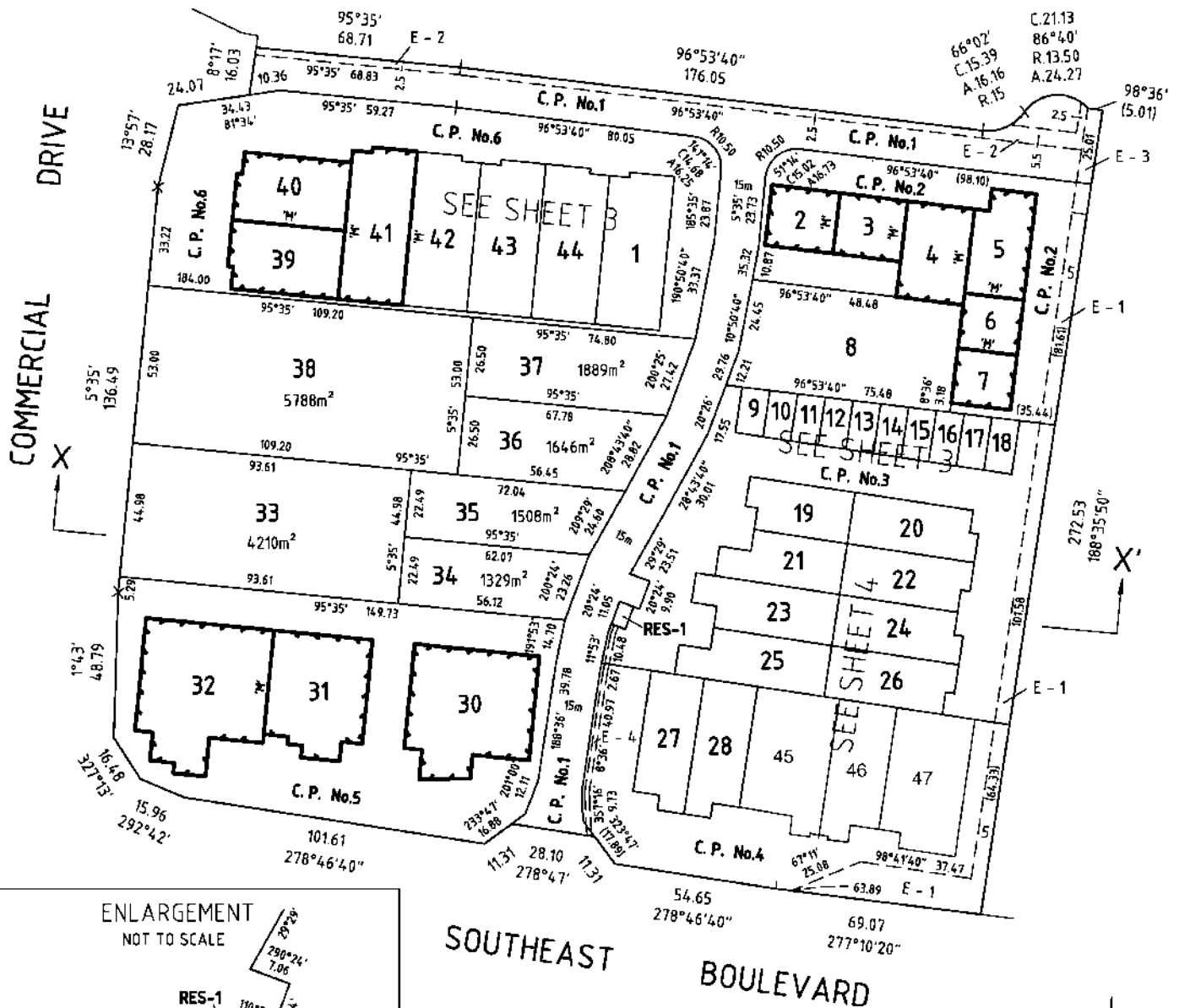
DOCUMENT END

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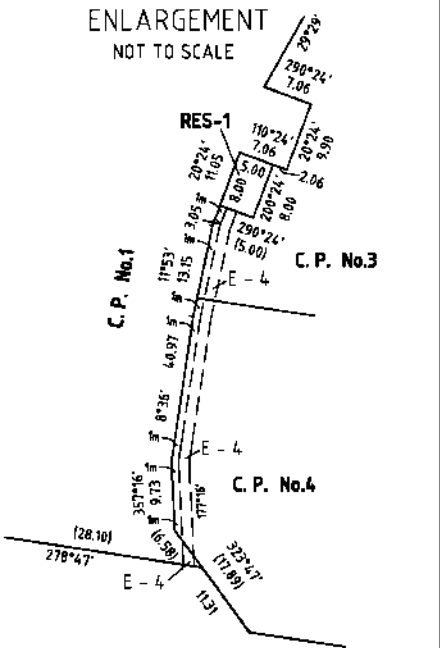
PLAN OF SUBDIVISION		LV USE ONLY EDITION 2	PS 724175 B								
<p style="text-align: center;">LOCATION OF LAND</p> <p>PARISH : Nar Nar Goon</p> <p>TOWNSHIP : ----</p> <p>SECTION : ----</p> <p>CROWN ALLOTMENT : 47 (Part) and 49 (Part)</p> <p>CROWN PORTION : ----</p> <p>TITLE REFERENCE : Vol. 11477 Fol. 432</p> <p>LAST PLAN REFERENCE : Lot 3 on PS 720773 B</p> <p>POSTAL ADDRESS : Commercial Drive, Pakenham 3810 (At time of subdivision)</p> <p>MGA94 Co-ordinates (of approx centre of land in plan)</p> <table style="width:100%; border: none;"> <tr> <td style="width: 20%;"></td> <td style="width: 20%;">E 367 300</td> <td style="width: 20%;">ZONE: 55</td> <td style="width: 40%;"></td> </tr> <tr> <td></td> <td>N 5 782 380</td> <td>GDA 94</td> <td></td> </tr> </table>			E 367 300	ZONE: 55			N 5 782 380	GDA 94		<p>Council Name: Cardinia Shire Council</p>	
	E 367 300	ZONE: 55									
	N 5 782 380	GDA 94									
VESTING OF ROADS AND/OR RESERVES		NOTATIONS									
IDENTIFIER	COUNCIL/BODY/PERSON	<p>This is a Spear Plan</p> <p>Location of Boundaries defined by Buildings</p> <p>Median : Denoted thus 'M'</p> <p>Face of Wall: All other Boundaries</p> <p>Hatching within the parcel indicates that the structure of the relevant Wall is contained in that parcel.</p> <p>Building Boundaries are defined by thick continuous hatched lines.</p> <p>All land in this plan above 50.00m A.H.D. is Common Property No. 1.</p> <p>Party Wall easements have been exaggerated for viewing purposes.</p> <p>Common Property No. 1 is all land on this plan except Lots 1 - 44, Common Property No.'s 2 - 6 and Reserve No. 1</p> <p>LOTS IN THIS PLAN MAY BE AFFECTED BY ONE OR MORE OWNERS CORPORATIONS - SEE OWNERS CORPORATION SEARCH REPORT FOR DETAILS</p>									
RES-1	SPI ELECTRICITY PTY. LTD.										
NOTATIONS		<p>DEPTH LIMITATION: DOES NOT APPLY</p> <p>Survey: This plan is based on survey.</p> <p>This survey has been connected to permanent marks no(s) 514 & 518 In Proclaimed Survey Area No. 71</p> <p>STAGING This is not a staged subdivision. Planning Permit No.</p>									
DEPTH LIMITATION: DOES NOT APPLY											
Survey: This plan is based on survey.											
EASEMENT INFORMATION											
LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)											
Easements and rights implied by Section 12(2) of the Subdivision Act 1988 apply to the whole of the land in this plan											
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of							
E-1, E-3	Carriageway	See Plan	PS 720773 B	Melbourne Water Corporation							
E-2, E-3	Drainage	See Plan	PS 720773 B	Lots 1 and 2 on PS 720773 B							
E-4	Power Line	1.50	This Plan	SPI Electricity Pty. Ltd.							
E-5	Party Wall	0.10	This Plan	Abutting Lot on This Plan							
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NOBELIUS LAND SURVEYORS		DIGITALLY SIGNED BY LICENSED SURVEYOR: TIM D. WALKER									
<p>P.O. BOX 461 PAKENHAM 3810 Ph 03 5941 4112 Fax 03 5941 7359 rob@nobelius.com.au</p>		<p style="text-align: center;">REF: 11,487</p> <p style="text-align: center;">VERSION F</p>									
		Sheet 1 of 4 Sheets									
		ORIGINAL SHEET SIZE A3									
		PLAN REGISTERED: TIME: 4.01pm DATE: 03/12/2014									
		J.Beckingham Assistant Registrar of Titles									

PS 724175 B

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ENLARGEMENT NOT TO SCALE



SOUTHEAST BOULEVARD

CREATION OF RESTRICTION

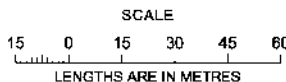
On registration of this plan the following is created:
 LAND TO BENEFIT: All Lots in this Plan of Subdivision.
 LAND TO BE BURDENED: All Lots in this Plan of Subdivision.

DESCRIPTION OF RESTRICTION

The registered proprietor or proprietors of any lot in this Plan of Subdivision shall not construct any building or complete any works other than in accordance with the endorsed plan attached to Planning Permit No. T130216 or without the further consent of the Responsible Authority.

NOBELIUS LAND SURVEYORS

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



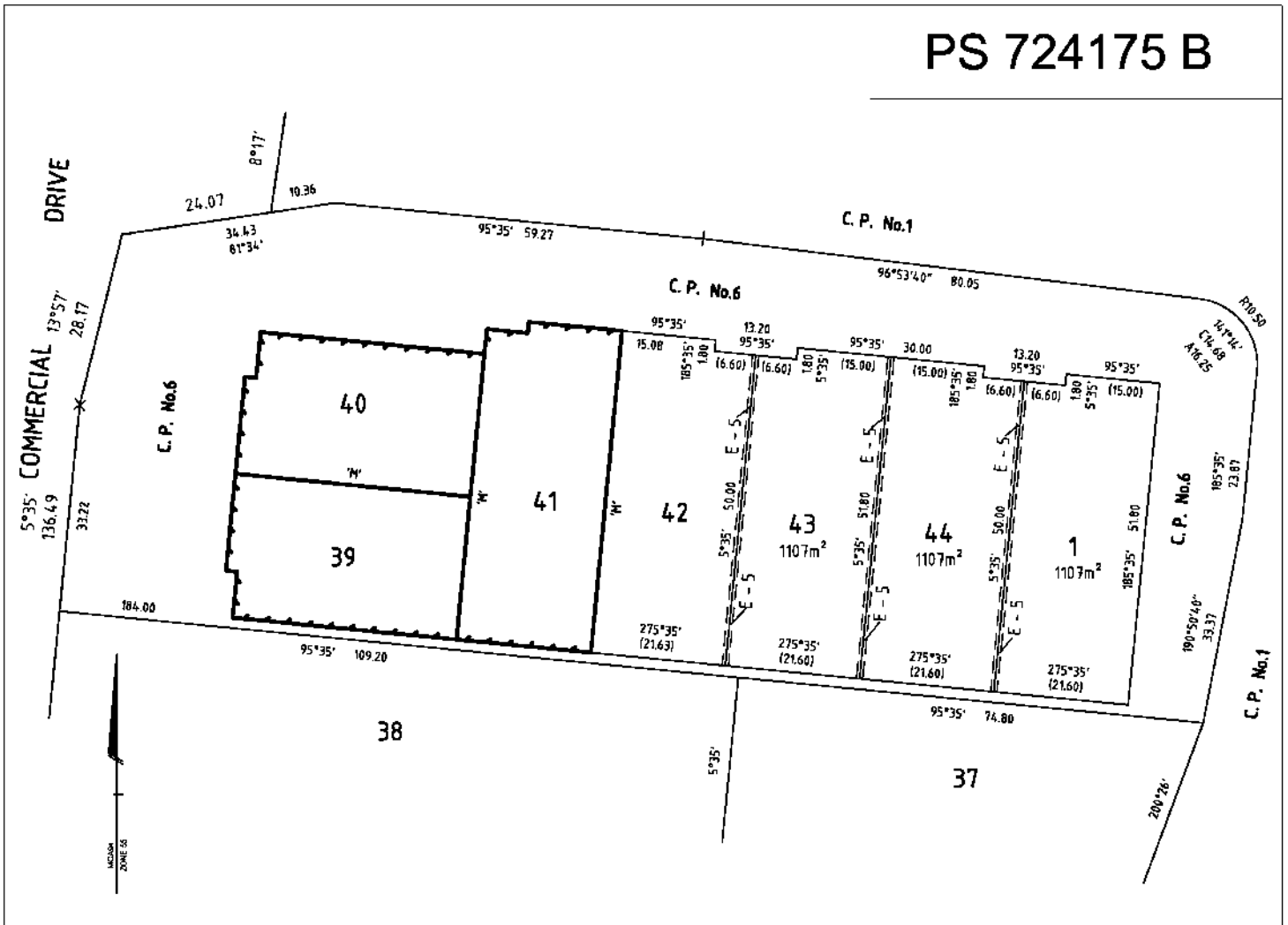
ORIGINAL SCALE
 1 : 1500

Sheet 2
 ORIGINAL SHEET SIZE A3

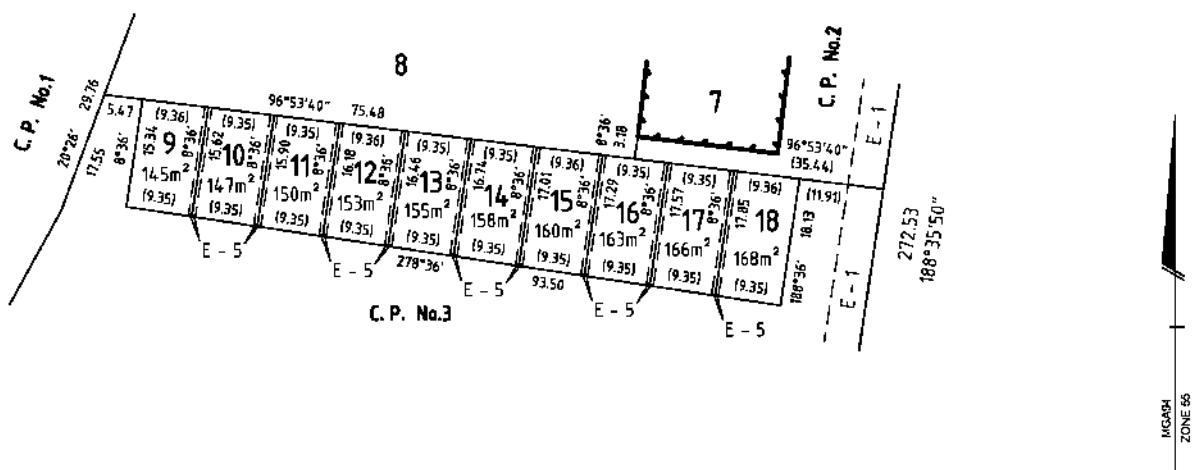
DIGITALLY SIGNED BY LICENSED SURVEYOR: TIM D. WALKER

REF: 11,487 VERSION F

PS 724175 B

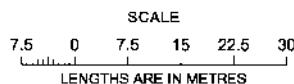


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ORIGINAL SCALE
 1 : 750

Sheet 3

ORIGINAL SHEET SIZE A3

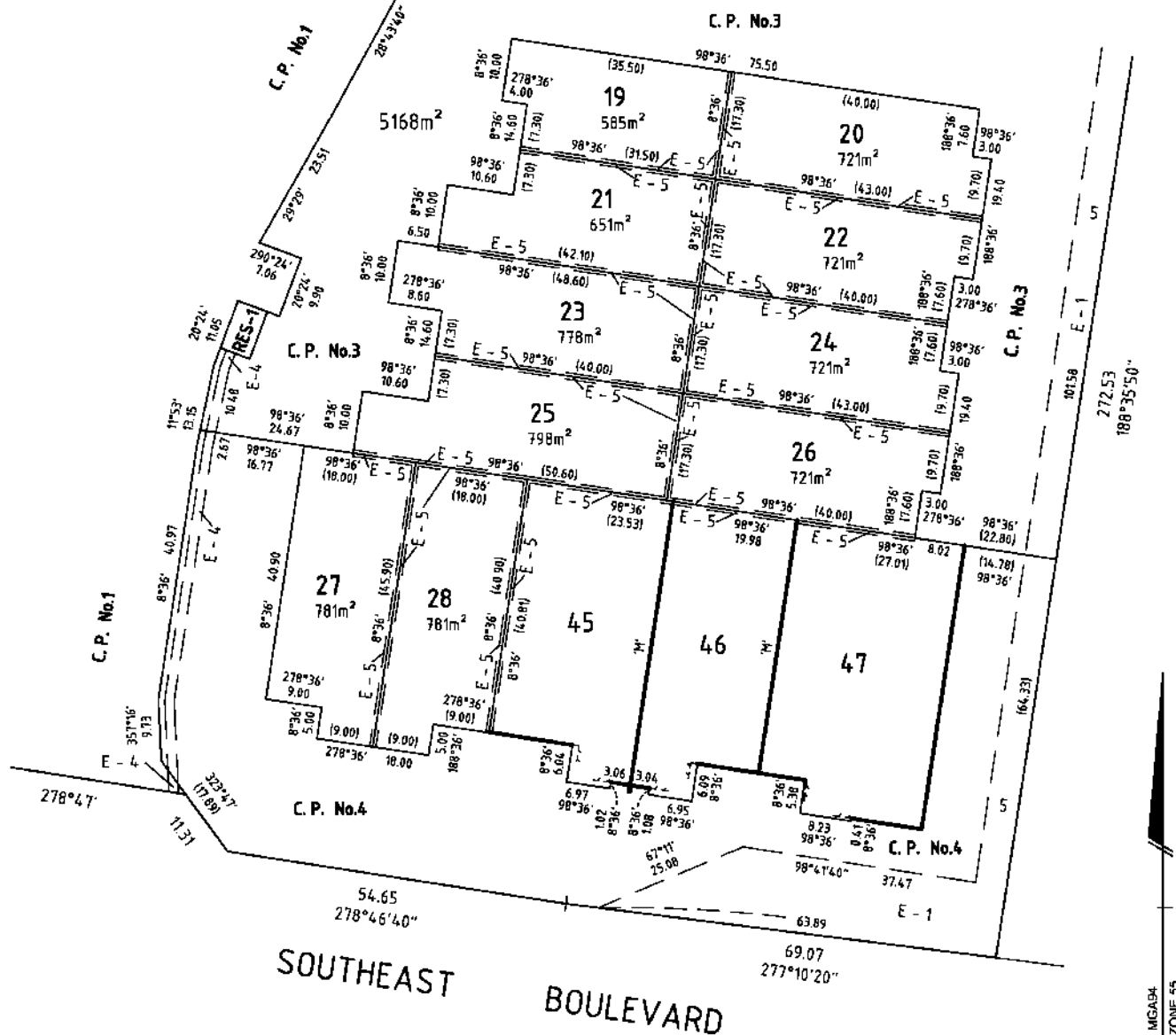
DIGITALLY SIGNED BY LICENSED SURVEYOR: TIM D. WALKER

REF: 11,487

VERSION F

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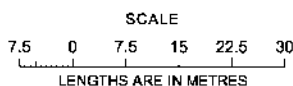
PS 724175 B



COMMERCIAL DRIVE	BOUNDARY	Common Property No.1				BOUNDARY	
		50.00m A.H.D.		50.00m A.H.D.			
TITLE	33	34	Common Property No.1	Common Property No.3	23	24	Common Property No.3
SITE LEVEL							

SECTION X - X'
Not to Scale
Typical for all parcels on this plan

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



ORIGINAL SCALE
1 : 750

Sheet 4
ORIGINAL SHEET SIZE A3

DIGITALLY SIGNED BY LICENSED SURVEYOR: TIM D. WALKER

REF: 11,487

VERSION F

Plan of Subdivision PS724175B Certification of plan by Council (Form 2)

SUBDIVISION (PROCEDURES) REGULATIONS 2011

SPEAR Reference Number: S044976S
Plan Number: PS724175B
Responsible Authority Name: Cardinia Shire Council
Responsible Authority Reference Number 1: s13/149
Surveyor's Plan Version: F


Certification

This plan is certified under section 6 of the Subdivision Act 1988

Public Open Space

A requirement for public open space under section 18 of the Subdivision Act 1988

Has not been made at Certification

Digitally signed by Council Delegate: 
Organisation: Cardinia Shire Council
Date: 25/09/2014

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AK541924U

TRANSFER OF LAND

Section 45 Transfer of Land Act 1958

Lodged by: National Australia Bank SE
Name:
Phone: 406664648.1.1
Address: TN 3089683
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 consideration 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

Signed
Code

Cust.



Anstat Pty Ltd

THE BACK OF THIS FORM MUST NOT BE USED

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

T2

Page 2 of 4



Anstat Pty Ltd

THE BACK OF THIS FORM MUST NOT BE USED
 Land Registry, 570 Bourke Street, Melbourne 3000. Phone 03 8636 2010

AK541924U

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

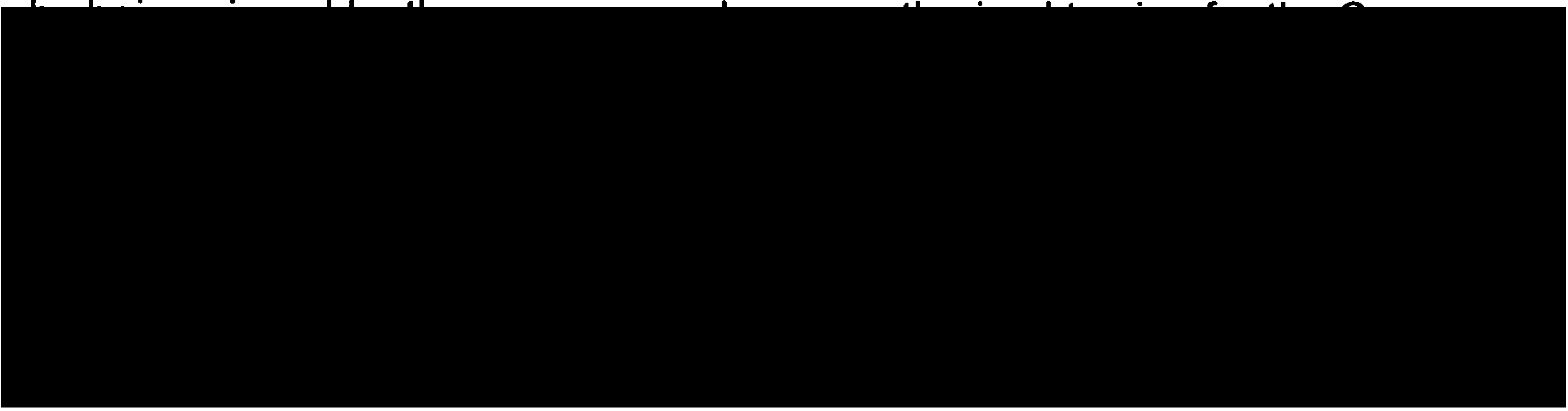
- (k) Erect or cause to be erected any fence constructed of a material other than coated chain or mesh, steel pickets or materials to match the walls of the Building where that fence faces the road frontage or a secondary road, without the prior written consent of SouthEast Business Park Pty Ltd.
- (l) 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.

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“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)



Approval No. 16001211A

T2

Page 3 of 4

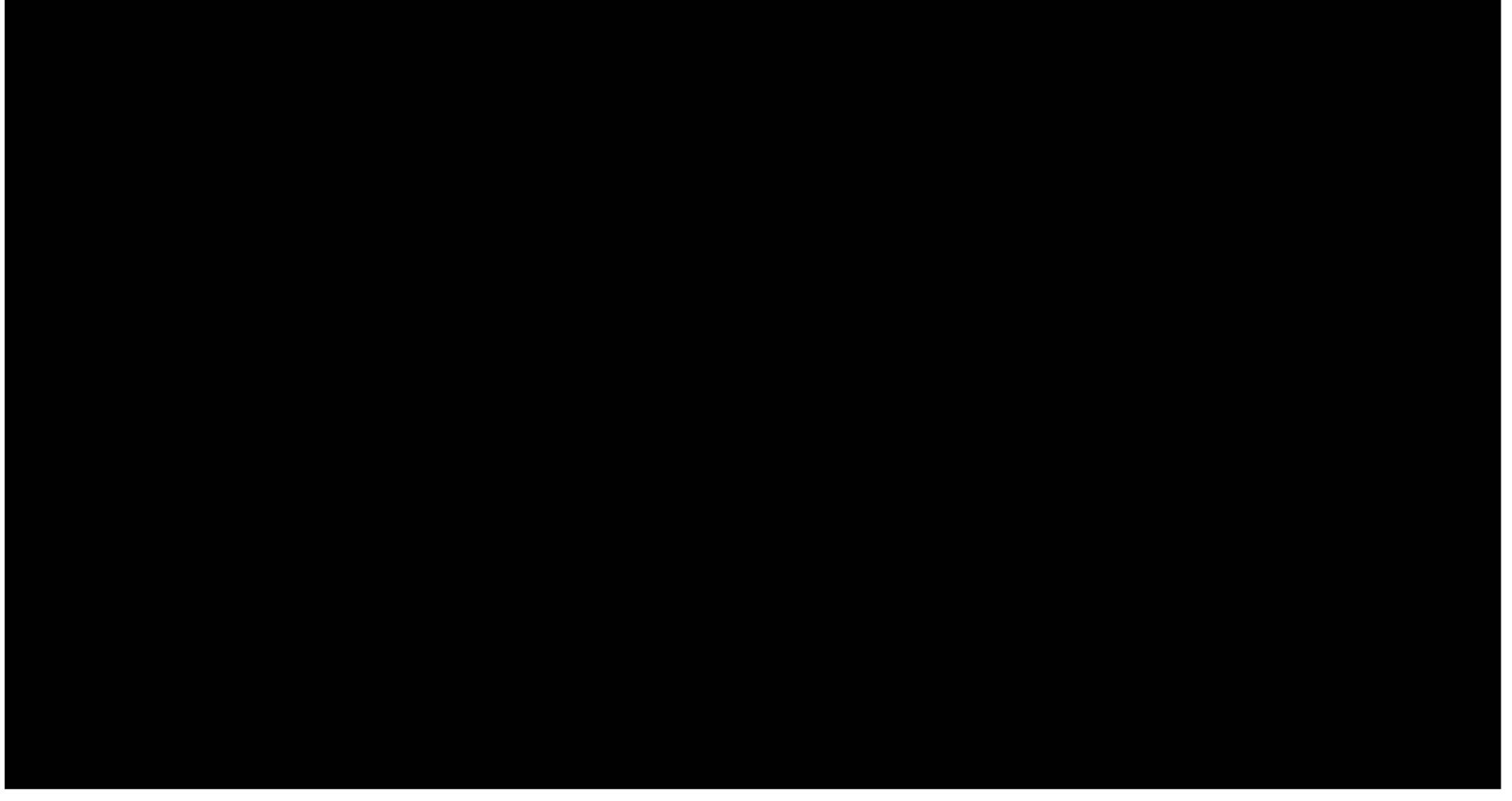


Anstat Pty Ltd

THE BACK OF THIS FORM MUST NOT BE USED
Land Registry, 570 Bourke Street, Melbourne 3000. Phone 03 8636 2010

AK541924U

Executed by Carmega Properties Pty Ltd (ACN 164 678 184)
by being signed by those persons who are authorised to sign for the Company



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Approval No. 16001211A

T2

Page 4 of 4



Anstat Pty Ltd


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

Application to record an instrument

Section 45 Melbourne Strategic Assessment (Environment Mitigation Levy) Act 2020

Lodged by

Name: 

Address: 

Reference:

Customer code: 237655

The Secretary of the Department of Environment, Land, Water and Planning applies for the recording of a notification in the Register that an environmental mitigation levy may be payable.

Privacy Collection Statement


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

AT390547J

Land: (volume and folio)

SEE ATTACHMENT

Applicant: (full name and address, including postcode)

 SECRETARY, DEPARTMENT OF ENVIRONMENT, LAND, WATER AND PLANNING
8 NICHOLSON ST. EAST MELBOURNE 3002

Signing:

Executed on behalf of

Signer Name

Signature

JOHN BRADY, SECRETARY, DEPARTMENT OF ENVIRONMENT, LAND, WATER AND PLANNING

*WARRICK McGRATH, DIRECTOR, REGULATORY STRATEGY AND DESIGN,
DEPARTMENT OF ENVIRONMENT, LAND, WATER AND PLANNING
PURSUANT TO INSTRUMENT OF DELEGATION DATED 15 JULY 2020*

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MSA1

Page 1 of 1

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Land Use Victoria contact details: www.delwp.vic.gov.au/property>Contact us

AT390547J

Vol/fol	Vol/fol	Vol/fol	Vol/fol	Vol/fol	Vol/fol	Vol/fol
1488/570	9395/744	11981/247	11995/982	12036/755	12064/406	12178/379
1488/571	9395/749	11981/495	11995/996	12036/756	12064/853	12178/394
1523/563	9395/755	11981/506	11996/015	12036/760	12064/858	12178/400
1553/414	9405/057	11981/526	11996/016	12036/762	12064/864	12178/573
2220/934	9413/117	11982/421	11999/601	12036/870	12064/875	12178/605
3919/701	9427/545	11982/439	12000/308	12036/891	12064/886	12178/619
4012/379	9427/551	11982/681	12000/314	12036/975	12064/896	12178/939
5350/889	9436/967	11982/690	12000/316	12036/987	12066/669	12178/984
5388/517	9443/121	11982/694	12000/317	12037/027	12066/759	12179/067
6425/968	9443/127	11982/703	12000/320	12037/446	12066/772	12179/074
7401/090	9443/133	11982/709	12000/325	12037/449	12066/778	12179/084
7830/003	9443/134	11982/718	12004/441	12037/460	12066/793	12179/093
8057/787	9443/139	11982/738	12004/444	12037/465	12066/795	12179/216
8162/010	9443/140	11982/751	12004/457	12039/049	12066/802	12179/217
8164/741	9461/294	11982/935	12004/462	12039/055	12066/805	12179/279
8168/426	9478/799	11982/966	12005/059	12039/057	12066/809	12179/281
8179/707	9491/075	11982/977	12005/061	12039/066	12066/819	12179/284
8187/256	9511/100	11982/980	12005/069	12039/072	12066/856	12179/287
8240/157	9521/190	11984/398	12005/085	12039/339	12067/360	12179/298
8275/006	9522/663	11984/407	12005/091	12039/343	12075/151	12180/003
8305/953	9526/993	11984/418	12005/363	12039/348	12075/176	12180/005
8343/398	9531/679	11984/436	12005/364	12039/351	12075/229	12180/009
8353/922	9551/421	11984/445	12005/372	12039/352	12075/240	12180/029
8372/789	9570/889	11984/468	12005/414	12039/359	12075/249	12180/045
8372/794	9580/581	11984/481	12005/420	12039/366	12075/962	12180/776
8416/447	9601/088	11984/484	12006/646	12039/375	12075/967	12180/894
8439/978	9601/885	11984/491	12007/327	12039/377	12075/969	12180/900
8442/674	9632/482	11984/498	12007/338	12039/415	12076/530	12182/480
8446/964	9632/483	11985/013	12009/227	12039/428	12080/782	12182/483
8452/910	9650/990	11985/246	12010/357	12039/444	12082/514	12182/608
8485/442	9651/524	11985/257	12010/499	12039/469	12082/518	12182/613
8485/461	9675/262	11985/267	12010/500	12039/488	12082/523	12182/625
8485/471	9724/878	11985/271	12010/506	12039/533	12083/109	12182/630
8485/473	9758/763	11985/289	12010/510	12039/534	12083/130	12184/622
8485/492	9764/101	11985/290	12010/693	12039/542	12083/141	12184/627
8485/499	9784/085	11985/295	12010/703	12040/293	12084/298	12184/628
8485/512	9794/607	11986/643	12010/711	12040/295	12084/498	12184/629
8485/555	9864/266	11986/646	12010/734	12040/338	12085/531	12184/630
8485/907	9886/023	11986/648	12010/739	12040/533	12086/253	12184/631
8500/216	9934/241	11986/654	12010/753	12040/535	12086/334	12184/632
8502/299	9936/906	11986/663	12011/425	12040/552	12086/344	12184/635
8521/765	9947/622	11986/667	12011/443	12040/605	12086/460	12184/652
8521/797	9957/023	11989/600	12011/450	12040/616	12086/465	12184/653
8521/803	9957/024	11989/734	12011/464	12040/626	12087/195	12187/920
8521/807	9957/027	11989/747	12011/473	12040/627	12087/200	12188/117

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Vol/foI	Vol/foI	Vol/foI	Vol/foI	Vol/foI	Vol/foI	Vol/foI
8521/814	9957/039	11989/757	12013/514	12040/634	12087/206	12188/120
8521/815	9957/057	11989/775	12015/033	12040/640	12087/215	12188/121
8524/789	9957/069	11989/780	12015/194	12041/147	12087/219	12188/127
8535/846	9972/231	11989/787	12015/198	12041/149	12087/221	12188/129
8536/862	9990/101	11989/788	12015/200	12041/173	12087/228	12188/147
8540/600	9994/843	11989/915	12015/202	12041/177	12087/235	12188/156
8549/491	10040/044	11989/921	12017/348	12041/181	12089/580	12188/159
8553/206	11347/431	11989/922	12017/351	12041/184	12089/605	12188/163
8553/456	11594/609	11989/931	12017/355	12041/190	12089/606	12188/170
8559/100	11892/612	11989/940	12017/359	12041/697	12090/207	12188/182
8569/350	11892/621	11990/043	12017/365	12042/168	12090/226	12188/185
8570/025	11957/105	11990/046	12017/381	12043/035	12091/491	12188/532
8570/032	11957/109	11990/051	12017/462	12043/055	12091/494	12188/545
8576/001	11957/111	11990/053	12017/465	12043/064	12091/496	12188/596
8577/444	11959/831	11990/057	12017/474	12043/190	12092/138	12188/600
8583/941	11959/838	11990/063	12017/478	12043/863	12092/144	12188/602
8589/553	11959/842	11990/067	12017/480	12046/734	12092/162	12188/606
8621/800	11959/857	11990/071	12017/482	12046/737	12095/685	12188/616
8638/790	11960/286	11990/072	12017/491	12046/746	12095/692	12188/845
8644/954	11961/138	11990/087	12018/834	12046/760	12095/693	12188/853
8648/139	11961/477	11990/095	12018/924	12046/768	12095/695	12192/266
8654/416	11961/485	11990/263	12018/925	12047/738	12095/696	12192/279
8673/119	11961/486	11990/264	12018/928	12047/746	12095/731	12192/292
8673/638	11961/491	11990/630	12018/930	12047/897	12095/739	12194/246
8687/917	11961/507	11990/648	12018/934	12047/915	12095/740	12195/855
8708/335	11962/603	11990/667	12018/936	12047/919	12095/741	12195/864
8715/572	11962/615	11990/679	12018/946	12048/336	12095/745	12195/942
8718/981	11967/435	11990/728	12018/949	12048/347	12098/059	12195/950
8723/142	11967/437	11990/733	12019/540	12049/744	12099/787	12195/952
8769/939	11967/439	11990/740	12019/549	12049/780	12099/811	12195/957
8772/348	11967/620	11990/742	12019/551	12050/539	12099/812	12196/096
8800/060	11967/626	11990/749	12019/715	12050/544	12099/848	12196/098
8806/633	11967/631	11990/750	12019/723	12050/547	12099/859	12196/107
8814/791	11967/723	11990/792	12022/012	12050/551	12099/864	12196/117
8816/672	11967/745	11990/793	12022/022	12050/552	12101/311	12196/122
8833/657	11967/762	11990/797	12022/027	12050/566	12101/325	12196/123
8834/688	11968/858	11990/798	12022/417	12050/569	12101/327	12196/130
8834/695	11968/879	11990/802	12022/425	12050/616	12101/328	12196/143
8834/703	11969/254	11990/900	12022/435	12050/617	12101/333	12196/734
8835/038	11969/625	11990/905	12022/439	12050/907	12101/341	12201/195
8835/308	11972/136	11991/300	12022/454	12050/930	12101/346	12201/210
8855/803	11972/159	11991/308	12022/615	12050/933	12101/357	12201/219
8856/672	11972/164	11991/324	12022/617	12051/377	12103/594	12201/965
8861/433	11972/165	11992/118	12022/620	12051/378	12103/608	12201/968
8869/772	11972/173	11992/132	12022/626	12051/380	12139/788	12201/982

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Vol/fol	Vol/fol	Vol/fol	Vol/fol	Vol/fol	Vol/fol	Vol/fol
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8889/265	11972/848	11992/155	12022/642	12052/216	12142/963	12202/084
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8909/820	11975/401	11992/292	12023/344	12052/242	12146/668	12204/596
8909/821	11975/404	11992/305	12023/366	12052/253	12146/675	12207/588
8915/394	11975/406	11992/311	12023/367	12052/256	12146/676	12210/599
8916/737	11975/408	11992/315	12023/374	12053/391	12146/679	12210/600
8916/955	11975/410	11992/323	12023/378	12053/392	12146/688	12210/613
8930/204	11976/327	11992/329	12023/380	12053/394	12146/696	12210/615
8930/457	11976/337	11992/425	12026/345	12053/409	12154/098	12210/627
8954/147	11976/803	11992/442	12026/382	12053/418	12154/111	12212/905
8954/171	11976/812	11992/443	12026/397	12053/430	12154/182	12212/906
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8975/566	11977/241	11992/454	12026/413	12053/444	12154/193	12214/004
8975/568	11977/255	11992/455	12026/979	12053/446	12154/203	12214/013
8978/932	11978/071	11992/464	12026/982	12053/542	12154/204	12214/015
8989/866	11978/073	11992/466	12026/990	12053/546	12155/976	12214/018
8995/457	11978/077	11992/468	12026/991	12053/550	12155/983	12216/275
9000/246	11978/081	11992/594	12027/000	12053/558	12155/991	12216/291
9026/567	11978/084	11992/602	12031/633	12053/563	12156/057	12216/303
9031/377	11978/086	11992/606	12031/636	12053/564	12156/058	12216/328
9039/154	11978/096	11992/608	12031/646	12053/588	12156/261	12216/330
9041/695	11978/111	11992/613	12031/652	12053/600	12157/202	12216/331
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9060/434	11978/560	11992/624	12031/660	12058/525	12157/215	12216/376
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9077/351	11978/965	11992/651	12031/677	12058/536	12157/221	12216/682
9085/413	11978/967	11992/666	12031/688	12058/537	12157/231	12216/688
9085/975	11978/969	11992/680	12031/695	12058/540	12157/238	12216/711
9089/608	11978/972	11992/687	12031/705	12058/545	12157/250	12216/736
9091/162	11978/973	11992/699	12031/706	12058/552	12157/256	12216/743
9109/397	11979/324	11993/248	12031/707	12058/553	12162/570	12216/748
9109/406	11979/331	11993/249	12031/715	12058/558	12162/651	12216/750
9121/347	11979/341	11993/251	12031/719	12058/590	12165/811	12216/762
9121/360	11979/347	11993/252	12031/721	12058/606	12167/440	12216/771
9121/387	11979/348	11993/253	12033/117	12059/986	12168/675	12216/794
9125/048	11979/425	11993/274	12033/118	12060/005	12168/692	12216/796
9132/247	11979/444	11993/290	12033/121	12060/015	12168/709	12216/797
9153/639	11979/446	11993/579	12033/125	12060/023	12169/489	12217/645
9157/638	11979/452	11993/582	12033/128	12060/053	12169/513	12217/646
9203/667	11979/578	11993/587	12033/141	12060/063	12173/608	12217/648
9208/354	11979/582	11993/588	12033/142	12060/142	12176/362	12217/651
9271/948	11979/587	11993/591	12033/145	12060/171	12176/572	12217/658
9304/800	11979/674	11993/598	12034/758	12060/189	12176/799	12217/663

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Vol/fol	Vol/fol	Vol/fol	Vol/fol	Vol/fol	Vol/fol	Vol/fol
9330/229	11979/682	11993/600	12034/828	12060/190	12176/800	12217/670
9341/960	11980/435	11993/605	12034/836	12060/701	12176/805	12217/678
9352/791	11980/437	11994/105	12034/847	12060/707	12176/807	12219/728
9366/674	11980/440	11994/111	12034/849	12060/723	12176/883	12219/731
9371/907	11980/445	11994/116	12036/730	12061/541	12176/892	12219/732
9379/582	11980/448	11994/272	12036/731	12063/652	12176/894	12219/737
9389/041	11980/454	11994/281	12036/732	12063/683	12176/908	12219/747
9391/631	11980/460	11995/971	12036/747	12063/884	12176/914	

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FORM 18



AF690981Q
03/03/2008 \$97 173

Schedule 1 of the *Planning and Environment Regulations*

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

Section 181

Planning and Environment Act 1987

Lodged by:

Name: BEST HOOPER

Phone: 9670 8951

Address: 563 Little Lonsdale Street, Melbourne

Ref: NJC:0713.1231 **Customer Code:** 0485 U

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

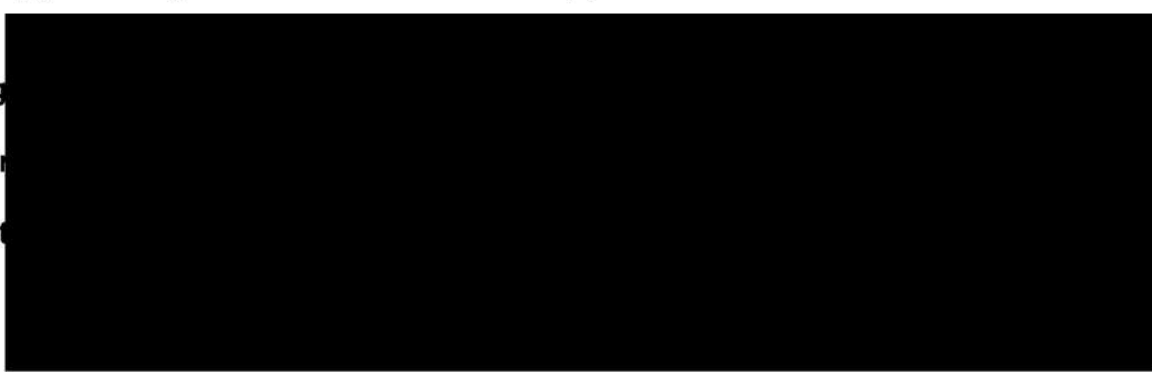
Land: Certificates of Title Volume 9512 Folios 804, 805, 808
Certificate of Title Volume 9105 Folio 367

Authority: Cardinia Shire Council

Section and Act under which Agreement made:
Section 173 Planning and Environment Act 1987

A copy of the Agreement is attached to this Application.

Signature
Name
Date



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

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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** 200**8**.

AF690981Q



BETWEEN:

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

(Council)

AND

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

(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.

AF690981Q

03/03/2008 497 173



- 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*.

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THE PARTIES AGREE:

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.

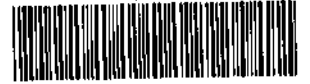
2. INTERPRETATION

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

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

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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;

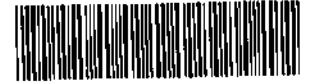
9.8 Non-Compliance

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;

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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.

- 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

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.



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

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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

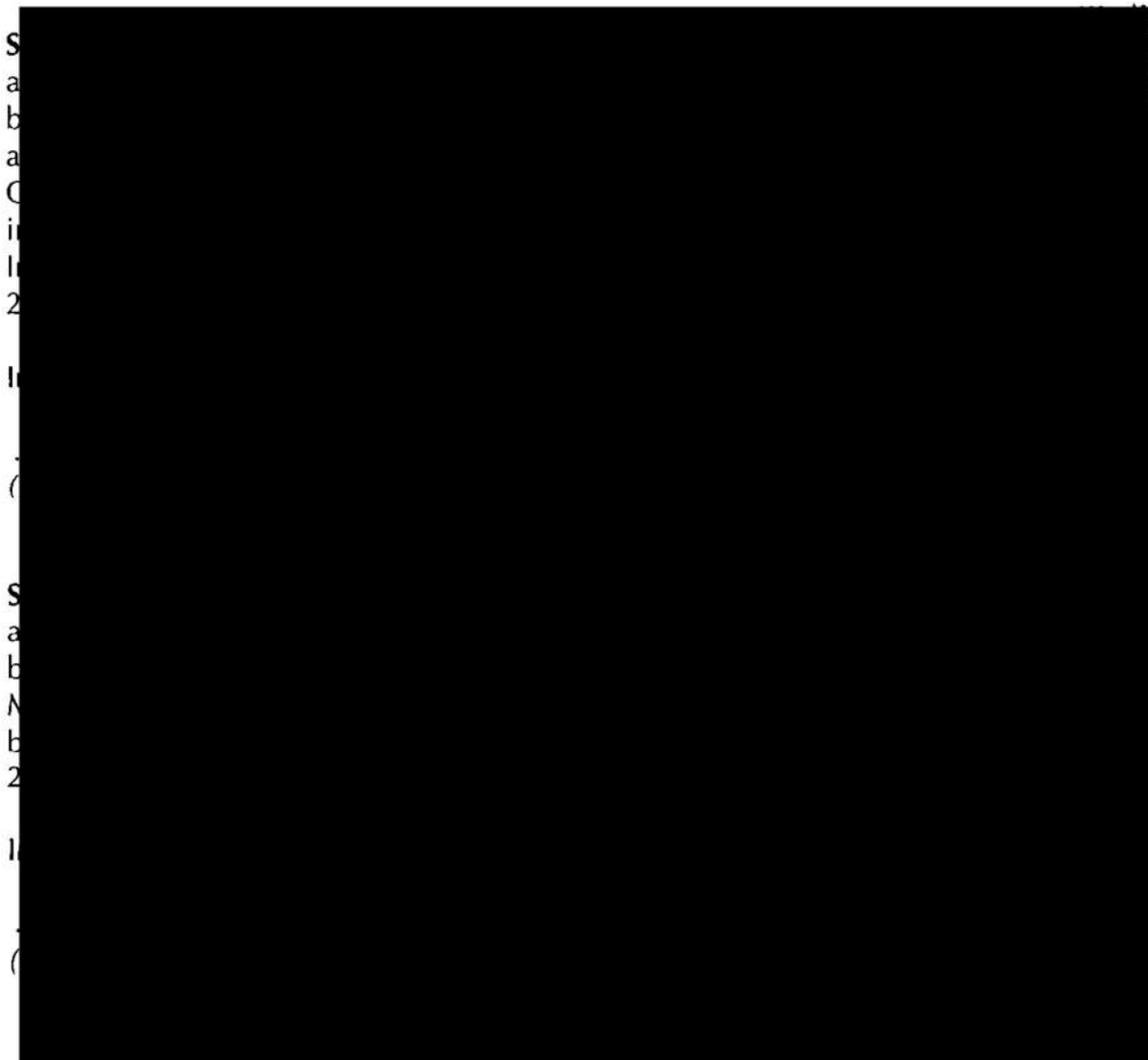
15.2.3 if served by facsimile, at the time indicated on the transmission report produced by the sender's facsimile machine indicating that the facsimile was sent in its entirety to the addressee's facsimile;

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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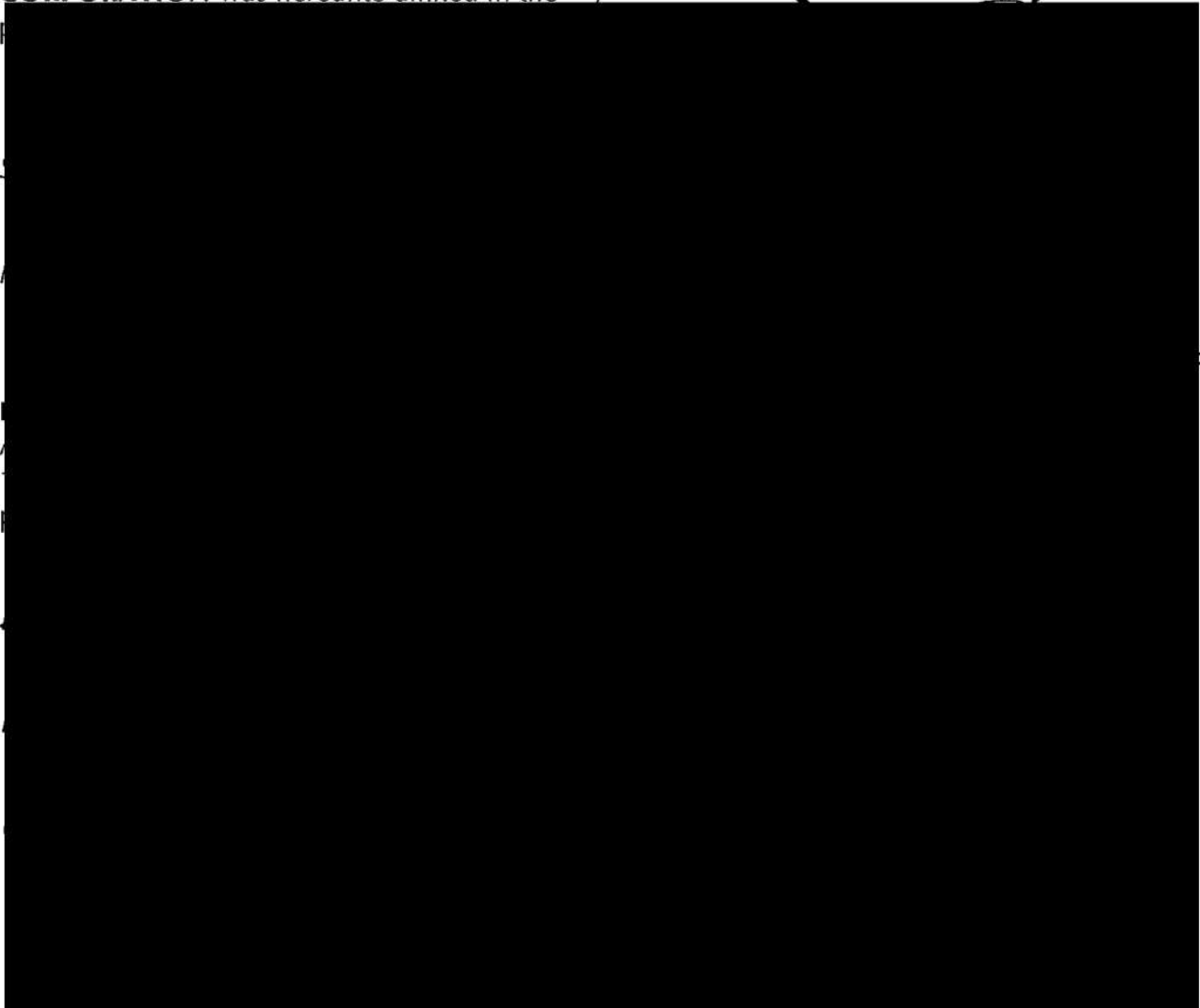
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THE OFFICIAL SEAL of ROADS CORPORATION was hereunto affixed in the)
)



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Owners Corporation Search Report

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Produced: 11/01/2024 11:40:43 AM

OWNERS CORPORATION 1
PLAN NO. PS724175B

The land in PS724175B is affected by 6 Owners Corporation(s)

Land Affected by Owners Corporation:

Common Properties 1 - 6, Lots 1 - 28, 30 - 32, 34 - 37, 39 - 47.

Limitations on Owners Corporation:

Unlimited

Postal Address for Services of Notices:

9 EMBREY COURT PAKENHAM VIC 3810

OC024286T 03/12/2014

Owners Corporation Manager:

NIL

Rules:

Model Rules apply unless a matter is provided for in Owners Corporation Rules. See Section 139(3) Owners Corporation Act 2006

Owners Corporation Rules:

NIL

Additional Owners Corporation Information:

OC024286T 03/12/2014

Notations:

NIL

Entitlement and Liability:

NOTE – Folio References are only provided in a Premium Report.

Land Parcel	Entitlement	Liability
Common Property 1	0	0
Common Property 2	0	0
Common Property 3	0	0
Common Property 4	0	0
Common Property 5	0	0
Common Property 6	0	0
Lot 1	29	20



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**OWNERS CORPORATION 1
PLAN NO. PS724175B**

Entitlement and Liability:

NOTE – Folio References are only provided in a Premium Report.

Land Parcel	Entitlement	Liability
Lot 2	12	10
Lot 3	12	10
Lot 4	18	15
Lot 5	18	15
Lot 6	9	10
Lot 7	9	10
Lot 8	34	40
Lot 9	5	5
Lot 10	5	5
Lot 11	5	5
Lot 12	5	5
Lot 13	5	5
Lot 14	5	5
Lot 15	5	5
Lot 16	5	5
Lot 17	6	5
Lot 18	6	5
Lot 19	15	15
Lot 20	18	15
Lot 21	16	15
Lot 22	18	15
Lot 23	20	15
Lot 24	18	15
Lot 25	20	15
Lot 26	18	15
Lot 27	23	20
Lot 28	23	20
Lot 30	45	35
Lot 31	35	30



Department of Environment, Land, Water & Planning

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**OWNERS CORPORATION 1
PLAN NO. PS724175B**

Entitlement and Liability:

NOTE – Folio References are only provided in a Premium Report.

Land Parcel	Entitlement	Liability
Lot 32	48	40
Lot 34	19	35
Lot 35	22	35
Lot 36	25	35
Lot 37	30	35
Lot 39	22	35
Lot 40	22	35
Lot 41	28	35
Lot 42	28	35
Lot 43	28	35
Lot 44	28	35
Lot 45	24	15
Lot 46	24	15
Lot 47	45	30
Total	855.00	855.00

From 31 December 2007 every Body Corporate is deemed to be an Owners Corporation. Any reference to a Body Corporate in any Plan, Instrument or Folio is to be read as a reference to an Owners Corporation.

Statement End.

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Produced: 11/01/2024 11:40:40 AM

OWNERS CORPORATION 2
PLAN NO. PS724175B

The land in PS724175B is affected by 6 Owners Corporation(s)

Land Affected by Owners Corporation:

Common Property 2, Lots 2 - 7.

Limitations on Owners Corporation:

Limited

Postal Address for Services of Notices:

9 EMBREY COURT PAKENHAM VIC 3810

OC024287R 03/12/2014

Owners Corporation Manager:

NIL

Rules:

Model Rules apply unless a matter is provided for in Owners Corporation Rules. See Section 139(3) Owners Corporation Act 2006

Owners Corporation Rules:

NIL

Additional Owners Corporation Information:

OC024287R 03/12/2014

Notations:

Members of Owners Corporation 2 are also affected by Owners Corporation 1. Folio of the Register for Common Property No. 2 is in the name of Owners Corporation 1. Only the members of Owners Corporation 2 are entitled to use Common Property No. 2.

Entitlement and Liability:

NOTE – Folio References are only provided in a Premium Report.

Land Parcel	Entitlement	Liability
Common Property 2	0	0
Lot 2	12	10
Lot 3	12	10
Lot 4	18	15
Lot 5	18	15
Lot 6	9	10



Department of Environment, Land, Water & Planning

Owners Corporation Search Report

Produced: 11/01/2024 11:40:40 AM

**OWNERS CORPORATION 2
PLAN NO. PS724175B**

Entitlement and Liability:

NOTE – Folio References are only provided in a Premium Report.

Land Parcel	Entitlement	Liability
Lot 7	9	10
Total	78.00	70.00

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Statement End.

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**OWNERS CORPORATION 3
PLAN NO. PS724175B**

The land in PS724175B is affected by 6 Owners Corporation(s)

Land Affected by Owners Corporation:

Common Property 3, Lots 9 - 26.

Limitations on Owners Corporation:

Limited

Postal Address for Services of Notices:

9 EMBREY COURT PAKENHAM VIC 3810

OC024288P 03/12/2014

Owners Corporation Manager:

NIL

Rules:

Model Rules apply unless a matter is provided for in Owners Corporation Rules. See Section 139(3) Owners Corporation Act 2006

Owners Corporation Rules:

NIL

Additional Owners Corporation Information:

OC024288P 03/12/2014

Notations:

Members of Owners Corporation 3 are also affected by Owners Corporation 1. Folio of the Register for Common Property No. 3 is in the name of Owners Corporation 1. Only the members of Owners Corporation 3 are entitled to use Common Property No. 3.

Entitlement and Liability:

NOTE – Folio References are only provided in a Premium Report.

Land Parcel	Entitlement	Liability
Common Property 3	0	0
Lot 9	5	5
Lot 10	5	5
Lot 11	5	5
Lot 12	5	5
Lot 13	5	5



Department of Environment, Land, Water & Planning

Owners Corporation Search Report

Produced: 11/01/2024 11:40:43 AM

**OWNERS CORPORATION 3
PLAN NO. PS724175B**

Entitlement and Liability:

NOTE – Folio References are only provided in a Premium Report.

Land Parcel	Entitlement	Liability
Lot 14	5	5
Lot 15	5	5
Lot 16	5	5
Lot 17	6	5
Lot 18	6	5
Lot 19	15	15
Lot 20	18	15
Lot 21	16	15
Lot 22	18	15
Lot 23	20	15
Lot 24	18	15
Lot 25	20	15
Lot 26	18	15
Total	195.00	170.00

From 31 December 2007 every Body Corporate is deemed to be an Owners Corporation. Any reference to a Body Corporate in any Plan, Instrument or Folio is to be read as a reference to an Owners Corporation.

Statement End.

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Department of Environment, Land, Water & Planning

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Owners Corporation Search Report

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Produced: 11/01/2024 11:40:41 AM

**OWNERS CORPORATION 4
PLAN NO. PS724175B**

The land in PS724175B is affected by 6 Owners Corporation(s)

Land Affected by Owners Corporation:

Common Property 4, Lots 27, 28, 45 - 47.

Limitations on Owners Corporation:

Limited

Postal Address for Services of Notices:

9 EMBREY COURT PAKENHAM VIC 3810

PS724175B/D1 23/08/2018

Owners Corporation Manager:

NIL

Rules:

Model Rules apply unless a matter is provided for in Owners Corporation Rules. See Section 139(3) Owners Corporation Act 2006

Owners Corporation Rules:

NIL

Additional Owners Corporation Information:

OC024289M 03/12/2014

Notations:

Members of Owners Corporation 4 are also affected by Owners Corporation 1. Folio of the Register for Common Property No. 4 is in the name of Owners Corporation 1. Only the members of Owners Corporation 4 are entitled to use Common Property No. 4.

Entitlement and Liability:

NOTE – Folio References are only provided in a Premium Report.

Land Parcel	Entitlement	Liability
Common Property 4	0	0
Lot 27	23	20
Lot 28	23	20
Lot 45	24	15
Lot 46	24	15
Lot 47	45	30



Department of Environment, Land, Water & Planning

Owners Corporation Search Report

Produced: 11/01/2024 11:40:41 AM

**OWNERS CORPORATION 4
PLAN NO. PS724175B**

Entitlement and Liability:

NOTE – Folio References are only provided in a Premium Report.

Land Parcel	Entitlement	Liability
Total	139.00	100.00

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Statement End.

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Owners Corporation Search Report

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Produced: 11/01/2024 11:40:44 AM

**OWNERS CORPORATION 5
PLAN NO. PS724175B**

The land in PS724175B is affected by 6 Owners Corporation(s)

Land Affected by Owners Corporation:

Common Property 5, Lots 30 - 32.

Limitations on Owners Corporation:

Limited

Postal Address for Services of Notices:

9 EMBREY COURT PAKENHAM VIC 3810

OC024290D 03/12/2014

Owners Corporation Manager:

NIL

Rules:

Model Rules apply unless a matter is provided for in Owners Corporation Rules. See Section 139(3) Owners Corporation Act 2006

Owners Corporation Rules:

NIL

Additional Owners Corporation Information:

OC024290D 03/12/2014

Notations:

Members of Owners Corporation 5 are also affected by Owners Corporation 1. Folio of the Register for Common Property No. 5 is in the name of Owners Corporation 1. Only the members of Owners Corporation 5 are entitled to use Common Property No. 5.

Entitlement and Liability:

NOTE – Folio References are only provided in a Premium Report.

Land Parcel	Entitlement	Liability
Common Property 5	0	0
Lot 30	45	35
Lot 31	35	30
Lot 32	48	40
Total	128.00	105.00

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Department of Environment, Land, Water & Planning

Owners Corporation Search Report

Produced: 11/01/2024 11:40:44 AM

**OWNERS CORPORATION 5
PLAN NO. PS724175B**

Instrument or Folio is to be read as a reference to an Owners Corporation.

Statement End.

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Produced: 11/01/2024 11:40:41 AM

**OWNERS CORPORATION 6
PLAN NO. PS724175B**

The land in PS724175B is affected by 6 Owners Corporation(s)

Land Affected by Owners Corporation:

Common Property 6, Lots 1, 39 - 44.

Limitations on Owners Corporation:

Limited

Postal Address for Services of Notices:

9 EMBREY COURT PAKENHAM VIC 3810

OC024291B 03/12/2014

Owners Corporation Manager:

NIL

Rules:

Model Rules apply unless a matter is provided for in Owners Corporation Rules. See Section 139(3) Owners Corporation Act 2006

Owners Corporation Rules:

NIL

Additional Owners Corporation Information:

OC024291B 03/12/2014

Notations:

Members of Owners Corporation 6 are also affected by Owners Corporation 1. Folio of the Register for Common Property No. 6 is in the name of Owners Corporation 1. Only the members of Owners Corporation 6 are entitled to use Common Property No. 6.

Entitlement and Liability:

NOTE – Folio References are only provided in a Premium Report.

Land Parcel	Entitlement	Liability
Common Property 6	0	0
Lot 1	29	20
Lot 39	22	35
Lot 40	22	35
Lot 41	28	35
Lot 42	28	35



Department of Environment, Land, Water & Planning

Owners Corporation Search Report

Produced: 11/01/2024 11:40:41 AM

**OWNERS CORPORATION 6
PLAN NO. PS724175B**

Entitlement and Liability:

NOTE – Folio References are only provided in a Premium Report.

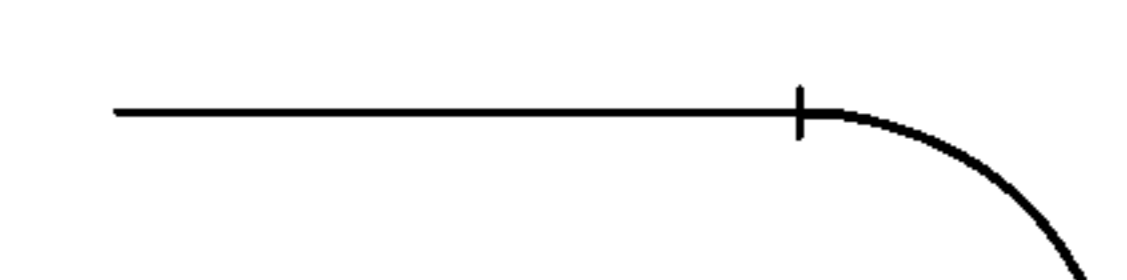
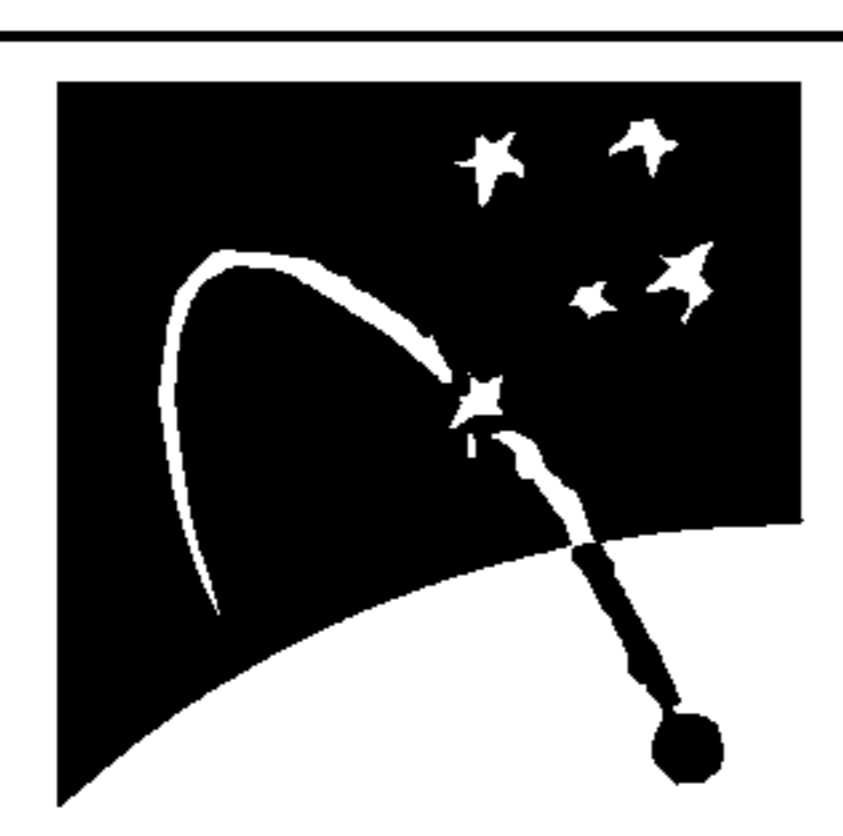
Land Parcel	Entitlement	Liability
Lot 43	28	35
Lot 44	28	35
Total	185.00	230.00

From 31 December 2007 every Body Corporate is deemed to be an Owners Corporation. Any reference to a Body Corporate in any Plan, Instrument or Folio is to be read as a reference to an Owners Corporation.

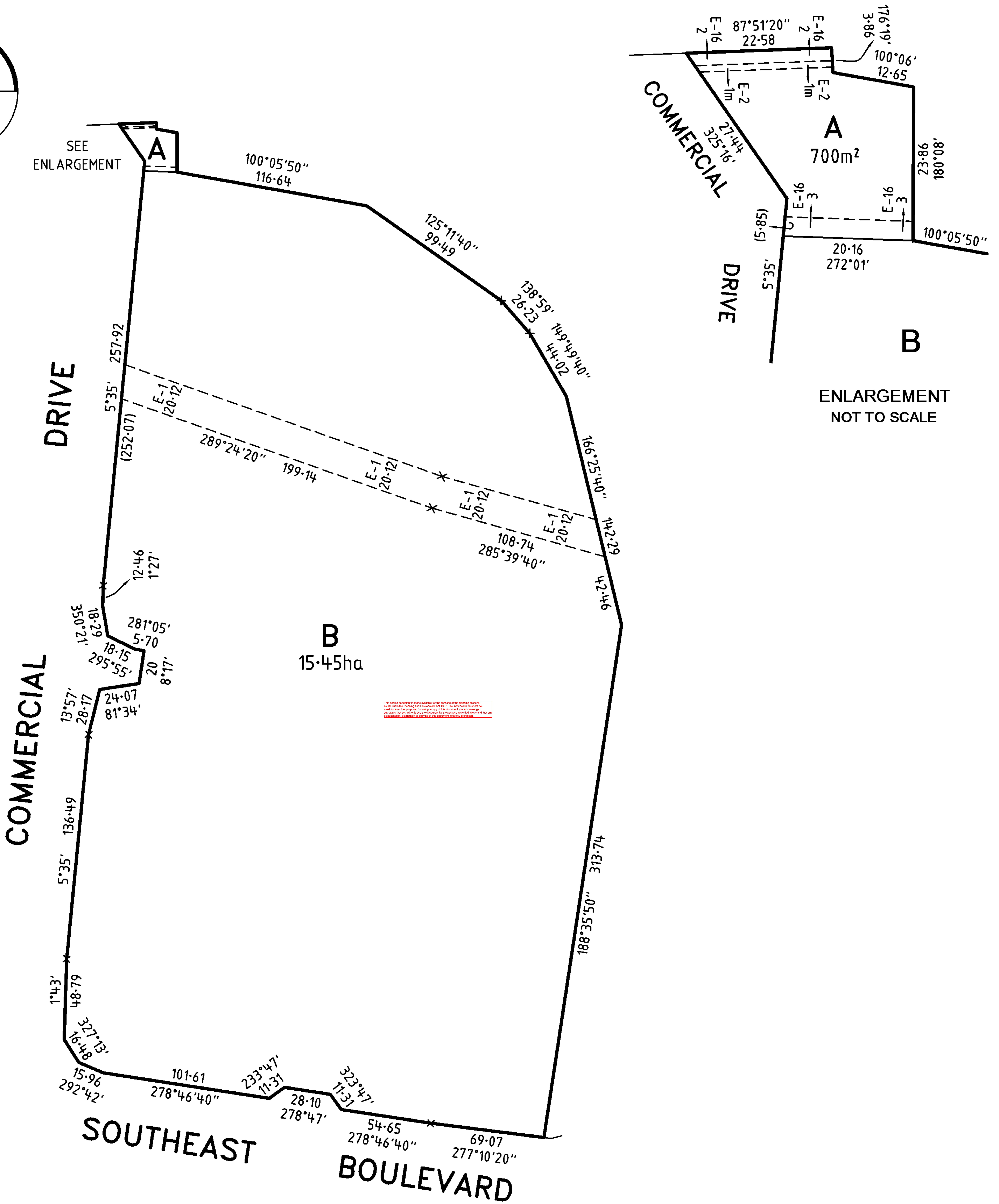
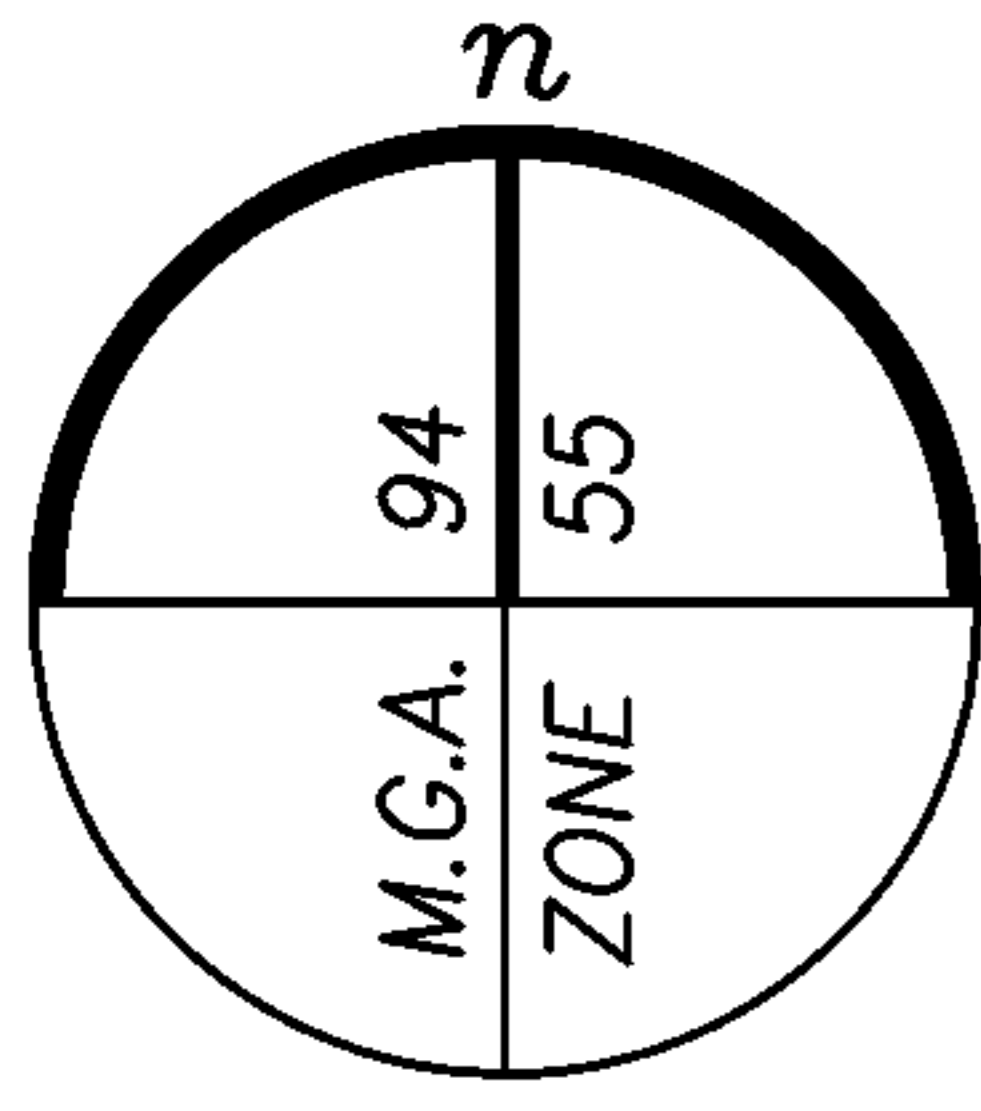
Statement End.

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Signed by Council: Cardinia Shire Council, Council Ref: S13/026, T120750, Original Certification: 04/07/2013, S.O.C.: 04/07/2013

PLAN OF SUBDIVISION		Stage No. <hr/>	LRS use only EDITION 2	Plan Number PS 711377L
Location of Land Parish: NAR NAR GOON Township: — Section: — Crown Allotment: 47 (PART) & 49 (PART) Crown Portion: — Title Reference: VOL 11081 FOL 916 Last Plan Reference: PS606333U LOT BB Postal Address: SOUTHEAST BOULEVARD (at time of subdivision) PAKENHAM 3810 MGA Co-ordinates E 367 300 Zone: 55 (of approx. centre N 5 782 550 of land in plan)		Council Certification and Endorsement Council Name: CARDINIA SHIRE COUNCIL Ref: 1. This plan is certified under section 6 of the Subdivision Act 1988. 2. This plan is certified under section 11(7) of the Subdivision Act 1988. Date of original certification under section 6 / / 3. This is a statement of compliance issued under section 21 of the Subdivision Act 1988. OPEN SPACE (i) A requirement for public open space under section 18 of the Subdivision Act 1988 has/has not been made. (ii) The requirement has been satisfied. (iii) The requirement is to be satisfied in Stage..... Council Delegate Council Seal Date / / Re-certified under section 11(7) of the Subdivision Act 1988 Council Delegate Council Seal Date / /		
Vesting of Roads and/or Reserves		Notations		
Identifier	Council/Body/Person	Staging This is is not a staged subdivision Planning Permit No. T120750		
NIL	NIL	Depth Limitation DOES NOT APPLY		
		TANGENT POINTS ARE SHOWN THUS: 		
		⌋ EASEMENTS E-3 AND E-6 TO E-15 (BOTH INCLUSIVE) HAVE BEEN OMITTED FROM THIS PLAN		
AN APPURTENANT CARRIAGEWAY EASEMENT IN FAVOUR OF LOT A ON THIS PLAN HAS BEEN CREATED VIDE PS720773B THIS IS A SPEAR PLAN		Survey This plan is is not based on survey This survey has been connected to permanent marks no(s) 122, 143, 144, 146 In Proclaimed Survey Area No. 71 & 147		
Easement Information				
Legend: E - Encumbering Easement, Condition in Crown Grant in the Nature of an Easement or Other Encumbrance		A - Appurtenant Easement R - Encumbering Easement (Road)		LRS use only
Subject Land	Purpose	Width (metres)	Origin	Land Benefited/In Favour Of
E-1	GAS SUPPLY	SEE DIAG	INST. 2703759	GAS AND FUEL CORPORATION
E-2	SEWERAGE	SEE DIAG	THIS PLAN	SOUTH EAST WATER CORPORATION
E-16 E-16	SEWERAGE DRAINAGE	SEE DIAG SEE DIAG	PS606333U PS606333U	SOUTH EAST WATER LIMITED CARDINIA SHIRE COUNCIL
<small>This signed document is made available for the purposes of the planning process. It is not to be used for any other purpose. The information contained in this document is for information only and does not constitute an offer of any financial product or service. For more information, see Section 2 of the document or contact the relevant authority.</small>				
				Statement of Compliance/ Exemption Statement Received <input checked="" type="checkbox"/> Date 17/07/2013
				LRS use only PLAN REGISTERED TIME 3:39pm DATE 24/07/2013 Vernon Prasad Assistant Registrar of Titles
				Sheet 1 of 2 sheets
SOUTHEAST BUSINESS PARK		LICENSED SURVEYOR (PRINT) GEOFFREY JAMES TURNER		
2 LOTS		SIGNATURE DIGITALLY SIGNED DATE / /		
Bosco Jonson Pty Ltd A.B.N 95 282 532 642 P.O. Box 5075, South Melbourne, Vic 3205 16 Eastern Road South Melbourne Vic 3205 Australia DX 20524 Emerald Hill Tel 03) 9699 1400 Fax 03) 9699 5992		REF 29165003 DWG 2916500AC 05/03/13 VERSION C		
		DATE / / COUNCIL DELEGATE SIGNATURE Original sheet size A3		

PLAN OF SUBDIVISION	Stage No. <hr style="width: 50px; margin: 0 auto;"/>	Plan Number PS 711377L
----------------------------	---	----------------------------------



SOUTHEAST BUSINESS PARK

Bosco Jonson Pty Ltd
 A.B.N 95 282 532 642
 P.O. Box 5075, South Melbourne, Vic 3205
 16 Eastern Road South Melbourne
 Vic 3205 Australia DX 20524 Emerald Hill
 Tel 03) 9699 1400 Fax 03) 9699 5992

ORIGINAL	SCALE
SCALE 1:2500	<p style="text-align: center;">LENGTHS ARE IN METRES</p>
SHEET SIZE A3	

LICENSED SURVEYOR (PRINT) **GEOFFREY JAMES TURNER**

SIGNATURE **DIGITALLY SIGNED** DATE / /

REF **29165003** 05/03/13 VERSION **C**

DWG **2916500AC**

Sheet 2
DATE / /
COUNCIL DELEGATE SIGNATURE
Original sheet size A3

Plan of Subdivision PS711377L
Concurrent Certification and Statement of Compliance
(Form 3)

SUBDIVISION (PROCEDURES) REGULATIONS 2011

SPEAR Reference Number: S032723T
Plan Number: PS711377L
Responsible Authority Name: Cardinia Shire Council
Responsible Authority Reference Number 1: S13/026
Responsible Authority Reference Number 2: T120750
Surveyor's Plan Version: C

Certification

This plan is certified under section 6 of the Subdivision Act 1988

Statement of Compliance

This is a statement of compliance issued under section 21 of the Subdivision Act 1988

Public Open Space

A requirement for public open space under section 18 of the Subdivision Act 1988

Has not been made

Digitally signed by Council Delegation

Organisation:

Cardinia Shire Council

Date:

04/07/2013

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Our Reference: 12279

19 February 2024

**Statutory Planning
Cardinia Shire Council
Via: Online Portal & via email mail@cardinia.com.au**

Dear Sir/Madam,

**Re: Submission of Planning Permit Application
Use of the land for car sales, and associated works
1/2 Southeast Boulevard Pakenham**

KLM Spatial acts on behalf of the application, Patterson Cheney Pty Ltd, in submitting this planning permit application to use the land as car sales.

The application seeking approval is for the use of car sales and motor repairs for Patterson Cheney who are a car and truck business that has been providing vehicle sales, services, accessories and parts distributions across Melbourne, Victoria for over 107 years.

The subject site is encumbered by the Industrial 1 Zone and there are no overlays covering the site.

In summary, the proposed use is reasonable in its content with car sales being a prominent use within South East Business Park area. The proposed intensity of the use is modest which ensures that the car parking demand will not exhaust the existing availability of car parking with 23 spaces being required to comply with clause 52.06-5 and the subject lot being entitled to 25 car parking spaces of common property no. 4 of PS724175B.

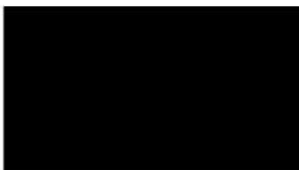
In support of the Application, we enclose the following;

1. Completed Planning Permit Application Form;
2. Current Copy of Title and title particulars;
3. Copy of the parent Plan of Subdivision PS711377;
4. Planning report, prepared by KLM Spatial and dated 15 February 2024
5. Development plans prepared by KLM Spatial (Drawing No. 12279 LU01, dated 30/01/2024);

We trust the above is acceptable to Council and look forward to hearing from you in due course.

If you have any queries regarding the above, please contact the undersigned on 9794 1600 or via email manager@klms.com.au

Yours sincerely



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KLM Spatial

PLANNERS // SURVEYORS //
ENGINEERS // BUILDING DESIGNERS //

Ref – 12279

9 April 2024

Statutory Planning Department



Dear Statutory Planning Department,

**Re - Submission to Further Information Request
1/2 Southeast Boulevard, PAKENHAM
Planning Application: T240068**

KLM Spatial continues to act on behalf of the applicant, Patterson Cheney Pty Ltd in regard to the above Planning Application.

In response to each of Council's letter dated 18 March 2024 requesting further pursuant to Section 54 of the Planning and Environment Act 1987, we provide the following amended plans and documents:

1. Amended Development Plans prepared by KLM Spatial, Rev A and dated 02.04.2024.
2. Email trail between client and owners corporation.

A response to each of Council's items of further information has been provided for below:

1. Owners Corporation

We have attached an email trail to this submission between the client and owner's corporation where the Owners Corporation specified that there are no allocated spaces, and the parking is within common property, meaning it is effectively shared by all warehouses onsite.

Based on this, we have relied upon the entitlement/liabilities found in the title documents (see figure 1 below).

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Entitlement and Liability:

NOTE – Folio References are only provided in a Premium Report.

Land Parcel	Entitlement	Liability
Common Property 4	0	0
Lot 27	23	20
Lot 28	23	20
Lot 45	24	15
Lot 46	24	15
Lot 47	45	30

Figure 1 Common Property NO. 4 Entitlement/Liability

The subject lot (lot 47) is liable for 30% of Common Property 4 as demonstrated in the above figure. It is acknowledged that these entitlements/liabilities refer to all services within the common property area and not just car parking. However, as the subject site is liable for 30% of services within the common property area, it is considered that the subject site is entitled to at least 30% of the car parking spaces within this common area.

As there are 85 spaces within Common Property 4, the subject site is effectively entitled to 30%, being 25 spaces. Refer to *Section 5.3.1 Clause 52.06 – Car Parking* of the submitted planning report which discusses the parking consideration in detail.

In conclusion, based on the correspondence from the owner's corporation, there are no allocated spaces and parking is effectively shared within Common Property 4. Based on the information available in the title documents, it is considered the warehouse is entitled to 25 spaces as discussed above. As parking is not allocated onsite, parking spaces will in practice be used based on what is available at the time. Notwithstanding this, there is significant availability of car parking for the five warehouses benefiting from Common Property 4 and as discussed in *Section 5.3.1 Clause 52.06 – Car Parking* of the submitted planning report, it is considered that the existing parking conditions can more than accommodate the proposed use which is common throughout the area.

2. Site Plan

The site plan has been amended with all dimensions being shown for internal display spaces. The internal spaces within the showroom are to display cars and are not to be used for car parking. The internal office component has now been included and is dimensioned accordingly.

We trust the above is acceptable to Council and look forward to hearing from you in due course.

If council do not consider this to be a satisfactory response, we hereby request an extension to the lapse date by a further 30 days.

If you have any queries regarding the above, please contact the undersigned or via email at manager@klms.com.au

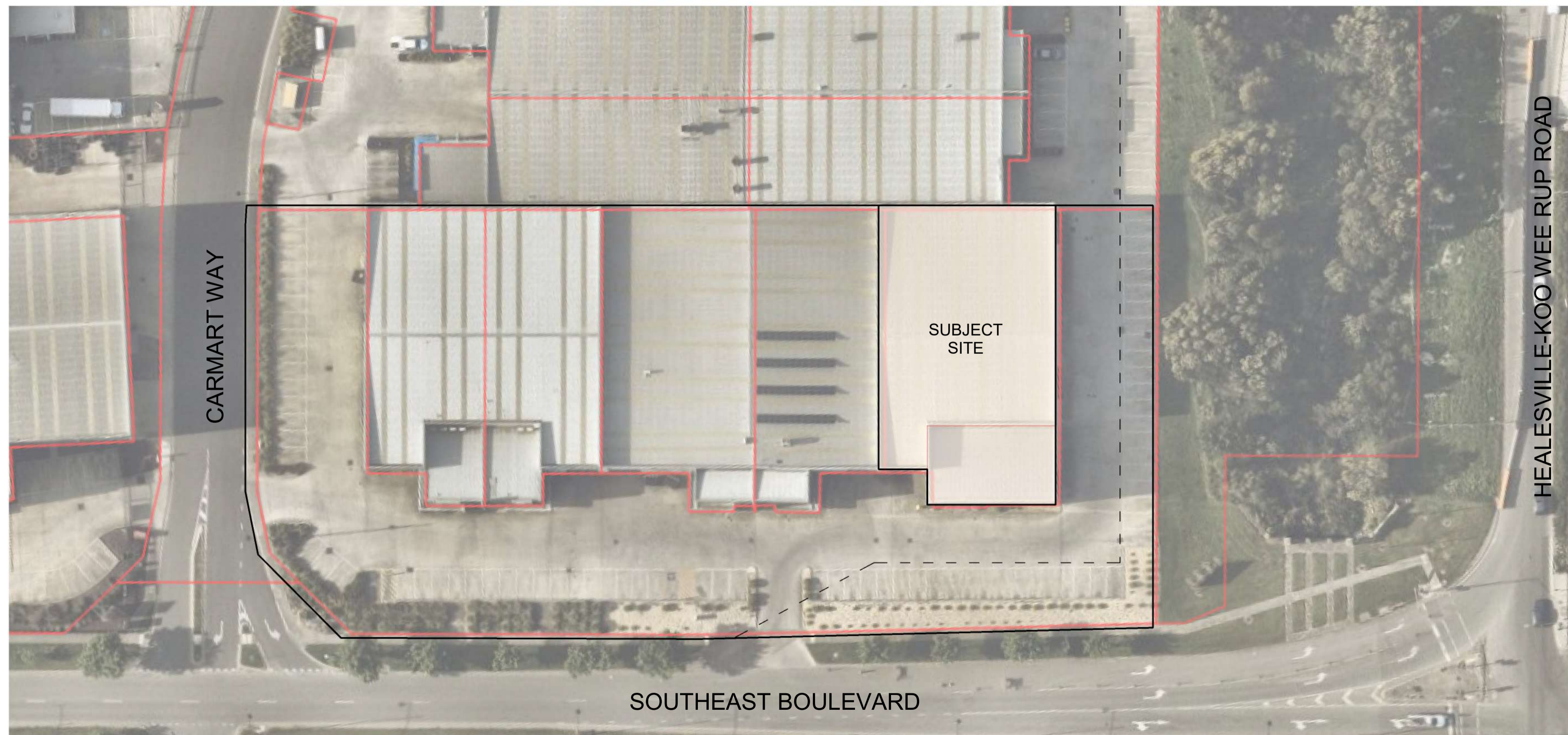
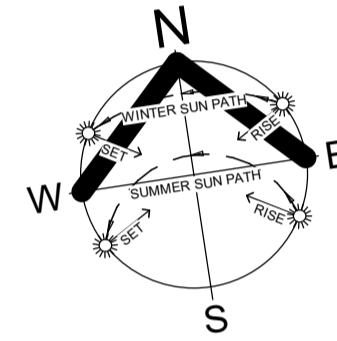


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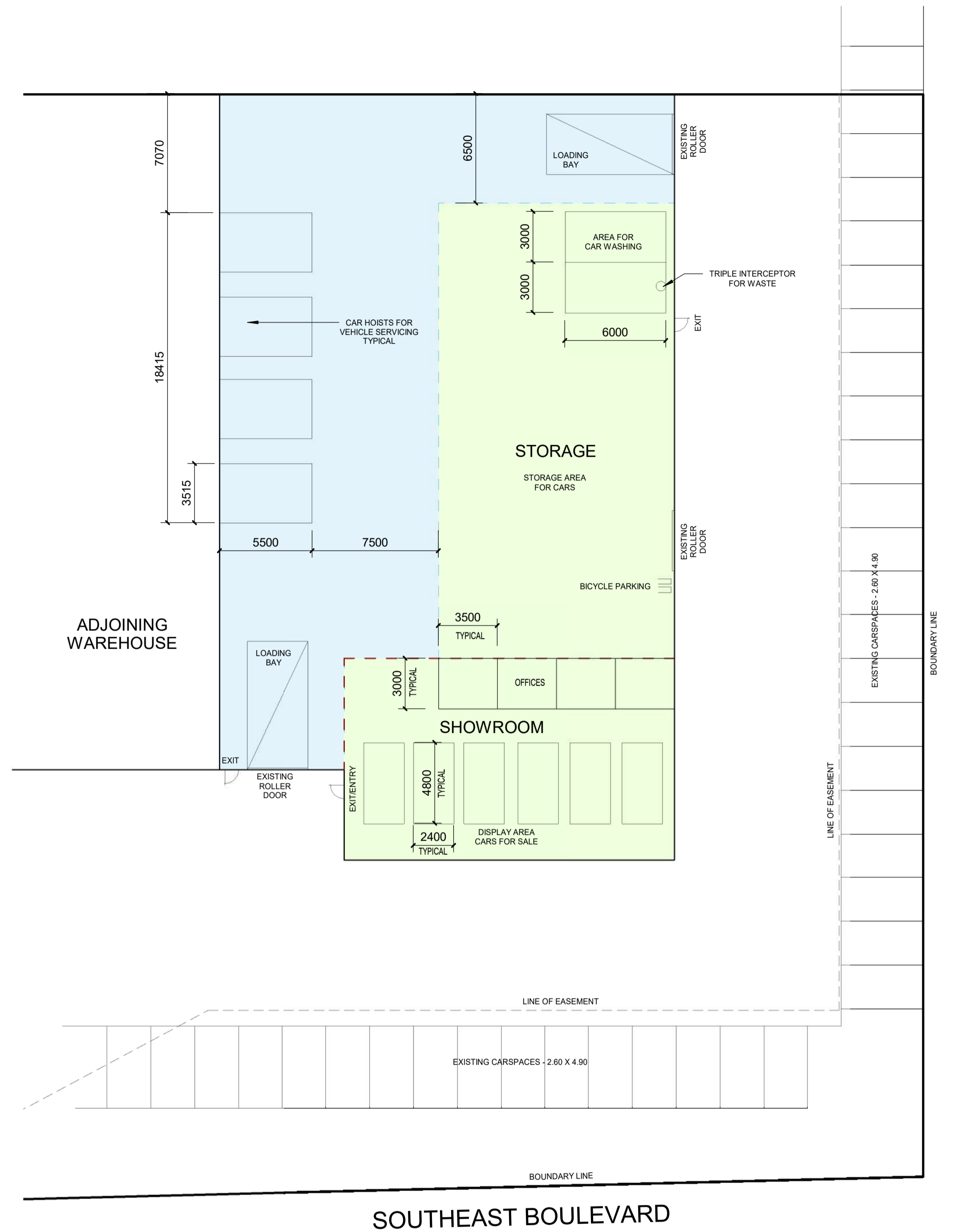
GENERAL NOTES:

INDICATES AREA ASSOCIATED WITH 'CAR SALES' USE
TOTAL AREA: 613.72m²

INDICATES AREA ASSOCIATED WITH 'MOTOR REPAIRS' USE
TOTAL AREA: 575.92m²



OVERALL SITE PLAN
1 : 500



ENLARGED SITE PLAN
1 : 200

PRELIMINARY

No.	DATE:	REVISION / ISSUE:
P1	30.1.2024	FOR REVIEW
A	2.4.2024	FOR TOWN PLANNING

PROJECT:
PROPOSED USE PLAN

CLIENT:
PATTERSON CHENEY PTY LTD
DRAWING:
SITE PLANS

LOCATION:
**1/2 SOUTHEAST BOULEVARD,
PAKENHAM**

DATE: 30.1.2024
SCALE: As indicated @ A1
DRAWING No:
12279 LU 01

DRAWN: KJ
CHECKED: TP
VERSION:
A



PROFESSIONAL
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The peak body for the building design profession
LAND DEVELOPMENT INTELLIGENCE

Suite 1, Building 2
3 Ordish Road
Dandenong South 3175
Telephone 03 9794 1600
manager@klms.com.au
www.klms.com.au

Request to amend a current planning permit application

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

PERMIT APPLICATION DETAILS

Application No.:	T240068
Address of the Land:	1/2 Southeast Boulevard Pakenham

APPLICANT DETAILS

Name:	[REDACTED]
Organisation:	Patterson Cheney Pty Ltd C/- KLM Spatial
Address:	Suite 1, Building 2, 3 Ordish Rd Dandenong South
Phone:	9794 1600
Email:	Manager@klms.com.au

AMENDMENT TYPE

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

AMENDMENT DETAILS

What is being amended? (select all that apply)		
What is being applied for <input type="checkbox"/>	Plans / other documents <input type="checkbox"/>	Applicant / owner details <input type="checkbox"/>
Land affected <input type="checkbox"/>	Other <input type="checkbox"/>	
Describe the changes. If you need more space, please attach a separate page.		
Submission of car parking demand assessment to council request		

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Specify the estimated cost of any development for which the permit is required:		
Not applicable <input type="checkbox"/>	Unchanged <input checked="" type="checkbox"/>	New amount \$

DECLARATION

I declare that all the information in this request is true and correct and the owner (if not myself) has been notified of this request to amend the application.	
Name:	[Redacted]
Signature:	[Redacted]
Date:	20/06/2024

LODGEMENT

Please submit this form, including all amended plans/documents, to mail@cardinia.vic.gov.au

You can also make amendments to your application via the Cardinia ePlanning Portal at <https://eplanning.cardinia.vic.gov.au/>

If you have any questions or need help to complete this form, please contact Council's Statutory Planning team on 1300 787 624.

IMPORTANT INFORMATION

It is strongly recommended that before submitting this form, you discuss the proposed amendment with the Council planning officer processing the application.

Please give full details of the nature of the proposed amendments and clearly highlight any changes to plans (where applicable). If you do not provide sufficient details or a full description of all the amendments proposed, the application may be delayed.

No application fee for s50/s50A requests unless the amendment results in changes to the relevant class of permit fee or introduces new classes of permit fees. The fee for a s57A request is 40% of the relevant class of permit fee, plus any other fees if the amendment results in changes to the relevant class (or classes) of permit fee or introduces new classes of permit fees. Refer to the *Planning and Environment (Fees) Regulations 2016* for more information.

The amendment may result in a request for more under section 54 of the Act and/or the application requiring notification (or re-notification). The costs associated with notification must be covered by the applicant.

Council may refuse to amend the application if it considers that the amendment is so substantial that a new application for a permit should be made.

Any material submitted with this request, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the *Planning and Environment Act 1987*.

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Ref – 12279

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20 June 2024

Statutory Planning Department
Cardinia Shire Council
Attention: [REDACTED] **Statutory Planner**
Via: Email [REDACTED]

[REDACTED]

Re - Request to amend Planning Application – Section 50A of the Act
1/2 Southeast Boulevard, PAKENHAM
Planning Application: T240068

KLM Spatial continues to act on behalf of the applicant, Patterson Cheney Pty Ltd, in regard to the above planning application.

In light of the concerns raised in Council's email dated 27 May 2024, we seek to formally amend the application as submitted.

To assist in the complete and thorough assessment of the application, we attach the following:

1. Completed Section 50 Application Form;
2. Car Parking Demand Assessment prepared by Ratio Consultants, Version F01, Dated 19/06/2024.

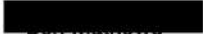
The changes sought can be summarized as follows:

- Submission of a car parking demand assessment in response to comments from Council's traffic department (no changes to the use or plans are proposed).

We trust the above is acceptable to Council as the survey results from the demand assessment illustrate substantial car parking vacancies during business hours that can more than accommodate the proposed use. Accordingly, we respectfully request council proceed to advertising the application in a timely manner.



Yours sincerely,



KLM Spatial

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Client
Patterson Cheney Pty Ltd

Date
19 June 2024

Planning

Transport

Urban Design

Waste Management

ratio.com.au

Parking Demand Assessment Report

1/2 Southeast Boulevard,
Pakenham

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ratio:

Project
1/2 Southeast Boulevard, Pakenham

Prepared for
Patterson Cheney Pty Ltd

Our reference
21547T-REP01-F01

Directory path <https://ratioconsultants1.sharepoint.com/sites/21547T/Shared Documents/Work/Reports/21547T-REP01-F01.docx>

Version	Date	Issue	Prepared by	Checked by
F01	19/06/2024	Final		

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1. Introduction

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1.1. Background and Introduction

Ratio Consultants was commissioned by Patterson Cheney Pty Ltd (the Permit Applicant) to assess the car parking implications of the proposed development at 1/2 Southeast Boulevard in Pakenham.

The proposed development involves retrofitting an existing building currently operating as “The Locker Room HQ” to facilitate a proposed Motor Repairs (576 sqm) and Car Sales (613 sqm) development. The development does not propose any reconfiguration of the on-site car park, nor existing vehicular access strategy currently provided via the existing crossovers to Carmart Way and Southeast Boulevard.

Information provided to our office indicates that a Planning Application for a Change of Use was recently submitted to Cardinia Shire Council. Upon receipt of the Application, Council provided a Request for Further Information (RFI) letter, requesting that a Parking Demand Assessment be undertaken.

Accordingly, Ratio Consultants has prepared the following Parking Demand Assessment report to respond to the request within Cardinia Shire Council’s RFI request.

For reference, a copy of the development plans are shown in Figure 1.1 and provided in full as Appendix A of this report.

Figure 1.1: Proposed Site Layout



(Source: KLM Spatial)

1.2. Purpose & Structure of this Report

This report sets out an assessment of the anticipated parking, traffic and transport implications of the proposed development, including consideration of the:

1. Existing conditions surrounding the site.
2. Parking demand likely to be generated by the proposed development.
3. Suitability of the proposed parking in terms of supply and layout.

1.3. References

In preparing this report, reference has been made to the following:

- Plans for the proposed development prepared by KLM Spatial (Drawing No. 12279 LU01 Version A), attached as Appendix A.
- Cardinia Shire Planning Scheme.
- Australian/New Zealand Standard, Parking Facilities Part 1: Off-Street Car Parking (AS2890.1:2004).
- Australian Standard, Parking Facilities Part 2: Off-Street Commercial Vehicle Facilities (AS2890.1:2002).
- Australian/New Zealand Standard, Parking Facilities Part 6: Off-Street Parking for People with Disabilities (AS/NZS 2890.6:2009).
- Car parking surveys as referenced within the report.
- A desktop inspection of the subject site and its surrounds.
- Operational information provided by the Applicant.
- Other documents as nominated.

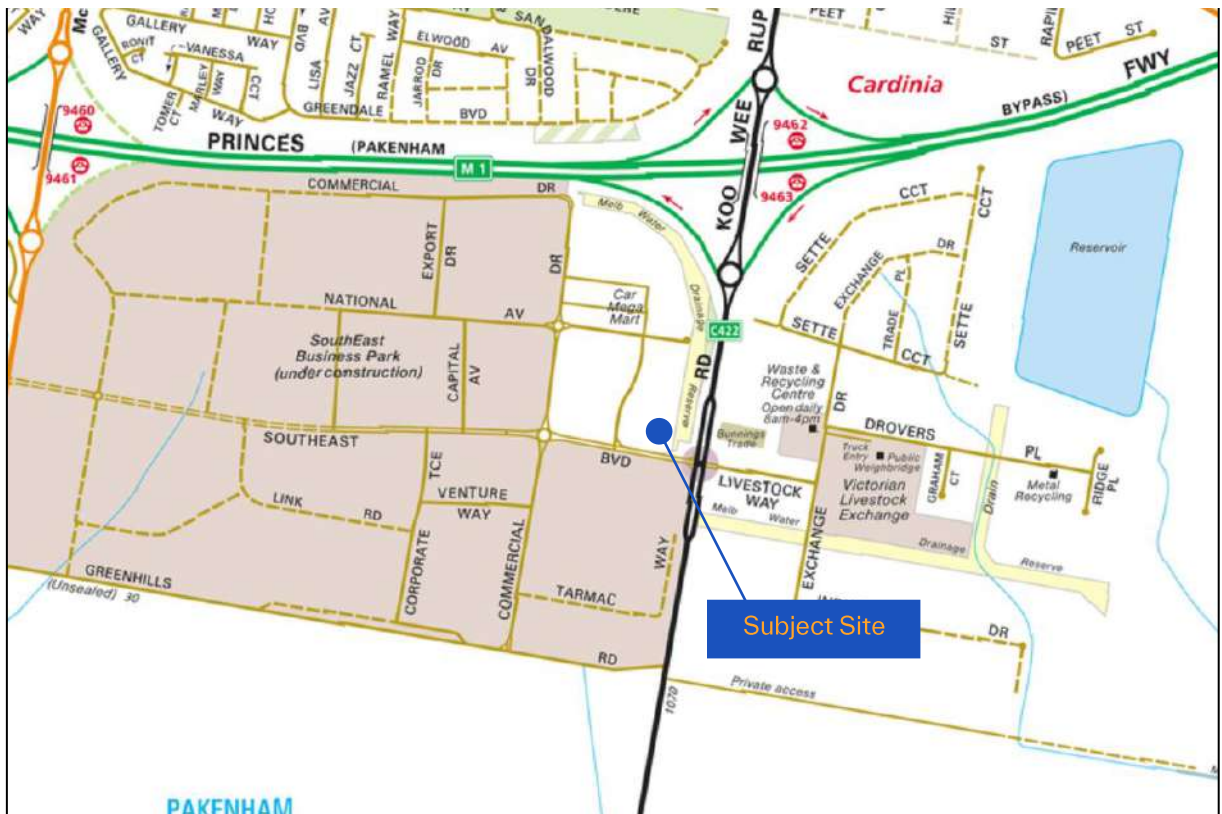
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2. Existing Conditions

2.1. Location and Environment

The subject site is located on the northern side of Southeast Boulevard in Pakenham. The site's location relative to the surrounding road network is shown in Figure 2.1.

Figure 2.1: Site Location



(Source: Melway)

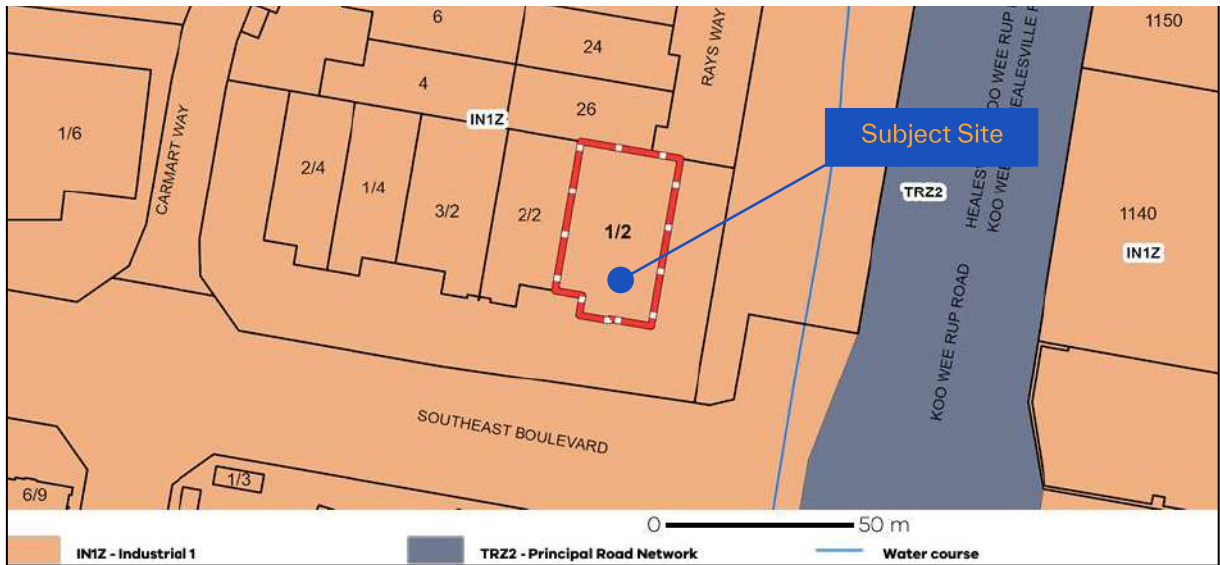
The subject site consists of a single-storey building (Lot 47) of a larger industrial site. Accordingly, the surrounding land uses in the vicinity of the site are generally industrial / warehouse.

The site is currently occupied by “The Locker Room HQ Facility” which provides a dedicated training venue for athletes including sports courts, yoga studio and recovery centre. The subject site is zoned Industrial 1 Zone (IN1Z) and is not covered by any Overlays.

Figure 2.2 shows the location of the site and the Cardinia Shire Planning Scheme Zones.

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Figure 2.2: Planning Scheme Zones



(Source: Planning Maps Online)

In order to appreciate the location of the subject site within the localised area from available aerial imagery, Figure 2.3 has been prepared to illustrate the site in the local context, with its immediate surrounds.

Figure 2.3: Aerial View of the Site and Surrounds



(Source: Landchecker.com.au)

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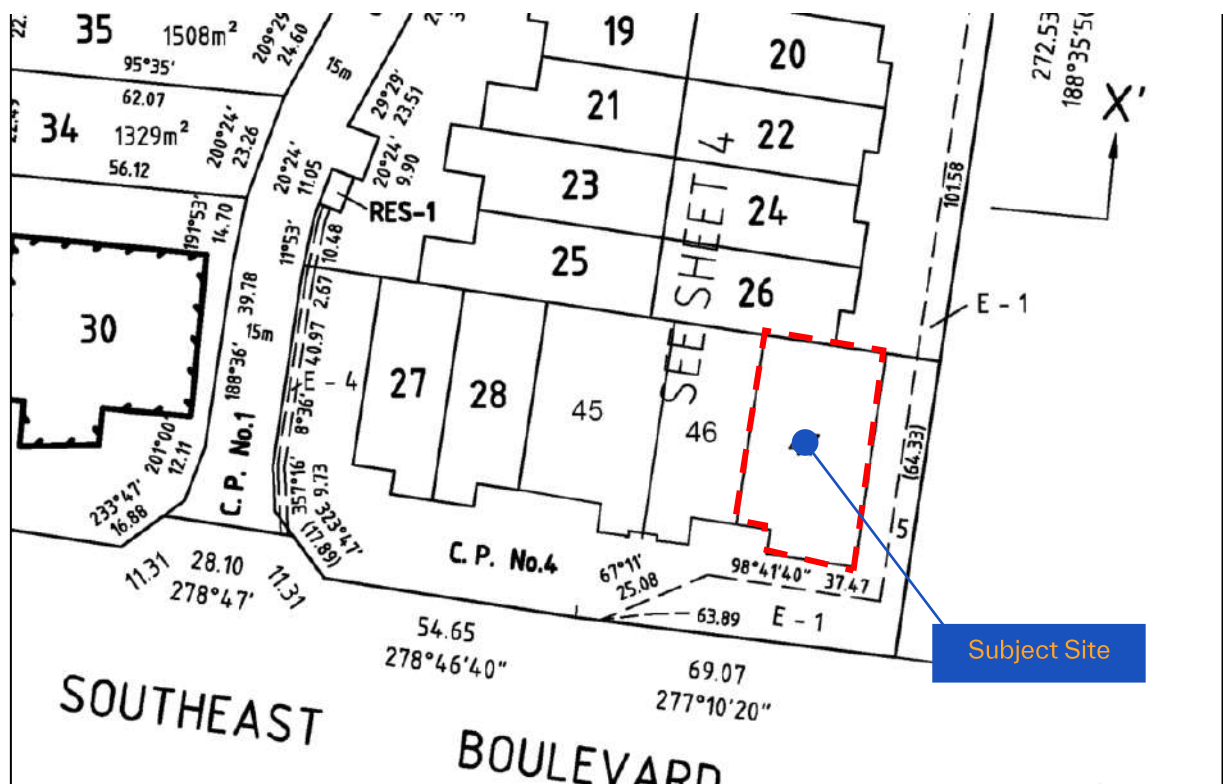
2.2. Existing Site Operation

The subject site currently operates as The Locker Room Sports Academy. Specifically, the existing site operates as follows:

- Dedicated training venue for athletes, including Group Academy sessions.
- Sports Recovery Centre, including Yoga Studio.
- Ancillary office space.
- Access to 84 x existing car parking spaces including two DDA spaces shared between Units 27, 28, 45, 46 and 47 (the subject site).
- Vehicle access provided via the existing double width crossovers to Carmart Way along the western boundary and the existing double width crossover to Southeast Boulevard along the southern boundary.

For clarity, the existing site layout in context of the Common Property available for Units 27, 28, 45, 46 and 47 (the subject site) is shown in the below figure.

Figure 2.4: Existing Site Layout Plan



(Source: Nobelius Land Surveyors)

2.3. Road Network

Southeast Boulevard is a Council managed road that generally extends in an east-west direction along the southern boundary of the site from the signalised intersection with Healesville-Koo Wee Rup Road adjacent the subject site and its termination approximately 1.4 kilometres to the west at the intersection with McGregor Road.

In the vicinity of the site, Southeast Boulevard has a carriageway width of approximately 22.5 metres and operates with two traffic lanes in each direction separated by a central median with constructed footpaths on both sides of the road. Southeast Boulevard operates with a posted speed limit of 60 km/hr.

A typical view of Southeast Boulevard in the vicinity of the site is shown in Figure 2.5 and Figure 2.6.

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Figure 2.5: Southeast Boulevard Looking West



(Source: Google Street View)

Figure 2.6: Southeast Boulevard Looking East



(Source: Google Street View)

Carmart Way is a Council managed road that generally extends in a north-south direction along the western boundary of the site from the intersection with Southeast Boulevard at the southern end and its termination approximately 250 metres to the north at the intersection with Auto Way.

In the vicinity of the site, Carmart Way has a carriageway width of approximately 11 metres and operates with a single traffic lane in each direction with constructed footpaths on both sides of the road. Kerbside parking is permitted on both sides of the road. Carmart Way operates with a default speed limit of 50 km/hr.

A typical view of Carmart Way in the vicinity of the site is shown in Figure 2.7 and Figure 2.8.

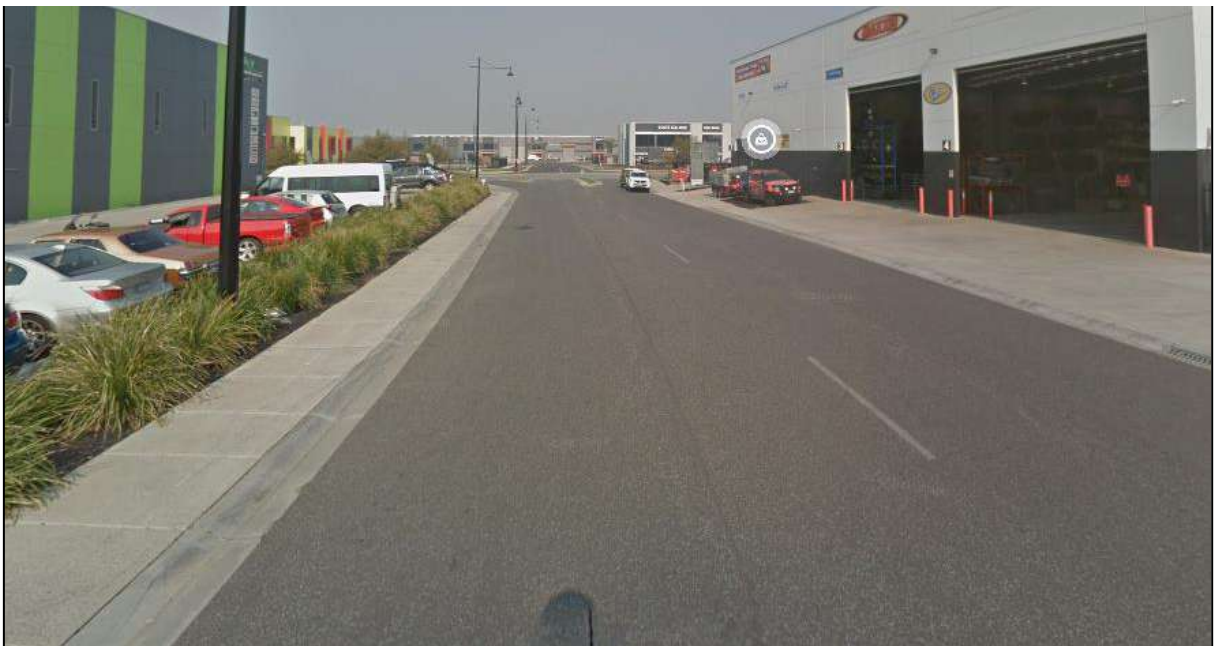
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Figure 2.7: Carmart Way Looking North



(Source: Google Street View)

Figure 2.8: Carmart Way Looking South



(Source: Google Street View)

2.4. Surrounding Intersections

The key intersections in the vicinity of the subject site include:

- Carmart Way / Existing Site Access (Unsignalised T-intersection).
- Carmart Way / Existing Site Access (Unsignalised T-intersection).
- Carmart Way / Southeast Boulevard (Unsignalised T-intersection).
- Southeast Boulevard / Site Access (Left In / Left Out T-intersection).
- Southeast Boulevard / Healesville - Koo Wee Rup Road (Signalised X-intersection).

2.5. Sustainable Transport

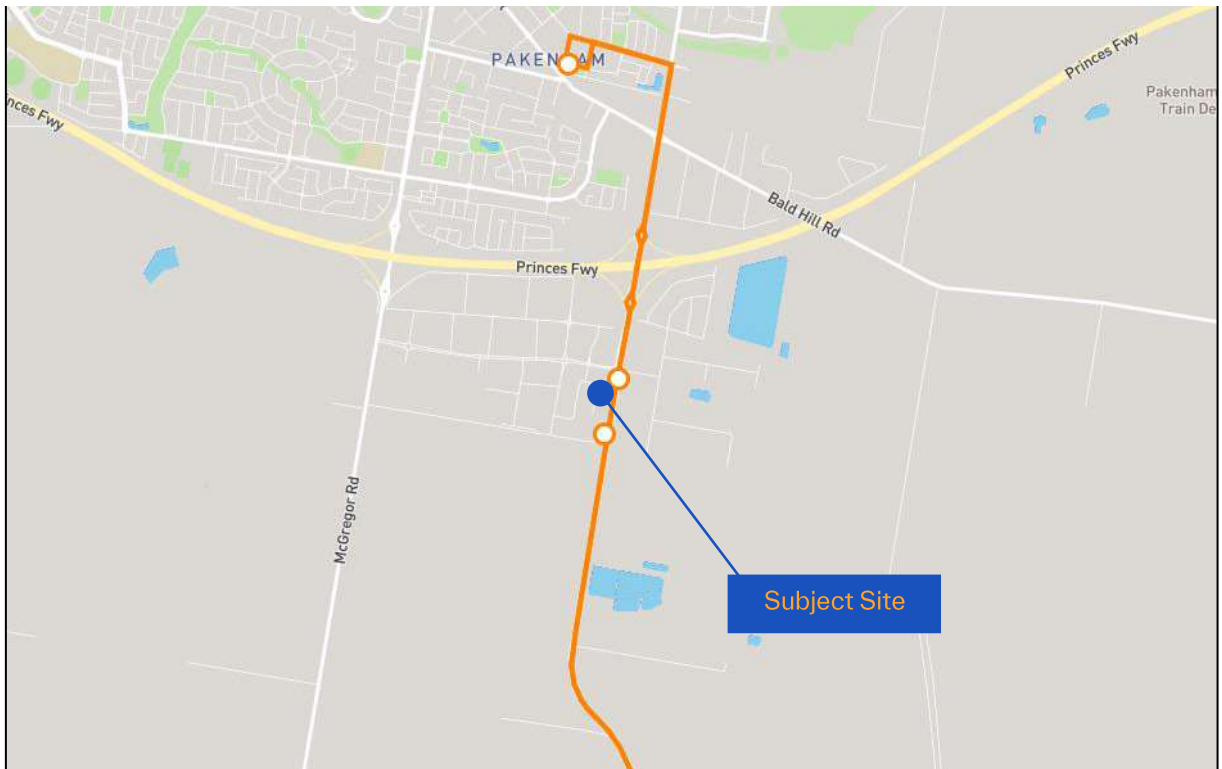
Public Transport

The subject site currently has limited access to public transport with bus services operating near the subject site.

The closest bus service (Koo-Wee-Rup to Pakenham) operates along Healesville-Koo Wee Rup Road with the closest bus stop located approximately 160 metres north-west of the subject site.

Figure 2.9 presents the public transport services operating within convenient proximity to the subject site.

Figure 2.9: Cardinia Shire Public Transport Victoria Map



(Source: Public Transport Victoria)

Bicycle and Pedestrian Network

The streets surrounding the site generally have pedestrian paths provided on at least one side of the road to facilitate pedestrian movement through the area. Both Southeast Boulevard and Carmart Way have pedestrian paths along both sides including along the sites southern and western boundary, respectively.

The site has limited access to bicycle facilities.

2.6. Crash Analysis

A review has been conducted of VicRoads 'CrashStats' database for the five-year period of available data for any reported casualty crashes.

This database records all accidents causing injury that have occurred in Victoria since 1987 (as recorded by Victorian Police) and categorises these accidents as follows:

- *Fatal injury: at least one person was killed in the accident or died within 30 days as a result of the accident.*
- *Serious injury: at least one person as sent to Hospital as a result of the accident.*
- *Other injury: at least one person required medical treatment as a result of the accident.*

A summary of the accidents in the vicinity of the subject site for the last five-year period is presented in the below table.

Table 2.1: Summary of Crashes in the Vicinity of the Subject Site (5 Year Period)

Location	Accident No.		
	Fatality	Serious Injury	Other Injury
<i>Site Frontage including Site Access intersections</i>			
Southeast Boulevard	0	0	0
Carmart Way	0	0	0
<i>Nearby Intersections</i>			
Southeast Boulevard / Carmart Way	0	0	0
Southeast Bvd / Healesville - Koo Wee Rup Road	0	0	2
Total	0	0	2

Table 2.2 indicates that over the last available five-year period, two crashes were recorded in the immediate vicinity of the subject site.

A review of the crash history data indicates that two ‘Other Injury’ crashes have been reported and there does not appear to be any crash trends that should warrant an unconventional site access strategy.

Given the road classifications and associated traffic volumes, it is considered that the road network is operating in a safe manner.

2.7. Existing Car Parking Conditions

In order to understand the existing car parking conditions of the subject site, Ratio Consultants commissioned a survey of the parking supply and demand of the existing on-site car parking supply and the adjacent on-street car parking spaces during the following periods:

- Thursday 6 June 2024 between 9:00am and 5:00pm.
- Saturday 8 June 2024 between 10:00am and 2:00pm.

For reference, Figure 2.10 outlines the car parking area surveyed during the above time periods.

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Figure 2.10: Car Parking Survey Map

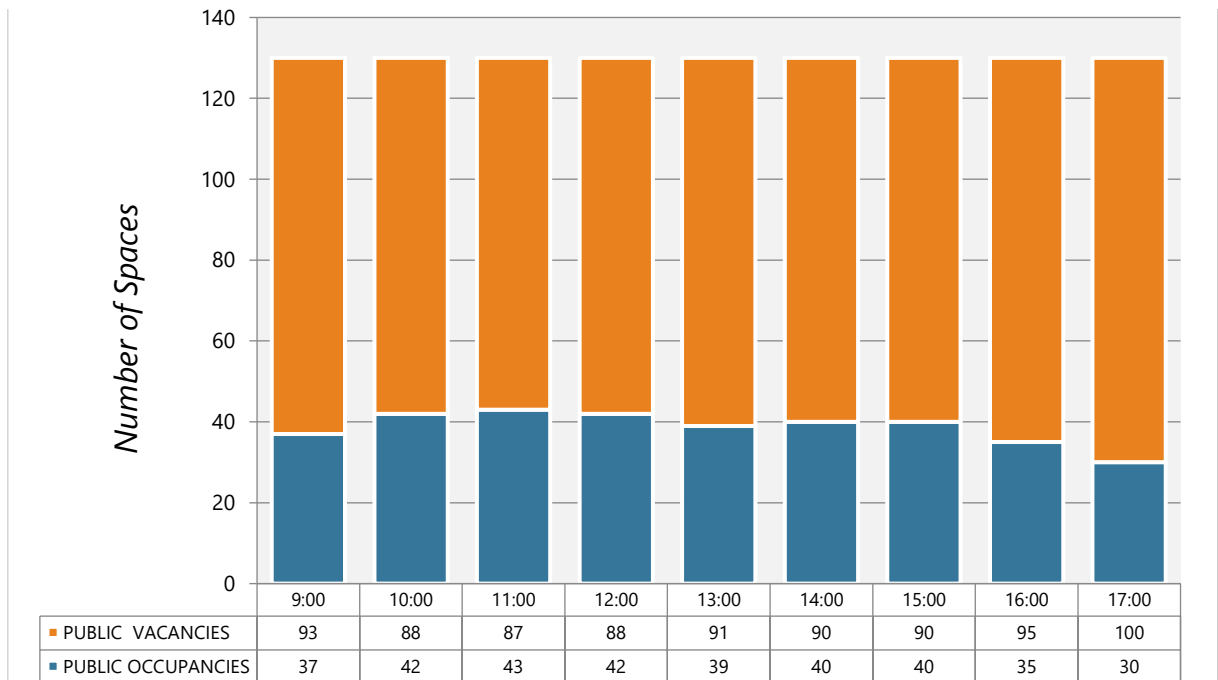


A summary of the results is shown in Figure 2.10 and Figure 2.11 and the detailed survey results are provided in Appendix B of this report.

Car Parking Survey – Thursday 6 June 2024 Summary

Figure 2.11 provides a summary of the car parking demand profile for the typical weekday.

Figure 2.11: Thursday 6 June 2024 – Car Parking Demand Profile



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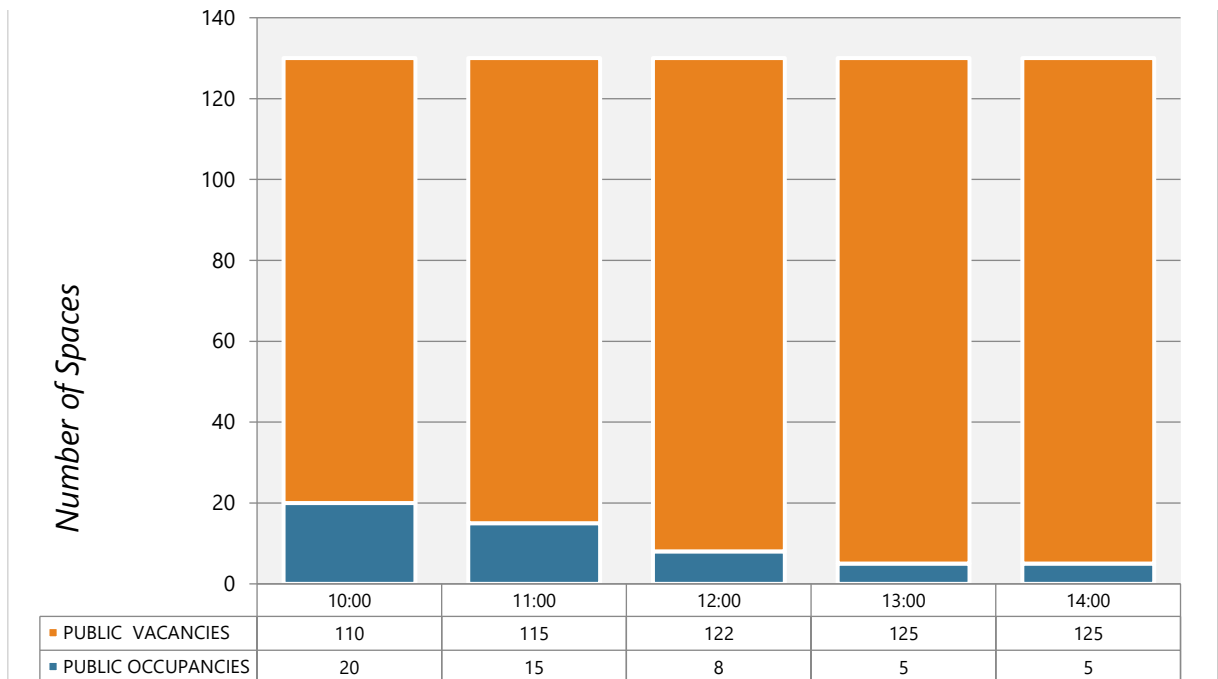
Based on the above, the following is noted:

- A total of 130 car parking spaces are available during the survey period.
- The overall demand for parking ranged between 23% and 33% occupancy during the survey period.
- The peak period occurred at 11:00am, when a maximum of 43 car parking spaces were occupied out of an available supply of 130 spaces, representing a parking occupancy of 33%
- There was a minimum of 87 available car parking spaces recorded at this time.
- With a specific focus upon on-site car parking, a maximum of 27 car parking spaces were recorded to be occupied out of an available supply of 84 on-site car parking spaces, representing a car parking occupancy of 32%.
- There was a minimum of 57 available on-site car parking spaces recorded at this time.

Car Parking Survey – Saturday 8 June 2024 Summary

Figure 2.12 provides a summary of the car parking demand profile for the typical Saturday.

Figure 2.12: Saturday 8 June 2024 – Car Parking Demand Profile



Based on the above, the following is noted:

- A total of 130 car parking spaces are available during the survey period.
- The overall demand for parking ranged between 4% and 15% occupancy during the survey period.
- The peak period occurred at 10:00am, when a maximum of 20 car parking spaces were occupied out of an available supply of 130 spaces, representing a parking occupancy of 15%
- There was a minimum of 110 available car parking spaces recorded at this time.
- With a specific focus upon on-site car parking, a maximum of 14 car parking spaces were recorded to be occupied out of an available supply of 84 on-site car parking spaces, representing a car parking occupancy of 17%.
- There was a minimum of 70 available on-site car parking spaces recorded at this time.

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3. Development Proposal

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3.1. General

It is proposed to retrofit the existing building currently operating as “The Locker Room HQ” facilitate a proposed Motor Repairs (576 sqm) and Car Sales (613 sqm) development. The development does not propose any reconfiguration of the on-site car park, nor existing vehicular access strategy currently provided via the existing crossovers to Carmart Way and Southeast Boulevard.

More specifically, the development will incorporate the following land use yield and associate transport infrastructure, as summarised in Table 3.1.

Table 3.1: Transport Information

Land Use		
Land Use Classification	Description	Size / Number
Motor Repairs	Motor Repairs (GFA)	576 sqm
	Servicing Bays	4 bays
Retail Premises (Car Sales)	Car Sales	614 sqm
Transport Infrastructure		
Land Use Classification	Description	Size / Number
Pedestrian Access	Along western and southern boundaries	-
Vehicular Access	Carmart Way North (Existing)	Fully Directional
	Carmart Way South (Existing)	Fully Directional
	Southeast Boulevard (Existing)	Left In / Left Out
Parking	Car Spaces	84 spaces [1]
	Servicing Bays	4 bays
	Car Sales Display Bays	6 bays
	Car Washing Bay	2 bays
	Bicycle Spaces	4 spaces
Loading	Loading	Vehicles up to B99's (Vans and Utes)

[1] Access to 84 x existing car parking spaces including two DDA spaces shared between Units 27, 28, 45, 46 and 47 (the subject site). There are no allocated car spaces and car parking is shared within the common property area.

3.2. Site Layout

The proposed site layout excerpt is shown in Figure 3.1, with full site plan provided in Appendix A of this report.

Figure 3.1: Proposed Site Layout



(Source: KLM Spatial)

3.3. Operational Characteristics

The motor repair use is proposed to serve as a function of the vehicles sold by the car sales land use, therefore the motor repair use is considered to operate as ancillary to the car sales operation of the site.

The site is proposed to operate with the following operating hours:

- Monday – Friday: 8:30am – 6:00pm.
- Saturday: 9:00am – 5:00pm.
- Sunday: Closed.

The site is proposed to operate with a maximum of 8 staff numbers across both components.

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4. Car Parking Assessment

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4.1. Planning Scheme Assessment

Car parking requirements for a range of uses are set out under Clause 52.06 of the Cardinia Shire Planning Scheme. Table 1 of Clause 52.06 sets out the car parking requirement that applies to a use listed in the Table.

Of relevance, Clause 52.06-5 states that:

A car parking requirement in Table 1 is calculated by multiplying the figure in Column A or Column B (which ever applies) by the measure in Column C.

Column A applies unless Column B applies.

Column B applies if:

- *Any part of the land is identified as being within the Principal Public Transport Network Area as shown on the Principal Public Transport Network Area Maps (State Government of Victoria, 2018); or*
- *A schedule to the Parking Overlay or another provision of the Planning Scheme specifies that Column B applies.*

Additionally, the car parking requirement specified for a use listed in Table 1 does not apply if:

- *A car parking requirement for the use is specified under another provision of the Planning Scheme; or*
- *A schedule to the Parking Overlay specifies the number of car parking spaces required for the use.*

The subject site is not located within the PPTN area and is not subject to a Car Parking Overlay. In this regard, the Column A rates outlined in Table 1 of Clause 52.06-5 applies.

Accordingly, the statutory car parking requirements for the proposed development have been assessed against these rates and are summarised in Table 4.1.

Table 4.1: Clause 52.06 Planning Scheme Requirement

Use	Size / No.	Statutory Car Parking Rate (Column A)	Statutory Requirement
Motor Repairs	576 sqm. (4 bays)	3 spaces to each 100 sqm of net floor area plus 1 space for each vehicle being serviced	21 spaces
Car Sales	614 sqm.	To the Satisfaction of the Relevant Authority	-
Total			21 spaces

Based on the assessment above, the application has a statutory requirement to provide 21 car spaces with car parking associated with the car sales component required to be provided to the satisfaction of the Relevant Authority.

As noted previously, the development has access to a total of 84 existing car parking spaces shared between Units 27, 28, 45, 46 and 47 (the subject site). There are no allocated spaces on title and parking is effectively shared within the common property area. No additional car parking spaces are proposed to be provided as part of the development.

Having regard to the above, as the site does not wholly satisfy the car parking requirement (noting the shared resource of car parking), a car parking demand assessment has been completed in the following section of this report.

4.2. Car Parking Demand Assessment

Preamble

It is proposed to retrofit the existing building currently operating as “The Locker Room HQ” to facilitate a Motor Repairs (576 sqm.) and Car Sales (613 sqm.) development. The development does not propose any reconfiguration of the on-site car park.

The motor repair use is proposed to serve as a function of the vehicles sold by the car sales land use, therefore the motor repair use is considered to operate as ancillary to the car sales operation of the site.

Based on the above, the following assessment has adopted the combined floor area of both land uses (1,189sqm) to operate as Car Sales facility to provide a conservative assessment of the future car parking demand of the site.

Car Parking Demand

Guidance on the car parking characteristics of the proposal can be established from various sources. In this instance, guidance is sought via the following sources:

- Empirical data of similar car sales sites in Melbourne.
- Area comparison for the subject site against the remaining site of shared car parking pool.
- Car parking demand surveys and associated vacancies.

Empirical Data

In order to establish the anticipated car parking demand of the car sales facility, a review has been undertaken of car parking demand survey data for other car sales sites across Melbourne has been undertaken.

The data indicates an average peak car parking of 0.75 spaces per 100 sqm. of site area. Based on the combined floor area of 1,189 sqm, noting that site area is considered to relate to the floor area of the built form due to the shared (off-title) car park arrangement of the wider site, the proposal could be expected to generate a peak demand of 9 car parking spaces.

Area Comparison

As discussed previously, there are no allocated car parking spaces on title for each lot and on-site car parking is effectively shared within the common property area.

Based on a site area of 1,189 sqm. out of a total of 4,650sqm between the five tenancies, this represents approximately 26% of the total floor area. Given that there is a total of 80 spaces within the car parking area, this equates to 22 car parking spaces for the subject site based on proportional floor areas.

Car Parking Demand Surveys

As detailed in Section 2 of this report, car parking demand surveys have been undertaken for the existing on-site car parking supply on a typical weekday and Saturday.

In this respect, the surveys identified that the existing other land uses on the wider site generated a peak parking demand for 27 car parking spaces, with a total of 57 available car parking vacancies during this period.

4.3. Adequacy of Car Parking Provision

Based on the above, the following conclusions are made:

- The peak car parking demand is anticipated to be less than the percentage allocation of car parking that would naturally be expected for the subject site within the overall site.
- There are more than ample vacancies within the overall site to cater for the anticipated site generated car parking demand when having regard to the existing car parking demands at the site.

- The assessment is considered to be conservative on the high side as it includes the existing demand for the existing building currently operating as “The Locker Room HQ”.

Accordingly, the proposed use of the existing shared on-site car parking area is considered to adequately cater for the car parking demand generated by the proposed redevelopment of the subject site.

4.4. DDA Car Parking

In addition to the statutory car parking requirements in the Planning Scheme, the Building Code of Australia (BCA) outlines the requirements for the provision of car parking for people with disabilities.

An assessment of the BCA disabled car parking requirements for the development proposal is outlined in Table 4.2.

Table 4.2: BCA Car Parking Requirements

Description	Use	BCA Disabled Parking Requirements
Retail	Class 6	1 space for every 50 car parking spaces or part thereof

Parking spaces for people with disabilities can be included in the total number of spaces required by the Planning Scheme. The continued on-site provision of two spaces for people with a disability meets the BCA requirement and is considered appropriate.

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5. Bicycle Parking

5.1. Clause 52.34 – Bicycle Facilities

Clause 52.34 of the Cardinia Shire Planning Scheme seeks to encourage cycling as a mode of travel through the provision of appropriate bicycle parking and associated facilities. The discussion and analysis presented below examines these requirements.

Statutory requirements for the provision of bicycle parking and set out in Clause 52.34 of the Cardinia Shire Planning Scheme, with bicycle parking rates specified in Table 1 to Clause 52.34-5.

An assessment of the statutory parking requirements for the proposed development is set out in Table 5.1.

Table 5.1: Statutory Bicycle Parking Requirement

Land Use	Size	Statutory Parking Rate		Statutory Parking Requirement	
		Employee	Visitor	Employee	Visitor
Motor Repairs	576 sqm	1 to each 800 sqm	None	1 space	0 spaces
Retail (Car Sales)	614 sqm	1 to each 300 sqm	1 to each 500 sqm	2 spaces	1 space
Total				3 spaces	1 space

Table 5.1 indicates that the proposed development generates a statutory bicycle parking requirement to provide a total of four bicycle parking spaces, including three employee bicycle parking spaces and one visitor bicycle parking space.

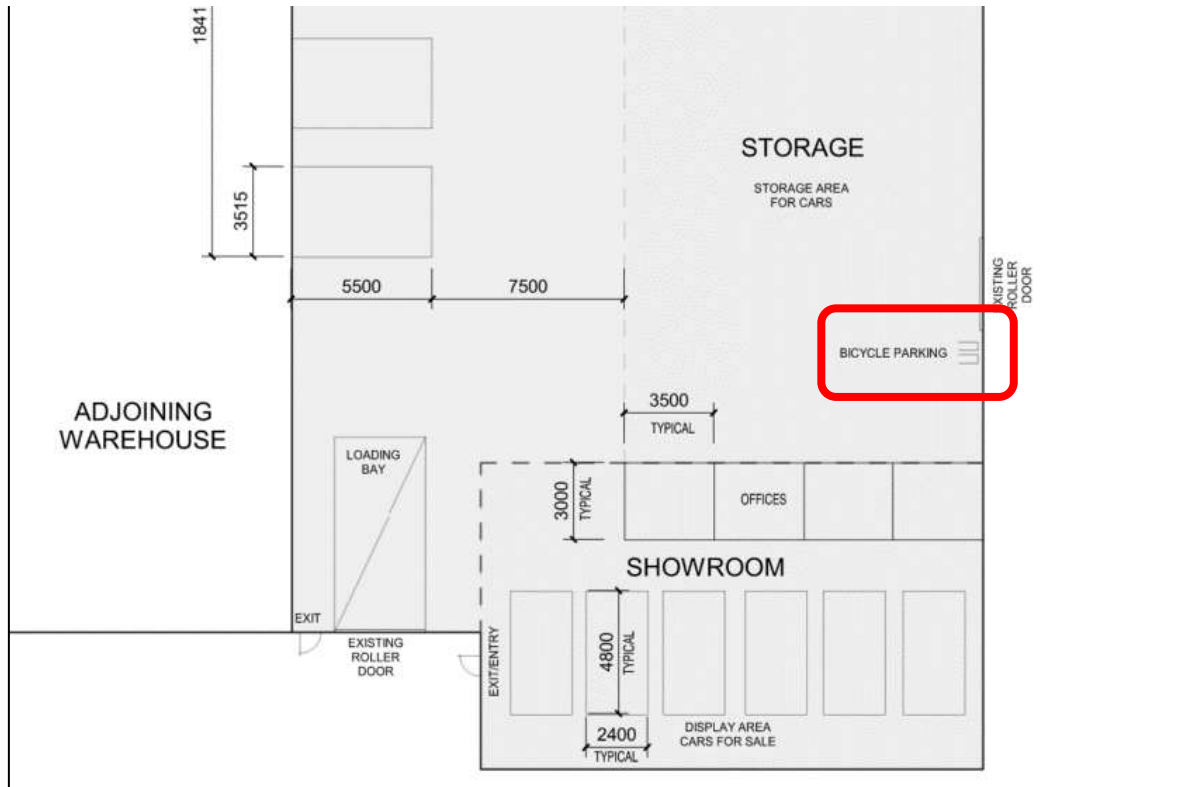
5.2. Adequacy of Provision

As shown on the development plans, it is proposed to provide four bicycle spaces (within two horizontal spaces) within the internal storage area for cars within the car sales use of the site. Accordingly, this level of provision meets the statutory bicycle parking requirement and is acceptable.

The bicycle parking spaces are located within the internal storage area for cars, as shown below in the excerpt within Figure 5.1.

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Figure 5.1: On-Site Bicycle Parking Spaces



5.3. Design Review

The bicycle parking layout has been designed in excess (100%) of AS 2890.3:2015 - Bicycle Parking, which requires at least 20% of the bicycle parking spaces to be provided in a ground level (horizontal) Bicycle Parking Device.

5.4. Showers and Changing Rooms

Based on the Planning Scheme assessment, the proposed development does not generate a requirement for a shower and change room.

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6. Conclusion

Based on the analysis and discussions presented within this report, the following conclusions are made:

- It is proposed to retrofit the existing building currently operating as “The Locker Room HQ” to facilitate a Motor Repairs (576 sqm.) and Car Sales (613 sqm.) development. The development does not propose any reconfiguration of the on-site car park or existing vehicular access strategy currently provided via the existing crossovers to Carmart Way and Southeast Boulevard.
- The development has a statutory car parking requirement to provide 21 car parking spaces with car parking associated with the car sales component required to be provided to the satisfaction of the Relevant Authority.
- The supply of 84 on-site car parking spaces within the overall site is anticipated to readily cater for the anticipated combined peak car parking demand of the proposed development and the other existing uses.
- The proposed development generates a statutory bicycle parking requirement to provide four bicycle parking spaces including three employee spaces and one visitor space. It is proposed to provide four bicycle spaces (within two horizontal spaces) within the internal storage area for cars. As such, the statutory requirement is met.

Overall, the proposed development is not expected to create adverse traffic or parking impacts in the precinct.

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Appendix A – Development Plans

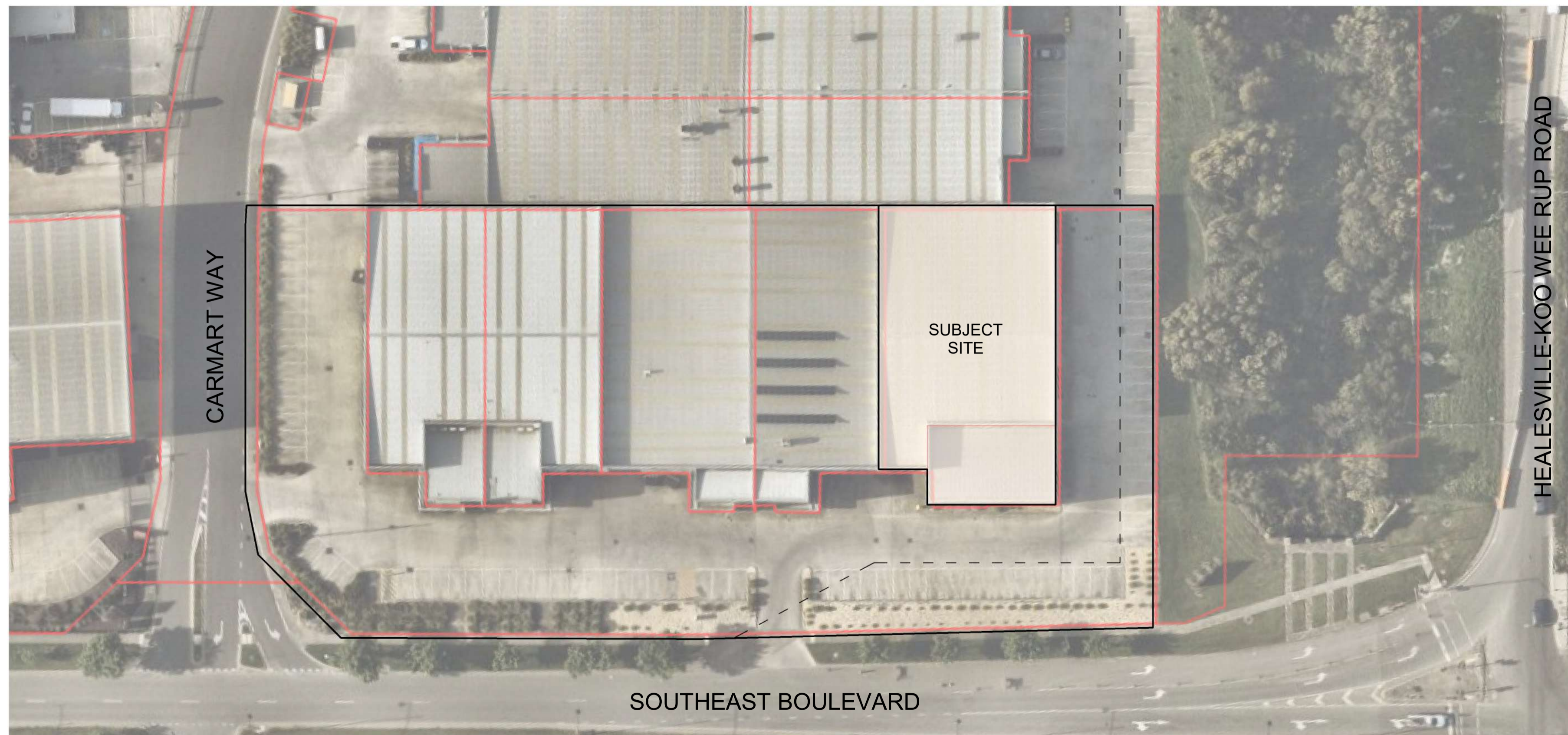
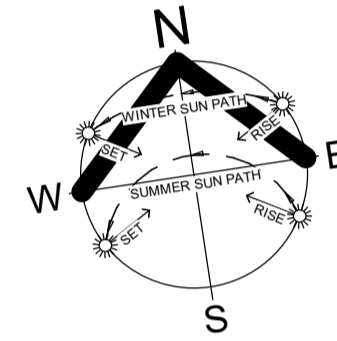
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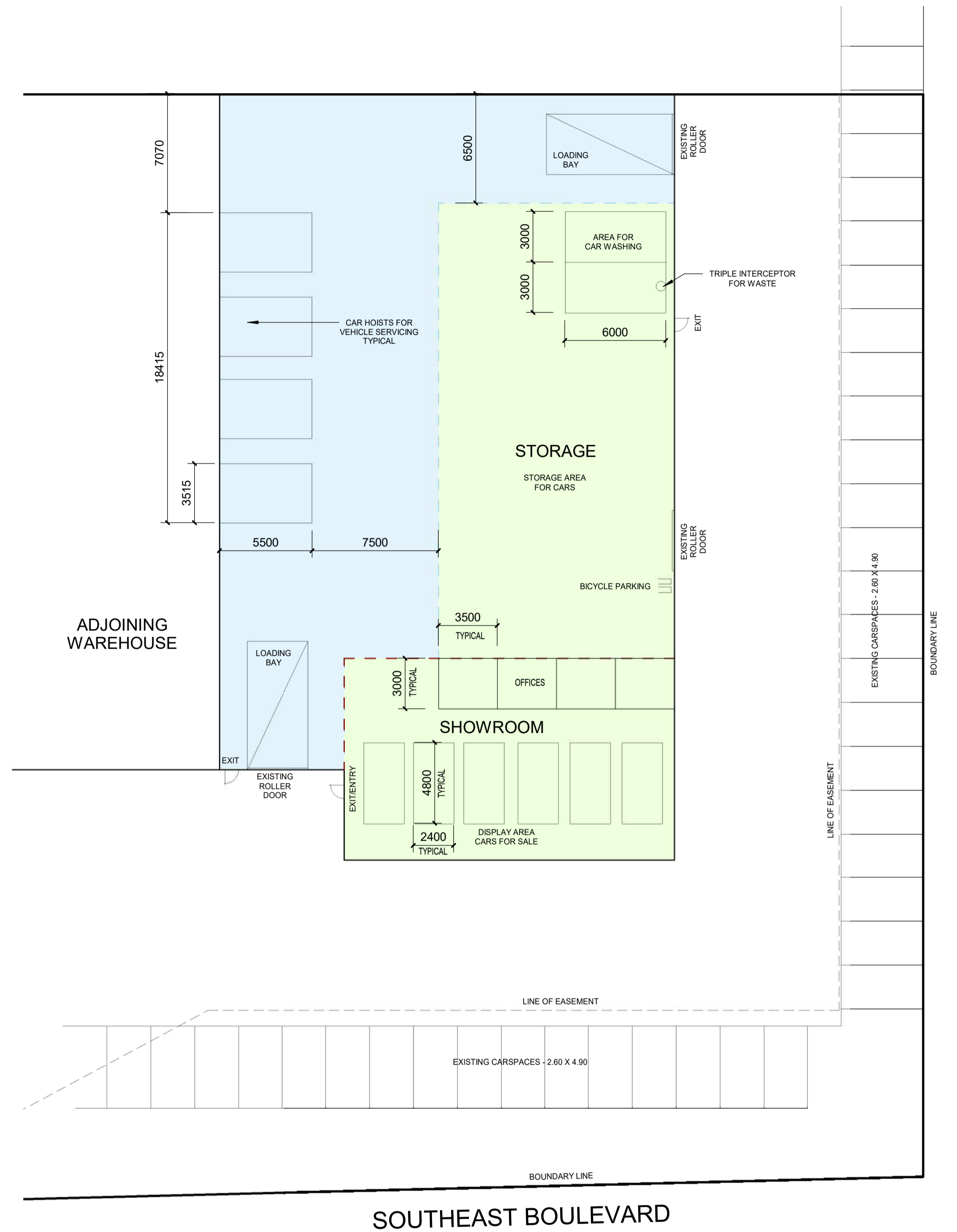
GENERAL NOTES:

INDICATES AREA ASSOCIATED WITH 'CAR SALES' USE
TOTAL AREA: 613.72m²

INDICATES AREA ASSOCIATED WITH 'MOTOR REPAIRS' USE
TOTAL AREA: 575.92m²



OVERALL SITE PLAN
1 : 500



ENLARGED SITE PLAN
1 : 200

PRELIMINARY

No.	DATE:	REVISION / ISSUE:
PT	30.1.2024	FOR REVIEW
A	2.4.2024	FOR TOWN PLANNING

PROJECT:
PROPOSED USE PLAN

CLIENT:
PATTERSON CHENEY PTY LTD
DRAWING:
SITE PLANS

LOCATION:
**1/2 SOUTHEAST BOULEVARD,
PAKENHAM**

DATE: 30.1.2024
SCALE: As indicated @ A1
DRAWING No:
12279 LU 01

DRAWN: KJ
CHECKED: TP
VERSION:
A



PROFESSIONAL
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Appendix B – Car Parking Survey Results

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Parking Southeast Boulevard, Pakenham

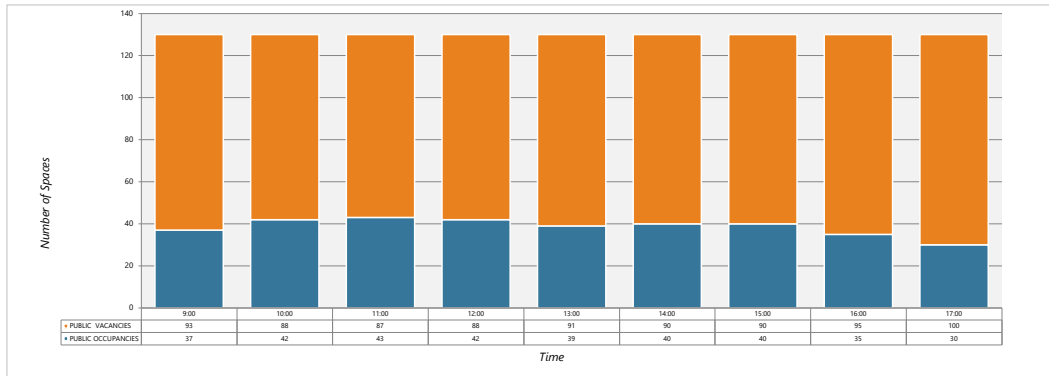


Parking Occupancy Survey

Date:	Thursday, June 6, 2024
Location:	Southeast Boulevard, Pakenham
GPS:	-38.297741, 145.487478
Weather:	Fine
Customer:	Ratio

Public Parking (1/0)	Map Ref	Street	Section	Side	Restriction	Clear Way	Capacity	Parking Occupancy								
								9:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00
1		Tarmac Wy	Tarmac Wy to Southeast Blvd	W	Unrestricted		3	2	2	2	2	2	3	2	2	2
1				E	Unrestricted		3	1	1	1	0	1	1	0	0	0
1		Cartmart Wy	Southeast Blvd to Auto Wy	W	Unrestricted		18	6	2	3	2	2	2	2	2	0
1				E	Unrestricted		22	9	10	10	11	10	10	13	8	5
1	A				Unrestricted		21	5	8	8	6	6	5	5	8	8
1	B				Unrestricted		19	3	5	5	5	4	4	3	2	3
1	C				Unrestricted		22	6	5	6	8	8	8	9	7	5
1					Disabled		2	1	1	1	1	1	2	2	1	2
1	D				Unrestricted		20	4	8	7	7	5	5	4	5	5
PUBLIC CAPACITY								130	130	130	130	130	130	130	130	130
PUBLIC OCCUPANCIES								37	42	43	42	39	40	40	35	30
PUBLIC VACANCIES								93	88	87	88	91	90	90	95	100
PUBLIC % OCCUPANCIES								28%	32%	33%	32%	30%	31%	31%	27%	23%

not available for public parking



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Parking Southeast Boulevard, Pakenham

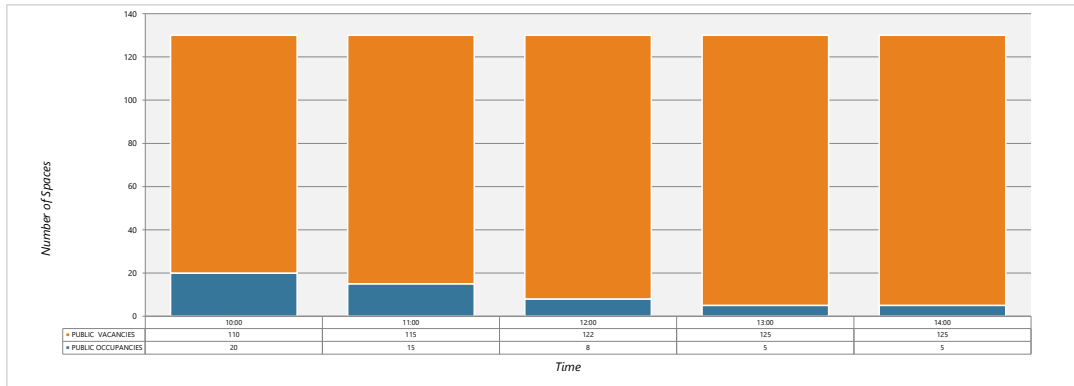


Parking Occupancy Survey

Date:	Saturday, June 8, 2024
Location:	Southeast Boulevard, Pakenham
GPS:	-38.097741, 145.487478
Weather:	Fine
Customer:	Ratio

Public Parking (1/0)	Map Ref	Street	Section	Side	Restriction	Clear Way	Capacity	Parking Occupancy				
								10:00	11:00	12:00	13:00	14:00
1		Tarmac Wy	Tarmac Wy to Southeast Blvd	W	Unrestricted		3	0	0	0	0	0
1				E	Unrestricted		3	2	2	1	0	0
1		Carlmart Wy	Southeast Blvd to Auto Wy	W	Unrestricted		18	0	0	0	0	0
1				E	Unrestricted		22	4	4	4	4	4
1	A				Unrestricted		21	9	6	3	1	1
1	B				Unrestricted		19	0	0	0	0	0
1	C				Unrestricted		22	5	3	0	0	0
1					Disabled		2	0	0	0	0	0
1	D				Unrestricted		20	0	0	0	0	0
PUBLIC CAPACITY								130	130	130	130	130
PUBLIC OCCUPANCIES								20	15	8	5	5
PUBLIC VACANCIES								110	115	122	125	125
PUBLIC % OCCUPANCIES								15%	12%	6%	4%	4%

 not available for public parking



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