

The land affected by the	L2 PS730737 V11640 F891
application is located at:	Site 2/30 Commercial Drive, Pakenham VIC 3810
The application is to:	S72 Amendment to change what the Permit allows (Include Construction and Display of Signage) and alter plans approved under the Permit

APPLICATION DETAILS				
The applicant for the amendment to the permit is:Stephen D'Andrea Pty Ltd				
Application number: T210624 - 1				
You may look at the application at the office	回修然回			
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:		08 October 2024		
WHAT ARE MY OPTIONS? Any person who may be affected by the proposed amendment to permit may object or make other submissions to the responsible authority.	<ul> <li>An objection must:</li> <li>be made to the Responsible Authority in writing;</li> <li>include the reasons for the objection; and</li> <li>state how the objector would be affected.</li> <li>If you object, the Responsible Authority will notify you of the decision when it is issued.</li> </ul>	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: <u>www.cardinia.vic.gov.au</u> Application to

Date Lodged:

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# **AMEND 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.

A This form cannot be used to:

- amend a permit or part of a permit if the Victorian Civil and Administrative Tribunal (VCAT) has directed under section 85 of the Act that the responsible authority must not amend that permit or that part of the permit (as the case requires); or
- amend a permit issued by the Minister under Division 6 of Part 4 of the Act (these applications must be made to the Minister under section 97I of the Act).

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

Click for further information.

# The Land

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

Street Address *	Un	iit No.:	St. No.: 2/30	St. Nam	ne: CON	MERCI	9L DV
	Su	burb/Locality:	PAKENHAW	1		Post	tcode: 3010
Formal Land Description * Complete either A or B,	A	Lot No.: 2	O Lodged Plan	O Title Plan	Plan	of Subdivision	No: 7307374
This information can be found on the certificate	OR						
of title.	В	Crown Allotmen	t No.:			Section No.:	
If this application relates to more than one address, attach a separate sheet setting out any additional property details.		Parish/Township	) Name:				
Planning Permit Det	ails	1	an da kun dala mangga yang kungha kunghan da kungha kungha kungha kungha kungha kungha kungha kungha kungha kung				i Fallhain a bha na sharanna ning na sharanna sharanna

What permit is being amended?\*

Planning Permit No.: 7210024

# The Amended Proposal

A You must give full details of the amendment being applied for. Insufficient or unclear information will delay your application

#### What is the amendment This application seeks to amend: being applied for?\* Plans endorsed under the permit What the permit allows Indicate the type of changes proposed to the permit. Current conditions of the permit Other documents endorsed under the permit List details of the proposed changes Details: If the space provided is insufficient, PLANS UPDATED TO SHOW DIPFERENT attach a separate sheet. LOCATION OF SALES/SHIDK/ROOM/OFFICE TO DIFFERENT AREA ON SITE. RE ALIGN CARPARKING REMOVE CONDITIONS IC & 24.

Provide plans clearly identifying all proposed changes to the endorsed plans, together with: any information required by the planning scheme, requested by Council or outlined in a Council checklist; and if required, include a description of the likely effect of the proposal.

# Development Cost

Estimate cost of development\*

If the permit allows development, estimate the cost difference between the development allowed by the permit and the development to be allowed by the amended permit.

# Existing Conditions

#### Describe how the land and developed now

For example, vacant, thre medical centre with two p licensed restaurant with 8 grazing.

	development:		development:		Cost difference (+ or –):
\$	Ø	- \$	0	= \$	N/A-
nsert 'l	NA' if no development is	proposed by the p	ermit.		
A Yo	u may be required to ver	ify this estimate.			

Cost of the permitted

s used	Have the conditions of the land changed since the time of the original permit application? Yes No If yes, please provide details of the existing conditions.
dwellings, ctitioners, seats,	VACANT
	Provide a plan of the existing conditions if the conditions have changed since the time of the original permit application Photos are also helpful.

# Title Information

Encumbrances on title \*

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

Yes (If 'yes' contact council for advice on how to proceed before continuing with this application.)

NNO

Cost of proposed amended

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.

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# Applicant and Owner Details

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

#### Applicant \*

The person who wants the permit.

Please provide	at least one contact
phone number	*

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

#### Owner \*

The person or organisation who owns the land

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

Name:			Contraction of the state of the	
Title:	First Name:		Surname:	
Organisation (if	applicable): STEPH	ENI	SANDREA	PL
Postal Address:		If it is a P.O	. Box, enter the details	here:
Unit No.: ᠀	St. No.: 84-90	St. Nam	e: LAKEWO	XOD IBVD
Suburb/Locality:	BRAESIDE		State: VIC	Postcode:3195
Contact informat	tion for applicant OR conta	ict person	below	
Business phone	95875000	E	Email: design	estephendandro
Mobile phone:		F	ax:	com.c
Contact person's Name:	details*			Same as applicant
Title:	First Name:		Surname:	
Organisation (if a	applicable): AS ABD	Æ		
Postal Address:		If it is a P.O.	Box, enter the details	here:
Unit No.:	St. No.:	St. Nam	9:	
Suburb/Locality:			State:	Postcode:
Name:				Same as applicant
Title:	First Name:		Surname:	
Organisation (if	applicable):COMMEK	2CIM	DRIVE PR	OPERTIES PL
Postal Address:		and the second second	Box, enter the details	A REAL PROPERTY AND A REAL
Unit No.:	St. No.: 30	St. Nam	E: COMMER	CIAL DV
Suburb/Locality:	PAKENHAM		State: VIC	Postcode: 3810 ·
Owner's Signat	ure (Optional):		Date:	
			C. States and the second se	day / month / year

# Declaration

# This form must be signed by the applicant\*

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

declare that I am the applicant; that all the information in this application is true and correct; that	
Il changes to the permit and plan have been listed as part of the amended proposal and that the	
wner (if not myself) has been notified of the permit application.	

Date:

# Need help with the Application?

If you need help to complete this form, read More Information at the end of this form or contact Council's planning department. General information about the planning process is available at <u>planning.vic.gov.au</u>

Contact Council's planning department to discuss the specific requirements for his application and obtain a 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

24

day / month / year

6

Checklist	Filled in the form completely?	
Have you:	Paid or included the application fee?	Most applications require a fee to be paid. Contact Council to determine the appropriate fee.
	Attached all necessary supporting infor	mation and documents?
	Completed the relevant council plannin	g permit checklist?
	Signed the declaration above?	
Lodgement		
Lodge the completed and signed form and all documents	Cardinia Shire Council PO Box 7	
with:	Pakenham VIC 3810	
	In person: 20 Siding Avenue, Officer	
	Contact information:	
	Telephone: 1300 787 624 Fax: (03) 5941 3784	

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

Email: mail@cardinia.vic.gov.au

DX: 81006

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The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

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

Page 1 of 2

VOLUME 11640 FOLIO 891

Security no : 124114981664J Produced 15/05/2024 12:59 PM

#### LAND DESCRIPTION

Lot 2 on Plan of Subdivision 730737Y. PARENT TITLE Volume 11477 Folio 430 Created by instrument PS730737Y 10/03/2016

#### **REGISTERED PROPRIETOR**

Estate Fee Simple Sole Proprietor COMMERCIAL DRIVE PROPERTIES PTY LTD of 1/30 COMMERCIAL DRIVE PAKENHAM VIC 3810 AQ240653B 12/09/2017

#### ENCUMBRANCES, CAVEATS AND NOTICES

COVENANT AK541924U 21/08/2013

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

- AGREEMENT Section 173 Planning and Environment Act 1987 AF690981Q 03/03/2008
- NOTICE Section 45 Melbourne Strategic Assessment (Environment Mitigation Levy) 2020 AT390543S 01/07/2020

#### DIAGRAM LOCATION

SEE PS730737Y FOR FURTHER DETAILS AND BOUNDARIES

#### ACTIVITY IN THE LAST 125 DAYS

 NUMBER
 STATUS
 DATE

 AX734224M
 CHANGE ADDRESS OWNER CORP Registered
 15/02/2024

 ------END OF REGISTER SEARCH STATEMENT----- Additional information: (not part of the Register Search Statement)

Street Address: SITE 2 30 COMMERCIAL DRIVE PAKENHAM VIC 3810

#### **ADMINISTRATIVE NOTICES**

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NIL



The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

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

Page 2 of 2

Effective from 02/04/2020

#### OWNERS CORPORATIONS

The land in this folio is affected by OWNERS CORPORATION 1 PLAN NO. PS730737Y

DOCUMENT END

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Document Type	Plan
Document Identification	PS730737Y
Number of Pages	3
(excluding this cover sheet)	
Document Assembled	15/05/2024 12:59

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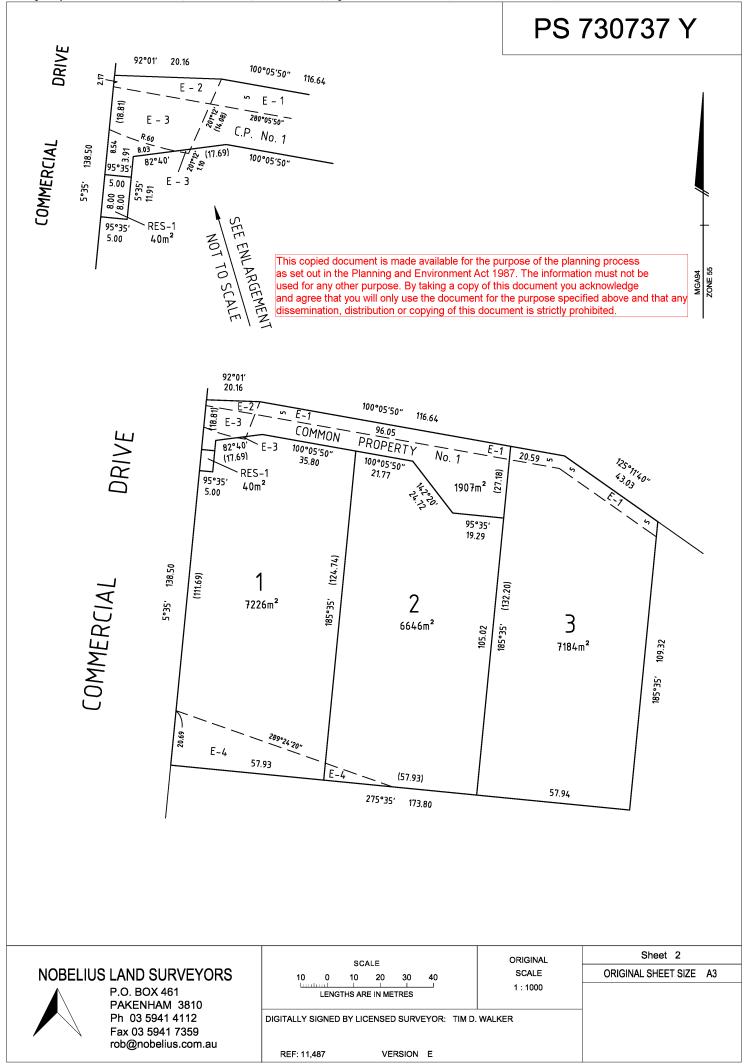
Signed by Council: Cardinia Shire Council, PP Ref: T140191, Cert Ref: s14/092, Original Certification: 15/10/2015, Recertification: 26/10/2015, S.O.C.: 16/12/2015

PLAN OF SUBDIVISION			LV USE ONLY EDITION 1	PS	730737 Y	
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SECTION	:		used for any other p	urpose. By taking a copy of will only use the document for	this document yo	ou acknowledge
CROWN A	LLOTMENT :	47 (Part), 49 (Part)		bution or copying of this doc		
CROWN P	ORTION :					
	ERENCE: Vo	l. 11477 Fol. 430				
LAST PLA	N REFERENCE	: Lot 1 on PS 720	)773 B			
	DDRESS : Con	nmercial Drive, PAKI				
MGA94 Co	o-ordinates					
(of approx co in plan)	entre of land	E 367 270 N 5 782 750	ZONE: 55 GDA 94	I	NOTATIONS	
				This is a Spear Plan		
	STING OF ROADS A		RSON	_		
IDENTIFIER COUNCIL/BODY/PE RES-1 AUSNET ELECTRICITY SER			FOR DETAILS OF ANY OW RESPONSIBILITY,ENTITLEN SEARCH REPORT, OWNEI	ERS CORPORAT	IONS NS INCLUDING PURPOSE, E OWNERS CORPORATION DDITIONAL INFORMATION	
NOTATIONS						
DEPTH LIMITATION: DOES NOT APPLY						
			-			
This survey h	plan is based on su as been connected Survey Area No. 7	to permanent marks no(	s) 514, 517 & 518			
	his is not a staged Planning Permit No.					
LEGEND:	A - Appurtenant Ea	EASE sement E - Encumber		ncumbering Easement (Road)		
			-			
Easement		Width		pply to the whole of the land	-	
Reference	Purpose	(Metres)	Origin	Land	Benefited/In Fav	Your Of
E-1 & E-2	Carriagewa	ay See Plan	PS 720773 B	Melbo	ourne Water Cor	poration
E-2 & E-3	Carriagewa	ay See Plan	PS 720773 B	La	ot A on PS 7113	377 L
E-4	E-4 Gas Supply See Plan INST. 2703759		INST. 2703759	Gas & Fuel Corporation		
	LIUS LAND SU	IRVEYORS	DIGITALLY SIGNED	BY LICENSED SURVEYOR: TIM	ID. WALKER	Sheet 1 of 2 Sheets ORIGINAL SHEET SIZE A3
	P.O. BOX PAKENHA Ph 03 594 Fax 03 594	461 M 3810 1 4112 11 7359				PLAN REGISTERED TIME: 5:40 PM DATE: 10/03/2016
	rob@nobe	lius.com.au	REF: 11,48	7 VERS	ION E	D. Popec Assistant Registrar of Titles

Signed by: Timothy Deane Walker (Nobelius Land Surveyors Pty Ltd) Surveyor's Plan Version (Version E) SPEAR Ref: S053622T 16/10/2015

Delivered by LANDATA®, timestamp 15/05/2024 12:59 Page 2 of 3

Signed by Council: Cardinia Shire Council, PP Ref: T140191, Cert Ref: s14/092, Original Certification: 15/10/2015, Recertification: 26/10/2015, S.O.C.: 16/12/2015



Signed by: Timothy Deane Walker (Nobelius Land Surveyors Pty Ltd) Surveyor's Plan Version (Version E) SPEAR Ref: S053622T 16/10/2015

# Plan of Subdivision PS730737Y Certifying a New Version of an Existing Plan (Form 11)

SUBDIVISION (PROCEDURES) REGULATIONS 2011

SPEAR Reference Number: S053622T Plan Number: PS730737Y Responsible Authority Name: Cardinia Shire Council Responsible Authority Permit Ref. No.: T140191 Responsible Authority Certification Ref. No.: s14/092 Surveyor's Plan Version: Version E

## Certification

This plan is certified under section 11 (7) of the Subdivision Act 1988 Date of original certification under section 6: 15/10/2015

#### **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: Date: Cardinia Shire Council 26/10/2015

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# **Department of Environment, Land, Water & Planning**

#### **Owners Corporation Search Report**

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OWNERS CORPORATION 1 PLAN NO. PS730737Y

The land in PS730737Y is affected by 1 Owners Corporation(s)

Land Affected by Owners Corporation: Common Property 1, Lots 1 - 3.

Limitations on Owners Corporation: Unlimited

#### Postal Address for Services of Notices:

FACEY OWNERS CORP 10A EJ COURT DANDENONG SOUTH VIC 3175

AX734224M 15/02/2024

#### **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:**

1. AR799233W 21/12/2018

#### Additional Owners Corporation Information:

OC029785W 10/03/2016

#### Notations:

NIL

#### Entitlement and Liability:

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

Land Parcel	Entitlement	Liability
Common Property 1	0	0
Lot 1	10	10
Lot 2	10	10
Lot 3	10	10
Total	30.00	30.00

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.





#### **Owners Corporation Search Report**

Produced: 15/05/2024 12:59:40 PM

OWNERS CORPORATION 1 PLAN NO. PS730737Y

Statement End.

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OF TIM	AF6909	81G
	03/03/2008 \$97	173 Nulting Alfile
Regulations		

Schedule 1 of the Planning and Environment Regulations

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

**FORM 18** 

Section 181

#### Planning and Environment Act 1987

Lodged by:

120

Name: BEST HOOPER

Phone: 9670 8951

Address: 563 Little Lonsdale Street, Melbourne

Ref: NJC:0713.1231 Customer Code: 0485 U

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.

Signatur	re for the Autho	
Name of	Officer: Citateone manybel franklin	6 + DEVELSPMENT
	29 FEBRUARY 2008	

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#### DATED

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**BETWEEN**:

**CARDINIA SHIRE COUNCIL** 

and

#### **ROADS CORPORATION**

and

## SOUTHEAST BUSINESS PARK PTY LTD ACN 106 055 056

#### 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 AF690981Q 03/03/2008 \$97 173

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27 FEBLUARY

ROAD-COR\_608193\_078.DOC

Page 1 of 17

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# THIS AGREEMENT UNDER SECTION 173 OF THE PLANNING AND ENVIRONMENT ACT

1987 is made the

27th day of FEBRUARY

**BETWEEN:** 

AND



(Council)

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

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

(VicRoads)

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

(SEBP)

# **INTRODUCTION:**

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



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

#### THE PARTIES AGREE:

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#### 1. **DEFINITIONS**

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

- 1.1 Act means the *Planning and Environment Act* 1987.
- 1.2 **Agreement** means this Agreement and any agreement executed by the parties expressed to be supplemental to this Agreement.
- 1.3 **approved** means approved by Council.
- 1.4 **Business Day** means Monday to Friday excluding public holidays in Victoria.
- 1.5 **Council** means the Council being the Responsible Authority for the administration and enforcement of the Scheme.
- 1.6 Owner means the person or persons entitled from time to time to be registered by the Registrar of Titles as proprietor or proprietors of an estate in fee simple of the subject land or any part of it under the provisions of the *Transfer of Land Act* 1958 which at the date of this Agreement is the Council.



- 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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Page 4 of 17

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- 2.2 the singular includes the plural and the plural includes the sir
- 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 Page 6 of 17

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

# 6. SUCCESSORS IN TITLE



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

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

# 7. COVENANTS OF VICROADS

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

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

# 8. COVENANTS OF OWNER

The Owner covenants and agrees that-

8.1 Compensation for any compulsory acquisition of land necessary to implement

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

- 8.1.1 compensation which would have been payable if the temporary access had not been allowed and no access to the subject land permitted at Healesville-Koo Wee Rup Road; and
- 8.1.2 compensation which would be payable in accordance with the provisions of the Land Acquisition and Compensation Act 1986.
- 8.2 Subsequent to the registration of the Plan of Subdivision for the Proposed Development, the Owner shall forthwith deliver the original Certificates of Title that issue in the name of Roads Corporation to "VicRoads – Property Services Department, 60 Denmark Street, KEW, 3101".



## 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 referrable 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**

- If a dispute between any two or more parties to this Agreement arises out of or in 11.1 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 Page 11 of 17

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 Clause11 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 Page 12 of 17

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

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

#### 13.1 Further Assurance

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

#### 13.2 No Waiver

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

#### 13.3 Severability

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

Page 13 of 17

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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.

#### 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.

#### 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

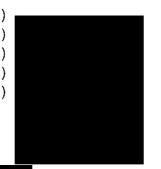
A notice or other communication is deemed served-

- 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.

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







**SIGNED** by and on Behalf, and with the ) authority of the **CARDINIA SHIRE COUNCIL** ) being the owner of the subject land by

by an Instrument of Delegation dated 19 June ) 2006

In the pres		
 (Witness)		

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	<ul> <li>described for the cons</li> <li>together with any ease</li> <li>subject to the encur this transfer; and</li> <li>subject to any ease and included in this</li> </ul>	sements created by this transfe nbrances affecting the land in ments reserved by this transfe	er; cluding any created by d er or restrictive covenant	lealings lodged for regi t contained or covenan	stration before the lodging of It created pursuant to statute		
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	Creation and/or Reservation of easement and/or Covenant						
	Dated: 7/0	8/2013					
	("the land") CO		ransferor and eac	h of the owners	the land in this transfer of the land in Plan of		

- (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		TO REGISTER	STAMP DUTY USE ONLY
<b>T2</b>	Please regist	er and issue title to	
Page 1 of 4	Signed Code	Cust.	
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- 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;

and agree that you will only use the document for the purpose specified above and that any

dissemination, distribution or copying of this document is strictly prohibited.

- (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		
<b>T2</b>		
Page 2 of 4		
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Landscape Set-back

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

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

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

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



as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

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Anstat Pty Ltd

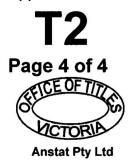
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## Executed by Carmega Properties Pty Ltd (ACN 164 678 184) by being signed by those persons who are authorised to sign for the Company



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# 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.:	T210624-1
Address of the Land:	Site 2/30 Commercial Driv Pakenham

#### **APPLICANT DETAILS**

Name:	
Organisation:	Stephen D'Andrea Pty Ltd
Address:	9, 84-90 Lakewood Bvd, Braeside
Phone:	03 9587 5000
Email:	design@stephendandrea.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:	$\checkmark$
Section 50A - Amendment to application at request of responsible authority before notice:	
Section 57A – Amendment to application after notice is given:	

#### AMENDMENT DETAILS

What is being amended? (select all the	nat apply)	
What is being applied for $\checkmark$	Plans / other documents	Applicant / owner details
Land affected	Other	
Describe the changes. If you need n	nore space, please attach a separate p	bage.
Application to include constru	uction and display of signage.	

Specify the estimated cost of any de	velopment for which the permit is req	uired:
Not applicable	Unchanged	New amount \$

#### DECLARATION

I declare that all the infor notified of this request to	mation in this request is true and correct and the owner (if not myself) has been amend the application.
Name:	
Signature:	
Date:	4.9.24

#### 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 <a href="https://eplanning.cardinia.vic.gov.au/">https://eplanning.cardinia.vic.gov.au/</a>

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.



### Stephen D'Andrea Pty. Ltd.

ARCHITECTURAL AND STRUCTURAL CONSULTANTSA.B.N. 60 005 676 568Suite 9 / 84 - 90 Lakewood Boulevard, Braeside Vic. 3195Telephone (03) 9587 5000Fax: (03) 9588 2020Mobile 0418 314 021Email: design@stephendandrea.com.auwww.stephendandrea.com.au

15th January 2019

Cardinia Shire Council Town Planning Department P O Box 7 PAKENHAM VIC 3810 This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

Dear Sir,

### Re: Amendment to Planning Permit at 30 Commercial Drive Pakenham Planning Permit No: T210624

Please find attached copy of modified plans and supporting information together with application for section 72.

A permit was granted for Use of the land for motor vehicle sales, and building and works associated with motor vehicle sales and motor repairs. The permit is due to expire on the 5<sup>th</sup> July 2024, we have now made application to extend the planning permit dates.

The owner now has a different tenant that requires changes to the site set out to better suit the needs and operational requirements. Fundamentally the planning permit and conditions will remain as previously approved. The changes to the endorsed plans are as follows;

- a) The development will be constructed as one, there is no longer any need for staging of the permit. Therefore, conditions 1c and 2h are no longer necessary we are requesting they be removed.
- b) The sales/showroom building was previously located along the northern end of the site. With the workshop and storage located behind. We have now relocated the sales/showroom to be along the eastern boundary.
- c) Previously there was a large canopy area for the parking and storage of customer cars, however this has now been updated to show a covered in canopy drive through area, which allows access to the workshop together with the storage of Pre-Delivery Vehicles.
- d) The wash bays have been kept but relocated.
- e) The remainder of the land will be used to provide Sales Yard, storage of stock vehicles and pre-delivery vehicles, together with staff and customer parking.

f) The floor area of the showroom and sales and workshop areas will be updated as follows;

<u>Previously Approved</u> Floor Area Showroom/Sales – 414m<sup>2</sup> Workshop Floor Area – 1228m<sup>2</sup>

 $\frac{Amended}{Floor Area Showroom/Sales & Office - 1076m^2} \\ Workshop Floor Area - 1454m^2 \\ \label{eq:amended}$ 

- g) The colours to the buildings will be similar, however the most noticeable change is the corporate colouring (red) for the branding of the site. The updated colour scheme is shown on the elevations and perspective.
- h) The crossing will remain as previously approved.
- i) Car parking areas have been updated as follows;

Areas	<b>Previously Approved</b>	<b>Updated Design</b>
Customer Parking	29	16
External Display	20	15
Service Storage	24	20
Staff Parking	16	13
Stock Cars Storage	47	52
Pre Sold Storage		20
Wash bay	4	2
Workshop Bays	20	21
Total	160	159

In accordance with the previously issued planning permit, we have updated the full set of plans to reflect the updated design and are requesting this replace the previously endorsed.

We have attached the Developer Approval for the updated design.

If you can please review the attached updated plans at your earliest convenience.

Should you require any further information or clarification please do not hesitate to contact the undersigned.

### Yours faithfully





### Stephen D'Andrea Pty. Ltd.

ARCHITECTURAL AND STRUCTURAL CONSULTANTS

A.B.N. 60 005 676 568

Suite 9 / 84 – 90 Lakewood Boulevard, Braeside Vic. 3195 Telephone (03) 9587 5000 Fax: (03) 9588 2020 Mobile 0418 314 021 Email: <u>design@stephendandrea.com.au</u> www.stephendandrea.com.au

3<sup>rd</sup> September 2024

### Cardinia Shire Council Town Planning Department P O Box 7 PAKENHAM VIC 3810

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Dear Sir,

### Re: Amendment to Planning Permit at 30 Commercial Drive Pakenham Planning Permit No: T210624

Further to your recent request for further information please find attached a copy of updated plans together with the following information and clarifications;

- 1. The client has now made payment of the planning fee.
- 2. We have attached a copy of the Covenant AK541924U & section 173 agreement AF690971Q
- 3. A written report for the proposed signage is now attached.
- 4. Attached is a swept path plan now showing how 19m articulated vehicle would access and navigate the site.
- 5. The waste management plan has been updated to provide the same information as the previously approved.
- 6. The updated developer approval is attached.
- 7. We have updated the site plan to show;
  - a. The location of the rainwater tank as is required by the covenant
  - b. The schedule stating the total number of carparking spaces and the allocations to each department.
  - c. Proposed car parking spaces now numbered and allocated
  - d. The minimum width of the internal access ways
- 8. Attached is a separate plan showing the location of the signage

- 9. The elevation plan has been updated to show:
  - a. The west elevation of the wash bay
  - b. Clearer details in relation to the wash bay open sides
  - c. Proposed bin storage is shown at the rear of the site along the southern boundary
  - d. The 'pole mounted display lighting' is already approved on the previous planning permit. We have simply relocated them to be in keeping with the updated design for the site.
- 10. Attached is a plan that shows the full details of the proposed signage;
  - a. Height from NGL
  - b. Size of the proposed signage including any support and structures
  - c. Locations of the proposed illumination together with details of the luminance output to each sign.
  - d. Materials and colours are shown on the plan
  - e. Total display areas of each sign

### Preliminary Concerns

- Attached is a section 50 form for the update of the application to include the signage
- We have updated the height of the Pylon Sign as per Councils concerns. However, the walls of the building that also have signage on them, are to remain as previously designed. It is not only for the signage but rather a design choice, that it not only provides balance and definition for the proposed building, but also provide visibility to the surrounding roads, being the freeway, overpass and internal estate roads.
- We have provided the swept path for the 19m vehicle. The plan reflects the vehicles accessing the site via the court bowl and reversing into the site. As is generally the case in these types of developments, cars are generally delivered or picked up before and after hours. In which case there is no internal traffic on the site and no traffic in the court bowl. We are happy to provide a Traffic and Parking Management Plan to provide extra assurance to Council. We do not believe there is any reason to alter Condition 16.
- The western and southern elevations have been updated to reflect a stronger design response. We have used the corporate colours as per the owners request.
- The wash bay has been updated to show the eastern elevation as open, with the concrete panels at the rear to be painted. We have provided colours and finishes details as well.
- Landscaping has now been shown to provide a separation between the different parking areas. With an increase to 1.5m wide between service parking and stock parking. Larger canopy trees have now been shown

• The waste management plan has been updated to reflect how the proposed development will operate independently of the neighbouring car yard. The WMP now reflects details of how all waste is to be stored and disposed of.

I trust the information we have provided will allow you to further consider our application. If you can please review the attached updated plans at your earliest convenience.

Should you require any further information or clarification please do not hesitate to contact the undersigned.

Yours faithfully





### Stephen D'Andrea Pty. Ltd.

ARCHITECTURAL AND STRUCTURAL CONSULTANTS

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3<sup>rd</sup> September 2024

### Cardinia Shire Council Town Planning Department P O Box 7 PAKENHAM VIC 3810

Attn:

Dear Sir,

### Re: Amendment to Planning Permit at 30 Commercial Drive Pakenham Planning Permit No: T210624

In reference to the above-mentioned planning permit, we are providing the following assessment for the proposed signage.

We are proposing the following signage:

Sign	Туре	Height / Size	Area m <sup>2</sup>	Illuminated
Pylon Sign	Pylon Sign	2200 x 7000	24m <sup>2</sup>	LED
Directional Signage	Small Pylon Sign	1000 x 1800	1.8m <sup>2</sup>	No
Entry Portal	Panel Sign	2700 x 1250	5.4m <sup>2</sup>	No
Service & Parts	Panel Sign	3600 x 900	3.2m <sup>2</sup>	No
Northern Performance Wall	Internally Illuminated	1790 x 2160	3.9m <sup>2</sup>	LED
Western Performance Wall	Internally Illuminated	1790 x 2160	3.9m <sup>2</sup>	LED
Fascia Sign	Internally Illuminated	8800 x 1250	11m <sup>2</sup>	LED
Fascia Sign	Internally Illuminated	8800 x 1250	11m <sup>2</sup>	LED

Clause 52.05 – Signs

The purpose of this clause 52.05 is;

- To regulate the development of land for signs and associated structures
- To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character
- To ensure signs do not contribute to excessive visual cutter or visual disorder
- To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road

The proposed signage is Category 2 - Office & Industrial and Section 2 in which a permit is required to construct. There are no conditions for this particular category.

A separate plan is provided to show the proposed signage, together with the location and size of the proposed plans.

As is required under Clause 52.05-6 the elevation provided with the proposed signage shows the following;

- Location & dimensions \_
- Height above ground level
- *Colours, lettering and materials*
- Size of the signage \_

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The only signage over  $18m^2$  is the Pylon Sign in which we have provided details of the size, location and materials as well as the Lumen Levels for the sign.

All proposed signage is generally standard of the signage found in this style of development. All of the signage is proportionate to the development and streetscape. The signage will not impact any of the neighbouring businesses, in size or through the illumination. There is no impact of the surrounding traffic and road safety.

### Clause 15.01-1S – Urban Design

The objective of this Clause is to create an urban environments that are safe, healthy, functional and safe and that contribute to a sense of place and cultural sensitivity.

The proposed signage is modern, with clean lines and bold lettering. It is not overcomplicated and is in keeping with the current design models of Car Dealerships. We believe the proposed signage does respond to the context of the surrounding landscape and character.

The signage will have no detrimental impact on the amenity, on the natural and built environment and on the safety and efficiency of the roads.

Clause 22.09 – Local Planning Policies (Signs)

\_ *The objective of this clause is to facilitate signs that allow for the reasonable* identification and marketing of businesses in Cardinia while enhancing the character of a building, site and area.

Pursuant to Clause 22.09-3 – Industrial and Restricted Retail Signs, Councils strategy is to ensure signs in industrial areas that do not appear as dominant feature of a building or its surroundings.

Whilst the signage is industry standard and is closely replicated across all car yards within South East Business Park, it can be noted that whilst designing the proposed signage we provided business identification or branding to each sign as is required, it has been design in a simplistic and modern way. The branding is no greater than 30% of the street facing signage and less than 50% of the performance walls.

We have only proposed 1 large freestanding (Pylon) sign as is required. The location of the signage is in keeping with this clause.

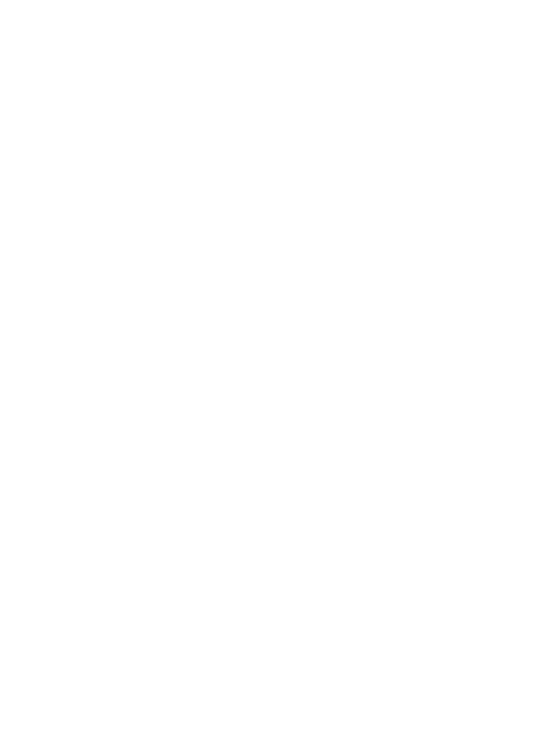
We believe that the proposed signage to the overall development is in keeping with the requirements of the relevant planning clauses and is appropriate for Councils support.

If you can please review our plans at your earliest convenience.

Should you require any further information or clarification please do not hesitate to contact the undersigned.

Yours faithfully









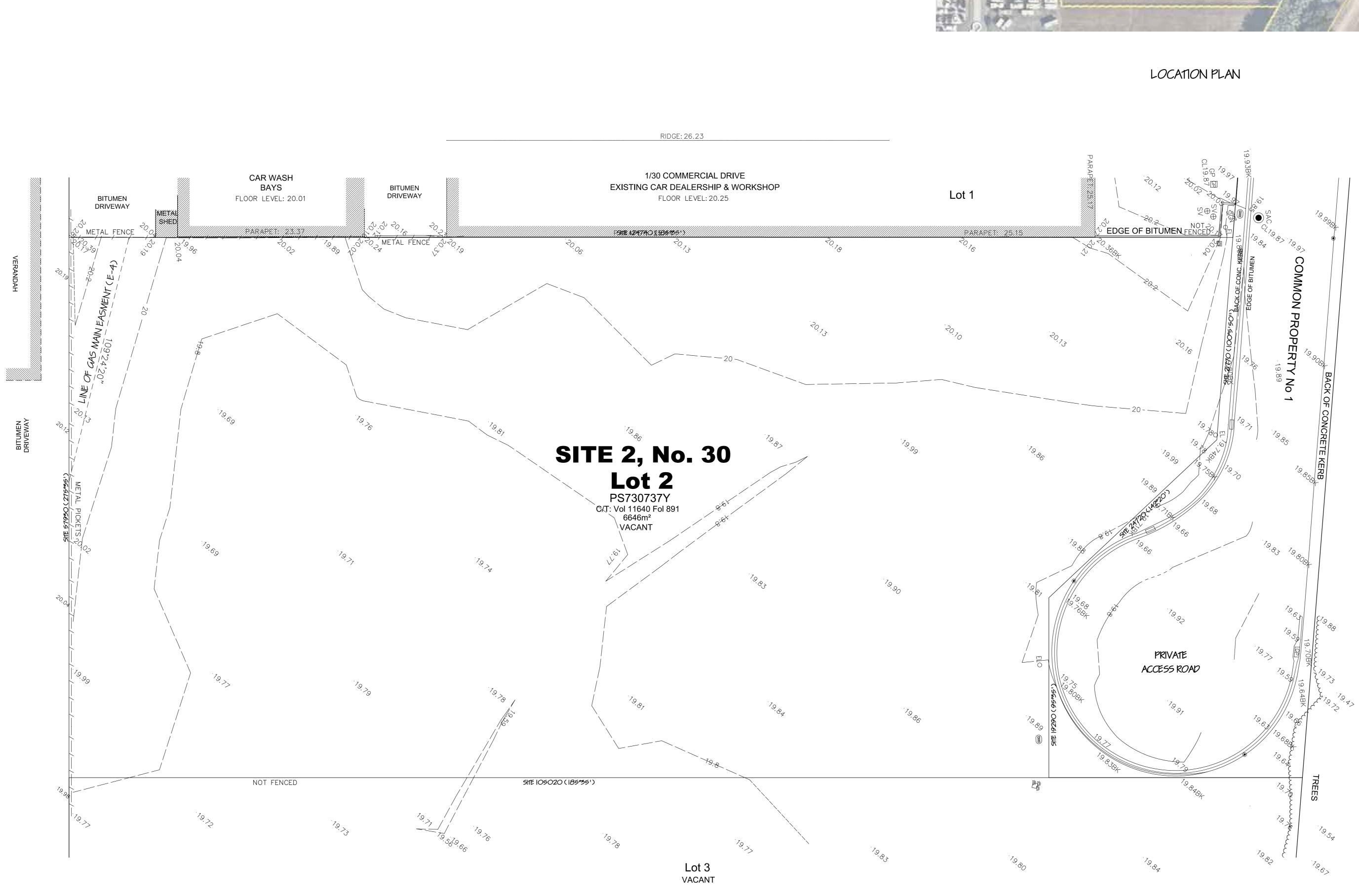
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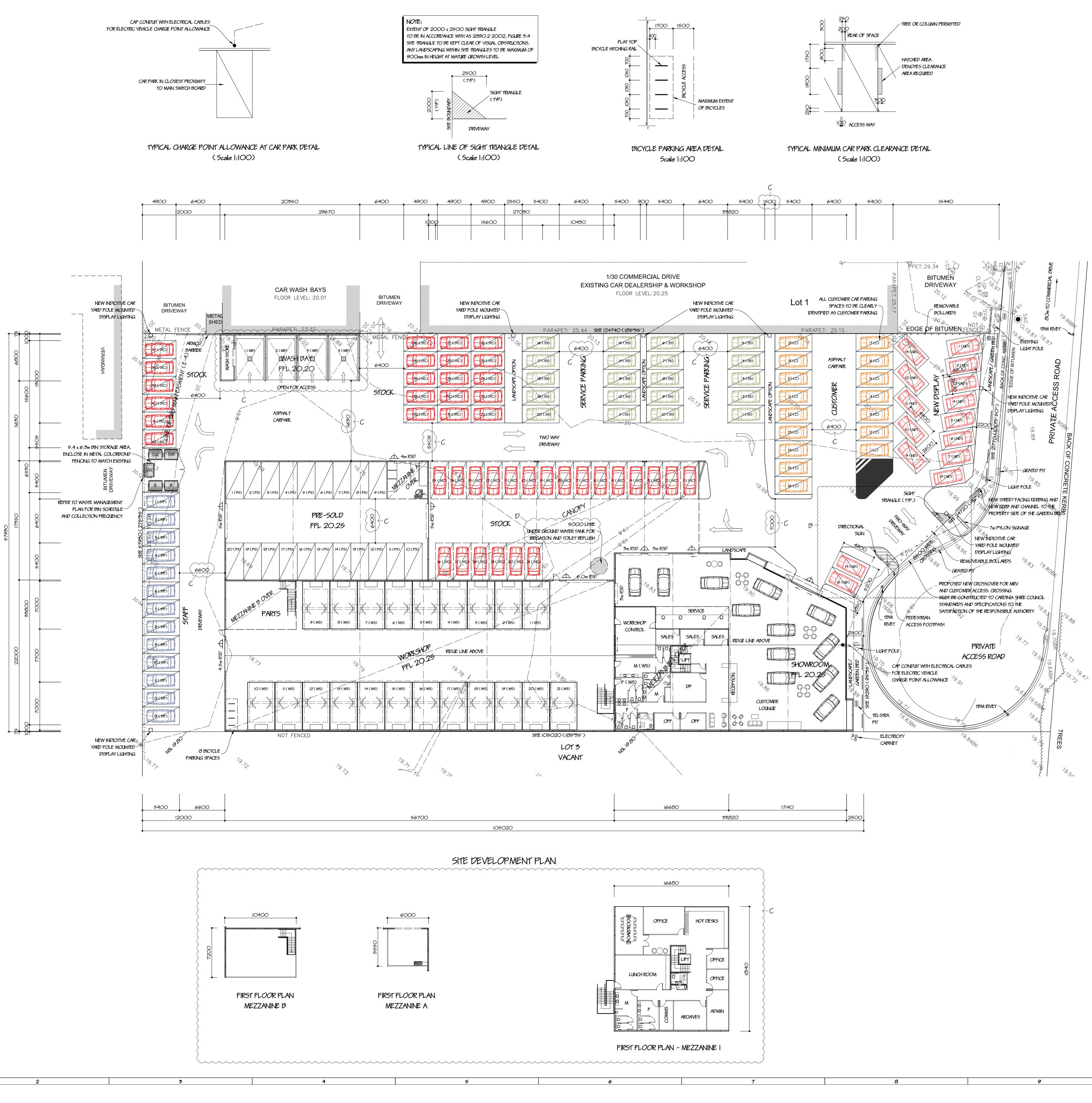
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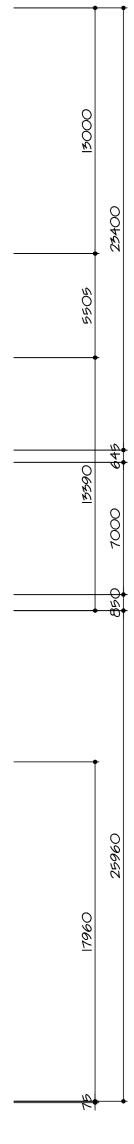
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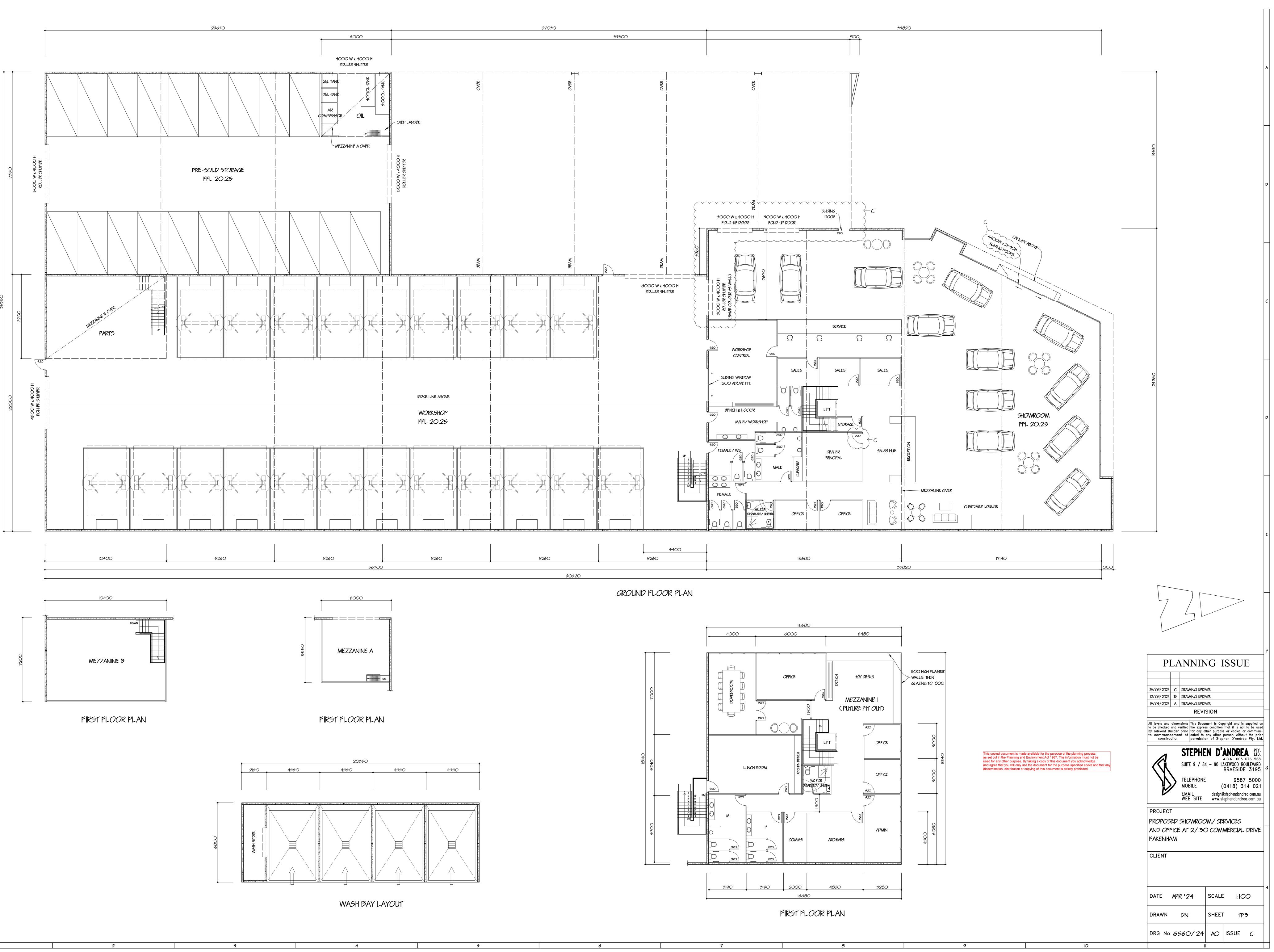


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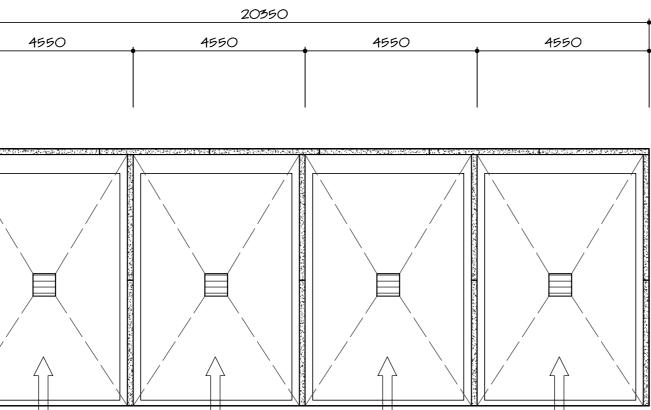
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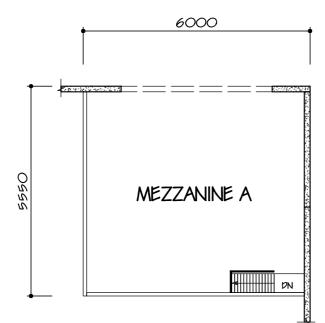
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SHOWROOM:	543 m²	
GF OFFICE/ AMENITIES:	255 m²	
MEZZANINE I (FUTURE FIT OUT):		A
PRE-SOLD: MEZZANINE A (OIL):	515 m² 32 m²	
WEZZANINE A (UIL): WORKSHOP:	92 m² 1239 m²	
MEZZANINE B (PARTS):	63 m²	
TOTAL:	2938 m²	
CUSTOMER CAR PARKING (C):	16 OFF	R
EXTERNAL NEW DISPLAY (ND):	15 OFF	K
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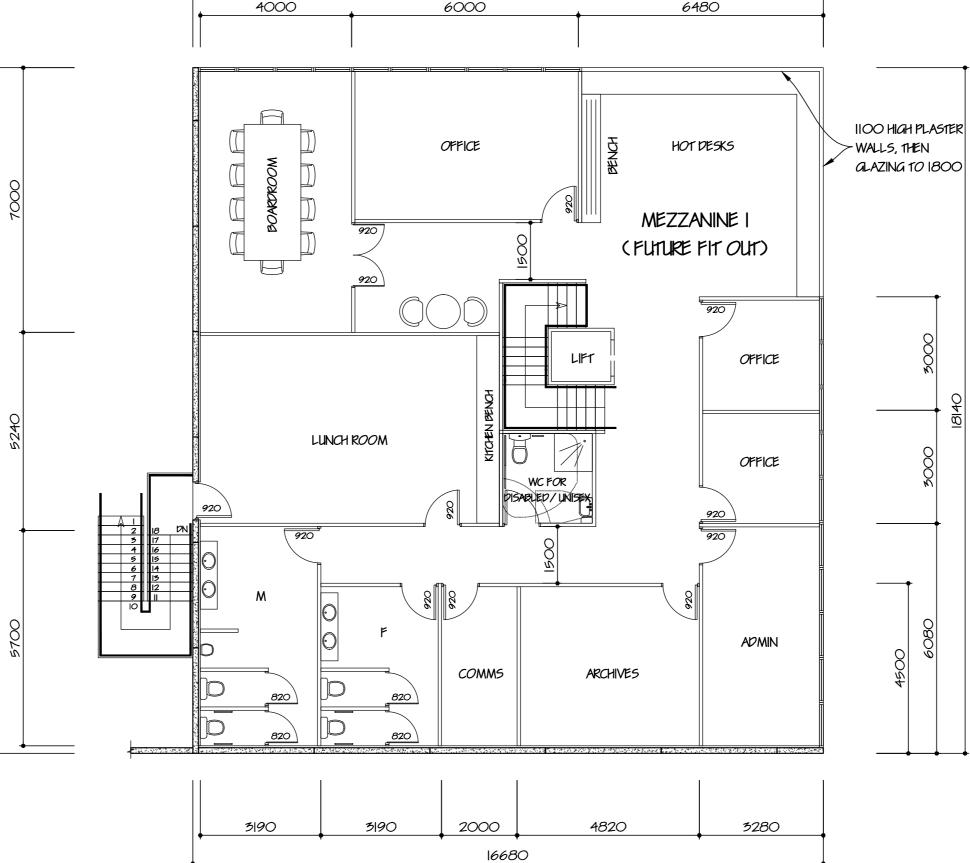




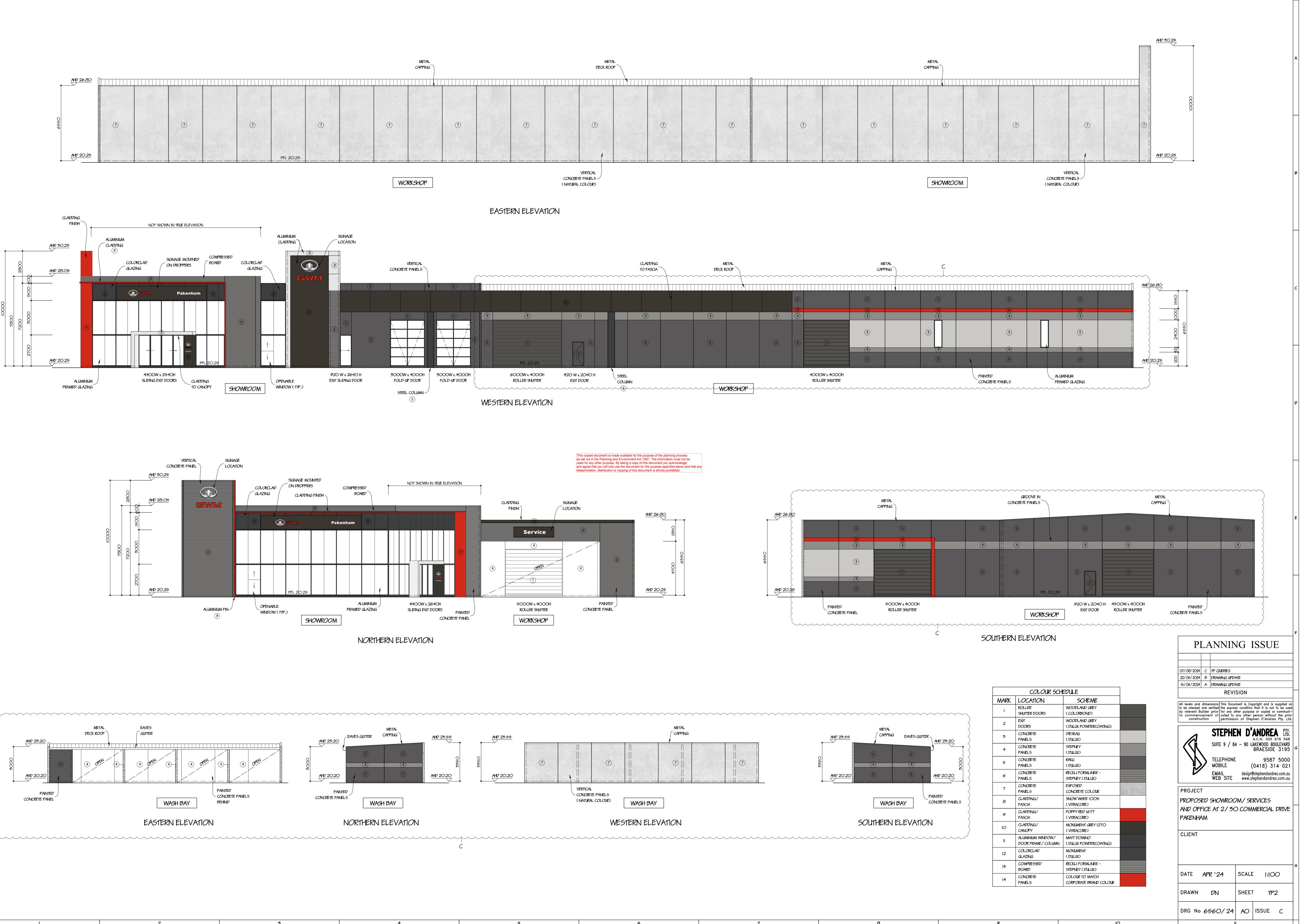


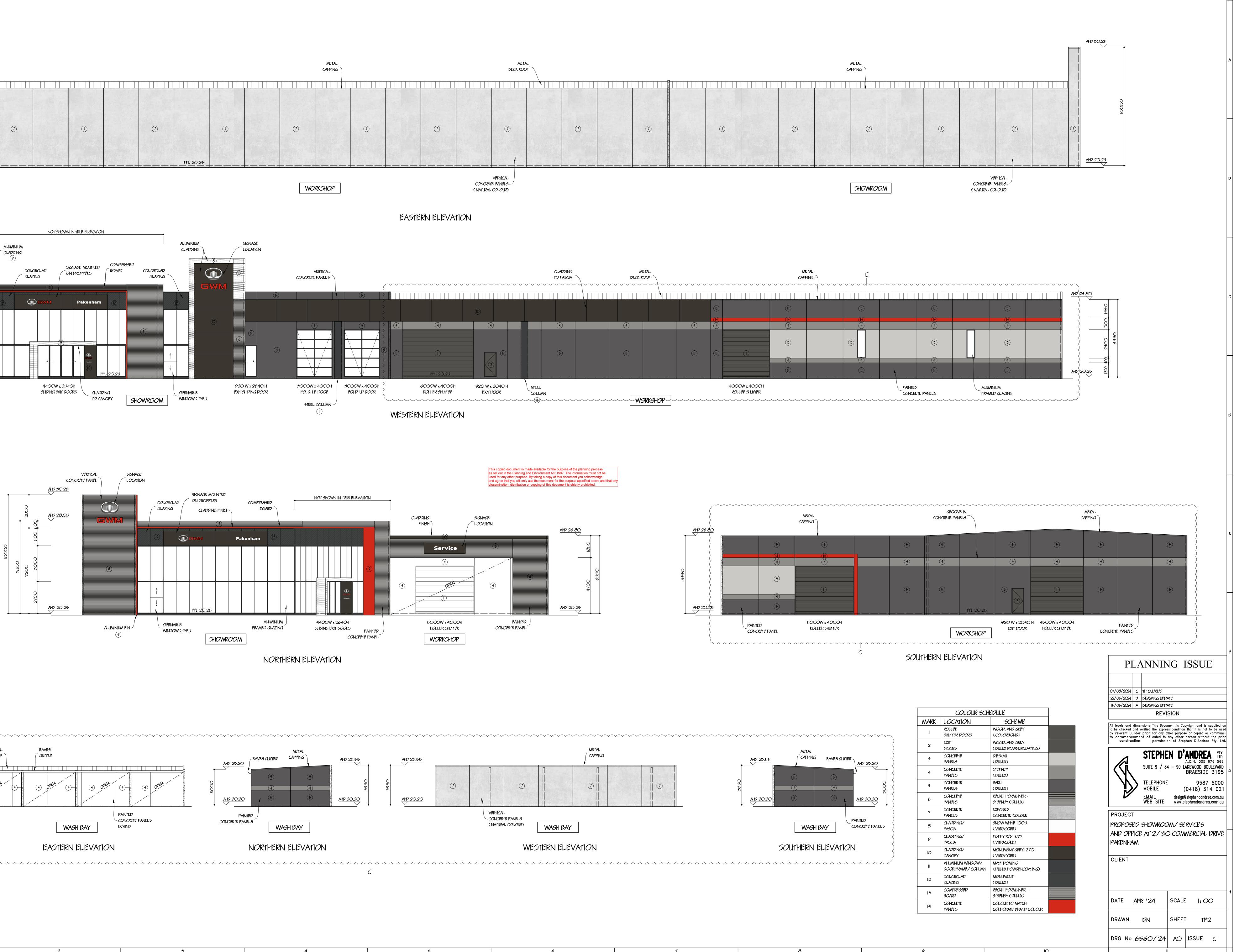


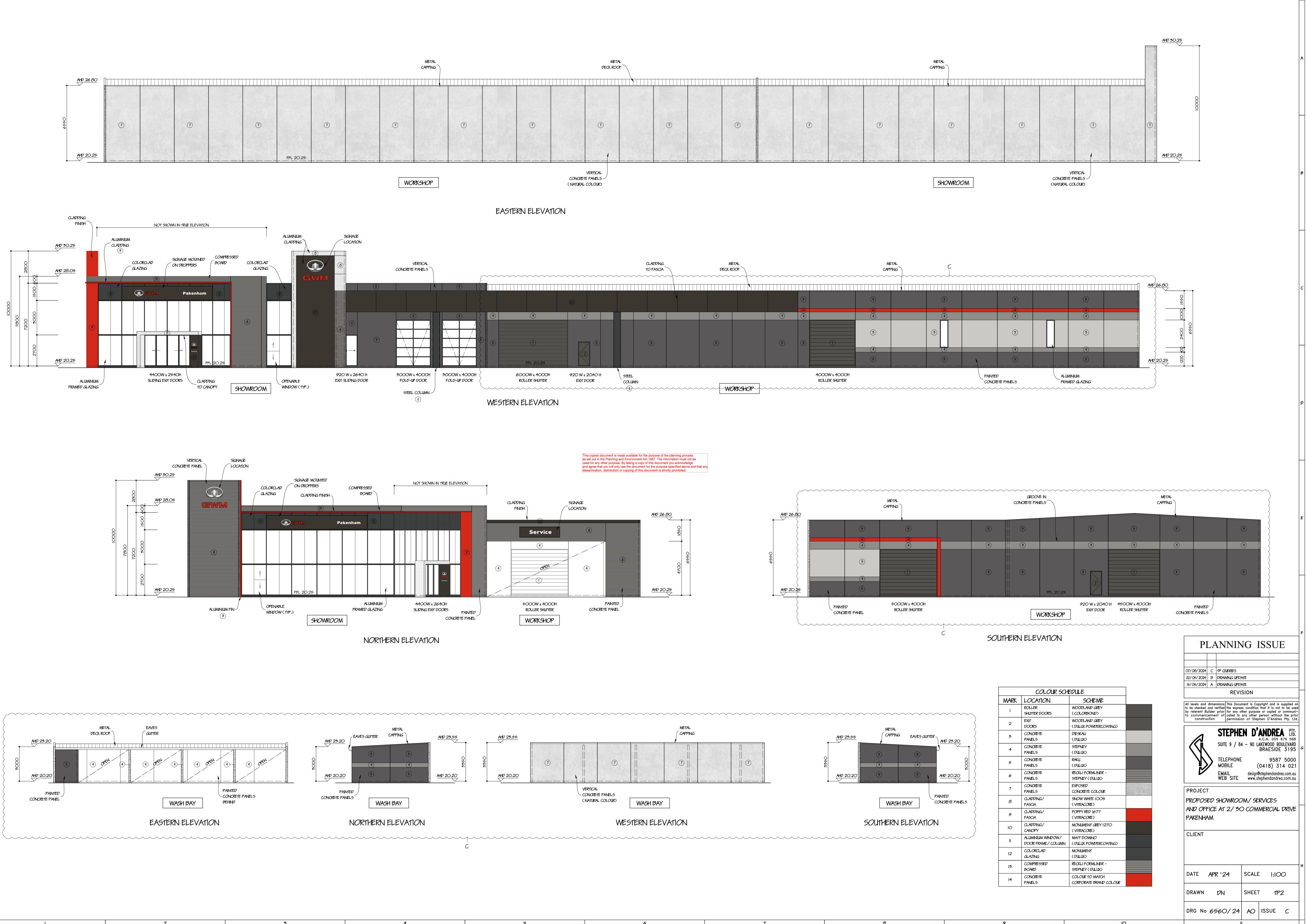




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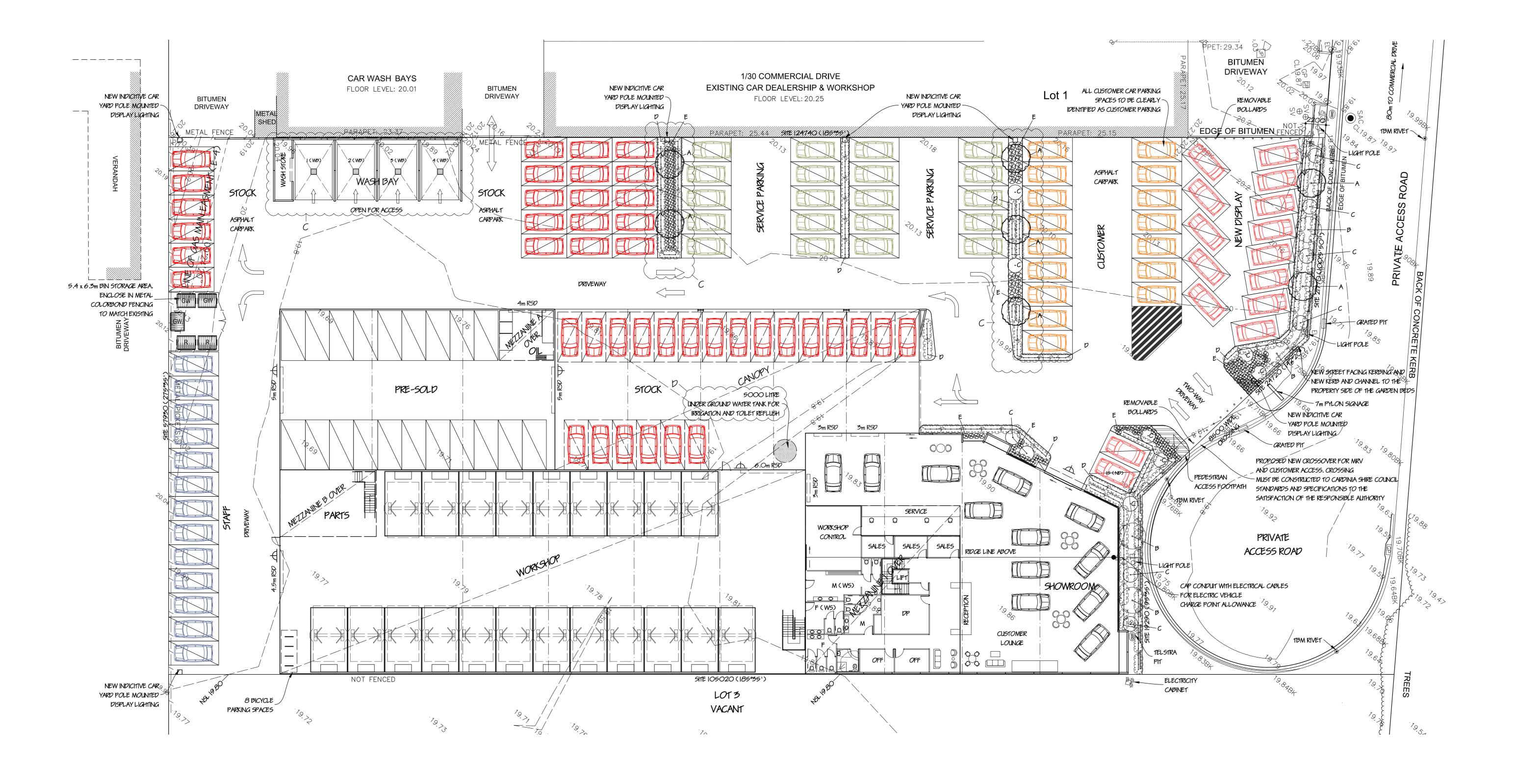


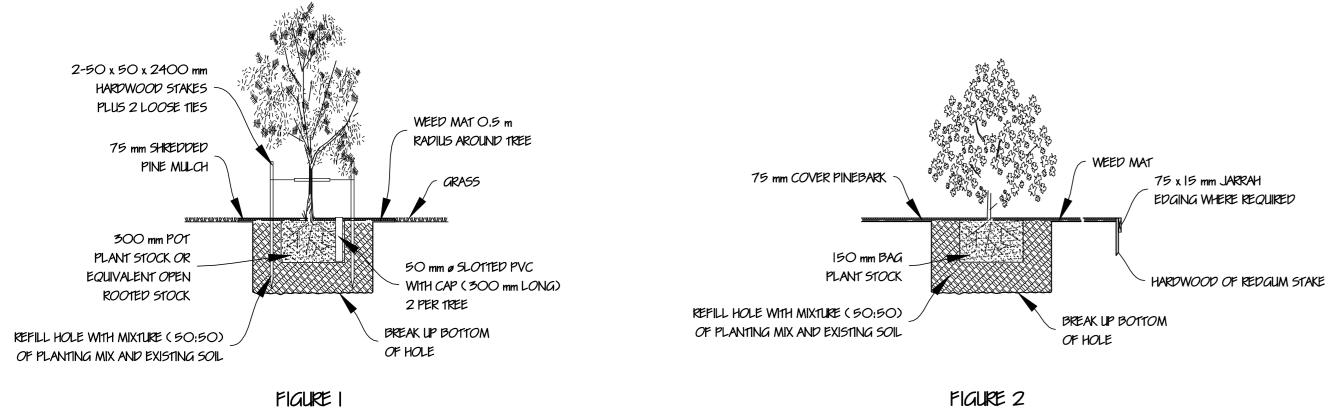




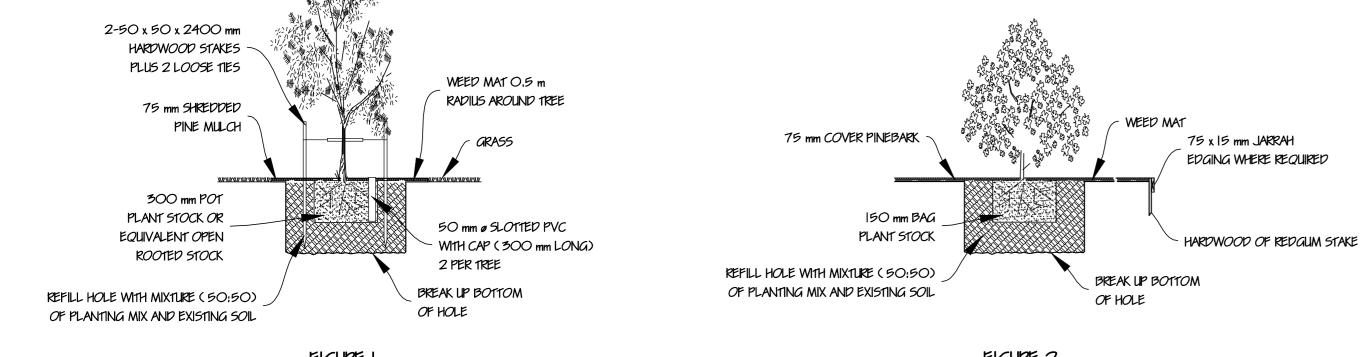
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	COLOUR
MARK	LOCATION
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2	EXIT DOORS
3	CONCRETE PANELS
4	CONCRETE PANELS
5	CONCRETE PANELS
6	CONCRETE PANELS
7	CONCRETE PANELS
8	CLADDING/ FASCIA
9	CLADDING/ FASCIA
Ю	CLADDING/ CANOPY
II	ALUMINIUM WINDOW DOOR FRAME/COLL
12	COLORCLAD GLAZING
13	COMPRESSED BOARD
14	CONCRETE PANELS





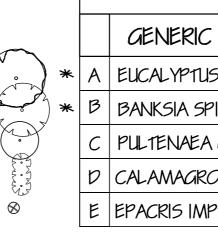
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LANDSCAPE PLAN



5

	GENERIC NAME	COMMON NAME	HxW	POT SIZE	QTY.
A	EUCALYPTUS CURTISII	PLUNKETT MALLEE	6m x 3m	45L	$\left\langle 7 \right\rangle$
B	BANKSIA SPINULOSA VAR CUNNINGHAMII	HAIRPIN BANKSIA	2-4m x 2-4m	45L	$\left\langle 4 \right\rangle$
С	PULTENAEA GUNNII	GOLDEN BUSH PEA	2m x 2m	150	{  5 }
D	CALAMAGROSTIS X ACUTIFLORA	FEATHER REED GRASS	l.5m x lm	TUBE	285 )
E	EPACRIS IMPRESSA	COMMON HEATH	O.5m x lm	TUBE	34
Æ	NOTES INDIGENOUS PLANTS TO BE SOURCE	DLOCALLY.			С

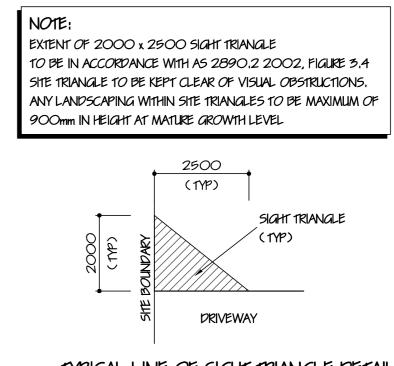
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\* DENOTES INDIGENOUS PLANTS TO BE SOURCED LOCALLY, ALL CANOPY TREES TO BE MINIMUM 2m TALL WHEN PLANTED.

FIGURE 2

4

### LANDSCAPING SCHEDULE



TYPICAL LINE OF SIGHT TRIANGLE DETAIL (*Scale* 1:100)

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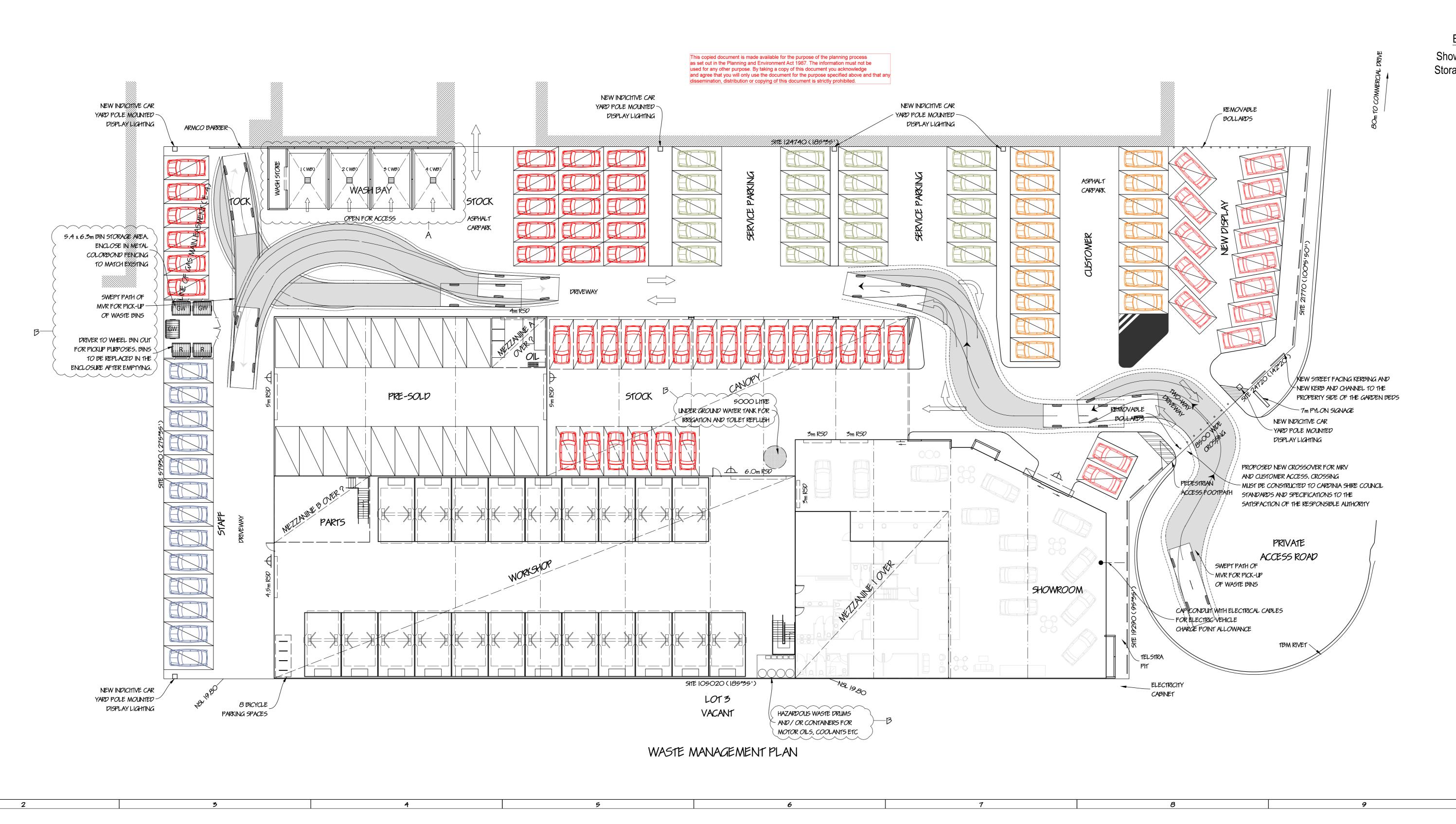
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HAZARDOUS WASTE

EDUCATIONAL MATERIAL AND "HOUSE RULES" WILL BE PROVIDED TO USERS AND STAFF. THESE WILL INCLUDE:

- 44 GALLON DRUMS ARE TO BE USED TO STORE HAZARDOUS WASTE SUCH AS MOTOR OILS, COOLANTS AND/OR ANY OTHER RELEVANT WASTE MATERIALS.
- ADVISE THEM ON HOW TO SORT AND STORE HAZARDOUS WASTE WITH CARE TO REDUCE CONTAMINATION OF AREAS EXTERNAL TO THE STORAGE AREA.
- INFORM THEM ABOUT WASTE MANAGEMENT SYSTEM AND THE USE/LOCATION OF ASSOCIATED EQUIPMENT.
- HAZARDOUS WASTE DRUMS AND/OR CONTAINERS ARE TO BE MONITORED ON A REGULAR WEEKLY BASIS TO ENSURE THAT THEY ARE MAINTAINED IN A CONDITION APPROPRIATE FOR THEIR USE.

HAZARDOUS WASTE DRUMS AND/OR CONTAINERS ARE TO BE STORED AND COLLECTED BY A PRIVATE CONTRACTOR THAT SPECIALISES IN THE REMOVAL OF SPECIFIC MATERIALS AS REQUIRED. (ie MOTOR OILS AND COOLANTS)



### **RISK HAZARD**

EACH TENANT/STAFF SHALL TRANSFER THEIR RESPECTIVE BINS BETWEEN THEIR BIN STORAGE AREA AND PLACE THEM IN FRONT OF THEIR RESPECTIVE WAREHOUSES, IN COORDINATION WITH TRUCK ARRIVAL. BINS SHALL NOT BE LEFT LONGER THAN NECESSARY.

COLLECTION STAFF (DRIVER AND ASSISTANT) SHALL HAVE ACCESS TO THE BINS PLACED IN FRONT OF EACH WAREHOUSE AND, IF REQUIRED, TRANSFER THE BINS TO THE TRUCK THEN BACK TO THEIR RESPECTIVE LOCATIONS FOR THE TENANT/STAFF TO MANAGE SAFELY. TRANSFER PATHS TO HAVE A MAX GRADIENT OF 1:14.

PROTECTION OF EQUIPMENT FROM THEFT AND VANDALISM.

THE OPERATOR WILL BE RESPONSIBLE TO PROTECT THE EQUIPMENT FROM THEFT AND VANDALISM.

THE FOLLOWING INITIATIVES WILL BE INCLUDED: - LABEL THE BINS ACCORDING TO PROPERTY & BUILDING ADDRESS - SECURE THE WASTE STORAGE AREA (BIN STORE)

DUE TO THE PROPOSED DEVELOPMENT HAVING LOCKABLE SLIDING GATES AND THE BIN STORAGE AREAS INTERNALLY, THE LIKELIHOOD OF ANY VANDALISM IS GREATLY REDUCED.

VENTILATION, VERMIN PREVENTION AND WASHING: WASTE AREAS WILL FEATURE:

- VENTILATION IN ACCORDANCE WITH AUSTRALIAN STANDARD AS1668 - ALL BINS HAVE SECURE FITTING LIDS THAT ARE VERMIN PROOF.
- IMPERVIOUS FLOORING (SMOOTH, SLIP-RESISTANT AND
- APPROPRIATELY DRAINED)

EDUCATION ON USE OF SERVICES AND STAFF. THESE WILL INCLUDE:

- REDUCE CONTAMINATION OF RECYCLABLES. - ADVISE THEM WHAT TYPE OF HARD WASTE IS ALLOWED.
- USE/LOCATION OF ASSOCIATED EQUIPMENT.
- IMPROVE FACILITY MANAGEMENT RESULTS

GOALS OF WASTE MANAGEMENT:

**INFRASTRUCTURE:** 

TO ENSURE THAT THERE IS ADEQUATE INFRASTRUCTURE TO GIVE INDUSTRIAL AND COMMERCIAL BUSINESSES OPPORTUNITIES TO RECYCLE SOLID WASTE

WASTE REDUCTION AND RECYCLING RATES: REDUCE AND RECYCLE AT LEAST 25% OF THE SOLID WASTE GENERATED BY THE COMMERCIAL SECTOR AND AT LEAST 66% OF THE INDUSTRIAL SECTOR.

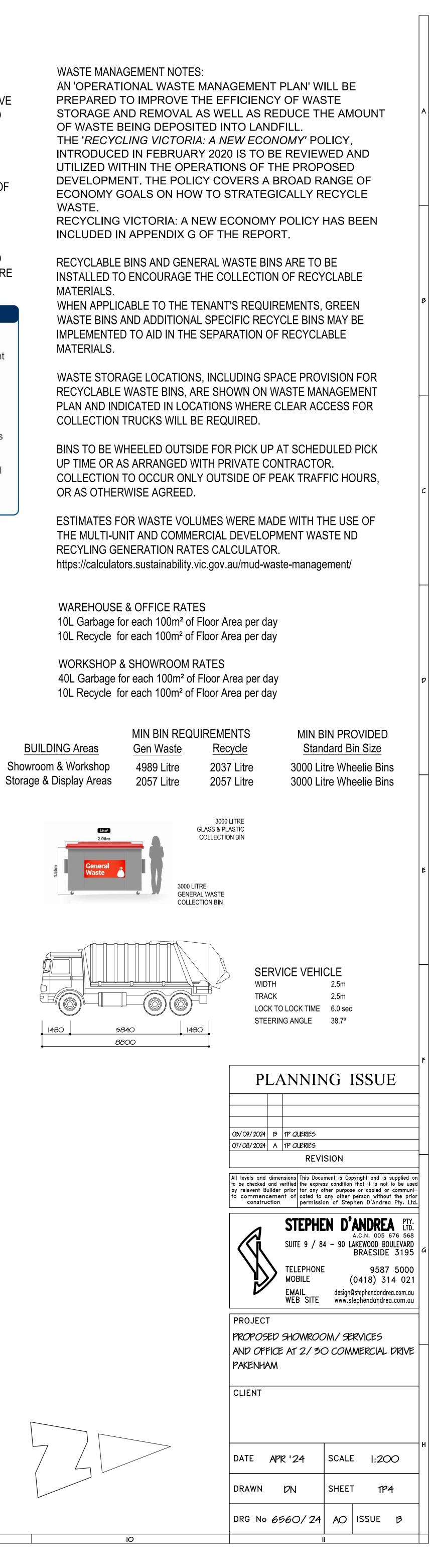
- FOR HYGIENIC REASONS, BINS WILL BE WASHED (WHEN REQUIRED) TO REMOVE WASTE-SMEAR AND ODOUR. IT IS THE OPERATOR'S RESPONSIBILITIES TO CLEAN. APPROPRIATE FACILITIES WILL BE PROVIDED TO FACILITATE THE WASHING AND CLEANING OF BIN).

- EDUCATIONAL MATERIAL AND "HOUSE RULES" WILL BE PROVIDED TO USERS
- ADVISE THEM ON HOW TO SORT AND RECYCLE WASTE WITH CARE TO
- INFORM THEM ABOUT WASTE MANAGEMENT SYSTEM AND THE

## EDUCATION:

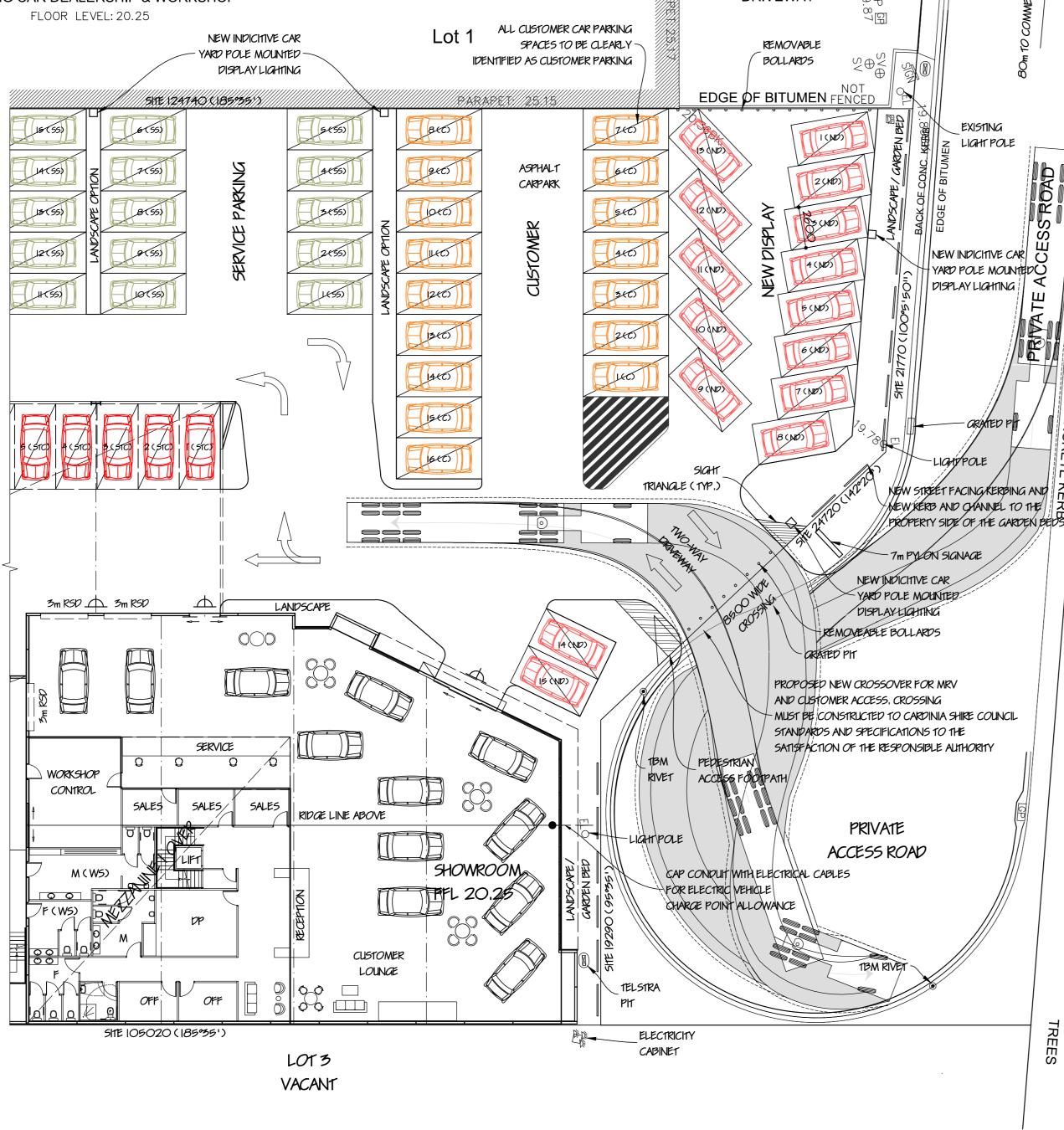
PROVIDE EDUCATION AND TECHNICAL ASSISTANCE TO STAFF REGARDING REDUCTION, RECYCLING, COMPOSTING REUSE AND OTHER ALTERNATIVE WASTE MANAGEMENT METHODS TO ENSURE THE BEST PRACTICE POSSIBLE.



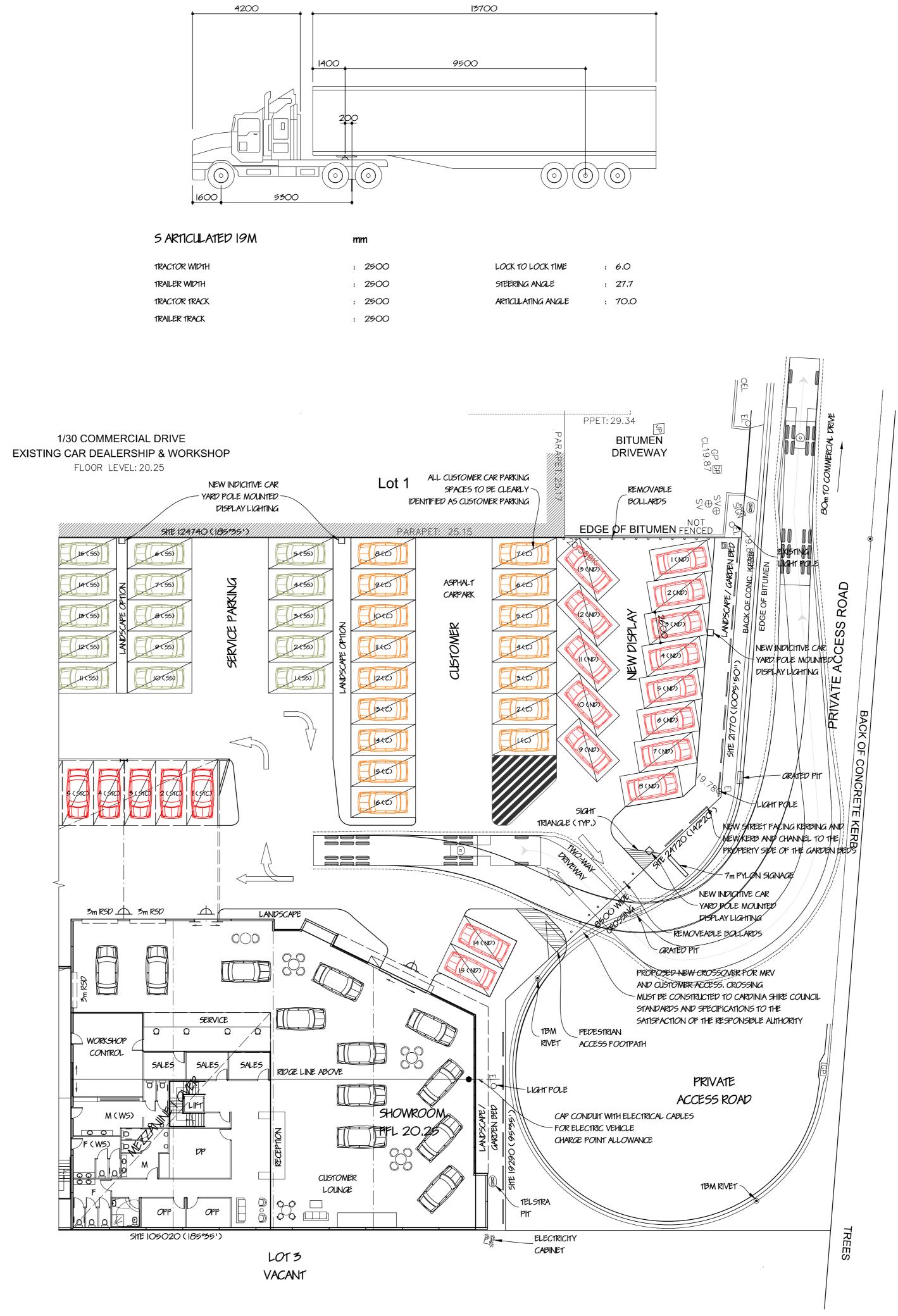


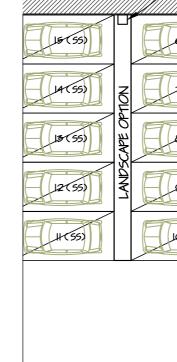
PART TRUCK TURNING PLAN (19M SEMI TRAILER INGRESS)

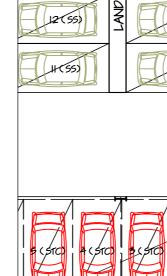
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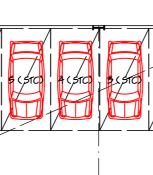


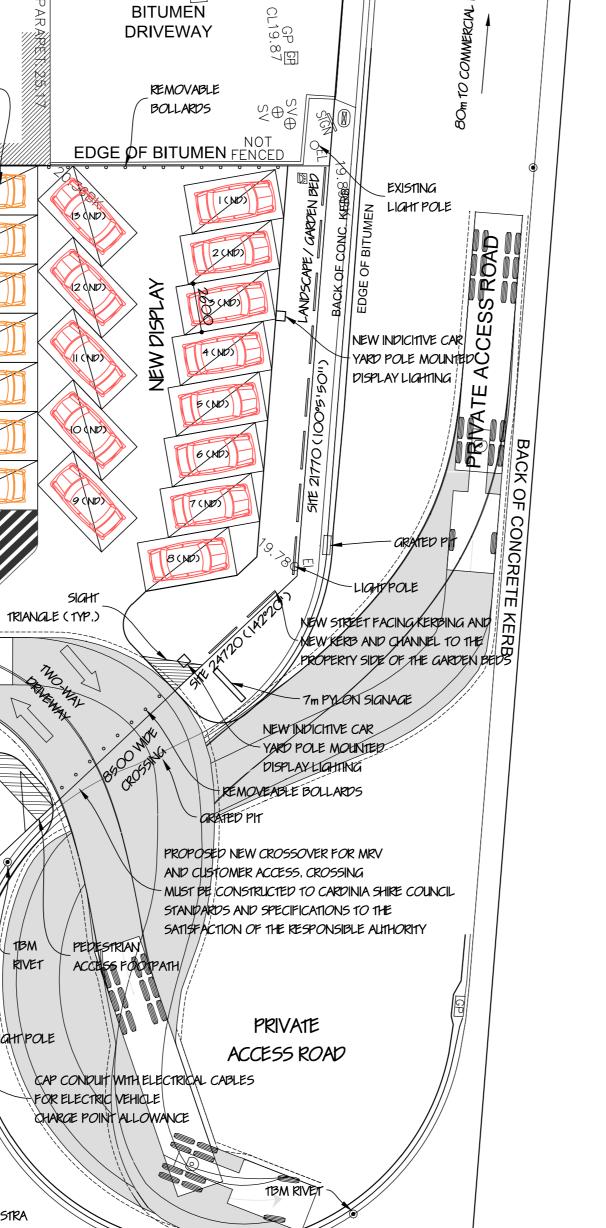
1/30 COMMERCIAL DRIVE EXISTING CAR DEALERSHIP & WORKSHOP











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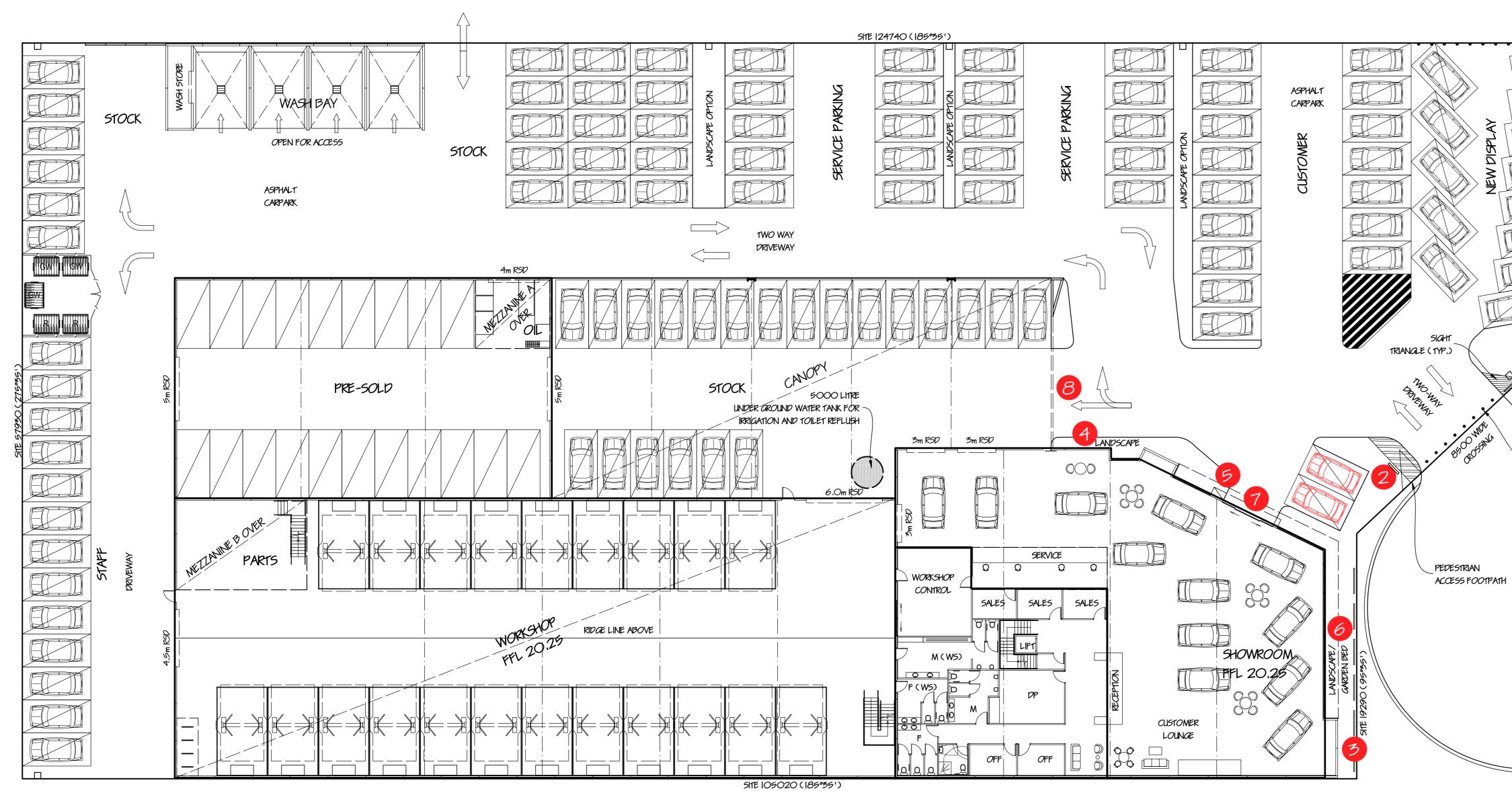
PART TRUCK TURNING PLAN (19M SEMI TRAILER EGRESS)

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