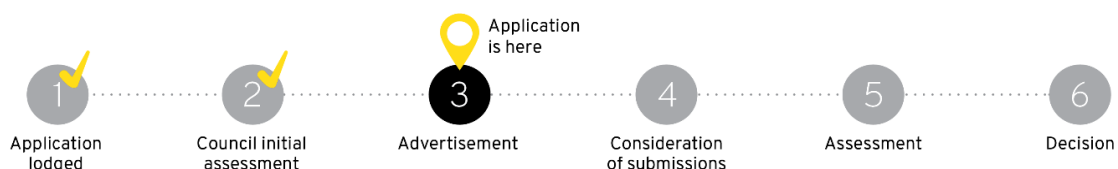


ADVERTISED

NOTICE OF AN APPLICATION FOR PLANNING PERMIT



The land affected by this application is located at:	240 Timor St WARRNAMBOOL VIC 3280
The application is for a permit to:	Creation of Easement (right of way/access) under Section 36 of the Subdivision Act 1988 (acquire an easement or a right of way)
A permit is required under the following clauses of the planning scheme:	
Planning scheme clause	Matter for which a permit is required
Clause: 52.02	Creation of Easement (right of way/access) under Section 36 of the Subdivision Act 1988 (acquire an easement or a right of way)
The applicant for the permit is:	MPAA Studio
The application reference number is:	PP2026-0069
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:	25 September 2026



ADVERTISED Application for Planning Permit

Under Section 47(1)(a) of the Planning and Environment Act 1987

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

The Land

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

Street Address

Unit No.: _____ St. No.: 240 Street name Timor Street
Suburb/locality Warrnambool postcode 3280

Formal Land Description

Complete either A or B.

A Lot No.: _____ ☐ Lodged Plan ☐ Title Plan ☐ Plan of Subdivision No.: _____
or

B Crown Allotment No.: 17 Section No.: 12
Parish/Township Name: Warrnambool

If this application relates to more than one address, please click this button and enter relevant details.

The Proposal

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

2. For what use, development or other matter do you require a permit?

Creation of easement (right of way).

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

3. Estimated cost of development for which the permit is required

Cost: \$0 You may be required to verify this estimate.

Insert '0' if no development is proposed (eg. change of use, subdivision, removal of covenant, liquor licence)

Existing Conditions

4. Describe how the land is used and developed now

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

Pet supplies store and carparking.

Title Information

5. Encumbrances on title

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

- ☐ Yes ☐ Provide a copy
☒ No
☐ Not applicable (no such encumbrance applies).

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

Applicant and Owner Details

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

Applicant (The person who wants the permit.)

Title: _____ First Name: Cameron Surname McNeill
Organisation (if applicable): MPAA Studio
Unit No.: _____ St. No.: 1 Street name Dispensary Lane
Suburb/locality Warrnambool State VIC postcode 3280

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

☒ Same as applicant (If so, go to 'contact information')
Title: _____ First Name: _____ Surname _____
Organisation (if applicable) _____
Unit No.: _____ St. No.: _____ Street name _____
Suburb/locality _____ State _____ postcode _____

Contact information Please provide at least one contact phone number

Business Phone (03) 5562 9443 Email info@mpaastudio.co
Mobile Phone 0417 061 070 Fax _____

Owner (The person or organisation who owns the land)

☐ Same as applicant

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

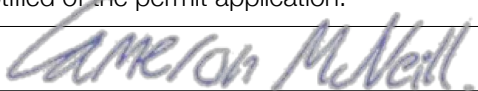
Owners signature (Optional) Date _____

Declaration

7. This form must be signed by the applicant

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

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

Signature  Date 27/04/2026

Need help with the Application?

ADVERTISED

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

8. Has there been a pre-application meeting with a Council planning officer?

☒ yes ☐ no If yes, with whom?: Bronwyn Mellor Date: 04/12/2026

Checklist

9. Have you

- ☐ Filled in the form completely?
- ☐ Provided all necessary supporting information and documents?
 - ☐ A current copy of title (no more than 3 months old) including a copy of any encumbrances affecting the land.
 - ☐ Plans showing the layout and details of the proposal
 - ☐ A plan of existing conditions
 - ☐ Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.
If required, a description of the likely effect of the proposal (eg traffic, noise, environmental impacts).
- ☐ Signed the declaration (section 7)?

Lodgement and Payment

Lodge the completed and signed form and all documents with:

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.

12 December 2025

Julie Mclean
Manager City Growth
Warrnambool City Council
By email only: planning@warrnambool.vic.gov.au

Dear Julie

Creation of Easement (Right-of-Way), 240 Timor Street, Warrnambool

1. We act for [REDACTED] (owner of 240 Timor Street, Allot. 17 Sec. 12 Tow ship of Warrnambool) and [REDACTED] (owner of 242–246 Timor Street) in relation to an application under Clause 52.02 (Easements, Restrictions and Reserves) of the Warrnambool Planning Scheme.
2. The purpose of the application is to create a formal Right-of-Way easement over the existing driveway located on 240 Timor Street, benefiting the adjoining property at 242–246 Timor Street.
3. The arrangement currently operates informally and is recognised via a Section 173 Agreement registered on the title of 242–246 Timor Street. The proposed easement will replace the need for this agreement.
4. The two properties have operated with a long-standing shared access arrangement, whereby 242–246 Timor Street utilises the existing driveway on 240 Timor Street to access rear parking and loading areas.
5. This was formalised under Planning Permit P2006-122 (issued 2 October 2006), which required a Section 173 Agreement to secure ongoing vehicular access. The agreement (Instrument AJ552782K) confirms that vehicular access must continue to be provided to 242–246 Timor Street via the existing driveway located on 240 Timor Street.
6. However, the agreement is currently registered only on the title of 242–246 Timor Street, not on 240 Timor Street. This has created a misalignment: the benefit is secured, but the burden is not.
7. As both parcels are in common ownership, the proposed easement represents a housekeeping and regularisation exercise prior to the anticipated sale of the properties.



ADVERTISED

8. The application seeks to create a Right-of-Way easement (access easement) over the existing driveway on 240 Timor Street.
9. The easement is proposed to be 5.4 metres in width, running the full depth of the property, consistent with the existing access arrangement.
10. The easement will accommodate passenger vehicles and service vehicles consistent with the existing access arrangement supporting rear parking and the loading bay of 242–246 Timor Street. Waste vehicles do not currently access the site, as waste collection for 242–246 Timor Street is undertaken within the street frontage.
11. The easement will formalise the existing pattern of use and secure this arrangement in perpetuity, without requiring any physical changes.
12. Clause 52.02 requires a planning permit for the acquisition or removal of an easement under Section 36 of the Subdivision Act 1988.
13. The proposal complies with the purpose of Clause 52.02, which is to ensure easements and restrictions are varied or created in a manner that considers the interests of affected people and supports orderly planning.
14. The only potentially affected parties are the two landholdings themselves, and both are held in common ownership.
15. No external landowners, occupiers or authorities will be impacted. The proposal does not alter access to any other property, nor does it introduce any new off-site effects.
16. The easement simply documents and gives legal clarity to an arrangement already secured under the existing Section 173 Agreement.
17. The Section 173 Agreement registered on 242–246 Timor Street (Instrument AJ552782K) was required to ensure ongoing access. It references the same access corridor now proposed for formalisation as an easement.
18. Once the easement is created and registered on the relevant title, the agreement will become redundant, as its function will be superseded by a transparent, title-based right-of-way.
19. Accordingly, Council's support is sought to end the Section 173 Agreement under Sections 178A–178F of the Planning and Environment Act 1987 following the certification/registration of the subdivision plan that creates the easement.
20. This outcome provides improved clarity and certainty for all future landowners and removes the present title inconsistency.
21. The proposal represents a straightforward formalisation of an established access arrangement between two properties in common ownership.
22. The creation of the easement will provide a transparent, perpetual right-of-way that resolves the current inconsistency created by the Section 173 Agreement.
23. No external parties are affected, and the proposal aligns with Clause 52.02 and Clause 65.01.
24. We respectfully request that Council:

ADVERTISED

- Support the application for creation of the easement; and
- Support the request to end the Section 173 Agreement (Instrument AJ552782K) once the easement is registered.

25. We would welcome the opportunity to discuss the proposal further or provide additional information as required.

Yours sincerely,

Steve Myers

Managing Director, MPAA Studio



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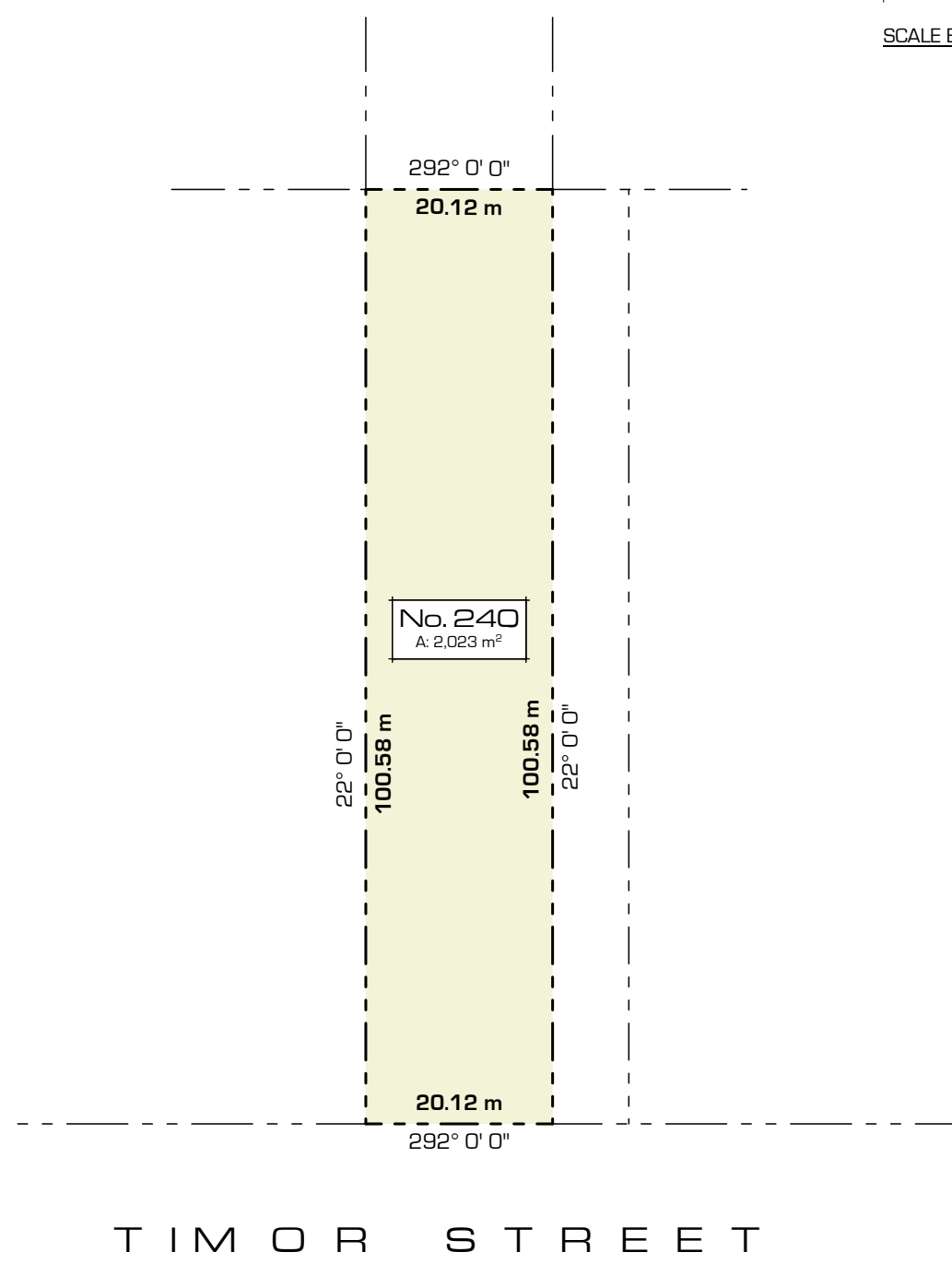
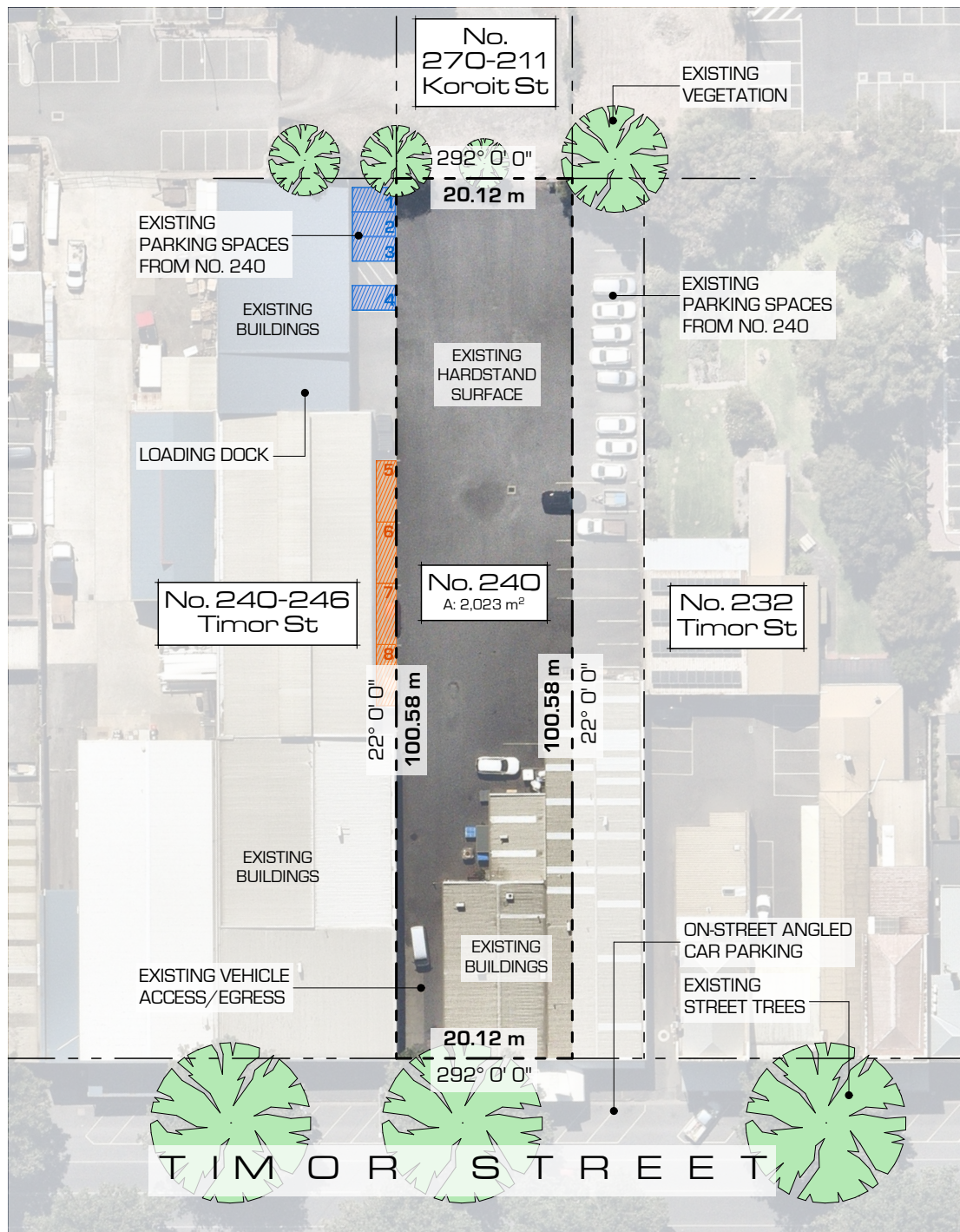


SCALE BAR IN METRES - 1:750

LEGEND

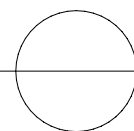
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4.90m LONG x 3.00m WIDE

PARALLEL CARPARK, APPROX.
7.00m LONG x 3.00m WIDE



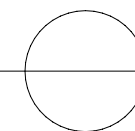
EXISTING SITE PLAN

1:750



EXISTING SITE PLAN

1:750



Co Lab, Level 1 - 1 Dispensary Lane
Warrnambool VIC 3280
Phone: (03) 5562 9443
www.mppastudio.co
ABN 53253414622

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revision:	description:	date:
NOT FOR CONSTRUCTION		
ALL WORKS TO BE CARRIED OUT IN STRICT COMPLIANCE WITH THE NATIONAL CONSTRUCTION CODE (NCC) OF AUSTRALIA. CONTRACTORS TO CHECK ALL SITE DIMENSIONS & LEVELS BEFORE COMMENCEMENT OF WORK. WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALE.		

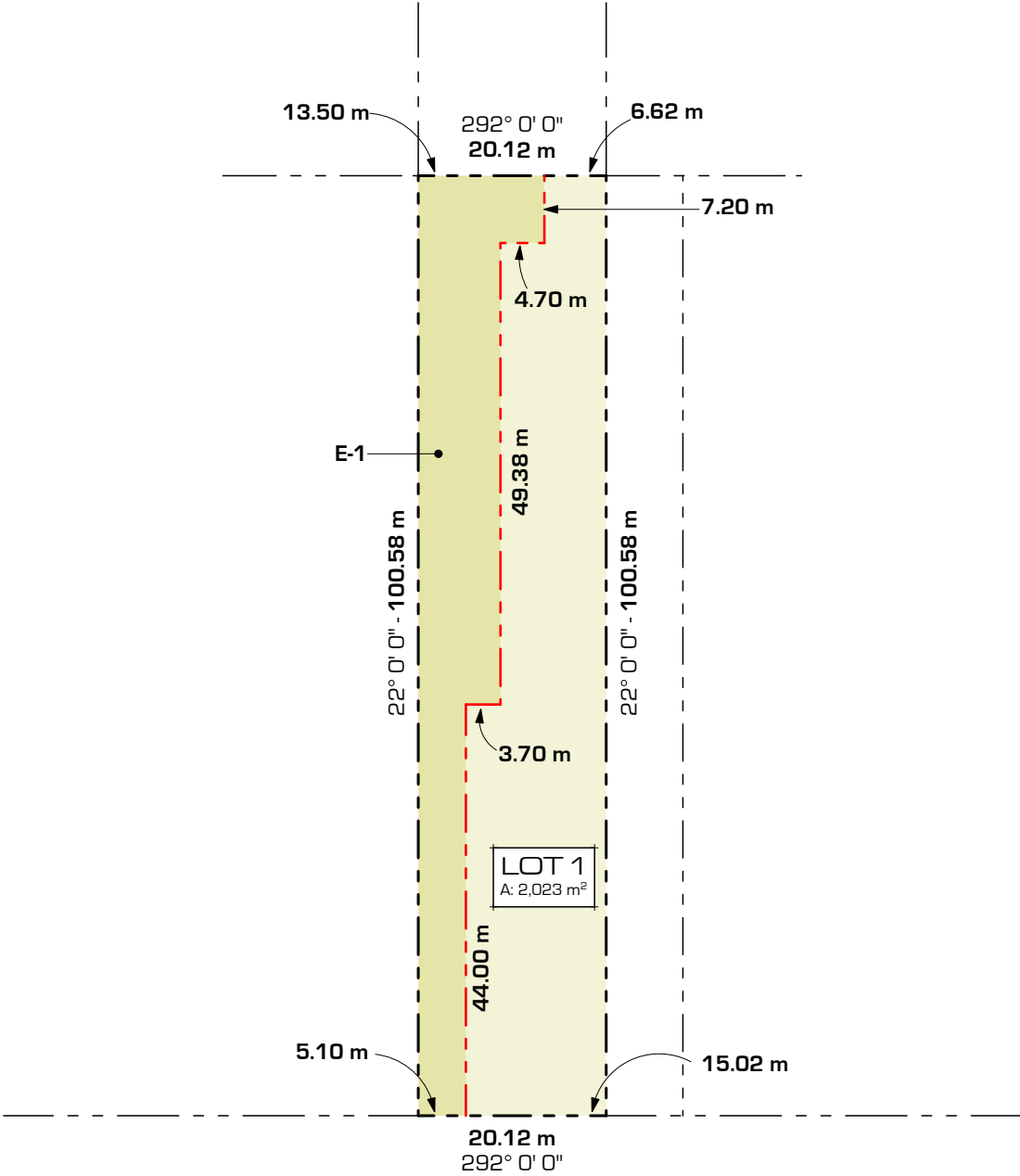
project:	CREATION OF EASEMENT 240 TIMOR STREET, WARRNAMBOOL VIC. 3280
client:	
drawing title:	EXISTING SITE PLAN

date:	AUGUST 2026
scale:	AS SHOWN A3
designed by:	CM
drawn by:	MZ/MD
project no.:	25-1631
rev.:	/

dwg no: TP1 of TP4



SCALE BAR IN METRES - 1:750



TIMOR STREET

PROPOSED EASEMENT
SITE PLAN

1:750

EASEMENT INFORMATION

EASEMENT REFERENCE
E-1
PURPOSE
WAY
WIDTH (METRES)
SEE DIAGRAM
ORIGIN
THIS PLAN
LAND BENEFITED / IN FAVOUR OF
CA16 SEC 12 TOWNSHIP OF WARRNAMBOOL
PARISH OF WANGOOM

DISCLAIMER:
PROPOSED CREATION OF EASEMENT IS
INDICATIVE ONLY & SUBJECT TO A SURVEY BY
A LICENSED LAND SURVEYOR.



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project:

CREATION OF EASEMENT
240 TIMOR STREET, WARRNAMBOOL VIC. 3280

client:

[REDACTED]

drawing title:

PROPOSED EASEMENT SITE PLAN

date:

AUGUST 2026

scale:

AS SHOWN A3

designed by:

CM

drawn by:

MZ/MD

project no.:

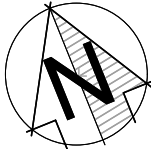
25-1631

rev.:

/

dwg no:

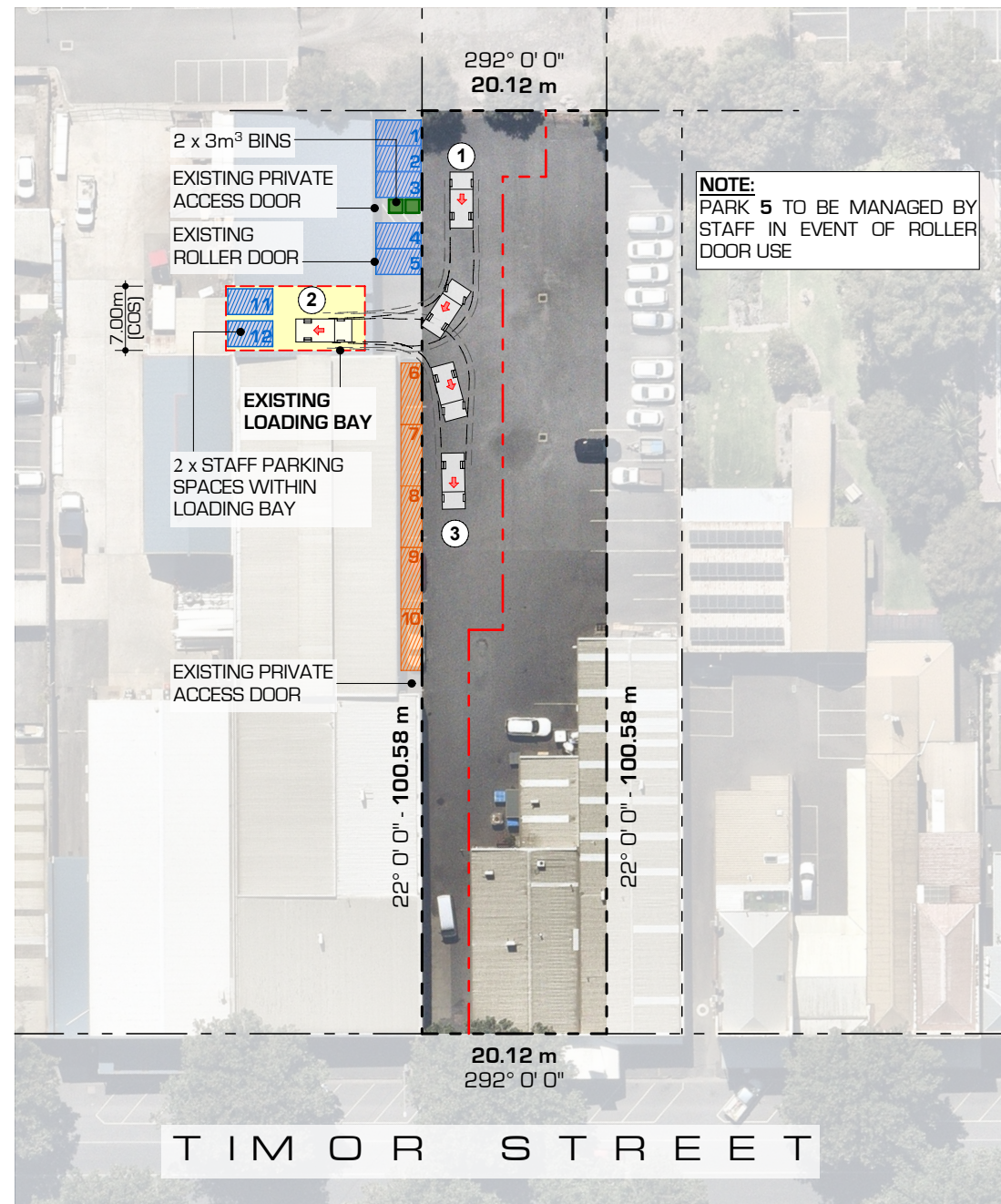
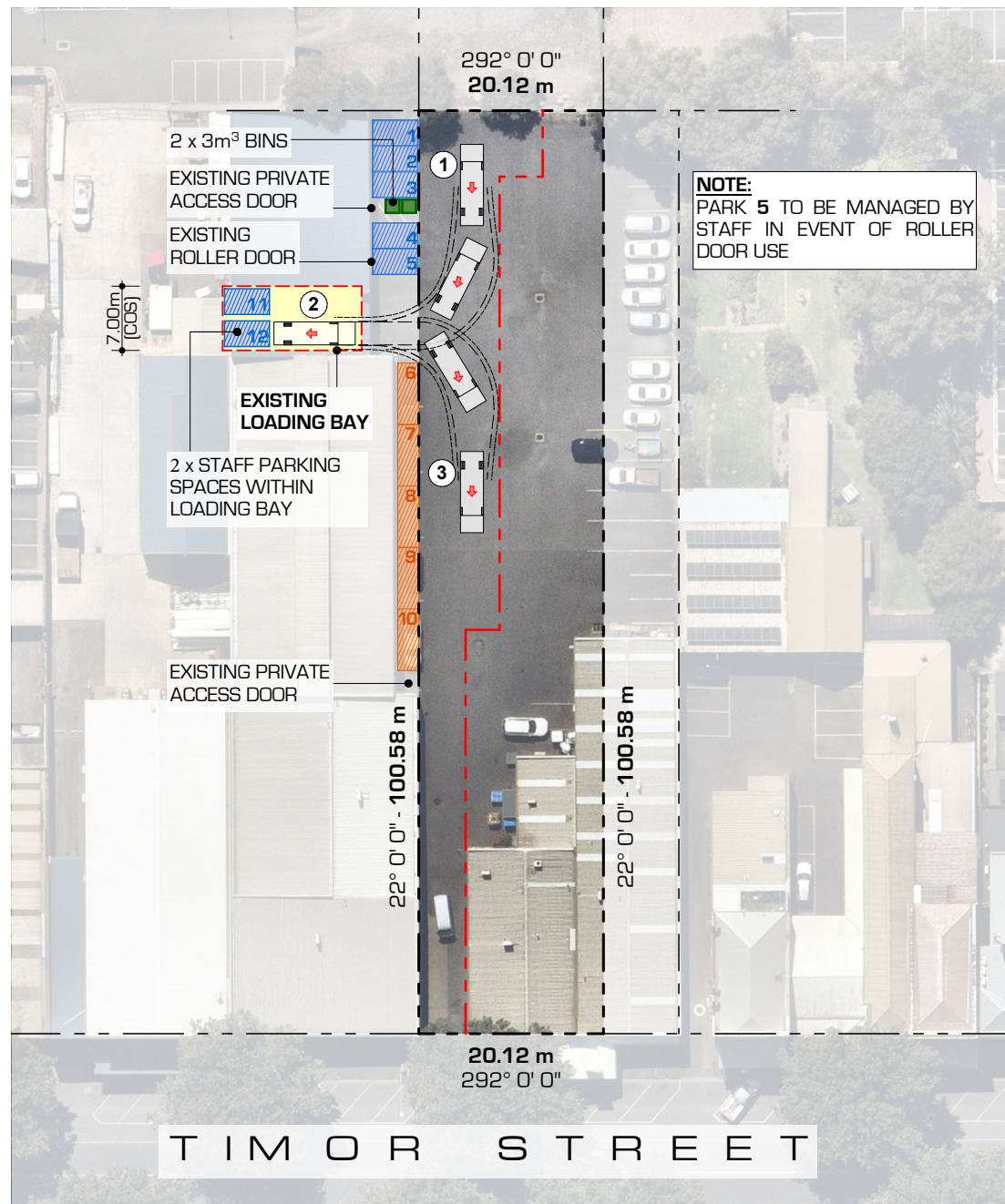
TP2 of TP4



25-1631 Creation of Easement TPb.pln



SCALE BAR IN METRES - 1:750



LEGEND

SERVICE VEHICLE - 8.8m
8.80m LONG x 2.50m WIDE
9.0m TURNING RADIUS

SERVICE VEHICLE - 6.1m
6.1m LONG x 2.50m WIDE
6.5m TURNING RADIUS

① DENOTES ORDER OF VEHICLE MOVEMENTS.

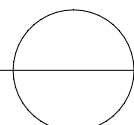
↓ DIRECTION OF VEHICLE MOVEMENT.

90° CARPARK, MINIMUM 4.90m LONG x 3.00m WIDE

PARALLEL CARPARK, MINIMUM 6.70m LONG x 2.30m WIDE

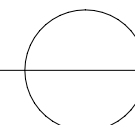
SERVICE VEHICLE - 8.8m VEHICLE MOVEMENTS

1:750



SERVICE VEHICLE - 6.1m VEHICLE MOVEMENTS

1:750



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project:
**CREATION OF EASEMENT
240 TIMOR STREET, WARRNAMBOOL VIC. 3280**

client:
[REDACTED]

drawing title:
VEHICLE MOVEMENT PLAN - SERVICE VEHICLE

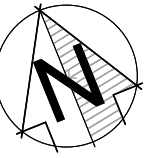
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AUGUST 2026

scale:
AS SHOWN **A3**

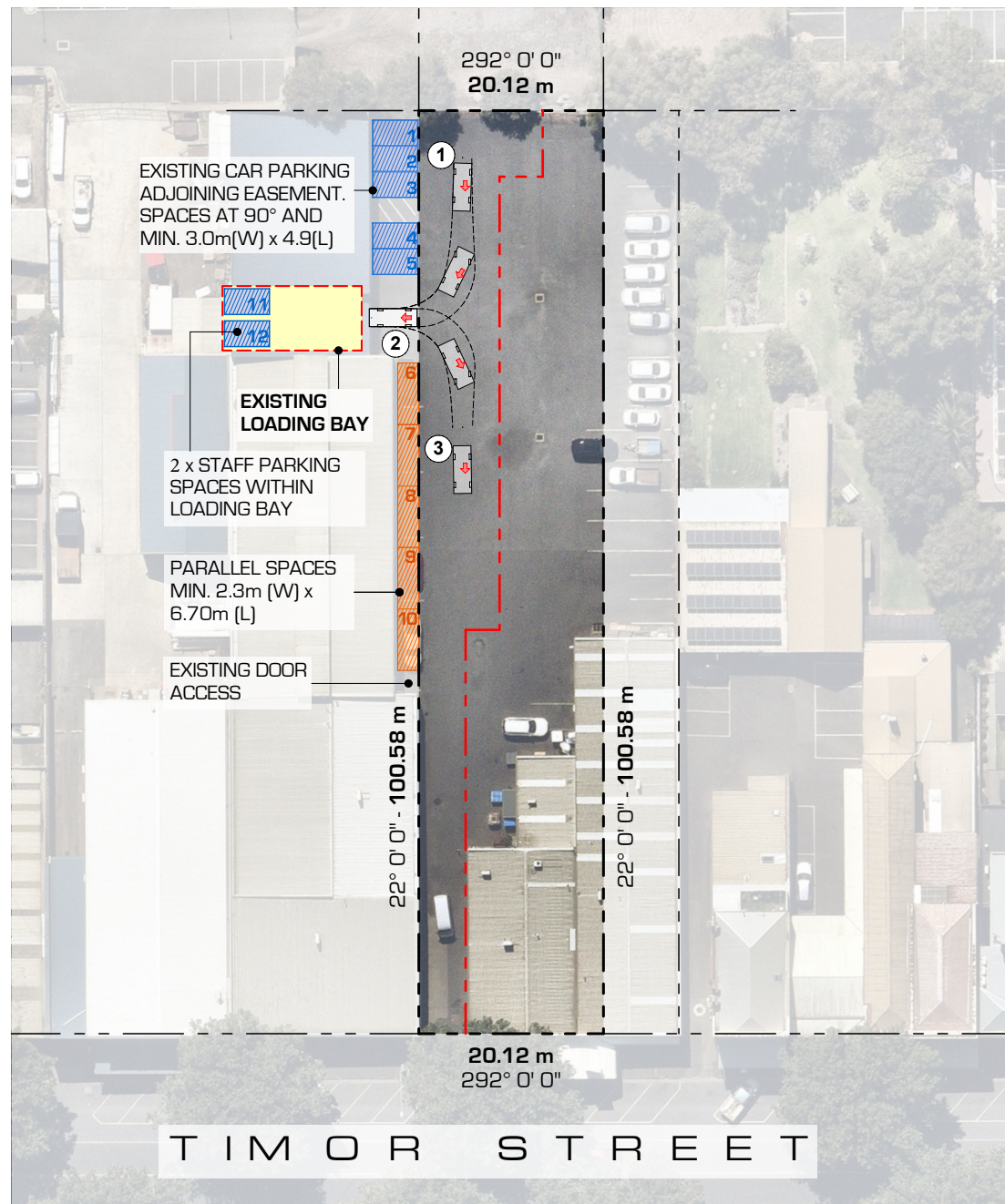
designed by: CM

drawn by: MZ/MD

project no.: **25-1631** rev.: /

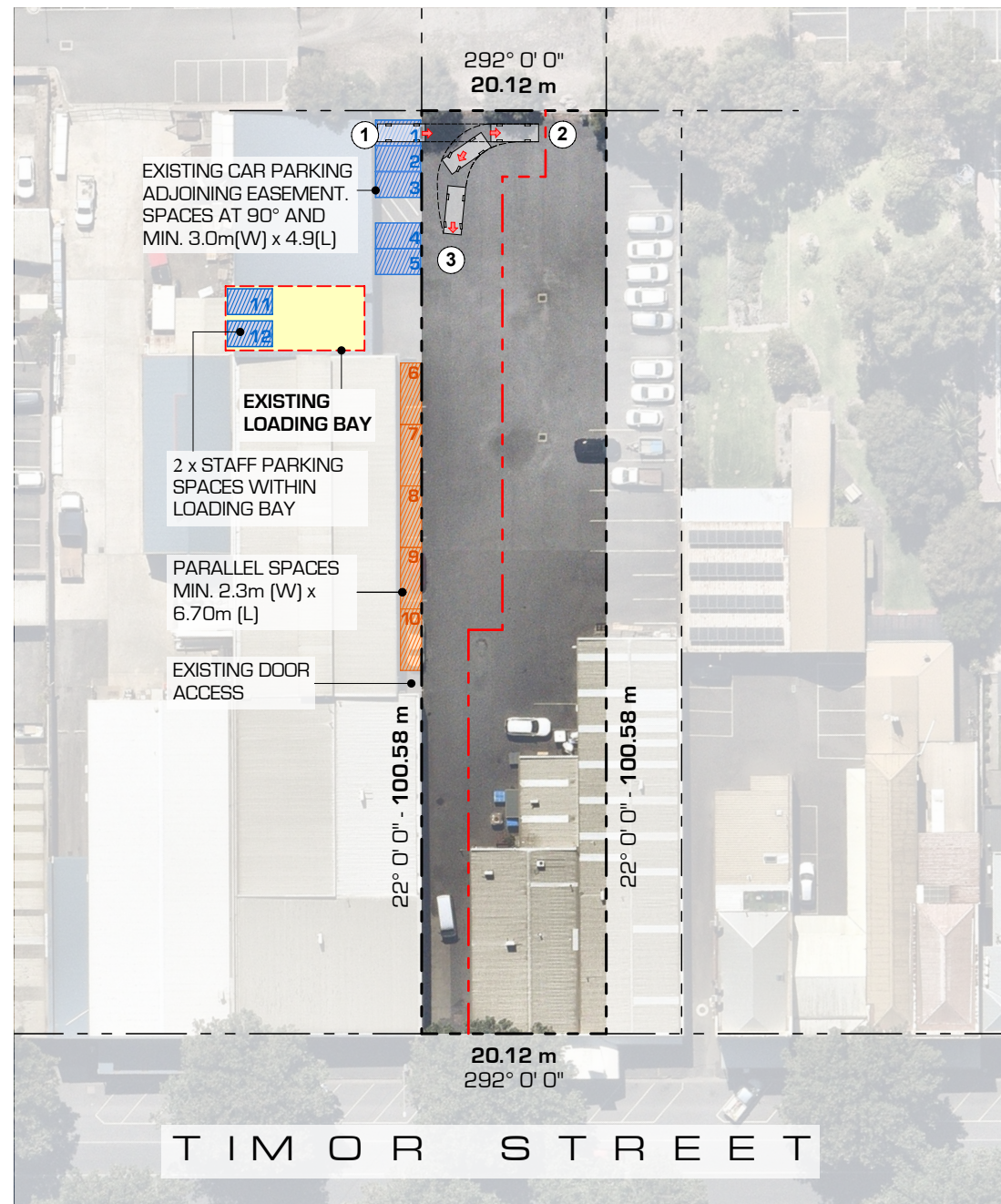


dwg no: **TP3** of TP4



PASSENGER VEHICLE - B99 VEHICLE MOVEMENTS

1:750



PASSENGER VEHICLE - B99 VEHICLE PARKING

1:750

LEGEND

① DENOTES ORDER OF VEHICLE MOVEMENTS.

↓ DIRECTION OF VEHICLE MOVEMENT.

90° CARPARK, MINIMUM 4.90m LONG x 3.00m WIDE

PARALLEL CARPARK, MINIMUM 6.70m LONG x 2.30m WIDE



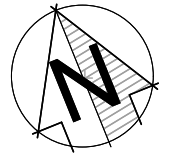
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revision:	description:	date:
NOT FOR CONSTRUCTION		
ALL WORKS TO BE CARRIED OUT IN STRICT COMPLIANCE WITH THE NATIONAL CONSTRUCTION CODE (NCC) OF AUSTRALIA. CONTRACTORS TO CHECK ALL SITE DIMENSIONS & LEVELS BEFORE COMMENCEMENT OF WORK. WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALE.		

project:	CREATION OF EASEMENT 240 TIMOR STREET, WARRNAMBOOL VIC. 3280
client:	
drawing title:	VEHICLE MOVEMENT PLAN- PASSENGER VEHICLE

date:	AUGUST 2026
scale:	AS SHOWN A3
designed by:	CM
drawn by:	MZ/MD
project no.:	25-1631
rev.:	
dwg no:	TP4 of TP4



ADVERTISED

MPAA STUDIO

10 August 2026

Planning Department
Warrnambool City Council
25 Liebig Street
Warrnambool VIC 3280

By email only: planning@warrnambool.vic.gov.au

Dear Bronwyn Mellor,

Response to RFI, 240 Timor Street, Warrnambool

We refer to your letter dated 11 June 2026 and wish to provide a written response to each item below:

1. The plan set submitted with this application is not the same plan set that was most recently submitted with the lapsed application PP2025-0238. Please re-submit the correct plan version for further consideration.

We can confirm that the attached drawing set is the most current version that we would like to be assessed.

2. The submitted plan set will also need to include the following:

a) Show 12 car parking spaces on the site known as 242-246 Timor St as required by Planning Permit P2012-122.

A total of 12 car parking spaces is now shown on the adjoining land, consistent with the outcomes sought under P2012-122. Following a site inspection, it was identified that two of these spaces are located in front of a roller door. The roller door does not appear to be regularly used and is located immediately adjacent to the loading bay. Accordingly, the indicative car parking spaces on our plan have been re-shuffled to result in there only being one car parking space in front of the roller door area, in lieu of two spaces. The space could reasonably be nominated as staff car parking space.

At the time of the site inspection, conducted during the middle of a business day, all car parking spaces were vacant other than one staff vehicle. Two small vans were parked within the loading bay. Staffing numbers are currently limited, with the premises operated by a couple.

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The majority of customers appear to utilise the on-street car parking along Timor Street rather than parking at the rear of the premises. Where customers do use the rear parking area, this generally appears to be associated with the brief collection of furniture or other items.

As a result, a significant proportion of the rear car parking spaces remain vacant for extended periods. Nominating the single space located in front of the roller door as staff car parking spaces would therefore provide an appropriate level of control while retaining flexibility in the unlikely event that the roller door is required to be accessed.

b) Detail the location of the existing waste storage facilities on the rear of 242-246 Timor.

Waste storage facilities (2 x 3m³ bins) can be stored in between car parking spaces in a shared pedestrian zone clearway that is in proximity to access to a pedestrian access door to the rear shed.

c) Demonstrate the capacity of the site to provide for onsite vehicle manoeuvrability for an 8.8m service vehicle to enable turning into and out of the loading bay without conflict to waste storage, car parking spaces and pedestrian areas on the site.

Swept path diagrams are provided for a 8.8m services vehicle, with the expansion of the carriageway easement to match, and ensure that no conflict occurs to buildings, waste storage and car parking spaces.

d) Amend the extent, shape and size of the proposed easement on the title for 240 Timor St to accommodate all of the above to ensure that all vehicles that enter and exit the land at 242-246 Timor St can do so within the boundaries of the proposed easement and in a forward direction.

All vehicle types up to and including an 8.8-metre service vehicle can enter and exit the site in a forward direction. Accommodating the required manoeuvring area for the service vehicle has resulted in the site layout extending approximately 2.3 metres further east at the location where the service vehicle would undertake a three-point turn.

This application does its best to account for car parking that is located on adjoining land but is not responsible for the enforcement of any other planning permit issued by Council on adjoining land.

This response should be read in conjunction with the revised plans enclosed.

If you have any questions, please contact me on telephone (03) 5562 9443 or email info@mpaastudio.co

Yours sincerely,



Cameron McNeill
Associate Director – Planning

(03) 5562 9443
info@mpaastudio.co

1 Dispensary Lane
Level 1 (above Allee Espresso)
Warrnambool VIC 3280



ADVERTISED

12 June 2026

MPAA Studio
1 Dispensary Lane
WARRNAMBOOL VIC 3280



Dear Sir/Madam,

**PROPOSAL TO END SECTION 173 AGREEMENT
RE: 242-246 TIMOR STREET AND 240 TIMOR STREET, WARRNAMBOOL**

Thank you for your application dated 30th January 2026, your proposed ending to Section 173 Agreement (instrument number AJ552782K) for CA 16, Section 12 (242-246 Timor Street) & CA 17, Section 12 (240 Timor Street) has been considered by Council under Section 178B (2) of the *Planning and Environment Act 1987* (the Act).

Under Section 178A (3) of the Act please be advised that Council agrees in principle to your proposal.

Council will proceed under Section 178C of the Act with notification of the proposal once the Creation of Easement is finalised and registered with the Land Titles Office (Planning Permit Application PP2026-0069).

If you have any queries in relation to this matter please contact Council again via planning@warrnambool.vic.gov.au or on 55594800.

Yours sincerely,

Julie McLean
Manager City Growth

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

Page 1 of 1

VOLUME 10535 FOLIO 536

Security no : 124135873203P
Produced 25/06/2026 09:22 AM

LAND DESCRIPTION

Crown Allotment 16 Section 12 Township of Warrnambool Parish of Wangoom.
Created by Application No. 087933E 07/07/2000

REGISTERED PROPRIETOR

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

ACTIVITY IN THE LAST 125 DAYS

NIL

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

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

Street Address: 242-246 TIMOR STREET WARRNAMBOOL VIC 3280

DOCUMENT END

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Imaged Document Cover Sheet

The document following this cover sheet is an imaged document supplied by LANDATA®, Secure Electronic Registries Victoria.

Document Type	Plan
Document Identification	TP019032U
Number of Pages (excluding this cover sheet)	1
Document Assembled	05/12/2025 13:01

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The document is invalid if this cover sheet is removed or altered.

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TITLE PLAN

EDITION 1

TP19032U

LOCATION OF LAND

PARISH : WANGOOM
 TOWNSHIP : WARRNAMBOOL
 SECTION 12
 CROWN ALLOTMENT 16
 CROWN PORTION :

LTO BASE RECORD SDMB-C (RURAL)
 LAST PLAN REFERENCE
 TITLE REFERENCE :

DEPTH LIMITATION : NIL

NOTATIONS

EASEMENT INFORMATION

Easement Reference	Purpose / Authority	Width (Metres)	Origin	Land benefitted / in favour of
NIL				

THIS PLAN HAS BEEN

PREPARED BY LAND

REGISTRY, LAND VICTORIA

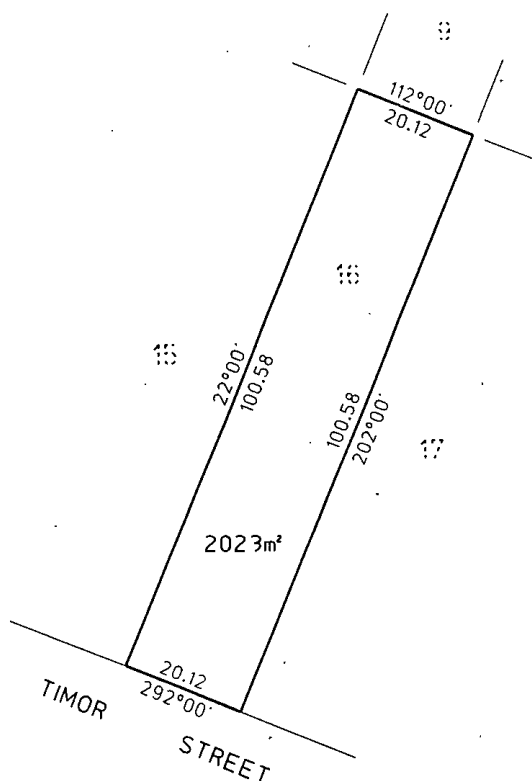
FOR TITLE DIAGRAM PURPOSES

Checked by *S. Laneil*

Date 18/7/00

Assistant Registrar of Titles

Legend : A - Appurtenant E : Encumbering Easement R : Encumbering Easement (Road)



Sheet 1 of 1 sheets

NOT TO SCALE
 LENGTHS ARE IN METRES

SHEET
 SIZE
 A3

APPLICATION No.

DEALING CODE No. 14

AP87933E

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

Page 1 of 1

VOLUME 10365 FOLIO 032

Security no : 124135873137L
Produced 25/06/2026 09:20 AM

LAND DESCRIPTION

Crown Allotment 17 Section 12 Township of Warrnambool Parish of Wangoom.
Created by Application No. 087934C 23/12/1997

REGISTERED PROPRIETOR

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

ACTIVITY IN THE LAST 125 DAYS

NIL

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

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

ADMINISTRATIVE NOTICES

NIL

eCT Control 19449T JELLIE MCDONALD
Effective from 01/09/2025

DOCUMENT END

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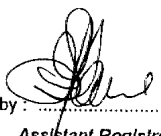
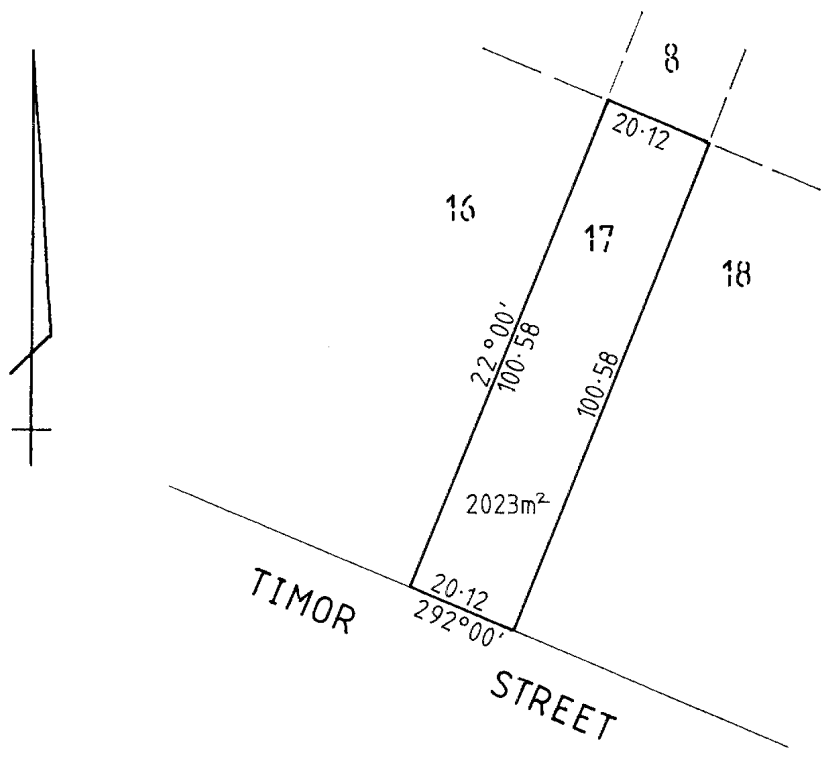
Document Type	Plan
Document Identification	TP009625W
Number of Pages (excluding this cover sheet)	1
Document Assembled	05/12/2025 12:59

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EDITION 1		TITLE PLAN		TP 9625W	
Location of Land Parish : WANGOOM Township : WARRNAMBOOL Crown Allotment : 17 Section : 12 Crown Portion : _____ Base record : DCMB (RURAL) Last Plan Reference : Title References : Depth Limitation : NIL				Notations	
Easement Information E - Encumbering Easement R - Encumbering Easement (ROAD) A - Appurtenant Easement					THIS PLAN HAS BEEN PREPARED BY LAND REGISTRY, LAND VICTORIA FOR TITLE DIAGRAM PURPOSES  Checked by : _____ Assistant Registrar of Titles Date 19, 01, 98
Easement Reference	Purpose / Authority	Width (Metres)	Origin	Land benefitted / In favour of	
NIL					
					
LENGTHS ARE IN METRES		SCALE	SHEET SIZE A3	File No. AP 87934C DEALING CODE : 26D	
Sheet 1 of 1 Sheets					

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

Page 1 of 1

VOLUME 03323 FOLIO 549

Security no : 124133862689F
Produced 17/04/2026 09:31 AM

LAND DESCRIPTION

Lot 1 on Title Plan 743334M.
PARENT TITLE Volume 02220 Folio 896
Created by instrument 1325502R 23/02/1909

REGISTERED PROPRIETOR

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

ACTIVITY IN THE LAST 125 DAYS

NIL

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

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

ADMINISTRATIVE NOTICES

NIL

eCT Control 19449T JELLIE MCDONALD
Effective from 01/09/2025

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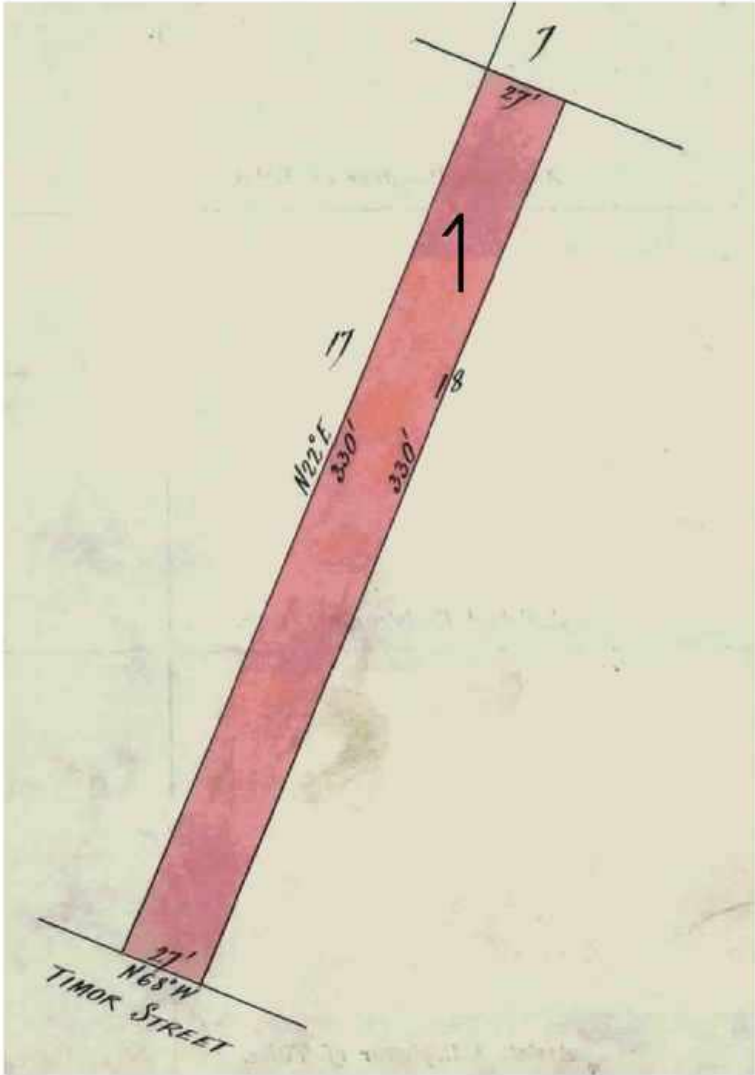
Document Type	Plan
Document Identification	TP743334M
Number of Pages (excluding this cover sheet)	1
Document Assembled	17/04/2026 09:31

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TITLE PLAN		EDITION 1	TP 743334M						
Location of Land Parish: CITY OF WARRNAMBOOL PARISH OF WANGOOM Township: Section: 12 Crown Allotment: 18(PT) Crown Portion: Last Plan Reference: Derived From: VOL 3323 FOL 549 Depth Limitation: NIL		Notations ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN							
Description of Land / Easement Information			THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 13/05/2002 VERIFIED: CL						
									
<table border="1"> <tr> <th colspan="2">TABLE OF PARCEL IDENTIFIERS</th> </tr> <tr> <td colspan="2">WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962</td> </tr> <tr> <td colspan="2">PARCEL 1 = CA 18 (PT)</td> </tr> </table>				TABLE OF PARCEL IDENTIFIERS		WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962		PARCEL 1 = CA 18 (PT)	
TABLE OF PARCEL IDENTIFIERS									
WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962									
PARCEL 1 = CA 18 (PT)									
LENGTHS ARE IN FEET & INCHES		Metres = 0.3048 x Feet Metres = 0.201168 x Links	Sheet 1 of 1 sheets						

Security no : 124130521492R
Produced 05/12/2025 12:59 PM

Crown Allotment 17 Section 12 Township of Warrnambool Parish of Wangoom.
Created by Application No. 087934C 23/12/1997

REGISTERED PROPRIETOR

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

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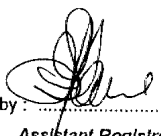
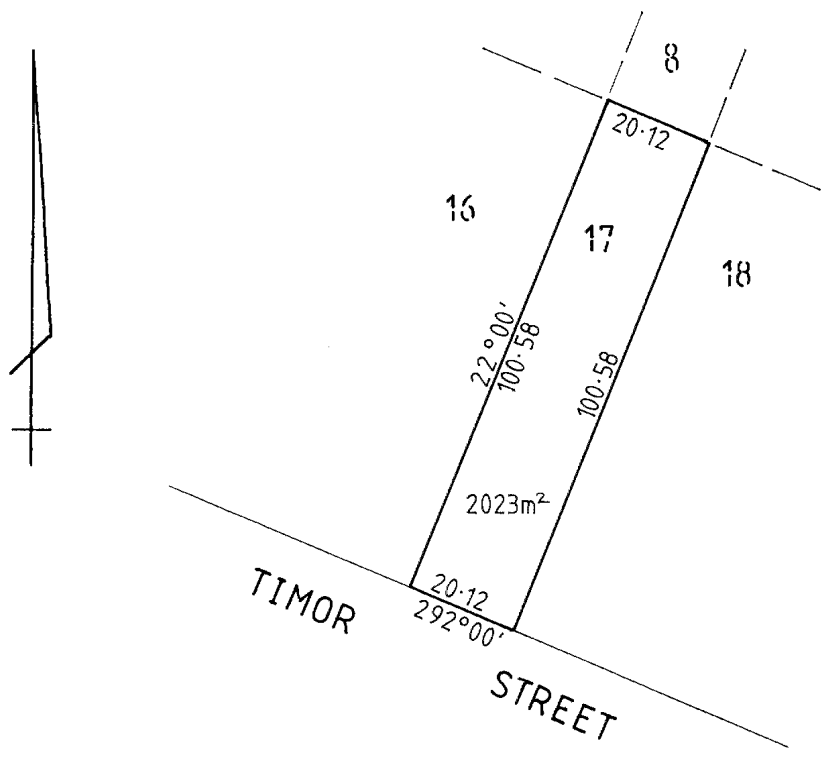
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EDITION 1		TITLE PLAN		TP 9625W	
Location of Land Parish : WANGOOM Township : WARRNAMBOOL Crown Allotment : 17 Section : 12 Crown Portion : _____ Base record : DCMB (RURAL) Last Plan Reference : Title References : Depth Limitation : NIL				Notations	
Easement Information E - Encumbering Easement R - Encumbering Easement (ROAD) A - Appurtenant Easement					THIS PLAN HAS BEEN PREPARED BY LAND REGISTRY, LAND VICTORIA FOR TITLE DIAGRAM PURPOSES  Checked by : _____ Assistant Registrar of Titles Date 19, 01, 98
Easement Reference	Purpose / Authority	Width (Metres)	Origin	Land benefitted / In favour of	
NIL					
					
LENGTHS ARE IN METRES		SCALE	SHEET SIZE A3	File No. AP 87934C DEALING CODE : 26D	
Sheet 1 of 1 Sheets					

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Document Type	Instrument
Document Identification	AJ552782K
Number of Pages (excluding this cover sheet)	11
Document Assembled	25/11/2025 09:30

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19/03/2012 \$107.50 173



Application by
Responsible Authority
Relevant Authority
Referral Authority or
Council for the making of
a recording of an agreement
Section 181 (1) Planning and Environment Act 1987

Lodged by:

Name: Jellie McDonald
Phone: 03 5560 3444
Address: 64 Kepler Street, Warrnambool 3280
Ref. Marcus Malseed – H120312
Customer Code: 1467R

The authority or council having made an agreement requires a recording to be made in the Register for the land.

Land: Certificates of Title Volume 10535 Folio 536 and Volume 10365 Folio 032

Authority or council: Warrnambool City Council, 25 Liebig Street, Warrnambool, 3280

Section and Act under which agreement made:

Section 173 Planning & Environment Act 1987

A copy of the agreement is attached to this application

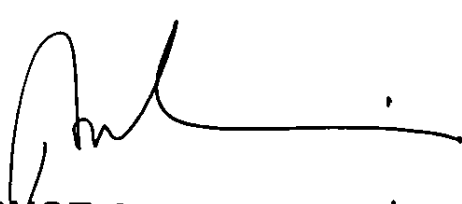
Signature for the Authority:

Date: 9/3/2012

Signed:

Name of Officer:

Position Held:


BRUCE A. ANSON
CHIEF EXECUTIVE
WARRNAMBOOL CITY COUNCIL

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19/03/2012 \$107.50 173



**PLANNING & ENVIRONMENT ACT
AGREEMENT PURSUANT TO SECTION 173**

BETWEEN:

WARRNAMBOOL CITY COUNCIL

-AND-

**DINREY PTY LTD (ACN 063 797 580)
DENIS BRUCE HAND AND
KATHLEEN MAREE HAND**

PROPERTY:

242-246 TIMOR STREET, WARRNAMBOOL

ADVERTISED

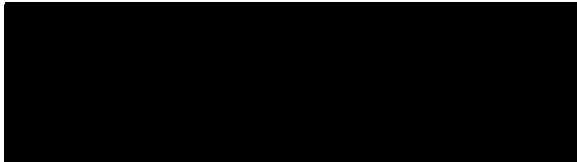
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**PLANNING & ENVIRONMENT ACT
AGREEMENT PURSUANT TO SECTION 173**



WARRNAMBOOL CITY COUNCIL

-and-



AFFECTED LAND:

Allotment 16, Section 12, Parish of Wangoom described in Certificate of Title Volume 10535 Folio 536 being the property situate at 242-246 Timor Street, Warrnambool; and

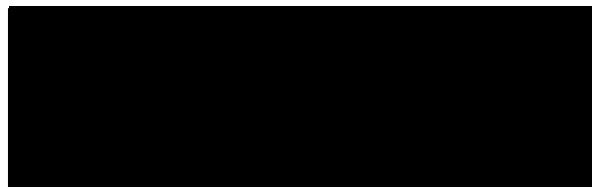
Allotment 17 Section 12, Parish of Wangoom described in Certificate of Title Volume 10365 Folio 032 being the property situate at 242-246 Timor Street, Warrnambool

THIS AGREEMENT made the 9th day of March 2012.

BETWEEN:

The Responsible Authority: **WARRNAMBOOL CITY COUNCIL** ("the Council")

The Owner:



WHEREAS:

- 1.

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2. [REDACTED] are the registered proprietors of all that piece of land described in Certificate of Title Volume **10365** Folio **032**.
3. The land is affected by the provisions of the Moyne Planning Scheme ("the scheme")
4. The Council is the responsible authority under the Planning & Environment Act 1987 ("the Act") for the purposes of the Scheme
5. The Council, on 2 October 2006 issued Planning Permit No **P2006-122** (a copy of which is annexed hereto) for the construction of extensions to the existing retail premises in accordance with the plans attached to the Planning Permit.
6. Under the conditions attached to the Planning Permit, the Council has required that an agreement pursuant to section 173 of the Planning and Environment Act 1987 be entered into and registered on the titles to the land, which agreement must provide for the following:

"Vehicular access to the subject site at Crown Allotment 16, Section 12, Parish of Wangoom, No. 242-246 Timor Street, Warrnambool must continue to be provided via the existing driveway which is located on the title of the adjacent property at Crown Allotment 17, Section 12, Parish of Wangoom, No. 236-240 Timor Street, Warrnambool, until such time as alternative vehicular access is provided to the property at 242-246 Timor Street, Warrnambool, to the satisfaction of the responsible authority".
7. The parties enter into this agreement in satisfaction of the permit condition.

BY THIS AGREEMENT IT IS AGREED AND COVENANTED:

1. OPERATION

- 1.1 This agreement is made pursuant to Section 173 of the Act.
- 1.2 This agreement shall come into force on execution by both parties
- 1.3 The covenants of this agreement shall run with the land.

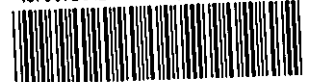
2. INTERPRETATION

2.1 OWNER

[REDACTED]

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19/03/2012 \$107.50 173



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If the Owner holds the land in a trust capacity, "Owner" shall include the beneficiaries of the trust in relation to which it holds such as land. Where such trust relationship exists the Owner in executing this agreement does so intending to assume not only personal liability, but also to bind the trust for which it acts as trustee.

If the Owner is constituted by more than one person any obligation imposed by this agreement on the Owner shall be imposed on those persons jointly and severally.

2.2 COUNCIL

In this agreement the word "Council" shall include the Shire's successors and its successors as responsible authority for town planning control in the area in which the land is situate.

2.3 In this agreement, unless the context otherwise requires:

2.3.1 Words denoting the singular number shall include the plural and vice versa.

2.3.2 Words denoting any gender shall include all genders

2.3.3 Where a word or phrase is defined, other parts of speech and grammatical forms of that words or phrase shall have corresponding meanings.

2.3.4 Words denoting natural persons shall include corporations and vice versa.

2.3.5 References to clauses and schedules are to clauses of and schedules to this agreement.

2.3.6 Headings are for convenience only and do not effect interpretation.

2.3.7 References to any party to this agreement or instrument shall include the party's successors and permitted assigns.

2.3.8 Reference to any agreement or instrument shall be also to such agreement or instrument as amended, novated, supplemented, varied or replaced from time to time.

2.3.9 References to any legislation or to any provision of any legislation shall include any modification or re-enactment of that legislation and any legislation provision substituted for, and all regulations and statutory instruments issued under such legislation or provision.

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2.3.10 As the case may be, a reference to a right or obligation of any two or more persons confers that right, or imposes that obligation, jointly and severally.

3. AGREEMENT

The Owner agrees that vehicular access to the subject site at Crown Allotment 16, Section 12, Parish of Wangoom, No. 242-246 Timor Street, Warrnambool must continue to be provided via the existing driveway which is located on the title of the adjacent property at Crown Allotment 17, Section 12, Parish of Wangoom, No. 236-240 Timor Street, Warrnambool, until such time as alternative vehicular access is provided to the property at 242-246 Timor Street, Warrnambool, to the satisfaction of the responsible authority.

4. REGISTRATION

The parties shall do all things necessary to enable the Council to register this agreement pursuant to Section 181 of the Act.

5. DISCLOSURE

The Owner shall not sell mortgage or part with possession of the land or any part of it without first disclosing to its successors the existence and nature of this agreement.

6. COSTS OF AGREEMENT

The Owner forthwith on demand shall pay to the Council the Council's costs and expenses (as between the solicitor and own client) of and incidental to this agreement and of anything consequent on it or in furtherance of it.

7. DEFAULT

If the Owner fails to comply with this agreement the Council may serve on the Owner or on the owner of that part of the land in respect of which there has been a failure of compliance a notice in writing specifying the works, matters and things ("the Remedial Works") in respect of which the relevant owner is in default. If such default continues for thirty days after the service of such notice the Council by its employees or contractors may enter upon the land and cause the Remedial Works to be done.

A notice served on the Owner pursuant to this clause may set out the costs (as estimated by the Council) of carrying out the Remedial Works. If the Owner does not comply with the notice within thirty days the Council may serve on the Owner a demand in writing for the amount of the estimated costs. The amount then shall become a debt due and payable by the relevant owner to the Council.

As soon as practicable after the completion of the Remedial Works the Council shall certify the actual costs of the Remedial Works. The difference between a sum paid to the Council as the estimated costs, and the actual

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costs, shall be paid by the relevant owner to the Council or if there is excess, repaid by the Council to the relevant owner.

8. COUNCIL AS ATTORNEY FOR OWNER

The Owner hereby appoints the Council as its attorney to do all things the Owner is capable of doing for the purposes of giving effect to this agreement or necessary to give effect to any of the duties or obligations imposed on the Owner pursuant to this agreement and hereby authorises the Council to do and will ratify whatever the Council lawfully shall do or cause to be done under this power of attorney.

9. NOTICES

Any notice required under this agreement may be served by delivering it to the Officer at its last known address within the rating records of the Council. Any notice posted shall be deemed to have been served at the expiration of twenty-four hours from the time of posting.

10. SUCCESSORS BOUND

Without limiting the operation or effect which this agreement has apart from this sub-clause, the Owner shall ensure that its successors: _

10.1 Give effect to and do all acts and sign all documents which are required of them to give effect to this agreement; and

10.2 Execute under the seal a deed agreeing to be bound by the terms of this agreement.

The obligation imposed on the Owner by sub-clause 1 of this shall cease for such time as there appears in the register book at the officer of the Registrar of Titles a memorandum of this agreement.

11. RELEASE

On a person ceasing to own any part of the land that person shall be released from the obligations of that person as an owner under this agreement, save to the extent that any right has arisen against such owner prior to such cessation.

12. FURTHER DOCUMENTATION AND ACTION

Each of the parties shall sign and execute all such further documents and deeds and do all acts and things as the other party reasonably shall require for giving effect to this agreement.

13. DISPUTE

Should any dispute or difference arise between the parties with respect to the interpretation of this agreement, its application, such dispute or difference shall be determined by a person appointed by the parties by agreement, or failing agreement, by a person qualified in the area of the dispute or difference and appointed by the Secretary as defined in the Act.

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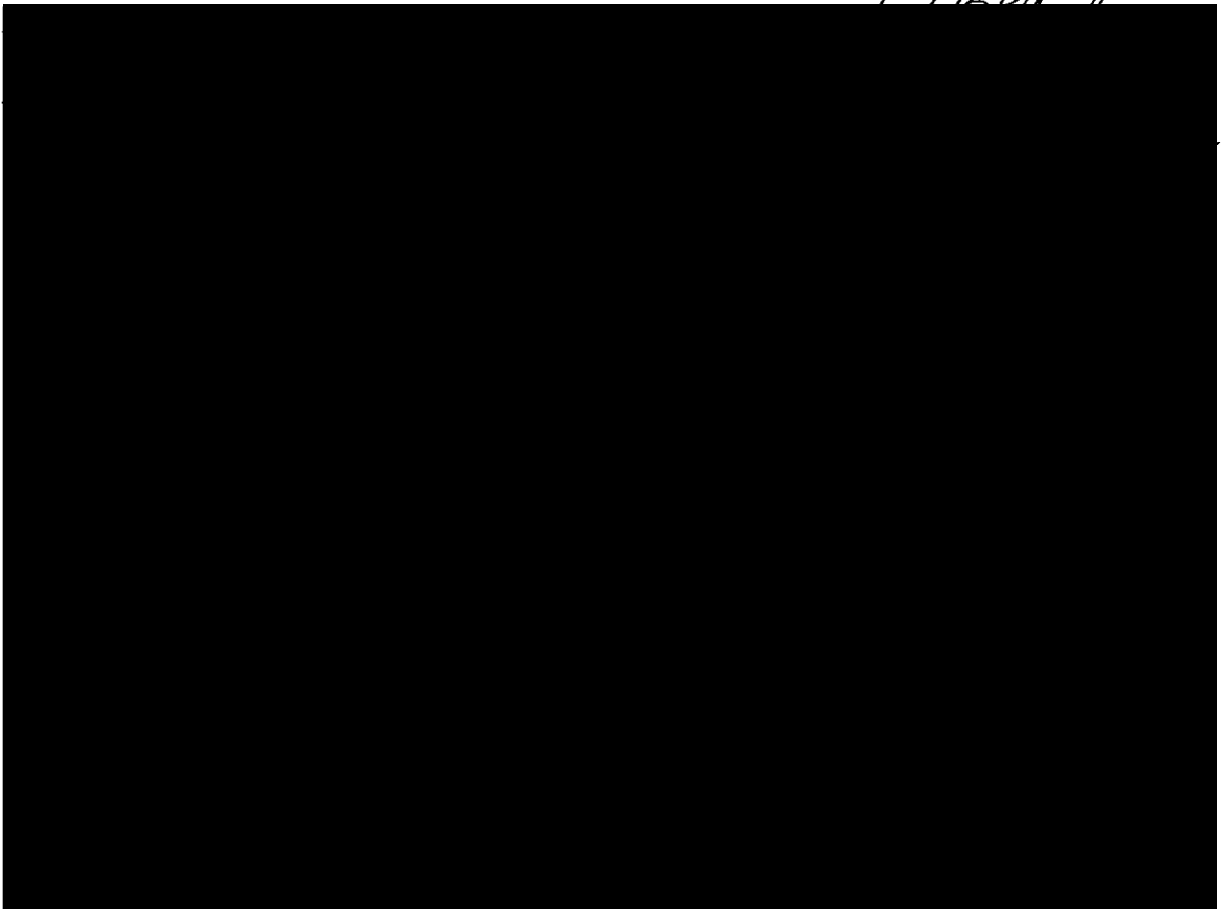
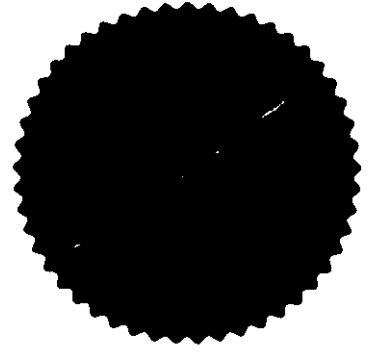
EXECUTED AS A DEED

The COMMON SEAL of the **WARRNAMBOOL CITY**

COUNCIL was hereunto affixed in the presence of:

.....
Chief Executive Officer

.....
Councillor Witness



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ANNEXURE 1:

Planning Permit P2006-122

ADVERTISED

Planning Permit No. P2006 122

Planning and Environment Regulations 2005 Form 4

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PLANNING PERMIT

Permit No.: P2006-122
Planning Scheme: Warrnambool
Responsible Authority: Warrnambool City Council

ADDRESS OF THE LAND:

**Crown Allotment 16, Section 12,
Parish of Wangoom
242-246 Timor Street, Warrnambool**

WHAT WILL THE PERMIT ALLOW:

**To construct extensions to the
existing retail premises in accordance
with endorsed plans attached to this
permit.**

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT

1. The development as shown on the endorsed plan must not be altered unless with the written consent of the responsible authority.
2. Prior to the occupation of the extensions hereby permitted, an agreement pursuant to Section 173 of the *Planning and Environment Act 1987* must be entered into and registered on the titles of the affected properties, (being Crown Allotments 16 and 17, Section 12, Parish of Wangoom) pursuant to Section 181 of the Act. The agreement must provide for the following:
 - Vehicular access to the subject site at Crown Allotment 16, Section 12, Parish of Wangoom, No. 242-246 Timor Street, Warrnambool must continue to be provided via the existing driveway which is located on the title of the adjacent property at Crown Allotment 17, Section 12, Parish of Wangoom, No. 236-240 Timor Street, Warrnambool, until such time as alternative vehicular access is provided to the property at 242-246 Timor Street, Warrnambool, to the satisfaction of the responsible authority.

Date Issued: 2 October 2006	Signature for the Responsible Authority:
Note: Under Part 4, Division 1A of the Planning and Environment Act 1987, a permit may be amended. Please check with the responsible authority that this permit is the current permit and can be acted upon.	

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Planning Permit No. P2006-122

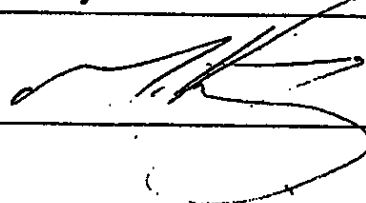
3. Before any carparking/drainage works associated with the development start, detailed construction plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit, where all works must be undertaken at the full cost of the developer, under the supervision of the responsible authority. The copy of the final plans must be provided, drawn to scale with dimensions. The plans must be designed in accordance with the Warrnambool City Council Design Guidelines for Subdivisional Developments Urban/Rural Road & Drainage Projects and Traffic Management.
4. Before the occupation of the development, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a. constructed
 - b. properly formed to such levels that they can be used in accordance with the plans
 - c. surfaced with an all-weather seal-coat
 - d. drained,
 - e. line marked to indicate each car space and all access lanes
 - f. clearly marked to show the direction of traffic along access lanes and driveways
 - g. contain lighting

to the satisfaction of the responsible authority.
5. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
6. Signs to the satisfaction of the responsible authority must be provided directing drivers to the areas set aside for carparking, loading and unloading and must be located and maintained to the satisfaction of the responsible authority.
7. No fewer than fourteen (14) car spaces must continue to be provided and clearly delineated on the land to the satisfaction of the responsible authority.

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Date Issued: 2 October 2006	Signature for the Responsible Authority:
Note: Under Part 4, Division 1A of the Planning and Environment Act 1987, a permit may be amended. Please check with the responsible authority that this permit is the current permit and can be acted upon.	

ADVERTISED

Planning Permit No. P2006-122

8. The loading and unloading of goods from vehicles must only be carried out on the land, within the designated loading bay, and must not disrupt the circulation and parking of vehicles on the land.
9. The stormwater management system must comply with the current best practice performance objectives outlined in "Water Sensitive Urban Design Engineering Procedures Stormwater Technical Manual" to the satisfaction of the responsible authority.
10. All stormwater runoff must be collected and discharged to an approved outlet or retained on site to the satisfaction of the responsible authority. All stormwater within the development must be designed for a 1 in 20 year storm event. The stormwater discharge from this development must be limited to the equivalent of the redevelopment site run-off as determined by engineering computations (base parameters $c = 0.30$, ARI = 10 years).

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Expiry of permit:

In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:

- The development is not started before 2/10/2008.
- The development is not completed within 4 years of the date of this permit.

In accordance with section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

Date Issued: 2 October 2006	Signature for the Responsible Authority:
Note: Under Part 4, Division 1A of the Planning and Environment Act 1987, a permit may be amended. Please check with the responsible authority that this permit is the current permit and can be acted upon.	