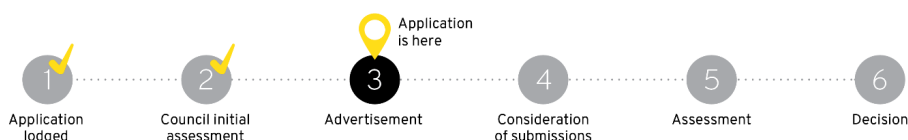


ADVERTISING

RE-NOTIFICATION OF AN APPLICATION FOR PLANNING PERMIT



The land affected by this application is located at:	11-19 Gateway Rd WARRNAMBOOL VIC 3280
The application is for a permit to:	Use & development of land for six (6) shops; reduce the minimum car parking spaces to zero & provide all of the car parking spaces required under Clause 52.06-5 on another site
A permit is required under the following clauses of the planning scheme:	
Planning scheme clause	Matter for which a permit is required
Clause:	Clause 34.01-1 & 34.01-4 - Use & development of land for six (6) shops Clause 52.06-3 Reduce the minimum car parking spaces to zero & provide all of the car parking spaces required under Clause 52.06-5 on another site
The applicant for the permit is:	Lifestyle Town Planning & Services Pty Ltd
The application reference number is:	PP2025-0222
You may look at the application and any documents that support the application at the office of the responsible authority. This can be done during office hours and is free of charge. Or online at: For further reference please contact:	Warrnambool Civic Centre 25 Liebig Street WARRNAMBOOL VIC 3280 www.warrnambool.vic.gov.au Planning Support Telephone: 03 5559 4800 Email: planning@warrnambool.vic.gov.au
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 be made to the Responsible Authority in writing, include the reasons for the objection and state how the objector would be affected. The responsible authority must make a copy of every objection available for any person to inspect free of charge until the end of the period during which an application may be made for review of a decision on the application. If you object, the responsible authority will tell you its decision.	
The Responsible Authority will not decide on the application before:	4 September 2026





Request for Amendment to an Application for a Planning Permit Under Section 50 or 57A of the Planning and Environment Act 1987

Contact Person (the person to contact regarding this application)

Did you lodge the original Planning Permit application? ☒ Yes ☐ No

First Name Glenn Last Name Reddick

Company Name (if applicable) Lifestyle Town Planning

Street/Postal Address 9 Bowker Court

Suburb Port Fairy Post Code 3284

Phone _____ Mobile 0497 394964

Email _____

Are you lodging this request on behalf of someone else (applicant contact/representative) ☒ Yes ☐ No

Address to Which the Application Applies

Choose the type of formal land description

☒ Street Address ☐ Lot/Plan ☐ Crown Allotment ☐ Other _____

Street Address 11-19 Gateway Road

Suburb Warrnambool Post Code 3280

Amendment Details

Planning Application Number PP2025-0222

What amendments are to be made to this application?

Altered plans- refer to accompanying email.

ADVERTISING

Amendment Details

Does the proposed amendment breach, in anyway, a registered covenant, section 173 agreement or restriction of title?

☐ Yes ☒ No ☐ Not applicable (no such covenant, section 173 agreement or restriction applies)

State the estimated cost of the proposed development, which includes the amendments.

☒ Unchanged from initial application ☐ Changed from initial application

Has notice of the application been given (advertised)? ☐ Yes ☐ No

Supporting Documents

Plans/Letter

Please supply all plans affected by the proposed changes. Please make sure that all changes are clearly highlighted on any new plans submitted, as failure to do so is likely to result in delays. Highlight the changes by using different colours, highlighter pens or bubbles around amendments etc.

Fees

After notice has been given, a fee 40% of the application fee for that class of permit or amendment to permit may be payable; and where the class of application is changing to a new class of higher application fee, the difference between the fee for the application to be amended and the fee for the new class, may be charged.

It is likely that this fee will be imposed if you are making changes to your application other than to address concerns raised by objectors.

Payment Details

In Person: Warrnambool City Council Civic Centre, 25 Liebig Street, Warrnambool 8.30am to 5.00pm

Mail: PO Box 198, WARRNAMBOOL Victoria 3280

E-mail planning@warrnambool.vic.gov.au

Please note once your application is received, an invoice will be forwarded to you via email.

Declaration (Please select)

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 application.

Signature:

Glenn Reddick

Date: 29/07/26

Name of person completing this request Glenn Reddick

Privacy Statement: The Warrnambool City Council considers that the responsible handling of personal information is a key aspect of democratic governance, and is strongly committed to protecting an individual's right to privacy. Council will comply with the Information Privacy Principles as set out in the Privacy and Data Protection Act 2014. The information will not be disclosed to any other party unless Council is required to do so by law.

11-19

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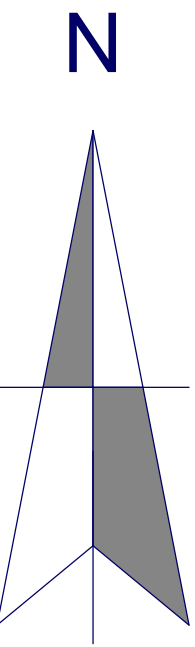


Dan Murphy's

Gateway Shopping Centre

Subject Site
11-19 Gateway Road

East Warrnambool
Shopping Centre



Southern View



Northern View



Eastern View



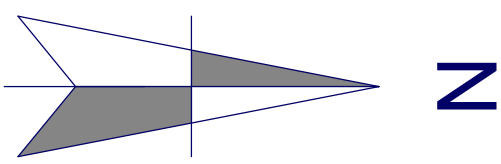
North-West View

WARRNAMBOOL

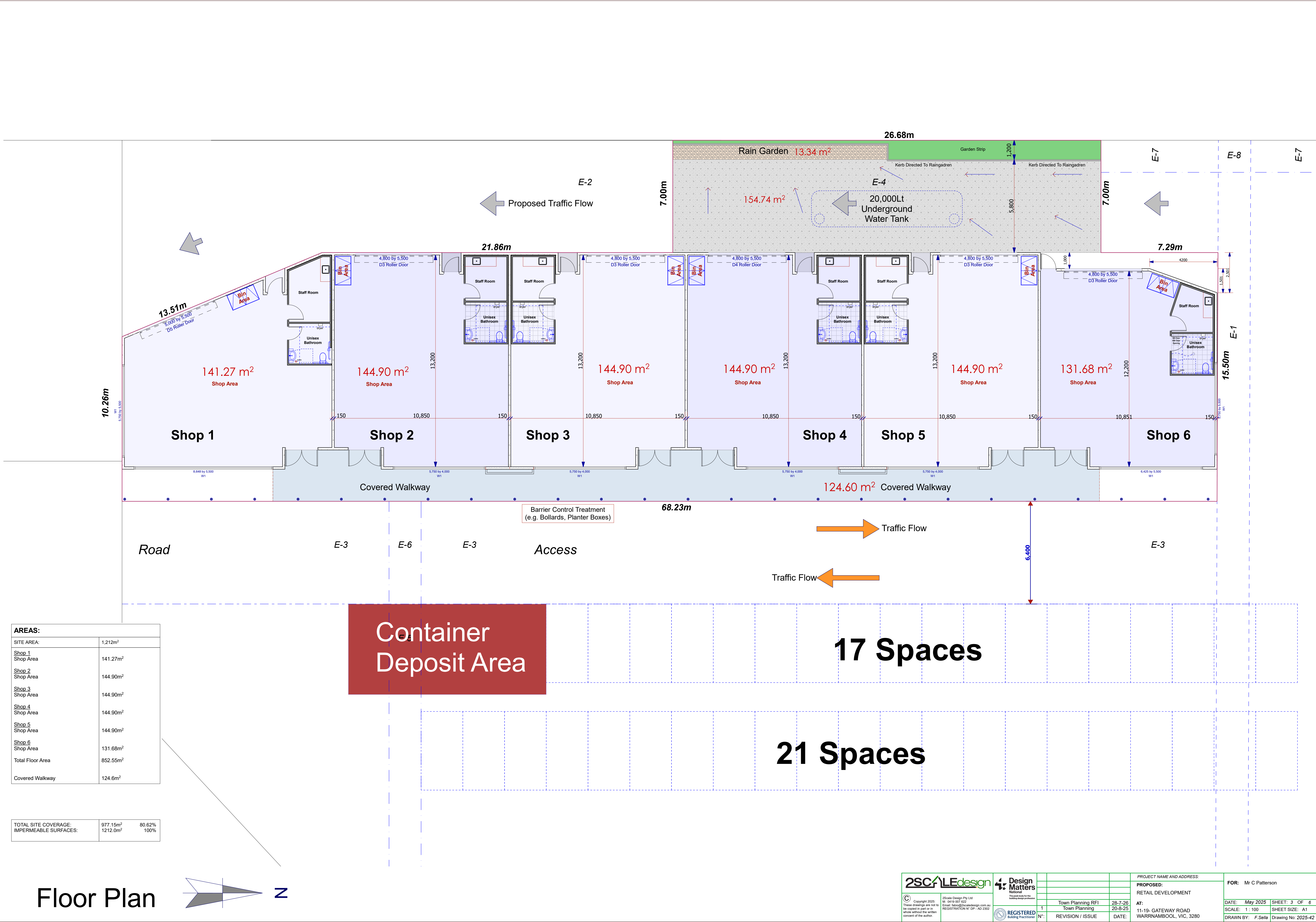
2SCALEdesign Copyright 2025. These drawings are not to be copied or part of in whole without the written consent of the author.		Design Matters The design team for the building and landscape. REGISTERED Building Practitioner		PROJECT NAME AND ADDRESS: PROPOSED: RETAIL DEVELOPMENT AT: 11-19, GATEWAY ROAD WARRNAMBOOL, VIC. 3280		FOR: Mr C Patterson DATE: May 2025 SCALE: 1 : 100 DRAWN BY: F. Sella Drawing No: 2025-42	
Town Planning RFI		28-7-26 20-8-25		DATE:		SHEET: 1 OF 6 SHEET SIZE: A1	
1		REVISION / ISSUE		DATE:			



Site Description Plan



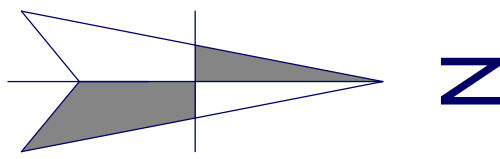
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1		Town Planning RFI		28-7-26		DATE: May 2025	
1		Town Planning		20-8-25		SHEET: 2 OF 6	
1		REVISION / ISSUE		DATE:		SCALE: 1:200	
1		REVISION / ISSUE		DATE:		SHEET SIZE: A1	
1		REVISION / ISSUE		DATE:		DRAWN BY: F. Sella	
1		REVISION / ISSUE		DATE:		Drawing No: 2025-42	



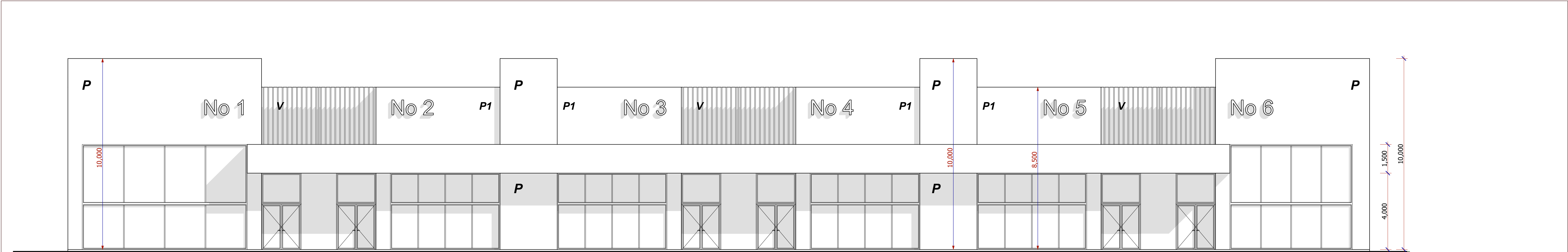
AREAS:	
SITE AREA:	1,212m ²
Shop 1 Shop Area	141.27m ²
Shop 2 Shop Area	144.90m ²
Shop 3 Shop Area	144.90m ²
Shop 4 Shop Area	144.90m ²
Shop 5 Shop Area	144.90m ²
Shop 6 Shop Area	131.68m ²
Total Floor Area	852.55m ²
Covered Walkway	124.6m ²

TOTAL SITE COVERAGE:	977.15m ²	80.62%
IMPERMEABLE SURFACES:	1212.0m ²	100%

Floor Plan



2SCALEdesign		Design Matters		PROJECT NAME AND ADDRESS:		FOR: Mr C Patterson	
Copyright 2025. These drawings are not to be copied or used in whole or in part without the written consent of the author.		2Scale Design Pty Ltd ABN 94 181 997 622 Email: info@2scale.design.com.au REGISTRATION NO: 2017-AD-2302		PROPOSED: RETAIL DEVELOPMENT		DATE: May 2025 SHEET: 3 OF 6	
1		Town Planning RFI		28-7-26		SCALE: 1:100 SHEET SIZE: A1	
REGISTERED Building Practitioner		REVISION / ISSUE		DATE:		DRAWN BY: F. Sella Drawing No: 2025-42	
						11-19 GATEWAY ROAD WARRNAMBOOL, VIC. 3280	



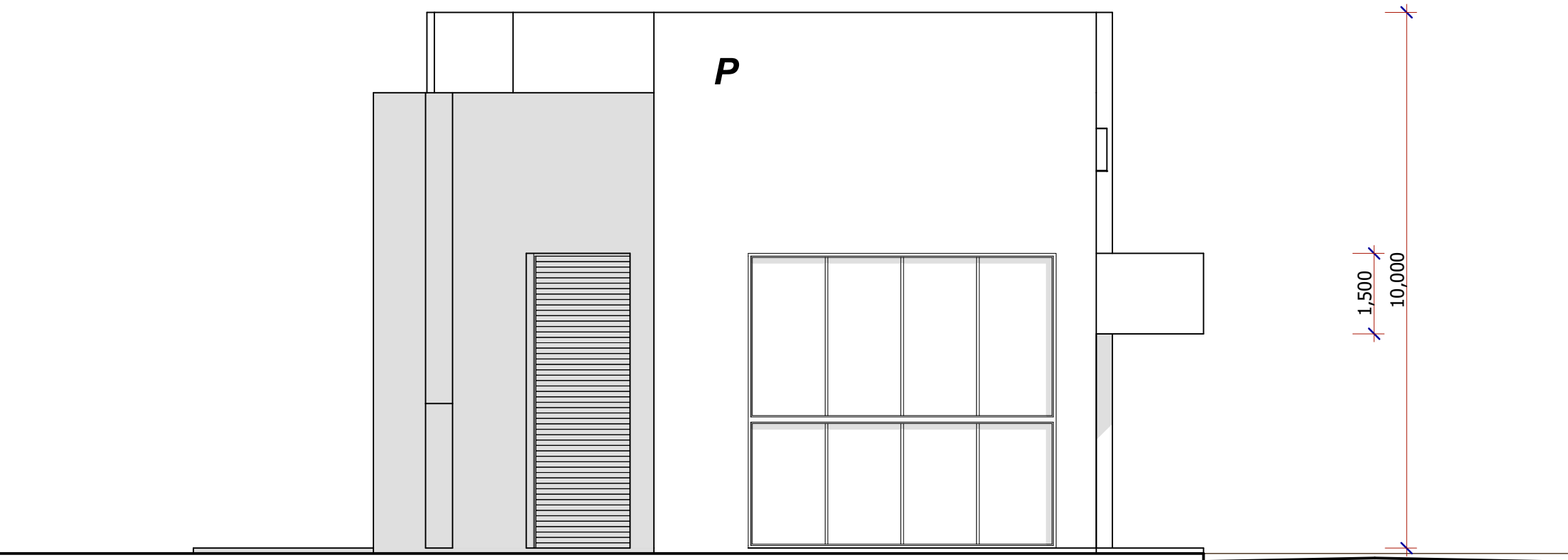
PROPOSED EAST ELEVATION

Colour And Material Schedule

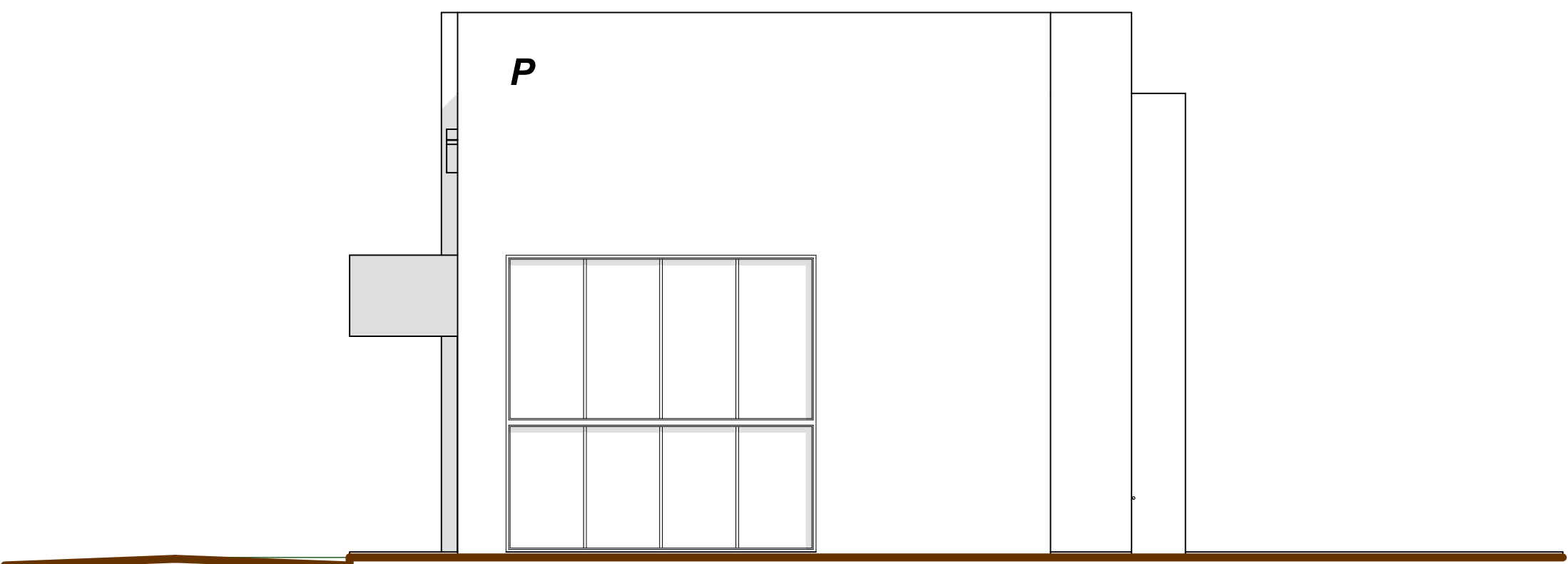
(**P**) Concrete Precast Panels
Painted Finish
Colour: Dulux 'Stonecrop'

(**P1**) Concrete Precast Panels
Painted Finish:
Colour: Dulux 'Surfmist'

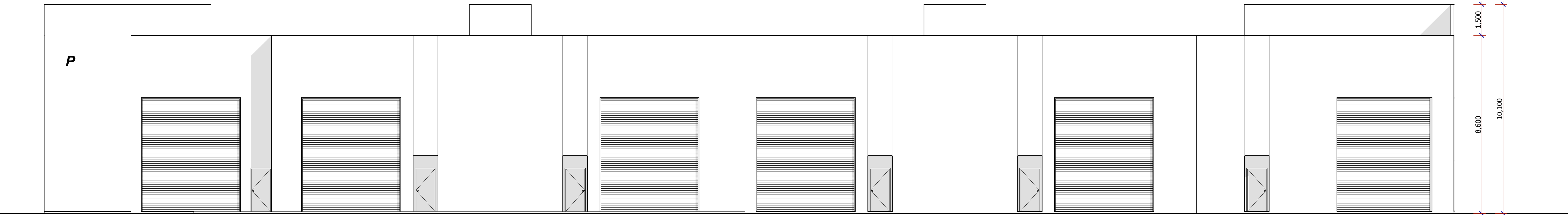
(**V**) Vertical Aluminium Feature
Battens
Colour: Monument
Window & Door Frames
Garage Doors
Water Tanks
Colour: 'Monument'



PROPOSED SOUTH ELEVATION

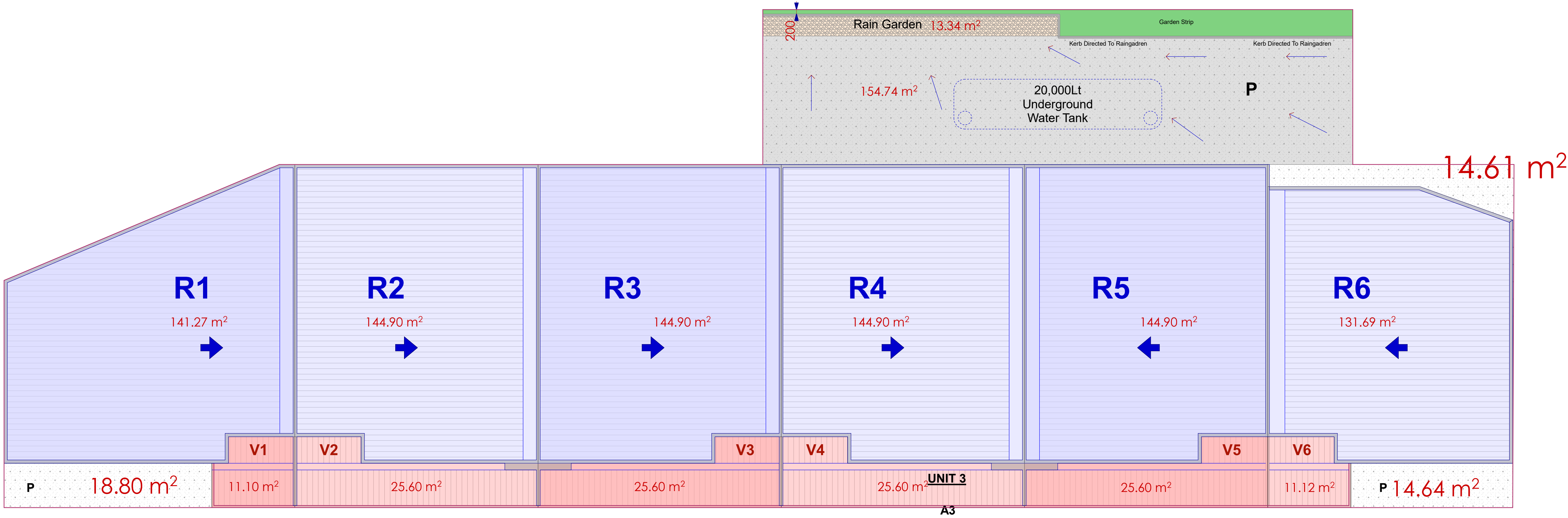


PROPOSED NORTH ELEVATION

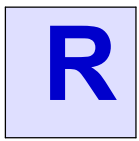


PROPOSED WEST ELEVATION

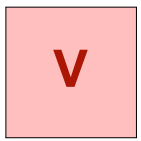
2SCALEdesign Copyright 2025. These drawings are not to be copied or part of in whole without the written consent of the author.		Design Matters The authority for the building industry. REGISTERED Building Practitioner		PROJECT NAME AND ADDRESS: PROPOSED: RETAIL DEVELOPMENT AT: 11-19 GATEWAY ROAD WARRNAMBOOL, VIC. 3280		FOR: Mr C Patterson DATE: May 2025 SCALE: 1 : 100 DRAWN BY: F. Sella		SHEET: 4 OF 6 SHEET SIZE: A1 Drawing No: 2025-42	
Town Planning RFI		28-7-26		11-19 GATEWAY ROAD		May 2025		4 OF 6	
Town Planning		20-8-25		WARRNAMBOOL, VIC. 3280		1 : 100		A1	
1		REVISION / ISSUE		DATE:		F. Sella		Drawing No: 2025-42	



Roof Catchment Plan
SCALE 1:100



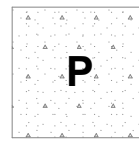
ROOF
TREATMENT TO WATER TANKS



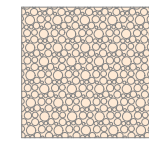
VERANDAH ROOFS
NO TREATMENT



PROPOSED PAVING
TREATMENT TO RAINGARDEN



PROPOSED PAVING
NO TREATMENT



PROPOSED RAINGARDEN

Project # 2620323B
Copy of Retail Development
Salvatore Nicolazzo - sal@2scaledesign.com.au
11-19 Gateway Rd, Warrnambool VIC 3280, Australia
24 July 2026 2:53 p.m.

BLUE FACTOR

Copy of Retail Development

Nitrogen reduction target has been met, and a small low-risk project is deemed to comply. Higher risk projects need to meet all targets.

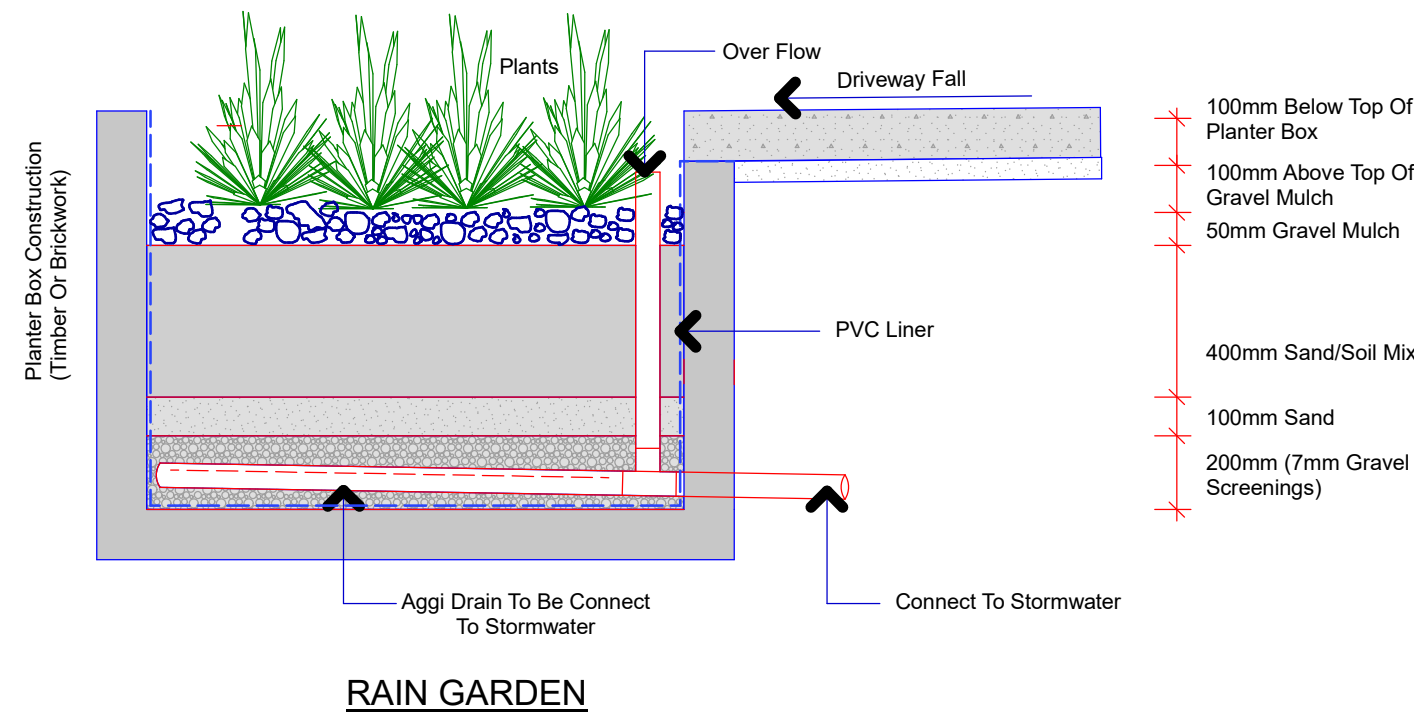
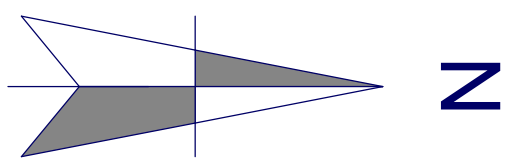


Project details

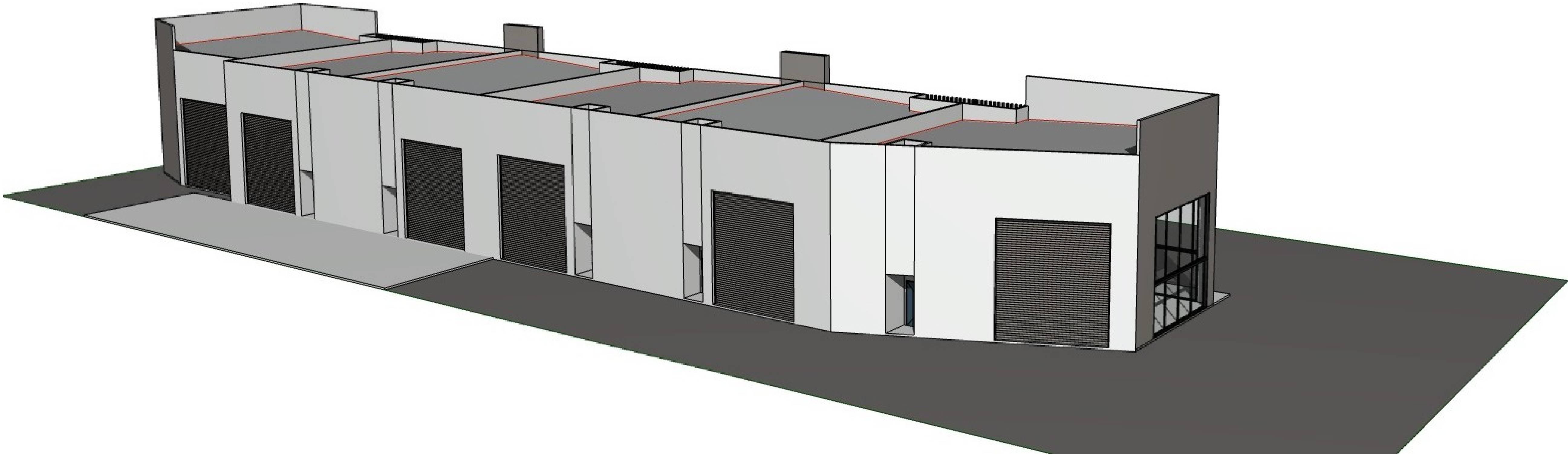
Name	Copy of Retail Development
Project ID	2620323B
Street address	11-19 Gateway Rd, Warrnambool VIC 3280, Australia
Municipality	Warrnambool
Site area	1212 m ²
Planning Number	

Results

Item	Result	Target
Total suspended solids (%)	69%	>80%
Total phosphorus (%)	57%	>45%
Total nitrogen (%)	46%	>45%
Total gross pollutants (%)	84%	>70%
Mean annual runoff volume harvested or evapotranspired (%)	30%	>27%
Mean annual runoff volume infiltrated or filtered (%)	3%	>9%



2SCALEdesign		Design Matters		PROJECT NAME AND ADDRESS:		FOR: Mr C Patterson	
Copyright 2025. These drawings are not to be copied or used in whole or in part without the written consent of the author.		2Scale Design Pty Ltd M: 0419 957 622 Email: info@2scaledesign.com.au REGISTRATION N° 201-AD-2302		PROPOSED: RETAIL DEVELOPMENT		DATE: May 2025 SHEET: 6 OF 6	
1		Town Planning RFI		28-7-26		AT: 11-19 GATEWAY ROAD WARRNAMBOOL, VIC, 3280	
N°:		REVISION / ISSUE		DATE:		DRAWN BY: F. Sella Drawing No: 2025-42	



Lifestyle

Phone: 0497 394964

Date 25/08/25



This document has been prepared to aid the submission of a planning permit application for the construction of 6 shops at 11-19 Gateway Road Warrnambool.

ADVERTISING

1. PROPOSAL

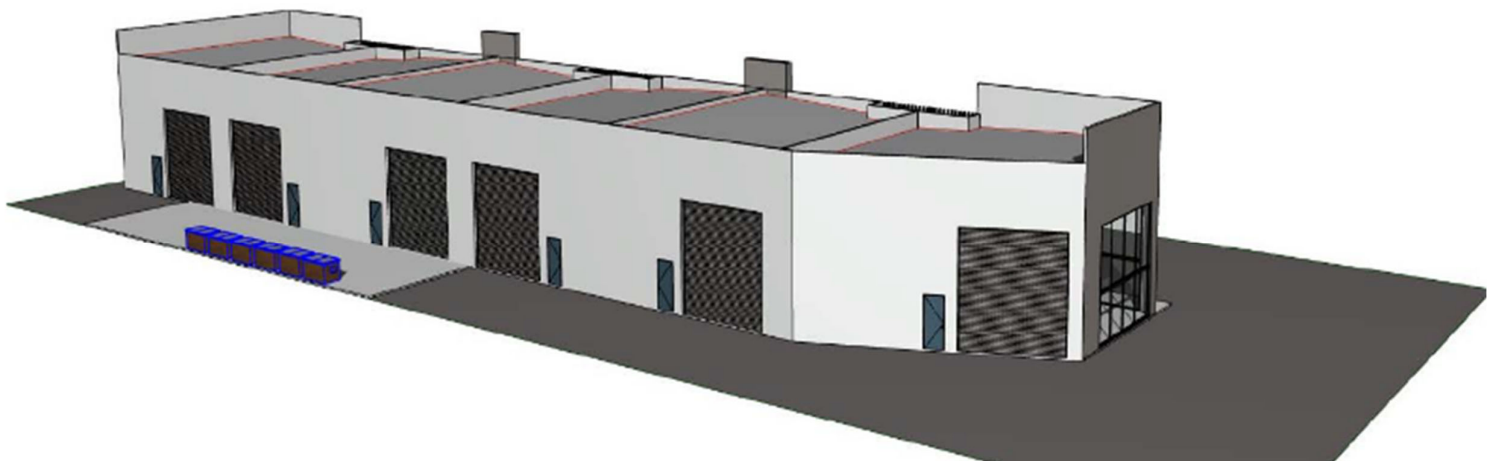
It is proposed to construct retail floor space of 866 sqm divided into 6 individual shops on a 1,212 sqm undeveloped site at the Gateway Plaza Shopping Centre site in East Warrnambool.

The shops will be available for letting and are expected to appeal to boutique retailing or speciality shops such as food and drink premises/ take away food or allied retail users.

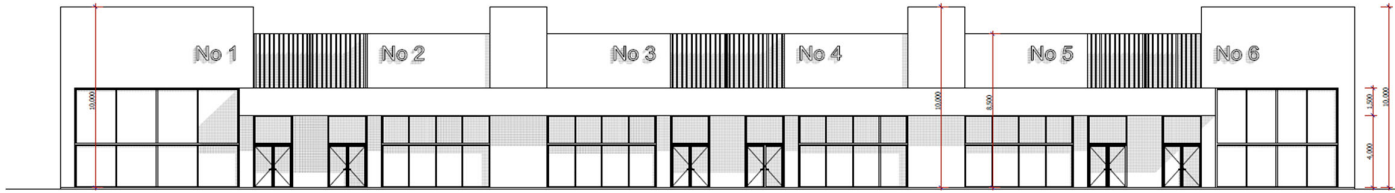
The shops have total floor areas of approximately 140 sqm including a rear storage area of around 25 sqm with each shop having staff room and toilet facilities including an accessible toilet. The building will be constructed of concrete tilt panels with a painted surface of "Surfmist" and "Stonecrop" with vertical aluminium battens and aluminium windows and roller doors in "Monument" and will have a maximum height of 10.1m to the top of the parapet wall and 8.5m to the shop roof. A covered walkway has been included along the frontage with plant and equipment concealed behind parapet wall facades.

There is a loading and service area at the rear of each shop for deliveries, waste collection etc with each shop having rear access, roller shutter door and loading bay.

The shops will require internal fitout and shopfitting to delineate the storage and retail areas.



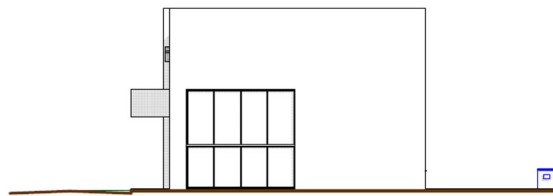
ADVERTISING



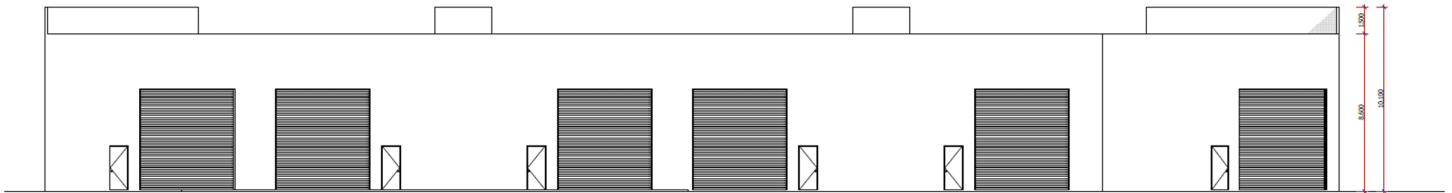
PROPOSED EAST ELEVATION



PROPOSED SOUTH ELEVATION



PROPOSED NORTH ELEVATION



PROPOSED WEST ELEVATION



ADVERTISING

Car parking will be provided on the land opposite where there are 91 car spaces available (as shown below) on a shared basis with the adjoining retailers Dan Murphy. The car parking assessment confirms that the proposed retail use requires 32 car spaces – refer later in this report. There are 91 spaces situated nearby. A car park agreement allows the site the use of 22 of the spaces. Refer to the agreement submitted with the application.

Shared car parking arrangements were put in place when the permit applicant landowner sold the Dan Murphy site which allows car parking for the subject land to be on the adjoining land.



The site is serviced with mains water and electricity and sewerage. Drainage infrastructure is in place. A STORM report has been prepared and submitted with the application to confirm that stormwater management rating is 102 which meets Water Sensitive Urban Design principles.

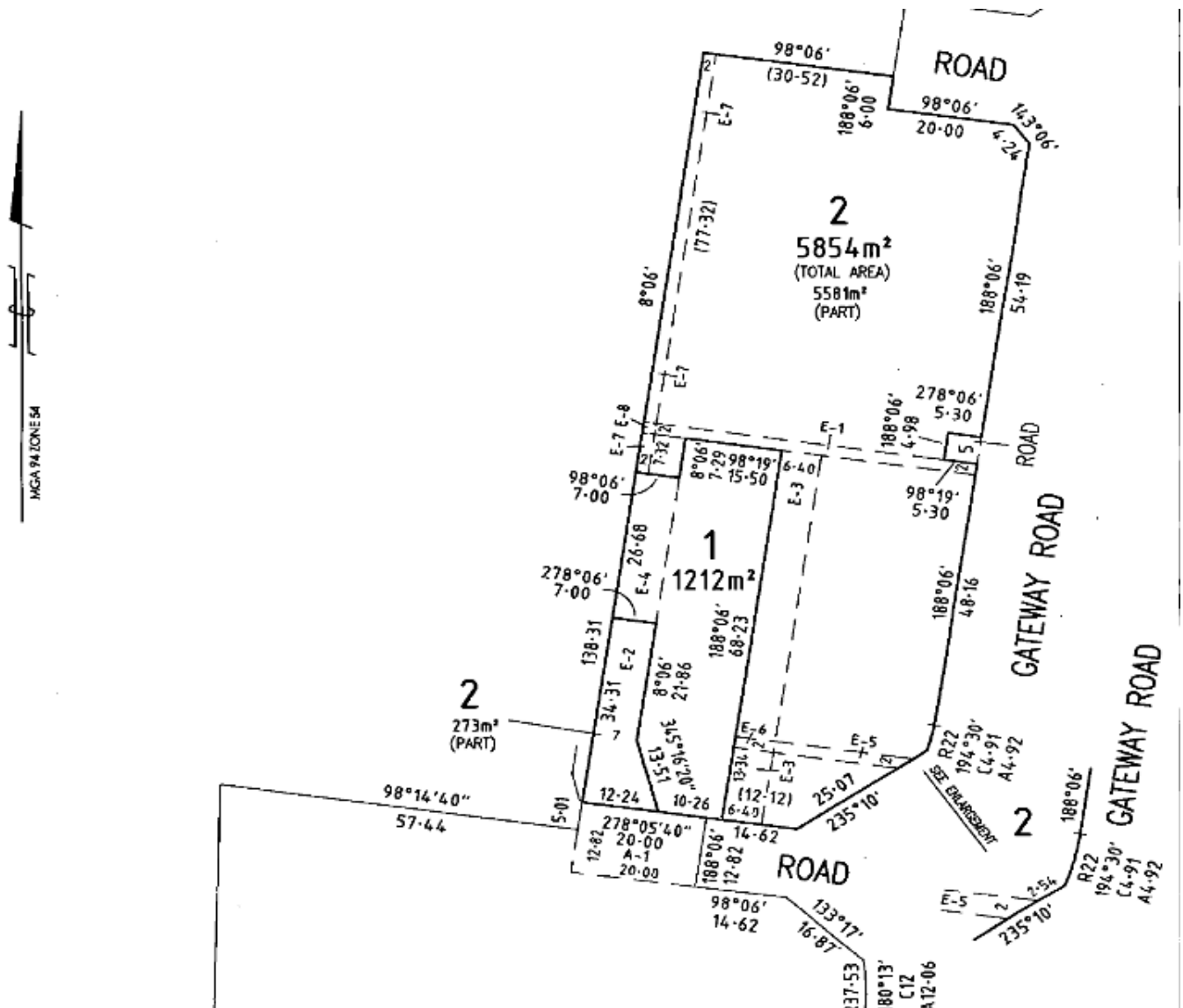
Business identification signage has not been applied for at this stage as the prospective tenants have not been identified.

2. SITE ANALYSIS

The site is a narrow strip of undeveloped land irregularly shaped having an overall area of 1,212 sqm within the Gateway Plaza shopping complex in East Warrnambool. The site is accessed from Gateway Road and situated between Woolworths supermarket and Dan Murphys. The immediate area has fully constructed roads, footpaths, lighting and drainage and with car parking for 91 vehicles directly opposite although not within the title boundary of the site. There is a container deposit kiosk situated nearby. The land abuts undeveloped residential zoned land to the west forming part of the gardens of Warrnambool Place Community Centre. There is a 2m high solid fence along the western boundary to minimise amenity impacts.

The development of the site will result in the loss of 3 car parking spaces.

The site shown as lot 1 below is subject to a carriageway easement along the eastern boundary as shown as E-4 on the title plan below.



ADVERTISING



Gateway Plaza Shopping Centre looking north towards the site from Raglan Parade

ADVERTISING



Looking north towards the site from Gateway Road



Subject site looking south towards Raglan Parade

ADVERTISING



Looking east towards the site



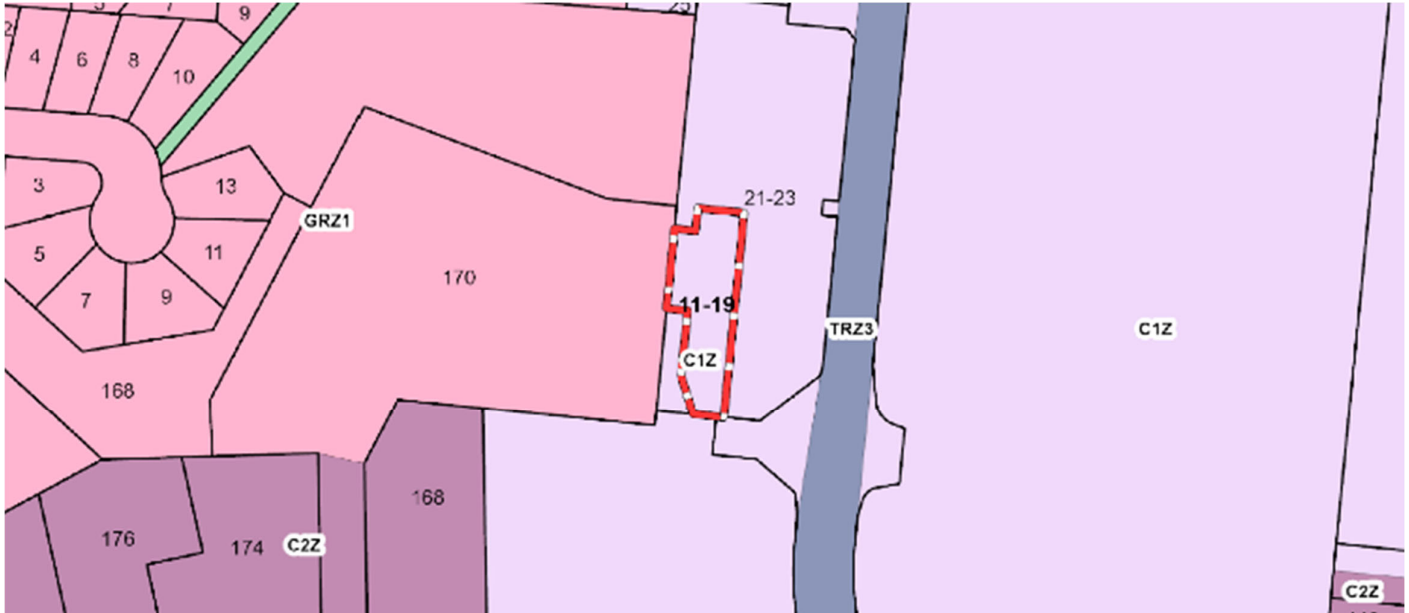
Looking south across the site

ADVERTISING

3. PLANNING CONTROLS

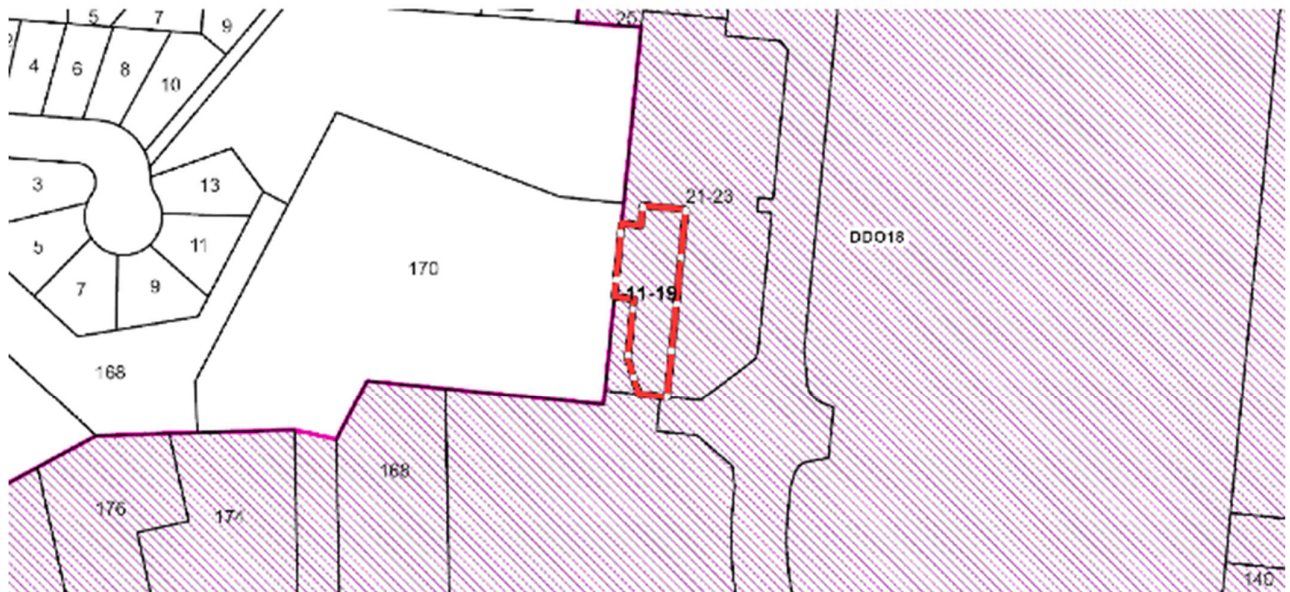
Zone

The site is located in the Commercial 1 Zone (C1Z).



Overlays

Design Development Overlay Schedule 18 (DDO18)



Other

The site is within an area of Aboriginal Cultural Heritage Significance.

Permit requirements

- A permit is required under **Clause 32.01-2** for the use of land for a shop as the floor area exceeds the cumulative scheduled floor area trigger of 6,708 sqm (Map GV) which has already been exceeded by the Dan Murphys and Woolworths complex.
- A permit is required for buildings and works in the C1Z at **Clause 34.01-4**.
- A permit is required for buildings and works under the DDO18 at **Clause 43.02-2**.
- A permit is required to provide a car parking on another site at **Clause 52.06-3**.

The proposed works are not considered to require a cultural heritage management plan under the Aboriginal Heritage Regulations 2018 as the land has been significantly disturbed through previous development processes.

4. RESTRICTIONS ON TITLE

None.

5. PLANNING ASSESSMENT

Clause 34.01

COMMERCIAL 1 ZONE

Purpose

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

To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.

To provide for residential uses at densities complementary to the role and scale of the commercial centre.

Clause 34.01-2

Use of land

A use must not detrimentally affect the amenity of the neighbourhood, including through the:

- *Transport of materials, goods or commodities to or from the land.*
- *Appearance of any building, works or materials.*
- *Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.*

ASSESSMENT

The shops have been designed with compliant access roads, designated rear loading areas, and storage/ waste collection areas which are not visible from the front of the site or from adjoining land to the west.

ADVERTISING

Clause 34.01-8

31/03/2025

VC267

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The interface with adjoining zones, especially the relationship with residential areas.*

Use

- *The effect that existing uses may have on the proposed use.*
- *The drainage of the land.*
- *The availability of and connection to services.*
- *The effect of traffic to be generated on roads.*
- *The interim use of those parts of the land not required for the proposed use.*

Building and works

- *The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.*
- *The provision of car parking.*
- *The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.*
- *The storage of rubbish and materials for recycling.*
- *Defining the responsibility for the maintenance of buildings, landscaping and paved areas.*
- *Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Housing Choice and Transport Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.*
- *The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Housing Choice and Transport Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.*

ADVERTISING

- *The availability of and connection to services.*
- *The design of buildings to provide for solar access.*
- *The objectives, standards and decision guidelines of Clause 54, Clause 55 and Clause 57. This does not apply to an apartment development.*
- *For an apartment development, the objectives, standards and decision guidelines of Clause 58.*

ASSESSMENT

The proposal has been assessed against the Municipal Planning Strategy and Planning Policy Framework and found to meet the requirements of the relevant clauses.

The site is collocated with other retail uses such as Woolworths supermarket, speciality shops and Dan Murphy's liquor store. The site abuts the Warrnambool Place Community Centre to the west, which is land zoned residential, however there is a large open area forming the gardens to the centre which provides a large buffer distance to the proposed shops together with a 2m high solid fence along the western boundary.

Existing drainage infrastructure is in place for the proposed shops to connect to. A STORM stormwater management report has been submitted with the application which conforms the proposal has adopted Water Sensitive Urban Design principles.

Vehicle movements have been catered for with the proposed design response fitting with the existing road layout including a 7m wide access road and rear loading bay facilities.

The areas for the movement of vehicles and pedestrians have been clearly defined as have service and loading areas at the rear. Waste and recycling areas are also at the rear of the buildings.

There are no nearby buildings overshadowed by the proposal, with the roof space of the proposed shops of a suitable size and orientation to accommodate solar panels.

Clause 43.02

DESIGN AND DEVELOPMENT OVERLAY

Purpose

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

To identify areas which are affected by specific requirements relating to the design and built form of new development.

Clause 43.02-6

Decision guidelines

ADVERTISING

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The design objectives of the relevant schedule to this overlay.*
- *The provisions of any relevant policies and urban design guidelines.*
- *Whether the bulk, location and appearance of any proposed buildings and works will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.*
- *Whether the design, form, layout, proportion and scale of any proposed buildings and works is compatible with the period, style, form, proportion, and scale of any identified heritage places surrounding the site.*
- *Whether any proposed landscaping or removal of vegetation will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.*
- *The layout and appearance of areas set aside for car parking, access and egress, loading and unloading and the location of any proposed off street car parking*
- *Whether subdivision will result in development which is not in keeping with the character and appearance of adjacent buildings, the streetscape or the area.*
- *Any other matters specified in a schedule to this overlay.*

SCHEDULE 18 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

EASTERN ACTIVITY CENTRE - COMMERCIAL AND OFFICE BUILT FORM

Design objectives

To encourage the development of the Eastern Activity Centre as an active, vibrant and connected retail, office and commercial precinct.

To encourage integrated, high quality built form and landscape treatments.

To ensure new development provides an active interface to streets, public open space, and residential areas.

Buildings and works

A permit is required to construct or extend a fence that fronts a road or public open space.

The following buildings and works requirements apply to an application to construct a building or construct or carry out works:

Building Height

- *Development outside the Primary Activity Precinct should be a maximum of two or three storeys (8-10 metres above natural ground level) in height and designed to minimise bulk. Taller elements should be recessed to ensure they are of a compatible scale with the streetscape and surrounding uses.*

ASSESSMENT

The maximum height of the shop roof is 8m and the tip of the parapet wall front façade 10m.

Building Design

- *Development should demonstrate high quality architectural design that enhances the appearance and amenity of the centre.*
- *Development should demonstrate a diversity of architectural form.*
- *The roof form and building profile of developments should create visual interest and variation in the streetscape.*
- *Building elevations should incorporate design detailing and material treatments that assist in articulation of the building form and limit the potential for visual bulk.*
- *Development should avoid blank walls on facades fronting public areas. Where blank walls cannot be avoided, windows or openings should be provided to promote interaction with the street. If windows or openings are not appropriate other design treatments may be considered to break up the surface and provide visual interest.*
- *Development should be designed to integrate with adjoining uses and built form, and designed to improve connectivity to adjoining uses and development.*
- *New or refurbished buildings should have regard to the incorporation of Environmentally Sustainable Design techniques such as passive solar design, natural ventilation and cooling, natural lighting, green walls, and use of sustainable materials.*

ASSESSMENT

The proposed design is contemporary and uses low maintenance materials and contemporary muted and non-reflective colours.

Extensive glazing frontages are proposed which create visual interest but also to achieve solar gain.

The design is well articulated and practical laid out in a logical linear shaped which is governed by the site shape and constraints such as the easements and the road network.

The rear facades are practical but also not highly visible from the public realm.

Public Realm Interfaces

- *Materials and finishes on all building facades should be high quality and complement the appearance and character of the centre. Use of glazing, natural materials and textured materials is encouraged.*
- *Development should incorporate active frontages that contribute to the activation of the street, create a clearly defined sense of street address and where appropriate directly interface with the street and corners.*

ADVERTISING

- *Development should incorporate lighting design to enhance the night time appearance of the building and add to pedestrian safety.*
- *Building services and equipment should be located to minimise their visibility and should be integrated into the design of buildings.*
- *The visibility of car parking and loading areas from the public realm should be minimised. Car parking and loading areas should be discretely located behind built form and not dominate the frontage.*

ASSESSMENT

As discussed above, the design is in keeping with the style of surrounding buildings with each shop clearly defined and well-articulated. The car parking and access areas are existing. Plant and equipment will be concealed behind parapet walls on the roof. Service areas are at the rear and are not excessively visible.

Residential Interfaces

- *Where abutting a Residential Zone or Residential precinct all development should, as a minimum, be massed in accordance with Standard B17 of Clause 55.04-1 from the common boundary.*
- *A combination of landscaping treatments and acoustic treatments should be used at the interface with residential areas.*

ASSESSMENT

The proposed shops are well buffered from the abutting residential land uses and are protected by a 2m high solid timber fence along the western boundary.

Landscaping

- *A high quality landscape interface should be provided to Princes Highway and collector/local road frontages.*

ASSESSMENT

There is no opportunity for landscaping.

Stormwater

- *Stormwater must be managed to support a catchment-wide stormwater solution, where appropriate.*

ASSESSMENT

Stormwater runoff will be to the existing drainage network to Council's satisfaction. A STORM report has been provided which confirms a STORM assessment of 102.

ADVERTISING

Bulky Goods Retailers

- *In addition to the above:*
 - *Ensure that the siting and design of bulky goods retailers responds to any prevailing characteristics of the streetscape, including existing street setbacks and building heights.*
 - *Minimise offsite amenity impacts upon surrounding residential uses through considered siting of loading bays, waste collection spaces and vehicle entry/exit point.*
 - *Ensure at-grade car parking incorporates sufficient landscaping (including canopy landscaping) to reduce the visual impact of car parking as viewed from the public realm.*
 - *Ensure that the building design of bulky goods retailers maintains a clearly legible pedestrian entrance and connection to the primary street interface.*

ASSESSMENT

The shops are not considered to appeal to bulky goods retailers due to their compact size, however the design objectives have nonetheless been met.

An application for construction of a building or to construct or carry out works is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- *The design objectives of this schedule.*
- *Whether the development enhances the public realm, and improves the safety and connectivity of the precinct.*
- *Whether building design, articulation, materials, colours and lighting treatments contribute to an attractive and vibrant precinct.*
- *Whether the proposed landscape treatment enhances the amenity of the neighbourhood and public realm.*
- *Whether the development incorporates treatments to mitigate any potential off-site amenity impacts.*
- *The extent to which the development will enhance the visual appearance of the Princes Highway road corridor, and the Gateway Road streetscape, where applicable.*
- *The extent to which the development utilises Environmentally Sustainable Design treatments.*

ASSESSMENT

As discussed in the assessments above, the design response has considered and met the decision guidelines.

Clause 52.06

CAR PARKING

Purpose

To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.

To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.

To support sustainable transport alternatives to the motor car.

To promote the efficient use of car parking spaces through the consolidation of car parking facilities.

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

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

Clause 52.06-7

Application requirements and decision guidelines for permit applications

For applications to allow some or all of the required car parking spaces to be provided on another site

Before granting a permit to allow some or all of the car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay to be provided on another site, the responsible authority must consider the following, as appropriate:

- *The proximity of the car parking on the alternate site to the subject site.*
- *The likelihood of the long term provision and availability of the car parking spaces.*
- *Whether the location of the car parking spaces is consistent with any relevant local policy or incorporated plan.*
- *Any other matter specified in a schedule to the Parking Overlay.*

ASSESSMENT

The floor area schedule and car parking rates are applied as follows:

ADVERTISING

Total combined retail floor space -720sqm of “shop” which requires 4 spaces per 100 sqm = 28.8 say 29 spaces.

Storage – 146 sqm based on ½ shop space rate of 2 spaces per 100 sqm = 2.92 say 3 spaces

Total 32 spaces.

There are 91 spaces within very close proximity which are able to be used 22 of which are allocated under the car parking agreement submitted with the application.

Clause 53.18

STORMWATER MANAGEMENT IN URBAN DEVELOPMENT

Purpose

To ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

Clause 53.18-5

Stormwater management objectives for buildings and works

To encourage stormwater management that maximises the retention and reuse of stormwater.

To encourage development that reduces the impact of stormwater on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.

To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.

To ensure that industrial and commercial chemical pollutants and other toxicants do not enter the stormwater system.

Standard W2

The stormwater management system should be designed to:

- *Meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).*
- *Minimise the impact of chemical pollutants and other toxicants including by, but not limited to, bunding and covering or roofing of storage, loading and work areas.*
- *Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.*

Clause 53.18-6

Site management objectives

To protect drainage infrastructure and receiving waters from sedimentation and contamination.

To protect the site and surrounding area from environmental degradation prior to and during construction of subdivision works.

Standard W3

An application should describe how the site will be managed prior to and during the construction period and may set out requirements for managing:

- *Erosion and sediment.*
- *Stormwater.*
- *Litter, concrete and other construction wastes.*
- *Chemical contamination.*

Clause 53.18-7

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- *Any relevant water and stormwater management objective, policy or statement set out in this planning scheme.*
- *The capacity of the site to incorporate stormwater retention and reuse and other water sensitive urban design features.*
- *Whether the development has utilised alternative water sources and/or incorporated water sensitive urban design.*
- *Whether stormwater discharge from the site will adversely affect water quality entering the drainage system.*
- *The capacity of the drainage network to accommodate additional stormwater.*
- *Whether the stormwater treatment areas can be effectively maintained.*
- *Whether the owner has entered into an agreement to contribute to off-site stormwater management in lieu of providing an on-site stormwater management system.*

ASSESSMENT

The plans show the roof water being collected to storage tanks which are inside shops 1 and 2 and in the storage areas for the remaining 4 shops. The retained water will be plumbed back to the shops for use in toilet flushing and washroom and staff facilities. A stormwater management plan can be prepared to support the application ideally in response to a permit condition with the certainty of a permit.

MPS ASSESSMENT

Clause 02.03-7

Economic development

Diversified economy

Warrnambool is a major centre for food manufacturing with an emphasis on dairy products, sheep and beef processing. The Warrnambool region produces 25 per cent of Australia's milk and 30 per cent of Victoria's beef and lamb. Warrnambool's other employment strengths are in health and community services, education, government, retail and tourism. Warrnambool is the Great South Coast Region's main service centre for retail, business services, health and education.

Council's strategic direction for a diversified economy is:

- *Developing value-adding opportunities.*

Commercial

Substantial residential growth to 2031 is expected to create the opportunity for the revitalisation of the Warrnambool City Centre, with higher-order retail stores, services and other facilities.

The demand for bulky goods retailing is growing, with this form of retailing being concentrated along the Princes Highway that offers large, level sites with a high degree of exposure.

Council's strategic directions for commercial land are:

- *Ensuring future development reinforces the primacy of the Warrnambool City Centre.*
- *Consolidating and strengthening the Warrnambool City Centre's retail and service functions, as the principal centre servicing the South West region of Victoria.*
- *Encouraging the consolidation of restricted and peripheral retailing in the Eastern Activity Centre.*

ASSESSMENT

The proposed shops will provide additional specialty retail space by consolidating peripheral retailing at the eastern activity precinct. The increased floor area is above the schedule permit trigger of 6,708 sqm as it is already exceeded by Woolworths and Dan Murphys

which are understood to have floor areas of 9,600 sqm and 5,800 respectively. The small shops are expected to fill a need in the eastern precinct for take away foods or niche food and drink and will activate this area of Gateway shopping centre which is good for security particularly after usual shopping hours.

PPF ASSESSMENT

15.01-1S

Urban design

Objective

To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

Strategies

Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.

Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.

Ensure the interface between the private and public realm protects and enhances personal safety.

Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.

Ensure that the design and location of publicly accessible private spaces, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use.

Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.

Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.

Promote good urban design along and abutting transport corridors.

ASSESSMENT

The proposal demonstrates high quality urban design principles with well defined public and private areas and safe access. The design response is consistent with the retail big box character of the area, and uses contemporary design and large activated frontages.

Clause 17.02-1S

Business

Objective

To encourage development that meets the community's needs for retail, entertainment, office and other commercial services.

Strategies

Plan for an adequate supply of commercial land in appropriate locations.

Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.

Locate commercial facilities in existing or planned activity centres.

Provide new convenience shopping facilities to provide for the needs of the local population in new residential areas and within, or immediately adjacent to, existing commercial centres.

Provide small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.

Provide outlets of trade-related goods or services directly serving or ancillary to industry that have adequate on-site car parking.

Locate cinema based entertainment facilities within or on the periphery of existing or planned activity centres.

Apply a five year time limit for commencement to any planning permit for a shopping centre or shopping centre expansion of more than 1000 square metres leasable floor area.

Regulate the use and development of land for a sex services premises in commercial and mixed use areas in the same way as for other types of shop.

Ensure that planning for the use and development of land for a sex services premises and home based business is consistent with decriminalisation of sex work and provides for the reduction of discrimination against, and harm to, sex workers.

ASSESSMENT

The proposal is well situated in a retail complex designed for the proposed use including small scale shopping opportunities. Allowing for the storage and services areas the retail floor area does not exceed 1,000sqm.

Clause 17.02-2S

Out-of-centre development

Objective

To manage out-of-centre development.

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Strategies

Discourage proposals for expansion of single use retail, commercial and recreational facilities outside activity centres.

Give preference to locations in or on the border of an activity centre for expansion of single use retail, commercial and recreational facilities.

Discourage large sports and entertainment facilities of metropolitan, state or national significance in out-of-centre locations unless they are on the Principal Public Transport Network and in locations that are highly accessible to their catchment of users.

Ensure that out-of-centre proposals are only considered where the proposed use or development is of net benefit to the community in the region served by the proposal or provides small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.

ASSESSMENT

The proposal is within a designated out of town shopping complex and utilises under used land on the periphery of the East Warrnambool Shopping centre.

Clause 65.01

APPROVAL OF AN APPLICATION OR PLAN

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- *The matters set out in section 60 of the Act.*
- *Any significant effects the environment, including the contamination of land, may have on the use or development.*
- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the environment, human health and amenity of the area.*
- *The proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*
- *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*

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- *The impact the use or development will have on the current and future development and operation of the transport system.*

This clause does not apply to a VicSmart application.

ASSESSMENT

The proposal has been assessed against the MPS, PPF zone and overlay provisions and has been specifically designed to suit its location. There are no foreseeable adverse environmental or amenity impacts with the proposal considered to represent orderly planning and to meet the decision guidelines of Clause 65.

6. CONCLUSION

The proposal consolidates prime retail land which is currently underutilised within a designated out of town shopping precinct. The proposed design response is contemporary and low maintenance and activates a “dead space” which can be beneficial for security associated with after-hours shopping activities such as food and drink premises, take away foods which often operate outside of traditional retailing times.

The proposal uses parking on nearby land which is held under a legal agreement and is considered to meet parking demand.

The proposed increase in retail floor space is consistent with the vision of the Warrnambool Retail Strategy to limit the impacts of out of town shopping on the primacy of the Warrnambool CBD.

It is respectfully requested that a permit be issued.

ADVERTISING

Dated

200

Car Park Licence

Gateway Road, Warrnambool

Fabcot Pty Ltd (ABN 88 002 960 983)
("Licensor")

Sherwood Scott Pty Ltd
(ACN 004 979 382)
("Licensee")

Mallesons Stephen Jaques

600 Bourke Street
Melbourne Vic 3000
Telephone (03) 9643 4000
Fax (03) 9643 5999
DX 101 Melbourne
Ref: WLH:ACN
10001961_1

ADVERTISING

Dated

200

Car Park Licence Gateway Road, Warrnambool

Fabcot Pty Ltd (ABN 88 002 960 983)
("Licensor")

Sherwood Scott Pty Ltd
(ACN 004 979 382)
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Mallesons Stephen Jaques

Rialto
525 Collins Street
Melbourne Vic 3000
Telephone (03) 9643 4000
Fax (03) 9643 5999
DX 101 Melbourne
Ref: WLH:ACN
10001961_I

ADVERTISING

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CAR PARK LICENCE

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CAR PARK LICENCE

Date:

Parties:

FABCOT PTY LTD (ABN 55 002 968 983) of 1 Woolworths Way,
Bella Vista, NSW, 2153 ("Licensor")

SHERWOOD SCOTT PTY LTD (ACN 004 979 382) of 2101/14
Kavanagh Street, Southbank, Vic 3006 ("Licensee")

Operative provisions:

1 Interpretation

Definitions

- 1.1 The following words have these meanings in this licence unless the contrary intention appears. Other terms have the meaning given in the appendix.

Car Park means the car parking area on the Land, identified as such on the Car Park Plan.

Car Park Plan means the plan in Attachment 1.

Commencement Date means the date in *item* 1.

GST means a goods and services tax or any other similar tax imposed in Australia.

Land means the land described in certificate of title volume 11036 folio 889

Licence Fee means the licence fee specified in *item* 2.

Licensee's Employees and Agents means each of the Licensee's employees, officers, agents, contractors, customers, invitees, tenants, and licensees and those persons who at any time who use the Car Park with the consent (express or implied) of the Licensee.

Parking Spaces means the 22 car parking spaces, being part of the Car Park, identified as such on the Car Park Plan.

- 1.2 In this licence unless the contrary intention appears:
- (a) a reference to this licence or another instrument includes any variation or replacement of any of them; and
 - (b) the singular includes the plural and vice versa; and
 - (c) the word "person" includes a firm, a body corporate, an unincorporated association or an authority; and

- (d) “include” (in any form) when introducing a list of items does not limit the meaning of the words to which the list relates to those items or to items of a similar kind; and
 - (e) a reference to a person includes a reference to the person’s executors, administrators, successors, substitutes (including without limitation, persons taking by novation) and assigns; and
 - (f) an agreement, representation or warranty in favour of two or more persons is for the benefit of them jointly and severally; and
 - (g) an agreement, representation or warranty on the part of two or more persons binds them jointly and severally; and
 - (h) a reference to any thing (including, without limitation, any amount) is a reference to the whole and each part of it and a reference to a group of persons is a reference to all of them collectively, to any two or more of them collectively and to each of them individually.
 - (i) a reference to a clause is a reference to a clause in this licence; and
 - (j) a reference to an item is a reference to an item in the appendix to this licence; and
 - (k) the Licensee must cause the Licensee’s Employees and Agents to comply with this licence.
- 1.3 Headings are inserted for convenience and do not affect the interpretation of this licence.
- 1.4 Amounts expressed in this licence are expressed exclusive of GST.

2 Licence

- 2.1 The Licensor grants the Licensee a contractual licence to use and occupy the Parking Spaces for car parking, together with the right of access over such of the other parts of the Car Park as are reasonably required for access to and from the Parking Spaces.
- 2.2 The Licensor acknowledges that the Licensee will present this licence to the relevant planning authority as evidence of the Licensee’s satisfaction of the requirement under the Warrnambool Planning Scheme for car parking in relation to the use of the Licensee’s adjacent land as a shop or equivalent.
- 2.3 The Licensor acknowledges and confirms that it will not utilise or apply any of the Parking Spaces towards the satisfaction of car parking requirements associated with any actual or proposed use of the Land or any adjoining land of the Licensor or an associate or a party related to the Licensor.

3 Term of licence

- 3.1 Subject to *clause* 3.2, this licence is for a term of 50 years, commencing on the date in Item 2.
- 3.2 The Licensor may terminate this licence following a default by the Licensee, if after 30 days' written notice the Licensee has not rectified the default to the reasonable satisfaction of the Licensor.

4 Licence Fee

The Licensee must pay the Licence Fee to the Licensor in a lump sum on the Commencement Date, receipt of which is acknowledged by the Licensor.

5 Obligations

- 5.1 The Licensee must, and must ensure that the Licensee's Employees and Agents:
 - (a) comply with all the Licensor's reasonable directions concerning the use of the Parking Spaces;
 - (b) not undertake any work in or alteration to the Parking Spaces without the Licensor's prior written consent;
 - (c) not bring into the Parking Spaces any inflammable or explosive substance, other than petroleum, liquid petroleum gas, diesel or other fuel in the fuel tank and oil in the mechanism of any motor vehicle;
 - (d) not cause any nuisance, damage or obstruction to occupiers or other users of the Car Park;
 - (e) make good any damage to the Car Park to the extent caused by the Licensee or the Licensee's Employees and Agents;
 - (f) not place, throw or drop any rubbish in the Car Park;
 - (g) to take all reasonable measures to ensure that at all times the Parking Spaces are kept free from deposits of grease, oil, petrol and other harmful, inflammable or unsightly matter; and
 - (h) comply with all laws in relation to the use of the Parking Spaces.
- 5.2 Subject to the Licensee's obligations, the Licensor must keep the Car Parking Spaces in good repair and in a clean condition.

6 Indemnity

The Licensee indemnifies the Licensor against all costs, liability, loss or damage incurred or suffered by the Licensor caused or to the extent contributed to by:

- (a) the use of the Car Park by the Licensee or the Licensee's Employees and Agents; or
- (b) the failure of the Licensee or the Licensee's Employees and Agents to comply with this licence.

7 Licensors not responsible for loss or damage

- 7.1 The Licensor is not responsible for any costs, liability, loss or damage to the Licensee or the Licensee's Employees and Agents arising out of:
 - (a) the death or illness of or injury to any person in or near the Car Park; or
 - (b) loss of or damage to any motor vehicle or other thing in or near the Car Park,unless it is caused by the negligence or default of the Licensor or the Licensor's Employees and Agents.
- 7.2 The Licensee and the Licensee's Employees and Agents enter the Car Park and use the Car Parking Spaces at the Licensee's risk in all respects.

8 Costs

The parties must each bear their own legal costs of negotiating and entering into this licence.

9 Notices

- 9.1 A notice, approval, certificate, consent or other communication in connection with this licence must be:
 - (a) in writing; and
 - (b) left at the address of the addressee, or sent by prepaid ordinary post to the addressee's address or sent by facsimile to the addressee's facsimile number specified in the appendix or, if the addressee notifies another address or facsimile number, to that address or facsimile number.
- 9.2 Unless a later time is specified in it a communication takes effect from the time it is received.
- 9.3 A communication is taken to be received:
 - (a) if a letter, on the third day after posting; and
 - (b) if a facsimile, on production of a transmission report by the machine from which the facsimile was sent which indicates that the whole facsimile was sent to the facsimile number of the recipient notified for the purpose of this clause.

- 9.4 Notices must not be served by email. Any such notice is not validly served.

10 Assignment

- 10.1 Subject to *clause* 10.2 the Licensor may assign or otherwise deal with its rights under this licence.
- 10.2 The Licensor must not sell, transfer, charge, mortgage or create a head-lease over or otherwise create an interest in the Land unless it procures (prior to completion of the sale, transfer or creation of that interest) the party acquiring that interest to enter into a deed in favour of the Licensee to the same effect as this licence.
- 10.3 The Licensee may not assign, sub-licence or otherwise deal with its rights and obligations under this licence, unless it procures (prior to completion of the sale, transfer or creation of that interest) the party acquiring that interest to enter into a deed in favour of the Licensee to the same effect as this licence.

11 Miscellaneous

Waiver and variation

- 11.1 A provision of or a right created under this licence may not be waived or varied except in writing signed by the party or parties to be bound.

Supervening legislation

- 11.2 Any present or future legislation which operates to vary an obligation, right, power or remedy of a person under or concerning this licence is excluded to the extent permitted by law.

Indemnities

- 11.3 Each indemnity in this licence is a continuing obligation, separate from the Licensee's other obligations and survives this licence. The Licensor need not incur expense before enforcing any indemnity under this licence.

Merger

- 11.4 The obligations and indemnities in this licence do not merge on the expiration or earlier determination of the licence but continue to have effect.

12 Goods and Services Tax

- 12.1 If GST has application to any supply made under or in connection with this licence, the party making the supply ("**Supplier**") may, in addition to any amount or consideration expressed as payable elsewhere in this licence, recover from the recipient of the supply ("**Recipient**") an additional amount on account of GST, such amount to be calculated by multiplying the amount or consideration payable by the Recipient for the relevant supply by the prevailing GST rate.

-
- 12.2 Any additional amount on account of GST recoverable from the Recipient under this clause shall be calculated without any deduction or set-off of any other amount and is payable by the Recipient upon demand by the Supplier by means of a tax invoice.

Appendix

Item 1

(Clause 3)

Commencement Date: [] for 50 years

Item 2

(Clause 4)

Licence fee: \$60,000 for the whole of the term of this licence, payable in full on the later of:

G

- (a) the Commencement Date; and
- (b) the date the Licensor completes construction of the carpark in accordance with special condition 13 of the contract of sale.

Item 3

(Clause 9)

Address for service of notices:

Licensor:

Attention: Company Secretary
Woolworths Limited
1 Woolworths Way
Bella Vista NSW 2153
Facsimile: (02) 8888 0558

With a copy of any notice to also be sent to:

Attention: National Lease Administration Manager
Woolworths Limited
1 Woolworths Way
Bella Vista NSW 2153
Facsimile: (02) 8888 1113

Licensee:

Facsimile No:

Appendix

Item 1

(Clause 3)

Commencement Date: [] for 50 years

Item 2

(Clause 4)

Licence fee: \$60,000 for the whole of the term of this licence, payable in full on the Commencement Date.

Item 4

(Clause 9)

Address for service of notices:

Licensor:

Attention: Company Secretary
Woolworths Limited
1 Woolworths Way
Bella Vista NSW 2153
Facsimile: (02) 8888 0558

With a copy of any notice to also be sent to:

Attention: National Lease Administration Manager
Woolworths Limited
1 Woolworths Way
Bella Vista NSW 2153
Facsimile: (02) 8888 1113

Licensee:

Mr. Ron Patterson
Sherwood Scott Pty Ltd
13 Riverdale Court
Warrnambool 3280
Facsimile No: (03) 9682 1581

EXECUTED as a deed

EXECUTED by **FABCOT PTY LTD** in accordance with section 127(1) of the Corporations Act 2001 (Cwlth):

.....
Signature of director

.....
Name of director (block letters)

.....
Signature of director/company secretary*
*delete whichever is not applicable

.....
Name of director/company secretary* (block letters)
*delete whichever is not applicable

EXECUTED by **SHERWOOD SCOTT PTY LTD** in accordance with section 127(1) of the Corporations Act 2001 (Cwlth):

.....
Signature of director

.....
Name of director (block letters)

.....
Signature of director/company secretary*
*delete whichever is not applicable

.....
Name of director/company secretary* (block letters)
*delete whichever is not applicable

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SITE ANALYSIS:

SUPERMARKET

SUPERMARKET	3800 SQM
ASSOCIATED RETAIL	613 SQM
PLANT ROOM	71 SQM
TROLLEY STORAGE	71 SQM
TOTAL RETAIL AREA	4413 SQM
CAR REQUIRED @ 15 PER 100	188 SPACES
AVAILABLE CAR SPACES	187 SPACES
CAR SPACES SURPLUS	-11 SPACES

DAN MURPHY

DAN MURPHY'S RETAIL AREA	1440 SQM
CAR REQUIRED @ 15 PER 100	50 SPACES
AVAILABLE CAR SPACES	85 SPACES
CAR SPACES SURPLUS	35 SPACES

SPECIALTY/ RETAIL

RETAIL AREA A	156 SQM
CAR REQUIRED @ 15 PER 100	34 SPACES
AVAILABLE CAR SPACES	34 SPACES
CAR SPACES SURPLUS	0 SPACES



SPACES SPACES ALLOCATED TO SPECIALTY RETAIL (HATCHED TRIANGLE)

SITE PLAN
SCALE 1:500

No	Date	Revision	By	Chk	Date	Revision	By	Chk	Client	Project	Drawing Title	Date	Scale	Sheet	Revision	Design
1									WOOLWORTHS LIMITED 577 WELLINGTON ROAD FULGRAVE	DAN MURPHY DEVELOPMENT WARRNAMBOOL VICTORIA	SITE PLAN	FEBRUARY 2007	1:500	A1	1	DESIGN

ADVERTISING

PROPOSED DEVELOPMENT 11-19 GATEWAY ROAD, WARRNAMBOOL

Transport Impact Assessment Report



efficient safe reliable    

ESR Transport Planning Pty Ltd PO Box 146, Smythesdale VIC 3351

P: 0427 044 324 | E: drewm@esrtp.com.au | www.esrtp.com.au

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PREPARED FOR

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1 INTRODUCTION

1.1 Overview

A planning permit is being sought for a retail development at 11-19 Gateway Road, Warrnambool. To assist in the consideration of the development proposal, ESR Transport Planning has been engaged to assess relevant transport implications.

1.2 Scope of This Report

This report documents a transport impact assessment which investigates the following:

- Existing transport conditions in the vicinity of the site.
- Parking demands generated by the proposed land use.
- Anticipated impacts on local car parking conditions.
- Design merit of proposed transport facilities.

1.3 Referenced Information

Documents

- Australian Standards, AS2890, *Australian Standard for Parking Facilities*.
- Austroads, 2023, *Austroads Design Vehicles and Turning Path Templates*.
- GTA Consultants, 17/08/07, *Dan Murhpy's Raglan Parade Warrnambool Traffic and Car Parking Report*.
- Warrnambool Planning Scheme.
- Warrnambool, 2025, *Municipal Road Register*.

Drawings, Data, Information

- Department of Transport and Planning, Transport Victoria Open Data Portal (opendata.transport.vic.gov.au).
- Drawings by 2Scale Design dated 20/08/25.
- Online maps from Google, Nearmap, VicPlan, and Public Transport Victoria.

1.4 Terms

- DTP Department of Transport and Planning
- GFA gross floor area
- LFA leasable floor area
- NFA net floor area
- S.C. Shopping Centre

2 CONTEXTUAL ANALYSIS

2.1 Site

The subject site is within a precinct known as the Eastern Activity Centre that includes the Gateway Shopping Centre and East Warrnambool Shopping Centre.

The precinct is subject to a Commercial 1 zone (C1Z). A Design and Development Overlay (DDO18) applies to the site and local precinct, which has objectives including to encourage the development of the Eastern Activity Centre as an active, vibrant and connected retail, office and commercial precinct.

No buildings exist on the land. Within the site towards the northern end are 3 car parking spaces.

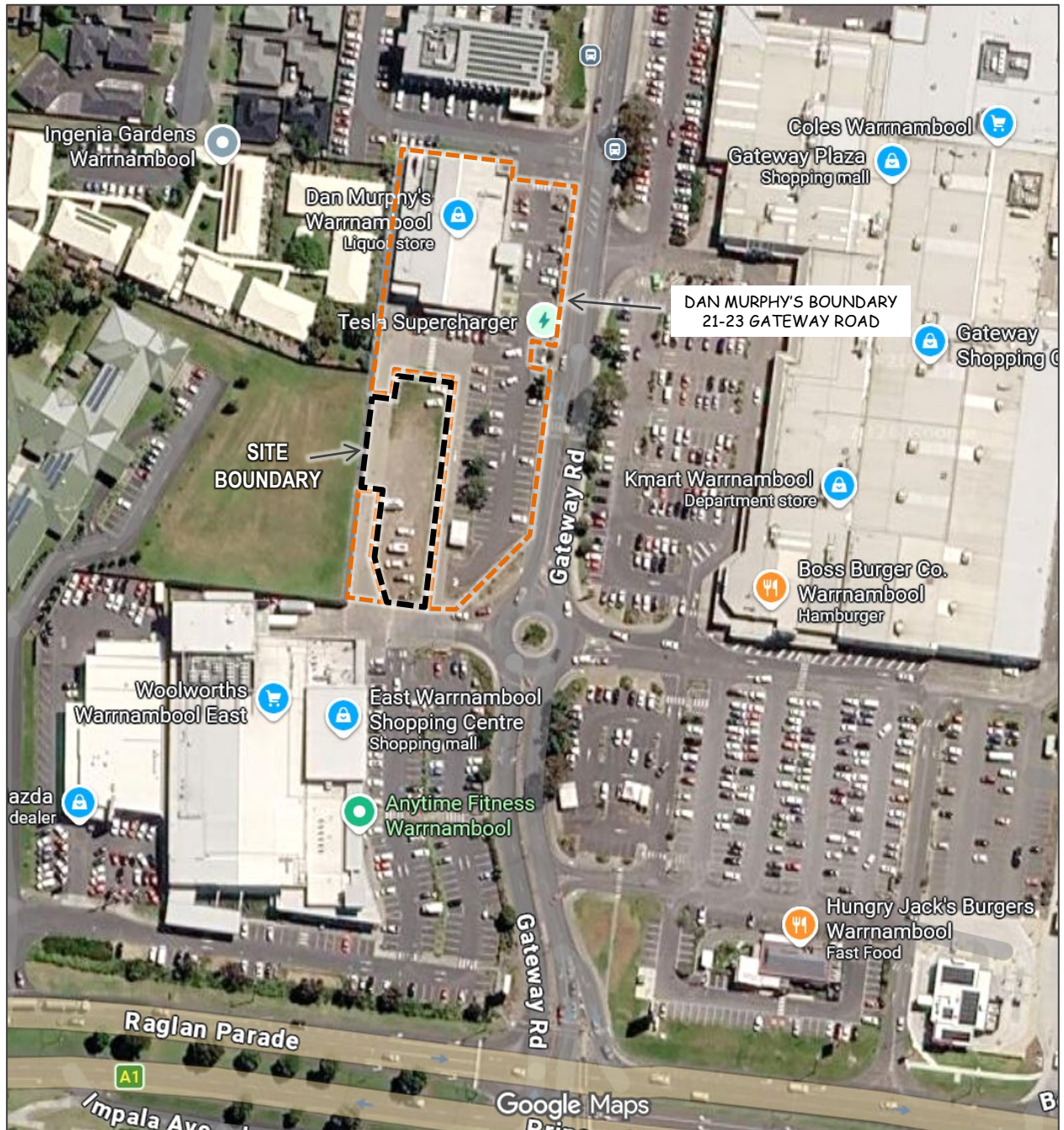
The East Warrnambool Shopping Centre to the south of the site includes a Woolworths supermarket.

The property at 21-23 Gateway Road surrounds much of the site. This property is the premises of a Dan Murphy's liquor outlet and contains car parking areas. Within these parking areas are 3 spaces defined for Tesla charging and a 10-cent container deposit scheme reverse vending machine.

Car park access aisles extend along the site's north, east and southern boundaries. Another north-south aligned car park aisle extends along western boundaries and through a part of the site that is subject to a carriageway easement. This accessway is likely to be utilised by service vehicles accessing nearby service/loading areas at both the East Warrnambool Shopping Centre and Dan Murphy's.

It is understood that a land subdivision, land sale, and Car Parking Agreement (the Agreement) occurred c2010 encompassing the East Warrnambool Shopping Centre, Dan Murphy's site, and subject site. With the East Warrnambool Shopping Centre and Dan Murphy's constructed around that time. The Agreement sets out that 22 car parking spaces on the Dan Murphy's property (predominately towards the southern end) are to be available for use by persons associated with the subject site's use for a term of 50 years. The Agreement also acknowledged that the Agreement was evidence for provision on adjoining land of car parking for the site's use as a shop or equivalent. A copy of the Agreement is provided in Appendix A.

Figure 2.1 Subject Site Locality



2.2 Road Network

In the locality Gateway Road is classified as a Collector Street subject to a 40kph speed limit. Adjacent to the site its carriageway accommodates a traffic lane in each direction and intersection turn lanes. Elsewhere its cross section varies. Roundabouts control traffic at 2 nearby intersections with car park access aisles.

Figure 2.2 Gateway Road (facing south, site to the right)



2.3 Car Parking

Car parking encompasses much of the site's surrounds, generally available without time or fee restrictions.

A survey of nearby car parking has been conducted utilising Nearmap aerial photography, which captures car parking conditions on various occasions in recent years.

Figure 2.3 shows the surveyed car parking areas. Table 2.1 sets out the supply and observed parking demands within these areas.

Figure 2.3 Car Parking Survey Areas

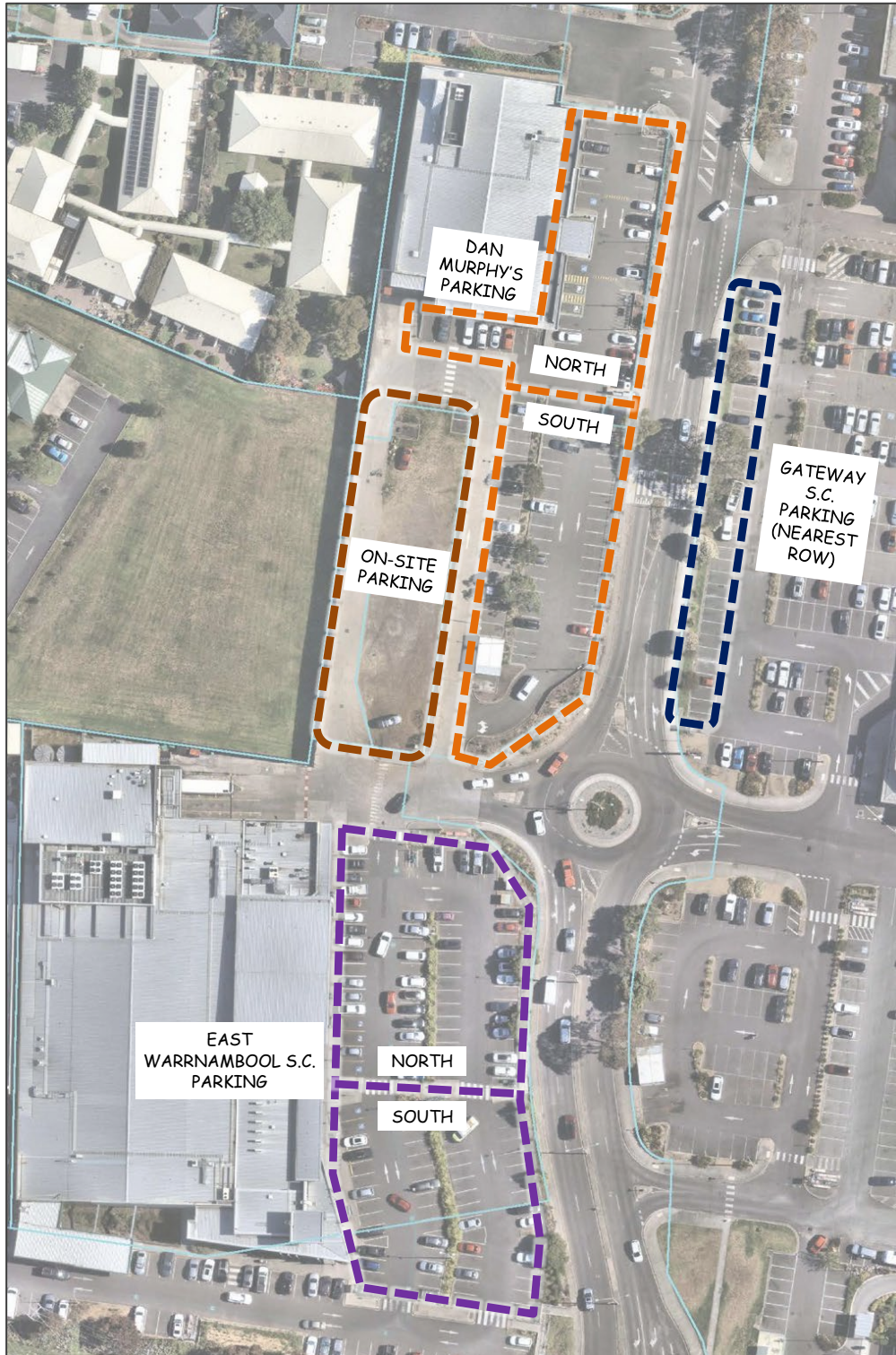


Table 2.1 Car Parking Supply and Demand Survey Data

Location	Supply	Mon	Sat	Sun	Sat	Mon	(E) Thu	Wed	Sat	Tue	Mon
		29/12/25 9:45	8/03/25 13:15	15/12/24 17:15	6/01/24 10:30	4/12/23 12:30	6/04/23 15:15	19/10/22 10:30	12/03/22 17:30	30/11/21 11:15	27/09/21 10:45
On-Site	3	0	0	0	0	0	0	0	0	0	0
On-Site (informal)	0	2	2	3	4	3	11	3	5	1	2
Dan Murphy's - north	36	16	10	9	11	11	21	10	6	9	7
Dan Murphy's - south	55	9	9	7	10	14	25	16	4	6	6
East Warrnambol S.C. - north	62	36	43	38	44	34	49	33	33	31	36
East Warrnambol S.C. - south	58	18	26	26	32	23	45	24	21	20	19
Gateway S.C. (nearest row)	32	9	25	8	15	23	29	17	3	18	11
Total	246	90	115	91	116	108	180	103	72	85	81
Site & Dan Murphy's Sub-Total	94	27	21	19	25	28	57	29	15	16	15
East Warrnambol S.C. Sub-Total	120	54	69	64	76	57	94	57	54	51	55

Legend: 0-49% 50-69% 70-84% 85-99% 100%+ **occupancy rate**

Notes: (E)Thu = Easter Thursday.

Key outcomes:

- The survey area contains a total of 246 spaces (214 excluding those east of Gateway Road).
- The subject site is used for car parking informally (not within designated spaces), regularly and by several vehicles on occasions.
- The Easter Thursday afternoon was when parking demands were highest of those recorded. Total peak demands were 180 vehicles (73% occupancy), with 66 vacant spaces remaining.
- At other times, parking demands could be described as low to moderate, with occupancy rates approximately 30-50% and at least 130 spaces remaining vacant.
- Within the combined subject site and Dan Murphy's site, demands are generally very low, with occupancy rates generally 16-31%, and 61% Easter Thursday. Equivalent to vacant space totals of 65-79 generally, and 37 Easter Thursday.
- The southern part of the Dan Murphy's site was mostly vacant on most occasions.

2.4 Public Transport

Gateway Road accommodates several bus routes as follows:

- Warrnambool – Gateway Shopping Centre (Route 2)
- Warrnambool – Deakin University (Route 3)
- Warrnambool – Tower Square (Route 4)
- Warrnambool – Allansford (Route 9)

Nearest bus stops are a short distance north of the site.

2.5 Walking & Riding

Footpaths extend throughout much of the nearby car parking areas and along Gateway Road.

A zebra crossing of Gateway Road exists alongside the Dan Murphy's site.

Zebra crossings of car parking aisles extend north from the site's northern boundary and south from the site's southern boundary.

A cycling/riding route exists along Raglan Parade consisting of on-road lanes and off-road shared paths.

2.6 Accident History

A review of road accidents in the site's vicinity has been undertaken using the Department of Transport and Planning's Road Crash database¹ which includes accidents reported to police which resulted in personal injury. The review found that no accidents have been recorded within the Gateway Shopping Centre and East Warrnambool Shopping Centre precincts for the last available 5 year period (01/06/20-31/05/25).

3 PROPOSED DEVELOPMENT

The proposed development involves building works to construct 6 retail shop tenancies with a total floor area of 867m² GFA/NFA/LFA. Each tenancy to be approximately 145m².

The front of the building and shop entries will be its eastern façade. A covered footpath is to be provided along this façade.

The rear western façade includes roller doors and pedestrian doors to rear of shop storage areas.

The existing service vehicle accessway that extends through some of the site at the rear will be mostly unchanged except for a bin storage area, water tanks and rear opening doors.

The 3 car parking spaces that currently exist on the site will be removed to make way for the built form. No other changes to local car parking is proposed. The Car Parking Agreement that facilitates 22 spaces within the nearby Dan Murphy's carpark being available for users of the site is set to continue to c2060.

¹ Source: Transport Victoria Open Data Portal, Victoria Road Crash Data.

4 CAR PARKING ASSESSMENT

4.1 Planning Scheme Standard Provision Requirements

Clause 52.06 (Car Parking) of the Warrnambool Planning Scheme sets out planning controls with respect to car parking, and Table 1 to Clause 52.06-5 specifies parking provision rates for various land uses.

Planning Scheme Amendment VC277 modified Clause 52.06 and came into operation on 18/12/25. The proposal is understood to be a “transitional proposal”, given the application was made before the transition date², although none of the Clause 52.06-12 Transitional Provisions apply. Therefore, the proposal should be assessed utilising the current (amended) Clause 52.06-5.

The site is partly within both Category 1 and Category 2 on the Car Parking Requirement Maps³, accordingly the Category 2 provision rate is applicable.

A Category 2 provision rate of 2 spaces / 100m² LFA is specified for “shop” land uses, which equates to a standard requirement for the provision of 17 spaces as part of the proposed development.

Accordingly, the standard parking provision can be accommodated within the 22 spaces within the Dan Murphy’s property that are subject to the Car Parking Agreement.

Where a proposal seeks to accommodate some or all of the standard provision requirement on another site, the Planning Scheme lists the following decision guidelines for consideration:

- The proximity of the car parking on the alternate site to the subject site.
- The likelihood of the long term provision and availability of the car parking spaces.
- Whether the location of the car parking spaces is consistent with any relevant local policy or incorporated plan.
- Any other matter specified in a schedule to the Parking Overlay.

4.2 Response to Decision Guidelines

Proximity of Parking

The 22 spaces available for the site’s use are within neighbouring land. And there will be no major impediments to pedestrian accessibility between the site and parking. Accordingly, the parking is considered very proximate and conveniently located.

Likelihood of Long Term Provision and Availability

The Agreement has a term until c2060, which is considered long term.

The parking survey data presented in Section 2.3 sets out that the Dan Murphy’s parking area generally experiences very low demands, with the majority of spaces vacant on all survey occasions except for a Easter Thursday afternoon. The observed vacant space totals of 65-79

² Transition date being 180 days after the day Amendment VC277 came into operation.

³ Map source: VicPlan.

generally, and 37 on Easter Thursday, are abundantly greater than spaces needed to cater for parking demands likely to be generated by the proposed shops.

Comparing the parking provision on the Dan Murphy's site to the combined floor areas of the proposed shops and the Dan Murphy's store⁴, yields a provision rate of 3.9 spaces / 100m². This is well in excess of current standard provision requirements and almost equal to previous standard provision requirements.

Consistency with Local Policies or Plans

The Design and Development Overlay (DDO18) applicable to the site and surrounds has a Schedule termed "Eastern Activity Centre – Commercial and Office Built Form" which lists objectives including to encourage the development of the Eastern Activity Centre as an active, vibrant and connected retail, office and commercial precinct. The Schedule sets out requirements predominantly relating to buildings and works. These are matters outside the scope of this report. However, we have not been made aware of any aspects of the proposal that would be at odds with planning objectives for the Eastern Activity Centre.

It is noted that providing off-street car parking areas that will be vacant for much of the time can be considered a poor urban design outcome. In this context, maximising use of on already available parking resource may be considered good planning.

Parking Overlay Schedules

Not applicable (no parking overlay in place).

4.3 Further Information

Clause 52.06 of the Planning Scheme also states that standard provision requirements can be reduced or fully waived. Where a proposal seeks to reduce or waive the standard parking provision requirement, the Planning Scheme lists a series of decision guidelines for consideration when making such an assessment. Whilst these may not be strictly applicable to the proposal, some discussion around these matters is provided below as further information.

Empirical Car Parking Demand Assessment

The parking survey data presented in Section 2.3 can be used to estimate the peak demands generated by the Dan Murphy's outlet. From arial imagery its floor area is estimated to be 1,470m². The parking surveys found a peak demand of 57 vehicles Easter Thursday and 29 vehicles other times, which equates to generation rates of 3.9 and 2.0 spaces / 100m², respectively.

From a range of source material regarding retail parking generation, it is common that generation rates between 2.0-4.0 spaces / 100m² are reported for many types of retail stores. Should the proposed shops generate peak parking within this rate range, its peak parking would be between 17 and 35 spaces. Survey data indicates demands within this range could be easily accommodated within vacant spaces available within the Dan Murphy's carpark.

⁴ From arial imagery the Dan Murphy's floor area is estimated to be 1,470m².

Shared Car Parking

It is expected that a significant number of patrons to the proposed shops will have a shared trip to other premises within the Eastern Activity Centre. Accordingly, some of the parking demand that can be attributed to the use will incorporate vehicles already parking nearby.

Different land uses generate different levels of parking activity at different times. Rather than different car parks for individual uses or businesses, which is likely to be an inefficient use of space, sites and precincts are typically designed with carparks for shared use.

Activity Centre Parking Management

The Victorian Civil and Administrative Tribunal has considered many cases regarding developments that are likely to increase car parking demands within an already busy activity centre. The Tribunal has provided direction on these matters and cites a 'centre based' approach to car parking, described as follows:

The basic approach in these decisions is that in important activity centres car parking considerations should not be determinative, instead the land use mix in a centre should arise from a combination of strategic planning and economic forces at work in the centre. Car parking issues have a part to play in this but should not dominate. At the level of the individual site where there is a change in circumstances, car parking shortfalls should be waived if it is consistent with the strategic plan for the centre, firstly because the most equitable solution is to deal with car parking on a centre wide basis, and secondly because, even in saturated car parking conditions, a balance will occur between the level of activity and the car parking supply.

4.4 Assessment Outcomes

Given all of the above, it is clear that parking generated by the site's proposed use can be adequately accommodated within already available nearby parking. Furthermore, numerous matters support the proposed parking provision.

5 BICYCLE PARKING ASSESSMENT

Clause 52.34 (Bicycle Facilities) of the Warrnambool Planning Scheme sets out planning controls with respect to the provision of bicycle facilities such as parking and change room facilities. Table 1 to Clause 52.34-3 specifies provision rates for various land uses.

A permit can be granted to vary, reduce or waive these requirements.

For a "shop" land use, provision requirements apply only to developments with a floor area exceeding 1000m² LFA. Accordingly, the proposal has no standard requirements.

6 DESIGN REVIEW

An assessment of design outcomes of the proposed development has been undertaken with reference to the Warrnambool Planning Scheme, the Australian Standard for Parking Facilities (AS2890) and the results of vehicle swept path simulations.

The review has considered outcomes at interfaces between the development and its surrounds. This review has identified items where modifications or additions to the proposal will lead to improved outcomes. These are set out as follows:

1. The proposed footpath along the front of the building is aligned parallel to a carpark aisle and immediately abuts it. The installation of a barrier control treatment (e.g. bollards, planter boxes) will improve safety by physically separating vehicles and pedestrians as well as providing visual cues of safe travel paths for both pedestrians and drivers.

Figure 6.1 Example of Parking Aisle to Footpath Barriers



2. Nearby the site's northern and southern boundaries are zebra crossings of the car park aisles. As part of the proposed development, the footpath along the front of the building should extend to these zebra crossings to ensure pedestrian connectivity.

Figure 6.2 Pedestrian Connectivity Works



3. Swept path analysis has been undertaken to assess the path of service vehicles utilising the accessways/aisles surrounding the site on route to and from the service/loading areas associated with the Dan Murphy's outlet and East Warrnambool Shopping Centre. To ascertain an appropriate maximum sized design vehicle for this analysis, the following information was considered:

- A Traffic and Car Parking Report (GTA Consultants, 17/08/07) in relation to a proposal for the Dan Murphy's development sets out that it's service area was designed for a 14.0m articulated truck.
- The plan that is Attachment 1 to the Car Parking Agreement (last page of Appendix A) shows the swept path of a 12.5m rigid truck accessing the Dan Murhpy's service area, and a 14m articulated vehicle accessing the East Warrnambool Shopping Centre service area.
- A 14.0m articulated truck is no longer specified within Austroads Design Vehicles or Australian Standards Design Vehicles. A 19.0m articulated truck (semi-trailer) is the shortest articulated truck design vehicle within these sources.
- A review of Nearmap aerial imagery from recent years shows articulated trucks approximately 18m in length parked within both the Dan Murphy's and East Warrnambool Shopping Centre service areas.

Given the above, swept path analysis has been prepared for a 19.0m semi-trailer design vehicle accessing the East Warrnambool Shopping Centre service area, and both a 12.5m rigid truck and 19.0m semi-trailer accessing the Dan Murphy's service area. Swept path analysis diagrams are presented in Appendix B. The analysis shows the following outcomes:

- The proposed development will not obstruct a semi-trailer satisfactorily accessing the East Warrnambool Shopping Centre service area (in a similar manner to that shown in Attachment 1 to the Car Parking Agreement).
- The proposed development will not obstruct a 12.5m rigid truck satisfactorily accessing the Dan Murphy's service area.
- A relocation of the proposed water tank a short distance south would improve vehicle manoeuvring accessibility.

- The proposed development will obstruct the ability for a semi-trailer to access the Dan Murphy's service area. In order for the development to not obstruct this swept path, a splay/chamfer of the site's northwest corner of at least 7.0m by 2.5m as shown would need to be clear of any obstructions.

It is noted that there is evidence of the rear wheels of service vehicles travelling across the northwest corner of the site along with rocks that appear to be placed as a deterrent to further vehicle path encroachment, refer Figure 6.3.

Figure 6.3 Northwest Corner of Site with Wheel Tracks Over Corner of Kerb



The above findings suggest that at the time of the site's subdivision and nearby developments, land boundaries were defined based on expectations of service vehicle sizes that are now being exceeded.

It is not within the scope of this report to make judgement on the reasonableness or otherwise for the proponent to make available part of the subject site for the vehicular access needs of a neighbouring land holder. The above information has been provided to aid other decision makers consider this matter.

4. It could be expected that service vehicle loading/unloading activities for the proposed shops will occur within the accessway along the buildings rear façade, near roller door shop entries. This is considered a reasonable outcome. The proposed shops are small and unlikely to be a premises for large goods. Therefore, associated service vehicles would predominately be small vans/trucks. These vehicles are likely to park to one side of the accessway such that other service vehicle activity is not unduly restricted.

7 CONCLUSIONS

The following conclusions have been made within this report:

1. The proposed development has a Clause 52.06 standard car parking requirement for the provision of 17 spaces.
2. Car parking needs generated by the site's proposed use can be adequately accommodated within nearby parking set aside for that purpose.
3. Numerous matters support the proposed car parking provision.
4. The proposal has no standard requirements for bicycle parking facilities.
5. A design review in Section 6 has identified several items where modifications or additions to the proposal will lead to improved outcomes.

APPENDIX A CAR PARKING AGREEMENT

Car Park Licence
Gateway Road, Warrnambool

Fabcot Pty Ltd (ABN 88 002 960 983)
("Licensor")

Sherwood Scott Pty Ltd
(ACN 004 979 382)
("Licensee")

Mallesons Stephen Jaques

600 Bourke Street
Melbourne Vic 3000
Telephone (03) 9643 4000
Fax (03) 9643 5999
DX 101 Melbourne
Ref: WLH:ACN
10001961_1

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CAR PARK LICENCE

Date:

Parties:

FABCOT PTY LTD (ABN 55 002 968 983) of 1 Woolworths Way,
Bella Vista, NSW, 2153 ("Licensor")

SHERWOOD SCOTT PTY LTD (ACN 004 979 382) of 2101/14
Kavanagh Street, Southbank, Vic 3006 ("Licensee")

Operative provisions:

1 Interpretation

Definitions

- 1.1 The following words have these meanings in this licence unless the contrary intention appears. Other terms have the meaning given in the appendix.

Car Park means the car parking area on the Land, identified as such on the Car Park Plan.

Car Park Plan means the plan in Attachment 1.

Commencement Date means the date in *item 1*.

GST means a goods and services tax or any other similar tax imposed in Australia.

Land means the land described in certificate of title volume 11245 folio 189.

Licence Fee means the licence fee specified in *item 2*.

Licensee's Employees and Agents means each of the Licensee's employees, officers, agents, contractors, customers, invitees, tenants, and licensees and those persons who at any time who use the Car Park with the consent (express or implied) of the Licensee.

Parking Spaces means the 22 car parking spaces, being part of the Car Park, identified as such on the Car Park Plan.

- 1.2 In this licence unless the contrary intention appears:
- (a) a reference to this licence or another instrument includes any variation or replacement of any of them; and
 - (b) the singular includes the plural and vice versa; and
 - (c) the word "person" includes a firm, a body corporate, an unincorporated association or an authority; and

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- (d) “include” (in any form) when introducing a list of items does not limit the meaning of the words to which the list relates to those items or to items of a similar kind; and
 - (e) a reference to a person includes a reference to the person’s executors, administrators, successors, substitutes (including without limitation, persons taking by novation) and assigns; and
 - (f) an agreement, representation or warranty in favour of two or more persons is for the benefit of them jointly and severally; and
 - (g) an agreement, representation or warranty on the part of two or more persons binds them jointly and severally; and
 - (h) a reference to any thing (including, without limitation, any amount) is a reference to the whole and each part of it and a reference to a group of persons is a reference to all of them collectively, to any two or more of them collectively and to each of them individually.
 - (i) a reference to a clause is a reference to a clause in this licence; and
 - (j) a reference to an item is a reference to an item in the appendix to this licence; and
 - (k) the Licensee must cause the Licensee’s Employees and Agents to comply with this licence.
- 1.3 Headings are inserted for convenience and do not affect the interpretation of this licence.
- 1.4 Amounts expressed in this licence are expressed exclusive of GST.

2 Licence

- 2.1 The Licensor grants the Licensee a contractual licence to use and occupy the Parking Spaces for car parking, together with the right of access over such of the other parts of the Car Park as are reasonably required for access to and from the Parking Spaces.
- 2.2 The Licensor acknowledges that the Licensee will present this licence to the relevant planning authority as evidence of the Licensee’s satisfaction of the requirement under the Warrnambool Planning Scheme for car parking in relation to the use of the Licensee’s adjacent land as a shop or equivalent.

3 Term of licence

- 3.1 Subject to *clause* 3.2, this licence is for a term of 50 years, commencing on the date in Item 2.

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- 3.2 The Licensor may terminate this licence following a default by the Licensee, if after 30 days' written notice the Licensee has not rectified the default to the reasonable satisfaction of the Licensor.

4 Licence Fee

The Licensee must pay the Licence Fee to the Licensor in a lump sum on the Commencement Date, receipt of which is acknowledged by the Licensor.

5 Obligations

- 5.1 The Licensee must, and must ensure that the Licensee's Employees and Agents:
- (a) comply with all the Licensor's reasonable directions concerning the use of the Parking Spaces;
 - (b) not undertake any work in or alteration to the Parking Spaces without the Licensor's prior written consent;
 - (c) not bring into the Parking Spaces any inflammable or explosive substance, other than petroleum, liquid petroleum gas, diesel or other fuel in the fuel tank and oil in the mechanism of any motor vehicle;
 - (d) not cause any nuisance, damage or obstruction to occupiers or other users of the Car Park;
 - (e) make good any damage to the Car Park to the extent caused by the Licensee or the Licensee's Employees and Agents;
 - (f) not place, throw or drop any rubbish in the Car Park;
 - (g) to take all reasonable measures to ensure that at all times the Parking Spaces are kept free from deposits of grease, oil, petrol and other harmful, inflammable or unsightly matter; and
 - (h) comply with all laws in relation to the use of the Parking Spaces.
- 5.2 Subject to the Licensee's obligations, the Licensor must keep the Car Parking Spaces in good repair and in a clean condition.

6 Indemnity

The Licensee indemnifies the Licensor against all costs, liability, loss or damage incurred or suffered by the Licensor caused or to the extent contributed to by:

- (a) the use of the Car Park by the Licensee or the Licensee's Employees and Agents; or

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- (b) the failure of the Licensee or the Licensee's Employees and Agents to comply with this licence.

7 Licensor not responsible for loss or damage

- 7.1 The Licensor is not responsible for any costs, liability, loss or damage to the Licensee or the Licensee's Employees and Agents arising out of:
 - (a) the death or illness of or injury to any person in or near the Car Park; or
 - (b) loss of or damage to any motor vehicle or other thing in or near the Car Park,unless it is caused by the negligence or default of the Licensor or the Licensor's Employees and Agents.
- 7.2 The Licensee and the Licensee's Employees and Agents enter the Car Park and use the Car Parking Spaces at the Licensee's risk in all respects.

8 Costs

The parties must each bear their own legal costs of negotiating and entering into this licence.

9 Notices

- 9.1 A notice, approval, certificate, consent or other communication in connection with this licence must be:
 - (a) in writing; and
 - (b) left at the address of the addressee, or sent by prepaid ordinary post to the addressee's address or sent by facsimile to the addressee's facsimile number specified in the appendix or, if the addressee notifies another address or facsimile number, to that address or facsimile number.
- 9.2 Unless a later time is specified in it a communication takes effect from the time it is received.
- 9.3 A communication is taken to be received:
 - (a) if a letter, on the third day after posting; and
 - (b) if a facsimile, on production of a transmission report by the machine from which the facsimile was sent which indicates that the whole facsimile was sent to the facsimile number of the recipient notified for the purpose of this clause.
- 9.4 Notices must not be served by email. Any such notice is not validly served.

10 Assignment

- 10.1 Subject to *clause* 10.2 the Licensor may assign or otherwise deal with its rights under this licence.
- 10.2 The Licensor must not sell, transfer, charge, mortgage or create a head-lease over or otherwise create an interest in the Land unless it procures (prior to completion of the sale, transfer or creation of that interest) the party acquiring that interest to enter into a deed in favour of the Licensee to the same effect as this licence.
- 10.3 The Licensee may not assign, sub-licence or otherwise deal with its rights and obligations under this licence, unless it procures (prior to completion of the sale, transfer or creation of that interest) the party acquiring that interest to enter into a deed in favour of the Licensee to the same effect as this licence.

11 Miscellaneous

Waiver and variation

- 11.1 A provision of or a right created under this licence may not be waived or varied except in writing signed by the party or parties to be bound.

Supervening legislation

- 11.2 Any present or future legislation which operates to vary an obligation, right, power or remedy of a person under or concerning this licence is excluded to the extent permitted by law.

Indemnities

- 11.3 Each indemnity in this licence is a continuing obligation, separate from the Licensee's other obligations and survives this licence. The Licensor need not incur expense before enforcing any indemnity under this licence.

Merger

- 11.4 The obligations and indemnities in this licence do not merge on the expiration or earlier determination of the licence but continue to have effect.

12 Goods and Services Tax

- 12.1 If GST has application to any supply made under or in connection with this licence, the party making the supply ("**Supplier**") may, in addition to any amount or consideration expressed as payable elsewhere in this licence, recover from the recipient of the supply ("**Recipient**") an additional amount on account of GST, such amount to be calculated by multiplying the amount or consideration payable by the Recipient for the relevant supply by the prevailing GST rate.
- 12.2 Any additional amount on account of GST recoverable from the Recipient under this clause shall be calculated without any deduction or set-off of any other amount and is payable by the Recipient upon demand by the Supplier by means of a tax invoice.

Appendix

Item 1

(Clause 3)

Commencement Date: 21 December 2010 for 50 years

Item 2

(Clause 4)

Licence fee: \$60,000 for the whole of the term of this licence, payable in full on the later of:

- (a) the Commencement Date; and
- (b) the date the Licensor completes construction of the carpark in accordance with special condition 13 of the contract of sale.

Item 3

(Clause 9)

Address for service of notices:

Licensor:

Attention: Company Secretary
Woolworths Limited
1 Woolworths Way
Bella Vista NSW 2153
Facsimile: (02) 8888 0558

With a copy of any notice to also be sent to:

Attention: National Lease Administration Manager
Woolworths Limited
1 Woolworths Way
Bella Vista NSW 2153
Facsimile: (02) 8888 1113

Licensee: 2101/14 Kavanagh Street
Southbank, Vic 3006

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EXECUTED as a deed

EXECUTED by **FABCOT PTY LTD** in accordance with section 127(1) of the Corporations Act 2001 (Cwlth):

.....
Signature of director

.....
Name of director (block letters)

.....
Signature of director/company secretary*

*delete whichever is not applicable

.....
Name of director/company secretary* (block letters)

*delete whichever is not applicable

EXECUTED by **SHERWOOD SCOTT PTY LTD** in accordance with section 127(1) of the Corporations Act 2001 (Cwlth):

RK Patterson
.....
Signature of director

RONALD K PATTERSON
.....
Name of director (block letters)

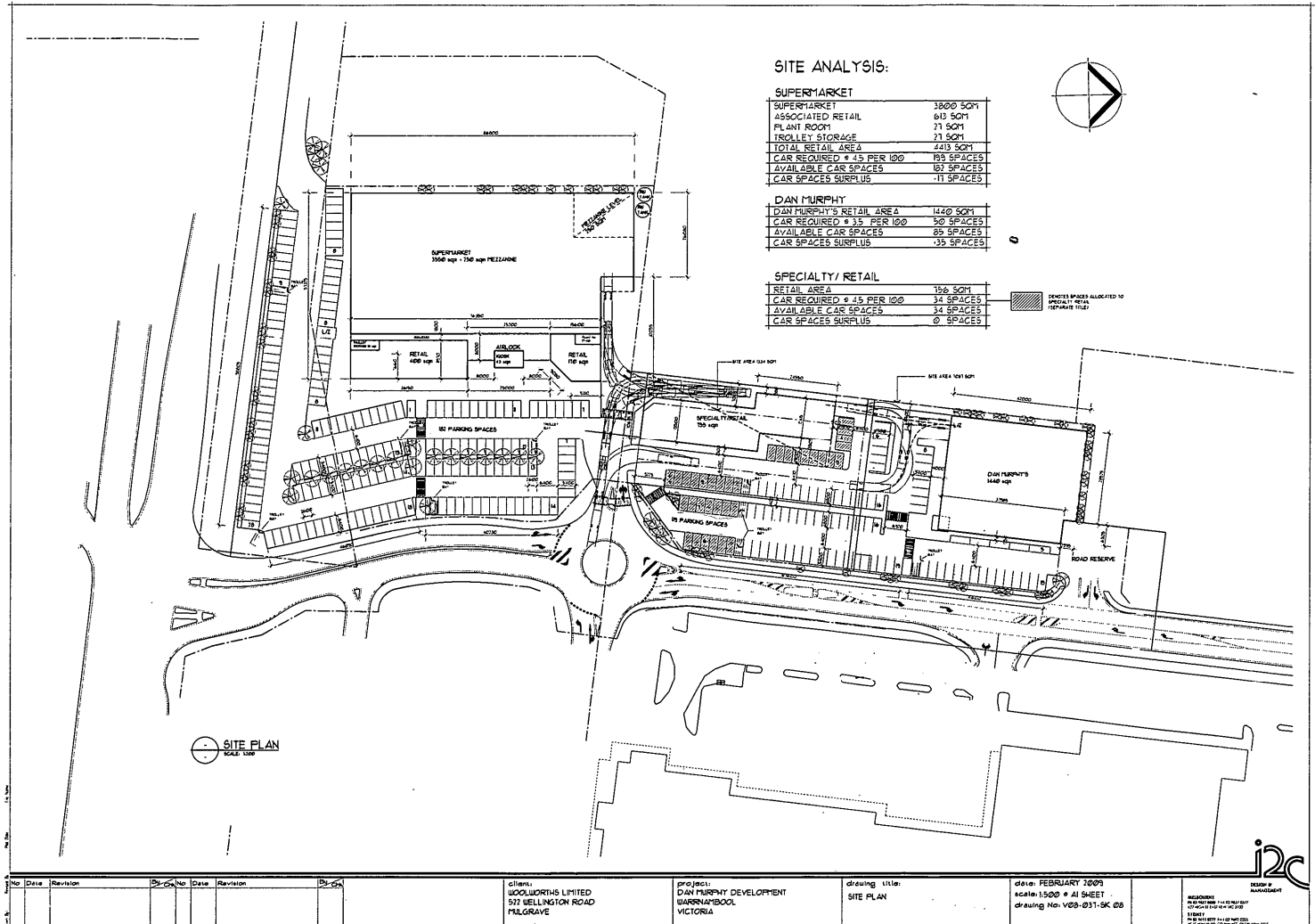
Roslyn J. Patterson
.....
Signature of director/company secretary*

*delete whichever is not applicable

ROSLYN PATTERSON
.....
Name of director/company secretary* (block letters)

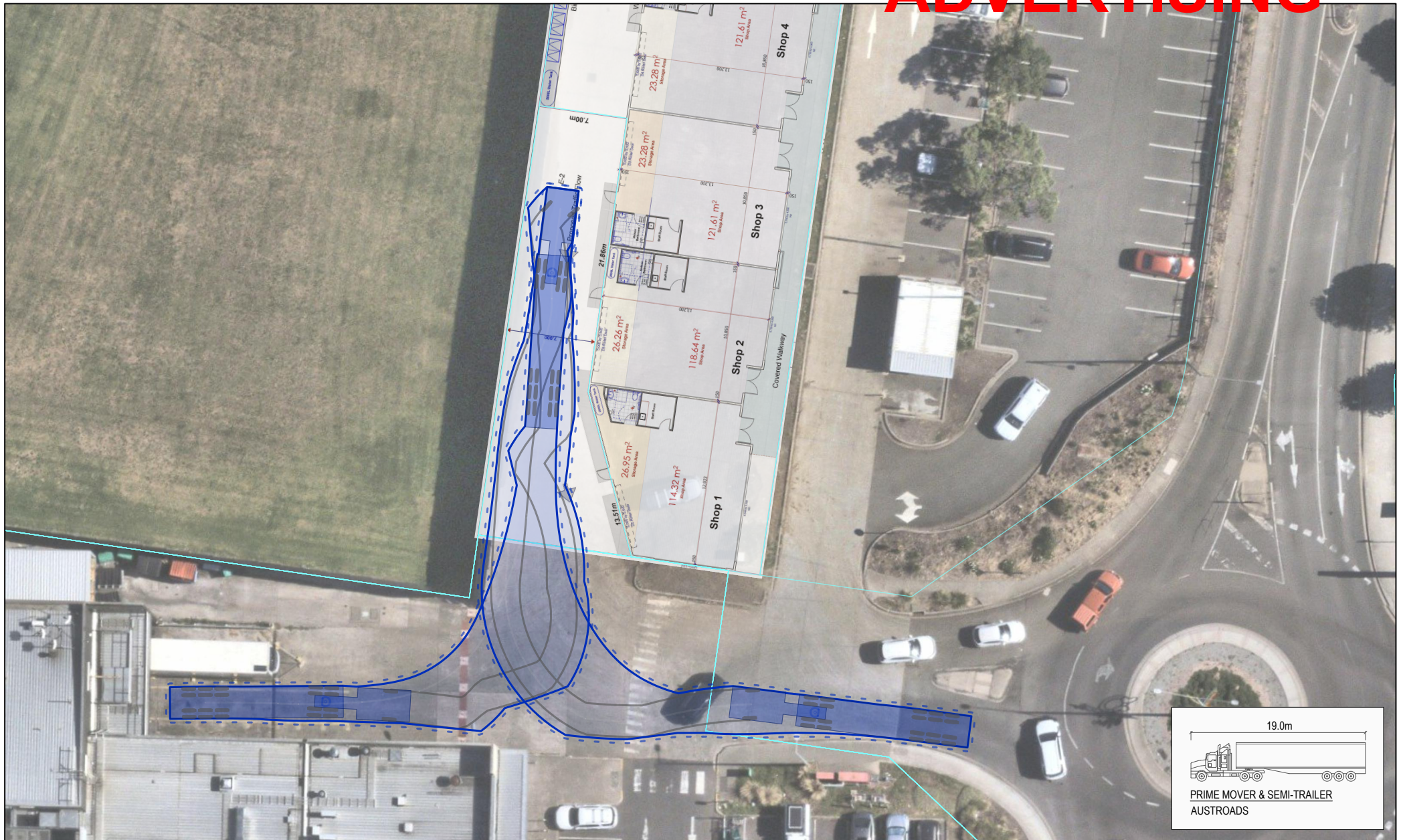
*delete whichever is not applicable

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APPENDIX B SWEPT PATH ANALYSIS DIAGRAMS

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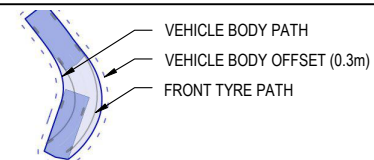


11-19 GATEWAY ROAD, WARRNAMBOOL
SWEEP PATH ANALYSIS - EAST WARRNAMBOOL S.C. LOADING BAY



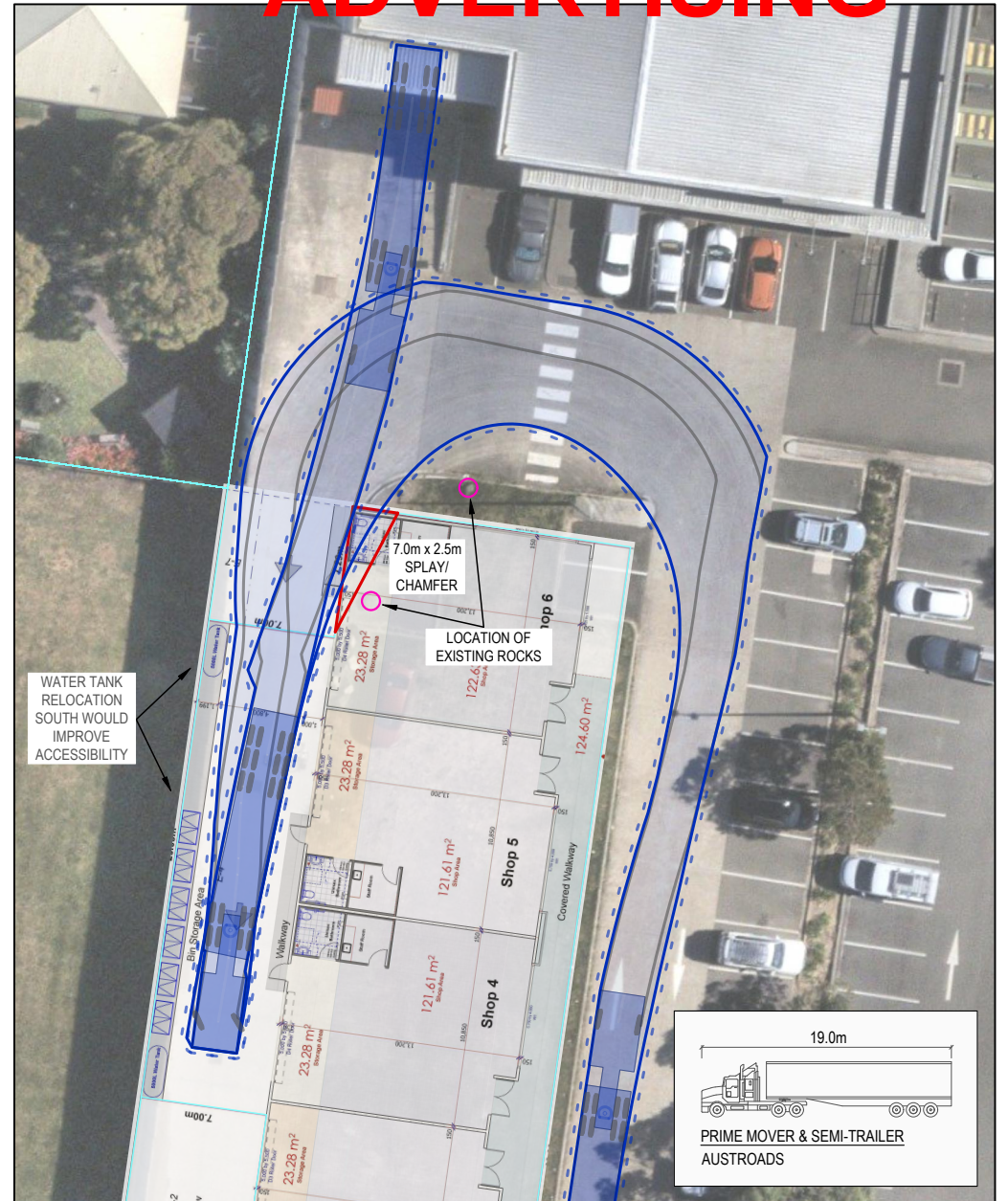
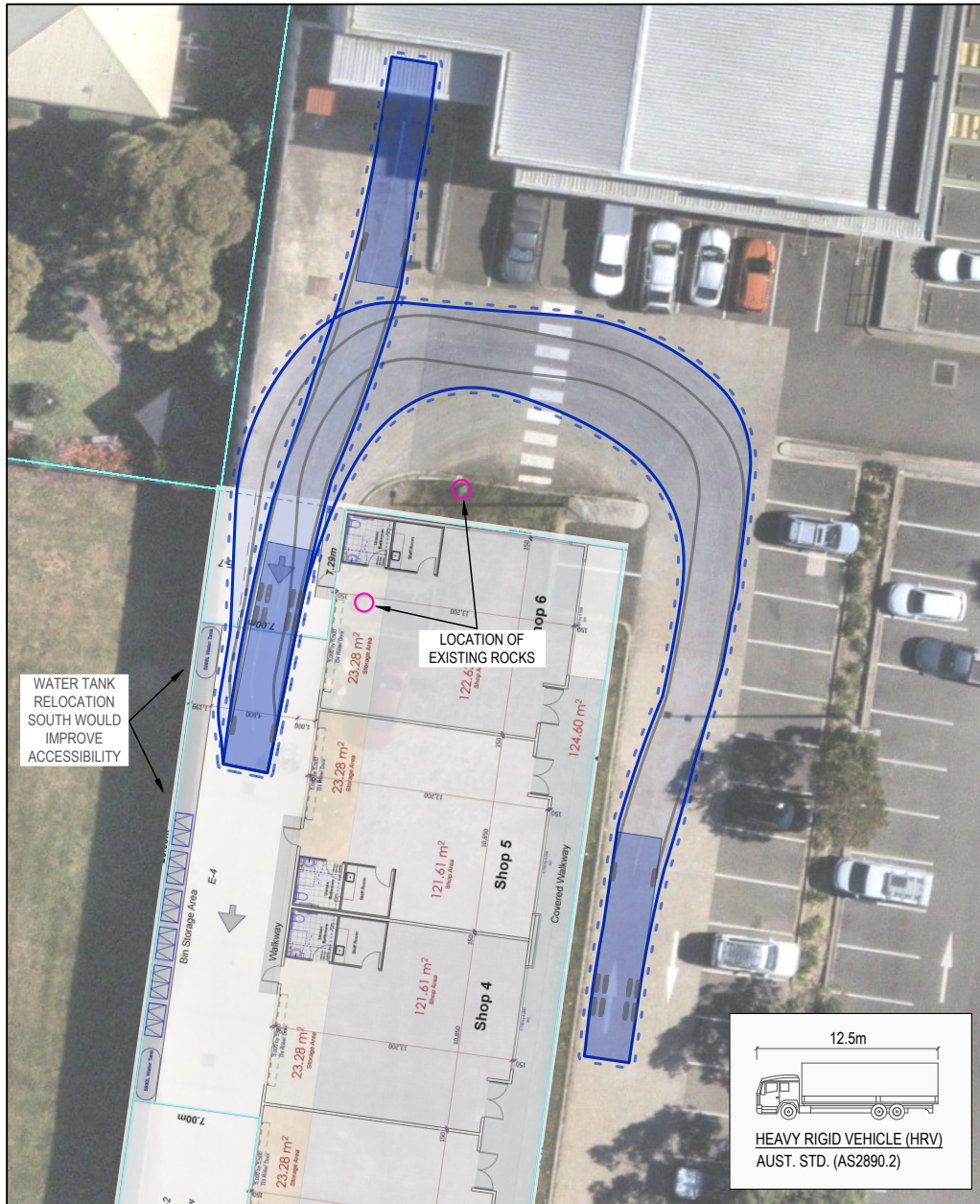
SCALE: 1:400
10 FEBRUARY 2026

BASE PLAN: NEARMAP AERIAL PHOTO 12/12/25, & DEVELOPMENT FLOOR PLAN BY 2SCALE DESIGN 20/08/25.



esr Transport Planning

PO Box 146, Smythesdale VIC 3351
P: 0427 044 324
E: drewm@esrtp.com.au
www.esrtp.com.au

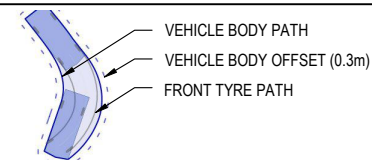


11-19 GATEWAY ROAD, WARRNAMBOOL
SWEEP PATH ANALYSIS - DAN MURPHY'S LOADING BAY



SCALE: 1:400
10 FEBRUARY 2026

BASE PLAN: NEARMAP AERIAL PHOTO 12/12/25, & DEVELOPMENT FLOOR PLAN BY 2SCALE DESIGN 20/08/25.



esr Transport Planning

PO Box 146, Smythesdale VIC 3351
P: 0427 044 324
E: drewm@esrtp.com.au
www.esrtp.com.au

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

Page 1 of 1

VOLUME 11245 FOLIO 188

Security no : 124126704897P
Produced 31/07/2025 09:47 AM

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 630720A.

PARENT TITLES :

Volume 11036 Folio 888 to Volume 11036 Folio 889

Created by instrument PS630720A 13/12/2010

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

PS630720A 13/12/2010

ENCUMBRANCES, CAVEATS AND NOTICES

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

DIAGRAM LOCATION

SEE PS630720A FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

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

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

Street Address: 11-19 GATEWAY ROAD WARRNAMBOOL VIC 3280

DOCUMENT END



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Imaged Document Cover Sheet

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Document Type	Plan
Document Identification	PS630720A
Number of Pages (excluding this cover sheet)	2
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PLAN OF SUBDIVISION

Stage No.

LR use only

EDITION 1

Location of Land

Parish: WANGOOM
Township: WARRNAMBOOL
Section: 1
Crown Allotment: 13C, 14 & 36A (PARTS)

Parish: WANGOOM
Township: WARRNAMBOOL
Crown Allotment: 37 & 45 (PARTS)

Title Reference:

Vol 11036 Fol 889
 Vol 11036 Fol 888

Last Plan Reference: PS 602046U (LOT 2)

Postal Address: 46 GATEWAY ROAD
 WARRNAMBOOL 3280

MGA Co-ordinates: E 632 670
 (Of approx. centre of plan) N 5 750 780 Zone 54

Council Certification and Endorsement

Council Name: WARRNAMBOOL CITY COUNCIL **Ref:** S 35 / 09

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 631/3/2010
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 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 24/5/2010

Vesting of Roads or Reserves

Identifier	Council/Body/Person

Notations

Depth Limitation: Does not apply	Staging This is not a staged subdivision Planning Permit No. - P2009 - 243
ADDITIONAL PURPOSE OF PLAN: To create new carriageway easement A-1 over the land in Lot 1 PS602046U (VOL 11036 FOL 888) Grounds for Creation of Easement: As Authorised in Planning Permit P2009-243 and with consent of Owners.	Survey:- This plan is based on partial survey. See Abstract of Field Records for details. To be completed where applicable. This survey has been connected to permanent marks no(s). 557 In Proclaimed Survey Area no. 23 WARRNAMBOOL

Easement Information

Legend: E - Encumbering Easement or Condition in Crown Grant in Nature of an Easement
 A - Appurtenant Easement R - Encumbering Easement (Road)

Subject Land	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
A-1	CARRIAGEWAY	12.82	THIS PLAN	LOT 1 & LOT 2 THIS PLAN
E-1	SEWERAGE	2	LP 212547K	LOTS ON LP 212547K
E-1	FOOTWAY	2	PS 410473T	LOT 1 ON PS 410473T
E-1	FOOTWAY	2	PS 446592H	LOT 1 ON PS 446592H
E-1	SEWERAGE	2	THIS PLAN	WANNON REGION WATER CORPORATION
E-2	CARRIAGEWAY	SEE DIAG.	THIS PLAN	LOT 1 THIS PLAN
E-3	CARRIAGEWAY	6.40	THIS PLAN	LOT 1 THIS PLAN
E-4	CARRIAGEWAY	7	THIS PLAN	LOT 2 THIS PLAN
E-4	DRAINAGE	7	THIS PLAN	LOT 2 THIS PLAN
E-5	WATER SUPPLY	2	THIS PLAN	LOT 1 THIS PLAN
E-6	WATER SUPPLY	2	THIS PLAN	LOT 1 THIS PLAN
E-6	CARRIAGEWAY	6.40	THIS PLAN	LOT 1 THIS PLAN
E-7	DRAINAGE	2	THIS PLAN	WARRNAMBOOL CITY COUNCIL
E-8	SEWERAGE	2	LP 212547K	LOTS ON LP 212547K
E-8	FOOTWAY	2	PS 410473T	LOT 1 ON PS 410473T
E-8	FOOTWAY	2	PS 446592H	LOT 1 ON PS 446592H
E-8	DRAINAGE	2	THIS PLAN	WARRNAMBOOL CITY COUNCIL
E-8	SEWERAGE	2	THIS PLAN	WANNON REGION WATER CORPORATION

LR use only

Statement of Compliance / Exemption Statement

Received



Date 7/12/2010

LR use only

PLAN REGISTERED

TIME 12:31PM

DATE 13/12/2010

B Toscano

Assistant Registrar of Titles

Sheet 1 of 2 sheets

ALAN H. SIMPSON

● LAND SURVEYOR ●

A.B.N. 25 397 042 659

P.O.BOX 421, WARRNAMBOOL 3280

PHONE (03) 55611846 FAX (03) 55621775

LICENSED SURVEYOR (PRINT)

ALAN HALSTEAD SIMPSON

SIGNATURE

DATE 20 / 01 / 2010

REF 1587D

1587D_V4_PS1.DWG
1587D.SEE

VERSION 4

DATE 24/5/2010

COUNCIL DELEGATE SIGNATURE

Original sheet size A3

PS 630720A



DATE 24/5/2010
COUNCIL DELEGATE SIGNATURE _____

Sheet 2 of 2 sheets